



REQUEST FOR A DECISION

City Council – October 15, 2024

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

From: Charlene Sharpe, Manager, Transit and Parking Services

Date: September 24, 2024

Title: By-law Officer Appointment

ISSUE:

The City of Fredericton has contracted out specific areas of by-law enforcement throughout the City to the Garda Canada Security Corporation and is required to give them the authority to issue City of Fredericton municipal by-law tickets. Each new Garda 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 Nathaniel James Harold NOWLAN as a By-law Enforcement Officer 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 within the territorial boundary of the City of Fredericton: - By-law No. R-6, A By-law to Regulate Taxi Owners and Operators of the City of Fredericton, and amendments thereto; - By-law No. S-15, A Fire Lane By-law for the City of Fredericton, and amendments thereto; - By-law No. S-19, A Nuisance By-law, and amendments thereto; - By-law No. T-1, A By-law to Regulate Traffic, and amendments thereto; - By-law No. T-6, A By-law Respecting Public Motor Buses, and amendments thereto; - By-law No. T-7, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines, and amendments thereto; and, BE IT FURTHER RESOLVED THAT this appointment shall continue until Nathaniel James Harold NOWLAN ceases to be employed by the Garda Canada Security Corporation; or until his appointment under this resolution is rescinded by City Council, whichever comes first.

SITUATION, BACKGROUND & DISCUSSION:

SITUATION:

- a. Current Direction. City Council authorization is required to appoint persons to enforce by-laws in accordance with Policy No. PUB-POL-004 *By-law Enforcement*.
- b. Alignment. This Aligns with Council Statement of Interest Mobility – building community – continue to provide a safe community through compassionate police, fire mitigation and communicative emergency measures – continue implementing the Traffic Strategy.
- c. Link to CAO goal or inflight. There are no CAO goals or inflight initiative in which this applies.
- d. Why. City Council is the only authority able to appoint by-law officers. This is being brought forward as these officers are prepared to fulfill their duties but are unable to complete all of them without this authorization.

BACKGROUND

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.

DISCUSSION

The City of Fredericton is responsible for by-law enforcement. Appointment of the designate is required to continue providing this service.

- **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 of the municipality 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.
- **CLIMATE LENS:**

Does this proposal move the City of Fredericton closer to its greenhouse gas (GHG) emissions reduction targets of 50% reduction by 2030 and net-zero by 2050 in line with the City's Corporate Energy & Emissions Plan and/or Community Energy Emission Plan?

- Moves us towards GHG reduction targets
- No change in GHG emissions
- Moves us away from GHG targets but there are trade-offs with other Council or Municipal Plan priorities (*identify which priorities*)

Does this proposal improve the City of Fredericton's resilience to the impacts of climate change in line with our Climate Change Adaptation Plan?

- Moves us towards climate resilience
- No change in resilience
- Moves us away from climate resilience but there are trade-offs with other Council or Municipal Plan priorities (*identify which priorities*)

SPOKESPERSON:

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

Approved by: Dylan Gamble, Director of Engineering & Operations