



BYLAW #1059
A BYLAW OF THE TOWN OF HINTON
IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ESTABLISHMENT
OF THE TOWN OF HINTON BYLAW ENFORCEMENT OFFICER BYLAW

WHEREAS Section 7(a) of the Municipal Government Act authorizes a municipality to pass a bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS Section 556 (a) provides that every council must by bylaw specify the powers and duties of Bylaw Enforcement Officers

NOW THEREFORE, the Municipal Council of the Town of Hinton, in accordance with the provisions of the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto enacts as follows:

SECTION 1

1.01 That this Bylaw be cited as "The Town of Hinton Bylaw Enforcement Officer Bylaw."

SECTION 2

DEFINITIONS AND INTERPRETATION

2.01 In this Bylaw, unless the context otherwise requires, the word, term or expressions:

- a) **"Bylaw"** means a bylaw of the Municipality;
- b) **"Bylaw Enforcement Officer (BEO)"** means a person appointed as such by Council;
- c) **"Council"** means the Council of the Municipality;
- d) **"Municipality"** means the Town of Hinton;

2.02

INTERPRETATIONS

- a) To ensure that bylaws of the Municipality are enforced;
- b) To provide for the supervision of the performance and conduct of the Bylaw Enforcement Officers;

- c) To discipline Bylaw Enforcement Officers as authorized by this bylaw;
- d) To report to Council and carry out the direction of Council;
- e) To establish standards of uniform, insignia and identification of Bylaw Enforcement Officers;
- f) To 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.

2.03

POWERS AND DUTIES OF A BYLAW ENFORCEMENT OFFICER

- a) To enforce the bylaws which Council has authorized the Bylaw Enforcement Officers to enforce within the boundaries of the Municipality;
- b) To follow the direction of and report to the Supervisor as required;
- c) To respond to and investigate complaints;
- d) To conduct routine patrols;
- e) To issue notices, tickets and or tags;
- f) To assist in the prosecution of bylaw contravention including appearances in court to provide evidence;
- g) To perform all other duties as may from time to time be assigned by the Supervisor;
- h) To take the Official Oath prescribed by the Oath of Office Act and amendments thereto upon being appointed as a Bylaw Enforcement Officer and to carry upon his/her person at all such times as he/she is acting as Bylaw Enforcement Officer evidence in writing of his/her appointment as a Bylaw Enforcement Officer of the Municipality;

2.04

Where it is alleged that a Bylaw Enforcement Officer, in carrying out his/her duties as a Bylaw Enforcement Officer has committed a disciplinary default as defined by the bylaw, the Supervisor shall:

- a) Notify the Bylaw Enforcement Officer involved of the complaint if appropriate and

- b) Determine if the Bylaw Enforcement Officer has committed a disciplinary default in carrying out his duties as a Bylaw Enforcement Officer.

2.05

Where the Supervisor intends to arrange a hearing to determine whether a Bylaw Enforcement Officer has committed a disciplinary breach, the following procedure will apply;

- a) Provided that the Supervisor deems it appropriate to notify the Bylaw Enforcement Officer of the complaint pursuant to Section 7(a) of this bylaw, adequate notice(a minimum of two days) in writing shall be given to the Bylaw Enforcement Officer who is alleged to have committed a disciplinary breach and to any other parties the Supervisor considers to be affected by the alleged disciplinary breach;
- b) At the hearing the Supervisor shall give the Bylaw Enforcement Officer a reasonable opportunity to furnish relevant evidence;
- c) The Supervisor shall inform the Bylaw Enforcement Officer of the facts or allegations the officer is accused of:
 - i. Permit the Bylaw Enforcement Officer to understand the facts or allegations; and
 - ii. Afford the Bylaw Enforcement Officer a reasonable opportunity to furnish relevant evidence to contradict or explain the facts or allegations;
- d) The Supervisor shall give the Bylaw Enforcement Officer's representative adequate opportunity for making representations by way of argument to the Supervisor.
- e) Upon conclusion of the investigation the Supervisor must notify the Complainant, the Bylaw Enforcement Office involved, and the Director of Law Enforcement of the disposition of the complaint.
- f) **"The complaint is unfounded,"** meaning that on the basis of a thorough investigation no reasonable belief exists that the complaint has merit or basis;

- g) **“The complaint is unsubstantiated”** meaning that on the basis of a thorough investigation there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred: or
- h) **“The complaint is found to have merit in whole or in part”** meaning that on the basis of a thorough investigation that:
 - i. **“in whole”** a reasonable belief exists that the Bylaw Enforcement Officer has engaged in misconduct in regards to the entirety of the complaint, or
 - ii. **“in part”** a reasonable belief exists that the Bylaw Enforcement Officer has engaged in misconduct in regards to a portion of the complaint, but not in its entirety.

2.06 At the conclusion of a hearing to determine whether there has been a disciplinary breach, the Supervisor may, by a decision in writing with reason, do the following:

- a) Reprimand the Bylaw Enforcement Officer in writing;
- b) Suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipality, such period of suspension shall be determined on its' own merit; or
- c) Recommend to Council that the appointment of the Bylaw Enforcement be terminated.

2.07 The Supervisor must ensure that the Bylaw Enforcement Officer involved and the Complainant are notified in writing of their right to appeal.

SECTION 3

DISCIPLINARY DEFAULTS

3.01

For the 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. Uses oppressive or tyrannical conduct towards an inferior in rank,
 - iii. Uses profane, abusive or insulting language to any person,
 - iv. Wilfully or negligently makes any false complaint or statement against a person;
 - v. Is guilty of an indictable offence under a Federal statute or an offence punishable upon summary conviction under the Criminal Code of Canada and any amendment thereto;
 - vi. Withholds or suppresses a complaint or report against a Bylaw Enforcement officer, or
 - vii. Abets, connives or is knowingly an accessory to a 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 an order 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 sufficient cause;
 - iii. Fails, when knowing where an offender is to be found, to make report of such; or
 - iv. Fails to report a matter that it is his duty to report.
- d) **Deceit**, where the Bylaw Enforcement Officer:
 - i. Knowingly 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 removes or alters or erases any entry therein;
- e) **Breach of confidence**, where the Bylaw Enforcement Officer:
- i. Divulges any matter which is the officer's duty to keep confidential;
 - 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 which the Supervisor 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 Supervisor shows to any unauthorized person, a book, 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, or
 - v. Makes any anonymous communication to the Supervisor.
- f) **Corrupt practice**, where the Bylaw Enforcement Officer:
- i. Fails to account for or to make proper and 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 Supervisor,
 - iii. Places himself/herself under a pecuniary obligation to a person in respect to conduct or a business operation or employment the officer may likely have to report or give evidence; or
 - iv. Improperly uses his/her position as 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**, where the Bylaw Enforcement Officer:
- i. While on duty is unfit for duty as a result of consuming intoxicating liquor or drugs;
 - ii. Reports for duty and is unfit for duty as a result of consuming intoxication 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, purchase or obtain for a Bylaw Enforcement Officer while on duty any intoxicating liquor or drugs.

EFFECTIVE DATE

That Bylaw #1059, the Town of Hinton Bylaw Enforcement Officer Bylaw shall come into full force and effect on Third and Final Reading;

READ A FIRST TIME THIS 15th DAY OF MARCH, 2011.

READ A SECOND TIME THIS 15TH DAY OF MARCH, 2011.

READ A THIRD AND FINAL TIME THIS 15TH DAY OF MARCH, 2011.



MAYOR



DIRECTOR OF COMMUNITY, CORPORATE &
PROTECTIVE SERVICES

