

# **SUMMER VILLAGE OF HALF MOON BAY BYLAW ENFORCEMENT OFFICER BYLAW BYLAW #166-22**

PURSUANT to the provisions of the Municipal Government Act, Statutes of Alberta, Chapter M-26.1, Section 556 and amendments thereto:

The Municipal Council of the Summer Village of Half Moon Bay, in the Province of Alberta, duly assembled hereby enacts as follows:

1. This bylaw may be cited the “**Bylaw Enforcement Officer Bylaw.**”
2. In this bylaw:
  - (a) “*Administrator*” means the person appointed by Council to perform the duties of Administrator for the Municipality;
  - (b) “*By-Law*” means by-laws of the Municipality;
  - (c) “*By-Law Enforcement Officer*” means an employee of the Summer Village, or a person or company contracted by the Summer Village to execute the duties of enforcing Summer Village Bylaws and who has been appointed pursuant to this bylaw;
  - (d) “*CAO*” means the Chief Administrative Officer of the Summer Village and the person who is appointed s such by the Summer Village Council, or anyone who is the action Chief Administrative Officer;
  - (e) “*Committee*” means the By-Law Enforcement Committee established under this By-Law;
  - (f) “*Council*” means the municipal council of the Summer Village of Half Moon Bay;
  - (g) “*Municipality*” means the Summer Village of Half Moon Bay.
  - (h) “*Offence Ticket*” means any ticket or tag which is authorized under the *Municipal Government Act*, the *Provincial Offences Procedures Act*, and any other enactment, and which is issued or any bylaw offence;
  - (i) “*Notice*” means any notice authorized to be given under any municipal bylaws or enactment.
3. The powers and duties of a By-Law Enforcement Officer are as follows:
  - (a) To enforce the By-Laws which Council has authorized the By-Law Enforcement Officer to enforce within the boundaries of the Municipality;
  - (b) To conduct the directions of Council and the Administrator;
  - (c) To assist in the prosecution of breaches of Municipal By-Laws including the gathering of evidence, the attendance of witnesses and any appearances in court that may be required;
  - (d) To respond to any investigate complaints;
  - (e) To issue notices, tickets, or tags;

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- (f) To perform all other duties as may from time to time be assigned by the Administrator; or if the CAO is the bylaw enforcement officer, then such duties as assigned by Council;
  - (g) To take the official oath prescribed by the Oaths of Office Act upon being appointed as a By-Law Enforcement Officer and to carry upon his person at all such times as he is acting as By-law Enforcement Officer, evidence in writing of his appointment as a By-Law Enforcement Officer of the Municipality.
4. Council hereby establishes Council as the By-Law Enforcement Committee.
5. The duties and responsibilities of the By-Law Enforcement Committee are as follows:
- (a) To hear appeals from any decision of the Administrator made regarding the disciplining of By-Law Enforcement Officers pursuant to the By-Law;
  - (b) To conduct such investigation of the enforcement of By-Laws of the Municipality as may be required from time to time;
  - (c) To perform any further duties and responsibilities as may be required.
6. Where it is alleged that a By-Law Enforcement Officer, in performing his duties as a Peace Officer has committed a disciplinary default as defined by this By-law, the Administrator shall hold a hearing to determine if the By-Law Enforcement Officer has committed a disciplinary default in performing his duties as a Peace Officer.
7. Where the Administrator intends to conduct a hearing to determine whether a By-Law 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 By-Law Enforcement Officer who is alleged to have committed disciplinary breach and to such other parties that the Administrator considers to be affected by the alleged disciplinary breach.
  - (b) At the hearing, the Administrator shall give the By-Law Enforcement Officer a reasonable opportunity of furnishing relevant evidence.
  - (c) The Administrator shall inform the By-Law Enforcement Officer of the facts in his possession, or the allegation 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 Administrator shall give the By-Law Enforcement Officer or his representative an adequate opportunity of making representations by way of argument to the Administrator.
8. At the conclusion of a hearing to determine whether there has been a

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disciplinary breach, the Administrator may, by a decision in writing with reasons, do the following:

- (a) Reprimand in writing to the By-Law Enforcement Officer;
  - (b) Suspend the By-Law Enforcement Officer from acting as a By-Law Enforcement Officer for the Municipality, but such period of suspension shall not exceed 6 months;
  - (c) Recommend to Council that the appointment of the By-Law Enforcement Officer be terminated.
9. An appeal from the decision of the Administrator may be commenced by the By-Law Enforcement Officer who is the subject of the disciplinary hearing by filing a written notice of the appeal with the Chairman of the Committee within 30 days of the receipt by the By-Law Enforcement Officer of the written decision of the Administrator.
10. The Committee shall hold a hearing into the appeal within 40 days of the receipt of the appeal by the Chairman of the Committee.
11. The Committee shall give reasonable notice of the hearing to the appellant, the Administrator, and to such other parties as the Committee consider to be affected by the hearing.
12. In conducting a hearing, the Committee shall follow, with necessary modification being made, the procedure as set out in Clause 7 of this By-Law.
13. In determining an appeal, the Committee may confirm, revoke, or vary the decision or any conditions attached to a decision by the Administrator and may,
  - (a) Reprimand in writing the By-Law Enforcement Officer;
  - (b) Suspend the By-Law Enforcement Officer from acting as By-Law Enforcement Officer for the Municipality but such suspension shall not exceed 6 months;
  - (c) Terminate the appointment of the person as a By-Law Enforcement Officer for the Municipality.
14. The Committee's decision shall be in writing with reasons and shall be made within 15 days of the conclusion of the hearing.
15. For purposes of this By-Law, the following shall be disciplinary defaults:
  - (a) *Discreditable conduct*, where the By-Law 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 By-Law 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 By-Law Enforcement Officer,
    - iv. Willfully or negligently makes any false complaint or statement against a peace officer,
    - v. Is guilty of an indictable offense under a federal statute or an offense punishable upon summary conviction under the

- Criminal Code of 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 the By-Law.
- (b) *Insubordination*, where the By-Law Enforcement Officer by way of action, and without lawful excuse, disobeys, omits or neglects to conduct any lawful order.
- (c) *Neglect of duty*, where the By-Law Enforcement Officer,
- i. Without lawful excuse neglects or omits promptly and diligently to perform a duty as a By-Law Enforcement Officer.
  - ii. Fails to work in accordance with orders, or leave 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 By-Law 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 entries therein.
- (e) *Breach of confidence*, where the By-Law 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 Administrator 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 Administrator shows to any person not a peace officer or any unauthorized member the By-Law 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 Municipality, or
  - v. Makes any anonymous communication to the Administrator.
- (f) *Miscellaneous*, where the By-Law Enforcement Officer,
- i. Fails to account for or to make a prompt, 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 Administrator,
  - 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 have to report or give

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- iv. evidence, or  
Improperly uses his position as a By-Law Enforcement Officer for private advantage.

(g) *Unlawful or unnecessary exercise of authority*, where the By-Law 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 By-Law 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 a By-Law Enforcement Officer while on duty, any intoxicating liquor, or drugs.

16. That this Bylaw shall take effect on the date of the third and final reading.

**INTRODUCED AND GIVEN FIRST READING** this 17<sup>th</sup> day of May 2022.

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Jonathan Johnston, Mayor

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Tanner Evans, C.A.O.

**GIVEN SECOND READING** this 28<sup>th</sup> day of June 2022.

**GIVEN THIRD AND FINAL READING** this 28<sup>th</sup> day of June 2022.

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Jonathan Johnston, Mayor

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Tanner Evans, C.A.O.