



MUNICIPAL BY-LAW ENFORCEMENT POLICY

Purpose:

To provide a formal policy and procedure governing the handling of bylaw complaints. To ensure thorough, prompt and courteous receipt, processing, investigation and resolution of formal complaints within the Municipal Enforcement Department and ensure appropriate reporting to the Chief Administrative Officer, or Designate and Council.

Policy Statement:

This policy shall establish a professional code of conduct and to identify a procedure for the professional, consistent and fair treatment of the public and staff members where a complaint has been lodged.

Procedures:

1. Carrying upon his/her person identification at all time.
2. Conducting routine patrols to ensure compliance with bylaws.
3. All public complaints must be accepted and dealt with accordingly, complainants shall record all relevant data and information on a complaint form which will contain their full name, telephone number, mailing address and signature of the complainant. With the exception of Town staff, all complainants must live or own property in the Town of Vauxhall, unless the complainant is another municipality or governing body with exception to issues regarding public safety
4. Complaints are required in writing in order to alleviate frivolous complaints where one neighbor is feuding with another. The requiring of a signature protects the Town from being accused of discriminating against a citizen. Personal information including the complainant's name and any other personal information provided by them will remain in the strictest confidence in accordance with the Freedom of Information and Protection of Privacy Act and will not be revealed to anyone unless so ordered by a court or other tribunal or body of competent jurisdiction.
5. The Town will not respond to anonymous or third party complaints.
6. It will be the responsibility of the MEO to record the formal complaint in a complaint database established by the Chief Administrative Officer, or Designate and MEO.
7. Complaints are to be acted upon as quickly and responsibly as possible, the MEO shall conduct a preliminary review of the complaint to verify information and research any supporting documentation which may be available in Town records.
8. Call the complainant, when necessary, for further details or to confirm or clarify information provided on the formal complaint form.
9. Conducts onsite inspection and observe the state of the property as it relates to the complaint in question to determine the complaint validity and possible violations.
10. Bylaw enforcement is sought, in the first instance, through voluntary compliance. Individuals who are being investigated will be instructed to cease the activity and given the opportunity to achieve compliance before further action is taken to the limits noted in municipal bylaws or as outlined in this policy.

11. In the case of situations wherein Council has established set fines within relevant bylaws involving violations, a MEO may, upon confirmation of the existence of a violation, immediately issue an offence notice/ticket.
12. Upon determining that there is a violation of a municipal bylaw (excluding set fine situations of documented, chronic violations or where otherwise warranted), 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 or in writing.
13. In all cases, the MEO shall identify a suspected violation and the laws having jurisdiction during an initial warning stage and shall notify the suspected violator of a time in which voluntary compliance is expected.
14. If an MEO observes a bylaw contravention during the course of their duties that poses a Health and Safety risk to either themselves or to the public, they must act upon it. They may issue an emergency order to remedy a violation in lieu of an initial warning when such violation poses an immediate threat.
15. After the time limit has expired, the MEO shall return to the site to determine if compliance has been accomplished.
16. Upon discovering that the warning has been complied with, documents the results, enters the files as completed or open for follow up.
17. If the suspected violator has not complied with the warning, the MEO shall review the non-compliance with the CAO or designate (also applicable in cases of documented, chronic bylaw infractions or where otherwise warranted.)
18. Shall notify any internal departments and outside agencies that may be required to assist (i.e. R.C.M.P., Fire Department, Alberta Environment, and Alberta Health Services).
19. Decides, based on any formal discussions with the CAO, whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with municipal bylaws or otherwise;
 - a. If a second written or formal order is to be issued, the CAO or designate instructs the MEO to proceed and give a final time period in which to comply.
 - b. If legal action is decided, the CAO or designate advises the MEO with a recommendation to proceed with legal action when it appears obvious compliance is not forthcoming.
 - c. At any stage of the enforcement process, if in the opinion of the MEO or the CAO or designate the matter is of significant consequence, the matter may be brought before Council for direction.
20. Keeps the complainant informed of the progress as may be appropriate in all circumstances and may in specific cases provide a report of the results to the complainant.
 - a. Provide regular confidential reports to Council, regarding bylaw enforcement activities. Council is not involved in any way with the sanctioning of an investigation or making a decision on who shall be investigated.
21. The MEO will also proceed with the steps outlined in this policy should the complaint be founded from an active duty observation by the MEO of any contraventions which may be observed during routine patrol.
22. If during an investigation, the MEO determines that the issue is a civil matter, any persons involved will be notified and the investigation halted.
23. The MEO and staff complaint recipient hereby undertakes to keep in strict confidence any information regarding employer, residents, business or any organization that comes to his/her attention in accordance with Freedom of Protection and Privacy Act and any other applicable laws including those that require mandatory reporting in carrying out his/her duties.