

BYLAW NO. 04-98
OF THE VILLAGE OF HAY LAKES
IN THE PROVINCE OF ALBERTA

Being a Bylaw in the Village of Hay Lakes, in the Province of Alberta, respecting the Appointment of Bylaw Enforcement Officers and setting out the powers and duties of Bylaw Enforcement Officers and establishing disciplinary procedures of Bylaw Enforcement Officers.

WHEREAS, pursuant to Section 555 (1) (2), 556 of the Municipal Government Act, Statutes of Alberta 1994, Chapter M-26.1 with amendments thereto, empower the Village Council to appoint Bylaw Enforcement for the purpose of endorsing compliance with bylaws.

AND WHEREAS, the Village Council shall appoint by Bylaw, set out the powers and duties of Bylaw Enforcement Officers.

AND WHEREAS, the Village Council shall, by Bylaw, 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 of the Village of Hay Lakes, in the Province of Alberta duly assembled hereby enacts as follows:

1. This Bylaw be cited as the Bylaw Enforcement Officers Bylaw.
2. Definitions:
 - a) "Bylaw" means Bylaws of the Municipality,
 - b) "Bylaw Enforcement Officer" means a person or persons appointed as such by Council,
 - c) "Council" means the Municipal Council of the Village duly assembled and acting as such,
 - d) "Municipality" means the Village of Hay Lakes.
3. Powers and Duties:
 - a) To enforce the bylaws which Council has authorized the Bylaw Law Enforcement Officers to enforce within the boundaries of the municipality.
 - b) To respond to and investigate complaints.
 - c) To conduct routine patrols.
 - d) To issue notices, tickets or tags.
 - e) To assist in the prosecution of bylaw contraventions, including appearance in Court to provide evidence.
 - f) To perform all other duties as may from time to time be assigned by Council.

- g) To take 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 municipality.

4. Where it is alleged that a Bylaw Enforcement Officer, in carrying out his duties as a Peace Officer, has committed a disciplinary fault as defined by the bylaw, the Council shall hold a hearing to determine if the Bylaw Enforcement Officer has committed a disciplinary fault in carrying out his duties as a Peace Officer.

5. Where the Council intends to carry out a hearing to determine whether a Bylaw Enforcement Officer has committed a disciplinary breach, the following procedure shall be adhered to:

- a) Adequate notice (a minimum of two (2) days in writing shall be given to the Bylaw Enforcement Officer who is alleged to have committed a disciplinary breach and to such other parties the Council considers to be affected by the alleged disciplinary breach.
- b) At the hearing, the Council shall give the Bylaw Enforcement Officer a reasonable opportunity to furnish relevant evidence.
- c) The Council shall inform the Bylaw Enforcement Officer of the facts in their possession or the allegations made to them 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) Council shall give the Bylaw Enforcement Officer or his representative an adequate opportunity of making representations by way of argument to the Council.

6. At the conclusion of a hearing, to determine whether there has been a disciplinary breach, the Council 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 municipality, but such a period of suspension shall not exceed six (6) months.
- c) Terminate the appointment of the Bylaw Enforcement Officer.

7. For the purposes of this Bylaw, the following shall be disciplinary faults:

- 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 the 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) wilfully or negligently makes any false complaint or statement against a Peace Officer;
 - v) is guilty of an indictable offence under a Federal Statute or an offence punishable under summary conviction under the Criminal Code (Canada);
 - vi) withholds or suppresses a complaint or report against a Peace Officer; or
 - vii) abets, connives or knowingly an accessory to a general default described in this bylaw.
- b) Insubordination, where the Bylaw Enforcement Officer by work 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 a 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 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) knowing makes or signs a false statement in an official document or book;
 - ii) wilfully 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 Council, 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 Council shows to any person not a Peace Officer, or any unauthorized member of the Bylaw Enforcement Officers group, any book or written or printed paper 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 Council.

f) Corrupt Practice, where the Bylaw Enforcement Officer;

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 Council;

iii) places himself under a pecuniary or other obligation to a person in respect to 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 intoxicating liquor or drugs;

iii) except with the consent of a superior 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.

This Bylaw comes into full force and effect upon final passing thereof.

READ a first time this 10th day of March, A.D. 1998

READ a second time this 10th day of March, A.D. 1998

READ a third time and finally passed this 10th^h day of March, A.D. 1998

MAYOR (Vern Busenius)

ADMINISTRATOR (Jennifer Grahn)