



Corporation of the
City of Belleville

CORPORATE POLICY

Section:	Development Services
Subject:	Enforcement of By-Laws
Supersedes:	N/A

POLICY DIRECTIVE **ENFORCEMENT OF BY-LAWS**

This policy directive was endorsed by the Council of the City of Belleville on August 28, 2000.

General Parameters

1. Resolution of violations through co-operation to formal court or other action should always be the preferred solution. All violations should be approached with this intent, and the co-operation of the offender should be sought first in every instance.
2. The order in which different violations or issues are addressed should be in consideration of:
 - (a) The date of complaint was received;
 - (b) The severity of the violation; and
 - (c) The risk to public safety.
3. Any action that would result in City staff or City 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 Director of Development Services; or
 - (b) Where the money to be expended is anticipated to be minor (less than \$1000).

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.

4. Complaints should be processed only if provided to staff in written form, unless otherwise accepted by the Director of Development Services. The names of complainants should be kept confidential unless authorized for release by the complainant or unless required for prosecution.
5. Any formal action proposed by staff to address an infraction that could have financial or legal implications for the City should first be reviewed with the City solicitor.

CLASS 1 INFRACTIONS:

Class 1 infractions are those that have public health, safety or property damage implications, where a risk to humans or human use or activity exists.

- 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.
- Abandoned refrigerators or trunks located outside with operative latches.
- Failure to adequately fence an outdoor pool.
- 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:

- Action on Class 2 infractions should be based on a complaint basis; however, staff may initiate action without a complaint with the approval of or pursuant to the direction of the Director of Development Services or the City Engineer.
- Staff should pursue such infractions persistently, generally by strongly encouraging the owner to rectify the matter. Ample time should be provided to the owner (i.e. to secure contractors or to obtain financing) to remedy the matter in a timely manner.
- It is often appropriate to establish a timetable or schedule to remedy such matters, and staff should work co-operatively with owners to establish such plans.
- Staff should recognize reasonable requests for extensions to complete work with just cause.
- Formal action (i.e. entering onto private lands to remedy the matter, laying of charges, issuing notices of violation or orders) should only be initiated by staff when

it is clear the owner has no intent of rectifying the problem or does not have/is unlikely to have within a reasonable time the means at hand to do so.

Examples of Class 2 infractions include:

- Zoning violations (i.e. establishing an illegal use, building in contravention of zoning provisions).
- Dilapidated buildings that do not pose immediate threat to public safety but which pose risk of serious deterioration if not attended to, or which are visually obtrusive.
- Erecting a building or sign, or doing renovations without the necessary permit.
- Building without site plan approval.
- Violations of the Sewer Use By-Law.
- Broken sidewalks or uneven parking areas (i.e. potholes) that may cause some risk or inconvenience to the public if not remedied.
- Broken windows or doors.
- Lots with extensive rubbish/refuse storage (i.e. construction or building debris, or general rubbish).
- Presence of vermin.
- Outside storage of dilapidated vehicles.
- Maintaining abandoned/vacated buildings in a secure state.
- Abandoned buildings that are not secure from unauthorized entry.
- Significantly altering natural or engineered drainage patterns.

CLASS 3 INFRACTIONS:

Class 3 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.

- Action on Class 3 infractions should be undertaken only on a complaint basis, or pursuant to a habitual problem for which complaints have been received in the past.
- Staff should address Class 3 infractions by ensuring absolutely that owners have every opportunity to bring circumstances into conformity before more formal procedures are initiated.
- First time violators should be treated with great consideration and approached with understanding. Staff should assist in any way possible to ensure the owner has the information and the time necessary to resolve the matter.
- Financial hardship and similar circumstances should be paramount in staff's handling of such infractions.
- Formal action (i.e. entering onto private lands to remedy the violation, laying of charges, issuing notices of violation or orders) should 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 City 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:

- Painting exterior portions of a building or upgrading a roof or foundation.
- Grass cutting.
- Weed violations.
- Maintenance of fences and accessory building and structures.
- Sign by-law non-conformity where structural or sight-line issues do not exist.
- Inadequate finishing or leveling of a site where significant off-site drainage issues do not exist.
- Yard wastes / garbage issues (unless potential vermin problems might develop).
- Dust or noise violations.
- Altering a heritage building without obtaining necessary approvals.
- Establishing a use without a business licence.