

**VILLAGE OF INNISFREE  
BYLAW ENFORCEMENT OFFICER  
BYLAW 660-20**

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**BEING A BYLAW OF THE VILLAGE OF INNISFREE, THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AUTHORIZING THE ESTABLISHMENT OF A BYLAW ENFORCEMENT OFFICER.**

**WHEREAS** pursuant to Section 7 (i) of the Municipal Government Act, RSA 2000, c M26, 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 officer;

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 officer;

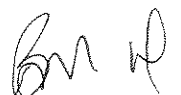
Section 1 (k)(iv) of the Provincial Offences procedure Act, RSA 2000, c P-34 a person who is employed or retained by a municipality and provided written authorization to issue violation tickets under that Act will be considered a "peace officer" for the purpose of that Act;

Sections 1(g)(ii) and 7 of the Weed Control Act, SA 2008, c 2-5.1, 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;

Village of Innisfree Council enacts:

**PART 1 - PURPOSE, DEFINITIONS, AND INTERPRETATION PURPOSE**

1. The Purposes of this bylaw are to:
  - a. Prescribe the requirement for appointing bylaw enforcement officers;
  - b. Delegate enforcement related powers, duties, and functions to the Chief Administrative Officer;
  - 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.



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**DEFINITIONS**

2. In this Bylaw, unless the context otherwise requires
  - a. Bylaw: means a bylaw of the Village of Innisfree;
  - b. Bylaw Enforcement Officer: means an individual appointed pursuant to this Bylaw as a bylaw enforcement officer;
  - c. Village: means the Village of Innisfree in the Province of Alberta;
  - d. Council: means the Council of the Village of Innisfree;
  - e. Municipal Government Act: means the Municipal Government Act, RSA 2000, e M- 26, as amended;
  - f. Municipal Tag: means a form alleging an offence of a Bylaw allowing for voluntary payment of the prescribed fine;
  - g. Provincial Offences Procedure Act: means the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended;
  - h. Service Provider: means a person the Village has entered into a contract with for the provision of services related to enforcing Bylaws, including the provision of individuals qualified to act as Bylaw Enforcement Officers;
  - i. Chief Administrative Officer: means the Chief Administrative Officer of the Village or delegate;
  - j. Trespass to Premises Act: means the Trespass to Premises Act, RSA 2000, c T-7, as amended;
  - k. Violation Ticket has the same meaning as defined in the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended;
  - l. 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 – CHIEF ADMINISTRATIVE OFFICER ROLE – POWERS, DUTIES AND FUNCTIONS**

4. The Chief Administrative Officer may:
  - a. Appoint individuals as Bylaw Enforcement Officers in accordance with this Bylaw;

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- 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 that are necessary to eliminate an emergency in accordance with section 551 of the Municipal Government Act;
- e. Add any amounts owing to the Village to a tax roll in accordance with the Municipal Government Act;
- f. Exercise all powers, duties, and functions of a local authority under the Weed Control Act;
- g. Grant written authorization to issue Violation Tickets;
- 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 Villages Chief Administrative Officer's powers, duties, or functions contained in this section to any employee of the Village, 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 Chief Administrative Officer, Bylaw Enforcement Officers may:
  - a. Issue Municipal Tags or Violation Ticked for offences under any Bylaw;
  - b. Exercise all the powers, duties, and functions of designated officers 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 recurrence of a contravention of the Municipal Government Act, an enactment that the Village 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 prevent 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;

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- f. Exercise all the powers, duties, and functions of a development authority to issue written order pursuant to section 645 of the Municipal Government Act;
- g. Take whatever actions or measures are necessary to carry out an order issue pursuant to section 645 or 687 of the Municipal Government Act;
- h. Issue notices not to trespass under the Trespass to Premises Act;
- i. Exercise all the powers, duties, and functions of an inspector under the Weed Control Act;
- j. Prepare and relay information;
- k. Place an erasable chalk mark on the tread face of a tire of a parked or stopped vehicle; and
- l. Certify Village records as true copies of the original.

