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SUBJECT: BY-LAW ENFORCEMENT POLICY

1.0 PURPOSE

The Municipality is committed to the delivery of municipal law enforcement services in a timely and effective manner. The goal of these services is to achieve compliance, with municipal by-laws and provincial statute complaints which the Municipality is responsible for enforcing, through education and enforcement.

This policy provides a consistent and uniform process to respond to complaints with prompt and courteous receipt, processing, investigation and resolution thereof.

2.0 LEGISLATIVE AUTHORITY

Section 11(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

3.0 SCOPE

This policy applies to all by-laws of the Municipality and provincial statutes which the Municipality is responsible for enforcing.

4.0 DEFINITIONS

“**CAO**” – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

“**Complaint**” – shall mean a completed By-Law Enforcement – Complaint Form that the Municipality has received that outlines an infraction to a by-law or provincial statute which the Municipality is responsible for enforcing.

“**Complainant**” – the person who is dissatisfied and filing the complaint.

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“Department Head” - shall include the Clerk, Planner, Public Works Manager and Treasurer.

“Municipal Law Enforcement Officer” – shall mean those persons appointed to enforce the by-laws and the provincial statutes that the municipality is responsible for enforcing.

“Municipality” – shall mean the Corporation of Tay Valley Township.

5.0 COMPLAINT PROCEDURE

5.1 Filing a Complaint

5.1.1 The Complainant must fill out a complaint form which shall include the following information:

- contact details of the Complainant, including full name, property address, mailing address, telephone number and email (if applicable)
- address or location of the Complaint
- details of the Complaint

5.1.2 Anonymous and/or incomplete complaints will not be investigated unless there is an immediate threat to health or safety.

5.1.3 A Municipal Law Enforcement Officer may undertake an investigation on his/her own initiative upon observation of a possible infraction where the matter is of an immediate threat to health or safety.

5.2 Receiving and Recording Complaints

5.2.1 Complaints shall be submitted to the Clerk’s Office. Upon receipt, the Complaint will be given a tracking number and will be acknowledged in writing within 7 (seven) calendar days.

5.2.2 The Clerk’s Office shall forward the Complaint to the appropriate Municipal Law Enforcement Officer, as well as the appropriate Department Head.

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5.3 Responding to Complaints

5.3.1 Resolution of infractions through cooperation as opposed to formal court or other action shall always be the preferred solution. All infractions shall be approached with this intent, and the cooperation of the offender shall be sought in every instance.

5.3.2 The order in which different infractions or issues are addressed shall be in consideration of:

- the date the complaint was received;
- the severity of the infraction; and
- the risk to health and safety.

The risk to health and safety shall always be considered promptly. Less serious infractions shall be deferred in favour of the health and safety issues, until time and resources permit.

5.4 Responding to Frivolous, Repeat or Multiple Complaints

5.4.1 Frivolous and repeat Complaints shall be referred to the Unreasonable Customer Behaviour Policy.

5.4.2 For multiple Complaints about the same infraction, each person’s specific concerns shall be addressed.

6.0 INVESTIGATION

6.1 Development of an Investigation Plan

6.1.1 The Municipal Law Enforcement Officer shall develop an investigation plan for each Complaint.

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6.1.2 The investigation plan shall include, at a minimum:

- a summary of the Complaint or alleged infraction
- the relevant by-law or provincial statute and the test that must be met to confirm that a by-law infraction has occurred
- the evidence the Municipal Law Enforcement Officer will need to gather to meet the test and where and how they will obtain that evidence
- any applicable timelines for completing steps in the investigation

6.1.3 The Municipal Law Enforcement Officer shall communicate with the appropriate Department Head prior to conducting an investigation and shall liaise with the Department Head throughout the process until the file is deemed closed.

6.2 Documenting an Investigation

Each Complaint file shall include:

- the investigation plan
- significant steps taken during the investigation
- material evidence collected and the source of that evidence
- significant decisions made and the rationale for those decisions
- references to all relevant legislation, by-laws or policy

6.3 Inspecting Private Property

6.3.1 Before conducting an inspection on private property, the Municipal Law Enforcement Officer shall:

- determine whether an inspection is necessary to adequately investigate the alleged infraction
- determine whether it is possible to allow a property owner or resident time to comply with the by-law or provincial statute without the need for an inspection

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- provide notice to the property owner or resident unless the situation is one in which the Municipality has stated in a by-law or policy or is stated in a provincial statute that notice is not necessary or it is an immediate threat to health or safety
- include the reasons for the inspection in the notice

6.3.2 When conducting an inspection on private property the Municipal Law Enforcement Officer shall be as minimally intrusive as possible, only inspect what is relevant to the by-law or provincial statute being enforced and complete the inspection in a reasonable amount of time.

7.0 ENFORCEMENT

7.1 Notice Prior to Enforcement

7.1.1 Reasonable notice shall be provided prior to taking enforcement action.

7.1.2 Notice shall include:

- an explanation of the relevant by-law or provincial statute and how the person is alleged to have contravened it
- reasonable time limits for compliance
- the potential consequences of failing to respond or comply within the time limits

7.1.3 The Municipal Law Enforcement Officer shall not take enforcement action before the expiry of the compliance time limits set out in the notice.

7.1.4 There may be circumstances in which notice may not be provided prior to enforcement. Circumstances may include, but not be limited to:

- the need for immediate action
- if the nature of the by-law or provincial statute makes posting signs or providing individual notice impractical
- if an infraction occurs infrequently
- when the general public is aware of the by-law, such as one prohibiting littering, etc.

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7.2 Providing Reasons for Enforcement Decisions

The Municipal Law Enforcement Officer shall provide a person affected by an enforcement decision with reasons for enforcement that:

- describe the concerns that led to the enforcement action and the evidence supporting those concerns
- set out the by-law or provincial statute section on which the decision is based
- are clear and easily understood by the person affected by the decision
- provide information about options for review or appeal of the decision

8.0 FOLLOW-UP WITH COMPLAINANT

The Municipal Law Enforcement Officer shall provide a written follow-up to the Complainant:

- describing any steps taken to assess the Complaint
- describing any enforcement action taken or planned, or the reasons for no enforcement action
- providing any other relevant information

9.0 RECORDS MANAGEMENT AND PRIVACY

All records relating to the complaint shall be maintained in accordance with the Municipality’s record retention schedule.

During the complaints process, all Municipal employees shall adhere to all applicable legislation regarding privacy in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Complainants should be aware that certain circumstances may indirectly identify them during an investigation.

10.0 STANDARDS OF CONDUCT

All Municipal Law Enforcement Officers shall abide by the Municipal Law Enforcement Officers’ Association code of ethics.

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11.0 ROLE OF COUNCIL IN THE ENFORCEMENT PROCESS

11.1 Council shall establish overall priorities for enforcement, enact by-laws and adopt by-law enforcement policies and standards of conduct for by-law enforcement staff.

11.2 Council or council members shall not get involved in day-to-day by-law enforcement decisions.

12.0 ACCOUNTABILITY FRAMEWORK

The Chief Administrative Officer is responsible for ensuring compliance with this policy.

13.0 POLICY REVIEW

This Policy shall be reviewed at least once per term of Council.

14.0 REFERENCES

Forms

By-Law Enforcement Complaint Form

Policies and Procedures/Documents

Accessibility Policy

Respect in the Workplace Policy

Complaint Policy

Unreasonable Customer Behaviour Policy

Other Resources

Municipal Law Enforcement Officers' Association - Code of Ethics

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