



TOWN OF MANNING, ALBERTA
BY-LAW 900-22
BYLAW ENFORCEMENT OFFICER BYLAW

WHEREAS pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, and the Peace Officer Act 2006 Chapter P-3.5 and regulations and amendments thereto, the Council of the Town of Manning, may by bylaw, establish Bylaw Enforcement Officer positions and specify the powers and duties of Bylaw Enforcement Officers and must establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers

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

SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 1 – SHORT TITLE

This Bylaw shall be cited as the “BYLAW ENFORCEMENT OFFICER BYLAW”.

SECTION 2 - DEFINITIONS;

- 2.1 **M.G.A.** means the Municipal Government Act Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto.
- 2.2 **Bylaw** means the Bylaws of the Town of Manning, duly enacted pursuant to the M.G.A. and or any other Statues of the Province of Alberta.
- 2.3 **Bylaw Enforcement Officer** means a person appointed under Section 555 of the Municipal Government Act of Alberta for the purposes of the enforcement of Town of Manning Municipal Bylaws and may include a person appointed under the Peace Officer Act of Alberta.
- 2.4 **CAO** means the Chief Administrative Officer of the Town, a person duly appointed pursuant to the M.G.A. and the Town’s Chief Administrative Officer Bylaw.
- 2.5 **CEO** means the Chief Elected Officer of the Town.
- 2.5 **Council** means the duly elected Council of the Town of Manning.
- 2.6 **Conditional Bylaw Enforcement Officer** means an employee of the Town appointed as such and who, in the execution of their duties, is only responsible for the enforcement of select bylaws or sections of bylaws asspecified in the

Appointment issued by the CAO, under such conditions as specified in the Appointment, and limited to the powers and duties as specified in the Appointment, and may include a limited duration of time for which their appointment is in effect.

- 2.7 **Peace Officer** means a person designated or appointed as a Peace Officer under the Peace Officer Act of Alberta.
- 2.8 **Proper authorization** means written authorization obtained from the Chief Administrative Officer.
- 2.9 **Town** means the Town of Manning, an incorporated municipality in the Province of Alberta.

SECTION 3 – POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS

GENERAL

- 3.1 The officer of Bylaw Enforcement Officer is hereby created.
- 3.2 Bylaw Enforcement Officers are under the direct supervision of and report directly to the CAO.

Bylaw Enforcement officers Duties and Powers

- 3.3 The powers and duties of a Bylaw Enforcement Officer include:
- a) Enforcement of Bylaws within the boundaries of the Municipality in accordance with the Bylaws;
 - b) Following directions of the CAO and reporting to the CAO as required;
 - c) Responding to and investigating all complaints and alleged breaches of Bylaws;
 - d) Conducting routine patrols to ensure compliance of Bylaws;
 - e) Responding to all complaints and ensuring that appropriate action is taken in each circumstance;
 - f) Issuing Municipal Tags, Notices, and Violation Tickets in accordance with Bylaws;
 - g) Assisting in the prosecution of bylaw and statutory offences including appearances in Court to provide evidence or otherwise;
 - h) Ensuring proper filing of information and documentation of circumstances;
 - i) Issuing and serving ~~summons, subpoenas, and~~ Traffic Violations;
 - j) Preparing prosecution files for Court, i.e. preparation of Court Brief and all necessary documentation;
 - k) Providing assistance and support to other Municipal Departments as directed by the CAO;
 - l) Attendance upon and reporting to Council as directed by the CAO;
 - m) Preserve and maintain public peace;
 - n) Perform all other duties as may from time to time be assigned by the CAO;
 - o) Abide by all applicable Municipal, Provincial, and Federal laws at all times that he/she/they is acting as a Bylaw Enforcement Officer.

Conduct and Deportment of Bylaw Enforcement Officers

- 3.4 Bylaw Enforcement Officers will continually maintain his/her/them uniform and person in a clean, presentable and suitable appearance.
- 3.5 Bylaw Enforcement Officers will adhere to any policy approved by council that affects their work.

