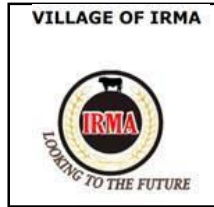


## BYLAW 20-06



**BEING A BYLAW OF THE VILLAGE OF IRMA IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING THE POWERS AND DUTIES AND DISCIPLINARY PROCEDURES RELATING TO a BYLAW ENFORCEMENT OFFICER IN THEIR CAPACITY AS PRESERVERS AND MAINTAINERS OF THE PUBLIC PEACE.**

**WHEREAS** Section 7 of the *Municipal Government Act*, R.S.A. 2000, c M-26 as amended, (hereafter the "*Municipal Government Act*") provides that Council may pass bylaws for municipal purposes;

**AND WHEREAS**, Section 5 of the *Municipal Government Act* provides that a municipality has the powers, duties and functions given to it under the Municipal Government Act and other enactments;

**AND WHEREAS**, Section 203 of the *Municipal Government Act* provides that Council may by bylaw delegate any of its powers, duties or functions;

**AND WHEREAS**, Section 209 of the *Municipal Government Act* provides that the Chief Administrative Officer may delegate any of his powers, duties or functions;

**AND WHEREAS**, Sections 555 and 556 of the *Municipal Government Act* provides that the powers and duties of bylaw enforcement officer, and the disciplinary procedures applicable to bylaw enforcement officers, must be specified by Council of the municipality;

**AND WHEREAS**, all references to legislation are Alberta statutes unless otherwise stated;

**AND WHEREAS**, the Village of Irma deems it necessary to have bylaw enforcement for peace and order within the community;

**NOW THEREFORE**, the Council of the Village of Irma, in Council duly assembled, hereby enacts as follows:

1. This bylaw shall be cited as the "Bylaw Enforcement Officer Bylaw."
2. In this bylaw, including this section:
  - a. "Bylaw" means a bylaw of the Village of Irma;
  - b. "Bylaw Enforcement Officer(s)" means the Chief Administrative Officer or Public Works Foreman of the Village of Irma to carry on the duties of enforcing Village Bylaws and who has been appointed pursuant to this bylaw;
  - c. "Village" means the Village of Irma;
  - d. "Chief Administrative Officer" means the chief administrative officer of the Village of Irma and the person who is appointed as such by Village Council, or anyone who is the acting chief administrative officer;
  - e. "Council" means Council of the Village of Irma;
  - f. "Offence Ticket", means any ticket or tag which is authorized under the *Municipal Government Act*, the *Provincial Offences Procedures Act*, and any other enactment, and which is issued for any bylaw offence;
  - g. "Notice" is any notice authorized to be given under any Village bylaw or enactment.

### **Bylaw Enforcement Officer**

3. Bylaw Enforcement Officer(s) are employees or contractors, as the case may be, of the Village. Bylaw Enforcement Officers are peace officers responsible for the preservation

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and maintenance of the public peace as outlined in this bylaw.

4. The powers and duties of Bylaw Enforcement Officers include:
  - a. To enforce the bylaws of the Village of Irma which the Bylaw Enforcement Officer is authorized to enforce within the geographical boundaries of the Village.
  - b. To follow the directions of Council and to report to Council solely.
  - c. To respond to and investigate complaints;
  - d. To issue notices or offence Tickets;
  - e. To obey all rules and regulations established by Council;
  - f. To assist in the prosecution of by-law contraventions including appearances in court to provide evidence;
  - g. To perform all duties as may from time to time be assigned by Council;
  - h. To take the official oath prescribed by the *Oaths of Office Act* upon being appointed by resolution of Council as a Bylaw Enforcement Officer;
  - i. To carry identification identifying him as a Bylaw Enforcement Officer when performing work in that capacity for the Village of Irma;
  - j. To perform all other duties as assigned by Council.
5. The employment of a Bylaw Enforcement Officer or a person or company contracted to provide bylaw enforcement services to the Village is terminated when the Village Council terminates it with or without just cause or by operation of law, or the Bylaw Enforcement Officer resigns employment or the contract expires.
6. The authority of a Bylaw Enforcement Officer terminates when the Chief Administrative Officer is no longer an employee or contractor, as the case may be, of the Village. The authority of the Bylaw Enforcement Officer is suspended when the Chief Administrative Officer is suspended for disciplinary reasons.
7. The appointment of a Bylaw Enforcement Officer is revoked when the employment or contract, as the case may be, of the Chief Administrative Officer with the Village is fulfilled or terminated.

#### **Bylaw Enforcement Officers - Authority to Enforce**

8. The Bylaw Enforcement Officer is authorized to enforce all Village Bylaws and enter at all reasonable times on to any property or premises to ascertain whether the regulations and provisions of the said bylaw(s) are being or have been complied with.

