

BYLAW 753

**OF THE TOWN OF KILLAM
IN THE PROVINCE OF ALBERTA**

BEING A BYLAW OF THE TOWN OF KILLAM IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE KILLAM TOWN COUNCIL TO APPOINT A BYLAW ENFORCEMENT OFFICER.

WHEREAS: IT IS DEEMED EXPEDIENT AND PROPER PURSUANT TO THE PROVISIONS OF SECTIONS 555 AND 556 OF THE MUNICIPAL GOVERNMENT ACT, RSA 2000,c.M-26 AS AMENDED OR REPEALED AND REPLACED FROM TIME TO TIME,

NOW THEREFORE the Council of the Town of Killam, duly assembled, ENACTS as follows:

1. Definitions: In this Bylaw, unless the context requires otherwise
 - a. "Bylaw" means bylaws of the Municipality.
 - b. "Bylaw Enforcement Officer" means a person appointed as such by Council.
 - c. "Committee" means the Bylaw Enforcement Committee established by this bylaw.
 - d. "Council" means Council of the Municipality.
 - e. "Municipality" means the Town of Killam.
2. The Municipal Council of the Town of Killam is hereby authorized to appoint a By-law Enforcement Officer.
3. The powers and duties of the Bylaw Enforcement Officer are as follows:
 - a. To ensure that bylaws of the Municipality are enforced.
 - b. To follow the directions of the Council and the Municipal Administrator and to report to the Municipal Administrator as required by him/her.
 - c. To respond to and investigate complaints.
 - d. To conduct routine patrols.
 - e. To issue warnings or tickets.
 - f. To prosecute or assist in the prosecution of breaches of Municipal Bylaws including the gathering of evidence, the attendance of witnesses and any appearances in court that may be required.
 - g. To perform all other duties as may from time to time be assigned by the Municipal Administrator.
 - h. To take the official oath prescribed by the Oath of Office Act upon being appointed as Bylaw Enforcement Officer and to carry on his person at all such times as he is acting as Bylaw Enforcement Officer evidence in writing of his appointment as Bylaw Enforcement Officer of the Municipality.
4. Council hereby establishes a Bylaw Enforcement Committee to be composed of persons of Town Council appointed by the Mayor or through a resolution of Council at the time of the Organizational Meeting, one of which members shall be designated as Chairman.
5. The duties and responsibilities of the Bylaw Enforcement Committee are as follows:
 - a. To hear appeals from any decision of the Bylaw Enforcement Officer.
 - b. To carry out such investigation of the enforcement of bylaws of the Municipality as Council may from time to time request and make a report in writing to Council of the results of the investigation of the Committee.
 - c. To carry out any further duties and responsibilities assigned to the Committee by Council.
6. Where is alleged that a Bylaw Enforcement Officer, in carrying out his duties as a peace officer, has committed a disciplinary default as defined by the Bylaw, the Committee 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.

7. Where the Committee intends to carry out a hearing to determine whether a Bylaw Enforcement Officer has committed a disciplinary breach, the following procedures shall be followed:
 - a. Adequate notice (a minimum of 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 Committee considers to be affected by the alleged disciplinary breach.
 - b. At the hearing the Committee shall give the Bylaw Enforcement Officer a reasonable opportunity of furnishing relevant evidence.
 - c. The Committee shall inform the Bylaw Enforcement Officer of the facts in its possession or the allegations made to it in sufficient detail to:
 - i) permit him/her to understand the facts or allegations; and
 - ii) afford him/her a reasonable opportunity to furnish relevant evidence to contradict or explain the facts or allegations.
 - d. The Committee shall give the Bylaw Enforcement Officer or his/her representative an adequate opportunity of making representations by way of argument to the Committee.
8. At the conclusion of a hearing to determine whether there has been a disciplinary breach, the Committee may, by a decision in writing with reasons, do the following:
 - a. Reprimand in writing the Bylaw Enforcement Officer; or
 - b. Suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipality, but such period of suspension shall not exceed six (6) months; or
 - c. Recommend to Council that the appointment of the Bylaw Enforcement Officer be terminated.
9. The Bylaw Enforcement Officer may commence an appeal of the decision of the Committee by filing a written notice of the appeal with the Chairman of the Committee within thirty (30) days of the receipt by the Bylaw Enforcement Officer of the written decision of the Committee.
10. The Committee shall hold a hearing into the appeal within forty five (45) days of the receipt of the appeal by the Chairman of the Committee.
11. The Committee shall give reasonable notice of the hearing to the appellant, to the Municipal Administrator, to Council and to such other parties as the Committee considers to be affected by the hearing.
12. In conducting a hearing, the Committee shall follow, with necessary modifications being made, the procedure set out in Clause 7.
13. In determining an appeal, the Committee may confirm, revoke or vary the decision or any conditions attached to an original decision and may:
 - a. Reprimand in writing the Bylaw Enforcement Officer; or
 - b. Suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipality but such suspension shall not exceed six (6) months; or
 - c. Recommend to Council that the appointment of the person as a Bylaw Enforcement Officer be terminated.
14. The Committee's decision shall be in writing with reasons and shall be made within fifteen (15) days of the conclusion of the hearing.
15. 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) is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code (Canada);
 - (iii) abets, connives or is knowingly an accessory to a general default described in this Bylaw.
- b. Insubordination, 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 a Bylaw Enforcement Officer;
 - (ii) fails to report a matter that it is his duty to report.
- d. Deceit, where the Bylaw 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 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
 - (iv) without proper authorization from a superior or in contravention of any rules of the Municipality, communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation; or
 - (v) without proper authorization shows to any person not a peace officer 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.
- 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 the Committee;
 - (iii) places himself under a pecuniary or other obligation to a person in respect of whose conduct or business operation or employment, the Bylaw Enforcement Officer may likely have to report or give evidence; or
 - (iv) improperly uses his position as a Bylaw Enforcement Officer for private advantage.
- 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.

This Bylaw shall come into force and effect upon the date of final passing thereof.

READ A FIRST TIME THIS _____ DAY OF _____, 2006.

READ A SECOND TIME THIS _____ DAY OF _____, 2006.

READ A THIRD TIME THIS _____ DAY OF _____, 2006 AND FINALLY PASSED.

MAYOR

ADMINISTRATOR