

**BYLAW ENFORCEMENT PROCEDURES POLICY #02**

The following was adopted as Policy by **Resolution No. 205 -20** at the **Regular Council Meeting** held on November 23, **2020**.

That proposed Bylaw Enforcement Procedures Policy #02 and Citizen Complaint Form A are adopted by Council;

And that staff continue to deal with bylaw enforcement operations as per policy, receiving direction from Council when issues require legal intervention.

**POLICY** – The primary goal of bylaw enforcement in The Resort Village of Bird’s Point is to ensure public safety and to maintain Community Harmony. The Resort Village does not have the resources to monitor all areas of the Resort Village to confirm compliance with potentially applicable bylaws. Public property violations are usually to be enforced proactively while private property violations are usually investigated in response to complaints. The Resort Village of Bird’s Point urges voluntary bylaw compliance in respect of most private property manners.

**SCOPE** - This policy applies to staff engaged in bylaw enforcement within The Resort Village of Bird’s Point.

**PRIORITIES** - Response to complaints will be prioritized as follows:

1. Safety
2. Significant negative impact to adjacent properties; and
3. General nuisance.

**Complaints** - Complaints may be received to the Administrator in writing, via e-mail or on the prescribe Form A. All complaints will be noted in the report but not all complaints will be investigated. (Anonymous or civil complaints will not be acted upon.)

In order to fairly and consistently enforce District Bylaws the following procedure is adopted:

## GENERAL PROCEDURES

### 1. **Receive Complaint** (writing, via e-mail or on the prescribe Form A)

**Note: If a complaint is addressed to the Council/Mayor, the Administrator is to present it at the next council meeting.**

- (a) Complaint received by writing, via e-mail or on the prescribe Form A to Village Office;
- (b) Administrator to set up a paper file with complaint form and all correspondence;
- (c) If it is a minor complaint the Administrator is to deal with it by emailing or letter to the ratepayers within 7 days of receiving the complaint. If the ratepayer is non-compliance after the 15 days the Administrator is to forward to the Bylaw Enforcement Officer for enforcement;
- (d) If the complaint cannot be handled within the office, Administrator is to forward to the Bylaw Enforcement Officer within 7 days of receiving by email. Administrator to give a copy of the complaint form to the Bylaw Enforcement Officer, with the complainants name, legal address, mailing address, phone number and any pictures that were sent;
- (e) Administrator to give the name, legal address, mailing address, phone number to the Bylaw Enforcement Officer of the land owner that the complaint is against;
- (f) Administrator to provide reports of Complaints received to Council at each regular meeting where no names are noted;
- (g) Confidentiality is necessary to ensure complainants are not exposed to retaliation or other adverse actions. The identity of the complainant will not be disclosed to the alleged offender or any other member of the public, except as required by law. If the person to whom the personal information pertains consents to the disclosure, the information can be discussed; and
- (h) If the Administrator receives an Order to Remedy from the Bylaw Enforcement Officer, it is the Administrator responsibility to send the Order of Remedy by Register Mail within 3 days.

### 2. **Inspection**

- (a) Bylaw Enforcement Officer Contacts owner/occupier of property and arranges for inspection in accordance with Resort Village of Bird's Points Bylaws.

**3. Gather Evidence**

Bylaw Enforcement Officer:

- (a) Obtains elements of offense being committed;
- (b) Evidence must prove each of the elements of the offense;
- (c) Obtains name, address, phone number of witness(es) if appropriate;
- (d) Determines what section of Bylaw(s) is violated;
- (d) Keeps records (dated photographs) of inspections and findings;
- (e) Gives verbal notice, if possible, of violation;
- (f) Issues Municipal Ticket, Bylaw Notice or warning, if appropriate.

**4. Procedure**

- (a) Bylaw Enforcement Officer will try to contact the ratepayer by visiting site or phone and if no contact is possible will leave a door knocker;
- (b) Bylaw Enforcement Officer will allow a reasonable time period of 15 days for violation to be corrected, less time if the violation is obnoxious or flagrant;
- (c) Following the allocated time period and upon inspection, if the violation is not remedied, the Bylaw Enforcement Officer will issue an Order to Remedy;
- (d) The Bylaw Enforcement Officer will allow 20 days for violation to be corrected, less time if the violation is obnoxious or flagrant; and
- (e) Bylaw Enforcement Officer has the authority to issue tickets if the violation has not been corrected as per municipal Bylaws.

**5. Follow Up**

- (a) Once the Order of Remedy is expired the Bylaw Enforcement Officer will give a report to the Administrator who will report to Council at the next council meeting for direction. Council can instruct public works or contractor to proceed with remedy of the complaint, fines or a summary conviction.
- (b) All expenses to be invoiced to ratepayers and if not paid by December 31<sup>st</sup>, to be added to the tax roll.

SEAL

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MAYOR

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ADMINISTRATOR

Adopted by Council of The Resort Village of Bird's Point this 23 day of November, 2020

SCHEDULE A  
**Citizen Complaint Form**

Please complete the following information so that the Village of Bird's Point Resort can investigate your complaint.

Please print clearly.

Date \_\_\_\_\_

Name \_\_\_\_\_

Street Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_ (that you can be contacted during the day)

Email Address \_\_\_\_\_

Nature of Complaint: (include the date, time, place, and facts of your complaint)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explain how you feel the complaint should be resolved:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**All complaints must be signed and dated to be considered valid.**

*Village Office Use Only*

Received by: \_\_\_\_\_

Date: \_\_\_\_\_