



BYLAW NUMBER 03-414
of the Municipal District of Greenview No. 16, in the
Province of Alberta, for the purpose of establishing
POWERS AND DUTIES AND DISCIPLINARY
PROCEDURES RELATING TO
BYLAW ENFORCEMENT OFFICERS IN THEIR
CAPACITY AS A DOG CONTROL OFFICER

PURSUANT TO Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.1 as amended, provides that the Council for the Municipal District of Greenview No. 16 may pass a Bylaw for enforcement of bylaws; and

WHEREAS Section 210 of the Municipal Government Act provides that a Council may establish a position to carry out the powers, duties and functions of a designated officer in a bylaw; and

WHEREAS Sections 555 and 556 of the Municipal Government Act outlines the responsibilities of a bylaw enforcement officer and states that a Council shall establish a Bylaw delineating the powers, duties and disciplinary procedures for such officers;

THEREFORE, the Council for the Municipal District of Greenview No. 16, duly assembled, hereby enacts as follows:

1. This Bylaw may be cited as the "Dog Control Officer Bylaw".
2. For the purpose of this Bylaw, the following definitions shall apply:
 - a) "Dog Control Officer" means an employee of the M.D. appointed as such and who, in the execution of his or her duties, is additionally responsible for the enforcement of the "Dog Control Bylaw";
 - b) "C.A.O." shall mean the Chief Administrative Officer of the Municipal District of Greenview No. 16, in the Province of Alberta;
 - c) "Council" shall mean the Council of the Municipal District of Greenview No. 16, in the Province of Alberta;
 - d) "Dog Control Bylaw" means Bylaw 03-408 of the Municipal District of Greenview No. 16, in the Province of Alberta, for the purpose of controlling, confining and regulating dogs;
 - e) "M.D." shall mean the Municipal District of Greenview No. 16, in the Province of Alberta; and
 - f) "Proper Authorization" means obtaining written authorization from the Chief Administration Officer.
3. Council may establish one or more Dog Control Officer positions within the M.D.
4. The C.A.O. may appoint, promote or dismiss individuals, to the position of Dog Control Officer for the purpose of enforcing compliance of the M.D.'s Dog Control Bylaw.
5. If the Dog Control Officer is absent from his or her position, is off duty, or is out of the office, the C.A.O. may take on any of the duties and powers of a Dog Control Officer or appoint an Interim Dog Control Officer for the purpose of enforcing compliance of the Dog Control Bylaw.
6. A Dog Control Officer shall take the official oath prescribed by the Oaths of Office Act before starting his or her duties.
7. The powers and duties of a Dog Control Officer for the M.D. shall be as follows:
 - a) Ensure that the Dog Control Bylaw is enforced;
 - b) Respond to and investigate complaints;
 - c) Conduct routine patrols;
 - d) Issue Notices of Impoundment and Violation Tickets;
 - e) Prosecution of the Dog Control Bylaw contravention including appearances in court to provide evidence and/or testimony;
 - f) Service of summonses;
 - g) Ensure proper filing of information and documentation of circumstances; and
 - h) Perform all other duties as may be assigned by the C.A.O.

