

VILLAGE OF LEGAL
BYLAW #04-95

BEING A BYLAW OF THE VILLAGE OF LEGAL IN THE PROVINCE OF ALBERTA
CREATING THE MUNICIPAL OFFICE OF BYLAW ENFORCEMENT OFFICER.

WHEREAS Council deems it advisable to create the Municipal Office of
Bylaw Enforcement Officer, pursuant to the Municipal Government Act of
the Province of Alberta,

AND WHEREAS it is desirable to state the territorial jurisdiction and
duties of the Bylaw Enforcement Officer.

NOW THEREFORE the Municipal Council of the Village of Legal pursuant to
the Municipal Government Act of the Province of Alberta hereby ENACTS
AS FOLLOWS:

1. The Municipal Office of Bylaw Enforcement Officer is hereby created.
2. The Municipal Administrator of the Village of Legal may appoint one or more bylaw Enforcement Officers or Chief Bylaw Enforcement Officer.
3. The appointment of every Bylaw Enforcement Officer shall be in writing and shall state clearly the territorial jurisdiction and the duties of the Bylaw Enforcement Officer.
4. Any person so appointed Bylaw Enforcement Officer shall hold term of office at the pleasure of Council for the Village of Legal.
5. The territorial jurisdiction of a Bylaw Enforcement Officer appointed under this bylaw shall be the territorial boundaries of the Village of Legal and to any property owned, controlled or managed by the Village of Legal outside its limits, except where further jurisdiction beyond the limits is expressly given to Council by the Municipal Government Act or any other act.
6. The duties of the Bylaw Enforcement Officer shall be as follows:
 - a) to take appropriate action to ensure that the laws enacted heretofore and from time to time hereafter by the Council of the Village of Legal, are preserved and maintained;
 - b) to carry out investigations of any alleged breaches of the laws of the Council of the Village of Legal;
 - c) to prepare necessary documentation and process charges laid according to law, including the service of offence tickets and summonses for violations of the provisions of the laws of the Council of the Village of Legal and service of summonses and subpoenas on witnesses required for court proceedings for such charge;
 - d) to act on behalf of the Village before the Courts in the prosecution of such charges;
 - e) to preserve and maintain the public peace in the matter of the due observance of the provisions of the laws of the Council of the Village of Legal within the corporate limits of the Village of Legal;
 - f) to carry out all other duties required of him by the Bylaw or resolutions of the Council of the Village of Legal and to perform such other related duties as may be assigned to him by the Municipal Administrator.
7. Bylaw Enforcement Officer is hereby designated as a License Inspector within the meaning of that term as found in the Village of Legal Business License Bylaw, or other bylaw enacted heretofore or which may be enacted from time to time hereafter by the Council of the Village of Legal.

8. A Bylaw Enforcement Officer so appointed according to this bylaw is hereby appointed to carry out all duties of an Enforcement Officer as prescribed in The Litter Act of the Province of Alberta.
9. A Bylaw Enforcement Officer shall have the authority of a Peace Officer only with respect to the enforcement of the bylaws of the Village of Legal.
10. Every Bylaw Enforcement Officer, before entering upon his duties, shall take the official oath prescribed by the Oaths of Office Act, of the Province of Alberta.
11. A Bylaw Enforcement Officer shall not bear arms during the exercise of his duties of his office.
12. The Bylaw Enforcement Officer shall make application for Special Constable status and receive necessary approvals. As Special Constable, he shall follow the Code of Conduct as outlined in Schedule "A" attached to and forming part of this bylaw. As Special Constable, he/she shall be subject to disciplinary procedures as outlined in Schedule "B" attached to and forming part of this bylaw.
13. This bylaw shall come into full force and effect upon the final passing thereof.

READ a first time in Council this 3 day of April, A.D. 1995

READ a second time in Council this 25 day of April, A.D. 1995

READ a third time and finally passed this 25 day of April, A.D. 1995



MAYOR



MUNICIPAL ADMINISTRATOR

Schedule "A"

CODE OF CONDUCT

Misconduct by a Special constable

A Special Constable shall not do any of the following:

