



Consolidated Version
of
the Bylaw Enforcement Officer Bylaw

(being Bylaw No. 21/2003 of the City of St. Albert, as amended by Bylaw No. 5/2019, consolidated and printed under the authority of the Chief Administrative Officer of the City of St. Albert)

This is certified to be a true copy of consolidated
Bylaw No. 21/2003 of the City of St. Albert.

David S. Leflar
Director of Legal and Legislative Services
Chief Legislative Officer

The text shown in parentheses in various locations throughout this document identifies the corresponding amending bylaw which authorized the change. For example (BL 5/2019) refers to Bylaw No. 5/2019.

CITY OF ST. ALBERT

BYLAW 21/2003

Being a Bylaw specifying the powers and duties of Bylaw Enforcement Officer

WHEREAS Section 556 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, requires that Council specify, by bylaw, the powers and duties of bylaw enforcement officers and establish disciplinary procedures to address the misuse of power by bylaw enforcement officers, including penalties and an appeal process.

The Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

Title

1. This Bylaw may be referred to as the "Bylaw Enforcement Officer Bylaw".

Definitions

2. In this Bylaw:
 - (a) "Appellant" means, in accordance with Section 15, the Party appealing the decision of the CAO; **(BL 5/2019)**
 - (b) "Bylaw" means a bylaw of the City of St. Albert;
 - (c) "Bylaw Enforcement Officer" means an individual who:
 - (i) is appointed as such by the CAO, and **(BL 5/2019)**
 - (ii) takes the official oath prescribed by the *Oaths of Office Act* prior to the commencement of his/her duties as a Bylaw Enforcement Officer;
 - (c.1) "Chief Administrative Officer" or "CAO" means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the *Municipal Government Act* and pursuant to the Chief Administrative Officer Bylaw; **(BL 5/2019)**
 - (d) "City" means the municipal corporation of the City of St. Albert or, where the context so requires, the area contained within the boundaries of the City;
 - (e) DELETED **(BL 5/2019)**
 - (f) "Complainant" means an individual who makes a complaint in accordance with Section 8;

- (g) "Council" means the municipal council of the City of St. Albert;
- (h) "Firearms" means any barrelled weapons from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such barrelled weapons and anything that can be adapted for use as a firearm;
- (i) **DELETED (BL 5/2019)**
- (j) "Parties" means both the Complainant and the Bylaw Enforcement Officer;
- (k) "Party" means, where the context allows, either the Complainant or the Bylaw Enforcement Officer; and
- (l) "Respondent" means the Party responding to the Appellant's appeal.

Delegation

- 3. The CAO and the CAO may delegate any of their respective duties and functions assigned under this Bylaw, except:
 - (a) in the case of the CAO, those duties and functions referenced under Sections 9 and 13 of this Bylaw; and
 - (b) in the case of the CAO, those duties and functions referenced under Sections 16 and 20 of this Bylaw.
- (BL 5/2019)**

Appointment

- 4. The CAO may appoint one (1) or more Bylaw Enforcement Officers. **(BL 5/2019)**

Powers and Duties of Bylaw Enforcement Officers

- 5. While carrying out his or her duties under this Bylaw, a Bylaw Enforcement Officer shall wear such uniform and carry such identification as the CAO requires. **(BL 5/2019)**
- 6. A Bylaw Enforcement Officer shall:
 - (a) enforce such Bylaws and resolutions of Council as required under appointment; and
 - (b) act in accordance with any authority granted to Bylaw Enforcement Officers under provincial or federal law.
- 7. While acting in accordance with Section 6, a Bylaw Enforcement Officer shall:
 - (a) conduct routine patrols within City boundaries;
 - (b) investigate complaints relating to alleged violations of Bylaws;
 - (c) issue and serve notices, tickets, tags, summonses and any similar instrument as authorized;
 - (d) conduct, or assist in the conduct of, Bylaw prosecutions;

- (e) report to and carry out the general directions of the CAO; and **(BL 5/2019)**
- (f) not bear Firearms.

