

TOWN OF MAGRATH
BYLAW NO. 1278
(Bylaw Enforcement Officer)

A BYLAW OF THE TOWN OF MAGRATH IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE APOINTMENT, EMPOWERMENT AND DISCIPLINE OF BYLAW ENFORCEMENT OFFICERS WITHIN THE TOWN OF MAGRATH.

WHEREAS, the Town of Magrath is required by section 556 of the Municipal Government Act to specify the powers and duties of Bylaw Enforcement Officer, and establish disciplinary procedures for misuse of powers, penalties, and the appeal processes,

NOW THEREFORE, the Council of the Town of Magrath, in the Province of Alberta, duly assembled, enact as follows:

Name of the Bylaw

1. This bylaw may be cited as the Town of Magrath "Bylaw Enforcement Officer" bylaw.

Definitions

1. In this bylaw:
 - a. "Bylaw" means a bylaw of the Town of Magrath
 - b. "Bylaw Enforcement Officer" means an employee of the Town of Magrath, who is employed for the preservation and maintenance of the public peace and includes:
 - i. the CAO or their designate
 - ii. a person appointed as a Community Peace Officer under the Peace Officer Act, and contracted through the Ridge Regional Public Safety Services Commission
 - c. "CAO" means the Chief Administrative Officer of the Town of Magrath
 - d. "Council" means the elected officials of the Town of Magrath
 - e. "Town" means the municipal corporation of the Town of Magrath, in the Province of Alberta or the area within the Town of Magrath's corporate limits, as the context requires.

Application

1. Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
2. Any heading or sub-heading in this Bylaw are included for guidance purposes and convenience and shall not form part of this Bylaw.

3. Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.

Supervisor of Bylaw Enforcement

1. The Town's Chief Administrative Officer or their designate shall be the Supervisor of Bylaw Enforcement.
2. The Supervisor of Bylaw Enforcement, in addition to all other powers and duties set out within the Bylaw, is authorized:
 - a. To carry out such investigation of the enforcement of bylaws as Council may from time to time request, and to make a report in writing to council of the results of the investigation;
 - b. To carry out any further duties and responsibilities assigned by Council
 - c. To ensure that bylaws of the Town are enforced;
 - d. To provide for the supervision of the performance and conduct of the Bylaw Enforcement Officers of the Town;
 - e. To assist in the prosecution of breaches of bylaws including the gathering of evidence, the attendance of witnesses and any appearance in court that may be required.

Bylaw Enforcement Officer

1. The Supervisor of Bylaw Enforcement will not hire a full-time or part-time Bylaw Enforcement Officer without Council's approval.
2. Upon being appointed a Bylaw Enforcement Officer, and prior to entering duties, each officer shall take the official oath as prescribed by the Oaths of Office Act.
3. The powers and duties of Bylaw Enforcement Officers shall include the following:
 - a. To enforce the bylaws which the Bylaw Enforcement Officer is authorized to enforce within the boundaries of the Town of Magrath;
 - b. To follow the directions of the Supervisor of Bylaw Enforcement and to report to the Supervisor of Bylaw Enforcement as required by them;
 - c. To respond to and investigate complaints;
 - d. To issue notices and offense tickets;
 - e. To lay information;
 - f. To assist in the prosecution of bylaw contraventions including appearances in court to provide evidence;
 - g. To carry upon their person at all such times as they are acting as a Bylaw Enforcement Officer evidence in writing of their position as a Bylaw Enforcement Officer of the Town;
 - h. To perform all other enforcement duties delegated to the Town by any statute of the Province of Alberta, that they are assigned by the Supervisor of Bylaw Enforcement to enforce;

- i. To Perform such other duties as may from time to time be assigned by the Supervisor of Bylaw Enforcement.
4. All Bylaw Enforcement Officers shall perform their duties within the conduct as established by this bylaw, and follow all directions of the Supervisor of Bylaw Enforcement.
5. The authority and appointment of the Bylaw Enforcement Officer shall cease when the person is no longer an employee of the Town or the Ridge Regional Public Services Commission.

