County of St. Paul No. 19

Bylaw 2020-03

A Bylaw of the County of St. Paul in the Province of Alberta for specifying the powers and duties of Bylaw Enforcement Officers and Establishing Disciplinary Procedures applicable to Bylaw Enforcement Officers.

Whereas, Section 7 of the *Municipal Government Act,* R.S.A. 2000, c. M-26, as amended and replaced from time to time, provides that Council may pass bylaws respecting the enforcement of bylaws; and

Whereas, 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; and

Whereas, pursuant to Sections 555 and 556 of the *Municipal Government Act,* every council must by bylaw specify the powers and duties of Bylaw Enforcement Officers and establish disciplinary procedures applicable to its Bylaw Enforcement Officers; and

Whereas Section 210 of the *Municipal Government Act* provides that a Council may, by bylaw, establish one or more positions to carry out the powers, duties, and functions of a designated officer.

Now Therefore, the Council of the County of St. Paul No. 19, in the Province of Alberta, hereby enacts as follows:

1.0 TITLE

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

2.0 DEFINITIONS

2.1 In this Bylaw, unless the context otherwise requires:

(a) “Bylaw” means a bylaw passed by the Council of the County of St. Paul No. 19;

(b) “Bylaw Enforcement Officer” means an individual appointed by the County in accordance with the Bylaw Enforcement Officer Bylaw;

(c) “Chief Administrative Officer” means the person appointed to the position under the Chief Administrative Officer Bylaw;

(d) “Council” means the Council of the County of St. Paul No. 19;

(e) “County” means the municipal corporation of the County of St. Paul No. 19 and the area contained within the corporate boundaries of the County;

(f) "Misuse of Power" means when a Bylaw Enforcement Officer commits one or more of the following:

i. Failure to perform or carry out their duties in accordance with the law; or

ii. Failure to carry out the duties and responsibilities given to him within the terms of their appointment as a Bylaw Enforcement Officer.

3.0 APPOINTMENT OF BYLAW ENFORCEMENT OFFICERS

3.1 The Chief Administrative Officer may, from time to time, appoint one or more Bylaw Enforcement Officers.

3.2 A Bylaw Enforcement Officer shall, before starting their duties, take the official oath prescribed by the *Oaths of Office Act*, as provided in Schedule "A".

3.3 A Bylaw Enforcement Officer is a designated officer of the County for the purpose of inspections pursuant to Section 542 of the *Municipal Government Act* and the enforcement of Bylaws pursuant to Section 545 and 546 of the *Municipal Government Act.*

3.4 The powers and duties of Bylaw Enforcement Officers shall include the following:

(a) Preserving and maintaining the public peace;

(b) Enforcing Bylaws within the County;

(c) Conducting routine patrols to ensure compliance with Bylaws;

(d) Reporting to and carrying out the directions of the Chief Administrative Officer;

(e) Responding to and investigating complaints and alleged breaches of Bylaws;

(f) Issuing and serving orders, notices, tickets, summonses, subpoenas, and laying information as required;

(g) Assisting in the prosecution of breaches of Bylaws including gathering evidence, ensuring the attendance of witnesses, attending court, and providing evidence as required;

(h) Carrying upon their person at all such times as they are acting as a Bylaw Enforcement Officer, evidence in writing of their appointment as Bylaw Enforcement Officer; and

(i) Performing all such other duties as may from time to time be assigned by the Chief Administrative Officer.

3.5 Bylaw Enforcement Officers shall exercise their powers and duties in accordance with all applicable County policies and procedures as established from time to time.

3.6 The authority of a Bylaw Enforcement Officer shall terminate when:

(a) the person ceases to be an employee of the County or have a contract with the County; or

(b) the Chief Administrative Officer revokes the appointment of the Bylaw Enforcement Officer.

3.7 Upon ceasing employment or the revocation of their appointment, the Bylaw Enforcement Officer shall immediately return to the Chief Administrative Officer any equipment, offence ticket books, appointment certificates, and all other materials or equipment supplied to the Bylaw Enforcement Officer by the County for the purpose of fulfilling their role as Bylaw Enforcement Officer.

