

The Corporation of The Municipality of Hastings Highlands

Bylaw 2024-039

To Adopt a Municipal Bylaw Enforcement Policy

Whereas Section 8(1) of the *Municipal Act*, S.O. 2001, as amended, states that the powers of a Municipality under this or any other *Act* shall be interpreted broadly so as to confer broad authority on a Municipality to enable it to govern its affairs as it considers appropriate and to enhance the Municipality's ability to respond to municipal issues;

And Whereas Section 9 of the *Municipal Act*, S.O. 2006, c. 32 Sched. A, s. 8, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other *Act*;

And Whereas Section 10(2)(6) of the *Municipal Act*, S.O. 2006, c. 32, Sched. A, s. 8, as amended, permits a municipality to pass by-laws respecting the health, safety and well-being of persons;

And Whereas Section 10(2)(8) of the *Municipal Act*, S.O. 2006, c. 32, Sched. A, s. 8, as amended, permits a municipality to pass by-laws respecting the protection of persons and property, including consumer protection;

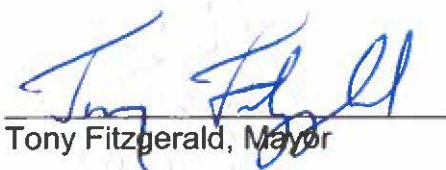
And Whereas the Council of the Municipality of Hastings Highlands is committed to providing a high level of Bylaw Enforcement Services;

Now Therefore, the Council of the Corporation of the Municipality of Hastings Highlands enacts as follows:

1. **That** the "Municipal Bylaw Enforcement Policy" attached hereto as Schedule 'A', and forms part of this bylaw is hereby adopted.
2. **That** the Mayor and Municipal Clerk be and are hereby authorized to sign this Bylaw and affix the corporate seal thereto.
3. **That** all former bylaws pertaining to this matter are hereby repealed, including Bylaw 2022-089.
4. **That** this bylaw shall take effect on the date of its passing.

Read a first time on the 15th day of May, 2024.

Read a second time, **Enacted** and **Passed** in Council this 29th day of May, 2024.


Tony Fitzgerald, Mayor


Suzanne Huschilt, Municipal Clerk



Schedule 'A' to Bylaw 2024-039

Municipality of Hastings Highlands- Corporate Policies and Procedures			
DEPARTMENT: Bylaw Enforcement Department			POLICY #:
POLICY: Municipal Bylaw Enforcement Policy			
DATE: May 29, 2024	REV DATE:	COVERAGE: Public	PAGE #: Policy 1-16 Appendix 'A' 1-2 Appendix 'B' 1-3

1.0 Policy Statement:

This policy delineates the principles and procedures guiding the enforcement of the Municipality’s bylaws. It ensures that enforcement actions are both proactive and reactive, tailored to the specific circumstances of each situation, and influenced by factors such as public and officer safety and resource availability.

The Bylaw Enforcement Department operates within a comprehensive compliance strategy that prioritizes health and safety as paramount concerns. This policy outlines the objectives of enforcement, the roles and responsibilities of the enforcement officer, the process for issuing warnings, orders, monetary penalties, or citations, methods for resolving disputes or appeals, and the consequences for non-compliance.

Applicable to all enforcement actions undertaken by the Bylaw Enforcement Officer or any other Staff involved in bylaw enforcement activities, this policy works in conjunction with existing policies and procedures supporting regulatory compliance and the enforcement practices of the Bylaw Enforcement Officer. It embraces a customer service and problem-solving approach to resolving issues in support of the Municipality’s service culture.

The primary goal of this policy is to enable the Bylaw Enforcement Officer to fulfill their duties effectively while minimizing risks to their personal safety.

2.0 Purpose:

The purpose of this policy is to offer direction to Staff, elected officials, and the public regarding bylaw enforcement policies and practices, particularly in the receipt of complaints and the initiation of investigation and enforcement proceedings related to regulatory bylaws of the Municipality and Relevant Law. This document presents various options to achieve compliance with Hastings Highlands' bylaws.

A compliance-focused approach prioritizes the objectives of regulatory law and policy, considering the safest, most efficient, and most effective methods of achieving compliance. This approach emphasizes education and assistance/guidance to encourage compliance, rather than solely relying on the issuance of charges and similar enforcement actions. It provides procedures and guidelines to mitigate potential risks and ensure the safety of the Bylaw Enforcement Officer while performing their duties within rural communities.

A compliance-focused approach helps all citizens better understand and adhere to the rules, allowing them to pursue their social, economic, and recreational activities in a safe, productive, and responsible manner.

3.0 Goal:

The Municipality's goal is to enhance Hastings Highlands as a desirable place to live, work, and play. Bylaws play a fundamental role in achieving this goal by promoting safety, establishing standards to facilitate positive neighbourly interactions, and preventing behaviours that diminish the quality of life in our community, such as littering, graffiti, noise, and unsightly properties.

In alignment with this objective, the Municipal Bylaw Enforcement Policy aims to attain voluntary compliance with municipal bylaws in all cases and to proactively enforce regulations through optimal solutions as necessary to uphold community standards.

