



BYLAW 2020-09  
OF THE MUNICIPAL DISTRICT OF LESSER SLAVE RIVER NO. 124

*in the Province of Alberta*

*to Appoint Bylaw Enforcement Officers*

**WHEREAS** Section 555 of the Municipal Government Act, a person who is appointed as a Bylaw Enforcement Officer is, in the execution of those duties, responsible for the preservation and maintenance of the public peace and must take the official oath prescribed by the Oaths of Office Act before starting their duties.;

**AND WHEREAS** Section 556 of the Municipal Government Act, a Council must pass a bylaw specifying the powers and duties of Bylaw Enforcement Officers and establishing disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers;

**AND WHEREAS** Part 13, Division 4 of the Municipal Government Act, the municipality may carry out numerous enforcement powers and duties, which may be exercised by Bylaw Enforcement Officers;

**NOW THEREFORE**, the Council for the Municipal District of Lesser Slave River No. 124, duly assembled, enacts as follows:

**1. DEFINITIONS**

1. Definitions: In this Bylaw :

"**Bylaw**" means bylaws of the Municipal District of Lesser Slave River No. 124;

"**Bylaw Enforcement Officer**" means an individual appointed by the Chief Administrative Officer to carry out enforcement duties, responsible for the preservation and maintenance of the public peace pursuant to this bylaw, Municipal District of Lesser Slave River No. 124 Peace Officers, and Ex-officio Bylaw Enforcement Officers;

"**Chief Administrative Officer**" means the person appointed as Chief Administrative Officer (CAO) for the Municipal District of Lesser Slave River No. 124;

"**Council**" means Council of the Municipal District of Lesser Slave River No. 124;

"**Ex-officio Bylaw Enforcement Officers**" means members of the Royal Canadian Mounted Police.

"**Misconduct**" means, but is not limited to, neglect of duty, deceit, breach of confidence, corrupt practice, acting in a disorderly or inappropriate manner, contravenes any Act or Regulation, express bias towards race, colour, religion, sex, physical disability, marital status, age, ancestry, or place of origin and consumption or being under the influence of liquor or illicit drugs while on duty.

"**Municipal District**" means the Municipal District of Lesser Slave River No. 124;

"**Peace Officer**" means an individual appointed as a Peace Officer under the Public Security Division, Department of Justice and Solicitor General and may also be appointed by the Chief Administrative Officer as a Bylaw Enforcement Officer.

**2. CHIEF ADMINISTRATIVE OFFICER**

1. The Chief Administrative Officer (CAO) may:

- a) appoint individual(s) as Bylaw Enforcement Officers in accordance with this bylaw;
- b) revoke, suspend, or modify the appointments of Bylaw Enforcement Officers in accordance with this bylaw;
- c) monitor and investigate complaints of misuse of power by Bylaw Enforcement Officers;
- d) in the absence of a Bylaw Enforcement Officer, the Chief Administrative Officer may appoint an Interim Bylaw Enforcement Officer for the purpose of enforcing the Municipal District's Bylaws;
- e) authorize or require Bylaw Enforcement Officers to carry out any powers, duties, or functions necessary to fulfill their responsibility for the preservation and maintenance of the public peace;

- f) establish standards of uniform, insignia and identification for Bylaw Enforcement Officers;

### **3. POWERS AND DUTIES OF THE BYLAW ENFORCEMENT OFFICER**

1. In accordance with their appointment by the CAO, Bylaw Enforcement Officers may :
  - a) enforce the bylaws which the Bylaw Enforcement Officer is authorized to enforce within the boundaries of the municipality;
  - b) respond to and investigate complaints;
  - c) conduct routine patrols;
  - d) issue notices and offence tickets and tags;
  - e) 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;
  - f) perform all other duties as may from time to time be assigned by the CAO;
  - g) inform and educate the public regarding Municipal District Bylaws;
  - h) exercise all the powers, duties, and functions of a development authority to issue written orders pursuant to Section 646 of the Municipal Government Act;
  - i) carry out any inspections, remedies, enforcement or actions to determine compliance with any bylaw or an enactment pursuant to Sections 542 (Municipal inspections and enforcement), 543 (Court authorized inspections and enforcement), 544 (Inspecting meters), 545 (Order to remedy contraventions), and 546 (Order to remedy dangers and unsightly property), of the Municipal Government Act;
  - j) take whatever actions or measures are necessary to eliminate an emergency in accordance with Section 551 of the Municipal Government Act;

### **4. OATH OF OFFICE**

1. Prior to commencing their duties, all Bylaw Enforcement Officers must take the official oath prescribed by the *Oaths of Office Act* and to carry upon his person all at all such times as he is acting as a Bylaw Enforcement Officer evidence in writing of his appointment as a Bylaw Enforcement Officer of the Municipal District.

### **5. CONDUCT**

1. Bylaw Enforcement Officers are subject to the supervision of and accountable to the Chief Administrative Officer and must comply with their appointment and all Municipal District policies, directives, and procedures.
2. Bylaw Enforcement Officers, respecting conduct or performance of duty, may be liable to disciplinary action if the offence(s) includes but not limited to:
  - a) Discreditable Conduct
  - b) Insubordination
  - c) Neglect of Duty
  - d) Deceit
  - e) Breach of Confidence
  - f) Corrupt Practice
  - g) Unlawful or Unnecessary Exercise of Authority
  - h) Use of Intoxicating Liquor or Drugs in a manner Detrimental to Duty

**6. COMPLAINTS**

1. Receipt of complaint concerning the misuse of power by a Bylaw Enforcement Officer:
  - a) Shall be in writing, and any complaints received verbally shall be confirmed in writing by the complainant before being proceeded with.
  - b) Shall be immediately be forwarded to the CAO.
  - c) The CAO shall provide written acknowledgement of the complaint to the complainant and to the Bylaw Enforcement Officer against whom the complaint was made.

**7. INVESTIGATION PROCEDURES**

1. The CAO shall investigate the complaint.
2. Upon conclusion of the investigation, the CAO shall provide notice in writing to the Bylaw Enforcement Officer of the allegations made and the findings of the investigation.
3. The Bylaw Enforcement Officer shall be allowed to make a full response to the allegations and investigations. The response shall be in writing and directed to the CAO.
4. Upon review of the response of the Bylaw Enforcement Officer and any other information the CAO believes appropriate in the circumstances to determine the facts, the CAO shall either dismiss the complaint as unfounded or as unsubstantiated or find that the By-law Enforcement Officer has misused his or her power.

**8. DISCIPLINARY ACTION**

1. If, in the opinion of the CAO based on reasonable grounds, a Bylaw Enforcement Officer has misused a power, contravened their appointment or this bylaw, including any terms or conditions, or acted contrary to the public interest, the CAO may, by a decision in writing with reasons:
  - a) reprimand in writing the Bylaw Enforcement Officer;
  - b) suspend without pay the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipal District up to five (5) days, depending on the severity of the misconduct.
  - c) terminate the appointment of Bylaw Enforcement Officer and advise Council that the appointment of the Bylaw Enforcement Officer is terminated.
2. An appeal of the decision of the CAO may be commenced by the Bylaw Enforcement Officer or complainant who is the subject of the disciplinary hearing by filing a notice in writing of the appeal with the Council of the Municipal District within seven (7) days of receiving a decision from the CAO.

**9. REVIEW OF APPOINTMENT**

1. If an individual appointed as a Bylaw Enforcement Officer is no longer employed or retained by the Municipal District or if the individual's role is modified such that the individual no longer requires an appointment, their appointment is immediately terminated.

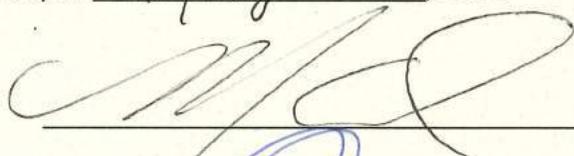
Bylaw 2009-07 is hereby rescinded.

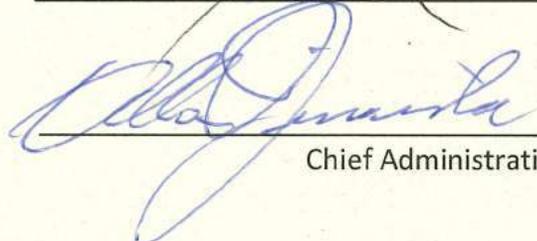
Read a first time this 27<sup>th</sup> day of May, 2020

Read a second time this 27<sup>th</sup> day of May, 2020

Approved unanimously to proceed to third reading this 27<sup>th</sup> day of May, 2020

Read a third time and finally passed, this 27<sup>th</sup> day of May, 2020

  
\_\_\_\_\_  
Reeve

  
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Chief Administrative Officer