

COUNCIL POLICY



Document Name: Bylaw Enforcement

Department Name: Community and Protective Services

Document Number: OPE-080

Effective Date: April 11, 2023

Next Revision Date: April 11, 2026

STRATEGIC PLAN LINKAGE

Fiscal Management

Building Partnerships

PURPOSE AND OBJECTIVE

The purpose of the Bylaw Enforcement Policy (the “Policy”) is to describe the Municipality’s approach to bylaw enforcement and provide a framework for the consistent enforcement and management of complaints relating to alleged infractions of municipal bylaws and provincial statutes.

GENERAL PRINCIPLES

1. Definitions:

- 1.1. “Bylaw Enforcement Officer” means an employee of the Regional Municipality of Wood Buffalo who has been sworn or affirmed as an Officer who is authorized to enforce municipal Bylaws or has received an Appointment as a Peace Officer under the *Peace Officer Act*, SA 2006 c P-3.5.
- 1.2. “Frivolous Complaint” means an additional complaint received following multiple complaints received from the same person and on the same issue which, in the opinion of the Bylaw Enforcement Officer, appears to be minor in nature and concern matters that are the subject of a concluded bylaw contravention investigation.
- 1.3. “MGA” means the *Municipal Government Act*, RSA 2000, c M-26.
- 1.4. “Municipality” means the Regional Municipality of Wood Buffalo.
- 1.5. “POPA” means the *Provincial Offences Procedure Act*, RSA 2000, c P-34.
- 1.6. “Provincial Statute” means a provincial statute that the Municipality, or a Peace Officer employed by the Municipality, has been designated to enforce.
- 1.7. “Pulse” means the Municipality’s public inquiry system, including its designated call line for urgent inquiries.

- 1.8. "Vexatious Complaint" means a complaint that in the opinion of a Bylaw Enforcement Officer is made for retaliatory or bad faith purposes, or otherwise forms part of a pattern of conduct by a complainant that amounts to an abuse of the process.

2. Responsibilities:

2.1. Council to:

- 2.1.1. approve this Policy and any amendments, as required.

2.2. Chief Administrative Officer (CAO) to:

- 2.2.1. support the implementation of this Policy;
- 2.2.2. recommend amendments to this Policy; and
- 2.2.3. approve any related Administrative Procedures.

3. General Procedures:

3.1. General Principles:

- 3.1.1. Bylaw enforcement ensures public safety and helps maintain community standards.
- 3.1.2. Bylaw enforcement shall be conducted in a consistent and fair manner.
- 3.1.3. Bylaw enforcement shall be at the Municipality's discretion on a case-by-case basis in accordance with the principles outlined in this Policy.

3.2. Complaints:

- 3.2.1. A complaint with respect to an alleged contravention of a municipal bylaw may be submitted through Pulse, email, or direct interaction with an employee.
- 3.2.2. While not required, complainants are encouraged to provide:
 - 3.2.2.1. name, address, telephone number, and other relevant contact information of the complainant; and
 - 3.2.2.2. description of the nature and location of the alleged contravention.
- 3.2.3. All complaints will be received and entered in the municipal complaint database for tracking, statistical information, and follow-up. Anonymous complaints will generally not be acted upon unless the alleged violation involves public health and safety concerns or concerns a matter that the Municipality otherwise proactively enforces.
- 3.2.4. A Vexatious Complaint will not be acted on.

3.3. Prioritization of Complaints:

- 3.3.1. Priority 1 – public health and safety. An alleged bylaw violation may adversely impact public health and safety. These violations will be investigated and enforced as soon as possible given the availability of employees and other resources. Investigations will generally be initiated by public complaints, municipal employees, or proactively by Bylaw Enforcement Officers.
- 3.3.2. Priority 2 – public property and infrastructure. An alleged bylaw violation may negatively impact public property or infrastructure but does not pose an

immediate risk to the environment or public health and safety. Investigations will generally be initiated by public complaints, municipal employees, or proactively by Bylaw Enforcement Officers.

