

TOWN OF MUNDARE

BYLAW NO. 934/21

The Council of the Town of Mundare properly assembled enacts as follows:

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

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

- (a) "Bylaw Enforcement Officer" means an individual, who has been appointed as a Bylaw Enforcement Officer pursuant to this Bylaw and in accordance with the terms of an agreement between the Town and a Contracted Service Provider (if applicable);
- (b) "Chief Administrative Officer" or "CAO" means the individual appointed by Council as the Chief Administrative Officer of the Town or his or her delegate;
- (c) "Contracted Service Provider" means any third-party engaged by the Town and under current contract to provide bylaw enforcement services on behalf of the Town and may include, without limitation, another municipality, an individual, corporation, partnership or other legal entity;
- (d) "Municipal Tag" means a tag or similar document issued by the Town pursuant the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence;
- (e) "Violation Ticket" has the meaning given to it in the *Provincial Offences Procedure Act*.

General

3. The headings in this bylaw are for guidance purposes and convenience only.
4. Every provision in 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.
5. In this bylaw, a citation of or reference to any enactment of the Province of Alberta or of Canada, or of any other bylaw of the Town, is a citation of or reference to that enactment or bylaw as amended, whether amended before or after the commencement of the enactment or bylaw in which the citation or reference occurs.
6. Nothing in this Bylaw relieves a person from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.



CHIEF ADMINISTRATIVE OFFICER

7. The Chief Administrative Officer:

- (a) is a Bylaw Enforcement Officer;
- (b) may appoint one or more individuals as Bylaw Enforcement Officers in accordance with this Bylaw;
- (c) may revoke, suspend, or modify the appointment of a Bylaw Enforcement Officer in accordance with this Bylaw and subject to the terms and conditions of the agreement between the Town and the Contracted Service Provider (if applicable);
- (d) may authorize or require Bylaw Enforcement Officers to carry out any powers and duties necessary to fulfill their responsibility for the preservation and maintenance of the public peace;
- (e) may establish the standards of uniform, insignia, and identification for Bylaw Enforcement Officers, which may include adopting the uniform, insignia and identification of the Contracted Service Provider (if applicable) with their consent;
- (f) will ensure complaints of misuse of power by Bylaw Enforcement Officers are investigated and disposed;
- (g) will report on, or ensure that a Contracted Service Provider reports on, the status and effectiveness of bylaw enforcement within the Town, when requested to do so by Council; and
- (h) may delegate any of the CAO's powers, duties, or functions contained in this section to any employee of the Town, including the option to further delegate those powers, duties, and functions.

BYLAW ENFORCEMENT OFFICERS

Oath of office

8. A Bylaw Enforcement Officer must take the official oath.

Powers and duties

9.

(1) Subject to the terms and conditions of their appointment by the CAO, and the terms and conditions of the agreement between the Town and the Contracted Service Provider (if applicable), the powers and duties of Bylaw Enforcement Officers are as follows:

- (a) to enforce the bylaws of the Town;



MISUSE OF POWER

Complaints

12.

(1) If a person believes that a Bylaw Enforcement Officer has misused their power, the person may file a complaint in accordance with this Part.

(2) A complaint made under subsection (1) must:

- (a) be in writing,
- (b) include the full name of the complainant,
- (c) include contact information for the complainant,
- (d) indicate the reasons for the complaint and,
- (e) be sent to the Town, attention: Chief Administrative Officer

(3) Upon receipt of a complaint, the Chief Administrative Officer shall:


- (a) forward the complaint to the Contracted Service Provider for investigation and disposition in accordance with the Contracted Service Provider's discipline policy;
or
- (b) conduct an investigation into the complaint

Read a first time this 7th day of September, 2021.

Read a Second time this 7th day of September, 2021.

Read a Third and final time this 7th day of September, 2021.

09/07/2021
Date


Mayor

09/07/2021
Date


Chief Administrative Officer