
POLICY NO. 48

**SUMMARY OFFENCE TICKET
ENFORCEMENT POLICY**

Enforcement Policy of the Municipality of the District of Barrington

1. Legislation to be enforced

By-Law No. 8 - Collection, Storage and Disposal of Waste: Section 3
Section 5
Section 8(b)(c)(cc)(d)
Section 9(a)(b)

By-Law No. 11 - Animals: Section 3
Section 5(a)

By-Law No. 12 - Dogs: Section 8 (1)
Section 8 (2)
Section 8 (3)
Section 8 (4)
Section 8 (5)

2. Persons involved

- By-Law Enforcement Officer(s) (Special Constables)
- R.C.M.P. Constable
- Municipal Clerk
- Municipal Solicitor

3. Enforcement principles

The investigation of alleged violations and the issuing of Summary Offence Tickets shall be the responsibility of the Municipal By-Law Enforcement Officers. The prosecution of charges is the responsibility of the Municipal Solicitor.

The Municipality will follow established principles in deciding whether to lay charges, which include:

3. (a) The decision to lay a charge concerning a minor offence using a Summary Offence Ticket (SOT) will be the decision of the By-law Enforcement Officer. The By-law Enforcement Officer will only proceed with a charge where there are reasonable grounds to believe that an offence has occurred.
3. (b) Warnings may be issued concerning a minor offence where the By-law Enforcement Officer deems appropriate. In deciding whether to proceed with a warning or a ticket, the By-law Enforcement Officer will respect the principle of equal protection and benefit of the law. The decision will be made in a non-discriminatory and fair manner which protects the public interest at large.
3. (c) Each complaint received will be written up on a Complaint Report. The By-law Enforcement Officer will try to contact the complainant, to determine the nature and specifics of the complaint.
3. (d) If the complaint is regarding By-law No. 8 “Collection, Storage and Disposal of Waste”, first an investigation is carried out by the By-law Enforcement Officer to determine its validity. If the complaint is justified, then the property owner or occupier shall be contacted and made aware that a complaint has been filed. An attempt shall be made to reach an agreement as to what action should be taken to remedy the situation and a time frame for completion shall be determined.

The matter shall be immediately followed up by letter to the owner and/or occupier confirming the nature of the conversation and the understanding reached. A copy of the letter shall be filed with the Municipal Clerk.

Upon the expiration of the time period allowed, the By-law Enforcement shall carry out a follow-up investigation. If the matter complained of has been remedied then the Municipal Clerk shall be notified.

If upon investigation the matter complained of has not been remedied then a detailed investigation shall be carried out. This investigation shall consist of a written description of the violation accompanied by photographs and proof of ownership or occupancy of the property.

The detailed report shall be submitted to the Municipal Clerk for consideration. The Municipal Clerk will decide how to proceed.

3. (e) If the complaint is regarding By-law No. 11 “Animals” or By-law No. 12 “Dogs” then a letter is written by the Municipal Clerk to the dog/animal owner or harbourer making them aware of the alleged problem. Upon receiving the second complaint, the By-Law Enforcement Officer will make direct contact with the owner or harbourer of the dog/animal.

3. (f) The investigation of alleged offences of a more serious nature, or which involve repeat offenders will involve the By-Law Enforcement Officer, the Municipal Clerk and the Municipal Solicitor. The decision whether to lay a charge will be based on sound judgement and principles of fair and equitable treatment under the law. These decisions will be reached after consultation with the Solicitor who will prosecute. Such decision shall not involve a decision based on personal matters, nor shall the Members of Council be involved in the decision.
3. (g) The By-Law Enforcement Officer and Municipal Clerk have the ultimate right and duty to determine the charges to be laid, subject to advice from the Municipal Solicitor and subject to the right of the Municipal Solicitor to withdraw or stay charges, for cause, after they have been laid.

4. **Prosecutorial discretion**

In advising on the laying of charges or staying of prosecutions the Solicitor will be guided by the principle that a prosecution should only go forward where there is evidence available on each essential element of the offence and the Solicitor believes there is a reasonable chance that a conviction will result if the case proceeds to trial.

In the laying of charges and decisions respecting staying of prosecutions, consideration of the public interest may be relevant. In determining whether the public interest may be served, the following things should be considered:

- whether there is significant risk to human life, health, property or the environment;
- any record of compliance;
- any relevant history;
- whether the violation seems deliberate in nature or, if not deliberate, the degree of negligence or carelessness involved;
- whether there has been concealment of information or any other obstruction;
- whether the violation was repeated or a warning was disregarded;
- whether a ticket or prosecution is likely to have a deterrent effect on this individual or others;
- whether failure to enforce would tend to bring the law into disrepute or disrespect.

If a charge is dropped, the reason(s) must be recorded in the file.

SCHEDULE "A"

<u>OFFENCE</u>	<u>SECTION</u>	<u>OUT OF COURT SETTLEMENT</u>
<u>Animals By-law No. 11:</u>		
1. Owner or harbourer of domestic animal failing to prevent it from going at large	3	\$250.00
2. Owner permitting domestic fowl to run at large	5(a)	\$250.00
<u>Dog By-Law No. 12:</u>		
1. Owning dog that runs at large	8(1)	\$100.00
2. Owning dog that persistently disturbs quiet of neighbourhood by howling, barking or another manner	8(2)	\$100.00
3. Owner neglects or refuses to provide a written statement required by By-law No. 12.	8(3)	\$100.00
4. Owner who harbours, keeps or has under care, control or direction a dog that is fierce or dangerous	8(4)	\$100.00
5. Owner who fails to remove the feces of a dog, other than a dog that is trained to assist and is assisting a person with a disability, from public property or private property other than the owners	8(5)	\$100.00

**Collection, Storage and Disposal of Waste -
By-Law No. 8:**

1.	Depositing solid waste in place other than approved solid waste disposal area	3	\$1,000.00
2.	Removing or collecting solid waste without license or Municipality's authorization.	5	\$1,000.00
3.	Failing to separate residual waste and deposit it in securely tied, plastic, waterproof bag not exceeding 35 lbs.	8(b)	\$1,000.00
4.	Failing to place all recyclable materials in securely tied blue tinted or clear plastic waterproof bag not exceeding 35 lbs.	8(c)	\$1,000.00
5.	Failing to place all compostable materials in green cart, kitchen bin or compostable brown bag for collection.	8(cc)	\$1,000.00
5.	Failing to place paper and cardboard products in plastic, waterproof bag or securely tied bundle not exceeding 35 lbs.	8(d)	\$1,000.00
6.	Permitting solid waste to remain in front of property or at roadside except between 7 p.m. on day previous to collection and noon on day after collection	9(a)	\$1,000.00
7.	Failing to remove uncollected solid waste by noon on day following regular collection day.	9(b)	\$1,000.00

NOTE: Above fees do not include Department of Justice administration fee, victim fine surcharge, and hst.

Approved April 10, 2002

Amended September 27, 2004

Approved by Department of Justice January 13, 2005

Amended November 23, 2015