

## Appointment of Bylaw Enforcement Officers

### ISSUE

The City Solicitor recommends revisions to the process for appointing bylaw enforcement officers.

### RECOMMENDATION

That the Governance and Priorities Committee recommend to City Council:

1. That Bylaw No. 7340, *The Bylaw Enforcement Officers Bylaw*, be repealed;
2. That the City Solicitor be instructed to prepare a bylaw to repeal Bylaw No. 7340, *The Bylaw Enforcement Officers Bylaw*;
3. That Bylaw No. 8174, *The City Administration Bylaw, 2003*, be amended to delegate authority to appoint bylaw enforcement officers to the City Manager; and
4. That the City Solicitor be instructed to prepare the necessary amendments to Bylaw No. 8174, *The City Administration Bylaw, 2003*.

### BACKGROUND

The City Solicitor recommends repealing *The Bylaw Enforcement Officers Bylaw* (the “Bylaw”) and amending *The City Administration Bylaw, 2003* to authorize the City Manager to appoint bylaw enforcement officers.

### DISCUSSION/ANALYSIS

Section 337 of *The Cities Act* authorizes City Council to appoint bylaw enforcement officers:

337(1) A council may appoint any bylaw enforcement officers that the council considers necessary and define their duties and fix their remuneration.

(2) Bylaw enforcement officers appointed pursuant to the authority of subsection (1) may represent the city before a justice of the peace or provincial court judge in the prosecution of anyone who is charged with a contravention of a bylaw.

In 1993, the Bylaw was enacted to appoint two employees as “bylaw enforcement officers” for the purposes of section 337 of *The Cities Act* (at the time, section 94 of *The Urban Municipality Act, 1984*). As stated in the Bylaw, these bylaw enforcement officers were responsible for the “prosecution of any contravention of any municipal bylaw”.

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The Bylaw was last amended in 2016, at which time the list of bylaw enforcement officers was updated. The Bylaw currently appoints one person as a bylaw enforcement officer; this person has not worked as a municipal prosecutor since 2018.

The City Solicitor recommends repealing the Bylaw for the following reasons:

- The authority to appoint bylaw enforcement officers does not need to be exercised through bylaw;
- Repealing the Bylaw avoids City Council having to amend this Bylaw any time the City would like to appoint a new bylaw enforcement officer; and
- It is preferable not to refer to individual employees by name in bylaws.

In addition to repealing the Bylaw, the City Solicitor further recommends amending *The City Administration Bylaw, 2003* to delegate authority to appoint bylaw enforcement officers to the City Manager. This delegation would simplify the appointment process and save City Council having to make these appointments.

### FINANCIAL IMPLICATIONS

There are no anticipated financial implications.

### POLICY IMPLICATIONS

Upon approval by City Council, the City Solicitor will prepare a bylaw to repeal Bylaw No. 7340, *The Bylaw Enforcement Officers Bylaw* and prepare the necessary amendments to Bylaw No. 8174, *The City Administration Bylaw, 2003*.

### OTHER IMPLICATIONS

There are no legal, social, or environmental implications identified.

### APPENDICES

1. Bylaw No. 7340, *The Bylaw Enforcement Officers Bylaw*

#### Report Approval

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