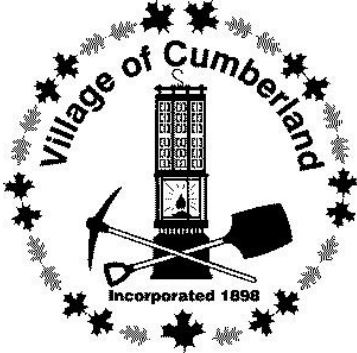


COUNCIL POLICY



<p>Title: Bylaw Compliance Policy</p> <p>Authority: Council</p> <p>Adopted Date: May 13, 2024</p>	<p>No. 9.1</p> <p>Section: Legislative and Regulatory</p> <p>Motion No. 24-114</p>
--	--

1. Purpose

The purpose of this policy is to provide guidance to Village of Cumberland staff and the community on bylaw compliance and enforcement services, prioritizing responses based on available resources and community priorities. Grounded in trauma-informed principles, this policy fosters a culture of respect, inclusion, collaboration, and leadership within the Village of Cumberland, guiding compliance and enforcement activities with sensitivity, understanding, and effective community engagement and communication.

2. Policy Statement

The policy is built on the Village of Cumberland’s core values of respect, inclusion, collaboration, and leadership, ensuring that all interactions related to bylaw compliance and enforcement uphold these principles. Through effective community engagement and communication, this policy seeks to empower individuals, build trust, and promote collaborative solutions to address bylaw issues. At the heart of this policy lies the Village of Cumberland’s commitment to preserving the unique character and quality of life that defines our community.

Despite any bylaw in effect, this policy, or the receipt of complaints, the Village of Cumberland has no duty to enforce bylaw violations. This policy recognizes the limitations of our resources and the necessity to prioritize our response efforts. We commit to responding to calls based on available resources and aligned with our established priorities. Compliance and enforcement action will generally take place as set out in this policy.

For the purpose of this policy, a “Bylaw Officer” includes a peace officer, municipal officer, employee, agent, or any other person authorized by Council to enforce Village bylaws.

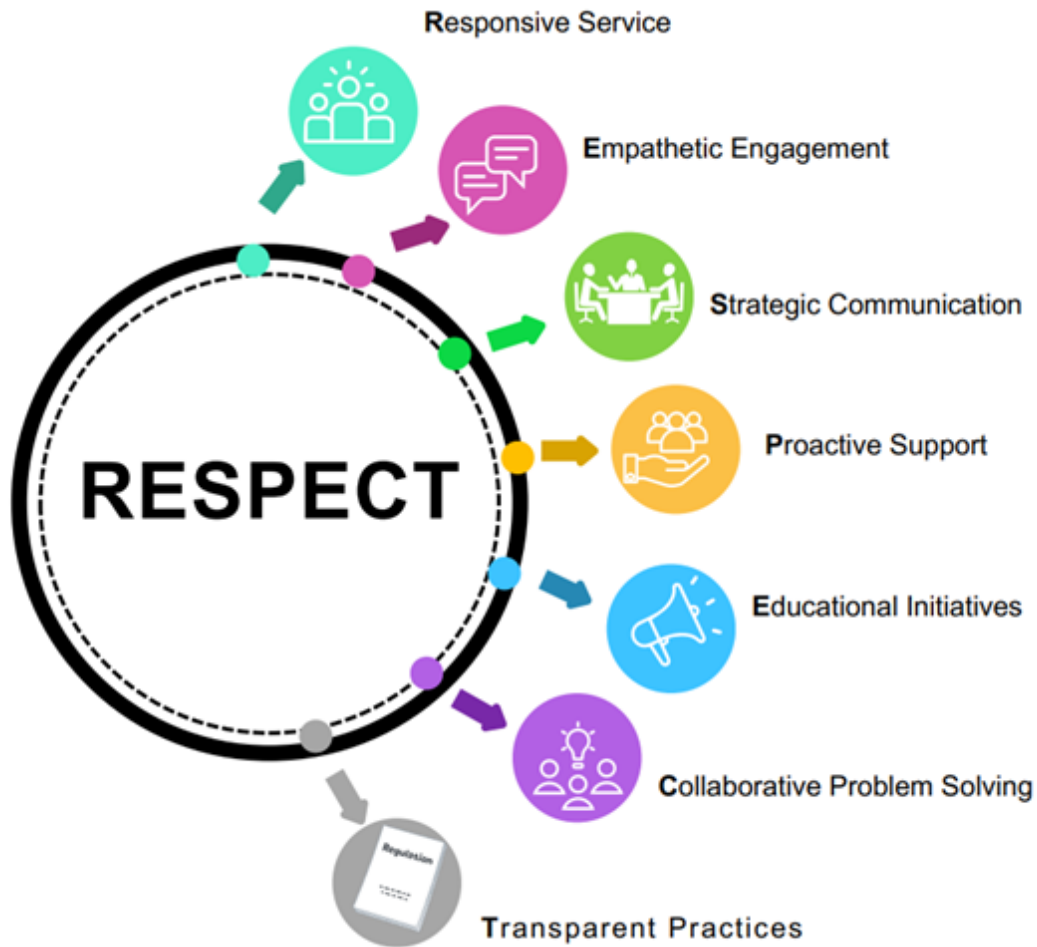
3. Guiding Principles

Rooted in our values of respect, inclusion, collaboration, and leadership, our compliance and enforcement efforts will follow these guiding principles:

- a) **A Balanced and Trauma Informed Response:** Prioritize enforcement efforts based on council directives, community priorities, and trauma-informed considerations.
- b) **Community Engagement and Education:** Adopt a nuanced approach that integrates education, curiosity, discretion, and a sense of ownership and responsibility within the community for maintaining compliance with bylaws.
- c) **Transparency and Accountability:** Hold enforcement actions accountable to established policies and community expectations.
- d) **Data and Evidence-based Enforcement:** Use evidence-based approaches to prioritize enforcement efforts and allocate resources effectively.
- e) **Facilitated Compliance:** The Village of Cumberland aims to ensure adherence to regulations by raising awareness and encouraging changes in behavior that will prevent reoccurring violations.

4. Facilitated Compliance Approach

The Village of Cumberland, the Bylaw Officer(s) and other staff will use a RESPECT approach when facilitating compliance.



- a) **Responsive Service:** Be responsive to priority violations, addressing them promptly and effectively to maintain community standards.
- b) **Empathetic Engagement:** Engage with individuals involved in compliance matters with empathy and understanding, acknowledging their perspectives and treating them with dignity.
- c) **Strategic Communication:** Communicate clearly and effectively, ensuring that all parties understand their rights, responsibilities, and the consequences of non-compliance.
- d) **Proactive Support:** Provide proactive support and assistance to individuals seeking to comply with regulations, offering guidance, resources, and assistance as needed.
- e) **Educational Initiatives:** Conduct educational initiatives to increase awareness and understanding of bylaws and regulations, empowering individuals to comply voluntarily.

- f) **Collaborative Problem-Solving:** Foster collaboration and partnership between the community and enforcement agencies, working together to address compliance issues and find mutually beneficial solutions.
- g) **Transparent Practices:** Ensure transparent enforcement practices with decisions made openly and fairly, and information readily available to the public. Interventions will be proportionate to assessed risk, avoiding overreaction or underreaction for a just and equitable approach.

5. Progressive Enforcement Model

The Village of Cumberland will employ a progressive enforcement model to address bylaw violations and response to complaints will be based on the three priority levels as outlined in the Priority Pyramid. Discretion may be used to determine whether it is in the Village of Cumberland or the community's best interest to pursue the matter.

