

Village of Alliance  
In the Province of Alberta  
Bylaw 2018-10  
“By-law Enforcement Officer By-law”

**A BYLAW OF THE VILLAGE OF ALLIANCE IN THE PROVINCE OF ALBERTA TO ESTABLISH CERTAIN DESIGNATED OFFICER POSITIONS AND TO ESTABLISH A FRAMEWORK FOR DELEGATION OF ADMINISTRATIVE FUNCTIONS.**

**WHEREAS** pursuant to the provisions of Section 210 of the *Municipal Government Act*, Chapter M-26, Revised Statutes of Alberta 2000, and any amendments thereto, Council may by Bylaw establish one or more positions to carry out the powers, duties and functions of a Designated Officer under this or any other enactment;

**AND WHEREAS** the Council of the Village of Alliance is desirous of creating Designated Officer positions for the Assessor and the Bylaw Enforcement Officer.

**NOW THEREFORE** the Council of the Village of Alliance, in the Province of Alberta, duly assembled, enacts as follows:

**1. TITLE**

- a. This Bylaw may be cited as the “**Designated Officer**” Bylaw.

**2. DEFINITIONS:**

- a. “**Bylaw**” means a bylaw of the Village of Alliance.
- b. “**Bylaw Enforcement Officer**” means a person who:
  - is appointed by the Council of the Village of Alliance to the position established by this bylaw;
  - takes the official oath prescribed by the *Oaths of Office Act*, R.S.A. 2000,
- c. “**Designated Officer**” shall mean a person appointed by the Council of the Village of Alliance to the position established by this bylaw.
- d. “**Chief Administrative Officer**” means the person appointed by Council pursuant to the *Municipal Government Act*.
- e. “**Council**” means the municipal council of the Village of Alliance.
- f. “**Village**” means the Village of Alliance.

**3. DESIGNATED OFFICER**

- a. The following Designated Officer positions are established, and the persons appointed to these positions will have the following titles:
  - **BYLAW ENFORCEMENT OFFICER:** To carry out the powers, duties and functions under the *Municipal Government Act*, *Weed and Pest Control Act* or any other Act and those powers, duties and functions assigned by the Chief Administrative Officer.
- b. Council will, by resolution, appoint individuals to the Designated Officer positions established by this bylaw.
- c. The appointment of the Designated Officers may be revoked by Council under the provisions of the *MGA*, Section 211.

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In the Province of Alberta  
Bylaw 2018-10  
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**4. POWERS, DUTIES AND RESPONSIBILITIES**

- 4.1 In accordance with their appointment Council, Bylaw Enforcement Officers may:
- a. Issue municipal tags, notices and/or violation tickets for offences under bylaws;
  - b. Exercise all the powers, duties and functions of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with s. 542 of the MGA;
  - c. Exercise all the powers, duties and functions of a designated officer to issue written orders pursuant to s. 545 and 546(0.1) of the MGA;
  - d. Take whatever actions or measures are necessary to remedy a contravention of the MGA, an enactment that the Village is authorized to enforce, or a bylaw in accordance with s. 549 of the MGA;
  - e. Take whatever actions or measures are necessary to eliminate a danger to the public safety caused by a structure, excavation, or hole or to deal with the unsightly condition of a property in accordance with s. 550 of the MGA.
  - f. The appointment of an individual as a bylaw enforcement officer in accordance with this bylaw is deemed to be written authorization to issue violation tickets for the offences under bylaws of the Village.
- 4.2 Council hereby establishes a Bylaw Enforcement Committee to be composed of the members of the Village Council, one of which members shall be designated as Chairman at the Organizational meeting.
- 4.3 The duties and responsibilities of the Bylaw Enforcement Committee are as follows:
- a. To hear appeals from any decision of the Bylaw Enforcement Officer;
  - b. To investigate any reports of a breach of duties committed by the Bylaw Enforcement Officer while carrying out his/her role as peace officer;
  - c. Where it is alleged that a Bylaw Enforcement Officer, in carrying out his/her duties as a peace officer has committed a breach of duties, the committee shall hold a hearing to determine if the Bylaw Enforcement Officer has committed a disciplinary default, as defined by this by-law, while carrying out his/her duties.
  - d. If a breach has occurred, the following procedures shall be followed:
    - i. Adequate notice (a minimum of 2 days) in writing shall be given to the Bylaw Enforcement Officer who is alleged to have committed a disciplinary breach and to such other parties the Committee considers to be affected by the alleged disciplinary breach.
    - ii. At the end of the hearing, the Committee may, by a decision in writing with reason, do the following:
      - Reprimand in writing the Bylaw Enforcement Officer, or;
      - Suspend the Bylaw Enforcement Officer from acting as Bylaw Enforcement Officer for the Municipality, but such a period shall not exceed six (6) months; or
      - Terminate the appointment of the Bylaw Enforcement Officer.
  - e. For purposes of this Bylaw, the following shall be disciplinary defaults:
    - i. Discreditable conduct where the Bylaw Enforcement Officer:

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Bylaw 2018-10  
“By-law Enforcement Officer By-law”

- Acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of Bylaw Enforcement Officers;
- Helps, plans or is knowingly an accessory to a general default described in this bylaw;
- Is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code of Canada;
- Insubordination, where the Bylaw Enforcement Officer by word or action and without lawful excuse, disobeys, omits or neglects to carry out any lawful order;
- Deceit, where the Bylaw Enforcement Officer knowingly makes or signs false statements in an official document or;
- Without lawful excuse, destroys, mutilates or conceals an official document or record or alters or erases therein;
- Breach of Confidence, where a Bylaw Enforcement Officer divulges any matter which his/her duty is to keep confidential;
- Without proper authorization from Council, communicates to any unauthorized person any law enforcement matter which could be injurious to any person or investigation;
- Corrupt Practice, where the Bylaw Enforcement Officer fails to account for money, property, or directly or indirectly receives a gratuity, present, pass, subscription or testimonial without the consent of the Committee:

**5. 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 EFFECTIVE DATE**

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

READ a first time on this \_\_\_\_ day of \_\_\_\_\_, 2018.

READ a second time on this \_\_\_\_ day of \_\_\_\_\_, 2018.

Given UNANIMOUS consent to go to third reading on this \_\_\_\_ day of \_\_\_\_\_, 2018.

READ a third and final time on this \_\_\_\_ day of \_\_\_\_\_, 2018.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer