

Corporation of the Township of Chisholm

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Gail Degagne, Mayor
Jennistine Leblond, CAO Clerk-Treasurer

AGENDA

GENERAL GOVERNMENT COMMITTEE MEETING

Wednesday, July 17, 2024--7pm

CALL TO ORDER & ACKNOWLEDGE FIRST NATIONS PEOPLES AND LAND

"We respectfully acknowledge that we are on the traditional territory of the Anishinaabe Peoples, in the Robinson-Huron and Williams Treaties areas. We wish to acknowledge the long history of First Nations and Metis Peoples in Ontario and show respect to the neighbouring Indigenous communities. We offer our gratitude for their care for, and teachings about, our earth and our relations. May we continue to honor these teachings."

DECLARATION OF PECUNIARY INTEREST

APPROVAL OF AGENDA

APPROVAL OF MINUTES – June 19, 2024

OPEN FORUM

BUSINESS ARISING FROM PREVIOUS MINUTES

1. Regulate and License Festivals
2. Review By-Law – Roadway Service Standards (Encl. draft by-law)
3. Trailer licence by-law
4. David King Recommendation – Code of Conduct Review (Encl.)
5. Review External Complaint Policy (Memo Encl.)

NEW BUSINESS

6. Discussion: Fees for business sign at Memorial and Alderdale (Memo Encl.)
7. Discussion: Example of a Sign bylaw (Example from East Ferris enclosed)
8. Discussion: By-law Enforcement policy (Twp policy plus Example from Callander)

ADJOURNMENT

TOWNSHIP OF CHISHOLM
GENERAL GOVERNMENT COMMITTEE MEETING

DATE: June 19th, 2024
TIME: 7pm
LOCATION: Council Chambers

PRESENT:
Mayor Gail Degagne
Councillor Bernadette Kerr
Councillor Paul Sharp
Councillor Nunzio Scarfone
CAO Clerk-Treasurer Jenny Leblond

REGRETS: Councillor Claire Riley

GUESTS: No Guests

1. CALL TO ORDER

Chairperson Gail Degagne called the meeting to order at 7:02 pm. The land acknowledgement was read by Mayor Degagne.

2. DECLARATION OF PECUNIARY INTEREST – None noted.

3. APPROVAL OF AGENDA

Resolution 2024-09 (GGC)

Bernadette Kerr and Paul Sharp: Be it resolved that the *Agenda* for this meeting be approved as amended. **‘Carried’**

4. APPROVAL OF MINUTES

Resolution 2024-10 (GGC)

Paul Sharp and Nunzio Scarfone: Be it resolved that the Minutes of the April 17th, 2024 General Government Committee meeting be adopted as printed and circulated.

5. OPEN FORUM

6. BUSINESS ARISING FROM MINUTES

1. Regulate and License Festivals - no discussion
2. Review By-Law – Roadway Service Standards – no discussion
3. Trailer licence by-law – no discussion
4. Establish Speed Limit Guidelines

Resolution 2024-11(GGC)

Nunzio Scarfone and Bernadette Kerr: Be it resolved that General Government Committee recommend to Council to approve the draft Guidelines for establishing municipal speed limits as amended.

‘Carried’

5. David King Recommendation – Code of Conduct Review
 - a. Council discussed, CAO will bring back to committee.

6. Media Relations Policy

Resolution 2024-12(GGC)

Bernadette Kerr and Paul Sharp: Be it resolved that General Government Committee recommend to Council to approve the Media Relations Policy as presented.

‘Carried’

7. NEW BUSINESS

1. Review External Complaint Policy
 - a. Council discussed that it was outdated, CAO to bring new draft to committee.
2. Procedure By-law review section 10.3

Resolution 2024-13(GGC)

Paul Sharp and Nunzio Scarfone: Be it resolved that General Government Committee recommend to Council to approve the changes to the Procedural by-law

‘Carried’

8. ADJOURNMENT

Resolution 2024-14 (GGC)

Nunzio Scarfone and Bernadette Kerr: Be it resolved that we do now adjourn to meet again at the call of the Chair.

‘Carried’

Chairperson

CAO Clerk-Treasurer

**CORPORATION OF THE TOWNSHIP OF CHISHOLM
BY-LAW 2024-XX**

*Being a by-law to establish a level of service for the township roads for the Corporation
of the Township of Chisholm*

WHEREAS Section 11(3) of the Municipal Act, 2001, as amended authorizes the Municipality to pass By-Laws respecting matters within spheres under the jurisdiction of the Municipality including highways, including parking and traffic on highways;

AND WHEREAS Section 44(1) of the Municipal Act, 2001, as amended provides the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge;

AND WHEREAS Section 44(2) of the Municipal Act, 2001, as amended provides that a municipality that defaults in complying with subsection 44(1) is, subject to the Negligence Act, liable for all damages any person sustains because of the default;

AND WHEREAS Section 44(3) of the Municipal Act, 2001, as amended provides that despite subsection (2), a municipality is not liable for failing to keep a highway or bridge in a reasonable state of repair if,

- (a) it did not know and could not reasonably have been expected to have known about the state of repair of the highway or bridge;
- (b) it took reasonable steps to prevent the default from arising; or
- (c) at the time the cause of action arose, minimum standards established under subsection(4) applied to the highway or bridge and to the alleged default and those standards have been met;

AND WHEREAS Section 44(4) of the Municipal Act, 2001, as amended the Minister of Transportation may make regulations establishing minimum standards of repair for highways and bridges or any class of them;

AND WHEREAS Ontario Regulation 239/02 defines the minimum maintenance standards for Municipal Highways;

AND WHEREAS municipal highways are classified based on average daily traffic counts and speed limits;

AND WHEREAS the highways within the Township of Chisholm are classified as Class 4, 5 and 6;

AND WHEREAS as the township grows, staff will periodically be measuring average daily traffic counts to verify the highways continue to be classified properly;

AND WHEREAS with limited staffing resources and equipment, the township will meet Ontario Regulation 239/02 and further strive to exceed the standard while working within the budgetary, equipment and driving time constraints;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHISHOLM ENACTS AS FOLLOWS:

1. That the township must adhere to Ontario Regulation 239/02.
2. That the classification of highways is outlined in Schedule "A" attached hereto and forming part of this By-Law be here by set.
3. That this By-law shall come into force and take effect upon the passing thereof.

