

Town of Beaverlodge
Bylaw 946
Bylaw Enforcement Officer Bylaw

WHEREAS, Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, provides that a Municipal Council may pass a bylaw for enforcement of bylaws;

AND WHEREAS, pursuant to Sections 555 and 556 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, the Council of the Town of Beaverlodge may by bylaw specify the powers and duties of Bylaw Enforcement Officers, and must establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers;

NOW THEREFORE, the Council of the Town of Beaverlodge in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1: SHORT TITLE

- 1.1 This bylaw may be cited as the **"Bylaw Enforcement Officer Bylaw"**.

SECTION 2: INTERPRETATION

- 2.1 In this bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:
- (a) "Bylaw" means the Bylaws of the Municipality duly enacted pursuant to the Municipal Government Act and/or any other statutes of the Province of Alberta;
 - (b) "Bylaw Enforcement Officer" means a person appointed into the position of Bylaw Enforcement Officer by the Chief Administrative Officer;
 - (c) "CAO" means the Chief Administrative Officer of the Municipality appointed by Council in accordance with the provisions of the Municipal Government Act;
 - (d) "Council" means the Council of the Town of Beaverlodge;
 - (e) "MGA" means the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended;
 - (f) "Municipal Tag" means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town;
 - (g) "Notice" means any notice authorized to be given under any Municipal Bylaw;
 - (h) "Violation Ticket" has the same meaning as in the Provincial Offences Procedure Act.

SECTION 3 – POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS

General

- 3.1 The office of Bylaw Enforcement Officer is hereby created.
- 3.2 Bylaw Enforcement Officers are under the direct supervision of and report directly to the CAO.

Bylaw Enforcement Officers Duties and Powers

- 3.3 The powers and duties of a Bylaw Enforcement Officer include:
- (a) Enforcement of Bylaws within the boundaries of the Municipality in accordance with the Bylaws;
 - (b) Following directions of the CAO and reporting to the CAO as required;
 - (c) Responding to and investigating all complaints and alleged breaches of Bylaws;
 - (d) Conducting routine patrols to ensure compliance of Bylaws;
 - (e) Responding to all complaints and ensuring that appropriate action is taken in each circumstance;
 - (f) Issuing Municipal Tags, Notices, or Violation Tickets in accordance with Bylaws;
 - (g) Assisting in the prosecution of bylaw and statutory offences including appearances in Court to provide evidence or otherwise;
 - (h) Ensuring proper filing of information and documentation of circumstances;
 - (i) Issuing and serving summons, subpoenas, and Traffic Violations ;
 - (j) Preparing prosecution files for Court, i.e. preparation of Court Brief and all necessary documentation;
 - (k) Providing assistance and support to other Municipal Departments as directed by the CAO;
 - (l) Attendance upon and reporting to Council as directed by the CAO;
 - (m) Preserve and maintain public peace;
 - (n) Perform all other duties as may from time to time by assigned by the CAO;
 - (o) Abide by all applicable Municipal, Provincial and Federal laws at all times that he/she is acting as a Bylaw Enforcement Officer.

Conduct and Department of Bylaw Enforcement Officers

- 3.4 Bylaw Enforcement Officers will continually maintain his/her uniform and person in a clean, presentable and suitable appearance.
- 3.5 Bylaw Enforcement Officers will adhere to any policy approved by Council that affects his/her work.
- 3.6 Bylaw Enforcement Officers will continually develop and maintain liaison with other departments and organizations within the Municipality including but not limited to: RCMP, Fish and Wildlife, Forestry, Fire Departments, Ambulance, Parks and provide emergency assistance when required.
- 3.7 Bylaw Enforcement Officers shall carry out the instructions of the CAO, whether such instructions are given orally or in writing.

Code of Conduct

- 3.8 Bylaw Enforcement Officers shall not violate:
 - (a) an Act of Parliament of Canada;
 - (b) an Act of the Legislature of Alberta; or
 - (c) any Regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta;where the violation is of a nature that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement.
- 3.9 Bylaw Enforcement Officers shall not act in:
 - (a) a disorderly or inappropriate manner; or
 - (b) a manner that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement.
- 3.10 Bylaw Enforcement Officers shall not withhold or suppress a complaint against, or a report made about, an Officer.
- 3.11 Bylaw Enforcement Officers shall not neglect, without lawful excuse, to promptly and diligently perform his/her duties as an Officer.
- 3.12 Bylaw Enforcement Officers shall not willfully or negligently make or sign a false, misleading or inaccurate statement in any official document or record.
- 3.13 Bylaw Enforcement Officers shall not without lawful excuse, destroy, mutilate, alter, erase or conceal an official document or record.

- 3.14 Bylaw Enforcement Officers shall not disclose any matter that is the Officer's duty to keep in confidence.
- 3.15 Bylaw Enforcement Officers shall account for and make a prompt and true account of any money or property that the Officer may receive in an official capacity.
- 3.16 Bylaw Enforcement Officers shall not directly or indirectly ask for, or receive, a payment, gift, pass, testimonial or favour without the consent of the employer.
- 3.17 Bylaw Enforcement Officers shall not become involved in financial, contractual or other obligations with a person whom the Officer could reasonably expect to report or give evidence about.
- 3.18 Bylaw Enforcement Officers shall not consume alcohol or non-prescription drugs while on duty, or report for duty while under the influence of alcohol or non-prescription drug, or be in possession of any non-prescription drug.
- 3.19 Bylaw Enforcement Officers shall not apply excessive or inappropriate force in circumstances where force is used.
- 3.20 Bylaw Enforcement Officers shall not carry any item of equipment that is not authorized or approved by the Town of Beaverlodge.

Termination

- 3.21 The authority of a Bylaw Enforcement Officer shall terminate when:
 - (a) a person ceases to be an employee of the Municipality; or
 - (b) the Supervisor of Bylaw Enforcement Officers or Council by resolution terminates the appointment of a Bylaw Enforcement Officer.

SECTION 4: COMPLAINT HANDLING PROCEDURE

Receipt of Complaint

- 4.1 Complaints concerning the conduct of a Bylaw Enforcement Officer shall be directed to the CAO.
- 4.2 All public complaints, regardless of how trivial, must be accepted and dealt with according to this Bylaw. All complaints must be made in writing and signed by the complainant.

Investigation

- 4.3 When the complaint is against a Bylaw Enforcement Officer, the CAO shall investigate the complaint or have it investigated.
- 4.4 The Bylaw Enforcement Officer will be given the opportunity to make a full response to the allegations and supporting evidence after being provided with full disclosure.

4.5 When the complaint is against the Bylaw Enforcement Officer and the CAO is satisfied that Misconduct has been committed, he/she shall take the appropriate corrective disciplinary action in accordance with the Human Resources Policy adopted by the Town.

Appeal of Disciplinary Action Resulting from Misconduct

4.6 Decisions of the CAO will be final.

SECTION 5: EFFECTIVE DATE

5.1 Bylaw 749 is hereby repealed.

5.2 This Bylaw shall come into force and effect upon third and final reading thereof.

READ A FIRST TIME THIS 24th DAY OF November A.D., 2014.

Le Hanson

Mayor
Christy Pak

Chief Administrative Officer

READ A SECOND TIME THIS 24th DAY OF November A.D., 2014.

Le Hanson

Mayor
Christy Pak

Chief Administrative Officer

READ A THIRD AND FINAL TIME THIS 24th DAY OF November A.D., 2014.

Le Hanson

Mayor
Christy Pak

Chief Administrative Officer