

# THE COUNTY OF VERMILION RIVER

## BYLAW 24-14

### BYLAW ENFORCEMENT OFFICER POWERS AND DUTIES BYLAW

**BEING A BYLAW OF THE COUNTY OF VERMILION RIVER IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS**

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**A BYLAW** To provide for the establishment of the authorities, duties, tools, and discipline of Bylaw Enforcement Officers.

**WHEREAS** The Council of the County of Vermilion River pursuant to the *Municipal Government Act*, Revised Statutes, regulations, and amendments thereto, may by bylaw, establish Bylaw Enforcement Officer positions.

**WHEREAS** Pursuant to Section 555 and 556 of the *Municipal Government Act*, every Council must, by bylaw, specify the powers and duties of Bylaw Enforcement Officers and must establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers

**NOW THEREFORE** The Council of the County of Vermilion River in the Province of Alberta, duly assembled, enacts as follows:

**Title**

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

## Definitions

2. "Bylaw Enforcement Officer" is a person specifically appointed under Section 555 of the Municipal Government Act for the purposes of enforcing bylaws of the County of Vermilion River and may include a Peace Officer as defined under the Peace Officer Act or a Regular Member of the Royal Canadian Mounted Police as defined under the Police Act.
  - a. "Fully Appointed" means a Bylaw Enforcement Officer who is authorized to enforce a wide section of municipal bylaws as stated on their appointments.
  - b. "Selective" shall apply to a person designated to enforce a specific bylaw only.
3. "Chief Administrative Officer (CAO)" is the person duly appointed by Council pursuant to the Municipal Government Act.
4. "Council" means the duly elected representatives of the County of Vermilion River
5. "County" means the County of Vermilion River, an incorporated municipality in the Province of Alberta, Canada and the areas contained within the corporate boundaries.

## Chief Administrative Officer

6. May establish one or more Bylaw Enforcement Officer positions as approved by Council.
7. May appoint the Director of Protective Services for the purpose of administrating and managing this bylaw.

## Bylaw Enforcement Officer

8. Must meet the requirements as stated under the Municipal Government Act.
9. Must take the Oath of Office prior to commencing their duties, in accordance with Section 555(1) of the Municipal Government Act.

10. Is, when in legal execution of their duties, as duly appointed for that purpose, be responsible for the preservation and maintenance of the public peace.
11. Shall act in good faith in performance of their assigned duties as described on their appointment.

### **Duties**

12. Subject to the direction of the Director of Protective Services, perform the following duties:
  - a. Preserve and maintain the public peace,
  - b. Enforce municipal bylaws within the county,
  - c. Conduct routine patrols to ensure compliance,
  - d. Respond to and investigate complaints,
  - e. Issue notices, tickets or tags where authorized,
  - f. Service of documents, orders, subpoenas, summons, et al,
  - g. Collect and secure evidence,
  - h. Prosecute any bylaw infraction,
  - i. Present evidence in Court,
  - j. Ensure proper filing of information and documentation, and
  - k. Perform other duties as assigned.

### **Responsibilities**

13. A fully appointed Bylaw Enforcement Officer may utilize a uniform in accordance with County Public Safety guidelines.
14. A selective Bylaw Enforcement Officer designated to enforce a select municipal bylaw, may conduct their duties without a uniform provided they abide by Section 13.
  - a. In the matter of a Firefighter Member-in-Charge acting under the hospice of the Fire Service Bylaw (#23-11) during an operational call or prevention activity, identify themselves as a person of authority

under said Bylaw.

15. Carry, and present upon demand, documentation that identifies them as an employee and/or Bylaw Enforcement Officer while working in their professional capacity.
16. Act within the scope of their authorities.

## **Equipment**

17. For the purpose of carrying out the duties of a Bylaw Enforcement Officer, a duly appointed person may utilize the following tools and equipment in execution of their duties;
  - a. Personal Protective Equipment (PPE) as is reasonable for the safe execution of the assigned duties.
  - b. Defensive Equipment and Tools necessary for the safety of the Officer.
  - c. Equipment necessary to carry out the enforcement nature of the duties and responsibilities expected of a Bylaw Enforcement Officer.
  - d. A device designed or intended to be used for the purpose of injuring, immobilizing, repelling or otherwise incapacitating an animal by the discharge of a projectile or spray provided that such device does not meet the classification of a restricted or prohibited weapon under the Criminal Code.
  - e. Any other item required for the defense against, control, or the humane destruction of, an animal, provided that said item is not carried in a concealed fashion.
  - f. As it relates to firearms used for the purpose of animal destruction, that said tool complies with the Criminal Code as a non-restricted long-gun and is used and stored according to the provisions of the Firearms Act and that the user is in possession of a valid Possession Acquisition License (PAL)

## **Complaints**

18. The process for handling complaints and appeals arising from matters

respecting the conduct or performance of a Bylaw Enforcement Officer is established by Council and described in the County Public Safety manual.

