

BYLAW NO. 1403-12
OF THE
TOWN OF VULCAN
IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE COUNCIL OF THE TOWN OF VULCAN TO ESTABLISH THE POSITION OF BYLAW ENFORCEMENT OFFICER AND TO OUTLINE THE DUTIES AND POWERS OF THE BYLAW ENFORCEMENT OFFICER.

WHEREAS, Section 555 (1) of the Municipal Government Act, Chapter M-26 provides that a person who is appointed as a Bylaw Enforcement Officer is, in the execution of enforcement duties, responsible for the preservation and maintenance of the public peace.

WHEREAS, Section 556 of the Municipal Government Act, Chapter M-26 provides that a Council must by Bylaw specify the powers and duties of Bylaw Enforcement Officers and establish disciplinary procedures for misuse of power, including penalties and appeal process application to misuse of power by Bylaw Enforcement Officers.

WHEREAS, the Town of Vulcan wish to establish the position of Bylaw Enforcement Officer;

NOW THEREFORE THE COUNCIL OF THE TOWN OF VULCAN, DULY ASSEMBLED ENACTS AS FOLLOWS:


1. This bylaw shall be cited as Bylaw Enforcement Officer Bylaw
2. The position of Bylaw Enforcement Officer shall be established and Council, by Bylaw, shall appoint an individual as Bylaw Enforcement Officer who shall be appointed by reason of his or her qualifications and training, preferably in the field of bylaw enforcement.
3. The Bylaw Enforcement Officer shall carry out those executive and administrative duties which are described in the job description attached as Schedule "A".
4. Any bylaws of the same effect are being repealed.
5. The disciplinary procedures are attached as Schedule "B" to this Bylaw.

Read a First Time in Council this 10th day of April, 2012.

Read a Second Time in Council this 10th day of April, 2012.

Introduced for a Third Reading in Council this 10th day of April, 2012.

Read a Third and Final Time in Council this 10th day of April, 2012.


Howard Dirks, Mayor


Alcide Cloutier, CAO

SCHEDULE "A"
of
BYLAW 1403-12

SUPERVISOR: Chief Administrative Officer

1. Purpose of Position

The Bylaw Enforcement Officer is primarily responsible for public awareness education, and the day to day enforcement of the Town of Vulcan Municipal Bylaws, policies and regulations, and provincial statutes as approved by the Town of Vulcan's Administrator.

2. Organization Structure

2.1 The position reports to the Chief Administrative Officer.

2.2 No positions report to the Bylaw Enforcement Officer.

3. Program Responsibilities

The Bylaw Enforcement Officer will:

3.1 Be an advisor in legal and enforcement matters to the Town of Vulcan's administration.

3.2 Research, draft, and be a driving force on the implication of new or changed bylaws and policies or assist in analysis of all bylaws, policies and related reports for the Town of Vulcan.

3.3 Be responsible for the overall supervision and enforcement of the Town of Vulcan's municipal bylaws, regulations, policies and provincial statutes, and to conduct all related investigations.

3.4 Ensure the Town of Vulcan complies with all pertinent provincial legislation.

3.5 Render emergency assistance to the public, emergency services and other agencies as required.

3.6 Diligently and professionally patrol the Town of Vulcan and investigate complaints received from the general public, or other law enforcement agencies.

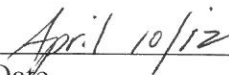
3.7 Assist other Town of Vulcan Staff, Disaster Services or other Bylaw Enforcement Officers when required.

- 3.8 Liaise with schools' staff and students in regard to student safety and enforcement programs.
- 3.9 Develop, implement, monitor and/or revise public safety programs.
- 3.10 Liaise and provide assistance to other agencies in a highly professional manner at all times.
- 3.11 Act as the Town of Vulcan Safety Officer if required.
- 3.12 Complete all paperwork and reports as required by the Town of Vulcan and the court system.
- 3.13 Act on behalf of the Town of Vulcan before the courts in the prosecution of charges that may be laid.
- 3.14 Be required to conduct itself with the highest level of honesty and integrity under the direction of the department's standard operating procedures at all times on and off duty.
- 3.15 Be required to monitor all roads, street furniture, vehicles, equipment, traffic control devices or properties owned by the Town of Vulcan; and, to report all damage, misuse and/or safety concerns to the appropriate department head.
- 3.16 Attend and participate in any training or re-certification courses as required by the Town of Vulcan or any other level of governments.
- 3.17 Maintain accurate notes of time spent and matters dealt with while patrolling the Town of Vulcan for evidence and invoicing purposes.
- 3.18 Attend other duties that may be assigned from time to time by the Chief Administrative Officer.

