



**TOWN OF HIGH LEVEL
BYLAW ENFORCEMENT OFFICER BYLAW
BYLAW NO. 999-19**

WHEREAS pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, and the Peace Officer Act 2006 Chapter P-3.5 and regulations and amendments thereto, the Council of the Town of High Level, may by bylaw, establish Bylaw Enforcement Officer positions 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 the Council of the Town of High Level, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. This Bylaw shall be cited as the "BYLAW ENFORCEMENT OFFICER BYLAW".
2. DEFINITIONS;
 - a) M.G.A. means the Municipal Government Act Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto.
 - b) Bylaw means the Bylaws of the Town of High Level, duly enacted pursuant to the M.G.A. and or any other Statues of the Province of Alberta.
 - c) Bylaw Enforcement Officer means a person appointed under Section 555 of the Municipal Government Act of Alberta for the purposes of the enforcement of Town of High Level Municipal Bylaws and may include a person appointed under the Peace Officer Act of Alberta.
 - d) CAO means the Chief Administrative Officer of the Town, a person duly appointed pursuant to the M.G.A. and the Town's Chief Administrative Officer Bylaw.
 - e) Council means the duly elected Council of the Town of High Level.

- f) Conditional Bylaw Enforcement Officer means an employee of the Town appointed as such and who, in the execution of their duties, is only responsible for the enforcement of select bylaws or sections of bylaws as specified in the Appointment issued by the CAO, under such conditions as specified in the Appointment, and limited to the powers and duties as specified in the Appointment, and may include a limited duration of time for which their appointment is in effect.
- g) Peace Officer means a person designated or appointed as a Peace Officer under the Peace Officer Act of Alberta.
- h) Proper authorization means written authorization obtained from the Chief Administrative Officer.
- i) Town means the Town of High Level, an incorporated municipality in the Province of Alberta.
3. The CAO may;
- a) establish one or more Bylaw Enforcement Officer positions as approved by Council.
 - b) appoint, promote or dismiss individuals to the position of Bylaw Enforcement Officer or conditional Bylaw Enforcement Officer for the purpose of enforcing the Town Bylaws and enforcement of Provincial Statutes and Acts as authorized by the Alberta Solicitor General.
 - c) assume 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 Bylaws.
4. A Bylaw Enforcement Officer or Conditional Bylaw Enforcement Officer;
- a) Shall take the official Oath of Office before commencing their duties.
 - b) Is, in accordance with Section 555(1) of the Municipal Government Act of Alberta, is, in the execution of enforcement duties, appointed for the purposes of, and responsible for the preservation and maintenance of the public peace.
 - c) Shall not utilize titles, crests, logo's or patches that state that Officer is a Peace Officer or Police Officer as appointed under the Peace Officer Act or Police Act of Alberta unless that Officer is in receipt of an appointment under that legislation.
5. The duties of any bylaw enforcement officers may include, but are not limited to;
- a) Enforce Town Bylaws.
 - b) Respond to and investigate complaints.
 - c) Conduct routine patrols.

- d) Issue notices, tickets or tags.
 - e) Prosecution of any Bylaw contravention including appearances in Court to provide evidence.
 - f) Service of documents.
 - g) Ensure proper filing of information and documentation of circumstances.
 - h) Provide daily and monthly activity reports.
 - i) Perform other duties as assigned by the CAO.
6. Any person appointed as a Bylaw Enforcement Officer by the CAO shall adhere to the following uniform requirements;
- a) In the case of a Bylaw Enforcement Officer appointed with full bylaw enforcement authority;
 - i) Tan shirt, long or short sleeve with a crest sewn to both arms that states Town of High Level Protective Services
 - ii) Blue or Black BDU style pants.
 - iii) A protective vest and all necessary tools and personal protective equipment, if necessary, at the discretion of the Officer.
 - iv) Any alternatives must be approved by the Director of Protective Services or CAO.
 - b) In the case of a Bylaw Enforcement officer appointed with full authority who is additionally appointed as a Peace Officer under the Peace Officer Act of Alberta;
 - i) Shall adhere to all uniform requirements of the Peace Officer Policy #231-10.
 - ii) A Peace Officer who is appointed as a Bylaw Enforcement Officer may, if necessary in the course of executing duties as a Bylaw Enforcement Officer conduct their duties without a uniform requirement and operate in whatever dress is necessary provided that;
 - 1) They carry suitable identification that can identify themselves in their professional working capacity
 - 2) They operate exclusively as a Town of High Level Bylaw Enforcement Officer and do not conduct duties that would otherwise be exercised using powers of a Provincial Peace Officer.

