



By-Law Guide for Residents

Municipality of Brighton
By-Law Enforcement Department
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Copies of By-laws can be found by browsing the By-Law Enforcement Applications and Forms or by contacting By-law Enforcement Officer Monday to Friday 8:30 am to 4:30 pm at 613-475-1162 extension 121.

By-Law Enforcement Background



By-Law can refer to a law of local or limited application passed under the authority of a higher law specifying what things may be regulated by the by-law. It can also refer to the internal rules of a company or organization.

Municipal By-Laws are public regulatory laws which apply in a certain area. The main difference between a By-Law and a Law passed by a national/federal or regional/state body is that a By-Law is made by a non-sovereign body, which derives its authority from another governing body, and can only be made on a limited range of matters. A local council or municipal government gets its power to pass Laws through a Law of the national or regional government which specifies what things the town or city may regulate through By-Laws. It is therefore a form of delegated legislation.

Within its jurisdiction and specific to those areas mandated by the higher body, a Municipal By-Law is no different than any other Law of the land, and can be enforced with penalties, challenged in court and must comply with other laws of the land, such as the country's constitution. Municipal By-Laws are often enforceable through the public justice system, and offenders can be charged with a criminal offence for breach of a By-Law. Common By-Laws include vehicle parking and stopping regulations, animal control, building and construction, licensing, noise, zoning and business regulation, and management of public recreation areas.

A Bylaw Enforcement Officer is a Law enforcement employee of a Municipality, county or regional district, charged with the enforcement of non-criminal bylaws, rules, laws, codes or regulations enacted by local governments.

In the Province of Ontario, Bylaw Enforcement Officers are generally titled "Municipal Law Enforcement Officers" They are engaged in a variety of quasi-police activities, especially enforcement roles that for lack of staffing are not handled by police officers. Contrary to popular belief, although some work conducted by By-Law Enforcement Officers can be very minor in gravity, such as issuing tickets for expired meters, many of the investigational and enforcement duties conducted by bylaw officers are extremely important and necessary for the well-being of society. Dog attacks, for example, can be very serious events, where people or other animals can be gravely hurt. In most jurisdictions with By-Law Enforcement Guide

Law Officers, investigational work concerning dog attacks is conducted solely by the By-Law Officers, without any Police involvement. Such work can prevent future attacks, protect society from harm and/or cause an animal to be euthanized and its owners to face severe fines. As well, By-Law Enforcement Officers care for and protect animals, help mediate neighbourhood disputes, assure public safety by investigating illegal garbage/waste dumping and enforce regulations, the absence of which can severely impact a person's well-being, such as late-night noise from frequent parties that prevents a neighbourhood from sleeping.

Furthermore, By-Law Enforcement Officers are the first line of defense against a physical degradation of a neighbourhood or area, which can start with a broken window, lead to unsightly premises, and soon be littered with garbage, illegal signs and uninsured vehicles. By-Law Enforcement is instrumental in preserving well-functioning neighbourhoods and fixing problematic ones.

By-Law Enforcement Process



The Municipality of Brighton through By-Law Enforcement is committed to the maintenance of community standards that contribute to improving the quality of life. The Mandate of By-Law Enforcement is to achieve compliance with municipal by-laws through education, mediation, and, as necessary, enforcement and prosecution.

The Municipal By-law Enforcement Officer will investigate your complaint shortly after receiving your written complaint. The By-law Officer is usually successful in obtaining voluntary compliance with Municipal By-laws. There are always instances that require additional enforcement and when an individual does not voluntarily comply, there are formal legal requirements that must be followed and these can take time. The Municipal Law Enforcement Officer investigates all complaints to determine if there is a By-Law violation. If no violation is found, the file is closed.