**APPOINTMENT REQUIREMENTS**

- 6. To be eligible for appointment as a Bylaw Enforcement Officer, individuals must provide to the Chief Administrative Officer:
  - a. A recent criminal record check acceptable to the Chief Administrative Officer;
  - b. Demonstrated commitment to good character;
  - c. Proof of adequate training necessary for performing the powers, duties, and functions of a bylaw enforcement officer; and
  - d. Any other requirements specified by the Chief Administrative Officer.
- 7. An individual may be appointed as a Bylaw Enforcement Officer if that individual is an employee of the Village or if that individual is an employee of a Service Provider, pending Council's approval.

**APPOINTMENT**

- 8. The Chief Administrative Officer may, by providing an individual with a written statement confirming the details set out below:
  - a. appoint that individual as a Bylaw Enforcement Officer; and
  - b. Impose terms and conditions on that individual 's appointment.
- 9. The Chief Administrative Officer may contract out the Bylaw Enforcement Officer positions to a Service Provider.

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**OATH OF OFFICE**

10. Prior to commencing their duties, all Bylaw Enforcement Officers must take the official oath contained in Schedule A.

**CONDUCT**

11. Bylaw Enforcement Officers are subject to the supervision of and accountable to the Chief Administrative Officer and must comply with their appointment and all Village policies, directives, and procedures.

**REVIEW OF APPOINTMENT**

12. 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 or conditions, or acted contrary to the public interest, the Chief Administrative Officer may suspend, revoke, or modify the Bylaw Enforcement Officer's appointment.
13. If an individual appointed as a Bylaw Enforcement Officer is no longer employed (by the Village or a Service Provider, 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.

**APPEAL**

14. Prior to suspending, revoking, or modifying a Bylaw Enforcement Officer appointment pursuant to section 12, the Chief Administrative Officer must provide the affected Bylaw Enforcement Officer with written notice of the proposed suspension, revocation, or modification including reasons.
15. A Bylaw Enforcement Officer who receives notice under section 14 may make written representations to the Chief Administrative Officer in respect to the proposed suspension, revocation or modification and then 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.

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**PART IV - OFFENCES**

**OFFENCE**

16. Any person who contravenes a Bylaw is guilty of an offence

**MUNICIPAL TAGS**

17. Unless otherwise specified, a Municipal Tag may be issued for any offence under a Bylaw.
18. If a Municipal Tag is issued for an offence, the Municipal Tag must specify the fine amount established by the Bylaw for the offence.

**PAYMENT IN LIEU OF PROSECUTION**

19. 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.

**VIOLATION TICKET**

20. If a Violation Ticket is issued in respect of an offence under a Bylaw, the violation ticket may:
- a. Specify the fine amount established by the Bylaw for the offence; or
  - b. Require a person to appear in court without the alternative of making a voluntary payment
21. 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.

**FINE AMOUNT**

22. 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.

**PART V – GENERAL**

**APPLICATION**

23. This Bylaw applies to every Bylaw of the Village.



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**SERVICE**

24. An order, notice, or other document required or authorized to be issued by a Bylaw Enforcement Officer or by the Chief Administrative Officer pursuant to this Bylaw may be served by:
- 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;
  - b. Posting the order, notice, or other document in a conspicuous location at the property subject to the order, notice, or other document
  - c. Personally, serving the order, notice or other documentation the person named in the order, notice, or other document.
25. Unless otherwise specified in a Bylaw or enactment, service of an order, notice, or other document in accordance with section 25 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;
  - 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; or
  - c. The date of delivery if personally served.


**TRANSITIONAL**


26. Any previous appointments of Bylaw Enforcement Officer for the Village continue until the appointment is modified, revoked, or replaced in accordance with this bylaw.

Read a FIRST Time this 20<sup>th</sup> day of October 2020.

Read a SECOND Time this 17<sup>th</sup> day of November 2020.

Read a THIRD and FINAL time this 17<sup>th</sup> day of November 2020.

  
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Mayor

  
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Chief Administrative Officer

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SCHEDULE "A" OATH OF OFFICE

I, Brooko Magasse, 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.

Brooko Magasse  
Signature of Bylaw Enforcement Officer

November 17, 2020  
Date

I, Brooko Magasse, 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.

So, help me God.

Brooko Magasse  
Signature of Bylaw Enforcement Officer

November 17, 2020  
Date

*Handwritten initials*