



BYLAW NO. 2022/04/P

Name of Bylaw: Bylaw Enforcement Officer Bylaw

WHEREAS Section 7 of the *Municipal Government Act*, RSA. 2000, Chapter M-26.1, as amended, authorizes a Council to pass Bylaws respecting the enforcement of bylaws;

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

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

AND WHEREAS Section 1(k)(iv) of the *Provincial Offences Procedures Act*, RSA 2000, c P-34, a person who is employed or retained by a municipality and provided written authorization to issue violation tickets under that Act will be considered a "peace officer" for the purposes of that Act;

AND WHEREAS Sections 1(g)(ii) and 7 of the *Weed Control Act*, SA 2008, c W-5.1, council is the local authority for the purposes of that Act and the local authority must appoint inspectors to enforce and monitor compliance with this Act within the municipality;

AND WHEREAS Sections 1(g)(i) and 9 of the *Agricultural Pests Act*, RSA 2000, c A-8, council is the local authority for the purposes of that Act and the local authority may appoint inspectors to carry out that Act and the Regulations;

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

TITLE

1. This Bylaw may be cited as the "Bylaw Enforcement Officer Bylaw" of the Town of Drayton Valley.

PURPOSE

2. The purpose of this Bylaw is to provide for the establishment and operation of Bylaw Enforcement Officers.

DEFINITIONS

3. In this bylaw, including this section, unless the context otherwise requires:

3.1. "Bylaw" means a bylaw of the Town of Drayton Valley.

3.2. "Bylaw Enforcement Officer" means a person who is appointed as a bylaw enforcement officer for the municipality, and while in the execution of those duties, responsible for the preservation and maintenance of public peace. This includes a bylaw enforcement officer that is contracted through a formal contract or agreement for bylaw enforcement officer duties in the municipality.

3.3. "Chief Administrative Officer" means the chief administrative officer of the municipality and the person who is appointed as such by Council, or anyone who is the acting chief administrative officer of the municipality.

3.4. "Council" means Council of the Town of Drayton Valley.

3.5. "Misuse of Power" means one or more of the following:

3.5.1. failure to perform or carryout the duties of a bylaw enforcement officer according to law;

3.5.2. failure to carry out the duties and responsibilities given to the bylaw enforcement officer within the terms of the bylaw enforcement officer appointment.

3.6. "Municipality" means the Town of Drayton Valley.

POWERS, DUTIES AND RESPONSIBILITIES

4. Council may:

4.1. establish one or more bylaw enforcement officer positions for the municipality.

5. The Chief Administrative Officer may:

5.1. appoint individuals as bylaw enforcement officers in accordance with this bylaw;

5.2. revoke or modify the appointments of bylaw enforcement officers in accordance with this bylaw;

5.3. monitor and investigate complaints of misuse of power by bylaw enforcement officers;

- 5.4. take whatever actions or measures necessary to eliminate an emergency in accordance with section 551 of the *Municipal Government Act*;
 - 5.5. exercise all powers, duties and functions of a local authority under the *Weed Control Act* or *Agricultural Pests Act*;
 - 5.6. grant authorization to issue violation tickets under the *Provincial Offences Procedures Act*;
 - 5.7. 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 the public peace; and
 - 5.8. delegate any of the Chief Administrative Officer's powers, duties, or functions contained in this section to any employee of the municipality, including the option to further delegate those powers, duties, or functions.
6. In accordance with their appointment by the Chief Administrative Officer, bylaw enforcement officers may:
- 6.1.1. prepare and issue municipal tags, violation tickets, notice of administrative penalties or lay information's for offences under bylaws;
 - 6.1.2. carry out inspections to determine compliance with any bylaw or enactment;
 - 6.1.3. exercise the powers, duties, and functions of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with section 542 of the *Municipal Government Act*;
 - 6.1.4. exercise the powers, duties and functions of a designated officer to issue written orders pursuant to section 545 and 546 of the *Municipal Government Act*;
 - 6.1.5. take whatever actions or measures are necessary to eliminate a danger to public safety caused by a structure, excavation, or hole or to deal with the unsightly condition of a property in accordance with section 550 of the *Municipal Government Act*;
 - 6.1.6. exercise the powers, duties, and functions of a development authority to issue a written order pursuant to section 645 of the *Municipal Government Act*;

