

BYLAW 2017-06

BEING A BYLAW OF THE SUMMER VILLAGE OF PARKLAND BEACH IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING THE POWERS AND DUTIES AND DISCIPLINARY PROCEDURES RELATING TO BYLAW ENFORCEMENT OFFICERS 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 Summer Village of Parkland Beach deems it necessary to have bylaw enforcement for peace and order within the community;

NOW THEREFORE, the Council of the Summer Village of Parkland Beach, 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 Summer Village of Parkland Beach;
 - b. "Bylaw Enforcement Officer" means an employee of the Summer Village or a person or company contracted by the Summer Village to carry on the duties of enforcing Summer Village Bylaws and who has been appointed pursuant to this bylaw;
 - c. "Summer Village" means the Summer Village of Parkland Beach;
 - d. "Chief Administrative Officer" means the chief administrative officer of the Summer Village and the person who is appointed as such by the Summer Village Council, or anyone who is the action chief administrative officer;
 - e. "Council" means Council of the Summer Village;
 - 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 Summer Village bylaw or enactment.

Bylaw Enforcement Officers

3. Bylaw Enforcement Officers are employees or contractors, as the case may be, of the Summer Village. Bylaw Enforcement Officers are peace officers responsible for the preservation 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 Summer Village which the Bylaw Enforcement Officer is authorized to enforce within the geographical boundaries of the Summer Village.

- b. To follow the directions of the Chief Administrative Officer or his/her designate and to report to the Chief Administrative Officer.
 - c. To respond to and investigate complaints;
 - d. To issue notices or offence Tickets;
 - e. To obey all rules and regulations established by the Chief Administrative Officer and 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 the Chief Administrative Officer;
 - 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 Summer Village;
 - j. To perform all other duties as assigned by the Chief Administrative Officer or Council.
5. The employment of a Bylaw Enforcement Officer or a person or company contracted to provide bylaw enforcement services to the Summer Village is terminated when the Summer Village 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 Bylaw Enforcement Officer is no longer an employee or contractor, as the case may be, of the Summer Village. The authority of the Bylaw Enforcement Officer is suspended when the Bylaw Enforcement 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 Bylaw Enforcement Officer with the Summer Village is fulfilled or terminated.

Bylaw Enforcement Officers – Authority to Enforce

8. The Bylaw Enforcement Officer is authorized to enforce all Summer Village Bylaws and enter at all reasonable times on to any property or premises to ascertain whether the regulations and provisions of the said bylaws 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;

- 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. An 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 misconduct, the Chief Administrative Officer 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, which 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.

- 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.

READ a first time: February 13, 2017

READ a second time: February 13, 2017

READ a third time: March 13, 2017

Signed:

Mayor

Chief Administrative Officer