

**TOWN OF CLARESHOLM  
PROVINCE OF ALBERTA  
BYLAW #1749**

# Claresholm

**A BYLAW OF THE TOWN OF CLARESHOLM IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE APPOINTMENT, EMPOWERMENT AND DISCIPLINE OF BYLAW ENFORCEMENT OFFICERS WITHIN THE TOWN OF CLARESHOLM.**

**WHEREAS**, the Town of Claresholm is required by section 556 of the Municipal Government Act to specify the powers and duties of Bylaw Enforcement Officers, and establish disciplinary procedures for misuse of powers, and penalties and appeal processes.

**NOW THEREFORE**, the Council of the Town of Claresholm, in the Province of Alberta, duly assembled, enact as follows:

## SECTION 1 TITLE

- 1.1 This Bylaw may be cited as the **“BYLAW ENFORCEMENT OFFICER BYLAW.”**

## SECTION 2 DEFINITIONS

- 2.1 In this Bylaw, unless the context otherwise requires:
- a) **“Act”** is the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, or any legislation in replacement or substitution thereof.
  - b) **“Bylaw”** is a bylaw of the Town of Claresholm.
  - c) **“Bylaw Enforcement Officer”** means an employee of the Town of Claresholm, who is employed for the purposes of the enforcement of Town of Claresholm Municipal Bylaws, and may include a Community Peace Officer appointed under the Peace Officer Act of Alberta.
  - d) **“Chief Administrative Officer (CAO)”** means the Chief Administrative Officer of the Town or the Chief Administrative Officer’s delegate.  
Section 205 of the Municipal Government Act and is the administrative head of the Municipality.
  - e) **“Council”** is the municipal Council of the Town of Claresholm.
  - f) **“Town”** means the municipal corporation of the Town of Claresholm, in the Province of Alberta, or the area within the Town of Claresholm’s corporate limits, as the context requires.

## SECTION 3 APPLICATION

- 3.1 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order, or license.
- 3.2 Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience and shall not form part of this Bylaw.
- 3.3 Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.

## SECTION 4 CHIEF ADMINISTRATIVE OFFICER (CAO)

- 4.1 The powers and duties of the CAO or delegate are as follows:
- a) To establish one or more Bylaw Enforcement Officer positions as approved by Council;
  - b) To appoint, promote or dismiss individuals to the position of Bylaw Enforcement Officer for the purpose of enforcing the Town Bylaws;
  - c) To provide for the supervision of the performance and conduct of the Bylaw Enforcement Officer(s);
  - d) To ensure that the Bylaws of the Town are enforced in an appropriate manner;
  - e) To investigate formal complaints made against a Bylaw Enforcement Officer;
  - f) To discipline Bylaw Enforcement Officers in the case of a substantiated formal complaint;

## SECTION 5 APPOINTMENT

- 5.1 The Bylaw Enforcement Officer shall be appointed by the Chief Administrative Officer of the Town of Claresholm.
- 5.2 Upon being appointed a Bylaw Enforcement Officer, and prior to entering duties, each officer shall take the official oath prescribed by the Oaths of Office Act.
- 5.3 The authority and appointment of the Bylaw Enforcement Officer shall cease when the person is no longer an employee of the Town of Claresholm.

## SECTION 6 BYLAW ENFORCEMENT OFFICER POWERS AND DUTIES

- 6.1 The powers and duties of a Bylaw Enforcement Officer are as follows:
  - a) To enforce bylaws within the Town;
  - b) To follow lawful directions of the CAO;
  - c) To respond to and investigate complaints;
  - d) To conduct routine patrols;
  - e) To issue and service notices, tickets/tags, and lay information as required;
  - f) To assist in the prosecution of bylaw contraventions including gathering evidence, assisting witnesses, and attending court to provide evidence as required;

