

Bylaw Enforcement

SARM Options Document

October 10, 2012

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Background

Municipal bylaws are created to help achieve the vision established by and for a community. Enforcing municipal bylaws strengthens the regulations that they contain; the regulations which are meant to provide a safe and healthy place for people to live. Pursuant to Section 373 of *The Municipalities Act* a municipality has the authority to hire anyone to enforce bylaws within their respective jurisdiction; these individuals are referred to as Bylaw Enforcement Officer's (BEO).

At the 2012 SARM Annual Convention, delegates passed Resolution No. 3-12A which resolved that SARM investigate employing BEOs. This resolution was submitted and subsequently passed due to a shortage of both related human and financial resources; a lack of qualified personnel to undertake bylaw enforcement and an inability for individual RMs to fund these positions.

The follow-up to the resolution began with SARM surveying all members on bylaw enforcement practices. The purpose of the survey was to gather information on the use and models of bylaw enforcement across the province and to determine the level of need for and challenges with implementing bylaw enforcement in RMs. This survey sparked a more in-depth investigation into some of the real challenges municipalities' face to meet their bylaw and traffic enforcement needs. This document was developed as a means to share information collected in the survey and succeeding research and to propose options for bylaw enforcement across RMs.



Overview of Bylaw Enforcement in Saskatchewan

Bylaws are meant to provide a safe, healthy place for people to live, and any threat to this may compromise the community's credibility and established character. If a municipality's current bylaws are not providing elected officials or employees with the direction needed to make informed decisions then its bylaws should be updated. Bylaws should provide clear direction for decision makers; "...bylaws should be living breathing documents, not dust collectors on the shelf". – SARM Community Planning Department

The Ministry of Government Relations has a Municipal Bylaw Guide at <http://www.municipal.gov.sk.ca/Administration/Bylaw-Guide-Municipalities> that is a useful reference for municipalities.

Who Can Enforce Bylaws In Saskatchewan?

There are a number of professionals that have the authority to enforce bylaws in Saskatchewan, including Police Officers. For our purposes, the following is a brief overview of three of the most common bylaw enforcement options employed by RMs outside of municipal police and current RCMP services.

Bylaw Enforcement Officers (BEO)

Bylaw Enforcement Officers are appointed by a municipal council to investigate the alleged violation of municipal bylaws. The BEO is appointed by Council by resolution or preferably by bylaw. The Ministry of Government Relations has a sample bylaw on its website for use by RMs appointing a BEO - <http://municipal.gov.sk.ca/Default.aspx?DN=a6760ddf-1758-496e-bf79-75bd9a2aff7b>.

BEO's responsibilities vary considerably from one municipality to another. In smaller jurisdictions, a bylaw enforcement officer may look after a wide range of bylaws including certain forms of traffic control i.e. parking infractions and weight restrictions, animal control, business licensing, and weed control. BEOs may specialize in checking and enforcing specific bylaws. It is the responsibility of Council to set the BEO's authorities and duties, as allowed by *The Municipalities Act*.

These may be indicated within the bylaw appointing the BEO and can include:

- The officer to enforce all or certain municipal bylaws;
- Respond to complaints from local citizens, elected officials and businesses;
- Discuss bylaw requirements with the people involved and attempt to reach an understanding and obtain voluntary compliance with the bylaw;
- Enforce bylaws by issuing orders to correct problems such as unsightly property;
- Correct problems when orders are not obeyed by arranging for required work to be done and invoicing the property owner;
- Enforce bylaws by issuing violation tickets, traffic tags or summonses and subpoenas, and prepare related legal documents;
- Keep records;
- Use specialized equipment related to specific bylaws (for example, weights and measures, noise level instruments, auto samplers for taking chemical samples);

- Investigate bylaw offences to prepare for court proceedings; and/or
- Prosecute the offence in the Provincial Court i.e. give testimony related to the prosecution of bylaw offenders;
- Serve notices and letters at the request of the municipal Administrator;
- Report new development in a municipality to the RM Office to ensure that the appropriate approvals have been obtained by the developer;
- Report any municipal road or signage damage to the RM Office; and/or
- Report any observations of noxious weeds to the RM Office.

The appointment process, possible duties and authorities of BEOs is a matter which is dealt with by the Ministry of Government Relations and is governed under the appropriate municipal legislation. The provisions respecting enforcement of municipal law begin at section 362 of *The Municipalities Act*. This part of the legislation empowers municipalities to inspect suspected contraventions of municipal bylaws and provides them with the ability to access land, order individuals to remedy contraventions etc. In addition to these provisions, municipalities are obliged to fulfill evidence standards to successfully prosecute contraventions.

Special Constables (SC) and Peace Officers (PO)

In discussing Special Constables and Peace Officers, it's important to note that the terms 'Special Constable' and 'Peace Officer' are often used interchangeably. For our purposes, however, we will use the term 'Special Constable' to distinguish those individuals appointed federally and 'Peace Officer' for those appointed provincially.

Special Constables – Federally Appointed

Special Constable (SC) status is typically granted by specific reference in legislation governing the particular persons and functions. Various pieces of provincial and federal legislation grant SC status and each would provide for the duties and authorities of the persons granted that status under each Act. The duties and authorities of SCs vary greatly and are determined by the instrument of their appointment, the Act(s) that they are appointed under and the authorities that their position requires.

