

BYLAW NO. 2021-03
A BYLAW OF THE TOWN OF MILLET
IN THE PROVINCE OF ALBERTA
TO ESTABLISH THE BYLAW ENFORCEMENT OFFICER BYLAW

AND WHEREAS, Section 7 (i) of the *Municipal Government Act*, RSA 2000, c M26, 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, the Council of the Town of Millet, duly assembled, enacts as follows:

BYLAW TITLE

- 1) This Bylaw may be referred to as the “Bylaw Enforcement Officer Bylaw.”

DEFINITIONS

- 2) The following definitions shall apply when used within this “bylaw.”
 - (a) “Bylaw” a bylaw of the Town of Millet;
 - (b) “Bylaw” Enforcement Officer: means an individual appointed pursuant to this Bylaw as a Bylaw Enforcement Officer, including a Contract Bylaw Enforcement Officer;
 - (c) “Chief Administrative Officer” means the chief administrative officer of the Town or delegate;
 - (d) Contract Bylaw Enforcement Officer: a person who is not an employee of the Town but under contract with the Town appointed pursuant to this Bylaw as a Contract Bylaw Enforcement Officer;

- (e) Council: The Council of the Town of Millet;
- (f) Municipal Government Act: means the *Municipal Government Act*, RSA 2000, c M- 26, as amended;
- (g) Municipal tag: means a form alleging an offence of a Town Bylaw allowing for voluntary payment of the prescribed fine;
- (h) Provincial Offences Procedure Act: means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended;
- (i) Trespass to Premises Act means: The *Trespass to Premises Act*, RSA 2000, c T-7, as amended;
- (j) Town: The Town of Millet in the Province of Alberta;
- (k) Violation ticket has the same meaning as defined in the *Provincial Offences Procedure Act*;

SUPERVISOR OF BYLAW ENFORCEMENT

- 3) The Chief Administrative Officer or his designate shall be the Supervisor of the Bylaw Enforcement Officers.
 - (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 of the Town 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 Town;
 - 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- t o - t i m e 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; and
 - ix. Appoint individuals as bylaw enforcement officers in accordance with this bylaw;
 - x. Revoke, suspend, or modify the appointments of bylaw enforcement officers in accordance with this bylaw; Monitor and investigate complaints of misuse of power by bylaw enforcement officers;

- xi. Monitor and investigate complaints of misuse of power by bylaw enforcement officers;
- xii. Take whatever actions or measures are necessary to eliminate an emergency in accordance with section 551 of the *Municipal Government Act*;
- xiii. Add any amounts owing to the Town to a tax roll in accordance with the *Municipal Government Act*;
- xiv. Grant written authorization to issue violation tickets under the Provincial Offences Procedure Act;
- xv. 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. Delegate any of the Towns Chief Administrative Officer's powers, duties, or functions contained in this section to any employee of the Town, including the option to further delegate those powers, duties, or functions.

BYLAW ENFORCEMENT OFFICERS

- 4) The Chief Administrative Officer may appoint one or more Bylaw Enforcement Officers and 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, of the Province of Alberta as outlined in Schedule C.
 - (b) The powers and duties of Bylaw Enforcement Officers shall include the following:
 - i. to enforce the bylaws which the Bylaw Enforcement Officer is authorized to enforce within the boundaries of the Town;
 - ii. to follow the directions of the Supervisor and to report to the Supervisor as required by him;
 - iii. to respond to and investigate complaints;
 - iv. to conduct routine patrols;
 - v. to assist in the prosecution of bylaw contraventions including appearances in court to provide evidence;
 - vi. to carry upon his person at all such times as he is acting as a Bylaw Enforcement Officer evidence in writing of his position as a Bylaw Enforcement Officer of the Town;
 - vii. to perform all other enforcement duties delegated to the Town by any statute of the Province of Alberta, or the Dominion of Canada, that he is assigned by the Supervisor to enforce; and
 - viii. to perform such other duties as may from time to time be assigned by Supervisor of Bylaw Enforcement;
 - ix. The Bylaw Enforcement Officer shall 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 section 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 Town is authorized to enforce, or a bylaw in accordance with section 549 of the *Municipal Government Act*;
- xiv. Take whatever actions or measures are necessary to eliminate a danger to public safety caused by a structure, excavation, or hole or to deal with the unsightly condition of a property in accordance with section 550 of the *Municipal Government Act*;
- xv. Exercise all the powers, duties, and functions of a development authority to issue written order pursuant to section 645 of the *Municipal Government Act*;
- xvi. Take whatever actions or measures are necessary to carry out an order issue pursuant to section 645 or 687 of the *Municipal Government Act*;
- xvii. Issue notices not to trespass under the *Trespass to Premises Act*;
- xviii. Prepare and lay information's;
- xix. Place an erasable chalk mark on the tread face of a tire of a parked or stopped vehicle;
- xx. Certify Town 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 Town; or
- ii. the Chief Administrative Officer terminates the appointment of a Bylaw Enforcement Officer.

