

BYLAW #1018-22
The City of Beaumont Bylaw Enforcement Officer Bylaw

The Municipal Government Act, RSA 2000, c M-26, sets out the authority and allows a municipality to appoint Bylaw Enforcement Officers;

The City of Beaumont employs Bylaw Enforcement Officers;

Therefore, Council enacts:

PART I – DEFINITIONS, AND INTERPRETATION

Definitions

1 In this bylaw:

- (a) "Act" means the Municipal Government Act, RSA 2000, c M-26
- (b) "Bylaw Enforcement Officer" means any person employed or contracted by the City who has been appointed pursuant to this Bylaw as a Bylaw Enforcement Officer.
- (c) "Chief Administrative Officer" means the chief administrative officer of the City or delegate;
- (d) "City" means The City of Beaumont;
- (e) "Violation Ticket" means any ticket which is authorized under the Provincial Offences Procedures Act RSA 2000, c P-34, or any other enactment, and which is issued for any bylaw offence.

Interpretation

2 The following rules apply to interpretation of this bylaw:

- (a) headings, titles, and margin notes in this bylaw are for ease of reference only;
- (b) gender-specific words, phrases, and references are intended to be gender-neutral, and the singular includes the plural as the context requires;
- (c) every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable; and
- (d) references to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder.

PART II – BYLAW ENFORCEMENT OFFICER

Powers and Duties

- 3 The powers and duties of a Bylaw Enforcement Officer are:
 - (a) to enforce the bylaws of the City;
 - (b) to follow the direction of the Chief Administrative Officer relative to bylaw enforcement within the City;
 - (c) to respond to and investigate complaints;
 - (d) to issue notices and Violation Tickets;
 - (e) to conduct routine preventative bicycle, foot and vehicle patrols;
 - (f) to inform and educate the public regarding bylaws of the City;
 - (g) to assist in the prosecution of bylaw contraventions, including appearances in court to provide evidence;
 - (h) to abide by decisions of the court arising from bylaw investigations and prosecutions;
 - (i) to perform all other enforcement duties assigned by the Chief Administrative Officer;
 - (j) to take the official oath prescribed by the Oaths of Office Act RSA 2000 c O-1 upon being appointed as a Bylaw Enforcement Officer and to carry at all such times when acting as a Bylaw Enforcement Officer, evidence in writing of his/her appointment as a Bylaw Enforcement Officer; and
 - (k) to carry or wear such identification, indicating that the person is a Bylaw Enforcement Officer when performing work in that capacity for the City.

PART III – CONDUCT AND DISCIPLINE

Misconduct

4 For the purposes of this bylaw, the following shall constitute misconduct by a Bylaw Enforcement Officer:

(a) discreditable conduct, where the Bylaw Enforcement Officer:

i) acts in a disorderly or inappropriate manner, likely to bring discredit upon the reputation of law enforcement; or

ii) contravenes:

a. an Act of the Parliament of Canada;

b. an Act of the Legislature of Alberta;

c. any regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta; or

d. any bylaw of the City,

that is of such a character that it would be prejudicial to the interest of the City or likely to bring discredit on the reputation or integrity of the City, the Bylaw Enforcement Officer, other Bylaw Enforcement Officers or law enforcement;

iii) withholds or suppresses a complaint or report made to a Bylaw Enforcement Officer; or

iv) differentially applies the law or the exercise of his or her authority on the basis of race, colour, religion, sex, physical disability, marital status, age, ancestry, or place of origin.

(b) neglect of duty, where the Bylaw Enforcement Officer neglects, without lawful excuse, to promptly or diligently perform his or her duties as a Bylaw Enforcement Officer or where the Bylaw Enforcement Officer contravenes any provision of an administrative directive applicable to Bylaw Enforcement Officers.

(c) deceit, where the Bylaw Enforcement Officer:

i) willfully or negligently makes or signs a false, misleading, or inaccurate statement or entry in any official document or record; or

- ii) without lawful excuse, destroys, mutilates or conceals an official document or record or alters or erases any entry therein.
- (d) breach of confidence, where the Bylaw Enforcement Officer divulges any matter which it is his or her duty to keep in confidence.
- (e) corrupt practice, where the Bylaw Enforcement Officer:
 - i) fails to account for or to make a prompt and true return of money or property received in an official capacity;
 - ii) directly or indirectly solicits or receives a payment, gratuity, gift, pass, subscription or testimonial related to the discharge of duty;
 - iii) places himself/herself under a financial, contractual or other obligation to a person in respect of whom he could reasonably expect he or she may be required to report or give evidence; or
 - iv) without lawful excuse, uses his or her position as a Bylaw Enforcement Officer for his/her or another person's personal advantage.
- (f) consumption of or to be under the influence of liquor or illicit or non-prescription drugs while on duty.