- 3.3.3. Priority 3 – significant negative impact to adjacent properties. An alleged bylaw violation may significantly impact adjacent properties in a negative manner but does not pose an immediate risk to the environment or public health and safety. These violations will generally be investigated in response to public complaints.
- 3.3.4. Priority 4 – general nuisance. An alleged bylaw violation may be a matter that is a general neighbourhood concern. These violations tend to be cosmetic in nature and do not affect the environment or public health and safety. Bylaw Enforcement Officers receiving a complaint will use discretion to determine whether there is sufficient geographic or other connection between the complainant and the location of the alleged violation to constitute a valid complaint.
- 3.3.5. Priority 5 – anonymous complaints. An alleged bylaw violation may be sent to the Municipality as an anonymous complaint. These complaints will be investigated as time permits unless the alleged violation involves public health and safety concerns.
- 3.3.6. Frivolous Complaints. If it is determined that all steps have been taken to resolve the complaint or issue, the Municipality may decide not to respond or take further action with respect to these complaints. If the issue concerns a Priority 3 or 4 contravention, the Municipality may decide not to respond or take further action where the complaint:
 - 3.3.6.1. is not in the public interest to mitigate;
 - 3.3.6.2. would be more appropriately managed by the complainant through their own access to civil resolution process options; or
 - 3.3.6.3. has no direct impact on the complainant.

3.4. Investigations:

- 3.4.1. Bylaw contravention investigations will primarily be initiated by public complaints.
- 3.4.2. Notwithstanding section 3.4.1, bylaw contravention investigations may be undertaken in response to complaints or observations from municipal employees, police, or other agencies, or be initiated proactively by Bylaw Enforcement Officers.
- 3.4.3. Within the categories outlined in section 3.3, priority for investigation will generally be determined based on the order in which complaints are received and the efficiency to be gained through investigating multiple complaints at once. Municipal bylaw enforcement resources are prioritized in accordance with section 3.3 to ensure the timely receipt and investigation of complaints.
- 3.4.4. Upon assignment of a complaint, the Bylaw Enforcement Officer will conduct a preliminary assessment to determine if the complaint is valid and relates to a municipal bylaw or Provincial Statute. The investigation may include a review of the property ownership and relevant bylaws, as well as discussion with the complainant, consultation with relevant municipal departments, and a site visit. If after the preliminary assessment, the complaint is determined to not be valid, no further action will be taken, and the complainant is to be notified.

- 3.4.5. Bylaw Enforcement Officers will maintain written and electronic records of inspections and investigations undertaken in accordance with the Corporate Classification and Retention System Administrative Directive IMT-030-D.
- 3.4.6. Bylaw Enforcement Officers will evaluate a complaint in the context of the surrounding area and, where available resources permit, in accordance with section 3.3, a Bylaw Enforcement Officer will investigate all contraventions observed during the investigation even where they may not be the subject of the original complaint, including those observed in the surrounding area, and consider options for enforcement action.

3.5. **Enforcement:**

- 3.5.1. Where investigation reveals a contravention, the primary goal of enforcement action is to achieve voluntary compliance with municipal bylaws through communication, education, and non-penalty enforcement. This may include providing a reasonable timeframe for the contravener to comply.
- 3.5.2. Where circumstances do not allow for enforcement through communication, education, or non-penalty enforcement, more direct enforcement approaches, such as immediate ticketing, may be used. This includes, but is not limited to, situations where:
 - 3.5.2.1. public safety or security, environmental safety, or human health is at risk;
 - 3.5.2.2. enforcement follows a widespread public education campaign;
 - 3.5.2.3. Council has prioritized enforcement to address a specific issue or type of issue;
 - 3.5.2.4. the contravener knows or reasonably ought to know their conduct contravenes municipal bylaws;
 - 3.5.2.5. there is a history of repeated offences regarding the same or similar violations;
 - 3.5.2.6. obtaining voluntary compliance is not possible or practicable owing to the nature of the contravention; and
 - 3.5.2.7. case-specific factors warrant a direct approach to enforcement.
- 3.5.3. If voluntary compliance is not appropriate or is not achieved, any remedy authorized by the municipal bylaw or the MGA may be exercised, including:
 - 3.5.3.1. municipal ticketing;
 - 3.5.3.2. remedial action at the expense of the person in contravention; and
 - 3.5.3.3. prosecutions under the POPA.
- 3.5.4. Bylaw Enforcement Officers will exercise discretion in enforcement and investigation decisions in accordance with section 3.3 and the following criteria:
 - 3.5.4.1. whether there is an environmental, human health, public safety, or security risk;
 - 3.5.4.2. scale, nature, and duration of the contravention;
 - 3.5.4.3. impact of the contravention on the community;
 - 3.5.4.4. previous decisions or legal precedents on similar complaints;

