

**TOWN OF HIGH LEVEL
BYLAW 907-10**

A BYLAW OF THE TOWN OF HIGH LEVEL TO ESTABLISH BYLAW ENFORCEMENT OFFICER POSITIONS AND TO SPECIFY THE POWERS, DUTIES AND RESPONSIBILITIES OF BYLAW ENFORCEMENT OFFICERS.

WHEREAS, pursuant to the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, and the *Peace Officer Act 2006* Chapter P-3.5 and regulations and amendments thereto, the Council of the Town of High Level, may by bylaw, establish Bylaw Enforcement Officer positions and specify the powers and duties of Bylaw Enforcement Officers and must establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers.

NOW THEREFORE, THE COUNCIL FOR THE TOWN OF HIGH LEVEL, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED ENACTS AS FOLLOWS:

1. SHORT TITLE:

This Bylaw may be cited as the “**BYLAW ENFORCEMENT OFFICER BYLAW**”.

2. DEFINITIONS:

- a) *M.G.A.* means the *Municipal Government Act* Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto.
- b) Bylaw means the Bylaws of the Town of High Level, duly enacted pursuant to the *M.G.A.* and or any other Statutes of the Province of Alberta.
- c) Bylaw Enforcement Officer means an employee of the Town appointed as such and who, in the execution of their duties, is responsible for the preservation of the public peace. Where a reference is required, a Bylaw Enforcement Officer may also be called an interim Bylaw Enforcement Officer, Municipal Enforcement Officer, Protective Services Officer, Peace Officer or Community Peace Officer, if the Bylaw Enforcement Officer is so authorized by the Alberta Solicitor General.
- d) CAO means the Chief Administrative Officer of the Town, a person duly appointed pursuant to the *M.G.A.* and the Town's Chief Administrative Officer Bylaw.
- e) Council means the duly elected Council of the Town of High Level.

- f) Conditional Bylaw Enforcement Officer means an employee of the Town appointed as such and who, in the execution of their duties, is only responsible for the enforcement of those bylaws or sections of bylaws as specified in the Appointment, under such conditions as specified in the Appointment, and limited to the powers and duties as specified in the Appointment.
- g) Peace Officer means a person designated or appointed as a Peace Officer or Community Peace Officer by the Solicitor General of Alberta and employed for the purpose of preserving and maintaining the public peace.
- h) Proper authorization means written authorization obtained from the Chief Administrative Officer.
- i) Town means the Town of High Level, an incorporated municipality in the Province of Alberta.

3. APPOINTMENT:

- a) The CAO may establish one or more Bylaw Enforcement Officer positions as approved by Council.
- b) The CAO may appoint, promote or dismiss individuals to the position of Bylaw Enforcement Officer or conditional Bylaw Enforcement Officer for the purpose of enforcing the Town Bylaws and enforcement of Provincial Statutes and Acts as authorized by the Alberta Solicitor General.
- c) If the Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer is absent, off-duty or is out of the office the CAO may assume any of the duties and powers of a Bylaw Enforcement Officer or appoint an interim Bylaw Enforcement Officer for the purpose of enforcing the Town Bylaws.
- d) A Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer shall take the official Oath of Office before commencing their duties.

4. BYLAW ENFORCEMENT DUTIES:

- a) Enforce Town Bylaws.
- b) Respond to and investigate complaints.
- c) Conduct routine patrols.
- d) Issue notices, tickets or tags.

- e) Prosecution of any Bylaw contravention including appearances in Court to provide evidence.
- f) Service of documents.
- g) Ensure proper filing of information and documentation of circumstances.
- h) Provide daily and monthly activity reports.
- i) Perform other duties as assigned by the CAO.

5. PEACE OFFICER DUTIES

- a. All Duties as described in Section 4 of this bylaw
- b. Enforcement of specific Provincial Statutes as authorized by the Alberta Solicitor General.

6. COMPLAINTS AND APPEAL PROCESS:

The process for handling complaints and appeals arising from matters respecting the conduct or performance of a Peace Officer is established by Council and described in the Town of High Level's Policy #231-10 also known as the Peace Officer's Policy and Procedure Manual as amended from time to time.

7. DISCIPLINARY ACTION:

A Peace Officer may be liable to disciplinary action if the offence includes a violation of the Code of Conduct outlined in Policy #231-10 as amended from time to time. Disciplinary action may include actions described in section 7(i)

A Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer may be liable to disciplinary action if the offence includes:

a) DISCREDITABLE CONDUCT, AN OFFICER WHO:

- I. Acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Town.