If a violation is found, the officer mails a Notice of Non-Compliance by registered mail. The Notice to Comply includes:

- a list of violation(s)
- what needs to be done by the property owner and/or occupants to correct the violation(s)
- specific time frame for work to be completed
- name and contact information of the investigating officers

The officer does another inspection after the deadline listed on the Notice to Comply. If no action has been taken, the officer sends a final Notice to Comply. If the Notice to Comply is not completed, the officer may:

- Issue a ticket or summons to either the property owner(s) or occupant(s)
- Charge a Fee for Inspection. The property owner is responsible for this fee that is added to the property taxes.
- Send a contractor, working on behalf of the Municipality, to bring the property into compliance. The property owner is responsible for these costs that are added to property taxes.

The property owner(s), occupant(s) and the officer named on the Notice or Order to Comply must have good communication to avoid costly fines. Timelines for a Notice or Order to Comply is determined by the officer. Progress towards becoming compliant of the By-Law will delay the Order to Comply. If there is no progress, then the Order to Comply is issued.

The decision to proceed with a prosecution must be carefully considered and one based on the evidence available to support the charge. Once all the evidence is obtained it is necessary to ask the question, is there a reasonable prospect of conviction? While the standard is not that of perfection when deciding to prosecute a matter pursuant to a Municipal By-Law, an objective analysis of the evidence available is required. At the end of the day the goal of the prosecution is bring about compliance and punish those who do not comply with the requirements of the By-Law. A further objective is general deterrence. However, these three objectives are lost if the charge does not result in a successful conviction. Given that the threshold for a successful conviction of a Municipal By-Law is one of beyond reasonable doubt based on the preponderance of evidence, the requirement to assess the quality of evidence is important.

How to submit a By-Law complaint



Before submitting a By-Law complaint with the Municipality, try speaking to your neighbour and making them aware of your complaint. This process may resolve the problem and should be your first step.

To submit a By-Law complaint with the Municipality, a By-Law complaint form must be submitted to the Municipality or emailed. This form can be obtained from Public Works or found on the Municipal website at <https://www.brighton.ca/en/municipal-services/resources/Documents/Planning-Documents/Forms/Complaint-Form>

Complaints cannot be made anonymously. Your personal information will not be disclosed by the Municipality. However, if the complaint results in formal charges, you may be required to attend court and provide testimony. At this time your information may be released to the Ontario Provincial Police and other relevant authorities.

The following information must be provided on your complaint form before an investigation will take place; What offence was committed? Where is location of the offence? When the offence was committed, time and date? Who committed the offence? How long the offence has been occurring? Why are you reporting the offence?

By-Law Services investigates and enforces regulatory Municipal By-Laws such as property standards, clean yards, noise control, parking control, dog control, and sign control. The By-law Officer is also responsible for issuing licenses, such as refreshment vehicle, taxi, hawkers and pedlars, salvage yard and sign permits.

Parking Control By-Law



The following are all the most commonly enforced Parking violations:

- 1) Parked on or over Municipal Boulevard - A Municipal Boulevard is typically the grass area between the roadway and sidewalk. Parking on the Boulevard damages the grass and creates uneven ground from the vehicles weight, which is hazard.
- 2) Vehicle parked in loading zone that is not a commercial vehicle - There is only one (1) Commercial Loading Zone in Brighton. Vehicles that are not legally classed as a Commercial Vehicle as per the Highway Traffic Act are not permitted to use this space.
- 3) Parked in signed NO PARKING area - there are several roadways that are posted "No Parking" These signs are installed, as it has been identified as a roadway, that parking of vehicles would create safety issues.
- 4) Parked on or over a Crosswalk, Sidewalk or Footpath - Vehicles are often found to be parking over the sidewalk to avoid parking fully on the roadway. This often leads to pedestrians having to walk on the roadway. Sidewalks will be concrete or pavement.
- 5) Parked Obstructing Traffic - Parking a vehicle blocking one lane either fully or partially is not permitted, it is also a violation of the Highway Traffic Act.
- 6) Park Heavy Truck in Prohibited Zone - Commercial Vehicles are not permitted to park on Streets within the Town of Brighton
- 7) Parked between 12:00 a.m. and 7:00 a.m. during restricted months - Parking on all Municipal Roadways is not permitted from November 1st to April 1st between 12:00 a.m. and 7:00 a.m. Public Works Staff cannot effectively clean or clear snow from the roadways when vehicles are parked on the road.
- 8) Parked in Accessible Parking Space – without permit - The fine for parking without a permit in an Accessible Parking Space is \$350
- 9) Parked over 2 hour limit - When Signs are posted; vehicles can only be parked for 2 hours max at one time, in a 24 hour period.
- 10) Parked overnight in Municipal parking lot - There is no parking permitted overnight in any Municipal Parking lot. The Municipality is not responsible for damage to your vehicle. During the Winter months, Public Works Staff need to be able to clean or clear snow effectively from the Municipal Parking Lot.

