



**VILLAGE OF
HARRISON HOT SPRINGS
POLICY**

COUNCIL	POLICY NO. 1. 38
BYLAW ENFORCEMENT AND COMPLAINT POLICY	DATE ADOPTED: August 8, 2023

1. PURPOSE

The purpose of this Policy is to provide guidance to Bylaw Enforcement Officers and staff by establishing procedures and standards related to the administrative procedure and enforcement of bylaw complaints. The Village of Harrison Hot Springs seeks to achieve voluntary compliance with its bylaws through education and awareness. However, it is recognized that enforcement action may be required in some cases to ensure compliance. This Policy is intended to reflect best practices in bylaw enforcement by ensuring an equitable, consistent, and transparent process.

2. DEFINITIONS

“Bylaw Enforcement Notice” means a ticket issued under the Village of Harrison Hot Springs Bylaw Notice Enforcement Bylaw No. 855, 2006.

“Bylaw Enforcement Officer” is as defined in the Village of Harrison Hot Springs Bylaw Notice Enforcement Bylaw No. 855, 2006.

“Contravener” means the individual deemed to be in contravention of a Village bylaw.

“Council” means the Council of the Village of Harrison Hot Springs.

“Village” means the Village of Harrison Hot Springs.

3. COMPLAINT PROCESS

- a. A bylaw complaint may be initiated in writing via email, by completing the Bylaw Enforcement Complaint Form on the Village website, in person at the Village office or by telephone.
- b. In order to be considered complete and valid, complaints must include:
 - i. The name, address and contact information of the complainant;
 - ii. A description of what the alleged bylaw contravention is and when it is alleged to have occurred; and
 - iii. The address where the bylaw contravention is alleged to have occurred.

- c. The complainant's personal information will be kept confidential and protected under the *Freedom of Information and Protection of Privacy Act [RSBC 1996] Chapter 165* unless:
 - i. The complainant is required as a witness in an adjudication hearing or court proceeding; or
 - ii. The Village is required to release that information by law or Court Order.
- d. Anonymous complaints will not be investigated unless the alleged bylaw contravention outlined therein presents an immediate and serious concern for life and/or safety, at the discretion of the Bylaw Enforcement Officer and the Chief Administrative Officer.
- e. In consideration of the interests of both the complainant and the broader community, complaints that are vexatious, repetitive, frivolous, retaliatory, or made in bad faith with the intent to distress may not be acted upon at the discretion of the Bylaw Enforcement Officer and the Chief Administrative Officer.
- f. All complaints will be received, acknowledged, entered into a records management system and forwarded to the Bylaw Enforcement Officer for their action.

4. ENFORCEMENT PRIORITY

- a. Bylaw complaints will be investigated in priority order first as follows, and then by date received:
 - i. Preservation of Life and Safety: the alleged bylaw contravention presents a public safety risk or may result in a liability incurred by the Village.
 - ii. Environmental Risk: the alleged bylaw contravention may negatively impact the environment.
 - iii. Impact to Adjacent Property: the alleged bylaw contravention may negatively impact the adjacent property owners or occupiers.
 - iv. General Nuisance: the alleged bylaw contravention presents a general community concern.

5. INVESTIGATION AND ENFORCEMENT

- a. Upon receipt of a complaint, the Bylaw Enforcement Officer will conduct a review to determine whether the complaint is complete and valid, whether the complaint pertains to a valid enforceable Village bylaw and the level of priority as set out in this Policy. The Bylaw Enforcement Officer may contact the complainant for more details if required.
- b. Should the investigation determine that a bylaw contravention has occurred, enforcement will commence in accordance with the provisions below:
 - i. A letter will be sent to the Contravener outlining the nature of the contravention, the action required to remedy it, a timeline for the action to be taken and what the possible results of non-compliance may be.
 - ii. The timeline for action to be taken will be set at the discretion of the Bylaw Enforcement Officer with consideration given to the seriousness of the contravention and the time required for correspondence to reach the Contravener. If the Contravener requests an extension for time to comply, a reasonable extension may be granted at the discretion of the Bylaw Enforcement Officer.

- iii. Where voluntary compliance is not achieved through the initial letter, the Bylaw Enforcement Officer may issue a Bylaw Enforcement Notice in accordance with the Bylaw Notice Enforcement Bylaw No. 855, 2006 and the *Local Government Bylaw Notice Enforcement Act*.
- c. The goal of enforcement is to achieve voluntary compliance whenever possible.
- d. Depending on the nature and seriousness of the contravention, some bylaw contraventions may require that the Bylaw Enforcement Officer either immediately remedy the contravention or issue a Bylaw Enforcement Notice upon confirmation of a bylaw contravention, prior to seeking voluntary compliance.
- e. Pursuant to Section 16 of the *Community Charter [SBC 2003] Chapter 26*, Bylaw Enforcement Officers may enter a property without consent of the owner or occupier for the purposes of bylaw enforcement.
- f. During the course of the investigation, the Bylaw Enforcement Officer may determine that no action will be taken for reasons not limited to, but including the following:
 - i. No contravention has occurred;
 - ii. The matter is civil in nature; or
 - iii. The matter is not within the Village's jurisdiction.
- g. In the event that no action is to be taken, the Bylaw Enforcement Officer will inform the complainant and provide rationale for that decision. If the matter is not within the Village's authority to investigate, the Bylaw Enforcement Officer will make efforts to direct the complainant to the appropriate agency.
- h. When determining the appropriate course of action, the Bylaw Enforcement Officer will consider the following:
 - i. Seriousness of the contravention in accordance with the priorities as set out in this Policy;
 - ii. Impact to the community;
 - iii. Any history of non-compliance by the Contravener;
 - iv. Ability to make contact with the Contravener; and
 - v. Resources available to enforce bylaws.
- i. When the complaint is closed, the Bylaw Enforcement Officer will advise the complainant that the matter is concluded and outline the enforcement action that was taken.

6. SAFETY

- a. The safety of staff, Bylaw Enforcement Officers and the public are of paramount importance. If at any time during the course of their enforcement efforts the Bylaw Enforcement Officer determines that there is an immediate and serious threat to safety, the Bylaw Enforcement Officer must immediately cease their investigation and contact the police for assistance.

7. ROLE OF COUNCIL

- a. The role of Council is to determine enforcement priorities, enact bylaws and adopt policies for conduct of bylaw enforcement staff.
- b. When considering a new bylaw, Council will consider the Village's legal authority to take enforcement action, resources, staffing, the language of the bylaw and its enforceability.
- c. To ensure administrative fairness, Council will not be involved in day-to-day bylaw enforcement decisions. If a Council member receives a bylaw complaint directly, the Council member will forward the complaint to the Chief Administrative Officer or direct the complainant to file a bylaw complaint with the Village office in accordance with this Policy.