

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1056, 2020
BYLAW ENFORCEMENT BYLAW

BEING a bylaw of the Municipality of Crowsnest Pass in the province of Alberta, to specify the powers and duties of Bylaw Enforcement Officers, establish standards of conduct and disciplinary procedures applicable to its Bylaw Enforcement Officers.

WHEREAS pursuant to Section 556 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended from time to time, provides every Council must by bylaw specify the powers and duties of Bylaw Enforcement Officers and establish disciplinary procedures applicable to its Bylaw Enforcement Officers;

AND WHEREAS pursuant to Section 210 of the *Municipal Government Act*, further provides that Council may, by bylaw, establish one or more positions to carry out the powers, duties and functions of a designated officer;

NOW THEREFORE, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled, enacts as follows:

1. Short Title

1.1 This Bylaw shall be cited as the “Bylaw Enforcement Bylaw”.

2. Definitions

2.1 In this Bylaw:

- (a) “**Act**” means the Municipal Government Act, RSA 2000, c. M-26 and regulations, as amended from time to time.
- (b) “**Bylaw**” means a bylaw passed by the Municipality.
- (c) “**Bylaw Enforcement Officer**” means an individual who has been appointed pursuant to this Bylaw as a Bylaw Enforcement Officer;
- (d) “**Bylaw Enforcement Manager**” means the Chief Administrative Officer or any individual appointed by the CAO to oversee and supervise Bylaw Enforcement Officers;
- (e) “**Chief Administrative Officer**” or “**CAO**” means the individual appointed by Council to be the Chief Administrative Officer of the Municipality or their delegate;
- (f) “**Development Compliance Officer**” or “**DCO**” means an individual who has been appointed pursuant to this Bylaw as a Development Compliance Officer;
- (g) “**Development Compliance Manager**” means the CAO or any individual appointed by the CAO to oversee and supervise Development Compliance Officer;
- (h) “**Municipality**” means the Municipality of Crowsnest Pass in the Province of Alberta;

- (i) **“Officer”** means any individual appointed as a Bylaw Enforcement Officer, Development Compliance Officer or Safety Codes Officer pursuant to this Bylaw;
- (j) **“Safety Codes Officer” or “SCO”** means a Safety Codes Officer employed by the Municipality and certified by an Administrator pursuant to Section 31 of the Safety Codes Act, RSA 2000, c. S-1 to exercise their authority within the Municipality;
- (k) **“Safety Codes Officer Manager”** means the CAO or any individual appointed by the CAO to oversee and supervise Safety Codes Officers;

2.2 All other terms used in this Bylaw shall have the meaning as is assigned to them by the Act, to the extent that said meaning differs from the ordinary meaning of such terms.

3. Appointment of Officers

- 3.1 The CAO may, from time to time, appoint one or more Officers in accordance with this Bylaw and may impose terms and conditions on Officer’s appointments.
- 3.2 The CAO may revoke, suspend or modify the appointment of an Officer in accordance with this Bylaw.
- 3.3 The CAO shall ensure complaints of misuse of power by an Officer are investigated.
- 3.4 The CAO may delegate any of the CAO’s powers, duties or functions contained in this section to any employee of the Municipality, including the option to further delegate those powers, duties, and functions.
- 3.5 An Officer must, before starting their duties, take the official oath prescribed by the Oaths of Office Act, RSA 2000, c. O-1, or such other oath as may be required from time to time, and as amended or replaced.

4. Powers and Responsibilities of Officers

- 4.1 In accordance with their appointment by the CAO, the powers and duties of Officers shall include the following:
 - (a) Preserving and maintaining the public peace;
 - (b) Enforcing the Bylaws of the Municipality;
 - (c) Responding to and investigating complaints and alleged breaches of Bylaws;
 - (d) Issuing warnings, orders, notices and tickets as required;
 - (e) Advising and providing education to the public on the Bylaws of the Municipality;
 - (f) Participating in the prosecution of breaches of Bylaws including gathering evidence, ensuring the attendance of witnesses, attending court and providing evidence as required;

- (g) Exercising all powers, duties and functions of a designated officer to conduct inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with Section 542 of the Municipal Government Act;
 - (h) Exercising all powers, duties and functions of a designated officer to issue orders in accordance with Section 545 and 546 of the Municipal Government Act;
 - (i) Perform routine patrols;
 - (j) Performing other duties as may be assigned from time to time by the Bylaw Enforcement Manager.
- 4.2 Officers shall exercise their powers and duties in accordance with all the Municipality's applicable policies and procedures established from time to time.
- 4.3 The authority of an Officer shall terminate when:
- (a) The employee ceases to be an employee of the Municipality;
 - (b) The employee accepts another position within the Municipality that doesn't require Bylaw Enforcement;
 - (c) The employee is appointed as a Community Peace Officer.

