



Town of Lamont

**A BYLAW OF THE TOWN OF LAMONT
IN THE PROVINCE OF ALBERTA**

BYLAW 04/20

BEING A BYLAW OF THE TOWN OF LAMONT, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONTRACTING OUT OF BYLAW ENFORCEMENT SERVICES AND TO SPECIFY THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS AND ESTABLISH A DISCIPLINARY PROCEDURE

WHEREAS, Section 7(i) of the *Municipal Government Act* provides that a council may pass bylaws respecting the enforcement of bylaws;

AND WHEREAS, Section 210(1) of the *Municipal Government Act* provides that a council may, by bylaw, establish one or more positions to carry out the powers, duties and functions of a designated officer;

AND WHEREAS, Section 555 of the *Municipal Government Act* provides that a person who is appointed as a bylaw enforcement officer is, in the execution of enforcement duties, responsible for the preservation and maintenance of the public peace;

AND WHEREAS, Section 556 of the *Municipal Government Act* provides every council must, by bylaw, specify the powers and duties of bylaw enforcement officers and establish disciplinary procedures applicable to its bylaw enforcement officers;

AND WHEREAS, the Council for the Town of Lamont deems it advisable to contract out the provision of bylaw enforcement services to a service provider;

NOW THEREFORE, the Council for the Town of Lamont, duly assembled, enacts as follows:

PART 1 – INTERPRETATION

Short Title

1. This bylaw may be cited as the “Bylaw Enforcement Officer Bylaw.”

Definitions

2. In this Bylaw, unless the context otherwise requires:
 - (a) “**Bylaw Enforcement Officer**” means an individual, who is not an employee of the Town, who has been appointed as a Bylaw Enforcement Officer pursuant to this Bylaw and in accordance with the terms of the agreement between the Town and the Contracted Service Provider;
 - (b) “**Chief Administrative Officer**” or “**CAO**” means the individual appointed by Council as the Chief Administrative Officer of the Town or his or her delegate;

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- (c) **“Contracted Service Provider”** means any third-party engaged by the Town and under current contract to provide bylaw enforcement services on behalf of the Town and may include, without limitation, another municipality, an individual, corporation, partnership or other legal entity;
- (d) **“Town”** means the municipal corporation of the Town of Lamont, in the Province of Alberta or, if the context requires, the geographical area within the boundaries of the municipality;
- (e) **“Municipal Tag”** means a tag or similar document issued by the Town pursuant the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence;
- (f) **“Violation Ticket”** has the meaning given to it in the *Provincial Offences Procedure Act*.

Rules of interpretation

- 3. The headings in this Bylaw are for guidance purposes and convenience only.
- 4. Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 5. In this Bylaw, a citation of or reference to any enactment of the Province of Alberta or of Canada, or of any other bylaw of the Town, is a citation of or reference to that enactment or bylaw as amended, whether amended before or after the commencement of the enactment or bylaw in which the citation or reference occurs.
- 6. Nothing in this Bylaw relieves a person from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.

PART 2 – CHIEF ADMINISTRATIVE OFFICER

Powers and duties

- 7. The Chief Administrative Officer:
 - (a) is authorized to enter into agreement on behalf of the Town, from time to time, with a Contracted Service Provider, on such terms and conditions as the Chief Administrative Officer deems advisable, subject only to the Council-approved budget;
 - (b) may appoint one or more individuals as Bylaw Enforcement Officers in accordance with this Bylaw;
 - (c) may revoke, suspend, or modify the appointment of a Bylaw Enforcement Officer in accordance with this Bylaw and subject to the terms and conditions of the agreement between the Town and the Contracted Service Provider;

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- (d) may authorize or require Bylaw Enforcement Officers to carry out any powers and duties necessary to fulfill their responsibility for the preservation and maintenance of the public peace;
- (e) may establish the standards of uniform, insignia, and identification for Bylaw Enforcement Officers, which may include adopting the uniform, insignia and identification of the Contracted Service Provider with their consent;
- (f) will ensure complaints of misuse of power by Bylaw Enforcement Officers are investigated and disposed of by the Contracted Service Provider,
- (g) will report on, or ensure the Contracted Service Provider reports on, the status and effectiveness of bylaw enforcement within the Town, when requested to do so by Council; and
- (h) 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, and functions.

