



BYLAW # 465

BEING A BYLAW OF THE VILLAGE OF NAMPA IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING THE DUTIES AND POWERS OF BYLAW ENFORCEMENT OFFICERS

WHEREAS the *Municipal Government Act*, RSA 2000, chapter M-26, as amended requires that every council must, by bylaw, specify the powers and duties of bylaw enforcement officers, and establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers;

AND WHEREAS a person who is appointed as a bylaw enforcement officer is, in the execution of enforcement duties, responsible for the preservation and maintenance of public peace;

AND WHEREAS Bylaw Enforcement Officers must take the official oath prescribed by the *Oaths of Office Act* before starting their duties

NOW THEREFORE the Council of The Village of Nampa, in the Province of Alberta, duly assembled, hereby enact as follows:

A. PURPOSE AND CITATION

1. The purpose of this Bylaw is to establish the position and define the responsibilities of a Bylaw Enforcement Officer with the Village of Nampa
2. This Bylaw may be cited as the "Bylaw Enforcement Officer Bylaw"

B. DEFINITIONS

1. In this Bylaw, unless the context requires otherwise:
 - a) "Bylaw Enforcement Officer" means any person appointed as a Bylaw Enforcement Officer for the Village of Nampa;
 - b) "CAO" means the Chief Administrative Officer for the Village of Nampa or their designate;
 - c) "Council" means the Council of the Village of Nampa;
 - d) "Village" means Village of Nampa
 - e) "Designate" means an employee of the Village of Nampa designated by the Chief Administrative Officer to temporarily perform the duties of a Bylaw Enforcement Officer;

C. APPOINTMENT

1. Council hereby appoints the CAO as the Bylaw Enforcement Officer with the authority to:
 - a) Designate one or more individuals to temporarily perform the duties of a Bylaw Enforcement Officer

- b) Responds to residents and rate payers' complaints. The Bylaw Enforcement Officer has the power to carry out any duties or functions necessary to fulfill their responsibility for the preservation and maintenance of public peace.
2. Council shall monitor and investigate complaints of misuse of power by the Bylaw Enforcement Officer.

D. DUTIES AND RESPONSIBILITIES

1. Bylaw Enforcement Officers shall:
 - a) Before starting their duties take the official oath prescribed by the *Oaths of Office Act*, as provided in Schedule A;
 - b) Act as a Designated Officer for the purpose of inspections, remedies, enforcement and actions pursuant to Section 542 of the *Municipal Government Act* and the enforcement of Bylaws pursuant to Sections 545 and 546 of the *Municipal Government Act*;
 - c) Report to and carry out the directions of Council or the Chief Administrative Officer;
 - d) Be responsible for the enforcement of all the Bylaws of the Village only at the request of residents, rate payers or by resolution of Council.

E. COMPLAINTS AND DISCIPLINE

1. Any complaint concerning the misuse of power by the Bylaw Enforcement Officer shall be dealt with in accordance with the provisions set out in this Part and shall be directed to the CAO to be brought to Council.
2. Investigation:
 - a) All complaints shall be in writing, any complaints received verbally shall be confirmed in writing prior to investigation;
 - b) Within 30 calendar days of receipt, Council shall provide written acknowledgement of the complaint, and to the Bylaw Enforcement Officer against whom the complaint was made;
 - c) Review any relevant files, documents or recordings pertaining to the occurrence;
 - d) Provide the Bylaw Enforcement Officer a reasonable opportunity of providing relevant evidence on their defense at the hearing;
 - a. Permit the Bylaw Officer to understand the facts or allegations;
 - b. Afford relevant time to provide evidence that contradict or explain the allegations;
 - c. Provide the Bylaw Enforcement Officer or their representative an opportunity to make representations by way of argument at the hearing.
 - e) Upon conclusion of the investigation into the complaint against the Bylaw Enforcement Officer, Council shall dispose of the complaint by making one of the following decisions:
 - a. Complaint is unfounded: on basis of a thorough investigation, it has been determined that the complaint has no merit or basis;
 - b. Complaint is unsubstantiated: on the basis of a thorough investigation, it has been determined that there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred;
 - c. Complaint has merit in whole or in part:
 - i. "in whole" – the Bylaw Enforcement Officer involved engaged in misconduct in regards to the entirety of the complaint;
 - ii. "in part" – the Bylaw Enforcement Officer involved engaged in misconduct in regards to a portion of a complaint but not in its entirety.
3. Council will provide the complainant with written notification if they choose to refuse to

investigate or discontinue the investigation for the following reasons:

- a) The complainant is determined to be frivolous, vexatious or made in bad faith;
- b) The complaint is determined not to be a complaint regarding the conduct of the Bylaw Enforcement Officer but rather a complaint regarding the interpretation or supplication of legislation, the outcome of an investigation or an action taken as a result of an investigation by the Bylaw Enforcement Officer;
- c) Having regard to all the circumstances, no investigation is deemed necessary.

4. If Council deems the Bylaw Enforcement Officer guilty of misconduct, Council shall in writing with reasons:

- a) Reprimand the Bylaw Enforcement Officer;
- b) Suspend without pay the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipality for a term not exceeding six months;
- c) Terminate the appointment of the Bylaw Enforcement Officer.

F. MISCONDUCT

1 For the purpose of the Bylaw Enforcement Officer Bylaw misconduct shall constitute;

- a) Acts in a disorderly or inappropriate manner, likely to bring discredit upon the reputation of law enforcement;

Contravening:

- i. An Act of the Parliament of Canada;
- ii. An Act of the Legislation of Alberta;
- iii. Any regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta;

(i) Where the contravention is of such a character that it would be prejudicial to discipline or likely to bring on the reputation of law enforcement;

- ii. Withholding or suppressing a complaint or report made to a Bylaw Enforcement Officer;
- iii. Differential application of the law or exercise of authority on the basis of race, colour, religion, sex, physical disability, marital status, age, ancestry, or place of origin.

- b) Neglect of duty; without lawful excuse to promptly or diligently perform their duties as a Bylaw Enforcement Officer;

- c) Deceit; where the Bylaw Enforcement Officer:

- i. Willfully or negligently makes or signs a false, misleading or inaccurate statement or entry in any official document or record;
- ii. Without lawful excuse destroys, mutilates or conceals an official document or record or alters or erases any entry therein;

- d) Breach of confidence; where the Bylaw Enforcement Officer divulges any matter which is their duty to keep in confidence;

- e) Corrupt practice; where the Bylaw Enforcement Officer;

- i. Fails to account for or make prompt and true return of money or property received in an official capacity
- ii. Directly or indirectly solicits or receives a payment, gratuity gift, pass, subscription or testimonial related to the discharge of duty;
- iii. Places themselves under a financial, contractual or other obligation to a person of whom it could reasonably be expected they may be required to report or give evidence;

- iv. Without lawful excuse use their position as a Bylaw Enforcement Officer for their own or another person's personal advantage;
- f) Consumption of or use of intoxicants while on duty.

G. SEVERABILITY

- 1. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

H. EFFECTIVE DATE

- 1. This Bylaw shall come into force and effect when it receives third reading and is duly signed.

Read a first time this 21 day of September, 2021

Read a second time this 21 day of September, 2021

Read a third time this 26 day of October, 2021

Signed and made effective this 26 day of October, 2021



Mayor



Chief Administrative Officer