



Village of Andrew

Bylaw No. 2024-003

THIS BYLAW BEING BYLAW 2024-003 OF THE VILLAGE OF ANDREW, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF SPECIFYING THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS FOR THE VILLAGE OF ANDREW.

WHEREAS, Section 7(i) of the *Municipal Government Act*, RSA 2000, c. M-26, a Council may pass Bylaws respecting the enforcement of Bylaws.

AND WHEREAS, Section 555 of the under the authority 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;

AND 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;

AND 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;

AND WHEREAS, Section 1(k)(iv) of the *Provincial Offences Procedure Act*, RSA 2000, c. P-34 a person who is employed or retained by a municipality and provided written authorization to issue violation tickets under that Act will be considered a “Peace Officer” for the purposes of that Act;

NOW, THEREFORE, be it resolved that the Council of the Village of Andrew, in the province of Alberta, duly assembled, enacts as follows:

1. TITLE

- 1.1 This Bylaw may be referred to as the **Bylaw Enforcement Officer Bylaw**.

2. DEFINITIONS

- 2.1 **Bylaw** means a bylaw of the Village of Andrew.
- 2.2 **Bylaw Enforcement Officer** means an individual appointed pursuant to this Bylaw as a Bylaw Enforcement Officer, including a Contract Bylaw Enforcement Officer.
- 2.3 **Chief Administrative Officer** means the Chief Administrative Officer of the Village or delegate as may be outlined through a contract service.
- 2.4 **Contract Bylaw Enforcement Officer** means a person who is not an employee of the Village but under contract with the Village appointed pursuant to this Bylaw as a Contract Bylaw Enforcement Officer.
- 2.5 **Supervisor** means the Chief Administrative Officer or delegate as appointed by the Village pursuant to this Bylaw or as identified under a contract.
- 2.6 **Council** means the Village Council of the Village of Andrew.
- 2.7 **Municipal Government Act** means the *Municipal Government Act*, RSA 2000, c. M- 26, as amended.
- 2.8 **Municipal tag** means a form alleging an offence of a Bylaw allowing for voluntary payment of the prescribed fine.

- 2.9 **Provincial Offences Procedure Act** means the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, as amended.
- 2.10 **Village** means the Village of Andrew in the Province of Alberta.
- 2.11 **Violation ticket** has the same meaning as defined in the *Provincial Offences Procedure Act*.

3. SUPERVISOR OF BYLAW ENFORCEMENT

- 3.1 The Chief Administrative Officer, Supervisor or delegate shall be the Supervisor of the Bylaw Enforcement Officer.
- (a) The Supervisor of Bylaw Enforcement Officer, in addition to all other powers and duties set out within the Bylaw, is authorized:
- (i) To ensure that Bylaws are enforced;
 - (ii) To provide for the supervision of the performance and conduct of the Bylaw Enforcement Officers and Contract Bylaw Enforcement Officers of the Village;
 - (iii) To set rules and regulations for the conduct of Bylaw Enforcement Officers with respect to their powers and duties as Peace Officers;
 - (iv) To enforce disciplinary procedures, including penalties and an appeal process, as outlined in Schedule 'B';
 - (v) To carry out such investigation of the enforcement of Bylaws as Council may from time-to-time request, and to make a report in writing to Council of the results of the investigation;
 - (vi) To carry out any further duties and responsibilities assigned by Council;
 - (vii) To assist in the prosecution of breaches of Bylaws including the gathering of evidence, the attendance of witnesses, and any appearances in court that may be required;
 - (viii) To establish standards of uniform, insignia, and identification for Bylaw Enforcement Officers;
 - (ix) To appoint individuals as Bylaw Enforcement Officers in accordance with this Bylaw;
 - (x) To revoke, suspend, or modify the appointments of Bylaw Enforcement Officers in accordance with this Bylaw;
 - (xi) To monitor and investigate complaints of misuse of power by Bylaw Enforcement Officers;
 - (xii) To take whatever actions or measures are necessary to eliminate an emergency in accordance with Section 551 of the *Municipal Government Act*;
 - (xiii) To add any amounts owing to the Village to a tax roll in accordance with Section 553 of the *Municipal Government Act*;
 - (xiv) To grant written authorization to issue violation tickets under the *Provincial Offences Procedure Act*;

- (xv) To 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 the public peace; and
- (xvi) To delegate any of the Chief Administrative Officer’s powers, duties, or functions contained in this section to any employee or contractor of the Village, including the option to further delegate those powers, duties, or functions.

4. BYLAW ENFORCEMENT OFFICERS

4.1 The Chief Administrative Officer may appoint one or more Bylaw Enforcement Officers who shall hold the term of office until revoked, suspended or terminated.

