

BYLAW 3-2009

(CONSOLIDATED ON June 23, 2020)

A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS AND PEACE OFFICERS

WHEREAS, the Municipal Government Act, RSA 2000, c. M-26, as amended, provides for the appointment of Bylaw Enforcement Officers, and

WHEREAS the Peace Officer Act, 2006, c.P-3.5 provides for the appointment of Peace Officers; and

WHEREAS Strathcona County employs Bylaw Enforcement Officers and Peace Officers;

NOW THEREFORE the Municipal Council of Strathcona County, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. DEFINITIONS

In this Bylaw:

1.01 "Associate Commissioner" means the Associate Commissioner, Community Services, for Strathcona County, or whatever position is responsible for the administrative division that includes Strathcona County's Enforcement Services

(S.3, Bylaw 35-2020, June 23, 2020)

1.1 "Bylaws" means the Bylaws of the County;

1.2 "Bylaw Enforcement Officer" means a person appointed as such by the Chief Commissioner under the authority of the Municipal Government Act, RSA 2000, c. M-26 as amended;

1.3 "Council" means Council of Strathcona County;

1.4 "County" means Strathcona County;

1.5 "Chief Commissioner" means the Chief Commissioner of Strathcona County as appointed by the Council or whatever subsequent title may be conferred on that office by Council or statute;

1.6 (Deleted, S.4, Bylaw 35-2020, June 23, 2020)

1.7 "Peace Officer" means a person appointed as such by the County under the authority of the Minister, pursuant to Peace Officer Act Statutes of Alberta, 2006, c.P-3.5

1.8 "RCMP" means Royal Canadian Mounted Police.

2. ESTABLISHMENT

2.1 The Municipal Office of Bylaw Enforcement Officer is hereby created.

2.2 The Chief Commissioner may appoint one or more Bylaw Enforcement Officers and may appoint one or more Peace Officers, who may also hold appointments as Bylaw Enforcement Officers for the County.

2.3 The appointment of a Bylaw Enforcement Officer shall be in writing and shall state the territorial jurisdiction, and may state the authority of the Chief Commissioner delegated to the Bylaw Enforcement Officer.

2.4 The appointment of a Peace Officer shall be in writing and shall state the authority, responsibilities, duties and territorial jurisdiction of that Peace Officer.

3. POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS

The powers and duties of a Bylaw Enforcement Officer are as follows:

3.1 To enforce the Bylaws which the Chief Commissioner has authorized the Bylaw Enforcement Officer to enforce;

3.2 To follow the directions of the Chief Commissioner and to report to the Chief Commissioner or a person designated by him;

3.3 To respond to and investigate complaints;

3.4 To conduct goal-focused patrols;

3.5 To issue notices, violation tickets or tags;

3.6 To assist in the prosecution of bylaw and statutory offences including appearances in Court to provide evidence and service of subpoenas on potential witnesses;

3.7 To perform all other duties as may from time to time be assigned;

3.8 To take the official oath prescribed by the Oaths of Office Act RSA 2000, c.O-1 upon being appointed as a Bylaw Enforcement Officer; and

3.9 To preserve and maintain the public peace.

4. POWERS AND DUTIES OF PEACE OFFICERS

The powers and duties of Peace Officers are as follows:

4.1 To enforce the specific provincial statutes enumerated in the Authorization to Employ Peace Officers issued to the County by the Minister from time to time;

4.2 To follow the directions of the Chief Commissioner and to report to the Chief Commissioner or a person designated by him;

4.3 To respond to and investigate complaints relating to the statutes;

4.4 To issue notices, tickets or tags to any other authority vested in the Peace Officer with respect to the specific statutes;

4.5 To assist in the prosecution of statutory offences, including appearances in court to provide evidence and service of subpoenas on potential witnesses;

4.6 To perform all other duties as may from time to time be assigned;

4.7 To take the Oath of Office prescribed by the Peace Officer Act, SA, 2006, c. P 3.5 upon being appointed as a Peace Officer and to carry upon his or her person as he or she is acting as a Peace Officer, evidence in writing of his or her appointment as a Peace Officer of the County; and

4.8 To preserve and maintain the public peace.

5. COMPLAINT AND COMPLAINT INVESTIGATION PROCEDURES

5.1 Any complaint alleging that a Bylaw Enforcement Officer or Peace Officer, in carrying out his or her duties as a Peace Officer, has committed a Disciplinary Default as defined under section 8 of this Bylaw shall be directed to the Associate Commissioner.

