

TOWN OF OLDS BYLAW NO. 2023-24

BEING A BYLAW OF THE TOWN OF OLDS IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE APPOINTMENT, AND TO ESTABLISH THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICER(S) PURSUANT TO THE MUNICIPAL GOVERNMENT ACT OF ALBERTA.

WHEREAS, Section 7(i) of the *Municipal Government Act*, RSA, 2000, c. M-26, that a Council may pass bylaws respecting the enforcement of bylaws;

AND WHEREAS, Section 210(1) of the *Municipal Government Act*, provides that a council may by bylaw, establish one or more position to carry out the powers, duties, and functions of a designated officer;

AND WHEREAS, Section 555 of 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, Section 556 of the *Municipal Government Act*, a Council must pass a bylaw specifying the powers and duties of Bylaw Enforcement Officers and establishing disciplinary procedures for misuse of power, including penalties and an appeal process application to misuse of power by Bylaw Enforcement Officers;

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

1. BYLAW TITLE: This Bylaw may be cited as the **“Bylaw Enforcement Officer Bylaw”**.

2. DEFINITIONS

- 2.1 “Bylaw” means a bylaw of the Municipality.
- 2.2 “Bylaw Enforcement Officer” means a person appointed as such by the Council of the Town of Olds.
- 2.3 “Chief Administrative Officer” means the Chief Administrative Officer of the Town of Olds.
- 2.4 “Community Peace Officer” means a person appointed as such by the Director of Law Enforcement for the Province of Alberta.
- 2.5 “Council” means the Council of the Municipality.
- 2.6 “Director” means the Director of Law Enforcement appointed under the Police Act and any person authorized by the Director to act on the Directors behalf, as stated in the Peace Officer Act.

- 2.7 "Municipal Violation Ticket" means a municipal ticket issued under a Town of Olds Bylaw.
- 2.8 "Municipality" means the Town of Olds.
- 2.9 "Oath of Office" means the Oath of Office as prescribed by the Alberta Solicitor General and Public Security.
- 2.10 "Peace Officer" means a police officer under the Police Act; or a person who is employed or retained by a municipality whose duties include written authorization to issue violation tickets under Parts 2 and 3, while the person is in the exercise or discharge of that duty and while the person is serving a summons, offence notice or subpoena.
- 2.11 "Personnel Handbook" means the Town of Olds Personnel Policy as approved by Council and any amendments there to.
- 2.12 "Regulation" means the Peace Officer (Ministerial) Regulation and any associated Provincial Statutes or Acts.
- 2.13 "Senior Community Peace Officer" means the officer responsible for the administration and delivery of Municipal Enforcement Services and supervision of the performance and conduct of the Bylaw Enforcement Officer(s) and Community Peace Officer(s) of the Municipality.
- 2.14 "Violation Ticket" means a violation ticket under Part 2 or Part 3 of the *Provincial Offences Procedures Act*.

3. STATEMENT OF TO WHOM AND TO WHAT THE BYLAW APPLIES

- 3.1 This bylaw applies to all persons and/or all businesses within the Town of Olds Corporate Limits.

4. PURPOSE

- 4.1 The purpose of the bylaw is to:
 - a) prescribe the requirements for appointing Bylaw Enforcement Officers;
 - b) delegate enforcement related powers, duties, and functions to Bylaw Enforcement Officers;
 - c) specify the power, duties and function that may be delegated to Bylaw Enforcement Officers;
 - d) establish disciplinary procedures for misuse of power by Bylaw Enforcement Officers; and
 - e) deal with other matters respecting the enforcement of bylaws and other enactments.

5. GENERAL RULES AND SPECIAL PROVISIONS

5.1 Powers and Duties of the Senior Community Peace Officer are as follows:

- a) to ensure that Bylaws of the Municipality are enforced;
- b) to provide for the supervision of the performance and conduct of the Bylaw Enforcement Officer(s) of the Municipality;
- c) to discipline Bylaw Enforcement Officer(s) as authorized by this Bylaw;

- d) to establish standards of uniform, insignia, and identification for Bylaw Enforcement Officers of this Municipality; and
- e) to assist in the prosecution of breaches of municipal Bylaws including the gathering of evidence, the attendance of witnesses and any appearances in court that may be required.

5.2 Powers and Duties of a Bylaw Enforcement Officer(s) are as follows:

- a) to enforce the Bylaws which Council has authorized within the boundaries of the Municipality;
- b) to follow the directions of the Senior Community Peace Officer and to report to the Senior Community Peace Officer as required by them;
- c) to respond to and investigate complaints;
- d) to conduct routine patrols;
- e) issue Municipal Violations Tickets or Tags for offences under bylaws;
- f) exercise all the powers, duties, and functions of a designated officer to conduct any inspections, remedies or enforcement authorized or required by a bylaw or enactment in accordance with section 542 to the Municipal Government Act;
- g) exercise all the powers, duties, and functions of a designated officer to issue written orders pursuant to sections 545 and 546 of the Municipal Government Act;
- h) take whatever actions or measures are necessary to remedy a contravention or prevent a re-occurrence of a contravention of the Municipal Government Act, an enactment that the Town is authorized to enforce, or a bylaw in accordance with section 549 of the Municipal Government Act
- i) take whatever actions or measures that are necessary to eliminate a danger to public safety caused by a structure, excavation or hole or deal with the unsightly condition of property in accordance with section 550 of the Municipal Government Act;
- j) assist in the prosecution of Bylaw contraventions including appearances in court to provide evidence; and
- k) to perform all other duties as assigned by the Senior Community Peace Officer.

5.3 Oaths of Office

- a) Prior to commencing their duties, all Bylaw Enforcement Officers must take the official oath prescribed by the Oaths of Office Act upon being appointed as a Bylaw Enforcement Officer and to carry upon his/her person at all such times as he/she is acting as Bylaw Enforcement Officer evidence in writing of his appointment as a Bylaw Enforcement Officer of the Municipality.
- b) The Oath of Office for Peace Officers will be obtained from the Alberta Justice and Solicitor General website.

6. DISCIPLINE

- 6.1 Bylaw Enforcements Officers are subject to the Town of Olds Personnel Handbook, including section 2.17 Corrective Action and Discipline.
- 6.2 The goal of corrective action and/or discipline is improved performance. It is the responsibility of the immediate supervisor to manage the disciplinary process.

7. REPEAL CLAUSE

7.1 That Bylaw 2015-07 and all amendments thereto are hereby repealed.

8. EFFECTIVE DATE

8.1 This Bylaw shall come into force when it has received third and final reading and has been signed.

9. READINGS

Read for the first time on the 11th day of September 2023.

Read a second time on the 11th day of September 2023.

Unanimous consent given for third reading given on the 11th day of September 2023.

Read a third and final time on the 11th day of September 2023.

10. SIGNATURE LINE



Judy Dahl
Mayor



Brent Williams
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 15th day of September 2023.