



BYLAW NO. 14 – 2018

TOWN OF VEGREVILLE

THIS BYLAW BEING BYLAW 14 - 2018 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF SPECIFYING THE POWERS AND DUTIES OF COMMUNITY PEACE OFFICERS FOR THE TOWN OF VEGREVILLE

WHEREAS Section 556 of the *Municipal Government Act*, R.S. A 2000, c. M-26, requires that Council specify, by bylaw, the powers and duties of Community Peace officers and establish disciplinary procedures to address the misuse of power by Community Peace officers, including penalties and an appeal process.

NOW THEREFORE be it resolved that the Council of the Town of Vegreville, in the province of Alberta, duly assembled, enacts as follows:

1. TITLE

- 1.1. This Bylaw may be referred to as the "Municipal Enforcement Officer Bylaw".

2. DEFINITIONS

- 2.1. **Appellant** means, in accordance with Section 7, the Party appealing the decision of the Community Services Director;
- 2.2. **Bylaw** means a bylaw of the Town of Vegreville;
- 2.3. **Community Peace Officer** means an individual who:
- a) is appointed as such by the Town Manager, and
 - b) takes the official oath prescribed by the *Oaths of Office Act* prior to the commencement of his/her duties as a Community Peace Officer;
- 2.4. **Town** means the municipal corporation of the Town of Vegreville or, where the context so requires, the area contained within the boundaries of the Town;
- 2.5. **Town Manager** means the Chief Administrative Officer of the Town of Vegreville;
- 2.6. **Complainant** means an individual who makes a complaint in accordance with Section 6;
- 2.7. **Council** means the municipal council of the Town of Vegreville;
- 2.8. **Firearms** means any barrelled weapons from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such barrelled weapons and anything that can be adapted for use as a firearm;
- 2.9. **Community Services Director** means the individual appointed as the Director of Community Services;
- 2.10. **Parties** means both the Complainant and the Community Peace Officer;

2.11. **Party** means, where the context allows, either the Complainant or the Bylaw Enforcement Officer; and

2.12. **Respondent** means the Party responding to the Appellant's appeal.

3. DELEGATION

3.1. The Community Services Director and the Town Manager may delegate any of their respective duties and functions assigned under this Bylaw, except:

- a) in the case of the Community Services Director, those duties and functions referenced under Sections 6.3 and 6.10 of this Bylaw; and
- b) in the case of the Town Manager, those duties and functions referenced under Sections 7.3 and 7.8 of this Bylaw.

4. APPOINTMENT

4.1. The Town Manager may appoint one (1) or more Community Peace Officers.

5. POWERS AND DUTIES OF COMMUNITY PEACE OFFICERS

5.1. While carrying out his or her duties under this Bylaw, a Community Peace Officer shall wear such uniform and carry such identification as the Town Manager requires.

5.2. A Community Peace Officer shall:

- a) enforce such Bylaws and resolutions of Council as required under appointment; and
- b) act in accordance with any authority granted to Bylaw Enforcement Officers under provincial or federal law.

5.3. While acting in accordance with Section 5.2, a Community Peace Officer shall:

- a) conduct routine patrols within Town boundaries;
- b) investigate complaints relating to alleged violations of Bylaws;
- c) issue and serve notices, tickets, tags, summonses and any similar instrument as authorized;
- d) conduct, or assist in the conduct of, Bylaw prosecutions;
- e) report to and carry out the general directions of the Town Manager; and
- f) not bear Firearms.

6. COMPLAINT

6.1. An individual may file a complaint in the prescribed manner if the individual feels that a Community Peace Officer has misused the power granted to the Community Peace Officer under this Bylaw.

6.2. A complaint made under section 6.1 shall:

- a) be in writing;

- b) be sent to the office of the Community Services Director;
 - c) include the address of the Complainant; and
 - d) indicate the reasons for the complaint.
- 6.3. The Community Services Director may summarily dismiss a complaint that, in their opinion:
- a) does not comply with Section 6.2;
 - b) is made more than one hundred and eighty (180) days after the alleged misuse of power;
 - c) does not raise an issue of misuse of power by a Community Peace Officer; or
 - d) is frivolous or vexatious.
- 6.4. If the Community Services Director dismisses a complaint under section 6.3, the Community services Director shall send a notice to the Complainant:
- a) specifying the reasons for the dismissal; and
 - b) advising of the right of appeal to the Town Manager.
- 6.5. Unless Section 6.3 applies, the Community Services Director shall, within sixty (60) days of having received a complaint:
- a) send written acknowledgement of receipt of the complaint to the Complainant;
 - b) advise the Community Peace Officer of the allegations in the complaint and provide the Community Peace Officer with a reasonable opportunity to respond to the allegations; and
 - c) commence an investigation into the complaint.
- 6.6. The Community Services Director may conduct the investigation under Section 6.5(c) in the manner that the Community Services Director considers appropriate and may, but is not required to, hold a hearing into the matter.
- 6.7. If the Community Services Director decides to hold a hearing into a matter of complaint, the Community Services Director shall specify the procedure and send the Parties a notice of the procedure that will be used.
- 6.8. Despite no complaint having been received, if the Community Services Director has reason to believe that a Community Peace Officer has misused the power granted to the Community Peace Officer under this Bylaw, the Community Services Director may conduct an investigation.
- 6.9. In the case of an investigation under section 6.8, the Community Services Director shall give the Community Peace Officer notice of the matter being investigated and an opportunity to respond to the matter of concern.
- 6.10. Upon concluding an investigation, the Community Services Director shall decide that either:
- a) the Community Peace Officer did not misuse the power granted to the Community Peace Officer under this Bylaw; or
 - b) the Community Peace Officer misused the power granted to the Community Peace Officer under this Bylaw.