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8. The Council may, by resolution, make rules governing the Dog Control Officer, including:
- a) The conduct, dress, demeanor and duties of the Dog Control Officer;
 - b) The prevention of neglect or abuse in the discharge of duties;
 - c) The efficient discharge of duties of the Dog Control Officer; and
 - d) Hearings for an appeal of a Dog Control Officer who feels him/herself aggrieved by disciplinary action taken against him or her under this Bylaw.
9. The process for the handling of complaints and appeals arising from matter respecting the conduct or performance of duty of a Dog Control Officer is established as follows:
- a) Complaints, including those received by the Council, respecting the conduct or performance of duty of an Dog Control Officer shall be directed to the C.A.O. for investigation and any action s/he considers advisable;
 - b) A complaint shall be in writing and signed by the complainant;
 - c) The C.A.O. shall cause the complaint to be investigated and as soon as possible after the receipt of the said complaint, shall inform the complainant in writing as to whether s/he has found all or any portion of the said complaint to be justified and whether disciplinary action is to be taken, and shall inform the complainant of his right of appeal to the Council;
 - d) The complainant may, within fifteen (15) days after the receipt of the information referred to in Section 9 (c), file with the Council a notice of appeal setting forth the grounds of which the appeal is based;
 - e) A Dog Control Officer who feels him/herself aggrieved by disciplinary action taken against him/her under this Bylaw or the regulations or rules of the Council may, within fifteen (15) days after being advised of disciplinary action, file with the Council a notice of appeal setting forth the grounds of which the appeal is based;
 - f) When an appeal is filed under this section, any disciplinary action taken as a result of the decision from which the appeal is taken, shall be stayed without any further order until the appeal is decided upon;
 - g) In determining an appeal under Section 9 c) and 9 d), the Council may:
 - i) Dismiss the appeal;
 - ii) Allow the appeal;
 - iii) Revoke or vary disciplinary action imposed;
 - iv) Affirm the disciplinary action imposed; or
 - v) Refer the matter back to the C.A.O. for a review.
 - h) The Council shall in writing inform the complainant or the appellant and the C.A.O. as to the decision of Council.
10. A Dog Control Officer, respecting the conduct or performance of duty, may be liable to disciplinary action if the offence includes:
- a. **DISCREDITABLE CONDUCT**, an Dog Control Officer who:
 - i) Acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the M.D.;
 - ii) Willfully or negligently makes a false complaint or lays a false complaint or statement against any person;
 - iii) Withholds or suppresses a complaint or report against any;
 - iv) Is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code of Canada; or
 - v) Abets, connives or is knowingly an accessory to a general default described in this bylaw.
 - b. **INSUBORDINATION**, an Dog Control Officer who:
 - i) By work or action, and without lawful excuse, disobeys, omits, or neglects to carry out any lawful order; or
 - ii) By word or action is unwilling to submit to the authority of the C.A.O.
 - c. **NEGLECT OF DUTY**, an Dog Control Officer who:
 - i) Without lawful excuse, neglects or omits promptly and diligently to perform a duty as a Dog Control Officer;
 - ii) Fails to work in accordance with orders, or leaves an area, detail or other place of duty without due permission or sufficient cause; or
 - iii) Fails to report a matter that is his duty to report.

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- d) **DECEIT**, an Dog Control Officer who:
 - i) Knowingly makes or signs a false statement in an official document or book;
 - ii) Willingly 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 record or alters or erases any entry therein.

- e) **BREACH OF CONFIDENCE**, an Dog Control Officer who:
 - i) Divulges any matter which it is his duty to keep secret;
 - ii) Without proper authorization or in contravention of any rules of the M.D. communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation; or
 - iii) Without proper authorization shows to any person not an Dog Control Officer or any unauthorized person, any book or written or printed paper, document or report relating to this bylaw enforcement matter that is the property of or in the custody of the M.D.

- f) **CORRUPT PRACTICE**, an Dog Control Officer who:
 - i) Fails to account for or make a prompt, true return of money or property received in an official capacity;
 - ii) Directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial without the consent of the C.A.O.;
 - iii) Places him/herself under a pecuniary or obligation to a person of respect, whose conduct or business operation or employment the Dog Control Officer may likely have to report or give evidence; or
 - iv) Improperly uses his/her position as a Dog Control Officer for private advantage.

- g) **UNLAWFUL OR UNNECESSARY EXERCISE OF AUTHORITY**, an Dog Control Officer who:
 - i) Is unnecessarily discourteous or uncivil to a member of the public;
 - ii) Uses excessive force in the execution of his duties without just cause; or
 - iii) Uses excessive authority of his position with his co-workers.

- h) **USE OF INTOXICATING LIQUOR OR DRUGS IN A MANNER PREJUDICED TO DUTY**, an Dog Control Officer who:
 - i) While on shift is unfit for duty due to the personal use of liquor, drugs or intoxicants;
 - ii) Reports for a shift and is unfit for duty due to the personal use of liquor, drugs or intoxicants prior to reporting for work; or
 - iii) Personally uses, consumes or receives from other persons liquor, drugs or intoxicants while on duty.

11. Any Dog Control Officer who contravenes or disobeys, or refuses, or neglects to obey any provision of this Bylaw by:

- a) Doing any act or thing which he is prohibited from doing herein;
- b) Failing to do any act or thing he is required to do herein, shall be subject to an inquiry by the C.A.O., and upon conclusion of the inquiry, the C.A.O. shall, in writing with reason, do the following:
 - i) Reprimand the Dog Control Officer;
 - ii) Dismiss the claim;
 - iii) Suspend the Officer from acting as an Dog Control Officer for the M.D., but such
 - iv) period of suspension shall not exceed one (1) month; or
 - v) Terminate the appointment of the Dog Control Officer.

12. This Bylaw shall come into full force and effect upon receiving third and final reading.

Read a first time this 8th day of October, 2003

Read a second time this 22nd day of October, 2003

Read a third time and finally passed this 22nd day of October, 2003


 REEVE

 MUNICIPAL MANAGER