

BYLAW NO. 1002-25
OF THE
TOWN OF VAUXHALL

A BYLAW OF THE TOWN OF VAUXHALL IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE APPOINTMENT, EMPOWERMENT AND DISCIPLINE OF BYLAW ENFORCEMENT OFFICERS WITHIN THE TOWN OF VAUXHALL.

WHEREAS, the Town of Vauxhall is required by Section 556 of the Municipal Government Act to specify the powers and duties of Bylaw Enforcement Officers, and establish disciplinary procedures for misuse of powers, penalties, and appeal processes.

NOW THEREFORE, the Council of the Town of Vauxhall, in the Province of Alberta, duly assemble, enact as follows;

Bylaw Title

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

Definitions

2. In this Bylaw, unless the context otherwise requires:
 - 2.1 "**Act**" is the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, or any legislation in replacement or substitution thereof.
 - 2.2 "**Bylaw**" is a bylaw of the Town of Vauxhall
 - 2.3 "**Bylaw Enforcement Officer**" means an employee of the Town of Vauxhall, who is employed for the purpose of the enforcement of Town of Vauxhall Municipal Bylaws and may include a Community Peace Officer appointed under the Peace Officer Act of Alberta.
 - 2.4 "**Chief Administrative Officer (CAO)**" means the Chief Administrative Officer of the town or the Chief Administrative Officer's delegate.
 - 2.5 "**Council**" is the municipal Council of the Town of Vauxhall.
 - 2.6 "**Official Oath**" the official Oath of Office sworn by the Officer.
 - 2.7 "**Town**" means the municipal corporation of the Town of Vauxhall, in the province of Alberta, or the area within the Town of Vauxhall's corporate limits, as the context requires.

Application

3.
 - 3.1 Nothing in this Bylaw relieves a person from complying with any provisions of any federal or provincial law or regulation, other bylaw or any requirement of any lawful

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permit, order or license.

3.2 Any heading, sub-headings, or table of contents in this bylaw are included for guidance purposes and convenience and shall not form part of this Bylaw.

3.3 Where this Bylaw refers to another Act, bylaw, regulation, or agency, it includes reference to any Act, bylaw, regulations, or agency that may be substituted therefore.

Chief Administrative Officer (CAO)

4. The powers and duties of the CAO or delegate are as follows:

4.1 To establish one or more Bylaw Enforcement Officer positions as approved by Council;

4.2 To appoint, promote or dismiss individuals to the position of Bylaw Enforcement Officer for the purpose of enforcing the Town Bylaws;

4.3 To provide for the supervision of the performance and conduct of the Bylaw Enforcement Officer(s);

4.4 To ensure that the Bylaws of the Town are enforced in an appropriate manner;

4.5 To investigate formal complaints made against a Bylaw Enforcement Officer;

4.6 To discipline Bylaw Enforcement Officers in the case of a substantiated formal complaint;

Appointment

5.

5.1 The Chief Administrative Officer of the Town of Vauxhall shall appoint the Bylaw Enforcement Officer.

5.2 Upon being appointed a Bylaw Enforcement Officer, and prior to entering duties, each officer shall take the official oath prescribed by the Oaths of Office Act.

5.3 The authority and appointment of the Bylaw Enforcement Officer shall cease when the person is no longer an employee of the Town of Vauxhall

Bylaw Enforcement Officer Powers and Duties

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

6.1 To enforce bylaws within the Town;

6.2 To follow lawful directions of the CAO;

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- 6.3 To respond to and investigate complaints;
- 6.4 To conduct routine patrols;
- 6.5 To issue and serve notices, tickets/tags, and lay information as required;
- 6.6 To assist in the prosecution of bylaw contraventions including gathering evidence, assisting witnesses, and attending court to provide evidence as required;

Officer Identification

- 7. While acting in the course of their duties, Bylaw Enforcement Officers shall carry on their person, identification in the form of an Identification Card approved by the CAO, evidencing their appointment as a Bylaw Officer for the Town of Vauxhall.

Complaints, Discipline and Appeal Process

8.

