



MUNICIPAL DISTRICT OF BIGHORN No. 8

No.: _____

Date: _____

BYLAW COMPLAINT FORM

File No.: 0100-01-00

COMPLAINANT:

NAME: _____

ADDRESS: _____

TELEPHONE: _____

Location: _____

Date/time: _____

Complaint: _____

Complainant's Signature: _____

Assigned to: _____

Resolution: _____

Signature

Date

MUNICIPAL DISTRICT OF BIGHORN No. 8

POLICY

Name: COMPLAINTS POLICY

Number: G-7

Page: 1 of 3

PURPOSE AND INTENT

The purpose of bylaw enforcement is to achieve compliance with M.D. municipal bylaws. Complaints normally arise where persons do not comply with municipal bylaws and non-compliance affects another party. This policy is a guide with respect to the enforcement of the bylaws of the M.D. of Bighorn. Council may provide other policy guidance or direction on specific complaint or enforcement issues.

POLICY:

1. The M.D., through the Chief Administrative Officer or his/her designate will respond to written complaints, consistent with the policies set out below, notwithstanding that all matters related to public health and safety will be investigated as soon as possible.
2. Investigation is generally undertaken only in response to written or e-mailed complaints of a violation by any person, where complainants have provided their contact information (name, address and a telephone number). Identities of complainants are protected under the Freedom of Information and Protection Act. The Municipality will generally not respond to anonymous complaints.
3. Priority on non-compliance matters such as no permits, violations of Land Use Bylaw, etc. will be determined on the basis of the order received and the efficiency to be gained through investigating several complaints at once.
4. Bylaw enforcement is sought, in the first instance, through voluntary compliance. Individuals who are being investigated will be contacted and requested to cease the activity/take remedial measures, and will be given the opportunity to achieve compliance before further action is taken to the limits noted in municipal bylaws or as outlined below.
5. Compliance may be encouraged through notification of fines associated with the offence.



6. Injunctive proceedings may be initiated if a violator fails to take first action to achieve compliance within ninety (90) days of the first warning correspondence
7. Some complaints received may be forwarded to appropriate outside agencies. In these situations, the complainants' personal information will be included, so that the appropriate agency can deal directly with the complainant.
8. Complaints respecting the parking or storage of vehicles on private property, contrary to the Land Use Bylaw, are to be handled by the Chief Administrative Officer or his/her designate. RCMP will respond to complaints respecting the parking or storage of vehicles on municipal rights-of-way, boulevards, lanes or streets.
9. Elected Municipal Councillors shall not be involved in any way with the sanctioning of an investigation or making a decision on who shall be investigated.
10. Where voluntary compliance fails, and where injunctive proceedings are proposed, the Chief Administrative Officer (CAO) will discuss legal action with the M.D.'s solicitors, and jointly agree upon the course of action to take.

PROCEDURES:

1. All complaints are directed to the M.D.'s By-Law Enforcement services, which will undertake a preliminary review of the complaint to ensure that the complaint is valid. If no violation exists, the complainant and the alleged violator are so advised and a record of the enquiry filed. If a violation exists, the violator will be verbally asked to cease activity immediately. If required, Bylaw Enforcement will follow-up with a site visit to determine compliance.
2. The M.D. will attempt to achieve voluntary compliance with the violator and inform the violator of time limits for voluntary compliance. If the violation continues, compliance may be encouraged through use of fines outlined in the bylaw. Where deemed useful, alternate dispute resolution processes such as mediation or negotiation may be used to achieve compliance. If the violation does not cease, M.D. may forward letters demanding compliance, and may undertake remedies authorized by bylaw. The M.D. will maintain a record of all complaints received and action taken to resolve.
3. The CAO or his/her designate, with the advice and assistance of legal counsel, will initiate legal proceedings. If legal proceedings are to be withheld for any reason, the complainant and violator may be so advised.



4. At the end of the proceedings the complainant, the violator, and Council will be advised of the outcome and the file closed.
5. Throughout the bylaw enforcement process, all parties must adhere to the regulations contained in the Freedom of Information and Protection of Privacy Act in order to protection the identities of the parties.
6. Notwithstanding any of the above, the M.D. may proceed with an investigation/enforcement action concerning a breach of its laws that it deems to be in the public interest, without having received a written complaint.

Date Approved: April 13, 2010

Motion No.: 114/10

Date Amended: July 8, 2014

Motion No.: 148/14

Date Amended:

Date Amended:

Manager  **Reeve** 

Replaces Policy No. **G-7, COMPLAINTS POLICY, 9 Nov 99 (Res. #509/99)**

*** - Denotes change
Motion No.**