

SUMMER VILLAGE OF GRANDVIEW

POLICY #25-2011

SUBJECT: Bylaw Enforcement

DEPARTMENT: Administration/Public Works

ADOPTED AND APPROVED BY COUNCIL: October 1, 2011

LEGISLATIVE AUTHORITY

The *Municipal Government Act* (the "MGA"), Revised Statutes of Alberta 2000, Part 13, Section 555 & 556, requires a municipality to specify the powers and duties of the Bylaw Enforcement Officer in a bylaw, and establish disciplinary procedures for the misuse of power by the Bylaw Enforcement Officers.

PURPOSE OF THIS POLICY

This policy is intended to give guidance on the enforcement of bylaws for the purpose of improving or maintaining the public health, safety, and finances of the Summer Village.

DEFINITIONS

1. **Administration:** the office of the Chief Administrative Officer (CAO) and/or the Assistant CAO(s) and/or the Bylaw Enforcement Officer(s) and their staff.
2. **Bylaw Enforcement Officer:** a bylaw enforcement officer appointed by Council who can also be a Peace Officer or a member of the Pigeon Lake Protective Service (PLPS).
3. **Council:** the elected Council of the Summer Village of Grandview.
4. **Stop Order:** an instruction from the Development Authority Officer pursuant to the Municipal Government Act, section 645, for a property owner or resident to stop development or improvements being conducted within a property located in the Village.
5. **The Village:** the entity of The Summer Village of Grandview.

PROCEDURES

Procedures shall be established and documented by the Bylaw Officer to ensure consistency. Some procedures may be Mandatory at the Provincial level. The CAO is to be kept current of any changes or diversions from standard procedures.

When an outside organization or another municipality is contracted for Bylaw Enforcement, the Officer(s), would be adhering to their employer's guidelines.

RECORDS

To limit legal liability, records are to be kept regarding inspections and/or investigations done, complaints of Bylaw contraventions, the existence of probable Bylaw contravention, action taken or not taken in response to probable contravention, etc.

When an outside organization or another municipality is contracted for Bylaw Enforcement, the Officer(s) would routinely handle this aspect of record keeping with only a monthly listing of services and investigations being given to the Village.

POWER & DUTIES

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

- (a) to enforce the Bylaws of the Summer Village including stop orders;
- (b) to respond to, and investigate complaints;
- (c) to conduct routine patrols of the Summer Village for the purpose of preventing and detecting violations;
- (d) to issue warnings, notices, tickets or tags, as applicable;
- (e) to maintain liaison with the RCMP, Provincial Agencies and neighboring municipalities;
- (f) to prepare all necessary documentation required for attendance at court proceedings, and appearance at those court proceedings when necessary;
- (g) to take the Official Oath as prescribed by the *Oaths of Office Act*, upon being appointed as a Bylaw Enforcement Officer;
- (h) to perform such duties as authorized to a Peace Officer appointed by the Alberta Justice Department if the Bylaw enforcement officer is qualified to do so; and
- (i) if the Bylaw enforcement officer is an employee of the Summer Village, to report to the CAO or his/her designate and carry out their directions

POLICY RECOMMENDATIONS

When there is a problem enforcing a bylaw due to one or more of the following conditions:


- a bylaw is outdated and enforcement is no longer practical.
- a bylaw is outdated and as a result the potential for litigation is high.
- the cost of enforcement is high.
- the potential for litigation after enforcement is high.
- another governing statute specifically prevents enforcement

The Bylaw Enforcement Officer should advise the Chief Administrative Officer (CAO) and/or the Assistant CAO(s) that the bylaw should be considered for deletion or revision.

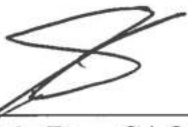

DISCIPLINE

Disciplinary procedures for the misuse of power of a Bylaw Enforcement Officer who is an employee of the Village would fall under the jurisdiction of the CAO and/or any provincial legislation dependent on whether this person is also a provincial Peace Officer. Due to the severity of the allegation, the complaint must be in writing.

If the Bylaw Enforcement Officer is under a contract with an outside organization or another municipality, the contract / agreement should state procedures, penalties, and appeal process.



Donald Davidson, Mayor
Summer Village of Grandview



Sylvia Roy, CAO
Summer Village of Grandview