## SECTION 7 FORMAL COMPLAINTS AND DISCIPLINE

- 7.1 A formal complaint against a Bylaw Enforcement Officer shall be in writing unless a complainant is unable to make the complaint in writing due to a language barrier or disability. In this case, the Town will record the complaint and treat it as if it was received in writing.
- 7.2 Anonymous complaints shall not be investigated.
- 7.3 When a formal complaint is received by the Town against a Bylaw Enforcement Officer, the CAO shall:
  - a) Advise the complainant of the receipt of the complaint within 30 days;
  - b) Notify the Bylaw Enforcement Officer involved if appropriate (see 'Appendix A' below for details);
  - c) Investigate the allegations of the complaint by speaking with the complainant, any witnesses, and the Bylaw Enforcement Officer involved, and any other person who may have knowledge relevant to the occurrence;
  - d) Review any relevant documents in existence pertaining to the occurrence, including but not limited to:
    - i. Occurrence Reports;
    - ii. Dispatch logs
    - iii. Notebooks
    - iv. Court documents
    - v. Legal documents
    - vi. Audio or video recordings
  - e) Advise the complainant and the Bylaw Enforcement Officer of the status of the investigation at least once every 45 days.
  - f) Upon conclusion of the investigation, the CAO shall notify the complainant, and the Bylaw Enforcement Officer involved of the disposition of the complaint as follows:
    - i. "the complaint is unfounded" means that on the basis of a thorough investigation that no reasonable belief exists that complain has merit or basis;
    - ii. "the complaint is unsubstantiated" means that on the basis of a thorough investigation there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred;
    - iii. "the complaint is found to have merit in part" means that on the basis of a thorough investigation that a reasonable belief exists that the Bylaw Enforcement Officer engaged in misconduct in regards to portion(s) of the complaint, but not in its entirety;
    - iv. "the complaint is found to have merit in whole" means that on the basis of a thorough investigation that a reasonable belief exists that the Bylaw Enforcement Officer engaged in misconduct in regards to the entirety of the complaint.
  - g) No investigation shall be required if the CAO determines the complain to be frivolous, vexatious, made in bad faith, or relating to the interpretation or application of legislation, investigation outcome, or action taken as a result of an investigation.

h) In the event a complaint is found to have merit in whole or in part, the CAO shall take appropriate disciplinary action in accordance with Town human resource policies and practices.

7.4 The CAO has the authority to informally resolve a formal complaint. This shall be accomplished by meeting with the complainant to discuss their concerns, circumstances, facts and any information pertaining to the complaint. If a mutually agreeable solution can be reached by all parties involved, the complaint shall be deemed to be resolved and no investigation, or further investigation, is necessary. An informal resolution must be documented within one month of resolution.

#### **SECTION 8 SEVERABILITY**

8.1 If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such


#### **SECTION 9 PASSAGE OF BYLAW**


9.1 This Bylaw shall come into effect upon passage of Third Reading.

Read a first time in Council this **12th** day of **September** 2022.

Read a second time in Council this **26th** day of **September** 2022.

Read a third time in Council and finally passed in Council this **26th** day of **September** 2022.

  
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Chelsae Petrovic, Mayor

  
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Abe Tinney, CAO

## APPENDIX A

### Notification to Bylaw Enforcement Officer of Complaint

In the majority of cases it is always appropriate and necessary to inform a Bylaw Enforcement Officer about a complaint made to facilitate the principles of due process and fairness. However, in circumstances where such notification may unduly have a negative impact on an internal investigation or place the complainant in an unfavourable position, the notification to the Officer may be delayed.

In the following general circumstances, consideration must be given to delay informing the Officer about a complaint when it may reasonably be suspected that:

- a) The complainant may be placed in danger,
- b) The complainant may face other inappropriate action by the Officer should the Officer be informed,
- c) The notification may impede the gathering of evidence during an internal investigation,
- d) A reasonable likelihood exists that the complaint may lead to charges under federal or provincial legislation and that notification of the Officer could impede any resulting police or other investigative agency investigation, or
- e) Any other situation identified by the authorized employer or Director in which it may be appropriate to delay informing the Officer about the complaint.