

**THE MUNICIPAL CORPORATION OF THE CITY OF IQALUIT, NUNAVUT
BY-LAW No. 930**

MUNICIPAL ENFORCEMENT OFFICER – PEACE OFFICER BYLAW

A By-law of the Municipal Corporation of the City of Iqaluit in Nunavut to provide for the appointment of Municipal Enforcement Officers – Peace Officer.

WHEREAS Council wishes to enact a Municipal Enforcement Officer – Peace Officer Bylaw, and for the appointment and establishing the roles of Peace Officers in the employ of the City of Iqaluit, Nunavut;

WHEREAS the Council of the Municipal Corporation of the City of Iqaluit deems it desirable to appoint Municipal Enforcement Officers – Peace Officers for the enforcement of Municipal Bylaws and select Territorial Acts and Regulations and any other relevant legislation where authority provides for in the City of Iqaluit;

THEREFORE, pursuant to Section 171 of the Cities, Towns and Villages Act, S.Nu.2003, c. 2 provides authority to appoint By-Law Enforcement Officers within the boundaries of the City of Iqaluit.

NOW THEREFORE, the Council of the Municipal Corporation of the City of Iqaluit, in a regular session, duly assembled, enacts as follows:

1. Repeals and replaces the City of Iqaluit Appointment of Municipal Enforcement Officer Bylaw ### with the Municipal Enforcement Officer – Peace Officer Bylaw No. ###.

SEVERABILITY

If any provision of the bylaw is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this bylaw or any documents, which may form part of this bylaw, or an application thereof to any person or circumstance, is declared invalid, the remaining provisions shall not be affected thereby but shall remain in force.

1. SHORT TITLE

This Bylaw may be cited as the Municipal Enforcement Officer – Peace Officer Bylaw.

INTERPRETATION AND DEFINITIONS

2. DEFINITIONS:

In this Bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:

“Authorized Equipment” means equipment authorized by the City of Iqaluit to carry out the duties and responsibilities of a Municipal Enforcement Officer – Peace Officer.

“CAO” means the Chief Administrative Officer for the City of Iqaluit.

“City” means the Municipal Corporation of the City of Iqaluit.

“Cities, Towns and Villages Act” means the Consolidation of the Cities, Towns and Villages Act R.S.N.W.T. 1988, c. C-8

“Council” means Council of the City of Iqaluit

“Municipal Enforcement Officer – Peace Officer” means a person appointed in accordance with the Cities, Towns, and Villages Act as a Bylaw Enforcement Officer, also known as a Municipal Enforcement Officer – Peace Officer.

3. APPLICATION

1. That Municipal Enforcement Officer – Peace Officer appointed under this bylaw, in the execution of enforcement duties, are responsible for the preservation and maintenance of public peace.
2. That Municipal Enforcement Department consisting of Municipal Enforcement Officers – Peace Officers of the City of Iqaluit, NU shall consist of the necessary number of Municipal Enforcement Officers as approved by Mayor and Council.
3. That Municipal Enforcement Officer – Peace Officer so appointed shall carry out the duties specified in Section 172 of the Cities, Towns, and Villages Act, S.Nu.2003, c2.
4. Municipal Enforcement Officer – Peace Officers shall enforce the bylaws of the City of Iqaluit.
5. Municipal Enforcement Officer – Peace Officers may enforce select Territorial Acts and Regulations, and any other relevant legislation where authority and authorization under such Act or Regulations provides for in the City of Iqaluit and any Peace Officer who is entitled by law to enforce such legislation within the City of Iqaluit.

6. That the term of appointment shall expire upon termination of employment with the city as a Municipal Enforcement Officer.
7. Municipal Enforcement Officers designated as peace officers:

As per definitions Criminal Code of Canada:

(2) peace officer (c) a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process.
8. Council and the CAO shall ensure that there is an adequate and effective level of Municipal Enforcement Officer – Peace Officers maintained in order for the City to provide an adequate and acceptable level of service to its residents.
9. The City of Iqaluit Council may make additional regulations to enhance powers and authorities of Municipal Enforcement Officer- Peace Officers. When such enhancements are considered, the level of qualifications and training shall be identified.
10. The Chief Enforcement Officer in cooperation with the CAO and Council as and when required may establish priorities, goals and objectives for enforcement within the City of Iqaluit.
11. The City of Iqaluit Municipal Enforcement Department may upon approval of the CAO and council, enter into Memorandum of Understandings with external agencies in respect to enforcement related to inter-agency agreements.

4. RESTRICTION ON WEAPONS

- 4(1)** A peace officer must not carry, use or have in the peace officer's possession any weapon unless;
 - (a) permitted by this bylaw,
 - (b) the peace officer is authorized to carry and use the weapon by the terms of the peace officer's appointment under this bylaw, and
 - (c) the weapon is issued to the peace officer by or under the authority of the employer who employs the peace officer.

