

Strathcona County Enforcement Services Procedures

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Lead Role: Chief Commissioner

Replaces: n/a

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Administrative Responsibility: Enforcement Services

Special Note: The Strathcona County Enforcement Services Procedures Manual referred to in this policy is available in the Legislative Library (6900-13).

Policy Statement

Strathcona County will have in place a process for the formulation, implementation and revision of Enforcement Services Procedures.

Guidelines

1.0 Purpose and Scope

1.1 Preamble

This section provides clarification on the roles and responsibilities of Bylaw personnel, as it relates to authority, discretion and policy.

1.2 Identification of Service Delivery

The regulatory program of Strathcona County will officially be identified within the corporation as:

Strathcona County Enforcement Services

1.3 Duties

In broad terms, the powers and duties of a Bylaw Enforcement Officer, Animal Control Officer, Guard and Peace Officers, subject to any enforcement policies established by Strathcona County from time to time, and subject to their discretion as set out at Section 1.6, are as follows:

- 1.3.1 To enforce the Bylaws which the Chief Commissioner has authorized the Bylaw Enforcement Officers, Animal Control Officers, and Guards, to enforce the specific Provincial Acts enumerated in the appointments of said Peace Officers.
- 1.3.2 To follow the directions of the Chief Commissioner and to report to the Chief Commissioner or a person designated by him.
- 1.3.3 To respond to and investigate complaints relating to Strathcona County Bylaws and the specific Provincial Acts enumerated in the appointments of said Officers and Guards.
- 1.3.4 To conduct routine patrols.

- 1.3.5 To issue notices, tickets, tags and serve legal documents with respect to Strathcona County Bylaws and the specific acts enumerated in the appointments of said Peace Officers and any authority vested in the Bylaws of the Provincial Acts.
- 1.3.6 To assist in the prosecution of Bylaw and statutory offences including appearances in Court to provide evidence and service of subpoenas on potential witnesses.
- 1.3.7 To perform all other duties as may from time to time be assigned.

To take the official oaths prescribed by the Oaths of Office Act upon being appointed as a Bylaw Enforcement Officer and the Oath of Office as described in Schedule 1 of the Peace Officer (Ministerial) Regulation.

- 1.3.8 To preserve and maintain the public peace.

1.4 Statutory Authority

Bylaw Enforcement Officers are appointed under Sections 555 and 556 of the Municipal Government Act of Alberta. Bylaw Enforcement Officers derive their power in the following circumstances:

- 1.4.1 By the authority of Council when that governing body specifies by Bylaw the power and duties of the Bylaw Enforcement Officer.
- 1.4.2 When appointed and empowered by the Department of Justice of the Province of Alberta, to enforce specific provincial legislation. The power and limitations of said Bylaw Enforcement Officers in enforcing that provincial legislation will be as outlined in their respective Peace Officer appointments issued by the Department of Justice.

A Bylaw Enforcement Officer while carrying out his/her duties is considered a Peace Officer as defined by the Criminal Code of Canada. The designation as a Peace Officer is limited to that time when the Bylaw Enforcement Officer is enforcing or attempting to enforce any provision of a Bylaw or Provincial Statute, for which the Bylaw Enforcement Officer has Municipal or Provincial Authority to enforce.

1.5 Regulatory/Compliance

Bylaw Enforcement Officers employed by Strathcona County are restricted solely to enforcing the Bylaws and Provincial Statutes, which they have legal and statutory authority to enforce. However, nothing precludes the Bylaw Enforcement Officer, while carrying out his/her duties, from the exercise of any authority under any Provincial Statute or Federal Act that is either statutorily or at common law, conferred on any citizen of the realm. In exercising the latter responsibility, the Bylaw Enforcement Officer at all times shall act in total compliance with the law, having due regard and care for all aspects of the administration and well being of the Corporation of Strathcona County.

1.6 Discretion

Law enforcement personnel, including Peace Officers have an obligation to perform their powers and duties with due diligence, and are vested with a wide discretion in both investigation and enforcement of bylaws. Bylaw Enforcement Officers should remain

cognizant of the need to embrace the avenues of voluntary compliance, education, and alternate dispute resolution in the investigation and handling of complaints and concerns.

Notwithstanding said Bylaw Enforcement Officer discretion, County Council and if so empowered or authorized, Executive Team has the authority to make a policy decision to either:

- not enforce a particular Bylaw
- set parameters for determining the requirement for and the level and scope of enforcement of any particular Bylaw

Once a policy decision is made in regards to the enforcement of any Bylaw, all Bylaw Enforcement Officers shall be guided by that decision in the performance of their duties and responsibilities.