#### **Disciplinary Procedures, Penalties and Appeals**

9. Misconduct for which a Bylaw Enforcement Officer may be disciplined shall include, but not be limited to, the following:
  - a. Poor performance;
  - b. Absenteeism;
  - c. Discreditable conduct including conduct while off duty;
  - d. Neglect of duty;
  - e. Insubordination;
  - f. Dishonesty or deceit;
  - g. Breach of confidentiality;
  - h. Corrupt practice;
  - i. Unsafe practices;

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- j. Theft;
  - k. Falsification of records;
  - l. Attending work while under the influence of alcohol, illicit drugs or other substances;
  - m. Consuming alcohol or illicit drugs or other intoxicating substances while performing duties;
  - n. Unlawful or unnecessary exercise of authority; and
  - o. Conviction of a criminal offence.
10. A proved and substantiated allegation of misconduct of a Bylaw Enforcement Officer may be made by any person including the Chief Administrative Officer.
  11. Where it is alleged that a Bylaw Enforcement Officer, in carrying out duties as a peace officer, has engaged in proved misconduct, the Chief Administrative Officer or Council shall conduct an investigation into the allegations of misconduct, or cause an investigation into the allegations of misconduct to be conducted.
  12. During the investigation into the allegations of misconduct, the Bylaw Enforcement Officer will be informed of the nature of the allegations in sufficient detail to permit the Bylaw Enforcement Officer a reasonable opportunity to provide relevant facts or explanation related to the allegations of misconduct.
  13. The duties of a Bylaw Enforcement Officer may be suspended with or without pay while an investigation is conducted into allegations of misconduct.
  14. When the investigation into an allegation of misconduct of a Bylaw Enforcement Officer has been completed and misconduct has been found, the Chief Administrative Officer shall decide what disciplinary action will be taken. Disciplinary actions may include, but are not limited to, a written warning, suspension with or without pay for up to 6 months, or termination of employment or a contract for just cause. The Chief Administrative Officer shall provide the Bylaw Enforcement Officer with the disciplinary action in writing with reasons. The written disciplinary action may be presented to the Bylaw Enforcement Officer in person, or mailed to the last known address of the Bylaw Enforcement Officer.
  15. When the investigation into an allegation of misconduct of a Bylaw Enforcement Officer has been completed and misconduct is not found, the Chief Administrative Officer shall dismiss the allegations of misconduct and the Bylaw Enforcement Officer shall be notified in writing that the allegations of misconduct have been dismissed.
  16. A Bylaw Enforcement Officer may appeal the disciplinary action taken by the Chief Administrative Officer to Council by giving written notice of appeal, with reasons, within 10 days from the time the disciplinary action of the Chief Administrative Officer was provided to the Bylaw Enforcement Officer in person or within 30 days of the disciplinary action being mailed to the last known address of the Bylaw Enforcement Officer, whichever first occurs.
  17. Upon receiving a notice of appeal, Council shall hold a hearing into the matter within 15 days after receiving the notice of appeal from the Bylaw Enforcement Officer, or such longer time as may be determined by the Chief Administrative Officer. The following applies to such a hearing:
    - a. The Bylaw Enforcement Officer shall be provided with reasonable notice, in writing, of at least two days of the hearing.
    - b. The Chief Administrative Officer any other party the Chief Administrative Officer considers to be affected by the appeal shall be provided with reasonable notice of the hearing, in writing, of at least two days.
    - c. The Chief Administrative Officer will determine the procedures to be followed at the hearing.

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- d. Any oral or written evidence may be accepted at the hearing as determined by the Chief Administrative Officer in his/her sole discretion, whether such evidence is admissible in a court of law or not. The Chief Administrative Officer is not bound by the law of evidence applicable to judicial proceedings.
  - e. At the hearing the Bylaw Enforcement Officer, or the designated representative of the Bylaw Enforcement Officer, will be given reasonable opportunity to present relevant evidence and make representations by way of argument.
  - f. The hearing before Council is not a public hearing.
18. The decision of Council, in writing and with reasons, will be provided to the Bylaw Enforcement Officer and the Chief Administrative Officer within 30 days of the hearing, or such longer time as may be required and determined by Council. The decision of Council is final and binding.

**General**

19. Should any part of this Bylaw be found to have been improperly enacted, for any reason, then such part shall be severable from the remainder of this Bylaw and this Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of the Bylaw.

**Effective**

20. This Bylaw comes into force upon the date of final passing.

**Repeal**

21. No previous Bylaws to this effect and any other Bylaw relating to this item is hereby rescinded.

READ a first time this 10<sup>th</sup> day of November, 2020.

READ a second time this 10<sup>th</sup> day of November, 2020.

Given Unanimous consent to go to third reading on this 10<sup>th</sup> day of November, 2020

READ a third and final time on this 10<sup>th</sup> day of November, 2020.

**SIGNED** this 10<sup>th</sup> day of November, 2020.

Initials of Mayor and CAO:

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The Village of Irma  
The Province of Alberta, Canada

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Chief Elected Official

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Chief Administrative Officer

Initials of Mayor and CAO:

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