



Policy Code: LSD - 005

Land Use Bylaw Enforcement Policy

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REVISION RECORD

Date	Version	Revision description
November 17, 2016	1	Original and Land Use Bylaw Enforcement Policy
February 18, 2021	2	Policy LSD – 005 replaces Policy No. 6300

1. TITLE:

1.1 Land Use Bylaw Enforcement Policy

2. POLICY STATEMENT:

- 2.1 Planning in Alberta relies on municipalities to identify and establish choices available to a landowner as to what activities are appropriate on a parcel of land. The Municipal Government Act (MGA) requires that all municipalities within the Province of Alberta establish a Land Use Bylaw. Part 17 of the MGA prescribes the planning for, and regulation of, development of land in Alberta and outlines the criteria required within a Land Use Bylaw.**

A Land Use Bylaw provides the administrative mechanisms necessary to ensure that land use and development decisions are consistently applied. There is a substantial proactive element that drives the planning process.

The Village of Heisler understands that some developments, site improvements, or infractions are not a direct result of intentional behaviour but rather unfamiliarity with regulations. The first goal is to educate landowners, outline reasons and come to a workable solution. However, there are times when a landowner chooses to do things that are prohibited by the regulations or is unwilling to correct prohibited activities. For the planning process to be effective, sufficient sanctions are needed to help deter potential transgressors. This calls for a means of enforcement that strives to be effective and acceptable to the community.

3. PURPOSE:

- 3.1 The purpose of this policy is to define the roles and responsibilities, set guidelines and procedures for Administration in the enforcement of land use as it relates to Land Use Bylaw 452-11, as amended from time to time.**

4. SCOPE:

- 4.1 The scope of this policy includes but is not limited to the Heisler Administration Department, all Village of Heisler land owners, and the Council of the Village of Heisler.

5. OBJECTIVES:

- 5.1 The Objective of this policy is to ensure that the ideas presented in the Purpose of this Policy will be upheld.

6. POLICY DETAILS:

Responsibilities

This procedure document provides further clarification and direction to the requirements of the MGA and its Regulations and is granted authority from the Land Use Bylaw 452-11, **Enforcement Section**. The Development Officer is restricted to enforcing the provisions of the Land Use Bylaw (or other legislation) or which they have legal and statutory authority to enforce.

6.1 Procedure:

- 6.1.1 Receive complaint, non-conformance or contravention of a condition of a development permit (in writing, telephone or in person);
- 6.1.2 Site visit to confirm complaint/non-conformance;
- 6.1.3 Write a letter (sent by registered mail) outlining the consequences of non-compliance to the owner of the property (within fourteen (14) days response time, plus four (4) days for mailing);
- 6.1.3.1 bring the non-compliance to the owner's attention with appropriate remediation process;
- 6.1.3.2 let the owner know how they can remediate;
- 6.1.3.3 agreed upon timeframe for remediation.

- 6.1.4** If the owner has not contacted the Development Officer by the fourteen (14) days plus four (4) days, or demonstrated remediation of the non-compliance;
 - 6.2.1.1** write a second letter (registered mail) advising of the fine for an offence should it not be remediated;
 - 6.2.1.2** give the owner fourteen (14) days to contact City Hall.
- 6.1.5** Should the owner not comply by fourteen (14) days after the second letter is sent, a violation tag or violation ticket will be placed on the offending property in accordance with the Land Use Bylaw.
- 6.1.6** Should the voluntary fine not be paid and the non-compliance remediated after thirty (30) days, a fine will be issued at the next offence level described in Table 1A.
- 6.1.7** A stop order may be placed on a property at any time during the enforcement procedure.
- 6.1.8** The Village reserves the right to proceed directly with higher levels of enforcement should the nature of the bylaw infringement warrant immediate penalties.
- 6.1.9** In the case of repeat offenses, the Village may proceed with the next offense level and/or fine following the first letter sent by registered mail.

FINE TABLE

6.3 Appeal Procedure:

- 6.3.1** Any person with grounds for appeal must file a notice of appeal with the Subdivision and Development Appeal Board within fourteen (14) days:
 - 6.3.1.1** of the decision on the Development Permit application; or
 - 6.3.1.2** of the date the approval period expires, if no decision is made with respect to the

application within the forty (40) day period or within any applicant approved time extension.

6.3.2 Notice for appeals shall be made to the Secretary by submitting the following:

6.3.2.1 a written request containing their reason for appeal; and

6.3.2.2 the prescribed fee in the Fees and Charges bylaw, as amended.

6.3.3 Please see the [Appeals Section of the Land Use Bylaw 452-11](#) for additional details.

7. ROLES AND RESPONSIBILITIES

- 7.1 It is the role of the Administration Department to schedule a special meeting where the topic will be a 4-Year Capital Plan.**
- 7.2 It is the responsibility of the Heisler Village Council to speak with their constituents and think of projects that need to be done in the four years that they are elected.**
- 7.3 It is the role of the Administration Department to compile the projects into an excel worksheet which shows what year each project will be done, the priority number of that project in relation to the year and the possible funding source for that project.**

8. MONITORING, EVALUATION AND REVIEW:

- 8.1 The monitoring, evaluation and review of this policy is the responsibility of the Administration Department of the Village of Heisler. This policy may be reviewed conjunction with any major review or replacement of the Land Use Bylaw 452-11, unless otherwise directed by Village Council.**

9. DEFINITIONS AND ABBREVIATIONS

- 9.1 All Definitions are subject to those found within the Village of Heisler Land Use Bylaw 452-11 and the Municipal Government Act Revised Statutes of Alberta 2000 Chapter M-26.**



10. ASSOCIATED DOCUMENTS:

The listed documents shall be consulted as necessary as they are specified within this Policy.

- 10.1 Land Use Bylaw 452-11.
- 10.2 *Current Fees and Charges* Bylaw.

Council Approved: February 18, 2021

Motion # 21-01-030

Responsibility: Administration

Next Review Date: February, 2024