

To: Her Worship Mayor Kate Rogers and Members of City Council

From: Charlene Sharpe, Manager of Transit and Parking Services

Date: September 14, 2022

Title: By-law Officer Appointments

This matter is to be considered during an open session of City Council.

ISSUE:

The City of Fredericton allows security staff employed at the Dr. Everett Chalmers Regional Hospital to perform the enforcement of specific by-laws on the grounds of the DECRH. As such, the City is required to give them the authority to issue City of Fredericton municipal by-law tickets. Each security officer must be designated as a by-law enforcement officer before they can officially issue municipal by-law tickets.

RECOMMENDATION(S):**A. Recommendation:**

It is recommended that the following resolution be forwarded to City Council for consideration: BE IT RESOLVED THAT the Council of the City of Fredericton hereby authorizes, appoints, and designates Shawn Allen McGaw and Keenan Kenwick Bunting as By-law Enforcement Officers effective immediately, pursuant to Section 72 of the Local Governance Act and subsection 14(3) of the Police Act, in order to administer and enforce the following by-laws on the grounds of the Dr. Everett Chalmers Regional Hospital:- By-law No. S-15, A Fire Lane By-law for the City of Fredericton, and amendments thereto;- By-law No. T-1, A By-law to Regulate Traffic, and amendments thereto; and BE IT FURTHER RESOLVED THAT these appointments shall continue until Shawn Allen McGaw and Keenan Kenwick Bunting cease to be employed as security officers at the Dr. Everett Chalmers Regional Hospital, or until their appointments under this resolution are rescinded by City Council, whichever comes first.

BACKGROUND & DISCUSSION:

City Council authorization is required to appoint persons to enforce by-laws in accordance with Policy No. PUB-POL-004.

The *Local Governance Act*, under section 72 states:

- 72 A council may appoint by-law enforcement officers for the local government and may determine their terms of office.

Further, subsection 14 (3) of the *Police Act* states:

- 14(3) Within the territorial boundaries of the municipality for which a by-law enforcement officer is appointed, the by-law enforcement officer has the powers and immunities of a police officer for the purposes of enforcing the by-laws of the municipality for which the by-law enforcement officer is appointed as are stipulated in the appointment, but has in no other regard the powers or immunities of a police officer.

- **FINANCIAL:** There are no immediate impacts on the current operating budget. Failure to enforce parking could have long-term impacts on the City's operating budget.
- **LEGAL:** In order to ensure compliance with the provisions under the *Local Governance Act* and the *Police Act*, by-law enforcement officers must be duly authorized, appointed and designated by resolution of City Council; otherwise, successful enforcement may not be achieved. The officer then has the jurisdiction to write and serve tickets within the territorial boundary area of the municipality as noted for infractions inscribed under the noted by-laws but for no others.
- **COMMUNICATIONS:** The Department/Division has determined that there are no communication considerations associated with this matter. Neither Corporate nor Strategic Communications was consulted with respect to this administrative report.

SPOKESPERSON:

Prepared by: Charlene Sharpe, Manager of Transit and Parking Services

Approved by: Dylan Gamble, Director of Engineering & Operations