



# STE. ANNE MUNICIPALITY

## Policy #14-ADMIN

**Adoption Date:** June 22, 2022      **Resolution #2022-307**

**Subject:** By-law Enforcement Policy

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### 1. PURPOSE

- 1.1 To provide a formal policy and procedure governing the handling of municipal by-law complaints by the Municipality and to ensure standardized, thorough, prompt, and courteous receipt, processing, investigation, and resolution.
- 1.2 The Municipality is committed to the delivery of municipal law enforcement services in a timely and effective manner. The goal of these services is to achieve compliance with municipal by-laws through education and enforcement.
- 1.3 The Municipality shall operate on a reactive complaint-based process regarding municipal law enforcement except for a violation that is an immediate threat to health or safety.

### 2. DEFINITIONS

- 2.1. **Administrator** means the Chief Administrative Officer (CAO) of the Municipality.
- 2.2. **Complaint** means a complaint received by the Municipality, wherein the complainant provides their full name, address, phone number and nature of complaint that can be verified by the Municipal By-law Enforcement Officer, in writing where possible, using the required form submitted to the Municipality.
- 2.3. **Municipal By-law Enforcement Officer** means a person appointed by the Municipality for municipal by-law enforcement including, but not limited to a Building Inspector, By-law Enforcement Officer, or a person authorized by Council or an assigned individual with the responsibility for enforcing and administering this policy.
- 2.4. **Municipality** means the Rural Municipality of Ste. Anne.



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- 2.5. **Frivolous and Vexatious Complaint** means a complaint submitted with ill will or with intention of malice towards another person and may include retaliatory complaints and civil disputes. A Frivolous and Vexatious complaint may also be defined as a complaint that is part of a pattern of conduct by the complainant that amounts to an abuse process. Determining a complaint being a Frivolous and Vexatious complaint shall be at the discretion of the Municipal By-law Enforcement Officer.

### 3. BY-LAW INVESTIGATION AND ENFORCEMENT POLICY AND PROCEDURE

- 3.1. The Municipality shall only respond to complaints received from a complainant who provides their full name, telephone number, address, and nature of the complaint in writing. The investigation of anonymous and/or incomplete complaints shall be at the discretion of the CAO.
- a) A Municipal By-law Enforcement Officer may investigate on their own initiative upon observation of a possible situation of a by-law violation where the matter is of an immediate threat to health or safety.
  - b) Municipal staff may assist the public by providing by-law information but will not provide opinions regarding the appropriateness of any proposed activity.
- 3.2. The name and any personal information provided by the complainant shall remain in the strictest confidence in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and shall not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a Court or other tribunal or body of competent jurisdiction. Persons who are the subject of a complaint are also protected under the *Municipal Freedom of Information and Protection of Privacy Act* and shall not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a Court or other tribunal body of competent jurisdiction.
- 3.3. A Municipal By-law Enforcement Officer may review the complaint to verify the information provided and research any supporting documentation which may be available in municipal records.
- 3.4. A Municipal By-law Enforcement Officer may call the complainant, when necessary, for further details or to confirm or clarify information provided within the formal complaint.



