

CONTINUING CONSOLIDATION

BY-LAW ENFORCEMENT OFFICERS' APPOINTMENT
BY-LAW NO. 6041/78/92

AS AMENDED BY BY-LAW NO. 6247/96/94.

BEING A BY-LAW of The City of Brandon, in Manitoba, for the appointment of Peace Officers for the enforcement of the by-laws of The City of Brandon and to be known as the "By-law Enforcement Officers' Appointment By-law".

WHEREAS The City of Brandon is empowered under The Municipal Act RSM 1988 c.M225, Part III, Division V, Sections 200 to 202, to enforce the by-laws of The City of Brandon and to utilize the provisions of The Summary Convictions Act RSM 1988 c.S230 in the enforcement of such by-laws;

AND WHEREAS The City of Brandon is empowered under Section 98 of The Municipal Act to make regulations for the peace, order and good government of the municipality as the Council deems necessary or advisable;

AND WHEREAS it is deemed expedient and in the public interest to establish a procedure for the appointment of by-law enforcement officers;

NOW THEREFORE the Council of The City of Brandon duly assembled, enacts as follows:

1. DEFINITIONS:

- (a) Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in The Municipal Act and in the City's Legislative Standards By-law.
- (b) In this by-law:
 - (1) "BY-LAW ENFORCEMENT OFFICER" means an Officer as defined in the City's Legislative Standards By-law and includes a Peace Officer as defined in The Interpretation Act RSM 1987 c.I80 subsection 22(1) and as defined in The Highway Traffic Act RSM 1988 c.H60 subsection 1(1).
 - (2) "OFFENCE NOTICE" means any form prescribed by by-law for the enforcement of the provisions of the by-law and such notice shall include particulars of the alleged offence and shall be served upon the accused in a manner as authorized by The Summary Convictions Act.

- 2. (a) The Chief of Police may appoint By-law Enforcement Officers to enforce by-laws of the City by the issuance of offence notices.
- (b) It shall not be necessary to appoint Members of the Police Department as By-law Enforcement Officers and they have authority to issue offence notices without such appointment.

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3. An applicant for appointment as a By-law Enforcement Officer may be an employee of the Police Department or other Department of the City or in exceptional circumstances, such as the enforcement of parking restrictions pursuant to the City's Traffic By-law, the Applicant may be the employee or agent of an institution such as the Brandon General Hospital or Brandon University or of a security firm engaged in the enforcement of parking restrictions.
4. Every applicant for appointment as a By-law Enforcement Officer shall complete an application form as set out in Schedule "A" hereto.
5. The employer of an applicant for appointment as a By-law Enforcement Officer shall complete an application form and Save Harmless Agreement as set out in Schedule "B" hereto.
6. After an application has been received by the Police Department the applicant for appointment as a By-law Enforcement Officer shall be subjected to a background check by the Police Department.
7. After completion of the background check, a report shall be forwarded to the Chief of Police for his review and the Chief of Police, at his sole discretion, shall approve or deny the appointment as By-law Enforcement Officer.
8. If an application is approved an appointment as By-law Enforcement Officer, as set out in Schedule "C" hereto, shall be issued by the Chief of Police, subject to the applicant completing an orientation program, designed and administered by the Police Department, which will establish guidelines respecting proper treatment of citizens, and compliance of By-law Enforcement Officers with the Code of Conduct as set out in Schedule "E" hereto, when enforcing the City's by-laws.
9.
 - (a) Following an appointment as By-law Enforcement Officer, and completion of the required orientation program, an identification card showing the name, date of appointment, and by-laws to be enforced, and containing a picture of the applicant, shall be issued to the By-law Enforcement Officer. Two forms of identification shall be available, one for City employees and the other for all other applicants. The forms are as set out in Schedule "D" hereto. Such identification cards are to remain the property of the City and must be returned upon request.
 - (b) The identification card shall be carried by By-law Enforcement Officers at all times while engaged in by-law enforcement and worn in a conspicuous location on the By-law Enforcement Officer's clothing so members of the public can confirm the applicant's authority.
 - (c) To be valid, the identification card must bear the signatures of the Chief of Police and the applicant.

