

CITY OF WELLAND

POLICY

Policy Title: By-law Enforcement (General Policy)	
Date of Approval: June 19, 2001	Policy Number: SER-003-0002
Lead Role: Dev. Serv. Dir.	Support Role: C.B.O
Cross Reference:	Next Review Date:
Council File Number: 01-96	Revision Date:

Policy Statement:

This policy shall apply to the regulatory by-laws charged to the Development Services Department for enforcement. It does not apply to the enforcement responsibilities of the Traffic and Parking Division, the Fire Department or the Humane Society.

It is intended to be a tool for use in by-law enforcement, and to convey the basic requirements for enforcement of the various regulatory by-laws. It is not intended to describe the details of by-law enforcement, but rather the general approach to be used so that Council and staff are both aware what is expected in daily enforcement activities.

The basic goal of by-law enforcement is the premise that the City's by-laws should be complied with as they are passed by Council in the best interests of the public at large and of the community. The policy is intended to utilize existing staff resources efficiently to maximize compliance with City by-laws, with the recognition there will not be universal citywide compliance of all by-laws. By-laws affecting health and safety will generally be prioritized over nuisance type by-laws and every effort will be made to follow through for compliance of all by-laws. The intention of the policy is to provide uniformity in by-law enforcement.

By-law Enforcement activity to be initiated on the following basis as appropriate to the circumstances:

- oral complaint
 - written complaint
 - proactively
 - as legislated
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- Confidentiality of By-law Enforcement processes must conform with the Municipal Freedom of Information and Protection of Privacy Act
 - By-law Enforcement must proceed consistently, uniformly and fairly
 - Action will be prioritized accordingly
 - health and safety violations posing immediate hazard with the highest priority

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- continuous nuisance violations with high priority
- health and safety violations not of immediate hazard with medium priority
- intermittent nuisance violations with lesser priority
- By-law Enforcement is an administrative function of staff to be performed impartially as directed by Council in this policy
- By-law Enforcement must be carried out by staff duly authorized by by-law
- Compliance with City by-laws is the primary objective of enforcement, significant penalties are only sought for repeat and deliberate offenders.
- Senior administration staff may produce detailed operating procedures to ensure the goals and objectives of this policy are implemented
- With regard to providing the public with By-law Enforcement services for regulatory by-laws outside normal working hours of Development Services staff, the Director of Development Services in conjunction with the CAO be given the discretion, having regard to the availability of enforcement staff and budgeted funds, to use any of the methods of scheduled or unscheduled overtime currently available in the City's Collective Agreements.