



## BYLAW # 425-21 BYLAW ENFORCEMENT OFFICER BYLAW

A BYLAW OF THE VILLAGE OF MILO, IN THE PROVINCE OF ALBERTA, PURSUANT TO THE PROVISIONS OF THE **MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA 2000, CHAPTER M-26**(MGA) TO APPOINT BYLAW OFFICERS AND SPECIFY THE DUTIES OF THE VILLAGE OF MILO BYLAW ENFORCEMENT OFFICERS.

**WHEREAS**, Section 7(i) of the *Municipal Government Act, RSA 2000, Chapter M-26*, and amendments thereto, provides that a Council is authorized to pass a Bylaw respecting the enforcement of Bylaws;

**AND WHEREAS**, Section 555 of the *Municipal Government Act*, a person who is appointed as an 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 by bylaw specify the powers and duties of the Bylaw Enforcement Officer and establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers;

**AND WHEREAS**, Part13, Division 4 of the *Municipal Government Act*, the municipality may carry out numerous enforcement powers and duties, which maybe exercised by Bylaw Enforcement Officers;

AND WHEREAS, the Village of Milo, deems it necessary to have Bylaw Enforcement for peace and order within the community;

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

### 1) TITLE

1.1 This Bylaw may be referred to as the **"BYLAW ENFORCEMENT OFFICER BYLAW"**

### 2) DEFINITIONS

In this Bylaw, the following terms shall have the meanings shown:

2.1 **"Bylaw Enforcement Officer"** refers to any person appointed as a Bylaw Enforcement Officer for the Village of Milo;

2.2 **"CAO"** refers to the Chief Administrative Officer or designate, appointed pursuant to the MGA;

2.2 **"Council"** refers to the elected officials forming the Municipal Council of the Village of Milo;

2.3 **"MGA"** refers to the *Municipal Government Act, RSA 2000, Chapter M-26*



- 2.4 “**Misuse of Power**” by a Bylaw Enforcement Officer refers to any one or more of the following:
- 2.4.1 Failure to perform or carryout their duties according to law; or
  - 2.4.2 Failure to carry out the duties and responsibilities given to them within the terms of their appointment as a Bylaw Enforcement Officer;
- 2.5 “**Officer**” refers to:
- 2.5.1 A person who has been appointed by the Village of Milo to carry out the duties of enforcing the Bylaws
  - 2.5.2 A person who is a community peace officer as defined under the *Peace Officer Act, Statutes of Alberta 2006, chapter P-3.5*;  
or
  - 2.5.3 A person who is a member of the Royal Canadian Mounted Police;
- 2.6 “**Village**” refers to the municipal corporation of the Village of Milo;
- 2.7 “**Violation Tag**” refers to a ticket issued by the Village pursuant to the MGA for breach of it’s Bylaws;
- 2.8 “**Violation Ticket**” refers to an offense notice issued by means of a Violation Ticket as described in Part 2 of the *Provincial Offences Procedure Act*;

### 3) APPOINTMENT

- 3.1 The CAO may establish Bylaw Enforcement Officer positions within the Village;
- 3.2 The CAO may appoint, promote, or dismiss individuals to the position of Bylaw Enforcement Officer for the purpose of enforcing the Village’s Bylaws.
- 3.3 If the Bylaw Enforcement Officer is absent from their position, is off duty or is out of the office, the CAO may take on any of the duties and powers of a Bylaw Enforcement Officer or appoint an Interim Bylaw Enforcement Officer for the purpose of enforcing the Village’s Bylaws.
- 3.4 A Bylaw Enforcement Officer shall take the official oath prescribed by the Oaths of Office Act before starting his or her duties.
- 3.5 The power and duties of the Bylaw Enforcement Officer for the Village of Milo shall be as follows:
- 3.5.1 Ensure that all bylaws of the Village are enforced;
  - 3.5.2 Respond to and investigate complaints as directed by CAO;
  - 3.5.3 Issue notices, tickets or tags;
  - 3.5.4 Appear in court to provide evidence for the prosecution of bylaw matters;
  - 3.5.5 Service of summonses;
  - 3.5.6 Ensure proper filing of information and documentation of circumstances; or
  - 3.5.7 Exercise all powers, duties, and functions of a designated officer to conduct any inspections, remedies, or enforcement





authorized or required by bylaw or enactment in accordance with Section 542 of the *Municipal Government Act*;  
3.5.8 Perform all other duties as may be assigned by the CAO.

#### 4) COMPLAINTS

- 4.1 A complaint made against a Bylaw Enforcement Officer must be made in writing and submitted to the CAO.
- 4.2 On receipt of a complaint the CAO will acknowledge to the complainant receipt of the complaint in writing within 10 working days of the date of receipt. The CAO will regularly update the complainant of the status of the complaint. The CAO will also notify the Bylaw Enforcement Officer concerned, that a complaint has been lodged against them.
- 4.3 When an investigation is carried out in respect of a complaint the CAO will, where deemed appropriate, provide the Bylaw Enforcement Officer with details of the complaint;
- 4.4 The CAO or delegate shall investigate all, and only written complaints submitted against a Bylaw Enforcement Officer and use this Bylaw as a Code of Conduct, in addition to any other Village Policies and directives already in place.
- 4.5 A Bylaw Enforcement Officer may be liable to disciplinary action if their conduct includes a violation of any provision, 4.6 through 4.11 of this Bylaw.
- 4.6 A Bylaw Enforcement Officer commits discreditable conduct if that Officer:
- 4.6.1 Acts in a disorderly or inappropriate manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Village;
  - 4.6.2 Willfully or negligently makes a false statement or lays a false complaint or statement against any person, another Bylaw Enforcement Officer or Peace Officer;
  - 4.6.3 Withholds or suppresses a complaint or report against any person, another Bylaw Enforcement Officer or a Peace Officer;
  - 4.6.4 Is guilty of an indictable offense under a Federal Statute or an offense punishable upon summary conviction under the Criminal Code of Canada; or
  - 4.6.5 Connives or is knowingly an accessory to a general default described in this Bylaw.
- 4.7 A Bylaw Enforcement Officer commits insubordination if that Officer knowingly:
- 4.7.1 By work or action, and without lawful excuse, disobeys, omits or neglects to carry out any lawful order from a superior officer or civilian supervisor; or
  - 4.7.2 By word or action is unwilling to submit to the authority of the CAO.
- 4.8 A Bylaw Enforcement Officer is negligent in their duties if that Officer:



