



TOWN OF GIBBONS

Bylaw Enforcement Officers

Bylaw TBE 1-22

A BYLAW OF THE TOWN OF GIBBONS IN THE PROVINCE OF ALBERTA, REGARDING BYLAW ENFORCEMENT OFFICERS

WHEREAS under provisions of the Municipal Government Act, being chapter M-26, Section 146.1 of the Revised Statues of Alberta 2000 or thereof amended, Council may pass bylaws for municipal purposes respecting the Code of Conduct of members of Council.

AND WHEREAS: it is desirable and in the best interest of the Town of Gibbons that a bylaw be passed regulating the powers and duties of bylaw enforcement officers and disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power;

AND WHEREAS: the Bylaw Enforcement Services bylaw is supplementary to the existing federal and provincial statues, laws and policies governing the conduct of Bylaw Enforcement Officers;

NOW THEREFORE: the Council of the Town of Gibbons, in the province of Alberta, hereby enacts as follows:

1. TITLE

This bylaw may be cited as the "Bylaw Enforcement Services bylaw".

2. DEFINITIONS

"ACT" means the Municipal Government Act as amended from time to time.

Document History

Table with 4 columns: Bylaw Adopted - Resolution #, Bylaw Repealed, Bylaw Amended and Adopted - Resolution #, Date to be Reviewed

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“BYLAW” means the Bylaws of the Town of Gibbons, duly enacted pursuant to the MGA or any other statute of the Province of Alberta.

“BYLAW ENFORCEMENT OFFICER” means a person appointed under Section 555 of the MGA for the purposes of the enforcement of the Town of Gibbons Bylaws and may include a person appointed under the *Peace Officer Act* of Alberta and who abides by the *Peace Officers Supplementary Code of Conduct*.

“CAO” means the person appointed to the position of Chief Administrative Officer by the Council of the Town of Gibbons and includes any person that the Chief Administrative Officer may appoint as his/her designate for purposes of carrying out responsibilities under the Bylaw and further includes any person that may be appointed to in the absence of the Chief Administrative Officer.

“COUNCIL” means the Municipal Council of the Town of Gibbons duly elected and holding office.

“MGA” means the *Municipal Government Act* Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto.

“TOWN” means the Town of Gibbons, a Municipal Corporation of the Province of Alberta and includes the area contained within the boundaries of the municipality.

3. POWERS AND DUTIES - CAO

The CAO may:

- 3.1 assume any of the duties and powers of a Bylaw Enforcement Officer or appoint an interim Bylaw Enforcement Officers for the purpose of enforcing the Town’s bylaw.
- 3.2 revoke, suspend or modify the appointment of Bylaw Enforcement Officers in accordance with this Bylaw.
- 3.3 monitor and investigate complaints of misuse of power by Bylaw Enforcement Officers and make a report in writing to Council of the results of the investigation.
- 3.4 grant written authorization to issue violation tickets under the Provincial Offences Procedure Act.

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- 3.5 authorize or require Bylaw Enforcement Officers to carry out any powers, duties, or functions necessary to fulfill their responsibility for the preservation and maintenance of public peace.
- 3.6 delegate any of the CAO's powers, duties, or functions to a designated officer or an employee of the Town as outlined in the MGA.

4. POWERS AND DUTIES – BYLAW ENFORCEMENT OFFICER

An appointed Bylaw Enforcement Officer shall:

- 4.1 execute the enforcement duties, appointed for the purposes of, and responsible for the preservation and maintenance of the public peace.
- 4.2 enforce the bylaws that Council has authorized within the boundaries of the Town.
- 4.3 respond to and investigate complaint, conduct routine patrols, and issue notices, tickets, or tags.
- 4.4 carry out the direction of Council.
- 4.5 exercise all powers, duties, and functions of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw enactment in accordance with the Municipal Government Act.
- 4.6 assist in the prosecution of breaches of municipal bylaws and related offences including the issuance of violation tickets, the swearing of complaints, the service of summons, the gathering of evidence, ensuring the attendance of witnesses and make any appearances in court that may be required.

5. MISUSE OF POWER, DISCIPLINARY ACTION, AND APPEALS

The process for the handling of complaints and appeals arising from matters respecting the conduct in the performance of duty of a Bylaw Enforcement Officer is established as follows:

- 5.1 All complaints respecting the conduct or performance of duty of any Bylaw Enforcement Officer shall be directed to the Bylaw Enforcement Supervisor and the CAO.

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- 5.2 A complaint shall be in writing and signed by the complainant and the CAO will acknowledge receipt of the complaint to the complainant and the Bylaw Enforcement Officer involved in writing within 10 working days of the receipt date.
- 5.3 The Bylaw Enforcement Supervisor will investigate the complaint and may:
 - 5.3.1 reprimand, suspend or terminate the Bylaw Enforcement Officer as determined by the Bylaw Enforcement Supervisor
 - 5.3.2 dismiss the claim
- 5.3 The CAO will update the complainant on any decision or action taken in writing within 30 days of receiving the complaint.
- 5.4 Any person who considers themselves to be aggrieved by the decision of the Bylaw Enforcement Supervisor may appeal the decision to the CAO in writing within 14 days of the date of the Notice of Decision setting forth the grounds of which the appeal is based.
- 5.5 The CAO shall hear an appeal within 30 days from the day of the receipt of the notice of appeal.
- 5.6 The decision of the CAO on an appeal shall be final and conclusive. There shall be no further right of appeal and shall not be subject to judicial review

6. SEVERABILITY

- 6.1 Should any provision of this Bylaw become invalid, void, illegal or otherwise unenforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been invalid.

7. ENACTMENT

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed thereof.

Document History

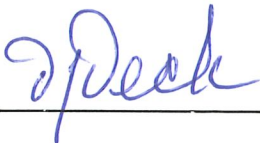
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Read a first time this 22nd of June 2022.

Read a second time this 22nd of June 2022.

Read a third and final time this 27th of July 2022.



Mayor



Chief Administrative Officer

Document History

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