



**BYLAW NO. 2021-10
OF THE
VILLAGE OF MYRNAM**

**A BYLAW OF THE VILLAGE OF MYRNAM, IN THE PROVINCE OF ALBERTA,
TO ESTABLISH AND SET OUT THE POWERS, DUTIES, AND DISCIPLINARY
PROCEDURES OF BYLAW ENFORCEMENT OFFICERS**

WHEREAS the Municipal Government Act s. 556 requires a Council to, by bylaw, set out the powers and duties of and disciplinary procedures applicable to its Bylaw Enforcement Officers:

NOW THEREFORE, the Municipal Council of the Village of Myrnam enacts as follows:

1. Title

1.1 This bylaw shall be known as the "Bylaw Enforcement Officer Bylaw."

2. Definitions

2.1 The following definitions shall apply when used within this bylaw:

- (a) "Act" means the *Municipal Government Act*;
- (b) "Bylaw" means a bylaw of the Village of Myrnam;
- (c) "Bylaw Enforcement Officer" means an employee of the Village who has been appointed pursuant to this Bylaw as a Bylaw Enforcement Officer;
- (d) "Chief Administrative Officer" (CAO) means the Chief Administrator of the Municipality as appointed by Council
- (e) "Village" means the Municipality of the Village of Myrnam in the Province of Alberta;
- (f) "Council" means the Council of the Village of Myrnam;
- (g) "Offense Ticket" means any ticket or tag which is authorized the Municipal Government Act and is in a form authorized under the Provincial Offenses Procedures Act, issued for any bylaw offense in which a penalty may be paid out of court in lieu of appearing to answer a summons; and
- (h) "Notices" means any notice authorized to be given under any Village bylaw.

3. Roles, Responsibilities and Authorizations

3.1 Council must appoint a Bylaw Enforcement Officer annually at the Organizational meeting or by resolution from time to time.

3.2 The appointment of a Bylaw Enforcement Officer shall be documented in writing, shall state the territorial jurisdiction, and may state the authority of the CAO delegated to the Bylaw Enforcement Officer.



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3.3 The powers and duties of a Bylaw Enforcement Officer shall be limited to those areas of jurisdiction and are further as follows:

- (a) To enforce the Bylaws which are authorized for the Bylaw Enforcement Officer to enforce;
- (b) To follow the directions and to report to the CAO;
- (c) To respond to and investigate public complaints;
- (d) To conduct routine patrols;
- (e) To issue notices and violation tickets.
- (f) To assist in the prosecution of bylaw and statutory offenses including appearances in Court to provide evidence and service of subpoenas on potential witnesses;
- (g) To follow the inspection and enforcement procedures set out in M.G.A., RSA 2000, sec 542-545 as delegated to them through the CAO;
- (h) To perform all other duties as delegated by the CAO from time to time as assigned;
- (i) 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 or her person at all times as he or she is acting as a Bylaw Enforcement Officer evidence in writing of this appointment as a Bylaw Enforcement Officer of the Municipality;
- (j) To preserve and maintain public peace.

4. Code of Conduct for Bylaw Enforcement Officers

4.1 A Bylaw Enforcement Officer shall not:

- (a) violate an Act or any Regulation made under an Act of the Parliament of Canada;
- (b) violate an Act or any Regulation made under an Act of the Legislature of Alberta;
- (c) act in a disorderly or inappropriate manner;
- (d) act in a manner that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement;
- (e) use profane, abusive, or insulting language to any member of a police force, special constable, Bylaw Enforcement Officer, or any member of the public.
- (f) abet or knowingly become an accessory to a default described in this Bylaw;



