

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: November 17, 2020
TO: Committee of the Whole
FROM: Dan Prest, Chief Building Official & James McBain, By-Law Enforcement
SUBJECT: Clean Yards By-Law

RECOMMENDATION:

THAT Committee of the Whole recommends to Council the Clean Yards By-law be adopted as presented.

BACKGROUND:

The Municipality has a Property Standards By-Law that was created under authority of the *Ontario Building Code Act* in 2003. The by-law addresses various potential scenarios and includes provisions respecting the upkeep of both yards and structures. In cases where complaints are received respecting non-structural issues, investigation and enforcement of the by-law is delegated to the appointed Municipality's by-law enforcement officers.

Staff recommend that a more efficient and succinct method for regulating and enforcing compliance of non-structural property standards complaints would be through the adoption of a Clean Yards By-law.

The use of the by-law is being recommended by our enforcement provider, Municipal Law Enforcement Services (MLES), for urban lands, as defined in the proposed Clean Yards By-law, and the Property Standards By-Law will be used for other lands. The by-law was drafted based on other policies which MLES is enforcing in other communities.

Clean Yards By-Laws are authorized for use by the *Municipal Act* and allow for prompt and efficient solutions to minor exterior yard infractions by enabling the use of "Short Form Tickets". It provides for quick action and solutions for minor infractions without the need or additional cost to administer formal orders of compliance.

A "Part 1 Fine" (ticket) may be issued for non-compliance. If this issuance does not solicit response, this by-law also provides the authority to the Municipality to rectify the violation at the expense of the property owner.

This by-law does not preclude the Municipality from submitting a Part III information to the Justice of the Peace for a SUMMONS to appear in court to answer to a charge.

SUMMARY:

Approval of the proposed Clean Yards By-Law will allow the Municipality's by-law enforcement officers to respond to complaints in urban lands and resolve situations in a timely manner.

Council should consider that a passive level of pro-active enforcement be considered with this by-law. James McBain, By-law Enforcement, and I have many decades of experience in by-law and property standards. We have found that neighbours generally do not want to report their neighbours for contraventions of by-laws. This will avoid property owners having to have an intervention with their neighbour that could result in poor relationships or a build-up of resentment. Residents who do not want to be identified can call us to report problems.

This differs from the approach that was presented to Council in earlier August in the form of a Municipal By-law Enforcement Policy that would require a person to have presented the complaint to the neighbor before bylaw enforcement would have taken action. The proposed Municipal By-law Enforcement Policy is very harsh, inflexible and will cause greater animosity among neighbours. That policy approach will not be pursued and under the Clean Yards Bylaw the bylaw officers will be able to be pro-active and act without complaints.

If this Clean Yards By-law is approved there would be no need for a by-law enforcement policy to deal with by-law complaints. The Parking By-law requires no complaints, the Property Standards By-law is under the building code and requires no complaints, the Use and Care of Roads By-law does not require a complaint for action.

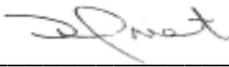
Under the approach authorized by the Clean Yards Bylaw the officers can proactively notify property owners of issues. One approach could be to use business cards that have contact info on one side and the reason for the visit on the other. These are currently used by the building inspectors. The Enforcement officers would check mark the appropriate issue to be addressed by the property owner such as grass/weeds too long, garbage on property, etc... with direction to call the officer for more details.

This will be a pre-emptive approach in hopes that issues identified early get addressed before they become a neighbourhood issue.

More education through website, newspaper ads, participation at events like the fire prevention officers would also increase awareness. The goal in this approach is education and early intervention versus fines to achieve compliance.

We further recommend that we do not make any changes to the current Property Standards By-Law. This by-law can be used to address issues not covered by the Clean Yards By-Law in the rural area and/or where appropriate in the urban lands.

Respectfully submitted by,



Daniel J. Prest
Chief Building Official

James McBain
MLES By-Law Enforcement

Approved for the agenda by,



Ken Kelly
Chief Administrative Officer

ATTACHMENTS:

1. By-law
2. Notice
3. Set Fines Short Form Wording