

**BYLAW 09-022
OF
LAC LA BICHE COUNTY**

A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO APPOINT BYLAW ENFORCEMENT OFFICERS AND SPECIFY THE DUTIES OF LAC LA BICHE COUNTY BYLAW ENFORCEMENT OFFICERS.

WHEREAS under the authority and pursuant to the Municipal Government Act, Chapter M 26, R.S.A. 2000, and amendments thereto, Council may by bylaw, appoint Bylaw Enforcement Officers 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 under the authority and pursuant to the provisions of the said Municipal Act, and by virtue of all other enabling powers, the Council of Lac La Biche County, duly assembled, enacts as follows:

PART 1 - TITLE

1. This bylaw may be cited as the "Bylaw Enforcement Officer Bylaw."

PART 2 - DEFINITIONS

2. In this bylaw unless the context otherwise requires;
 - (1) M.G.A. - means the Municipal Government Act, Revised Statutes of the Province of Alberta, 2000, and amendments thereto;
 - (2) BYLAW - means all bylaws of Lac La Biche County duly enacted under the M.G.A. and/or any other statutes of the Province of Alberta;
 - (3) BYLAW ENFORCEMENT OFFICER - means an employee of Lac La Biche County appointed as such and who, in the execution of this or her duties, is responsible for the Enforcement of Municipal Bylaws and for the preservation and maintenance of the public peace.
 - (4) CAO - means the Chief Administrative Officer of Lac La Biche County, a person duly appointed pursuant to the MGA.
 - (5) COUNCIL - means the Council of Lac La Biche County, elected pursuant to the Local Authorities Election Act, Revised Statutes of Alberta;
 - (6) COUNTY - means Lac La Biche County;

- (7) PEACE OFFICER - means any sworn member of the Royal Canadian Mounted Police, a Peace Officer appointed under the Peace Officer Act of Alberta or a Bylaw Enforcement Officer employed by Lac La Biche County;
- (8) PROPER AUTHORIZATION - means obtaining written authorization from the Chief Administrative Officer;

PART 3 - APPOINTMENT

3. The Chief Administrative Officer and/or their designate may establish Bylaw Enforcement Officer positions within the County;
4. The Chief Administrative Officer and/or their designate may appoint, promote or dismiss individuals, to the position of Bylaw Enforcement Officer for the purpose of enforcing the County's bylaws. A Bylaw Enforcement Officer Appointment is Schedule "A" attached to and forming part of this bylaw.
5. If the Bylaw Enforcement Officer is absent from his or her position, is off duty, or is out of the office, the Chief Administrative Officer and/or their designate 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 County's bylaws.
6. A Bylaw Enforcement Officer shall take the official oath prescribed by the Oaths of Office Act before starting his or her duties.
7. The power and duties of a Bylaw Enforcement Officer for Lac La Biche County shall be as follows:
 - (1) Ensure that all bylaws of the County are enforced.
 - (2) Respond to and investigate complaints.
 - (3) Conduct routine patrols.
 - (4) Issue notices, tickets or tags.
 - (5) Prosecution of any bylaw contravention including appearances in court to provide evidence.
 - (6) Service of Summonses.
 - (7) Ensure proper filing of information and documentation of circumstances.
 - (8) Act as an agent for collecting of delinquent account.
 - (9) Perform all other duties as may be assigned by the Chief Administrative Officer and/or designate.

PART 4 - RULES, COMPLAINTS AND APPEALS

8. The Council may, by resolution, make rules governing the operation of the Bylaw Enforcement Officers, including but not limited to:
 - (1) Operational/Procedural Policy.
 - (2) Selection of Provincial Statutes to be enforced.
 - (3) Municipal Bylaw approval.

