

**TOWN OF THREE HILLS**  
**BYLAW 1450-20**  
**BYLAW ENFORCEMENT BYLAW**

**BEING A BYLAW OF THE TOWN OF THREE HILLS IN THE PROVINCE OF ALBERTA, THE PURPOSE OF THIS BYLAW IS TO PROVIDE FOR THE ESTABLISHMENT AND SPECIFY THE DUTIES AND POWERS OF BYLAW ENFORCEMENT OFFICERS.**

**WHEREAS** the *Municipal Government Act*, RSA 2000, c. M-26 provides that a Municipal Council may pass bylaws respecting the enforcement of bylaws;

**AND WHEREAS**, pursuant to the *Municipal Government Act*, a person who is appointed as a Bylaw Enforcement Officer is, in the execution of those duties, responsible for the preservation and maintenance of the public peace;

**AND WHEREAS**, pursuant to the *Municipal Government Act*, a council must pass a bylaw specifying the powers and duties of Bylaw Enforcement Officers;

**NOW THEREFORE**, the Council of the Town of Three Hills in the Province of Alberta, duly assembled, enacts as follows:

**1. SHORT TITLE**

- 1.1. This bylaw may be cited as the "Bylaw Enforcement Officer Bylaw".

**2. DEFINITIONS**

2.1. In this bylaw, unless the context otherwise requires:

- 2.1.1. "Agreement" shall refer to an agreement for services with a contractor, including but not limited to, peace officers of an authorized employer.
- 2.1.2. "Bylaw" shall mean a bylaw of the Town of Three Hills.
- 2.1.3. "Bylaw Enforcement Officer" shall mean a person appointed as a Bylaw Enforcement Officer for the Town.
- 2.1.4. "CAO" shall mean the Chief Administrative Officer for the Town of Three Hills or his designate.
- 2.1.5. "Council" shall mean the body of elected officials who govern the Town.
- 2.1.6. "Director" shall mean the Director of Community Services.
- 2.1.7. "MGA" shall refer to the *Municipal Government Act*, RSA 2000, c. M-26, as amended.
- 2.1.8. "Misuse of Power" by a Bylaw Enforcement Officer shall mean any one or more of the following:
- i. Failure to perform or carry out his/her duties according to law;



- ii. Failure to carry out the duties and responsibilities given to him/her within the terms of their appointment as Bylaw Enforcement Officer.
- 2.1.9. “Municipal Tag” shall mean a form alleging an offence of a Town bylaw allowing for voluntary payment of the prescribed fine.
- 2.1.10. “Notice” shall mean any notice authorized to be given under any municipal bylaw.
- 2.1.11. “Town” shall mean the Town of Three Hills.
- 2.1.12. “Violation Ticket” shall have the same meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34.

**3. APPOINTMENT**

- 3.1. The CAO may appoint Bylaw Enforcement Officer(s) for the purpose of enforcing compliance with Town Bylaws.
- 3.2. Pursuant to the Enforcement Services Agreement, the Town has appointed the Bylaw Enforcement Officer(s) of Kneehill County to supply certain Bylaw Enforcement Officer services to the Town.

**4. POWERS, DUTIES AND RESPONSIBILITIES**

- 4.1. The CAO may:
  - 4.1.1. Revoke, suspend or modify the appointment of Bylaw Enforcement Officers in accordance with this Bylaw;
  - 4.1.2. Monitor and investigate complaints of Misuse of Power by Bylaw Enforcement Officers;
  - 4.1.3. Take whatever actions or measures necessary to eliminate an emergency in accordance with the MGA;
  - 4.1.4. Exercise all powers, duties and functions under the *Provincial Offences Procedure Act*;
  - 4.1.5. Grant written authorization to issue Violation Tickets under the *Provincial Offences Procedure Act*;
  - 4.1.6. Authorize or require Bylaw Enforcement Officers to carry out any powers, duties or responsibilities necessary to fulfill their responsibility for the preservation and maintenance of public peace;
  - 4.1.7. Delegate any other of the CAO’s powers, duties, or responsibilities contained in this section to any employee of the Town, including the option to further delegate those powers, duties and responsibilities.
- 4.2. A Bylaw Enforcement Officer shall:
  - 4.2.1. Be responsible for the enforcement of bylaws of the Town unless otherwise specified in a Bylaw or resolution of Council;



- 4.2.2. Issue Municipal Tags, Notices, and/or Violation Tickets for offences under Bylaws;
- 4.2.3. Exercise all powers, duties and responsibilities of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with the MGA.

## 5. COMPLAINTS

### 5.1. *Receipt of Complaints*

- 5.1.1. Any complaint concerning the Misuse of Power of a Bylaw Enforcement Officer shall be handled in accordance with the provisions set out in this Bylaw shall be directed to the CAO.
- 5.1.2. All complaints shall be in writing and any complaints received verbally shall be confirmed in writing by the complainants prior to being proceeded with.
- 5.1.3. Upon receipt of complaint, it shall be immediately forwarded to the Director.
- 5.1.4. The Director shall provide written acknowledgement of the complaint, and to the person against whom the complaint was made.

