



## 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 County of Wetaskiwin No.10 has various Bylaws for the purpose of creating a safe and enjoyable community. The County responds to bylaw violations on a complaint basis and does not conduct proactive patrols. The County strives to follow through on all complaints in a timely manner, working with all affected departments and members of the public. In order to aid in the enforcement of these bylaws the County of Wetaskiwin has outlined a complaint process to be followed. This policy is not designed to supersede the enforcement process outlined in any of the County's bylaws. This Policy applied to County Bylaws, as amended from time to time. 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.

~~1.1.~~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" means shall mean any of the following:

2.1.1. a A person appointed under Section 555 and 556 of the *Municipal Government Act*, to enforce the County's various Bylaws; and includes, but is not limited to,

2.1.2. Aa member of the Royal Canadian Mounted Police (RCMP);

2.1.3. A Community Peace Officer as appointed under the *Peace Officers Act*, or

~~2.1.~~2.1.4. , Bylaw Enforcement/Animal Control Officer who is authorized to enforce Bylaws of the County, or Tthe County Development Officer, for complaints involving if the complaint relates to the County's Land Use Bylaw.

2.2. "Designated Officer" shall means ~~a Designated Officer~~ as defined in the *Municipal Government Act*.

2.3. "Discretion" shall means the freedom to decide what should be done in a particular situation given all the available information.

2.4. "Frivolous Complaint" shall means 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

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complainant's name, address, and [relevant contact information](#) telephone number, and which is not a vexatious complaint.

- 2.6. "Vexatious Complaint" [shall](#) means 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](#)

[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](#)

[3.3.3.4. Shall ensure any and all correspondence with landowners and complainants is documented.](#)

### 4. Guidelines:

[4.1. Enforcement complaints shall be referred to ~~the a~~ Bylaw Officers or, in their absence, at the Designated Officer.](#)

[4.1.4.1.1. 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 .-r~~ Response time ~~will depend upon the on~~ availability of personnel at the time of the call, and the priority of the complaint compared with other calls received ~~by the unit.~~

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 .-tThe Freedom of Information and Protection of Privacy Act. \(FOIP\) protects the identity of the Complainant.](#)

4.4. Anonymous complaints will not be investigated unless potential safety, health, or liability issues are identified [by the Officer receiving the complaint.-](#)

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- 4.5. ~~The A~~ Bylaw Officer may not investigate ~~an issue~~ a complaint if, through ~~the a~~ preliminary review, it is determined by the Officer that:
- 4.5.1. no violation ~~or contravention has exists~~ occurred;
  - 4.5.2. the complaint relates to a civil matter ~~matter is a civil matter~~;
  - 4.5.3. the complaint relates to a matter fallings outside of the jurisdiction and authority of the Bylaw Officer or ~~their designate~~ Designated Officer;
  - 4.5.4. the County municipality cannot take enforcement action on the complaint; and/or
  - 4.5.5. the complaint is a ~~F~~frivolous or ~~V~~vexatious complaint.
- 4.6. Upon determining that a complaint received ~~pt is of~~ a ~~V~~valid ~~C~~complaint, ~~at the~~ Bylaw Officer or ~~a Designated Officer~~ their designate shall investigate the complaint, which. ~~An investigation~~ may require the Officer to attend private lands.
- 4.7. If ~~the 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. ~~will determine the best method to use to gain compliance, the following steps may be taken~~;
- ~~4.7.4.7.1.~~ 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.
- ~~4.7.1. If in contravention, a fine may be served.~~
  - ~~4.7.2. Verbal warning to adhere to the Bylaw. This may be accompanied by a grace period to allow for the person(s) make arrangements to comply with the Bylaw.~~
  - ~~4.7.3. A written Warning Letter may be sent by registered mail to the Owner or Occupier providing an explanation of the relevant bylaw and how the person is alleged to have contravened it, time limits for voluntary compliance, and notification of fines and other potential enforcement methods associated with the offence.~~
- ~~4.8. If compliance is not achieved, the following steps may be taken:~~
- ~~4.8.1. The Designated Officer may carrier out additional inspections to verify when compliance is achieved.~~
  - ~~4.8.2. If non-compliance remains a fine may be served, and the Designated Officer will send a Stop Order.~~
  - ~~4.8.3. Another inspection will be performed after the date specified in the Stop Order which will be followed up by any other enforcement action required to remedy the non-compliance.~~
- ~~4.9.4.8.~~ 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 hen exercising discretion by or determining a course

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~~of action, the Bylaw Officer or their designate can~~ considering various factors including, but not limited to, ~~the following:~~

~~4.9.1.4.8.1.~~ the scale, number, and duration of the contravention~~violation~~(s);

~~4.9.2.4.8.2.~~ the current, short, and long-term impacts ~~caused by the~~that may arise from the contravention(s)~~violation~~;

~~4.9.3.4.8.3.~~ frivolous, repeat and/or multiple complaints of an alleged infraction~~contravention~~;

~~4.9.4.4.8.4.~~ the potential for precedent; and ~~/~~

~~4.9.5.4.8.5.~~ the resources available to resolve a complaint~~the matter~~.

## 5. Related Documents:

5.1. Section 55 of the *Municipal Government Act*

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

5.5.3. The County's Land Use Bylaw

~~Correspondence with landowners and complainants will be documented by the Bylaw Officer or Designate. Any persons involved may be notified by phone or in writing.~~

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