

|  | POLICY            | No.              | 8.8             |
|-----------------------------------------------------------------------------------|-------------------|------------------|-----------------|
|                                                                                   | BYLAW ENFORCEMENT | Effective Date   | August 26, 2025 |
|                                                                                   |                   | Revision Letter  | <b>B</b>        |
|                                                                                   |                   | Council Approval | 2025-18-12      |

## 1.0 PURPOSE

- 1.1. To establish the practices by which the District of Fort St. James undertakes bylaw enforcement within the municipal boundaries. This policy provides direction to staff, **Council**, and the public regarding the following:
- the **District's** guiding principles for bylaw enforcement;
  - how enforcement actions may be initiated;
  - the investigation and enforcement process; and
  - communications regarding bylaw enforcement issues.

## 2.0 DEFINITIONS

- 2.1. **Complainant** means the person making a complaint regarding a potential bylaw infraction.
- 2.2. **Council** means the Council of the District of Fort St. James.
- 2.3. **District** means the District of Fort St. James.

## 3.0 POLICY

### Guiding Principles

- 3.1. Due to the limited Bylaw Enforcement Officer capacity of the **District**, the **District's** bylaw enforcement generally operates on a complaint basis.
- 3.2. The **District** has no duty to investigate complaints regarding potential bylaw infractions or take enforcement action to enforce bylaws.
- 3.3. Bylaw Enforcement Officers have the discretion to exercise judgement in determining when, where, and how to apply the **District's** bylaw enforcement resources. This discretion is to be exercised in general compliance with this policy and in a manner which is impartial.
- 3.4. Bylaw Enforcement Officers shall consider how decisions regarding enforcement will impact:
- public safety;
  - the environment; and
  - resident quality of life.

### Complaints

- 3.5. A bylaw enforcement investigation may be initiated based on the following:
- a complaint from a member of the public;
  - a complaint from a member of **District** staff;

- c) a complaint from a member of **Council**;
- d) a complaint from a third party government agency; or
- e) direction from the **Council** or the Chief Administrative Officer;

3.6. All complaints, no matter the **complainant**, shall be treated and prioritized equally.

#### Frivolous, Vexatious, and Repeat Complaints

- 3.7. Complaints made for vexatious or retaliatory purposes may not be acted upon at the discretion of the Bylaw Enforcement Officer based on their evaluation of the situation, including consideration of the priority enforcement factors stated in Section 3.4.
- 3.8. Frivolous or repeat complaints may not be acted upon the discretion of the Bylaw Enforcement Officer based on their evaluation of the situation including consideration of the results of previous investigations and the priority enforcement factors stated in Section 3.4.

#### Complaints from the Public

- 3.9. Complaints from a member of the public may not be acted upon if the **complainant** refuses to provide their name, address, at least one reliable method of contact.
- 3.10. Complaints from a member of the public may not be acted upon if the **complainant** does not provide a clear description of the location of the infraction and a description of the infraction.
- 3.11. **Complainants** will receive an acknowledgement of their complaint and may be advised when the matter is closed, without the disclosure of investigation details.

#### Complaints from District Staff

- 3.12. Complaints from a member of staff may be made at their discretion, however, there is no requirement that a staff member makes a complaint if a bylaw infraction is observed.

#### Complaints from Council

- 3.13. Complaints from a member of **Council** may be made at their discretion, however, there is no requirement that a **Council** member makes a complaint if a bylaw infraction is observed.
- 3.14. Complaints from a member of **Council** shall not be made on behalf of an anonymous member of the public, unless the Chief Administrative Officer determines that the complaint warrants investigation due to significant risk factors.

#### Investigations

- 3.15. Upon receiving a complaint, a Bylaw Enforcement Officer shall complete a preliminary review of the infraction described and may complete a detailed investigation into the complaint.
- 3.16. A Bylaw Enforcement Officer may not proceed with an investigation if the preliminary review of the infraction shows that:
- a) the complaint is vexatious, retaliatory, or frivolous;
  - b) there is no apparent bylaw infraction; or
  - c) the infraction is not an enforcement priority under the Guiding Principles.

## Enforcement

- 3.17. Should an investigation confirm that a bylaw infraction has occurred, or continues to occur, a Bylaw Enforcement Officer will determine the nature and severity of the infraction, and may:
- a) educate and seek voluntary compliance;
  - b) provide written warning and order compliance;
  - c) issue a Bylaw Notice; or
  - d) escalate to the Chief Administrative Officer.
- 3.18. The Chief Administrative Officer, or their delegate, may at any time recommend to **Council** that the **District**:
- a) apply for an injunction or court order;
  - b) initiate prosecution proceedings under the *Offence Act*; or
  - c) consider the use of Remedial Action Requirement under the *Community Charter*.

## **4.0 RESPONSIBILITIES**

- 4.1. The Chief Administrative Officer is responsible for:
- a) reviewing this policy; and
  - b) approving administrative updates to this policy.
- 4.2. Bylaw Enforcement Officers are responsible for adhering to this policy in Bylaw Enforcement matters.
- 4.3. Council is responsible for approving this policy.

## **5.0 DOCUMENT APPROVALS**

| Role           | Position                     | Name of Approver | Date Approved   |
|----------------|------------------------------|------------------|-----------------|
| Owner          | Corporate Officer            | Alexander Bihori | August 22, 2025 |
| Reviewer       | Chief Administrative Officer | Rachelle Willick | August 25, 2025 |
| Final Approver | Mayor and Council            | Martin Elphee    | August 26, 2025 |

## **6.0 REVISION HISTORY**

| Effective Date  | Rev Letter | Document Author  | Description of Change                                                                           |
|-----------------|------------|------------------|-------------------------------------------------------------------------------------------------|
| August 26, 2025 | A          | Alexander Bihori | Initial Release.                                                                                |
| Sept. 24, 2025  | B          | Alexander Bihori | Correction of error in Sections 3.7 & 3.8 whereas these sections referred to 4.4 instead of 3.4 |