9. The process for the handling of complaints and appeals arising from matters respecting the conduct or duty performance of a Bylaw Enforcement Officer is established as follows:
- (1) Complaints, including those received by Council, respecting the conduct or duty performance of any Bylaw Enforcement Officer shall be directed to the Director of Community Services and/or their designates for an investigation and any action that they consider advisable.
 - (2) A complaint shall be in writing and signed by the complainant.
 - (3) The Director of Community Services and/or their designates shall cause the complaint to be investigated and as soon as possible after receipt of the said complaint, and shall inform the complainant in writing as to whether he has found all or any portion of the said complainant founded or unfounded.
 - (4) If any complaint or portion thereof is found to be unfounded, the complainant may, within 15 days after receipt of the information referred to in Section 9 (3), file with the Chief Administrative Officer, a notice of appeal setting forth the grounds of which the appeal is based.
 - (5) A Bylaw Enforcement Officer who feels themselves aggrieved by disciplinary action taken against him under this bylaw or the regulations or rules of the Council may, within 15 days after being advised of disciplinary action, file with the Chief Administrative Officer, a notice of appeal setting forth the grounds of which the appeal is based.
 - (6) When an appeal is filed under section 9(5), any disciplinary action taken as a result of the decision from which the appeal is taken shall be stayed without further order until the appeal is decided upon.
 - (7) In determining an appeal under Section 9 (4) and 9 (5), the Chief Administrative Officer may
 - (a) Dismiss the appeal;
 - (b) Allow the appeal;
 - (c) Revoke or vary disciplinary action imposed;
 - (d) Affirm the disciplinary action imposed;
 - (e) Refer the matter back to the Director of Community Services and/or their designates for a review;
 - (8) The Chief Administrative Officer shall in writing inform
 - (a) The complainant in the case of an appeal under Section 9 (4) or the appellant in the case of an appeal under Section 9(5);
 - (b) The Director of Community Services and/or their designates;
As to the decision of the Chief Administrative Officer
10. A Bylaw Enforcement Officer, respecting the conduct or performance of duty, may be liable to disciplinary action if the offence includes:

(1) DISCREDITABLE CONDUCT, an Officer who

- (a) Act in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of Lac La Biche County.
- (b) Will fully or negligently makes a false complaint or lays a false complaint or statement against any person or another peace officer, or
- (c) Withholds or suppresses a complaint or report against any person or another Peace Officer, or
- (d) Is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code of Canada, or
- (e) Abets, conspires or is knowingly an accessory to a general default described in this bylaw.

(2) INSUBORDINATION, an Officer who

- (a) By work or action, and without lawful excuses, disobeys, omits, or neglects to carry out a lawful order, or
- (b) By word or action is unwilling to submit to the authority of the Director of Community Services and/or their designate.

(3) NEGLIGENCE OF DUTY , an Officer who

- (a) Without lawful excuse, neglects or omits promptly and diligently to perform a duty as a Bylaw Enforcement Officer or;
- (b) Fails to work in accordance with orders, or leave an area, detail or other place of duty without due permission or sufficient cause, or
- (c) Fails to report a matter that is his duty to report.

(4) DECEIT, an Officer who

- (a) Knowingly makes or signs a false statement in an official document or book, or
- (b) Willingly or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or
- (c) Fails to report a matter that is his duty to report

(5) BREACH OF CONFIDENCE, an Officer who

- (a) Divulges any matter which it is his duty to keep secret, or
- (b) Without proper authorization or in contravention of any rules of the department communicates to the news media or to any authorized person any law enforcement matter which could be injurious to any person or investigation, or
- (c) Without proper authorization shows to any person not a Peace Officer or any unauthorized member of the Protective Services Department, 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 Lac La Biche County.

(6) CORRUPT PRACTICE, an Officer who

- (a) Fails to account for or make a prompt, true return of money or property received in an official capacity, or
- (b) Directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial without the consent of the Director of Community Services and/or their designates, or
- (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, or
- (d) Improperly uses his position as a Bylaw Enforcement Officer for private advantage.

