



City of Belleville

Engineering & Development Services

Building Section, 2nd Floor

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POLICY DIRECTIVE - ENFORCEMENT OF BY-LAWS

This policy directive was endorsed by the Council of the City of Belleville on the 11th day of April, 2017.

General Parameters

1. Municipal Law Enforcement Officers should attempt the resolution of violations through co-operation, as opposed to formal court proceedings. However, nothing shall restrict an officer from exercising their authority should they deem it appropriate in any circumstances; including but not limited to, violations observed which constitute a first offence. Officers shall inspect privately owned lands which are observable from City property to proactively inspect for conditions in violation of applicable City bylaws. This shall be done as frequently as the officer's time and complaint-based caseload permits.
2. The order in which different violations or issues are addressed should be in consideration of:
 - I. The risk to public safety
 - II. The severity of the violation; and
 - III. The date the complaint was received
3. Any action that would result in City Staff, Municipal Law Enforcement Officers or contractors hired by the city entering onto private property and expending public monies totaling greater than \$15,000 should be reported to Council prior to such action being undertaken. Other similar scenarios should be dealt with as follows:
 - (a) Where circumstances do not afford time to have a matter presented to Council (i.e. need to demolish a building immediately for the protection of the public), in which case the Municipal Law Enforcement Officer may proceed with the approval from the Director of Engineering and Development Services;
 - (b) Where the money to be expended is greater than \$5,000 but less than \$15,000; upon approval from the departmental supervisor or the Director of Engineering and Development Services; or

(c) Where the money to be expended is anticipated to be less than \$5,000, the Municipal Law Enforcement Officer may proceed without first obtaining authorization.

- 3.1 It is understood in such circumstances that monies expended by the Municipality and any additional service charges would be added to the tax roll and collected in the same manner as taxes according to applicable legislative requirements.
4. Complaints should be processed only if provided to staff in written or email form, and completed with a signature or marked box indicating the authenticity of the contents of the complaint and the acceptance of the City's policies, terms and conditions. The names of complainants and all other associated information shall be kept confidential unless authorized for release by the complainant or required for the purposes of carrying out a prosecution. Bylaw infractions being enforced as part of a proactive investigation shall be documented as such.
5. Formal action such as the laying of Part III Provincial Offence Notices, Superior Court of Ontario Applications, ordered remedial work with a projected cost greater than \$15,000, or other similar action; should first be reviewed with the City solicitor. Enforcement action such as the laying of Part I Provincial Offence Notices or ordered remedial work with a projected cost of less than \$15,000 need not be reviewed unless otherwise advised or required.

CLASS 1 INFRACTIONS:

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

Action on Class 1 infractions shall be initiated pursuant to a complaint or through staff becoming aware of an issue by any means; including as part of a proactive investigation. Staff shall address Class 1 infractions forthwith and assertively upon becoming aware of such an infraction, up to and including the issuance of an Emergency Order under Section 15.7(1) of the Building Code Act. Formal action by staff to resolve the matter and protect the safety of the public 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.
- Abandoned buildings that are not secure from unauthorized entry.
- 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 may be initiated on a proactive or complaint basis. Municipal Law Enforcement Officers shall pursue such infractions persistently, through action deemed appropriate in the circumstances. Appropriate time should be provided to the property owner or occupant to remedy the matter in a timely manner without causing additional safety hazards or undue property damage. Municipal Law Enforcement Officers should recognize reasonable requests for extensions to complete work with just cause. Formal action may be initiated when deemed reasonable in the circumstances by the Municipal Law Enforcement Officer.

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 on private properties that may cause some risk to the public if not remedied.
- Broken windows or exterior 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.
- Significantly altering natural or engineered drainage patterns so as to direct water onto neighbouring properties.

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.

Action on Class 3 infractions may be undertaken on a complaint or proactive basis. Municipal Law Enforcement Officers should address Class 3 infractions as deemed reasonable in the circumstances by the inspecting officer; including but not limited to issuing orders to comply or laying charges. Formal action may be considered where deemed appropriate in the circumstances by the Municipal Law Enforcement Officer. Formal action may be initiated more readily for habitual violators.

Examples of Class 3 infractions would include:

- Painting exterior portions of a building
- Grass, weed, and overgrowth cutting.
- Maintenance of weak / failing fences that do not constitute part of a pool enclosure or small accessory structures that do not pose a safety risk.
- 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 waste, garbage and refuse accumulations, or derelict motor vehicle issues