To determine the authorities for each SC appointment under all relevant Acts would require that we go through every piece of legislation to see if it deals with peace officers/special constables in specific subject matter areas as no one ministry or agency has that knowledge because the legislation in question may well span numerous agencies and subject matters. For our purposes, SCs are federally appointed by the Commissioner of the Royal Canadian Mounted Police (RCMP) under the *Royal Canadian Mounted Police Act*; these individuals are sworn into their positions by either a Judge or a Justice of the Peace in the province of Saskatchewan.

An SC must be employed by the municipality in order for him/her to enforce municipal bylaws. Similar to BEOs, it is the responsibility of Council to set the SC's bylaw related authorities and duties, as allowed by *The Municipalities Act*. These may be indicated within the bylaw appointing the BEO and can include all of those BEO duties noted above. An SC, however, can have other powers afforded to them by way of their individual appointments under various pieces of provincial and federal legislation. For example,

the Commissioner of the RCMP can grant the SC the authority to enforce both provincial and federal statutes i.e. intercepting private communications, traffic enforcement.

Note: A municipality may apply to the RCMP to have a BEO appointed as a Special Constable.

Peace Officers – Provincially Appointed

Peace officers (PO), as we will refer to them in this document, are granted status by the issuance of a Special Constable Appointment under *The Police Act, 1990*; sections 76 through 80 of *The Police Act, 1990*, deal specifically with Peace Officers (Special Constables).

The duties and authorities of POs are determined by the instrument of their appointment, specifically by the Special Constable Appointment. When this status is granted, the appointment document itself addresses those issues and sets out the terms and conditions under which the persons appointed are authorized to act as POs. According to the Ministry of Justice, each appointment is carefully considered to ensure that the terms and conditions of the appointment meet both the needs of the persons appointed and the requirements of sound public policy, including such issues as governance and accountability. In order to satisfy those considerations, each such appointment is distinct and so it isn't possible to describe the roles and authorities of POs in a general fashion.

Similar to BEOs, it is the responsibility of Council to set the PO's local bylaw related authorities and duties, as allowed by *The Municipalities Act*. These may be indicated within the bylaw appointing the BEO and can include all of those BEO duties noted above. A PO, however, can have other powers afforded to them by way of their individual appointments under *The Police Act, 1990*. For example, the Minister can grant the PO the authority to enforce any provincial statutes, including *The Traffic Safety Act* (stopping vehicles and ticketing for speeding).

A municipality can apply to the Ministry of Justice to have a BEO appointed as a Special Constable (Peace Officer). In order to initiate consideration of an appointment, the municipality would provide the Ministry with a request in writing accompanied by a detailed business case in support of the request. The business case should address a number of considerations which will assist us in reviewing the application and preparing a recommendation for the Minister, including:

- Reason the appointment is believed to be necessary;
- Specific powers and authorities are being sought and why;
- Special equipment for which authority is being sought and why;
- How the appointment will enhance public safety in the community;
- Information regarding consultations with the municipality's police service of jurisdiction and whether the police service is supportive of the request;
- Specify the authorized uniform to be worn by the appointee should an appointment be issued, including uniform and vehicle color and markings. The same is true in regard to vehicle markings.
- Specify what person or class of persons would, for discipline purposes, fill the role normally required of a chief of police or a board of police commissioners, such as the RM Administrator.

According to the Ministry of Corrections and Public Safety, *The Police Act, 1990*, regulates the contracting of policing services by municipalities. The Act provides authority for municipalities to contract policing services only where the service is being delivered by the RMCP. It does not authorize contracting policing from another municipality. The Act does not preclude contracting bylaw enforcement services; the enforcement of provincial statutes is a policing function and therefore cannot be contracted by other municipalities from a municipality that has a PO. A PO would have to be an employee of each municipality in which they are engaged in provincial statute enforcement and would require a separate special constable appointment in each. The individual, if working for more than one municipality, would also be required to change his uniform and vehicle markings to display which municipality he is operating under at any given time. However, the Province may consider granting a 'regional' appointment in cases where there is a consolidated region or district

Bylaw Enforcement Authorities at a Glance

Position	BEO - All	SC (PO) – North Battleford	PO (SC) - Rosetown
Appointment	Appointed by Council under <i>The Municipalities Act</i> every year.	Appointed by the RCMP under the <i>Royal Canadian Mounted Police Act</i> one time.	Appointed by Sask. Justice under <i>The Police Act</i> one time.
Employer	Municipality	Municipal employee but oversight is a shared responsibility between the municipality and the Federal Government.	Municipal employee but oversight is a shared responsibility between the municipality and the Province.
Enforcement	Bylaws under <i>The Municipalities Act</i> .	Bylaws under <i>The Municipalities Act</i> and any provincial or federal statutes noted in the individuals' appointment.	Bylaws under <i>The Municipalities Act</i> and any provincial statutes noted in the individuals' appointment.
Traffic	No authority to enforce <i>The Traffic Safety Act</i> . (No traffic stops unless done from a stationary position i.e. on foot)	Can enforce <i>The Traffic Safety Act</i> if noted in the individual appointment – allows for traffic stops by car or on foot and can issue tickets for speeding.	Can enforce <i>The Traffic Safety Act</i> if noted in the individual appointment – allows for traffic stops by car or on foot and can issue tickets for speeding.
Protection	Protection under Bylaw and under the Law as civilian.	Protection under the Law as a Peace Officer.	Protection under the Law as a Peace Officer.
Position	Public Servant.	Public Servant.	Public Servant.
Sworn Statements	Cannot take Sworn statements.	Can take Sworn statements.	Can take Sworn statements.

