



## THE CITY OF EDMONTON

### BYLAW 16368

#### ENFORCEMENT BYLAW

**Whereas** pursuant to:

Section 7(i) of the *Municipal Government Act*, RSA 2000, c M-26, a council may pass bylaws respecting the enforcement of bylaws;

Section 555 of the *Municipal Government Act*, a person who is appointed as a bylaw enforcement officer is, in the execution of those duties, responsible for the preservation and maintenance of the public peace;

Section 556 of the *Municipal Government Act*, a council must pass a bylaw specifying the powers and duties of bylaw enforcement officers and establishing disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers;

Part 13, division 4 of the *Municipal Government Act*, the municipality may carry out numerous enforcement powers and duties, which may be exercised by bylaw enforcement officers;

Section 1(k)(iv) of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, a person who is employed or retained by a municipality and provided written authorization to issue violation tickets under that Act will be considered a “peace officer” for the purposes of that Act;

Sections 1(g)(ii) and 7 of the *Weed Control Act*, SA 2008, c W-5.1, council is the local authority for the purposes of that Act and the local authority must appoint inspectors to enforce and monitor compliance with this Act within the municipality;

Edmonton City Council enacts:

#### PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

##### PURPOSE

1

The purposes of this bylaw are to:

- (a) prescribe the requirements for appointing bylaw enforcement officers;
- (b) delegate enforcement related powers, duties, and functions to the City Manager;
- (c) specify the powers, duties, and functions that may be

delegated to bylaw enforcement officers

- (d) establish disciplinary procedures for misuse of power by bylaw enforcement officers; and
- (e) deal with other matters respecting the enforcement of bylaws and other enactments.

## DEFINITIONS

2

In this bylaw, unless the context otherwise requires:

- (a) **“bylaw enforcement officer”** means an individual appointed by the City Manager to carry out enforcement duties pursuant to this bylaw;
- (b) **“City”** means the City of Edmonton;
- (c) **“City Manager”** means the chief administrative officer of the City or delegate;
- (d) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended;
- (e) **“municipal tag”** means a form alleging an offence of a City bylaw allowing for voluntary payment of the prescribed fine;
- (f) **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended;
- (g) **“Trespass to Premises Act”** means the *Trespass to Premises Act*, RSA 2000, c T-7, as amended;
- (h) **“violation ticket”** has the same meaning as defined in the *Provincial Offences Procedure Act*;
- (i) **“Weed Control Act”** means the *Weed Control Act*, SA 2008, c W-5.1, as amended.

## RULES FOR INTERPRETATION

3

The marginal notes and headings in this bylaw are for reference purposes only.

## PART II - CITY MANAGER ROLE

### POWERS, DUTIES, AND FUNCTIONS

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The City Manager may:

- (a) appoint individuals as bylaw enforcement officers in

accordance with this bylaw;

- (b) revoke, suspend, or modify the appointments of bylaw enforcement officers in accordance with this bylaw;
- (c) monitor and investigate complaints of misuse of power by bylaw enforcement officers;
- (d) take whatever actions or measures are necessary to eliminate an emergency in accordance with section 551 of the *Municipal Government Act*;
- (e) add any amounts owing to the City to a tax roll in accordance with the *Municipal Government Act* or another enactment;
- (f) exercise all powers, duties, and functions of a local authority under the *Weed Control Act*;
- (g) grant written authorization to issue violation tickets under the *Provincial Offences Procedure Act*;
- (h) 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 the public peace; and
- (i) delegate any of the City Manager's powers, duties, or functions contained in this section to any employee of the City, including the option to further delegate those powers, duties, or functions.

### **PART III - BYLAW ENFORCEMENT OFFICERS**

#### **POWERS, DUTIES, AND FUNCTIONS**

5

In accordance with their appointment by the City Manager, bylaw enforcement officers may:

- (a) issue municipal tags 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 section 542 of the *Municipal Government Act*;

- (c) 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*;
- (d) take whatever actions or measures are necessary to remedy a contravention or prevent a re-occurrence of a contravention of the *Municipal Government Act*, an enactment that the City is authorized to enforce, or a bylaw in accordance with section 549 of the *Municipal Government Act*;
- (e) 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*;
- (f) issue notices not to trespass under the *Trespass to Premises Act*;
- (g) exercise all the powers, duties, and functions of an inspector under the *Weed Control Act*;
- (h) prepare and lay informations;
- (i) place an erasable chalk mark on the tread face of a tire of a parked or stopped vehicle.

6 The appointment of an individual as a bylaw enforcement officer in accordance with this bylaw is deemed be:

- (a) written authorization to issue violation tickets for offences under bylaws specified in the appointment;
- (b) an appointment of the individual as an inspector under the *Weed Control Act*;

as the case may require.

## APPOINTMENT REQUIREMENTS

7 To be eligible for appointment as a bylaw enforcement officer, individuals must provide to the City Manager:

- (a) a recent criminal records check acceptable to the City Manager;
- (b) demonstrated commitment to good character;
- (c) proof of adequate training necessary for performing the powers, duties, and functions of a bylaw enforcement

officer;

(d) any other requirements specified by the City Manager.