Off-Road Vehicles By-Laws



ATV's and Off-road vehicles are not permitted to be driven on *Municipal roads between dusk and dawn.

Operators of off-road vehicles must wear helmets on all **Municipal roads*, have a valid driver's licence, and have public liability and property damage insurance in full force and effect for no less than \$1,000,000 per occurrence.

No person shall operate an off-road vehicle over and upon any Municipal owned or maintained land such as parks, playgrounds, sporting areas, gravel pits or for utility purposes.

When travelling on **Municipal roads* the direction of travel must be in the same direction as traffic and must travel on the shoulder of the road.

Off-road vehicles shall not be driven at a rate of speed greater than 20 km/hr if the established speed limit is **less** than 50 km/hr.

Off-road vehicles shall not be driven at a rate of speed greater than 50 km/hr if the established speed limit is **greater** than 50 km/hr.

*Municipal roads do not include County Roads 2, 21, 26, 27, 29, 30, 41, 64 and Prince Edward Street which are maintained and governed by the County of Northumberland.

Dog Control By-Law



Every calendar year, an owner of a dog four (4) months or older shall ensure that their dog owned is licensed by the Municipality. Licences can be obtained at City Hall.

Dog Owner Responsibilities

- 1) If a dog defecates on any public or private property other than the property of its owner, the owner shall cause such excrement/feces to be removed immediately and entirely and disposed of in an environmentally approved manner. This section shall not apply to a guide dog while on a leash and actually in use providing assistance to a disabled person.
- 2) No owner of a dog shall permit or cause the dog to cry or bark in a manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity of the place where the dog is kept.
- 3) In order for excessive barking to be in violation of this bylaw it must be:
 - a. frequent and persistent; and,
 - b. disturb the neighbourhood (more than one household).
- 4) No owner of a dog shall permit his or her dog to, without provocation:
 - a. chase, bite, attack or kill any domestic animal;
 - b. damage public or private property.
- 5) No person shall within the Municipality of Brighton permit his/her dog, or a dog under their care or control to run at large, except in designated Off Leash areas approved by the Municipality.

Pierce Animal Control

The Municipality of Brighton has a contract with Pierce Animal Control to handle dogs running at large matters. Pierce Animal Control will only attend when the caller has the dog tied up and under their control. Pierce Animal Control also offer private services for other animals at the callers cost. Pierce Animal Control can be contacted at 613-966-4483.

Belleville Humane Society

The Belleville Humane Society is the Municipal Pound. If a dog has been seized by Pierce Animal Control, the dog will be turned over the Humane Society. If the dog is not claimed but its owner by a certain time, the dog will be adopted out. The Belleville Humane Society can be contacted at 613-968-4673.

Open-Air Burning By-Law



Open Air Burning Permit

The Municipality permits open air burns under strict guidelines from the Fire Department.

Before burning you must purchase a burn permit. The cost of a burn permit is \$20.00

Burn Permits can be purchased online at brighton.burnpermits.com. **Please note** that burn permit purchases will show as Paypal on your credit card statement.