Where the Bylaw Enforcement Officer is appointed as a Peace Officer by the Government of Alberta and is empowered to enforce a Provincial Statute, neither County Council, Executive Team nor Administration can set or impose enforcement policies or guidelines. Enforcement of said statutes rests solely with the Peace Officer, having due regard for the rule of law and the principles of fairness and equity in the administration of justice.

1.7 Scope of Jurisdiction

Bylaw Enforcement Officers, employed by the municipality, have full and complete authority to enforce all Bylaws within the municipal jurisdiction of Strathcona County. Should Strathcona County enter into a contract with any other municipality to provide Bylaw Services, then said Bylaw Enforcement Officers are empowered to enforce that municipality's Bylaws. Those Bylaws shall be administered in a manner consistent with the philosophy of this policy statement and all policies. In addition, all Bylaw personnel shall conduct themselves, their investigations and their actions in a manner in keeping with the policies governing Bylaw Services in Strathcona County and ensuring the reputation and integrity of Strathcona County.

Bylaw Enforcement Officers, in exercising any authority under any other type of appointment, are limited to exercising those powers as outlined in said appointment.

1.8 Application to Bylaw Personnel

These policies where applicable and relevant will apply to all Bylaw Support and Administrative Staff, Guards, Animal Control Officers, Bylaw Enforcement Officers and any contract staff, uniformed or otherwise.

1.9 Application to Royal Canadian Mounted Police

Strathcona County is fully aware that it cannot fetter the discretion of the Royal Canadian Mounted Police Strathcona County Detachment in the application of their duties. It is requested that the Royal Canadian Mounted Police Strathcona County Detachment consider and respect the intent and application of this policy statement and ensuing policy as it relates to the investigation and enforcement of Strathcona County Bylaws and all other duties and responsibilities of Strathcona County Peace Officers and Bylaw Enforcement Officers.

2.0 Enforcement Principles**2.1 Principle**

Strathcona County Enforcement Services & Bylaw personnel shall embrace the rule of law and will apply all laws, polices and directives in a manner in keeping with the principles of fairness and equity.

2.2 Judgment and Discretion

Bylaw Enforcement Officers, Animal Control Officers and Guards shall exercise the power and prerogatives of their office, using sound judgment and reasoned discretion at all times.

2.3 Compliance to Regulatory Bylaws

Strathcona County embraces the principle of compliance through education before prosecution. This is not to fetter the discretion of the Bylaw/Animal Control Officers but to state a guiding principle.

As an adjunct to the guiding principle of compliance through education, Bylaw/Animal Control Officers, before prosecution should consider the use of:

- Alternate Dispute Resolution
- Mediation Services
- use of Warning Notices

2.4 Investigative Independence

Excepted where limited by law and or policy, Bylaw and Animal Control Officers have full investigative independence with the requisite supervisory review/constraints.

2.5 Response and Patrol Standards

Bylaw Enforcement Officers, Animal Control Officers and Guards are expected to meet the response and patrol standards contained within the procedure manual. The demands of duty might at extraordinary times hinder the attaining of the response and patrols standards. If and when that occurs, the Bylaw Enforcement Officers, Animal control Officer or Guard shall document the reasons therefore and place the document in the appropriate file.

3.0 General

- 3.1 Strathcona County Enforcement Services members are expected to read and understand all procedures contained in this manual that are pertinent to his/her job description.
- 3.2 Sign-off sheets will be provided informing members of new procedures or amendments to the procedures and each member is required to sign the sign-off sheet and return to his Supervisor.
- 3.3 An Officer that does not understand a procedure will inform the Supervisor, in writing, of the section(s) and clause number(s) not understood. The Supervisor shall ensure the Officer receives clarification or training as required.

- 3.4 Should the Supervisor be unable to adequately address the procedure not understood, the Supervisor will notify, in writing, the Officer In Charge for the procedure not understood. The O.I.C. will arrange to provide clarification or training as required.
- 3.5 The department acknowledges that Officers may have different interpretations, levels of understanding, or appreciation of the procedures.
- 3.6 In order to promote a better understanding of the procedures, it is the responsibility of the department to provide the necessary clarification, training and evaluation with respect to the interpretation and application of the procedures.
- 3.7 It is the responsibility of the Officer to avail him/herself of the clarification, training and evaluation provided by the department to ensure an understanding (an appreciation of the intent of) the procedures.