

THE VILLAGE OF ROCKYFORD

BYLAW NO. 2020-004

BYLAW ENFORCEMENT OFFICERS BYLAW

Being a Bylaw of the Village of Rockyford, in the Province of Alberta, providing for the appointment and authorization of Bylaw Enforcement Officers.

WHEREAS, pursuant to Section 556(a), the provisions of the Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto, provides that a Municipal Council may appoint Bylaw Enforcement Officers; and

AND WHEREAS pursuant to Section 556(b), the Municipal Government Act provides that if a Council does appoint Bylaw Enforcement Officers, the Council shall establish a Bylaw specifying the powers, duties, and disciplinary procedures for such Officers as well as identifying penalties and an appeal process applicable to Bylaw Enforcement Officers with respect to their powers and duties;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE VILLAGE OF ROCKYFORD, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED ENACTS AS FOLLOWS:

This Bylaw may be cited as the Bylaw Enforcement Officers Bylaw.

SECTION I – Definitions:

1. "BYLAW" means bylaws of the Village of Rockyford.
2. "BYLAW ENFORCEMENT OFFICER" means a person appointed as such by Council.
3. "CHIEF ADMINISTRATIVE OFFICER" means a person appointed by Council pursuant to *Section 205 of the Municipal Government Act*.
4. "COUNCIL" means the Council of the Village of Rockyford.
5. "COUNTY ADMINISTRATOR" refers to the Chief Administrative Officer of Wheatland County.
6. "MUNICIPALITY" means the jurisdiction of the Village of Rockyford.

SECTION II – Authority

1. The Chief Administrative Officer may enter into an agreement with Wheatland County for the provision of Bylaw Enforcement for some or all the Village of Rockyford's Bylaws.

SECTION III – Powers and Duties of a Bylaw Enforcement Officer

1. To enforce the Bylaws which have been agreed upon for the Village of Rockyford.
2. To follow the directions of the Chief Administrative Officer and to report to the Chief Administrative Officer as required.
3. To respond to and investigate complaints;
4. To issue notices, Bylaw tickets or tags;
5. To assist in the prosecution of Bylaw contraventions including appearances in Court to provide evidence;
6. To take the official oath prescribed by the Oaths of Office Act upon being appointed as a Bylaw Enforcement Officer and to carry upon their person at all times as he is acting as a Bylaw Enforcement Officer, evidence in writing of their appointment as a Bylaw Enforcement Officer of the Municipality.

SECTION IV – Discipline

1. Where it is alleged, and received through a written complaint signed by the complainant, that a Bylaw Enforcement Officer, in carrying out their duties and has committed a disciplinary default as defined by the Bylaw, the Chief Administrative Officer shall notify the County Administrator.
2. The County Administrator will follow the Bylaw Enforcement Officer Bylaw for Wheatland County to address any disciplinary actions.
3. For purposes of this Bylaw, the following shall be disciplinary defaults:
 - a) Discreditable conduct, where the Bylaw Officer:
 - i) acts in a disorderly or an inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Bylaw Enforcement Officers,
 - ii) uses oppressive or tyrannical conduct towards an inferior in rank,
 - iii) uses profane, abusive or insulting language to any member of a Police force, Peace Officer, Bylaw Enforcement Officer, or any member of the Public,
 - iv) willfully or negligently makes any false complaint or statement against a Bylaw or Peace Officer,
 - v) is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code (Canada),
 - vi) withholds or suppresses a complaint or report against a Bylaw or Peace Officer, or
 - vii) abets, connives or is knowingly an accessor to a default described in this Bylaw.
 - b) Insubordination where the Bylaw Enforcement Officer by work or action, and without lawful excuse, disobeys, omits or neglects to carry out any lawful order.
 - c) Neglect of duty, where the Bylaw Enforcement Officer;
 - i) without lawful excuse neglects or omits promptly and diligently to perform a duty as a Bylaw Enforcement Officer,
 - ii) fails to work in accordance with orders, or leaves an area, or other place of duty without due permission or sufficient cause,
 - iii) fails, when knowing where an offender is to be found, to report him, or
 - iv) fails to report a matter this is his duty to report.
 - d) Deceit, where the Bylaw Enforcement Officer:
 - i) knowingly makes or signs a false statement in an official document or book,
 - ii) willfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or,
 - iii) without lawful excuse destroys, mutilates or conceals an official document or record or alters or erases any entry therein.
 - e) Breach of confidence, where the Bylaw Enforcement Officer:
 - i) divulges any matter which it is his duty to keep confidential.
 - ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons, or
 - iii) without proper authorization from a superior or in a contravention of any orders of the Chief Administrative Officer, communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation, or
 - iv) without proper authorization from the Chief Administrative Officer, shows to any person not a Bylaw or Peace Officer or any unauthorized member of the Bylaw Enforcement Officer group, any book written or printed paper, document or report relating to any Law Enforcement matter that is the property of or in the custody of the employer of the Bylaw Enforcement Officer.
 - f) Corrupt practice, where the Bylaw Enforcement Officer:
 - i) fails to account for or to make a prompt, true return of money or property received in an official capacity,

- ii) directly or indirectly solicits or receives any gratuity, present, pass, subscription or testimonial,
- iii) places himself under a pecuniary or other obligation to a person in respect to whose conduct or business operation or employment the Bylaw Enforcement Officer may likely have to report or give evidence, or
- iv) improperly uses position as a Bylaw Enforcement officer for private advantage.

g) Unlawful or unnecessary exercises of authority, where the Bylaw Enforcement Officer is unnecessarily discourteous or uncivil to a member of the public.

h) Consuming intoxicating liquor or drugs in a manner of prejudicial to duty, where the Bylaw Enforcement Officer:

- i) while on duty is unfit for duty through consuming intoxicating liquor or drugs,
- ii) reports for duty and is unfit for duty through consuming intoxicating liquor or drugs,
- iii) demands, persuades or attempts to persuade another person to give or purchase or obtain for a Bylaw Enforcement Officer while on duty, any intoxicating liquor or drugs.

4. This bylaw shall take effect upon the date of the final reading.

READ a first time *13th* day of *May* 2020


READ a second time this *13th* day of *May* 2020

Received permission to proceed to Third and Final Reading this *13th* day of *May* 2020

READ a third and final time this *13th* day of *May* 2020



Mayor



Administrator