Complaints, Disciplinary Action and Appeals

1. The process for handling of complaints and appeals arising from a matter respecting the conduct in the performance of duty of a Bylaw Enforcement Officer is established as follows:
 - a. All complaints respecting the conduct or performance of duty of any member shall be directed to the Supervisor of Bylaw Enforcement for investigation.
 - b. A complaint shall be in writing, dated and signed by the complainant.
 - c. The supervisor of Bylaw Enforcement shall investigate the complaint and may:
 - i. Reprimand the Bylaw Enforcement Officer, or
 - ii. Dismiss the claim, or
 - iii. Suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Town, but such period of suspension shall not exceed one (1) month, or
 - iv. Terminate the appointment of the Officer.
 - d. The Supervisor of Bylaw Enforcement shall inform the complainant in writing within thirty (30) calendar days from the date of receiving a complaint as to whether all or any portion of the said complaint was found justifiable, and whether disciplinary action is to be taken, and shall inform the complainant of his right of appeal to Council.
 - e. The complainant may, within fourteen (14) calendar days after receiving the information from the Supervisor of Bylaw Enforcement, file a notice of appeal with Council setting forth the grounds of which the appeal is based.
 - f. A Bylaw Enforcement Officer who feels themselves aggrieved by disciplinary action taken against them may, within fourteen (14) calendar days after receiving the information from the Supervisor of Bylaw Enforcement, file a notice of appeal with Council setting forth the grounds of which the appeal is based.
 - g. When an appeal is filed under this section, any disciplinary action taken as a result by the Supervisor of Bylaw Enforcement shall stand until a decision regarding the appeal is made by Council.
 - h. Council in making a decision regarding the appeal filed by the aggrieving Bylaw Enforcement Officer may:
 - i. Dismiss the appeal;

- ii. Allow the appeal
- iii. Revoke, vary or affirm disciplinary action imposed.
- i. The council shall make their decision and provide a written decision notice within thirty (30) calendar days to:
 - i. The complainant in the case of an appeal under subsection e. above or the appellant in the case of an appeal under subsection f. above; and
 - ii. The Supervisor of Bylaw Enforcement.
- j. The decision of Council is final.

Conduct

1. All Bylaw Enforcement Officers respecting the conduct or performance of duty, may be subject to suspension or termination if the offence includes:
 - a. Discreditable conduct:
 - i. Willfully or negligently makes a false complaint or lays a false complaint or statement against any person, or
 - ii. Withholds or suppresses a complaint or report against any person, or
 - iii. Is guilty of an indictable offense under a federal statute or an offense punishable upon summary conviction under the Criminal Code of Canada, or
 - iv. Abets, connives or is knowingly an accessory to a general default described in this Bylaw.
 - b. Deceit:
 - i. Knowingly make or signs a false statement in an official document or book, or
 - ii. Willingly or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or
 - iii. Without lawful excuse destroys, mutilates, or conceals an official document or record or alters or erases any entry therein.
 - c. Breach of confidence:
 - i. Divulges any matter which it is his duty to keep secret, or
 - ii. Without proper authorization or in contravention of any rules of the department communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation, or
 - iii. Without proper authorization shows to any unauthorized person, any book or written or printed paper, document or report relating to any law enforcement matter that is the property of or in the custody of the employer of the Bylaw Enforcement Officer.
 - d. Corrupt practice:
 - i. Fails to account for or make a prompt, true return of money or property received in an official capacity, or

- ii. Directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial, or
 - iii. Places himself under a pecuniary or obligation to a person of respect, whose conduct or business operation or employment the Officer may likely have to report or give evidence, or
 - iv. Improperly uses his position as a Bylaw Enforcement Officer for private advantage.
- e. Unlawful or unnecessary exercise of authority:
- i. Is unnecessarily discourteous or uncivil to a member of the public, or
 - ii. Uses excessive force in the execution of his duties without just cause, or
 - iii. Uses excessive authority of his position with his co-workers.
- f. Use of intoxicating liquor, or drugs in a manner prejudiced to duty:
- i. While on shift is unfit for duty due to the personal use of liquor, drugs or intoxicants, or
 - ii. Reports for a shift and is unfit for duty due to personal use of liquor, drugs or intoxicants prior to reporting for work, or
 - iii. Personally uses, consumes or receives from other persons liquor, drugs or intoxicants while on duty.

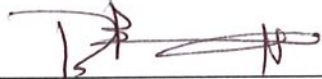
Effective Date

1. This Bylaw shall come into force and effect upon third reading thereof.
2. Upon third reading of this Bylaw, Bylaw # 876 is hereby repealed.


Read a first time this 8 day of December, 2020.

Read a second time this 8 day of December, 2020.

Read a third time and finally passed this 8 day of December, 2020.



Mayor – Russ Barnett



CAO – James Suffredine