BY-LAW NO. 4-95

PARKLAND COUNTY

BEING A BY-LAW OF PARKLAND COUNTY TO SPECIFY THE DUTIES AND POWERS OF BY-LAW ENFORCEMENT OFFICERS, ESTABLISH DISCIPLINARY PROCEDURES FOR THE MISUSE OF POWER, INCLUDING PENALTIES AND AN APPEAL PROCESS APPLICABLE TO MISUSE OF POWER BY BY-LAW ENFORCEMENT OFFICERS

WHEREAS subsection 556(b) of the *Municipal Government Act*, R.S.A. 1980 c.M-26.1 1994, provides that Council must pass a by-law to specify the powers and duties of By-law Enforcement Officers and to establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by By-law Enforcement Officers;

NOW THEREFORE, the Council of Parkland County, in regular meeting duly assembled, hereby enacts the following to specify the powers and duties of By-law Enforcement Officers and to establish disciplinary procedures, penalties and an appeal process applicable to misuse of power by its By-law Enforcement Officers:

1. This By-law may be cited as the Parkland County By-law Enforcement Officers Duties, Discipline and Appeals By-law.

PART ONE - INTERPRETATION

2. In this By-law the following definitions shall apply:
   (a) "By-law Enforcement Officer" shall mean any person appointed as a By-law Enforcement Officer for Parkland County;
   (b) "Commissioner" shall mean the Commissioner for Parkland County;
   (c) "Council" shall mean the Council for Parkland County as constituted from time to time;
   (d) "County" shall mean Parkland County;
   (e) "Director" shall mean the Director for Parkland County to whom the Manager is responsible to;
   (f) "Manager" shall mean the Manager of the Department to whom the By-law Enforcement Officer is responsible to;
   (g) "Misuse of Power" by a By-law Enforcement Officer shall mean any one or more of the following:
      (i) failure to perform or carryout his or her duties according to law;
      (ii) failure to carry out the duties and responsibilities given to him or her within the terms of his or her appointment as a By-law Enforcement Officer; or
      (iii) failure to carry out the lawful instructions and directions of Manager, the Director, the Commissioner or Council.

PART TWO - POWERS AND DUTIES OF BY-LAW ENFORCEMENT OFFICERS

3. A By-law Enforcement Officer shall be responsible for the enforcement of all of the By-laws of the County unless otherwise specified in a By-law or Resolution of Council.

PART THREE - BY-LAW ENFORCEMENT OFFICERS

A. RECEIPT OF COMPLAINT

4. Any complaint concerning the misuse of power of a By-law Enforcement Officer shall be dealt with in accordance with the provisions set out in this Part and shall be directed to the applicable Manager.

5. All complaints shall be in writing and any complaints received verbally shall be confirmed in writing by the complainant prior to being proceeded with.

6. Upon receipt of any complaint, the Manager shall immediately forward the complaint to the Director.

7. Under the direction of the applicable Director, the Manager shall provide written acknowledgement of the complaint to the person making the complaint and to the person against whom the complaint was made.

B. INVESTIGATION

8. The Manager, under the direction of the Director shall investigate the complaint or designate a member of the County Patrol Department to carry out the investigation.

9. Upon the conclusion of the investigation, the Manager shall provide notice in writing to the By-law Enforcement officer of the allegations made and the findings of the investigation.

10. The By-law Enforcement Officer shall be given the opportunity to make a full response to the allegations and investigations. The response shall be in writing and directed to the Manager.

11. Upon review of the response of the By-law Enforcement Officer and any other information the Director and the Manager believe appropriate in the circumstances to determine the facts, the Manager, upon approval of the Director shall either dismiss the complaint as unfounded or as unsubstantiated or find that the By-law Enforcement Officer has misused his or her power.

12. If the Director and the Manager determine that a misuse of power has occurred, corrective disciplinary procedures shall be commenced.

13. The Manager, with the approval of the Director may resolve minor complaints informally, arriving at a solution that is satisfactory to the complainant and the By-law Enforcement Officer against whom the complaint was directed.

C. DISCIPLINARY ACTION AND RIGHT OF APPEAL

14. If it has been determined that a misuse of power has been committed by the By-law Enforcement Officer, any one of the following measures may be taken by the Manager:
    (a) a reprimand of the By-law Enforcement Officer;
    (b) a suspension of the By-law Enforcement Officer, with pay, for a period not to exceed 72 hours;
    (c) a suspension of the By-law Enforcement Officer, without pay for a period not to exceed 72 hours;
    (d) a recommendation to the Commissioner that the By-law Enforcement Officer be dismissed.

15. The Manager shall notify the complainant and the By-law Enforcement Officer, in writing, of the results of the investigation, the action taken and the right to appeal the decision in writing to the Commissioner within thirty (30) days from the date of the receipt of notice of the results of the investigation.

16. After the expiration of the appeal period, as set out in Section D, the nature, circumstances and disposition of all complaints against any By-law Enforcement Officer shall be forwarded to the Commissioner.

D. APPEAL PROCEDURES

17. If either the complainant or the By-law Enforcement Officer appeals the decision of the Manager, the appeal shall be delivered to the Commissioner within thirty (30) days of the date of receipt of notice of the results of the investigation.

18. Within thirty (30) days from the date of the receipt of notice of appeal as provided for in paragraph 17, the Commissioner shall convene an appeal hearing on the matter.

19. At the appeal hearing, the By-law Enforcement Officer and the complainant (or their representatives) as well as the Manager and the Director shall be allowed to speak to the appeal.

20. The Commissioner, in considering the appeal, may dismiss the appeal or allow the appeal and impose or vary the discipline outlined in section C.14.

21. The Commissioner shall, within fourteen (14) days, notify the complainant and the By-law Enforcement Officer, in writing as to the results of the appeal. The decision of the Commissioner with regard to the appeal is final.

READ a first time this 14th day of March, A.D. 1995.

READ a second time this 14th day of March, A.D. 1995.

READ a third time this 9th day of May, A.D. 1995.

PARKLAND COUNTY

REEVE

SEAL

MUNICIPAL SECRETARY

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