

BY-LAW NO. 851

A BY-LAW OF THE VILLAGE OF BIG VALLEY, in the Province of Alberta, to establish the powers and duties and disciplinary procedures relating to By-law Enforcement Officers in their capacity as preservers and maintainers of the public peace.

WHEREAS the Municipal Government Act, Revised Statutes of Alberta, 1980, Chapter M-26 as amended provides that a Council may appoint by-law enforcement officers;

AND WHEREAS the Municipal Government Act provides that if a Council does appoint by-law enforcement officers, the Council shall establish a by-law delineating the powers, duties and disciplinary procedures for such officers.

NOW THEREFORE the council of The Village Of Big Valley, in the province of Alberta, duly assembled enacts as follows:

1. This by-law shall be cited as the By-law Enforcement Officer By-law.

2. Definitions:

(a) "By-laws" means by-laws of the Municipality;

(b) "By-law enforcement officer" means a person or agency appointed as such by the Village Council;

(c) "Chief Administrative Officer" means the person appointed pursuant to By-law 770;

(d) "Council" means Council of the Village of Big Valley;

(e) "Manager" shall mean the Chief Administrative Officer or Acting Chief Administrative Officer for the Village of Big Valley unless appointed as the Bylaw Enforcement Officer by the Village of Big Valley Council; the Manager will then consist of a minimum of two Council members.

(f) "Misuse of Power" by a Bylaw Enforcement Officer shall mean any one or more of the following:

- i. Failure to perform or carryout their duties according to law;
- ii. Failure to carry out the duties and responsibilities given to them within the terms of their appointment as a Bylaw Enforcement Officer.

(g) "Municipality" means the Village of Big Valley

3. Powers and Duties

- (a) To enforce the by-laws which Village Council has authorized the by-law enforcement officer to enforce;

- (b) To make recommendations in writing to the Chief Administrative Officer for the discipline of a by-law enforcement officer;
- (c) To report to the Chief Administrative Officer or *their* designate and carry out the directions of the Chief Administrative Officer;
- (d) To assist in the prosecution of by-law contraventions including the gathering of evidence, the attendance of witnesses and any appearances in court that may be required;
- (e) To conduct routine patrols;
- (f) To respond to and investigate complaints as identified by the Chief Administrative Officer;
- (g) To issue notices, tickets or tags;
- (h) The Bylaw Enforcement Officer will be a designated officer for the purposes of Section 545 and 546 of the Municipal Government Act.
- (i) To take the official oath prescribed by the Oaths of Office Act upon being appointed as by-law enforcement officer and to carry upon *their* person at all such times as *they are* acting as chief by-law enforcement officer evidence in writing of *their* appointment as chief by-law enforcement officer of the Municipality.

4. Complaints

4.1 Receipt of Complaint:

- (a) Any complaint concerning the misuse of power of a Bylaw Enforcement Officer shall be dealt with in accordance with the provisions set out in this Part and shall be directed to the Council.
- (b) All complaints shall be in writing and any complaints received verbally shall be confirmed in writing by the complainant prior to proceeding.
- (c) Upon receipt of any complaint, it shall immediately be forwarded to **Council**.
- (d) **Council** shall provide written acknowledgement of the complaint, and to the person against whom the complaint was made.

4.2 Investigation

- (a) **Council** shall investigate the complaint.
- (b) Upon conclusion of the investigation, **Council** shall provide notice in writing to the Bylaw Enforcement Officer of the allegations made and the findings of the investigation.

- (c) The Bylaw Enforcement Officer shall be given the opportunity to make a full response to the allegations and investigations. The response shall be in writing and directed to **Council**.
- (d) Upon review of the response of the Bylaw Enforcement Officer and any other information **Council** believes appropriate in the circumstances to determine the facts, **Council** shall either dismiss the complaint as unfounded or as unsubstantiated or find the Bylaw Enforcement Officer has misused their power.
- (e) If **Council** determines that a misuse of power has occurred, corrective disciplinary procedures shall be commenced.
- (f) **Council** may resolve complaints informally, arriving at a solution that is satisfactory to the complainant and the Bylaw Enforcement Officer against whom the complaint was directed.

4.3 Disciplinary Action

- (a) If it has been determined that a misuse of power has been committed by the Bylaw Enforcement Officer, any one of the following measures may be taken by **Council**:
 - (i) A reprimand of the Bylaw Enforcement Officer;
 - (ii) A suspension of the Bylaw Enforcement Officer, with pay, for a period not to exceed seventy-two (72) hours;
 - (iii) A suspension of the Bylaw Enforcement Officer without pay for a period not to exceed seventy-two (72) hours;
 - (iv) The Bylaw Enforcement Officer is dismissed.

4.4 Disposition

- (a) **Council** shall notify the complainant and the Bylaw Enforcement Officer, in writing, of the results of the investigation and the actions to be taken within sixty (60) days from the date of the receipt of the complaint.

5. Appeal Procedures

- (a) If either the complainant or the Bylaw Enforcement Officer wishes to appeal the decision of the Council, the appeal shall be delivered to the Council within sixty (60) days of the date of receipt of notice of the results of the investigation.

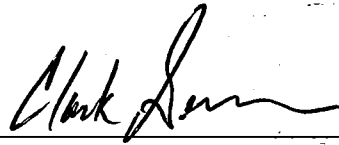
- (b) Within sixty (60) days from the date of the receipt of the notice of appeal as provided for in paragraph 4.1, the Council shall review the complaint, investigation report, speak to the person(s) involved as deemed necessary and review any other related documents associated with the complaint.

**READ A FIRST TIME THIS 24th of September, 2020 on a motion of Councillor Nibourg.
CARRIED**

READ A SECOND TIME THIS 24th of September, 2020 on a motion of Councillor Nibourg.
CARRIED

MOVED BY Councillor Tizzard that Bylaw 851 be given **THIRD** reading at this time.
CARRIED UNANIMOUSLY

READ A THIRD AND FINAL TIME this 24th day of September, 2020 on a motion of Deputy Mayor
German.
CARRIED



Deputy Mayor



Chief Administrative Officer