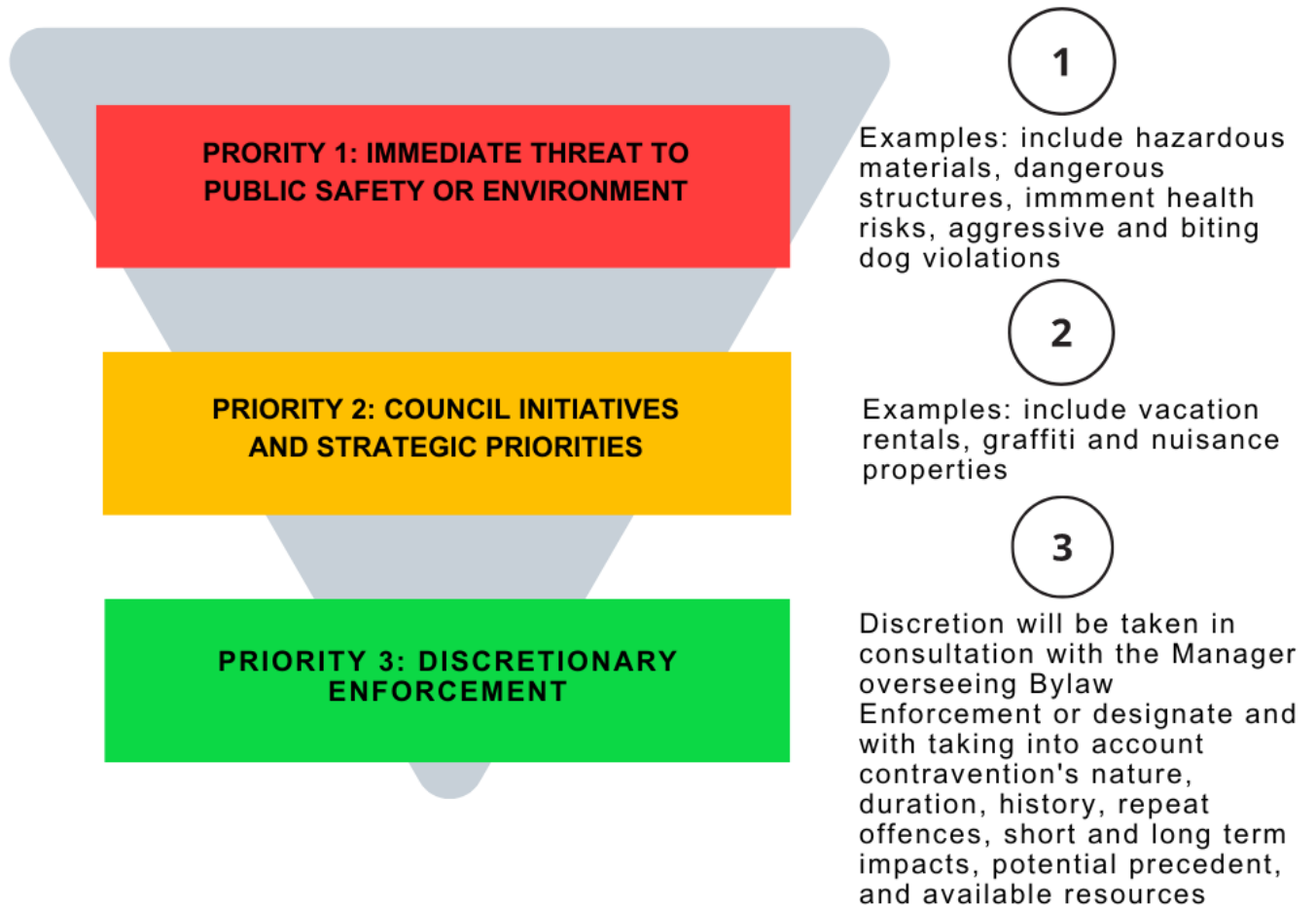
The RESPECT approach emphasizes voluntary compliance, with education as the initial step. Ticketing is reserved for cases of non-compliance, especially where public safety or environmental concerns are paramount, or for repeat offenders. Enforcement actions are carried out with respect for individuals' dignity and rights, aiming to minimize distress and promote understanding.

Bylaw violations are generally investigated in response to public complaint, except when an alleged bylaw violation may adversely impact the environment or public safety, to support Council initiatives and strategic priorities.

In determining whether to commence enforcement proceedings or exercise discretion, the Village may consider one or more of the following criteria:

- a) the scale, nature, and duration of the contravention;
- b) the amount of time that has lapsed since the contravention occurred;
- c) the impact of the contravention on the community;
- d) the resources available to resolve the matter;
- e) the costs associated with enforcement action;
- f) the probability of a successful outcome;
- g) the policy implications of the enforcement action and the potential for precedents;
- h) whether public safety is at risk;
- i) whether enforcement may be a deterrent in future cases.

