



Town of Bowden
Box 338, 2101 20th Ave
Bowden, Alberta, T0M 0K0

Town of Bowden – Province of Alberta BYLAW ENFORCEMENT OFFICER BYLAW 05 / 2020

Whereas section 210 of the Municipal Government Act, RSA2000, Chapter M-26 (as amended) provides that Council may by bylaw establish one or more positions to carry out the powers and functions of a designated officer;

And whereas, section 555 of the Municipal Government Act, RSA2000, Chapter M-26 (as amended) provides that Council may by bylaw appoint a person as a bylaw enforcement officer who in the execution of enforcement duties is responsible for the preservation and maintenance of the public peace;

And whereas, part 13, division 4 of the Municipal Government Act, RSA2000, Chapter M-26 (as amended) provides a municipality with enforcement powers which may be exercised by a designated officer;

And whereas, Council deems it desirable to appoint a bylaw enforcement officer;

1 SHORT TITLE

This Bylaw may be known as, and cited as, the “Bylaw Enforcement Officer Bylaw”

2 DEFINITIONS

In this Bylaw (and the attached Schedule) the following definitions apply;

Bylaw Enforcement Officer

Means the designated officer(s) appointed for the enforcement of municipal bylaws.

CAO (Chief Administrative Officer)

Is the person appointed by the Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA (or his / her designate) and is the administrative head of the Municipality.

Council

Means the duly elected Municipal Council of the Town of Bowden.

MGA

Means the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time).

Municipality

Means the Town of Bowden

Provincial Offences Procedures Act

Means the Provincial Offences Procedures Act, RSA2000, Chapter P-34 (as amended over time).

Town

Means the municipal corporation of the Town of Bowden.

3 PURPOSE

To provide for the appointment of, and the establishment of, the duties, powers and responsibilities of a bylaw enforcement officer in accordance with the Municipal Government Act;

- i. (section 555)
provides that council may by bylaw appoint a person as a bylaw enforcement officer
- ii. (section 556a)
every council must by bylaw specify the powers and duties of bylaw enforcement officers
- iii. (section 556b)
establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers

4 DESIGNATIONS

The following persons are designated as Bylaw Enforcement Officers within the Town of Bowden for the purpose of this Bylaw and the MGA;

- i. the Chief Administrative Officer
- ii. appointed Bylaw Enforcement Officer(s)
- iii. members of the Royal Canadian Mounted Police
- iv. other persons acting in an approved capacity on behalf of the Municipality, for the purpose of enforcement of one or more of its bylaws including, but not limited to;
 - a) Red Deer County Protective Services (Patrol Officers)
 - b) Red Deer County Director of the Emergency Management Agency
 - c) Red Deer County Planning Department
 - d) Red Deer County Building & Safety Codes Inspectors

5 GENERAL PROVISIONS

5.1

An appointed Bylaw Enforcement Officer reports directly to the Chief Administrative Officer.

5.2

The CAO may;

- i. appoint individuals as Bylaw Enforcement Officers in accordance with this Bylaw
- ii. revoke (with or without cause) suspend, or modify the appointment of a Bylaw Enforcement Officer
- iii. monitor and investigate complaints of misuse of power by Bylaw Enforcement Officers
- iv. exercise all powers, duties and functions under the Provincial Offences Procedure Act
- v. grant written authorization to issue violation tickets under the Provincial Offences Procedure Act
- vi. 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 public peace
- vii. delegate any of the CAO's powers, duties, or functions to a designated officer or an employee of the Town (Section 209 of the MGA applies)

5.3

A designated officer may delegate any of the officer's powers duties or functions under this or any other enactment or bylaw to an employee of the municipality (section 212 of the MGA applies)

6 POWERS & DUTIES OF A BYLAW ENFORCEMENT OFFICER

6.1

An appointed Bylaw Enforcement Officer may;

- i. enforce municipal bylaws under the authority of section 555 and 556 of the Municipal Government Act
- ii. issue violation (penalty) tickets in accordance with the Provincial Offences Procedures Act

6.2

A Bylaw Enforcement Officer;

- i. is responsible for the enforcement of all regulatory bylaws of the Town or otherwise as specified by resolution of Council
- ii. can 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 Part 13, Division 4 (Enforcement of Municipal Law) of the Municipal Government Act
- iii. can exercise all powers, duties afforded by Part 13, Division 5 (Offences & Penalties) of the Municipal Government Act

6.3

Specific responsibilities of a Bylaw Enforcement Officer include;

- i. responding to and investigating bylaw related complaints
- ii. acting as a resource to residents for enquiries regarding Town bylaws & policies
- iii. working with residents to resolve issues through education to achieve bylaw compliance
- iv. enforcement of bylaws through issuing warnings, notices, compliance agreements and violation tickets
- v. development of community information to assist in bylaw compliance
- vi. liaison, collaboration and providing assistance to other agencies (RCMP, Red Deer County Patrol Officers, SPCA etc) in the fulfillment of duties
- vii. maintaining written reports that may be required as legal evidence
- viii. conducting routine patrols
- ix. other related duties specific to bylaw enforcement or community engagement as directed by the CAO

6.4

The Municipal Government Act has no requirements for training of bylaw enforcement officers in Alberta.