(S.5, Bylaw 35-2020, June 23, 2020)

5.2 All complaints, regardless of their nature, must be accepted and dealt with in accordance with this Bylaw. Complaints must be

received or taken in writing and in accordance with Public Security Peace Officer Program Policy and Procedures Manual.

- 5.3 The Associate Commissioner shall acknowledge receipt of the complaint in writing to the person making the complaint and to the Bylaw Enforcement Officer or Peace Officer against whom the complaint is made.

(S.5, Bylaw 35-2020, June 23, 2020)

- 5.4 The Associate Commissioner will investigate the complaint. During the investigation, the Bylaw Enforcement Officer or Peace Officer will be given the opportunity to respond to the complaint.

(S.6, Bylaw 35-2020, June 23, 2020)

- 5.4.A If the Associate Commissioner determines that a complaint is of conduct that is criminal in nature, the Associate Commissioner will provide a copy of the complaint to the RCMP for further investigation.

(S.7, Bylaw 35-2020, June 23, 2020)

- 5.5 (Deleted, S.8, Bylaw 35-2020, June 23, 2020)

- 5.6 Notwithstanding section 5.4, the Associate Commissioner or his delegate may resolve a minor complaint informally and arrive at a solution that is satisfactory to all parties.

(S.5, Bylaw 35-2020, June 23, 2020)

- 5.7 Upon completion of an investigation pursuant to section 5.4, the Associate Commissioner will present a copy of the complaint and a copy of the investigative report to the Bylaw Enforcement Officer or Peace Officer against whom the complaint was made, and the Bylaw Enforcement Officer or Peace Officer will then be given 7 days to make a full response to the complaint and the investigative report.

(S.9, Bylaw 35-2020, June 23, 2020)

- 5.8 Upon reviewing the response and explanation of the Bylaw Enforcement Officer or Peace Officer and any other information the Associate Commissioner believes appropriate, the Associate Commissioner may either dismiss the complaint as unfounded or unsubstantiated or find that the Bylaw Enforcement Officer or Peace Officer has committed a Disciplinary Default.

(S.5, Bylaw 35-2020, June 23, 2020)

- 5.9 Nevertheless, any investigation and reporting must, in addition, conform to the direction of the Public Security Peace Officer Program Policy and Procedures Manual.
- 5.10 The Associate Commissioner shall, within 20 days of the Associate Commissioner's decision and in writing, notify the Bylaw Enforcement Officer or Peace Officer, and the complainant of the Associate Commissioner's decision.

(S.10, Bylaw 35-2020, June 23, 2020)

6. DISCIPLINARY PROCEDURES

- 6.1 Where it is found that a Bylaw Enforcement Officer or Peace Officer, in carrying out his or her duties has committed a Disciplinary Default as defined in Section 8 of this Bylaw, the Associate Commissioner may impose one or more of the following disciplines:

(S.5, Bylaw 35-2020, June 23, 2020)

- 6.1.1. provide a verbal counseling to the Bylaw Enforcement Officer or Peace Officer;
- 6.1.2. provide a written reprimand to the Bylaw Enforcement Officer or Peace Officer;
- 6.1.3. suspend the Bylaw Enforcement Officer or Peace Officer with or without pay, for a period not exceeding three days;
- 6.1.4. terminate the employment of the Bylaw Enforcement Officer or Peace Officer;

(S.11, Bylaw 35-2020, June 23, 2020)

- 6.1.5. direct that the Bylaw Enforcement Officer or Peace Officer complete a training course that the Associate Commissioner deems to be appropriate in the circumstances.

