

**City of Chestermere
Province of Alberta**

Bylaw Number 018-16

Being a Bylaw of the City of Chestermere, in the Province of Alberta to provide for the appointment, empowerment, and discipline of Bylaw Enforcement Officers within the City of Chestermere.

WHEREAS the City of Chestermere is required by section 556 of the Municipal Government Act to specify the powers and duties of Bylaw Enforcement Officers, and establish disciplinary procedures for misuse of powers, penalties therefore, and appeal processes.

NOW THEREFORE, the Council of the City of Chestermere, in the Province of Alberta, duly assembled, enact as follows:

1. TITLE

(1) This Bylaw may be cited as the City of Chestermere "Bylaw Enforcement Officer Bylaw".

2. DEFINITIONS

(1) In this Bylaw:

(a) "Bylaw" means a bylaw of the City of Chestermere;

(b) "Bylaw Enforcement Officer" means an employee of the City of Chestermere who in the execution of his duties, is a person employed for the preservation and maintenance of the public peace;

(c) "Bylaw Enforcement Manager" shall mean the person appointed by the Chief Administrative Officer of the City of Chestermere who shall govern the operation of the Bylaw Enforcement Officers department;

(d) "City" means the municipal corporation of the City of Chestermere, in the Province of Alberta, or the area within the City of Chestermere's corporate limits, as the context requires;

(e) "Director of Protective Services" means the person appointed as the Director of Protective Services for the City of Chestermere.

3. APPLICATION

(1) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.

(2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.

(3) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.

(4) All the schedules attached to this Bylaw shall form a part of this Bylaw.

(5) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

(6) A copy of a record of the City, certified by a designated officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

4. APPOINTMENT

(1) The Bylaw Enforcement Manager, and Bylaw Enforcement Officer shall be appointed by the Chief Administrative Officer of Chestermere, or his designate.

(2) Upon a person being appointed as a Bylaw Enforcement Manager or Bylaw Enforcement Officer he shall, before entering upon his duties, take the official oath prescribed by the Oaths of Office Act.

(3) The authority and appointment of the Bylaw Enforcement Manager and Bylaw Enforcement Officer shall cease when the person is no longer an employee of the City,

5. DUTIES

(1) The powers and duties of a Bylaw Enforcement Officers are as follows:

(a) To enforce bylaws within the City;

(b) To follow lawful directions of the Bylaw Enforcement Manager;

(c) To respond to and investigate complaints;

(d) To conduct routine patrols;

- (e) To issue and service notices, tickets/tags, and lay information as required;
- (f) To assist in the prosecution of bylaw contraventions including gathering evidence, assisting witnesses, and attending court to provide evidence as required;
- (g) To perform all other lawful duties as may from time to time be assigned by the Bylaw Enforcement Manager,

(2) The Power and duties of the Bylaw Enforcement Manager are as follows:

- (a) To ensure that the Bylaws of the City are enforced in an appropriate manner;
- (b) To provide for the supervision of the performance and conduct of the Bylaw Enforcement Officers;
- (c) To investigate formal complaints made against a Bylaw Enforcement Officer;
- (d) To discipline Bylaw Enforcement Officers in the case of a substantiated formal complaint;
- (e) To report to the Director of Protective Services and carry out his lawful directions;

6. FORMAL COMPLAINTS AND DISCIPLINE

(1) A formal complaint against a Bylaw Enforcement Officer, or Bylaw Enforcement Manager shall be in writing

(2) Anonymous complaints shall not be investigated.

(3) When a formal complaint is received by the City against a Bylaw Enforcement Officer, the Bylaw Enforcement Manager shall:

- (a) advise the complainant of the receipt of the complaint within 30 days;
- (b) notify the Bylaw Enforcement Officer involved of the complaint if appropriate;
- (c) Investigate the allegations of the complaint by speaking with the complainant, any witnesses, and Bylaw Enforcement Officer involved, and any other person who may have knowledge relevant to the occurrence;
- (d) Review any relevant documents in existence pertaining to the occurrence including, but not limited to:
 - (i) Occurrence Reports;

(ii) Dispatch logs;

(iii) Notebooks;

(iv) Court documents;

(v) Legal documents;

(vi) Audio or video recordings.

(e) Advise the complainant and the Bylaw Enforcement Officer of the status of the investigation at least once every 45 days.

(f) Upon conclusion of the investigation the Bylaw Enforcement Manager shall notify the complainant, and the Bylaw Enforcement Officer involved of the disposition of the complaint as follows:

(i) "the complaint is unfounded" means that on the basis of a thorough investigation that no reasonable belief exists that the complaint has merit or basis;

(ii) "the complaint is unsubstantiated" means that on the basis of a thorough investigation there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred;

(iii) "the complaint is found to have merit in part" means that on the basis of a thorough investigation that a reasonable belief exists that the Bylaw Enforcement Officer engaged in misconduct in regards to portion(s) of the complaint, but not in its entirety;

(iv) "the complaint is found to have merit in whole" means that on the basis of a thorough investigation that a reasonable belief exists that the Bylaw Enforcement Officer engaged in misconduct in regards to the entirety of the complaint;

(g) No investigation shall be required if the Bylaw Enforcement Manager determines the complaint to be frivolous, vexatious, made in bad faith, or relating to the interpretation or application of legislation, investigation outcome, or action taken as a result of an investigation.

(4) In the event a complaint is found to have merit in whole or in part the Bylaw Enforcement Manager shall take appropriate disciplinary action in accordance with City of Chestermere Human Resources policy.

(5) A formal complaint against the Bylaw Enforcement Manager shall be conducted by the Director of Protective Services in the same manner as if the Bylaw Enforcement Manager were a Bylaw Enforcement Officer.

7. SEVERABILITY

(1) If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That Bylaws No. 2003-201/1 and 001/06 are hereby rescinded.


That this Bylaw shall come into full force and effect upon the date of the third and final reading.

Read a first time this 2 day of May, 2016.

Read a second time 2 day of May, 2016.

Read a third time and passed this 2 day of May, 2016 .

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MAYOR



CHIEF ADMINISTRATIVE OFFICER

Resolution number