

THE CORPORATION OF NORTH ALGONA WILBERFORCE TOWNSHIP

BY-LAW 2020-36

To appoint Municipal Law Enforcement Officers for North Algona Wilberforce Township

WHEREAS Section 9 of the *Municipal Act*, S.O. 2006, c. 32 Sched. A, s. 8, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 10(2)(6) of the *Municipal Act*, S.O. 2006, c. 32, Sched. A, s. 8 as amended, permits a municipality to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 10(2)(8) of the *Municipal Act*, S.O. 2006, c. 32 Sched. A, s. 8 as amended, permits a municipality to pass by-laws;

AND WHEREAS Subsection 15(1) of the *Police Services Act*, R.S.O. 1990, c. P.15, s. 15(1) permits a municipal council to appoint persons to enforce the by-laws of the municipality;


AND WHEREAS Subsection 15(2) of the *Police Services Act*, R.S.O. 1990, c. P.15, s. 15(2); 1997, c. 8, s. 13, a municipal law enforcement officers are peace officers for the purpose of enforcing municipal by-laws;

AND WHEREAS the Council of the Corporation of the Township of North Algona Wilberforce is committed to providing a high level of By-Law Enforcement;

NOW THEREFORE the Council of the Corporation of the Township of North Algona Wilberforce hereby enacts as follows:

1. Those persons who are employed by the Corporation of North Algona Wilberforce Township to perform the duties of the following positions, or any successor positions, are appointed as Municipal Law Enforcement Officers for the purposes of enforcing the North Algona Wilberforce by-laws that fall with the duties of their position;
 - (a) Chief Administrative Officer, (By-Law Enforcement Section)
 - (b) Co-ordinator, Municipal Law Enforcement and Municipal Law Enforcement Officer 1 (By-Law Enforcement Section)
 - (c) Municipal Law Enforcement Officer 2 (By-Law Enforcement Section)
 - (d) Municipal Law Enforcement Officer 3 (By-Law Enforcement Section)
 - (e) Firefighter 1 (Fire Enforcement of By-Law Section)
 - (f) Firefighter 2 (Fire Enforcement of By-Law Section)
 - (g) Firefighter 3 (Fire Enforcement of By-Law Section)
2. That the Municipal Law Enforcement Policy attached as Schedule "A" is adopted
3. This by-law comes into force upon its passing.

READ A FIRST AND SECOND TIME this 3rd day of March, 2020



MAYOR James Brose



CAO/ACTING CLERK Andrew Sprunt

READ A THIRD TIME AND PASSED this 03rd day of March, 2020



MAYOR James Brose



CAO/ACTING CLERK Andrew Sprunt

Schedule "A"

By-Law 2020-36

North Algona
Wilberforce Township

**MUNICIPAL LAW
ENFORCEMENT
POLICY**

- 3.2 The Coordinator may conduct a preliminary review of the Complaint to verify the information provided and research any supporting documentation which may be available in municipal records.
 - 3.3 The Coordinator or a Municipal Law Enforcement Officer may call the complainant, when necessary, for further details or to confirm or clarify information provided within the formal Complaint.
 - 3.4 A Municipal Law Enforcement Officer may attend the site to investigate the activity to determine if a municipal by-law contravention exists.
 - 3.5 If a Municipal Law Enforcement Officer is unclear of a possible contravention, they may seek the advice of the municipal prosecutor or municipal solicitor if required, or the appropriate municipal staff member.
 - 3.6 A Municipal Law Enforcement Officer may provide the information required to the appropriate party so that an informed determination can be provided and where necessary the appropriate actions initiated.
 - 3.7 Where a violation of a municipal 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:
 - a) In person;
 - b) By telephone
 - c) Email; or
 - d) In writing.
 - 3.8 Notwithstanding section 3.7 of this policy; in situations wherein set fines have been established for violations of a municipal by-law, a Municipal Law Enforcement Officer may, upon confirmation of the existence of a violation, immediately issue an offence notice/ticket.
 - 3.9 Notwithstanding section 3.7 or 3.8 of this policy; where provided for by municipal by-law or otherwise a Municipal Law Enforcement Officer may issue an emergency order to remedy a violation in lieu of an initial warning when such a violation poses an immediate threat to health or safety.
 - 3.10 When compliance with the warning and/or order is confirmed, a Municipal Law Enforcement Officer shall enter the Complaint finalized date in the By-law matters database and close the file.
 - 3.11 If the warning and/or order has not been complied with within the specified time, a Municipal Law enforcement office may review the non-compliance with the Administrator.
 - 3.12 Following discussions with the Coordinator pursuant to section 3.11 of this policy, a Municipal Law Enforcement Officer shall determine whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with municipal by-laws or otherwise.
 - 3.13 If a second written warning or formal order is issued, a Municipal Law Enforcement Officer shall determine a final time period to achieve compliance.
 - 3.14 If legal action is required, a Municipal Law Enforcement Officer shall recommend to the Coordinator to proceed with legal action when it appears obvious compliance is not forthcoming.
 - 3.15 At any stage of the enforcement process, if, in the opinion of the Coordinator the matter is of significant consequence, the matter may be brought before Council for direction.
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