



Operating Procedure	
Procedure Name:	<b>By-Law Work Step Procedure</b>
Policy Number:	S502-05
Creation Date:	February 1, 2013
Revision Date(s):	-

## 1. Purpose

To ensure thorough, prompt and courteous receipt, processing, investigation and resolution of a formal request or complaint within the By-Law services department and ensure appropriate reporting to the Fire Chief.

## 2. Hazards

## 3. Requirements

### 3.1. Abbreviations

#### **Formal Complaint**

A complaint or request received by the By-Law Services Department on a complaint form or through the PSR system, where the complainant has supplied all information required.

#### **Fire Chief**

Director of the By-Law Services Department

#### **MLEO**

Municipal Law Enforcement Officer appointed by Council to deliver By-Law Services within the Town of Pelham.

#### **POO**

Provincial Offences Officer

#### **Admin**

Fire and By-Law Services Administrative Assistant



Responsibility	Work Steps
Admin	1. Upon receipt of a request or complaint, the complainant will fill out the proper complaint form with all required information and it shall be forwarded to MLEO.
Admin, Fire Chief, MLEO	2. Assures the complainant that their personal information will remain in the strictest of confidence unless required in a legal proceeding. Explains the procedures for investigating the matter and what the next step for the complainant is.
MLEO	3. Conducts a preliminary review of the complaint to verify information and research any supporting documentation which may be available in the Town records.
MLEO	4. Contacts the complainant to confirm or clarify any information received in the complaint which is missing or unclear.
MLEO	5. If after reviewing the file and it is found that the complaint is not warranted, the complainant will be contacted to explain the reasons not to proceed. Repeated and excessive benign complaints will not be reviewed.
MLEO	6. Contacts the property owner, explains the situation and makes an appointment.
MLEO	7. Conducts a site investigation to assess the complaint and possible violation.
MLEO	8. Upon determining that there is a potential violation, begins the process of progressive enforcement as laid out in the by-law enforcement policy.
MLEO	9. Identifies the potential violation and determines the Authority having jurisdiction, consults with the department involved and decides on the course of action, work to be performed and time lines in which compliance is expected.
MLEO	10. Contacts the property owner and makes an appointment to review the potential violation(s) and course of action ensuring the property owner understands what is expected of them.
MLEO	11. Reviews the file and determines if the potential violations have been resolved, if additional time is required, or if the next step in the progressive enforcement process is required.



MLEO	12. If they meet compliance, the file will be closed; if compliance has not been met then the progressive enforcement policy will dictate the next step.
MLEO	13. Closes file if compliance was met, advises the Fire Chief, and notifies complainant that compliance has been met.
MLEO	14. If compliance has not been met, contacts property owner to review property file.
MLEO	15. Discuss with the property owner and review potential violations, if compliance is not Forth With, advises property owner next step in progressive enforcement policy.

#### **4. Operating Guidelines/ Best Practices**

- 4.1.** It is important to understand the overall impact that some of these proceedings have on our Town, Staff, Property owners, Council and the Citizens of the Town of Pelham. It is vital that communication between all parties be exercised to its fullest extent.
- 4.2.** All attempts shall be made to assist the property owners to meet compliance, education is priority one, enforcement will be our last attempt for resolve.
- 4.3.** When a site meeting is scheduled and there is a potential for heightened emotions then the MLEO shall take a second person with them, this person should be a POO.
- 4.4.** When making contact with a property owner or tenant the MLEO should be dressed in the proper uniform, be in a Town of Pelham marked vehicle, and clearly identify themselves both verbally and with their issued identification.
- 4.5.** Every attempt shall be made to make the Property owner or Tenant feel at ease.
- 4.6.** If at any time an MLEO or any Town of Pelham staff feel threatened then they shall leave the area promptly, no other contact with the property owner or tenant shall be made at this time, your supervisor shall be notified immediately.



**4.7.** If the MLEO is visiting a site to investigate a potential violation, the investigation should be restricted to the violation cited, unless it is a life safety matter. The MLEO is not to look for addition violations.

**4.8.** Unless a matter is viewed as a life safety issue, any potential violations should be addressed through a formal complaint.

