

**BYLAW 788-AP-09-20
TOWN OF COALDALE
PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF COALDALE
FOR THE PURPOSE TO SPECIFY
THE APPOINTMENT, POWERS AND DUTIES
OF BYLAW ENFORCEMENT OFFICERS**

WHEREAS, Section 556 of the Municipal Government Act, RSA 2000, c. M-26, as amended or repealed and replaced from time to time, provides every council must by bylaw specify the powers and duties of bylaw enforcement officers and establish disciplinary procedures applicable to its bylaw enforcement officers.

NOW THEREFORE, The Council of the Town of Coaldale duly assembled, enacts as follows:

1. Title:

1.1 This Bylaw may be cited as the “Bylaw Enforcement Officer Bylaw”.

2. Definitions:

2.1 In this Bylaw:

- a) “Act” means the Municipal Government Act, RSA 2000, c. M-26 as amended.
- b) “Bylaw Enforcement Officer” shall mean any person appointed as a Bylaw Enforcement Officer for the Town of Coaldale.
- c) “Chief Administrative Officer” or “CAO” means the individual appointed by Council to be the chief administrative officer of the Municipality.
- d) “Manager” means any individual appointed by the CAO to oversee the Bylaw Enforcement Officers.
- e) “Municipality” means the Town of Coaldale in the Province of Alberta.
- f) “Officer” means any individual appointed as a Bylaw Enforcement Officer.

3. Appointment of Officers

3.1 The Manager may, from time to time, appoint one or more Officers in accordance with this Bylaw and may impose terms and conditions on the Officer’s appointment.

3.2 The Manager may revoke, suspend or modify the appointment of an Officer in accordance with this Bylaw.

3.3 The manager shall investigate complaints of misuse of power by an Officer.

3.4 An Officer must, before starting their duties, take the official oath prescribed by the Oaths of Office Act, RSA 2000, c.O-1, or such other oath as may be required from time to time, and as amended or replaced.

4. Powers and Responsibilities of Bylaw Enforcement Officers

- 4.1 In accordance with their appointment by the Manager, the powers and duties of Officers shall include the following:
- a) preserving and maintaining the public peace;
 - b) enforcing Bylaws within the Municipality;
 - c) conducting routine patrols to ensure compliance with bylaws;
 - d) responding to and investigating complaints and alleged breaches of Bylaws;
 - e) issuing and serving orders, notices and tickets as required;
 - f) exercising all powers, duties and functions of a designated officer to conduct inspections, remedies, or enforcement authorized or required bylaw or enactment in accordance with Section 542 of the Act;
 - g) exercising all powers, duties and functions of a designated officer to issue orders in accordance with Section 545 and 546 of the Act;
 - h) assisting in the prosecution of breaches of Bylaws including gathering evidence, ensuring the attendance of witnesses, attending court and providing evidence as required; carrying upon their person at all such times when they are acting as an Officer evidence in writing of their appointment as an Officer;
 - i) performing all such other duties as may from time to time be assigned by the Manager;
 - j) Officers shall exercise their powers and duties in accordance with all the municipalities applicable policies and procedures established from time to time;
 - k) the authority of an Officer shall terminate when the individual ceases to be an employee of the Municipality; and,
 - l) upon termination, the Officer shall immediately return to the Municipality all uniforms, patrol cars, equipment, offence ticket books, appointment certificates and all other materials or equipment supplied to the Officer by the Municipality.

5. Limited Authority

- 5.1 The Manager may, from time to time, appoint a Bylaw Enforcement Officer with limited authority for the enforcement of specific bylaws or portions of bylaws. In such cases, the Manager has the discretion to approve, deny or terminate an appointment.