READ A FIRST, SECOND & THIRD TIME AND FINALLY PASSED ON THIS XX
DAY OF XXXXXXXX, 2024.

Mayor, Gail Degagne

CAO Clerk-Treasurer, Jennistine Leblond

DRAFT

Township of Chisholm Council Code of Conduct

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1. AUTHORITY

The Corporation of the Township of Chisholm has established this Council Code of Conduct in accordance with Part V.1 - Accountability and Transparency of the Municipal Act, 2001, S.O. 2001, c.25.

2. PREAMBLE

It is the goal of the Corporation of the Township of Chisholm to improve the quality of public administration and governance by encouraging high standards of conduct on the part of all government officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the Corporation of the Township of Chisholm' reputation and integrity.

Subsection 223.2 of the Municipal Act, 2001 requires the Municipality to establish a code of conduct for members of Council. It is intended to supplement and be compatible with the laws governing the conduct of members.

The key statements of principle that underline the Corporation of the Township of Chisholm Code of Conduct are as follows:

- Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- Members of Council should realize that they were elected by their constituents to represent their views when dealing with issues that come before council. The constituents have many views and opinions and Members of Council cannot represent all of the issues, all of the time. On the other hand, election to office requires Members of Council to have a broader understanding of the issues that impact the municipality as a whole. Members of Council will have to consider conflicting interests and make decisions that will not be popular by everyone.
- Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;
- Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the laws and policies adopted by Council.

3. DEFINITIONS

In the Code of Conduct, the terms “child”, “parent” and “spouse” have the same meanings as in the Municipal Conflict of Interest Act:

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child; and

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

4. STATUTORY PROVISIONS

This Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of members. The following provincial legislation governs the conduct of members of Council:

- the Municipal Act, 2001;
- the Municipal Conflict of Interest Act;
- the Municipal Elections Act, 1996; and
- the Municipal Freedom of Information and Protection of Privacy Act.

The Criminal Code of Canada also governs the conduct of members of Council.

5. REGULATING CONDUCT APPLICATION

This Code of Conduct applies to the Mayor and all members of Council.

6. GIFTS AND BENEFITS

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member’s knowledge to a member’s spouse, child, or parent, or to a member’s staff that is connected directly or indirectly to the performance of the member’s duties is deemed to be a gift to that member.

The following are recognized as exceptions:

- (a) compensation authorized by law;
- (b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (c) a political contribution otherwise reported by law, in the case of members running for office;
- (d) services provided without compensation by persons volunteering their time;
- (e) a suitable memento of a function honouring the member;
- (f) food, lodging, transportation and entertainment provided by provincial, and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity;
- (g) food and beverages consumed at banquets, receptions or similar events, if:
 - attendance serves a legitimate business purpose;
 - the person extending the invitation, or a representative of the organization is in attendance; and
 - the value is reasonable and the invitations infrequent;

In the case of categories (b), (e), (f), and (g), if the value of the gift or benefit exceeds \$100.00, or if the total value received from any one source during the course of a calendar year exceeds \$100.00, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Integrity Commissioner.

The disclosure statement must indicate:

1. the nature of the gift or benefit;
2. the source and date of receipt of the gift or benefit;
3. the circumstances under which the gift or benefit was given or received;
4. the estimated value of the gift or benefit;
5. what the recipient intends to do with any gift; and
6. whether any gift will at any point be turned over to the municipality.

Any disclosure statement will be a matter of public record.

On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the member. If the Integrity Commissioner makes that preliminary determination, he or she shall call upon the member to justify receipt of the gift or benefit.

Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or

benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the Municipality.

Except in the case of categories (a), (c), and (f), a member may not accept a gift or benefit worth in excess of \$300.00 or gifts and benefits from one source during a calendar year worth in excess of \$300.

7. CONFIDENTIAL INFORMATION

Confidential information includes information in the possession of or received in confidence by the Township of Chisholm that the Township of Chisholm is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or other legislation.

Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

The Municipal Act, 2001 allows information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the Municipality or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the Code of Conduct, "confidential information" also includes this type of information.

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so. Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

In accordance with Procedural By-law No. 2023-16, a matter that has been discussed at an in-camera (closed) meeting remains confidential. No member of Council shall disclose the content of such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of information that a member of Council must keep confidential:

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or Request for Proposal submissions if so specified;
- information deemed to be "personal information" under MFIPPA; and

- statistical data required by law not to be released (e.g. certain census or assessment data).

Members of Council should not access or attempt to gain access to confidential information in the custody of the Municipality unless it is necessary for the performance of their duties and not prohibited by Council policy.

8. USE OF MUNICIPAL PROPERTY, SERVICES AND OTHER RESOURCES

No member of Council should use, or permit the use of municipal land, facilities, equipment, supplies, services, staff or other resources (for example, municipal-owned materials, websites) for activities other than the business of the Corporation. Nor should any member obtain personal financial gain from the use or sale of municipal-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Municipality.

9. ELECTION CAMPAIGN WORK

Members are required to follow the provisions of the Municipal Elections Act, 1996. No member shall use the facilities, equipment, supplies, services or other resources of the Municipality (including newsletters and websites linked through the municipal website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on municipal property during regular working hours unless permitted by policy (e.g., all candidates meetings). No member shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the Municipality.

10. IMPROPER USE OF INFLUENCE

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. Also prohibited is the prospect or promise of future advantage through a member's supposed influence within Council in return for actions or inaction.

For the purposes of this provision, "private advantage" **does not include** a matter:

- (a) that is of general application;
- (b) that affects a member of Council, his or her parents, children or spouse, staff

members, friends, or associates, business or otherwise as one of a broad class of persons; or

(c) that concerns the remuneration or benefits of a member of Council.

11. BUSINESS RELATIONS

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the Municipality except in compliance with the terms of the Municipal Conflict of Interest Act.

A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

12. CONDUCT REGARDING CURRENT & PROSPECTIVE EMPLOYMENT

No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Municipality.

13. CONDUCT AT COUNCIL AND COMMITTEE MEETINGS

Members shall conduct themselves with decorum at Council and committee meetings in accordance with the provisions of By-Law 2023-16 Being a by-law to govern the calling, place and proceedings of meetings of Council and its Committees, the conduct of its members and public notice of meetings.

14. CONDUCT RESPECTING STAFF

Under the direction of the CAO, staff serve the Council as a whole, and the combined interests of all members as evidenced through the decisions of Council. Council members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any individual member or a faction of Council.

