

BYLAW ENFORCEMENT OFFICER BYLAW**VILLAGE OF CAROLINE****PROVINCE OF ALBERTA**

BEING A BYLAW OF THE VILLAGE OF CAROLINE IN THE PROVINCE OF ALBERTA, TO SPECIFY THE POWERS AND DUTIES, AND ESTABLISH DISCIPLINARY PROCEDURES, OF BYLAW ENFORCEMENT OFFICERS.

WHEREAS, section 7(l) of the *Municipal Government Act*, RSA 2000, c M-26 and subsequent amendments thereto (the "*Municipal Government Act*"), provides that a council may pass bylaws respecting the enforcement of bylaws;

AND WHEREAS section 555 of the *Municipal Government Act* provides that a person who is appointed as a bylaw enforcement officer is, in the execution of those duties, responsible for the preservation and maintenance of the public peace;

AND WHEREAS pursuant to section 556 of the *Municipal Government Act*, a council must pass a bylaw specifying the powers and duties of bylaw enforcement officers and establishing disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers;

AND WHEREAS under Part 13, Division 4 of the *Municipal Government Act*, a municipality may carry out numerous enforcement powers and duties, which may be exercised by bylaw enforcement officers;

NOW THEREFORE, the Council of the Village of Caroline duly assembled, enacts as follows:

1.0 TITLE;

1.1 This Bylaw may be cited as the Bylaw Enforcement Officer Bylaw.

2.0 DEFINITION & INTERPRETATION

2.1 In this Bylaw:

- (a) BYLAW means this Bylaw Enforcement Officer Bylaw, as amended from time to time.
- (b) BYLAW ENFORCEMENT OFFICER means a peace officer(s), police officer(s), bylaw officer employed by the Village or any person(s) appointed by the C.A.O. in writing for the purpose of enforcing and carrying out the provisions of this Bylaw.
- (c) C.A.O. means the Chief Administrative Officer of the Village.
- (d) COUNCIL means, collectively, the members of the Council of the Village being elected pursuant to the provisions of the *Local Authorities Election Act*, RSA 2000, c L-21, whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Act and the *Local Authorities Election Act*, RSA 2000, c L-21, and a COUNCILLOR means an individual member of Council.
- (e) MUNICIPAL GOVERNMENT ACT has the meaning given to it in the preamble.

- (f) OATH OF OFFICE means the Oath of Office as prescribed under the *Oaths of Office Act*, RSA 2000, c O-1.
- (g) PROVINCIAL OFFENCES PROCEDURE ACT means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended from time to time.
- (h) VILLAGE means the corporation of the Village of Caroline and where the context so requires, means the area included within the boundaries of the Village.

3.0 POWERS AND DUTIES

3.1 The C.A.O. may:

- (a) appoint individuals as Bylaw Enforcement Officers in accordance with this Bylaw;
- (b) supervise and oversee the performance and conduct of all Bylaw Enforcement Officers;
- (c) revoke, suspend, or modify the appointment of Bylaw Enforcement Officers in accordance with this Bylaw;
- (d) monitor and investigate complaints of misuse of power by Bylaw Enforcement Officers;
- (e) take whatever actions or measures are necessary to eliminate an emergency in accordance with section 551 of the *Municipal Government Act*;
- (f) exercise all powers, duties and functions under the *Provincial Offences Procedure Act*;
- (g) grant written authorization to issue violation tickets under the *Provincial Offences Procedure Act*;
- (h) authorize or require Bylaw Enforcement Officers to carry out any powers, duties, or functions necessary to fulfill their responsibility for the preservation and maintenance of public peace; and
- (i) delegate any of the C.A.O.'s powers, duties, or functions contained in this section to any employee of the Village.

3.2 The powers and duties of Bylaw Enforcement Officers are as follows:

- (a) enforce the bylaws of the Village, as authorized pursuant to the provisions of the bylaws;
- (b) respond to, and investigate, bylaw violation complaints;
- (c) conduct routine patrols of the Village for the purpose of preventing and detecting violations;
- (d) issue warnings, notices, violation tickets or tags, as applicable;
- (e) liaise and maintain effective communications with the RCMP, provincial and regulatory agencies, neighbouring municipalities and Village departments;

- (f) prepare all necessary documentation required for attendance at court or related legal proceedings;
- (g) follow the direction of the RCMP, as applicable;
- (h) take the Official Oath upon being appointed as a Bylaw Enforcement Officer; and
- (i) perform all other duties as may from time to time be assigned by the C.A.O.

