



POLICY NUMBER: 9-4000-1

REFERENCE:

Bylaw Enforcement

ADOPTED BY:

Council
July 14, 2015

CROSS-REFERENCE:

Actions on Zoning and Bylaw Infractions Policy 9-4020-1

SUPERSEDES:

New

AMENDED DATE:

N/A

DEPARTMENT:

Administration

EFFECTIVE DATE:

July 14, 2015

Policy Statement:

Page 1 of 5

The District of Ucluelet will, from time to time and in accordance with this policy, take enforcement action with respect to contraventions of its bylaws. It is the goal of Council to achieve voluntary compliance through increased public education and awareness of District regulations and their rationale.

The purpose of this policy is to provide guidance to staff on the receipt of complaints and the initiation of investigation and enforcement proceedings related to contraventions of municipal bylaws. The District will use discretion on a case-by-case basis to evaluate contraventions, and take reasonable steps to investigate contraventions in accordance with this policy and operational guidelines of the District.

Definitions:

For the purposes of this policy:

- **“District”** means District of Ucluelet.
- **“Bylaw”** or **“Municipal Bylaw”** means a bylaw adopted by the District of Ucluelet, and includes, but is not limited to, bylaws listed in Schedule ‘A’ of this policy.
- **“Bylaw Officer”** means any of the following:
 - a) Chief Administrative Officer of the District of Ucluelet, or his designate;
 - b) Chief Financial Officer of the District of Ucluelet;
 - c) Bylaw Enforcement Officer of the District of Ucluelet;
 - d) Animal Control Officer of the District of Ucluelet;
 - e) Members of the Royal Canadian Mounted Police and Auxiliary RCMP Officers.



Confidentiality:

- a) The identity of a complainant is to be considered confidential and will not be disclosed to anyone for any purpose, except as required by law, and in accordance with the following provisions:
 - i. The complainant's identity may not be disclosed to the person under investigation or any member of the public;
 - ii. A response of a person under investigation may not be disclosed to the complainant. Bylaw enforcement files may not be discussed with a complainant subsequent to the initial submission of a complaint;
 - iii. Where a person submits a request pursuant to the *Freedom of Information and Protection of Privacy Act* for the disclosure of personal information contained in a bylaw enforcement file, it is the District's policy to refuse disclosure under the applicable sections of the *Freedom of Information and Protection of Privacy Act*, unless consent is obtained by the person who supplied the information;
 - iv. Despite the foregoing, the District will not guarantee the anonymity and confidentiality of complainants and may disclose personal information in bylaw enforcement files in the following circumstances:
 - If the complaint has been publicly disclosed by the complainant;
 - If the investigation results in enforcement proceedings;
 - If disclosure is required pursuant to the provisions of the *Freedom of Information and Protection of Privacy Act*;
 - If an order for disclosure is issued by the Provincial Freedom of Information Commissioner under the *Freedom of Information and Protection of Privacy Act*;
 - As otherwise required by law.

Investigation:

- a) A Bylaw Officer, acting in the regular course of his or her duties, may initiate investigations and conduct inspections to determine compliance with all regulations, prohibitions and requirements of District bylaws.
- b) Investigations may be initiated by written complaint. A complaint with respect to an alleged contravention of a municipal bylaw must be documented in writing before the complaint will be considered for investigation, and must contain:
 - i. The name and contact information of the complainant;
 - ii. A description of the nature and location of the alleged contravention.
- c) Investigation and enforcement priority may be given to alleged contraventions that adversely affect the health, safety and security of the public; adversely affect the environment; or may result in liability for the District.



Enforcement:

- a) Where a Bylaw Officer has reasonable and probable grounds to believe and does believe that a violation of a bylaw exists or that abatement procedures are inadequate, he or she may enter upon any property to further an investigation or resolve any violation.
- b) Any person who violates any of the provisions of a municipal bylaw, or who suffers or permits any act or thing to be done in contravention of a bylaw, or who neglects to do or refrains from doing any act or thing that is required to be done by any of the provisions of a bylaw, shall be deemed to have violated the provisions of the bylaw and shall be liable to the penalties imposed in Municipal Ticket Information Bylaw No. 949, 2004 or amendments thereto. Each incident attended by a Bylaw Officer constitutes a separate offence and each day that such violation is permitted to continue will constitute a separate offence.
- c) In determining whether to commence enforcement proceedings, the District may consider one or more of the following criteria:
 - i. The scale, nature, and duration of the contravention;
 - ii. The amount of time that has elapsed since the contravention occurred;
 - iii. The impact of the contravention on the community;
 - iv. The resources available to resolve the matter;
 - v. The costs associated with enforcement action;
 - vi. Whether public safety is at risk;
 - vii. Whether enforcement may be a deterrent in future cases.
- d) The District's primary enforcement objective is to obtain voluntary compliance.
- e) If voluntary compliance is not achieved, the District may exercise enforcement powers in accordance with the following remedies:
 - i. Quasi-criminal proceedings in Provincial Court and any other remedy as set out in Section 260 of the *Community Charter*;
 - ii. Supreme Court injunction proceedings as set out in Section 274 of the *Community Charter*;
 - iii. Remedial action and any other remedy as set out in Part 3, Divisions 5-12 of the *Community Charter*, and the District may seek to fulfill those requirements at the expense of the person in contravention, in accordance with the provisions of Section 17 of the *Community Charter*.
- f) The District retains the discretion to not commence enforcement proceedings in accordance with one or more of the criteria listed in section (c), 'Enforcement', of this policy.
- g) The Bylaw Officer shall maintain a written record of inspections and investigations undertaken and record the disposition of all complaints received.



Penalty:

- a) It is the duty of the Bylaw Officer to enforce the provisions of municipal bylaws.
- b) Tickets issued for offences against municipal bylaws are authorized by the “Municipal Ticket Information Bylaw No. 929, 2004”, and amendments thereto, and fines will be in accordance with Municipal Ticket Information Bylaw No. 949, 2004 or amendments thereto.

Mayor Dianne St. Jacques
District of Ucluelet



APPENDIX A – DESIGNATED BYLAWS

The bylaws enumerated below (and all amendments thereto) have been designated by Council for monitoring, investigation, and enforcement by the District of Ucluelet:

- 1) District of Ucluelet Noise Control Bylaw No. 915, 2003
- 2) Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003
- 3) Traffic & Parking Bylaw No. 948, 2004
- 4) Garbage Collection & Regulation Bylaw No. 960, 2004
- 5) District of Ucluelet Animal Control and Licensing Bylaw No. 803, 1999
- 6) Public Property Use Regulation Bylaw No. 963, 2004
- 7) Outdoor Burning Bylaw No. 978, 2005