Accordingly, no Council member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of staff.

No Council member shall compel staff to engage in political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any Council member use, or attempt to use, their authority or influence for the purpose of

intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties.

15. DISCREDITABLE CONDUCT

All members of Council have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The Ontario Human Rights Code applies as well as the Occupational Health and Safety Act.

16. FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES

Several of the provisions of this Council Code of Conduct incorporate policies and procedures adopted by Council. As a result, members of Council are required to observe the terms of all policies and procedures established by the Township of Chisholm.

17. REPRISALS AND OBSTRUCTION

Members of Council should respect the integrity of the Council Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is prohibited. It is also a violation of the Council Code of Conduct to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

18. ACTING ON ADVICE OF INTEGRITY COMMISSIONER

Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter if all the relevant facts known to the member were disclosed to the Integrity Commissioner.

19. COMPLIANCE WITH THE COUNCIL CODE OF CONDUCT

Members of Council are accountable to the public through the four-year election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the Municipal Conflict of Interest Act.

In addition, subsection of the Municipal Act, 2001, authorizes Council to impose either of two penalties on a member of Council following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the Code of Conduct:

1. A reprimand; or
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board for a period of up to 90 days.

Other Actions:

The Integrity Commissioner may also recommend that Council or a local board take the following actions:

1. Removal from membership of a Committee or local board.
2. Removal as Chair of a Committee or local board.
3. Repayment or reimbursement of moneys received.
4. Return of property or reimbursement of its value.
5. A request for an apology to Council, the complainant, or both.

20. REVIEW

To proactively manage policy review, it is desirable to set a review date. Therefore, a review of this policy shall be performed in the year of a Municipal Election in order to maintain its accuracy and applicability. Should legislation that governs this Council Code of Conduct change prior to the year of a Municipal Election, the policy shall be reviewed and revised accordingly.

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Gail Degagne, Mayor
Jennistine Leblond, CAO Clerk-Treasurer

MEMO

To: Council

From: Jenny Leblond, CAO Clerk Treasurer

Date: July12th, 2024

Re: External Complaints Policy Review

In reviewing the External Complaints and By-Law enforcement policy, it occurred to me the different definitions around the different types of complaints.

The three main types of complaints that are used in the township are as follows:

Service Request: a complaint about a pot hole, wash out, tree on road, culvert failing, etc. These are almost always about roads.

Occurrence: a complaint about a by-law being broken where the Municipal By-Law enforcement officer is involved.

Complaint: complaints about everything else not listed above such as programing, services, facilities, or staff.

Discussion:

Does Council want a separate policy for all three kinds of complaints?

Can Occurrences be defined in the By-Law Enforcement Policy only?

Can Service Request and Complaints be handled together though they will have a bit of a different process of dealing with them.

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Gail Degagne, Mayor
Jennistine Leblond, CAO Clerk-Treasurer

MEMO

To: Council

From: Jenny Leblond, CAO Clerk Treasurer

Date: July 12th, 2024

Re: Fees for the Map/Businesses sign at Memorial and Alderdale

Recreation Committee has been discussing the sign at Memorial and Alderdale. The Community Policing Committee is dissolving and the sign will be coming to the township. Council will be discussing in Regular Council.

As there are a few extra steps in changing the fees by-law, we can expediate the process by starting our discussion in General Government. The committee can have their first discussion in what to charge for the individual businesses to put up a sign.

Recreation Committee is proposing an annual fee of \$120 plus they would be responsible for the cost of the sign (following sign specs so they are all the same).

CORPORATION OF THE MUNICIPALITY OF
EAST FERRIS
BY-LAW NO. 2014-18

EXAMPLE

BEING A BY-LAW TO ESTABLISH A BY-LAW TO RESTRICT AND REGULATE THE ERECTION OR PLACING OF PRIVATE SIGNS ON PRIVATE AND PUBLIC PROPERTY WITHIN THE MUNICIPALITY OF EAST FERRIS.

WHEREAS Sections 88 and 99 of the *Municipal Act, 2001* as amended permit Approval Authorities to pass By-laws regulating signs and advertising devices;

AND WHEREAS Council deems it desirable to pass a by-law to establish regulations for the erection and placing of signs on private property for the purpose of avoiding traffic hazards and to maintain the aesthetics within the Community;

NOW, THEREFORE THE COUNCIL of the Corporation of the Municipality of East Ferris enacts the following:

1. **DEFINITIONS:**

In this By-law:

- 1.1 "Abandoned Sign" shall mean a sign which no longer identifies or advertises a bona fide business, lessor, service, owner product, or activity, or for which no legal owner can be found.
- 1.2 "Alter" shall mean any alteration to the sign structure or sign face except the changing of a sign to be in compliance with this by-law or the replacement of similar parts for maintenance purposes.
- 1.3 "Area of Sign" shall mean the number of square metres on the surface of a sign, both sides if it is a double face sign, including the border and frame.
- 1.4 "Billboard Sign" shall mean a sign which displays goods, services, products or facilities that are not available at the location of the sign and/or which directs or invites a person to a location different from that which is the signs location.
- 1.5 "Building Face" shall mean the square area of the front of the building from the established finished grade to the height of the first floor.
- 1.6 "Council" shall mean the Council of the Corporation of the Municipality of East Ferris.
- 1.7 "Directional Sign" shall mean a sign which is affixed to a utility pole usually located at an intersection and which identifies an institution or public area and in some cases a business.
- 1.8 "Election Sign" shall mean a temporary sign used to advertise a name or slogan involved in the current political Municipal, Provincial, or Federal election.
- 1.9 "Erect" shall mean attach, build, construct, re-construct, enlarge, place or move.
- 1.10 "Facia Sign" shall mean a sign attached to or erected against a wall of a building, with the face horizontally parallel to the building all not extending above the top of the wall nor beyond the ends of the wall to which it is attached.
- 1.11 "Finished Grade" the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Corporation or other designated authority.
- 1.12 "Ground Sign" shall mean a sign in a fixed location, wholly supported by one or more uprights, poles, braces or located on a structural base placed in or upon the ground, and includes soft landscape treatment at the base of the sign or supporting structure.
- 1.13 "Height of Sign" shall mean the vertical distance from the ground to the lowest point of the sign.
- 1.14 "Home Based Business" shall have the same meaning as defined in the implementing Zoning By-law.
- 1.15 "Illuminated Sign" shall mean a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- 1.16 "Lot Line" has the same meaning as the implementing Zoning By-law.
- 1.17 "Mobile Sign" means any sign not securely anchored to a permanent foundation or to a building or pole or which, because of its design nature, shall be moved and shall include a sign located on a vehicle or trailer or variation thereof, other than a sign printed or painted on or attached to the side identifying ownership of a commercial vehicle. Sandwich board signs or V-signs shall not be deemed as mobile signs. A mobile sign is considered a temporary sign.