Rights	Don't read Rights.	Read Rights.	Read Rights.
Ticketing	Issue and sign tickets.	Issue and sign tickets.	Issue and sign tickets.
Prosecution	Prosecute – with permission from Council. (Authority transferred).	Prosecute – with permission from Council. (Authority transferred).	Prosecute – with permission from Council (Authority Transferred).
Arrest	Don't have power of arrest.	Power of arrest.	Power of arrest.
Equipment	No.	Pepper spray and baton if qualified through the Saskatchewan Police College. Carry handcuffs.	Pepper spray and baton if qualified through the Saskatchewan Police College. Carry handcuffs.
Jurisdiction	Can enforce bylaws in different jurisdictions w/o different uniforms, crests, deckles etc. for each municipality.	No authority to enforce statues in different jurisdictions without different uniforms, crests, deckles etc. for each municipality unless simply enforcing bylaws.	No authority to enforce statues in different jurisdictions without different uniforms, crests, deckles etc. for each municipality unless simply enforcing bylaws.
Security Checks	Not mandatory.	Same security check as RCMP less the lie detector test and must be sworn in by a Judge or JP.	Screening is dependent on responsibilities and authorities of the PO but must swear Oath of Office.
Summons	Cannot issue but can serve summonses.	Can have summonses issued and serve summonses.	Can have summonses issued and serve summonses.
Lights	No lights	Lights pursuant to <i>The Traffic Safety Act</i> and its attendant Regulations.	Lights pursuant to <i>The Traffic Safety Act</i> and its attendant Regulations.
Clothing/Uniform	Can wear civilian clothes but brings identification.	Cannot wear civilian clothes but brings identification.	Blues approved by the Ministry of Justice under <i>The Police Act, 1990</i> . Can wear civilian clothes but brings identification.

Other points of note

Retired Police Officers

Once a police officer retires they are simply civilians with past law enforcement experience. Recently legislation was changed to allow retired police officers to join another police service in a part-time position. If hired within three years of their retirement date they may be exempted from basic recruit training, if their training is recognized as equivalent to the recruit training offered by the Saskatchewan Police College. Anyone hired, retired or not, must still meet the recruiting standards found in *The Municipal Police Recruiting Regulations, 1991*, including passing the “educational examination” and polygraph test and meeting the medical, physical and visual acuity standards.

Orange Zone

SARM is currently aware of a provincial review being undertaken on improving traffic safety across the province. The major driving force behind this review is personnel safety in orange zones. At this time, there is a lack of traffic enforcement options for construction companies etc. There may be an opportunity for SARM and/or municipalities to offer the services of their enforcement officer(s) to address traffic related infractions in orange zones; this could be done through contracts with the Province and/or construction companies. Another related consideration would be a redistribution of fine revenues collected as a result of orange zone infractions; these fines could be used to offset the cost.

Enforcement Needs in Saskatchewan (RMs)

2012 Bylaw Enforcement – SARM Members Survey Background

All completed surveys represented in the following write-up were submitted to SARM before July 9, 2012; submission date extended from May 21, 2012. The response rate for the survey is **55% or 164** of 296 rural municipalities.

Survey Results

1. **21% or 34** of respondent RMs currently have a BEO to deal with bylaw enforcement issues.
 - 32% or 11 RMs with a BEO use the Administrator
 - 21% or 7 RMs with a BEO have one on staff
 - 44% or 15 RMs with a BEO contract services from a company or individual
 - 3% or 1 RM with a BEO contract services from another municipality

Additional Comments:

Of the 7 RMs with a BEO on staff, 1 RM currently contracts services to another municipality. Of the remaining 6 RMs, all 6 would look at contracting BEO services to another municipality.

2. **55% or 90** of respondent RMs are interested in retaining or expanding on the services of a BEO in the municipality.
 - 1% or 8 of the RMs interested in retaining or expanding on the services of a BEO in the municipality would consider having a BEO on staff.
 - 71% or 64 of the RMs interested in retaining or expanding on the services of a BEO in the municipality would consider contracting the services from a company or individual.
 - 94% or 85 of the RMs interested in retaining or expanding on the services of a BEO in the municipality would consider contracting the services from another municipality.

Additional Comments:

The majority of respondents that answered noted that the reason why they weren't looking at having a BEO on staff was because they did not need a full-time person enforcing bylaws in the municipality. The hours per month a BEO was noted as being needed by the respondent RMs varied from 0 (or incident based) to 40.

