

**Village of Warburg
Bylaw #160/18**

A BYLAW OF THE VILLAGE OF WARBURG, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AUTHORIZING THE ESTABLISHMENT OF A BYLAW ENFORCEMENT OFFICER, TO SPECIFY THE DUTIES OF A BYLAW ENFORCEMENT OFFICER AND TO ESTABLISH A DISCIPLINARY PROCEDURE AND PROCESS FOR MISUSE OF POWER.

WHEREAS, under the Authority of the *Municipal Government Act, S.A. 1994 c.M-26.1* as amended, Council may, by Bylaw, authorize an Enforcement Officer to enforce the Bylaws established by Council of the Village of Warburg;

AND WHEREAS, Section 556 of the Municipal Government Act, R.S.A. 1994, Chapter M-26, as amended required 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 Municipal Council of the Village of Warburg, duly assembled, enacts as follows:

1. This Bylaw be cited as the "Bylaw Enforcement Officer" Bylaw.

2. **Definitions:**

Bylaw – shall mean the Bylaws of the Village of Warburg;

Bylaw Enforcement Officer – shall mean a person, Company, or Another Municipality as appointed by Council; or the Municipal Administrator; when there is no other appointed;

Municipal Administrator – shall mean the Municipal Administrator of the Village of Warburg;

Council – shall mean the Council of the Village of Warburg;

Municipality – shall mean the Village of Warburg.

3. **Office of Bylaw Enforcement Officer**

The Municipal Office of Bylaw Enforcement Officer is hereby created.

4. **The Powers and Duties of a Bylaw Enforcement Officer**

The powers and duties of a Bylaw Enforcement Officer are as follows:

- a) To enforce the Bylaws which Council has authorized the Bylaw Enforcement Officer to enforce within the boundaries of the municipality;
- b) To follow the directions of the Municipal Administrator as required;
- c) To respond to and investigate complaints;
- d) To conduct routine patrols of the municipality for the purpose of preventing and detecting violations;
- e) To perform all other duties as may from time to time be assigned by the Municipal Administrator;

- f) To prepare all necessary documentation required for attendance at court proceedings;
- g) 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/her person at all times as he/she is acting as a Bylaw Enforcement Officer, evidence in writing of his/her appointment as Bylaw Enforcement Officer for the municipality;
- h) To preserve and maintain public peace.

5. Appointment of Bylaw Enforcement Officers

- 5.1 The Council of the Village of Warburg may from time to time and by resolution of Council appoint, designate or engage one (1) or more persons as Bylaw Enforcement Officer for the Village of Warburg.

6. Misuse of Power

- 6.1 When the Municipal Administrator receives a written allegation claiming that a Bylaw Enforcement Officer has misused their power the Municipal Administrator shall determine if an investigation is required.
- 6.2 If the Municipal Administrator 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.
- 6.3 The Review Committee membership shall be composed of the following:
 - a) the Municipal Administrator
 - b) two members of Council.
- 6.4 The investigation procedure shall ensure that:
 - a) The Bylaw Enforcement Officer is advised of the allegation and of the investigation;
 - b) The Bylaw Enforcement Officer has the opportunity to respond to the allegation;
 - c) Such other parties, as the Municipal Administrator considers to be affected, has the opportunity to respond to the allegation.
- 6.5 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.
- 6.6 The Review Committee shall render a written decision, with reasons within 14 days of meeting to review the evidence.
- 6.7 If the Review Committee determines that a Bylaw Enforcement Officer has misused their power a Bylaw Enforcement Officer, disciplinary procedures shall be implemented in accordance with the Village Personnel Policy.
- 6.8 The Municipal Administrator shall maintain a record of the investigation procedures and decision of the Review Committee.

6.9 The Municipal Administrator shall advise the Bylaw Enforcement Officer of the results of the investigation in writing.

6.10 If the Municipal Administrator deems it necessary, other parties involved in the investigation may be advised, in writing, of the Review Committee's decision.

7. Appeal

7.1 Within 14 days of receipt of the Review Committee's written decision, a Bylaw Enforcement Officer may appeal the decision to the Mayor.

7.2 In considering the appeal, the Mayor 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 Mayor deems important to the appeal.

7.3 The Mayor may confirm, revoke or vary the decision of the Review Committee. The Mayor's decision shall be in writing and provided to the Municipal Administrator and the bylaw Enforcement Officer. Other parties involved in the investigation may be provided with the appeal decision of the Mayor deems it necessary.

7.4 All documents relating to the allegation, Review Committee, Review Committee decision, appeal, appeal decision and any resulting disciplinary action shall be filed with the Municipal Administrator.

8. Enactment

This Bylaw replaces Bylaw #63/03 and all other Bylaws to this effect and shall come into force and effect when it receives Third Reading and is duly signed.

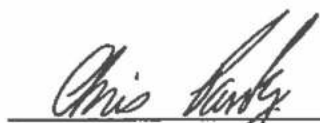
Read a first time 10 day of December , A.D. 2018.

Read a second time this 10 day of December , A.D. 2018.

Read a third time with the unanimous consent of the Council Members present and finally passed this 10 day of December, A.D. 2018.



Mayor Kevin Maine



Christine Pankewitz
Municipal Administrator

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