- 1.18 "Overhanging Sign" shall mean any sign permanently anchored to the vertical face of a building and which projects horizontally.
- 1.19 "Person" shall mean an individual, business, firm, corporation, association or partnership but excludes the Municipality of East Ferris.
- 1.20 "Poster" shall mean any bill, notice or sign which contains direction, information, identification or advertisement.
- 1.21 "Public Property" shall mean property, lands and/or building's owned by the Municipality of East Ferris.
- 1.22 "Pylon Sign" shall mean a sign which is supported by one or more columns, uprights or braces n or upon the ground and does not include ground signs. It is primarily used to advertise goods or services which may or may not be available on the premises.
- 1.23 "Real Estate Sign" shall mean a temporary sign used exclusively to advertise the sale, lease or rent of property.
- 1.24 "Sandwich Board Sign" shall mean a sign not permanently attached to or affixed into the ground. To a building or structure, which is hinged or otherwise attached at the top or side enabling the tow sign faces to be extended into an inverted V-shape.
- 1.25 "Sight Triangle" shall mean the triangular space measured along the corner lot lines for a distance of 9m from their point of intersection.
- 1.26 "Sign" shall mean any devise, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services, with the exception of window displays, interior signs, national flags, and painting or exterior building walls. For the purpose of removal of signs, the definition "'any also' includes all sign structures as well as any inflatable advertising devices.
- 1.27 "Temporary Sign" shall mean a sign not constructed or intended for long term use. It is primarily used for events such as, advertising special events, grand openings, or holidays and can includes real estate sales signs, elections, yard sales and includes mobile signs.
- 1.28 "Window Sign" shall mean a sign installed inside a window and intended to be viewed from the outside.
- 1.29 "Zone" shall mean a zone established in the implementing Municipal Comprehensive Zoning By-law.

2. **GENERAL:**

- 2.1 The Corporation of the Municipality of East Ferris is exempt from this By-law.
- 2.2 Any signs required to be posted under Federal, Provincial or Municipal Legislation are exempt from this By-law.
- 2.3 Properties with frontage on a Provincial Highway are exempt from this By-law and are subject to the permits and regulations of the Ministry of Transportation.
- 2.4 No person shall erect, display or maintain:
a) Abandoned Signs;
b) Banners;
c) Signs imitating or resembling official traffic or government signs or signals; and,
d) Rooftop signs.
- 2.5 No person shall construct, erect or alter or cause construction, erection or alteration of a sign without first having obtained a permit from the Municipality of East Ferris as set out in Schedule 'A' to this By-law.
- 2.6 The owners of any sign, including signs or advertising devices listed in Section 9, erected, constructed or altered in the Municipal shall conform to the provisions of this By-law and to any applicable requirements of the Ontario Building Code and any Order issued under this By-law.
- 2.7 A permit is not required for the following signs or advertising devices:
a) Signs not exceeding 1 square metre and not illuminated;
b) Temporary signs;
c) Adding Universal Access/Information symbols for the visually impaired or illiterate on existing billboards, directional or 'facia signs';
d) maintenance, repair or replacement of signs faces using materials similar to the materials of the component being maintained or repaired;
e) signs used by schools, places of worship or civic organizations;
f) Construction signs, directional/information signs;
g) Holiday or special events decorations;
h) Nameplates of 0.2 square metres or less;

- i) Election signs;
- j) Public signs or notices, or any sign relating to an emergency;
- k) Real estate signs limited to property listing signs and open house directional signs;
- l) Window signs, displays, interior signs, handbills or window posters;
- m) Flags bearing the emblems or logos of a Nation, Province, Municipality, Organization and those not bearing a logo or message of a commercial nature;
- n) Posters located on community Bulletin Boards.

2.8 Posters

Posters are permitted provided that:

- a) The maximum size of a poster on a private property is 91 cm x 61 cm;
- b) There is a maximum of one poster per property on a private residential property; and,
- c) Notwithstanding any other provisions of this By-law, no person shall attach, erect or display any posters on utility poles.

2.9 No person shall erect, display, affix, attach, fasten or alter any sign on public property, including road allowances without permission of the Council for the Municipality of East Ferris.

2.10 No person shall erect, display, affix, attach, fasten or alter any sign within a daylight corner.

2.11 All signs or advertising devices erected or displayed shall be non-offensive to the public.

2.12 Notwithstanding any other section of this By-law, no person shall construct, affix, attach, fasten, alter, display or continue to display any sign which obstructs the sign of or access to the following:

- a) Sprinkler connection;
- b) Fire alarm box;
- c) Street light;
- d) Traffic sign;
- e) Catch basin;
- f) Fire escape;
- g) Emergency exit from a building.

Or any other property designated by the Clerk where he or she determines on reasonable grounds that public or occupational safety would be at risk if unobstructed sight of such property is obstructed.

2.13 Notwithstanding any other section of this By-law, no person shall construct, affix, attach, fasten, alter, display or continue to display any sign which obstructs free and immediate access to any of the items listed in section 12 above or to utility poles, road allowances or any other property where the public or occupational safety would be at risk if free and immediate access to or on such property is obstructed.

2.14 Maintenance of the sign(s) shall be at the expense and responsibility of the owner or lessee or agent of the land upon which any sign is erected. All signs must be maintained in a proper state of repair so that such sign or advertising device does not become unsafe, illegible, dangerous or defective and so that such a sign shall be completely operative at all times. The Municipality assumes no responsibility for maintenance or unsafe installation of a sign.

2.15 Where a sign is erected or displayed or altered in contravention of this by-law, such sign may be pulled down or removed by the Municipality.

2.16 Where a sign is erected on Municipal Property, the Municipality may remove such sign immediately without notification to the owner of the sign.

