



BYLAW NO. 2013-929

A BYLAW OF THE TOWN OF TWO HILLS, IN THE PROVINCE OF ALBERTA, TO ESTABLISH AND SET OUT THE POWERS, DUTIES, AND DISCIPLINARY PROCEDURES OF BYLAW ENFORCEMENT OFFICERS

WHEREAS the Municipal Government Act s. 556 requires a Council to, by bylaw, set out the powers and duties of and disciplinary procedures applicable to its Bylaw Enforcement Officers:

NOW THEREFORE, the Municipal Council of the Town of Two Hills enacts as follows:

1. TITLE AND DEFINITIONS

- 1.1 This bylaw shall be known as the "Bylaw Enforcement Officer Bylaw."
- 1.2 The following definitions shall apply when used within this bylaw:
- a. **Bylaw:** a bylaw of the Town of Two Hills;
 - b. **Bylaw Enforcement Officer:** an employee of the Town who has been appointed pursuant to this Bylaw as a Bylaw Enforcement Officer;
 - c. **Chief Administrative Officer:** an employee of the Town who has been appointed by Council and established by Bylaw according to the Municipal Government Act of Alberta;
 - d. **Contract Bylaw Enforcement Officer:** a person who is not an employee of the Town but under contract with the Town appointed pursuant to this Bylaw as a Contract Bylaw Enforcement Officer;
 - e. **Town:** the Town of Two Hills in the Province of Alberta;
 - f. **Council:** the Council of the Town of Two Hills;
 - g. **Offense Ticket:** any ticket or tag which is authorized the Municipal Government Act and is in a form approved pursuant to the Penalty Bylaw or is authorized under the Provincial Offenses Procedures Act, issued for any bylaw offense in which a penalty may be paid out of court in lieu of appearing to answer a summons; and
 - h. **Notice:** any notice authorized to be given under any Town bylaw.

2. SUPERVISOR OF BYLAW ENFORCEMENT

- 2.1 The Chief Administrative Officer or his designate shall be the Supervisor of the Bylaw Enforcement Officer.
- 2.2 The Supervisor of Bylaw Enforcement Officer, in addition to all other powers and duties set out within the Bylaw, is authorized:
- 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 and Contract Bylaw Enforcement Officers of the Town;
 - c. to set rules and regulations for the conduct of Bylaw Enforcement Officers with respect to their powers and duties as peace officers;
 - d. to enforce disciplinary procedures, including penalties and an appeal process, as outlined in Schedule B.
 - e. To carry out such investigation of the enforcement of bylaws as Council may from time to time request, and to make a report in writing to Council of the results of the investigation;
 - f. to carry out any further duties and responsibilities assigned by Council.
 - g. to establish standards of uniform, insignia and identification for Bylaw Enforcement Officers; and
 - h. to assist in the prosecution of breaches of bylaws including the gathering of evidence, the attendance of witnesses and any appearances in court that may be required.

4. BYLAW ENFORCEMENT OFFICER

- 4.1 The Council may appoint one or more Bylaw Enforcement Officers and shall hold a term of office at the pleasure of Council.
- 4.2 Every Bylaw Enforcement Officer, before commencing his duties, shall take the official oath as prescribed by the Oath of Office Act, of the Province of Alberta.
- 4.3 The powers and duties of Bylaw Enforcement Officers shall include the following:
- a. to enforce the bylaws which the Bylaw Enforcement Officer is authorized to enforce within the boundaries of the Town;
 - b. to follow the directions of the Supervisor and to report to the Supervisor as required by him;
 - c. to respond to and investigate complaints;
 - d. to conduct routine patrols;
 - e. to issue notices and offence tickets;
 - f. to lay information;
 - g. to assist in the prosecution of bylaw contraventions including appearances in court to provide evidence;

- h. to carry upon his person at all such times as he is acting as a Bylaw Enforcement Officer evidence in writing of his position as a Bylaw Enforcement Officer of the Town;
 - i. to perform all other enforcement duties delegated to the Town by any statute of the Province of Alberta, or the Dominion of Canada, that he is assigned by the Supervisor to enforce; and
 - j. to perform such other duties as may from time to time be assigned by Supervisor of Bylaw Enforcement;
- 4.4 The Bylaw Enforcement Officer shall honor and abide by the Code of Conduct established in Schedule A.
- 4.5 The authority of a Bylaw Enforcement Officer shall terminate when:
- a. the person ceases to be an employee of the Town, or
 - b. the Council by resolution terminates the appointment of a Bylaw Enforcement Officer.

5. CONTRACT BYLAW ENFORCEMENT OFFICER

- 5.1 Council may appoint one or more Contract Bylaw Enforcement Officers.
- 5.2 All Contract Bylaw Enforcement Officers shall execute the form of contract mutually agreed upon both parties. The duties of Contract Bylaw Enforcement Officers shall be as set out in the contract.
- 5.3 The appointment of any Contract Bylaw Enforcement Officer may be terminated, without prior notice, by resolution of Council.

6. GENERAL

- 6.1 This bylaw shall come into force and effect upon third reading by Council.
- 6.2 That Bylaw 2002-806 is hereby repealed.

