

Town of North Rustico, PEI
A Bylaw to Provide for a Bylaw Enforcement Officer
Bylaw # 2020-04

A bylaw to appoint enforcement officers in the Town of North Rustico.

This Bylaw is made under the authority of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap M-12.1.

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF NORTH RUSTICO as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

1.1. This bylaw shall be known and cited as the “Enforcement Officer Bylaw.”

2. Scope

2.1. This Bylaw applies to Enforcement officers carrying out duties in the Town.

3. Definitions

3.1. In this bylaw,

- (a) “Act” means the *Municipal Government Act*.
- (b) “Chief Administrative Officer” means the administrative head of the Town as appointed by Council pursuant to clause 86(2)(c) of the Act;
- (c) “Council” means the Mayor and other members of the Council of a municipality;
- (d) “Councillor” means a member of Council other than the Mayor;
- (e) “Enforcement Officer” means any enforcement officer appointed by the Chief Administrative Officer pursuant to subsection 223(4) of the Act and in accordance with this Bylaw;
- (f) “Mayor” means the mayor of the Town of North Rustico
- (g) “Third Party” means an individual or corporation hired by the Town to provide bylaw enforcement services and whose principals, contractors, and/or employees serve as Enforcement Officers for the Town; and
- (h) “Town” means the Town of North Rustico.

Part II – BYLAW ENFORCEMENT OFFICERS

4. Appointment and Supervision

- 4.1. Council hereby establishes the position of Enforcement Officer and an individual appointed to that position will have the title “Bylaw Enforcement Officer”.
- 4.2. The Chief Administrative officer shall appoint all Enforcement Officers for the Town and Enforcement Officers shall report to the Chief Administrative Officer.

5. Qualifications

- 5.1. To be eligible for appointment as an Enforcement Officer, individuals must provide the Chief Administrative Officer with the following:
 - (a) A recent criminal record check acceptable to the Chief Administrative Officer;
 - (b) Proof of adequate education and training necessary for performing the powers, duties, and functions of an Enforcement Officer; and
 - (c) Any other information that the Chief Administrative Officer determines is relevant or necessary in order to carry out the duties of an Enforcement Officer in the Town.
- 5.2. Enforcement Officers shall comply with all relevant Town policies, directives and procedures.
- 5.3. Prior to commencing his or her duties, an Enforcement Officer shall swear or affirm the oath hereto annexed as Schedule "A".
- 5.4. An individual may be appointed as an Enforcement Officer for the Town notwithstanding that he or she may also be appointed as an enforcement officer for another municipality.

6. Powers and Duties of a Bylaw Enforcement Officer

- 6.1. An Enforcement Officer shall be responsible for:
 - (a) Enforcing the bylaws for which the Enforcement Officer is authorized to enforce within the Town's boundaries;
 - (b) Following the directions of the Chief Administrative Officer, performing all enforcement duties delegated by the Chief Administrative Officer and reporting to the Chief Administrative Officer as required;
 - (c) Responding to, investigating, and keeping a written record of complaints;
 - (d) Conducting routine patrols, as directed by the Chief Administrative Officer;
 - (e) Issuing notices and municipal offense tickets;
 - (f) Where required by a bylaw, laying an information;
 - (g) Assisting in the prosecution of bylaw contraventions including appearances in court to provide evidence;
 - (h) Investigating properties to ensure compliance with bylaws, as directed by the Chief Administrative Officer;
 - (i) Carrying upon his or her person at all such times as he or she is acting as an Enforcement Officer evidence in writing of his or her position as an Enforcement Officer of the Town;
 - (j) Acting in accordance with the Act, including, but not limited to, the provisions set forth in Part 9 of the Act;
 - (k) Liaising with community groups and organizations concerning safety issues, as directed by the Chief Administrative Officer; and

(l) Performing other duties as may be required or assigned by the Chief Administrative Officer.

7. Complaint Process

- 7.1. Complaints of inappropriate conduct of an Enforcement Officer shall be directed to the Chief Administrative Officer.
- 7.2. All complaints must be accepted and addressed according to this Bylaw and must be submitted in writing.
- 7.3. The Chief Administrative Officer shall acknowledge receipt of the complaint, in writing, to the person making the complaint.
- 7.4. The Chief Administrative Officer shall provide notice of the complaint:
 - (a) To the Enforcement Officer against whom the complaint is made;
 - (b) To Council; and
 - (c) Where the Town has contracted a Third Party for the services of the Enforcement Officer, to the Third Party.
- 7.5. A contract between the Town and a Third Party wherein the Third Party agrees to provide the services of one or more individuals to act as Enforcement Officers shall, at a minimum, contain the following provisions with respect to the complaint process:
 - (a) That upon the receipt of a complaint in respect of an Enforcement Officer, the Chief Administrative officer may suspend that individual from acting as an Enforcement Officer for the Town pending the completion of the complain process;
 - (b) That upon the receipt of a complaint in respect of the individual, the Third party shall hire an independent party that is acceptable to the Town to conduct an investigate and the costs associated with the investigation shall be the responsibility of the Third party; and
 - (c) That the results of the investigation referred to in subsection (b), together with any investigation report prepared, shall be forwarded to the Chief Administrative Officer, the complainant, the Third Party and the Enforcement Officer who was investigated.
- 7.6. In the event there is no Third Party, the Town shall hire an independent party to investigate the complaint and the costs associated with the investigation shall be the responsibility of the Town.
- 7.7. Upon receipt of the results of the investigation and the investigation report, if any, the Chief Administrative Officer shall set a date and time for a hearing.
- 7.8. The complainant, the Enforcement Officer and the Third party, if any, shall have the opportunity to be heard at the hearing.