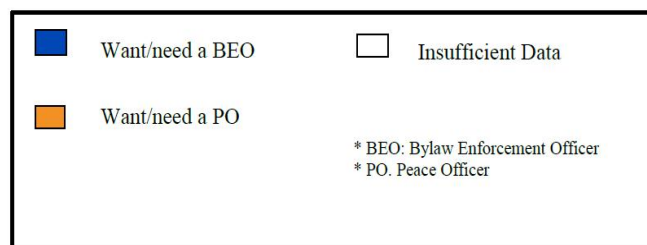
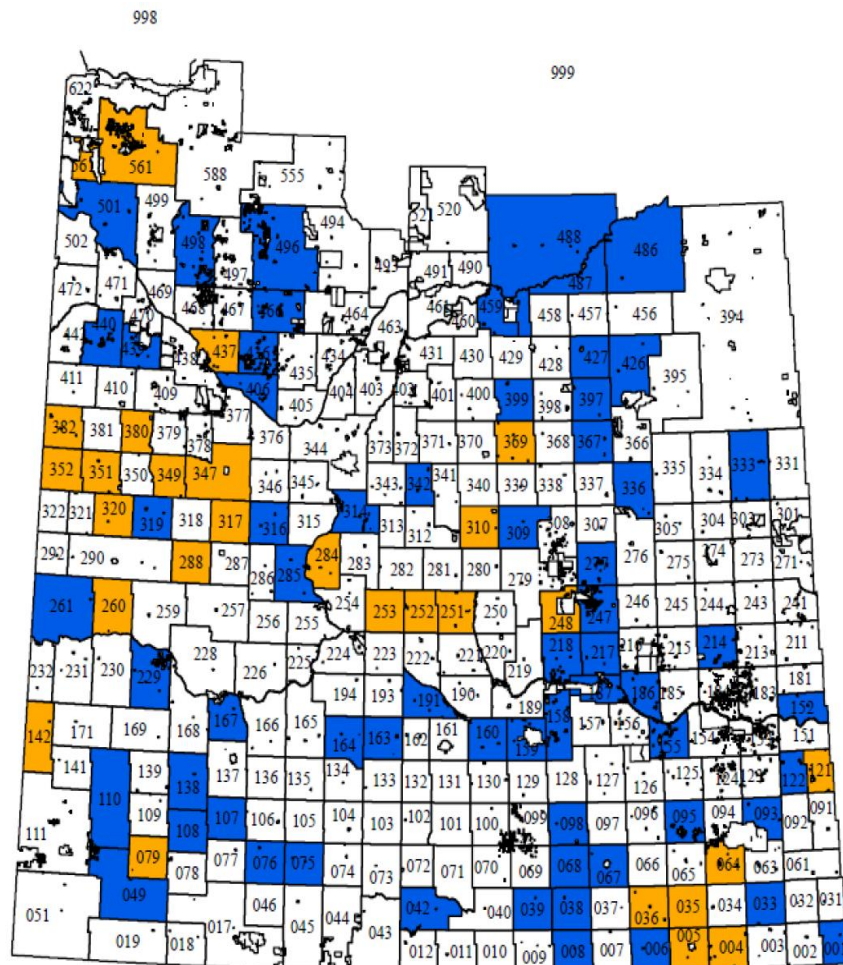
3. **24% or 40** of the respondent RMs were not interested in retaining the services of a BEO in the municipality.

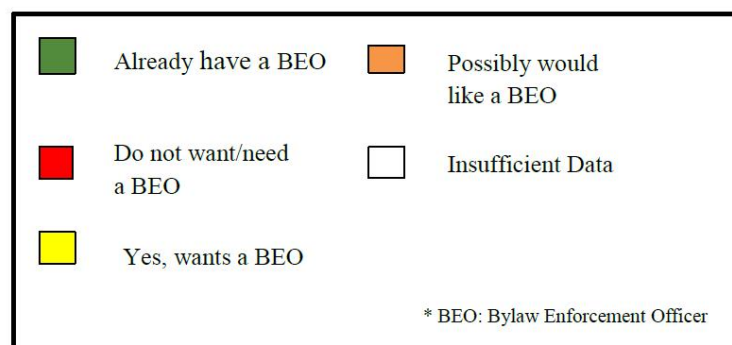
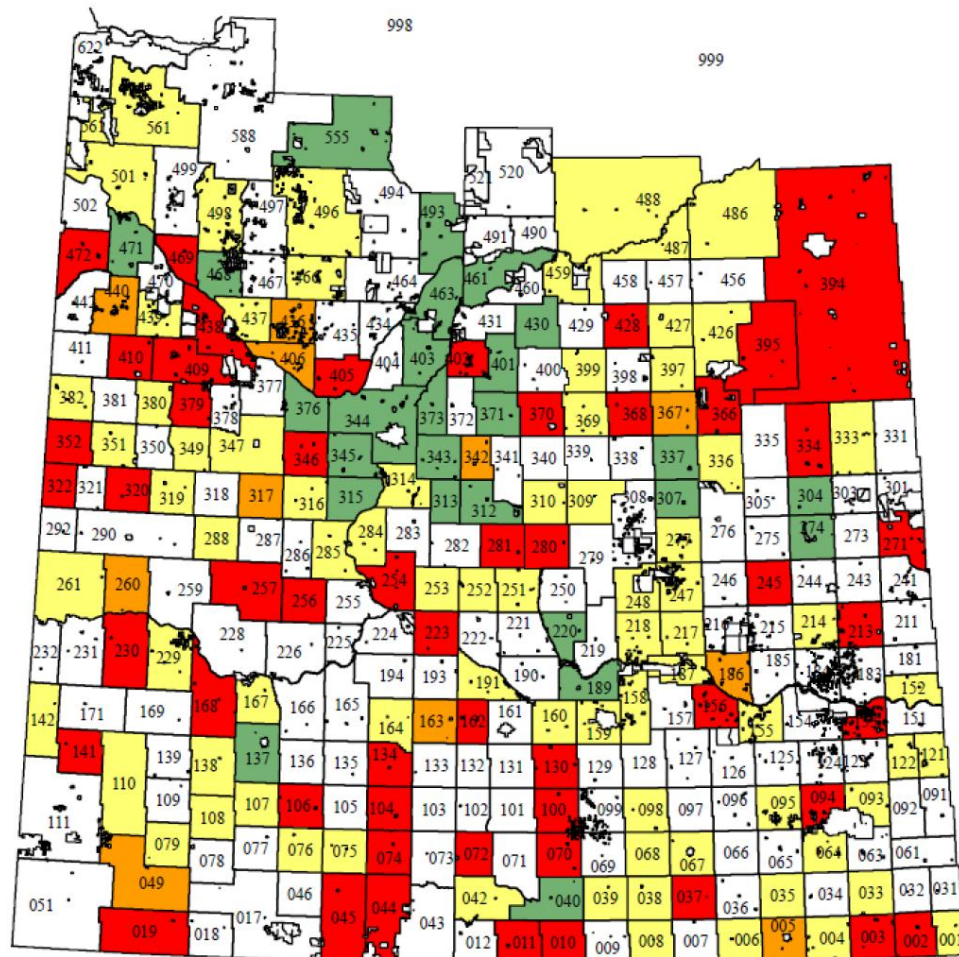
Other Comments

