



**Policy Name**

Brazeau County Planning Education and Enforcement Policy

**Policy Number**

PD – 17

**Policy Statement**

Brazeau County Council has adopted Land Use and Property Maintenance related bylaws to guide the safe, orderly and beneficial long-term use or development of land under their jurisdiction. The underlying intention of these bylaws is to inform landowners about legal requirements and community standards established by Senior Governments and the County to ensure the use of property by an owner does not undermine the use and enjoyment of neighboring lands or establish unsafe/prohibited activities. To this effect, Brazeau County will seek to:

- Educate landowners on applicable legislative requirements, County bylaws/policies affecting both public and private lands, and best management practices;
- Work together with landowners/applicants to navigate planning, bylaw and enforcement processes so they understand their obligations, options and rights;
- Facilitate open and honest discussions assisting landowners/applicants on ways they can meet their individual needs while preserving and achieving the greater public interest;
- Ensure all activities and development occurring in Brazeau County are consistent with applicable bylaws, policies and statutory documents; and
- Ensure conditions included as part of an issued Development Permit are capable of being met to the greatest extent possible.

Chief Administrative Officer: \_\_\_\_\_  
Approved by Council: 2015/07/21 \_\_\_\_\_  
Revision Dates: (Y/M/D) \_\_\_\_\_  
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## Policy

### a) Landowner/Applicant Meetings and Education

The Planning and Development Department will retain human resources, provide staff training, and maintain sufficient professional knowledge to assist the public on all planning and/or land based applications or enforcement matters in a timely fashion. Pre-application, site inspection and/or follow-up meetings will be offered at essential points during application or enforcement processes. Staff will ensure advice is provided if appropriate, information will be provided as transparently as possible, and all dealings are undertaken with the intention of finding mutually beneficial outcomes for the County and landowner.

### b) Public Materials and Information

The Planning and Development Department will draft and maintain public education materials which will be available both at the County and on the County website. Public advertisement of changes to bylaws will also identify when and where a public hearing will be held and staff will seek to answer all public inquiries in a timely fashion to allow them the opportunity to speak from a position of understanding at public hearings. Staff will hold several public education sessions, 2-5 times year, in conjunction with Municipal Planning Commission meetings.

### c) Initiation of Enforcement

Enforcement actions may be initiated through several means:

- Complaint from an individual, business or any other body or agency.
  - Complaints may be registered by an anonymous or identified person and submitted in a written or other form suitable to the Department.
- Failure to comply with conditions of an issued development permit.
- An infraction is identified by the Department through planning processes.

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**d) Land Use Bylaw Enforcement Protocol**

**Purpose**

To ensure that enforcement actions taken pursuant to the Land Use Bylaw and/or the *Municipal Government Act* are done in a consistent manner that complies with both statutory documents and County policies.

**Procedure**

Following the identification of a potential enforcement issue, an Enforcement Officer will undertake the following procedural steps, in order:

1. Investigating Officer contacts complainant to clarify any information regarding the potential enforcement issue, provide contact details and advise of process. Ascertain if complainant requires progress updates, and if so, follow up with a standard letter.
2. A file review for the subject property/issue is undertaken, to determine the history of activities, development permits and/or any previous enforcement activity.
3. Undertake a drive-by inspection of the offending site to determine if complaint appears to be valid or if it is frivolous.
4. Contact the landowner and/or occupant first by telephone and secondly by email if telephone conversation is not possible, regarding the reported infraction. Answer their questions and arrange site inspections. Staff will document verbal, written, visual and photographic evidence.
5. If a valid complaint, then an advisory notice letter is prepared to the landowner, as follow up describing the enforcement issue, explaining why it is an infraction, clarify if the County requires the activity or development to be approved or ceased. An invitation is sent to meet with Department Staff and/or to rectify the issue by a specified date (typically 30 days).
6. If the landowner does not contact the Department, submit applications to legalize the activity or resolve the issue, a warning letter is prepared reiterating the concern, and explaining the implications of not resolving the issue. The landowner is again invited to meet with Staff and informed that enforcement will proceed unless action is taken (30 - 90 days depending on difficulty to remedy issues).

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7. If the identified landowner is not in the process of legalizing the activity or rectified the issue to the satisfaction of the County by the date specified in the warning letter, a Stop Order is issued.
8. The Stop Order is registered as a Caveat on title.
9. Any time a Stop Order is issued, the person named in the Order is contacted to:
  - a. discuss the implications of the Order,
  - b. answer questions or clarify any uncertainties, and
  - c. ensure the recipient understands they can appeal the Order.
10. A letter is sent as a follow up to the Stop Order to inform them of impending action on the Stop Order.
11. If the landowner refuses to comply with letters or a subsequent Stop Order, the next step is to obtain a Court Order. A Court Order would allow the County to:
  - a. take the necessary actions to remedy a longstanding problematic situation, and
  - b. hire a contractor to enter the subject property and fix the
  - c. outstanding infraction(s).
12. A process for tendering a job with a goal to clean-up a land use problem or remediate damaged land and/or property needs to be developed. This process would also include a method of attaching all costs of the clean-up to the subject property's roll number.
13. Stop Order to be removed from Title upon rectification of enforcement issue. Enforcement file is then closed.

**e) Development Permit Condition Enforcement Protocol**

All steps the same as enforcement of a complaint, except that no complaint is required. Typically initiated as follow up to an issued permit, 1-2 years after issuance and if all conditions appear met then file is immediately closed.

**f) Nuisance, Safety and Livability Bylaw 751-11 Enforcement Protocol**

All steps the same as enforcement of a complaint except Stop Order process may be substituted with referral to Director of Community Services for follow-up and fining procedure through the County Peace Officers.

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**g) Immediate Action**

Immediate Action may be undertaken by the appropriate enforcement officer should an infraction of the bylaws be determined to have occurred and:

1. **present eminent danger to person or property;**
2. **compound the impacts of the infraction should delay or inaction occur; or**
3. **a reoccurring offense which has been previously enforced upon those lands.**

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