



Date Adopted: May 16th, 2016
Revised: February 22nd, 2021

By-law Enforcement Policy: 1-2016

BY-LAW ENFORCEMENT INTAKE POLICY & ESTABLISHING SERVICE LEVELS

PURPOSE: To provide a formal policy and procedure governing the handling of By-law complaints by the Municipality and to ensure thorough, prompt and courteous receipt, processing, investigation and resolution thereof, and, to establish service levels for the provision of By-law Enforcement services.

DETAILS:

Application: This policy shall govern the actions of complainants and the Township Staff and/or agents retained supporting the Township.

Definitions: **CAO** means the Chief Administrative Officer for the Township of North Dumfries or designate.

Department Head means the Director of the Township that is responsible for the By-law Enforcement Division.

Formal Complaint means a complaint received by Staff, wherein the complainant provides their full name, address and phone number and/or email address that can be verified by the Investigator and the nature of the complaint in writing. The formal complaint can be completed by email, correspondence or over the phone as long as the complainant provides all of the above information.

Investigator means a person appointed by the Township of North Dumfries for the purposes of Municipal By-law Enforcement including, but not limited to, a Building Inspector and Municipal Law Enforcement Officer.

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Spite Complaint means a complaint filed in ill will or with the intention of malice towards another person and may include retaliatory complaints and neighbour disputes.

Township means The Corporation of the Township of North Dumfries

Policy Statement: The Township is committed to the thorough, prompt and courteous receipt, processing, investigation and resolution of a formal complaint.

The Township will only respond to a formal complaint received from a complainant who provides their full name, telephone number and/or email address and civic address.

An Investigator may also undertake an investigation on his / her own initiative upon observation of a possible situation of a By-law violation where the matter is of an immediate threat to health or safety of the Public or property, for example (but not limited to) open wells, pools without a fence enclosure, vacant buildings that are not secured

Members of Council and/or Staff may submit a written complaint, but it shall be noted by the Investigator on a complaint form for tracking purposes and in this capacity the member of Council or Staff, as the case may be, shall then be deemed to be the complainant.

A failure to comply with a provision of this policy shall not vitiate any proceeding or any step, document or order in a proceeding otherwise in accordance with any Municipal By-law or Provincial or other legislation.

Procedures: Receipt and Confirmation of a Complaint

1. Upon receipt of a formal complaint, Staff shall record the formal complaint in a Complaints Log maintained by the Department. The Township shall make a concerted effort to contact the complainant within 48 hours of the receipt of a complaint. In all cases, Staff shall encourage the complainant to describe the matter in their own words, detailing the "who", "what", "why", "when" and "where" of the situation. The complaints log resides in the By-law Data base system maintained by the

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Township. All records related to the formal complaint including digital notes, emails and handwritten notes, will be compiled in the main complaints log. At the time of this policy update the complaints log is the eLisa database program.

2. The Investigator assures the complainant that their name and any personal information provided by them will remain in the strictest of confidence, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and will not be revealed to anyone unless so ordered by a Court or other tribunal or body of competent jurisdiction.
3. The Investigator conducts a preliminary review of the complaint to verify information and research any supporting documentation which may be available in Township records.
4. The Investigator calls the complainant, when necessary, for further details or to confirm or clarify information provided within the within the Formal Complaint.

Investigation

5. The Investigator shall attend the site to witness and record the activity to determine if a contravention exists.
6. If the Investigator is uncertain whether the circumstance constitutes a contravention, he / she may seek the input of the Township Solicitor or other Staff, if required, and /or the individual responsible for administering the By-law.
7. If the Investigator determines that the matter is not a contravention of any By-law or other Statute that the Township is responsible for enforcing, Staff will advise the complainant, enter the finalized date on the complaint form and in the Complaints Log and close the file.

Enforcement – First Stage

8. In situations wherein set fines have been established for violations, an Investigator may, upon confirmation of the existence of a violation, immediately issue an offence notice / ticket. In all cases, the Investigator shall identify a suspected violation and the laws having jurisdiction during an initial

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warning stage and shall notify the suspected violator of a time limit in which voluntary compliance is expected.

9. Upon determining that there is a violation of a Township By-law (excluding set fine situations, documented, chronic violations or where otherwise warranted), the Investigator may proceed to the enforcement stage by providing an initial warning to the violator in writing to their last known mailing address, delivered by Registered Mail unless specified otherwise by legislation and either by person or by telephone. Further notice may be delivered by email, with read receipt notice, if permissive by legislation. All methods of delivery of the warning must be documented in the Complaints Log (eLisa).
10. The Investigator shall notify any internal departments and outside agencies that may have jurisdiction or may be required to assist with or to rectify the situation (ie: Fire Department, Public Works, Ministry of the Environment, Parks & Conservation, Ministry of Natural Resources & Forestry, Regional Health Department, Grand River Conservation Authority, Waterloo Regional Police Service, etc)
11. Where provided for by By-law or other Statute, an Investigator may issue an emergency order to remedy a violation in lieu of an initial warning if the situation poses an immediate threat to health or safety. Examples would be (but not limited to) open wells, pools without a fence enclosure, vacant buildings that are not secured, etc.
12. After the time limit has expired, the Investigator shall return to the site to determine if compliance has been accomplished.
13. Upon confirming that the warning has been complied with, Staff will enter the complaint finalized date on the complaint form and in the Complaint Log, and close the file. Staff will notify the complainant of the resolution / outcome of the matter.

Enforcement – Second Stage

14. If the suspected violator has not complied with the warning, the Investigator shall review the non-compliance with the

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Department Head and / or other individuals responsible for administering the By-law if warranted.

15. The Investigator decides, based on discussions with the Department Head and / or the other individuals responsible for administering the By-law, whether to attempt a second written warning or proceed with actions necessary to address the situation in accordance with Township By-laws or other Statutes. Either:
 - a) If a second written warning or formal order is to be issued, the Investigator will proceed and give a final time period in which to comply; or,
 - b) If legal action is determined to be the appropriate course of action, the Investigator will provide the Department Head, the CAO and the individual responsible for administering the By-law with a recommendation to proceed with legal action when it appears obvious that compliance is not forthcoming.
16. At any stage of the enforcement process, if, in the opinion of the Investigator, the Department Head and / or the individual responsible for the administration of the By-law, the matter is of significant consequence, the matter may be brought before Council for direction.

Spite Complaints

17. Spite Complaints will not be accepted unless deemed by the Investigator and the Department Head, and / or the individual responsible for the administration of the By-law, to be an immediate threat to health and safety.

Reporting

18. The Department Head will provide regular quarterly reports to Council regarding By-law Enforcement activities.

Service Levels – Targets for By-law Enforcement Staffing

19. The Township will provide a standard of service equivalent to a minimum of 40 hours per week throughout the year. It is projected that the Township will provide a minimum of 2800

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hours of service per year through a combination of Full-time and Part-time on an annual basis. Coverage will be provided on a rotating basis through the week on days, afternoons and nights, including weekends. During the winter season (December 1st to March 31st) this will include overnight patrols. This service standard does not imply that each day in a typical week will be staffed by a Municipal Law Enforcement Officer.

Review of Policy

20. This Policy shall be reviewed annually by the Department Head, in consultation with the Chief Administrative Officer, so as to inform the upcoming fiscal year Budget.
21. This Policy shall be reviewed a minimum of every three (3) years by Council to ensure that the Policy remains relevant and reflective of Council's desires for a service standard and approach.