

<b>POLICY MANUAL</b>	<b>Policy No. 3-26</b>
<b>For Municipality of South Dundas</b>	<b>Effective Date: November 16, 20</b>
<b>Subject: By-Law Enforcement Services</b>	<b>Department: Planning &amp; Enforcement</b>

## **1. INTRODUCTION:**

This Policy is to be used in conjunction with the Municipality's Personnel Policy, which governs the actions of all its employees. The purpose is to provide the Municipal Law Enforcement Officer (MLEO) or By-law Enforcement Officer(s) information to assist in daily decision making. If there are any discrepancies between this Policy and the Municipality's Personnel Policy Manual, the Municipality's Personnel Policy shall govern. Please contact the CAO or Designate for directives.

The By-law Department provides both proactive and reactive levels of By-law Enforcement Services to the residents of South Dundas. Primarily, reactive enforcement entails responding to written complaints as they are submitted by members of the public and/or Staff and Council. Proactive enforcement involves an employee's initiative for issues involving the health and safety of the residents and visitors of South Dundas as well as By-law contraventions that are deemed detrimental to the overall image of the Municipality. An employee's personal safety and the safety of others must remain a top priority.

### **Municipal Law Enforcement Services**

The Building and By-law Department includes By-law Enforcement services. Municipal Law Enforcement consists of one full time Municipal Law Enforcement Officer. The Supervisor of Municipal Law Enforcement is the Chief Building Official. During the summer (May to September) months, a By-law Enforcement Officer may be employed on a seasonal contract basis to assist in the enforcement of the By-laws.

The goal of Municipal Law Enforcement is to achieve compliance through information, education, and voluntary compliance. If this is not achievable then the MLEO takes appropriate action such as the laying of charges under the provisions of Municipal By-laws. Enforcement action may also include direct enforcement where the Municipality may remove or resolve non-compliance at the property owner's expense.

Municipal Law Enforcement ensures the proper and consistent enforcement and compliance with the Municipality's regulatory By-laws including but not limited to:

- Animal Control By-laws, including contract supervision
- Clean Yards By-law
- Traffic By-law, including barrier free parking enforcement and towing
- Nuisance By-law
- Signs By-law
- Property Standards By-law, assistance from Chief Building Official
- Zoning By-law
- Any other Municipal By-laws that may be enacted from time to time

## **2. POLICY REVIEW:**

This Policy Manual will be reviewed at least once in every term of Council for necessary changes. Revisions to the Policy may be brought forward on an as needed basis.

## **3. DRESS:**

It is important to remember that while on duty, the Municipal Law Enforcement Officer and By-law Enforcement Officer(s) are representatives of the Municipality. The dress and deportment are as important as the conduct and must reflect the professional standard that is set by the Municipality.

## **4. CODE OF ETHICS:**

South Dundas adopts the Code of Ethics set out by the Municipal Law Enforcement Officers' Association of Ontario. The Declaration of Understanding and Acknowledgement (Appendix A) is to be completed by all MLEOs, By-law Officers, and By-law students.

## **5. BY-LAW COMPLAINT AGAINST COUNCIL OR A MUNICIPAL EMPLOYEE:**

All complaints filed against members of Council or an employee of the Municipality with respect to an alleged By-law infraction shall be treated in the same manner as all complaints. Care shall be given to ensure that all records in relation to a complaint against a member of Council or an employee remain confidential.

## **6. FILING A COMPLAINT:**

All complaints must be submitted in accordance with Municipal Customer Feedback Policy No. 3-17.

## **7. INVESTIGATION:**

Once a signed complaint has been received on the appropriate form, it is entered into the computer daily occurrence report, and given a file number for reference. The Officer should refer to the By-law in question to familiarize themselves before a site investigation is conducted.

The term "site investigation" is the general term that refers to any investigation that is conducted. Some occurrences may involve people rather than property and the investigation should be focused accordingly. The Officer shall attend the property in question to conduct the investigation. The Officer should conduct an inspection and observe the state of the property as it relates to the complaint in question, remembering to record as much detail as possible in their notebook, and take pictures when possible. The Officer must be sure to identify themselves and the purpose of their visit. When dealing with the occupant, be firm, fair, and polite.

Explain the By-law contravention and gather as much information from the party as possible. The Municipal Law Enforcement Officer and By-law Enforcement Officer(s) do not need to get involved in a neighborhood dispute or civil matters.

**\*\*NOTE\*\*** The Officer should use their discretion when investigating a complaint. The situation should be evaluated and acted on accordingly. If during the investigation the Officer is threatened in any way, the Officer should withdraw from the situation and contact the OPP immediately. OFFICER SAFETY IS PRIORITY ONE.