2.17 Where an illegal sign is erected on private property, the Municipality will forward a notice to the owner by personal service or regular mail, in which case the notice shall be deemed to have been received on the seventh day following the date or the notice was mailed, requiring that the illegal sign be permanently removed or made to be in compliance with this by-law, no later than the time stipulated in the notice. In the event that the notice is not complied with, the Municipality, its employees or agents may enter upon the property and remove the sign immediately without further notification.

2.18 Where a sign is removed by the Municipality, it shall be stored at the Public Works garage and a notice sent to the owner indicated the illegal sign has been removed, the location it is stored and the date it will be destroyed. The notice shall further indicated that the sign shall be reclaimed by the owner within the time period of thirty (30) days and upon payment to the Municipality to the costs of pulling down, removal.

2.19 Municipal removal costs shall be established in Schedule "B" and affixed to this By-law.

3. **REGULATIONS**

3.1 The following types of signs are permitted in Residential and Institutional Zones:

- a) Ground Signs; and,
- b) Fascia Signs.

3.2 The following types of signs are permitted in Commercial and Industrial Zones:

- a) Billboard Signs;
- b) Fascia Signs;
- c) Ground Signs;
- d) Mobile Signs;
- e) Overhanging/Awnings/Canopy; and,
- f) Pylon Signs.

3.3 The following types of signs are permitted in Rural Zones:

- a) Ground Signs; and,
- b) Fascia Signs.

3.4 Billboard Signs

3.4.1 Billboard signs and the placement of billboard signs shall have the approval of the Chief Building Official (CBO) and Council.

3.4.2 The maximum area of a billboard sign is 20.5 square metres. The sign may be constructed with separate sign faces but must be one structure.

3.4.3 A drawing, consisting of the following, shall be submitted to the CBO prior to the erection of altering of the billboard sign:

- a) The street and property lines of the proposed location;
- b) The location of the proposed sign in relation to the property lot lines, existing structures and adjoining properties lot lines;
- c) The construction and sample of the face of the sign;
- d) The construction anchorage and elevation of the structure to which the sign is attached; and,
- e) The sizes of the supports of all affected structural members and location thereon of such sign.

3.4.4 The owner must obtain clearance from any and all utilities and agencies that may be affected by the erection of the billboard sign.

3.4.5 No new billboard sign shall be located within 300 metres of any existing billboard sign, which faces the same direction of traffic.

3.5 Facia Signs

3.5.1 Facia Signs are permitted on building faces only provided that:

- a) In the case of a corner lot, the maximum area of a facia sign is 25% of the front building face for both the front and flankage sign;
- b) In the case of an interior lot, the maximum area of the facia sign is 30% of the front building face;
- c) The maximum projection of .5 metres from the building face;
- d) The minimum height is restricted to 2.5 metres from grade to any part of the sign;
- e) Facia Signs must not extend above the eaves of the building;
- f) Facia Signs are prohibited on public property unless approved by council;
- g) Facia Signs must advertise the business or service conducted on the property where the sign is located; and,
- h) Illumination and animation on Facia Signs are permitted.

3.6 Ground Signs

3.5.2 The maximum face area of a ground sign shall be 1 metre by 1.5 metres in area;

3.5.3 One ground sign is permitted for each business location and per street frontage;

3.5.4 The maximum height of ground signs shall be 3.5 metres above finished grade;

3.5.5 Every ground sign shall be set back a minimum of 2 metres from any street or sidewalk line and 2 metres from any side yard lot line, driveway or parking space;

3.5.6 No ground sign shall be located on the sight triangle of a corner lot; and,

3.5.7 A ground sign shall be located on the property of the business to which the sign is accessory to.

3.7 Mobile Signs

3.7.1 Vehicles and trailers used for advertising must be licensed by the Ministry of Transportation.

3.7.2 Mobile signs are permitted provided that:

- a) There is a maximum of one sign per lot;
- b) Where there is more than one business located on a lot, one additional sign is permitted;
- c) One additional sign is permitted on the flankage side of a corner lot; daylight corner provisions must be met;
- d) Flankage signs must be set back a minimum of 1.5 metres from the front or side property line; and,
- e) Each Mobile sign shall not exceed 6.5 square metres in total face area, including head frame.

3.7.3 Mobile signs are not permitted in residential zones or on any vacant lot in any zone.

3.7.4 Mobile signs shall only contain an advertising message for the business or service located on the property to which it is located.

3.8 Overhanging Signs/Awnings/Canopy

3.8.1 Overhanging signs shall be permitted provided that:

- a) Minimum height above the finished grade shall be 3 metres measured from the nearest point of the sign;
- b) Maximum projection from the main wall of the building shall be 1 metre including any part of the sign; and
- c) Maximum sign face area shall be 3 square metres per sign.

3.9 Pylon Signs

3.9.1 Pylon signs are permitted provided that:

- a) The maximum area of the sign is 12 square metres;
- b) The maximum height above grade is 8 metres;
- c) The pylon sign may or may not advertise or identify a product or service available, or a business not conducted on the property where the sign is located; and,
- d) Illumination is permitted on Pylon Signs

3.10 Sandwich Board Signs

3.10.1 Sandwich board signs shall be permitted only on the property of the business to which the sign is accessory to;

3.10.2 The maximum size shall be 1.5 metres by 1 metre;

3.10.3 The sign shall be located in such a manner as to provide clear and free pedestrian movement at all times, and shall be placed in a position whereby they abut the building adjacent to the sidewalk/street line; and,

3.10.4 Sandwich board signs shall be prohibited in residential zones.

3.11 Temporary Signs

3.11.1 All temporary signs shall be removed within 7 days of the completion of the event; and,

3.11.2 Temporary signs shall not exceed 2 square metres in area.

3.12 Election signs

3.12.1 No election sign shall be erected prior to six weeks before election day;

3.12.2 No election sign shall be placed upon any tree, post, pole or fence on any municipal property; and,

3.12.3 No sign shall be erected within a sign triangle or that obstructs the visibility of any vehicular or pedestrian traffic.

4 Every applicant subject to this By-law shall complete an Application for a Sign Permit and pay the required fee of \$50.00 as shown in Schedule "A" to this By-law.

5 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to a fine in accordance with the Provincial Offenses Act of Ontario as shown in Schedule "B" to this By-law.

6 This By-law shall come into effect on the date it received third reading by the Council of the Corporation of the Municipality of East Ferris.

7 Each and every one of the provisions of this By-law is severable and if any provisions of this By-law should for any reason, be declared invalid by any Court, it is the intention and desire of Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

8 That By-law No. 1388 is hereby repealed.

READ A FIRST AND SECOND TIME THIS 22nd DAY OF APRIL 2014.

