

**BYLAW No. 2020-946**  
**A BYLAW OF THE VILLAGE OF RYLEY**  
**IN THE PROVINCE OF ALBERTA**

**FOR THE PURPOSE OF ESTABLISHING THE POSITION AND GUIDELINES OF A  
BYLAW ENFORCEMENT OFFICER**

Pursuant to the provisions of the Municipal Government Act, RSA 2000, C. M-26, and amendments thereto, the municipal Council of the Village of Ryley, duly assembled, hereby enacts as follows:

1. This Bylaw shall be cited as the "Bylaw Enforcement Officer Bylaw".

**2. DEFINITIONS**

In this Bylaw:

2.1 "Bylaws" means the bylaws of the Village of Ryley;

2.2 "Bylaw Enforcement Officer" means a person, company or another Municipality appointed as such by the Chief Administrative Officer; or the Chief Administrative Officer when there is none other appointed.

2.3 "Council" means Council of the Village of Ryley;

2.4 "Village" means the Village of Ryley;

2.5 "CAO" means the Chief Administrative Officer of the Village of Ryley as appointed by the Council or whatever subsequent title may be conferred on that officer by Council or statute;

**3. ESTABLISHMENT**

3.1 The Municipal Office of Bylaw Enforcement Officer is hereby created.

3.2 The CAO may appoint one or more Bylaw Enforcement Officers, who may also be appointed Community Peace Officers.

3.3 The appointment of a Bylaw Enforcement Officer shall be in writing and shall state the territorial jurisdiction.

**4. POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS**

The powers and duties of a Bylaw Enforcement Officer are as follows:

4.1 To enforce bylaws which Council has authorized the Bylaw Enforcement Officer to enforce within the boundaries of the municipality;

4.2 To follow the directions of the CAO and to report to the CAO or a person designated by the CAO;

4.3 To respond to and investigate complaints;

4.4 To conduct routine patrols of the municipality for the purpose of preventing and detecting violations;

4.5 To issue notices, tickets or tags;

- 4.6 To assist in the prosecution of bylaw and statutory offences including appearances in Court to provide evidence and service of subpoenas on potential witnesses;
- 4.7 To perform all other duties as may from time to time be assigned;
- 4.8 To take the official oath prescribed by the Oaths of Office Act RSA 2000, c. 0-1 upon being appointed as a Bylaw Enforcement Officer and to carry upon his or her person at all such times as they are acting as a Bylaw Enforcement Officer, evidence in writing of the appointment as a Bylaw Enforcement Officer of the Village; and
- 4.9 To preserve and maintain the public peace.

## **5. COMPLAINT AND COMPLAINT INVESTIGATION PROCEDURES**

- 5.1 Any complaint alleging that a Bylaw Enforcement Officer, in carrying out his or her duties, has committed a Disciplinary Default as defined under this bylaw shall be directed to the CAO. If the CAO is the Bylaw Enforcement Officer, then complaints must be directed to the Mayor.
- 5.2 All complaints, regardless of their nature, must be accepted and dealt with in accordance with this bylaw. Complaints must be received or taken in writing.
- 5.3 The CAO or Mayor shall acknowledge receipt of the complaint in writing to the person making the complaint and to the Bylaw Enforcement Officer against whom the complaint is made.
- 5.4 The CAO or Review Committee (if Bylaw Enforcement Officer is the CAO) will investigate a complaint made against a Bylaw Enforcement Officer and prepare a report for Council. During the investigative process, the Bylaw Enforcement Officer will be provided the opportunity to make a full response to the complaint.
- 5.5 The Review Committee membership shall be composed of the following:
  - a. 3 members of Council to be appointed by council at the time of review
- 5.6 Notwithstanding Section 5.4, the CAO or their delegate may resolve a minor complaint informally and arrive at a solution that is satisfactory to all parties.
- 5.7 Upon completion of an investigation pursuant to Section 5.4, and review by Council, the CAO will present the complaint and a copy of the investigative report to the Bylaw Enforcement Officer against whom the complaint was made. The Bylaw Enforcement Officer will then be given seven clear days to make a full response to the complaint and the investigative report.
- 5.8 Upon reviewing the response and explanation of the Bylaw Enforcement Officer and any other information the CAO believes appropriate, the CAO or Review Committee may either dismiss the complaint as unfounded or unsubstantiated or find that the Bylaw Enforcement Officer has committed a Disciplinary Default. The CAO or the Mayor shall notify the Bylaw Enforcement Officer and the complainant, in writing, as to the findings. This report will be sent within 30 days of the CAO's or Mayor's receipt of the complaint.

## **6. DISCIPLINARY PROCEDURES**

- 6.1 Where it is found that a Bylaw Enforcement Officer, in carrying out his or her duties has committed a Disciplinary Default as defined by this bylaw, the CAO or Review Committee may impose one or more of the following disciplines:

6.1.1 provide a verbal counseling to the Bylaw Enforcement Officer ;

6.1.2 provide a written reprimand to the Bylaw Enforcement Officer;

6.2 The CAO or review committee will impose the discipline under Sections 6.1.1, 6.1.2 as soon as practical.

## **7. APPEALS**

7.1 A Bylaw Enforcement Officer, who is disciplined by the CAO or Review Committee under Sections 6.1.1 to 6.1.2, may appeal the discipline to Council within seven days of the discipline being imposed.

7.2 The appeal to the Council must be in writing.

7.3 The Bylaw Enforcement Officer may, in writing, waive the appeal period and deliver his/her decision to waive the appeal period to the CAO or Review Committee.

