

**TOWN OF OLDS
BYLAW No. 2023-23**

**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 COMMUNITY PEACE 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 positions 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 Community Peace 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 Community Peace Officers and establishing disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Community Peace 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 “**Community Peace 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 / CAO” means the Chief Administrative Officer or designate 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 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 Director’s 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 thereto.
- 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 Community Peace Officers;
 - b) delegate enforcement related powers, duties, and functions to Community Peace Officers;
 - c) specify the power, duties and function that may be delegated to Community Peace Officers;
 - d) establish disciplinary procedures for misuse of power by Community Peace Officers; and
 - e) deal with other matters respecting the enforcement of bylaws and other enactments.

5. GENERAL RULES AND SPECIAL PROVISIONS

- 5.1 **The powers and duties of the Senior Community Peace Officer are as follows:**

- a) To ensure that the Provincial Statutes and Bylaws of the Municipality are enforced;

- b) To provide for the supervision of the performance and conduct of the Community Peace Officer (s);
- c) To discipline a Community Peace Officer or Officers;
- d) To establish standards of uniform, insignia, and identification for Community Peace Officers;
- e) To assist in the prosecution of breaches of Municipal Bylaws or other Provincial statutes including the gathering of evidence, the attendance of witnesses and any appearances in court that may be required; and
- f) To perform all other duties as assigned by the Chief Administrative Officer; and the Province of Alberta.

5.2 The powers and duties of a Community Peace Officer are as follows:

- a) To enforce the various Provincial Statutes and Bylaws which the Council and the Province of Alberta have authorized the Community Peace Officer to enforce;
- b) To follow the directions of the Senior Community Peace Officer and to report to them as required;
- c) To respond to and investigate complaints;
- d) To conduct routine patrols;
- e) To issue notices, tickets, or tags;
- f) To assist in the prosecution of Provincial Statutes, and Bylaw contraventions including appearances in court to provide evidence;
- g) To perform all other duties as assigned by the Senior Community Peace Officer; and the Province of Alberta; and
- h) To take the Oath of Office for Peace Officers upon being appointed as a Community Peace Officer and to carry upon his/her person at all times as he/she is acting as Community Peace Officer, evidence in writing of his/her appointment as a Community Peace Officer of the Town of Olds. The Oath of Office for Peace Officers will be obtained from the Alberta Justice and Solicitor General website.

5.3 Duty of the Municipality to Investigate

- a) Where the Municipality becomes aware, other than through a complaint provided for in section 5.4 of this Bylaw, that a Community Peace Officer has failed to comply with the terms of the Community Peace Officer's appointment, the Town must investigate and dispose of the matter in accordance with the procedures set out in the Act or the Regulation and notify the Director of the Municipality's investigation and disposition of the

matter.

5.4 Process for the Handling of Complaints and Administration of Discipline for Community Peace Officers.

- a) The Towns of Olds process for the handling of complaints and administration of discipline for Community Peace Officers is in accordance with the Peace Officer Act of the Province of Alberta.
- b) Making a Public Complaint:
 - i. Any person may make a complaint, **in writing**, regarding a Community Peace Officer(s) or a Senior Community Peace Officer(s). to the Chief Administrative Officer.
 - ii. The Municipality shall accommodate a complainant who is unable to provide a written statement for valid reason e.g.: a language barrier.
 - iii. The written complaint must provide the following:
 - Detailed circumstances giving rise to the complaint;
 - The actions of the Community Peace Officer that are being complained about;
 - Names of witnesses or other sources of information that would be of use to an investigation into the complaint.
- c) Anonymous Complaints
 - i. Written anonymous complaints do not allow the Town of Olds to discharge the required legal responsibilities under the Act and Regulation relating to complaint notification; therefore, are not considered a complaint.
- d) Investigation of Complaint:
 - i. Where a complaint is made, the Chief Administrative Officer (CAO) must investigate and dispose of the complaint.
 - ii. The CAO may refuse to investigate or may discontinue the investigation of a complaint if, in the Chief Administrative Officer's opinion, the complaint is frivolous, vexatious or made in bad faith, or having regard to all circumstances that no investigation is necessary.
 - iii. If an investigation is carried out in respect of a complaint, the CAO must, where the Director deems appropriate, give the Community Peace Officer details of the complaint. If the CAO is uncertain as to the appropriateness of informing a Community Peace Officer about a complaint, the Province of Alberta Public Security Division shall be consulted.
 - iv. The investigation may include, but not be limited to:
 - Interviewing the complainant; any witnesses, the Community Peace Officer(s) involved if they so consent, and any other person who may have knowledge relevant to the occurrence;
 - Review any relevant documents in existence pertaining to the occurrence including, but not limited to:

- Occurrence reports
- Dispatch logs
- Community Peace Officer notebooks
- Court reports
- Legal documents

e) Complaint Process:

The Chief Administrative Officer will:

- i. Within 30 days, in writing, acknowledge receipt of the complaint to the complainant;
- ii. Advise the Public Security Division of public complaints in accordance with Incident Report Form PS3535, within the appropriate reporting time limit provided for on Form PS3535. (Form PS3535 will be obtained from the Alberta Justice and Solicitor General website.)
- iii. Notify the complainant, the Community Peace Officer, if appropriate, and the Director in writing at least once every 45 days as to the status of the complaint until the disposition of the complaint.

f) Disposition of Complaint:

- i. The Chief Administrative Officer shall, in writing, notify the complainant, the Community Peace Officer and the Director of the disposition of the complaint and reasons for the disposition, including the right of the complainant to have the disposition reviewed by the Director.
- ii. The Chief Administrative Officer must dispose of the complaint by making one of the following decision and giving reasons for that decision:
 - (a) The complaint is unfounded;
 - (b) The complaint is unsubstantiated;
 - (c) Having regard to all of the circumstances of the complaint, no investigation is necessary;
 - (d) The complaint is found to have merit in whole or part;
 - (e) The complaint is frivolous, vexatious, or made in bad faith.

6. Discipline

- 6.1 If an investigation of the complaint is found to have merit in whole or in part, the disciplinary steps from the Town of Olds Personnel Policy shall be followed when delivering discipline to a Community Peace Officer.
- 6.2 To ensure that discipline is applied fairly, Town of Olds Human Resource Personnel will be present in all steps of the corrective action and/or discipline procedure when reasonably practical to be present.
- 6.3 If an investigation into a breach of the Town of Olds personnel policies or procedures, including health and safety procedures, is found to have merit in whole or in part, the disciplinary steps from the Town of Olds (Council approved) Personnel Policy shall be followed when delivering discipline to a Community Peace Officer.

- 6.4 Peace officers are not employees of the Director and accordingly, any decision made by the employer must be appealed through mechanisms established with the employer.

7. APPEAL - Peace Officers Right To Appeal

- 7.1 A Community Peace Officer has the right to appeal a decision regarding the disposition of a complaint to the Director of Law Enforcement for the Province of Alberta pursuant to Section 15(4) of the Act;
- 7.2 An appeal must be in writing and be initiated within 30 days from the receipt of the disposition from the Chief Administrative Officer;
- 7.3 Any decision reached by the Director of Law Enforcement on appeal is final.

Correspondence to the Director must be sent to:
Director of Law Enforcement
10th Floor, 10365 – 97 Street
Edmonton AB T5J 3W7

8. REPEAL

- 8.1 That Bylaw 2015-06 and all amendments thereto are hereby repealed.

9. EFFECTIVE DATE


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

10. 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.



Judy Dahl,
Mayor



Brent Williams,
Chief Administrative Officer

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