

# Summer Village of Larkspur

<b>Bylaw Name:</b>	<b>Bylaw Enforcement Officer/Enforcement Committee</b>		
<b>Bylaw number</b>	<b>19-4</b>	<b>Date Approved:</b>	<b>Dec 6, 2019</b>
<b>Reviewed By:</b>		<b>Date Reviewed:</b>	

## **THE PURPOSE OF THIS BYLAW IS TO ESTABLISH THE POSITION OF A BYLAW ENFORCEMENT OFFICER AND TO ESTABLISH A BYLAW ENFORCEMENT COMMITTEE.**

**WHEREAS**, under the Authority of Section 556 of the Municipal Government Act, the Council of the Summer Village of Larkspur, in the Province of Alberta, enacts as follows:

1. "Bylaw Enforcement Officer" means a person appointed by council;
2. The powers and duties of a Bylaw Enforcement Officer are as follows:
  - a) To take the official oath prescribed by the Oaths of Office Act upon being appointed as a Bylaw Enforcement Officer and to carry upon his person at all such times as he is acting as a Bylaw Enforcement Officer evidence in writing of his appointment as a Bylaw Enforcement Officer of the Municipality.
  - b) To enforce the bylaws which Council has authorized the Bylaw Enforcement Officer to enforce within the boundaries of the municipality;
  - c) To follow the directions of the Chief Administrative Officer and to report to the Chief Administrative Officer as required, or if the CAO is the bylaw enforcement officer then the bylaw enforcement officer reports to Council;
  - d) To assist in the prosecution of bylaw contravention including appearances in court to provide evidence;
  - e) To perform all other duties as may from time to time be assigned by the Chief Administrative Officer, or if the CAO is the bylaw enforcement officer then such duties as assigned by Council;
  - f) Take whatever actions or measures are necessary to eliminate a danger to the public safety caused by a structure, excavation, or hole or to deal with the unsightly condition of a property;
  - g) To conduct patrols as required;
  - h) To issue notices, tickets or tags.
3. Bylaw Enforcement Committee (Committee)
  - a) Council may establish a Committee to be composed of one member of the Village Council, to be designated chairman, one resident, and one outside member. Committee to be chosen at the discretion of the chairman, when required.

- b) The duties and responsibilities of the Committee are to investigate any reports of a breach of duties committed by the Bylaw Enforcement Officer while carrying out his/her role;
  - i) Where it is alleged that a Bylaw Enforcement Officer has committed a breach of duties, the Committee shall provide adequate notice in writing to the Bylaw Enforcement Officer of the nature of the breach and also to such parties the Committee considers to be affected by the alleged disciplinary breach, and the notice shall be delivered a minimum of 5 days after the Committee has become aware of the breach.
- c) Where it is alleged that a Bylaw Enforcement Officer has committed a breach of duties, the Committee may:
  - i) Dismiss the complaint of such breach and provide details for the ruling; or
  - ii) Reprimand in writing the Bylaw Enforcement Officer; or
  - iii) Suspend the Bylaw Enforcement Officer from acting as Bylaw Enforcement Officer for the Municipality, but such a period shall not exceed six (6) months; or
  - iv) Terminate the appointment of the Bylaw Enforcement Officer; or
  - v) Take other action the Committee deems appropriate.
- d) When a Committee had determined there was a disciplinary default, the Bylaw Enforcement Officer may request a review of the actions taken by the Committee and the Committee may arrange to have an arbitration to be held.
- e) At the end of the arbitration hearing the arbitrator may:
  - i) Dismiss the complaint of such breach and provide details for the ruling; or
  - ii) Reprimand in writing the Bylaw Enforcement Officer, or;
  - iii) Suspend the Bylaw Enforcement Officer from acting as Bylaw Enforcement Officer for the Municipality, but such a period shall not exceed six (6) months; or
  - iv) Terminate the appointment of the Bylaw Enforcement Officer; or
  - v) Take other action the Arbitrator deems appropriate.
- f) For purposes of this Bylaw, the following shall be disciplinary breaches and discreditable conduct where the Bylaw Enforcement Officer :
  - i) Acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of Bylaw Enforcement Officers;
  - ii) Helps, plans or is knowingly an accessory to a general default described in this bylaw;
  - iii) Is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code of Canada;

- iv) Insubordination, where the Bylaw Enforcement Officer by word or action and without lawful excuse, disobeys, omits or neglects to carry out any lawful order;
- v) Deceit, where the Bylaw Enforcement Officer knowingly makes or signs false statements in an official document or;
- vi) Without lawful excuse, destroys, mutilates or conceals an official document or record or alters or erases therein;
- vii) Breach of Confidence, where a Bylaw Enforcement Officer divulges any matter which his/her duty is to keep confidential;
- viii) Without proper authorization from Council, communicates to any unauthorized person any law enforcement matter which could be injurious to any person or investigation;
- ix) Corrupt Practice, where the Bylaw Enforcement Officer fails to account for money, property, or directly or indirectly receives a gratuity, present, pass, subscription or testimonial without the consent of the Committee:

This bylaw comes into force upon the date of final passing.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2019

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2019

Read a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019

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Mayor

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Administrator