

VILLAGE OF LONGVIEW

BYLAW 465-23 REPEALS AND REPLACES BYLAW 424-19 – PEACE OFFICER BYLAW

BEING A BYLAW OF THE VILLAGE OF LONGVIEW, IN THE PROVINCE OF ALBERTA, RESPECTING THE APPOINTMENT OF BYLAW ENFORCEMENT OFFICERS AND SETTING OUT THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS.

WHEREAS the Municipal Government Act, RSA 2000, Chapter M-26 requires that a municipality adopt a bylaw specifying the powers and duties of Bylaw Enforcement Officers and dealing with the discipline of Bylaw Enforcement Officers in their employment; and

AND WHEREAS the Peace Officer Act, Chapter/Regulation P-3.5 2006 provides regulations for the investigation and disposition of complaints against Peace Officers, and for the discipline of Peace Officers;

NOW THEREFORE the Council of the Village of Longview, in the Province of Alberta, duly assembled, enacts as follows:

CITATION

1. This bylaw may be cited as the "Bylaw Enforcement / Peace Officer Bylaw."

DEFINITIONS

2. The following definitions will apply to the corresponding words if the first letter of that word is capitalized in this bylaw:
 - a) **Bylaw Enforcement Officer** means an employee of the Village who has been appointed to the position of Bylaw Enforcement Officer pursuant to Bylaw Enforcement Officer Bylaw 424-19.
 - b) **Bylaw Services Supervisor** means an employee of the Village who has been appointed to the position of Bylaw Services Supervisor by default the CAO.
 - c) **CAO** means the person appointed by Council as the Chief Administrative Officer and his designates.
 - d) **Director** shall mean the Director of Law Enforcement for the Province of Alberta.
 - e) **Peace Officer** means the following persons while that person is in the exercise or

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discharge of their power or duties: a Community Peace Officer appointed under the Peace Officer Act, a member of the Royal Canadian Mounted Police, or a park warden appointed under the National Parks Act of Canada.

- f) **Village** means the Corporation of the Village of Longview and, where the context requires, the land included within the boundaries of the Village of Longview.

INTERPRETATION

3. In this bylaw,
- a) Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time.
 - b) A reference to a named act followed by the word "Canada" is a reference to an Act of the Parliament of Canada, as amended from time to time.
 - c) Any references a Village of Longview staff position, department or committee is deemed to be to the current name that the staff position, department or committee is known by.

ROLES, RESPONSIBILITIES AND AUTHORIZATIONS

- 4. The municipal office of Bylaw Enforcement Officer is hereby created.
- 5. A Bylaw Enforcement Officer may be appointed as a Peace Officer pursuant to the Peace Officer Act and its regulations.
- 6. The CAO may appoint one or more Bylaw Enforcement Officers
- 7. The appointment of a Bylaw Officer shall be in writing and shall state the territorial jurisdiction and may state the authority of the CAO delegated to the Bylaw Enforcement Officer.
- 8. The powers and duties of a Bylaw Enforcement Officer shall be limited to those areas of jurisdiction provided for by the authorization given by the CAO, and the Peace Officer Act and are further as follows:
 - a) To enforce the bylaws which the CAO has authorized the Bylaw Enforcement Officer to enforce;
 - b) To follow the directions of the CAO and to report to the CAO as required by him;

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- c) To respond to and investigate public complaints;
 - d) To conduct routine patrols;
 - e) To issue notices, tickets or tags;
 - f) To assist in the prosecution of bylaw and statutory offenses including appearances in court to provide evidence and service of subpoenas on potential witnesses;
 - g) To follow the inspection and enforcement procedures set out in Section 542, 544 and 545 of the Municipal Government Act as delegated to them through the CAO;
 - h) To perform all other duties as delegated by the CAO from time to time as assigned;
 - i) To take the official oath prescribed by the Oaths of Office Act upon being appointed as a Bylaw Enforcement Officer.
 - j) To preserve and maintain public peace.
9. Uniforms worn by a Bylaw Enforcement Officer, while on duty, shall be in accordance with any provincial act that may apply.

CODE OF CONDUCT FOR BYLAW ENFORCEMENT OFFICERS

10. A Bylaw Enforcement Officer shall not violate:
- a) An Act of the Parliament of Canada;
 - b) An Act of the Legislature of Alberta;
 - c) Any regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta.
11. A Bylaw Enforcement Officer shall not:
- a) Act in a disorderly or inappropriate manner;
 - b) Act in a manner that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement;
 - c) Use profane, abusive or insulting language to any member of a police force, community peace officer, Bylaw Enforcement Officer or any member of the

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public;

- d) Abet or knowingly become an accessory to a default described in this bylaw;
- e) Act in a manner that is not fit or proper;
- f) Apply the law differently or exercise authority on the basis of race, colour, religion, sex, physical disability, marital status, age, ancestry or place of origin, or in any manner that would contravene the Alberta Human Rights Act;
- g) Commit insubordination, where the Bylaw Enforcement Officer by word or action, and without lawful excuse, disobeys, omits or neglects to carry out any lawful order;
- h) Withhold or suppress a complaint against, or a report made about, a Bylaw Enforcement Officer;
- i) Neglect, without a lawful excuse, to promptly or diligently perform their duties;
- j) Wilfully or negligently make or sign a false, misleading or inaccurate statement in any official document or record;
- k) Without lawful excuse:
 - i) destroy, mutilate or conceal an official document or record;
 - ii) alter or erase an entry in any official document or record;
- l) Make known any matter that is a person's duty to keep in confidence, or communicate to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or ongoing investigation;
- m) Fail to account for or to make a prompt and true return of money or property that the Bylaw Enforcement Officer receives in their official capacity;
- n) Directly or indirectly ask for, or receive, a payment, gift, subscription, testimonial or favour without the consent of the CAO;
- o) Become involved in a financial, contractual or other obligation with a person whom the Bylaw Enforcement Officer could reasonably expect to report or give evidence about;
- p) Without lawful excuse, use their official position for personal advantage or