This Bylaw Enforcement Policy is guided by the following principles:

1. Avoid arbitrary or inconsistent decisions.
2. Ensure uniform treatment of similar cases.
3. Provide Bylaw Enforcement Staff with guidance on exercising discretion and setting limits.
4. Offer the public clarity and transparency regarding how and why enforcement decisions are made.

4.0 Definitions:

Administrative Monetary Penalty (AMP) Notice means notices of monetary penalties that may be imposed on individuals or organizations for non-compliance with municipal

bylaws, provincial statutes, or regulations. Such notices are often informally referred to as 'tickets' or 'fines'.

After-Hours refers to times outside of regular business hours, such as evenings, weekends, and holidays. These are times when offices or services may be closed or operating with reduced staffing.

Business Day means a day on which normal business operations are conducted and is generally considered to be between the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday. A business day excludes weekends, public holidays and when the Municipality is closed (i.e. for inclement weather).

Bylaw Enforcement involves ensuring compliance with the Municipality's regulatory bylaws, which are designed to protect and enhance public health, safety, and welfare within the community.

Bylaw Enforcement Officer encompasses a provincial offences officer, an employee, or an agent designated by the Council of the Corporation of the Municipality of Hastings Highlands to investigate and enforce applicable laws.

Chief Administrative Officer (CAO) means the Chief Administrative Officer of the Municipality of Hastings Highlands.

Complaint means a complaint received by the Municipality, wherein the complainant provides their full name, address, phone number and nature of complaint that can be verified by the Bylaw Enforcement Officer, in writing using the required form submitted to the Municipality.

Complaint-based Enforcement means individuals can submit oral or written complaints to the Municipality alleging that another person is violating a municipal bylaw within Hastings Highlands.

Council means the Council of the Municipality of Hastings Highlands.

Discretion means the freedom to decide what should be done in a particular situation given all the available information.

Investigation (Investigating, Investigate) means a systematic process of gathering information, examining evidence, and analyzing facts to uncover the truth or determine the validity of a claim or allegation. The investigator shall remain impartial, objective, and thorough in their approach to ensure a fair and comprehensive resolution to the matter at hand.

Municipal Clerk means the Municipal Clerk for the Municipality of Hastings Highlands.

Municipality means the Municipality of Hastings Highlands.

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is a provincial law in Ontario, Canada, that regulates the access to information held by municipalities and protects the privacy of individuals. Under MFIPPA, individuals have the right to access records held by municipal governments, subject to certain exceptions and exemptions, and municipalities must follow specific procedures for handling and disclosing this information. Additionally, MFIPPA sets out rules for the collection, use, and disclosure of personal information by municipalities to protect individuals' privacy rights.

Personal Protective Equipment (PPE) may include high-visibility clothing, protective footwear, gloves, hard hat and, if required, body armour.

Proactive Enforcement means to conduct immediate and specific bylaw patrols to identify and address specific bylaw infractions or when the Municipality learns of an infraction in the normal course of municipal duties and the infraction poses a risk to the general public.

Relevant Law means any Municipality of Hastings Highlands Bylaw, or Provincial legislation, for which the Municipality has a responsibility to enforce or prosecute.

Valid Complaint (validity) means a complaint that typically refers to a grievance or objection raised by an individual or a group that is considered reasonable, legitimate, and supported by evidence or valid reasoning. A complaint is deemed valid when it addresses a genuine issue or concern, the complaint adheres to relevant rules, bylaws, regulations or guidelines, and is presented in a respectful and constructive manner. A valid complaint often prompts investigation, discussion, and potential resolution to address the underlying problem or dissatisfaction.

General Provisions

5.0 Administrative Fairness

5.1 Administrative fairness refers broadly to an overall approach to administrative decision-making that is transparent, fair, and accountable. Demonstrating a commitment to administrative fairness increases the public's confidence in the Municipality and its Bylaw Enforcement Department and provides Council confidence that everyone is being treated in a fair manner. With respect to Bylaw Enforcement, administrative fairness is achieved by following these guidelines:

- a) In responding to formal complaints, except in cases related to public health and safety, the highest priority will be to respond to valid complaints.
- b) During the regular course of their duties, the Bylaw Enforcement Officer may proactively enforce bylaw infractions for issues of public health and/or safety.

c) It is not possible to actively ensure that all the Municipality's various regulatory bylaws are being complied with at all times. Enforcing the Municipality's own bylaws is, therefore, discretionary subject to available resources.

d) The Municipality of Hastings Highlands promotes an enforcement philosophy that seeks voluntary bylaw compliance, which is often achieved through education, information, and non-penalty enforcement, including providing a reasonable time frame to comply.

e) Compliance may be encouraged through notification of fines and other enforcement measures associated with the offence.

f) Council is not involved in any way with the sanctioning of an investigation or making a decision on who shall be investigated.

g) Some complaints may be considered as a civil dispute between property owners. These will not be acted upon by the Municipality.

