

Approved by Council – December 12, 2016

BYLAW ENFORCEMENT POLICY

BACKGROUND

The purpose of bylaw enforcement is to encourage compliance with Town of Redcliff municipal bylaws. Complaints normally arise where persons do not comply with municipal bylaws and non-compliance adversely affects another party. This policy is intended to be a guide with respect to the enforcement of the bylaws of the Town. Council may provide other policy guidance or direction on specific complaints or enforcement issue(s).

DEFINITIONS

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| Frivolous or Vexatious | ▪ A complaint is initiated with the intent to embarrass or annoy the recipient, and/or is part of a pattern of conduct by the complainant that amounts to an abuse of the complaints and/or inquiry process. |
| Formal Complaint | ▪ Is a complaint received by the Town of Redcliff staff wherein the complainant provides their full name, address and phone number and nature of complaint. |
| CAO | ▪ Is the Chief Administrative Officer for the Town of Redcliff. |
| Front Line Staff | ▪ Is an employee of the Town of Redcliff receiving a Formal Complaint. |
| Designated Officer (Officer) | ▪ Is a person appointed by the Town of Redcliff for the purpose of Municipal Bylaw Enforcement including, but not limited to, the Bylaw Officer, and Development Officer. |

ENFORCMENT

The Town of Redcliff’s primary enforcement objective shall be to obtain voluntary compliance.

In determining whether to commence enforcement proceedings, the Town may consider one or more of the following criteria:

1. The scale, nature, and duration of the contravention;
2. The amount of time that has elapsed since the contravention occurred;
3. The impact of the contravention on the community;
4. The resources available to resolve the matter;
5. The costs associated with enforcement action;
6. The probability of a successful outcome;
7. The policy implications of the enforcement action and the potential for precedents;
8. Whether public safety is at risk;
9. Whether enforcement may be a deterrent in future cases.

Enforcement Measures and Options

- Upon determining that there is a violation of a municipal bylaw (excluding set fine situations and situations of documented, chronic violation or where otherwise warranted), the enforcement shall proceed to the enforcement stage by providing an initial warning to the suspect/violator by at least one of three means:
 - In person;
 - By telephone
 - In writing
- Bylaw Enforcement is sought, in most instances, through voluntary compliance. Individuals who are being investigated will be required to cease the activity (if applicable) and be given an opportunity to achieve compliance before further action is taken to the limits noted in the By-law or as outlined below. Most enforcement measures involve the offender given a period to comply by providing a date as a compliance deadline. Follow-up inspections may be conducted at the discretion of the Officer any time during the enforcement process. Extensions for compliance deadlines may be granted at the discretion of the Officer.
- In the case of situations wherein Council has established a set of fines for violations, an Officer may, upon confirmation of the existence of a violation, immediately issue an offence notice/ticket
- If voluntary compliance is not reached, compliance may be sought through the issuance of a Notice of Violation, Compliance Order, or Stop Order
- In the event a Notice of Violation and/or Compliance Order is issued in accordance with a Bylaw, it will serve as a “warning” and identify what contraventions require remedial attention by the offender within a specified period of time.
- Any time a Notice of Violation is issued and compliance is not achieved, a Compliance Order or Stop Order (dependent upon the type of violation) shall be warranted. This will serve as a “directive” to the offender and again provide the offender with a specified date where compliance is now mandatory.
- An Officer has the authority to issue a Stop Order, in absence of any Notice of Violation being issued unless the applicable Bylaw states otherwise.

Remedial Action

- Where an owner has not brought the property into compliance by the established deadline as outlined in the Compliance Order or Stop Order, the Officer will inform the CAO.
- The CAO will determine the best course of action.

LEVEL OF INVOLVEMENT

In situations where the Officer is involved in a dispute between two or more people, where it has become obvious that the Officer's involvement will not be able to achieve a reasonable resolution to their dispute, the Officer is given the discretion to decide on an appropriate level of further involvement. The level of involvement by the Officer may include a decision to suspend further involvement or take no action in the dispute. In making a decision as to the level of further involvement with the dispute, the Officer will consult with the CAO and will have regard to the following criteria:

- Safety factors;
- History of attempts to mediate by the Officer;
- Coordinating involvement with other relevant agencies;
- The number of unfounded complaints; apparent attempts to purposely aggravate the situation;
- Complaints that are frivolous and vexatious;
- The number of complaints or concerns registered that do not fall within the jurisdiction of the Town and its bylaws.

PERSONAL INFORMATION AND PRIVACY

As a matter of practice, the identity of the complainant and the written complaint itself shall not be disclosed to the alleged violator or any member of the public. Further, any response from the alleged violator shall not be disclosed in recognition of the fact that many complaints take place in the context of other disputes between neighbours.

The anonymity and confidentiality given to the parties under this policy cannot be assured if any investigation results in court proceedings.

Any requests for personal information will be addressed under the Freedom of Information and Privacy Act (FOIP)