

Title	BYLAW ENFORCEMENT POLICY	POLICY NO:	A-5
Legislation Reference	Municipal Government Act, Village of Beiseker Bylaws and Bylaw 2023-07 Bylaw Enforcement Bylaw		
<b>Purpose</b> To ensure that the Village of Beiseker is able to effectively uphold municipal Bylaws with regard to enforcement of the regulations provided in the Bylaws. Also to ensure that there is a consistent yet flexible means for individuals who are in breach of a Bylaw to remedy any contravention unless the contravention results in a safety issue or is dangerous in nature.			

**Policy Statement and Guidelines**

“*Enforcement Officer*” means a person appointed by Council pursuant to the *Municipal Government Act* and includes a member of the Royal Canadian Mounted Police, a Community Enforcement Officer or a Bylaw Enforcement Officer.

This is a standard guideline to be used for the enforcement of bylaws. Discretion needs to be taken to determine if the infraction would be best served by a Verbal or Written Warning ( first contravention), Remedial Order or whether a Municipal Violation Tag or a Provincial Violation Ticket should be issued. The Enforcement Officer has the discretion to make this decision based on the severity of the contravention and the Enforcement Officer may consult with the Enforcement Services Sargent or CAO if there is any question about the action to be taken.

Any contravention of a Bylaw whether found through patrol or initiated by a complaint will be investigated and may result in the following:

**WHERE THE CONTRAVENTION REQUIRES A VERBAL or WRITTEN WARNING**

- 1) The Enforcement Officer will issue either a verbal or written warning prior to serving an Order to Remedy unless the infraction results in a safety issue or is dangerous in nature.

**Written warning:**

The Enforcement Officer may post a written warning on the residence prior to serving a Remedial Order (if applicable) or send the Warning by email or regular mail. A record of when and how the Warning was served will be recorded.

**Verbal warning:**

The Enforcement Officer may provide a verbal warning to the Person in contravention either in person or by phone. A record of when and how the Warning was served will be recorded.

- 2) If relevant, the Warning will provide a time frame by which the infraction is to be remedied. If this is not complied with, the Enforcement Officer will issue a Remedial Order, a Municipal Violation Tag, Provincial Violation Ticket or an order for mandatory court appearance, depending on the severity of the contravention.

**B) WHEN THE INFRACTION DOES NOT APPLY TO A REMEDIAL ORDER**

If the infraction is not remediated through a Verbal or Written Warning, the actions under Section D) 2, 3 or 4 may be imposed.

**C) WHERE THE INFRACTION REQUIRES AN REMEDIAL ORDER**

- 1) The Enforcement Officer will issue a Remedial Order
  - a) By regular mail to the last known address of the Person; or
  - b) In person. A copy of the Remedial Order will then be mailed to the last known address of the Person

In all cases, the date of the Remedial Order, the date it was mailed or served in Person and the date it is considered served will be recorded. See Section C 2)

If a Remedial Order is issued under Section 545 of the MGA , a minimum of 2(two) weeks will be given to remedy the infraction.

If a Remedial Order is issued under Section 546 of the MGA, a minimum of 1(one) week will be given to remedy the infraction as per the *Municipal Government Act*.

- 2) A Remedial Order is considered served after 7 days it is mailed and after 3 days when it is served in person.
- 3) At the discretion of the Enforcement Officer, the circumstances of the infraction may extend or reduce the amount of time to remedy. The Remedial Order includes a statement that if the matter is not resolved in the timeframe required, that a Notice Of Corrective Action (when applicable) will be automatically imposed.
- 4) Where applicable, a Notice of Corrective Action may be provided with the Remedial Order (mailed or served in person) in the event it needs to be enacted.

**D) WHEN THE REMEDIAL ORDER IS NOT COMPLIED WITH:**

The following actions may be taken when the Remedial Order is not complied with by within the compliance date imposed:

- 1) Notice of Corrective Action** - The Notice of Corrective Action comes into effect the day after the due date for remedy that was stated on the Remedial Order.  
*Under the Municipal Government Act, Section 549, municipalities can issue notices of corrective action when a property is dangerous to public safety or is detrimental to the surrounding area due to its condition, allowing them to order remedial work.*

*Should the Owner of the property refuse entry to remediate the infraction, the Village may appeal to the Court of Kings' Bench for a decision.*

*In accordance with the Municipal Government Act and the Village of Beiseker's Municipal Bylaws, all costs associated with a Notice of Corrective Action shall be invoiced to the property owner. All costs granted by an Order of the Court of King's Bench shall be invoiced to the property owner. If either cost is not paid, the amounts owed will be rolled over to the tax account of the property as per the Municipal Government Act Section 553; or*

## 2) Municipal Violation Tag

- a) Unless the infraction is severe in nature, a Municipal Violation tag will be issued as opposed to a Provincial Violation Ticket (see below)
- b) If a Bylaw lists penalties that can be imposed by a Violation Tag for second and subsequent offences, Violation Tags may be issued for continuous or repeat offences of the same contravention

The Enforcement Officer will issue a Violation Tag by :

- a) By regular mail to the last known address of the Person; or
- b) In person.

In all cases, the date the Municipal Violation Tag was issued will be recorded.

A Municipal Violation Tag is considered served 7 days after it is mailed (post-marked), and on the same day when it is served in person.

A Municipal Violation Tag is valid for no more than 10 days following the Tag being deemed served. In other words, payment is due on or before 10 days after it is served.

## 3) Provincial Violation Ticket

A Provincial Violation Ticket may be issued:

- If a previous Municipal Violation Tag had not been paid for the same contravention. Subsequent Tickets may be issued if the infraction is not remedied; or
- If the Person who is contravention of a Bylaw and is not a resident of the Village of Beiseker; or
- If there is a contravention of the *Traffic Safety Act*, or any other Provincial or Federal legislation.

*A court appearance date (usually a six week minimum) or payment deadline will appear on a Provincial Violation Ticket. The accused has the option to pay the amount specified on or before the court appearance date or enter a plea of Not Guilty and appear before the Alberta Provincial Court of jurisdiction on the specified appearance date.*

The Enforcement Officer will issue a Provincial Violation Ticket in accordance with the *Provincial Offences Procedure Act*.

**4) Mandatory Court Appearance or Information**

This mechanism would be used only under extreme circumstances (for a highly dangerous situation or where a contravention has happened multiple times for example). This is a standard item of the Bylaws of the Village of Beiseker:

*No provision of this Bylaw shall prevent any Enforcement Officer from issuing a violation ticket, requiring the court appearance of the person in contravention of this bylaw, pursuant to the provisions of the Provincial Offences Procedures Act, c.P-34 Section 3, or from laying an information instead of issuing a violation ticket. (laying an information to a court). Long Form Charge – use the processes of the Criminal Code to provide a mandatory court appearance for provincial and bylaw infractions when it is reasonable to do so.*

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**Amended: April 14 2025**

**Res# 2025-090**

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Chief Administrative Officer

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Chief Elected Official