

VILLAGE OF DONALDA

BYLAW No. 722

BYLAW ENFORCEMENT OFFICER BYLAW

A BY-LAW OF THE VILLAGE OF DONALDA, in the Province of Alberta, to establish the powers and duties and disciplinary procedures relating to Bylaw Enforcement Officers in their capacity as preservers and maintainers of the public peace.

WHEREAS the *Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26* as amended provides that a Council may appoint Bylaw Enforcement Officers;

AND WHEREAS the *Municipal Government Act* provides that if a Council does appoint Bylaw Enforcement Officers, the Council shall establish a bylaw delineating the powers, duties and disciplinary procedures for such officers and an appeal process for any disciplinary actions brought forward against the Bylaw Enforcement Officer;

NOW THEREFORE the council of The Village of Donalda, in the province of Alberta, duly assembled enacts as follows:

1. This by-law shall be cited as the **“Bylaw Enforcement Officer By-law.”**
2. In this bylaw the following words have the following meanings:
 - a) “Bylaws” means the by-laws of the Municipality;
 - b) “Bylaw Enforcement Officer” means a person or agency appointed as such by the Village Council;
 - c) “Chief Administrative Officer” means the person appointed pursuant to By-law #679
 - d) “Council” means the Council of the Village of Donalda;
 - e) “Municipal Government Act” means Revised Statutes of Alberta, 2000, Ch. M-26 as amended time to time;
 - f) “Municipality” means the Village of Donalda;
3. The Municipal Council of the Village of Donalda is hereby authorized to appoint a Bylaw Enforcement Officer;
4. The powers and duties of the Bylaw Enforcement Officer are as follows:
 - a) To ensure that the bylaws of the Municipality are enforced;
 - b) To report to the Council and Chief Administrative Officer or his/her designate and carry out the directions of the Chief Administrative Officer;
 - c) To respond to and investigate complaints;
 - d) To issue warnings, tickets or tags for violations;
 - e) To assist in the prosecution of by-law contraventions including gathering of evidence, the attendance of witnesses and any appearances in court that may be required;
 - f) The Bylaw Enforcement Officer will be a designated officer for the purposes of *Section 555* and *566 the Municipal Government Act*;
 - g) The Bylaw Enforcement Officer may delegate any of the powers, duties or functions given to the Bylaw Enforcement Officer position by *Bylaw, the Municipal Government Act*, or any other enactment to any employee or agent of the Village;
 - h) The Bylaw Enforcement Officer is responsible to ensure that any re-delegation of power, duty or function is properly exercised and carried out;
 - i) To take the official oath prescribed by the *Oath of Office Act* upon being appointed as Bylaw Enforcement Officer and to carry upon his person at all such times he/she is acting as chief Bylaw Enforcement Officer evidence in writing of his/her appointment as Chief Bylaw Enforcement Officer of the Municipality;
5. Council hereby establishes a Bylaw Enforcement Committee to be composed as the Chief Elected Official of Council of Village of Donalda;
6. The duties and responsibilities of the Bylaw Enforcement Committee are as follows:
 - a) To hear appeals from any decision of the Bylaw Enforcement Officer;
 - b) To investigate any reports of a breach of duties committed by the Bylaw Enforcement Officer while carrying out his/her role as peace officer;

7. Where it is alleged that a Bylaw Enforcement Officer, in carrying out his/her duties as a peace officer has committed a breach of duties, the committee shall hold a hearing to determine if the Bylaw Enforcement Officer has committed a disciplinary default, as defined by this by-law, while carrying out his/her duties;
8. Where the Committee intends to carry out a hearing to determine whether a Bylaw Enforcement Officer has committed a disciplinary breach, the following procedures shall be followed:
 - a) Adequate notice (a minimum of 2 days) in writing shall be given to the Bylaw Enforcement Officer who is alleged to have committed a disciplinary breach and to such other parties the Committee considers to be affected by the alleged disciplinary breach;
 - b) At the hearing the Committee shall give the By-law Enforcement Officer a reasonable opportunity of furnishing relevant evidence;
 - c) The Committee shall give the By-law Enforcement Officer or his/her representative an adequate opportunity of making representations by way of argument to the Committee;
9. At the conclusion of a hearing to determine whether there has been a disciplinary breach, the Committee may, by a decision in writing with reasons, do the following:
 - i) Reprimand in writing the By-law Enforcement Officer, or
 - ii) Suspend the By-law Enforcement Officer from acting as By-law Enforcement Officer for the Municipality, but such a period shall not exceed six (6) months; or
 - iii) Terminate the appointment of the By-law Enforcement Officer.
10. For purposes of this By-law, the following shall be disciplinary defaults:
 1. **Discreditable conduct** where the By-law Enforcement Officer:
 - i) acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of Bylaw Enforcement Officers;
 - ii) is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code of Canada
 - iii) abets, connives or is knowingly an accessory to a general default described in this by-law
 2. **Insubordination**, where the Bylaw Enforcement Officer by word or action and without lawful excuse, disobeys omits or neglects to carry out any lawful order
 3. **Deceit** – where the Bylaw Officer:
 - i) knowingly makes or signs false statements in an official document or book
 - ii) without lawful excuse destroys, mutilates or conceals an official document or record or alters or erases therein
 4. **Breach of Confidence** – where the Bylaw Officer:
 - i) divulges any matter which is it his/her duty to keep secret
 - ii) without proper authorization from the Municipal Council, communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation
 5. **Corrupt Practice** – where the Bylaw Officer:
 - i) fails to account for or make a prompt, true return of money or property received in an official capacity
 - ii) directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial without the consent of the Committee
 - iii) place him/herself under a pecuniary or other obligation to a person in respect of whose conduct or business operation or employment, the Bylaw Enforcement Officer may likely have to report or give evidence or
 - iv) improperly uses his/her position as a Bylaw Enforcement Officer for private advantage
 6. **Unlawful or unnecessary exercise or authority**, where the Bylaw Enforcement Officer is unnecessarily discourteous or uncivil to a member of the public
11. The Village will create a Bylaw Enforcement Committee Appeal Board for any disciplinary brought forward by the Bylaw Enforcement Committee.
12. The Bylaw Enforcement Committee Appeal Board shall consist of all members of Council of Village of Donaldda to hear any appeal from the Bylaw Enforcement Committee disciplinary action.
13. The Bylaw Enforcement Appeal Board has the power to change, confirm or remove any disciplinary action brought forward by the Bylaw Enforcement Committee under the same hearing procedures the disciplinary action was taken;

14. Bylaw #688 in the Village of Donaldda is repealed with the third and final reading of this Bylaw and amendments hereto.

EFFECTIVE DATE - This By-law shall come into force and effect upon the date of final passing thereof.

Bylaw # 722 was given **first reading**, passed in open Council duly assembled in the Village of Donaldda, in the Province of Alberta, this 17st day of December, 2019 A.D.

Bylaw #722 was given **second reading**, passed in open Council duly assembled in the Village of Donaldda, in the Province of Alberta, this 17st day of December, 2019 A.D.

Bylaw #722 was given **third and final reading**, passed in open Council duly assembled in the Village of Donaldda, in the Province of Alberta, this 17st day of December, 2019 A.D.



MAYOR



CHIEF ADMINISTRATIVE OFFICER