- (a) Every Bylaw Enforcement Officer, before commencing his duties, shall take the Official Oath as prescribed by the *Oath of Office Act*, RSA 2000, c. O-1, as amended, as outlined in Schedule ‘C’.
- (b) The powers and duties of Bylaw Enforcement Officers shall include the following:
 - (i) Enforce the Bylaws which the Bylaw Enforcement Officer is authorized to enforce within the boundaries of the Village;
 - (ii) Follow the directions of the Supervisor and to report to the Supervisor as required;
 - (iii) Respond to and investigate complaints;
 - (iv) Conduct routine patrols;
 - (v) Assist in the prosecution of Bylaw contraventions including appearances in court to provide evidence;
 - (vi) Carry upon their person, at all such times as they are acting as Bylaw Enforcement Officer, evidence in writing of their position as a Bylaw Enforcement Officer of the Village;
 - (vii) Perform all other enforcement duties delegated to the Village by any statute of the Province of Alberta, or the Dominion of Canada, that they are assigned to enforce by the Supervisor;
 - (viii) Perform such other duties as may from time to time be assigned by the Supervisor;
 - (ix) Honor and abide by the Code of Conduct established in Schedule ‘A’;
 - (x) Issue Municipal tags and/or Violation tickets for offences under Bylaws;
 - (xi) Exercise all the powers, duties, and functions of designated officers 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*;
 - (xii) Exercise all the powers, duties, and functions of a designated officer to issue written orders pursuant to Sections 545 and 546 of the *Municipal Government Act*;
 - (xiii) Take whatever actions or measures are necessary to remedy a contravention or prevent a re-occurrence of a contravention of the *Municipal Government Act*, an enactment that the Village is authorized to enforce, or a bylaw in accordance with Section 549 of the *Municipal Government Act*;

- (xiv) Exercise all the powers, duties, and functions of a development authority to issue written order pursuant to Section 645 of the *Municipal Government Act*;
- (xv) Take whatever actions or measures are necessary to carry out an order issue pursuant to Sections 645 or 687 of the *Municipal Government Act*;
- (xvi) Issue notices not to trespass under the *Trespass to Premises Act*, RSA 2000, c. T-7, as amended.
- (xvii) Prepare and lay information;
- (xviii) Place an erasable chalk mark on the tread face of a tire of a parked or stopped vehicle;
- (xix) Certify Village records as true copies of the original;
- (c) The appointment of an individual as a Bylaw Enforcement Officer in accordance with this Bylaw is deemed to be:
 - (i) Written authorization to issue Violation tickets for offences under Bylaws specified in the appointment.
- (d) The authority of a Bylaw Enforcement Officer shall terminate when:
 - (i) The person ceases to be an employee of the Village; or
 - (ii) The Chief Administrative Officer terminates the appointment of a Bylaw Enforcement Officer.

5. CONTRACT BYLAW ENFORCEMENT OFFICERS

- 5.1 The Chief Administrative Officer may appoint one or more Contract Bylaw Enforcement Officers.
- (a) All Contract Bylaw Enforcement Officers shall execute the form of contract mutually agreed upon by both parties. The duties of Contract Bylaw Enforcement Officers shall be as set out in the contract.
 - (b) The appointment of any Contract Bylaw Enforcement Officer may be terminated, without prior notice, or by resolution of Council.

6. REPEAL

- 6.1 Bylaw No. 2020-07 is hereby repealed.

7. EFFECTIVE DATE

- 7.1 That this Bylaw shall come into effect upon final reading.

READ for a first time on the _____ of the month of _____ in the year 2024.

READ for a second time on the _____ of the month of _____ in the year 2024.

READ for a third time on the _____ of the month of _____ in the year 2024.

Mayor Barry Goertz

Deputy Mayor Tammy Pickett

SCHEDULE 'A'
CODE OF CONDUCT

A Bylaw Enforcement Officer shall not:

1. Violate:
 - 1.1 Any Act or Regulation made under an Act of Parliament of Canada; any Act or Regulation made under an Act of the Legislature of Alberta; or
 - 1.2 Any provision of the member's appointment;