- 3) They identify themselves as a Town of High Level Bylaw Enforcement Officer as requested or when interacting with members of the public.
 - c) A Town of High Level Firefighter who is appointed as a conditional Bylaw Enforcement Officer may utilize their station gear, or any other uniform provided to them as an official High Level Fire Department Uniform as a suitable uniform requirement for the purposes of acting as a Conditional Bylaw Enforcement Officer.
 - d) Any other person designated as a temporary or Conditional Bylaw Enforcement Officer shall adhere to any uniform requirement as explicitly expressed on the conditions of their appointment set out by the CAO.
7. Any Bylaw Enforcement Officer who is appointed with full enforcement authority in addition to any other tools that are offered to them under any other legislation may regularly carry on their person;
 - a) Dog or Bear Spray.
 - b) Handcuffs.
 - c) Personal protective equipment including a bullet resistant vest, a stab resistant vest or protective gloves, but not including SAP gloves or similar gloves.
 - d) Particular equipment necessary to carry out the enforcement duties and responsibilities of the Bylaw Enforcement officer.
 - e) Tools and items necessary for the performance of the Bylaw Enforcement Officer's duties and responsibilities.
 - f) A device designed or intended to be used for the purpose of injuring, immobilizing, repelling or otherwise incapacitating an animal by the discharge of a sensory irritating spray, powder or projectile such as a CO₂ powered gun which is long or compact in nature, or other device provided the device does not meet the classification of a restricted or prohibited weapon under the Criminal Code of Canada and is not carried in a concealed fashion.
 - g) A collapsible baton.
 - h) Any other item required for the control or defense against animals.
- 7.1 Any Conditional or Temporary Bylaw Enforcement Officer who is appointed with a limited scope may only utilize the tools, equipment and weapons necessary to carry out their specific duty as listed and prescribed by the CAO.

8. Any Bylaw Enforcement Officer who is to engage in the execution of duties shall, before engaging in their duties and carrying any item listed in Section 7 of this Bylaw;

- a) Complete a Use of Force training program by an accredited Use of Force Instructor
- b) Complete training on all weapons and tools listed in Section 7 by a Use of Force Instructor
- c) Complete a field training program that ensures all competencies required to complete the duties of a Bylaw Enforcement Officer are demonstrated.

9. The process for handling complaints and appeals arising from matters respecting the conduct or performance of a Peace Officer is established by Council and described in the Town of High Level's Policy #231-10 also known as the Peace Officer's Policy and Procedure Manual as amended from time to time.

10. A Bylaw Enforcement Officer may be liable to disciplinary action if their conduct includes a violation of any provision, 11 through 16 of this bylaw.

10.2 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.

11. 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.
- 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.

12. 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.

13. 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.
14. 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.
15. 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.
16. 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 or Conditional 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.

17. REPEALED BYLAW: BYLAW 907-10 IS HEREBY REPEALED.

18. COMMENCEMENT:

This Bylaw shall come into full force and effect upon passing third and final reading and signed by the Mayor and Municipal Secretary.

READ A FIRST TIME this 25th day of November 2019.

READ A SECOND TIME this 25th day of November 2019.

READ A THIRD AND FINAL TIME this 25th day of 2019.

SIGNED AND PASSED this 27th day of November 2019.

(Original signed)

MAYOR

(Original signed)

MUNICIPAL SECRETARY