

BYLAW 05/24

BEING A BYLAW OF FLAGSTAFF COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF SPECIFYING THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS AND ESTABLISHING DISCIPLINARY PROCEDURES APPLICABLE TO ITS BYLAW ENFORCEMENT OFFICERS.

WHEREAS, pursuant to Sections 555 and 556 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended or repealed and replaced from time to time, every council must by bylaw specify the powers and duties of Bylaw Enforcement Officers and establish disciplinary procedures applicable to its Bylaw Enforcement Officers;

AND WHEREAS, Section 210 of the *Municipal Government Act*, provides that a council may, by bylaw, establish one or more positions to carry out the powers, duties and functions of a designated officer;

NOW THEREFORE, the Council of Flagstaff County, in the Province of Alberta, duly assembled, hereby enacts as follows:

Short Title

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

Definitions

2. In this Bylaw, unless the context otherwise requires:
 - (a) **"Bylaw"** means a bylaw passed by the Council of Flagstaff County;
 - (b) **"Bylaw Enforcement Officer"** means a person who has been appointed pursuant to this bylaw as a Bylaw Enforcement Officer;
 - (c) **"Council"** means the council of Flagstaff County;
 - (d) **"County"** means:
 - i. Flagstaff County, a County duly established pursuant to the laws of the Province of Alberta; or
 - ii. The area within the legal boundaries of Flagstaff County;
 - (e) **"Chief Administrative Officer"** - the Chief Administrative Officer for Flagstaff County within the meaning of the *Municipal Government Act*;

Appointment of Bylaw Enforcement Officers

3. Council may, from time to time, appoint one or more Bylaw Enforcement Officers by resolution.
4. A Bylaw Enforcement Officer shall, before starting his or her duties, take the official oath prescribed by the *Oaths of Office Act*.
5. A Bylaw Enforcement Officer is a designated officer of the County for the purpose of inspections pursuant to Section 542 of the *Municipal Government Act* and enforcement of Bylaws pursuant to Sections 545, 546 and 555 of the *Municipal Government Act*.
6. The powers and duties of Bylaw Enforcement Officers shall include the following:
 - (a) Preserving and maintaining the public peace;
 - (b) Enforcing all Bylaws within the County;

- (c) Conducting routine patrols to ensure compliance with Bylaws;
 - (d) Reporting to and carrying out the directions of the Community Services Director and/or the Chief Administrative Officer;
 - (e) Responding to and investigating complaints and alleged breaches of Bylaws;
 - (f) Issuing and serving orders, notices, tickets, summonses, subpoenas and laying information as required;
 - (g) Assisting in the prosecution of breaches of Bylaws including gathering evidence, ensuring the attendance of witnesses, attending court and providing evidence as required;
 - (h) Carrying upon his or her person at all such times as he or she is acting as a Bylaw Enforcement Officer evidenced in writing of his or her appointment as a Bylaw Enforcement Officer, and;
 - (i) Performing all such other duties as may from time to time be assigned by the Community Services Director and/or the Chief Administrative Officer.
7. Bylaw Enforcement Officers shall exercise their powers and duties in accordance with all applicable County policies and procedures as established from time to time.
8. The authority of a Bylaw Enforcement Officer shall terminate when:
- (a) the person ceases to be an employee of the County, or
 - (b) the Council by resolution terminates the appointment of the Bylaw Enforcement Officer.
9. Upon termination, the Bylaw Enforcement Officer shall immediately return to the Community Services Director all uniforms, patrol cars, equipment, offence ticket books, appointment certificates and all other materials or equipment supplied to the Bylaw Enforcement Officer by the County.

Disciplinary Procedures for Misuse of Powers and Penalties

10. If, in the opinion of the Chief Administrative Officer or their designate based on reasonable grounds, a bylaw enforcement officer has misused a power, contravened their appointment or this bylaw, including any terms or conditions, or acted contrary to the public interest, the Chief Administrative Officer or their designate may suspend, revoke, or modify the bylaw enforcement officer's appointment.

Appeal Process

11. Prior to suspending, revoking or modifying a bylaw enforcement officer appointment pursuant to Section 10, the Chief Administrative Officer or designate must provide the affected bylaw enforcement officer with written notice of the proposed suspension, revocation or modification including reasons and any supporting documentation. The affected bylaw enforcement officer may make written representations to the Chief Administrative Officer respecting the proposed suspension, revocation and modification within 14 days after the date on which the written notice is received by the affected bylaw enforcement officer. The Chief Administrative Officer will provide the bylaw enforcement officer with a written decision, including reasons, on the proposal to suspend, revoke or modify the bylaw enforcement officer's appointment within 14 days after the date on which the written submissions are received by the Chief Administrative Officer.

Severability

- 12. Every provision of this Bylaw is independent of all other provisions. 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. **Repeal**
- 13. Bylaw 03/15 is hereby repealed and replaced on final passing of this bylaw.

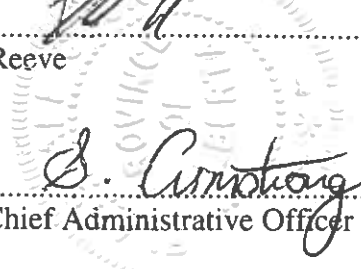
Effective Date

- 14. This bylaw shall come into force upon third and final reading.

READ a first time this 12 day of June, 2024.

READ a second time this 12 day of June, 2024.

READ a third time this 12 day of June, 2024 and finally **PASSED** this 12 day of June, 2024.


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Chief Administrative Officer