where the violation is of a nature that would be harmful to the organizational discipline or that it is likely to discredit the Village of Andrew;
2. Act in:
 - 2.1 A disorderly or inappropriate manner; or
 - 2.2 A manner that would be harmful to the organizational discipline;
3. Apply the law differently or exercise authority based on race, color, religion, sex, physical ability, marital status, age, ancestry, or place of origin;
4. Withhold or suppress a complaint against or a report made about a Bylaw Enforcement Officer, or Peace Officer;
5. Willfully or negligently make a sign or false, misleading, or inaccurate statement in any official or unofficial document or record;
6. Neglect, without a lawful excuse, to perform the duties of a Bylaw Enforcement Officer promptly or diligently;
7. Without a lawful excuse:
 - 7.1 Destroy, manipulate, or conceal an official document or record, or
 - 7.2 Alter or erase an entry in an official document or record;
8. Make known any matter that is a person's duty to keep in confidence;
9. Fail to account for or to make prompt and true return of money or property that the member receives in the capacity as a Bylaw Enforcement Officer;
10. Become involved in a financial, contractual, or other obligation with a person whom the member could reasonably expect to report or give evidence about;
11. Without lawful excuse, use the position for personal advantage or another person's personal advantage;
12. Exercise authority as a Bylaw Enforcement Officer when it is unlawful or necessary to do so;
13. Consume alcohol while on duty;
14. Consume, use, or possess drugs that are prohibited by law;
15. Report for duty, be on duty or be on standby while until to do so by reason of the use of alcohol or drugs;
16. Demand, persuade or attempt to persuade another person to give, purchase or obtain any liquor for a Bylaw Enforcement Officer, or Peace Officer who is on duty;

- 17. Apply excessive or otherwise inappropriate force in circumstances where force is used;
- 18. Be in possession of any firearm while on duty;
- 19. When on duty discharge a firearm either intentionally or by accident, and not report the discharge of the firearm to the Supervisor, unless it is permitted in a firearm training course or exercise; and/or
- 20. Fail to exercise sound judgment and restraint in the use and care of a firearm, other weapon or restraining device.

SCHEDULE 'B'
DISCIPLINARY PROCEDURES

1. RECEIPT OF COMPLAINT

- 1.1 An individual may file a complaint in the prescribed manner if the individual feels that a Bylaw Enforcement Officer has misused the power granted to the Bylaw Enforcement Officer under this Bylaw.
- 1.2 A complaint made under Section 1.1 shall:
- (a) be in writing;
 - (b) be sent to the Supervisor;
 - (c) include the address of the Complainant;
 - (d) indicate the reason for the complaint; and
 - (e) Name of the Complainant.
- 1.3 The Supervisor may summarily dismiss a complaint that, in their opinion:
- (a) does not comply with Section 1.2;
 - (b) is made more than one hundred and eighty (180) days after the alleged misuse of power;
 - (c) does not raise an issue of misuse of power by a Bylaw Enforcement Officer; or
 - (d) is frivolous or vexatious.
- 1.4 If the Supervisor dismisses a complaint under Section 1.3, the Supervisor shall send a notice to the Complainant:
- (a) specifying the reasons for the dismissal; and
 - (b) advising of the right of appeal to the Chief Administrative Officer.
- 1.5 Unless Section 1.3 applies, the Supervisor shall, within sixty (60) days of having received a complaint:
- (a) send written acknowledgement of receipt of the complaint to the Complainant.
 - (b) advise the Bylaw Enforcement Officer of the allegations in the complaint and provide the Bylaw Enforcement Officer with a reasonable opportunity to respond to the allegations; and
 - (c) commence an investigation into the complaint.
- 1.6 The Supervisor may conduct the investigation under Section 1.5(c) in the manner that the Supervisor considers appropriate and may, but is not required to, hold a hearing into the matter.
- 1.7 If the Supervisor decides to hold a hearing into a matter of complaint, the Supervisor shall specify the procedure and send the Parties a notice of the procedure that will be used.
- 1.8 Despite no complaint having been received, if the Supervisor has reason to believe that a Bylaw Enforcement Officer has misused the power granted to the Bylaw Enforcement Officer under this Bylaw, the Supervisor may conduct an investigation.

1.9 In the case of an investigation under Section 1.8, the Supervisor shall give the Bylaw Enforcement Officer notice of the matter being investigated and an opportunity to respond to the matter of concern.

1.10 Upon concluding an investigation, the Supervisor shall decide that either:

- (a) the Bylaw Enforcement Officer did not misuse the power granted to the Bylaw Enforcement Officer under this Bylaw; or
- (b) the Bylaw Enforcement Officer misused the power granted to the Bylaw Enforcement Officer under this Bylaw.

1.11 If the Supervisor decides in accordance with Section 1.10(b) the Supervisor shall:

- (a) warn the Bylaw Enforcement Officer;
- (b) reprimand the Bylaw Enforcement Officer;
- (c) suspend the Bylaw Enforcement Officer from duty, with or without pay, for an appropriate period of time;
 - (i) If a suspension results in dismissal, then the period of suspension shall be with pay.
- (d) dismiss the Bylaw Enforcement Officer; or
- (e) sanction or penalize the Bylaw Enforcement Officer in any other appropriate manner.