- 6.11. If the Community Services Director decides in accordance with section 6.10 (b) the Community Services Director shall:
- a) warn the Community Peace Officer;
 - b) reprimand the Community Peace Officer;
 - c) suspend the Community Peace Officer from duty, with or without pay, for an appropriate period of time;
 - d) dismiss the Community Peace Officer; or
 - e) sanction or penalize the Community Peace Officer in any other appropriate manner.
- 6.12. Any measure taken under section 6.11 shall be noted in the Community Peace Officer's personnel file.
- 6.13. Within thirty (30) days of concluding an investigation, the Community Services Director shall send written notice of the following to the Parties or, if the investigation is conducted in accordance with, Section 6.8, to the Community Peace Officer:
- a) the Community Services Director's decision under Section 6.10 and, if applicable, the sanction levied under Section 6.11;
 - b) reasons; for the Community Services Director 's decision;
 - c) where applicable, notice that Section 6.12 has been invoked; and
 - d) notice advising of the right of appeal to the Town Manager.

7. APPEAL

- 7.1. An Applicant may appeal a decision of the Community Services Director made under either Section, 6.3 and 6.10.
- 7.2. An appeal under subsection (7.1) shall:
- a) be in writing, setting out the grounds for the appeal;
 - b) be sent to the office of the Town Manager;
 - c) include the address of the Appellant;
 - d) be made within fifteen (15) days of the date that the decision was issued by the Community Services Director; and
 - e) where the Appellant is the Complainant, be accompanied by an appeal fee of One Hundred (\$100.00) Dollars, payable to the Town of Vegreville.
- 7.3. The Town Manager may summarily dismiss an appeal that, in the Town Manager's opinion does not comply with Section 7.2
- 7.4. If the Town Manager dismisses an appeal under section 7.3, the Town Manager shall send a notice to the appellant specifying the grounds and giving the reasons for the dismissal.
- 7.5. Within fifteen (15) days of receiving a notice of appeal that complies with Section 7.2 the Town Manager shall:

- a) send the Community Services Director a notice requiring the Community Services Director to, within five (5) days, forward all documents relating to the original complaint (if any), as well as the subsequent investigation and decision; and
 - b) send the Respondent (if any) a copy of the notice of appeal.
- 7.6. Subject to Section 7.7, the Town Manager may conduct the appeal as the Town Manager considers appropriate, and although not required to do so, may conduct a new investigation and hold a new hearing.
- 7.7. In conducting the appeal the Town Manager shall:
- a) send the Appellant and Respondent (if any) a notice setting out the procedure and the timelines that the Town Manager intends to follow in conducting the appeal;
 - b) permit the Appellant and Respondent (if any) to review the materials provided by the Community Services Director, unless the Town Manager has reason to believe that disclosure of those materials will:
 - i) detrimentally affect an ongoing investigation into an alleged violation of a Bylaw,
 - ii) place any person at risk of harm, or
 - iii) violate any provision of the *Freedom of Information and Protection of Privacy Act*,
 - c) provide the Appellant and Respondent (if any) with an opportunity to make submissions to the Town Manager; and
 - d) consider the materials gathered by the Community Services Director during the investigation.
- 7.8. In concluding the appeal, the Town Manager shall dismiss or allow the appeal in whole or in part.
- 7.9. If the Town Manager allows the appeal in whole or in part, the Town Manager shall make an order that, in addition to setting out the Town Manager's decision to allow the appeal:
- a) sets aside the decision of the Community Services Director;
 - b) authorizes the return of the appeal fee referred to under Section 7.2 ;and
 - c) authorizes that the appropriate amendments be made to the Community Peace Officer's personnel file.
- 7.10. If, in allowing the appeal in whole or in part, the Town Manager finds that the Community Peace Officer has misused the power granted to him or her under this Bylaw, the Town Manager may exercise any of the powers of the Community Services Director as set out under Section 6.11.
- 7.11. Within thirty (30) days of concluding a review of the appeal, the Town Manager shall send written notice of the following to the Appellant and Respondent (if any):
- a) the Town Manager's decision under Section 7.8;

- b) the Town Manager's order under Section 7.9; and
- c) reasons for the Town Manager's decision and order.

7.12. The Town Manager's decision regarding an appeal is final.

8. NOTICE OF PROCEEDINGS

8.1. Any notice, decision or document sent in accordance with this Bylaw is deemed to be received by the addressee:

- a) when it is personally delivered to the addressee; or
- b) five (5) ,days after the notice, decision or document is posted by certified mail to the last known address of the addressee.

9. REPEAL

9.1. Bylaw No. 13-95 is hereby repealed.

READ for a first time this 10th Day of September , 2018 A.D.

READ for a second time this 10th Day of September , 2018 A.D.

UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

READ for a third time this 10th Day of September , 2018 A.D.



TIM MACPHEE, Mayor



CLIFF CRAIG CLGM, Town Manager