7.4 The Council shall hold a hearing into the appeal within 30 days of the receipt of the appeal.

7.5 The CAO or Review Committee shall give ten (10) days' notice of the hearing to the complainant, the Bylaw Enforcement Officer, and to such other parties as the CAO or Council considers to be affected by the hearing.

7.6 In conducting the hearing, the Council shall:

7.6.1 Inform the Bylaw Enforcement Officer of the facts in their possession or the allegations made against him or her in sufficient detail to:

7.6.1.1 permit him or her to understand the facts or allegations; and

7.6.1.2 afford him or her an opportunity to furnish relevant evidence to contradict or explain the facts or allegations; and

7.6.2 Give the Bylaw Enforcement Officer, complainant, or his or her representative an opportunity to make representations by way of written or oral argument to the Council.

7.7 The Council in determining the appeal may confirm the disciplinary decision made by the CAO or Review Committee, or recommend that the CAO take a different course of action including:

7.7.1 Reprimand in writing the Bylaw Enforcement Officer;

7.7.2 Terminate the appointment of the person, company or other Municipality as a Bylaw Enforcement Officer.

7.8 The Council's decision shall be reported in writing, with reasons, to the Bylaw Enforcement Officer and the complainant within fifteen (15) days of the hearing.

## **8. DISCIPLINARY DEFAULTS**

For purposes of this bylaw, the following shall be Disciplinary Defaults:

8.1 Discreditable conduct, where the Bylaw Enforcement Officer:

8.1.1 acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of Bylaw Enforcement Officers;

- 8.1.2 uses oppressive or tyrannical conduct;
  - 8.1.3 uses profane, abusive or insulting language to any member of a police force, Bylaw Enforcement Officer or any member of the public;
  - 8.1.4 willfully or negligently makes any false complaint or statement against a peace officer;
  - 8.1.5 is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code (Canada);
  - 8.1.6 withholds or suppresses a complaint or report against a peace officer; or
  - 8.1.7 abets, connives or is knowingly an accessory to a default described in this bylaw.
- 8.2 Insubordination, where the Bylaw Enforcement Officer by word or action, and without lawful excuse, disobeys, omits or neglects to carry out any lawful order;
- 8.3 Neglect of duty, where the Bylaw Enforcement Officer:
- 8.3.1 without lawful excuse neglects or omits promptly and diligently to perform a duty as a Bylaw Enforcement Officer;
  - 8.3.2 fails to work in accordance with orders, or leaves an area, detail or other place of duty without due permission or sufficient cause;
  - 8.3.3 fails, when knowing where an offender is to be found, to report him or her; or
  - 8.3.4 fails to report a matter that it is his or her duty to report.
- 8.4 Deceit, where the Bylaw Enforcement Officer:
- 8.4.1 knowingly makes or signs a false statement in an official document or book;
  - 8.4.2 willfully or negligently makes a false misleading or inaccurate statement pertaining to official duties; or
  - 8.4.3 without lawful excuse destroys, mutilates or conceals an official document or record or alters or erases any entry therein.
- 8.5 Breach of confidence, where the Bylaw Enforcement Officer:
- 8.5.1 divulges any matter, which it is his or her duty to keep secret;
  - 8.5.2 gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons; or
  - 8.5.3 without proper authorization from a superior or in a contravention of any orders of the CAO communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation;
  - 8.5.4 without proper authorization from the CAO shows to any person not a peace officer or any unauthorized member of the Bylaw Enforcement Office group any book or written or printed paper, document or report relating to any law enforcement matter that is the property of or in the custody of the Royal Canadian Mounted Police or the employer of the Bylaw Enforcement Officer.

8.6 Corrupt practice, where the Bylaw Enforcement Officer:

8.6.1 fails to account for or to make a prompt true return of money or property received in an official capacity;

8.6.2 directly or indirectly solicits or receives a gratuity, present, past, subscription or testimonial without the consent of the CAO;

8.6.3 places himself or herself under a pecuniary or other obligation to a person in respect of whose conduct or business operation or employment the Bylaw Enforcement Officer may likely have to report or give evidence; or

8.6.4 improperly uses his or her position as a Bylaw Enforcement Officer for private advantage.

8.7 Unlawful or unnecessary exercise of authority, where the Bylaw Enforcement Officer is unnecessarily discourteous or uncivil to a member of the public.

8.8 Consuming intoxicating liquor or drugs in a manner prejudicial to duty, where the Bylaw Enforcement Officer:

8.8.1 while on duty is unfit for duty through consuming intoxicating liquor or drugs;

8.8.2 reports for duty and is unfit for duty through consuming intoxicating liquor or drugs;

8.8.3 demands, persuades or attempts to persuade another person to give or purchase or obtain for a Bylaw Enforcement Officer while on duty, any intoxicating liquor or drugs.

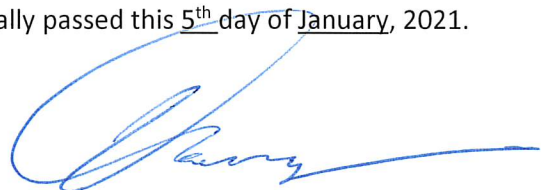
**9. EFFECTIVE DATE**

9.1 This bylaw takes effect as of the date of third and final reading.

READ a first time this 15<sup>th</sup> day of December 2020.

READ a second time this 15<sup>th</sup> day of December 2020.

READ a third time and finally passed this 5<sup>th</sup> day of January, 2021.



Terry Magneson, Mayor

  
Glen Hamilton-Brown, CAO