



TOWNSHIP OF SCUGOG

POLICIES AND PROCEDURES

BY-LAW ENFORCEMENT POLICY

EFFECTIVE: 30TH MARCH, 2009

Purpose:	To provide 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.
Application:	This policy shall govern actions of complainants, and Township Staff.
Definitions	<p>CAO means the Chief Administrative Officer for the Township of Scugog.</p> <p>Clerk means the Clerk for the Township of Scugog.</p> <p>Formal Complaint means a complaint received by Staff, wherein the complainant provides their full name, address and phone number that can be verified by the Investigator and nature of complaint in writing.</p> <p>Investigator means a person appointed by the Township of Scugog for the purposes of Municipal By-law Enforcement including, but not limited to, a Building Inspector and Municipal Law Enforcement Officer.</p> <p>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.</p> <p>Township means the Corporation of the Township of Scugog.</p>

<p>Policy Statement:</p>	<p>The Township is committed to the thorough, prompt and courteous receipt, processing, investigation and resolution of Formal Complaints.</p> <p>The Township will only respond to Formal Complaints received from a complainant who provides their full name, telephone number and 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. Members of Council and/or Staff may submit a verbal complaint, but it shall be noted by the Investigator on a complaint form for tracking purposes.</p> <p>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.</p>
<p>Procedures:</p> <p>Receipt and Confirmation of Complaint</p>	<ol style="list-style-type: none"> 1. Upon receipt of a Formal Complaint, Staff shall record the Formal Complaint in a Complaints Log maintained by the Department. 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. 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 <i>Municipal Freedom of Information and Protection of Privacy Act</i> 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.

	<p>4. The Investigator calls the complainant, when necessary, for further details or to confirm or clarify information provided within the Formal Complaint.</p>
Investigation	<p>5. The Investigator shall attend the site to witness and record the activity to determine if a contravention exists.</p> <p>6. If the Investigator is uncertain whether the circumstances constitute a contravention, he/she may seek input from the Municipal Prosecutor or Municipal Solicitor if required, and/or the individual responsible for administering the by-law.</p> <p>7. If the Investigator determines 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 complaint finalized date on the complaint form and in the Complaints Log, and close the file.</p>
Enforcement – First Stage	<p>8. In case of 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 warning stage and shall notify the suspected violator of a time limit in which voluntary compliance is expected.</p> <p>9. Upon determining that there is a violation of a municipal 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 suspect/violator by at least two (2) of the following three (3) means:</p> <ul style="list-style-type: none"> (a) in person; or (b) by telephone; and, (c) in writing.

	<p>11. The Investigator shall notify any internal departments and outside agencies that may have jurisdiction or may be required to assist with or rectify the situation (i.e. Fire Department, Public Works Department, Ministry of Environment, Ministry of Natural Resources, Regional Health Department).</p> <p>12. 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.</p> <p>13. After the time limit has expired, the Investigator shall return to the site to determine if compliance has been accomplished.</p> <p>14. Upon confirming that the warning has been complied with, Staff will enter the complaint finalized date on the complaint form and in the Complaints Log, and close the file.</p>
<p>Enforcement – Second Stage</p>	<p>15. If the suspected violator has not complied with the warning, the Investigator shall review the non-compliance with the Clerk and/or other individuals responsible for administering the by-law, if warranted.</p> <p>16. The Investigator decides, based on discussions with the Clerk and/or the other individuals responsible for administering the by-law, whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with municipal by-laws or other statutes. Either:</p> <ul style="list-style-type: none"> 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 decided, the Investigator will provide the Clerk and/or the individual responsible for administering the by-law with a recommendation to proceed with legal action when it appears obvious compliance is not forthcoming.

	17. At any stage of the enforcement process, if, in the opinion of the Investigator, CAO, Clerk and/or the individual responsible for administering the by-law, the matter is of significant consequence, the matter may be brought before Council for direction.
Spite Complaints	18. Spite Complaints will not be accepted unless deemed by the Investigator or Clerk to be an immediate threat to health and safety.
Reporting	19. By-law Services Staff will provide regular quarterly reports to Council, via the Corporate Services component of the General Purchase & Administration Committee, regarding by-law enforcement activities.

Endorsed by Council – 30th March, 2009 – By-Law Number 27-09