

	POLICY TITLE: City of Greenwood Bylaw Enforcement Policy	POLICY NO: 2024-01
	AUTHORITY: Council for the Corporation of the City of Greenwood	CLASSIFICATION: Administration
	EFFECTIVE DATE: January 22, 2024	MOTION: (10-24)
	SUPERSEDES: Policy No. 2023-02	

Purpose

To provide clarity to the public and the City of Greenwood staff regarding expectations and standards for bylaw enforcement. The policies below outline how complaints are received, recorded and responded to with the objective of doing so in a consistent, transparent and reasonable manner considering available resources. The City of Greenwood has no duty to take enforcement action with respect to every infraction of the City of Greenwood’s bylaws that may occur within the City of Greenwood’s jurisdiction. The City of Greenwood has discretion whether to enforce infractions of the City of Greenwood’s bylaws and to decide when and under what circumstances the City of Greenwood may enforce the City of Greenwood’s bylaws and by what enforcement procedure. The City of Greenwood may consider on a case-by-case basis whether to take reasonable steps to investigate infractions in accordance with this policy and the City of Greenwood’s operational guidelines.

Definitions

Bylaw Enforcement Officer means a peace officer, designated bylaw enforcement officer, other designated City of Greenwood employees, agents, or any other person authorized by the City of Greenwood to enforce the City of Greenwood’s bylaws.

Receipt of Complaints and Confidentiality

1. Since the City of Greenwood does not have the resources to regularly patrol for infractions to our regulatory bylaws, we rely on citizen complaints as a means of initiating an investigation.

2. To be considered valid, a complaint must:
 - a) be submitted in writing to the City of Greenwood Municipal Office at 201 S. Government Ave, Greenwood, BC V0H 1J0 or a submitted complaint form through the Municipal website www.greenwoodcity.ca ;
 - b) include the name, address and contact information, including an e-mail address if applicable, for the complainant;
 - c) include details regarding the date, time, location and nature of the alleged infraction; and
 - d) be submitted by a person who owns, resides upon, or otherwise has interest in property within the City of Greenwood that is impacted by the alleged infraction.

3. The confidentiality of a complainant will be protected in accordance with the following:

- a) The complainant's identity will not be disclosed to the person under investigation or any member of the public. Likewise, the response of the alleged violator will not be disclosed to the complainant, whether it is in writing or verbal. This is in recognition of the fact that many complaints take place in the context of other disputes between neighbours and that the motivation for the complaint itself could be one of retribution. Disclosure could serve to exacerbate the dispute and may even put persons at risk; and
 - b) The anonymity and confidentiality given to complainants and alleged violators under section 3(a) of this policy cannot be assured if investigation results in court proceedings. If a request is made to the City of Greenwood for disclosure under the **Freedom of Information and Protection of Privacy Act**, the City of Greenwood will refuse disclosure under Section 15 of the **Freedom of Information and Protection of Privacy Act**, unless consent is obtained from the persons who supplied the information and who would otherwise be assured of confidentiality under this policy and provided that the complaint has not been publicly disclosed by the complainant. However, the City of Greenwood may disclose the substance of a complaint with redactions made in accordance with the **Freedom of Information and Protection of Privacy Act**. The City of Greenwood is also subject to orders issued by a court and by the Information and Privacy Commissioner under the **Freedom of Information and Protection of Privacy Act** and the City of Greenwood may not appeal an order for disclosure of the complaint.
4. Complaints that appear to be frivolous, vexatious, scandalous and repetitive and without merit may be referred to the Chief Administrative Officer for a determination on the form and manner in which the City of Greenwood may receive such complaints and the complainant will be notified in writing on the reason for such determination.

Recording Complaints

5. All complaints are assigned a file number for tracking purposes.
6. All complaints are acknowledged to the complainant as soon as possible after receipt.

Responding to Complaints, Bylaw Enforcement Action and Considerations

7. Upon receipt of a valid complaint, the City of Greenwood may initiate an investigation. If an infraction is suspected, and in determining priority and course of action, the City of Greenwood may consider such matters as:
 - a) Health, safety, and security of the public;
 - b) Impact of the violation on the community;
 - c) Impact of the violation on the complainant;
 - d) Damage to the environment;
 - e) Number and duration of the infraction(s);
 - f) Scale of the infraction;
 - g) Current, short and long-term impacts caused by the infraction;
 - h) Resources available to resolve the matter;

- i) The costs associated with enforcement action;
 - j) The probability of a successful outcome;
 - k) The policy implications of the enforcement action and the potential for precedents; and
 - l) Whether enforcement may be a deterrent in future cases; and
 - m) Any other issue that the City of Greenwood's Board of Directors considers important.
8. Section 1 of this policy does not preclude the City of Greenwood from consideration of initiation of enforcement of its bylaws in the absence of a complaint where circumstances warrant such action. Such circumstances may include but not be limited to:
- a) health and safety considerations;
 - b) whether the infraction relates to a Building Bylaw requirement;
 - c) whether the infraction risks the City of Greenwood being exposed to liability;
 - d) the scale, number, duration and flagrancy of the infractions;
 - e) the short and long-term impacts caused by the infractions;
 - f) resources available to resolve the infractions; and
 - g) any other issues that the City of Greenwood's Board of Directors considers important.
9. The City of Greenwood's primary enforcement objective is to obtain voluntary compliance.
10. If prompt voluntary compliance is not achieved, the City of Greenwood may exercise the following enforcement options:
- a) The issuance of an Order to Comply;
 - b) The issuance of a Bylaw Notice under the **Local Government Bylaw Notice Enforcement Act, Local Government Act** and **Community Charter**;
 - c) Registration, if applicable, of a section 57 **Community Charter** notice against title to a property;
 - d) The remedial action process under the **Local Government Act** and **Community Charter**;
 - e) Issuance of a Municipal Ticket Information under the **Local Government Act, Community Charter** and **Offence Act**;
 - f) Laying of a long form information and initiation of an **Offence Act** prosecution in Provincial Court under the **Local Government Act** and **Offence Act**;
 - g) Supreme Court proceedings under Section 274 of the **Community Charter** and section 420 of the **Local Government Act**;
 - h) Any other penalty, order that may be imposed or remedy available to the City of Greenwood pursuant to the **Local Government Act, Community Charter, Offence Act** and **Local Government Bylaw Notice Enforcement Act** and any respective regulations enacted thereunder, and as amended, modified or re-enacted from time to time; and

i) Any other remedy available at law that the City of Greenwood's Board of Directors considers appropriate.

11. The City of Greenwood retains discretion to commence enforcement proceedings in accordance with any or all of the criteria listed in section 7 of this policy.
12. The City of Greenwood may not seek a final legal remedy for all or any alleged infractions.
13. The bylaw enforcement officer will maintain a written record of inspections and investigation undertaken and record the disposition of all complaints received.
14. A response of a person that is subject to a bylaw enforcement investigation may not be disclosed to the complainant. Bylaw enforcement actions and files may not be discussed with a complainant subsequent to submission of a bylaw complaint.