Once an Officer has completed their site investigation, their findings are recorded on an occurrence report and update the computer daily occurrence report. Here the Officer must determine whether or not a contravention has taken place. Refer to the appropriate By-law for details. In the case of a By-law Enforcement Officer, consult with the MLEO. If expertise lies in another Department (i.e. Planning, Fire or Building), consult with that Department Head for guidance. Use that information for your final analysis. If at the end of the investigation, the Officer has found that no By-law contravention has been made, contact the complainant to inform them of the findings. Update the computer daily occurrence report and notebook to indicate that the file has been closed.

If an Officer has found that a By-law is being contravened, update the computer daily occurrence report and your notebook and prepare a Notice of Contravention to be sent to the registered owner of the property, by registered

mail with a copy by hand delivery to the property when deemed appropriate by the Officer.

### **Property Standards (the exception to the rule)**

If an investigation has found that there is a contravention to the Property Standards By-law that involves a building or a structure, a referral must be made to the Chief Building Official for action. The Building Department will launch a separate investigation.

### **8. NOTICE OF CONTRAVENTION (NOC):**

The notice of contravention is a letter that is sent by mail to the registered owner of the property involved with the contravention. The owner may not actually live at the property but is legally responsible for it. A copy of the NOC should be hand delivered to the property and/or posted on the property when deemed appropriate by the Officer.

The NOC letter will include the roll number and physical address of the property, the name of all registered property owners, the By-law and Section of the By-law under which the contravention has occurred, the nature of the offense being committed, the required action to be taken to comply with the By-law, a date of required compliance and a re-inspection date to determine compliance.

Whenever possible, the MLEO shall follow up if no response is received to confirm delivery and to speak to the owner regarding the infraction and corrective measures. When deemed appropriate, the MLEO may conduct a site visit with the Owner or an agent of the owner to discuss timelines for remedial action.

### **Final Notice of Contravention (FNOC)**

The Municipality makes every effort to gain voluntary compliance. When this is not accomplished, a final notice is issued to the owner and a final deadline is issued. The format used is similar to the NOC. If compliance is not gained within the time frame given in the FNOC, the MLEO may initiate court proceedings under Part I or Part III of the Provincial Offences Act. If the situation warrants, the Municipality may remove or resolve a non-compliance at the property owner's expense.

## **9. ISSUANCE OF PROVINCIAL OFFENCE FINE:**

### **Part I (Set Fine)**

Where set fine approval has been received, the Officer may issue a Provincial Offence Notice to the defendant. This is a ticket that is issued usually for a first-time offence of a minor matter.

### **Part II (Parking)**

South Dundas has time limit parking in the commercial area, with no parking zones, fire routes and accessible parking spaces. Refer to the set fine approval for other parking infractions. The time limit parking is enforced by chalking tires and making note of the time and plate number. The Officer may exercise discretion during Special Events if emergency access is maintained at all times and parking is not creating traffic hazard or blocking access.

### **Part III (Information)**

Part III information is used for more serious offences and for By-laws that do not have set fine approval (e.g. Zoning By-law). This proceeding starts with an information and summons package which is sworn before a Justice of the Peace (JP) and alleges an offence. The JP has the discretion to sign the information and summons. It is important to ensure court dates available with the Court office, Municipal prosecutor, officers, and any witnesses. All Part III documentation should be verified by the Municipal Prosecutor prior to being sworn before a Justice of the Peace.

## **APPENDIX "A"**

### **Declaration of Understanding & Acknowledgement**

**\*This Declaration is required for all Municipal Law Enforcement Officers, By-law Officers, and By-law Students.**

**I hereby declare:**

1. That I have read and understand the Municipal Law Enforcement Services Policy.
2. That as a Municipal Law Enforcement Officer my fundamental duty is to serve the inhabitants of my Municipality, to safeguard their well-being and enjoyment of their property, to respect the rights of all persons to equality and justice.
3. I shall be constantly mindful of the welfare of others, honest in thought and in deed in both my personal and official life.
4. I shall be exemplary in obeying the laws of the land and my Municipality and regulations of my Department.
5. I will enforce the law courteously and appropriately without fear or favour, malice or ill will and never accepting gratuities.
6. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.
7. I shall never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions with no compromise for contravention of local laws and with the firm prosecution of offenders.
8. I recognize my appointment as a Municipal Law Enforcement Officer as a symbol of public faith and I accept it as a public trust to be helpful as long as I am true to the ethics of the enforcement service.

---

**Member's Signature**

---

**CAO's Signature**

---

**Date**

---

**Date**