11. This by-law does not authorize By-law Enforcement Officers to act outside the boundaries of the City.
12. The Police Department shall annually conduct an internal review of all By-law Enforcement Officers with respect to their individual performance and conduct.
13. The Chief of Police may cancel any appointment as By-law Enforcement Officer:
 - (a) if the applicant leaves the employment of the employer named in the application; or,
 - (b) if complaints regarding the applicant's conduct are received by the Chief of Police and, after review of the complaint, the Chief of Police determines the applicant failed to comply with the Code of Conduct set out in Schedule "E"; or,
 - (c) if the method of enforcement of by-laws(s) the applicant is empowered to enforce is changed by amendment to the by-law by Council; or,
 - (d) for any other reason deemed appropriate by the Chief of Police and confirmed by the City Manager.
14. This by-law shall come into full force and take effect upon the passage hereof.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 21st day of December, A.D. 1992.

"Richard N. Borotsik"

MAYOR

"W. Ian Ford"

CITY CLERK

Read a first time this 14th day of December, A.D. 1992.
Read a second time this 21st day of December, A.D. 1992.
Read a third time this 21st day of December, A.D. 1992.

I, William Ian Ford, Clerk of the municipality of The City of Brandon, DO HEREBY CERTIFY the within to be a true and correct copy of By-law No. 6041/78/92 as amended by By-law No. 6247/96/94.

W. I. Ford, City Clerk

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SCHEDULE "A"
to By-law Enforcement Officers' Appointment By-law No. 6041/78/92
[AM. B/L 6247/96/94]

**BY-LAW ENFORCEMENT OFFICER
APPLICATION FORM
APPLICANT**

To: The City of Brandon

I, _____, _____, _____, _____ / _____ / _____,
[First Name] [Middle Name] [Last Name] [Birthdate]

of _____, _____,
[Street Address, Postal Code] [Telephone Number]

hereby apply to be appointed as a By-law Enforcement Officer in relation to my employment as a

_____, employed by _____,
[Job Description] [Employer Name]

and, if appointed as a By-law Enforcement Officer under the authority conferred by the City's By-law Enforcement Officers' Appointment By-law, I hereby covenant and agree with The City of Brandon: -

(1) to enforce the provisions of the _____
[Name of By-law]

in relation to my employment as a _____
[job description]

at _____, within the City of Brandon;
[location]

(2) that I undertake to inform The City of Brandon Police Department and the City Solicitor's Office of any and all incidents arising from my enforcement of the said by-law(s) as soon as possible after they arise;

(3) that I undertake to comply with the Code of Conduct set out in Schedule "E" of the City's By-law Enforcement Officers' Appointment By-law;

while I function as a By-law Enforcement Officer under the said appointment.

Sworn before me at the City of _____)
Brandon, in the Province of _____)
Manitoba, this _____ day of _____)
_____, A.D. 199____ .)

A Notary Public/Commissioner for Oaths
In and for the Province of Manitoba
My Commission Expires:

SCHEDULE "B"
to By-law Enforcement Officers' Appointment By-law No. 6041/78/92

**BY-LAW ENFORCEMENT OFFICER
APPLICATION FORM AND SAVE HARMLESS AGREEMENT
APPLICANT'S EMPLOYER**

I, _____, _____,
[Print name in full] [Street address, postal code]

telephone number: _____, am the authorized representative of _____

[Name of employer]

As supervisor of the above-named applicant, I hereby confirm as follows:

