

**VILLAGE OF STIRLING
IN THE PROVINCE OF ALBERTA
Bylaw No. 501-20
Bylaw Enforcement Officer Bylaw**

**A BYLAW OF THE VILLAGE OF STIRLING
IN THE PROVINCE OF ALBERTA
TO PROVIDE FOR THE APPOINTMENT, EMPOWERMENT AND DISCIPLINE
OF BYLAW ENFORCEMENT OFFICERS WITHIN THE VILLAGE OF STIRLING**

WHEREAS, the Village of Stirling 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, penalties, and appeal processes.

NOW THEREFORE, the Council of the Village of Stirling, in the Province of Alberta, duly assembled, enacts as follows:

1. SHORT TITLE

This Bylaw may be cited as the Village of Stirling "Bylaw Enforcement Officer Bylaw".

2. DEFINITIONS

In this Bylaw:

- 2.1 "Bylaw" means a bylaw of the Village of Stirling;
- 2.2 "Bylaw Enforcement Officer" means an employee of the Village of Stirling, who is employed for the preservation and maintenance of the public peace; and includes a person appointed as a community peace officer under the Peace Officer Act, and employed by the Ridge Regional Public Safety Services Commission.
- 2.3 "CAO" means the Chief Administrative Officer appointed to the position and title by Council of the Village of Stirling and includes any person appointed by the CAO to act as his/her appointee;
- 2.4 "Manager" means the person assigned as the Manager of the Ridge Regional Public Safety Services Commission.
- 2.5 "Village" means the municipal corporation of the Village of Stirling, in the Province of Alberta, or the area within the Village of Stirling's corporate limits, as the context requires;

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 only 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.
- 3.4 A copy of a record of the Village, certified by a designated officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

4. DELEGATION

The Chief Administrative Officer (CAO) may delegate any of his or her respective duties and functions assigned under this Bylaw to the Ridge Regional Public Safety Services Commission.

5. APPOINTMENT

- 5.1 The Bylaw Enforcement Officer shall be appointed by the Chief Administrative Officer of the Village of Stirling, or by the Ridge Regional Public Safety Services Commission.
- 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 Village or the Ridge Regional Public Safety Services Commission.

6. DUTIES

- 6.1 The powers and duties of a Bylaw Enforcement Officer are as follows:
 - 6.1.1 To enforce bylaws within the Village;
 - 6.1.2 To follow lawful directions of the CAO or Ridge Regional Public Safety Services Commission, whichever organization is the authorized employer;
 - 6.1.3 To respond to and investigate complaints;
 - 6.1.4 To conduct routine patrols;
 - 6.1.5 To issue and service notices, tickets/tags, and lay information as required;
 - 6.1.6 To assist in the prosecution of bylaw contraventions including gathering evidence, assisting witnesses, and attending court to provide evidence as required;
- 6.2 The Power and duties of the CAO are as follows:
 - 6.2.1 To ensure that the Bylaws of the Village are enforced in an appropriate manner;
 - 6.2.2 To provide for the supervision of the performance and conduct of the Bylaw Enforcement Officer(s);

- 6.2.3 To investigate formal complaints made against a Bylaw Enforcement Officer;
- 6.2.4 To discipline Bylaw Enforcement Officers in the case of a substantiated formal complaint;

6.3 In the case where bylaw enforcement is provided by the Ridge Regional Public Safety Services Commission, the power and duties outlined in Section (2) above shall be delegated to the Manager of the Commission.

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 Village 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 Village against a Bylaw Enforcement Officer, the CAO shall:

7.3.1 Advise the complainant of the receipt of the complaint within 30 days;

7.3.2 Notify the Bylaw Enforcement Officer involved of the complaint if appropriate;

7.3.3 Investigate the allegations of the complaint by speaking with the complainant, any witnesses, and Bylaw Enforcement Officer involved, and any other person who may have knowledge relevant to the occurrence:

7.3.4 Review any relevant documents in existence pertaining to the occurrence including, but not limited to:

7.3.4.1 Occurrence Reports;

7.3.4.2 Dispatch logs;

7.3.4.3 Notebooks;

7.3.4.4 Court documents

7.3.4.5 Legal documents;

7.3.4.6 Audio or video recordings.

7.3.5 Advise the complainant and the Bylaw Enforcement Officer of the status of the investigation at least once every 45 days.

7.3.6 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:

7.3.6.1 "The complaint is unfounded" means that on the basis of a thorough investigation that no reasonable belief exists that the complaint has merit or basis;

7.3.6.2 "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;

7.3.6.3 "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;

7.3.6.4 "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;

- 7.4 No investigation shall be required if the CAO determines the complaint 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.
- 7.5 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 corporate human resource policies and practices. The penalties applied shall be done as is outlined in the Progressive Discipline Policy which forms Schedule A of this bylaw.
- 7.6 In the case where the bylaw enforcement officer is alleged to have committed an offence criminal in nature, or would require Police investigation the Village of Stirling will forward the complaint and all details which gave cause to the investigation immediately over to the Police Service of Jurisdiction.
- 7.7 In the event that discipline is issued the Bylaw Enforcement Officer will have an opportunity to provide a written request to appeal the decision to the CAO. The CAO will provide a written response either upholding or altering their decision within 10 business day. The process the CAO will use to address the appeal shall be outlined in the Progressive Discipline Policy which forms Schedule A of this Bylaw.
- 7.8 In the case where bylaw enforcement is provided by the Ridge Regional Public Safety Services Commission, complaints about a Bylaw Enforcement Officer will be dealt with by the Commission in the manner outlined in the Commission's Peace Officer Complaints and Disciplinary Procedure.

8. REPEALS

- 8.1 This Bylaw repeals Bylaw 495-20 Bylaw Enforcement Officer Bylaw.

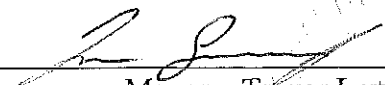
9. SEVERABILITY

- 9.1 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.
- 9.2 This bylaw will come into force on the date of third and final reading.

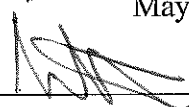
READ a first time this 21 day of October, 2020.

READ a second time this 4 day of November, 2020.

READ a third time and passed this 4 day of November, 2020.



Mayor – Trevor Lewington



CAO – Scott Donselaar