5. Limited Authority

- 5.1 The CAO may, from time to time, appoint a Bylaw Enforcement Officer with limited authority for the enforcement of specific bylaws or portions of bylaws. In such cases, the CAO has the sole discretion to approve, deny or terminate an appointment.

6. Misuse of Power and Conduct of Officers

- 6.1 All Officers are expected to exercise sound judgement, discretion, and integrity in carrying out their duties.
- 6.2 An Officer who misuses the power of their position or conducts themselves in a manner which undermines public trust and confidence or in any way contravenes Municipal policy, as may be established, respecting conduct, commits an offence pursuant to this Bylaw and may be subject to discipline, which may include suspension or termination. Such offences include, but are not limited to:
- (a) Discreditable conduct- knowingly, willfully or negligently making a false complaint or laying a false complaint against any person, withholding or suppressing a complaint, or being found guilty of an indictable offence;
 - (b) Deceit- knowingly, willfully or negligently making or signing a false, misleading or inaccurate statement, or destroying, mutilating, concealing or altering an official document or record;

- (c) Breach of confidence- divulging information, which is to be kept secret, or communicating information without proper authorization which could be injurious to a person or investigation;
- (d) Corrupt Practice- failing to account for property or money received in an official capacity, soliciting, receiving, or accepting a gratuity, gift or token, whether directly or indirectly, or improperly using their position for private advantage; and
- (e) Unlawful or unnecessary exercise of authority including being discourteous, disrespectful, or verbally abusive to a member of the public, using excessive force in carrying out their duties without just cause or using the authority of their position to bully, harass or intimidate others.

7. Disciplinary Procedures and Appeal

- 7.1 Complaints concerning the conduct of a Bylaw Enforcement Officer shall be directed to the Bylaw Enforcement Manager.
- 7.2 Complaints concerning the conduct of Development Compliance Officers shall be directed to the Development Compliance Manager.
- 7.3 Complaints concerning the conduct of Safety Codes Officers shall be directed to the SCO Manager.
- 7.4 All complaints must be submitted in writing and include, at a minimum, the following information:
 - (a) Name and contact information of the complainant and,
 - (b) Details of the alleged misconduct by the Officer
- 7.5 If in the opinion of the Manager, based on reasonable grounds, an Officer has misused a power, contravened an appointment or this Bylaw, acted contrary to public interest, or has acted in bad faith, the CAO may suspend, revoke, or modify the Officer's appointment in accordance with this Bylaw.
- 7.6 The Manager shall provide the Officer with written notice of the complaint.
- 7.7 The Manager shall investigate or ensure the complaint is investigated against an Officer, and may dismiss the complaint or allegation, in whole or in part, if it is determined to be frivolous, without merit, unfounded or unsubstantiated.
- 7.8 During the course of the investigation, prior to determining an outcome, the Officer shall be given the opportunity to make a full response to the complaint and provide written submissions to the Manager or investigator.
- 7.9 Within 14 days of receiving the decision from the Manager, the affected Officer or the complainant may, in writing, appeal the decision of the Manager to the CAO.

- 7.10 The CAO shall give the parties opportunity to provide written submissions on the decision. The CAO may, at their discretion, provide opportunity for the parties to make oral submissions.
- 7.11 The CAO shall consider the Manager's decision, along with any written or oral submissions of the parties, and shall either confirm, reverse or vary the decision by the Manager. The CAO will provide a written decision on the appeal.
- 7.12 The decision of the CAO is final and conclusive with no further right of appeal or right of review to a Court.
- 7.13 Any suspension, revocation, or modification of an Officer's appointment, including termination, will be in accordance with the Collective Bargaining Agreement that is in place that covers Officers.
- 7.14 The CAO may establish forms and timelines for disciplinary procedures and appeal section.

8. Severability

- 8.1 Every provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

9. Enactment

- 9.1 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ a **first** time in council this 15th day of September 2020.

READ a **second** time in council this 15th day of September 2020.

READ a **third and final** time in council this 15th day of September 2020.



Blair Painter
Mayor



Patrick Thomas
Chief Administrative Officer