

**WOODLANDS COUNTY
BYLAW 425/13
PROVINCE OF ALBERTA**

BEING A BYLAW FOR THE PURPOSE OF ESTABLISHING THE POWERS AND DUTIES AND DISCIPLINARY PROCEDURES RELATING TO BYLAW ENFORCEMENT OFFICERS IN THEIR CAPACITY AS PRESERVERS AND MAINTAINER OF THE PUBLIC PEACE.

WHEREAS. Section 7 of the *Municipal Government Act*, R.S.A. 2000, M-26, as amended, (hereafter the "*Municipal Government Act*") provides that council may pass bylaws for municipal purposes;

AND WHEREAS, Section 5 of the *Municipal Government Act* provides that a municipality has the powers, duties and functions given to it under the *municipal Government Act* and other enactments;

AND WHEREAS, Section 203 of the *Municipal Government Act* provides that council may by bylaw delegate any of his powers, duties or functions;

AND WHEREAS, section 209 of the *Municipal Government Act* provides that the Chief Administrative Officer may delegate any of his powers, duties or functions;

AND WHEREAS, section 556 of the *Municipal Government Act* provides that the powers and duties of Bylaw Enforcement Officer, and the disciplinary procedures applicable to Bylaw Enforcement Officers, must be specified by Council of the municipality;

AND WHEREAS, all references to legislation are Alberta statues unless otherwise stated;

AND WHEREAS, Woodlands County deems it necessary to have Bylaw Enforcement for peace and order within the community;

NOW THEREFOR, the Council of Woodlands County, in Council duly assembled, hereby enacts as follows.

1. This bylaw shall be cited as the "Bylaw Enforcement Officer Bylaw."
2. In this bylaw, including this section:
 - a. "Bylaw" means bylaw of the county;
 - b. "Bylaw Enforcement Officer" means an employee of the County who has been appointed pursuant to this bylaw;

- c. "County" means Woodlands County;
- d. "Chief Administrative Officer" means the chief administrative officer of the County and the person who is appointed as such by the County council, or anyone who is the Acting Chief Administrative Officer of the County;
- e. "Council" means Council of the county;
- f. "Offence Ticket" means any ticket of tag which is authorized under the *Municipal government act*, the *Provincial Offences Procedures Act*, and any other enactment, and which is issued for any bylaw offence;
- g. "Notice" is any notice authorized to be given under any County bylaw or enactment.

Chief Administrative Officer

- 3. The Chief Administrative Officer shall appoint Bylaw Enforcement Officers;
- 4. To set rules, policies and regulations for the conduct of Bylaw Enforcement Officers with respect to their powers and duties as Bylaw Enforcement Officers;

Bylaw Enforcement Officers

- 5. Bylaw Enforcement Officers are employees of the County. Bylaw Enforcement officer are bylaw officers responsible for the preservation and maintenance of the public peace and outlined in this bylaw.
- 6. The powers and duties of Bylaw Enforcement Officers include:
 - a. To enforce the bylaws of the County which the Bylaw Enforcement Officer is authorized to enforce within the geographical boundaries of the county;
 - b. To follow the directions of the Director of Community Services or his designate and to report to the Supervisor of Patrol Services or his designate;
 - c. To respond to and investigate complaints;
 - d. To issue notices or offence Tickets;
 - e. To obey all rules and regulations established by the Director of Community Services, follow the directions of the Supervisor or Patrol Services, Director of Community Services, the County Administrator and Council;
 - f. To assist in the prosecution of by-law contravention including appearances in court to provide evidence;

- g. To perform all duties as may from time to time be assigned by the Director of Community Services;
 - h. To take the official oath prescribed by the *Oaths of Office Act* upon being appointed as a Bylaw Enforcement Officer;
 - i. To carry identification identifying his as a Bylaw Enforcement Officer when performing work in that capacity for the County;
 - j. To perform all other duties as assigned by the Director of Community Services, Supervisor of Patrol Services and the county Administrator or Council.
7. The Employment of a Bylaw Enforcement Officer with the County is terminated when the County terminates it with or without just cause or by operation of law, or the Bylaw Enforcement Officer terminates employment by resigning.
 8. The authority of a Bylaw Enforcement Officer terminates when the Bylaw Enforcement Officer is no longer an employee of the County. The authority of a Bylaw Enforcement officer is suspended when the Bylaw Enforcement officer is suspended for disciplinary reasons.
 9. The appointment of a Bylaw Enforcement Officer is revoked when the employment of the Bylaw Enforcement Officer with the County is terminated.

Bylaw Enforce Officers – Authority to Enforce

10. The Bylaw Enforcement Officers are authorized to enforce all Woodlands County Bylaws and enter at all reasonable times on to any property or premises to ascertain whether the regulations and provisions of the said bylaws are being or have been complied with.

