

# Enforcement of By-laws Policy

The Township of Cramahe is committed to continuous improvement and open communication with the public in a method and by a process where comments; whether positive or negative are dealt with fairly, in a respectful manner, and are addressed as quickly as possible. The Township of Cramahe does not conduct proactive bylaw enforcement; rather it is driven through response to public complaints. It is important to understand that nothing within this policy can override the mandatory requirements of a by-law, however this policy is a guide for decision making and understanding the limits and resources a municipality may encounter.

## **General Parameters**

Complaints must be received by the Township of Cramahe Bylaw department in writing (letter, fax, email). This can be prepared through our online form or if an individual attends the municipal office. If attending they are still required to complete the complaint in writing. All complaints will be received courteously, investigated and acted upon fairly and in a timely manner.

It must be understood by the complainant that while the Township will make every effort to assure the privacy of the complainant, a complainant may be required to present evidence in support of the complaint at any hearings of Appeals Committee or Court of Law of Ontario.

When a complaint is filed as set out above, the necessary information is to be recorded in the Township's complaints register. Any written correspondence will be attached to the complaint form. All complaints received by the Township of Cramahe should receive an acknowledgement of receipt within 3 regular business days or earlier if public safety or security of property is at risk. If a complaint is received on a weekend or holiday the timeframe shall start on the next regular business day.

Resolution of complaints through co-operation rather than formal court or other action should always be the preferred solution. All complaints should be approached with this intent, and the cooperation of the respondent should be sought first in every instance. Time allotted to the incident reported will be dependent on the resources available to the offender and the municipality. Before further investigation can take place, the complaint is first categorized into one of three classes and dealt with accordingly (see Infractions – class listing).

- . Once the initial complaint has been received it is reviewed with regards to:
  - (a) The risk to public safety
  - (b) The severity of the violation; and
  - (c) Date complaint was received

Please note that all complaints will be graded by Class (see examples in Infraction section) and dealt with as required.

Township staff shall review the issues identified by the complainant and in doing so may:

- Review relevant municipal and provincial legislation
- Review the municipality's relevant policies and procedures
- Review any existing file documents
- Interview employees or members of the public involved in the issue
- Identify actions that may be taken to address the complaint or improve Municipal operations
- Seek cooperation of the respondent and allow reasonable time for compliance

### **Filing a Complaint**

All written submissions will be dealt with in a confidential manner in accordance with applicable legislation. *The following list indicates the information to be provided by the complainant.*

- Date & Time
- Details of what happened
- Where it happened
- Who was involved
- What was said or done
- Is resolution being sought
- Contact information of the individual(s) submitting the comment

### **Infractions**

#### **CLASS 1 INFRACTION:**

Apply to complaints that are a potential risk to public health & safety, property damage and where a risk to humans exists. These examples would include but not limited to Health & Safety Concerns, Dog Attacks, Firearms and Property Standards. These infractions receive first priority for enforcement

- Action on Class 1 infractions may be initiated pursuant to a complaint or through staff becoming aware of an issue by any means.
- Staff would address Class 1 infractions forthwith and assertively upon becoming aware of such an infraction.
- Formal action by staff to resolve the matter and protect the safety of the public (i.e. entering onto private lands to remedy the matter, laying charges, issuing

notices of violation or orders) is authorized, in keeping with the general parameters of this policy directive.

**Examples** of Class 1 infractions would include:

- Issues of inadequate ingress/egress from residential units in multiple dwellings,
- Including inadequate or unsafe hand-railings & balustrades on stairways.
- Unsafe dwellings (i.e. either structural or from a health perspective).
- Blocked, locked or inadequately signed fire exits.
- Lack of, or non-operative smoke detectors.
- Dog attacks or bites
- Abandoned refrigerators or trunks located outside with operative latches.
- Unsafe buildings/structures which could collapse or from which parts of the building could become dislodged causing injury.
- Trees that could pose a risk to the public (i.e. broken branches).
- Portable signs that block visibility around points of ingress/egress to the public street or sidewalk.
- Dysfunctional sewage/septic systems.
- Unsafe electrical or plumbing conditions which could pose a life safety or health concern.
- Exposed wellheads.

### **CLASS 2 INFRACTIONS:**

These infractions are less serious infractions that do not pose an immediate hazard to person(s) or property. These include things like zoning infractions, long grass and weeds, garbage or rubbish on properties, abandoned or inoperative vehicles and other yard and maintenance issues.

