

TOWN OF THORSBY

BY-LAW 2017-04

BEING A BY-LAW OF THE TOWN OF THORSBY, THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AUTHORIZING THE ESTABLISHMENT OF A BY-LAW ENFORCEMENT OFFICER

WHEREAS pursuant to:

Section 7 (i) of the *Municipal Government Act*, RSA 2000, c M26, a council may pass bylaws respecting the enforcement of bylaws;

Section 555 of the under the authority of the *Municipal Government Act*, a person who is appointed as a bylaw enforcement officer is, in the execution of those duties, responsible for the preservation and maintenance of the public peace;

Section 556 of the *Municipal Government Act*, a council must pass a bylaw specifying the powers and duties of bylaw enforcement officers and establishing disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officer;

Part 13, division 4 of the *Municipal Government Act*, the municipality may carry out numerous enforcement powers and duties, which may be exercised by bylaw enforcement officer;

Section 1 (k)(iv) of the *Provincial Offences Procedure Act*, RSA 2000, c P-34 a person who is employed or retained by a municipality and provided written authorization to issue violation tickets under that Act will be considered a “peace officer” for the purposes of that Act;

Sections 1(g)(ii) and 7 of the *Weed Control Act*, SA 2008, c 2-5.1, Council is the local authority for the purposes of that Act and the local authority must appoint inspectors to enforce and monitor compliance with this Act within the municipality;

Town of Thorsby Council enacts:

PART 1 – PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

1. The purposes of this bylaw are to:
 - a) Prescribe the requirement for appointing bylaw enforcement officers;
 - b) Delegate enforcement related powers, duties, and functions to the Town Manager
 - c) Specify the powers, duties, and functions that may be delegated to bylaw enforcement officers
 - d) Establish disciplinary procedures for misuse of power by bylaw enforcement officers; and
 - e) Deal with other matters respecting the enforcement of bylaws and other enactments.

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires'
 - a) **Bylaw:** a bylaw of the Town of Thorsby; .
 - b) **Bylaw Enforcement Officer:** means an individual appointed pursuant to this Bylaw as a Bylaw Enforcement Officer, including a Contract Bylaw Enforcement Officer
 - c) **Contract Bylaw Enforcement Officer:** a person who is not an employee of the Town but under contract with the Town appointed pursuant to this Bylaw as a Contract Bylaw Enforcement Officer

- d) **Town:** The Town of Thorsby in the Province of Alberta
- e) **Council:** The Council of the Town of Thorsby
- f) **Municipal Government Act:** means the *Municipal Government Act*, RSA 2000, c M- 26, as amended
- g) **Municipal tag:** means a form alleging an offence of a Town Bylaw allowing for voluntary payment of the prescribed fine;
- h) **Provincial Offences Procedure Act:** means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended;
- i) **Town Manager:** means the chief administrative officer of the Town or delegate;
- j) **Trespass to Premises Act** means: the *Trespass to Premises Act*, RSA 2000, c T-7, as amended:
- k) **Violation ticket** has the same meaning as defined in the *Provincial Offences Procedure Act*
- l) **Weed Control Act:** means the Weed Control Act, SA 2008, c W-5.1, as amended

RULES FOR INTERPRETATION

- 3. The marginal notes and headings in this bylaw are for reference purposes only.

PART II – TOWN MANAGER ROLE

POWERS, DUTIES AND FUNCTIONS

- 4. The Town Manager may:
 - a) Appoint individuals as bylaw enforcement officers in accordance with this bylaw;
 - b) Revoke, suspend, or modify the appointments of bylaw enforcement officers in accordance with this bylaw;
 - c) Monitor and investigate complaints of misuse of power by bylaw enforcement officers;
 - d) Take whatever actions or measures are necessary to eliminate an emergency in accordance with section 551 of the *Municipal Government Act*;
 - e) Add any amounts owing to the Town to a tax roll in accordance with the *Municipal Government Act*;
 - f) Exercise all powers, duties, and functions of a local authority under the *Weed Control Act*;
 - g) Grant written authorization to issue violation tickets under the *Provincial Offences Procedure Act*;
 - h) Authorize or require bylaw enforcement officers to carry out any powers, duties, or functions necessary to fulfill their responsibility for the preservation and maintenance of the public peace; and
 - i) Delegate any of the Towns Manager’s powers, duties, or functions contained in this section to any employee of the

Town, including the option to further delegate those powers, duties or functions.

PART III BYLAW ENFORCEMENT OFFICERS

POWERS, DUTIES, AND FUNCTIONS

5. In accordance with their appointment by the Town Manager, bylaw enforcement officers may:
 - a) Issue municipal tags and/or violation tickets for offences under bylaws;
 - b) Exercise all the powers, duties, and functions of designated officers to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with section 542 of the *Municipal Government Act*;
 - c) Exercise all the powers, duties, and functions of a designated officer to issue written orders pursuant to section 545 and 546 of the *Municipal Government Act*;
 - d) Take whatever actions or measures are necessary to remedy a contravention or prevent a re-occurrence of a contravention of the *Municipal Government Act*, an enactment that the Town is authorized to enforce, or a bylaw in accordance with section 549 of the *Municipal Government Act*;
 - e) Take whatever actions or measures are necessary to eliminate a danger to public safety caused by a structure, excavation, or hole or to deal with the unsightly condition of a property in accordance with section 550 of the *Municipal Government Act*;
 - f) Exercise all the powers, duties, and functions of a development authority to issue written order pursuant to section 645 of the *Municipal Government Act*;
 - g) Take whatever actions or measures are necessary to carry out an order issue pursuant to section 645 or 687 of the *Municipal Government Act*;
 - h) Issue notices not to trespass under the *Trespass to Premises Act*;
 - i) Exercise all the powers, duties, and functions of an inspector under the *Weed Control Act*;
 - j) Prepare and lay informations;
 - k) Place an erasable chalk mark on the tread face of a tire of a parked or stopped vehicle.
 - l) Certify Town records as true copies of the original

6. The appointment of an individual as a bylaw enforcement officer in accordance with this bylaw is deemed to be:
 - a) Written authorization to issue violation tickets for offences under bylaws specified in the appointment;
 - b) An appointment of the individual as an inspector under the *Weed Control Act*;

As the case may require.

