

BYLAW 2023-29

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA,
RESPECTING THE APPOINTMENT OF BYLAW ENFORCEMENT OFFICERS AND
SETTING OUT THE POWERS AND DUTIES OF BYLAW ENFORCEMENT
OFFICERS**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as the “Bylaw Enforcement Officer Bylaw.”

INTERPRETATION

- 2 In this bylaw:
- a) “Violation Tag” means a municipal tag or similar document issued by a peace officer in relation to an offence under this bylaw;
 - b) “Violation Ticket” means a ticket issued pursuant to the *Provincial Offences Procedures Act*, as amended, and the regulations thereunder;
- 3 Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

ROLE OF THE CHIEF ADMINISTRATIVE OFFICER

- 4 The chief administrative officer is authorized to
- a) appoint individuals as bylaw enforcement officers,
 - b) revoke, suspend, or modify the appointments of bylaw enforcement officers,
 - c) monitor and investigate complaints of misuse of power by bylaw enforcement officers,
 - d) add any amounts owing to the Municipality to a tax roll in accordance with sections 553(1)(c) and 553(1)(g.1) of the *Municipal Government Act* as amended,
 - e) grant written authorization to issue Violation Tickets under the *Provincial Offences Procedure Act* as amended, and
 - f) authorize or require bylaw enforcement officers to carry out any powers, duties, or functions necessary to fulfill their responsibility for the preservation and maintenance of public peace.

POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS

- 5 Subject to the limitations of their appointment by the chief administrative officer, bylaw enforcement officers are authorized to
- a) issue Violation Tags and/or Violation Tickets for offences under bylaws,
 - b) carry out any inspections to determine compliance with any bylaw or enactment,
 - c) 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 section 542 of the *Municipal Government Act* as amended,
 - d) exercise all the powers, duties, and functions of a designated officer to issue written orders pursuant to section 545 and 546 of the *Municipal Government Act* as amended,
 - e) take whatever actions or measures are necessary to remedy a contravention or prevent a re-occurrence of a contravention of the *Municipal Government Act* as amended, an enactment that the municipality is authorized to enforce, or a bylaw in accordance with section 549 of the *Municipal Government Act* as amended,
 - f) take whatever actions or measures are necessary to eliminate a danger to public safety caused by a structure, excavation, or hole or to deal with the unsightly condition of a property in accordance with section 550 of the *Municipal Government Act* as amended,
 - g) exercise all the powers, duties, and functions of a development authority to issue written notice pursuant to section 645 of the *Municipal Government Act* as amended,
 - h) take whatever actions or measures are necessary to carry out an order issued pursuant to section 645 or 687(3)(d) of the *Municipal Government Act* as amended,
 - i) issue notices not to trespass under the *Trespass to Premises Act* as amended,
 - j) exercise all the powers, duties, and functions of an inspector under the *Weed Control Act* as amended,
 - k) exercise all the powers, duties, and functions of an inspector under the *Agricultural Pests Act* as amended,
 - l) prepare and lay a statement of an alleged offence,
 - m) exercise the powers, duties, and functions of a designated officer to certify copies of bylaws, resolutions, or records of the municipality.

- 6 The appointment of an individual as a bylaw enforcement officer in accordance with the bylaw is deemed to be
- a) written authorization to issue Violation Tickets for offences under bylaws specified in the appointment, and
 - b) an appointment of the individual as an inspector under the *Weed Control Act* or *Agricultural Pests Act* as amended,
- as the case may require.

CONDUCT

- 7 Bylaw enforcement officers are subject to the supervision of and accountable to the chief administrative officer and must comply with their appointment and all municipal policies, directives, and procedures.

OATH OF OFFICE

- 8 Prior to commencing their duties, all bylaw enforcement officers must take an official oath in accordance with the *Oaths of Office Act* as amended,

APPOINTMENT REQUIREMENTS

- 9 To be eligible for appointment as a bylaw enforcement officer, individuals must provide to the chief administrative officer
- a) a recent criminal records check acceptable to the chief administrative officer,
 - b) demonstrated commitment to good character, and
 - c) any other requirements specified by the chief administrative officer.

APPOINTMENT CONDITIONS

- 10 The chief administrative officer may impose terms and conditions on a bylaw enforcement officer appointment.

REVIEW OF APPOINTMENT

- 11 If, in the opinion of the chief administrative officer based on reasonable grounds, a bylaw enforcement officer has misused a power, contravened their appointment or this bylaw, including any terms of conditions, or acted contrary to public interest, the chief administrative officer may suspend, revoke, or modify the bylaw enforcement officer's appointment.
- 12 If an individual appointed as a bylaw enforcement officer is no longer employed or retained by the municipality, or if the individual's role is modified such that the individual no longer requires appointment as a bylaw enforcement officer or requires a modified appointment, the chief administrative officer may modify or revoke the bylaw enforcement officer's appointment.

Bylaw approved by:

APPEAL

- 13 Prior to suspending, revoking, or modifying a bylaw enforcement officer appointment pursuant to section 11, the chief administrative officer must provide the affected bylaw enforcement officer with written notice of the proposed suspension, revocation, or modification, including reasons and any supporting documentation.
- 14 The affected bylaw enforcement officer may make written representations to the chief administrative officer respecting the proposed suspension, revocation, or modification within 14 days after the date on which the written notice under section 13 is received by the affected bylaw enforcement officer.
- 15 The chief administrative officer will provide the bylaw enforcement officer with a written decision, including reasons, on the proposal to suspend, revoke, or modify the bylaw enforcement officer's appointment within 14 days after the date on which the written representations under section 14 are received by the chief administrative officer.

ENACTMENT/TRANSITION

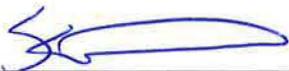
- 16 The appointment of a bylaw enforcement officer pursuant to Bylaw 22-2006 continues under the terms of this bylaw until the appointment is modified, revoked, or replaced.
- 17 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 18 Bylaw 22-2006 is repealed.
- 19 This bylaw comes into force on the date it is passed.

FIRST READING: September 5, 2023

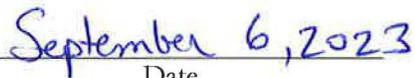
SECOND READING: September 5, 2023

THIRD READING: September 5, 2023

Approved on behalf of the Town of Canmore:



Sean Krausert
Mayor



Date



Cheryl Hyde
Municipal Clerk



Date

Bylaw approved by:  