



**TOWN OF CARDSTON  
IN THE PROVINCE OF ALBERTA**

**BYLAW 1694**

**BYLAW ENFORCEMENT OFFICER BYLAW**

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# TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA

## BYLAW 1694

### BYLAW ENFORCEMENT OFFICER BYLAW

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO ESTABLISH THE MEANS OF BYLAW ENFORCEMENT AND PUT IN PLACE APPROPRIATE CONTROLS TO GOVERN BYLAW ENFORCEMENT

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**WHEREAS**, pursuant to Section 556 of the Municipal Government Act, Being Chapter M-26, Revised Statutes of Alberta, 2000, 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 191 of the Municipal Government Act, Being Chapter M-26, Revised Statutes of Alberta, 2000 provides for the passing and repealing of;

**NOW THEREFORE**, the Council of the Town of Cardston, duly assembled, enacts as follows:

### PART I - ADMINISTRATIVE

#### TITLE

- 1) This bylaw shall be known as the “Bylaw Enforcement Officer Bylaw” of the Town of Cardston.

#### PURPOSE

- 2) The Purpose of this Bylaw is to establish the means of bylaw enforcement and put in place appropriate controls to govern bylaw enforcement within the Municipality of the Town of Cardston.

#### DEFINITIONS

- 3) In this bylaw:
  - 3.1. “Act” means the Municipal Government Act, RSA 2000, c. M-26 and regulations, as amended from time to time.
  - 3.2. “Municipality” means the Town of Cardston in the Province of Alberta.
  - 3.3. “Bylaw” means a bylaw passed by the Municipality.
  - 3.4. “Bylaw Enforcement Officer” or “Officer” means an individual who has been appointed pursuant to this Bylaw as a Bylaw Enforcement Officer.
  - 3.5. “Chief Administrative Officer” or “CAO” means the individual appointed by Council to be the Chief

Administrative Officer of the Municipality or their delegate.

- 3.6. “Bylaw Enforcement Manager” or “Manager” means the Chief Administrative Officer or any individual appointed by the CAO to oversee and supervise Bylaw Enforcement Officers.
- 3.7. “Appellate” means the person or group of persons who hears an appeal.

## **RULES FOR INTERPRETATION**

### **4) In this bylaw:**

- 4.1. If not defined in the definitions section, all terms used 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;
- 4.2. The table of contents, marginal notes and headings are for reference purposes only.

## **PART II – GENERAL**

## **APPOINTMENT OF OFFICERS**

### **5) Appointment of Officers:**

- 5.1. 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.
- 5.2. The CAO may revoke, suspend or modify the appointment of an Officer in accordance with this Bylaw.
- 5.3. 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.
- 5.4. 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.
- 5.5. 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.

## **POWERS AND RESPONSIBILITIES OF OFFICERS**

- 6)** In accordance with their appointment by the CAO, the powers and duties of Officers shall include the following:
  - 6.1.** Preserving and maintaining the public peace;
  - 6.2.** Enforcing the Bylaws of the Municipality;
  - 6.3.** Responding to and investigating complaints and alleged breaches of Bylaws;
  - 6.4.** Issuing warnings, orders, notices and tickets as required;
  - 6.5.** Advising and providing education to the public on the Bylaws of the Municipality;
  - 6.6.** Participating in the prosecution of breaches of Bylaws including gathering evidence, ensuring the attendance of witnesses, attending court and providing evidence as required;
  - 6.7.** Performing routine patrols;
  - 6.8.** Performing other duties as may be assigned from time to time by the Bylaw Enforcement Manager.
- 7)** Officers shall exercise their powers and duties in good faith and in accordance with all the Municipality's applicable policies established from time to time.
- 8)** The authority of an Officer shall terminate when:
  - 8.1.** The employee ceases to be an employee of the Municipality;
  - 8.2.** The employee accepts another position within the Municipality that doesn't require Bylaw Enforcement;

## **CONDUCT OF OFFICERS AND MISUSE OF POWER**

- 9)** All Officers are expected to exercise sound judgement, discretion, and integrity in carrying out their duties.
- 10)** 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, commits an offence pursuant to this Bylaw and may be subject to discipline, which may include suspension or termination.

## **DISCIPLINARY PROCEDURES**

- 11)** The CAO shall ensure complaints of misuse of power by an Officer are investigated. If complaints are brought to the CAO regarding a Peace Officer that are not a direct result of the Peace Officer's enforcement of Municipal bylaws, this bylaw

has no bearing on the complaint and the CAO will follow the Provincial Acts and Regulations that regulate Peace Officers.

- 12)** Complaints concerning the conduct of a Bylaw Enforcement Officer shall be directed to the Bylaw Enforcement Manager.
- 13)** All complaints must be submitted in writing and include, at a minimum, the following information:
  - 13.1.** Name and contact information of the complainant and,
  - 13.2.** Details of the alleged misconduct by the Officer.
- 14)** The Manager shall provide the Officer with written notice of the complaint.
- 15)** 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.
- 16)** 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.
- 17)** 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.
- 18)** The CAO may establish forms and timelines for disciplinary procedures and appeal section.

## **APPEAL**

- 19)** Within 14 days of receiving the decision from the Manager, the affected complainant may, in writing, appeal the decision of the Manager. If a Manager delegated by the CAO rendered the first judgment on the complaint, the appeal will be made to the CAO. If the CAO rendered the first judgement on the complaint, the appeal will be made to the Council of the Town of Cardston.
- 20)** The appellate shall give the parties opportunity to provide written submissions on the decision, and at their discretion, provide opportunity for the parties to make oral submissions.
- 21)** The appellate shall consider the decision being appealed, along with any written or oral submissions of the parties, and shall either confirm, reverse or vary the standing judgement.
- 22)** The decision of the appellate must be made in writing and is final and conclusive with no further right of appeal or right of

review to a Court.

**23)** 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.

**EFFECTIVE DATE**

**24)** This Bylaw shall come in force upon the date of its third and final reading.

**REPEAL**

**25)** Bylaw 1534 and amendments thereto shall be rescinded.

Received First Reading this 27 day of October, 2020

Received Second Reading this 27 day of October, 2020

Received Third & Final Reading this 10 day of November, 2020

Signed by the Mayor and the Chief Administrative Officer this 13 day of November, 2020

TOWN OF CARDSTON

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MAYOR – *Maggie Kronen*

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CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*