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**BYLAW TO AMEND THE BYLAW TO ESTABLISH THE STELLARTON  
POLICE COMMISSION**

Resolved by the Town Council of the Town of Stellarton:

**THAT** the following bylaw be and the same is hereby enacted and that the clerk be and is hereby instructed to forward same to the Minister of Municipal Affairs with a request for his approval thereof.

The bylaw to amend the Bylaw to establish the Stellarton Police Commission dated the 12<sup>th</sup> day of November, 1977 and signed the 14<sup>th</sup> day of November by then Town Clerk, A.A. Pearson and approved by then Chairman of the Nova Scotia Police Commission, Harry A. Porter, is repealed and replaced by the following:

1(a) The Stellarton Town Council pursuant to Section 44(4) of the Police Act, for the Province of Nova Scotia being Chapter 31 of the Acts of 2004 shall appoint three Members of Council appointed by resolution of the Council; three members appointed by resolution of the Council who are neither members of council nor employees of the Municipality; and one member appointed by the Minister who shall collectively be and form the board of police commissioners for the Town of Stellarton, (hereinafter called the "Board"), having all of the powers and duties of such a Board established pursuant to the provisions of Chapter 31 of the Nova Scotia Statutes of 2004, the Police Act and the regulations thereunder.

April 8<sup>th</sup>, 2008 - 1<sup>st</sup> Reading - Public Council Meeting  
April 11<sup>th</sup>, 2008 - Ad to be placed in newspaper  
April 28<sup>th</sup>, 2008 - 2<sup>nd</sup> Reading - Public Council Meeting  
\_\_\_\_\_ - Ad placed in newspaper

## A BYLAW TO ESTABLISH THE STELLARTON POLICE COMMISSION # 48

1. (a) The Town Council shall at its first regular meeting in the year 1977 following approval of this by-law, and at its first regular meeting in November in each year following, appoint three of its members, and three citizens of the Town, who together with a person to be appointed by the Attorney General of Nova Scotia, shall be and form the Board of Police Commissioners of the Town of Stellarton hereinafter called "The Board") having all of the powers and duties of such a Board established pursuant to the provisions of Chapter 9, Nova Scotia Statutes of 1974, The Police Act and the Regulations made under the Police Act, as amended, and as set forth thereunder.  
  
(b) Where a vacancy occurs on the Board by reason of the death of a member appointed by the Town Council, or where such a member is unable to carry on their duties as a member of the Board by reason of illness or absence, the Town Council shall at its first regular meeting following such event appoint another person to be a member of the Board in place or stead of the deceased, ill or absent member.
2. The Board shall, at its first meeting of each calendar year, choose its chairperson and vice chairperson.
3. (a) Regular public meetings of the Board shall be held at the Town Council Chambers or via electronic format ( as per provincial regulations on allowance of electronic format) on the first Thursday of each month excepting July and August, of each year, commencing at 14:30 hours, or at such other time or place as the Board shall determine, provided that there shall be at least one such public meeting every three months and the date, time and place of the public meetings shall be advertised.  
  
(b). The Board may meet in camera at any times on 24 hours' notice by the chairperson or any two member or at any time with unanimous consent of all members concerning all matters relating to discipline, personal conduct, contract negotiations and security of police operations.  
  
(c). The Chief of Police and/or the Inspector shall, whenever practicable, attend all meeting of the Board, whether public or in camera.  
  
(d). The Chief Administrative Officer or their appointee shall be the administration support to the Board and shall have charge of all accounting procedures to be followed and maintained by the Board.  
  
(e). A majority of the members of the Board shall constitute a quorum.
4. (a). The Board shall, each year, not later than the last day of January, submit to the Council for its consideration and approval its estimates of all moneys required for the year to pay the remuneration of the members and staff of the Police Service and to pay for the accommodation, arms and equipment and other things for the use and maintenance of the Police Service.

(b). The Board shall submit to the Council all proposed union or collective agreements for the Council's approval of all financial matters contained therein prior to the execution thereof by the Board.

(c). All capital equipment proposed to be purchased by the Police Chief or Board shall be submitted to the Council together with the recommendation of the Board for purchase consideration.

5. (a.) The Board shall have jurisdiction without interference by the Town Council over all matters relating to the enforcement of all criminal law, federal statutes, provincial statutes and town by-laws and ordinances.

(b). The Board shall further have jurisdiction over all matters relating to the enforcement of provincial statutes having local effect and town by-laws and ordinances, but the Town Council shall have the right to request the enforcement of such statutes or by-laws as may be required for the proper administration thereof within the town.

(c.) Notwithstanding the foregoing, the function of the Board on behalf of the Town Council shall primarily relate to the administrative direction, organization and policy required to maintain an efficient and adequate Police Service.

6. (a.) The officers, assistants and civilian employees of the Police Service shall be appointed, promoted, suspended, dismissed or reinstated by the Police Chief.

(b). The Chief of Police shall be appointed by the Council and following a year's period of probation, may not be suspended, dismissed or otherwise disciplined except with cause, and in such event, they shall have the right to appeal, within fifteen days of such disciplinary action, to the chairperson of the Nova Scotia Police Commission. The Commission shall conduct a hearing therein and may confirm, overrule or modify such action its decision therein shall be final.

(c.) The Chief of Police or the Inspector shall be in charge of the management, direction and control of the day to day operations of Police Service, including the enforcement of law and the maintenance of discipline within the Police Service.

(d.) The Chief of Police or the Inspector shall give all necessary orders, directions and instructions to Police Service and no Board member except when communication a decision of the Board shall issue and order, directive or instruction to any member of the Police Service relative to their duties as a member of the Police Service.

7. The Board shall not engage or enter into an employment contract with any person, corporation, partnership or agency whereby municipal police officers or services shall be provided.

8. (a.) Any complaint respecting a member of the Police Service shall be considered by the Chief of Police only if it is made in writing, by an identified complainant and signed by the complainant.

(b.) The Chief of Police, or in the case of a complaint against the Chief of Police, the Board may investigate the conduct of any member of the Police Service either of its own motion or in connection with a complaint and the person against whom the complaint is made shall be entitled to be represented by counsel upon being informed of such complaint and during any investigation and hearing in respect of such complaint.

(c.) The procedures used in dealing with complaints, internal discipline, and investigations shall be in accordance with the Regulations made under the Police Act.

***Resolved by the Town Council of the Town of Stellarton:***

*THAT the following bylaw be and the same is hereby enacted that the Chief Administrative Officer be and is hereby instructed to forward same to the Minister of Municipal Affairs & Housing with a request for their approval thereof.*

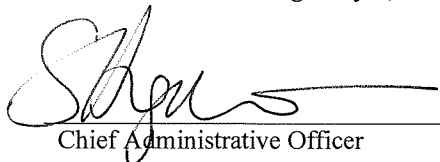
*The bylaw to amend the bylaw to establish the Stellarton Police Commission dated the 12<sup>th</sup> day of November 1977 and signed the 14<sup>th</sup> day of November by the Town Clerk, A.A. Pearson and approved then Chairman of the NS Police Commission, Harry A. Porter, is repealed and replaced by the above.*

**CAO's Annotation For Official By-Law Book**

Date of first reading: April 11, 2022

Date of advertisement of Notice of Intent to Consider: April 20, 2022

Date of second reading: May 9, 2022

  
\_\_\_\_\_  
Chief Administrative Officer

*May 10, 2022*  
\_\_\_\_\_  
Date