- ❖ Some of the primary reasons why municipalities don't have any or sufficient BEO coverage are the high costs of the service and inability to find someone experienced to take on the duties.
- ❖ The top 4 bylaw enforcement priorities of RMs were overweight permitting, bylaws specific to animal i.e. dogs, nuisance bylaws and speeding.
- ❖ Of 90 respondent RMs that were interested in retaining or expanding on the services of a BEO in the municipality, 30% or 27 would actually require a Peace Officer to fulfill specified duties.

Bylaw Enforcement Maps

Note: Not all RMs that responded are represented in these maps; those RMs that provided information after the July 9 deadline were not included.





Supplementary Information for Consideration

The Alberta Case – Community Peace Officer aka Public Security Peace Officer

In Alberta, Community Peace Officers (aka Public Security Peace Officers) are granted a Special Constable Appointment under *The Alberta Peace Officer Act, 2007*. The provisions of both *The Municipal Government Act* and the Solicitor General's Public Security Peace Officer Program award the Community Peace Officer (CPO) the authority to provide a wide range of protective services. CPOs uphold and enforce certain laws and regulations in Alberta; these CPOs have PO authority under 32 sections of 8 pieces of legislation and regulations in Alberta, including *The Traffic Safety Act*.

"Currently there are over 3000 [CPOs] in Alberta, working for some 284 different agencies with Provincial Government offices being the largest employer. All levels of governments, as well as organizations such as public health authorities and post-secondary institutions may employ [CPOs]" – Justice and Solicitor General, Alberta. Municipalities can obtain CPO appointments for various employees i.e. Bylaw Enforcement Officers, Security Officers etc., through the Community Peace Officer Induction Program through the Government of Alberta; the municipality must agree to accept liability for the CPO pursuant to *The Peace Officer Act, 2007*, prior to an appointment being approved.

Public Security Peace Officer Program – Policy and Procedures Manual -

https://www.solgps.alberta.ca/programs_and_services/public_security/peace_officers/Publications/Public%20Security%20Peace%20Officer%20Program%20-%20Policy%20and%20Procedure%20Manual.pdf

Saskatchewan Bylaw Enforcement Resources

Training Opportunities

A BEO does not need specialized training but must be appointed by the municipal council that they will represent. While there is currently no formal bylaw enforcement training or licensing available, there are a number of ways to obtain the information one needs to be a safe and effective bylaw enforcement officer in the province of Saskatchewan.

SALIBO

The Saskatchewan Association of License Inspectors and Bylaw Officers (SALIBO) offers workshops to assist BEOs to understand and undertake their duties in a professional and effective manner. Currently, they are developing formal training models to be delivered by experienced BEOs, SCs and POs. Some examples of training they currently provide include:

- Identifying Drug Houses, what to do and what not to do;
- SPCA, how to handle animals, what to do and what not to do.
- Court procedures from A to B, all forms etc.

RCMP

The Royal Canadian Mounted Police (RCMP) provides a number of National Law Enforcement Training Courses for municipal BEOs, SCs and POs. Some courses of interest for BEOs could be Level I and II Law Enforcement Investigators Courses, the Police Defensive Tactics Course, and the Driver Training Courses.

For more information on training available through the RCMP contact the National Law Enforcement Training Unit (NLET) go to <http://www.rcmp-grc.gc.ca/depot/nlet-gfpn/index-eng.htm>.

At this time, the RCMP is investigating further forms of community-based policing. “The RCMP has been able to progress in a number of aspects of community-based policing, such as starting to hire visible minorities and establishing a community and aboriginal policing directorate. There are some delays, however. The Force has not developed guidelines that suggest how to better involve the community and improve local police operations. It is still in the process of adjusting its recruitment, training and other personnel policies and practices to match the needs of the new philosophy” - http://www.oag-bvg.gc.ca/internet/English/parl_oag_199212_22_e_8076.html#0.2.L39QK2.WYGVQP.ULH3GE.H2.

