

CITY OF COLD LAKE
BYLAW NO. 114-PL-02 - Unofficial Consolidation

Please note: in a bylaw that is “Unofficially Consolidated”, the original approved bylaw is updated to include all of the approved amendments to that bylaw.

A BYLAW OF THE CITY OF COLD LAKE 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, the provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980 and amendments thereto, empowers City Council to appoint Bylaw Enforcement Officers for the purpose of enforcing compliance with bylaws;

AND WHEREAS, the City Council shall, by bylaw, set out the powers and duties of Bylaw Enforcement Officers;

AND WHEREAS the City Council shall, by bylaw, establish disciplinary procedures including procedures, penalties and an appeal process applicable to Bylaw Enforcement Officers with respect to their powers and duties as peace officers;

NOW THEREFORE, the City Council of the City of Cold Lake, in the Province of Alberta, duly assembled hereby enacts as follows:

1. This bylaw may be cited as the **BYLAW ENFORCEMENT OFFICER’S BYLAW**.
2. Definitions:
 - a) "Council" means the municipal Council of the City duly assembled and acting as such;
 - b) "Bylaw" means bylaws of the City;
 - c) "Bylaw Enforcement Officer" means an employee of the City appointed as such and who, in the execution of his duties, is a person employed for the preservation and maintenance of the public peace;
 - d) "Committee" or "Committee of City Council" means the in-camera committee of the whole City Council;
 - e) "City" means the City of Cold Lake;
 - f) "Supervisor of Protective Services" means an employee of the City appointed as such;
 - g) "Supervisor" means the person appointed by City Council who shall govern the operation of the Bylaw Enforcement Officer's department.
3. *The Chief Administrative Officer may appoint one or more Bylaw Enforcement Officers for the purpose of enforcing compliance with the City’s Bylaws. The Chief Administrative Officer may further delegate the power to appoint Bylaw Enforcement Officers to another employee of the City.*

Amended November 8, 2016, Bylaw 595-PL-16

4. The powers and duties of the Bylaw Enforcement Officers are as follows:
 - a) to enforce the bylaws which Council has authorized the Bylaw Enforcement Officer to enforce within the boundaries of the City;

- b) to provide for the supervision of the performance and conduct of the animal control officers of the City;
 - c) to respond to and investigate complaints, conduct routine patrols and issue notices, tickets or tags;
 - d) to report through the Supervisor of Protective Services to Council quarterly and carry out the directions of Council;
 - e) to perform all other duties as may from time to time be assigned by the Supervisor of Protective Services;
 - 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;
 - g) to perform such duties as authorized as a special constable appointed by the Provincial Solicitor General's department;
 - h) to take the 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 City.
5. Where it 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 Supervisor of Protective Services 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.
6. Where the Supervisor of Protective Services intends to carry out a hearing to determine whether a Bylaw Enforcement Officer has committed a disciplinary breach, the following procedure 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 Supervisor of Protective Services considers to be affected by the alleged disciplinary breach;
 - b) at the hearing the Supervisor of Protective Services shall give the Bylaw Enforcement Officer a reasonable opportunity of furnishing relevant evidence;
 - c) the Supervisor of Protective Services shall inform the Bylaw Enforcement Officer of the facts in his possession or the allegations made to him 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) The Supervisor of Protective Services shall give the Bylaw Enforcement Officer or his representative an adequate opportunity of making representations by way of argument to the Supervisor of Protective Services.
7. At the conclusion of a hearing to determine whether there has been a disciplinary breach, the Supervisor of Protective Services may, by a decision in writing with reasons, do the following:
- a) rule that the Bylaw Enforcement Officer has not committed a disciplinary breach and the file shall be closed;

- b) reprimand in writing the Bylaw Enforcement Officer;
 - c) suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the City, but such period of suspension shall not exceed 6 months;
 - d) recommend to Council that the appointment of the Bylaw Enforcement Officer be terminated.
8. An appeal from the decision of the Supervisor of Protective Services may be commenced by the Bylaw Enforcement Officer who is the subject of the disciplinary hearing by filing a written notice of the appeal with the Mayor within 30 days of the receipt by the Bylaw Enforcement Officer of the written decision of the Supervisor of Protective Services.
9. The Committee of City Council shall hold a hearing into the appeal within 30 days of receipt of the appeal by the Mayor. The Committee shall give reasonable notice of the hearing to the appellant, the Supervisor of Protective Services, the Chief Administrative Officer, and to such other parties as the Committee considers to be affected by the hearing.

In conducting a hearing, the Committee shall follow, with necessary modifications being made, the procedure set out in Clause 6 of the bylaw. In determining an appeal, the Council Committee may confirm, revoke or vary the decision or any conditions attached to a decision by the Supervisor of Protective Services and may:

- a) reprimand in writing the Bylaw Enforcement Officer;
- b) suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the City, but such suspension shall not exceed 6 months;
- c) recommend to Council that the appointment of the person as a Bylaw Enforcement Officer be terminated.

The Committee's decision shall be in writing, with reasons, and shall be made within 7 days of the conclusion of the hearing.

10. 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 member of a police force, Special Constable or Bylaw Enforcement Officer;
 - iv) willfully 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 upon summary conviction under the Criminal Code (Canada);
 - vi) withholds or suppresses a complaint or report against a peace officer; or
 - vii) abets, connives or is knowingly an accessory to a general default described by this bylaw.

- b) insubordination where the Bylaw Enforcement Officer by word or actions, 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 sufficient 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) 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 Enforcement Officer:
 - i) divulges any matter which it is his duty to keep secret;
 - ii) gives notices, 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;
 - iii) without proper authorization from a superior or in contravention of any rules of the Supervisor of Protective Services, 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 of Protective Services, shows to any person not a peace officer or any unauthorized member of the City Staff any book 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 of Protective Services.
- 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) fails to adhere to the Code of Ethics as adopted by Council describing the conduct of City employees;
 - iii) places himself under a pecuniary or other obligation to a person in respect of whose conduct or business operation or employment the member may likely have to report or give evidence; or

- iv) improperly use 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 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 or 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.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 12th day of February, A.D. 2002, on motion by Councillor Belcourt.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 12th day of February, A.D. 2002 on motion by Councillor Drake as amended.

**CARRIED
UNANIMOUSLY**

CONSENT TO THIRD AND FINAL READING granted on motion by Councillor Eger.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 12th day of February, A.D. 2002, on motion by Councillor Jordan.

**CARRIED
UNANIMOUSLY**

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER