



**VILLAGE OF RYCROFT  
BYLAW NO. 232-21**

**“BYLAW ENFORCEMENT OFFICER BYLAW”**

**BEING A BYLAW OF THE VILLAGE OF RYCROFT IN THE PROVINCE OF ALBERTA TO ESTABLISH THE POSITION OF BYLAW ENFORCEMENT OFFICER.**

**WHEREAS**, the *Municipal Government Act*, RSA 2000, Chapter 26, Section 556 requires that a municipality specify powers and duties of the bylaw enforcement officer;

**NOW THEREFORE** under the authority of the *Municipal Government Act* RSA 2000, Chapter M-26, the Council of the Village of Rycroft, in the Province of Alberta, duly assembled enacts as follows:

1. DEFINITIONS

“Act” means the *Municipal Government Act*;

“Bylaw” means a law or rule governing the internal affairs of the Municipality;

“Council” means Council of the Municipality;

“Municipality” means the Village of Rycroft;

“Chief Administrative Officer” (CAO) means the Chief Administrator of the Municipality as appointed by Council

“Bylaw Enforcement Officer” means a person appointed under the provisions of this bylaw by the CAO

2. ROLES, RESPONSIBILITIES AND AUTHORIZATIONS

- a) The Municipal Office of Bylaw Enforcement Officer is hereby created.
- b) The CAO may appoint a Bylaw Enforcement Officer.
- c) The appointment of a Bylaw Enforcement Officer shall be documented in writing, shall state the territorial jurisdiction, and may state the authority of the CAO delegated to the Bylaw Enforcement Officer.
- d) The powers and duties of a Bylaw Enforcement Officer shall be limited to those areas of jurisdiction and are further as follows:
  - (i) To enforce the Bylaws which are authorized the Bylaw Enforcement Officer to enforce;
  - (ii) To follow the directions and to report to the CAO;
  - (iii) To respond to and investigate public complaints;
  - (iv) To conduct routine patrols;
  - (v) To issue notices and violation tickets;
  - (vi) To assist in the prosecution of bylaw and statutory offenses including appearances in Court to provide evidence and service of subpoenas on potential witnesses;
  - (vii) To follow the inspection and enforcement procedures set out in M.G.A., RSA 2000, sec 542-545 as delegated to them through the CAO;
  - (viii) To perform all other duties as delegated by the CAO from time to time as assigned;
  - (ix) To take the official oath prescribed by the *Oaths of Office Act* upon being appointed as a Bylaw Enforcement Officer and to carry upon his or her person at all times as he or she is acting as a Bylaw Enforcement Officer evidence in writing of this appointment as a Bylaw Enforcement Officer of the Municipality;
  - (x) To preserve and maintain public peace.

### 3. CODE OF CONDUCT FOR BYLAW AND ENFORCEMENT OFFICERS

A Bylaw Enforcement Officer shall not:

- a) violate an Act or any Regulation made under an Act of the Parliament of Canada;
- b) violate an Act or any Regulation made under an Act of the Legislature of Alberta;
- c) act in a disorderly or inappropriate manner;
- d) act in a manner that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement;
- e) use profane, abusive, or insulting language to any member of a police force, special constable, Bylaw Enforcement Officer, or any member of the public.
- f) abet or knowingly become an accessory to a default described in this Bylaw;
- g) act in a manner that is not fit nor proper.
- h) apply the law differently or exercise authority on the basis of race, color, religion, sex, physical disability, marital status, age, ancestry, or place of origin, or in any manner that would contravene the Alberta Human Rights Act.
- i) commit insubordination, where the Bylaw Enforcement Officer by word or action, and without lawful excuse, disobeys, omits or neglects to carry out any lawful order.
- j) withhold or suppress a complaint against a Bylaw Enforcement Officer.
- k) neglect, without a lawful excuse, to perform their duties promptly or diligently.
- l) willfully or negligently make or sign a false, misleading, or inaccurate statement in any official document or record.
- m) without lawful excuse destroy, mutilate, or conceal an official document or record.
- n) without lawful excuse alter or erase an entry in an official document or record.
- o) make known any matter that is a person's duty to keep in confidence or communicate to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or ongoing investigation.
- p) fail to account for or to make a prompt and true return of money or property that the Bylaw Enforcement Officer receives in their official capacity.
- q) directly or indirectly ask for or receive a payment, gift, subscription, testimonial, or favor without the consent of the Municipality.
- r) become involved in a financial, contractual, or other obligation with a person whom the Bylaw Enforcement Officer could reasonably expect to report or give evidence about.
- s) without lawful excuse, use their official position for personal advantage or another person's personal advantage.
- t) exercise authority when it is unlawful or unnecessary to do so.
- u) consume alcohol while on duty or consume or otherwise use or possess drugs that are prohibited by law; or report for duty, be on duty, or be on stand-by for duty while unfit to do so by the use of alcohol or a drug (includes prescription medication).
- v) apply excessive or otherwise inappropriate force in circumstances where force is deemed necessary.

### 4. COMPLAINTS AND DISCIPLINARY MEASURES (AGAINST AN OFFICER):

#### a) RECEIPT OF COMPLAINT:

Complaints concerning the conduct of a Bylaw Enforcement Officer shall be in writing and directed to the CAO. The CAO shall acknowledge receipt of the complaint in writing to the person making the complaint as well as to the Bylaw Enforcement Officer against whom the complaint was made.

#### b) INVESTIGATION:

The CAO shall have the complaint investigated. If the CAO is satisfied that misconduct has been committed, they will recommend corrective disciplinary action to Council. The CAO may resolve minor complaints informally, arriving at a solution that is satisfactory to all parties.

#### c) DISCIPLINARY ACTION:

- (i) The CAO will present the allegations and the findings to the Bylaw Enforcement Officer.
- (ii) The Bylaw Enforcement Officer will be given the opportunity to make full response to the allegations and supporting evidence.

- (iii) Upon hearing the response and explanation of the Bylaw Enforcement Officer and any other information the CAO believes appropriate to determine the facts, they will either dismiss the complaint as unfounded and not warranting further consideration or find the Bylaw Officer has committed misconduct.
- (iv) If the CAO finds that the Bylaw Officer has committed a misconduct, they may take one of the following measures:
  - a) warn the Bylaw Enforcement Officer,
  - b) reprimand the Bylaw Enforcement Officer,
  - c) suspend the Bylaw Enforcement Officer from their appointment,
  - d) recommend that the Bylaw Enforcement Officer's appointment be revoked.

d) NOTIFICATION AND APPEAL:

- (i) The Chief Administrative Office shall notify the complainant and the Bylaw Enforcement Officer in writing as to the results of the investigation, the action taken and the right to appeal the decision to an Appeal Committee, consisting of all members of Council. The Bylaw Enforcement Officer must appeal within 30 days of the notification and the Appeal Committee must make a ruling within 30 days of the receipt of the appeal.
- (ii) The Appeal Committee in considering the appeal may dismiss, confirm, or vary discipline.
- (iii) The Appeal Committee shall notify the complainant and Bylaw Enforcement Officer in writing as to the result of the appeal.

5. REPEAL

This Bylaw once enacted repeals all related bylaws, including references in Bylaw 114-10.

6. SEVERABILITY

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.

**Effective Date:**

This Bylaw comes into effect upon third and final reading.

READ this FIRST time this 1<sup>st</sup> day of September 2021.

READ for a SECOND time this 1<sup>st</sup> day of September 2021.

READ for a THIRD time this 1<sup>st</sup> day of September 2021.

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Mayor  
James Verquin

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Chief Administrative Officer  
Peter Thomas