Note: The Aboriginal Community Constable (ACC) pilot is going into its second year. This pilot is meant to demonstrate the RCMP’s commitment to its Aboriginal Strategic Priority (1 of 5). “The program allows the RCMP to attract, develop and retain persons with specific linguistic, cultural and community skills that go beyond those taught at Depot, and enable the RCMP to tailor its policing services to specific, community-identified needs. An ACC is an armed, uniformed peace officer at the rank of Special Constable. Their primary focus is engaging their communities in active crime prevention/reduction activities, and building positive relationships between their communities and the RCMP. ACCs enhance, not replace, the work of general duty RCMP constables; they have the capacity to provide tactical, enforcement and investigational support to other RCMP officers if required” - <http://www.rcmp-grc.gc.ca/aboriginal-autochtone/acc-gca-eng.htm>. Currently, however, Saskatchewan is not participating in this program.

OTHER

- The Alberta Association of Community Peace Officers (AACPO) - <http://www.aacpo.ca/> for radar gun training etc.
- The Canadian Police Knowledge Network – www.cpkn.ca/ for announcements and information on a number of training opportunities across Canada.
- Saskatchewan Police College - <http://www.uregina.ca/police/> - for baton and pepper spray training and certification.

Urban Municipalities

As follow-up to resolution 3-11A, we surveyed Cities in Saskatchewan requesting answers to the following questions.

- a. Does your City employ Bylaw Enforcement Officers (BEO) and/or contract their services from a company or other municipality? If so, please expand on the current working arrangement with your BEO(s).
- b. If your BEO(s) is on staff, do you currently contract services to any other municipality/ies? If no, would you be willing to contract services to any other municipality/ies?
- c. Does your City require BEO(s) receive training and/or be licensed? If so, where is your BEO(s) trained and/or licensed? If either training or licensing is done locally, would there be an opportunity for any other municipality/ies to access the training and/or system of licensing?

Survey Results - There were 9 responses received from those initially surveyed.

1. Estevan:

- a. The Estevan Police Services employs a Special Constable, which they refer to as a BEO. The BEO in Estevan is appointed under *The Police Act, 1990*, and is subject to the Police Act Discipline Code as well. The BEO has the authority to issue and serve summons' etc., can search and transport prisoners and can carry approved use of force options. The BEO does not have the power to arrest, carry a firearm or stop vehicles. An officer appointed under *The Police Act, 1990*, can be trained on and issued uses of force options, such as pepper spray and a baton but are not armed with a firearm. The BEO that they hired was through the Estevan Police Services and so they underwent all of the security screening, polygraph etc. as another employee would – they have access to police databases that requires this type of security clearance.
- b. At present they do not contract services to other Municipalities because they don't have any spare resources.
- c. The BEO requires in house training. They also utilize the training that is offered through the RCMP at the Training Academy in Regina and send the BEO to Regina to spend a week with the Animal Control officers. They are not able to train outside BEOs.

2. Lloydminster:

- a. The City of Lloydminster has 3 full-time BEOs, and they are employees of the City.
- b. They do not currently contract to other municipality(ies) and would not be willing to provide contract services to any other municipality at this time – they manage to keep their officers busy with duties within the city limits.
- c. The BEOs are sworn in according to the Lloydminster Charter but they have not received any formal bylaw enforcement training. Two officers have been with the City for 10 years, and the third officer is a recent hire and is being trained by our experienced officers.

3. Moose Jaw:

- a. Yes
- b. No
- c. No

4. Melville:

- a. They employ 1 BEO, which is a union position. His responsibilities are to enforce bylaws such as traffic (parking), nuisance, dog, cat, signs, licensing etc.
- b. They do not contract to other municipalities. At this time they would not be interested in contracting services out as the local officer is quite busy with his regular duties.
- c. Sent BEO to the Level 1 Law Enforcement Investigator Course at RCMP Depot in Regina and plan to send him to the Level 2 Law Enforcement Investigator Course when it is available; these are often cancelled due to low enrolment.

5. North Battleford:

- a. NB employs four Special Constables (BEOs)
- b. The City of North Battleford does not contract Special Constables to other municipalities. The City of North Battleford possibly would be willing to contract services to other municipalities, but a lot of ground work would have to be done.

- c. The Special Constables receive some training from the RCMP depot in Regina and also receive some training from other courses and seminars that come available that pertain to bylaw enforcement. Most training is done in house by the Supervisor. The City of North Battleford has assisted other municipalities in training Bylaw Enforcement Officers.

6. Prince Albert:

- a. BEOs are not contracted from a company; the BEOs are employed with the Prince Albert Police Service. The Officers have a status of Special Constable. The “Bylaw Special Constables” augment each of the Patrol Platoons in responding to Bylaw specific complaints and following up on them with the appropriate investigative measures.
- b. BEOs do not contract services to other municipalities. This concept was brought forward and decision was made not to contract to other areas as the BEOs are kept very busy within the city.
- c. BEOs, when hired, must pass the SIGMA exam as well as the POPAT (physical fitness exam). Once hired, they then receive OC spray training, defense tactical training and baton training as the officers carry handcuffs, pepper spray and a baton. The training is completed all in house as there are certified instructors within our department.