READ a first time this 04th day of April, 2013.

READ a second time this 04th day of April, 2013.

READ a third time and finally passed this 04th day of April, 2013.

TOWN OF TWO HILLS

ELAINE SOROCHAN, MAYOR

ELSIE HOWANYK, C.A.O.

Schedule "A"

Bylaw 2013-929

CODE OF CONDUCT

1. A Bylaw Enforcement Officer shall not:

a. Violate:

- i. any Act or Regulation made under an Act of Parliament of Canada;
- ii. any Act or Regulation made under an Act of the Legislature of Alberta, or
- iii. any provision of the member's appointment

where the violation is of a nature that would be harmful to the organizational discipline or that it is likely to discredit the Town of Two Hills;

b. Act in:

- i. a disorderly or inappropriate manner, or
- ii. a manner that would be harmful to the organizational discipline.

c. Apply the law differently or exercise authority on the basis of race, color, religion, sex, physical ability, marital status, age, ancestry or place of origin;

d. Withhold or suppress a complaint against or a report made about a Bylaw Enforcement Officer, or Peace Officer;

e. Willfully or negligently make a sign or false, misleading or inaccurate statement in any official or unofficial document or record;

f. Neglect, without a lawful excuse, to promptly or diligently perform the duties of a Bylaw Enforcement Officer;

g. Without a lawful excuse:

- i. destroy, mutilate or conceal an official document or record, or
- ii. alter or erase an entry in an official document or record;

h. Make known any matter that is a person's duty to keep in confidence;

i. Fail to account for or to make prompt and true return of money or property that the member receives in the capacity as a Bylaw Enforcement Officer;

j. Become involved in a financial, contractual or other obligation with a person whom the member could reasonably expect to report or give evidence about;

k. Without lawful excuse, use the position for personal advantage or other person's personal advantage;

- l. Exercise authority as a Bylaw Enforcement Officer when it is unlawful or necessary to do so;
- m. Consume alcohol while on duty;
- n. Consume, use, or possess drugs that are prohibited by law;
- o. Report for duty, be on duty or be on stand by while until to do so by reason of the use of alcohol or drugs;
- p. Demand, persuade or attempt to persuade another person to give, purchase or obtain any liquor for a Bylaw Enforcement Officer, or Peace Officer who is on duty;
- q. Apply excessive or otherwise inappropriate force in circumstances where force is used;
- r. Be in possession of any firearm while on duty that is:
 - i. not approved by the Alberta Minister of Justice and Attorney General, and
 - ii. is not issued to the Bylaw Enforcement Officer by the Town of Two Hills;
- s. When on duty discharge a firearm either intentionally or by accident, and not report the discharge of the firearm to the Supervisor, unless it is permitted in a firearm training course or exercise;
- t. Fail to exercise sound judgment and restraint in the use and care of a firearm, other weapon or restraining device.

Schedule "B"

Bylaw 2013-929

DISCIPLINARY PROCEDURES

1. RECEIPT OF COMPLAINT

- 1.1 Complaints concerning the conduct of a Bylaw Enforcement Officer shall be directed to the Supervisor, in writing.
- 1.2 The Supervisor shall acknowledge receipt of the complaint in writing to the person making the complaint, and the person against whom the complaint is made.

2. INVESTIGATION

- 2.1 The Supervisor shall investigate the complaint or have it investigated, seeking assistance as required or passing on the investigation information to the Royal Canadian Mounted Police where appropriate.
- 2.2 After determining all the facts the Supervisor may either dismiss the complaint as unfounded, as unsubstantial, or find that the Bylaw Enforcement Officer has committed a misconduct.
- 2.3 If the Supervisor is satisfied that a misconduct has been committed, he shall take corrective disciplinary action.
- 2.4 Despite section 2.3 the Supervisor may resolve minor complaints informally, arriving at a solution that is satisfactory to all parties.

3. DISCIPLINARY ACTION

- 3.1 If the Supervisor finds that the Bylaw Enforcement Officer has committed a misconduct, he may take on of the following measures:
 - a. a suspension, for a period not exceeding one (1) month, will be given to the Bylaw Enforcement Officer if his performance is unsatisfactory and warrants suspension. A notation of the warning with the signature of the Supervisor will be placed in the Bylaw Enforcement Officer's employee file;
 - b. for lesser offences, a written warning will be issued by the Supervisor, or
 - c. recommend to Council that the appointment of the Bylaw Enforcement Officer be terminated.
- 3.2 When a suspension is issued, a written notice outlining reasons for the suspension will be given to the Bylaw Enforcement Officer.
- 3.3 The record of suspension will remain in the Bylaw Enforcement Officer's employee file for two (2) years after which time it may be erased if the situation leading to the suspension has been rectified.

- 3.4 If the suspension results in dismissal, then the period of suspension be one without pay.
- 3.5 A Bylaw Enforcement Officer wishing to appeal against his suspension or dismissal must do so in writing to the Council. Such notice of appeal must be in the hands of the Supervisor not later than fifteen (15) calendar days from the date of dismissal. The decision of Council will be final.