

**Village of Edgerton**  
**Bylaw #08-20**  
**Bylaw Enforcement Officer Bylaw**

**A BYLAW OF THE MUNICIPALITY OF THE VILLAGE OF EDGERTON IN THE PROVINCE OF ALBERTA FOR THE APPOINTMENT AND EMPOWERMENT OF BYLAW ENFORCEMENT OFFICERS AND TO SPECIFY DUTIES AND POWERS OF THE BYLAW ENFORCEMENT OFFICER.**

**WHEREAS** Section 7 (i) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, 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** Section 556 of the *Municipal Government Act* provides that a Council must pass a bylaw specifying the powers and duties of Bylaw Enforcement Officers and establish 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* provides that the municipality may carry out numerous bylaw enforcement powers and duties, which may be exercised by the Bylaw Enforcement Officer;

**NOW THEREFORE** under the authority of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, the Council of the Village of Edgerton in the Province of Alberta enacts as follows:

**PART I: TITLE**

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

**PART II: DEFINITIONS**

2.1 "Village" shall mean the Village of Edgerton, a municipality in the Province of Alberta;

2.2 "Council" shall mean the elected Council of the Village of Edgerton as constituted from time to time;

2.3 "Bylaw Enforcement Officer" shall mean any person appointed as a Bylaw Enforcement Officer for the Village of Edgerton;

2.4 "Manager" shall mean the Chief Administrative Officer of the Village of Edgerton, unless the Chief Administrative Officer is appointed as the Bylaw Enforcement Officer by the Village of Edgerton Council in which case "Manager" shall mean the Council of the Village of Edgerton;

2.5 "Misuse of Power" by a Bylaw Enforcement Officer shall mean any one or more of the following:

i. Deliberate failure to perform or carry out their duties according to law;

- ii. Failure to carry out the duties and responsibilities given to them within the terms of their appointment as a Bylaw Enforcement Officer;
- iii. Choosing to enter into a vindictive, overzealous, or otherwise inappropriate course of Bylaw Enforcement action.

### **PART III: POWERS AND DUTIES**

#### 3.1 The Village of Edgerton Council may:

- i) appoint individuals as Bylaw Enforcement Officers in accordance with this Bylaw;
- ii) revoke, suspend, or modify the appointment of Bylaw Enforcement Officers in accordance with this Bylaw;
- iii) monitor and investigate complaints of misuse of power by Bylaw Enforcement Officers;
- iv) take whatever actions of measures are necessary to eliminate an emergency in accordance with section 551 of the *Municipal Government Act*;
- v) add any amounts to the Village tax roll in accordance with the *Municipal Government Act* or another enactment;
- vi) exercise all powers, duties and functions under the *Provincial Offences Procedure Act*;
- vii) grant written authorization to issue violation tickets under the *Provincial Offences Procedure Act*;
- viii) authorize or require the Bylaw Enforcement Officers to carry out any powers, duties, or functions necessary to fulfill their responsibility for the preservation and maintenance of public peace;
- ix) delegate any of the powers, duties, or functions contained in this section to any employee of the Village, including the option to further delegate those powers, duties, or functions;
- x) may appoint the Chief Administrative Officer or Acting Chief Administrative Officer to the position of the Bylaw Enforcement Officer.

#### 3.2 A Bylaw Enforcement Officer shall:

- i) be responsible for the enforcement of all the Bylaws of the Village unless otherwise specified in a Bylaw or resolution of Council;
- ii) issue municipal tags and/or violation tickets for offences under Bylaws; and
- iii) exercise all 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*.

### **PART IV: COMPLAINTS**

#### 4.1 Receipt of Complaint:

- i) Any complaint concerning the misuse of power by a Bylaw Enforcement Officer shall be dealt with in accordance with the provisions set out in this Part and shall be directed to the Council;
- ii) all complaints shall be in writing and any complaints received verbally shall be confirmed in writing by the complainant prior to being proceeded with;
- iii) upon receipt of any complaint, it shall immediately be forwarded to the Manager;

- iv) the Manager shall provide written acknowledgement of the complaint, and to the person against whom the complaint was made.

#### 4.2 Investigation:

- i) The Manager shall investigate the complaint;
- ii) upon conclusion of the investigation, the Manager shall provide notice in writing to the Bylaw Enforcement Officer of the allegations made and the findings of the investigation. The investigation must be completed within thirty (30) days of receipt of the written complaint;
- iii) the Bylaw Enforcement Officer shall be given the opportunity to make a full response to the allegations and investigations. The response shall be in writing and directed to the Manager;
- iv) upon review of the response of the Bylaw Enforcement Officer and any other information the Manager believes appropriate in the circumstances to determine the facts, the Manager shall either dismiss the complaint as unfounded or as unsubstantiated or find that the By-law Enforcement Officer has misused his or her power;
- v) if the Manager determines that a misuse of power has occurred, corrective disciplinary procedures shall be commenced;
- vi) the Manager may resolve complaints informally, arriving at a solution that is satisfactory to the complainant and the By-law Enforcement Officer against whom the complaint was directed;
- vii) If a complainant chooses to file a complaint against the Bylaw Enforcement Officer, following a previously unsuccessful complaint within the previous thirty-six (36) months, the Manager may deliberate the following:
  - a. the Mayor or a delegation will present the complaint to the Manager;
  - b. the Manager may choose to enact this Bylaw's section 4.2 (i-vi); or
  - c. the Manager may choose, by motion, to dismiss the complaint at a Regular Council Meeting and would then consider the matter to be closed.

#### 4.3 Disciplinary Action:

- i) 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 Manager:
  - a. a reprimand of the Bylaw Enforcement Officer;
  - b. a suspension of the Bylaw Enforcement Officer, with pay, for a period not to exceed seventy-two (72) hours;
  - c. a suspension of the Bylaw Enforcement Officer without pay for a period not to exceed seventy-two (72) hours;
  - d. the Bylaw Enforcement Officer is dismissed.

4.4 Disposition: The Manager shall notify the complainant and the Bylaw Enforcement Officer, in writing, of the results of the investigation and the actions to be taken within sixty (60) days from the date of the receipt of the complaint.

**PART V: APPEAL PROCESS**

5.1 If either the complainant or the Bylaw Enforcement Officer wishes to appeal the decision of the Council, the appeal shall be delivered to the Council within sixty (60) days of the date of receipt of notice of the results of the investigation.

5.2 Within sixty (60) days from the date of the receipt of the notice of appeal as provided for in paragraph 4.1, the Council shall review the complaint, investigation report, speak to person(s) involved as deemed necessary and review any other related documents associated with the complaint.

**PART VI: SEVERABILITY**

5.1 Should any provision of this bylaw be invalid, then such invalid portion shall be severed, and the remaining bylaw shall be maintained.

**PART VI: EFFECTIVE DATE**

6.1 This bylaw will become effective upon the date of the final reading.

**PART VII: READINGS**

7.1 Read a FIRST time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

7.2 Read a SECOND time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

7.3 Read a THIRD and FINAL time with UNANIMOUS consent this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

The Village of Edgerton Council hereby appoints \_\_\_\_\_

as its Bylaw Enforcement Officer, including all powers, duties, and responsibilities as listed in Bylaw 08-20.

**OATH**

I, (name of Bylaw Enforcement Officer), swear that I will diligently, faithfully, and to the best of my ability execute according to law the office of Bylaw Enforcement Officer as stipulated on my appointment as a Bylaw Enforcement Officer of even date. So help me God.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Bylaw Enforcement Officer