

**COUNTY OF MINBURN NO. 27**  
**BYLAW NO. 1359-24**

A BYLAW OF THE COUNCIL OF THE COUNTY OF MINBURN NO. 27, IN THE PROVINCE OF ALBERTA TO APPOINT BYLAW ENFORCEMENT OFFICERS AND SPECIFY THE DUTIES OF THE COUNTY OF MINBURN NO. 27 BYLAW ENFORCEMENT OFFICERS.

**WHEREAS**, under the authority and pursuant to the Municipal Government Act, chapter M 26, R.S.A. 2000, and amendments thereto, Council may by bylaw, appoint Bylaw Enforcement Officers and specify the powers and duties of Bylaw Enforcement Officers and must establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers;

**NOW THEREFORE** under the authority and pursuant to the provisions of the said Municipal Act, and by virtue of all other enabling powers, the Council of County of Minburn No. 27, duly assembled, enacts as follows:

**1. TITLE**

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

**2. DEFINITIONS**

2.1 In this bylaw unless the context otherwise requires:

- a) "MGA" means the Municipal Government Act, Revised Statutes of the Province of Alberta, 2000, and amendments thereto;
- b) "Bylaw" means all bylaws of the County of Minburn No. 27 duly enacted under the MGA and/or any other statutes of the Province of Alberta;
- c) "Bylaw Enforcement Officer" means an employee of the County of Minburn No. 27 appointed as such and who, in the execution of their duties, is responsible for the enforcement of municipal bylaws and for the preservation and maintenance of the public peace;
- d) "CAO" means the Chief Administrative Officer of the County of Minburn No. 27, a person duly appointed pursuant to the MGA;
- e) "Council" means the Council of the County of Minburn No. 27, elected pursuant to the Local Authorities Election Act, Revised Statutes of Alberta;
- f) "County" means the County of Minburn No. 27;

g) "Proper Authorization" means obtaining written authorization from the CAO;

### **3. APPOINTMENT**

- 3.1 The CAO and/or their designate may establish Bylaw Enforcement Officer positions within the County.
- 3.2 The CAO and/or their designate may appoint, promote or dismiss individuals, to the position of Bylaw Enforcement Officer for the purpose of enforcing the County's bylaws. A Bylaw Enforcement Officer Appointment is Schedule "A" attached to and forming part of this Bylaw.
- 3.3 If the Bylaw Enforcement Officer is absent from their position, is off duty, or is out of office, the CAO and/or their designate may take on any duties and powers of a Bylaw Enforcement Officer or appoint an Interim Bylaw Enforcement Officer for the purpose of enforcing the County's bylaws.
- 3.4 A Bylaw Enforcement Officer shall take the official oath prescribed by the Oaths of Office Act before starting their duties.
- 3.5 The power and duties of a Bylaw Enforcement Officer for the County of Minburn No. 27 shall be as follows:
- a) Ensure that all bylaws of the County are enforced.
  - b) Respond to and investigate complaints.
  - c) Conduct routine patrols.
  - d) Issue notices, tickets or tags.
  - e) Prosecution of any bylaw contravention including appearances in court to provide evidence.
  - f) Service of Summonses.
  - g) Ensure proper filing of information and documentation of circumstances.
  - h) Act as an agent for collecting of delinquent account.
  - i) Perform all other duties as may be assigned by the CAO and/or designate.

### **4. RULES, COMPLAINTS AND APPEALS**

- 4.1 The Council may, by resolution, make rules governing the operation of the Bylaw Enforcement Officers, including but not limited to:
- a) Operational/Procedural Policy.
  - b) Municipal Bylaw approval.
- 4.2 A Bylaw Enforcement Officer, respecting the conduct or performance of duty, may be liable to disciplinary action if the offences include:
- 4.2.1 DISCREDITABLE CONDUCT, an Officer who

- a) Act in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the County.
- b) Willfully or negligently makes a false complaint or lays a false complaint or statement against any person or another Bylaw Enforcement Officer, or
- c) Withholds or suppresses a complaint or report against any person or another Bylaw Enforcement Officer, or
- d) Is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code of Canada, or
- e) Abets, conspires or is knowingly an accessory to a general default described in this Bylaw.

#### 4.2.2 INSUBORDINATION, an Officer who

- a) By work or action, and without lawful excuses, disobeys, omits, or neglects to carry out a lawful order, or
- b) By word or action is unwilling to submit to the authority of the Director of Community Services and/or their designate.