APPOINTMENT REQUIREMENTS

7. To be eligible for appointment as a bylaw enforcement officer, individuals must provide to the Town Manager:
 - a) A recent criminal record check acceptable to the Town Manager;
 - b) Demonstrated commitment to good character;
 - c) Proof of adequate training necessary for performing the powers, duties, and functions of a bylaw enforcement officer;
 - d) Any other requirements specified by the Town Manager

APPOINTMENT CONDITIONS

8. The Town Manager may impose terms and conditions on a bylaw enforcement officer appointment.
9. The Town Manager may contract out the Bylaw Enforcement Officer position/s to a service provider.

OATH OF OFFICE

10. Prior to commencing their duties, all bylaw enforcement officers either direct employees of the municipality or Contract Bylaw Enforcement Officers or must take the official oath contained in Schedule A.

CONDUCT

11. Bylaw enforcement officers are subject to the supervision of and accountable to the Town Manager and must comply with their appointment and all Town policies, directives, and procedures.

REVIEW OF APPOINTMENT

12. If, in the opinion of the Town Manager based on reasonable grounds, a bylaw enforcement officer has misused a power, contravened their appointment or this bylaw, including any terms or conditions, or acted contrary to the public interest, the Town Manager may suspend, revoke, or modify the bylaw enforcement officer's appointment
13. If an individual appointed as a bylaw enforcement officer is no longer employed or retained by the Town, or if the individual's role is modified such that the individual no longer requires appointment as a bylaw enforcement officer or requires a modified appointment, the Town Manager may modify or revoke the bylaw enforcement officer's appointment

APPEAL

14. 1) Prior to suspending, revoking or modifying a bylaw enforcement officer appointment pursuant to section 12, the Town Manager must provide the affected bylaw enforcement officer with written notice of the proposed suspension, revocation, or modification including reasons.
2) The affected bylaw enforcement officer may make written representations to the Town Manager respecting the proposed suspension, revocation or modification.
3) The Town Manager will provide the bylaw enforcement officer with a written decision, including reasons, on the proposal to suspend, revoke, or modify the bylaw enforcement officer's appointment.

PART IV – OFFENCES

OFFENCE

15. Any person who contravenes a bylaw is guilty of an offence

MUNICIPAL TAGS

16. Unless otherwise specified, a municipal tag may be issued for any offence under a bylaw.
17. If a municipal tag is issued for an offence, the municipal tag must specify the fine amount established by the bylaw for the offence

PAYMENT IN LIEU OF PROSECUTION

18. A person who commits an offence may, if a municipal tag is issued for the offence, pay the fine amount established by the bylaw for the offence, pay the fine amount established by the bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

VIOLATION TICKET

19. If a violation ticket is issued in respect of an offence under a bylaw, the violation ticket may:
 - a) Specify the fine amount established by the bylaw for the offence; or
 - b) Require a person to appear in court without the alternative of making a voluntary payment
20. A person who commits an offence may, if a violation ticket is issued specifying the fine amount established by bylaw for the offence, make a voluntary payment equal to the specified fine amount.

FINE AMOUNT

21. A person found guilty of an offence under a bylaw is liable to a fine in an amount not less than that specified in the bylaw, and in any event not exceeding \$10,000 or imprisonment for not more than one year for non-payment of the fine.

CONTINUING OFFENCE

22. In the case of an offence under a bylaw that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by the bylaw for each such day.

PART V – GENERAL

APPLICATION

23. This bylaw applies to every bylaw of the Town

SERVICE

24. 1) An order, notice, or other document required or authorized to be issued by a bylaw enforcement officer or by the Town Manger pursuant to this bylaw may be served by:
 - a) Sending the order, notice, or other document by regular mail to the mailing address of the person named in the order, notice, or document;
 - b) Posting the order, notice, or other document in a conspicuous location at the property subject to the order, notice, or other document
 - c) Personally serving the order, notice or other document on the person named in the order, notice, or other document.

2) Unless otherwise specified in a bylaw or enactment, service of an order, notice, or other document in accordance with section 23 and 24 1) b) is presumed to be effected:

- a) 2 days from the date of mailing if the order, notice, or other document is mailed to an address in Alberta: or
- b) 10 days from the date of mailing if the order, notice, or other document is mailed to an address outside of Alberta but within Canada.

3) Unless otherwise specified in a bylaw or enactment, service of an order, notice, or other document in accordance with section 24 1) c) is effected on the date of delivery.

TRANSITIONAL

25. The appointment of a Bylaw Enforcement Officer or Contract Bylaw Enforcement Officer pursuant to Bylaw 95-06, continues until the appointment is modified, revoked, or replaced

REPEALS

26. The following bylaw is repealed on third reading of Bylaw 2017-04

Bylaw 95-06

READ A FIRST TIME THIS 6TH DAY OF June, 2017

READ A SECOND TIME THIS 6TH DAY OF June, 2017

READ A THIRD AND FINAL TIME THIS 6TH DAY OF June, 2017



Barry Rasch

Mayor



Christine Burke

Chief Administrative Officer