Permits can be purchased in person, in a two-step process. First, attend 35 Alice Street Finance Department and purchase your burn permit. Take your receipt to Brighton Fire Station # 1 at 20 Elizabeth St, Brighton during regular business hours Monday, Wednesday and Friday 8:30-4:30 pm, closed 12-1 to obtain the permit.

Follow the regulations set out in [By-Law to Regulate and Control Open Air Burning with the Municipality of Brighton 125-2016](#). Residents must only burn dry wood products (unpainted or untreated wood by-products may be burned). You must also notify the Fire Department at 1-855-936-2019 to activate your permit for each time you burn and when the burn is complete.

Fire Works By-Law



The Municipality of Brighton has a Fireworks By-Law to regulate the selling and setting off of fireworks in the Municipality of Brighton. The primary reason for the By-Law, is to promote safety when handling and discharging fireworks.

Sale of Fireworks

No person shall sell or offer for sale fireworks of any kind except on the following days:

- a) Victoria Day, Canada Day, Labour Day and New Year's Day,
- b) The seven (7) days immediately preceding Victoria Day, Canada Day, Labour Day and New Year's Day.

No person shall sell, give or distribute fireworks to any person under the age of eighteen (18).

No person shall display fireworks in store windows that contain explosive composition.

Family Fireworks

No person shall set off family fireworks except on the following days:

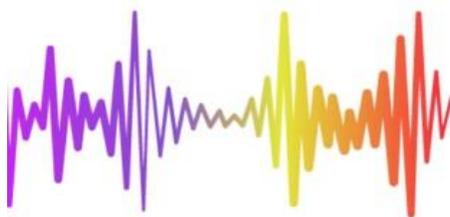
- a) Victoria Day, Canada Day, Labour Day and New Year's Day.
- b) The three (3) days immediately prior to Victoria Day, Canada Day, Labour Day and New Year's Day.

No person shall set off fireworks if the said person is under the age of eighteen (18) and not under the direct supervision and control of a person eighteen (18) years of age or older.

Exhibition Fireworks

No person shall hold a display or exhibition of fireworks without first having obtained a permit to do so from the Chief of the Brighton District Fire Department

Noise Control By-Law



Within the Municipality of Brighton, No person shall make or permit noise which is likely to disturb the inhabitants of the Municipality.

In order to assist you in resolving your noise complaint, it is important that you complete the noise complaint and incident forms and file them with the By-Law Enforcement Officer.

Before completing the forms, please consider the following:

Making noise in itself is not illegal.

Making noise that disturbs people may be considered illegal provided that there is sufficient evidence to prove that the noise being made is in violation of the Municipality's Noise Control By-Law.

Before contacting the By-Law Enforcement Officer consider that your neighbour may not be aware that noise coming from their property is bothering you. If you have a good relationship with your neighbour, it may be possible to resolve the issue by talking to them about it. Often when a neighbour is made aware of the problem they will take steps to rectify it because they too, like most of us, want to be a good neighbour. In the event the neighbour is not co-operative, then further action may be necessary in which case solid evidence will prove critical in order to get the issue resolved.

Because noise happens all around us on a daily basis and tolerance to noise varies considerably, it is important to be able to clearly demonstrate to the person making the noise (and also to a Court in the event charges have to be laid) that the noise being made is disturbing their neighbour(s).

Water Restrictions By-Law



This By-Law (In effect from May 1st to October 1st Annually) regulates and restricts the unnecessary use of water for outside purposes within the serviced area of the Municipality of Brighton.

Residents with odd numbered civic addresses may water on odd numbered calendar days of the month, and residents with even numbered civic addresses may water on even numbered calendar days of the month.

Any residential property with a programmable underground sprinkler system shall water every other day provided the said sprinkler system is maintained in good working order.

No person shall Water outdoors, when the Corporation of the Municipality of Brighton has imposed full outdoor water restrictions within the water distribution service area due to weather conditions, emergencies or facility maintenance.