#### 4.2.3 NEGLECT OF DUTY, an Officer who

- a) Without lawful excuse, neglects or omits promptly and diligently to perform a duty as a Bylaw Enforcement Officer, or
- b) Fails to work in accordance with orders, or leave an area, detail or other place of duty without due permission or sufficient cause, or
- c) Fails to report a matter that is their duty to report.

#### 4.2.4 DECEIT, an Officer who

- a) Knowingly makes or signs a false statement in an official document or book, or
- b) Willingly or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or
- c) Fails to report a matter that is their duty to report.

#### 4.2.5 BREACH OF CONFIDENCE, an Officer who

- a) Divulges any matter which it is their duty to keep secret, or
- b) Without proper authorization or in contravention of any rules of the department communicates to the news media or to any authorized person any law enforcement matter which could be injurious to any person or investigation, or
- c) Without proper authorization shows to any person not a Bylaw Enforcement Officer or any unauthorized member of the Protective Services Department,

any book or written or printed paper, document or report relating to any law enforcement matter that is the property of or is in the custody of the County.

#### 4.2.6 CORRUPT PRACTICE, an Officer who

- a) Fails to account for or make a prompt, true return of money or property received in an official capacity, or
- b) Directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial without the consent of the Director of Community Services and/or their designates, or
- c) Places himself under a pecuniary or obligation to a person of respect, whose conduct or business operation or employment the Officer may likely have to report or give evidence, or
- d) Improperly uses their position as a Bylaw Enforcement Officer for private advantage.

#### 4.2.7 UNLAWFUL OR UNNECESSARY EXERCISE OF AUTHORITY, an Officer who

- a) Is unnecessarily discourteous or uncivil to a member of the public, or
- b) Uses excessive force in the execution of their duties without just cause as a Bylaw Enforcement Officer, or
- c) Uses excessive authority of their position with their co-workers.

#### 4.2.8 USE OF INTOXICATING LIQUOR OR DRUGS IN A MANNER DETRIMENTAL TO DUTY, an Officer who

- a) While on shift is unfit for duty due to the personal use of liquor, drugs and/or intoxicants, or
- b) Reports for a shift and is unfit for duty due to personal use of liquor, drugs and/or intoxicants prior to reporting for work, or
- c) Personally uses, consumes and/or receives from other persons liquor drugs and/or intoxicants while on duty.

#### 4.3 Any Bylaw Enforcement Officer who contravenes or disobeys, or refuses, or neglects to obey any provisions of this Bylaw by:

- a) Doing any act or think which they are prohibited from doing herein;
- b) Failing to do any act that they are required to do herein;

Shall be subject to an inquiry by the Director of Community Service and/or their designate, and upon conclusion of the inquiry, the Director of Community Services and/or their designate shall, in writing with reason, do the following:

- a. Reprimand the Officer, or
- b. Dismiss the claim, or

- c. Suspend the Officer from acting as a Bylaw Enforcement Officer, but such period of suspension shall not exceed (1) month, or
- d. Terminate the appointment/employment of the Officer.

## 5. EFFECTIVE DATE

5.1 This Bylaw shall come into force and effect upon third and final reading.

FIRST READING.....December 16, 2024

SECOND READING.....January 23, 2025

THIRD AND FINAL READING....., 2025

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

**Schedule "A"**  
**Bylaw Enforcement Officer Bylaw No. 1359-24**

**BYLAW ENFORCEMENT OFFICER**  
**APPOINTMENT**

*Pursuant to the Municipal Government Act of Alberta and Section 3 of County of  
Minburn No. 27 Bylaw No. 1359-24*

I, \_\_\_\_\_, the Chief Administrative Officer of County of  
Minburn No. 27, hereby appoint

\_\_\_\_\_

A **BYLAW ENFORCEMENT OFFICER** as detailed below:

The person appointed under this document has the authority, while employed by  
County of Minburn No. 27, and while acting within the scop of his/her employment,  
to enforce all bylaws of County of Minburn No. 27.

This appointment expires upon termination of employment with County of Minburn  
No. 27.

The Bylaw Enforcement Officer must abide by all of the Policies, Procedures and this  
Bylaw, as amended from time to time, issued by County of Minburn No. 27

DATED at Town of Vegreville, in the Province of Alberta, this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chief Administrative Officer