Disciplinary
Procedures

- 5 Where it is alleged that a Bylaw Enforcement Officer, in carrying out his/her duties is guilty of misconduct as set out in this bylaw, the Chief Administrative Officer shall appoint an investigator to investigate such allegations, with such investigation to include:
 - (a) acknowledging receipt of any complaint received to the complainant, if the allegation stems from a complaint;
 - (b) meeting with the Bylaw Enforcement Officer alleged to have committed such misconduct and (if applicable) the complainant or other persons the investigator in his or her sole discretion considers to have information necessary to assess the allegations;
 - (c) informing the Bylaw Enforcement Officer of the facts in the investigator's possession or of the allegations received in sufficient detail to:
 - i) permit him/her to understand the facts or allegations;

- ii) afford him/her a reasonable opportunity to respond to the allegations, including to furnish relevant evidence and to contradict or explain the facts or allegations; and
- iii) to provide the Bylaw Enforcement Officer or his/her representative an adequate opportunity to make representations in writing to the investigator if they elect to do so.

Decision

- 6 At the conclusion of the investigation, the investigator shall issue a decision in writing, with reasons, either dismissing the allegation, or confirming that the Bylaw Enforcement Officer has committed misconduct in carrying out his/her duties. If there is a finding of misconduct, the investigator shall also set out whether disciplinary action, including any of the following, shall apply:
 - (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 City for a term not to exceed six months; or
 - (c) terminate the appointment of the Bylaw Enforcement Officer.

Appeal

- 7 An appeal from the decision of the investigator may be commenced by the Bylaw Enforcement Officer who is the subject of the disciplinary hearing by filing a notice in writing of the appeal within seven (7) days of the decision of the investigator to the Chief Administrative Officer. The Chief Administrative Officer may decide the appeal based on written submissions or, at his/her sole discretion, may hold a hearing and hear from any relevant parties in person. The Chief Administrative Officer shall issue a written decision which may either uphold, overturn, or vary the decision of the investigator, and such decision shall be final and not subject to further appeal.

Termination

- 8 The appointment and authority of a Bylaw Enforcement Officer terminates when the Bylaw Enforcement Officer is no longer an employee or no longer in contractual service to the City.
- 9 The authority of a Bylaw Enforcement Officer ceases when the Bylaw Enforcement Officer is suspended.
- 10 Confidentiality carries on beyond the period of termination.

PART IV – POWERS OF CHIEF ADMINISTRATIVE OFFICER

CAO Powers

- 11 Without restricting any other power, duty or function granted by this bylaw, the Chief Administrative Officer may:
- (a) establish forms or other documents for the purposes of this bylaw;
 - (b) establish administrative directives applicable to Bylaw Enforcement Officers;
 - (c) appoint Bylaw Enforcement Officers for the purposes of this bylaw;
 - (d) impose any terms or conditions deemed appropriate on a Bylaw Enforcement Officer’s appointment or suspend, revoke or modify a Bylaw Enforcement Officer’s appointment;
 - (e) carry out whatever inspections are reasonably required to determine compliance with any bylaw of the City and carry out any remedy, enforcement or other action required to ensure compliance with any such bylaw;
 - (f) delegate any powers, duties or functions under this bylaw to a Bylaw Enforcement Officer or to any employee of the City; and
 - (g) delegate any powers, duties or functions of a designated officer for the purposes of sections 542, 545 and 546 of the Act to a Bylaw Enforcement Officer or to any employee of the City.

PART V – REPEAL

Repeal

12 Bylaw 947-19, the Bylaw Enforcement Officer Bylaw, is repealed.

FIRST READING: _____ July 12, 2022 _____

SECOND READING: _____ July 12, 2022 _____

THIRD READING: _____ July 12, 2022 _____

SIGNED THIS 12 day of July, 2022.

Bill Daneluik
MAYOR

Chelaine Winter
CLERK