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- 3.5. A Municipal By-law Enforcement Officer may attend the site to investigate the activity to determine if a municipal by-law contravention exists.
- 3.6. If a Municipal By-law Enforcement Officer is unclear of a possible contravention, they may seek the advice of the CAO who may then enlist the services of a municipal prosecutor or municipal solicitor if required. A Municipal By-law Enforcement Officer may provide the information required to the appropriate party so an informed determination can be provided and where necessary the appropriate actions initiated.
- 3.7. Where a violation of a municipal by-law is determined by a Municipal By-law Enforcement Officer, excluding set fine situations or documented, chronic violations or where otherwise warranted, a Municipal By-law Enforcement Officer may provide an initial warning to the person by any of the following four (4) methods:
  - a) In person;
  - b) By telephone; or
  - d) In writing, including by email.
- 3.8. Notwithstanding section 3.7 of this policy; in situations wherein set fines have been established for violations of a municipal by-law, a Municipal By-law Enforcement Officer may, upon confirmation of a violation, immediately issue an offence notice/ticket.
- 3.9. Notwithstanding section 3.7 or 3.8 of this policy; where provided for by municipal by-law or otherwise a Municipal By-law Enforcement Officer may issue an emergency order to remedy a violation in lieu of an initial warning when such a violation poses an immediate threat to health or safety.
- 3.10. When compliance with the warning and/or order is confirmed, a Municipal By-law Enforcement Officer shall enter the complaint finalized date in the Bylaw matters database and close the file.
- 3.11. If the warning and/or order has not been complied with within the specified time, the Municipal By-law Enforcement Officer may review the noncompliance with the Administrator.



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- 3.12. Following discussions with the Administrator under section 3.11, a Municipal By-law Enforcement Officer shall determine whether to attempt a second written warning or proceed with the actions to address the situation in accordance with municipal by-laws or otherwise:
- a) If a second written warning or formal order is issued, a Municipal By-law Enforcement Officer shall determine a final time period to achieve compliance.
  - b) If legal action is required, a Municipal By-law Enforcement Officer shall recommend to the Administrator 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 Administrator the matter is of significant consequence, the matter may be brought before Council for direction.
- 3.13. Frivolous Complaints or complaints based on neighbour disputes shall not be investigated by a Municipal By-law Enforcement Officer unless deemed to be an immediate threat to health and safety.
- 3.14. Failure to comply with any provision of this policy shall not invalidate any proceeding or any step, document, or order in a proceeding otherwise under any municipal by-law, provincial or federal legislation.
- 3.15. Frivolous and Vexatious complaints will not be investigated unless deemed by the Municipal By-law Enforcement Officer to be an immediate threat to health and safety.
- 3.16. Where multiple complaints are received from a single person at one time, or where a single person continuously submits a variety of complaints on an ongoing basis, the Municipal By-law Enforcement Officer, with confirmation from the Administrator, are given the discretion to decide on an appropriate level of response to such complaints. The level of response may include a decision to act on some or all of the complaints, to not act on some or all of the complaints, or to assign priority to some or all of the complaints.
- 3.17. If a decision not to act is reached, this will be conveyed to the complainant in writing.



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- 3.18. In deciding on the appropriate level of response to such complaints, staff will have regard to these criteria:
- a) Safety factors;
  - b) Available resources;
  - c) Potential impact on the complainant;
  - d) Impact on the immediate neighbourhood;
  - e) Complaints that appear to result from a vendetta or retribution, or are otherwise deemed frivolous and vexatious;
  - f) Offer for formal remediation.
- 3.19. Any decision made under this policy, including a decision not to respond to a complaint or enforce a by-law or a decision by the Administrator, may be revisited.
- 3.20. Besides municipal law enforcement options by the Municipality, persons also have independent legal rights, which may be explored and pursued by the persons.
- 3.21. The RCMP (or Local Police Force) are responsible for emergency situations and should be contacted to deal with issues, including but not limited to loitering, trespassing, noise related neighbour or domestic disputes, possible drug activity, vandalism, or other possible criminal activity.
- 3.22. Under section 3.2 of this policy; once a complaint has been filed, other than acknowledgement of receipt of the complaint, no follow-up, involvement, information, or correspondence regarding the complaint shall be provided to the complainant as the process is protected by the *Municipal Freedom of Information and Protection of Privacy Act*.
- 3.23. Council or Council Members shall establish overall priorities for enforcement, enact by-laws and adopt by-law enforcement policies but shall not get involved in day-to-day by-law enforcement decisions.

## 4. APPLICATION

- 4.1. This policy shall come into full force and effect on the day it is adopted by the Council of the Municipality.