

## BYLAW NO. 02-2025

### A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN FOR THE PURPOSE OF APPOINTING BYLAW ENFORCEMENT OFFICERS

WHEREAS the Council of the City of Lloydminster deems it necessary to establish a Bylaw to deal with the peace, order and good government of the City;

AND WHEREAS *The Lloydminster Charter* provides authority to City Council to pass bylaws for municipal purposes;

AND WHEREAS *The Lloydminster Charter* provides authority to the City to pass bylaws respecting the enforcement of bylaws.

NOW THEREFORE the Council of the City of Lloydminster deems it necessary to establish a Bylaw to specify the powers and duties of Bylaw Enforcement Officers, in addition to disciplinary and appeal procedures; and

NOW THEREFORE, the Council of the City of Lloydminster, pursuant to the authority granted in Section 15 of *The Lloydminster Charter*, enacts as follows:

#### **1. SHORT TITLE**

- 1.1. This Bylaw shall be cited as the Bylaw Enforcement Officer Bylaw.

#### **2. DEFINITIONS**

- 2.1. The definitions listed in Schedule "A" attached to this Bylaw shall apply, unless context otherwise requires.

#### **3. APPOINTMENT, AUTHORITY AND DUTIES OF THE CITY MANAGER**

- 3.1. Except where specific authority is reserved to Council, in the Bylaw the administration and enforcement of this Bylaw is hereby delegated to the City Manager.
- 3.2. Without restricting any other power, duty or function granted by this Bylaw, the City Manager may carry out anything required for the administration of this Bylaw, including but not limited to the following:
- 3.2.1. delegate any powers, duties or functions under this Bylaw to an employee of the City;
  - 3.2.2. carry out any inspections that are reasonably required to determine compliance with this Bylaw;
  - 3.2.3. establish any forms required for the administration of this Bylaw.

#### **4. APPOINTMENT OF BYLAW ENFORCEMENT OFFICER**

- 4.1. A person may be appointed as a Bylaw Enforcement Officer by the City Manager.
- 4.2. Each Bylaw Enforcement Officer shall take the official Oath prior to commencing their duties.

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### **5. POWERS AND DUTIES OF A BYLAW ENFORCEMENT OFFICER**

- 5.1. The powers and duties of a Bylaw Enforcement Officer shall include, but are not limited to, the following:
- 5.1.1. to administer, enforce and ensure compliance with the bylaws and policies concerning the general public adopted by Council;
  - 5.1.2. to respond to and investigate complaints and concerns;
  - 5.1.3. to conduct routine patrols;
  - 5.1.4. to issue notices and offence tickets;
  - 5.1.5. to maintain records and document bylaw and policy violations throughout the City;
  - 5.1.6. to assist in the prosecution of bylaw contraventions, including appearing in court to provide evidence;
  - 5.1.7. to perform alternate duties as may be assigned by the City Manager or designate.

### **6. MISCONDUCT**

- 6.1. The following shall constitute the misconduct of a Bylaw Enforcement Officer when a Bylaw Enforcement Officer is performing the powers and duties contained within this Bylaw:
- 6.1.1. carrying out the duties of a Peace Officer without a Provincial Appointment;
  - 6.1.2. acting in a disorderly or inappropriate manner, likely to bring discredit to the reputation of law enforcement;
  - 6.1.3. contravening any Act or regulation of the Parliament of Canada or the Legislatures of Alberta or Saskatchewan, or any bylaw or policy of the City;
  - 6.1.4. withholding or suppressing a complaint or report;
  - 6.1.5. differentially applying the law or exercise of authority on the basis of any prohibited grounds as defined in the Alberta Human Rights Act, Saskatchewan Human Rights Code or Canadian Charter of Rights and Freedoms;
  - 6.1.6. willfully or negligently making or signing a false, misleading, or inaccurate statement or entry in any official document or record or without lawful excuse, destroying, mutilating or concealing an official document or record or altering or erasing any entry therein;
  - 6.1.7. divulging any matter which it is the Bylaw Enforcement Officer's duty to keep in confidence;
  - 6.1.8. failing to account for or make a prompt and true return of money or property received in an official capacity;
  - 6.1.9. consuming or under the influence of liquor or illicit or non-prescription drugs while on duty.

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- 6.2. Misconduct related to City of Lloydminster policies, directives, and collective agreements shall be handled through regular City process.