6. Misuse of Power and Conduct of Officers

- 6.1 All Officers are expected to exercise sound judgment, discretion and integrity while carrying out their duties.
- 6.2 An Officer that misuses the power of their position or conducts themselves in a manner which undermines public trust and confidence or in any way contravenes municipal policy, as may be established, respecting conduct, commits an offence pursuant to this Bylaw and may be subject to discipline, which may include suspension or termination. Such offences include, but are not limited to:

- a) Discreditable conduct – knowingly, willfully or negligently making a false complaint or laying a false complaint against any person, withholding or suppressing a complaint, or being found guilty of an indictable offence;
- b) Deceit – knowingly, willfully or negligently making or signing a false, misleading or inaccurate statement, or destroying, mutilating, concealing or altering an official document or record;
- c) Breach of confidence – divulging information, which is to be kept secret, or communicating information without proper authorization which could be injurious to a person or investigation;
- d) Corrupt practice – failing to account for property or money received in an official capacity, soliciting, receiving or accepting a gratuity, gift or token, whether directly or indirectly, or improperly using their position to private advantage; and
- e) Unlawful or unnecessary exercise of authority – being discourteous, disrespectful or verbally abusive to a member of the public, using excessive force in carrying out their duties without just cause, or using the authority of their position to bully, harass or intimidate others.

7. Disciplinary Procedures and Appeal

- 7.1 Complaints concerning the conduct of Bylaw Enforcement Officers shall be directed to the Manager.
- 7.2 All complaints must be submitted in writing and include at minimum the following information:
 - a) Name and contact information of the complainant; and
 - b) Details of the alleged misconduct by the Officer.
- 7.3 If, in the opinion of the Manager, based on reasonable grounds, an Officer has misused a power, contravened an appointment or this Bylaw, acted contrary to the public interest or has acted in bad faith, the Manager may revoke or modify the Officers appointment in accordance with this Bylaw.
- 7.4 The Manager shall provide the Officer with written notice of the complaint.
- 7.5 The Manager shall investigate any complaint or allegation deemed to have merit against an Officer, and may dismiss the complaint or allegation, in whole or in part, if it is determined to be frivolous, without merit, unfounded or unsubstantiated.
- 7.6 Prior to suspending, revoking or modifying an Officer's appointment, the affected Officer shall be given the opportunity to make a full response to the complaint and provide written submissions to the Manager respecting the same.
- 7.7 The Manager will provide the affected Officer and the complainant a dated, written decision including reasons for any proposed suspension, revocation or modification of the affected Officer's appointment. If, after the investigation, the Bylaw Program Supervisor finds the complaint or allegation is frivolous, without merit, unfounded or unsubstantiated, the Manager will so advise the written decision.

- 7.8 Within 14 days of the date of the decision of the Manager, the affected officer of the complainant may, in writing appeal the decision of the Manager to the CAO.
- 7.9 The CAO shall give the parties the opportunity to provide written submission on the decision. The CAO, at their discretion, may provide an opportunity for the parties or their representatives to make oral submissions.
- 7.10 The CAO shall consider the Manager's decision, along with any written or oral submission of the parties, and shall either confirm, reverse or vary the decision of the Manager. The CAO shall provide the decision, including reasons, in writing to the parties.
- 7.11 The decision of the CAO is final and conclusive with no further right of appeal.
- 7.12 Any suspension, revocation, or modification of an Officer's appointment, including termination, will be in accordance with and collective bargaining agreement that is in place.
- 7.13 The CAO has the authority to establish forms and timelines for this "disciplinary procedure and appeal" portion of this Bylaw.

8. Repeal: 397-R-02-99

9. EFFECTIVE DATE:

This Bylaw comes into full force and effect when this Bylaw has achieved THIRD and FINAL reading and is duly signed.

READ a FIRST time this 14th day of September, 2020

Mayor – Kim Craig

CAO – Kalen Hastings

Motion # 279-2020

READ a SECOND time this 14th day of September, 2020

Mayor – Kim Craig

CAO – Kalen Hastings

Motion # 280-2020

UNANIMOUS CONSENT to provide THIRD and FINAL reading this 14th day of September, 2020.

Mayor – Kim Craig

CAO – Kalen Hastings

Motion # 281-2020

READ a THIRD and FINAL time this 14th day of September, 2020.

Mayor – Kim Craig

CAO – Kalen Hastings

Motion # 282-2020