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another person's personal advantage;

- q) Exercise authority when it is unlawful or unnecessary to do so;
- r) Consume alcohol while on duty, or consume or otherwise use or possess drugs that are prohibited by law, or report for duty, be on duty or be on stand-by for duty while unfit to do so by the use of alcohol or a drug (includes prescription medication and cannabis);
- s) Demand, persuade or attempt to persuade another person to give, purchase or obtain liquor for a Bylaw Enforcement Officer who is on duty;
- t) Apply excessive or otherwise inappropriate force in circumstances where force is used.

COMPLAINTS AND DISCIPLINARY MEASURES

12 If the Village of Longview enters into an agreement with another Alberta municipality as a Contracted Bylaw or Peace Officer Service Provider, the agreement may provide for complaints of misuse of Power and discipline of Bylaw Enforcement Officers to be dealt with by the Contracted Service Provider in accordance with the disciplinary procedures adopted by that municipality, by bylaw, otherwise the disciplinary procedures set out in this Part shall apply to all complaints regarding complaints of Misuse of Power by Bylaw Enforcement Officers.

COMPLAINTS

13.

- (1) If a person reasonably believes there has been a Misuse of Power by a Bylaw Enforcement Officer, the person may file a complaint in accordance with this Part.
- (2) A complaint made under subsection (1) must:
 - (a) be made in writing,
 - (b) include the full name of the complainant,
 - (c) include contact information for the complainant,
 - (d) indicate the specific reasons for the complaint and,
 - (e) be send to the Town, attention: Chief Administrative Officer.

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- (3) Upon receipt of a complaint, the Chief Administrative Officer shall, as applicable, either:
- (a) forward the complaint to the Contracted Service Provider for investigation and disposition in accordance with the Contracted Service Provider's disciplinary procedures, or
 - (b) ensure the complaint is processed in accordance with the procedures established in this Part.
- (4) Subject to clause 3(a), the CAO shall acknowledge receipt of a complaint, in writing, to the complainant and to the Bylaw Enforcement Officer against whom the complaint is made.

INVESTIGATIONS

14.

- (1) Unless the complaint is being dealt with by the Contracted Service Provider in accordance with Section 14, the Manager shall proceed to investigate the complaint.
- (2) In conducting an investigation, the Manager may:
 - (a) speak to anyone relevant to the complaint;
 - (b) enter any Town facility or worksite relevant to the complaint;
 - (c) access any records relevant to the complaint, except a record that contains information that is subject to solicitor-client privilege unless privilege has been waived.
- (3) The Bylaw Enforcement Officer against whom a complaint has been made shall be given the opportunity to make a full response to the complaint allegations and provide supporting evidence in writing to the Manager.
- (4) After receipt of a complaint, the Manager may refuse to investigate or discontinue the investigation if, in the Manager's opinion,
 - (a) the complaint is frivolous, vexatious or made in bad faith; or
 - (b) having regard to all of the circumstances, no investigation is necessary.
- (5) Upon the conclusion of the Manager's investigation the Manager shall issue a written decision summarizing the allegations, the findings and the Manger's conclusion as to whether the complaint is substantiated. A copy of the Manager's written decision will be provided to the complainant and to the Bylaw Enforcement Officer against whom the complaint was made.

APPEALS

15. An appeal from the decision of the Manager may be commenced by the Bylaw Enforcement Officer or the complainant by filing a written notice of the appeal with the Chief Administrative Officer within fourteen (14) days of receipt of the written decision issued by the Manager.
16. Upon receipt of an appeal the Chief Administrative Officer shall:

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- (a) obtain from the Manager, a copy of the complaint, the response of the Bylaw Enforcement Officer to the allegations, and all other documents received or prepared in the course of the Manger's investigation, along with the written decision of the Manager;
 - (b) provide the appellant with an opportunity to submit their reasons for the appeal, including the basis for concluding that the Manager erred in their written decision;
 - (c) provide a copy of the written reasons for the appeal prepared by the appellant to the respondent; and
 - (d) give the respondent an opportunity to submit a written submission in response to the appellant's submissions, a copy of which will be provided by the CAO to the appellant.
17. The CAO shall conduct a review of all of the materials filed, and thereafter, shall:

- (a) confirm, vary, or set aside the decision of the Manager; and
 - (b) inform the appellant, the respondent, and the Manager of the CAO's decision, in writing, with reasons.
18. The decision of the CAO on an appeal arising from a decision of the Manager shall be final and conclusive with no further right of appeal to Council.

DISCIPLINARY ACTION

19. If it has been determined that a Misuse of Power has been committed by a Bylaw Enforcement Officer, appropriate disciplinary action may be taken including:
- (a) issuing a written reprimand to the Bylaw Enforcement Officer;
 - (b) suspending the Bylaw Enforcement Officer for a specified period of time; or
 - (c) terminating the appointment of the Bylaw Enforcement Officer.

REPEAL

20. The Bylaw 424-19 Longview Bylaw Officer², is repealed.

ENACTMENT / TRANSITION

21. This bylaw comes into force when it receives third reading and is signed by the Mayor and the CAO or designates.

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Read a first time this 11 day of July, 2023.

Read a second time this 11 day of July, 2023.

Proceed to 3rd Reading this 11 day of July, 2023.

Read a third time this 11 day of July, 2023.

Approved on behalf of the Village of Longview:



Mayor



CAO