5.2 Bylaw enforcement practices based on administrative fairness principles is beneficial in several important ways, including the following:

- a) Abiding by principles of administrative fairness assists the Bylaw Enforcement Officer to reduce conflict in matters of bylaw compliance and enforcement. The Bylaw Enforcement Officer interacts with the public, sometimes in high conflict situations when enforcing Municipal Bylaws. Enforcement decisions often affect people on their property or in their home and when the Bylaw Enforcement Officer's decisions are seen to be reasonable and appropriate, conflict may be reduced.
- b) Establishing and promoting fair bylaw enforcement processes can assist in reducing both the number of complaints received and resolving issues more quickly and effectively, thus saving time and money. Clear and accessible bylaw enforcement processes enable Staff to handle complaints efficiently and maintain consistency in their actions when addressing problems. This clear, open approach can lead to fewer bylaw complaints. Furthermore, a fair enforcement framework can also assist with limited resources and maintain enforcement capacity.
- c) Adopting a consistently fair and reasonable approach to bylaw enforcement can assist in building stronger community relationships where it is demonstrated clearly a commitment to administrative fairness of being responsive, transparent, and accountable.
- d) The Bylaw Enforcement Officer must ensure that their actions and reactions are reasonable and based on legal authority, and that the measures taken are proportionate with the alleged violation. The goal is to achieve consistency in

responses to non-compliance, and predictability when determining the appropriate enforcement action.

6.0 Public Complaints:

6.1 Public complaints serve as a means for the community to inform Staff of potential non-compliance. To maintain positive relations and provide appropriate information to the community, the Bylaw Enforcement Officer will adhere to this policy when addressing public complaints.

6.2 Ideally, public complaints should be submitted in writing through the Municipality's online Customer Service Request (CSR) system or by completing a Customer Service Request form at the Hastings Highlands Centre Municipal Office. However, complaints may also be initially received through other means, including email.

Reporting a Complaint

6.3 Any person who has reason to believe that an infraction of the Municipality's Bylaws or other Relevant Law has occurred, may report the matter to the Municipality's Bylaw Enforcement Department.

6.4 A person who reports an infraction may be summoned to testify before a court or tribunal in the prosecution of an alleged contravention of a Bylaw or Relevant Law.

6.5 It shall be acknowledged that the independence of the Bylaw Enforcement Officer includes the discretion to investigate (or not) and to issue a fine/monetary penalty (or not).

6.6 Upon submitting a report, Staff or Council Members shall be treated with the same courtesy, and with the same restrictions on access to information, as would any other complainant.

6.7 As with any other person, a Staff Member or any Council Member who has reason to believe that an infraction of a Bylaw or Relevant Law has occurred and has direct (firsthand) knowledge of the infraction, shall report the matter to the Bylaw Enforcement Department through the online CSR bylaw complaint form.

6.8 All Staff members and Council Members will refrain from relying on second-hand information as the basis of their complaint. If information about the alleged infraction originates from a third-party, the Staff member or Council Member should explain the complaint procedures outlined in this policy.

Withdrawal

6.9 Complainants may withdraw complaints. However, this will not necessarily dissociate their name from the file should the matter proceed to court. Continuation of

enforcement after a withdrawn complaint will be at the officer's discretion considering status of file, nature of violation priority (reactive or proactive), and confidentiality desires.

Receiving and Responding to a Bylaw Complaint

6.10 The Bylaw Enforcement Officer will acknowledge receipt of a valid bylaw complaint to the complainant within a timely manner.

6.11 The complainant will be provided with a case number to reference in future correspondence with the Bylaw Enforcement Officer.

6.12 The Bylaw Enforcement Officer aims to address all complaints and other bylaw issues promptly, but some cases may require a significant amount of time to resolve and could potentially be classified as Police or civil matters in certain situations.

Frivolous, Vexatious or Malicious Complaints

6.13 For the purposes of this policy, frivolous or vexatious refers to any action made with the intention to embarrass or annoy the recipient or that is part of a pattern of conduct that amounts to an abuse of the infraction reporting process.

6.14 In the assessment of whether a pattern of conduct has been established in relation to the above, the factors to be considered include but are not limited to:

a) whether the complaint concerns an issue which Staff have already investigated and determined to be groundless or unfounded, or an issue which is substantially similar to an issue which Staff have already investigated and determined to be groundless or unfounded (e.g. with respect to the same neighbour or same property),

b) whether the complainant engages in any unreasonable conduct or aggravating behaviour, including, but not limited to:

i. harassment, verbal abuse, or intimidation,

ii. making excessive or multiple lines of enquiry regarding the same issue (e.g. pursuing a complaint with Staff in multiple departments and/or elected officials simultaneously) while their complaint is in the process of being investigated,

iii. repetitious and unreasonable criticism of an investigation or outcome,

iv. repetitious and unreasonable denial that an adequate response has been given,

v. unreasonable refusal to acknowledge that an issue falls outside the municipal jurisdiction,

- vi. unreasonable demands (e.g. insisting on responses to complaints and enquiries within an unreasonable timeframe),
- vii. providing false or misleading information knowingly and/or encouraging or influencing others to make false statements,
- viii. demanding special treatment from Staff (e.g. ignoring established complaint protocols),
- ix. changing the basis of the complaint and/or denial of previous statements made,
- x. refusal to cooperate with the investigation process while still wanting their complaint to be resolved, or
- xi. failure to clearly identify the precise issues of the complaint, despite reasonable efforts of Staff to assist.

