

BYLAW ENFORCEMENT OFFICERS BY-LAW

BEING A BY-LAW OF THE VILLAGE OF CLYDE
IN THE PROVINCE OF ALBERTA FOR THE
PURPOSE OF PROVIDING FOR THE
APPOINTMENT AND EMPOWERMENT OF
BYLAW ENFORCEMENT OFFICERS.

WHEREAS, under the provisions of Section 556, Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto, the Council must pass by Bylaw the powers and duties of Bylaw Enforcement Officers, and establish disciplinary procedures for misuse of power;

NOW THEREFORE, the Municipal Council of the Village of Clyde in the Province of Alberta, duly assembled, HEREBY ENACTS AS FOLLOWS:

SECTION 1.0 – SHORT TITLE

1.1. This Bylaw may be cited as the "Bylaw Enforcement Officers By-Law".

SECTION 2.0 – DEFINITIONS

- 2.1 "Appeal Chairman" means the Village of Clyde Mayor or designate
- 2.2 "Appeal Committee" means the Village of Clyde Council.
- 2.3 "Bylaw Enforcement Officer" means a person appointed by the CAO as a Bylaw Enforcement Officer or a Community Peace Officer authorized under the Alberta Peace Officer Act/Regulation.
- 2.4 "Municipality" means the Village of Clyde.
- 2.5 "CAO" means the person duly appointed as Chief Administrative Officer of the Village of Clyde.

NUMBER and GENDER REFERENCES - All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

SECTION 3.0 – APPOINTMENT

3.1 The CAO may from time to time appoint, designate and engage one or more persons as Bylaw Enforcement Officers for the Village of Clyde.

SECTION 4.0 - AUTHORITIES AND RESPONSIBILITIES

- 4.1 A Bylaw Enforcement Officer appointed, designated and engaged pursuant to this Bylaw is, in the execution of his duties, a person engaged for the preservation and maintenance of the public peace and has all the powers necessary for the enforcement of the Bylaws or sections thereof he has been authorized by the CAO to enforce.
- 4.2 Notwithstanding Section 4.1 herein, a Bylaw Enforcement Officer appointed, designated and engaged pursuant to this Bylaw shall not have the power to apprehend, search or detain any person unless otherwise expressly stated in any Bylaw.
- 4.2 Upon a person being appointed, designated and engaged as a Bylaw Enforcement Officer, he shall take the official oath prescribed by the *Oaths of Office Act* (Alberta) before entering upon his duties.

- 4.3 Upon a person being appointed, designated and engaged as a Bylaw Enforcement Officer, he shall be issued with a means of identification by the CAO which he shall carry on his person at all times when he is on duty or performing functions as a Bylaw Enforcement Officer.

SECTION 5.0 - POWERS and DUTIES

The powers and duties of a Bylaw Enforcement Officer shall include the following:

- 5.1 Ensuring that the Bylaws of the Municipality are enforced within the boundaries of the Village and of the Municipality as appropriate;
- 5.2 Reporting to and carrying out the directions of the CAO or designate;
- 5.3 Responding to and investigating complaints;
- 5.4 Conducting routine patrols;
- 5.5 Issuing and serving notices, tickets, tags, and summonses when required;
- 5.6 Prosecuting or assisting in the prosecution of breaches of Bylaws including obtaining evidence, preservation of evidence, securing the attendance of witnesses, attending court and providing evidence as required;
- 5.7 The enforcement of such other regulations or laws as may, by contract, become the obligation of the Municipality to enforce; and
- 5.8 Other duties as may be assigned by the CAO or designate.

SECTION 6.0 - DISCIPLINARY PROCEDURES

- 6.1 Where it is alleged that a Bylaw Enforcement Officer, in carrying out his duties is guilty of misconduct as set out in this Bylaw, the CAO shall:
- a) Investigate such allegations, such investigation to include a meeting with the Supervisor and the Bylaw Enforcement Officer alleged to have committed such misconduct, and
 - b) Where such investigation indicates in the sole discretion of the CAO that evidence exists to substantiate such allegations, hold a hearing to determine if the Bylaw Enforcement Officer has committed a misconduct in carrying out his duties.
- 6.2. Where the CAO intends to carry out a hearing to determine whether a Bylaw Enforcement Officer has committed a misconduct, the CAO shall:
- a) Acknowledge receipt of any complaint received to the complainant;
 - b) Provide adequate notice (a minimum of five (5) days) in writing to the Bylaw Enforcement Officer who is alleged to have committed a misconduct and to such other parties as the CAO considers to be affected by the alleged misconduct;
 - c) Provide the Bylaw Enforcement Officer a reasonable opportunity of furnishing relevant evidence at the hearing;
 - d) Inform the Bylaw Enforcement Officer of the facts in his possession or of the allegations made to him in sufficient detail to:
 - i) Permit him to understand the facts or allegations;

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- ii) Afford him a reasonable opportunity to furnish relevant evidence to contradict or explain the facts or allegations; and
 - iii) Provide the Bylaw Enforcement Officer or his representative an adequate opportunity to make representations by way of argument at the hearing.
- 6.3 At the conclusion of a hearing to determine whether there has been a misconduct or within seventy-two (72) hours thereafter, the CAO may, by a decision in writing with reasons:
- a) Reprimand in writing the Bylaw Enforcement Officer;
 - b) Suspend without pay the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipality for a term not to exceed six (6) months; or
 - c) Recommend to Council that the appointment of the Bylaw Enforcement Officer be terminated.

SECTION 7.0 APPEALS

- 7.1 An appeal from the decision of the CAO may be commenced by the Bylaw Enforcement Officer who is the subject of the disciplinary hearing by filing a notice in writing of the appeal with the Village Council within thirty (30) days of the receipt by the Bylaw Enforcement Officer of the decision.
- 7.2 The Appeal Committee shall hold an appeal hearing within forty-five (45) days of the receipt of the appeal.
- 7.3 The Appeal Chairman shall give reasonable notice of the hearing to the appellant, to the CAO and to such other parties as the Appeal Chairman considers to be affected by the hearing including any complainant.
- 7.4 In conducting a hearing, the Appeal Chairman shall follow, with necessary modifications being made, the procedure set out in Section 6.1 of this Bylaw.
- 7.5 In determining an appeal, the Appeal Committee may confirm, revoke or vary the decision or any conditions attached to a decision by the CAO and may:
- a) Reprimand in writing the Bylaw Enforcement Officer;
 - b) Suspend, without pay, the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipality but such suspension shall not exceed six (6) months;
 - c) Recommend that the appointment of the person as a Bylaw Enforcement Officer be terminated;
- 7.6 The decision of the Appeal Committee shall be in writing with reasons and shall be rendered within fifteen (15) days of the conclusion of the hearing.

SECTION 8.0 SEVERABILITY

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

SECTION 9.0 EFFECTIVE DATE

This Bylaw shall take full force and effect upon third and final reading and upon signing in accordance with Section 213, Municipal Government Act, and Statutes of Alberta 2000.

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READ A FIRST TIME THIS 22 DAY OF February, A.D. 2011.

READ A SECOND TIME THIS 22 DAY OF February, A.D. 2011.

UNANIMOUS CONSENT FOR THIRD READING THIS 22 DAY OF February, A.D. 2011.

READ A THIRD TIME THIS 22 DAY OF February, A.D. 2011.


MAYOR, DOUG NYAL


CAO, MELANIE BEASTALL