



**Bylaw No. 399-97**  
**BYLAW ENFORCEMENT OFFICER BYLAW**

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A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO SPECIFY THE DUTIES OF BYLAW ENFORCEMENT OFFICERS AND TO ESTABLISH A DISCIPLINARY PROCEDURE AND PROCESS FOR MISUSE OF POWER.

Section 556 of the Municipal Government Act, R.S.A. 1994, Chapter M-26.1, as amended requires a municipality to adopt a bylaw which specifies the powers and duties of Bylaw Enforcement Officers and to establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers.

THEREFORE, the Council of the City of Leduc in the Province of Alberta duly assembled, hereby enacts as follows:

**PART I: BYLAW TITLE**

1. That bylaw shall be known as the 'Bylaw Enforcement Officers' Bylaw.

**PART II: DEFINITIONS**

Bylaw:	the bylaws of the City;
City:	the Municipal Corporation of the City of Leduc;
City Manager:	the Chief Administrative Officer of the City, as appointed pursuant to the Municipal Government Act;
Council:	the Council of the City;
Supervisor:	the position appointed by the City Manager that shall govern the operation of the Bylaw Enforcement function.

**PART III: POWERS AND DUTIES**

1. The powers and duties of Bylaw Enforcement Officers are as follows:
  - a) to enforce the Bylaws of the City;
  - b) to respond to, and investigate complaints;
  - c) to conduct routine patrols of the City for the purpose of preventing and detecting violations;
  - d) to issue warnings, notices, tickets or tags as applicable;
  - e) to maintain liaison with the RCMP, Provincial Agencies, neighbouring municipalities and City Departments;
  - f) to prepare all necessary documentation required for attendance at court proceedings;
  - g) to follow the direction of the RCMP Leduc Detachment Commander, or designate, as authorized by the Supervisor;

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- h) to take the Official Oath prescribed by the Oaths of Office Act, upon being appointed as a Bylaw Enforcement Officer;
- i) to perform such duties as authorized as a Special Constable appointed by the Alberta Justice Department; and
- j) to perform all other duties as may from time to time be assigned by the Supervisor.

**PART IV: MISUSE OF POWER**

- 2. When the Supervisor receives a written allegation claiming that a Bylaw Enforcement Officer has misused their power the Supervisor shall determine if an investigation is required.
- 3. If the Supervisor determines that an investigation into a written allegation of misuse of power is required, a Review Committee shall undertake the investigation within 30 days of receiving the written allegation.
- 4. The Review Committee membership shall be composed of the following:
  - a) Supervisor
  - b) RCMP Leduc Detachment Commander, or designate
  - c) Human Resources Advisor for the City.
- 5. The investigation procedure shall ensure that:
  - a) the Bylaw Enforcement Officer is advised of the allegation and of the investigation;
  - b) that Bylaw Enforcement Officer has the opportunity to respond to the allegation;
  - c) such other parties as the Supervisor considers to be affected has the opportunity to respond to the allegation;
- 6. The Review Committee shall meet to review all evidence and determine whether or not there was a misuse of power by the Bylaw Enforcement Officer.
- 7. The Review Committee shall render written a written decision, with reasons, within 14 days of meeting to review evidence.
- 8. If the Review Committee determines that a Bylaw Enforcement Officer has misused their power as a Bylaw Enforcement Officer or Special Constable, disciplinary procedures shall be implemented in accordance with the City of Leduc Discipline Policy.
- 9. The Supervisor shall maintain a record of the investigation procedure and decision of the Review Committee.

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10. The Supervisor shall advise the Bylaw Enforcement Officer of the results of the investigation in writing.
11. If the Supervisor deems it necessary, other parties involved in the investigation may be advised, in writing, of the Review Committee's decision.

**PART V: APPEAL**

12. Within 14 days of receipt of the Review Committee's written decision, a Bylaw Enforcement Officer may appeal the decision to the City Manager.
13. In considering the appeal, the City Manager shall review the following:
  - a) record of the allegation of misuse of power
  - b) record of the investigation procedure and results
  - c) submission of the Bylaw Enforcement Officer and other parties involved, and
  - d) any other information the City Manager deems important to the appeal.
14. The City Manager may confirm, revoke or vary the decision of the Review Committee. The City Manager's decision shall be in writing and provided to the Supervisor and the Bylaw Enforcement Officer. Other parties involved in the investigation may be provided with the appeal decision if the City Manager deems it necessary.
15. All documents relating to the allegation, Review Committee, Review Committee decision, appeal, appeal decision and any resulting disciplinary action shall be filed with the Human Resources Department of the City.

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PART IV: ENACTMENT

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 14 DAY OF APRIL, AD 1997.

READ A SECOND TIME IN COUNCIL THIS 14 DAY OF APRIL, AD 1997.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 14 DAY OF APRIL, AD 1997.

"original signed"

  
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John W. Jackie  
MAYOR

"original signed"

  
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Coral Callioux  
CITY CLERK

April 15<sup>th</sup>, 1997  
Date Signed