Identity of the Reporter or Complainant

6.15 Informal or non-written complaints of alleged violations will not be given the same weight or priority unless the complaint pertains to a situation that could impact life safety or pose an immediate threat to the natural environment. In all cases, a complainant may be requested to sign an affidavit and/or be prepared to stand as a witness should enforcement action proceed to court or legislated proceedings.

6.16 Anonymous complaints will not be accepted. Knowing the identity of the complainant in an investigation doesn't guarantee the prevention of false or vexatious complaints, but it can serve as a deterrent and provide avenues for addressing such complaints effectively. The importance of the complainant identifying themselves in an investigation lies in several key factors:

- a) **Credibility:** When a complainant identifies themselves, it adds credibility to their complaint. An anonymous complaint may raise questions about its authenticity, whereas a named complainant signals a willingness to stand behind their allegations. The Bylaw Enforcement Officer can cross-reference the information provided by the complainant with other sources or evidence to assess its validity.

Also, in certain cases, when the Municipality enforces bylaws without a complainant, it may be perceived as Municipal Staff or Council singling out certain individuals for personal reasons, especially if there isn't a specific complainant involved.

- b) **Accountability:** When a complainant is known, there's a level of accountability attached to their complaint. They may be less likely to make false or vexatious claims knowing that they could be held responsible for their actions.

- c) **Follow-up and Consequences:** In cases where a complaint is found to be false or vexatious, knowing the identity of the complainant enables the Bylaw Enforcement Officer to take appropriate action. This could include disciplinary measures, legal consequences, or other interventions to prevent further misuse of the complaint process.
- d) **Clarification:** Knowing the identity of the complainant allows the Bylaw Enforcement Officer to seek clarification or additional information if needed. It also facilitates follow-up communication during the investigation process.
- e) **Deterrence:** The possibility of being identified may deter individuals from making frivolous or malicious complaints in the first place. Knowing that their identity is not anonymous could discourage people from abusing the complaints system for personal gain or to harass others.
- f) **Communication and Resolution:** If there are concerns or grievances underlying the false or vexatious complaint, knowing the identity of the complainant allows for direct communication and the opportunity to address underlying issues through constructive dialogue or mediation.
- g) **Legal Proceedings:** If ever the matter was to go to court or a tribunal, the complainant may need to testify or provide evidence. Identifying themselves early in the investigation ensures that they are prepared for any legal proceedings that may follow.

7.0 Officer Safety

7.1 The safety and well-being of a Bylaw Enforcement Officer working in remote or outlying rural communities are paramount. Before conducting enforcement activities, the Bylaw Enforcement Officer must assess potential risks associated with the location, time of day, and nature of the violation.

7.2 If the Bylaw Enforcement Officer determines that there are potential risks associated with investigating a complaint alone at a specific location, they shall have coworker(s) or police accompany them, depending on the level of risk. This may result in a delay in the investigation process.

7.3 The Bylaw Enforcement Officer must maintain regular communication with their supervisors and/or coworkers while conducting enforcement activities.

7.4 In situations where immediate assistance is required or there are any safety concerns, the Bylaw Enforcement Officer will contact the local Police - Ontario Provincial Police (O.P.P.) for support.

7.7 If the Bylaw Enforcement Officer becomes aware of any safety concerns or alarming incidents, it shall be reported promptly to supervisors and documented for review and follow-up.

After-Hour Complaints

7.8 For safety reasons, the Bylaw Enforcement Officer will not respond to after-hours enforcement requests. In urgent situations, such as emergencies or safety concerns, individuals should contact the Police for immediate assistance.

8.0 Confidentiality and Privacy:

8.1 Personal information collected by the Municipality as a result of a written complaint and any information collected during a bylaw investigation is protected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M-26.

8.2 Subject to MFIPPA, the identity of the complainant, and any personal information they provide, shall not be disclosed to the alleged offender or any member of the public.

8.3 All Staff and Council Members shall keep confidential all personal information they collect from its citizens and the public.

8.4 All Staff and Council Members will only collect personal information that is necessary for the monitoring and enforcement of a Bylaw or Relevant Law infraction.

8.5 The persons reporting the alleged infractions of the Municipality's Bylaws and Relevant Law are to be advised that their identity and any personal information they provide will be kept confidential unless they are required to testify in court or before a tribunal, or it is part of an audit or a similar process.

8.6 The response of the alleged offender shall not be disclosed to the complainant, whether it is in writing or verbally.

8.7 The complainant and the alleged offender shall be informed that any private information, as identified in this policy, will be kept confidential unless required by court or legislated proceedings.

8.8 The anonymity and confidentiality given to complainants and alleged offenders under this policy cannot be assured if the investigation results in court or legislated proceedings.

8.9 While the investigation is ongoing or while a resulting matter is before the courts, no information regarding the matter will be made available to the public or the requestor.