READ A THIRD TIME AND FINALLY PASSED THIS 22nd DAY OF APRIL 2014.


MAYOR, WILLIAM VREBOSCH *Deputy Mayor Point.*


CLERK, JOHN B. FIOR

**CORPORATION OF THE MUNICIPALITY OF
EAST FERRIS
BY-LAW NO. 2014-18
SCHEDULE B**

FINES

Item	Type of Prohibition	Section(s) of By-law	Set Fine (Includes Costs)
1	Erect a sign on Municipal Property	2.8	\$50.00
2	Erect a sign in a daylight corner	2.9	\$50.00
3	Erect a sign that obstructs essential services	2.11	\$50.00
4	Keep an unmaintained sign	2.14	\$50.00
5	Costs for the Municipality to remove illegal signs	2.15, 2.16, 2.17	All costs incurred
6	Erect an illegal sign	4	\$50.00

10

11

12

**CORPORATION OF THE MUNICIPALITY OF
EAST FERRIS
BY-LAW NO. 2014-18
SCHEDULE A**

APPLICATION FOR A SIGN PERMIT

Owner(s): _____

Home Phone: _____ Alternate Phone: _____

Fax Number: _____ Email: _____

Mailing Address: _____ City/Town/Village/Hamlet: _____

Postal Code: _____

Municipal Address of lands affected (911 Number) _____

Authorized Agent/Applicant (if any): _____

Phone Number: _____ Alternate Phone: _____

Address: _____ City/Village: _____

Fax: _____ Email: _____

Specify to whom all communications should be sent (check appropriate space):

Owner Agent Both

FEE: \$50.00

Type of Sign is being Proposed: _____

What is the Zoning of the Property: _____

Sample and Location of Sign:

Sample of sign	Location of sign on property
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Signature of Applicant

Date

Signature of Land Owners (if not applicant)

Date

Policy:	MUNICIPAL LAW ENFORCEMENT OFFICER	Policy No. 7.12
Section:	MISCELLENEOUS	Effective: December 10, 2009
Approved by:	Resolution No. 2009-487	Revised:
		Page: Page 1 of 5

1 POLICY

- 1.1 The following is a policy to provide clarification on the roles and responsibilities of the Municipal Law Enforcement Officer (MLEO), as it relates to authority, responsibilities and discretion.

2 PURPOSE OF THE POSITION

- 2.1 The Municipal Law Enforcement Officer (MLEO) is responsible for enforcing municipal by-laws in order to ensure the protection of residents and property.

3 SCOPE

- 3.1 The Municipal Law Enforcement Officer reports to the Clerk-Treasurer or Alternate and is responsible for enforcing municipal by-laws.

4 RESPONSIBILITIES

- 4.1 Enforce municipal by-laws in order to ensure a safe environment for community residents:
- i) Respond to resident complaints and concerns as directed by the Clerk-Treasurer or Alternate;
 - ii) Conduct investigations;
 - iii) Perform enforcement activities as required;
 - iv) Administer fines under the Provincial Offences Act for By-law infractions;
 - v) Perform court related activities.
- 4.2 Present information to and attend court:
- i) Conduct investigations;
 - ii) Ensure evidence is gathered in an appropriate and legal manner;
 - iii) Evidence shall be properly stored in a locked file cabinet at the office;
 - iv) Maintain detailed records of incidents;
 - v) Prepare reports for presentation to court;
 - vi) Present evidence and give testimony in court;
 - vii) Follow up on court responsibilities.

Policy:	MUNICIPAL LAW ENFORCEMENT OFFICER	Policy No. 7.12
Section:	MISCELLENEOUS	Effective: December 10, 2009
Approved by:	Resolution No. 2009-487	Revised:
		Page: Page 2 of 5

- 4.3 Complete administrative tasks as required as outlined in job description:
- i) Maintain records, at the municipal office, of by-law infractions;
 - ii) Prepare reports on By-law Enforcement Activity;
 - iii) Work within Budget allocation.

5 REQUIRED EDUCATION AND TRAINING

- 5.1 The MLEO will have the following:
- 1. Senior matriculation;
 - 2. A valid driver's license and a required OPP clearance certificate;
 - 3. Excellent written and verbal communications skills;
 - 4. Previous Municipal Law Enforcement training and several years' experience in by-law enforcement;
 - 5. Computer skills;
 - 6. Knowledge and conversant with municipal legislation pertinent to the by-law enforcement function;
 - 7. Knowledge of court procedures and experience in the area of municipal or related prosecution functions.

6 GUIDANCE RECEIVED

- 6.1 The MLEO is required to comply with and follow established township health and safety policies, procedures, guidelines and directives in effect and applicable to this position and in general.
- 6.2 The MLEO will be provided with training opportunities as they become available that are directly job-related, and which receive the prior approval of his/her supervisor and Council.
- 6.3 The Clerk-Treasurer or Alternate will supervise and evaluate the job performance of the Municipal law Enforcement Officer.

Policy:	MUNICIPAL LAW ENFORCEMENT OFFICER	Policy No. 7.12
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7 CONTACTS

7.1 The Municipal Law Enforcement Officer shall have contact with the following:

- General public
- Council members
- O.P.P.
- Other Municipal Law Enforcement Officers
- Tourists and visitors
- Taxpayers
- Members of the local judiciary system

8 ENVIRONMENT

- 8.1 The MLEO works on an as required basis at the township office and in the field, weekdays, during regular municipal office hours, unless directed otherwise by the supervisor .
- 8.2 The MLEO will be provided with a two-way radio as well as a cell phone and any other required equipment necessary to carry out his/her responsibilities.
- 8.3 The MLEO will, prior to leaving home, provide the Clerk- Treasurer or Alternate with a numbered list of persons he/she plans to visit and the approximate times for each visit.
- 8.4 The MLEO will make contact, at his/her discretion, with the municipal office by radio communication when necessary.
- 8.5 The MLEO will be expected to work in compliance with Occurrence Policy No. 7.04.
- 8.6 In responding to calls and emergencies, the MLEO may encounter dangerous situations . The MLEO shall arrange to have OPP presence to mitigate encountering these dangerous situations, if known ahead of time.
- 8.7 The MLEO will have direct contact with the public. The person must be able to exercise tact, diplomacy, and good judgement when dealing with the public. If the MLEO encounters a dangerous situation, he/she shall immediately leave the property.
- 8.8 The MLEO is to provide Council and his/her supervisor with his/ her monthly report.
- 8.9 The MLEO must notify his/her supervisor when unable to work or if she/he will be away for a period of time.
- 8.10 The MLEO may be required to take job-related training in this position .