CONTRACT BYLAW ENFORCEMENT OFFICERS

5) 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 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.

Bylaw 2009/02 is hereby rescinded.

This Bylaw shall come into force and effect when it has received third reading and has been duly signed by the Mayor and Chief Administrative Officer.

Read a first time this 28th day of April, A.D., 2021.

Read a second time this 28th day of April, A.D., 2021.

Read a third time and finally passed this 28th day of April, A.D., 2021.

TOWN OF MILLET

ORIGINAL SIGNED

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Schedule "A"

Bylaw 2021-03
CODE OF CONDUCT

1) A Bylaw Enforcement Officer shall not:

(a) Violate:

- i. any Act or Regulation made under an Act of Parliament of Canada;
- ii. any Act or Regulation made under an Act of the Legislature of Alberta; or
- iii. 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 Town of Millet;

(b) Act in:

- i. a disorderly or inappropriate manner; or
- ii. a manner that would be harmful to the organizational discipline;

(c) Apply the law differently or exercise authority based on race, color, religion, sex, physical ability, marital status, age, ancestry, or place of origin;

(d) Withhold or suppress a complaint against or a report made about a Bylaw Enforcement Officer, or Peace Officer;

(e) Willfully or negligently make a sign or false, misleading, or inaccurate statement in any official or unofficial document or record;

(f) Neglect, without a lawful excuse, to perform the duties of a Bylaw Enforcement Officer promptly or diligently;

(g) Without a lawful excuse:

- i. destroy, manipulate, or conceal an official document or record, or
- ii. alter or erase an entry in an official document or record;

(h) Make known any matter that is a person's duty to keep in confidence;

(i) 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;

(j) Become involved in a financial, contractual, or other obligation with a person whom the member could reasonably expect to report or give evidence about;

(k) Without lawful excuse, use the position for personal advantage or another person's personal advantage;

(l) Exercise authority as a Bylaw Enforcement Officer when it is unlawful or necessary to do so;

(m) Consume alcohol while on duty;

(n) Consume, use, or possess drugs that are prohibited by law;

- (o) Report for duty, be on duty or be on standby while until to do so by reason of the use of alcohol or drugs;
- (p) 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;
- (q) Apply excessive or otherwise inappropriate force in circumstances where force is used;
- (r) Be in possession of any firearm while on duty that is:
 - i. not approved by the Alberta Minister of Justice and Attorney General, and
 - ii. is not issued to the Bylaw Enforcement Officer by the Town of Millet;
- (s) 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;
- (t) Fail to exercise sound judgment and restraint in the use and care of a firearm, other weapon or restraining device;

Schedule “B”

Bylaw 2021-03

DISCIPLINARY PROCEDURES

1) Receipt of Complaint

- (a) Complaints concerning the conduct of a Bylaw Enforcement Officer shall be directed to the Supervisor, in writing.
- (b) The Supervisor shall acknowledge receipt of the complaint in writing to the person making the complaint, and the person against whom the complaint is made.

2) Investigation

- (a) The Supervisor shall investigate the complaint or have it investigated, seeking assistance as required or passing on the investigation information to the Royal Canadian Mounted Police where appropriate.
- (b) After determining all the facts, the Supervisor may either dismiss the complaint as unfounded, as unsubstantial, or find that the Bylaw Enforcement Officer has committed a misconduct.
- (c) If the Supervisor is satisfied that a misconduct has been committed, he shall take corrective disciplinary action.
- (d) Despite section (c) the Supervisor may resolve minor complaints informally, arriving at a solution that is satisfactory to all parties.

3) Disciplinary Action

- (a) If the Supervisor finds that the Bylaw Enforcement Officer has committed a misconduct, he may take on of the following measures:
 - i. a suspension, for a period not exceeding one (1) week, will be given to the Bylaw Enforcement Officer if his performance is unsatisfactory and warrants suspension. A notation of the warning with the signature of the Supervisor will be placed in the Bylaw Enforcement Officer’s employee file;
 - ii. for lesser offences, a written warning will be issued by the Supervisor, or
 - iii. recommend to Council that the appointment of the Bylaw Enforcement Officer be terminated.
- (b) When a suspension is issued, a written notice outlining reasons for the suspension will be given to the Bylaw Enforcement Officer.
- (c) The record of suspension will remain in the Bylaw Enforcement Officer’s employee file for two (2) years after which time it may be erased if the

situation leading to the suspension has been rectified.

- (d) If the suspension results in dismissal, then the period of suspension shall be with pay.
- (e) A Bylaw Enforcement Officer wishing to appeal against his suspension or dismissal must do so in writing to the Council. Such notice of appeal must be in the hands of the Supervisor not later than fifteen (15) calendar days from the date of dismissal. The decision of Council will be final.

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

- **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