9.0 Complaint Priority Service Levels

Assessing Complaint Priorities

9.1 When assessing the priority of the bylaw infraction, the Bylaw Enforcement Officer will consider, but are not limited to, matters such as:

- a) Potential risk to public health & safety.
- b) Magnitude, nature, and duration of the contravention.
- c) History of non-compliance on the property or by the contravener.
- d) Potential short- & long-term impact on a structure, the community, and the environment.
- e) Potential for setting a precedent.
- f) Resources available to resolve the matter.
- g) Potential costs associated with enforcement action; and
- h) The likelihood of obtaining the desired results.

9.2 To ensure all complaints are properly investigated, the following complaint priority service levels will be assigned as follows:

- a) **High Priority:** High priority investigations on matters that are highly likely to pose a substantial health & safety risk to any member of the public.

High Priority Response Protocol

- 1. Respond immediately.
- 2. Call-in Staff and other external agencies as needed for assistance.
- 3. Priority continues until the health & safety issue has been mitigated or it is no longer within the jurisdiction of the municipality.
- 4. Once any health & safety issues have been dealt with, matter may be downgraded to medium priority call if further response is required.

- b) **Medium Priority:** A medium priority investigation includes matters which have a potential to pose a moderate, indirect, or cumulative negative impact to our community and the environment, and there are no immediate health & safety issues.

Medium Priority Response Protocol

- 1. Acknowledge the complaints concerns within a timely manner.
- 2. Assign a case number and begin an investigation within 1-3 business days.

- c) **Low Priority:** A low priority investigation includes matters that are generally routine, have no negative impact to the community or the environment, and no health & safety concerns.

Key Principles for Response

9.3 In determining the relative significance of each contravention, the Bylaw Enforcement Officer must clearly understand the applicable regulations and possible outcomes should evidence prove a violation has occurred.

9.4 When a contravention has been identified, the enforcement officer shall be guided by the following key principles in determining what will constitute an appropriate response.

- a) **Health and Safety First:** The primary objective of our enforcement efforts is to safeguard the health and safety of the public and the community at large. We prioritize actions that mitigate potential risks to individuals and property.
- b) **Proportionate Response:** Our enforcement actions are proportionate to the severity of the infraction and the level of risk it poses. We strive to balance the need for compliance with fair and reasonable measures, considering the context and circumstances of each case.
- c) **History:** Enforcement actions may be dependent on the compliance history of the property or individual is considered with respect to previous investigations and/or violations for the same issue, and/or the seriousness of previous contraventions.
- d) **Intent:** Enforcement actions may depend on whether the alleged violator is a repeat offender, or the evidence demonstrates that the individual knowingly contravened the bylaw or was willfully ignorant or indifferent towards compliance.
- e) **Proactive Measures:** To actively identify and address potential violations of bylaws and regulations before they escalate into significant issues. Through proactive monitoring and outreach, we aim to prevent infractions and promote compliance within the community. Proactive measures to achieve voluntary compliance would involve education, communication, and collaboration with the community.
- f) **Reactive Enforcement:** In response to reported violations or observed non-compliance, we take appropriate enforcement actions to address the situation promptly and effectively. Our response may include warnings, notices, fines, or other corrective measures, depending on the nature and severity of the infraction.
- g) **Resource Allocation:** We allocate our enforcement resources judiciously, prioritizing areas of greatest need and focusing on infractions that pose the greatest risk to public safety and community well-being. We continually assess and adjust our resource allocation to maximize the impact of our enforcement efforts.

9.5 The Bylaw Enforcement Department endeavour to uphold the integrity of the Municipality's Bylaws and regulations while promoting a safe and harmonious community environment by adhering to the above key principles.

10.0 Investigations, Evidence and Enforcement

10.1 It is important that all investigations be conducted with the notion that evidence collected may need to be presented in legislated or court proceedings or records released under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

10.2 Investigative procedures are followed by the Bylaw Enforcement Officer, with evidence gathered in accordance with professional law enforcement standards, and the integrity of every investigation maintained at all times.

10.3 Complaints and violations will be identified, classified, and prioritized using this policy. Any allegation or situation that has the potential to threaten health and safety will be given priority.

10.4 The Municipality has no obligation to take enforcement action with respect to every contravention of every bylaw that may be occurring within its jurisdiction, allowing discretion guided by the Municipalities resources and this policy.

10.5 All investigations shall follow the appropriate Policies and Procedures with due diligence with the objective of fairness and consistent application of the Municipality's Bylaws and other Relevant Laws.

10.6 All investigations shall be initiated based on the 'Key Principles for Response' identified in this policy, and in accordance with any other applicable policies and procedures.

Proportionality, Equity and Consistency

10.7 The Bylaw Enforcement Officer aims to provide consistent enforcement and where discretion is used, will apply principles of proportionality, equity, and consistency in bylaw enforcement decisions by:

- a) Considering whether an enforcement measure is proportionate to the harm caused by the violation,
- b) Considering whether a person's circumstances would make enforcement unjust and,
- c) Considering whether an enforcement measure is consistent with policy and past practice.

