

BYLAW NO. 888-13

BEING A BYLAW OF THE MACKENZIE COUNTY IN THE PROVINCE OF ALBERTA

BYLAW ENFORCEMENT OFFICER BYLAW

A BYLAW SETTING OUT THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 requires a Council to, by bylaw, set out the powers and duties of and disciplinary procedures applicable to its Bylaw Enforcement Officers:

NOW THEREFORE, the Mackenzie County Municipal Council enacts as follows:

DEFINITIONS

1. This bylaw shall be known as the "Bylaw Enforcement Officer Bylaw."
2. The following definitions shall apply when used within this bylaw:
 - (a) **Bylaw**: a bylaw of the Mackenzie County;
 - (b) **Bylaw Enforcement Officer**: an employee of the County who has been appointed pursuant to this Bylaw as a Bylaw Enforcement Officer;
 - (c) **Chief Administrative Officer**: a person appointed to the Chief Administrative Officer by a bylaw pursuant to Municipal Government Act;
 - (d) **County**: the Mackenzie County in the Province of Alberta;
 - (e) **Council**: the Council of the Mackenzie County;
 - (f) **Offense Ticket**: any ticket or tag which is authorized by the Municipal Government Act and is in a form approved by the Chief Administrative Officer, issued for any bylaw offense in which a penalty may be paid out of court in lieu of appearing to answer a summons; and
 - (g) **Notice**: any notice authorized to be given under any County bylaw.

SUPERVISOR OF BYLAW ENFORCEMENT

3. The County's Chief Administrative Officer or his/her designate shall be the Supervisor of Bylaw Enforcement.

4. The Supervisor of Bylaw Enforcement, in addition to all other powers and duties set out within the Bylaw, is authorized:
 - (a) 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; and
 - (b) to carry out any further duties and responsibilities assigned by Council.

CHIEF BYLAW ENFORCEMENT OFFICER

5. The Chief Administrative Officer or his/her designate shall be the Chief Bylaw Enforcement Officer.
6. The powers and duties of the Chief Bylaw Enforcement Officer are as follows:
 - (a) to ensure that bylaws of the County are enforced;
 - (b) to provide for the supervision of the performance and conduct of the Bylaw Enforcement Officers of the County;
 - (c) to report to the Chief Administrative Officer, when requested to so do, and carry out the directions of Council;
 - (d) to establish standards of uniform, insignia and identification for Bylaw Enforcement Officers;
 - (e) 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.
7. The appointment of the Chief Bylaw Enforcement Officer may be terminated by the Supervisor of Bylaw Enforcement or by the Chief Administrative Officer.

BYLAW ENFORCEMENT OFFICER

8. The Supervisor of Bylaw Enforcement may appoint Bylaw Enforcement Officers.
9. The powers and duties of Bylaw Enforcement Officers shall include the following:
 - (a) to enforce the bylaws which the Bylaw Enforcement Officer is authorized to enforce within the boundaries of the County;
 - (b) to follow the directions of the Chief Bylaw Enforcement Officer and to report to the Chief Bylaw Enforcement Officer as required by him/her;

- (c) to respond to and investigate complaints;
- (d) to issue notices and offense tickets;
- (e) to lay information;
- (f) to assist in the prosecution of bylaw contraventions including appearances in court to provide evidence;
- (g) to carry upon his/her person at all such times as he/she is acting as a Bylaw Enforcement Officer evidence in writing of his position as a Bylaw Enforcement Officer of the County;
- (h) to perform all other enforcement duties delegated to the County by any statute of the Province of Alberta, that he/she is assigned by the Chief Bylaw Enforcement Officer to enforce;
- (i) to perform such other duties as may from time to time be assigned by the Chief Bylaw Enforcement Officer or the Supervisor of Bylaw Enforcement;

10. All Bylaw Enforcement Officers shall perform their duties within the Conduct as established by this bylaw, and follow all directions of the Chief Bylaw Enforcement Officer.

COMPLAINTS, DISCIPLINARY ACTION AND APPEALS

11. The process for the handling of complaints and appeals arising from matter respecting the conduct in the performance of duty of a Bylaw Enforcement Officer is established as follows:

- (a) All complaints respecting the conduct or performance of duty of any member of shall be directed to the Supervisor of Bylaw Enforcement for investigation.
- (b) A complaint shall be in writing, dated and signed by the complainant.
- (c) The Supervisor of Bylaw Enforcement shall investigate the complaint and may:
 - i) reprimand the Bylaw Enforcement Officer, or
 - ii) dismiss the claim, or
 - iii) suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the County, but such period of suspension shall not exceed one (1) month, or
 - iv) terminate the appointment of the Officer.

