

A Bylaw of the Town of High Prairie in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* (MGA) to appoint Bylaw Enforcement Officers and specify the duties of Town of High Prairie Bylaw Enforcement Officers.

WHEREAS, Section 7(i) of the *Municipal Government Act, RSA 2000 c.M-26* as amended, provides that a Council may pass bylaws respecting the enforcement of bylaws;

AND WHEREAS, Section 555 of the *Municipal Government Act*, a person who is appointed as a Bylaw Enforcement Officer is, in the execution of those duties, responsible for the preservation and maintenance of the public peace;

AND WHEREAS, Section 556 of the *Municipal Government Act*, a council must by bylaw specify the powers and duties of Bylaw Enforcement Officers and establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers;

AND WHEREAS, Part 13, division 4 of the *Municipal Government Act*, the municipality may carry out numerous enforcement powers and duties, which may be exercised by Bylaw Enforcement Officers;

AND WHEREAS, the Town of High Prairie deems it necessary to have Bylaw Enforcement for peace and order within the community

NOW THEREFORE, the council of the Town of High Prairie, duly assembled hereby enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be cited as the "Bylaw Enforcement Officer Bylaw".

2. DEFINITIONS

2.1 In this Bylaw:

- (a) "**Bylaw Enforcement Officer**" shall mean any person appointed as a Bylaw Enforcement Officer for the Town of High Prairie;
- (b) "**CAO**" means the Chief Administrative Officer or designate, appointed pursuant to the MGA;
- (c) "**Council**" means the Council of the Town;
- (d) "**MGA**" means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*;

- (e) **"Misuse of Power"** by a Bylaw Enforcement Officer shall mean any one or more of the following:
- (i) Failure to perform or carryout his/her duties according to law;
 - (ii) Failure to carry out the duties and responsibilities given to him/her within the terms of his/her appointment as a Bylaw Enforcement Officer;
- (f) **"Officer" means:**
- i. a person who is an employee of the Town who has been appointed to carry out the duties of enforcing the Bylaws,
 - ii. a person who is a community peace officer as defined under the *Peace Officer Act, Statutes of Alberta 2006, Chapter P-3.5*, or
 - iii. a person who is a member of the Royal Canadian Mounted Police;
- (g) **"Town"** means the municipal corporation of the Town of High Prairie;
- (h) **"Violation Tag"** means a ticket issued by the Town pursuant to the MGA for breach of its Bylaws;
- (i) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act, Revised Statutes of Alberta, 2000 Chapter P-34*.

3. APPOINTMENT

- 3.1 The CAO may establish Bylaw Enforcement Officer positions within the Town;
- 3.2 The CAO may appoint, promote, or dismiss individuals, to the position of Bylaw Enforcement Officer for the purpose of enforcing the Town's bylaws.
- 3.3 If the Bylaw Enforcement Officer is absent from his/her position, is off duty or is out of the office, the CAO may take on 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's bylaws.
- 3.4 A Bylaw Enforcement Officer shall take the official oath prescribed by the Oaths of Office Act before starting his or her duties.
- 3.5 The power and duties of a Bylaw Enforcement Officer for the Town of High Prairie shall be as follows:
- a) Ensure that all bylaws of the Town are enforced;
 - b) Respond to and investigate complaints;
 - c) Conduct routine patrols;

- d) Issue notices, tickets or tags;
- e) Appear in court to provide evidence for the prosecution of bylaw matters;
- f) Service of summonses;
- g) Ensure proper filing of information and documentation of circumstances;
- h) Exercise all powers, duties, and functions of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by bylaw or enactment in accordance with section 542 of the *Municipal Government Act*;
- i) Perform all other duties as may be assigned by the CAO.

4. COMPLAINTS

- 4.1 A complaint made against a Bylaw Enforcement Officer must be made in writing and submitted to the CAO.
- 4.2 On receipt of a complaint the CAO will acknowledge to the complainant receipt of the complaint in writing within 10 working days of the receipt date. The CAO will regularly update the complainant of the status of the complaint. The CAO will also notify the Bylaw Enforcement Officer concerned that a complaint has been made against them.
- 4.3 When an investigation is carried out in respect of a complaint the CAO will, where deemed appropriate, provide the Bylaw Enforcement Officer with details of the complaint.
- 4.4 The CAO or delegate shall investigate all, and only written complaints submitted against a Bylaw Enforcement Officer and use this Bylaw as the Code of Conduct, in addition to any other Town policies and directives already in place.
- 4.5 A Bylaw Enforcement Officer may be liable to disciplinary action if his or her conduct includes a violation of any provision, 4.6 through 4.11 of this bylaw.
- 4.6 A Bylaw Enforcement Officer commits discreditable conduct if that Officer;
 - a) 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.
 - b) Willfully or negligently makes a false statement or lays a false complaint or statement against any person, another Bylaw Enforcement Officer or Peace Officer.
 - c) Withholds or suppresses a complaint or report against any person, another Bylaw Enforcement Officer or Peace Officer.

