



REQUEST FOR A DECISION

City Council – Open Session - December 13, 2021

To: Her Worship Mayor Kate Rogers and Members of City Council
From: Meredith Gilbert, Manager of Transit and Parking Services
Date: November 30, 2021
Title: By-law Officer Appointments

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

ISSUE:

The City of Fredericton requires an employee to perform by-law enforcement in the York St. Carpark, and throughout other areas as required. Additionally, the City of Fredericton has contracted out specific areas of by-law enforcement throughout the City to the Canadian Corps of Commissionaires. The City is required to give each the authority to issue City of Fredericton municipal by-law tickets, and as such, each new employee and Commissionaire 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 Richard C. Sacobie and Kaylee Jenny Carmen Souliere-Drouin 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 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-9, A By-law to Prevent Nuisances, and amendments thereto;- 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;- 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; - By-law No. T-8, A By-law Relating to Loitering and Begging in the City of Fredericton, and amendments thereto; and, BE IT FURTHER RESOLVED that these appointments shall continue until Richard C. Sacobie ceases to be employed as a by-law enforcement officer by the City of Fredericton; until Kaylee Jenny Carmen Souliere-Drouin ceases to be employed on detail 1231 of the Canadian Corps of Commissionaires; or until their appointments under this resolution are rescinded by City Council, whichever comes first.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 he is appointed, a by-law enforcement officer has the powers and immunities of a police officer for the purposes of enforcing such by-laws of the municipality for which he is appointed as are stipulated in his 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 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.

SPOKESPERSON:

Prepared by: ***Meredith Gilbert, Manager of Transit and Parking Services***

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