

TOWN OF LACOMBE BYLAW 72

A Bylaw of the Town of Lacombe, in the Province of Alberta to establish a Bylaw Enforcement Officer position.

PURSUANT to the provisions of the Municipal Government Act, Chapter M-26, RSA 1980, and amendments thereto:

THE Town Council of the Town of Lacombe, in the Province of Alberta, duly assembled HEREBY ENACTS AS FOLLOWS:

1. Definition: In this Bylaw
 - a. "bylaw" means bylaws of the Town;
 - b. "bylaw enforcement officer" means a person appointed as such by Council;
 - c. "Town Manager" means a person appointed as such by Council;
 - d. "Council" means council of the Town;
 - e. "Town" means the Town of Lacombe.
2. The powers and duties of the Chief Bylaw Enforcement Officer are as follows:
 - a. To ensure that bylaws of the Town are enforced;
 - b. To provide for the supervision of the performance and conduct of the Bylaw Enforcement Officers of the Town.
 - c. To discipline Bylaw Enforcement Officers as authorized by this bylaw.
 - d. To report to the Town Manager and carry out his directions;
 - e. To establish standards of uniform, insignia and identification for bylaw enforcement officers;
 - f. To assist in the prosecution of breaches of Town bylaws including the gathering of evidence, the attendance of witnesses and any appearances in court that may be required.
3. The powers and duties of a Bylaw enforcement officer are as follows:
 - a. To enforce the bylaws which Council has authorized the Bylaw Enforcement Officer to enforce within the boundaries of the municipality;
 - b. To follow the directions of the Chief Bylaw Enforcement Officer and to report to the Chief Bylaw Enforcement Officer as required by him;
 - c. To respond to and investigate complaints;
 - d. To conduct routine patrols;
 - e. To issue notices, tickets or tags;
 - f. To arrange and assist in the prosecution of bylaw contraventions including appearances in court to provide evidence;
 - g. To perform all other duties as may from time to time be assigned by the Chief Bylaw Enforcement Officer;
 - h. To take the official oath prescribed by the Oaths of Office Act upon being appointed as a Bylaw Enforcement Officer and to carry upon his person at all such times as he is acting as a Bylaw Enforcement Officer evidence in writing of his appointment as a Bylaw Enforcement Officer of the Town.
4. The Council may initiate such investigation of the enforcement of bylaws of the Town as may from time to time be deemed advisable.

5. Where it is alleged that a Bylaw Enforcement Officer, in carrying his duties as a peace officer has committed a disciplinary default as defined by the bylaw, the Chief Bylaw Enforcement Officer shall hold a hearing to determine if the Bylaw Enforcement Officer has committed a disciplinary default in carrying out his duties as a peace officer.
6. Where the Chief Bylaw Enforcement Officer intends to carry out a hearing to determine whether a Bylaw Enforcement Officer has committed a disciplinary breach, the following procedure shall be followed:
 - a. Adequate notice (a minimum of two days) in writing shall be given to a Bylaw Enforcement Officer who is alleged to have committed a disciplinary breach and to such other parties the Chief Bylaw Enforcement Officer considers to be effected by the alleged disciplinary breach.
 - b. At the hearing the Chief Bylaw Enforcement Officer shall give the Bylaw Enforcement Officer a reasonable opportunity of furnishing relevant evidence.
 - c. The Chief Bylaw Enforcement Officer shall inform the Bylaw Enforcement Officer of the facts in his possession or the allegations made to him in sufficient detail to:
 - i. permit him to understand the facts or allegations; and
 - ii. afford him a reasonable opportunity to furnish relevant evidence to contradict or explain the facts or allegations;
 - d. the Chief Bylaw Enforcement Officer shall give the Bylaw Enforcement Officer or his representative an adequate opportunity of making representations by way of argument to the Chief Bylaw Enforcement Officer.
7. At the conclusion of a hearing to determine whether there has been a disciplinary breach, the Chief Bylaw Enforcement Officer may, by a decision in writing with reasons, do the following:
 - a. Reprimand in writing the Bylaw Enforcement Officer;
 - b. Suspend the Bylaw Enforcement Officer from acting as Bylaw enforcement Officer for the Town, but such a period of suspension shall not exceed six (6) months;
 - c. Recommend that the appointment of the Bylaw Enforcement Officer be terminated.
8. AN appeal from the decision of the Chief Bylaw Enforcement Officer may be commenced by the Bylaw Enforcement Officer who is subject of the disciplinary hearing by filing a written notice of appeal with the Town Manager with ten (10) days of the receipt of the decision of the Chief Bylaw Enforcement Officer.
9. The Town Manager shall hold a hearing into the appeal within ten (10) days of the receipt of the appeal.
10. The Town Manager shall give reasonable notice of the hearing to the appellant, to the Chief Bylaw Enforcement Officer, and to such other parties considered to be affected by the hearing.
11. In conducting a hearing, the Town Manager shall follow, with necessary modifications being made, the procedure set out in Clause 7 of the Bylaw.
12. In determining an appeal, the Town Manager may confirm, revoke or vary the decision of any condition attached to a decision by the Chief Bylaw Enforcement Officer and may:
 - a. Reprimand in writing the Bylaw Enforcement Officer
 - b. Suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Town but such suspension shall not exceed six (6) months;
 - c. Recommend the termination of the appointment of the person as a Bylaw Enforcement Officer.

