

VILLAGE OF COWLEY

BYLAW # 424

BYLAW ENFORCEMENT OFFICER BYLAW

A Bylaw of the Village of Cowley in the Province of Alberta, for the purpose of appointing a Bylaw Enforcement Officer

WHEREAS, Section 7(i) of the Municipal Government Act, RSA 2000, c. M-26 as amended, provides that a Council may pass bylaws respecting the enforcement of bylaws;

WHEREAS, the Municipal Government Act, RSA 2000, c. M-26 and amendments thereto, 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;

WHEREAS pursuant to Section 210 of the Municipal Government Act, further provides that Council may, by bylaw, establish one or more positions to carry out the powers, duties and functions of a designated officer;

NOW THEREFORE, the Council of the Village of Cowley, Alberta, duly assembled, enacts as follows:

TITLE

This bylaw may be cited as the "Bylaw Enforcement Officer Bylaw"

DEFINITIONS

Officer means an individual who has been appointed pursuant to this Bylaw as a Bylaw Enforcement Officer

CAO means the Chief Administrative Officer for the Village of Cowley.

Council means the Council of the Village of Cowley.

Village means the municipality of the Village of Cowley in the Province of Alberta.

APPOINTMENT OF THE BYLAW OFFICERS

- 1) The CAO may, from time to time, appoint one or more Officers in accordance with this Bylaw and may impose terms and conditions on Officers appointments.
- 2) The CAO may revoke, suspend or modify the appointment of an Officer in accordance with this Bylaw.

- 3) The CAO shall ensure complaints of misuse of power by an Officer are investigated.
- 4) The CAO may delegate any of the CAO's powers, duties or functions contained in this section to any employee of the Municipality, including the option to further delegate those powers, duties, and functions.

POWERS AND RESPONSIBILITIES OF OFFICERS

- 5) In accordance with their appointment by the CAO, the powers and duties of Officers shall include the following:
 - a. Preserving and maintaining the public peace;
 - b. Perform routine patrols;
 - c. Enforcing the Bylaws of the Village;
 - d. Responding to and investigating complaints and alleged breaches of Bylaws;
 - e. Issuing warnings, orders, notices and tickets as required;
 - f. Advising and providing education to the public on the Bylaws including gathering evidence, ensuring the attendance of witnesses, attending court and providing evidence as required;
 - g. Exercising all powers, duties and functions of a designated officer to conduct inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with Section 542 of the Municipal Government Act;
 - h. The authority of an Officer shall terminate when the employee ceases to be an employee of the Village.

MISUSE OF POWER AND CONDUCT OF OFFICERS

- 6) All Officers are expected to exercise sound judgement, discretion, and integrity in carrying out their duties.
- 7) An Officer who misuses the power of their position or conducts themselves in a manner which undermines public trust and confidence or in any way contravenes Municipal policy may be subject to discipline. Such offences include, but are not limited to: Discreditable Conduct, Deceit, Breach of Confidence, Corrupt practice or unlawful or unnecessary exercise of authority including being discourteous, disrespectful, or verbally abusive to a member of the public, using excessive force in carrying out their duties without just cause or using the authority of their position to bully, harass or intimidate others.

- 8) Any complaint concerning the misuse of power of an Officer shall be in writing and shall be immediately directed to the CAO.
- 9) The CAO, or their designate, shall investigate the complaint, upon which the CAO, or their designate, shall provide notice in writing to the Officer of the allegations made and the findings of the investigation.
- 10) The Officer shall be given the opportunity to make a full response to the allegations and investigations. The response shall be in writing and directed to the CAO.
- 11) Upon review of the response of the Officer and any other information the CAO believes appropriate in the circumstances to determine the facts, the CAO shall either dismiss the complaint as unfounded or as unsubstantiated or find that the Officer has misused his or her power.
- 12) If the CAO determines that a misuse of power has occurred, corrective disciplinary procedures shall be commenced; may resolve complaints informally, arriving at a solution that is satisfactory to the complainant and the Officer.
- 13) If it has been determined that a misuse of power has been committed by the Officer, measures may be taken by the CAO, including one of the following: a reprimand of the Officer, suspension of the Officer, or the Officer be dismissed.

OATH OF OFFICE

- 14) An officer must, before starting their duties, take the official oath prescribed by the Oaths of Office Act, RSA 2000, c. O-1, or such other oath as may be required from time to time, and as amended or replaced.

ENACTMENT

- 1) This bylaw shall come into force and come into effect upon date of third reading.

Read a first time this _____ day of _____, 2021.

Read a second time this _____ day of _____, 2021.

Read a third time and passed this _____ day of _____, 2021.

Mayor – Warren Mickels

CAO - Cindy Cornish