



Policy No.: A-22	Section: Administration	Page # 1 of 6
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Title:	Bylaw Enforcement and Response to Citizen Complaints
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Legislation Reference:	Municipal Government Act and Municipal Bylaws
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Purpose: To provide a formal process governing the handling and management of bylaw complaints received by the municipality and to ensure thorough, prompt and courteous receipt, processing, investigation and resolution thereof. While there are certain areas of enforcement that are safety related and require proactive enforcement the majority of these bylaws are enforced on a complaint only basis. This Policy ensures that the bylaw division is serving the needs of the community and that our response to bylaw non-compliance is efficient and properly prioritized.

- Procedures:**
1. Once a complaint is received or a situation is known by the Town of Smoky Lake that a real property may be in non-compliance with a Town Bylaw, it will be investigated by a Bylaw Enforcement Officer or Town employee, known as the "investigator". (Spitefulness complaints, or complaints based on neighbor disputes will not be valid.)
 2. If the investigator determines that the complaint is valid, the investigator shall take photos of the offending property, specifically highlighting the areas of the property that are non-compliant and must be remedied. The investigator will leave a notice at the property stating that a complaint was made, photos were taken and that the owners can contact the Town office.
 3. A Bylaw Infraction letter may be sent to the landowner with a copy sent to renter if applicable within two days of the photos taken of the offending property, and shall state the following:
 - Town Bylaw No. and section of the infraction on the property.
 - Reference applicable section(s) of the Municipal Government Act.
 - Detail of the requirements that the landowner needs to remedy.
 - Provide a date the landowner must comply with to correct the infraction(s) (date must be 14 days or more after which the complaint was received by Town staff).
 4. In addition to the Bylaw Infraction Letter the Town administration will provide a courtesy call to the owner or occupier of the property regarding the bylaw infractions if a phone number is on file at the Town Office.
 5. If the bylaw infractions stated in the Bylaw Infraction letter are not completed by the set date, a 48-Hour Notice will be hand delivered.

6. If the owner or occupier is unable to complete the infractions after the deadline and requires additional time, Administration will be happy to work with the individual to make further arrangements.
7. A 48-hour Notice shall state the following:
 - The Bylaw No. and section of the infraction on the property.
 - Reference applicable section(s) of the Municipal Government Act.
 - Detail of the requirements that the landowner/occupier needs to remedy.
 - Provide the date (48-hours) within which the landowner must comply with to correct the infractions.
8. If the bylaw infraction is not completed within the 48-hour deadline, the Town or qualified contractors shall enter the property to remedy the infractions outlined in the Bylaw Infraction letter and the 48-hour Notice and provide pictures of the completed work.
9. Any work or action taken by the Town or qualified contractors will be invoiced to the owner of the property as per the Town's Master Rates Bylaw.
10. If the invoice remains in arrears for more than sixty days, the invoice costs may be added to the tax roll of the property.
11. All documentation and letters will be filed in the property file of the tax roll for reference.

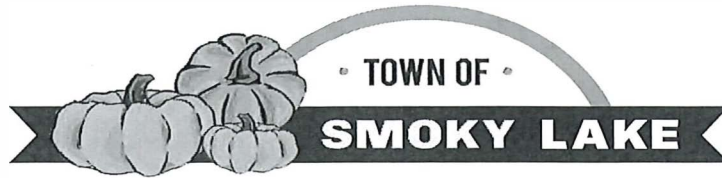
	DATE	RESOLUTION NUMBER
Approved	March 2, 2021	158-2021
Amended		
Amended		



Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer



PO Box 460, 56 Wheatland Avenue, Smoky Lake, AB T0A 3C0
Phone: 780-656-3674 Fax: 780-656-3675
Email: town@smokylake.ca Website: www.smokylake.ca

Date

Name
Address

Dear Name:

RE: Infraction to Bylaw # located at Address

Please be advised that the above referenced property has been inspected and it has been found the property presents an infraction to Bylaw No. ____...

Town of Smoky Lake's Bylaw No. __, Section __, states that...