(S.5, Bylaw 35-2020, June 23, 2020)

- 6.2 The Associate Commissioner will impose the discipline under Sections 6.1.1, 6.1.2 and 6.1.5 as soon as practical.

(S.5, Bylaw 35-2020, June 23, 2020)

- 6.3 If the Associate Commissioner imposes discipline under Sections 6.1.3 or 6.1.4 the Associate Commissioner will not impose the

discipline until such time as either the Bylaw Enforcement Officers or Peace Officer waives the appeal period in writing or when the appeal period has expired.

(S.5, Bylaw 35-2020, June 23, 2020)

7. APPEALS

- 7.1 A Bylaw Enforcement Officer or Peace Officer, who is disciplined under Sections 6.1.1 to 6.1.5 inclusive, may appeal the discipline imposed by the Associate Commissioner to the Chief Commissioner within seven days of the discipline being imposed.

(S.5, Bylaw 35-2020, June 23, 2020)

- 7.2 The appeal to the Chief Commissioner must be in writing.

- 7.3 The Bylaw Enforcement Officer or Peace Officer may, in writing, waive the appeal period and deliver his/her decision to waive the appeal period to the Associate Commissioner.

(S.5, Bylaw 35-2020, June 23, 2020)

- 7.4 The Chief Commissioner shall hold a hearing into the appeal within 45 days of the receipt of the appeal.

- 7.5 The Chief Commissioner shall give ten (10) days notice of the hearing to the complainant, the Bylaw Enforcement Officer or Peace Officer, the Associate Commissioner and to such other parties as the Chief Commissioner considers to be affected by the hearing.

(S.5, Bylaw 35-2020, June 23, 2020)

- 7.6 In conducting the hearing, the Chief Commissioner shall:

- 7.6.1 inform the Bylaw Enforcement Officer or Peace Officer of the facts in the Chief Commissioner's possession or the allegations made against the Bylaw Enforcement Officer or Peace Officer in sufficient detail to:

7.6.1.1 permit the Bylaw Enforcement Officer or Peace Officer to understand the facts or allegations; and

7.6.1.2 afford the Bylaw Enforcement Officer or Peace Officer an opportunity to furnish relevant evidence to contradict or explain the facts or allegations; and

7.6.2 give the Bylaw Enforcement Officer, Peace Officer, complainant, or the representative of any of them, an opportunity to make representations by way of written or oral argument to the Chief Commissioner.

(S.13, Bylaw 35-2020, June 23, 2020)

7.7 The Chief Commissioner in determining the appeal may confirm, revoke or vary the decision or any conditions attached to a decision made by the Associate Commissioner and may, without restricting the generality of the foregoing:

(S.5, Bylaw 35-2020, June 23, 2020)

7.7.1 Reprimand in writing the Bylaw Enforcement Officer or Peace Officer;

7.7.2 Suspend the Bylaw Enforcement Officer or Peace Officer from acting as a Bylaw Enforcement Officer or Peace Officer for the County with or without pay, but such suspension shall not exceed three (3) days;

7.7.3 Terminate the appointment of the person as a Bylaw Enforcement Officer or Peace Officer.

7.8 The Chief Commissioner's decision shall be in writing, with reasons, and shall be provided to the Bylaw Enforcement Officer or Peace Officer, the Associate Commissioner and the complainant, within 15 days of the hearing.

