

**BYLAW NO. 2015-10**  
**BYLAW ENFORCEMENT OFFICER BYLAW**

**BEING** a Bylaw of the Town of Trochu in the Province of Alberta, the purpose of this bylaw is to provide for the establishment of bylaw enforcement officer positions, to specify the powers, duties and responsibilities of bylaw enforcement officers and to provide disciplinary and appeal procedures for misuse of power by bylaw enforcement officers.

**WHEREAS**, Section 7(i) of the *Municipal Government Act*, R.S.A. 2000, c. M-26 provides that a Municipal Council may pass bylaws respecting the enforcement of bylaws;

**AND WHEREAS**, pursuant to Sections 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 WHEREAS**, pursuant to Sections 556 of the *Municipal Government Act*, a council must pass a bylaw specifying the powers and duties of bylaw enforcement officers, and to provide disciplinary and appeal procedures for misuse of power by bylaw enforcement officers;

**AND WHEREAS**, pursuant to 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;

**AND WHEREAS**, pursuant Section 1(k)(iv) of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, a person who is employed or retained by a municipality and provided written authorization to issue violation tickets under the Act will be considered a "peace officer" for the purposes of that Act;

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

**SECTION 1:                 SHORT TITLE**

1.1     This bylaw may be cited as the "**Bylaw Enforcement Officer, Bylaw**".

**SECTION 2:                 DEFINITIONS**

- 2.1     In this bylaw, unless the context otherwise requires:
- a.     "bylaw" means a bylaw of the Town of Trochu.
  - b.     "bylaw enforcement officer" means a person who:

- i. is appointed as such by the Chief Administrative Officer; or as contracted by the Town to perform such duties.
- ii. takes the official oath prescribed by the *Oaths of Office Act*, R.S.A. 2000, c. O-1 prior to the commencement of his/her duties.
- c. "CAO" means the Chief Administrative Officer of the Town.
- d. "Council" means the Council of the Town of Trochu.
- e. "MGA" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended.
- f. "municipal tag" means a form alleging an offence of a Town bylaw allowing for voluntary payment of the prescribed fine.
- g. "notice" means any notice authorized to be given under any municipal bylaw.
- h. "offence ticket" means any ticket or tag which is authorized by the *Municipal Government Act* and is in a form authorized under the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34 issued for any offence in which a penalty may be paid out of court in lieu of appearing to answer a summons.
- i. "Town" means the Town of Trochu.
- j. "violation ticket" has the same meaning as defined in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.

### **SECTION 3: APPOINTMENT**

- 3.1 The CAO may appoint one or more Bylaw Enforcement Officer(s) employed by the Town or by contractual agreement.
- 3.2 Bylaw Enforcement Officers employed by the Town are under the direct supervision of and report directly to the CAO. Bylaw Enforcement Officers under contract to the Town are under the direct supervision of and report directly to their employer.
- 3.3 The CAO may delegate any of the CAO's powers, duties, or functions contained in this section to any employee of the Town, including the option to further delegate those powers, duties or functions.

### **SECTION 4: POWERS, DUTIES AND RESPONSIBILITIES**

- 4.1 In accordance with their appointment by the CAO, or under contract to the Town, bylaw enforcement officers may:
  - a. issue municipal tags, notices and/or violation tickets for offences under bylaws;

- b. exercise all the powers, duties and functions of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with s. 542 of the MGA;
  - c. exercise all the powers, duties and functions of a designated officer to issue written orders pursuant to s. 545 and 546(0.1) of the MGA;
  - d. take whatever actions or measures which are necessary to remedy a contravention of the MGA, an enactment that the Town is authorized to enforce, or a bylaw in accordance with s. 549 of the MGA;
  - e. take whatever actions or measures which are necessary to eliminate a danger to the public safety caused by a structure, excavation, or hole or to deal with the unsightly condition of a property in accordance with s. 550 of the MGA.
- 4.2 The appointment of an individual as a bylaw enforcement officer in accordance with this bylaw is deemed to be written authorization to issue violation tickets for the offences under bylaws of the Town.

**SECTION 5: DISCIPLINARY POLICY**

- 5.1 The disciplinary procedures, penalties and appeal process applicable to a bylaw enforcement officer who is an employee of the contractor are outlined in the Memorandum of Agreement between the Village of Acme, Town of Three Hills and Town of Trochu and the Memorandum of Agreement between the Town of Three Hills and the Canadian Union of Public Employees Local 417-05.

**SECTION 6: GENERAL**

- 6.1 This Bylaw shall come into force and effect on the final date of passing thereof.
- 6.2 The Town shall obtain liability insurance covering the activities of the Bylaw Enforcement Officer(s) pursuant to this Bylaw.
- 6.3 BYLAW NO 1993-3 is hereby repealed.

**ENACTMENT,**

This Bylaw shall come into force and effect upon the date of the passing of the third and final reading and signing thereof.

READ A FIRST TIME THIS 20 DAY OF July, 2015.

READ A SECOND TIME THIS 20 DAY OF July, 2015.

READ A THIRD AND FINAL TIME THIS 20 DAY OF July, 2015.

X



Barry Kletke  
Mayor

X



Carl Peterson  
CAO