7. Regina:

- a. The City of Regina currently employs 15 Bylaw Standards Officers as well as 2 Senior Bylaw Standards Officers who supervise the 15 officers.
- b. The City of Regina does not contract services to any other municipalities as they presently do not have the capacity to contract any services.
- c. All new staff have to be licensed Building Officials. Relevant training courses are offered at different times throughout the year when available. If there is space available there would be an opportunity for other municipalities to be included.

8. Saskatoon:

- a. With the exception of Parking Services, who contracts the Commissionaires for enforcement duties, all municipal Bylaw Inspectors are City of Saskatoon employees.
- b. The City of Saskatoon does not contract Bylaw Enforcement services to other groups of municipalities.
- c. The City of Saskatoon Bylaw Inspectors do not undergo a licensed training program. They are trained in-house by existing Bylaw enforcement staff and management.

9. Swift Current:

- a. The City of Swift Current employs Bylaw Enforcement Officers, but contracts the dog catcher & pest control officers.
- b. They do not contract out of city services and have had no talks on offering this type of service.
- c. There are no requirements for training or licensing at this time. However the Saskatchewan Association of License Inspectors and Bylaw Officials (SALIBO) has a conference every September where they get some training.

Conclusions

Although having a BEO is essential to ensure municipal bylaws are enforced, some municipalities find it difficult to hire and retain one. Individuals willing to undertake bylaw enforcement are often hard to find and funding the cost of a BEO can be challenging for individual RMs. In these cases, municipalities can look at regional bylaw enforcement models to meet their needs. Courtesy of the Municipal Capacity Development Program (MCDP), three regional bylaw enforcement models that can be explored are as follows.

1. Regional Enforcement Unit – this model requires a group of municipalities to form a Planning District or a corporation (Regional Service Agency) in order to jointly hire a BEO on staff to patrol the defined region.
2. Cost-share Model – this model requires a group of municipalities to retain the services of a Bylaw Enforcement Officer by entering into a cost-sharing arrangement with a municipality that currently (or in the future will) employs a BEO.
3. Regional Contract Model – this model can be employed where a group of municipalities are in need of bylaw enforcement services but no one municipality wishes to take responsibility for the costs associated with employing a BEO. In these cases, the group may be able to work together to find a service provider whom they can contract individually or contract on a regional basis.

Many RMs, however, are experiencing increased traffic in their areas due to economic growth and would like to hire a professional to ticket for speeding. If an RM's concern is with the enforcement of both bylaws and provincial laws i.e. speeding then they will need to hire a Special Constable sworn in under *The Police Act, 1990* (aka. Peace Officer). The PO is a municipal employee but oversight is shared with the Province. As with bylaw enforcement, a group of municipalities may work together to hire a Peace Officer to patrol a region; in these instances, the PO will need only one uniform but must have a number of distinct crests and vehicle decals indicating his/her authority within each municipality. At this time, there are only 2 POs in the province of Saskatchewan, as opposed to 3000+ in Alberta; however, an RM may apply to the Ministry of Justice to have an individual appointed as a PO for its own jurisdiction.

Note: the Province grants specific powers to POs dependent on the specified duties of his/her position.

Other options available to RMs to enforce both bylaws and provincial laws i.e. speeding, less establishing a Municipal Police Force, would be to hire a Special Constable (SC) sworn in under the *Royal Canadian Mounted Police Act*. The SC is a municipal employee but oversight is shared with the RCMP. As with bylaw enforcement, a group of municipalities may work together to hire a SC to patrol a region; in these instances, the SC will need only one uniform but must have a number of distinct crests and vehicle decals indicating his/her authority within each municipality. An RM must apply to the RCMP to have an individual appointed as an SC for its own jurisdiction.

Note: the RCMP grants specific powers to SCs dependent on the specified duties of his/her position.

Gaps in BEO Authority and Municipal Need

Based on information provided by RMs through the BEO survey and in discussions with local BEOs, we should be focusing on the following.

1. BEOs, POs and/or SCs to be granted the authority to ticket for speeding (use radar), this will likely need to be addressed through changes in legislation and/or regulations;
2. Increase the number of SCs and POs with the authority to enforce *The Traffic Safety Act* in SK;
3. Such professionals (BEOs, SCs, and POs) need more and better quality training opportunities i.e. RCMP, Municipal Police Departments, SALIBO etc.;
4. Acknowledgement of training i.e. pseudo certification;
5. Less regulatory requirements re regional bylaw enforcement i.e. ability to move seamlessly, no need for separate uniforms;
6. Better access to BEOs, SCs, and POs;
7. More access for BEOs, SCs and POs to information i.e. registration information from SGI, RCMP and municipal police services ('badge' numbers); and/or
8. More assistance from other such service providers i.e. RCMP detachments.

Assisting RMs to Meet Enforcement Needs:

There are a number of options that may address the concerns noted above, some options include:

Bylaw and Traffic Enforcement

Option 1: Increase Number of Peace Officers and/or Special Constables

- Lobby the Province to renew interest in current pilot program and/or work with the RCMP to develop guidelines for is community policing strategy.
- Lobby the Federal Government to increase RCMP presence in rural areas in Saskatchewan.
- This could involve further research into the Alberta model for POs and Aboriginal Community Constable pilot program under the RCMP.

