

BYLAW ENFORCEMENT POLICY
Council Policy No. 136/18

PURPOSE:

The objective of the Bylaw Enforcement Policy is to obtain compliance with municipal bylaws through effective enforcement based on consistency and fairness.

POLICY:

Municipal bylaws are enacted by City Council, under the regulatory authority of the *Community Charter* and the *Local Government Act*, in order to preserve the quality of life to which each citizen is entitled. The primary goal in dealing with contraventions of these bylaws is to achieve voluntary compliance through communication and education. However, the bylaws do include provisions for further enforcement. The City of Fort St. John recognizes that with limited resources, it is not possible to pursue full compliance in every case. This policy will provide guidance to staff regarding the receipt of bylaw complaints, initiation of investigation, priority assessment and the use of appropriate enforcement tools.

1. Complaint process

The City of Fort St. John does not have the resources or mandate to proactively review or inspect properties on a regular basis in order to determine whether its various bylaws are being complied with at all times. Given this, the City of Fort St. John, like most municipalities, relies primarily on public complaints to identify potential non-compliance. There is no requirement to take enforcement action with respect to every contravention of a bylaw that may occur within a jurisdiction.

All bylaw enforcement complaints, with the exception of those that identify high priority contraventions, must be submitted in writing before they will be considered for investigation. All complaints must include complete contact information for the complainant (name, address and telephone number).

The complaint can be submitted in the following ways:

- a letter,
- on the City of Fort St. John's report a problem webpage, or
- an email.

Complaints alleging that an unauthorized secondary suite or an additional dwelling unit has been constructed must be received from occupants residing within 100m of the subject property. The City of Fort St. John will generally not respond to anonymous complaints. All complaints are documented in the City Works database and are managed in accordance with the City of Fort St. John Records Classification and Retention Schedule.

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POLICY: (continued)

1. Complaint process (continued)

Information regarding the complainant is kept confidential and is protected under the *Freedom of Information and Protection of Privacy Act*. However, a complainant must be identified if the issue proceeds to court and the complainant is required to act as a witness for the prosecution. City staff will advise each complainant of the importance of proper documentation techniques to assist Enforcement staff in conducting investigations. This may include filling out occurrence logs, photographs, or video recordings.

City of Fort St. John staff are not required to report bylaw violations observed unless it is during regular work hours, within that employee's scope of duty and where the violation poses a risk to public health and safety of the environment.

2. Investigation

In response to a complaint or acting in the regular course of his or her duties, staff will investigate to determine compliance with all pertinent municipal bylaws. The investigation may include a bylaw and file review, contacting the alleged contravener, contacting the complainant, and conducting a site inspection.

If a violation is identified, the contravener will be instructed to take action to resolve the issue immediately or within a specified time period. Any action or correspondence pertaining to the ongoing disposition of the file is tracked in the CityWorks program.

While encouraging compliance with municipal bylaws is important, staff safety is paramount. If a staff member is verbally or physically threatened while administering the bylaws, then no further investigation action shall be carried out until a police officer accompanies the staff member on any site inspections. Authorization requirements to enter a property or building will be followed as per Section 16 of the *Community Charter*. Tenant rights as specified in the *Residential Tenancy Act* will be respected during enforcement.

3. Assessment Criteria

When assessing the priority of the bylaw violation, staff will consider, but are not limited to, matters such as:

- Potential risk to public health and/or safety;
- Magnitude, nature and duration of the contravention;
- History of non-compliance on the property or by the contravener;
- Potential short and long term impact on a structure, the community and the environment;

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POLICY: (continued)

3. Assessment Criteria (continued)

- Potential for setting a precedent;
- Resources available to resolve the matter;
- Potential costs and liability associated with enforcement action; and,
- Likelihood of obtaining the desired results.

4. Enforcement Priority

To maintain consistency throughout the bylaw enforcement process, the staff members involved will meet as necessary to review the details. The bylaw violation will be assessed in accordance with the following hierarchy of priority levels:

- **Low Priority**
A bylaw violation that is unlikely to cause health or safety issues or negatively impact the community or the environment.
- **Medium Priority**
Multiple low priority violations or a bylaw violation with potential to cause health and/or safety issues and/or negatively impact the community or the environment.
- **High Priority**
Multiple medium priority violations or a bylaw violation likely to cause health and/or safety issues and/or negatively impact the community or the environment, as identified in Bylaw Enforcement Administrative Procedure No. 35/18.