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- (g) act in a manner that is not fit nor proper.
- (h) apply the law differently or exercise authority on the basis of race, color, religion, sex, physical disability, marital status, age, ancestry, or place of origin, or in any manner that would contravene the Alberta Human Rights Act.
- (i) commit insubordination, where the Bylaw Enforcement Officer by word or action, and without lawful excuse, disobeys, omits or neglects to carry out any lawful order.
- (j) withhold or suppress a complaint against a Bylaw Enforcement Officer.
- (k) neglect, without a lawful excuse, to perform their duties promptly or diligently.
- (l) willfully or negligently make or sign a false, misleading, or inaccurate statement in any official document or record.
- (m) without lawful excuse destroy, mutilate, or conceal an official document or record.
- (n) without lawful excuse alter or erase an entry in an official document or record.
- (o) make known any matter that is a person's duty to keep in confidence or communicate to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or ongoing investigation.
- (p) fail to account for or to make a prompt and true return of money or property that the Bylaw Enforcement Officer receives in their official capacity.
- (q) directly or indirectly ask for or receive a payment, gift, subscription, testimonial, or favor without the consent of the Municipality.
- (r) become involved in a financial, contractual, or other obligation with a person whom the Bylaw Enforcement Officer could reasonably expect to report or give evidence about.
- (s) without lawful excuse, use their official position for personal advantage or another person's personal advantage.
- (t) exercise authority when it is unlawful or unnecessary to do so.
- (u) consume alcohol while on duty or consume or otherwise use or possess drugs that are prohibited by law; or report for duty, be on duty, or be on stand-by for duty while unfit to do so by the use of alcohol or a drug (includes prescription medication).
- (v) apply excessive or otherwise inappropriate force in circumstances where force is deemed necessary.



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5. Complaints and Disciplinary Measures

- 5.1 Complaints concerning the conduct of a Bylaw Enforcement Officer shall be in writing and directed to the CAO. The CAO shall acknowledge receipt of the complaint in writing to the person making the complaint as well as to the Bylaw Enforcement Officer against whom the complaint was made. If the CAO is the Bylaw Enforcement Officer, complaints shall be made to the Appeal Committee, consisting of all members of Council.
- 5.2 The CAO shall have the complaint investigated. If the CAO is satisfied that misconduct has been committed, they will recommend corrective disciplinary action to Council. The CAO may resolve minor complaints informally, arriving at a solution that is satisfactory to all parties.
- 5.3 The CAO will present the allegations and the findings to the Bylaw Enforcement Officer.
- 5.4 The Bylaw Enforcement Officer will be given the opportunity to make full response to the allegations and supporting evidence.
- 5.5 Upon hearing the response and explanation of the Bylaw Enforcement Officer and any other information the CAO believes appropriate to determine the facts, they will either dismiss the complaint as unfounded and not warranting further consideration or find the Bylaw Officer has committed misconduct.
- 5.6 If the CAO finds that the Bylaw Officer has committed a misconduct, they may take one of the following measures:
 - (a) warn the Bylaw Enforcement Officer,
 - (b) reprimand the Bylaw Enforcement Officer,
 - (c) suspend the Bylaw Enforcement Officer from their appointment,
 - (d) recommend that the Bylaw Enforcement Officer's appointment be revoked.

6. Notification and Appeal

- 6.1 The Chief Administrative Office shall notify the complainant and the Bylaw Enforcement Officer in writing as to the results of the investigation, the action taken and the right to appeal the decision to an Appeal Committee, consisting of all members of Council. The Bylaw Enforcement Officer must appeal within 30 days of the notification and the Appeal Committee must make a ruling within 30 days of the receipt of the appeal.
- 6.2 The Appeal Committee in considering the appeal may dismiss, confirm, or vary discipline.
- 6.3 The Appeal Committee shall notify the complainant and Bylaw Enforcement Officer in writing as to the result of the appeal.



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7. General

7.1 Should any section, subsection, clause or provision of this Bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this bylaw as a whole or any part thereof, other than the part so declared to be invalid.

7.2 This bylaw shall come into force and effect upon third reading.

READ a first time this 21 day of October 2021.

READ a second time this 21 day of October 2021.

READ a third time and finally passed this 21 day of October 2021.

SIGNED AND PASSED this _____ day of _____ 2021.

VILLAGE OF MYRNAM

DONNA RUDOLF, MAYOR

ELSIE KIZIAK, C.A.O.