

## BYLAW NO. 20/005

### A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO, 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**WHEREAS**, Sections 556 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended or repealed and replaced from time to time, provides every council must by bylaw specify the powers and duties of bylaw enforcement officers and establish disciplinary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**, Section 210 of the *Municipal Government Act* further provides that a council may, by bylaw, establish one or more positions to carry out the powers, duties and functions of a designated officer;

**NOW THEREFORE**, the Regional Municipality of Wood Buffalo, in the Province of Alberta, in Council duly assembled enacts as follows:

#### **Short Title**

1. This bylaw may be cited as the "Enforcement Officer Bylaw."

#### **Definitions**

2. In this Bylaw, unless the context otherwise requires:
  - 2.01. "Act" means the *Municipal Government Act*, RSA 2000, c. M-26 as amended;
  - 2.02. "Bylaw" means a bylaw passed by the Municipality;
  - 2.03. "Bylaw Enforcement Officer" means an individual who has been appointed pursuant to this Bylaw as a Bylaw Enforcement Officer;
  - 2.04. "Bylaw Program Supervisor" means the Chief Administrative Officer or any individual appointed by the CAO to oversee and supervise Bylaw Enforcement Officers;
  - 2.05. "Chief Administrative Officer" or "CAO" means the individual appointed by Council to be the chief administrative officer of the Municipality or their delegate;
  - 2.06. "Development Compliance Officer" or "DCO" means an individual who has been appointed pursuant to this Bylaw as a Development Compliance Officer;

- 2.07. "DCO Supervisor" means the CAO or any individual appointed by the CAO to oversee and supervise Development Compliance Officers;
- 2.08. "Municipality" means the Regional Municipality of Wood Buffalo in the Province of Alberta;
- 2.09. "Officer" means any individual appointed as a Bylaw Enforcement Officer, Development Compliance Officer or Safety Codes Officer pursuant to this Bylaw;
- 2.10. "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;
- 2.11. "SCO Supervisor" means the CAO or any individual appointed by the CAO to oversee and supervise Safety Codes Officers;

### **Appointment of Officers**

- 3. 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 appointment.
- 4. The CAO may revoke, suspend or modify the appointment of an Officer in accordance with this Bylaw.
- 5. The CAO may manage and investigate complaints of misuse of power by an Officer.
- 6. 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.
- 7. 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.

### **Powers and Responsibilities of Bylaw Enforcement Officers**

- 8. In accordance with their appointment by the CAO, the powers and duties of Officers shall include the following:
  - 8.01. preserving and maintaining the public peace;
  - 8.02. enforcing Bylaws within the Municipality;
  - 8.03. conducting routine patrols to ensure compliance with Bylaws;
  - 8.04. reporting to and carrying out the directions of the CAO;

- 8.05. responding to and investigating complaints and alleged breaches of Bylaws;
  - 8.06. issuing and serving orders, notices and tickets as required;
  - 8.07. 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;
  - 8.08. 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;
  - 8.09. assisting in the prosecution of breaches of Bylaws including gathering evidence, ensuring the attendance of witnesses, attending court and providing evidence as required;
  - 8.10. carrying upon their person at all such times when they are acting as an Officer evidence in writing of their appointment as an Officer; and,
  - 8.11. performing all such other duties as may from time to time be assigned by the CAO.
9. Officers shall exercise their powers and duties in accordance with all the Municipality's applicable policies and procedures established from time to time.
  10. The authority of an Officer shall terminate when the individual ceases to be an employee of the Municipality.
  11. Upon termination, the Officer shall immediately return to the Municipality all uniforms, patrol cars, equipment, offence ticket books, appointment certificates and all other materials or equipment supplied to the Officer by the Municipality.

### **Limited Authority**

12. The Bylaw Program Supervisor 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 Bylaw Program Supervisor has the sole discretion to approve, deny or terminate an appointment.

### **Misuse of Power and Conduct of Officers**

13. All Officers are expected to exercise sound judgment, discretion and integrity in carrying out their duties.
14. 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:

- 14.01. 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;
- 14.02. 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;
- 14.03. 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;
- 14.04. 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 to private advantage; and
- 14.05. Unlawful or unnecessary exercise of authority – 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.

### **Disciplinary Procedures and Appeal**

15. Complaints concerning the conduct of Bylaw Enforcement Officers shall be directed to the Bylaw Program Supervisor.
16. Complaints concerning the conduct of Development Compliance Officers shall be directed to the DCO Supervisor.
17. Complaints concerning the conduct of Safety Codes Officers shall be directed to the SCO Supervisor.
18. All complaints must be submitted in writing and include, at minimum, the following information:
  - 18.01. name and contact information of the complainant; and
  - 18.02. details of the alleged misconduct by the Officer.
19. If, in the opinion of the Bylaw Program Supervisor, based on reasonable grounds, an Officer has misused a power, contravened an appointment or this Bylaw, acted contrary to the public interest or has acted in bad faith, the Bylaw Program Supervisor may suspend, revoke or modify the Officer's appointment in accordance with this Bylaw.

20. The Bylaw Program Supervisor shall provide the Officer with written notice of the complaint.
21. The Bylaw Program Supervisor shall investigate any complaint or allegation deemed to have merit 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.
22. Prior to suspending, revoking or modifying an Officer's appointment, the affected Officer shall be given the opportunity to make a full response to the complaint and provide written submissions to the Bylaw Program Supervisor respecting the same.
23. The Bylaw Program Supervisor will provide the affected Officer and the complainant a dated, written decision including reasons for any proposed suspension, revocation or modification of the affected Officer's appointment. If, after investigation, the Bylaw Program Supervisor finds the complaint or allegation is frivolous, without merit, unfounded or unsubstantiated, the Bylaw Program Supervisor will so advise in the written decision.
24. Within 14 days of the date of the decision of the Bylaw Program Supervisor, the affected Officer or the complainant may, in writing, appeal the decision of the Bylaw Program Supervisor to the CAO.
25. The CAO shall give the parties the opportunity to provide written submissions on the decision. The CAO, at their discretion, may provide an opportunity for the parties or their representatives to make oral submissions.
26. The CAO shall consider the Bylaw Program Supervisor's decision, along with any written or oral submissions of the parties, and shall either confirm, reverse or vary the decision of the Bylaw Program Supervisor. The CAO shall provide the decision, including reasons, in writing to the parties.
27. The decision of the CAO is final and conclusive with no further right of appeal to a or a right to a review by a Court.
28. Any suspension, revocation, or modification of an Officer's appointment, including termination, will be in accordance with any collective bargaining agreement that is in place which may cover Officers.
29. The CAO has the authority to establish forms and timelines for this "disciplinary procedures and appeal" portion (sections 15 to 29 inclusive) of this Bylaw.

### **Severability**

30. 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.

**Repeal**

31. Bylaw Nos. 88/13 and 98/029 are repealed.

**Effective Date**

32. This bylaw shall become effective when passed.

READ a first time this 11<sup>th</sup> day of February, 2020.

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

READ a third and final time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

SIGNED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor

\_\_\_\_\_

Chief Legislative Officer