- (1) that the applicant is, or will be, employed by the named firm and the applicant's duties will include enforcement of the indicated by-law(s) within the City of Brandon;
- (2) that I undertake to supervise the activities of the Applicant while engaged in enforcing the noted by-law(s) and ensure the Applicant's compliance with the terms and conditions of the City's By-law Enforcement Officers' Appointment By-law;
- (3) to save harmless The City of Brandon from all suits, claims and demands of whatsoever kind arising out of the Applicant's said employment;
- (4) that I undertake to inform The City of Brandon Police Department and the City Solicitor's Office of any and all incidents arising from the enforcement of the said by-law(s) as soon as possible after they arise; and
- (5) that I undertake to inform The City of Brandon Police Department and the City Solicitor's Office of any reassignment of the applicant's duties as they may relate to the appointment as By-law Enforcement Officer or of any termination of employment of the Applicant.

IN WITNESS WHEREOF the parties hereto have set their hands and seals and/or caused their corporate seals to be affixed duly attested to by the hands of their proper signing officers in that behalf, this ____ day of _____, A.D. 199__.

Sworn before me at the City of _____)
Brandon, in the Province of _____)
Manitoba, this ____ day of _____)
_____, A.D. 199__.)

A Notary Public/Commissioner for Oaths
In and for the Province of Manitoba
My Commission Expires:

[Corporate Name]

Per: _____

Per: _____

SCHEDULE "C"
to By-law Enforcement Officers' Appointment By-law No. 6041/78/92

**BY-LAW ENFORCEMENT OFFICER
APPOINTMENT**

(To be completed by The City of Brandon)

Applicant's Full Name: _____

Applicant's Employer: _____

The above noted Applicant is hereby appointed as a By-law Enforcement Officer for The City of Brandon to enforce the following by-law(s):

- | | |
|------------------------------------|------------------------------------|
| 1. _____
[by-law name & number] | 2. _____
[by-law name & number] |
| 3. _____
[by-law name & number] | 4. _____
[by-law name & number] |

for the period during which the Applicant is employed by the Employer noted herein.

The City of Brandon reserves the right to revoke the appointment as By-law Enforcement Officer at any time upon written notice to the Applicant, at the address set out in the application for appointment as By-law Enforcement Officer, and upon any such revocation the Applicant shall return to The City of Brandon Police Department the By-law Enforcement Officer identification card issued to the Applicant.

[Authorized signature]

SCHEDULE "D"
to By-law Enforcement Officers' Appointment By-law No. 6041/78/92

CITY EMPLOYEES:

THE CITY OF BRANDON
BY-LAW ENFORCEMENT OFFICER

Department: _____

Name: _____

PICTURE

DATE OF APPOINTMENT: _____

which is restricted to the enforcement of The City of

Brandon _____ By-law _____

CHIEF OF POLICE SIGNATURE

OTHERS:

THE CITY OF BRANDON
BY-LAW ENFORCEMENT OFFICER

Employer: _____

Name: _____

PICTURE

DATE OF APPOINTMENT _____

which is restricted to the enforcement of The City of Brandon

_____ By-law.

CHIEF OF POLICE SIGNATURE

SCHEDULE "E"
to By-law Enforcement Officers' Appointment By-law No. 6041/78/92

THE BY-LAW ENFORCEMENT OFFICER'S CODE OF CONDUCT

As a By-law Enforcement Officer I recognize that my primary obligation is to enforce The City of Brandon By-laws effectively and efficiently.

I will faithfully administer the by-law(s) in a just, impartial, and reasonable manner, preserving the equality, rights, and privileges of citizens as afforded by law.

I accept that all persons are equally entitled to courtesy, understanding and compassion. I will not be disparaging of any race, creed, or class of people.

In the performance of my duties I acknowledge the limits of my authority and promise not to use it for my personal advantage. I vow never to accept gratuities or favours or compromise myself or The City of Brandon in any way.

I will exercise self-discipline at all times while engaged in by-law enforcement.

I will cooperate at all times with the Police Officers of the Brandon City Police Department.

I will advise either the Chief of Police or his designate or the City Solicitor of all incidents arising involving me in my attempts to enforce the designated by-law(s).