- II. Willfully or negligently makes a false statement or lays a false complaint or statement against any person, another Bylaw Enforcement Officer or Peace Officer.
- III. Withholds or suppresses a complaint or report against any person, another Bylaw Enforcement Officer or Peace Officer.
- IV. Is guilty of an indictable offence under a federal Statute or an offence punishable upon summary conviction under the Criminal Code of Canada.
- V. Connives or is knowingly an accessory to a general default described in this Bylaw.

b) INSUBORDINATION, AN OFFICER WHO:

- I. By work or action, and without lawful excuse, disobeys, omits, or neglects to carry out any lawful order.
- II. By word or action is unwilling to submit to the authority of the CAO.

c) NEGLECT OF DUTY, AN OFFICER WHO:

- I. Without lawful excuse, neglects or omits promptly and diligently to perform a duty as a Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer.
- II. Fails to work in accordance with orders, or leaves an area, detail or other place of duty without due permission or sufficient cause.
- III. Fails to report a matter that is the Officer's duty to report.

d) DECEIT, AN OFFICER WHO:

- I. Knowingly makes or signs a false statement in an official document or book.
- II. Willingly or negligently makes a false, misleading or inaccurate statement pertaining to official duties.

- III. Without lawful excuse destroys, mutilates, or conceals an official document or record, or alters or erases any entry therein.

e) BREACH OF CONFIDENCE, AN OFFICER WHO:

- I. Divulges any matter, which it is the duty of the Officer to keep confidential.
- II. Without proper authorization or in contravention of any rules of the Town communicates to the media or to any authorized person any law enforcement matter, which could be injurious to any person or investigation.
- III. Without proper authorization shows to any person not a Bylaw Enforcement Officer, or any person not a Peace Officer or any unauthorized Officer, any book or written or printed document or report relating to any law enforcement matter that is the property of or in the custody of the employer of the Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer.

f) CORRUPT PRACTICE, AN OFFICER WHO:

- I. Fails to account for or make a prompt, true return of money or property received in an official capacity.
- II. Directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial without the consent of the CAO.
- III. Places himself under a pecuniary or obligation to a person of respect, whose conduct or business operation or employment the Officer may likely have to report or give evidence.
- IV. Improperly uses the position of a Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer for private advantage.

g) UNLAWFUL OR UNNECESSARY EXERCISE OF AUTHORITY, AN OFFICER WHO:

- I. Is unnecessarily discourteous or uncivil to a member of the public.

- II. Uses excessive force in the execution of Officer's duties without just cause as a Bylaw Enforcement Officer.
- III. Uses excessive authority of the Officer's position with co-workers.

h) USE OF INTOXICATING LIQUOR OR DRUGS IN A MANNER PREJUDICIAL TO DUTY, AN OFFICER WHO:

- I. While on duty is unfit for duty due to the personal use of liquor, drugs or intoxicants.
- II. Reports for duty and is unfit for duty due to personal use of liquor, drugs or intoxicants prior to reporting for duty.
- III. Personally uses, consumes or receives from other persons liquor, drugs or intoxicants while on duty.

i) ANY PEACE OFFICER, BYLAW ENFORCEMENT OFFICER OR CONDITIONAL BYLAW ENFORCEMENT OFFICER WHO CONTRAVENES, DISOBEYS, REFUSES OR NEGLECTS TO OBEY ANY OF THE PROVISIONS OF THE BYLAW BY DOING AN ACT WHICH IS PROHIBITED FROM DOING HEREIN OR FAILING TO DO ANY ACT OR THING THE OFFICER IS REQUIRED TO DO HEREIN SHALL BE SUBJECT TO:

- I. An inquiry by the CAO and upon conclusion of the inquiry, the CAO shall provide the outcome of the inquiry in writing and may with reason.
- II. Dismiss the claim.
- III. Issue a written reprimand.
- IV. Suspend the Officer from acting as a Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer or Peace Officer for the Town, for a period not exceeding thirty (30) calendar days.
- V. Terminate the Appointment of the Officer.

j) In the case a disciplinary action is taken against a Peace Officer, the CAO shall follow the reporting requirements outlined in Policy 231-10 as amended from time to time.

8. REPEALED BYLAW:

BYLAW 871-08 IS HEREBY REPEALED.

9. COMMENCEMENT:

This Bylaw shall come into full force and effect upon passing third and final reading and signed by the Mayor and Municipal Secretary.

READ A FIRST TIME THIS 8TH DAY OF NOVEMBER, 2010.

READ A SECOND TIME THIS 8TH DAY OF NOVEMBER, 2010.

READ A THIRD TIME AND PASSED THIS 8TH DAY OF NOVEMBER, 2010.

SIGNED THIS 10TH DAY OF NOVEMBER, 2010.



Mayor



Municipal Secretary