



POLICY

Bylaw Enforcement	
Policy Number: 215-002	Supersedes Policy Number: Not Applicable
Effective Date: 2013-07-09	Approval By Council (Motion Number): 12-07-13

1.0 Purpose

The Town of Wolfville has a number of Bylaws that have the potential to have a direct influence on the day to day lives of the residents of, and visitors to Wolfville. These Bylaws regulate things as diverse as skateboarding, the prevention of excessive noise, the ownership of dogs and minimum property standards to name but a few. The various Bylaws bestow certain powers upon the Enforcement Officer, prescribe various offences and outline penalties associated with these offences.

Whilst these Bylaws provide an essential legislative framework, care must be taken to ensure that enforcement action is measured and appropriate to the circumstances, and that the Enforcement Officer has the power to use his or her discretion when deciding upon the appropriate course of action. Whilst enforcement action in the form of a charge or Summary Offence Ticket should remain an option, voluntary or negotiated compliance should always be the first choice, and the Enforcement Officer should be afforded every opportunity to use this option.

The purpose of this policy is to provide a general outline of the responsibilities not only of the Enforcement Officer, but also Town staff when attempting to resolve a Bylaw infraction.

2.0 Scope

This Policy is applicable is applicable to the Town of Wolfville's Compliance Officer and Town staff responsible for enforcing and resolving Bylaw infractions.

3.0 References

- 3.1 [Nova Scotia Municipal Government Act](#) (MGA)

4.0 Definitions

- 4.1 "Bylaw" means any Bylaw enacted or adopted by the Town.
- 4.2 "CAO" means the Chief Administrative Officer of the Town of Wolfville.
- 4.3 "Councillor" means person elected to the Town Council.



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- 4.4 **“Enforcement Officer”** means the Bylaw Officer, Dog Control Officer, Building Inspector, Town Police Officer or any other person appointed by the Chief Administrative Officer or empowered by legislation to enforce the Bylaws of the Town of Wolfville.
- 4.5 **“Initiate a Prosecution”** means laying an information and issuing a summons under the provisions of the Nova Scotia Summary Proceedings Act, by use of either an Information under section 788 of the Criminal Code (Canada) or a Summary Offence Ticket under the Summary Proceedings Act.
- 4.6 **“Staff”** means any person employed in any capacity, paid or otherwise, by the Town of Wolfville.
- 4.7 **“Town”** means the Town of Wolfville.
- 4.8 **“Town Police Officer”** means any member of a Municipal, Provincial, or Federal law enforcement agency that is contracted to provide police services to the Town.

5.0 Policy

5.1 Taking Complaints

It shall be the Policy of the Town that no anonymous complaints will be recorded. Complaints regarding Bylaw issues must include the name, address and contact details of the person making the complaint before they can be recorded and investigated.

5.2 Responsibilities of the CAO

The CAO, or a Director designated by the CAO, will oversee the enforcement process to ensure that the best interests of the residents of the Town are served.

In instances where enforcement action is pending, or legal proceedings have begun, the CAO will ensure that the responsibilities of all stakeholders outlined in this policy are adhered to.

5.3 Responsibilities of Staff and Councillors

Town Staff and Councillors should refer all reported Bylaw infractions to the Enforcement Officer for investigation.

Where appropriate, Staff are encouraged to provide assistance and guidance in circumstances where their local knowledge may assist in resolving a Bylaw infraction without the Town having to resort to enforcement action. Staff should obtain details of the alleged Bylaw infraction from the Enforcement Officer prior to any involvement with an incident in order to ascertain if their involvement is warranted or appropriate. Staff



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should provide details of their involvement to the Enforcement Officer in a timely manner so that all parties are aware of any developments with regard to the issue.

In circumstances where the Enforcement officer has had no alternative other than to instigate enforcement action or Initiate a Prosecution, Staff and Councillors should refrain from involvement in the incident. If they are already involved in the incident, Staff should cease their involvement and should refer any enquiries relating to the incident to the CAO, the appropriate Director or the Enforcement Officer.

Responsibility for Bylaw enforcement rests with Staff. Councilor involvement is limited to referring reported Bylaw infractions to the Enforcement Officer.

5.4 Responsibilities of the Enforcement officer

The Enforcement Officer will ensure that the CAO or appropriate Director is made aware of all complaints by means of a regular report. In cases where enforcement action or legal proceedings may result, the Enforcement Officer will ensure that the CAO or appropriate Staff member is made aware prior to the commencement of such action.

The Enforcement Officer is encouraged to use any and all options available to obtain compliance with the various Bylaws of the Town. Whilst certain issues leave little recourse for an alternative form of action, others provide a great deal of latitude. Wherever possible and appropriate, it is preferable for the Enforcement Officer to obtain voluntary or negotiated compliance in preference to action to Initiate a Prosecution.

The Enforcement Officer should be encouraged to seek input from all stakeholders when attempting to resolve a Bylaw infraction. Oftentimes, input from a person with 'local knowledge' is sufficient to resolve an issue that may otherwise result in enforcement action.

The Enforcement Officer is encouraged to make use of written warnings and undertakings where compliance is not immediately forthcoming. Written warnings and undertakings provide a paper trail of the steps taken by the Enforcement Officer when trying to resolve an issue, provide details of the opportunities for compliance given to the person in question, and provide excellent evidence of the attempts to gain compliance should an issue result in action to Initiate a Prosecution.



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Certain Bylaw infractions, such as serious incidents involving dogs, certain parking issues or instances where voluntary or negotiated compliance is neither forthcoming nor appropriate, leave the Enforcement Officer little recourse other than Initiate a Prosecution. In such cases the Enforcement Officer should take all necessary steps to ensure that the most appropriate charge with the greatest chance of a successful prosecution is laid.

A handwritten signature in blue ink, appearing to read 'D. M. Bruden', is written above a horizontal line.

CAO

March 10, 2016

Date