The Town will endeavour to provide training as appropriate to ensure that a Bylaw Enforcement Officer is able to undertake the duties and responsibilities associated with the position.

7 MISUSE OF POWER

7.1

The Town prefers to work with residents for voluntary compliance of municipal bylaws before enacting enforcement actions, such as issuing tickets or other stronger solutions.

Any questions regarding bylaw definitions, applicability or enforcement should be addressed to the Town by contacting either the CAO or the Bylaw Enforcement Officer via;

e-mail:	cao@bowden.ca
e-mail:	bylaw@bowden.ca
tel:	403 224 3395 (Administration Office – 8.00am to 4.00pm)

7.2 Complaints

7.2.1

A complaint made against a Bylaw Enforcement Officer must be made in writing and submitted to the CAO.

7.2.2 Acknowledgement of complaints

On receipt of a complaint the CAO will acknowledge to the complainant receipt of the complaint in writing within 10 working days of the receipt date.

The CAO will regularly update the complainant of the status of the complaint.

The CAO will also notify the Bylaw Enforcement Officer concerned that a complaint has been made against them.

7.2.3 Investigations of complaints

When an investigation is carried out in respect of a complaint the CAO will, where deemed appropriate, provide the Bylaw Enforcement Officer with details of the complaint.

The investigation will be carried out in accordance with the procedures provided in the Town of Bowden Personnel and Human Resources Policy 01- 2020 (as amended over time)

7.2.4 Disposition of complaints

The CAO will dispose of a complaint by making one of the following decisions and by giving reasons for the decision;

- i. the complaint is unfounded (no basis in fact)
- ii. the complaint is unsubstantiated (not supported or proven by evidence)
- iii. having regard to all of the circumstances of the complaint, no investigation is necessary
- iv. the complaint is found to have merit in whole or in part
- v. the complaint is frivolous, or made in bad faith.

If a complaint about a Bylaw Enforcement Officer is found to have merit or is founded in part, the CAO will take action in accordance with the disciplinary procedures provided in the Town of Bowden Personnel and Human Resources Policy 01-2020 (as amended over time)

The CAO will update the complainant on any decision or action taken.

7.3 Confidentiality

Personal information within a written complaint will be collected in accordance with Part 2, Protection of Privacy of the Freedom of Information and Protection of Privacy Act (as amended over time).

Personal information gathered will be used to process the complaint but will not be made available to the public.

8 APPEAL PROCESS

8.1

Any person who considers themselves to be aggrieved by a decision of the CAO made under this Bylaw may appeal the decision to Council, in accordance with the procedures outlined in the Council Procedural Bylaw (section titled Delegations and Requests to Council), providing that an appeal is made in writing within 30 days of receiving the CAO's decision.

Council will make a decision on any appeal within 30 days of its receipt.

The Council's decision in respect of an appeal will be final and binding.

9 SEVERABILITY

Every provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

10 BYLAW PRECEDENCE

This Bylaw supersedes and takes precedence over all previously passed Bylaws that establishes the position of a Bylaw Enforcement Officer, or which make reference to the powers, duties and functions of a Bylaw Enforcement Officer.

Bylaw **07-2013** and all amendments thereto are hereby repealed.

Schedule(s) attached to this Bylaw;

Schedule A

Oath of Office

This Bylaw and the schedule listed below will come into effect on the final day of passing and signature thereof.

Read a first time in open council this _25th_ day of _May 2020_,

Read a second time in open council this _25th_ day of _May 2020_,

and finally passed by unanimous consent of the councillor's present.

Read a third time in open council this _25th_ day of _May 2020_,

Robb Stuart, Mayor

Greg Skotheim, Chief Administrative Officer

Bylaw Enforcement Officer Bylaw SCHEDULE A Oath of Office

A1

Applicable Legislation;

Section 555(2)

Section 2

Municipal Government Act RSA2000, Chapter M-26 (as amended)

Oaths of Office Act, RSA2000 Chapter O-1 (as amended)

Section 555(2) states that,

“bylaw enforcement officers must take the official oath prescribed by the Oaths of Office Act before starting their duties”.

A2

Oath of Office

I, _____, swear that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer.

So help me God.

or alternatively

A3

Solemn Affirmation

I, _____, solemnly affirm that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer.

A4

The Oath of Office or the Solemn Affirmation is to be sworn before a Commissioner for Oaths and recorded as follows;

Sworn before me in the Province of Alberta this ** day of, **(month), (year)**

(name) Commissioner for Oaths

(signature) in and for the Province of Alberta