- 4.8.1 Without lawful excuse, neglects or omits tasks required to perform a duty as a Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer;
  - 4.8.2 Fails to work in accordance with orders, or leaves an area, detail, or other place of duty without due permission or sufficient cause; or
  - 4.8.3 Fails to report a matter that is the Officer's duty to report.
- 4.9** A Bylaw Enforcement Officer commits an act of deceit if that Officer:
- 4.9.1 Knowingly makes or signs a false statement in an official document or book;
  - 4.9.2 Willingly or negligently makes a false or misleading, or inaccurate statement pertaining to official duties; or
  - 4.9.3 Without lawful excuse destroys, mutilates or conceals an official document or record, or alters or erases any entry herein.
- 4.10** A Bylaw Enforcement Officer commits a Breach of Confidence if that Officer:
- 4.10.1 Divulges any matter, which it is duty of the Officer to keep confidential;
  - 4.10.2 Without proper authorization or in contravention of any rules of the Village communicates to the media or to any unauthorized person any law enforcement matter, which could be injurious to any person or investigation; or
  - 4.10.3 Without proper authorization shows to any person not a Bylaw Enforcement Officer or any person not a Peace Officer or any unauthorized Officer, any book, or written or printed document or report relating to any law enforcement matter that is the property of or in custody of the employer of the Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer.
- 4.11** A Bylaw Enforcement Officer commits Corrupt Practice if that Officer:
- 4.11.1 Fails to account for or make a prompt, true return of money or property received in an official capacity;
  - 4.11.2 Directly or indirectly solicits or receives a gratuity, present, pass, subscription, or testimonial without the consent of the CAO;
  - 4.11.3 Places themselves 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;
  - 4.11.4 Improperly uses the position of a Bylaw Enforcement Officer for private advantage;
  - 4.11.5 Is unnecessarily discourteous or uncivil to a member of the public; or
  - 4.11.6 Uses excessive force in the execution of the Officer's duties without just cause as a Bylaw Enforcement Officer;
  - 4.11.7 Uses excessive authority of the Officer's position with co-workers.
- 4.12** The CAO will dispose of a complaint by making one of the following decisions and by giving reasons for the decision:
- 4.12.1 The complaint is unfounded (no basis in fact);
  - 4.12.2 The complaint is unsubstantiated (not supported or proven by evidence);





4.12.3 Having a regard to all the circumstances of the complaint, no investigation is necessary;

4.12.4 The complaint is found to have merit in whole or in part; or

4.12.5 The complaint is frivolous, or made in bad faith.

**4.13** If a complaint about a Bylaw Enforcement Officer is found to have merit in full or in part, the CAO will take one of the following actions:

4.13.1 A reprimand of the Bylaw Enforcement Officer;

4.13.2 A suspension of the Bylaw Enforcement Officer, with pay, for a period not to exceed seventy-two (72) hours;

4.13.3 A suspension of the Bylaw Enforcement Officer, without pay, for a period not to exceed seventy-two (72) hours; or

4.13.4 The Bylaw Enforcement Officer is dismissed.

**4.14** The CAO will update the complainant on any decision or action taken.

## **5) CONFIDENTIALITY**

**5.1** Personal information within a written complaint will be collected in accordance with *Part 2, Protection of Privacy of the Freedom of Information and Privacy Protection Act* (as amended over time). Personal information gathered will be used to process the complaint but will not be made available to the public.

## **6) APPEAL PROCESS**

**6.1** Any person who considers themselves to be aggrieved by a decision of the CAO made under this Bylaw may appeal the decision in writing to Council within ten (10) business days of receiving the outcome of the decision.

**6.2** Council will make a decision on any appeal within thirty (30) days of its receipt.

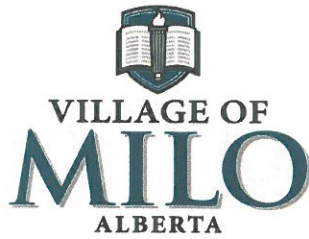
**6.3** The Council's decision in respect of an appeal will be final and binding.

## **7) EFFECTIVE DATE**

**7.1** This Bylaw shall come into force and effect on the FINAL date of passing thereof.

**READ A FIRST TIME THIS 10<sup>TH</sup>, DAY OF AUGUST, 2021.**

**READ A SECOND TIME THIS 10<sup>TH</sup> DAY OF AUGUST, 2021.**



GIVEN UNANIMOUS CONSENT TO PROCEED TO THIRD AND FINAL READING OF  
BYLAW ENFORCEMENT OFFICER BYLAW 425-21 THIS 10<sup>TH</sup> DAY OF  
AUGUST, 2021.

READ A THIRD TIME AND PASSED THIS 10<sup>TH</sup> DAY OF AUGUST, 2021.

  
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Scott Schroeder, Mayor

  
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Wendy Hingley, Chief Administrative Officer