PART 3 – BYLAW ENFORCEMENT OFFICERS

Oath of office

- 8. A Bylaw Enforcement Officer must, before starting his or her duties, take the official oath prescribed by the *Oaths of Office Act* as set out in Schedule "A" of this Bylaw.

Powers and duties

- 9.
 - (1) Subject to the terms and conditions of their appointment by the CAO, and the terms and conditions of the agreement between the Town and the Contracted Service Provider, the powers and duties of Bylaw Enforcement Officers are as follows:
 - (a) to enforce the bylaws of the Town;
 - (b) to provide public education on the Town's bylaws and enforcement services;
 - (c) to conduct routine patrols to ensure compliance with bylaws;
 - (d) to respond to and investigate complaints and alleged breaches of bylaws;
 - (e) to exercise all the powers and duties of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with Section 542 of the *Municipal Government Act*;
 - (f) to exercise all the powers and duties of a designated officer to issue written orders pursuant to Section 545 and 546 of the *Municipal Government Act*;

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- (g) to issue warning notices, Municipal Tags and Violation Tickets for offences under bylaws;
 - (h) to assist in the prosecution of bylaw offences, including the gathering of evidence, the swearing of complaints, preparation of prosecution files, ensuring the attendance of witnesses, and attending in court and providing evidence as required;
 - (i) to perform all other duties as may from time to time be assigned by the CAO.
- (2) Bylaw Enforcement Officers must comply with their appointment and exercise their powers and duties in accordance with all applicable Town bylaws, policies, procedures, and guidelines.

Officer identification

10. While acting in the course of their duties Bylaw Enforcement Officers shall carry on their person identification, in a form approved by the CAO, evidencing their appointment as a Bylaw Enforcement Officer.

Appointment ceases to be in effect

11. A Bylaw Enforcement Officer's appointment ceases to be in effect:
- (a) when the Bylaw Enforcement Officer ceases to be engaged by the Town in the capacity of a Bylaw Enforcement Officer,
 - (b) when the Bylaw Enforcement Officer's appointment is revoked in accordance with this Bylaw, or
 - (c) while the Bylaw Enforcement Officer's appointment is suspended in accordance with this Bylaw.
12. Upon a Bylaw Enforcement Officer appointment ceasing to be in effect, other than when suspended, the Bylaw Enforcement Officer shall immediately return to the CAO any uniforms, equipment, Municipal Tag and Violation Ticket books, appointment certificates, and all other materials or equipment supplied to the Bylaw Enforcement Officer by the Town.

PART 4 – MISUSE OF POWER

Complaints

- 13.
- (1) If a person believes that a Bylaw Enforcement Officer has misused their power, the person may file a complaint in accordance with this Part.
 - (2) A complaint made under subsection (1) must:
 - (a) be in writing,
 - (b) include the full name of the complainant,

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- (c) include contact information for the complainant,
- (d) indicate the reasons for the complaint and,
- (e) be sent to the Town, attention: Chief Administrative Officer

(3) Upon receipt of a complaint, the Chief Administrative Officer shall forward the complaint to the Contracted Service Provider for investigation and disposition in accordance with the Contracted Service Provider's discipline policy.



General

- 14. That Bylaw 08/04 and any amendments are hereby repealed.
- 15. This bylaw shall come into force when it has received third and final reading and has been signed.

READ A **FIRST** TIME THIS 25 DAY OF February, 2020.


 Mayor
 
 Chief Administrative Officer

READ A **SECOND** TIME THIS 25 DAY OF February, 2020.


 Mayor
 
 Chief Administrative Officer

READ A **THIRD** TIME THIS 25 DAY OF February, 2020.


 Mayor
 
 Chief Administrative Officer

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SCHEDULE "A"

OATH OF OFFICE

[If swearing in accordance with section 2 of the Oaths of Office Act]

I, _____ swear that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer for the Town of Lamont.

So help me God.

SWORN BEFORE ME at the ____ of)
_____, in the Province of)
Alberta, this ____ day of _____,)
20____.)

A Commissioner for Oaths
in and for the Province of Alberta

Signature of Bylaw Enforcement Officer

--- OR ---

[If solemnly affirming in accordance with section 4 of the Oaths of Office Act]

I, _____ solemnly affirm that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer for the Town of Lamont.

AFFIRMED BEFORE ME at the ____ of)
_____, in the Province of)
Alberta, this ____ day of _____,)
20____.)

A Commissioner for Oaths
in and for the Province of Alberta

Signature of Bylaw Enforcement Officer

Initials [Handwritten Signature]