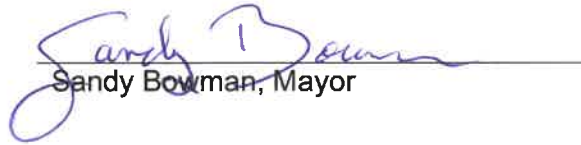
- 3.5.4.5. effort made to correct the contravention;
 - 3.5.4.6. whether the matter appears to be a civil dispute, a Frivolous Complaint, or a Vexatious Complaint; and
 - 3.5.4.7. whether enforcement may be a deterrent in future cases.
 - 3.5.5. Any decisions made by a Bylaw Enforcement Officer in the handling of a complaint or enforcement matter is subject to review by their supervisor, manager, Director, or Chief Administrative Officer. This may result in the Bylaw Enforcement Officer taking additional enforcement action based on criteria in sections 3.4 and 3.5.4.
 - 3.5.6. Bylaw Enforcement Officers may enter on or into a property for the purposes of bylaw enforcement in accordance with the provisions of the *Municipal Government Act*, section 542(1).
 - 3.5.7. Should the Municipality be required to take action to bring a property into compliance upon the issuance of any remedial order and the expiry of the appeal period, all expenses and costs incurred by the Municipality are the financial responsibility of the property owner and may be added to the tax roll of the property.
- 3.6. **Confidentiality:**
- 3.6.1. Confidentiality is necessary to ensure complainants are not exposed to retaliation or other adverse actions because of the complaint. The identity of the complainant and any identifying information will not be disclosed to the alleged contravener or any member of the public. Likewise, the response of the alleged contravener shall not be disclosed to the complainant.
 - 3.6.2. The anonymity and confidentiality outlined in this Policy is not absolute and personal information may be disclosed in the following circumstances:
 - 3.6.2.1. the bylaw investigation results in court proceedings;
 - 3.6.2.2. the information is subject to a request under the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 or pursuant to an order issued by the Information and Privacy Commissioner under the Act;
 - 3.6.2.3. procedural fairness requires disclosure of the information;
 - 3.6.2.4. disclosure is otherwise required by law.
- 3.7. **Safety:**
- 3.7.1. The safety of municipal employees is of utmost importance. If a Bylaw Enforcement Officer is verbally or physically threatened or assaulted while administering the bylaws of the Municipality, no further action will be carried out until a written statement has been completed and forwarded to the RCMP and appropriate security measures are taken to safeguard the Bylaw Enforcement Officer.
 - 3.7.2. Safety measures may include, but are not limited to, arranging for a police officer to accompany the Bylaw Enforcement Officer in carrying out enforcement duties.

3.8. Municipal Discretion

- 3.8.1. Notwithstanding anything contained in this Council Policy to the contrary, the Municipality does not have a legal duty to enforce any bylaw or Provincial Statute; any decision to investigate an alleged infraction or to take enforcement action shall remain at the sole discretion of the Municipality.

APPROVAL

This Policy was approved by Council. It will be reviewed not later than its next Revision Date to determine its effectiveness and appropriateness. It may be assessed before that time, as necessary.


Sandy Bowman, Mayor


Jade Brown, Chief Legislative Officer

April 11, 2023
Date

SUPPORTING REFERENCES AND POSITION RESPONSIBLE

Legal References: Community Standards Appeal Committee Bylaw No. 19/001

Cross References:

Position Responsible: Director, Community and Protective Services

COUNCIL POLICY DETAILS AND REVISION HISTORY

Date	Action	Description
January 24, 2022	Introduction	New Bylaw Enforcement Policy OPE-080