

Vision: A welcoming place for all to live, grow and thrive

Mission: Facilitating growth, wellness, and prosperity through effective and forward-thinking leadership.

COUNCIL MEETING:

July 8, 2024

TITLE: BY-LAW ENFORCEMENT PILOT PROJECT

PREPARED BY: PHIL OUELLETTE, CEO FUNDY REGIONAL SERVICE COMMISSION

DEPARTMENT: GENERAL GOVERNMENT

For Information

For Discussion

For Decision

RELATED TO STRATEGIC PLAN

- Organizational Capacity, Community Vitality

ATTACHMENTS

- Fundy Regional Services Commission (FRSC) & Maritime Enforcement Services Inc (MESI) Contract

BACKGROUND

The FRSC is committed to responsible service delivery that provides access to programs and services for its member communities. In its work, the FRSC is driven by a vision of inspiring collaborative excellence, building resilient communities, and delivering valuable outcomes. With the Commission's newly expanded mandate, it oversees a broad range of regional services including:

- Solid Waste Management,
- Community Planning & Building Inspection Services,
- Regional Public Safety,
- Regional Transportation,
- Community Development,
- Regional Facilities and
- Economic Development & Tourism Promotion.

After consulting with FRSC members and partners, a need was identified to build cross-community collaboration for bylaw enforcement. Not all communities in the Fundy Region require the same support for bylaw enforcement, as some communities already have existing programs and staff, while others have very little support and coordination.

As a response, the FRSC submitted a funding application to the Department of Environment and Local Government to access funding to support the FRSC's building inspection and community planning service, including additional resources for a regional bylaw enforcement pilot. The funding application was approved in late 2023, and the FRSC has been working with the regional group of Chief Administrative Officers and Rural District Managers to map-out how to proceed with the pilot program.

Strategic Priorities:

Smart Growth | Organizational Capacity | Community Vitality | Infrastructure and Climate Adaptation

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COMMENT

There are two contemplated components of the pilot program:

- (1) a referral program (via local governments/rural district to the FRSC to the company who delivers the service), to pursue specific properties for compliance;
- (2) a regular monitoring program to identify new non-compliant properties.

In terms of referrals, complaints would be received/registered with the FRSC from the various communities, not from citizens at-large, to prevent duplications and ensure alignment between regional and local efforts. Local governments/rural district would fill-out a form to identify the specific referral, and the FRSC would priorities these referrals with the consultant to map-out workflows (criteria for prioritization is identified in below “Program Design” section). The consultant would provide a service to drive voluntary compliance of properties. When voluntary compliance cannot be reached, a report of the interactions will be shared with the local community, to inform the local community’s decision to proceed with legal action against the owner. The pilot does not include legal support for enforcement cases that cannot be resolved through voluntary compliance, which will remain with each community to undertake (if they so desire).

The service provided through the consultant would include enforcement of the Building Code Administration Act and the Community Planning Act related to construction activity without permits. The consultant would also work on Dangerous and Unsightly Premises which is governed by the Department of Environment. As it relates to animal control, the consultant would focus on educating property owners about animal control bylaws and make necessary linkages to the SPCA.

In terms of the monitoring service, there are three communities that showed an interest in accessing that service as part of this pilot program, including Grand-Bay-Westfield, Fundy Rural District, and Fundy-St. Martins. Monitoring will be completed when

- (1) there are lulls in referrals originating from local communities, or
- (2) when there is opportunity to “monitor” in geographic locations between referrals.

The Town of Hampton has indicated an interest to engage on the regular referral service through Maritime Enforcement Services Inc (“MESI”), but does not require the monitoring service. The other three FRSC member communities do not expect to utilize the service due to existing in-house programming, although they are welcome to engage if the need arises, especially due to high demands within this communities and/or vacation or sick-leave coverage of existing in-house resources.

The FRSC has entered into an agreement with MESI, who has a proven track record of providing similar services to other local governments, to support the enforcement pilot program, and regional service commissions across New Brunswick. To proceed with the pilot program, each

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participating local community must appoint MESI representatives as permitted to enforce bylaws, which is this matter is before Council.

The pilot begins on July 15th, 2024, and will be active until December 2024, where an assessment will be made on whether there is a need to continue through the winter months, or to re-engage in the spring of 2025.

FINANCIAL IMPLICATIONS

There is no cost to the Town.

RECOMMENDATION

That the Council of the Town of Grand Bay-Westfield approve the following resolution as prepared by the CEO of Fundy Region Service Commission.

MOTION

WHEREAS in accordance with Section 72 of the *Local Governance Act, SNB 2017, c 18*, Council may appoint By-Law Enforcement Officers for the Local Government and determine their mandates.

That the Council of the Town of Grand Bay-Westfield authorize the following persons be individually appointed as a By-Law Enforcement Officer for the Local Government:

- 1) Jordan LANGLOIS.
- 2) Colleen QUIGG.

BE IT FURTHER RESOLVED THAT the By-Law Enforcement Officer (Officer) is retained for the preservation and maintenance of public peace.

AND THAT the duties, powers, authorities, and immunities of the Officer are as follows:

- a) The Officer has the powers as defined by Section 14(3) of the *Police Act, SNB 1977, c P-9.2*.
- b) The Officer has the duty to enforce all the By-Laws of the Local Government.
- c) The Officer has the lawful authority to investigate violations, perform inspections, enter lands, buildings, and other structures, issue tickets, lay information, serve documents, issue demands, orders and perform all other duties and tasks, in accordance with all the applicable Sections and Regulations of the *Local Governance Act, SNB 2017, c 18* and as established by By-Law.
- d) The Officer is authorized to exercise discretion in the course of their duties.

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- e) The Officer is an officer acting under the law and is protected in accordance with the *Protection of Persons Acting Under Statute Act, RSNB 2011, c 210*.

BE IT FURTHER RESOLVED THAT the above-mentioned appointments are terminated on December 31, 2024, or until another resolution is passed by this Council to terminate the term appointment.

CAO COMMENTS

It is hoped that a proactive approach may be taken with some properties. A list is being compiled for MESI to monitor.

APPROVAL

Reviewed by: *Nicole Yaddond*

Date: July 8, 2024

CAO: *John Dunsford*

Date: July 4, 2024