

**VILLAGE OF VETERAN
BYLAW NO. 532-18
DESIGNATED OFFICER BYLAW**

A BYLAW OF THE VILLAGE OF VETERAN IN THE PROVINCE OF ALBERTA TO ESTABLISH CERTAIN DESIGNATED OFFICER POSITIONS AND TO ESTABLISH A FRAMEWORK FOR DELEGATION OF ADMINISTRATIVE FUNCTIONS.

WHEREAS pursuant to the provisions of Section 210 of the *Municipal Government Act*, Chapter M-26, Revised Statutes of Alberta 2000, and any amendments thereto, Council may by Bylaw establish one or more positions to carry out the powers, duties and functions of a Designated Officer under this or any other enactment;

AND WHEREAS the Council of the Village of Veteran is desirous of creating Designated Officer positions for the Assessor and the Bylaw Enforcement Officer.

NOW THEREFORE the Council of the Village of Veteran, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

- a. This Bylaw may be cited as the “**Designated Officer**” Bylaw.

2. DEFINITIONS:

- a. “**Bylaw**” means a bylaw of the Village of Veteran.
- b. “**Bylaw Enforcement Officer**” means a person who:
 - i. is appointed by the Council of the Village of Veteran to the position established by this bylaw;
 - ii. takes the official oath prescribed by the *Oaths of Office Act*, R.S.A. 2000,
- c. “**Designated Officer**” shall mean a person appointed by the Council of the Village of Veteran to the position established by this bylaw.
- d. “**Chief Administrative Officer**” means the person appointed by Council pursuant to the Municipal Government Act.
- e. “**Council**” means the municipal council of the Village of Veteran.
- f. “**Village**” means the Village of Veteran.

3. DESIGNATED OFFICER

- a. The following Designated Officer positions are established, and the persons appointed to these positions will have the following titles:
 - i. **ASSESSOR:** To carry out the powers, duties and functions under the Municipal Government Act in Sections 284 to Section 305 inclusive, excepting thereout Section 292 (Assessment for linear property).
 - ii. **BYLAW ENFORCEMENT OFFICER:** To carry out the powers, duties and functions under the Municipal Government Act, Weed and Pest Control Act or any other Act and those powers, duties and functions assigned by the Chief Administrative Officer.
- b. Council will, by resolution, appoint individuals to the Designated Officer positions established by this bylaw.
- c. The appointment of the Designated Officers may be revoked by Council under the provisions of the MGA, Section 211.

4. POWERS, DUTIES AND RESPONSIBILITIES

- 4.1 In accordance with their appointment by Council, Bylaw Enforcement Officers may:
- a. Issue municipal tags, notices and/or violation tickets for offences under bylaws;
 - b. Exercise all the powers, duties and functions of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with s. 542 of the MGA;
 - c. Exercise all the powers, duties and functions of a designated officer to issue written orders pursuant to s. 545 and 546(0.1) of the MGA;
 - d. Take whatever actions or measures are necessary to remedy a contravention of the MGA, an enactment that the Village is authorized to enforce, or a bylaw in accordance with s. 549 of the MGA;
 - e. Take whatever actions or measures are necessary to eliminate a danger to the public safety caused by a structure, excavation, or hole or to deal with the unsightly condition of a property in accordance with s. 550 of the MGA.
 - f. The appointment of an individual as a bylaw enforcement officer in accordance with this bylaw is deemed to be written authorization to issue violation tickets for the offences under bylaws of the Village.
- 4.2 Council hereby establishes a Bylaw Enforcement Committee to be composed of the members of the Village Council, one of which members shall be designated as Chairman at the Organizational meeting.
- 4.3 The duties and responsibilities of the Bylaw Enforcement Committee are as follows:
- a. To hear appeals from any decision of the Bylaw Enforcement Officer;
 - b. To investigate any reports of a breach of duties committed by the Bylaw Enforcement Officer while carrying out his/her role as peace officer;
 - c. Where it is alleged that a Bylaw Enforcement Officer, in carrying out his/her duties as a peace officer has committed a breach of duties, the committee shall hold a hearing to determine if the Bylaw Enforcement Officer has committed a disciplinary default, as defined by this by-law, while carrying out his/her duties.
 - d. If a breach has occurred, the following procedures shall be followed:
 - i. Adequate notice (a minimum of 7 days) in writing shall be given to the Bylaw Enforcement Officer who is alleged to have committed a disciplinary breach and to such other parties the Committee considers to be affected by the alleged disciplinary breach.
 - ii. At the end of the hearing, the Committee may, by a decision in writing with reason, do the following:
 - Reprimand in writing the Bylaw Enforcement Officer, or;
 - Suspend the Bylaw Enforcement Officer from acting as Bylaw Enforcement Officer for the Municipality, but such a period shall not exceed six (6) months; or
 - Terminate the appointment of the Bylaw Enforcement Officer.
 - e. For purposes of this Bylaw, the following shall be disciplinary defaults:
 - i. Discreditable conduct where the Bylaw Enforcement Officer:
 - Acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of Bylaw Enforcement Officers;

- Helps, plans or is knowingly an accessory to a general default described in this bylaw;
- Is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code of Canada;
- Insubordination, where the Bylaw Enforcement Officer by word or action and without lawful excuse, disobeys, omits or neglects to carry out any lawful order;
- Deceit, where the Bylaw Enforcement Officer knowingly makes or signs false statements in an official document or;
- Without lawful excuse, destroys, mutilates or conceals an official document or record or alters or erases therein;
- Breach of Confidence, where a Bylaw Enforcement Officer divulges any matter which his/her duty is to keep confidential;
- Without proper authorization from Council, communicates to any unauthorized person any law enforcement matter which could be injurious to any person or investigation;
- Corrupt Practice, where the Bylaw Enforcement Officer fails to account for money, property, or directly or indirectly receives a gratuity, present, pass, subscription or testimonial without the consent of the Committee.

5. SEVERABILITY

5.1 Should any provision of this Bylaw be found invalid, the invalid provision shall be severed, and the remaining Bylaw shall be maintained.

6. REPEAL

6.1 That Bylaw 466-00 and all amendments thereto be hereby repealed.

7. EFFECTIVE DATE

7.1 This Bylaw shall come into full force and effect, on the date of third and final reading.

READ a first time in Council this 20th day of November, 2018.

READ a second time in Council this 20th day of November, 2018.

READ a third time in Council and finally passed this 20th day of November, 2018.

Jerry Wipf
Mayor

Debbie Johnstone
Chief Administrative Officer