

THE CORPORATION OF THE CITY OF IQALUIT, NUNAVUT
BY-LAW 937
REPEAL OF BY-LAW 931 AND ENACTMENT OF
TEMPORARY FACE COVERING BYLAW

WHEREAS, pursuant sections .01(c) and 54.2(a) of the Cities, Towns and Villages Act, RSNWT (Nu) 1988, c. C-8 (“Act”), as amended from time to time, Council may pass by-laws respecting:

- (a) the development of a safe and viable municipality; and
- (b) the safety, health and welfare of people and the protection of people and property;

AND WHEREAS based on the current status of the COVID-19 pandemic, the City of Iqaluit wishes to repeal By-Law 931 and enact this By-Law 937, the Temporary Face Covering By-Law;

NOW THEREFORE the Council for the City of Iqaluit, duly assembled hereby, enacts:

1. REPEAL OF BY-LAW 931

- 2. By-Law 931 is hereby repealed.

2. ENACTMENT OF BY-LAW 937 TEMPORARY FACE COVERING BY-LAW

2.1 SHORT TITLE

This By-law may be cited as the “Temporary Face Covering By-Law”.

3. DEFINITIONS

- (a) “*CAO*” means the City’s Chief Administrative Officer;
- (b) “*City*” means the City of Iqaluit.
- (c) “*Council*” means the City’s duly elected municipal council;
- (d) “*Face Covering*” means a medical, non-medical mask or other face covering that covers the mouth, nose and chin and acts as a barrier that limits the transmission of infectious respiratory droplets;
- (e) “*Municipal Enforcement Officer*” means a By-Law officer appointed by the City to enforce any or all of its by-laws;
- (f) “*Public Premises*” means all or any part of a City building, structure or other substantially enclosed City area to which a person has access as of right or by express or implied invitation, whether or not there is an enrolment or membership requirement or a fee associated with access;

3. REQUIREMENTS AND EXEMPTIONS

Requirements

3.1 A person must wear a Face Covering in a Public Premises

Exceptions and Accommodations [

3.2 The requirement to wear a Face Covering will not apply to a person:

- (a) under 2 years of age;
- (b) unable to wear a Face Covering due to an underlying medical condition or limitation, or due to a protected ground under Nunavut's Human Rights Act;
- (c) eating or drinking at a designated location with Public Premises;
- (d) participating in an athletic, fitness or water activity;
- (e) providing care or assistance to a person with a disability where wearing a Face Covering would hinder that caregiving or assistance;
- (g) temporarily removing the Face Covering in order to provide or receive a service, including but not limited to a religious or a ceremonial spiritual service or health care-related service;

3.3 The City will provide reasonable accommodations, as required under Nunavut's Human Rights Act, to the point of undue hardship.

3.4 For the purpose of this By-Law, the CAO or designate will establish accommodation procedures.

4. CONTINUED COMPLIANCE WITH HEALTH AND SAFETY PRECAUTIONS

4.1 Unless a legislated or regulatory exemption applies, all persons shall continue to comply with applicable health and safety measures to reduce the hazard of COVID-19, including but not limited to maintaining appropriate physical distancing and self-monitoring of potential COVID-19 symptoms.

5. PRIVACY AND CONFIDENTIALITY

5.1 All information regarding an accommodation of an individual under Nunavut's Human Rights Act will be treated with the highest confidentiality and will only be used for the purposes of this By-Law.

5.2 For By-Law administration purposes, medical and accommodation-related information shall only be accessed by the City on a need-to-know basis and shall be stored in a secure system, safeguarded by restricted access, ensuring the privacy of this information. This information shall be destroyed if and when it is no longer required by the City.

6. ENACTING OF COVID-19 VACCINATION ADMINISTRATIVE POLICIES / PROCEDURES

6.1 The CAO or delegate shall,

- (a) continue to monitor,

- (i) guidance from applicable public health authorities regarding the COVID-19 pandemic; and
 - (ii) the City's COVID-19 risk mitigation planning; and
- (b) continue implement, as required, COVID-19 related policies and/or procedures, as required, having the objective to take every precaution reasonable from the hazard of COVID-19 and to ensure the health and safety of,
- (i) City employees;
 - (ii) City volunteers;
 - (iii) Individuals acting for, or on behalf of the City; and
 - (iv) Anyone attending any City building for any reason including indoor City recreational, and business related concerns and activities.

7. Offence

- 7.1 Every person who contravenes any provision of this By-Law, or who authorizes another Person to contravene this By-Law, shall be deemed to have committed an offence against this By-Law.

8. Fines and Penalties

- 8.1 Any Person who contravenes any provision of this By-Law is guilty of an offence and shall be liable to a fine or an administrative penalty as outlined in this By-Law or any other penalty or measure that a court directs.

9. Continuing Offence

- 9.1 In the case of an offence that is of a continuing nature, a contravention constitutes an offence in respect of each day, or part of a day, on which it continues.

10. Administration of this By-law

- 10.2 City Staff and Municipal Enforcement Officers are responsible for the enforcement of this By-Law.

- 10.3 Any person found in violation of this By-Law may be subject to, as applicable:

- (a) a ban on entry to Public Premises for just and sufficient cause;
- (b) cancellation of contract;
- (c) revocation of privileges; and/or
- (d) a fine, pursuant to section 11 of this By-Law.

- 10.4 If the totality of the circumstances surrounding any contravention of this By-Law indicate a marked endangerment or increased risk of endangering public health, there may be a deviation from the specified penalty when determining the appropriate fine amount.

11. **PENALTIES**

11.1 Subject to sections 10.4 and 10.5, anyone violating any provision of this By-Law is guilty of an offence and is liable to a fine in an amount of \$100 for the first offence, \$200 for the second offence and \$300 for all subsequent repeated offences within a six-week period.

12. **ENACTMENT**

12.1 This By-Law shall come into force on April 21, 2022, and have effect upon from and after the third and final reading.

13. **SEVERABILITY**


13.1 Should any provision of this By-Law be found by a court to be invalid, then the invalid provision shall severed and the remainder of this By-Law shall be maintained.

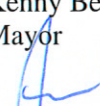
14. **REQUIRED BY-LAW REVIEW**

14.1 This By-Law shall be reviewed by Council within six weeks of its enactment.

EFFECTIVE DATE


THIS BY-LAW READ a First Time this 19st day of April, 2022, A.D.

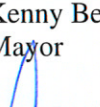


Kenny Bell
Mayor


Amy Elgersma
Chief Administrative Officer

THIS BY-LAW READ a Second Time this 19st day of April, 2022, A.D.



Kenny Bell
Mayor


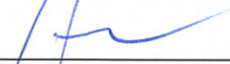
Amy Elgersma
Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this 26 day of April, 2022 A.D.





Kenny Bell
Mayor



Amy Elgersma
Chief Administrative Officer