19. A Bylaw Enforcement Officer may be liable to disciplinary action if their conduct includes a violation of any provision, mentioned in Section 9.
20. The Director of Protective Services shall investigate written complaints submitted against a Bylaw Enforcement Officer, in accordance with this Bylaw, the County Code of Conduct, and any other Policy and Directives enacted by the County.
21. The Director of Protective Services will provide written acknowledgement of a complaint to all involved parties.

## **Conduct**

22. A Bylaw Enforcement Officer commits discreditable conduct if that Officer;
  - a. Acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the County.
  - b. Willfully or negligently makes a false statement or lays a false complaint or statement against any person, another Bylaw Enforcement Officer or Peace Officer.
  - c. Withholds or suppresses a complaint or report against any person, another Bylaw Enforcement Officer or Peace Officer.
  - d. Is guilty of an indictable offence under a federal Statute or an offence punishable upon summary conviction under the Criminal Code of Canada.
  - e. Connives or is knowingly an accessory to a general default described in this Bylaw.
23. A Bylaw Enforcement Officer commits insubordination if that officer knowingly;
  - a. By work or action, and without lawful excuse, disobeys, omits, or neglects to carry out any lawful order from a superior officer or civilian supervisor.

- b. By word or action is unwilling to submit to the authority of the Chief Administrative Officer (CAO).
24. A Bylaw Enforcement Officer is negligent in their duties if that Officer;
- a. Without lawful excuse, neglects or omits tasks required to perform a duty as a Bylaw Enforcement Officer or Selective Bylaw Enforcement Officer.
  - b. Fails to work in accordance with orders, or leaves an area, detail, or other place of duty without due permission or sufficient cause.
  - c. Fails to report a matter that is the Officer's duty to report.
25. A Bylaw Enforcement Officer commits an act of deceit if that officer;
- a. Knowingly makes or signs a false statement in an official document or book.
  - b. Willingly or negligently makes a false, misleading, or inaccurate statement pertaining to official duties.
  - c. Without lawful excuse destroys, mutilates, or conceals an official document or record, or alters or erases any entry therein.
26. A Bylaw Enforcement Officer commits a Breach of Confidence if that officer;
- a. Divulges any matter, which it is the duty of the Officer to keep confidential.
  - b. Without proper authorization or in contravention of any rules of the County communicates to the media or to any authorized person any law enforcement matter, which could be injurious to any person or investigation.
  - c. Without proper authorization shows to any person not a Bylaw Enforcement Officer, or any person not a Peace Officer or any unauthorized Officer, any book or written or printed document or report relating to any law enforcement matter that is the property of or in the custody of the employer of the Bylaw Enforcement Officer or Selective Bylaw Enforcement Officer.
27. A Bylaw Enforcement Officer commits Corrupt Practice if that Officer;
- a. Fails to account for or make a prompt, true return of money or

property received in an official capacity.

- b. Directly or indirectly solicits or receives a gratuity, present, pass, subscription, or testimonial without the consent of the CAO.
- c. Places himself under a pecuniary or obligation to a person of respect, whose conduct or business operation or employment the Officer may likely have to report or give evidence.
- d. Improperly uses the position of a Bylaw Enforcement Officer or Selective Bylaw Enforcement Officer for private advantage.
- e. Is unnecessarily discourteous or uncivil to a member of the public.
- f. Uses excessive force in the execution of Officer's duties without just cause as a Bylaw Enforcement Officer.
- g. Uses excessive authority of the Officer's position with co-workers

### **Investigation**

- 28. The Director of Protective Services shall investigate, or delegate the investigation, of all formal complaints.
- 29. The Bylaw Enforcement Officer shall be given the opportunity to provide a response to the allegations and investigation. The response shall be in writing and directed to the Director of Protective Services.

### **Transitional**

- 30. The following bylaws are hereby repealed:
  - a. Bylaw 19-14, Bylaw Enforcement Officer Bylaw
  - b. Bylaw 23-17, Bylaw Enforcement Officer Bylaw

**SHOULD** any provision of this Bylaw be determined to be invalid, then such provisions shall be severed, and the remaining bylaw shall be maintained.

**THIS** Bylaw shall come into force and effect upon receiving Third and Final Reading and having been signed by the Reeve and Chief Administrative Officer.

Read this First time this 28<sup>th</sup> day of May, 2024

Read this Second time this 28<sup>th</sup> day of May, 2024

Introduced for Third and Final time this 28<sup>th</sup> day of May, 2024

Read a Third and Final time and finally passed, this 28<sup>th</sup> day of May, 2024

SIGNED by the Reeve and Chief Administrative Officer this 28<sup>th</sup> day of May, 2024

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER