

TOWN OF WAINWRIGHT  
BYLAW 2021-06

A bylaw of the Town of Wainwright, in the Province of Alberta, to authorize the appointment of bylaw enforcement officers.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26 RS.A 2000 and amendments thereto, a Council may appoint officers to enforce its bylaws,

AND WHEREAS Section 556 of the Municipal Government Act requires that Council, by bylaw, shall specify the powers and duties of bylaw enforcement officers and establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers,

NOW THEREFORE the Council of the Town of Wainwright, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. INTERPRETATION

- 1.1 This bylaw shall be known as the "Bylaw Enforcement Officer Bylaw".
- 1.2 Within this bylaw
  - 1.2.1 "bylaw" means a bylaw or part thereof of the Town of Wainwright,
  - 1.2.2 "Council" means the Council of the Town of Wainwright,
  - 1.2.3 "CAO" means that person appointed as Chief Administrative Officer pursuant to Bylaw 2021-06 or any subsequent Chief Administrative Officer bylaw, and
  - 1.2.4 "Town" means the Town of Wainwright.

2. APPOINTMENT OF BYLAW ENFORCEMENT OFFICER

- 2.1 Upon Council employing, contracting or otherwise obtaining the services of a person to enforce one or more bylaws of the Town, the CAO may appoint that person as a Bylaw Enforcement Officer for the Town.
- 2.2 The appointment of a Bylaw Enforcement Officer shall be in writing and shall state:
  - 2.2.1 the bylaws that the Bylaw Enforcement Officer is empowered to enforce,
  - 2.2.2 the territory in which the Bylaw Enforcement Officer is authorized to carry out his or her duties, and
  - 2.2.3 the times that the bylaw Enforcement Officer is authorized to carry out his or her duties.
- 2.3 The appointment of a Bylaw Enforcement Officer shall be in effect only for as long as that person is employed, contracted or otherwise obtained by the Town for the purpose of enforcing one or more bylaws.

3. POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICER

- 3.1 A Bylaw Enforcement Officer is empowered to:
  - 3.1.1 enforce those bylaws described in his or her appointment pursuant to Section 2, using one or

more of the following:

- 3.1.1.1 issuing notices or warnings,
  - 3.1.1.2 issuing offense tickets or violation tags,
  - 3.1.1.3 issuing violation tickets pursuant to the Provincial Offences Procedure Act, S.A. 1988 and amendments thereto,
  - 3.1.1.4 issuing orders that he or she is authorized to issue, or
  - 3.1.1.5 taking any other lawful action that is necessary to ensure compliance to a bylaw;
  - 3.1.2 conduct investigations of any alleged breaches of bylaws;
  - 3.1.3 conduct patrols to look for any breaches of bylaws; and
  - 3.1.4 prepare and/or serve any necessary documentation relative to the enforcement of a bylaw.
- 3.2 A Bylaw Enforcement Officer has the duty to:
- 3.2.1 take appropriate and reasonable action under the terms of his or her employment or contract to ensure that the bylaws that he or she is authorized to enforce are preserved and maintained;
  - 3.2.2 assist as necessary in the prosecution of any breach of a bylaw;
  - 3.2.3 take the official oath as prescribed by the Oaths of Office Act, R.S.A. 1980 and amendments thereto upon being appointed Bylaw Enforcement Officer; and
  - 3.2.4 not
    - 3.2.4.1 contravene
      - a) an Act of the Parliament of Canada
      - b) an Act of the Legislature of Alberta, or
      - c) a provision of his or her appointment as Bylaw Enforcement Officer,where the contravention is of such nature that it would be prejudicial to discipline or likely to bring discredit on the reputation of bylaw enforcement,
    - 3.2.4.2 act in a disorderly or inappropriate manner prejudicial to discipline or likely to bring discredit on the reputation of bylaw enforcement,
    - 3.2.4.3 willfully or negligently make or sign a false, misleading or inaccurate statement or entry in any official document or record,
    - 3.2.4.4 without lawful excuse destroy, mutilate or conceal an official document or record or alter or erase any entry therein,
    - 3.2.4.5 divulge any matter that it is his or her duty to keep in confidence,
    - 3.2.4.6 improperly use his or her position as Bylaw Enforcement Officer for his or her or another person's personal



- 3.2.4.7 advantage,  
directly or indirectly solicit or receive  
a payment, gift or other favour without  
the consent of his or her employer, or
- 3.2.4.8 report for duty, be on duty or be on  
stand by for duty while unfit to do so  
by reason of the use of alcohol or  
drugs.

#### 4. DISCIPLINARY PROCEDURE FOR BYLAW ENFORCEMENT OFFICER

- 4.1 Upon the receipt of a written complaint regarding the conduct of a bylaw enforcement officer, the CAO shall determine whether the complaint is frivolous, vexatious, abusive or repetitive in nature, in which case the CAO may dismiss the complaint without further investigation. Otherwise, the CAO shall investigate the complaint or have it investigated and notify the involved bylaw enforcement officer of the investigation and give the bylaw enforcement officer an opportunity to make a full response to the allegations.
- 4.2 After hearing from the involved bylaw enforcement officer and anyone else that he or she feels that it is appropriate to do so, the CAO may
  - 4.2.1 dismiss the complaint if he or she feels that it is appropriate to do so, or
  - 4.2.2 if he or she is satisfied that a misconduct has been committed,
    - 4.2.2.1 informally resolve the complaint to the satisfaction of all parties involved, or
    - 4.2.2.2 take one of the following corrective disciplinary actions:
      - a) warn the bylaw enforcement officer
      - b) reprimand the bylaw enforcement officer in writing,
      - c) suspend the bylaw enforcement officer from acting as Bylaw Enforcement Officer, or
      - d) recommend to Council that the bylaw enforcement officer be dismissed.
- 4.3 The decision of the CAO shall be given in writing to the complainant and the bylaw enforcement officer and either party may appeal the decision by giving written notice to the Council within 7 days of receiving the notice of decision. Notwithstanding the foregoing, a decision by the CAO to dismiss a complaint as frivolous, vexatious, abusive or repetitive in nature is final, and not subject to any right of appeal to Council.
- 4.4 Upon the receipt of a notice of appeal, the Council shall hold a hearing within 30 days giving at least five days notice of the hearing to the complainant, the involved bylaw enforcement officer and any other party it feels should receive notice.
- 4.5 In considering the appeal, the Council may

- 4.5.1 dismiss the appeal,
- 4.5.2 uphold the appeal, or
- 4.5.3 impose, vary or dismiss any of the disciplinary actions described in Subsection 4.2.

4.6 The Council shall give written notice of its decision on the appeal to the complainant and the involved bylaw enforcement officer.

This bylaw shall come into full force and effect upon the final passing thereof.

READ a First Time in Council this 4<sup>th</sup> day of May, A.D., 2021.

Brian Bethune  
MAYOR  
Gedeh  
CAO

READ a Second Time in Council this 18<sup>th</sup> day of May, A.D., 2021.

Brian Bethune  
MAYOR  
Gedeh  
CAO

READ a Third Time in Council and, by unanimous consent, Finally Passed this 18<sup>th</sup> day of May, A.D., 2021.

Brian Bethune  
MAYOR  
Gedeh  
CAO