

TOWN OF DRUMHELLER

BY-LAW NO. 08.98

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A BY-LAW OF THE TOWN OF DRUMHELLER PROVIDING FOR THE APPOINTMENT OF BY-LAW ENFORCEMENT OFFICERS.

PURSUANT to Sections 7, 555, and 556 of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, as amended from time to time;

THE COUNCIL FOR THE TOWN OF DRUMHELLER DULY ASSEMBLED ENACTS AS FOLLOWS:

1. This By-law may be referred to as the "By-law Enforcement Officer By-law".
2. In this By-law, unless the context otherwise requires:
 - 2.1 "By-law" means by-laws of the Town of Drumheller;
 - 2.2 "By-law Enforcement Officer" means a person appointed, designated and/or engaged as such pursuant to the provisions of this By-law;
 - 2.3 "Chief By-law Enforcement Officer" means:
 - 2.3.1 a person appointed, designated and/or engaged as such pursuant to the provisions of this By-law, or
 - 2.3.2 in the event no person is so designated, the Town Manager.
 - 2.4 "TOWN OF DRUMHELLER" means the Town of Drumheller.
 - 2.5 "Town Manager" means the person appointed as Town Manager by duly enacted By-law of the Town of Drumheller;
 - 2.6 "Control Officer" means the Town Manager or such other person as may be appointed or designated as a Control Officer by the Town Manager.
3. The Town Manager may from time to time appoint, designate, and/or engage one or more persons who are either employees of the Town. or who are engaged under contract with the Town. as Chief By-law Enforcement Officers.
4. The Town Manager may from time to time appoint, designate and/or engage one or more persons who are either employees of the Town or who are engaged under contract with the Town as By-law Enforcement Officers.
5. A chief By-law Enforcement Officer, and a By-law Enforcement Officer appointed, designated and/or engaged pursuant to this By-law and engaged by the Town of Drumheller either as an employee or as a contractor, either independently or through agreement with another municipality is, in the execution of his/her duties, a person engaged for the preservation and maintenance of the public peace and has all the powers of a Peace Officer with respect to the enforcement of the

by-laws of the Town. Such persons shall not have the power to apprehend, search or take custody of any persons unless otherwise expressly stated in any by-law or permitted by-law.

6. Upon a person being appointed, designated and/or engaged as a Chief By-law Enforcement Officer or By-law Enforcement Officer, he/she shall take the official oath prescribed by the Oaths of Office Act before entering upon his/her duties; and further, he/she shall be issued with a means of identification, by the person who appointed him/her which he/she shall carry on his/her person when he/she is on duty or performing functions as a By-law enforcement Officer.

7. The powers and duties of a Chief By-law Enforcement Officer shall include the following:

7.1 ensuring that the By-laws of the Town are enforced within its boundaries;

7.2 supervising the performance and conduct of the By-law enforcement officers under his/her control;

7.3 ensuring the due performance of the provisions of the contract of By-law Enforcement Officers engaged by the Town as independent contractors or through agreement with any adjacent municipality.

7.4 reporting to his/her control officer and carrying out his/her control officers' directions;

7.5 establishing standards of uniform, insignia and identification for By-law enforcement Officers;

7.6 assisting in the prosecution of breaches of Town of Drumheller by-laws including gathering evidence, attendance of witnesses and court appearances.

8. The powers and duties of a By-law Enforcement Officer shall include the following:

8.1 enforcing the by-laws of the Town of Drumheller within its boundaries.;

8.2 reporting to and carry out the directions of his/her control officer;

8.3 responding to and investigating complaints;

8.4 conducting routine patrols;

8.5 issuing and serving notices, tickets, tags, summons, and laying information when required.

8.6 assisting in the prosecution of breaches of by-laws including gathering evidence, assisting witnesses, attending court and providing evidence required;

8.7 performing all duties as may from time to time be assigned by his/her control officer or designated in his/her contract.

9. The Chief By-law Enforcement Officer and any designated By-law Enforcement Officers who are employees of the Town are subject to discipline procedures and penalties contained in the Policies of the Town or any amendments thereto.

10. The contract of persons who are engaged by the Town of Drumheller to perform the duties of a Chief By-law Enforcement Officer or a By-law Enforcement Officer, and who breach either the terms of such contract or this By-law, are subject to termination without notice and without prejudice to the Town's right to seek damages for such breach of contract.

11. This By-law shall come into effect upon the date of the third reading thereof.

READ A FIRST TIME this 2nd day of February 1998

READ A SECOND TIME this 2nd day of February 1998

READ A THIRD TIME and passed this 2nd day of February 1998

MAYOR

TOWN CLERK