Section 545 of the Municipal Government Act states that:

545 (1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

(2) The order may

- a) direct a person to stop doing something, or to change the way in which the person is doing it;
- b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
- c) state a time within which the person must comply with the directions;
- d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

Please remedy the contravention of Bylaw #.... by _____. The above work must be completed on or before _____.

Section 549 (1) of the Municipal Government Act states that:

549(1) A municipality may take whatever action or measures are necessary to remedy a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw or to prevent a re-occurrence of the contravention if:

- a) the municipality has given a written order under section 545;
- b) the order contains a statement referred to in section 545 (2) (d);
- c) the person to whom the order is directed has not complied with the order within the time specified in the order and;
- d) the appeal periods respecting the order have passed or if an appeal has been made, the appeal has decided, and it allows the municipality to take the action or measures.

If the infraction is not corrected on or before _____, the Town of Smoky Lake will issue a 48-hour notice to enter the property for the purpose of correcting the infraction which may result in costs at the owner's expense. Costs incurred may be applied to the property tax roll if it remains unpaid as per Section 553 of the Municipal Government Act.

Section 553 Section 1 of the Municipal Government Act states that:

- (1) A council may add the following amounts to the tax roll of a parcel of land:
 - (c) unpaid expenses and costs referred to in section 549 if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or part of the parcel.

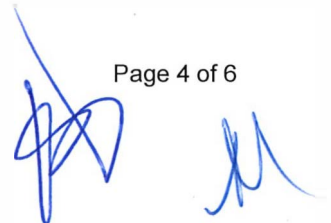
Please contact the Town Office if the infraction is completed before _____. If you have any questions or concerns regarding the above, or if you wish to make other arrangements prior to _____, please do not hesitate to contact me at (780) 656-3674.

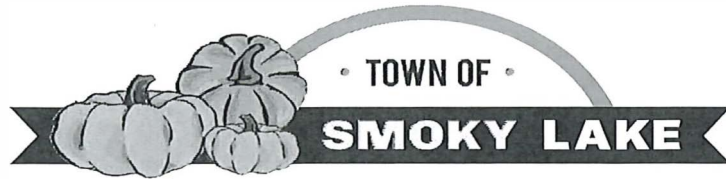
Sincerely,

Accounting Clerk

Cc: CAO
Public Works Foreman

ENC: Pictures of the Bylaw Infractions





PO Box 460, 56 Wheatland Avenue, Smoky Lake, AB T0A 3C0
Phone: 780-656-3674 Fax: 780-656-3675
Email: town@smokylake.ca Website: www.smokylake.ca

Date

Name
Address

Dear Name:

RE: 48-hour Notice to Infraction to Bylaw # located at Address

48-Hour Notice

In response to the Bylaw Infraction Letter dated _____, the above referenced property has been re-inspected, and it has been found the infraction to Bylaw # ____ has not been completed by the deadline of _____.

Town of Smoky Lake's Bylaw No. __ Section __ states that:.....

Section 549 (1) of the Municipal Government Act states that:

549(1) A municipality may take whatever action or measures are necessary to remedy a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw or to prevent a re-occurrence of the contravention if:

- a) the municipality has given a written order under section 545;*
- b) the order contains a statement referred to in section 545 (2) (d);*
- c) the person to whom the order is directed has not complied with the order within the time specified in the order and;*
- d) the appeal periods respecting the order have passed or if an appeal has been made, the appeal has decided, and it allows the municipality to take the action or measures.*

Please remedy the contravention of Bylaw #.... by:.....

The above work must be completed on or before _____. If the infraction is not corrected on or before _____, the Town of Smoky Lake may enter the property for the purpose of correcting the infraction which may result in costs at the owner's expense.

Please contact the Town Office if the infraction is completed before _____. If you have any questions or concerns regarding the above, or if you wish to make other arrangements prior to _____, please do not hesitate to contact me at 780-656-3674.

Sincerely,

Accounting Clerk

Cc: CAO
Public Works Foreman

ENC: Pictures of the Bylaw Infractions