- 3.6 Bylaw Enforcement Officers will continually develop and maintain liaison with other departments and organizations within the Municipality including but not limited to: RCMP, Fish and Wildlife, Forestry, Fire Department, Ambulance, Parks and provide emergency assistance when required.
- 3.7 Bylaw Enforcement Officers shall carry out the instructions of the CAO, whether such instructions are given orally or in writing.

Code of Conduct

- 3.8 Bylaw Enforcement Officers shall not violate:
 - a) an Act of Parliament of Canada;
 - b) an Act of the Legislature of Alberta;
 - c) any Regulation under an Act of either the Parliament of Canada or the Legislature of Alberta;

Where the violation is of the nature that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement.

- 3.9 Bylaw Enforcement Officers shall not act in:
 - a) a disorderly or inappropriate manner; or
 - b) a manner that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement.
- 3.10 Bylaw Enforcement Officers shall not withhold or suppress a complaint against, or a report made about, an officer.
- 3.11 Bylaw Enforcement Officers shall not neglect, without lawful excuse, to promptly and diligently perform their duties as an Officer.
- 3.12 Bylaw Enforcement Officers shall not willfully or negligently make or sign a false, misleading or inaccurate statement in any official document or record.
- 3.13 Bylaw Enforcement Officers shall not without lawful excuse, destroy, mutilate, alter, erase, or conceal an official document or record.
- 3.14 Bylaw Enforcement Officers shall not disclose any matter that is the Officer's duty to keep in confidence.
- 3.15 Bylaw Enforcement Officers shall account for and make a prompt and true account of any money or property that the Officer may receive in an official capacity.
- 3.16 Bylaw Enforcement Officers shall not become involved in financial, contractual or other obligations with a person whom the Officer could reasonably expect or give evidence about.
- 3.17 Bylaw Enforcement Officers shall not consume alcohol or non-prescription drugs while on duty, or report for duty while under the influence of alcohol or non-prescription drugs, or be in possession of any non-prescription drugs.
- 3.18 Bylaw Enforcement Officers shall not apply excessive or inappropriate force in circumstances where force is used.
- 3.19 Bylaw Enforcement Officers shall not carry any item of equipment that is not authorized or approved by the Town of Manning.

Termination

- 3.20 The authority of a Bylaw Enforcement Officer shall terminate when:
 - a) a person ceases to be an employee of the Municipality; or
 - b) the Supervisor of the Bylaw Enforcement Officers or Council by resolution terminates the appointment of a Bylaw Enforcement Officer.

SECTION 4 - COMPLAINT HANDLING PROCEDURE

Receipt of Complaint

- 4.1 Complaints concerning the conduct of a Bylaw Enforcement Officer shall be directed to the CAO in the case that the CAO is the Bylaw Officer then any complaints could be taken to the CEO.
- 4.2 All public complaints, regardless of how trivial, must be accepted and dealt with according to this Bylaw. All complaints must be made in writing and signed by the complainant.

Investigation

- 4.3 When the complaint is against a Bylaw Enforcement Officer, the CEO shall investigate the complaint or have it investigated.
- 4.4 The Bylaw Enforcement Officer will be given the opportunity to make a full response to the allegations and supporting evidence after being provided with full disclosure.
- 4.5 When the complaint is against the Bylaw Enforcement Officer and the CEO is satisfied that Misconduct has been committed, he/she/they shall take the appropriate corrective disciplinary action in accordance with Human Resources Policy adopted by the Town.

Appeal of Disciplinary Action Resulting from Misconduct

- 4.6 Decisions of the CAO or CEO will be final.

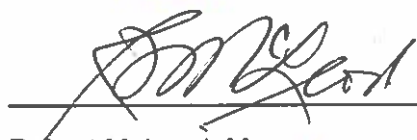
SECTION 5 – EFFECTIVE DATE

- 5.1 This Bylaw shall come into force and effect upon third and final reading thereof.

READ A FIRST TIME THIS 24 DAY OF August A.D., 2022

READ A SECOND TIME THIS 14 DAY OF September A.D., 2022

READ A THIRD AND FINAL TIME THIS 12 DAY OF October A.D., 2022



 Robert McLeod, Mayor



 April Doll, Chief Administrative Officer