

**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

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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.
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, are port 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 guideline s 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 up on 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"

"W. Ian Ford"

MAYOR

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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