4.0 COMPLAINTS

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 section and, upon receipt, shall be directed to the Chief Administrative Officer.

4.2 All complaints shall be in writing and any complaints received verbally shall be confirmed in writing by the complainant prior to being addressed.

4.3 The Chief Administrative Officer shall provide written acknowledgement of the complaint to the complainant and to the Bylaw Enforcement Officer against whom the complaint was made.

5.0 INVESTIGATIONS

5.1 The Chief Administrative Officer shall investigate a complaint.

5.2 The Bylaw Enforcement Officer shall be given the opportunity to provide a response to the allegations and investigation. The response shall be in writing and directed to the Chief Administrative Officer.

5.3 Upon review of the Bylaw Enforcement Officer's response and all other information deemed to be relevant, the Chief Administrative Officer shall either dismiss the complaint as unfounded or unsubstantiated or find that the Bylaw Enforcement Officer has misused their power.

5.4 If the Chief Administrative Officer determines that a Misuse of Power has occurred, corrective disciplinary measures shall be taken.

5.5 The Chief Administrative Officer may resolve complaints informally, provided that the solution is satisfactory to the complainant and the Bylaw Enforcement Officer against whom the complaint was directed.

5.6 The Chief Administrative Officer shall complete their investigation and notify the complainant and Bylaw Enforcement Officer of the results within sixty (60) days of receiving the complaint in writing.

6.0 DISCIPLINARY ACTION

6.1 If it has been determined that a Misuse of Power has been committed by the Bylaw Enforcement Officer, any one of the following measures may be taken by the Chief Administrative Officer:

i. a reprimand of the Bylaw Enforcement Officer;

ii. a suspension of the Bylaw Enforcement Officer, with pay, for a period not to exceed seventy-two (72) hours (when the Bylaw Enforcement Officer is an employee);

iii. a suspension of the Bylaw Enforcement Officer, without pay, for a period not to exceed seventy-two (72) hours (when the Bylaw Enforcement Officer is an employee);

iv. the Bylaw Enforcement Officer shall have their appointment revoked; or

v. the Bylaw Enforcement Officer shall be terminated.

7.0 APPEAL PROCEDURES

7.1 If either the complainant or the Bylaw Enforcement Officer wishes to appeal the decision of the Chief Administrative Officer, a notice of appeal shall be delivered to the Chief Administrative Officer within thirty (30) days from the date the Chief Administrative Officer provides notification to the complainant and Bylaw Enforcement Officer of the results of the investigation.

7.2 The Chief Administrative Officer shall review the complaint, investigation report, speak to the persons involved as deemed necessary and review any other related documents associated with the complaint.

7.3 The Chief Administrative Officer, following considering of the appeal, shall confirm, reverse, or vary the decision.

7.4 The decision of the Chief Administrative Officer shall be issued to the complainant and Bylaw Enforcement Officer within thirty (30) days of receiving the notice of appeal. The decision of the Chief Administrative Officer regarding the appeal is final with no further right to appeal.

8.0 GENERAL

8.1 That Bylaw 2018-19 is hereby rescinded.

9.0 EFFECTIVE DATE

9.1 This Bylaw shall come into force and take effect upon third and final reading.

Read a first time in Council this 10th day of March A.D. 2020.

Read a second time in Council this 10th day of March A.D. 2020.

Read a third time in Council this 10th day of March A.D. 2020.

(Original signed by Reeve S. Upham) *(Original signed by CAO S. Kitz)*

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Reeve Chief Administrative Officer

SCHEDULE "A"

OFFICIAL OATH

I, (name of Bylaw Enforcement Officer), solemnly swear and affirm that I will diligently, faithfully, and to the best of my ability execute in accordance with the law the office of Bylaw Enforcement Officer as stipulated on my appointment as a Bylaw Enforcement Officer.

SWORN before me at the Town of)
)
St. Paul, in the Province of Alberta,) _____
)
this ____ day of _____ 2020.)
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)
)

_____
Commissioner