

Municipality of the County of Annapolis

General Guide to Bylaw Enforcement

The Municipality of the County of Annapolis is a rural municipality with a population of 18,193 permanent residents and more than 3,000 seasonal residents. This population resides in some 10,000 dwelling units spread across more than 100 communities of various sizes and an area of 3,200 square kilometres.

Respecting and getting along with our neighbours is an important aspect of community living. The County of Annapolis places some reliance on this and other long-established community values to reduce the need for and expense associated with the drafting, administration and enforcement of bylaws. Traditionally, elected councils have been reluctant to insert or impose civic responsibility in areas where there is a strong tradition of individual responsibility or where issues are very clearly civil matters (i.e., matters that are in the domain of litigation or potential litigation between two or more property owners).

At times, however, boundaries may be crossed and bylaw enforcement officers or other municipal officials (e.g., building inspectors, development officers) are given the task to investigate complaints received from the public about alleged violations of various municipal bylaws. In order to protect people from false or malicious prosecution, there are procedural safeguards in the enforcement system and the burden of proof falls on the municipality. Accordingly, complainants under municipal bylaws should not have unreasonable expectations about enforcement. Only rarely would a complaint result in the filing of charges on the very same day. In most cases, the filing of charges in court is the last resort in the process.

The objective of all bylaw enforcement officials is not to penalize the citizens of the County of Annapolis or visitors to our municipality but, rather, to achieve compliance through education and the provision of information in order to respect the Annapolis County way of life and protect the quality of life.

Enforcement

While there are certain areas of enforcement that are health and safety related and require proactive enforcement (e.g., building and fire codes, animal control, sanitation), the majority of our bylaws are enforced on a complaint only basis. This ensures that our limited number of bylaw enforcement officials serves the essential needs of the community and that potential violations are dealt with in order of importance.

Enforcement generally refers to a host of actions directed at obtaining compliance with our bylaws, including:

- educating people about regulatory rules;
- conducting inspections to ensure that the rules are being followed;
- mediating between members of the public;
- leveraging voluntary compliance with the rules where possible; and/or
- seeking consequences for contraventions where compliance is not forthcoming or harm has been done to the community.

To make a complaint regarding a violation of regulations contained in our bylaws, the County requires the complainant to provide his or her name, address, and telephone number, as well as his or her relationship to the issue. Should the complainant refuse to provide this information, it is the municipality's normal practice that no action will be taken. However, in cases relating to health or safety (i.e., serious risk of injury or death) it is the municipality's practice to immediately investigate the complaint.

Bylaw enforcement officials will investigate complaints as soon as possible. This will include conducting interviews and other activities to gather evidence to corroborate the complaint and to substantiate pursuing charges against the alleged violator, if deemed necessary. Corroborating evidence is particularly important in nuisance cases and the County is unlikely to take further action without it. Complainants are encouraged to keep their own complaint file up to date and to submit information during the course of the investigation (e.g., keep municipal bylaw enforcement officials apprised of the status of the complaint, if the situation improves, worsens or stays the same).

Enforcement procedures may take many courses. These enforcement proceedings are normally increasingly costly to the person in non-compliance, and may include municipal ticketing, the seeking of a court injunction, direct enforcement (County staff or contractors remove or resolve the non-compliance at the property owner's cost), or the laying of charges under the provisions of the applicable bylaw. **Each complaint is different and the enforcement proceedings are decided upon based on the individual case.**

Completion of the handling of complaints depends on the volume of complaints, cooperation of the property owner or person in violation, specific circumstances of the case, and enforcement proceedings required.

Considerations When Initiating a Complaint

It is the municipality's normal practice that complainant information is considered to be confidential and will not be released to the person whose property is under complaint, unless under an order made by the Provincial Freedom of Information Officer. In almost all circumstances it is most likely that complainant information will not be released, but each case may be looked at individually and decisions may vary accordingly.

The County of Annapolis will normally request or require a complainant to act as a witness, should a case be required to be determined in court. This is a critically important requirement when bylaw enforcement officials are unable to determine that a violation has occurred without the evidence of the complainant. A complainant will normally be informed of this requirement at the time of the initial complaint or during the investigation process.

The Municipality of the County of Annapolis appreciates your patience in bylaw enforcement matters.