

CITY OF SPRUCE GROVE

BY-LAW NO. C-253-95

BY-LAW ENFORCEMENT OFFICERS BY-LAW

Being a By-Law of the City of Spruce Grove in the Province of Alberta respecting the appointment of By-Law Enforcement Officers and specifying the powers and duties of By-Law Enforcement Officers and establishing disciplinary procedures of By-Law Enforcement Officers.

WHEREAS Section 556 of the Municipal Government Act, R.S.A. 1994, c. M-26.1 requires Council to specify the powers and duties of By-Law Enforcement Officers for the purpose of enforcing compliance with By-Laws;

AND WHEREAS pursuant to Section 556, the City Council shall, by By-Law, establish disciplinary procedures penalties and an appeal process applicable for misuse of power by By-Law Enforcement Officers;

NOW THEREFORE, the Municipal Council of the City of Spruce Grove, in the Province of Alberta, duly assembled in Council, hereby enacts as follows:

1. This By-Law may be cited as the By-Law Enforcement Officers By-Law.
2. DEFINITIONS:
 - a. "Council" means the municipal Council for the City of Spruce Grove.
 - b. "By-Laws" means By-Laws of the City of Spruce Grove.
 - c. "City" means the City of Spruce Grove.
 - d. "By-Law Enforcement Officer" shall mean an employee of the City of Spruce Grove appointed as such and who, in the execution of their duties, is a person employed for the preservation and maintenance of the public peace.
 - e. "Supervisor" means the person appointed by the City Manager to supervise, direct and manage the performance of the duties of a By-Law Enforcement Officer.
 - f. "City Manager" means the employee of the City appointed as such.
3. The powers and duties of a By-Law Enforcement Officer shall include the following:
 - a. To preserve and maintain the public peace.
 - b. To enforce the By-Laws of the City which Council has authorized or directed the By-Law Enforcement Officer to enforce within the boundaries of the City.
 - c. To respond to and investigate complaints, conduct routine patrols and issue notices, tickets or tags.
 - d. To assist in the prosecution of breaches of By-Laws and related offences including the issuance of violation tickets, the swearing of complaints, the service of summons and subpoenas, the gathering of evidence, ensuring the attendance of witnesses and making any appearance in court that may be required.


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- e. To perform such duties as authorized as a Special Constable appointed by the Provincial Solicitor General's Department.
 - f. To carry out the direction of Council and the City Manager.
 - g. To perform all other related duties as may from time to time be assigned by the Supervisor.
 - h. To take the Official Oath prescribed by the Oaths of Office Act (Alberta) upon being appointed as a By-Law Enforcement Officer and to carry upon that person at all such times as they are acting as a By-Law Enforcement Officer evidence of their appointment as a By-Law Enforcement Officer of the City of Spruce Grove.
4. Where it is alleged that a By-Law Enforcement Officer, in carrying out the duties as a Peace Officer, has committed a disciplinary default, (as hereinafter defined) the following procedure shall be followed by the Supervisor:
- a. Advise the By-Law Enforcement Officer of the allegation of disciplinary default.
 - b. Give the By-Law Enforcement Officer an opportunity to respond to the allegations in writing or orally as in the discretion of the Supervisor as the case requires.
 - c. Upon hearing the response and explanation of the By-Law Enforcement Officer and any other information the Supervisor believes appropriate to determine the facts, the Supervisor shall either dismiss the complaint as unfounded, as unsubstantiated or find that the By-Law Enforcement Officer has committed a disciplinary default.
 - d. If it is determined that the By-Law Enforcement Officer has committed a disciplinary default, the Supervisor shall determine the appropriate action to be taken.
 - e. Advise the By-Law Enforcement Officer in writing of the Supervisor's decision.
5. When it is determined by the Supervisor that the By-Law Enforcement Officer has committed a disciplinary default (as hereinafter described) the Supervisor may:
- a. Warn the By-Law Enforcement Officer orally or in writing.
 - b. Reprimand, in writing, the By-Law Enforcement Officer.
 - c. Suspend the By-Law Enforcement Officer, without pay, for a period not exceeding 72 hours.
 - d. Recommend to the City Manager that the appointment of the By-Law Enforcement Officer be terminated.
6. A By-Law Enforcement Officer may appeal the decision of the Supervisor to the City Manager and such an appeal shall be commenced by the filing of a written notice of appeal within thirty (30) days of the date of receipt of the By-Law Enforcement Officer of the written decision of the Supervisor, such notice to be delivered or sent to the City Manager and the following provisions shall apply to such an appeal:
- a. The City Manager, in considering the appeal, may dismiss the appeal, or allow the appeal and impose or vary discipline as outlined in Section 5.

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- b. The City Manager shall notify the By-Law Enforcement Officer in writing as to the results of the appeal.

- 7. For the purpose of this By-Law, the following shall be considered as disciplinary defaults:
 - a. Discreditable conduct where the By-Law Enforcement Officer
 - i. acts in a disorderly or inappropriate manner, or in a manner likely to bring discredit upon the reputation of By-Law Enforcement Officers or the City;
 - ii. uses inappropriate or oppressive conduct in carrying out the duties assigned;
 - iii. uses profane, abusive or insulting language to another By-Law Enforcement Officer or a member of the public;
 - iv. wilfully or negligently makes any false complaint or statement against a member of the public;
 - v. is convicted of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code (Canada);
 - vi. withholds or suppresses a complaint or report against a By-Law Enforcement Officer or member of the public;
 - vii. abets, connives or is knowingly fails to carry out the duties of a By-Law Enforcement Officer as described by this By-Law.

 - b. Insubordination, where the By-Law Enforcement Officer, by word or actions, and without lawful excuse, disobeys, omits or neglects to carry out any direction or duty given to them by Council, the City Manager or the Supervisor;

 - c. Neglect of duty, where the By-Law Enforcement Officer
 - i. without lawful excuse neglects or omits promptly and diligently to perform a duty of a By-Law Enforcement Officer under this By-Law;

 - d. Deceit, where the By-Law Enforcement Officer
 - i. knowingly makes or signs a false statement in an official document or book;
 - ii. wilfully 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 records or alters or erases any entry therein.

 - e. Breach of confidence, where the By-Law Enforcement Officer
 - i. divulges any matter which it is their duty to keep secret;

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- ii. gives notices, 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;
 - iii. without proper authorization from a Supervisor or in contravention of any rules of the City 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 City of Spruce Grove shows to any person not a Peace Officer or any unauthorized member of the City staff any book or printed paper, document or report relating to any law enforcement matter that is the property of or in the custody of the City; or
- f. Corrupt practice, where the By-Law Enforcement Officer
- i. fails to account for or to make a prompt and true return of money or property received in an official capacity;
 - ii. fails to adhere to the Code of Ethics as adopted by Council describing the conduct of City employees;
 - iii. place themselves under a pecuniary or other obligation to a person in respect of whose conduct or business operation or employment the member may likely have to report or give evidence; or
 - iv. improperly use their 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 due to consuming intoxicating liquor or drugs;
 - ii. reports for duty and is unfit for duty due to consuming intoxicating liquor or drugs.
8. This By-Law comes into full force and effect on the date of its final passing.


First Reading Carried 13 February 1995

Second Reading Carried 13 February 1995

Third Reading Unanimously Consented
to and Carried 13 February 1995



MAYOR



CITY CLERK