- i. **Proportional Enforcement** - Bylaw enforcement actions will be proportional to the nature of the violation. That is, enforcement measures should appropriately address the harm that is caused by the violation. For example, large fines are likely not an appropriate response to a minor bylaw violation.
- ii. **Equitable Enforcement** - Bylaw enforcement actions will be fair and considerate of individuals' circumstances. The Bylaw Enforcement Officer will consider a person's situation and ability to comply before deciding on enforcement measures. This does not mean that bylaws cannot be enforced against disadvantaged individuals. Rather, equity ensures fairness in the Bylaw Enforcement Officer's discretion to determine whether and how to enforce the Municipality's Bylaws.
- iii. **Consistent Enforcement** - Similar cases will be treated similarly through a generally consistent approach to bylaw enforcement, ensuring fairness. While Bylaw Enforcement Officers have discretion, inconsistent enforcement in similar circumstances may appear arbitrary. They should justify any deviation from policy or past practice, particularly if the individual has a history of non-compliance or if the violation is more severe.

Reasonable Time Limits

10.8 The Bylaw Enforcement Officer is authorized to use discretion to extend a time limit if necessary to achieve compliance.

10.9 The Bylaw Enforcement Officer should not, however, arbitrarily shorten a time limit, except in extraordinary circumstances, and not before attempting to communicate with the individual.

Exception to Enforcement Philosophy - Parking Tickets

10.10 Enforcement of parking is conducted both on a proactive and complaint basis. Parking infractions do not fall under the provisions of progressive enforcement. At the discretion of the Bylaw Enforcement Officer, either a warning or Administrative Monetary Penalty notice will be issued for confirmed parking infractions.

Civil Action

10.11 In rare cases it may be appropriate to proceed with enforcement activity by way of civil action, wherein a court order, mandatory order or injunction from the Superior Court of Justice is necessary to address complicated, ongoing, or intractable problems. Where civil action is considered, the Municipality's Solicitor will determine whether and how to proceed and will assume carriage of the file unless they declare a conflict on the matter.

11.0 External/Internal Influence and Interference

11.1 All Staff and Council Members shall adhere to and uphold the legal principle stipulating that the investigative officer bears the responsibility to enforce and prosecute Relevant Laws in a manner characterized by fairness, impartiality, and independence from political influence.

11.2 All persons shall respect that the Bylaw Enforcement Officer has an independent discretion to make enforcement decisions based on their knowledge, experience, and educated judgement.

11.3 No person shall interfere with the Bylaw Enforcement Officer in the exercise of their duties or attempt to influence the actions of the Bylaw Enforcement Officer except in the circumstances specifically provided in this policy.

11.4 In accordance with the regulations outlined in the Code of Conduct for Members of Council and Its Local Boards, no one shall use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff member with the intent of interfering with Staff duties.

11.5 No Municipal Employee, Member of Council or Committee Member shall attempt directly or indirectly to influence the Bylaw Enforcement Officer or any other employee working within the Bylaw Department in the administration of their duties. This policy is not intended to prevent or limit the ability of Members of Council or any other person to request information specifically about the Bylaw Department or its policies or procedures.

11.6 In the event that a Staff member or Member of Council attempts to apply undue influence upon an active investigation, enforcement Staff will report the matter to their direct supervisor or alternately the Chief Administrative Officer (CAO).

Complaints Against Municipal Staff or Members of Council

11.7 All bylaw enforcement complaints filed against Members of Council or an employee of the Municipality with respect to an alleged bylaw infraction shall be treated in the same manner as all complaints and as provided in this policy.

11.8 Care shall be given to ensure that all records in relation to a complaint against a Member of Council or a Municipal employee remain confidential.

11.9 In the event that the Bylaw Enforcement Officer feels themselves to have a conflict, the matter shall be referred to the Chief Building Official, the Chief Administrative Officer, or other designate.

12.0 Punitive Enforcement

12.1 The primary goals and objectives of bylaw enforcement are to attain compliance through proactive measures such as information dissemination, education, and encouraging voluntary adherence to municipal bylaws and Relevant Law.

12.2 If voluntary compliance cannot be achieved, the Bylaw Enforcement Officer is authorized to take appropriate enforcement actions to ensure compliance. These actions may include:

- a) **Issuance of Orders:** The Bylaw Enforcement Officer may issue orders requiring individuals or organizations to rectify violations of municipal bylaws within a specified timeframe. Failure to comply with these orders may result in further enforcement measures.
- b) **Administrative Monetary Penalties (AMPs):** In cases of persistent non-compliance, the Bylaw Enforcement Officer may impose administrative monetary penalties as a means to encourage adherence to bylaws. AMPs provides a financial incentive for compliance and serves as a deterrent against future infractions.
- c) **Laying of Charges under the *Provincial Offences Act* (POA):** In instances of serious or repeated violations where other enforcement measures have proven ineffective, the Bylaw Enforcement Officer may initiate legal proceedings by laying charges under the *Provincial Offences Act*. For particularly serious conduct or for multiple time offenders, it may be more appropriate to proceed by way of a Part III Summons under the POA. Part III charges have the capacity to lead to Court Orders and fines exceeding that of a Part I.

