

VILLAGE OF ROSEMARY
In the Province of Alberta



Bylaw No. 471-19
Bylaw Enforcement Officer

A Bylaw of the Village of Rosemary in the Province of Alberta to establish the position of Bylaw Enforcement Officer.

WHEREAS: It is deemed proper and advisable to create the municipal office of Bylaw Enforcement Officer so that a person or persons appointed to that office will by diligent inspection ensure that the provisions of the bylaws of the Village of Rosemary are duly observed.

WHEREAS: The Council of the Village of Rosemary, has the authority under Section 7 of the Municipal Government Act, R.S.A. 2000 C-M-26, and related amendments, to enact bylaws for municipal purposes respecting the enforcement of bylaws made under this or any other enactment;

NOW THEREFORE: The municipal Council of the Village of Rosemary in the Province of Alberta, duly assembled in Council, enacts as follows:

1.0 Title

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

2.0 Definitions

- 2.1 **"Bylaw"** means a bylaw of the Village of Rosemary.
- 2.2 **"Bylaw Enforcement Officer"** shall mean a person appointed by the Chief Administrative Officer, and in the execution of his/her duties, may be a Village employee or an employee of a contractor whose services have been retained for the preservation and maintenance of the public peace.
- 2.3 **"Chief Administrative Officer"** (CAO) means the person appointed by Council pursuant to the Municipal Government Act.
- 2.4 **"Council"** means the municipal council of the Village of Rosemary.
- 2.5 **"Village"** means the Village of Rosemary.
- 2.6 **"Contractor"** means the organization under contract to supply a Bylaw Enforcement service to the Village of Rosemary.

3.0 General

- 3.1 Council hereby establishes the position of Bylaw Enforcement Officer and the individual(s) appointed to the position will have the title "Bylaw Enforcement Officer" or, if appointed by Alberta Solicitor General and Public Security as a Community Peace Officer for the Village of Rosemary, "Community Peace Officer".

- 3.2 Council will, by resolution, appoint an individual(s) to the position of Bylaw Enforcement Officer.
- 3.3 For the purposes of enforcing compliance with the Village of Rosemary bylaws, the Village CAO may delegate that authority for bylaw enforcement matters to the Bylaw Enforcement Officer(s).
- 3.4 Any person so appointed Bylaw Enforcement Officer shall hold term of office at the pleasure of the Council of the Village of Rosemary.
- 3.5 For the purpose of enforcing Village Bylaws, the territorial jurisdiction of the Bylaw Enforcement Officer serving the Village of Rosemary shall be the municipal boundaries of the Village of Rosemary.
- 3.6 The duties of the Bylaw Enforcement Officer shall be, but not restricted to the following:
 - 3.6.1 Ensuring through appropriate actions that the bylaws enacted by the Village hereto and hereafter are preserved and maintained.
 - 3.6.2 To carry out investigations of any alleged breaches of the Bylaws of the Village of Rosemary.
 - 3.6.3 To prepare necessary documentation and process charges laid according to law, including the serving of offense tickets and summonses for violations of the Village of Rosemary Bylaws and serve subpoenas on witnesses required for Court proceedings for said charges.
 - 3.6.4 To act on behalf of the Village of Rosemary before the courts in the prosecution of such charges.
 - 3.6.5 To preserve and maintain public peace in the matter of the observance of the provisions of the Bylaws of the Council of the Village of Rosemary within the municipal boundaries of the Village of Rosemary.
 - 3.6.6 To carry out other duties as required by bylaw or by resolution of the Council of the Village of Rosemary.

4. Handling Public Complaints

- 4.1 Receipt of Complaint
 - 4.1.1. Complaints or other information about inappropriate conduct of a Bylaw Enforcement Officer involving matters within the Village shall be directed to:

Chief Administrative Officer
 Village of Rosemary
 103 Railway Ave, PO Box 128
 Rosemary, AB T0J 2W0
 Phone No. (403) 378-4246

All complaints must be accepted in person or mail and dealt with according to the established policy as set out in this Bylaw. Complaints should be in writing using Schedule A 'Complaint Form'. Complaints received verbally shall be recorded in writing using Schedule A 'Complaint Form'.

