



## REQUEST FOR A DECISION

City Council – April 28, 2025

**To:** Her Worship Mayor Kate Rogers and Members of City Council  
**From:** Charlene Sharpe, Manager of Transit and Parking Services  
**Date:** April 22, 2025  
**Title:** By-law Officer Appointment

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### **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 Hartley Michael MCCUTCHEON 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 Hartley Michael MCCUTCHEON ceases to be employed by the Garda Canada Security Corporation; or until their appointment under this resolution is rescinded by City Council, whichever comes first.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 by-law enforcement 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:** Charlene Sharpe, Manager of Transit and Parking Services

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

**Approved by:** Dylan Gamble, Director of Engineering & Operations

