

BYLAW ENFORCEMENT
POLICY AND PROCEDURE
MANUAL
Town of Duck Lake

I. DEFINITIONS

“Valid complaint” a complaint that describes the location and general nature of a potential bylaw contravention, which includes the complainant’s name, address and telephone number, and which is not a vexatious complaint.

“Vexatious complaint” a complaint that is made for retaliatory or bad faith purposes, or otherwise forms part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.

“Site investigation” is the general term that refers to any investigation that is conducted.

II. CONFIDENTIALITY

1. Confidentiality is necessary to ensure complainants are not exposed to retaliation or other adverse actions as a result of the complaint, and to maintain effective investigation techniques. The identity of the complainant and any identifying information will not be disclosed to the alleged offender or any member of the public, except as required by law. Likewise, the details of the Town’s investigation and enforcement steps will not be disclosed to the complainant.
2. Situations in which complainant information or offender enforcement history may be disclosed include:
 - a) if required by Court order, warrant or other similar judicial or quasi-judicial process;
 - b) if required under the *Freedom of Information and Protection of Privacy Act*;
 - c) if required as part of the disclosure process in the event of a prosecution or civil proceedings; and
 - d) if the person to whom the personal information pertains consents to the disclosure.

III. COUNCIL RESPONSIBILITIES

Council establishes the overall priorities for enforcement, enacts bylaws, and adopts bylaw enforcement policies and standards of conduct for bylaw enforcement staff.

Council may also provide direction on specific types of bylaw enforcement issues i.e.) council may direct its enforcement staff to prioritize enforcement of certain types of bylaws or to issue warnings rather than tickets for specific categories of violations. However, everyday enforcement decisions are delegated to staff.

Defining and maintaining separation between council and front-line enforcement staff is essential to a fair bylaw enforcement system. It is important for council members to be aware of how their own actions can affect the fairness of an enforcement process. This means that while council sets policy and provides general direction on enforcement priorities, its individual members should not become directly involved in enforcement

action by directing enforcement against specific residents, groups or businesses, or by directing that enforcement action not occur in a particular circumstance. Rather, individual enforcement decisions should be made by delegated bylaw enforcement staff or contractors.

IV. PRIORITIES

The Town of Duck Lake response to valid complaints is generally prioritized as follows:

Priority #1: The goal of Town of Duck Lake Bylaw Enforcement is to achieve compliance through information, education and voluntary compliance.

Priority #2: Safety – the alleged bylaw violation may adversely impact the environment or public safety. These violations will be investigated and enforced as soon as possible given the availability of staff and other resources. Prior warnings or education may not be appropriate or practical. If compliance within an “emergency” (an item posing an imminent danger to public safety such as but not limited to: appliances with doors attached, dangerous building/structures, open excavation hole) is not achievable then the Bylaw officer takes appropriate action under the provisions of the Town Bylaws Enforcement, action may also include direct enforcement where the Town may remove or resolve a non-compliance at the property owner’s expense.

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| First Notice: | Door Knocker – Notice of Inspection |
| Action Timeframe: | Imminent Danger – not to exceed 24 hours |
| Registered Letter: | For non-compliance |

Priority #3: General nuisance – the 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 safety. The Bylaw Officer’s investigation and enforcement of Priority #3 matters is initiated in response to complaints. Bylaw Officers will focus on education and will provide opportunities to bring the property or situation into compliance that are appropriate in the circumstances. If a confirmed violation is minor in nature and/or if it appears the complaint may be a vexatious complaint or is part of a larger neighbourhood conflict, staff may conclude it is not in the Town’s or community’s best interest to pursue the matter.

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| First Notice: | Door Knocker – Notice of Inspection |
| Action Timeframe: | Imminent Danger – not to exceed 24 hours |
| | Non-Emergency- 14 days |
| Registered Letter | For Non-Compliance |

V. BYLAW ENFORCEMENT - SERVICE PROCEDURES

Bylaw Enforcement provides both proactive and reactive levels of bylaw enforcement services to the residents of the Town of Duck Lake.

