

TOWN OF VULCAN

BYLAW NO. 1403-A20

A BYLAW OF THE TOWN OF VULCAN, IN THE PROVINCE OF ALBERTA, TO AMEND THE
BYLAW ENFORCEMENT OFFICER BYLAW No. 1403-12.


WHEREAS, section 556 of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000 and amendments thereto 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 applicable to misuse of power by Bylaw Enforcement Officers. and;

WHEREAS there has been consideration by the Council of the Town of Vulcan to amend Section 2 and Schedule "B" of the Bylaw Enforcement Officer Bylaw No. 1403-12 to be compliant with current legislative requirements.

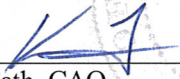
THEREFORE, Council of the Town of Vulcan duly assembled and pursuant to the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000 enacts as follows:

1. That Section 2 of the Bylaw Enforcement Officer Bylaw be amended by deleting the words "by Bylaw" and replace with "by resolution"
4. That Schedule "B" of the Bylaw Enforcement Officer Bylaw be amended by replacing with Schedule "B" as attached to this bylaw
5. Bylaw No. 1403-12, being the Bylaw Enforcement Officer Bylaw, is hereby amended.
6. This Bylaw comes into effect upon third and final reading hereof.

READ a first time this 22nd day of June, 2020.



Tom Grant, Mayor



Kim Fath, CAO

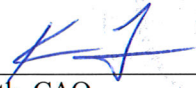
Initials



READ a second time this 22nd day of June, 2020.



Tom Grant, Mayor

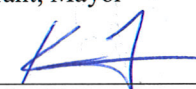


Kim Fath, CAO

READ a third time, by unanimous consent, and finally passed this 22nd day of June, 2020



Tom Grant, Mayor



Kim Fath, CAO

Initials  

SCHEDULE "B"
of
BYLAW 1403-12

1. HOURS OF SERVICE

- a) Shifts are based on a maximum of a 40-hour work week.
- b) All starting and finishing times shall be placed on a daily time sheet, to be submitted to payroll on the 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 10 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.

b) Investigation

- 1) The Town Chief Administrative Officer shall investigate the complaint or have it investigated and report to Town Council.
- 2) If the Chief Administrative Officer is satisfied that misconduct by a Town Bylaw Enforcement Officer may have occurred, the Chief Administrative Officer 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 Chief Administrative Officer 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 Chief Administrative Officer shall hear the explanation of the Town Bylaw Enforcement Officer and any other information that is relevant to determine the facts. The Chief Administrative Officer shall determine if the complaint of misconduct is proven or unproven.
 - 4) If the Chief Administrative Officer finds that a complaint of misconduct against the Town Bylaw Enforcement Officer has been proven, the Chief Administrative Officer 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.
- d) Appeal Process
- 1) A complainant may appeal a decision by the Chief Administrative Officer under Item 6(b) 4) or Item 6(c) 4). All appeals must be in writing and will be delivered to the Town Council at the address set out in Item 6(a) 1) no later than 30 days after receipt by the Appellant of the decision of the Chief Administrative Officer.
 - 2) After reviewing the information in the possession of the Chief Administrative Officer and hearing any submissions that the parties may wish to make, the Town Council may allow the appeal or dismiss the appeal. If in determining an appeal, the Town Council finds that a complaint of misconduct by a Town Bylaw Enforcement Officer has been proven the Town Council may take any of the disciplinary actions referred to in Item 6(c) 4).
 - 3) The Town Council must notify the complainant and the Bylaw Enforcement Officer in writing of the results of the appeal.
 - 4) The decision of the Town Council is final.
 - 5) Accurate recordings of the appeal process shall be kept on file at the Town Office.

