



## Corporation of the Municipality of Central Elgin

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### Policy Name: Municipal Law Enforcement Policy

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#### **SECTION 1 - PURPOSE**

- 1.1 To provide a formal policy and procedure governing the handling of municipal by-law complaints by the Municipality of Central Elgin and to ensure standardized, thorough, prompt and courteous receipt, processing, investigation and resolution thereof. This policy is intended to apply to both municipal by-laws and provincial statutes, which the Municipality is responsible for enforcing.
- 1.2 The Municipality of Central Elgin is committed to the delivery of municipal law enforcement services in a timely and effective manner in accordance with approved levels of service. The goal of municipal law enforcement services is to achieve compliance with municipal by-laws through education and enforcement.

#### **SECTION 2 - DEFINITIONS**

- 2.1 'Complaint' shall mean a complaint received by the Municipality, wherein the complainant provides the specified contact information and nature of complaint using the required form submitted in the manner specified by the Municipality that can be verified by a Municipal Law Enforcement Officer.
- 2.2 'Council' shall mean the Council of the Corporation of the Municipality of Central Elgin.
- 2.3 'Municipal Law Enforcement Officer' shall mean a person appointed by the Municipality of Central Elgin for the purposes of municipal law enforcement including, but not limited to the Director of Asset Management & Development Services, Chief Building Official, Building Inspector, Municipal By-law Enforcement Officer, Police Officer, designates or an assigned individual with the responsibility for enforcing and administering this policy.
- 2.4 'Municipality' shall mean the Corporation of the Municipality of Central Elgin.
- 2.5 'Spite Complaint', also known as a 'Frivolous and Vexatious Complaint', shall mean a complaint submitted with the appearance of ill will or the intention of malice towards

another person and may include retaliatory complaints and civil disputes. A Spite Complaint may also be identified by a complaint that is part of a pattern of conduct by the complainant that amounts to an abuse of the complaints process. Such a pattern occurs when on three (3) or more occasions a complaint comes forward on a matter a Municipal Law Enforcement Officer has already dealt with. The determination of a complaint being a Spite Complaint shall always be at the sole, absolute and unfettered discretion of a Municipal Law Enforcement Officer in accordance with approved levels of service.

### **SECTION 3 – BY-LAW INVESTIGATION & ENFORCEMENT PROCEDURES**

- 3.1 The Municipality shall only respond to complaints received from a complainant who provides the specified contact information and nature of complaint. Anonymous and/or incomplete complaints or complaints not submitted via the procedure required for complaints shall not be investigated.
- 3.2 Notwithstanding Section 3.1, nothing prohibits a Municipal Law Enforcement Officer to undertake an investigation or municipal law enforcement activities on their own initiative upon observation of a possible situation of a by-law violation.
- 3.3 The name and any personal information provided by the complainant shall remain in the strictest confidence in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and shall not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a Court or other tribunal or body of competent jurisdiction.
- 3.4 A Municipal Law Enforcement Officer may contact the complainant, when necessary, for further details or to confirm or clarify information provided within the complaint.
- 3.5 Where a violation of a by-law is determined by a Municipal Law Enforcement Officer, excluding set fine situations or documented chronic violations or where otherwise warranted, a Municipal Law Enforcement Officer may provide an initial warning to the person by any of the following four (4) methods:
  - i. in person;
  - ii. by telephone;
  - iii. e-mail;
  - iv. in writing.
- 3.6 Notwithstanding Section 3.5 of this policy, in situations wherein set fines have been established for violations of a by-law, a Municipal Law Enforcement Officer may, upon confirmation of the existence of a violation, immediately issue an offence notice/ticket.
- 3.7 Notwithstanding Section 3.5 or 3.6 of this policy, where provided for by by-law or otherwise, a Municipal Law Enforcement Officer may issue an emergency order to remedy a violation in lieu of a warning when such violation poses an immediate threat to health or safety.
- 3.8 If a complaint is determined to be a spite complaint, the Municipal Law Enforcement Officer shall record the fact of that determination and the grounds therefor. Any such spite complaints shall not be investigated by a Municipal Law Enforcement Officer.

- 3.9 A failure to comply with any provision of this policy by a Municipal Law Enforcement Officer shall not vitiate any proceeding or any step, document or order in a proceeding otherwise in accordance with any municipal by-law, Provincial or Federal Legislation.
- 3.10 Any decision made under this policy including a decision not to respond to a complaint or enforce by-laws may at any time be revisited by a Municipal Law Enforcement Officer.
- 3.11 In addition to municipal law enforcement options available to the Municipality, persons, including but not limited to any complainant, have other legal rights and processes and proceedings which may be explored and pursued in relation to alleged municipal by-law violations.
- 3.12 The Ontario Provincial Police are responsible for emergency situations and should be contacted to deal with issues of that nature or character, including but not limited to loitering, trespassing, noise related to domestic disputes, possible drug activity, vandalism or other possible criminal activity.

#### **SECTION 4 – LEVEL OF INVOLVEMENT**

- 4.1 Municipal Law Enforcement Officers have, in the absence of Council direction to the contrary, discretion to determine the appropriate response to a complaint. This may include decisions to act on some, all or none of the complaints, and assign priority between complaints. This discretion is to be exercised on the basis of the following criteria:
  - i. safety factors;
  - ii. history of attempts for compliance made by a Municipal Law Enforcement Officer;
  - iii. available resources, including financial resources;
  - iv. potential impact of not responding;
  - v. offer for formal mediation;
  - vi. coordinating involvement with other relevant agencies;
  - vii. likelihood of achieving compliance;
  - viii. municipal jurisdiction and authority;
  - ix. other enforcement avenues, including but not limited to civil processes and proceedings;
  - x. approved levels of service.
- 4.2 Complainants are protected under the *Municipal Freedom of Information and Protection of Privacy Act* and every complainant will be kept confidential and not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a Court or other tribunal or body of competent jurisdiction.
- 4.3 Persons who are the subject of a complaint are protected under the *Municipal Freedom of Information and Protection of Privacy Act* and every subject of a complaint will be kept confidential and not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless required for investigation purposes or so ordered by a Court or other tribunal or body of competent jurisdiction.

- 4.4 Pursuant to Section 4.2 and Section 4.3 of this policy, once a complaint has been filed, other than acknowledgment of receipt of the complaint, no involvement, information or correspondence regarding the complaint shall be provided to the complainant as the process is protected by the *Municipal Freedom of Information and Protection of Privacy Act*.
- 4.5 No delegations to Council shall be permitted by any person concerning, or with the subject matter, of an identifiable municipal by-law complaint.
- 4.6 No member of the Council shall have power to direct or interfere with the performance of any work for the Corporation of the Municipality of Central Elgin.
- 4.7 Municipal staff may assist the public by providing by-law information, but will not provide opinions regarding the appropriateness of any proposed activity.

#### **SECTION 5- REPORTING**

- 5.1 A Municipal Law Enforcement Officer shall provide a quarterly report to Council regarding general municipal law enforcement statistics.