- Staff to pursue such infractions persistently, generally by encouraging the owner to rectify the matter. Reasonable time should be provided to the owner (i.e. to secure contractors or to obtain financing) to remedy the matter.
- It is appropriate to establish a timetable or schedule to remedy such matters, and staff will work co-operatively with owners/occupants to establish such plans.
- Reasonable requests for extensions to complete work with just cause, will be taken into consideration.
- Formal action (i.e. entering onto private lands to remedy the matter, laying of charges, issuing notices of violation or orders) to only be initiated by staff when it is clear the owner/occupants has no intent of rectifying the problem or lack of action is evident in the progress.

**Examples** of Class 2 infractions include:

- Zoning violations (i.e. establishing an illegal use, building in contravention of zoning provisions).
- Erecting a building or sign, or doing renovations without the necessary permit.
- Building without site plan approval.
- Violations of the Sewer Use By-Law.
- Lots with extensive rubbish/refuse storage (i.e. construction or building debris, or general rubbish). Presence of vermin.
- Outside storage of wrecked, dismantled, discarded or abandoned machinery, any derelict motor vehicle which is not operated or which is not licensed with a currently validated licence plate
- Abandoned buildings that are not secure from unauthorized entry.
- Significantly altering natural or engineered drainage patterns.

### **CLASS 3 INFRACTIONS:**

These infractions do not have health, life, safety or property damage implications that pose a risk to humans, and tend to not have significant off-site implications; such violations tend to be more cosmetic in nature: noise, fence, signs (that do not interfere with site lines), parking etc.

- Action on Class 3 infractions to be undertaken only on a complaint basis, or pursuant to a habitual problem for which complaints have been received in the past.
- Staff is to address Class 3 infractions by ensuring that owners have every opportunity to bring circumstances into conformity before more formal procedures are initiated. Finances and resources are to be considered.
- First time offenders should be informed of their offence and given the proper information and means possible to comply. Staff should assist in any way possible to ensure the owner/occupant has the information and the time necessary to resolve the matter.
- Formal action (i.e. entering onto private lands to remedy the violation, laying of charges, issuing notices of violation or orders) to only be considered where all other avenues to resolve the matter have been exhausted and it is apparent that failing to take formal action could jeopardize the interests of the township and the public. Formal action may be initiated more readily for habitual violators, but only following the giving of ample opportunity to comply.

**Examples** of Class 3 infractions would include:

- long grass, brush, undergrowth and noxious weeds
- Maintenance of fences and accessory building and structures.
- Sign by-law non-conformity
- Inadequate finishing or leveling of a site
- Yard wastes / garbage issues

- Dust or noise violations.

### **Multiple Complaints or Frivolous**

When staff is of the opinion that complaints are frivolous or the complaint results in staff expending resources on a single issue, staff will only address if the complaint provides new information. No complaint will be dismissed; however it is important to assess complaints on their merit, even if numerous and determine the appropriate response and outcome. It is our intention to balance the interests of both the complainant and the municipality. If the municipality decides to restrict a person's contact regarding complaints that are multiple or frivolous in nature, the following steps will be considered:

- The decision will be in consultation with senior management
- The staff will clearly communicate to the complainant, in writing, the nature of the restrictions, and the reason for them.

### **Formal Action**

Any formal action proposed by staff to address an infraction that may have financial or legal implications for the municipality, is to be first reviewed with the CAO. Any action that would result in municipal staff or municipal contractors entering onto private lands and expending public monies should be reported to Council prior to such action being undertaken. There are two exceptions:

(a) Where circumstances do not afford time to have a matter presented to Council (i.e. need to demolish a burned-out abandoned building immediately for the protection of the public), in which case the CBO or enforcement officer may proceed with the approval of the CAO.

(b) Where the money to be expended is anticipated to be minor (less than \$1,000).

It is understood in such circumstances that monies expended by the Municipality would be added to the tax roll and collected in like manner or as taxes according to legislative requirements.

It must be understood that the Township will make every effort to assure the privacy surrounding the complaint, however a complainant may be required to present evidence in support of the complaint at any hearing of Appeals Committee or Court of Law in Ontario.

If no resolution is attained or not satisfactory to the complainant, any person(s) has the option to charge under the bylaw through civil court at their own leisure.