Disciplinary Procedures, Penalties & Appeals

11. Misconduct for which a Bylaw Enforcement Officer may be disciplined shall include, but not be limited to the following:
 - a. Poor performance;
 - b. Absenteeism;
 - c. Discreditable conduct including while off duty;
 - d. Neglect of duty;
 - e. Insubordination;
 - f. Dishonesty or deceit;
 - g. Breach of confidentiality;
 - h. Corrupt practice;

- i. Unsafe practices;
 - j. Theft;
 - k. Falsification of records;
 - l. Attending work while under the influence of alcohol, illicit drugs or other substances;
 - m. Consuming alcohol or illicit drugs or other intoxicating substances while performing duties;
 - n. Unlawful or unnecessary exercise of authority; and
 - o. Conviction of a criminal offence.
12. An allegation of misconduct of a Bylaw Enforcement Officer may be made by any person.
 13. Where it is alleged that a Bylaw Enforcement Officer, in carrying out duties has engaged in misconduct, the Director of Community Services shall conduct an investigation into the allegations of misconduct, or cause an investigation into the allegations of misconduct to be conducted.
 14. During the investigation into the allegations of misconduct, the Bylaw Enforcement Officer will be informed of the nature of the allegations in sufficient detail to permit the Bylaw Enforcement Officer a reasonable opportunity to provide relevant facts or explanation related to the allegations of misconduct.
 15. The duties of a Bylaw Enforcement Officer may be suspended with or without pay while an investigation is conducted into allegations of misconduct.
 16. When the investigation into an allegation of misconduct of a Bylaw Enforcement Officer has been completed and misconduct has been found, the Director of Community Services shall decide what disciplinary action will be taken. Disciplinary action may include, but is not limited to, written warning, suspension with or without pay for up to 6 months, or termination of employment for just cause. The Director of Community Services shall provide the Patrol Services Office with the disciplinary action in writing with reasons. The written disciplinary action may be presented to the Bylaw Enforcement Officer in person, or mailed to the last known address of the Bylaw Enforcement Officer.
 17. When the investigation into an allegation of misconduct of a Bylaw Enforcement Officers has been completed and misconduct is not found, the Director of Community Services shall dismiss the allegations of misconduct and the Bylaw Enforcement Officer shall be notified in writing that the allegations of misconduct have been dismissed.
 18. A Bylaw Enforcement Officer may appeal the disciplinary action taken by the Director of Community Services to the County Chief Administrative Officer, by giving written notice of appeal, with reasons, within 10 days from the time the disciplinary action of the Director of Community Services was provided to the

Bylaw Enforcement Officer in person or within 30 days of the disciplinary action being mailed to the last known address of the Bylaw Enforcement Officer, whichever first occurs.

19. Upon receiving a notice of appeal, the Chief Administrative Officer shall hold a hearing into the matter within 15 day after receiving the notice of appeal from the Bylaw Enforcement Officer, or such longer time as may be determined by the Chief Administrative Officer. The following applies to such a hearing:
 - a. The Bylaw Enforcement Officer shall be provided with reasonable notice, in writing, of at least two days of the hearing.
 - b. The Director of Community Services and any other party the Chief Administrative Officer considers to be affected by the appeal shall be provided with reasonable notice of the hearing, in writing, of at least two days.
 - c. The Chief Administrative Officer will determine the procedures to be followed at the hearing.
 - d. Any oral or written evidence may be accepted at the hearing as determined by the Chief Administrative Officer in his sole discretion, whether such evidence is admissible in a court of law or not. The Chief Administrative Officer is not bound by law of evidence applicable to judicial proceedings.
 - e. At the hearing the Bylaw Enforcement Officer, or the designated representative of the Bylaw Enforcement Officer, will be given a reasonable opportunity to present relevant evidence and make representations by way of argument.
 - f. The hearing before the Chief Administrative Officer is not a public hearing.
20. The decision of the Chief Administrative Officer, in writing and with reasons, will be provided to the Bylaw Enforcement Officer and the Director of Community Services within 30 days of the hearing, or such longer time as may be required and determined by the Chief Administrative Officer. The decision of the Chief Administrative Officer shall be final and binding.

General

21. Should any part of this Bylaw be found to have been improperly enacted, for any reason, then such part shall be severable from the remainder of this Bylaw and this Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

Effective Date

22. This Bylaw comes into force upon the date of final passing.

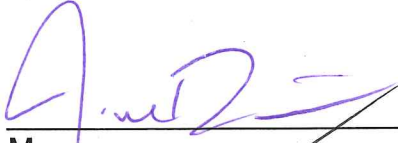
Repeal

23. That Bylaw No. 032/95 and amendments thereto are hereby repealed.

READ a first time this 2nd day of July A.D. 2013

READ a second time this 2nd day of July A.D. 2013

READ a third time this 2nd day of July A.D. 2013



Mayor



Chief Administrative Officer