

BYLAW # 2022-10
VILLAGE OF ACME
IN THE
PROVINCE OF ALBERTA
BYLAW ENFORCEMENT OFFICER BYLAW

A BYLAW OF VILLAGE OF ACME, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT AND SPECIFY THE DUTIES AND POWERS OF BYLAW ENFORCEMENT OFFICERS

WHEREAS the *Municipal Government Act, R.S.A. 2000*, as amended, provides that a Council may pass bylaws respecting the enforcement of bylaws;

AND WHEREAS Section 555 of the *Municipal Government Act* provides that a Council may appoint Bylaw Enforcement Officers.

AND WHEREAS Section 556 of the *Municipal Government Act* provides that if a Council appoints Bylaw Enforcement Officers, the Council shall establish a bylaw specifying the powers and duties of such Bylaw Enforcement Officers as well as disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers.

NOW THEREFORE the Council of the Village of Acme, duly assembled, enacts the following:

SECTION 1 – SHORT TITLE

1.1 This Bylaw may be referred to as the **BYLAW ENFORCEMENT OFFICER BYLAW** of the Village of Acme.

SECTION 2 – DEFINITIONS

In this Bylaw:

- 2.1 **“Bylaw Enforcement Officer”** shall mean any person appointed as a Bylaw Enforcement Officer for the Village of Acme;
- 2.2 **“Chief Administrative Officer”** shall mean the Chief Administrative Officer for the Village of Acme or designate;
- 2.3 **“Council”** shall mean the Council of Village of Acme as constituted from time to time;
- 2.4 **“Village”** shall mean Village of Acme;



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

2.5.1 Failure to perform or carryout his/her duties according to law;

2.5.2 Failure to carry out the duties and responsibilities given to him/her within the terms of their appointment as a Bylaw Enforcement Officer;

SECTION 3 – POWERS AND DUTIES

3.1 The Chief Administrative Officer may:

3.2.1 appoint Bylaw Enforcement Officer(s) for the purpose of enforcing compliance with Village bylaws;

3.2.2 revoke, suspend, or modify the appointment of Bylaw Enforcement Officers in accordance with this Bylaw;

3.2.3 monitor and investigate complaints of misuse of power by Bylaw Enforcement Officers;

3.2.4 take whatever actions and measures are necessary to eliminate an emergency in accordance with Section 551 of the Municipal Government Act;

3.2.5 exercise all powers, duties and functions under the Provincial Offences Procedure Act;

3.2.6 grant written authorization to issue violation tickets under the Provincial Offences Procedure Act;

3.2.7 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;

3.2.8 delegate any other the CAO's powers, duties or functions contained in this section to any employee of the Village, including the option to further delegate those powers, duties and functions.

3.2 A Bylaw Enforcement Officer shall:

3.2.1 be responsible for the enforcement of all the bylaws of the Village unless otherwise specified in a Bylaw or resolution of Council;

3.2.2 issue municipal notices and/or violation tickets for offences under Bylaws;

3.2.3 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.

SECTION 4 – COMPLAINTS

4.1 Receipt of Complaint

- 4.1.1 Any complaint concerning the misuse of power of a Bylaw Enforcement Officer shall be handled in accordance with the provisions set out in this Part and shall be directed to the Chief Administrative Officer.
- 4.1.2 All complaints shall be in writing and any complaints received verbally shall be confirmed in writing by the complainant prior to being proceeded with.
- 4.1.3 Upon receipt of complaint, it shall be immediately forwarded to the Chief Administrative Officer.
- 4.1.4 The Chief Administrative Officer shall provide written acknowledgement of the complaint, and to the person against whom the complaint was made.

4.2 Investigation

- 4.2.1 The Chief Administrative Officer shall investigate the complaint.
- 4.2.2 Upon conclusion of the investigation, the Chief Administrative Officer shall provide notice in writing to the Bylaw Enforcement Officer of the allegations made and the findings of the investigation.
- 4.2.3 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 Chief Administrative Officer.
- 4.2.4 Upon review of the response of the Bylaw Enforcement Officer and any other information the Chief Administrative Officer believes appropriate in the circumstances to determine the facts, the Chief Administrative Officer shall either dismiss the complaint as unfounded or as unsubstantiated or find that the Bylaw Enforcement Officer has misused his or her power.
- 4.2.5 If the Chief Administrative Officer determines that the misuse of power has occurred, corrective disciplinary procedures shall be commenced.
- 4.2.6 The Chief Administrative Officer may resolve complaints informally, arriving at a solution that is satisfactory to the complainant and the Bylaw Enforcement Officer against whom the complaint was directed.

4.3 Disciplinary Action

- 4.3.1 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 Chief Administrative Officer:

- 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

4.4.1 The Chief Administrative Officer shall notify the complainant and the Bylaw Enforcement Officer, in writing, of the results of the investigation and the actions to be taken within thirty (30) days from the date of receipt of the complaint.

4.5 Appeal Procedures

4.5.1 If either the complainant or the Bylaw Enforcement Officer wishes to appeal the decision of the Chief Administrative Officer, the appeal shall be delivered to the Chief Administrative Officer within thirty (30) days of the date of receipt of the notice of the results of the investigation.

4.5.2 Within thirty (30) days from the date of the receipt of the notice of appeal, the Chief Administrative Officer shall review the complaint, investigation report, speak to the person(s) involved as deemed necessary and review any other related documents associated with the complaint.

4.5.3 The Chief Administrative Officer, in considering the appeal, may dismiss the appeal or allow the appeal, and impose or vary the discipline.

4.5.4 The Chief Administrative Officer shall, within thirty (30) days, notify the complainant and the Bylaw Enforcement Officer, in writing as to the results of the appeal. The decision of the Chief Administrative Officer with regard to the appeal is final.

SECTION 5 – OATH OF OFFICE

5.1 Prior to commencing their duties, all Bylaw Enforcement Officers must take the official oath of office.

SECTION 6 – REFERENCES

6.1 All references in the bylaw will be read with such changes in number and gender

as may be appropriate according to whether the reference is to any person or a corporation.

SECTION 7 – SEVERABILITY

7.1 If any provisions of this Bylaw are declared invalid because of any word, phrase, clause, sentence, paragraph, or section of this Bylaw, or any documents which form part of this Bylaw or an application to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.


SECTION 8 – EFFECTIVE DATE & REPEAL

8.1 Bylaw #2015-11 shall be repealed upon this Bylaw coming into effect following third reading of this Bylaw.

READ a first time this 27 day of June 2022.



Mayor, Bruce McLeod




CAO, Gary Sawatzky

READ a second time this 27 day of June 2022.



Mayor, Bruce McLeod



CAO, Gary Sawatzky

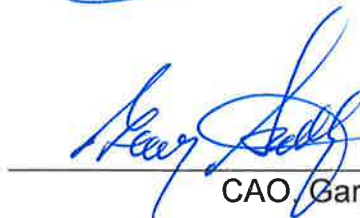


MOTION TO PROCEED TO THIRD READING CARRIED UNANIMOUSLY

READ a third and final time and passed this 27 day of June 2022.



Mayor, Bruce McLeod



CAO, Gary Sawatzky

