

TOWN OF LAMONT
BYLAW 02/23



**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 of the Town of Lamont, hereby enacts as follows:

1. BYLAW TITLE

1.1 This Bylaw is known as “Bylaw Enforcement Officer Bylaw”.

2. DEFINITIONS

2.1 For the purposes of this Bylaw:

- a. “Act” means the Municipal Government Act” RSA 2000, c.M-26.
- b. “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;
- c. “Chief Administrative Officer” or “CAO” means the individual appointed by Council as the Chief Administrative Officer of the Town or his or her delegate;

- d. “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;
- e. “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;
- f. “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;
- g. “Violation Ticket” has the meaning given to it in the Provincial Offences Procedure Act.

3. RULES OF INTERPRETATIONS

- 3.1 The headings in this Bylaw are for guidance purposes and convenience only.
- 3.2 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.
- 3.3 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.
- 3.4 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.

4. POWER AND DUTIES – CHIEF ADMINISTRATIVE OFFICER

- 4.1 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;
- 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.

5. OATH OF OFFICE

- 5.1 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.

6. POWERS AND DUTIES – BYLAW ENFORCEMENT OFFICER

- 6.1 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;
- 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.

6.2 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.

7. OFFICER IDENTIFICATION

7.1 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.

8. APPOINTMENT CEASES TO BE IN EFFECT

8.1 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.

8.2 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.

9. COMPLAINTS

9.1 If a person believes that a Bylaw Enforcement Officer has misused their power, the person may file a complaint in accordance with this Part.

9.2 A complaint made under section 9.1 must:

- a. be in writing;
- b. include the full name of the complainant;
- 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

9.3 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. The Contracted Service Provider may exercise any of the following:

- a. warn the Bylaw Enforcement Officer;
- b. reprimand the Bylaw Enforcement Officer;
- c. suspend the Bylaw Enforcement Officer from duty, with or without pay, for an appropriate period of time;
- d. dismiss the Bylaw Enforcement Officer; or

e. sanction or penalize the Bylaw Enforcement Officer in any other appropriate manner.

9.4 The Chief Administrative Officer will be notified in writing of the results of the investigation by the Contracted Services

10. APPEAL

10.1 An Applicant may appeal a decision of the Contracted Service Provider made under either section 6 or 9.

10.2 An appeal under section 10 shall:

- a. be in writing, setting out the grounds of the appeal;
- b. be sent to the office of the CAO;
- c. include the address of the Appellant;
- d. be made within fifteen (15) days of the date that the decision was issued by the Contracted Service Provider;
- e. where the Appellant is the Complainant, be accompanied by an appeal fee of one hundred (\$100.00) dollars, payable to the Town of Lamont.

10.3 The CAO may summarily dismiss an appeal that, in the CAO's opinion does not comply with section 10.2.

10.4 If the CAO dismisses an appeal under section 10.3, the CAO shall send a notice to the appellant specifying the grounds and giving the reasons for the dismissal.

10.5 Within fifteen (15) days of receiving a notice of appeal that complies with section 10.2, the CAO shall:

- a. send the Contracted Service Provider a notice requiring the Contracted Service Provider to, within five (5) days, forward all documents relating to the original complaint (if any), as well as the subsequent investigation and decision;
- b. send the Respondent (if any) a copy of the notice of appeal.

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- 10.6 Subject to section 10.7, the CAO may conduct the appeal as the CAO consider appropriate, and although not required to do so, may conduct a new investigation and hold a new hearing.
- 10.7 In conducting the appeal the CAO shall:
- a. send the Appellant and Respondent (if any) a notice setting out the procedure and the timelines that the CAO intends to follow in conducting the appeal;
 - b. permit the Appellant and Respondent (if any) to review the materials provided by the Contracted Service Provider, unless the CAO has reason to believe that disclosure of those materials will:
 - i. detrimentally affect an ongoing investigation into an alleged violation of a Bylaw;
 - ii. place any person at risk of harm, or
 - iii. violate any provision of the *Freedom of Information and Protection of Privacy Act*,
 - c. provide the Appellant and Respondent (if any) with an opportunity to make submissions to the CAO; and
 - d. consider the materials gathered by the Contracted Service Provider during the investigation.
- 10.8 In concluding the appeal, the CAO shall dismiss or allow the appeal in whole or in part.
- 10.9 If the CAO allows the appeal in whole or in part, the CAO shall make an order that, in addition to setting out the CAO's decision to allow the appeal:
- a. sets aside the decision of the Contracted Service Provider;
 - b. authorizes the return of the appeal fee referred to under Section 10.2(e); and
 - c. authorizes that the appropriate amendments be made to the Bylaw Enforcement Officer's personnel file.

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- 10.10 If, in allowing the appeal in whole or in part, the CAO finds that the Bylaw Enforcement Officer has misused the power granted to him or her under this Bylaw, the CAO may exercise any of the following:
- a. warn the Bylaw Enforcement Officer;
 - b. reprimand the Bylaw Enforcement Officer;
 - c. suspend the Bylaw Enforcement Officer from duty, with or without pay, for an appropriate period time;
 - d. dismiss the Bylaw Enforcement Officer; or
 - e. sanction or penalize the Bylaw Enforcement Officer in any other appropriate manner.
- 10.11 Within thirty (3) days of concluding a review of the appeal, the CAO shall send written notice of the following to the Appellant and respondent (if any):
- a. the CAO's decision under section 10.8;
 - b. the CAO's order under section 10.9;
 - c. reasons for the CAO's decision and order.
- 10.12 The CAO's decision regarding an appeal is final.

11. GENERAL

- 11.1 That Bylaw 04/20 and any amendments are hereby repealed.
- 11.2 This bylaw shall come into force when it has received third and final reading and has been signed.

READ A FIRST TIME THIS 10 DAY OF January, 2023.



Mayor




Chief Administrative Officer

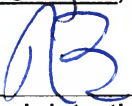
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READ A **SECOND** TIME THIS 10 DAY OF January, 20 23.

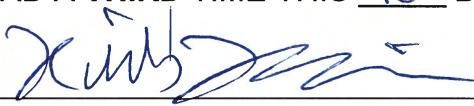


Mayor

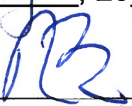


Chief Administrative Officer

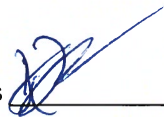
READ A **THIRD** TIME THIS 10 DAY OF January, 20 23.



Mayor



Chief Administrative Officer

Initials  _____



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