

**BYLAW #001-13
OF THE
TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA
TO PROVIDE FOR THE APPOINTMENT AND EMPOWERMENT OF A BYLAW
ENFORCEMENT OFFICER.**

WHEREAS, the *Municipal Government Act*, Chapter M-26 R.S.A. provides that for Alberta Municipalities to enact and enforced Bylaws. Appointment of designated officers (Bylaw Enforcement Officer) is approved in Section 210(1) of the *Municipal Government Act*.

AND WHEREAS, the *Municipal Government Act* provides that if a Council does appoint A Bylaw Enforcement Officer, the Council shall establish a bylaw delineating the powers and duties for such an officer.

NOW THEREFORE, the Municipal Council of the Town of Smoky Lake duly assembled, enacts as follows:

1. TITLE:

1.1 This Bylaw shall be known as the **"The Bylaw Enforcement Officer Bylaw"**.

2. DEFINITIONS:

2.1 **"Act"** means the *Municipal Government Act*.

2.2 **"Bylaw"** means a Bylaw of the Town.

2.3 **"Bylaw Enforcement Officer"** means a person appointed as such by the Town Council.

2.4 **"Chief Administrative Officer"** is the person appointed by Council as the Chief Administrative Officer pursuant to Sections 207- 210 of the *Municipal Government Act*.

2.5 **"Council"** means the Mayor and Councillors of the Town of Smoky Lake for the time being elected pursuant to the provisions of the *Local Authorities Election Act* whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the *Municipal Government Act*.

3. **BYLAW ENFORCEMENT OFFICER:**

The powers and duties of a Bylaw Enforcement Officer are as follows:

- 3.1 To enforce the bylaws which the Town Council has authorized the Bylaw Enforcement Officer to enforce.
- 3.2 To follow the general direction of the Chief Administrative Officer relative to Bylaw enforcement within the boundaries of the Town.
- 3.3 To respond to and investigate complaints.
- 3.4 To conduct routine patrols.
- 3.5 To issue notices and violation tickets.
- 3.6 To inform and educate the public regarding Town Bylaws.
- 3.7 To assist in the prosecution of Bylaw contravention's including appearances in court to provide evidence.
- 3.8 To perform all duties as may from time to time be assigned by the Chief Administrative Officer.
- 3.9 To take the official oath prescribed by the *Oaths of Office Act* upon being appointed as a Bylaw Enforcement Officer and to carry on his person at all such times as he is acting as Bylaw Enforcement Officer evidence in writing of his appointment as a Bylaw Enforcement Officer of the Town of Smoky Lake.

4. **DISCIPLINARY PROCEDURES**

- 4.1 Where it is alleged that a Bylaw Enforcement Officer, in carrying out his duties is guilty of misconduct as set out in this bylaw, the Chief Administrative Officer shall:
 - 4.1.1 investigate such allegations, such investigation to include a meeting with the Bylaw Enforcement Officer alleged to have committed such misconduct, and
 - 4.1.2 where such investigation indicates in the sole discretion of the Chief Administrative Officer that evidence exists to substantiate such allegations, hold a hearing to determine if the Bylaw Enforcement Officer has committed a misconduct in carrying out his duties.
- 4.2 Where the Chief Administrative Officer intends to carry out a hearing to determine whether a Bylaw Enforcement Officer has committed misconduct, the Chief Administrative Officer shall:



- 4.2.1 acknowledge receipt of any complaint received to the complainant;
- 4.2.2 provide adequate notice (a minimum of two (2) days) in writing to the Bylaw Enforcement Officer who is alleged to have committed a misconduct and to such other parties as the Chief Administrative Officer considers to be affected by the alleged misconduct;
- 4.2.3 provide the Bylaw Enforcement Officer a reasonable opportunity of furnishing relevant evidence at the hearing;
- 4.2.4 inform the Bylaw Enforcement Officer of the facts in his possession or of the allegations made to him in sufficient detail to:
 - 4.2.4.1 permit him to understand the facts or allegations.
 - 4.2.4.2 afford him a reasonable opportunity to furnish relevant evidence to contradict or explain the facts or allegations;
 - 4.2.4.3 and provide the Bylaw Enforcement Officer or his representative an adequate opportunity to make representations by way of argument at the hearing.
- 4.3 At the conclusion of a hearing to determine whether there has been a misconduct or within seventy-two (72) hours thereafter, the Chief Administrative Officer may, by a decision in writing with reasons:
 - 4.3.1 reprimand in writing the Bylaw Enforcement Officer.
 - 4.3.2 suspend without pay the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipality for a term not to exceed six (6) months; or
 - 4.3.3 terminate the appointment of Bylaw Enforcement Officer, and advise Council that the appointment of the Bylaw Enforcement Officer is terminated.
- 4.4 An appeal from the decision of the Chief Administrative Officer may be commenced by the Bylaw Enforcement Officer or complainant who is the subject of the disciplinary hearing by filing a notice in writing of the appeal with the Council of the Town of Smoky Lake.

5. WHAT CONSTITUTES MISCONDUCT?

- 5.1 For the purposes of this bylaw, the following shall constitute misconduct by a Bylaw Enforcement Officer:



5.1.1 Discreditable conduct, where the Bylaw Enforcement Officer:

5.1.1.1 acts in a disorderly or inappropriate manner, likely to bring discredit upon the reputation of law enforcement.

5.1.1.2 contravenes:

- 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

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.

5.1.2 withholds or suppresses a complaint or report made to a Bylaw Enforcement Officer.

5.1.3 Differentially applies the law or the exercise of his authority on the basis of race, colour, religion, sex, physical disability, marital status, age, ancestry, or place of origin.

5.2 Neglect of duty: where the Bylaw Enforcement Officer neglects, without lawful excuse, to promptly or diligently perform his duties as a Bylaw Enforcement Officer.

5.3 Deceit: where the Bylaw Enforcement Officer:

5.3.1 willfully or negligently makes or signs a false, misleading or inaccurate statement or entry in any official document or record.

5.3.2 Without lawful excuse destroys, mutilates or conceals an official document or record or alters or erases any entry therein.

5.4 Breach of confidence: where the Bylaw Enforcement Officer divulges any matter which it is his duty to keep in confidence.

5.5 Corrupt practice: where the Bylaw Enforcement Officer:

5.5.1 fails to account for or to make a prompt and true return of money or property received in an official capacity.

5.5.2 directly or indirectly solicits or receives a payment, gratuity, gift, pass, subscription or testimonial related to the discharge of duty.



5.5.3 places himself under a financial, contractual or other obligation to a person in respect of whom he could reasonably expect he may be required to report or give evidence.

5.5.4 without lawful excuse, uses his position as a Bylaw Enforcement Officer for his or another person's personal advantage.

5.6 Consumption or be under the influence of liquor or illicit drugs while on duty.

6. SEVERANCE

If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

7. EFFECTIVE DATE:

7.1 This Bylaw comes into effect upon the final third passing and proper signature thereof.

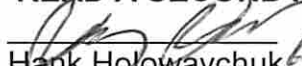
7.2 If any provision herein is adjudged to be repugnant to any federal regulations or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulations.

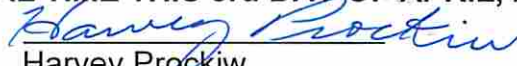
READ A FIRST TIME THIS 20th DAY OF MARCH, 2013


Hank Holowaychuk
Mayor


Harvey Prockiw
Chief Administrative Officer

READ A SECOND AND THIRD AND FINAL TIME THIS 3rd DAY OF APRIL, 2013


Hank Holowaychuk
Mayor


Harvey Prockiw
Chief Administrative Officer