

**BY-LAW NO. 1476-95
OF THE
TOWN OF PINCHER CREEK**

**A BY-LAW OF THE TOWN OF PINCHER CREEK
IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE ESTABLISHING THE POSITION OF BY-LAW
ENFORCEMENT OFFICER, SPECIFYING THE POWERS AND DUTIES
AND DEFINING APPLICABLE DISCIPLINARY PROCEDURES**

PURSUANT to the provisions of Section 556 of the Municipal Government Act, Chapter M-266 R.S.A. 1994 and amendments thereto:

THE Municipal Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled **HEREBY ENACTS AS FOLLOWS:**

1. **Definitions**
 - a. "by-law means by-laws of the municipality;
 - b. "by-law" enforcement officer" means a person appointed as such by council;
 - c. "council" means council of the municipality;
 - d. "municipality" means the Town of Pincher Creek
2. That the position of by-law enforcement officer for the Town of Pincher Creek is hereby established.
3. The powers and duties of a by-law enforcement officer are as follows:
 - a. To enforce all municipal by-laws within the boundaries of the municipality;
 - b. To enforce related Provincial statutes as authorized by the Province of Alberta or Council;
 - c. To follow the directions of the Town Manager and to report to the Town Manager as required;
 - d. To respond to and investigate complaints;
 - e. To conduct routine patrols;
 - f. To issue notices, tickets or tags;
 - g. To assist in the prosecution of breaches of municipal by-laws including the gathering of evidence, the attendance of witnesses and any appearances in court that may be required;
 - h. To perform all other duties as may from time to time be assigned by the Town Manager; and,
 - i. To take the official oath prescribed by the Oaths of Office Act upon being appointed as a by-law enforcement officer and to carry upon his person at all such times as he is acting as a by-law enforcement officer evidence in writing of his appointment as a by-law enforcement officer of the municipality.
4. Where it is alleged that a by-law enforcement officer, in carrying out his duties as a by-law enforcement officer, has committed a breach of discipline default as defined by the by-law, the Town Manager shall hold a hearing to determine if the by-law enforcement officer has committed a breach of discipline in carrying out his duties as a by-law enforcement officer.



5. Where the Town Manager intends to carry out a hearing to determine whether a by-law enforcement officer has committed a breach of discipline, the following procedure shall be followed:
 - a. Adequate notice (a minimum of two (2) days) in writing shall be given to the by-law enforcement officer who is alleged to have committed a breach of discipline and to such other parties the Town Manager considers to be affected by the alleged breach of discipline.
 - b. At the hearing the Town Manager shall give the by-law enforcement officer a reasonable opportunity to furnishing relevant evidence.
 - c. The Town Manager shall inform the by-law enforcement officer of the facts in his possession or the allegations made to him in sufficient detail to:
 - (1) permit him to understand the facts or allegations; and,
 - (2) afford him a reasonable opportunity to furnish relevant evidence to contradict or explain the facts or allegations; and,
 - d. The Town Manager shall give the by-law enforcement officer or his representative an adequate opportunity of making representations by way of argument to the Town Manager.
6. At the conclusion of a hearing to determine whether there has been a breach of discipline and if it has been determined that a breach of discipline has occurred, the Town Manager may, by a decision in writing with reasons, do the following:
 - a. Reprimand in writing the by-law enforcement officer;
 - b. Suspend the by-law enforcement officer from acting as a by-law enforcement officer for the municipality, but such period of suspension shall not exceed six (6) months, or,
 - c. Recommend to council that the appointment of the by-law enforcement officer be terminated.
7. An appeal from the decision of the Town Manager may be commenced by the by-law enforcement officer.
8. For purposes of this by-law, the following shall be disciplinary defaults:
 - a. Discreditable conduct, where the by-law enforcement officer
 - (1) acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of by-law enforcement officers.
 - (2) uses offensive or disrespectful conduct towards a sub-ordinate in rank,
 - (3) uses profane, abusive or insulting language to any member of a police force, special constable or by-law enforcement officer,
 - (4) willfully or negligently makes any false complaint or statement against peace officer,
 - (5) is guilty of an indictable offense under a federal statute or an offense punishable upon summary conviction under the Criminal Code,


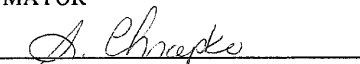


- (6) withholds or suppresses a complaint or report against a peace officer, or,
 - (7) abets, connives or is knowingly an accessory to a general default described in this by-law.
- b. Insubordination, where the by-law enforcement officer by word or action, and without lawful excuse, disobeys, omits or neglects to carry out any lawful order.
- c. Neglect of duty, where the by-law enforcement officer,
- (1) without lawful excuse neglects or omits promptly and diligently to perform a duty as a by-law enforcement officer,
 - (2) fails to work in accordance with orders, or leaves an area, detail or other place of duty without due permission of sufficient cause,
 - (3) when knowing where an offender is to be found, fails to report him, or,
 - (4) fails to report a matter that is his duty to report.
- d. Deceit, where the by-law enforcement officer,
- (1) knowingly makes or signs a false statement in an official document or book,
 - (2) willfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or,
 - (3) without lawful excuse destroys, mutilates or conceals an official document or record or alters or erases any entry therein;
- e. Breach of Confidence, where the by-law enforcement officer,
- (1) divulges any matter which it is his duty to keep confidential,
 - (2) gives notice, 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,
 - (3) without proper authorization from a superior or in contravention of any rules of the City Clerk communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation,
 - (4) without proper authorization from the Town Manager shows to any person not a peace officer or any unauthorized member of the by-law enforcement officer group any book or written or printed paper, document or report relating to any law enforcement matter that is the property of or in the custody of the employer of the by-law enforcement officer, or,
- f. Corrupt practice, where the by-law enforcement officer
- (1) fails to account for or to make a prompt, true return of money or property received in an official capacity,
 - (2) directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial without the consent of the Town Manager,
 - (3) places himself under a pecuniary or other obligations to a person in respect of whose conduct or business operation or employment the member may likely have to report or give evidence, or

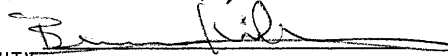
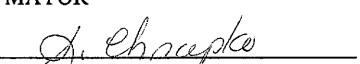


- (4) improperly uses his position as a by-law enforcement officer for private advantage;
 - g. Unlawful or unnecessary exercise of authority, where the by-law enforcement officer is unnecessarily discourteous and uncivil to a member of the public;
 - h. Consuming, intoxicating liquor or illegal drugs in a manner prejudicial to duty, where the by-law enforcement officer
 - (1) while on duty is unfit for duty through consuming, intoxicating liquor or illegal drugs,
 - (2) reports for duty and is unfit for duty through consuming intoxicating liquor or illegal drugs,
 - (3) except with the consent of a superior or in the discharge of duty, consumes or receives from any other person intoxicating liquor or illegal drugs while on duty, or
 - (4) demands, persuades, or attempts to persuade another person to give or purchase or obtain for a by-law enforcement officer while on duty, any intoxicating liquor or illegal drugs.
9. By-Law 1241 is hereby repealed.
10. THIS by-law shall come into full force and effect upon final reading.


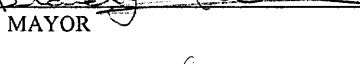
READ A FIRST TIME THIS 10 DAY OF April 1995, A.D.


DEPUTY MAYOR

MANAGER

READ A SECOND TIME THIS 10 DAY OF April 1995, A.D.


DEPUTY MAYOR

MANAGER

READ A THIRD TIME THIS 10 DAY OF April 1995, A.D.


DEPUTY MAYOR

MANAGER