No Smoking By-Law



No person shall smoke within 9.0 metres of the doorway, entrance or exit of any Municipal Building.

Municipal Building means any building, owned, operated or leased by the Municipality of Brighton.”

Property Standards By-Law



General Policy for Residential Properties

Every property shall be kept clean and free from:

- i. holes, pits, excavations or trenches constituting a safety or health hazard;
- ii. dilapidated, collapsed or partially constructed structures;
- iii. injurious insects, termites, rodents, vermin or other pests; and
- iv. Storage or stockpiling of wood, stone, rock or other materials, unless accessory to a permitted and expedited construction project, permitted through the Municipality's Comprehensive Zoning By-law, or as a personal home use.

No owner or occupant of land shall fail to keep a yard free from wrecked, dismantled, inoperative or unlicensed vehicles, trailers or other machinery or any part thereof and waste and refuse of any kind.

An owner or occupant may keep one (1) unlicensed vehicle, if the vehicle is mechanically fit and operative, not used for the purposes of storage of materials; and the vehicle is not a commercial vehicle stored on a residential property as defined in the Zoning By-Law.

Every fence shall be kept protected by paint, preservative or other weather resistant material unless the aesthetic characteristics of the fence, screen or enclosure are enhanced by the lack of such material; and in a structurally sound condition; and free from objectionable markings, painted slogans, stains or other defacement; and in good repair and free of accident hazard.

Trees and Shrubs

No person shall have, plant, grow, maintain or permit on his property any fence, hedge, shrub, or plant or tree which does or may obstruct the safety of the public; or affect the safety of vehicular or pedestrian traffic; or constitute an obstruction of view for vehicular traffic; or wholly or partially conceal or interfere with the use of any hydrant or water valve; or overhang or encroach upon any sidewalk or pavement or travelled portion of any street or highway, so as to interfere with the function of the sidewalk or highway.

Temporary Garages

Temporary storage structures or temporary garage structures are prohibited except through an approved Temporary Use by-law or if erected prior to October 15th of the current year and removed by April 15th of the following year. The removal of the temporary structure or garage shall include the entire structure.

Clean Yards By-Law



Maintenance of Property

No owner shall fail to keep the vegetation on the property clean and cleared-up. The removal of noxious weeds from their property and shall include the untraveled portion of the highway abutting their property and the cutting of grass so that its height is maintained so as to be consistent with the surrounding environment.

Garbage and Waste Disposal

No owner shall fail to keep the property free and clear of domestic waste or industrial waste, or anything in their possession that may constitute a health, fire or safety hazard to the yard or vacant lands of another person or to any Municipally owned lands.

Standing Water

No owner shall fail to ensure that any swimming pool, hot tub, wading pool, or artificial pond is maintained in proper operating condition, and in good repair.

No owner shall fail to keep the land free of containers or debris capable of holding standing water in such a manner as to be exposed to the breeding of and/or larvae growth of insects.

Composters

The owner or occupant of a residential property may provide for a compost heap or bin provided that any compost is confined to an area larger than 1.0 square metre in area and 1.5 metres in height and is enclosed on all sides by concrete block or lumber or contained within a container designed for composting and any compost heaps or bins shall be constructed to prevent the entry of animals and shall be provided with a secure fitting cover.

Motor Vehicle Salvage

No owner or occupant of land shall fail to keep a yard free from wrecked, dismantled, inoperative or unlicensed vehicles, trailers or other machinery or any part thereof and waste and refuse of any kind.

Snow and Ice Removal



No person shall deposit snow or ice onto a Municipal road.

No person shall deposit snow or ice from any property from one side of a Municipal road and deposit the snow or ice onto the opposite side of the Municipal road at any time.

Any snow that is deposited from private property onto Municipal property may be removed and any cost incurred will be invoiced to the property owner who placed the snow on Municipal Property