Policy:	MUNICIPAL LAW ENFORCEMENT OFFICER	Policy No. 7.12
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- 8.11 The MLEO is governed by a Code of Ethics, attached as Appendix "A" to this policy when performing his/her duties.
- 8.12 The MLEO will be required to swear or affirm to abide by and maintain an Oath of Confidentiality regarding township matters.

9 WORKING CONDITIONS

- 9.1 The unavoidable, externally imposed conditions under which the work must be performed and which create hardship for the MLEO including the frequency and duration of occurrence of physical demands, environmental conditions, demands on one's senses and mental demands.

10 HEALTH AND SAFETY

- 10.1 The employee is responsible for wearing and maintaining any personal protective equipment required for the job. The Township's Personal Protective Equipment Health & Safety Policy shall apply.
- 10.2 The employer is responsible to provide a uniform to the employee, consisting of two shirts, two pairs of pants and one jacket, and a boot allowance up to \$100 every 3 years or as required.
- 10.3 The employee shall be neat, well groomed and dressed in uniform when performing job duties in the field and when working out of the office.

Policy:	MUNICIPAL LAW ENFORCEMENT OFFICER	Policy No. 7.12
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APPENDIX "A"

MUNICIPAL LAW ENFORCEMENT OFFICER

CODE OF ETHICS

As a Municipal Law Enforcement Officer, my fundamental duty is to serve the inhabitants of my municipality, to safeguard their well-being and enjoyment of their property, to respect the rights of all persons to equality and justice.

I shall be constantly mindful of the welfare of others, honest in thought and in deed in both my personal and official life.

I shall be exemplary in obeying the laws of the land and my municipality and regulations of my department.

I will enforce the law courteously and appropriately without fear or favour, malice or ill will and never accepting gratuities.

Whatever I see or hear of a confidential nature or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

I shall never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions with no compromise for contravention of local laws and with the firm prosecution of offenders.

I recognize my appointment as a Municipal Law Enforcement Officer as a symbol of public faith and I accept it as a public trust to be helpful as long as I am true to the ethics of the enforcement service.

I will constantly strive to achieve these objectives and ideals and dedicate myself before God in my chosen profession, municipal law enforcement.

EXAMPLE

POLICY

NAME OF POLICY:	BY-LAW ENFORCEMENT POLICY
POLICY NUMBER:	003
BY-LAW / RESOLUTION NUMBER:	#2024-1912 2021/06/194 - Repealed
APPROVAL DATE:	FEBRUARY 27, 2024
ADMINISTRATIVE RESPONSIBILITY:	FIRE AND EMERGENCY SERVICES
NEXT REVIEW DATE:	JUNE 2027

Policy Statement

The objective of the By-law Enforcement Policy is to obtain compliance with municipal by-laws through effective enforcement based on consistency, education, and fairness.

This policy describes the procedures related to By-law enforcement, including the issues of confidentiality as set out in the *Municipal Freedom of Information & Protection of Privacy Act*, the setting of priorities for action, and includes provisions for further enforcement.

Purpose

The purpose of the policy is to provide a formal policy and procedure governing the enforcement of municipal by-laws and response to infractions to ensure a consistent, standardized, thorough, prompt, and courteous receipt, processing, investigation, and resolution thereof.

This policy applies to all by-laws of the Municipality of Callander and any requests for enforcement received by the Municipality. The scope of the policy is limited to the geographical boundaries of the Municipality of Callander.

Definitions

Administrator means the Senior Municipal Director of the Corporation of the Municipality of Callander or his/her designate.

Complainant means a person, group, or company who submits a formal complaint to the Municipality regarding a contravention of a municipal by-law.

Complaint, written means a complaint received by the Municipality, wherein the Complainant, using the required form, submits their full name, address, phone number, and nature of complaint that can be verified by Municipal By-law Enforcement personnel.

By-law Enforcement Officer means a person appointed, by By-law, by the Municipality for the purposes of municipal law enforcement.

By-law Enforcement Manager means the individual responsible for the day-to-day management of any By-law enforcement personnel.

Municipality means the Corporation of the Municipality of Callander.

Spite Complaint means a complaint submitted with ill will or with intention of malice towards another person or entity and may include retaliatory complaints and civil disputes.

A Spite Complaint may also be defined as frivolous and vexatious complaint, or a complaint that is part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process. Such complaints shall be brought to the attention of the Administrator and the Administrator shall, at their sole discretion, determine if the complaint shall be investigated or rejected.

Legislative & Administrative Authorities

Section 224(d) of the Municipal Act, 2001 states that it is the role of Council:

“To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality”.

Part XIV of the Municipal Act, 2001 provides legislation regarding enforcement and the municipality's ability to pass by-laws to enforce and set fines.

Policy Requirements

The safety of staff and/or agents of the Municipality is of the utmost importance. If staff are verbally or physically threatened while enforcing By-laws, then no further investigative action shall be carried out until a police officer accompanies the By-law Enforcement Officer.

The Municipality is committed to the delivery of municipal law enforcement services in a timely and effective manner.

By-law enforcement is both proactive as well as reactive in nature:

- By-law Enforcement Personnel, upon observation of a possible By-law violation, may undertake an investigation on their own initiative.
- The Municipality may act upon complaints received from the public.

By-law Enforcement Personnel have discretion to determine the appropriate response to a complaint. This may include decisions to act on some, all, or none of the complaint, assign priority between complaints; immediately issue an offence notice/ticket, or an emergency order to remedy a violation as determined at the staff's sole discretion. This discretion is to be exercised based on the following criteria:

- Safety factors.
- History of attempts for compliance made by the Municipality and/or its agents.
- Available resources, including financial resources.
- Potential impact of not responding.
- Offer for formal mediation.
- Coordinating involvement with other relevant agencies.

- Likelihood of achieving compliance.
- Municipal jurisdiction and authority.
- Other enforcement avenues including civil processes.

Notwithstanding the above, the goal of by-law enforcement is to achieve compliance with municipal by-laws through education and cooperation as opposed to enforcement. All violations should be approached with this intent, and the cooperation of the individual should be sought first in every instance.