12.3 By employing a range of enforcement tools and strategies, the Bylaw Enforcement Officer seeks to maintain community standards, promote public safety, and uphold the integrity of Municipal Bylaws and regulations. Bylaw Enforcement should be compliance-focused on the objectives of the regulatory bylaw and policy and consider the most innovative, efficient, and effective method of achieving compliance.

13.0 Policy Review

This Policy will be reviewed by Staff and Council at least once every Council term for necessary changes. The Chief Administrative Officer, Municipal Clerk or the Bylaw Enforcement Officer may bring forward revisions to this policy on an as-needed basis.

14.0 Attachments







Appendix 'A' – Bylaw Enforcement Service Level Matrix

Appendix 'B' – Flow Charts for Complaint Process, Property Standards Enforcement Process and AMPS Process

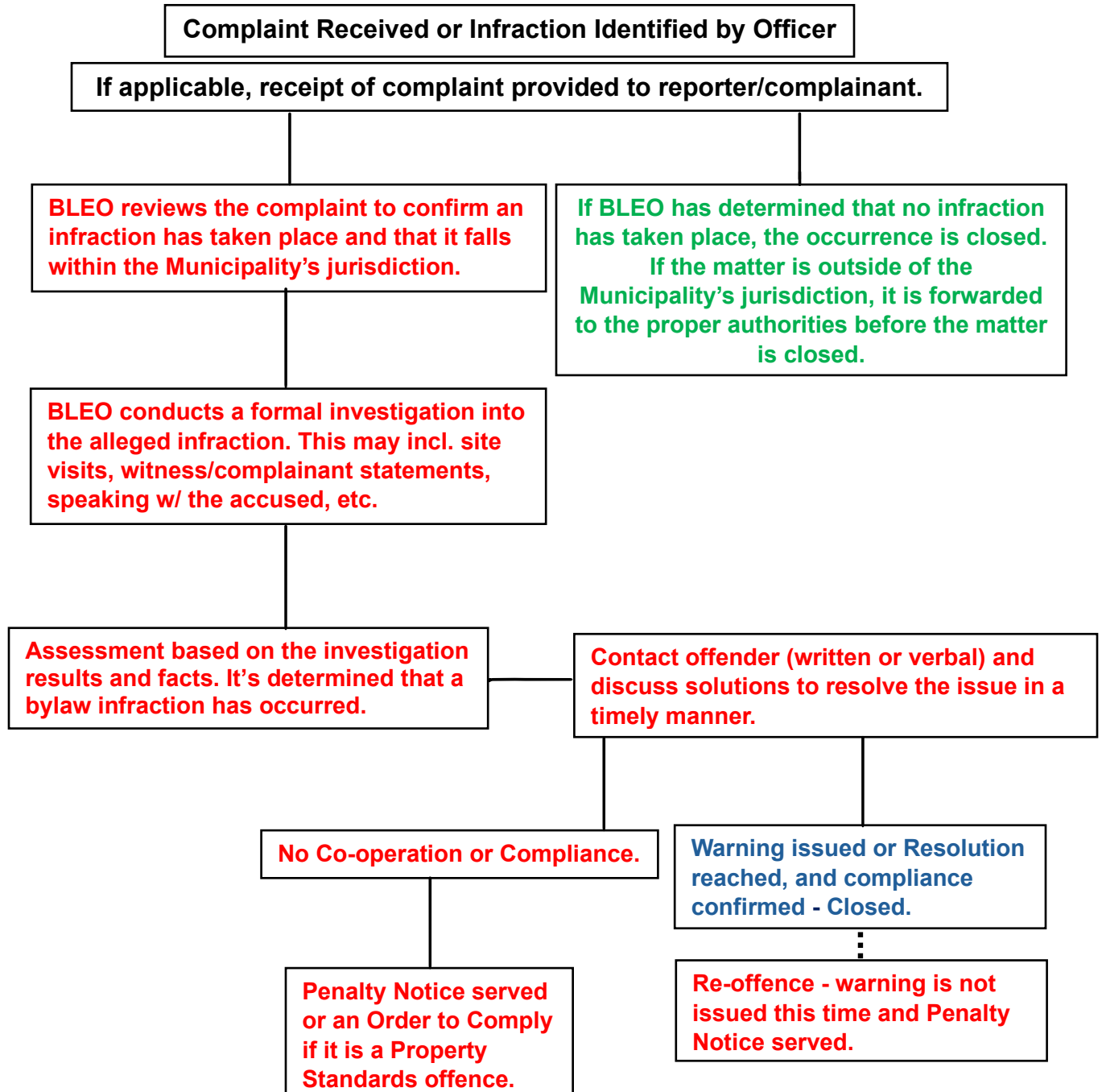
Appendix A – Bylaw Enforcement Service Level Matrix

