



BYLAW

Bylaw Number: 892/19

Bylaw Name: **Bylaw Enforcement Officer Bylaw**

A BYLAW OF THE MUNICIPALITY IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE POSITION OF BYLAW ENFORCEMENT OFFICER.

WHEREAS it is deemed proper and advisable to create the municipal office of Bylaw Enforcement Officer so that a person or persons appointed to that office will by diligent inspection ensure that the provisions of the bylaws of the Town of Bassano are duly observed.

WHEREAS the council of the Town of Bassano, has the authority Under Section 7 of the *Municipal Government Act*, R.S.A. 2000 C-M-26, and related amendments, to enact bylaws for municipal purposes respecting the enforcement of bylaws made under this or any other enactment;

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

1. TITLE

1.1 This bylaw shall be known as the **“Bylaw Enforcement Officer”** Bylaw.

2. DEFINITIONS

- 2.1 **“Act”** means the *Municipal Government Act*, revised statutes of Alberta 2000, Chapter M-26 and amendments
- 2.2 **“Bylaw”** means a bylaw of the Town of Bassano.
- 2.3 **“Bylaw Enforcement Officer”** shall mean a person appointed by the Chief Administrative Officer, and in the execution of his/her duties, may be a Town employee or an employee of a contractor whose services have been retained for the preservation and maintenance of the public peace in accordance with formalized service agreements.
- 2.3 **“Chief Administrative Officer”** or **“CAO”** means the person appointed to the position of Chief Administrative Officer by Council.
- 2.4 **“Council”** means the council of the municipality.
- 2.5 **“Contractor”** means the organization under contract to supply a Bylaw Enforcement service to the Town.

2.7 **“Town”** means the Town of Bassano, an incorporated municipality in the Province of Alberta.

3. GENERAL

- 3.1 Council hereby establishes the position of Bylaw Enforcement Officer and the individual(s) appointed to the position will have the title “Bylaw Enforcement Officer” or, if appointed by Alberta Solicitor General and Public Security as a Community Peace Officer for the Town of Bassano, “Community Peace Officer”.
- 3.2 Council shall, by resolution, appoint an individual(s) to the position of Bylaw Enforcement Officer.
- 3.3 For the purpose of enforcing compliance with the Town of Bassano bylaws, the Town CAO may delegate that authority for bylaw enforcement matters to the Bylaw Enforcement Officer(s).
- 3.4 For the purpose of enforcing Town Bylaws, the territorial jurisdiction of the Bylaw Enforcement Officer serving the Town shall be municipal boundaries of the Bassano.
- 3.5 The duties of the Bylaw Enforcement Officer shall be, but not restricted to the following:
 - 3.5.1 Ensuring through appropriate actions that the bylaws enacted by the Town hereto and hereafter are preserved and maintained.
 - 3.5.2 To carry out investigations of any alleged breaches of the Bylaws of the Town.
 - 3.5.3 To prepare necessary documentation and process charges laid according to law, including the serving of offense tickets and summonses for violations of the Town’s Bylaws and serve subpoenas on witnesses required for Court proceedings for said charges.
 - 3.5.4 To act on behalf of the Town before the courts in the prosecution of such charges.
 - 3.5.5 To preserve and maintain public peace in the matter of the observance of the provisions of the Bylaws of the Council of the Town within the municipal boundaries of the Town.
 - 3.5.6 To carry out other duties as required by bylaw or by resolution of the Council of the Town.

4. HANDLING PUBLIC COMPLAINTS

- 4.1 Receipt of Complaint
 - 4.1.1 Complaints or other information about inappropriate conduct of a Bylaw Enforcement Officer involving matters within the Town shall be directed to:

Chief Administrative Officer
Town of Bassano

502 2nd Ave, P.O. Box 229
Bassano, AB T0J 0B0
Phone No. (403) 641-3788
Email: cao@bassano.ca

All complaints must be in writing and may be accepted in person, by mail, or email and shall be dealt with according to the established policy as set out in this Bylaw. Complaints must be in writing using Schedule 'A'. Complaints received verbally will not be accepted.

- 4.1.2 All written complaints shall immediately be forwarded to the CAO.
- 4.1.3 The CAO shall acknowledge receipt of the complaint, in writing as outlined in Schedule 'B' to the person making the complaint, to the Bylaw Enforcement Officer against whom the complaint was made (if a Town employee), or the Supervisor of the Bylaw Enforcement Officer if the Bylaw Officer is employed by a Contractor supplying bylaw enforcement service to the Town in accordance with the service agreement.

4.2 Investigation

- 4.2.1 The CAO shall investigate the complaint, or have it investigated.
- 4.2.2 If the CAO is satisfied that a misconduct has been committed, and if the Bylaw Enforcement Officer is a direct employee of the Town, the CAO may take corrective disciplinary action. If the Bylaw Enforcement Officer is a contracted service provider employed by a Contractor, the investigation shall be carried out by the contracted agency.
- 4.2.3 The CAO may resolve minor complaints informally, with a solution that is satisfactory to all parties.

4.3 Disciplinary Action

- 4.3.1 If the Bylaw Enforcement Officer is an employee of the Town, disciplinary action shall be addressed as stated in 4.3.1.1. The CAO shall determine if the complaint is unfounded or unsubstantiated to determine if the Bylaw Enforcement Officer has committed a misconduct after assessing all relevant facts in order to verify that the Bylaw Enforcement Officer has not misused his/her powers.

4.3.1.1 For situations where the Bylaw Enforcement Officer is an employee of the Town, and the CAO finds the Bylaw Enforcement Officer has committed a misconduct, the CAO may take one of the following disciplinary actions, or a combination thereof:

- Warn the Bylaw Enforcement Officer;
- Reprimand the Bylaw Enforcement Officer;
- Suspend the Bylaw Enforcement Officer;
- Terminate the Bylaw Enforcement Officer.