### **7. DISCIPLINARY PROCEDURES**

- 7.1. Where there is a complaint of alleged misconduct by a Bylaw Enforcement Officer in carrying out their duties as set out in this Bylaw, the Senior Manager, Public Safety will take immediate action to deal with the allegations, including:
- 7.1.1. acknowledging receipt of any complaint received from the complainant;
  - 7.1.2. engaging with appropriate bodies to investigate the allegation, which may include meetings with the complainant or other persons that may be able to provide relevant information related to the allegation;
  - 7.1.3. meeting with the Bylaw Enforcement Officer alleged to have committed such misconduct and provide them with the details of the complaint to:
    - i. permit understanding of the facts or allegations;
    - ii. afford a reasonable opportunity to respond to the allegations;
    - iii. to provide the Bylaw Enforcement Officer or representative adequate opportunity to make representations in writing to the investigator.

### **8. DECISION**

- 8.1. At the conclusion of the investigation, the Senior Manager, Public Safety shall issue a decision in writing, with reasons, either dismissing the allegation or confirming the misconduct. If there is a finding of misconduct, the Senior Manager, Public Safety shall take appropriate disciplinary action, including any of the following:
- 8.1.1. further coaching and training to ensure future compliance;
  - 8.1.2. verbal reprimand in writing to the Bylaw Enforcement Officer;
  - 8.1.3. written reprimand in writing to the Bylaw Enforcement Officer;
  - 8.1.4. termination of the appointment of the Bylaw Enforcement Officer.

### **9. APPEAL**

- 9.1. An appeal of the decision of the Senior Manager, Public Safety may be commenced by the Bylaw Enforcement Officer who is the subject of the disciplinary hearing by filing a notice in writing of the appeal within seven (7) calendar days of the decision of the Senior Manager, Public Safety to the City Manager.
- 9.2. The City Manager may decide the appeal based on written submissions or may hold a hearing and hear from any relevant parties in person.
- 9.3. The City Manager shall issue a written decision that may either uphold, overturn, or vary the investigator's decision. Such decision shall be final and not subject to further appeal.

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**10. TERMINATION**

10.1. The authority of a Bylaw Enforcement Officer shall terminate when:

10.1.1. they cease to be an employee of the City of Lloydminster;

10.1.2. or the City Manager or designate terminates the appointment of the person as a Bylaw Enforcement Officer.

**11. NUMBER AND GENDER REFERENCES**

11.1. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

**12. SEVERABILITY**

12.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

This Bylaw shall come into force and effect upon the final passing thereof.

The following bylaws and all amendments thereto are hereby repealed:

- Bylaw No. 17-2013 Bylaw Enforcement Officer Bylaw

INTRODUCED AND READ a first time this 24<sup>th</sup> day of March, 2025, A.D.

READ a second time this \_\_\_ day of \_\_\_, 2025, A.D.

READ a third time this \_\_\_ day of \_\_\_, 2025, A.D.

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Date Signed

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

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### SCHEDULE "A"

#### Definitions

<b>Bylaw Enforcement Officer</b>	A Person appointed by the City pursuant to <i>The Lloydminster Charter</i> to enforce City bylaws, including a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the Peace Officer Act S.A. 2006, c. P-3.5, as amended or repealed and replaced from time to time.
<b>Charter</b>	Refers to <i>The Lloydminster Charter</i> .
<b>City</b>	The City of Lloydminster and the area contained within the corporate boundaries of the City.
<b>City Manager</b>	The Commissioner of the City of Lloydminster as appointed by Council or designate.
<b>Council</b>	The Municipal Council of the City of Lloydminster.
<b>Notice</b>	Any notice or order that requires the remedy of a contravention of <i>The Lloydminster Charter</i> , another enactment that the City is authorized to enforce, or a bylaw.
<b>Oath</b>	The official oath prescribed by the <i>Oaths of Office Act</i> (Alberta).
<b>Offense/Violation Ticket</b>	Any ticket issued for any bylaw offense/violation in which a penalty may be paid out of court in lieu of appearing to answer a summons.
<b>Peace Officer</b>	Law enforcement personnel whom is employed by the City of Lloydminster and holds an appointment under the <i>Alberta Peace Officer Act</i> .
<b>Person</b>	Any individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society or co-operative organization.
<b>Provincial Appointment</b>	An Appointment authorized from the Minister responsible for the <i>Alberta Peace Officer Act</i> , outlining the permitted duties, scope, and authorities of an employed Peace Officer within Alberta.