4.0 COMPLAINTS AND DISCIPLINARY PROCEDURES

- 4.1 Any complaint concerning the misuse of power of a Bylaw Enforcement Officer shall be dealt with in accordance with the provisions set out in this Article 4.0. Notwithstanding, in addition to complying with the provisions set out in this Article 4.0, any complaints made against, or disciplinary procedures applied to, a Peace Officer or Police Officer must be made in accordance with, respectively, the *Peace Officer Act*, RSA 2006, c P-3.5 and the *Police Officer Act*, RSA 2000, c P-17, and if there is a conflict between the provisions of this Bylaw and the *Peace Officer Act*, RSA 2006, c P-3.5 and the *Police Officer Act*, RSA 2000, c P-17, the *Peace Officer Act*, RSA 2006, c P-3.5 and the *Police Officer Act*, RSA 2000, c P-17 shall rule to the extent of the conflict.
- 4.2 An individual submitting a complaint under this Bylaw must submit the complaint in writing to the attention of the C.A.O.
- 4.3 Subject to section 4.4, the C.A.O. shall:
- (a) within ten (10) days of receipt, provide written acknowledgement of the complaint to the complainant and the Bylaw Enforcement Officer that is the subject of the complaint;
 - (b) investigate the complaint; and
 - (c) within sixty (60) days from the date of the receipt of the complaint, provide notice in writing to the complainant and the Bylaw Enforcement Officer who is the subject of the complaint of the decision of the C.A.O. made under section 4.6.
- 4.4 The C.A.O. may refuse to investigate or may discontinue the investigation of a complaint if, in the C.A.O.'s sole opinion, the complaint is frivolous, vexatious or made in bad faith.
- 4.5 The Bylaw Enforcement Officer shall be given the opportunity to make a full response to the allegations upon notice provided to them under subsection 4.3(a). The response shall be in writing and directed to the C.A.O. within ten (10) days of receipt of the notice.
- 4.6 Upon conclusion of the investigation, the C.A.O. may, by a decision in writing with reasons:
- (a) dismiss the complaint against the Bylaw Enforcement Officer if the complaint is deemed to be unfounded; or
 - (b) in the case where the investigation of the complaint reveals misconduct or misuse of power by the Bylaw Enforcement Officer, implement one or more of the following measures:

- I. designate a particular training requirement for the Bylaw Enforcement Officer;
- II. reprimand the Bylaw Enforcement Officer;
- III. suspend the Bylaw Enforcement Officer from active duty, with or without pay, for a period not to exceed six (6) months; or
- IV. terminate or recommend to the appropriate manager of the Village the termination of employment or contract, as applicable, of the Bylaw Enforcement Officer.

4.7 Where the Village becomes aware, other than through a complaint made in accordance with this Article 4, that a Bylaw Enforcement Officer has failed to comply with the terms of their appointment or otherwise misused their power, the C.A.O. investigating the complaint must investigate and dispose of the matter in accordance with the procedures set out in this Bylaw.

5.0 APPEALS

5.1 Within ten (10) days of receipt of the C.A.O.'s decision made under section 4.6, the complainant or the Bylaw Enforcement Officer, or both, may appeal the decision. Appeals must be submitted in writing to the attention of the Council.

5.2 In considering the appeal, the Council shall review and consider the following:

- (a) record of the allegation of misconduct or misuse of power;
- (b) record of the investigation procedure and results;
- (c) submission of the Bylaw Enforcement Officer and other parties involved, if applicable; and
- (d) any other information the Council deems important to the appeal.

5.3 The Council may, in its sole discretion, confirm, revoke, or vary the decision of the C.A.O. under appeal. The Council's decision shall be in writing and provided to the complainant and the Bylaw Enforcement Officer. Other parties involved in the investigation may be provided with the appeal decision if required by law.

6.0 ENACTMENT

6.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed by the C.A.O. and Mayor of the Village.

READ a FIRST Time this ___ day of January, 2022

Mayor

CAO

READ a SECOND time this ___ day of January, 2022

Mayor

CAO

READ a THIRD and FINAL this ___ day of January, 2022

Mayor

CAO