1. Contravene
 - (i) an Act of the Parliament of Canada,
 - (ii) an Act of the Legislature of Alberta,
 - (iii) any regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta, or
 - (iv) any provision of his appointment as a Special Constable,where the contravention is of such a character that it would be prejudicial to discipline or likely to bring discredit on the reputation of law enforcement;
2. Act in
 - (i) a disorderly or inappropriate manner, or
 - (ii) a manner prejudicial to discipline or likely to bring discredit on the reputation of law enforcement;
3. Differentially apply the law or exercise his authority on the basis of race, colour, religion, sex, physical disability, marital status, age, ancestry or place of origin;
4. Withhold or suppress a complaint against or a report made in respect of a Peace Officer;
5. Neglect, without a lawful excuse, to promptly or diligently perform his duties as a Peace Officer;
6. Willfully or negligently make or sign a false, misleading or inaccurate statement or entry in any official document or record;
7. Without a lawful excuse
 - (i) destroy, mutilate or conceal an official document or record, or
 - (ii) alter or erase an entry in an official document or record;
8. Divulge any matter that it is his duty to keep in confidence;
9. Fail to account for or to make a prompt and true return of money or property that the Special Constable receives in his capacity as a Special Constable;
10. Directly or indirectly solicit or receive a payment, gift, pass, subscription, testimonial or favour without the consent of his employer;
11. Place himself under a financial, contractual or other obligation to a person in respect of whom the Special Constable could reasonably expect he may be required to report or give evidence;
12. Without lawful excuse, use his position as a peace officer for his or another person's personal advantage;
13. Exercise his authority as a Special Constable when it is unlawful or unnecessary to do so;

14. Consume or otherwise use drugs that are prohibited by law from being in his possession;
15. Report for duty, be on duty or be on stand by for duty while unfit to do so by reason of the use of alcohol or a drug;
16. Demand, persuade or attempt to persuade another person to give, purchase or obtain any liquor for a peace officer who is on duty;
17. Apply inappropriate force in circumstances in which force is used;
18. When on duty, have in his possession any firearm other than one that is
 - (i) approved by the Solicitor General, and
 - (ii) issued to the Special Constable by the employer of the Special Constable;
19. When on duty, other than when on a firearm training exercise, discharge a firearm, whether intentionally or by accident, and not report the discharge of the firearm to the senior officer or employer of the Special Constable;
20. Fail to exercise sound judgement and restraint in respect of the use and care of a firearm, other weapon or restraining device.

Schedule "B"

DISCIPLINARY PROCEDURE FOR SPECIAL CONSTABLES

Receipt of Complaint

1. Complaints concerning the conduct of a Special Constable shall be directed to the Municipal Administrator of the Village of Legal at 5021 - 50 Street, Legal, Alberta or at 961-3773.

All public complaints, regardless of how trivial, must be accepted and dealt with according to policy. Complaints shall be in writing. Complaints received orally shall be recorded in writing.

2. The complaint shall be immediately forwarded to the Municipal Administrator.
3. The Municipal Administrator shall acknowledge receipt of the complaint in writing to the person making the complaint, and the person against whom the complaint was made.

Investigation

4. The Municipal Administrator shall investigate the complaint or have it investigated.
5. If the Municipal Administrator is satisfied that a misconduct has been committed he/she will take corrective disciplinary action.
6. Notwithstanding item 5., the Municipal Administrator may resolve minor complaints informally, arriving at a solution that is satisfactory to all parties.

Disciplinary Action

7. The Municipal Administrator will present the allegation made and the findings to the Special Constable.
8. The Special Constable will be given the opportunity to make a full response to the allegations and the supporting evidence.
9. Upon hearing the response and the explanation of the Special Constable, and any other information the Municipal Administrator believes is appropriate to determine the facts, he/she will either dismiss the complaint as unfounded; as unsubstantiated or find the Special Constable has committed a misconduct.
10. If the Municipal Administrator finds that the Special Constable has committed a misconduct he may take one of the following measures:
 - (i) warn the Special Constable,
 - (ii) reprimand the Special Constable,
 - (iii) suspend the Special Constable for a period not exceeding 72 hours,
 - (iv) recommend to the Village Council that the Special Constable be dismissed.

Notification and Appeal

11. The Municipal Administrator shall notify the complainant and Special Constable in writing as to the results of the investigation, the action taken, and the right to appeal the decision to the Village Council who is to hear the appeal within 30 days from the day of the receipt of the notice of disposition.
12. The Village Council in considering the appeal, may dismiss the appeal, or allow the appeal and impose or vary discipline as outlined in paragraph 10.
13. Village Council shall notify the complainant and Special Constable in writing as to the results of the appeal.