Complaints

- 8. (1) An individual may file a complaint in the prescribed manner if the individual feels that a Bylaw Enforcement Officer has misused the power granted to the Bylaw Enforcement Officer under this Bylaw.
- (2) A complaint made under subsection (1) shall:
 - (a) be in writing;
 - (b) be sent to the office of the CAO; **(BL 5/2019)**
 - (c) include the address of the Complainant; and
 - (d) indicate the reasons for the complaint.
- 9. (1) The CAO may summarily dismiss a complaint that, in the CAO's opinion: **(BL 5/2019)**
 - (a) does not comply with Section 8(2);
 - (b) is made more than one hundred and eighty (180) days after the alleged misuse of power;
 - (c) does not raise an issue of misuse of power by a Bylaw Enforcement Officer; or
 - (d) is frivolous or vexatious.
- (2) If the CAO dismisses a complaint under subsection (1), the CAO shall send a notice to the Complainant: **(BL 5/2019)**
 - (a) specifying the reasons for the dismissal; and
 - (b) advising of the right of appeal to the CAO. **(BL 5/2019)**
- 10. Unless Section 9 applies, the CAO shall, within sixty (60) days of having received a complaint: **(BL 5/2019)**
 - (a) send written acknowledgement of receipt of the complaint to the Complainant;
 - (b) advise the Bylaw Enforcement Officer of the allegations in the complaint and provide the Bylaw Enforcement Officer with a reasonable opportunity to respond to the allegations; and
 - (c) commence an investigation into the complaint.
- 11. (1) The CAO may conduct the investigation under Section 10(c) in the manner that the CAO considers appropriate and may, but is not required to, hold a hearing into the matter. **(BL 5/2019)**

- (2) If the CAO decides to hold a hearing into a matter of complaint, the CAO shall specify the procedure and send the Parties a notice of the procedure that will be used. **(BL 5/2019)**
- 12.
- (1) Despite no complaint having been received, if the CAO has reason to believe that a Bylaw Enforcement Officer has misused the power granted to the Bylaw Enforcement Officer under this Bylaw, the CAO may conduct an investigation. **(BL 5/2019)**
 - (2) In the case of an investigation under subsection (1), the CAO shall give the Bylaw Enforcement Officer notice of the matter being investigated and an opportunity to respond to the matter of concern. **(BL 5/2019)**
- 13.
- (1) Upon concluding an investigation, the CAO shall decide that either: **(BL 5/2019)**
 - (a) the Bylaw Enforcement Officer did not misuse the power granted to the Bylaw Enforcement Officer under this Bylaw; or
 - (b) the Bylaw Enforcement Officer misused the power granted to the Bylaw Enforcement Officer under this Bylaw.
 - (2) If the CAO decides in accordance with subsection (1)(b), the CAO shall: **(BL 5/2019)**
 - (a) warn the Bylaw Enforcement Officer;
 - (b) reprimand the Bylaw Enforcement Officer;
 - (c) suspend the Bylaw Enforcement Officer from duty, with or without pay, for an appropriate period of time;
 - (d) dismiss the Bylaw Enforcement Officer; or
 - (e) sanction or penalize the Bylaw Enforcement Officer in any other appropriate manner.
 - (3) Any measure taken under subsection (2) shall be noted in the Bylaw Enforcement Officer's personnel file.
14. Within thirty (30) days of concluding an investigation, the CAO shall send written notice of the following to the Parties or, if the investigation is conducted in accordance with Section 12, to the Bylaw Enforcement Officer: **(BL 5/2019)**
- (a) the CAO's decision under Section 13(1) and, if applicable, the sanction levied under Section 13(2); **(BL 5/2019)**
 - (b) reasons for the CAO's decision; **(BL 5/2019)**
 - (c) where applicable, notice that Section 13(3) has been invoked; and
 - (d) notice advising of the right of appeal to the CAO. **(BL 5/2019)**

