



Department Protective Services	Policy No. 26/01/17	Page 1 of 2
Policy Title Bylaw Enforcement Policy	Date: March 9, 2017	Resolution No. RC17-113

PURPOSE

The purpose of this Policy is to provide guidance to staff and the general public regarding the enforcement of the bylaws and policies of Birch Hills County (the "Municipality").

POLICY

Birch Hills County bylaws are in place to develop and maintain a safe and livable environment for all residents. The goal of the Municipality's bylaw enforcement is not to penalize residents, but to achieve compliance with its bylaws through education and the provision of information. However, it is recognized that in some cases, compliance may require that penalties be issued.

The Birch Hills County does not have the resources to actively ensure that its various parking, property, zoning, and other regulatory bylaws are being complied with at all times. Therefore, it is the policy of the Municipality to rely primarily, but not exclusively, on citizen complaints as a means of enforcing these bylaws. In order to encourage valid complaints and to reduce the opportunity for intimidation and conflict, the Municipality seeks to establish a balance of accountability and confidentiality among the various parties to the bylaw enforcement process. The following policies shall therefore apply:

1. In order to be considered, a bylaw complaint shall be in writing (standard mail, email, fax, or hand delivered) and shall contain the name, address and phone number of the complainant and a description of the nature and specific location of the alleged infraction(s).
2. 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. It is not necessary for the complainant to request confidentiality. Likewise, the response of the alleged violator shall not be disclosed to the complainant. Furthermore, bylaw enforcement files will not necessarily be discussed with a complainant subsequent to the initial submission of a written complaint.
3. The anonymity and confidentiality given to complainants and alleged violators under this policy cannot be assured in all circumstances, particularly if a complaint has been publicly disclosed by the complainant, or if an investigation results in court proceedings. If a request is made to the Municipality for disclosure under the *Freedom of Information and Protection of Privacy Act* (the "Act"), it shall be reviewed as per the relevant sections of the *Act*, unless consent is obtained from the person who supplied the information and who would otherwise be provided confidentiality under the *Act* and this policy. The Municipality, however, is subject to orders issued by the Information and Privacy Commissioner under the *Act* and will not necessarily appeal an order to disclose.



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4. When determining the response to a complaint the Municipality will consider such matters as the scale, number and duration of the infraction(s); the current, short and long term impacts caused by the infraction; the potential for precedents and the resources available to resolve the matter.
5. Bylaw enforcement is at the discretion of the Municipality. As a general rule, in order for a complaint to be considered, it shall be submitted by a person who is affected by the alleged infraction, or who owns, resides upon, or otherwise has an interest in property that is affected by the alleged infraction.
6. The Municipality will handle complaints and bylaw enforcement issues as operational matters to be handled at a staff level rather than at a Council level, but will advise Council on enforcement matters on an as-needed basis or in response to complaints received by Council about the implementation of this Policy.
7. Generally, the Municipality will seek voluntary compliance first. It will not be the policy of the Birch Hills County to necessarily seek a final legal remedy for all alleged infractions.
8. This Policy does not preclude the Municipality from initiating enforcement of its bylaws in the absence of a complaint where circumstances warrant such action. Such circumstances may include, but are not limited to: health and safety considerations; potential Municipal liability; the scale or the flagrancy of the violation; and, in particular, parking and outdoor water use violations.

Original to be signed by

 Hermann Minderlein
 Chief Administrative Officer

Original to be signed by

 Mayor or Delegate

Adopted by Council:	March 9, 2017
Updated:	