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TO: His Worship Mayor Harrison and Council

DATE: June 09, 2023

FROM: Maurice Roy  
Manager of Permits and Licensing

SUBJECT: Appointment of a Bylaw Officer

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**Staff Recommendation:**

1. **THAT Debbie Wood be appointed as Bylaw Enforcement Officer, in accordance with Section 36 of the Police Act,**
2. **AND THAT such appointment be for the term of her contractual employment as Bylaw Enforcement Officer for the City of Salmon Arm.**

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**BACKGROUND:**

A summons is the legal process to summon an alleged offender to attend provincial court to appear before a magistrate. A review of the Offence Act has revealed that in order for a Bylaw Enforcement Officer to serve a "Summons" to an alleged offender, the issuing officer must be appointed as an officer of the municipality under Section 36 of the Police Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "MR", written in a cursive style.

Maurice Roy, RBO/CRBO  
Manager of Permits & Licensing

MR:mr

## **Bylaw enforcement officers**

**36** (1) Bylaw enforcement officers may be appointed,

(a) by a municipal police board, or

(b) if there is no municipal police board in a municipality, by the municipal council.

(2) A bylaw enforcement officer must be paid the remuneration and is appointed for the term that the municipal police board or municipal council determines.

(3) A bylaw enforcement officer must, under the direction of the chief constable or officer in charge of the detachment of police operating in the municipality, perform the functions and duties, and has the powers, privileges and responsibilities respecting the enforcement of municipal bylaws, that the municipal police board or municipal council specifies in the appointment.

## Offence Act

### Service on individual

**28** (1) Subject to subsection (3), a summons must be served by a peace officer or enforcement officer, who must deliver it personally to the person to whom it is directed, or, if that person cannot conveniently be found, must leave it for the person at the person's last or usual residence with an occupant of it who appears to be at least 16 years of age.

(2) For the purposes of the service of a summons in respect of an alleged offence under a bylaw of a municipality, a peace officer includes a bylaw enforcement officer appointed under section 36 of the [Police Act](#).

(3) A summons in respect of an alleged offence under a bylaw of a municipality or regional district may be served in the manner set out in subsection (1) by a person appointed for that purpose by the council of the municipality or the board of the regional district.

(4) For the purposes of this section, a person appointed under subsection (3) has the legal status of a peace officer.