4.3.2 In contract service situations the CAO shall present the allegations that were made against the Bylaw Enforcement Officer to the contracted agency in accordance with the service agreement. The contracted agency shall address disciplinary action in accordance with their operating procedures.

4.4 Notification and Appeal

4.4.1 The CAO shall notify the complainant, the Bylaw Enforcement Officer (in the case of a Town employee), or the Supervisor of the Bylaw Enforcement Officer (in the case of a Contractor), and Council, in writing, of the result of the investigation, the action to be taken and the right to appeal the decision, using Schedule 'B'. The complainant shall be notified that the CAO is authorized to hear an appeal, and that the appeal must be filed, in writing, within (30) days of receiving the decision.

4.4.2 After reviewing the information, the CAO may dismiss the appeal or allow the appeal. If the appeal is allowed, the discipline outlined in Paragraph 4.3 may be applied or varied to meet the circumstances.

4.4.3 The CAO shall notify the complainant, the Bylaw Enforcement Officer (if a Town employee, or the Bylaw Enforcement Officers direct supervisor) and Council, in writing, of the results of the appeal, using Schedule 'C'.

4.4.4 The decision of the CAO is final.

5. SERVABILITY

5.1 Should any provision of this Bylaw be found invalid; the invalid provision shall be severed, and the remaining Bylaw shall be maintained.

6. REPEAL

6.1 Bylaw No. 767/99 and 768/99 are repealed.

7. ENACTMENT

This Bylaw shall come into full force and effect, when it receives third reading and is duly signed.

8. EFFECTIVE DATE AND READINGS

8.1 This Bylaw shall take effect on the date of 3rd and final reading.

8.2 Read a first time this 19 day of December 2019.

8.3 Read a second time this 19 day of December 2019.

8.4 READ a third and final time this 19 day of December 2019.

TOWN OF BASSANO



MAYOR



CHIEF ADMINISTRATIVE OFFICER



Schedule 'A'
TOWN OF BASSANO
Municipal Enforcement

COMPLAINT FORM

Date: _____

Time of Complaint: _____ am / pm

Complainant Name: _____

Phone No: _____ Home / Cell

Complainant Address: _____

Nature of Complaint: _____

- Has someone been contacted previously about this problem? Yes / No
 - If Yes, to whom or which department? _____

DETAILS:

Schedule B
TOWN OF BASSANO
Municipal Enforcement

RECEIPT OF COMPLAINT

Address

Address

Address

Date

Dear Complainant,

RE: Bylaw Enforcement Officer Complaint

This letter is confirmation that the Town of Bassano has received a complaint concerning **[Insert outline of complaint here]**. This letter will serve as the official Receipt of Complaint.

The Town of Bassano is currently investigating the circumstances surrounding the issue and you will be contacted no later than **[insert date here]** with the result of the investigation, the action to be taken and notification of an appeal, if applicable. Please note that the CAO is authorized to hear an appeal, and that the appeal must be filed, in writing, within (30) days of receiving the complaint.

If you have any questions regarding the receipt of complaint or would like to discuss the complaint further, please contact the Town Office at (403) 641-3788 or cao@bassano.ca.

Regards,

[Name]
CAO

Schedule C

TOWN OF BASSANO
Municipal Enforcement

APPEAL DECISION

Address

Address

Address

Date

Dear **[Complainant, Bylaw Enforcement Officer, or Council]**,

On **[blank date]** a complaint was received by the Town of Bassano regarding **[Summary of complaint]** on **[blank date]** at **[blank location]**. Upon receiving the complaint, a Receipt of Compliant was sent to the Complainant, Bylaw Enforcement Officer, Council and is being held on record with the Town of Bassano. An investigation was held and produced the following information: **[insert investigation findings here]**. As a result of the investigation findings the following actions were taken: **[insert actions taken here]**.

The CAO was authorized to hear an appeal that is filed, in writing, within (30) days of receiving the decision. An appeal was produced by **[insert who made the appeal here]** and stated the following: **[insert appeal summary here]**.

After reviewing the information, the appeal is **[dismissed or allowed]** for the following reasons: **[insert reasons here]**.

[As the appeal is allowed a request that the discipline outlined in the Bylaw Enforcement Officer Bylaw, Section 4, Paragraph 4.3.1.1 will be applied or varied to meet the circumstances.]

[As the appeal is dismissed the following actions are being take **[X]**.]

If you have any questions regarding the outcome of the appeal, please contact the Town at (403) 641-3788 or at cao@bassano.ca.

Regards,

[Name]
CAO

Schedule 'D'
TOWN OF BASSANO
Municipal Enforcement

COMPLAINT ACTIONS LOG

	Date	Who as Notified	Actions Taken	Follow-up
Complaint Received				
Receipt of Complaint				
	Date	Who was Notified	Findings	Actions Taken
Investigation of Complaint				
	Date	Who was Notified	Outcome	Actions Taken
Appeal				
	Date	Who was Notified	Disciplinary Actions Taken	Follow-up
Disciplinary Actions				
Additional Comments				

Schedule 'E'

**TOWN OF BASSANO
Oath of Office**

I, _____, do solemnly swear and truly declare and affirm, that I will diligently, faithfully, and to the best of my ability, execute according to law, the office of Bylaw Enforcement Officer for the Town of Bassano, so help me God.

Bylaw Enforcement Officer

Solemnly sworn before me at the office
of the Town of Bassano
in the Province of Alberta
this ___th day of _____, 201__.

Commissioner of Oaths

Chief Administrative Officer