<b>APPOINTMENT CONDITIONS</b>	8	The City Manager may impose terms and conditions on a bylaw enforcement officer appointment.
<b>OATH OF OFFICE</b>	9	Prior to commencing their duties, all bylaw enforcement officers must take the official oath contained in Schedule A.
<b>CONDUCT</b>	10	Bylaw enforcement officers are subject to the supervision of and accountable to the City Manager and must comply with their appointment and all City policies, directives, and procedures.
<b>REVIEW OF APPOINTMENT</b>	11	If, in the opinion of the City Manager based on reasonable grounds, a bylaw enforcement officer has misused a power, contravened their appointment or this bylaw, including any terms or conditions, or acted contrary to the public interest, the City Manager 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 City, 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 City Manager may modify or revoke the bylaw enforcement officer's appointment.
<b>APPEAL</b>	13	(1) Prior to suspending, revoking, or modifying a bylaw enforcement officer appointment pursuant to section 11, the City Manager must provide the affected bylaw enforcement officer with written notice of the proposed suspension, revocation, or modification, including reasons.
		(2) The affected bylaw enforcement officer may make written representations to the City Manager respecting the proposed suspension, revocation, or modification.
		(3) The City Manager 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.

#### **PART IV - OFFENCES**

<b>OFFENCE</b>	14	Any person who contravenes a bylaw is guilty of an offence.
<b>MUNICIPAL TAGS</b>	15	Unless otherwise specified, a municipal tag may be issued for any offence under a bylaw.

	16	If a municipal tag is issued for an offence, the municipal tag must specify the fine amount established by the bylaw for the offence.
<b>PAYMENT IN LIEU OF PROSECUTION</b>	17	A person who commits an offence may, if a municipal tag is issued for the offence, pay the fine amount established by the bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
<b>VIOLATION TICKETS</b>	18	If a violation ticket is issued in respect of an offence under a bylaw, the violation ticket may: <ul style="list-style-type: none"> <li>(a) specify the fine amount established by the bylaw for the offence; or</li> <li>(b) require a person to appear in court without the alternative of making a voluntary payment.</li> </ul>
	19	A person who commits an offence may, if a violation ticket is issued specifying the fine amount established by bylaw for the offence, make a voluntary payment equal to the specified fine amount.
<b>FINE AMOUNT</b>	20	A person found guilty of an offence under a bylaw is liable to a fine in an amount not less than that specified in the bylaw, and in any event not exceeding \$10,000 or imprisonment for not more than one year for non-payment of the fine.
<b>CONTINUING OFFENCE</b>	21	In the case of an offence under a bylaw that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by the bylaw for each such day.

## **PART V - GENERAL**

<b>APPLICATION</b>	22	This bylaw applies to every bylaw of the City.
<b>SERVICE</b>	23	(1) An order, notice, or other document required or authorized to be issued by a bylaw enforcement officer or by the City Manager pursuant to this bylaw may be served by: <ul style="list-style-type: none"> <li>(a) sending the order, notice, or other document by regular mail to the mailing address of the person named in the order, notice, or document;</li> <li>(b) posting the order, notice, or other document in a conspicuous location at the property subject to the order, notice, or other document;</li> </ul>

- (c) personally serving the order, notice, or other document on the person named in the order, notice, or other document.
- (2) Unless otherwise specified in a bylaw or enactment, service of an order, notice, or other document in accordance with section 23(1)(a) or 23(1)(b) is presumed to be effected:
  - (a) 7 days from the date of mailing if the order, notice, or other document is mailed to an address in Alberta; or
  - (b) 14 days from the date of mailing if the order, notice, or other document is mailed to an address outside of Alberta but within Canada.
- (3) Unless otherwise specified in a bylaw or enactment, service of an order, notice, or other document in accordance with section 23(1)(c) is effected on the date of delivery.

**TRANSITIONAL**

- 24 The appointment of a Bylaw Enforcement Officer or Contract Bylaw Enforcement Officer pursuant to Bylaw 8081, Bylaw Officer Bylaw, continues until the appointment is modified, revoked, or replaced.

**REPEALS**

25

The following bylaws are repealed:

- (a) Bylaw 8081, Bylaw Enforcement Officer Bylaw;
- (b) Bylaw 7083; Penalties Bylaw.

READ a first time this 29th day of April 2014;

READ a second time this 29th day of April 2014;

READ a third time this 29th day of April 2014;

SIGNED AND PASSED this 29th day of April 2014.

THE CITY OF EDMONTON

  
\_\_\_\_\_  
MAYOR  
\_\_\_\_\_  
CITY CLERK



## **SCHEDULE A**

### **OATH OF OFFICE**

I, [*name of bylaw enforcement officer*], swear that I will diligently, faithfully, and to the best of my ability execute according to law the office of bylaw enforcement officer as stipulated on my appointment as a bylaw enforcement officer of even date.

So help me God.

\_\_\_\_\_  
Signature of Bylaw Enforcement Officer

\_\_\_\_\_  
Date

**--- OR ---**

I, [*name of bylaw enforcement officer*], solemnly swear and truly declare and affirm that I will diligently, faithfully, and to the best of my ability execute according to law the office of bylaw enforcement officer as stipulated on my appointment as a bylaw enforcement officer of even date.

\_\_\_\_\_  
Signature of Bylaw Enforcement Officer

\_\_\_\_\_  
Date