



County of Wetaskiwin No. 10 Municipal Policy

Department:

Policy No.

21.1 Bylaw

21.1.2

Title Enforcement Complaint Process

1. Policy Statement:

- 1.1. The purpose of this Policy is to outline the general process through which complaints with respect to enforcement of the County of Wetaskiwin's various Bylaws will be addressed.
- 1.2. The County conducts enforcement on a complaint basis, with proactive investigation occurring on adjacent lands after the validation of the initial complaint.
- 1.3. This Policy is not designed to supersede the enforcement process outlined in any of the County's Bylaws.

2. Definitions:

- 2.1. "Bylaw Officer" shall mean any of the following:
 - 2.1.1. A person appointed under Section 555 of the *Municipal Government Act* to enforce the County's various Bylaws;
 - 2.1.2. A member of the Royal Canadian Mounted Police (RCMP);
 - 2.1.3. A Community Peace Officer appointed under the *Peace Officers Act*; or
 - 2.1.4. The County Development Officer, for complaints involving the County's Land Use Bylaw.
- 2.2. "Designated Officer" shall mean as defined in the *Municipal Government Act*.
- 2.3. "Discretion" shall mean the freedom to decide what should be done in a particular situation given all the available information.
- 2.4. "Frivolous Complaint" shall mean a complaint not having any serious purpose or value.
- 2.5. "Valid Complaint" shall mean a complaint that describes the location and general nature of a potential bylaw contravention, which includes the complainant's name, address, and relevant contact information, and which is not a vexatious complaint.
- 2.6. "Vexatious Complaint" shall mean a complaint that is made for retaliatory or bad faith purposes, or otherwise forms part of a pattern of conduct by the requestor that amounts to an abuse of the complaint process.

3. Responsibilities (if applicable):

- 3.1. A Designated Officer:
 - 3.1.1. May receive enforcement complaints; and

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3.1.2. Shall ensure any required steps to remedy continued non-compliance on the part of an individual are carried out, including follow-up inspections and, if necessary, the issuance of a Stop Order.

3.2. The Development Officer:

3.2.1. May receive enforcement complaints involving the Land Use Bylaw; and

3.2.2. May issue a Stop Order, if required, for continued non-compliance on the part of an individual with respect to the Land Use Bylaw.

3.3. A Bylaw Officer:

3.3.1. Shall receive enforcement complaints;

3.3.2. Shall conduct a preliminary review to determine the validity of a complaint;

3.3.3. Shall carry out the initial investigation of a complaint, determine appropriate actions to achieve compliance, and carry out those actions; and

3.3.4. Shall ensure any and all correspondence with landowners and complainants is documented.

4. Guidelines:

4.1. Enforcement complaints shall be referred to a Bylaw Officer or, in their absence, a Designated Officer.

4.1.1. For complaints involving the Land Use Bylaw, complaints may be referred to the Development Officer.

4.2. Complaints are responded to on a priority basis, with response time dependent upon the availability of personnel at the time of the call and the priority of the complaint compared with other calls received.

4.3. The complainant must provide their first and last name, their legal land description, and their contact number in order to have a file started; a complainant's identity and personal information are protected under Section 38 of the *Freedom of Information and Protection of Privacy Act*.

4.4. Anonymous complaints will not be investigated unless potential safety, health, or liability issues are identified by the Officer receiving the complaint.

4.5. A Bylaw Officer may not investigate a complaint if, through a preliminary review, it is determined by the Officer that:

4.5.1. no violation or contravention has occurred;

4.5.2. the complaint relates to a civil matter;

4.5.3. the complaint relates to a matter falling outside of the jurisdiction and authority of the Bylaw Officer or a Designated Officer;

4.5.4. the County cannot take enforcement action on the complaint; and/or

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4.5.5. the complaint is a Frivolous or Vexatious complaint.

4.6. Upon determining that a complaint received is a Valid Complaint, a Bylaw Officer or a Designated Officer shall investigate the complaint, which may require the Officer to attend private lands.

4.7. If an Officer finds evidence of a Bylaw contravention in the course of their investigation, the Officer shall follow the enforcement process laid out in the applicable Bylaw to achieve compliance.

4.7.1. If the applicable Bylaw does not contain a specified enforcement process, then the Officer shall have the ability to exercise their discretion in choosing the best course of action to achieve compliance, including, but not limited to, the issuance of a verbal or written warning, additional inspections, notices, and/or the issuance of a Stop Order.

4.8. With respect to determining appropriate courses of action to carry out the intent of this Policy, a Bylaw Officer, Designated Officer, or the Development Officer, as relevant, may exercise discretion by considering various factors including, but not limited to:

4.8.1. the scale, number, and duration of the contravention(s);

4.8.2. the current, short, and long-term impacts that may arise from the contravention(s);

4.8.3. frivolous, repeat and/or multiple complaints of an alleged contravention;

4.8.4. the potential for precedent; and/

4.8.5. the resources available to resolve a complaint.

5. Related Documents:

5.1. Section 555 of the *Municipal Government Act*

5.2. Section 38 of the *Freedom of Information and Protection Act*

5.3. County of Wetaskiwin Land Use Bylaw

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