Suspension and termination actions may only take place if a Bylaw Enforcement Officer breaches the Conduct as established in this Bylaw.

- (d) The Supervisor of Bylaw Enforcement shall inform the complainant in writing within 30 (thirty) calendar days from the date of receiving a complaint as to whether all or any portion of the said complaint was found justifiable, and whether disciplinary action is to be taken, and shall inform the complainant of his right of appeal to the Council.
- (e) The complainant may, within 14 (fourteen) calendar days after receiving the information from the Supervisor of Bylaw Enforcement, file a notice of appeal with Council, setting forth the grounds of which the appeal is based.
- (f) A Bylaw Enforcement Officer who feels himself/herself aggrieved by disciplinary action taken against him/her under this bylaw may, within 14 (fourteen) calendar days after being advised of disciplinary action, file with the Council a notice of appeal setting forth the grounds of which the appeal is based.
- (g) When an appeal is filed under this section, any disciplinary action taken as a result of the Supervisor of Enforcement Services decision shall stand until a decision regarding the appeal is made by Council.
- (h) Council shall make a decision regarding the appeal filed by the aggrieving Bylaw Enforcement Officer may:
 - i) dismiss the appeal;
 - ii) allow the appeal;
 - iii) revoke, vary or affirm disciplinary action imposed;
- (i) The Council shall make their decision and provide a written decision notice within 30 (thirty) calendar days to:
 - i) the complainant in the case of an appeal under Section 11 (e) or the appellant in the case of an appeal under Section 11 (f);
 - ii) the Supervisor of Enforcement Services.
- (j) The decision of Council shall be final.

CONDUCT

12. All Bylaw Enforcement Officers respecting the conduct or performance of duty, may be subject to suspension or termination if the offence includes:

- (a) Discreditable conduct:
 - i) willfully or negligently makes a false complaint or lays a false complaint or statement against any person, or
 - ii) withholds or suppresses a complaint or report against any person, or
 - iii) is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code of Canada, or
 - iv) abets, connives or is knowingly an accessory to a general default described in this bylaw.
- (b) Deceit:
 - i) knowingly makes or signs a false statement in an official document or book, or
 - ii) willingly or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or
 - iii) without lawful excuse destroys, mutilates, or conceals an official document or record or alters or erases any entry therein.
- (c) Breach of confidence:
 - i) divulges any matter which it is his duty to keep secret, or
 - ii) without proper authorization or in contravention of any rules of the department communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation, or
 - iii) without proper authorization shows to any unauthorized person, any book or written or printed paper, document or report relating to any law enforcement matter that is the property of or in the custody of the employer of the Bylaw Enforcement Officer.

- (d) Corrupt practice:
 - i) fails to account for or make a prompt, true return of money or property received in an official capacity, or
 - ii) directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial, or
 - iii) places himself under a pecuniary or obligation to a person of respect, whose conduct or business operation or employment the Officer may likely have to report or give evidence, or
 - iv) improperly uses his position as a Bylaw Enforcement Officer for private advantage.
- (e) Unlawful or unnecessary exercise of authority:
 - i) is unnecessarily discourteous or uncivil to a member of the public, or
 - ii) uses excessive force in the execution of his duties without just cause, or
 - iii) uses excessive authority of his position with his co-workers.
- (f) Use of intoxicating liquor, or drugs in a manner prejudiced to duty:
 - i) while on shift is unfit for duty due to the personal use of liquor, drugs or intoxicants, or
 - ii) reports for a shift and is unfit for duty due to the personal use of liquor, drugs or intoxicants prior to reporting for work, or
 - iii) personally uses, consumes or receives from other persons liquor, drugs or intoxicants while on duty.

GENERAL

13. This bylaw shall come into force and effect upon third reading by Council and shall repeal and replace Bylaw 397/03.

In the event that this bylaw is in conflict with any other bylaw, this bylaw shall have paramountcy.

READ a first time this 09th day of April, 2013.

READ a second time this 09th day of April, 2013.

READ a third time and finally passed this 24th day of April, 2013.

(original signed)

Bill Neufeld
Reeve

(original signed)

Joulia Whittleton
Chief Administrative Officer