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- d) Is guilty of an indictable offence under a federal Statute or an offence punishable upon summary conviction under the Criminal Code of Canada.
 - e) Connives or is knowingly an accessory to a general default described in this Bylaw.
- 4.7 A Bylaw Enforcement Officer commits insubordination if that officer knowingly;
- a) By work or action, and without lawful excuse, disobeys, omits, or neglects to carry out any lawful order from a superior officer or civilian supervisor.
 - b) By word or action is unwilling to submit to the authority of the CAO.
- 4.8 A Bylaw Enforcement Officer is negligent in their duties if that Officer;
- a) Without lawful excuse, neglects or omits tasks required to perform a duty as a Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer.
 - b) Fails to work in accordance with orders, or leaves an area, detail, or other place of duty without due permission or sufficient cause.
 - c) Fails to report a matter that is the Officer's duty to report.
- 4.9 A Bylaw Enforcement Officer commits an act of deceit if that officer;
- a) Knowingly makes or signs a false statement in an official document or book.
 - b) Willingly or negligently makes a false, misleading, or inaccurate statement pertaining to official duties.
 - c) Without lawful excuse destroys, mutilates, or conceals an official document or record, or alters or erases any entry therein.
- 4.10 A Bylaw Enforcement Officer commits a Breach of Confidence if that officer;
- a) Divulges any matter, which it is the duty of the Officer to keep confidential.
 - b) 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.
 - c) 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.

- 4.11 A Bylaw Enforcement Officer commits Corrupt Practice if that Officer;
- a) Fails to account for or make a prompt, true return of money or property received in an official capacity.
 - b) Directly or indirectly solicits or receives a gratuity, present, pass, subscription, or testimonial without the consent of the CAO.
 - c) 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.
 - d) Improperly uses the position of a Bylaw Enforcement Officer for private advantage.
 - e) Is unnecessarily discourteous or uncivil to a member of the public.
 - f) Uses excessive force in the execution of Officer's duties without just cause as a Bylaw Enforcement Officer.
 - g) Uses excessive authority of the Officer's position with co-workers.
- 4.12 The CAO will dispose of a complaint by making one of the following decisions and by giving reasons for the decision;
- a) The complaint is unfounded (no basis in fact).
 - b) The complaint is unsubstantiated (not supported or proven by evidence).
 - c) Having regard to all the circumstances of the complaint, no investigation is necessary.
 - d) The complaint is found to have merit in whole or in part.
 - e) The complaint is frivolous, or made in bad faith.
- 4.13 If a complaint about a Bylaw Enforcement Officer is found to have merit or is founded in part, the CAO will take one of the following actions;
- a) A reprimand of the Bylaw Enforcement Officer.
 - b) A suspension of the Bylaw Enforcement Officer, with pay, for a period not to exceed seventy-two (72) hours.
 - c) A suspension of the Bylaw Enforcement Officer without pay for a period not to exceed seventy-two (72) hours.
 - d) The Bylaw Enforcement Officer is dismissed.
- 4.14 The CAO will update the complainant on any decision or action taken.



5. CONFIDENTIALITY:

5.1 Personal information within a written complaint will be collected in accordance with Part 2, Protection of Privacy of the Freedom of Information and Protection Act (as amended over time). Personal information gathered will be used to process the complaint but will not be made available to the public.

6. APPEAL PROCESS:

6.1 Any person who considers themselves to be aggrieved by a decision of the CAO made under this Bylaw may appeal the decision in writing to Council within 10 business days of receiving the outcome of the decision.

6.2 Council will make a decision on any appeal within 30 days of its receipt.

6.3 The Council’s decision in respect of an appeal will be final and binding.

7. REPEAL:

7.1 That Bylaw #08/79 all amendments hereto are hereby repealed.

8. EFFECTIVE DATE:

6.1 That this Bylaw shall come into force and take effect upon the date of third reading.

READ a first time this 23rd day of February, 2021.

READ a second time this 23rd day February 2021.

GIVEN Unanimous Consent to proceed to Third and Final Reading of Bylaw Enforcement Officer Bylaw 06-2021 this 23rd day of February, 2021.

READ a third time and finally passed on this 23rd day of February, 2021.



Mayor Brian Panasiuk



CAO Rod Risling