Bylaw or Provincial Offence	Proactive (Definition in Policy)	Complaint- Based (Definition in Policy)
Business Licensing Policy (Vendors/Mobile Food Vendors/Public Markets)	 (When reported by the Clerks Dept.)	
Bylaw to Prohibit and Regulate Noise and the Use of Fireworks		
Clean Municipality Bylaw	 (When related to Municipally owned property)	
Comprehensive Zoning Bylaw		
Entrance Permit Bylaw	 (When reported by the Planning or Operations Dept.)	
Exotic Animal Bylaw	 (If discovered during the normal course of Municipal duties)	
Open-Air Fire Bylaw		
Kennel Licensing Bylaw		
Property Standards Bylaw	 (When related to Municipally owned property)	
Regulating the Keeping of Dogs	 (If discovered during the normal course of Municipal duties)	

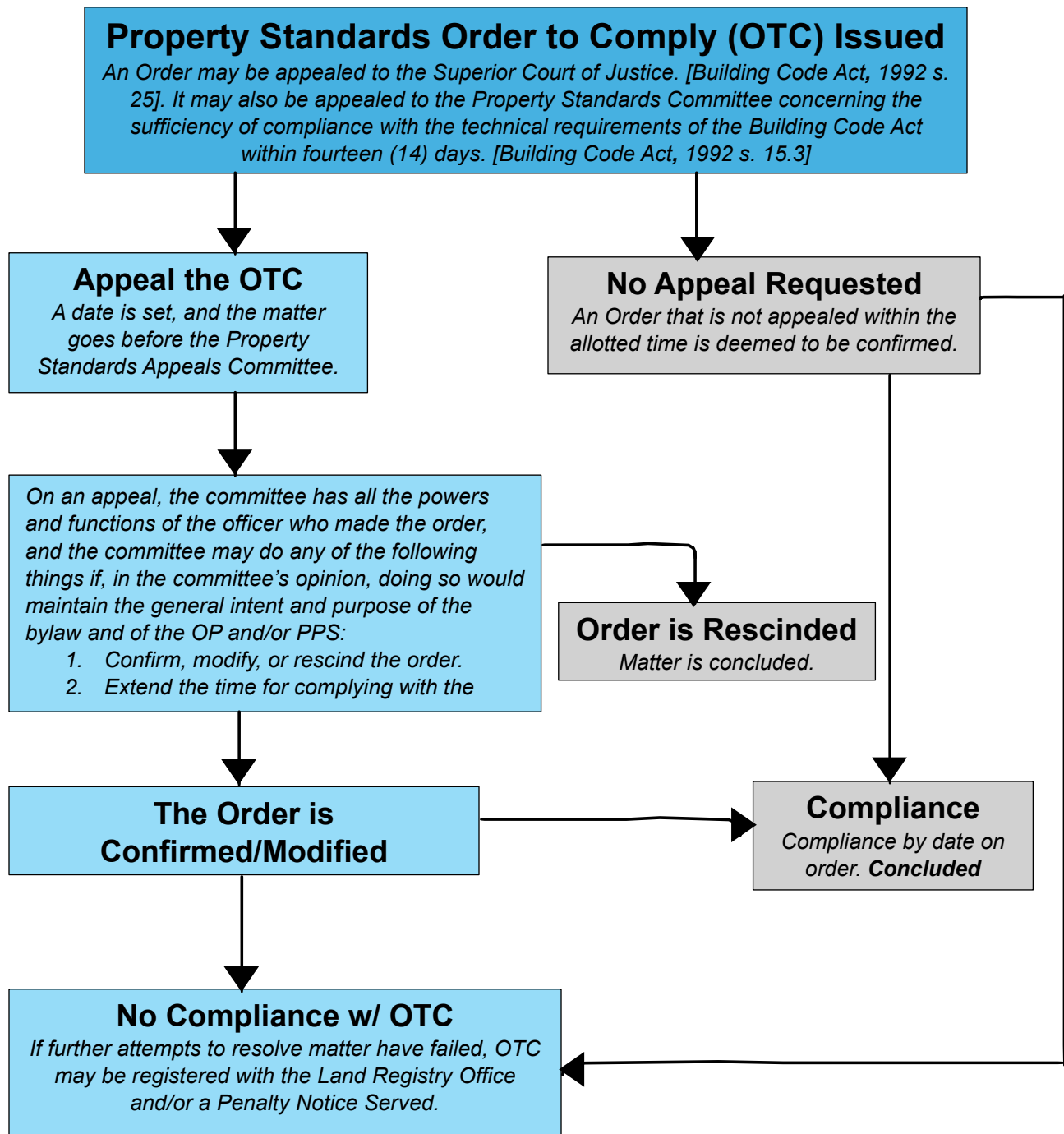
Cont'd - Appendix A – Bylaw Enforcement Service Level Matrix

Bylaw or Provincial Offence	Proactive (Definition in Policy)	Complaint-Based (Definition in Policy)
Regulating the Traffic and Parking/Stopping of Vehicles		
Sign Bylaw		
Build without a Permit & Building Bylaw	 (If discovered during the normal course of Municipal duties)	

Appendix 'B' – Complaint Process



Property Standards Enforcement Process



Administrative Monetary Penalty System (AMPS) Process