(S.5, Bylaw 35-2020, June 23, 2020)

8. DISCIPLINARY DEFAULTS

For purposes of this Bylaw, the following shall be Disciplinary Defaults:

8.1 Discreditable conduct, where the Bylaw Enforcement Officer or Peace Officer:

8.1.1 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 or Peace Officer;

8.1.2 uses oppressive or tyrannical conduct;

8.1.3 uses profane, abusive or insulting language to any member of a police force, Peace Officer, Bylaw Enforcement Officer or any member of the public;

- 8.1.4 wilfully or negligently makes any false complaint or statement against a peace officer;
 - 8.1.5 is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code (Canada);
 - 8.1.6 withholds or suppresses a complaint or report against a Peace Officer; or
 - 8.1.7 abets, connives or is knowingly an accessory to a default described in this Bylaw.
- 8.2 Insubordination, where the Bylaw Enforcement Officer or Peace Officer by word or action, and without lawful excuse, disobeys, omits or neglects to carry out any lawful order;
- 8.3 Neglect of duty, where the Bylaw Enforcement Officer or Peace Officer:
- 8.3.1 without lawful excuse neglects or omits promptly and diligently to perform a duty as a Bylaw Enforcement Officer or Peace Officer;
 - 8.3.2 fails to work in accordance with orders, or leaves an area, detail or other place of duty without due permission or sufficient cause;
 - 8.3.3 fails, when knowing where an offender is to be found, to report him or her; or
 - 8.3.4 fails to report a matter that it is his or her duty to report.
- 8.4 Deceit, where the Bylaw Enforcement Officer or Peace Officer:
- 8.4.1 knowingly makes or signs a false statement in an official document or book;
 - 8.4.2 wilfully or negligently makes a false misleading or inaccurate statement pertaining to official duties; or
 - 8.4.3 without lawful excuse destroys, mutilates or conceals an official document or record or alters or erases any entry therein.
- 8.5 Breach of confidence, where the Bylaw Enforcement Officer or Peace Officer:

- 8.5.1 divulges any matter, which it is his or her duty to keep secret;
 - 8.5.2 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
 - 8.5.3 without proper authorization from a superior or in a contravention of any orders of the Chief Commissioner communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation;
 - 8.5.4 without proper authorization from the Chief Commissioner shows to any person not a peace officer or any unauthorized member of the Bylaw Enforcement Office group 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 Royal Canadian Mounted Police or the employer of the Bylaw Enforcement Officer or Peace Officer.
- 8.6 Corrupt practice, where the Bylaw Enforcement Officer or Peace Officer:
- 8.6.1 fails to account for or to make a prompt true return of money or property received in an official capacity;
 - 8.6.2 directly or indirectly solicits or receives a gratuity, present, past, subscription or testimonial without the consent of the Chief Commissioner;
 - 8.6.3 places himself or herself under a pecuniary or other obligation to a person in respect of whose conduct or business operation or employment the Bylaw Enforcement Officer or Peace Officer may likely have to report or give evidence; or
 - 8.6.4 improperly uses his or her position as a Bylaw Enforcement Officer or Peace officer for private advantage.
- 8.7 Unlawful or unnecessary exercise of authority, where the Bylaw Enforcement Officer or Peace Officer is unnecessarily discourteous or uncivil to a member of the public.

8.8 Consuming intoxicating liquor or drugs in a manner prejudicial to duty, where the Bylaw Enforcement Officer or Peace Officer:

- 8.8.1 while on duty is unfit for duty through consuming intoxicating liquor or drugs
- 8.8.2 reports for duty and is unfit for duty through consuming intoxicating liquor or drugs
- 8.8.3 demands, persuades or attempts to persuade another person to give or purchase or obtain for a Bylaw Enforcement Officer or Peace Officer while on duty, any intoxicating liquor or drugs.

9. REPEAL OF BYLAW 39-2003

- 9.1 Bylaw 39-2003 is hereby repealed.

10 EFFECTIVE DATE

- 10.1 This Bylaw comes into force after third reading and upon being signed.

NOTE: Consolidation made under Section 69 of the Municipal Government Act, R.S.A. 2000, c.M-26 and Bylaw 21-2015 Section 8, and printed under the Chief Commissioner's authority.

Bylaw 3-2009, passed by Council February 3, 2009

Amendments

Bylaw 35-2020, June 23, 2020