APPROVAL



Chief Administrative Officer



Date

SCHEDULE “B”
of
BYLAW 1403-12

1. HOURS OF SERVICE

- a) Shifts are based on a maximum of a 37.5 hour work week.
- b) All starting and finishing times shall be placed on a daily time sheet, to be submitted to payroll on the 15th and last working day of each month, and on the daily activity report for that date.
- c) All times in which the Town Bylaw Enforcement Officer is actively involved in the performance of its duties as per its job description shall be considered to be on duty time.
- d) A normal work month shall be so scheduled to provide for variable days of service through a week, including weekends, and variable work shifts through a day with 7.5 hours or less as conditions indicate unless emergency situations require otherwise, with all work schedules approved by the Town Chief Administrative Officer.

2. PERSONAL APPEARANCE

- a) The Town Bylaw Enforcement Officer shall wear a uniform approved by the Town Chief Administrative Officer while on duty.

3. JURISDICTION

- a) The Town Bylaw Enforcement Officer shall enforce only those Town Bylaws listed in its job description.
- b) In no event shall a Town Bylaw Enforcement Officer act in an official capacity outside of its appointed jurisdiction or appointed authority unless:
 - 1) The Town Bylaw Enforcement Officer is investigating a matter, which originated in its jurisdiction and is covered under its appointment;
 - 2) The Town Bylaw Enforcement Officer is attending court as a witness or on docket duty;
 - 3) The Town Bylaw Enforcement Officer has been requested by an R.C.M.P. Officer to assist in an emergency; or

- 4) The Town Bylaw Enforcement Officer encounters a person in need of assistance while the member is on a routine patrol from one assigned area to another. The Town Bylaw Enforcement Officer may render assistance until such time the agency responsible arrives.
- c) Calls received from persons outside of the Town Bylaw Enforcement Officer's appointed jurisdiction shall be handled as follows:
 - 1) Advise the caller that they have called the wrong agency; and
 - 2) Supply the caller with the telephone number for the appropriate agency.
- d) If the Town Bylaw Enforcement Officer encounters any Criminal Code violations, the Officer shall immediately notify the R.C.M.P. He shall not take any action against those violations unless in an emergency, it is justified within the meaning of Section 25 of the Criminal Code.
- e) The transport of persons taken into custody is to be carried out by the R.C.M.P.
- f) Should a call be received in relation to a Criminal Offence, ask the caller to contact the R.C.M.P. In no event is the Town Bylaw Enforcement Officer to enter into or tamper with a possible crime scene, unless to render emergency assistance to the public or another officer.

4. ROUTINE PREVENTATIVE PATROL

- a) While on routine patrol, the Town Bylaw Enforcement Officer shall drive the patrol vehicle at a reasonable rate of speed.
- b) Patrol areas shall be checked at varying times and days and no set pattern is to be followed.
- c) The Town Bylaw Enforcement Officer should watch for suspicious persons or activities in the patrol area, as well as traffic and other violations.
- d) A complete and accurate activity report should be filed by the Town Bylaw Enforcement Officer at the completion of each shift.
- e) This report shall contain the following information:
 - 1) Location of patrol;
 - 2) Time of patrol;
 - 3) Patrol activity; and