Town of Duck Lake Bylaw Enforcement ensures the proper and consistent enforcement and compliance with the Town's regulatory bylaws including but not limited to:

- Animal Control
- Business Licensing
- Nuisance Abatement
- Minimum Property Standards
- Traffic
- Noise
- Zoning

All other municipal regulatory and licensing bylaws as may be enacted from time to time.

VI. COMPLAINT PROCEDURE:

All bylaw complaints from the public, staff and members of Council shall be made **in writing** by the complainant on the prescribed form (*appendix A*). **With the exception of Town staff, all complainants must live or own property in the Town of Duck Lake.**

The complaint form is a standardized form that must be complete and contain particulars of the alleged breach, and be signed by the complainant. These complaint forms are available on the Town's website, by mail or can be picked up and filled in at the office.

Complaints are to be acted upon as quickly and responsibly as possible. 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 **shall** be kept confidential, however, if the matter goes to court, the complainant could be called to testify and give evidence to substantiate the Town's position.

If an Officer 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. In this case, they shall prepare a complaint form for filing purposes and proceed as they would a regular complaint.

Once an Officer has completed their site investigation, their findings are recorded on an occurrence report. Here the Officer must determine whether or not a contravention is taking place by referring to the bylaws.

If at the end of the investigation, the Officer has found that no bylaw contravention has been made, the complainant is contacted and informed of the outcome. The occurrence report is updated to indicate that the file has been closed.

If an Officer has found that a bylaw is being contravened, the occurrence report is updated and a Notice of Contravention is prepared and sent to the registered owner of the property by registered mail with a copy by hand delivery to the property when deemed appropriate by the Officer.

VII. COMPLAINT AGAINST COUNCIL OR A TOWN EMPLOYEE:

All complaints filed against members of Town Council or an employee of the Town with respect to an alleged bylaw infraction shall be treated in the same manner as all complaints. Care shall be given to ensure that all records in relation to a complaint against a member of Council or a Town employee remain confidential.

VIII. INVESTIGATION:

Once a signed complaint has been received on the appropriate form a file is opened and given a file number for reference. The Officer will refer to the Bylaw in question to familiarize themselves with the bylaw before a site investigation is conducted.

The term "site investigation" is the general term that refers to any investigation that is conducted. Some occurrences may involve people rather than property and the investigation should be focused accordingly. Attend the property in question to conduct the investigation.

The Bylaw Officer shall conduct an inspection and observe the state of the property as it relates to the complaint in question, recording as much detail as possible in their notebook, taking pictures when possible. The Bylaw Officer must identify themselves and state the purpose of their visit. When dealing with the occupant, the bylaw officer will be firm, fair and polite.

An explanation of the Bylaw contravention is given to the party and the bylaw officer shall gather as much information from the party as possible. The Bylaw Enforcement Officer (s) shall not get involved in a neighborhood dispute or Civil matters.

If a letter to resident is necessary it shall be sent by registered mail and tracking information will be retained. If registered letters are returned, the return date is recorded.

IX. POLICY REVIEW:

This Policy Manual will be reviewed at least once every Council term for necessary changes. The Town CAO may bring forward revisions to the Policy Manual on an as needed basis.

X. NOTEBOOKS:

The prosecution will use the Bylaw Officer's notebook in court as evidence and will come under cross-examination by the defense. It **MUST** be kept up to date and as accurate as possible. Record all of daily actions including times, dates, weather and any observations. Record actions taken in your notebook immediately after an incident has taken place or the soonest possible time after. The Notebook is the property of the Town of Duck Lake and shall be handed in at the end of contract or in the event of resignation/termination.

XI. OCCURENCE RECORDS AND REPORTS:

Occurrence Reports

Written occurrence reports are required for every alleged infraction and are to be kept up to date with all pertinent information. The reports are to be kept in the appropriate file in accordance with the Town's Record Retention Bylaw as well as on computer.

Reports to Council/CAO

The Bylaw officer is required to research and write reports for submission to the Town CAO for recommendations to the development of new regulatory bylaws and/or amendments to existing bylaws.

Bylaw Enforcement Procedure Chart



