

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1312-19**

A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9 IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF APPOINTING A BYLAW ENFORCEMENT OFFICER

WHEREAS, Section 7(i) of the *Municipal Government Act*, RSA 2000 c.M-26 as amended, provides that a Council may pass bylaws respecting the enforcement of bylaws;

WHEREAS, Section 555 of the *Municipal Government Act*, a person who is appointed as a bylaw enforcement officer is, in the execution of those duties, responsible for the preservation and maintenance of the public peace;

WHEREAS, Section 556 of the *Municipal Government Act*, a council must pass a bylaw specifying the powers and duties of bylaw enforcement officers and establishing disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers;

WHEREAS, Part 13, division 4 of the *Municipal Government Act*, the municipality may carry out numerous enforcement powers and duties, which may be exercised by bylaw enforcement officers;

NOW THEREFORE, the Council of the MD of Pincher Creek No. 9, in the Province of Alberta, duly assembled hereby enacts:

1. Short Title:

1.1 This Bylaw may be cited as "MD of Pincher Creek Bylaw Enforcement Officer Bylaw".

2. Definitions:

2.1 In this Bylaw:

- a) "CAO" shall mean the Chief Administrative Officer for the MD of Pincher Creek;
- b) "Bylaw Enforcement Officer" shall mean any person appointed as a Bylaw Enforcement Officer for the MD of Pincher Creek;
- c) "Council" shall mean the Council of MD of Pincher Creek as constituted from time to time;
- d) "MD" shall mean MD of Pincher Creek;
- e) "Misuse of Power" by a Bylaw Enforcement Officer shall mean any one or more of the following:
 - i. Failure to perform or carry out his duties according to law;
 - ii. Failure to carry out the duties and responsibilities given to him within the terms of his appointment as a Bylaw Enforcement Officer;

3. Powers and Duties

3.1 The CAO may:

- i) appoint individuals as Bylaw Enforcement Officers in accordance with this Bylaw, to be listed on "Schedule B";
- ii) revoke, suspend, or modify the appointment of Bylaw Enforcement Officers in accordance with this Bylaw;
- iii) monitor and investigate complaints of misuse of power by Bylaw Enforcement Officers;
- iv) take whatever actions or measures are necessary to eliminate an emergency in accordance with section 551 of the *Municipal Government Act*;
- v) add any amounts to the MD tax roll in accordance with the *Municipal Government Act* or another enactment;
- vi) exercise all powers, duties and functions under the *Provincial Offences Procedure Act*;
- vii) grant written authorization to issue violation tickets under the *Provincial Offences Procedure Act*;
- viii) 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;

- ix) delegate any of the CAO's powers, duties, or functions contained in this section to any employee of the MD, including the option to further delegate those powers, duties, or functions.

3.2 A Bylaw Enforcement Officer shall:

- i) be responsible for the enforcement of all the Bylaws of the MD unless otherwise specified in a Bylaw or resolution of Council;
- ii) issue municipal tags and/or violation tickets for offences under Bylaws; and
- iii) 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*;

4. Complaints

4.1 Receipt of Complaint:

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

4.2 Investigation:

- i. The CAO, or their designate, shall investigate the complaint.
- ii. Upon conclusion of the investigation, the CAO shall provide notice in writing to the Bylaw Enforcement Officer of the allegations made and the findings of the investigation.
- iii. 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 CAO.
- iv. Upon review of the response of the Bylaw Enforcement Officer and any other information the CAO believes appropriate in the circumstances to determine the facts, the CAO shall either dismiss the complaint as unfounded or as unsubstantiated or find that the By-law Enforcement Officer has misused his or her power.
- v. If the CAO determines that a misuse of power has occurred, corrective disciplinary procedures shall be commenced.
- vi. The CAO may resolve complaints informally, arriving at a solution that is satisfactory to the complainant and the By-law Enforcement Officer against whom the complaint was directed.

4.3 Disciplinary Action:

- i. 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 CAO:
 - 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:

- i. The CAO shall notify the complainant and the Bylaw Enforcement Officer, in writing, of the results of the investigation and the actions to be taken within sixty (60) days from the date of the receipt of the complaint.

5. Appeal Procedures:

- 5.1 If either the complainant or the Bylaw Enforcement Officer wishes to appeal the decision of the CAO, the appeal shall be delivered to the CAO within sixty (60) days of the date of receipt of notice of the results of the investigation.
- 5.2 Within sixty (60) days from the date of the receipt of the notice of appeal as provided for in paragraph 4.1, the CAO shall review the complaint, investigation report, speak to person(s) involved as deemed necessary and review any other related documents associated with the complaint.
- 5.3 The CAO, in considering the appeal, may dismiss the appeal or allow the appeal and impose or varied discipline as outlined in paragraph 4.3.
- 5.4 The CAO shall, within sixty (60) days notify the complainant and the Bylaw Enforcement Officer, in writing as to the results of the appeal. The decision of the CAO with regard to the appeal is final.

6. Oath of Office:

- 6.1 Prior to commencing their duties, all Bylaw Enforcement Officers must take the official oath contained in Schedule A.

7. Number And Gender References:

- 7.1 All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

8. Repeal:

- 8.1 That Bylaw 1306-19 all amendments hereto are hereby repealed.


9. Effective Date:

- 9.1 That this Bylaw shall come into force and take effect upon the date of third reading.


Read a first time this 10 day of September, 2019.

Read a second time this 10 day of September, 2019.

Read a third and final time this 10 day of September, 2019.



REEVE



CHIEF ADMINISTRATIVE OFFICER

Schedule A

I, (name of Bylaw Enforcement Officer), swear that I will diligently, faithfully, and to the best of my ability execute according to law the office of Bylaw Enforcement Officer as stipulated on my appointment as a Bylaw Enforcement Officer of even date.

So help me God.

Signature of Bylaw Enforcement Officer

Date

Schedule B

Names of Bylaw Enforcement Officers:

Troy MacCulloch
Roland Milligan