

Bylaw Enforcement Bylaw 09:2018

Pursuant to section 556 of the Municipal Government Act, the Town of Irricana hereby enacts the Bylaw Enforcement Bylaw.

Part 1 Bylaw Complaints

- 1) All bylaw infractions must be dealt with on a complaint-only basis.
- 2) Any bylaw complaint must comply with the following provisions;
 - a) The bylaw infraction that is the substance of the complaint must be within 100 meters of the complainant's residence, or place of business, and
 - b) The infraction must be visible from the complainant's residence or place of business.
 - c) This section will not apply a moving infraction such as a dog at large.
- 3) Any complaint received by the Town or by a Bylaw Officer employed by the Town must comply with section 2 a) and b) before being investigated, or acted upon by way of warning letter, verbal caution, Municipal Tag, or Violation Ticket.
- 4) All bylaw complaints must be made to the Town of Irricana Office, or through the Town of Irricana website.
- 5) The Town of Irricana, and any Bylaw Officer employed by Town must not accept or act upon any anonymous complaint.
- 6) Any complaint received that complies with section 2 must be dealt with by Town Office by way of a) Notifying the Bylaw Officer of the complaint for investigation, or b) Requesting a Town Employee to photograph and document the alleged infraction. Town office may then review the information and proceed by way of
 - 1) Sending a town employee to make contact with the property owner and explain the infraction, or
 - 2) Sending the Bylaw Officer to explain the infraction.

Part 2 Bylaw Officer Powers and Duties

- 7) Bylaw Enforcement Officers employed by the Town of Irricana are required to investigate any complaint assigned to the Officer by the Town, and report the results of the investigation to the Town within 48 hours of commencing the investigation.
- 8) The Bylaw Officer must not investigate any complaint that does not comply with section 2.

9) The Bylaw Officer must not search for bylaw infractions within the Town of Irricana, and the Town of Irricana will not enforce any bylaw infraction observed by the Bylaw Officer, unless there is a qualified complaint made to Town Office.

10) The Bylaw Officer, during the initial investigation may only issue a warning to any property owner, or renter, being investigated.

11) The Bylaw Officer must not proceed to a Municipal Tag or a Violation Ticket until a warning has been issued, and the time to remedy in the warning has elapsed.

12) The Bylaw Officer must not make contact with any property Owner, or renter, within Irricana concerning any alleged or observed bylaw infraction unless a qualified complaint has been made.

Part 3 Misuse of Power

13) Any Bylaw Officer employed by the Town must comply with all legislation including, but not limited to, the Municipal Government Act, The Peace Officer Act and Regulations, The Police Officers Act, and the Town of Irricana Bylaw Enforcement Bylaw.

14) Any Bylaw officer who receives a complaint from the public concerning the Officers conduct must report the complaint to Town Office within 48 hours.

15) Any resident of Irricana may make a complaint about a Bylaw Officer to the Town of Irricana Office, or to the Town website.

16) Any complaint concerning a Bylaw Officers actions or conduct must include sufficient information to allow for an investigation, and must contain complainants name, address, date of complaint, time of incident being complained of, location of incident, and the specifics of the activity being complained of.

17) Upon receipt of any complaint concerning a Bylaw Officer, Town Office must inform Town Council within 48 hours.

18) Upon receipt of a complaint concerning a Bylaw Officer, Town Council must convene a hearing with the complainant within one week of the complaint being made.

19) Upon hearing the complaint at the convened meeting Town Council may decide to

a) not investigate the complaint, or

b) Convene a meeting with the Bylaw Officer to investigate the complaint.

20) The Bylaw Officer must receive sufficient notice of the meeting to allow for consultation with legal counsel.

21) The Bylaw Officer must attend the meeting, and may not be represented by agent or counsel.

22) The Bylaw Officer may have counsel present to advise the Officer during questioning.

23) Counsel for the Bylaw Officer is not a party to the investigation, and must not address Town Council during the investigation, nor speak on behalf of their client.

24) When the investigation is completed, Town Council must adjourn 'in camera' to make decision on the merits of the complaint, and actions to be taken.

25) Town Council must inform both the complainant, and the Bylaw Officer within one week of the decision made by Town Council.

26) Should Town Council find that the complaint has merit they may proceed to remedy the complaint by way of

a) A verbal warning to the Officer, as well as a written copy of the warning to be placed in the Bylaw Officers personal file, or

b) Issuing the Bylaw Officer a penalty as found in the Penalty section of this bylaw.

27) Should the Bylaw Officer accumulate more than two written warnings, Town Council may terminate the employment of the Bylaw Officer.

28) Should Town Council terminate the employment of a Bylaw Officer under the provisions of section 27, the termination will be considered 'with cause' and no notice is required.

Part 4 Penalties

29) Should Town Council investigate a complaint against a Bylaw Officer, Town Council may issue a warning as per section 26, or they may proceed by

a) a suspension of the Officers pay, and/or duties for a period not to exceed 2 weeks in the case of a first offence, and/or

b) a suspension of not more than 6 months for any subsequent offence, and/or

c) a fine not to exceed \$500 for a first offence, or

d) a fine not to exceed \$ 5000 for any subsequent offence, or

e) a term of imprisonment not to exceed one calendar year.

Part 5 Appeal

30) Should a penalty be assessed to a Bylaw Officer under section 29, any appeal will lie to a Court of Competent Jurisdiction.