

TOWN OF DAYSLAND

BYLAW NO. 2023-02

BEING A BYLAW OF THE TOWN OF DAYSLAND IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF SPECIFYING THE POWERS AND DUTIES OF A BYLAW ENFORCEMENT OFFICER AND ESTABLISHING DISCIPLINARY PROCEDURES APPLICABLE TO THE BYLAW OFFICER.

WHEREAS, pursuant to Sections 555 and 556 of the *Municipal Government Act, R.S.A. 2000, c.M-26*, as amended or repealed and replaced from time to time, every council must by bylaw specify the powers and duties of Bylaw Enforcement Officers, and establish disciplinary procedures applicable to its Bylaw Enforcement Officer;

NOW THEREFORE, the Council of the Town of Daysland, in the Province of Alberta, duly assembled, hereby enacts as follows:

Short Title

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

Definitions

2. In this Bylaw, unless the context requires otherwise,
 - (a) "Bylaw" means bylaws of the Town of Daysland.
 - (b) "Bylaw Enforcement Officer" means a person who has been appointed pursuant to this bylaw as a Bylaw Enforcement Officer.
 - (c) "CAO" means the Chief Administrative Officer.
 - (c) "Council" means the Council of the Town of Daysland.
 - (d) "Municipality" means the Town of Daysland.

Appointment of Bylaw Enforcement Officers

3. A person who is appointed by the Chief Administrative Officer as a bylaw enforcement officer is, in the execution of enforcement duties, responsible for the preservation and maintenance of public peace. MGA 555(1)
4. A Bylaw Enforcement Officer shall, before starting their duties, take the official oath prescribed by the *Oaths of Office Act. MGA 555(2)*

Powers and Duties of Bylaw Enforcement Officers

5. The powers and duties of the Bylaw Enforcement Officer, as specified by council, MGA 556(a) are as follows:
 - (a) to ensure that bylaws of the Municipality are enforced.
 - (b) to follow the directions of the CAO and to report to the CAO as required by him/her.
 - (c) to respond to and investigate complaints.
 - (d) to conduct routine patrols.
 - (e) to issue warnings or tickets.
 - (f) to prosecute or assist in the prosecution of breaches of Municipal Bylaws including the



- gathering of evidence, the attendance of witnesses and any appearances in court that may be required.
- (g) to perform all other duties as may from time to time be assigned by the CAO.

Disciplinary Procedures – Complaints regarding the Bylaw Enforcement Officer

6. Where it is alleged that a Bylaw Enforcement Officer, in carrying out their duties, has committed a disciplinary default as defined by the Bylaw, the CAO shall investigate the complaint and address the Bylaw Enforcement Officer directly, after discussing with both parties.

Disciplinary Defaults

7. For the purposes of this Bylaw, the following shall be disciplinary defaults:
- (a) Discreditable Conduct where the Bylaw Enforcement Officer
- i. Acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of Bylaw Enforcement Officers;
 - ii. Is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code (Canada);
 - iii. Abets, connives or is knowingly an accessory to a general default described in this Bylaw.
- (b) Insubordination, where the Bylaw Enforcement Officer by word 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 report a matter that it is their duty to report.
- (d) Deceit, where the Bylaw 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 Officer:
- i. divulges any matter which it is their duty to keep secret;
 - ii. gives notice, direct or indirectly, to any person 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 contravention of any rules of the Municipality, 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 shows to any person not a Peace Officer any book or 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 a gratuity, present, pass, subscription



- or testimonial without the consent of the CAO;
 - iii. places their self under a pecuniary or other obligation to a person in respect of whose conduct or business operation or employment, the Bylaw Enforcement Officer may likely have to report or give evidence; or
 - iv. improperly uses his position as a Bylaw Enforcement Officer for private advantage.
- (g) Unlawful or Unnecessary Exercise of Authority where the Bylaw Enforcement Officer is unnecessarily discourteous or uncivil to a member of public.;
- (h) Consuming intoxicating liquor or drugs in a manner prejudicial to duty.

Penalties

- 8. At the conclusion of an investigation by the CAO to determine whether there has been a disciplinary breach, the CAO may, by a decision in writing with reasons, do the following:
 - i. Reprimand in writing the Bylaw Enforcement Officer; or
 - ii. Suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipality, but such period of suspension shall not exceed six (6) months; or
 - iii. Terminate the appointment of the Bylaw Enforcement Officer.

Appeal

- 9. The Bylaw Enforcement Officer may commence an appeal of the decision of the CAO by filing a written notice of the appeal with the Council.
 - i. The Council may confirm, revoke or vary the decision or any conditions attached to the original decision, and respond to the Bylaw Enforcement Officer within 30 days of the receipt of the appeal.

Repeal

- 10. Bylaw No. 2019-652 is hereby repealed, and any amendments thereto.

Effective


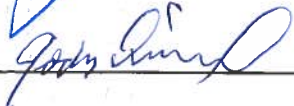
This Bylaw shall come into force and effect upon the date of final passing.

READ A FIRST TIME this 28 day of March, 2023.

READ A SECOND TIME this 28 day of March, 2023_.

UNANIMOUS CONSENT FOR THIRD READING

READ A THIRD TIME this 28 day of March, 2023.


 Deputy Mayor _____

 CAO _____