

The Corporation of the City of Penticton

Bylaw No. 2023-07

A Bylaw to designate bylaw enforcement officers and assign authority

WHEREAS Section 146 of the *Community Charter* permits a municipal Council to establish officer positions by Bylaw, and assign them powers, duties and functions;

AND WHEREAS Section 264 of the *Community Charter* permits a municipal Council to designate as a bylaw enforcement officer a person who comes within a class of persons prescribed by regulation;

AND WHEREAS Section 16 of the *Community Charter* permits a municipal Council to authorize persons to exercise the municipal authority to enter on or into any property for the purposes specified in Section 16(6);

AND WHEREAS the Council of the City of Penticton deems it necessary to designate certain municipal employee positions as bylaw enforcement officers and assign them powers, duties and functions;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Penticton in open meeting assembled hereby enacts as follows:

CITATION

1. This Bylaw may be cited as "Bylaw Enforcement Officer Bylaw No. 2023-07".

DEFINITIONS

2. The following definitions apply to this bylaw:

"Bylaw Enforcement Officer" means a person designated under this bylaw;

"City" means the City of Penticton.

DESIGNATION OF BYLAW ENFORCEMENT OFFICERS

3. Any person who is employed by the City and comes within the following classes of persons are hereby designated as a Bylaw Enforcement Officer as per section 264 of the *Community Charter* and BC Reg 425/2003:
 - a. Animal Control Officers
 - b. Building Inspectors
 - c. Enforcement Officers
 - d. Licensing Inspectors
 - e. Community Safety Officers
 - f. Any other persons acting in another capacity on behalf of the City, for the purpose of enforcement of one or more of its bylaws.

4. Any person designated as a Bylaw Enforcement Officer under Section 3, must complete the prescribed Oath/Solemn Affirmation (See Appendix A) before they may exercise the authority prescribed by this bylaw.
5. Any person designated as a Bylaw Enforcement Officer is deemed to be a peace officer.
6. Any person who is a member of the Royal Canadian Mounted Police is designated as a Bylaw Enforcement Officer.

AUTHORITY OF BYLAW ENFORCEMENT OFFICERS

7. Bylaw Enforcement Officers have the authority to:
 - a. Lay and serve a Municipal Ticket Information as per Division 3 of Part 8 of the *Community Charter* and the City of Penticton Ticket Information Bylaw No. 2012-5021, as amended or replaced;
 - b. Complete and issue a Bylaw Notice as per Section 4(3) of the *Local Government Bylaw Enforcement Act*, SBC 2003, c 60 and the City Of Penticton Bylaw Notice Enforcement Bylaw No. 2012-5037, as amended or replaced;
 - c. Serve subpoenas in respect of an alleged offence under any City bylaw as prescribed by Section 28(3) of the *Offence Act*, RSBC 1996, c 338;
 - d. Execute a search warrant in respect of an alleged offence under a City bylaw as prescribed by Section 21 of the *Offence Act* and Section 275 of the *Community Charter*;
 - e. Use force when necessary, during the course of their duties as prescribed by Section 25 of the *Criminal Code of Canada*, RSC 1985, c C-46;
 - f. Exercise the municipal authority to enter on or into any property for the purposes specified in Section 16(6) of the *Community Charter*; and
 - g. Exercise any other powers, duties, functions, or authorities granted to a Bylaw Enforcement Officer by any City bylaw.

OFFENCE, PENALTIES, AND ENFORCEMENT

8. No person shall interfere with, hinder or obstruct a Bylaw Enforcement Officer or City employee in the exercise or performance of his or her powers, duties or functions as prescribed in Section 153 of the *Community Charter*.
9. Council designates this bylaw as a bylaw that may be enforced by means of a Municipal Ticket Information or a Bylaw Offence Notice as per Section 264(1)(a) of the *Community Charter* and Section 2(2) of the *Local Government Bylaw Notice Enforcement Act*.

10. Any person who fails to comply with Section 8 of this Bylaw commits an offence and shall be liable:
- a. upon summary conviction following a prosecution under the *Offence Act*, to the maximum penalties as specified in section 263(1)(b) of the *Community Charter*, together with the cost of the prosecution and any other penalty or order imposed pursuant to the *Community Charter* or the *Offence Act*, as amended from time to time;
 - b. if an information is laid by means of a Municipal Ticket Information, to a fine of \$1000; or,
 - c. if a Bylaw Notice is issued, to a fine of \$500.

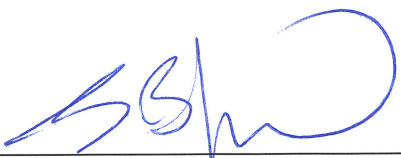
AVAILABILITY OF OTHER ACTION OR REMEDY

11. Nothing in this Bylaw precludes the City from pursuing any other enforcement or remedy provided at common law or in any law, Act or City bylaw.

SEVERABILITY

12. If any provision of this bylaw is held to be illegal or invalid by a court of competent jurisdiction, such provision may be severed, and the illegality or invalidity shall not affect the validity of the remainder of the bylaw.

READ A FIRST time this	21	day of	March, 2023
READ A SECOND time this	21	day of	March, 2023
READ A THIRD time this	21	day of	March, 2023
ADOPTED this	3	day of	April, 2023



Julius Bloomfield, Mayor



Angie Collison, Corporate Officer

Appendix 'A'

OATH OR SOLEMN AFFIRMATION BYLAW ENFORCEMENT OFFICER

I, _____ having been designated as a Bylaw Enforcement Officer for the Corporation of the City of Penticton do hereby promise and swear and/or affirm:

- a. I will faithfully, honestly and impartially, to the best of my knowledge and ability, execute the powers, duties and functions of my Office;
- b. I will treat all matters and information that comes to my attention as a result of my Office, in confidence;
- c. I have not received, nor will I receive or accept any payment or reward, or promise of either, in return for the exercise of my powers, duties and functions, other than as permitted by the Municipality;
- d. I will not allow my personal interests to conflict with the duties of my Office; and
- e. I will comply with all policies and directives of the Municipality and comply with all laws.

Signature

Sworn by the above-named at
Penticton, British Columbia, this
_____ day of _____, 20____.

*Commissioner for taking
Affidavits for British Columbia*