### 5.2. *Investigation*

- 5.2.1. The Director shall investigate the complaint.
- 5.2.2. Upon conclusion of the investigation, the Director shall provide notice in writing to the Bylaw Enforcement Officer of the allegations made and the findings of the investigation.
- 5.2.3. The Bylaw Enforcement Officer shall be given the opportunity to make a full response to the allegations and investigations. The response shall be in writing and directed to the Director.
- 5.2.4. Upon review of the response of the Bylaw Enforcement Officer and any other information the Director believes appropriate in the circumstances to determine the facts, the Director shall either dismiss the complaint as unfounded or as unsubstantiated or find that the Bylaw Enforcement Officer has misused his or her power.
- 5.2.5. If the Director determines that the Misuse of Power has occurred, corrective disciplinary procedures shall be commenced.
- 5.2.6. The Director may resolve complaints informally, arriving at a solution that is satisfactory to the complaint and the Bylaw Enforcement Officer against whom the complaint was directed.

### 5.3. *Disciplinary Action*

- 5.3.1. If it has been determined that a Misuse of Power has been committed by the Bylaw Enforcement Officer, any one of the following measures may be taken by the Director:
  - i. A reprimand of the Bylaw Enforcement Officer;



- ii. A suspension of the Bylaw Enforcement Officer, with pay, for a period not to exceed seventy-two (72) hours;
- iii. A suspension of the Bylaw Enforcement Officer, without pay, for a period not to exceed seventy-two (72) hours;
- iv. The Bylaw Enforcement Officer is dismissed; or
- v. In the event that Bylaw Enforcement Officer services are provided through an Agreement, the termination of the Agreement.

*5.4. Disposition*

- 5.4.1. The Director shall notify the complainant and the Bylaw Enforcement Officer, in writing, of the results of the investigation and the actions to be taken within thirty (30) days from the date of receipt of the complaint.

*5.5. Appeal Procedures*

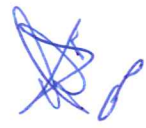
- 5.5.1. If either the complainant or the Bylaw Enforcement Officer wishes to appeal the decision of the Director, the appeal shall be delivered to the CAO within thirty (30) days of the receipt of the notice of the results of the investigation.
- 5.5.2. Within thirty (30) days from the date of the receipt of the notice of appeal, the CAO shall review the complaint, investigation report, speak to the person(s) involved as deemed necessary and review any other related documents associated with the complaints.
- 5.5.3. The CAO, in considering the appeal, may dismiss the appeal or allow the appeal, and impose or vary the discipline.
- 5.5.4. The CAO shall, within thirty (30) days, notify the complainant and the Bylaw Enforcement Officer, in writing, as to the results of the appeal. The decision of the CAO with regard to the appeal is final.

**6. OATH OF OFFICE**

- 6.1. Prior to commencing their duties, all Bylaw Enforcement Officers must take the official oath of office.

**7. SEVERABILITY**

- 7.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 7.2. Should any section or part of this Bylaw be found to be improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.



**8. REPEAL**

8.1. Bylaw No. 1373-15 – Enforcement Officer Bylaw is hereby repealed.

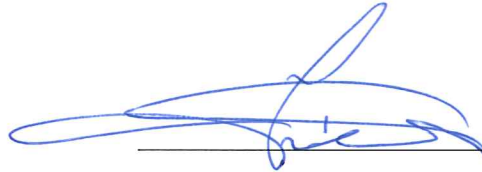
**9. ENACTMENT**

9.1. This Bylaw shall come into force and effect upon the date of the passing of the third and final reading and signing thereof.

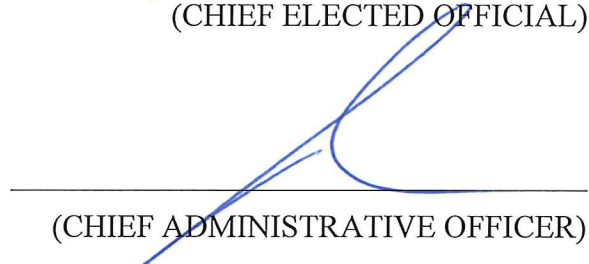
**READ A FIRST TIME THIS 25<sup>th</sup> DAY OF MAY 2020.**

**READ A SECOND TIME THIS 25<sup>th</sup> DAY OF MAY 2020.**

**READ A THIRD TIME THIS 25<sup>th</sup> DAY OF MAY 2020.**



\_\_\_\_\_  
(CHIEF ELECTED OFFICIAL)



\_\_\_\_\_  
(CHIEF ADMINISTRATIVE OFFICER)

SEAL