1.12 Any measure taken under Section 1.11 shall be noted in the Bylaw Enforcement Officer's personnel file.

1.13 Within thirty (30) days of concluding an investigation, the Supervisor shall send written notice of the following to the Parties or, if the investigation is conducted in accordance with, Section 1.8, to the Bylaw Enforcement Officer:

- (a) the Supervisor's decision under Section 1.10 and, if applicable, the sanction levied under Section 1.11;
- (b) reasons; for the Supervisor 's decision;
- (c) where applicable, notice that Section 1.12 has been invoked; and
- (d) notice advising of the right of appeal to the Chief Administrative Officer.

2. APPEAL

2.1 An Applicant may appeal a decision of the Supervisor made under either Section 1.3 or 1.10.

2.2 An appeal under Section 2.1 shall:

- (a) be in writing, setting out the grounds for the appeal;
- (b) be sent to the office of the Chief Administrative Officer;
- (c) include the address of the Appellant;
- (d) be made within fifteen (15) days of the date that the decision was issued by the Supervisor; and
- (e) where the Appellant is the Complainant, be accompanied by an appeal fee of One Hundred (\$100.00) Dollars, payable to the Village of Andrew.

- 2.3 The Chief Administrative Officer may summarily dismiss an appeal that, in the Chief Administrative Officer's opinion does not comply with Section 2.2.
- 2.4 If the Chief Administrative Officer dismisses an appeal under Section 2.3, the Chief Administrative Officer shall send a notice to the appellant specifying the grounds and giving the reasons for the dismissal.
- 2.5 Within fifteen (15) days of receiving a notice of appeal that complies with Section 2.2 the Chief Administrative Officer shall:
- (a) send the Supervisor a notice requiring the Supervisor to, within five (5) days, forward all documents relating to the original complaint (if any), as well as the subsequent investigation and decision; and
 - (b) send the Respondent (if any) a copy of the notice of appeal.
- 2.6 Subject to Section 2.7, the Chief Administrative Officer may conduct the appeal as the Chief Administrative Officer considers appropriate, and although not required to do so, may conduct a new investigation and hold a new hearing.
- 2.7 In conducting the appeal the Chief Administrative Officer shall:
- (a) send the Appellant and Respondent (if any) a notice setting out the procedure and the timelines that the Chief Administrative Officer intends to follow in conducting the appeal;
 - (b) permit the Appellant and Respondent (if any) to review the materials provided by the Supervisor, unless the Chief Administrative Officer has reason to believe that disclosure of those materials will:
 - (i) detrimentally affect an ongoing investigation into an alleged violation of a Bylaw,
 - (ii) place any person at risk of harm, or
 - (iii) violate any provision of the *Freedom of Information and Protection of Privacy Act*;
 - (c) provide the Appellant and Respondent (if any) with an opportunity to make submissions to the Chief Administrative Officer; and
 - (d) consider the materials gathered by the Supervisor during the investigation.
- 2.8 In concluding the appeal, the Chief Administrative Officer shall dismiss or allow the appeal in whole or in part.
- 2.9 If the Chief Administrative Officer allows the appeal in whole or in part, the Chief Administrative Officer shall make an order that, in addition to setting out the Chief Administrative Officer's decision to allow the appeal:
- (a) sets aside the decision of the Supervisor;
 - (b) authorizes the return of the appeal fee referred to under Section 2.2; and
 - (c) authorizes that the appropriate amendments be made to the Bylaw Enforcement Officer's personnel file.
- 2.10 If, in allowing the appeal in whole or in part, the Chief Administrative Officer finds that the Bylaw Enforcement Officer has misused the power granted to him or her under this Bylaw, the Chief Administrative Officer may exercise any of the powers of the Supervisor as set out under Section 1.11.

- 2.11 Within thirty (30) days of concluding a review of the appeal, the Chief Administrative Officer shall send written notice of the following to the Appellant and Respondent (if any):
- (a) the Chief Administrative Officer's decision under Section 2.8;
 - (b) the Chief Administrative Officer's order under Section 2.9; and
 - (c) reasons for the Chief Administrative Officer's decision and order.
- 2.12 The Chief Administrative Officer's decision regarding an appeal is final.

3. NOTICE OF PROCEEDINGS

- 3.1 Any notice, decision or document sent in accordance with this Bylaw is deemed to be received by the addressee:
- (a) when it is personally delivered to the addressee; or
 - (b) five (5) days after the notice, decision or document is posted by certified mail to the last known address of the addressee.

SCHEDULE 'C'
OATH OF OFFICE

I, _____, 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
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- OR -

I, _____, solemnly swear and truly declare and affirm 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.

_____ Signature of Bylaw Enforcement Officer	_____ Date
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_____ Commissioner of Oaths	_____ Date
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