- 8.1 A formal complaint against a Bylaw Enforcement Officer shall be in writing unless a complainant is unable to make a complaint in writing due to a language barrier or disability. In this case, the Town will record the complaint and treat it as if it were received in writing.
- 8.2 Anonymous complaints shall not be investigated.
- 8.3 When a formal complaint is received by the Town against a Bylaw Enforcement Officer, the CAO shall:
 - a.) Advise the complainant of receipt of the complaint within thirty (30) days;
 - b.) Notify the Bylaw Enforcement Officer involved if appropriate (see 'Appendix A' below for details).
 - c.) Investigate the allegations of the complaint by speaking with the complainant, any witnesses, and the Bylaw Enforcement Officer involved, and any other person who may have knowledge relevant to the occurrence.
 - d.) Review any relevant documents in existence pertaining to the occurrence, including but not limited to:
 - i. Occurrence Reports
 - ii. Dispatch Logs
 - iii. Notebooks
 - iv. Court documents
 - v. Legal documents
 - vi. Audio or video recordings
 - e.) Advise the complainant and the Bylaw Enforcement Officer of the status of the investigation at least once every 45 days.
 - f.) Upon conclusion of the investigation, the CAO shall notify the complainant, and the Bylaw Enforcement Officer involved of the disposition of the complaint as follows;

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- i. "the complaint is unfounded" means that based on a thorough investigation that no reasonable belief exists that complaint has merit or basis
 - ii. "the complaint is unsubstantiated" means that based on a thorough investigation there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred.
 - iii. "the complaint is found to have merit in part" means that based on a thorough investigation that a reasonable belief exists that the Bylaw Enforcement Officer engaged in misconduct regarding portions(s) of the complaint, but not in its entirety.
 - iv. "the complaint is found to have merit in whole" means that based on a thorough investigation that a reasonable belief exists that the Bylaw Enforcement Officer engaged in misconduct regarding the entirety of the complaint.
- g.) No investigation shall be required if the CAO determines the complaint to be frivolous, vexatious, made in bad faith, or relating to the interpretation or application of legislation investigation outcome, or action taken as a result of an investigation.
- h.) An appeal may be made by the Bylaw Officer 14 days following the outcome of the investigation at which point the investigation will be reviewed and re-assessed.

8.4 In the event a complaint is found to have merit in whole or in part, the CAO shall take appropriate disciplinary action in accordance with Towns human resource policies and or practices as referenced in the Town of Vauxhall Employee Handbook.

When and if the investigation proves that misconduct by the Bylaw Officer has been committed, he/she shall be subject to disciplinary action.

- i. Verbal reprimand.
- ii. Written reprimand – record of misconduct shall be recorded and maintained within the employee's file for one year.
- iii. Dismissal – dismissal shall be executed in the event of a gross neglect of duty, accumulated records of suspension and the misuse of authority.

8.5 The CAO has the authority to informally resolve a formal complaint. This shall be accomplished by meeting with the complainant to discuss their concerns, circumstances, facts, and any information pertaining to the complaint. If a mutually agreeable solution can be reached by all parties involved, the complaint shall be deemed to be resolved and no investigation, or further investigation, is necessary. An informal resolution must be documented within one month of resolution.

Severability

9. If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other sections or parts of the bylaw shall be deemed to be separate and independent there from and to be enacted as such.

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Repeal

10. This Bylaw repeals Bylaw No. 1000-24

Enactment

11. This Bylaw shall come into force and effect when it receives third reading and is duly signed.

Read a first time in Council this 20 day of January 2025.

Read a second time in Council this 20 day of January 2025.

Presented for third reading in Council and carried unanimously this 20 day of January 2025

Read a third time in Council and finally passed this 20 day of January 2025.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

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APPENDIX A

Notification to Bylaw Enforcement Officer of Complaint

In the majority of cases, it is always appropriate and necessary to inform a Bylaw Enforcement officer about a complaint made to facilitate the principles of due process and fairness. However, in circumstances where such notification may unduly have negative impact on an internal investigation or place the complainant in an unfavorable position, the notification to the Officer may be delayed.

In the following general circumstances, consideration must be given to delay informing the officer about a complaint when it may be suspected that:

- a.) The complainant may be placed in danger.
- b.) The Complainant may face other inappropriate action by the Officer should the Officer be informed,
- c.) The notification may impede the gathering of evidence during an internal investigation,
- d.) A reasonable likelihood exists that the complaint may lead to charges under federal or provincial legislation and that notification of the Officer could impede any resulting police or other investigative agency investigation, or
- e.) Any other situation identified by the authorized employer or Director in which it may be appropriate to delay informing the Officer about the complaint.

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Official Oath

[If swearing in accordance with section 2 of the *Oaths of Office Act*]

I, _____, swear that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer for the Town of Vauxhall.
So, help me God

SWORN BEFORE ME at the _____ of)
_____, in the Province of Alberta)
this _____ day of _____)
20____.)

A Commissioner for Oaths
in and for the Province of Alberta

Signature of Bylaw Officer

--- OR ---

[If solemnly affirming in accordance with section 4 of the *Oaths of Office Act*]

I, _____ solemnly affirm that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer for the Town of Vauxhall.

SWORN BEFORE ME at the _____ of)
_____, in the Province of Alberta)
this _____ day of _____)
20____.)

A Commissioner for Oaths
in and for the Province of Alberta

Signature of Bylaw Officer