

Rules and Regulations for Non-Criminal Disposition Bylaw 1.1.5

A disrespect for law develops when restrictions "on the books" are not enforced. Presently, using the criminal process for enforcement is quite formidable, and, given the workload of the district court, cannot always be accomplished in a timely manner. Availability of non-criminal procedures can make enforcement more manageable.

Bolton Bylaw 1.1.5 (Non-Criminal Disposition) provides a "non-criminal disposition" of violations of bylaws, rules, and regulations.

Non-police personnel will be trained in the use of citations so that they fully understand when it is appropriate to issue one, how the "ticket" should be completed, what should be said to the offender at the time it is issued (and what should not), what to do with the ticket form when completed, and the need to prepare an adequate summary describing the circumstances in which the citation was issued. Enabling municipal rules and regulations to be enforced by this method opens up a new avenue for enforcement in areas of growing concern and interest (e.g., conservation, health, environment). Rule-making agencies should now find it easier to achieve compliance with their rules and regulations. These procedures have proven to be extremely useful in the enforcement of zoning by-law provisions. Non-criminal procedures can greatly simplify the enforcement of animal control regulations.

'Non-criminal disposition' takes the stigma of the criminal complaint process out of the local enforcement effort, and obviates, in a majority of cases, the need to 'prove' a case in a trial setting. Instead, these local laws may be enforced by a process similar to that used for payment of parking fines, a process with which most people are familiar.

Use of the 'non-criminal' procedure allows the local enforcement person to write a 'ticket' which sets a specific sum of money to be paid as a penalty for the violation of the by-law. The enforcement person and the fine are specific in the by-law. The penalty is paid to the town clerk, or the offender may request a district court hearing to be held on the matter. The request for a hearing must be made within twenty-one days following the date the ticket is issued. Fines paid by the offender are deposited in the municipal treasury.

The 'ticket' will be a citation form prepared in quadruplicate: one for the offender (white); one for the enforcement officer (yellow); one for the municipality (town clerk) (gold); and one for the district court (pink). In addition to the description of the incident recorded on the citation form, enforcement persons will be instructed to keep their own notes or a memorandum concerning the incident. Should a hearing be requested by the person cited, these notes will be needed. The importance of a contemporary record of the events and circumstances leading to the issuance of the citation cannot be stressed too strongly. The list of provisions subject to enforcement under the non-criminal procedure and the schedule of fines will be contained on the back of the offenders copy. A copy of the complete bylaw being enforced will be available to go with the citation. There will be a detailed set of instructions for each enforcement personnel, as well as a training session.

A list of all citations issued, the date of issuance, the date by which either the fine is payable or

- sign your name to the notice
- request that the offender sign his/her name indicating receipt of a copy of the notice, explaining, if necessary, that the signature is not an admission of guilt.
- if the offender refuses to sign, so indicate on the form.

5. Give the offender The white copy of the citation, explain again the procedures to be followed; note that procedures are printed on the citation form.

6. If the offender refuses to accept the form, or if for any other reason you are unable to give a copy of the citation to the individual in person, you may mail or otherwise deliver a copy to them. (NOTE: The notice may be delivered or mailed by the enforcing person, the commanding officer, or the head of the enforcing person's department, within 15 days after the said violation to the last known address of the offender. A certificate of the person so mailing a copy shall be prima facie evidence of such mailing.)

7. Two copies of the citation [one for the district court (pink), one for the town's records (gold)] must be dropped off at the Town Clerk's office within twenty-four hours. It is good practice, if at all possible, to leave all citations with the coordinator (Town Clerk) at the end of each working day.

8. An incident report summarizing the circumstances in which you have issued each citation **must** be prepared by you at the time the notice of the violation is prepared. Keep this summary available until you are advised that it is no longer needed. If the offender requests a hearing, or of a criminal complaint is later sought, it will be necessary to have this contemporary record of what happened.