## **5. Appendices**

Appendix A – Complainant Form

Appendix B – Risk Assessment

Appendix C – Priority Scale

**By Law Services Request Form**

Appendix A

CONFIDENTIAL

*This form represents a request to resolve an alleged By-law infraction within the Town of Pelham. In order for the Bylaw Enforcement Officer to proceed with an investigation, it is required that you complete this form in **FULL** including your signature and date. By signing this form, depending on the nature of the complaint, you hereby grant consent for an Investigating Officer, if necessary, to enter upon your property as part of this investigation.*

**Complainant Information:**

<b>Your Name:</b>	
<b>Your Street Address &amp; Mailing Address (if different):</b>	
<b>Your Email:</b>	<b>Your Phone Number:</b>

**Violation Information:**

<b>Location of Offence (Street Address):</b>
<b>Name of Property Owner/Tenant (if known):</b>
<b>Nature of Complaint (What violation is taking place):</b>

*Confidentiality will be maintained between the complainant and the alleged offender, **except** where disclosure is necessary in a Court of Law or when subject to the provisions of the Freedom of Information and Protection of Privacy Act noted below. Should this complaint proceed to Court, you may be required to give evidence as a witness, and your name filed complaint will become a matter of public record.*

**Disclaimer:** The personal information requested on this form is being collected to conduct a Bylaw Enforcement investigation and may be shared with the applicable departments and agencies for the purpose of initiating action. Collection of personal information is governed, authorized, and protected by the Freedom of Information and Protection of Privacy Act. By providing this information, you consent to its use for the above purposes.

**Signature** \_\_\_\_\_**Date** \_\_\_\_\_

**PLEASE NOTE:** This fully completed AND Signed form must be dropped off either in person at the By-Law Services Department located at **FONTHILL FIRE STATION ONE, #177 Highway 20 West, Fonthill ON L0S 1E0**, by email at **cgenesse@pelham.ca.**, or by fax **905.892.8499**. Partially completed forms will not be accepted.

## By-Law Risk Assessment Work Sheet

Probability	Severity							
	E x t r e m e	V e r y  H i g h	H i g h	S e r i o u s	M o d e r a t e	M i n o r	S l i g h t	M i n i m a l
	8	7	6	5	4	3	2	1
Always 8	64	56	48	40	32	24	16	8
Frequent 7	56	49	42	35	28	21	14	7
Very Likely 6	48	42	36	30	24	18	12	6
Likely 5	40	35	30	25	20	15	10	5
Occasional 4	32	28	24	20	16	12	8	4
Rare 3	24	21	18	15	12	9	6	3
Exceptional 2	16	14	12	10	8	6	4	2
Unlikely 1	8	7	6	5	4	3	2	1
Range of Risk								
46 to 64	Risk is Severe and Unacceptable			Immediate Action Forth With				
25 to 42	Risk is High			Priority action to be taken to apply control measures				
12 to 24	Risk is Moderate			Action to be taken as a matter of routine				
5 to 10	Risk is Low and Broadly Acceptable			Low priority action				
0 to 4	Risk is Minimal			Requires review				
Life safety			Enviromental			Property		

## By Law Priority Scale

This is intended as a rating system to used by By Law Services to establish a reasonable time frame in which a Formal Request or Complaint could be received, processed and resolved. Times may vary for each particular case depending on a number of factors which may affect the outcome of the investigation and resolution.

### Priority Scale

Risk Rating Score	46 to 64	25 to 42	12 to 24	5 to 10	0 to 4
Time to Resolve	1 Immediately	2 1 to 2 weeks	3 2 to 4 weeks	4 4 to 6 weeks	5 open
Typical Priority Rating					
Typical Complaint			Priority		
Building without a permit			2		
Business in a residential area			4		
Dumping			3		
Property standards			4		
Dogs barking			2		
Snow / Ice problems			1		
Fences			4		
Pool fencing			1		
Illegal signs			3		
Derelict vehicles			3		
Commercial vehicles in residential areas			3		
Overgrown weeds and or grass			4		
Noise trail bike, model planes			2		
Noxious weeds			2		
Parking violation			3		
Public nuisance			1		
Zoning			4		
Unsafe or hazardous condition			1		
Cannabis Odour			1		
Short Term Rentals			3		