- 6.1.7. take whatever actions or measures are necessary to carry out an order issued pursuant to sections 645 or 687 of the *Municipal Government Act*;
 - 6.1.8. take whatever actions or measures are necessary as provided in other bylaws;
 - 6.1.9. exercise any authorities as provided in other bylaws;
 - 6.1.10. provide document service for the municipality;
 - 6.1.11. use discretion within the boundaries of their duty;
 - 6.1.12. perform other related duties as assigned.
- 6.2. In accordance with their appointment by the Chief Administrative Officer, bylaw enforcement officers shall:
- 6.2.1. prior to commencing their duties, take an official bylaw enforcement officer oath as prescribed in the *Municipal Government Act*;
 - 6.2.2. operate within the parameters and comply with all legislation, code of conducts, policies, and directives;
 - 6.2.3. investigate complaints and appear in court or at administrative hearings as necessary;
 - 6.2.4. ensure they are easily identifiable as a bylaw enforcement officer when conducting their duties;
- 6.3. The authority of a bylaw enforcement officer shall terminate when the person is no longer appointed as a bylaw enforcement officer for the municipality.
- 6.4. By virtue of the bylaw enforcement officers position, a bylaw enforcement officer is hereby appointed as an inspector to exercise the powers, duties and functions under the *Weed Control Act* and the *Agricultural Pests Act*.

CONDUCT

- 7. Bylaw enforcement officers are subject to the supervision of and accountable to the Chief Administrative Officer and must comply with their appointment and all legislation, code of conduct, policies, and directives.

8. If, in the opinion of the Chief Administrative Officer, after completing an investigation, based on reasonable grounds, a bylaw enforcement officer has misused a power, contravened their appointment or this bylaw, including any terms or conditions, or acted contrary to the public interest, the Chief Administrative Officer may carry out the procedures outlined in section 9 of this bylaw.

DISCIPLINARY PROCEDURE

9. Where it is found that a Bylaw Enforcement Officer, in carrying out their duties has failed to comply with section 8 of this bylaw, the Chief Administrative Officer may impose one or more of the following disciplines:
 - 9.1.1. Direct that the Bylaw Enforcement Officer complete a training course that the Chief Administrative Officer determines appropriate in the circumstances;
 - 9.1.2. Provide a verbal counseling to the Bylaw Enforcement Officer;
 - 9.1.3. Provide a written reprimand to the Bylaw Enforcement Officer;
 - 9.1.4. Suspend the Bylaw Enforcement Officer with or without pay, for a period not exceeding three days;
 - 9.1.5. Terminate the employment of the Bylaw Enforcement Officer.
10. The Chief Administrative Officer will impose the discipline as soon as practical.

APPEAL

11. If either the complainant or the bylaw enforcement officer wishes to appeal the decision of the Chief Administrative Officer, regarding conduct, a notice of appeal with all relevant information shall be delivered to the Chief Administrative Officer within thirty (30) days of the date of receipt of notice of the results of the investigation.
 - 11.1. Delivery of the notice of appeal shall be made in person, via registered mail, regular mail, or electronic mail.
 - 11.1.1. If delivery of the notice of appeal is made via regular mail, or electronic mail, the notice of appeal is deemed to have been served after 7 days of mailing or electronic mailing.
12. Should extenuating circumstances exist, the thirty (30) day timeline to appeal may be extended by written agreement by both the appellant and the Chief Administrative Officer.

13. Within five (5) days from the date the Chief Administrative Officer receives the notice of appeal, the Chief Administrative Officer shall provide notification, to the appellant, that the Chief Administrative Officer has received the notice of appeal;
14. Upon the receipt of the notice of appeal, provided for in section 5.1, the Chief Administrative Officer shall review the appeal documents, the complaint, investigation report, speak to the person(s) involved as deemed necessary and review any other related documents associated with the complaint;
15. The Chief Administrative Officer, in considering the appeal, may dismiss or uphold some or all of the decision or may vary the original decision;
16. The Chief Administrative Officer, within forty-five (45) days of the receipt of the notice of appeal, must notify the complainant and the bylaw enforcement officer, in writing, as to the final decision of the appeal. The decision of the Chief Administrative Officer regarding the appeal is considered final.
17. When providing the written decision of the appeal, the Chief Administrative Officer shall provide written notice to the complainant and the bylaw enforcement officer that they may write to the Alberta Ombudsman should they feel the decision is administratively unfair.

INTERPRETATION

18. Words used in the singular include the plural and vice-versa.
19. When a word is used in the masculine or feminine it will refer to either gender.
20. Words used in the present tense include the other tenses and derivative forms.

SEVERABILITY

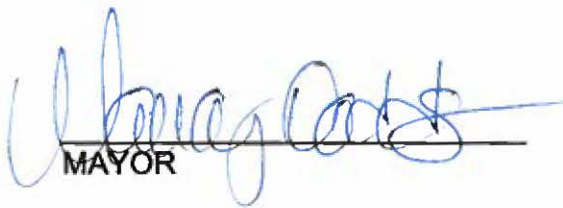
21. If any provision of this Bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

AND THAT this Bylaw shall rescind Bylaw No. 2005/13/P of the Town of Drayton Valley and shall have force and come into effect from and after the date of third reading thereof.

Read a first time this 23rd day of March, 2022, A. D.

Read a second time this 13th day of April, 2022, A. D.

Read a third and final time this 13th day of April, 2022, A. D.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