Option 2: Allow for and Train Bylaw Enforcement Officers in Photo Radar

- Lobby the Province to update legislation and applicable regulations to allow for photo radar in areas where no municipal police forces are present.
- Work with Province to ensure that proper training is available for those BEOs.

Option 3: Retired Police and RCMP Officers to Municipal Police Services

- Lobby the Province to update legislation and applicable regulations to reduce the training requirements for those returning to work after 3 years out of uniform i.e. retired. Possibly look at a scale for training requirements i.e. after 3 but before 5, after 5 but before 7 etc.

Option 4: SARM to Hire and Contract the Services of Retired Police and/or RCMP Officers to Municipalities for Bylaw and Traffic Enforcement

- See: option 1.
- See: option 3.
- Explore liability to SARM and/or municipalities for this option.

- Ensure adequate resources are available to provide this service to members at a reasonable rate.

Option 5: SARM to Hire and Contract out Bylaw Enforcement Services to Municipalities

- Explore liability to SARM and/or municipalities for this option.
- Ensure adequate resources are available to provide this service to members at a competitive rate.

Option 6: Municipal Police Departments –Satellite Offices

- Lobby the Province to update legislation and applicable regulations to allow for municipal police department satellite offices.

Quality and Quantity of Enforcement Officers

Option 7: Increased Training Options and Information on Training Opportunities

- Work with local associations (SALIBO), provincial and federal government(s) to identify, increase and improve training opportunities for enforcement officers.

Option 8: Certification for Training

- Work with local associations (SALIBO), provincial and federal government(s) to develop recognized certification for training.

Option 9: Bylaw Enforcement Recruitment

- Work with stakeholders to develop a BEO recruitment strategy.

SARM Policy Department Recommendations

Based on the options identified, the SARM Policy Department recommends a staged approach to address the issues at hand.

Short-term

Short-term activities undertaken should be meant to address the immediate concerns identified by RMs. In this case, working to develop standards for enforcement officers, increasing quality training opportunities and recruiting more individuals to the field would address the majority of RM respondents concerns with the current system. The options outlined under the heading ‘Quality and Quantity Enforcement Officers’ would be easy to undertake and would require minimal input of the Association’s time and financial resources. If we are successful in undertaking these options then option 5 will likely not be warranted.

Mid-term

With respect to mid-term activities, the next logical step would be to work with the Provincial and Federal Governments to increase the number of personnel available to enforce *The Traffic Safety Act*. Our further efforts in this area will likely be dependent in part on the complications expressed by the Provincial and/or Federal Governments to undertake options 1, 2, and 6. If any of options 1, 2, or 6 can be realized then there will likely be a reduced need to undertake option 4; however, the Governments and/or SARM Members may find it more practical for SARM to employ the enforcement officers rather than individual municipalities. In this case, SARM would have to investigate the feasibility of housing

enforcement officers i.e. costs associated with the program, recruitment and retention of qualified officers, program delivery models for province wide service etc.

Long-term

Depending on the availability of BEOs, POs and SCs with the authority to enforce *The Traffic Safety Act*, RMs and/or SARM can offer the services of their enforcement officer(s) to address traffic related infractions in orange zones; this could be done through contracts with the Province and/or construction companies.

Some Additional Considerations for Options Proposed

- Is the objective aligned with SARMS mandate?
- Will SARM membership benefit from the activity?
- Are funds available to undertake the activity i.e. salaries?
- Are human resources available to undertake the activity i.e. supervisory, qualified personnel?
- Is the proposed time commitment to undertake the activity reasonable for the anticipated outputs?
- Is there space and equipment available to undertake the activity?
- What, if any, political impact will there be for undertaking the activity?
- What are the financial and legal risks associated with undertaking the activity?
- Are there better means to address the issue(s) in question?
- Are there outside partners or funding agencies that we could consider partnering with to undertake the activity?

Appendices

Appendix A – BEO Survey

Name of Municipality:

Contact Information:

1. Does your RM currently have a Bylaw Enforcement Officer?
Yes ____ (go to section 1.1) No ____ (go to section 1.2)

Section 1.1: EXISTING BYLAW OFFICER

1. What is the current working arrangement with the Bylaw Enforcement Officer (BMO)?
 - a) RM Administrator
 - b) Bylaw Officer on Staff
 - c) Contracted Services from a Company/Individual (specify)
 - d) Contracted Services from another Municipality (specify)

Please expand on the current working arrangement with the BMO i.e. terms of contract.

2. If your BMO is on staff, do you currently contract services to any other municipality/ies?
Yes ____ No
3. If your BMO is on staff, would you be willing to contract services to any other municipality/ies?
Yes ____ No

Section 1.2: NO EXISTING BYLAW OFFICER

1. Is your RM interested in retaining the services of a Bylaw Enforcement Officer (BMO)?
Yes ____ No

If you answered yes, why has your RM not done so already?

2. Which working arrangement would you consider? (Check all that apply)
 - a) Bylaw Officer on Staff
 - b) Contracted Services with Company/Individual
 - c) Contracted Services with another Municipality

If applicable, please explain why you would not consider the options noted above.

3. If your RM is interested in retaining the services of a BMO:
 - a) How many visits per month do you anticipate would be required?
 - b) How many hours per month would your municipality require patrolled visits?
 - c) What types of bylaw enforcement priorities do you anticipate your municipality will have (ex. Dog, Parking etc.)?

Thank you for your time!