Spite Complaints, as determined by the Administrator, shall not be investigated by a By-law Enforcement Officer.

The Municipality is not obliged to enforce any by-law or to pursue law enforcement action on any by-law infraction, which is consistent with Section 444(1) of the Municipal Act. Where a decision is made, not to enforce compliance with a by-law, the decision shall be documented.

Any decision made under this policy, including a decision not to respond to a complaint, enforce a by-law, or a decision by the Administrator, may at any time be revisited by the Administrator.

The Ontario Provincial Police is responsible for enforcement of the criminal code and emergency situations. They should be contacted to deal with issues, including but not limited to loitering, trespassing, noise related neighbour or domestic disputes, possible drug activity, vandalism, or other criminal activity.

Failure to comply with any provision of this policy shall not invalidate any proceeding or any step, document, or order in a proceeding otherwise in accordance with any municipal by-law, provincial, or federal legislation.

General Principles

1. Submission of a Complaint

Complaints regarding alleged by-law infractions shall be reported to a By-law Enforcement Officer.

When a complaint is received by the By-law Enforcement Officer, they shall contact the complainant. The By-law Enforcement Officer shall determine the nature of the complaint and determine if a written complaint is required. If a written complaint is required it must include the complainants name, address, and phone number. Where a written complaint is required and the complainant does not wish to provide one, then the complaint will not be acted upon.

Anonymous, incomplete complaints, and complaints communicated through third parties, including Members of Council, will not be acted upon unless the alleged infraction is a life, safety, or environment matter.

2. Confidentiality

Complainants and persons who are the subject of a complaint are protected under the *Municipal Freedom of Information and Protection of Privacy Act* and every complainant shall be kept completely 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 privacy commissioner.

Pursuant to the above, once a complaint has been filed, information or documentation that would violate a complainant or defendants rights under *Municipal Freedom of Information and Protection of Privacy Act*, will not disclosed.

However, By-law Enforcement personnel dealing with a complaint will contact the complainant and provide a brief description of the action taken. If the complaint resulted in a Provincial Offense Notice (i.e., a ticket) being issued, the complainant must be informed that a ticket was issued and that they would be required to attend court if the person who was issued the ticket pleads not guilty.

It is important to note that the anonymity and confidentiality afforded complainants and alleged violators by this policy cannot be assured if the investigation results in court proceedings as the complainant may be required to act as a witness for the prosecution.

3. Issue Priority

Complaints shall first be ordered based on the date of receipt, and shall then be assigned a priority level of:

- Low Priority – A by-law violation unlikely to cause life, health, safety issues, and/or negatively impact the community or the environment.
- Medium Priority – Multiple low priority violations or a by-law violation with potential to cause life, health, safety issues, and/or negatively impact the community or the environment.
- High Priority – Multiple by-law violations or a by-law violation currently causing or imminently threatening to cause life, health, safety issues, and/or negatively impact the community or the environment.

The priority level shall determine the resources assigned to the resolution of an alleged infraction, and the flexibility with which the Municipality may achieve a resolution with the named person. In high priority cases, warnings and extended remedy times may be waived.

4. Processing Procedure

All complaints shall be logged, recorded, and actioned within five to ten business days of receipt. All complaints and subsequent investigations shall be kept on file in accordance with the Municipality's Records Retention Policy.

Upon receipt of a complaint, a preliminary review of the complaint shall be undertaken to set a priority to verify the information provided and research any supporting documentation which may be available in municipal records. If necessary, a site visit shall be completed to determine if a contravention exists.

If Enforcement Personnel are unclear of a possible contravention, they shall report the issue to the Enforcement Manager who shall in turn seek the advice of the Administrator.

The By-law Enforcement Officer shall notify any municipal departments and outside agencies that may need to be aware of an issue, or be required to assist (e.g., Fire, Operations, Building and Planning, provincial ministries). A record of the conversation shall be kept by the Officer and submitted to the Manager with the quarterly reports.

At the By-law Enforcement Personnel's discretion:

- the named individual(s) shall be notified by phone call, in-person, by email, or by registered letter and given the opportunity to provide their perspective and any supporting evidence.
- the named individual(s) shall be given the opportunity to voluntarily comply within a set timeframe, identified on a case-by case basis, before further action is taken. Individuals may also be requested to cease the activity until compliance is achieved.

By-law Enforcement Personnel may issue an emergency order to remedy a violation in lieu of an initial warning when such violation poses an immediate threat to health or safety.

When compliance with the warning and/or order is confirmed, the By-law Enforcement Manager shall close the file.

If the warning and/or order has not been complied with by the specified time, the issue shall be reviewed with the Administrator to determine whether to attempt a second written warning or proceed with the actions in accordance with municipal by-laws.

Any enforcement action that would result in the Municipality expending additional public monies in excess of \$5,000, in support of enforcement efforts, shall be reported to Council.

Roles and Responsibilities

1. Council:
 - Adopts by-laws, policies, and any amendment thereto. Regulatory by-laws shall identify the enforcement jurisdiction and the person and/or agent authorized to enforce those regulations.
 - All Council inquiries related to by-law enforcement shall be directed to the Administrator. Individual members of Council shall not sanction, direct, investigate, assess, or interfere with a complaint or investigation.
2. Senior Municipal Director, or designate:
 - Serve as the Administrator of this policy or appoint a designate.
 - Make recommendations to Council for policy amendments.
 - Shall keep the Council advised of any significant enforcement actions that have direct legal or significant financial implications for the Municipality (\$5,000 and above).
3. By-law Enforcement Manager:
 - The Manager may attend or accompany the By-law Enforcement Officer on site investigations when a situation warrants it or when requested.
 - The Manager shall maintain a detailed reporting of enforcement activity in a database format and submit a quarterly report on enforcement activity to the Administrator.
4. By-law Enforcement Officer (BLEO):
 - BLEO shall coordinate all regulatory By-law enforcement actions.
 - BLEO shall investigate complaints and carry out enforcement actions.
 - Where the BLEO has reasonable and probable grounds to believe that a violation exists, he or she may enter upon private property to further an investigation or resolve any violation.

- The BLEO shall only conduct business on the property related to the issue of the complaint.
- The BLEO shall maintain a detailed reporting of enforcement activity and submit a quarterly report on enforcement activity to the By-law Enforcement Manager.