- 4) Details, such as: names and addresses of suspicious persons; license numbers; and, descriptions of suspicious vehicles.
- f) The Daily Activity Report shall be used by the Town Bylaw Enforcement Officer, and shall be turned in to the Town Chief Administrative Officer weekly. It shall consist of the following:
 - 1) Number of:
 - i) Warnings issued; and
 - ii) Tickets issued pertaining to Town Bylaws.
 - 2) Town Bylaws being investigated or enforced.
 - 3) Hours and mileage as pertaining to daily log.
 - 4) Relevant documentation pertaining to court appearances and other legal matters.
 - 5) All other information the Town Bylaw Enforcement Officer deems to be relevant.
- g) Extra-territorial authority of the Town Bylaw Enforcement Officer

The Town Bylaw Enforcement Officer shall have authority to perform the Town Bylaw Enforcement Officer's duties outside of the corporate boundaries of the Town in the following circumstances:

- 1) Service of court documents, civil and criminal, related to offences or other activities that occurred within the corporate boundaries of the Town.
- 2) For training purposes when such training is outside the jurisdiction of the Town of Vulcan

5. ENFORCEMENT PROCEDURES

Whenever dealing with the public, the Officer shall always clearly identify itself as the Town Bylaw Enforcement Officer.

- a) Issuance of Violation Tickets
 - 1) In dealing with offenders, the Town Bylaw Enforcement Officer may use its discretion by dealing with the offender through education, awareness or enforcement by issuing a ticket or tickets with the emphasis being on educating and awareness before proceeding with enforcement activities.

- 2) In the case of an offender with multiple potential violations, the Town Bylaw Enforcement Officer may use its discretion in issuing, to the offender, a violation ticket or tickets for the most appropriate offence or offences.

6. HANDLING PUBLIC COMPLAINTS AND ADMINISTRATION OF DISCIPLINE FOR THE TOWN BYLAW ENFORCEMENT OFFICER

a) Receipt of Complaint

- 1) Public complaints or other information about alleged misconduct by the Town Bylaw Enforcement Officer shall be directed to the Town of Vulcan, P.O. Box 360, Vulcan, Alberta T0L 2B0.

All complaints must be accepted and dealt with according to the procedure set out in this document. Complaints should be in writing. Complaints received orally shall be recorded in writing by the person who first receives the complaint. In all cases, the name, address and telephone number of the complainant must be obtained.

- 2) The complaint shall immediately be forwarded to the Town Chief Administrative Officer.
- 3) The Town Chief Administrative Officer shall acknowledge receipt of the complaint in writing to the person making the complaint and shall provide a copy of the complaint to the Town Bylaw Enforcement Officer against whom the complaint was made and to the Town Council.

b) Investigation

- 1) The Town Chief Administrative Officer shall investigate the complaint or have it investigated and report to Town Council.
- 2) If the Town Council is satisfied that misconduct by a Town Bylaw Enforcement Officer may have occurred, the Town Council shall take disciplinary action in accordance with item 6.c) (4).
- 3) The Town Chief Administrative Officer may resolve minor complaints informally, with a solution that is satisfactory to all parties and shall report such to the Town Council.
- 4) Client Satisfaction – The Town Chief Administrative Officer shall phone the client to see if the complaint has been dealt with to their satisfaction.

c) Disciplinary Action

- 1) The Council shall present the allegations that were made and the findings of the investigation to the Town Bylaw Enforcement Officer.
- 2) The Town Bylaw Enforcement Officer shall be given an opportunity to make a full response to the allegations and supporting evidence.
- 3) The Town Council shall hear the explanation of the Town Bylaw Enforcement Officer and any other information that is relevant to determine the facts. The Town Council shall determine if the complaint of misconduct is proven or unproven.
- 4) If the Town Council finds that a complaint of misconduct against the Town Bylaw Enforcement Officer has been proven, the Town Council may take one of the following disciplinary actions:
 - i) Warn the Town Bylaw Enforcement Officer;
 - ii) Reprimand the Town Bylaw Enforcement Officer;
 - iii) Suspend the Town Bylaw Enforcement Officer without pay for a period not exceeding thirty (30) days; or
 - iv) Dismiss the Town Bylaw Enforcement Officer.
- 5) The Town Chief Administrative Officer shall notify the complainant and the Town Bylaw Enforcement Officer in writing of the results of the investigation and the action taken.
- 6) The decision of the Town Council is final.