

**TOWN OF RAINBOW LAKE
BYLAW NO. 2008-04**

A BYLAW OF THE TOWN OF RAINBOW LAKE 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 Rainbow Lake 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 RAINBOW LAKE 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, 200 Chapter M-26 and amendments thereto;
- b) Bylaw means the bylaws of the Town of Rainbow Lake, duly enacted pursuant to the M.G.A. and or any other Statues 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, 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 MGA and the Town's Chief Administrative Officer Bylaw;
- e) Council means the duly elected Council of the Town of Rainbow Lake;
- 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;

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- i) Town means the Town of Rainbow Lake, 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) Enforcement of specific Provincial Statutes as authorized by the Alberta Solicitor General
- i) Provide daily and monthly activity reports
- j) Perform other duties as assigned by the CAO

5. RULES

The Council may, by resolution, make rules governing the operation of the Bylaw Enforcement Department, including:

- a) The conduct, dress, deportment and duties of the Bylaw Enforcement Officer;
- b) The prevention of neglect or abuse in the discharge of duties;
- c) The efficient discharge of duties;

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- d) Hearings for an appeal filed by a Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer aggrieved by disciplinary action taken against the Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer.

6. COMPLAINTS AND APPEAL PROCESS

The process for handling complaints and appeals arising from matters respecting the conduct or performance of a Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer is established as follows;

- a) Complaints including those received by the Council, respecting the conduct or performance of duty of any Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer shall be directed to the CAO.
- b) A complaint shall be in writing and signed and dated by the complainant.
- c) The CAO shall cause the complaint to be investigated as soon as possible after receipt of the written complaint.
- d) The CAO shall inform the complainant in writing as to whether the said complaint is justified and whether disciplinary action is to be taken.
- e) The CAO shall advise the complainant of their right to appeal to the Provincial Director of Law Enforcement within 30 days after receipt of the written response to their complaint.
- f) A Bylaw Enforcement Officer or Conditional Bylaw Enforcement aggrieved by disciplinary actions taken against the individual under this bylaw or the regulations or rules established by Council may, within 15 days after being advised of disciplinary action, file a written appeal to Council setting out the grounds on which the appeal is based.
- g) When an appeal is filed under this section, any disciplinary action taken as a result of the decision from which the appeal is taken shall be stayed without any further order until the appeal is decided by Council
- h) In determining an appeal under this section Council may: dismiss the appeal; allow the appeal; revoke or vary the disciplinary action imposed; affirm the disciplinary action imposed; or refer the matter back to the CAO for review.
- i) The Council shall provide the appellant with a written decision.

7. DISCIPLINARY ACTION

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 or another Peace Officer.

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- III. Withholds or suppresses a complaint or report against any person or another 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) NEGLIGENCE 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 secret.
- 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 Peace 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.

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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 Peace 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 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:

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

- I. dismiss the claim,
- II. Issue a written reprimand
- III. Suspend the Officer from acting as a Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer for the Town, for a period not exceeding 30 calendar days.
- IV. Terminate the appointment of the Officer.

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8. RECINDED BYLAW

BYLAW 99-03 IS HEREBY RECINDED.

9. COMMENCEMENT

This bylaw shall come into full force and effect upon passing third and final reading and signed by the Mayor and Chief Administrative Officer.

READ A FIRST TIME THIS 18 DAY OF August, 2008

READ A SECOND TIME THIS 18 DAY OF August, 2008

READ A THIRD TIME AND PASSED THIS 18 DAY OF August, 2008



Mayor



Chief Administrative Officer