4.1.2 The complaint shall immediately be forwarded to the CAO.

4.1.3. The CAO shall acknowledge receipt of the complaint, in writing to: the person making the complaint, to the Bylaw Enforcement Officer against whom the complaint was made (if a Village employee), or to the Supervisor of the Bylaw Enforcement Officer if the Bylaw Enforcement Officer is employed by a Contractor supplying Bylaw Enforcement service to the Village.

4.2 Investigation

4.2.1 The CAO shall investigate the complaint or have it investigated.

4.2.2. If the CAO is satisfied that a misconduct has been committed, and if the Bylaw Enforcement Officer is a direct employee of the Village, the CAO may take corrective disciplinary action. If the Bylaw Enforcement Officer is a contracted service provider employed by a Contractor, the investigation shall be carried out in partnership with the Supervisor of the Bylaw Enforcement Officer.

4.2.3 The CAO may resolve minor complaints informally, with a solution that is satisfactory to all parties.

4.3 Disciplinary Action

4.3.1 If the Bylaw Enforcement Officer is an employee of the Village, the CAO shall present the allegations that were made and the findings of the investigation to the Bylaw Enforcement Officer.

4.3.2 In contract service situations the CAO shall present the allegations that were made and the findings of the investigation to the Supervisor of the Bylaw Enforcement Officer who will then meet with the Bylaw Enforcement Officer for the purpose of presenting the findings of the investigation to the Bylaw Enforcement Officer.

4.3.3 The Bylaw Enforcement Officer shall be given an opportunity to submit a full response to the allegations together with supporting evidence, to the Bylaw Enforcement Officer's direct supervisor.

4.3.4 After being presented with the explanation of the Bylaw Enforcement Officer, and any other information that is relevant to determine the facts, the CAO shall determine if the complaint is unfounded or unsubstantiated or that the Bylaw Enforcement Officer has committed a misconduct.

4.3.5 For situations where the Bylaw Enforcement Officer is an employee of the Village, and the CAO finds the Bylaw Enforcement Officer has committed a misconduct, he/she may take one of the following disciplinary actions:

- warn the Bylaw Enforcement Officer;
- reprimand the Bylaw Enforcement Officer;
- suspend the Bylaw Enforcement Officer, without pay, for a period not exceeding 48 hours (period of time ie. hours/days etc.);
- recommend to Council that the Bylaw Enforcement Officer be dismissed.

4.3.6 For situations where the Bylaw Enforcement Officer is the employee of a

Contractor, the CAO shall consult with the Bylaw Enforcement Officer's direct Supervisor to determine which of the actions outlined in 4.3.4 above should be taken.

4.4 Notification and Appeal

- 4.4.1 The CAO shall notify the complainant, the Bylaw Enforcement Officer (in the case of a Village employee), or the Supervisor of the Bylaw Enforcement Officer (in the case of a Contractor), and Council, in writing, of the results of the investigation, the action to be taken and the right to appeal the decision. The complainant shall be notified that Council is authorized to hear an appeal, and that the appeal must be filed, in writing, within thirty (30) days of receiving the decision.
- 4.4.2 After reviewing the information, Council may dismiss the appeal or allow the appeal. If the appeal is allowed, Council may request that the discipline outlined in Paragraph 4.3.4 be applied or varied to meet the circumstances.
- 4.4.3 The CAO shall notify the complainant, the Bylaw Enforcement Officer (if a Village employee, or the Bylaw Enforcement Officers direct supervisor) and Council, in writing, of the results of the appeal.
- 4.4.4 The decision of Council is final.

5.0 Severability

- 5.1 Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

6.0 Repeal of Bylaw

- 6.1 That the following Bylaw and all amendments be hereby repealed, Bylaw #430-11.

7.0 Effective Date

- 7.1 This Bylaw shall come into full force and effect, on the date of third and final reading.

READ a first time this 22nd day of October 2019.

READ a second time this 22nd day of October 2019.

READ for the third time and passed by unanimous consent this 22nd day of October 2019.

William Marshall, Mayor

Sharon Zacharias, Chief Administrative Officer



COMPLAINT FORM

Date: _____

Time of Complaint: _____ am / pm

Complainant Name: _____

Phone No: _____ Home / Cell

Complainant Address: _____

Nature of Complaint: _____

- Has someone been contacted previously about this problem? Yes / No
 - If Yes, to whom or which department? _____

DETAILS:

Name of Complainant

Signature of Complainant