



DRUMHELLER

COUNCIL POLICY



COUNCIL POLICY # C-1-99

BYLAW INVESTIGATIONS AND ENFORCEMENT

A. PURPOSE

The purpose of the Town's bylaw investigation and enforcement program is to achieve compliance with local regulations. The bylaw enforcement program involves: public education and awareness; investigation of complaints; voluntary compliance efforts; and enforcement measures.

B. PRINCIPLES

The key principles for the Town's bylaw investigation and enforcement program include:

Proactive public awareness – to prevent non-compliance situations;

Voluntary compliance – to encourage appropriate remedies by the responsible party;

Consistent approach - to ensure procedural certainty;

Reasonable work plan – to establish criteria for program activities and priorities; and

Viable bylaws – to produce (and review) viable bylaws.

C. POLICY

Bylaw investigation is undertaken both in response to verbal or written complaints of a violation by any person based on investigation priority criteria and observations by the Bylaw Enforcement Officer.

Bylaw enforcement is achieved, in the first instance, through voluntary compliance. Violators who are being investigated or given compliance notices are given the opportunity to achieve compliance before legal action is taken.

Town-initiated remedies may be taken at cost to the violator with or without notice to the violator.

The Town will initiate legal actions if the violator fails to achieve voluntary compliance.

Council involvement in the bylaw enforcement program is limited to approving legal actions.

D. PROCESS

The Bylaw Investigation and Enforcement Program involves five key components as depicted in Display 1 and described below:

1.0 Complaint/Observation

- 1.1 The Bylaw Enforcement Officer will record any bylaw violation upon his/her observation or receipt of a written or verbal complaint from any person (including a Councillor).
- 1.2 A preliminary review of the complaint is undertaken to assess its validity.
- 1.3 If the complaint is found to be invalid, the complainant is so advised and the record of the complaint will be closed.
- 1.4 Anonymous complaints have no priority. However, the Bylaw Enforcement Officer will use discretion to investigate them in any event.

2.0 Investigation

- 2.1 The Bylaw Enforcement Officer will conduct investigations of validated complaints based on their urgency using the following bylaw investigation criteria:
 1. Threat to Life
 2. Liability to Town
 3. Threat to Property
 4. Repeat Offenders
 5. Nuisance to the Quality of Life
- 2.2 If the complaint is found to be valid, the complainant will be advised of the investigation process and a bylaw investigation file will be opened and maintained in a confidential manner for all investigations.

3.0 Voluntary Compliance

- 3.1 If a violation exists, the Bylaw Enforcement Officer will attempt to achieve a voluntary compliance by explaining the violation, possible remedies and consequences of failure to seek compliance.

3.2 The voluntary compliance period is 30 days from the first written warning by the Town, or such lesser period at the discretion of the Bylaw Enforcement Officer.

3.3 If voluntary compliance is achieved, the complainant will be advised and the file closed.

4.0 Town-Initiated Remedies

4.1 Town-initiated remedies may be initiated as deemed appropriate at cost to the violator if voluntary compliance is not achieved within 30 days of the first written warning by the Town, or such lesser period at the discretion of the Bylaw Enforcement Officer.

4.2 Town-initiated remedies may be initiated at cost to the violator with or without notice to the violator at the discretion of the Town Manager when there is a risk to life or property.

4.3 If a Town-initiated remedy is taken, the Town will attempt to recover its expenses.

5.0 Legal Action

5.1 Notices seeking voluntary compliance will indicate that legal proceedings will be initiated if compliance is not achieved within 30 days, or such shorter term as the Bylaw requires or at the discretion of the Bylaw Enforcement Officer.

5.2 Where compliance is not achieved, the Bylaw Enforcement Officer will prepare a report indicating whether legal action should proceed and, if necessary, consult with the Town Solicitor.

5.3 The Town Manager will present a recommendation to Council at an in-camera session to receive approval for funding to proceed with legal action to deal with matters of substantial cost that are not routine in nature.

Adopted by Council

Date: July 5, 1999



Mayor of Drumheller



Chief Administrative Officer

BYLAW INVESTIGATION ENFORCEMENT PROCESS