- (2)** In accordance with this section, a peace officer may carry only those weapons that the peace officer is authorized to use under the terms of the peace officer's appointment.

12. AUTHORIZED WEAPONS AND EQUIPMENT

A Municipal Enforcement Officer - Peace Officer may be authorized, by the peace officer's appointment under this bylaw, to carry and use the following weapons:

- (a) OC spray, being a device designed to be capable of injuring, immobilizing or otherwise incapacitating a person by the discharge of Oleoresin Capsicum spray using a concentration approved or specified by the Director;
- (b) a baton;
- (c) a shotgun, for peace officers employed or engaged in animal control duties, responding to calls for dangerous animals, animals attacking, chasing and harassing and animals that are injured.
 - i) a device designed to be used for immobilizing an animal by the discharge of a tranquilizer.
- (d) handcuffs;
- (e) personal protective equipment including but not limited to a bullet resistant vest, protective gloves, uniform and all-weather clothing.
- (f) vehicles with or without markings and equipment determined for Enforcement use by the Chief Enforcement Officer.
- (g) particular equipment necessary to carry out the enforcement duties and responsibilities of the peace officer;
- (h) tools and items necessary for the performance of the peace officer's duties and responsibilities;
- (i) an approved alcohol screening device (ASD), used to detect and measure a roadside breath sample.
- (j) any other weapon, tool or equipment approved by Council.

13. LOSS OR THEFT OF WEAPON

If a peace officer loses a weapon, or if a peace officer's weapon is stolen, the peace officer must immediately report the loss or the theft to the Chief Enforcement Officer.

14. RESPONSIBILITIES OF THE CHIEF ENFORCEMENT OFFICER

- (a) maintain policies and procedures for the use, storage and maintenance of weapons,
- (b) maintain policies and procedures relating to the training of peace officers in the use of weapons,
- (c) ensure the policies and procedures referred to under this section are updated on a regular basis, and

15. CODE OF CONDUCT

The code of conduct includes provisions applicable to the duties and responsibilities of peace officers and the City of Iqaluit and its administration, including

- (a) comply with the terms and conditions of the employer code of conduct as well as departmental code of conduct,
- (b) comply with the terms of the peace officer's appointment,
- (c) prohibiting peace officers from
 - (i) engaging in disorderly or inappropriate conduct, or
 - (ii) acting in a way that would be harmful to the discipline of peace officers or that is likely to discredit the office of peace officer,
- (d) prohibiting peace officers from withholding or suppressing information, complaints or reports about any other peace officer,
- (e) requiring peace officers to promptly and diligently perform the peace officers' duties and responsibilities,
- (f) prohibiting peace officers from making or signing false, misleading or inaccurate statements,
- (g) prohibiting influence, coercion, obstruction or using authority to sway or influence enforcement matters,
- (h) respecting when confidentiality must be maintained
- (i) prohibiting activities that may or will result in a conflict of interest or an apprehension of or a lack of integrity in the office of peace officer,
- (j) prohibiting peace officers from using the peace officer's position for the peace officer's own advantage or another person's advantage,

(k) prohibiting peace officers from exercising the peace officer's authority as a peace officer when it is unnecessary to do so,

(l) prohibiting peace officers from consuming alcohol while on duty, except in the performance of the peace officer's duties,

16. OATH

That every Municipal Enforcement Officer shall, before commencing the duties of office, make and subscribe to an oath or affirmation in the following form;

Oath of Office – MUNICIPAL ENFORCEMENT OFFICER – PEACE OFFICER

"I _____, do solemnly (swear / affirm) that I shall, without fear, favor or partiality, and in good conscience with all loyalty to the City of Iqaluit_Nu, discharge my proper duty, neither seeking nor accepting direction therein save as provided by law, in all matters and at all times conducting myself accordingly, in the office of Municipal Enforcement".

17. MISSION

That the City of Iqaluit Municipal Enforcement Services will be dedicated in serving the community as follows: "To educate the multi-cultural community with professionally trained officers, while enforcing the City's By-Laws and select Acts to maintain safety within the community through multi agency communications, while serving the community."

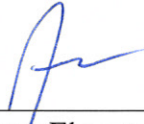
EFFECTIVE DATE

This By-law shall come into force upon receiving third reading.

THIS BY-LAW READ a First Time this 22 day of February 2022, A.D.



Kenny Bell
Mayor

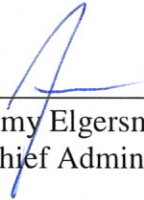


Amy Elgersma
Chief Administrative Officer

THIS BY-LAW READ a Second Time this 22 day of February 2022, A.D.



Kenny Bell
Mayor

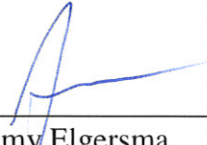


Amy Elgersma
Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this 22 day of February 2022 A.D.



Kenny Bell
Mayor



Amy Elgersma
Chief Administrative Officer