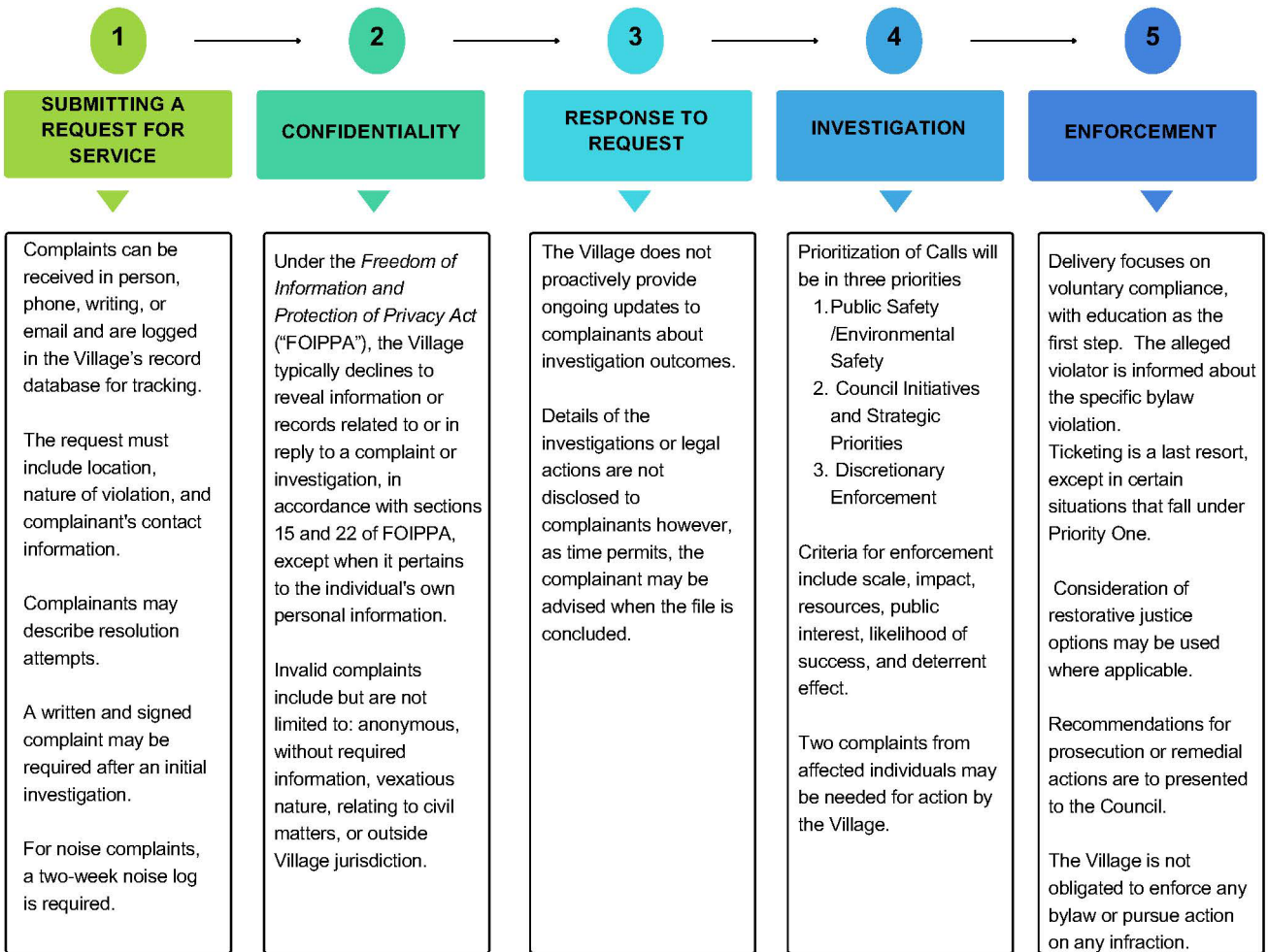
Priority Pyramid



6. Bylaw Compliance and Enforcement Process

The Village of Cumberland prioritizes the integrity of our community through balanced enforcement of our bylaws. Our process ensures residents can easily submit requests for service while maintaining strict confidentiality for all parties involved. Our response is driven by established priorities and available resources, ensuring an efficient and effective approach to addressing bylaw compliance issues. Enforcement measures, applied with fairness and proportionality, aim to resolve issues and promote compliance. Through collaboration and transparency, the Village of Cumberland strives to foster a harmonious community where rules are respected and residents' wellbeing is upheld.

The Village of Cumberland uses a structured five-step approach encompassing request submission, confidentiality, response, prioritized investigation, and enforcement actions.



7. Alternative Dispute Resolution

Staff will consider the use of Comox Valley Community Justice Centre services and restorative justice principles in suitable situations and where both the complainant and alleged violator agree to participate. In such circumstances, both the complainant and the alleged violator must agree to waive their rights to confidentiality between the parties and the applicable confidentiality provisions of this policy would not apply.

8. Frivolous Complaints

Complaints that are frivolous or become repeat complaints, will be referred to the Chief Administrative Officer for a determination on the outcome and the complainant will be notified in writing on the reason for imposing the outcome.

9. General

A Bylaw Officer, acting in the regular course of their duties, may initiate investigations and conduct inspections to determine compliance with all regulations, prohibitions and requirements of Village bylaws. Section 16 of the *Community Charter* allows a Bylaw Officer to enter onto private property for the following purposes:

- a) to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the Council, a municipal officer or employee or a person authorized by the Council has exercised authority under this or another Act to regulate, prohibit and impose requirements;
- b) to take action authorized under section 17(1) [*municipal action at defaulter's expense*];
- c) in relation to section 18 [*authority to discontinue providing a service*], to disconnect or remove the system or works of the service;
- d) to assess or inspect in relation to the exercise of authority under section 8 (3) (c) [*spheres of authority – trees*].

The Bylaw Officer will document all inspections and investigations conducted, along with the resolution of all received complaints.