

BYLAW NO 123-19

SUMMER VILLAGE OF WHISPERING HILLS

Being a Bylaw of the Summer Village of Whispering Hills, in the Province of Alberta, for the purpose of authorizing the establishment of a Bylaw Enforcement Officer Bylaw.

WHEREAS, under the Authority of Section 556 of the Municipal Government Act, being Chapter M-26.1 Statutes of Alberta, 1994 and amendments thereto, the Council of the Summer Village of Whispering Hills, in the Province of Alberta, duly assembled, enacts as follows:

- 1) Definition: in this Bylaw
 - a) "Bylaw" means Bylaws of the municipality;
 - b) "Bylaw Enforcement Officer" means a person appointed as such by council;
 - c) "Chief Administrative Officer" is the administrative head of the municipality;
 - d) "Council" means Council of the Municipality;
 - e) "Municipality" means the Summer Village of Whispering Hills.
- 2) The powers and duties of a Bylaw Enforcement Officer are as follows:
 - a) To enforce the bylaws which Council has authorized the Bylaw Enforcement Officer to enforce within the boundaries of the municipality;
 - b) To follow the directions of the Chief Administrative Officer and to report to the Chief Administrative Officer as required by her;
 - c) To respond to and investigate complaints related to animal control, as well as respond to and investigate contravention of others bylaws of the Municipality, when specifically directed to do so by the Chief Administrative Officer.
 - d) To conduct routine patrols;
 - e) To issue notices, tickets 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 Chief Administrative Officer;
 - 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 Municipality.
- 3) Where it is alleged that a Bylaw Enforcement Officer, in carrying his duties as a peace officer has committed a disciplinary default as defined by the bylaw, the Chief Administrative Officer 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.
- 4) Where the Chief Administrative Officer 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 Chief Administrative Officer considers to be affected by the alleged disciplinary breach.
 - b) At the hearing the Chief Administrative Officer shall give the Bylaw Enforcement Officer a reasonable opportunity of furnishing relevant evidence;
 - c) The Chief Administrative Officer 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 afford him a reasonable opportunity to furnish relevant evidence to contradict or explain the facts or allegations.
 - d) The Chief Administrative Officer shall give the Bylaw Enforcement Officer or his representative an adequate opportunity of making representation by way of argument to the Chief Administrative Officer.
- 5) At the conclusion of a hearing to determine whether there has been a disciplinary breach, the Chief Administrative Officer may, by a decision in writing with reasons, do the following:
- a) Reprimand in writing the Bylaw Enforcement Officer;
 - b) Suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the municipality, but such period of suspension shall not exceed 6 months.
 - c) Recommend to Council that the appointment of the Bylaw Enforcement Officer be terminated.
- 6) An appeal from the decision of the Chief Administrative Officer 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 14 days of the receipt of the Bylaw Enforcement Officer of the written decision of the Chief Administrative Officer.
- 7) Council shall hold a hearing into the appeal within 45 days of the receipt of the appeal by the Mayor.
- 8) Council shall give reasonable notice of the hearing to the appellant, to the Chief Administrative Officer and to such other parties as considered to be affected by the hearing.
- 9) In conducting a hearing, Council shall follow, with necessary modification being made, the procedure set out in Clause 4 of the bylaw.
- 10) In determining an appeal, Council may confirm, revoke or vary the decision or any conditions attached to a decision by the Chief Administrative Officer 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 municipality but such suspension shall not exceed 6 months.

- c) Council may determine that the appointment of the person as a Bylaw Enforcement Officer be terminated.

11) Council's decision shall be in writing with reasons and shall be made within 15 days of the conclusion of the hearing.

12) For purposes of this bylaw, the following shall be disciplinary defaults:

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 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 in this bylaw.

b) Insubordination, where the Bylaw Enforcement Officer by work 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 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 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 the Chief Administrative Officer 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 for the Chief Administrative Officer shows to any person not a peace officer or any unauthorized member of the bylaw


- enforcement officer 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 employer or the Bylaw Enforcement Officer, or,
- v) makes any anonymous communication to the Chief Administrative Officer.
- f) Corrupt practice, where the Bylaw Enforcement Officer
- i) fails to account for or to make a prompt, true return to 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 Chief Administrative Officer,
 - 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 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, 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 or purchase or obtain for the Bylaw Enforcement Officer while on duty, any intoxicating liquor or drugs.

This bylaw comes into force upon the date of final passing.


Read a first time this 30th day of August, 2019

Read a second time this 30th day of August, 2019

Read a third time and finally passed this 30th day of August, 2019



Mayor



Administrator