8. Disciplinary Action

- 8.1. If following the hearing conducted in accordance with Part 7, the Chief Administrative Officer finds the Enforcement Officer has acted inappropriately, the Chief Administrative Officer may take one of the following actions:
 - (a) Issue a verbal warning to the Enforcement Officer;
 - (b) Issue a written reprimand to the Enforcement officer;
 - (c) Suspend the Enforcement Officer from carrying out his or her duties in the Town for a specified time period; or
 - (d) Revoke the appointment of the Enforcement Officer in the Town.

9. Notification and Appeal

- 9.1. The Chief Administrative Officer shall notify, in writing, the complainant, the Enforcement Officer and the Third Party, if any, of the results of the investigation and what, if any, disciplinary action has been taken.
- 9.2. The Chief Administrative Officer shall include reasons for his or her decision with the notification provided under section 9.1;
- 9.3. The complainant, the Enforcement Officer and the Third Party, if any, have the right to appeal the Chief Administrative Officer's decision.
- 9.4. The Chief Administrative Officer shall include, in the notification provided under section 9.1, a written notice that the Council is authorized to hear an appeal of the Chief Administrative Officer's decision and that the appeal must be filed, in writing, within 30 days of the date of the decision.
- 9.5. The written appeal submission must contain the reasons why the decision of the Chief Administrative Officer should be overturned.
- 9.6. The Council shall forward any written appeal submission it receives from a party listed in section 9.3 to the remaining parties listed in section 9.3 and the remaining parties shall have 20 days from their receipt of the written appeal submission within which to file their own written appeal submission.
- 9.7. After reviewing the information contained in the written appeal submissions provided under sections 9.5 and 9.6, Council may
 - (a) Dismiss the appeal; or
 - (b) Allow the appeal and vary the decision of the Chief Administrative Officer.
- 9.8. The Council shall notify, in writing, the complainant, the Enforcement Officer and the Third Party, if any, of the results of the appeal.
- 9.9. The Council has the authority to decide any matter of procedure not otherwise provided for in this Bylaw.
- 9.10. The decision of Council is final and binding.

10. Effective Date

- 10.1. This Enforcement Officers Bylaw, Bylaw No. 2020-04 shall be effective on the date of approval and adoption below.

First Reading:

This Bylaw Enforcement Officer Bylaw, Bylaw No. 2020-04, was read a first time at the Council meeting held on the 27 day of April 2020.

This Bylaw Enforcement Officer Bylaw, Bylaw No. 2020-04, was approved by a majority of Council members present at the Council meeting held on the 27 day of April 2020.

Second Reading:

This Bylaw Enforcement Officer Bylaw, Bylaw No. 2020-04, was read a second time at the Council meeting held on the 11 day of May 2020.

This Bylaw Enforcement Officer Bylaw, Bylaw No. 2020-04, was approved by a majority of Council members present at the Council meeting held on the 11 day of May 2020.

Approval and Adoption by Council:

This Bylaw Enforcement Officer Bylaw, Bylaw No. 2020-04, was adopted by a majority of Council members present at the Council meeting held on the 11 day of May 2020.

This Enforcement Officers Bylaw, Bylaw No. 2020-04 is declared to be passed on the 11 day of May 2020.

WITNESS the corporate seal of the Town.



Mayor (signature sealed)

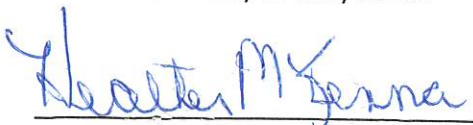


Chief Administrative Officer (signature sealed)

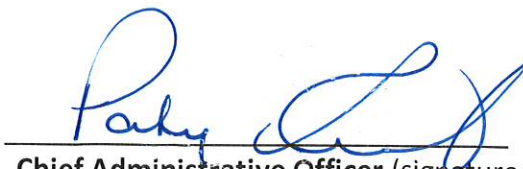


BE IT RESOLVED THAT: Bylaw No. 2020-04, being a bylaw related to the appointment of enforcement officers in the Town, is hereby enacted as a bylaw of the Town and the Mayor and Chief Administrative Officer be and they are hereby authorized to sign the Bylaw and apply to Town's seal thereto.

Dated the 11 day of May 2020.



Mayor (signature sealed)



Chief Administrative Officer (signature sealed)

Schedule "A"

I, _____, solemnly and sincerely swear (or affirm) that I will diligently, faithfully and impartially fulfill the duties of bylaw enforcement officer for the Town of North Rustico and that I will not, without due authority, disclose or make known any matter that comes to my knowledge by reason of such position.

SWORN (or affirmed) BEFORE ME at

_____ County, Province of
Prince Edward Island, the _____ day of
_____, 20____.

A COMMISSIONER FOR TAKING
AFFIDAVITS IN THE SUPREME COURT



(Person giving Oath or Affirmation)