

BYLAW 11-2020

A BYLAW OF THE TOWN OF BRUDERHEIM IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE APPOINTMENT OF A BYLAW ENFORCEMENT OFFICER

WHEREAS the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, as amended from time to time, notes that Council may pass a bylaw for municipal purposes, including the enforcement of local bylaws;

WHEREAS Section 556 of the Municipal Government Act notes that a Council must by bylaw specify 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 a Bylaw Enforcement Officer;

WHEREAS the Council of the Town of Bruderheim has determined that it is in the best interest of the Town of Bruderheim to pass a bylaw providing for the appointment of Bylaw Enforcement Officer;

NOW THEREFORE be it resolved that the Council of the Town of Bruderheim, in the Province of Alberta, duly assembled, enacts as follows:

Short Title

- 1) The short title of this Bylaw shall be the "Bylaw Enforcement Officer Bylaw".

Definitions

- 2) In this Bylaw the following words shall be defined as:
  - a) "Bylaw" means the bylaws of the Town of Bruderheim.
  - b) "Bylaw Enforcement Officer" means:
    - A person appointed, designated and/or engaged as such pursuant to the provisions of this bylaw.
    - In the event no person is designated, the Chief Administrative Officer;
  - c) "Chief Administrative Officer" means the person appointed as Chief Administrative Officer by duly enacted bylaw of the Town of Bruderheim.
  - d) "Control Officer" means the Chief Administrative Officer or such other person as may be appointed or designated as a Control Officer by the Chief Administrative Officer:
  - e) "Town" or "Municipality" means the Town of Bruderheim

Conditions

- 3) The Chief Administrative Officer may from time to time appoint, designate, and /or engage one or more persons who are either employees of the Town of Bruderheim, or who are engaged under contract with the Town of Bruderheim as a Bylaw Enforcement Officer.
- 4) The Chief Administrative Officer, and a Bylaw Enforcement officer appointed, designated and/or engaged pursuant to this Bylaw and engaged by the Town of

Bruderheim either as an employee or as a contractor, either independently or through agreement with another municipality, is in the execution of his/her duties, a person engaged for the preservation and maintenance of the public peace and has all the powers of a Peace Officer with respect to the enforcement of the bylaws of the Town of Bruderheim. Such person shall not have the power to apprehend, search or take custody of any persons unless otherwise expressly stated in any bylaw or permitted in any bylaw.

- 5) Upon a person being appointed, designated and/or engaged as a Bylaw Enforcement Officer, he/she shall take the official oath prescribed by the Oaths of Office Act before entering upon his/her duties; and further, he/she shall be issued with a means of identification, by the person who appointed him/her which he/she shall carry on his/her person when he/she is on duty or performing functions as Bylaw Enforcement Officer.
- 6) The powers and duties of a Chief Administrative Officer shall include the following:
  - a) Ensuring that the bylaws of the Town of Bruderheim are enforced within it's boundaries;
  - b) Supervising the performance and conduct of the Bylaw Enforcement Officer under their control;
  - c) Ensuring the due performance of the provisions of the contract of Bylaw Enforcement Officers engaged by the Town of Bruderheim as independent contractors or through agreement with any adjacent municipality;
  - d) Establishing standards of uniform, insignia and identification for the Bylaw Enforcement Officer who are employees of the Town of Bruderheim.
  - e) Assisting in the prosecution of breaches of the Town of Bruderheim bylaws including gathering evidence, attendances of witnesses and court appearances.
7. The powers and duties of a Bylaw Enforcement Officer shall include the following:
  - a) Enforcing the bylaws of the Town of Bruderheim within it's boundaries;
  - b) Reporting to and carrying out the directions of his /her Control Officer;
  - c) Responding to and investigating complaints;
  - d) Conducting routine patrols for the purpose of preventing and detecting violations;
  - e) Issuing and serving notices, tickets, tags, summons and providing information when required;
  - f) Assisting in the prosecution of breaches of bylaws including gathering evidence, assisting witnesses, attending court and providing evidence required;
  - g) Performing all duties as may from time to time be assigned by his/her Control Officer or designated in his/her contract.
8. Any designated Bylaw Enforcement Officer who are employees of the Town of Bruderheim are subject to discipline procedures and penalties contained in the



policies of the Town of Bruderheim or any amendments thereto.

- 9) The contract of persons who are engaged by the Town of Bruderheim to perform the duties of a Bylaw Enforcement Officer, and who breach either the terms of such contract or this bylaw, are subject to termination without notice and without prejudice to the Town's right to seek damages for such a breach of contract.

10) Misuse of Power

Employee of the Town of Bruderheim Bylaw Enforcement Officer

- a) When the Chief Administrative Officer receives a written allegation claiming that a Town of Bruderheim employee Bylaw Enforcement Officer has misused his/her power, the Chief Administrative Officer shall determine if an investigation is required.
- b) If the Chief Administrative Officer determines that an investigation into a written allegation of misuse of power is required, a review of all the evidence will occur to determine whether or not there was a misuse of power by the Bylaw Enforcement Officer.
- c) The Chief Administrative Officer shall render a written decision, with reasons, within 14 days of reviewing the evidence.
- d) If the Chief Administrative Officer determines that a Bylaw Enforcement Officer has misused their power as a Bylaw Enforcement Officer employed by the Town of Bruderheim, disciplinary procedures shall be implemented in accordance with the Town of Bruderheim Employee Handbook.
- e) The Chief Administrative Officer shall maintain a record of the investigation procedure and decision.
- f) The Chief Administrative officer shall advise the Bylaw Enforcement Officer of the results of the investigation in writing.
- g) If the Chief Administrative Officer deems it necessary, other parties involved in the investigation may be advised, in writing, of the decision.

Contracted Bylaw Enforcement Officer

- a) When the Chief Administrative Officer receives a written allegation claiming that a contracted Bylaw Enforcement Officer has misused his/her power, the Chief Administrative Officer shall determine if an investigation is required.
- b) If the Chief Administrative Officer determines that an investigation into a written allegation of misuse of power is required, he/she will contact Contracted Services for review.
- c) The Chief Administrative Officer will be notified in writing of the results of the investigation by the Contracted Service.

11. Appeal

Employee of the Town of Bruderheim Bylaw Enforcement Officer

- a) Within 14 days of receipt of the Chief Administrative Officer's

decision, the Bylaw Enforcement Officer may appeal the decision.

- b) The appeal process shall be implemented in accordance with the Town of Bruderheim Employee Handbook.
- c) All documents relating to the allegation, review decision, appeal, appeal decision and any resulting disciplinary action shall be filed in the Personnel Files of the Town.

12. This bylaw comes into force on the date it is passed

READ A FIRST TIME THIS 03 DAY OF JUNE, 2020

READ A SECOND TIME THIS 17 DAY OF June, 2020

READ A THIRD TIME THIS 17 DAY OF June, 2020.

*Deputy* Judy Scheel  
MAYOR

P. McDonough  
CAO