Appeal

15. (1) An Appellant may appeal a decision of the CAO made under either Section 9 or 13. **(BL 5/2019)**

- (2) An appeal under subsection (1) shall:
 - (a) be in writing, setting out the grounds for the appeal;
 - (b) be sent to the office of the CAO; **(BL 5/2019)**
 - (c) include the address of the Appellant;
 - (d) be made within fifteen (15) days of the date that the decision was issued by the CAO; and **(BL 5/2019)**
 - (e) where the Appellant is the Complainant, be accompanied by an appeal fee of One Hundred (\$100.00) Dollars, payable to the City of St. Albert.
- 16. (1) The CAO may summarily dismiss an appeal that, in the CAO's opinion, does not comply with Section 15(2). **(BL 5/2019)**
- (2) If the CAO dismisses an appeal under subsection (1), the CAO shall send a notice to the Appellant specifying the grounds and giving the reasons for the dismissal. **(BL 5/2019)**
- 17. Within fifteen (15) days of receiving a notice of appeal that complies with Section 15(2), the CAO shall: **(BL 5/2019)**
 - (a) send the CAO a notice requiring the CAO to, within five (5) days, forward all documents relating to the original complaint (if any), as well as the subsequent investigation and decision; and **(BL 5/2019)**
 - (b) send the Respondent (if any) a copy of the notice of appeal.
- 18. Subject to Section 19, the CAO may conduct the appeal as the CAO considers appropriate, and although not required to do so, may conduct a new investigation and hold a new hearing. **(BL 5/2019)**
- 19. In conducting the appeal the CAO shall: **(BL 5/2019)**
 - (a) send the Appellant and Respondent (if any) a notice setting out the procedure and the timelines that the CAO intends to follow in conducting the appeal; **(BL 5/2019)**
 - (b) permit the Appellant and Respondent (if any) to review the materials provided by the CAO, unless the CAO has reason to believe that disclosure of those materials will: **(BL 5/2019)**
 - (i) detrimentally affect an ongoing investigation into an alleged violation of a Bylaw,
 - (ii) place any person at risk of harm, or
 - (iii) violate any provision of the *Freedom of Information and Protection of Privacy Act*,
 - (c) provide the Appellant and Respondent (if any) with an opportunity to make submissions to the CAO; and **(BL 5/2019)**

- (d) consider the materials gathered by the CAO during the CAO's investigation. **(BL 5/2019)**
- 20. (1) In concluding the appeal, the CAO shall dismiss or allow the appeal in whole or in part. **(BL 5/2019)**
- (2) If the CAO allows the appeal in whole or in part, the CAO shall make an order that, in addition to setting out the CAO's decision to allow the appeal: **(BL 5/2019)**
 - (a) sets aside the decision of the CAO; **(BL 5/2019)**
 - (b) authorizes the return of the appeal fee referred to under Section 15(2); and
 - (c) authorizes that the appropriate amendments be made to the Bylaw Enforcement Officer's personnel file.
- (3) If, in allowing the appeal in whole or in part, the CAO finds that the Bylaw Enforcement Officer has misused the power granted to him or her under this Bylaw, the CAO may exercise any of the powers of the CAO as set out under Section 13(2). **(BL 5/2019)**
- 21. Within thirty (30) days of concluding a review of the appeal, the CAO shall send written notice of the following to the Appellant and Respondent (if any):
 - (a) the CAO's decision under Section 20(1);
 - (b) the CAO's order under Section 20(2); and
 - (c) reasons for the CAO's decision and order.

(BL 5/2019)
- 22. The CAO's decision regarding an appeal is final. **(BL 5/2019)**

Notice of Proceedings

- 23. Any notice, decision or document sent in accordance with this Bylaw is deemed to be received by the addressee:
 - (a) when it is personally delivered to the addressee; or
 - (b) five (5) days after the notice, decision or document is posted by certified mail to the last known address of the addressee.

Repeal of By-law No. 20/76

- 24. By-law No. 20/76 is hereby repealed.