13. The Town Manager's decision shall be in writing with reasons and shall be made within five (5) days of the conclusion of the hearing.
14. A further appeal from the decision of the Town Manager may be commenced by the Bylaw Enforcement Officer who is the subject of the disciplinary hearing by filing a written notice of appeal with the Municipal Secretary within 30 days of the receipt of the decision of the Town Manager.
15. The Council shall hold a hearing into the appeal within forty-five (45) days of the receipt of the appeal by the Municipal Secretary.
16. The Council shall give reasonable notice of the hearing to the appellant, to the Chief Bylaw Enforcement Officer, and to such other parties as the Committee considers to be affected by the hearing.
17. In conducting a hearing, the Council shall follow, with necessary modifications being made, the procedure set out in Clause 7 of the Bylaw.
18. In determining an appeal, the Council may confirm, revoke or vary the decision or any conditions attached to a decision by the Town Manager and May;
 - a. Reprimand in writing the Bylaw Enforcement Officer
 - b. Suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Town but such suspension shall not exceed six (6) months;
 - c. Recommend the termination of the appointment of the person as a Bylaw Enforcement Officer.
19. The Council's decision shall be in writing with reasons and shall be made within fifteen (15) days of the conclusion of the hearing.
20. For purposes of this Bylaw, the following shall be disciplinary defaults:
 - a. Discreditable Conduct, where the Bylaw Enforcement Officer
 - i. acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of Bylaw Enforcement Officers,
 - ii. uses oppressive or tyrannical conduct towards an inferior in rank,
 - iii. uses profane, abusive or insulting language to any member of a police force, special constable or Bylaw Enforcement Officer
 - iv. willfully or negligently makes any false complaint or statement against a peace officer
 - v. is guilty of an indictable offense under a Federal Statute or an offense punishable upon summary conviction under the Criminal Code (Canada),
 - vi. withholds or suppresses a complaint or report against a peace officer, or,
 - vii. abets, connives or is knowingly an accessory to a general default described in this Bylaw.
 - b. Insubordinations, where the Bylaw Enforcement Officer by word or action, and without lawful excuse, disobeys, omits or neglects to carry out any lawful order;
 - c. Neglect of Duty, where the Bylaw Enforcement Officer,
 - i. without lawful excuse neglects or omits promptly and diligently to perform a duty as 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, when knowing where an offender is to be found, to report him, or,
 - iv. fails to report a matter that it is his duty to report.

- d. Deceit, where the Bylaw Enforcement Officer,
- i. knowingly makes or signs a false statement in an official document or book,
 - ii. willfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or,
 - iii. without lawful excuse destroys, mutilates or conceals an official document or record or alters or erases any entry therein;
- e. Breach of Confidence, where the Bylaw Enforcement Officer
- i. divulges any matter which it is his duty to keep secret,
 - ii. gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons, or
 - iii. without proper authorization from a superior or in contravention of any rules of the Chief Bylaw Enforcement Officer communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation,
 - iv) without proper authorization from the Chief Bylaw Enforcement Officer shows to any person not a peace officer or any unauthorized member of the bylaw enforcement officer group any book or written or printed paper, 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,
 - v. makes any anonymous communication to the Chief Bylaw Enforcement Officer.
- f. Corrupt Practice, where the Bylaw Enforcement Office
- i. fails to account for or to 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 Chief Bylaw Enforcement Officer,
 - iii. places himself under pecuniary or other obligation to a person in respect of whose conduct or business operation or employment the member may likely have to report or give evidence, or
 - iv. improperly uses his position as a Bylaw Enforcement Officer for private advantages.
- g. Unlawful or unnecessary exercise of authority, where the Bylaw Enforcement Officer is unnecessarily discourteous or uncivil to a member of the public;
- h. Consuming intoxicating liquor or drugs in a manner prejudicial to duty, where the Bylaw Enforcement Officer
- i. while on duty is unfit for duty through consuming intoxicating liquor or drugs,
 - ii. reports for duty and is unfit for duty through consuming intoxication liquor or drugs,
 - iii. except with the consent of a superior or in the discharge of duty, consumes or receives from any other person intoxicating liquor or drugs while on duty, or
 - iv. demands, persuades or attempts to persuade another person to give or purchase or obtain for a Bylaw Enforcement Officer while on duty, any intoxicating liquor or drugs.

21. This bylaw comes into force upon the date of final passing.

READ a first time in Council this 28th day of July, 1986.

READ a second time in Council this 11th day of August, 1986.

READ a third time and finally passed this 11th day of August, 1986.

Charles Budd

Mayor

Robert Jenkins

Municipal Secretary

UNCERTIFIED COPY