(7) UNLAWFUL OR UNNECESSARY EXERCISE OF AUTHORITY, an Officer who

- (a) Is unnecessarily discourteous or uncivil to a member of the public, or
- (b) Uses excessive force in the execution of his duties without just cause as a Peace Officer, or
- (c) Uses excessive authority of his position with his co-workers.

(8) USE OF INTOXICATING LIQUOR OR DRUGS IN A MANNER DETRIMENTAL TO DUTY, an Officer who

- (a) While on shift is unfit for duty due to the personal use of liquor, drugs or intoxicants, or
- (b) Reports for a shift and is unfit for duty due to personal use of liquor, drugs or intoxicants prior to reporting for work, or
- (c) Personally uses, consumes or receives from other persons liquor drugs or intoxicants while on duty.

11. Any Bylaw Enforcement Officer who contravenes or disobeys, or refuses, or neglects to obey any provisions of this Bylaw by:

- (1) Doing any act or think which he is prohibited from doing herein;
 - (2) Failing to do any act of thing he is required to do herein;
- Shall be subject to an inquiry by the Director of Community Services and/or their designate, and upon conclusion of the inquiry, the Director of Community Services and/or their designate shall, in writing with reason, do the following;
- (a) Reprimand the officer, or
 - (b) Dismiss the claim, or
 - (c) Suspend the officer from acting as a Bylaw Enforcement Officer, but such period of suspension shall not exceed one (1) month, or
 - (d) Terminate the appointment/employment of the Officer.

PART 5 - EFFECTIVE DATE

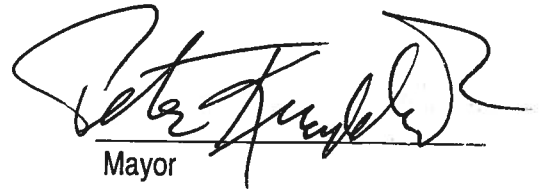
12. Lac La Biche County Bylaw # 02-030 shall be repealed upon passing of this bylaw.
13. This bylaw shall come into effect upon passing of the third reading.

MOTION BY COUNCILLOR QUIST THAT BYLAW 09-022 BE GIVEN FIRST READING THIS 16TH DAY OF JUNE, 2009.

MOTION BY COUNCILLOR COLOSIMO THAT BYLAW 09-022 BE GIVEN SECOND READING THIS 16TH DAY OF JUNE, 2009.

MOTION BY COUNCILLOR STROMQUIST THAT BYLAW 09-022 BE SUBMITTED FOR THIRD AND FINAL READING THIS 16TH DAY OF JUNE, 2009.

MOTION BY COUNCILLOR UGANECZ THAT BYLAW 09-022 BE GIVEN THIRD READING THIS 16TH DAY OF JUNE, 2009.



Handwritten signature of the Mayor, appearing to be "Peter Fugère".

Mayor



Handwritten signature of the Chief Administrative Officer, appearing to be "Ozlem".

Chief Administrative Officer

Schedule "A"
Bylaw Enforcement Officer Bylaw # 09-022

BYLAW ENFORCEMENT OFFICER
APPOINTMENT

*Pursuant to the Municipal Government Act of Alberta and Section 4 of Lac La Biche County
Bylaw # 09-022*

I, (name), the Chief Administrative Officer of Lac La Biche County, hereby appoint

(name)

a **BYLAW ENFORCEMENT OFFICER** as detailed below:

The person appointed under this document has the authority, while employed by Lac La Biche County, and while acting within the scope of his/her employment, to enforce all bylaws of Lac La Biche County.

This appointment expires upon termination of employment with Lac La Biche County.

The Bylaw Enforcement Officer must abide by all of the Policies, Procedures and this bylaw, as amended from time to time, issued by Lac La Biche County.

This appointment does not include jurisdiction on any Indian Reserve or Métis Settlement located within Lac La Biche County.

DATED at Lac La Biche County, in the Province of Alberta, this _____ day of _____, 20_____.

Chief Administrative Officer