

Topic: Land Use Bylaw Amendment – Bylaw 2018-21 Land Use Enforcement

Introduction:

The purpose of proposed Bylaw 2018-21 is to amend the Land Use Bylaw 2017-18 Section 18 Enforcement. The amendment will strengthen and clarify enforcement of the land use bylaw by establishing regulations and guidelines to encourage voluntary compliance through cooperation rather than through enforcement using a three-stage process. The amendment will also establish set penalties related to land use offences.

Facts (Background Information):

The *Municipal Government Act* gives municipalities their enforcement power allowing municipalities to enforce their bylaws and impose fines and penalties. This amendment provides specific penalties which can be imposed for non-compliance of the land use bylaw.

The land use bylaw is a dynamic document and therefore, it is necessary to keep the document current so it effectively responds to development as well as providing direction when dealing with non-compliance of the land use bylaw. Section 18 was identified in the 2018-2019 Land Use Bylaw Strategy as one of the regulatory areas in need of a significant update.

Analysis:

Most of the regulations proposed for this Land Use Bylaw amendment reflect the allowances of the Municipal Government Act, but inclusion of them in the Land Use Bylaw ensures greater clarity and transparency related to the enforcement process. Enforcement follows a three-step process:

Enforcement step	Tools
1. Educate	Educational material, Phone call, email
2. Warn	Letter
3. Consequence	Orders, fines or penalties

To enhance the tools available for more serious enforcement matters, Administration completed a review of land use enforcement and associated fines in other municipalities, see attached research report. Some municipalities rely solely on the direction set out in the *Municipal Government Act* while others include specified penalties for offences in the Land Use Bylaw. The option recommended is to include specified penalties in the Land Use Bylaw as this ensures consistency and transparency, but also facilitates a more pro-active approach to, and improved authority for, land use enforcement. This is important to ensure an effective balance between the community, landowner rights and the County with regard to land use compliance.

The specific amendments are consistent with the County's overall Land Use Bylaw Strategy to ensure the document is current, accurate and effectively responds to land use enforcement.

Conclusion/Summary:

Administration recommends that Council give first, hear public comment followed by second and third reading to Bylaw 2018-21

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