

WASOQOPA'Q (ACADIA) FIRST NATION BYLAW ENFORCEMENT LAW

WHEREAS section 81(1) subsections (a) to (d) and (p) of the *Indian Act* empowers the Council of Wasoqopa'q (Acadia) First Nation to pass bylaws to provide for the safety, health and welfare of residents, the protection of property and the observance of law and order on Reserve, in addition to, matters arising out of or ancillary to the exercise of powers under section 81 of the *Indian Act*;

AND WHEREAS the Council of Wasoqopa'q First Nation has determined that it is desirable that community-based bylaw enforcement officer programs be established for Wasoqopa'q First Nation;

AND WHEREAS the Council of Wasoqopa'q First Nation deems it necessary to implement a bylaw to regulate the behaviour, actions and discipline of a Wasoqopa'q First Nation Bylaw Enforcement Officer.

THEREFORE, the Council of Wasoqopa'q First Nation enacts this Bylaw Enforcement Law as follows:

PART 1: INTERPRETATION

1.1 This Bylaw may be cited as the Wasoqopa'q Bylaw Enforcement Law.

2.0 Definitions. In this Bylaw, except where otherwise defined:

2.1 "**Allied Agencies**" means those agencies with which a Bylaw Enforcement Officer works or liaises.

2.2 "**Assigned Supervisor**" means the Wasoqopa'q First Nation Band Manager, or his/her designate, appointed to supervise the actions of Bylaw Enforcement Officers;

2.3 "**Bylaw**" means a bylaw passed by the Council of Wasoqopa'q First Nation under the authority of the *Indian Act*;

2.4 "**Bylaw Enforcement Officer**" means a Bylaw Officer appointed as such by Council, either hired through an employment contract or appointed by an external service contract;

2.5 "**Council**" means the Chief and Council of Wasoqopa'q First Nation;

2.6 "**Emergent Incident**" means a situation where a Bylaw Enforcement Officer is required to respond to a fire, explosion, dangerous goods, criminal or illegal activity, trespass, medical, rescue, physical violence (or threats thereof) or other emergency event;

2.7 "**Non-Emergent Incident**" means a situation where a complaint has been registered, the Bylaw Enforcement Officer has observed an infraction within Wasoqopa'q First Nation, or a call is placed within the policy level of priority and not considered an emergency;

2.8 "**Property**" means any real or personal property which, without limiting the generality of the foregoing, includes land and structure;

2.9 "**Reserve**" means the lands set apart by Her Majesty the Queen in right of Canada for the use and benefit of the Wasoqopa'q First Nation;

2.10 "**Violation Ticket**" means a ticket issued by a Bylaw Enforcement Officer documenting a breach of a Bylaw.

PART 2: POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS

3.0 Bylaw Enforcement Officers are authorized to act within the Reserve lands of Wasoqopa'q First Nation.

4.0 Bylaw Enforcement Officers are to carry upon his/her person, at all times he/she is acting as a Bylaw Enforcement Officer, evidence in writing of his/her appointment and bear the uniform or insignia of his/her position as a Bylaw Enforcement Officer of the Wasoqopa'q First Nation.

5.0 Bylaw Enforcement Officers shall have the following duties:

- 5.1 be responsible for the enforcement of Bylaws and perform such tasks as may be directed by Band Council resolution;
- 5.2 respond to Emergent incidents with the intent to protect people and to preserve Property;
- 5.3 respond to Non-Emergent incidents with the intent to promote the intent of the Bylaws;
- 5.4 conduct routine or specific patrols, and regulate access to the Reserves, including the enforcement of ban letters and other access restrictions imposed by Council from time to time;
- 5.5 issue Violation Warnings or Violation Tickets for breaches of or offences under any Wasoqopa'q First Nation Bylaw or Band Council Resolution;
- 5.6 liaise with Allied Agencies to foster safe, healthy, peaceful and respectful communities on the Reserves;
- 5.7 coordinate with Allied Agencies when appropriate to ensure the safety of the Bylaw Enforcement Officer in the performance of his/her duties, or to assist in the successful completion of his/her work;
- 5.8 carry out community-based enforcement initiatives, and Band member engagement and education;
- 5.9 provide reports or other evidence to Council for the conduct of Review Hearings under any Bylaw; and
- 5.10 exercise all powers, duties, and functions of the office as provided for herein or in any future Band Council Resolution.

6.1 A Violation Warning may be issued by a Bylaw Enforcement Officer as a first warning to any person on Reserve or when conduct of such a person if continued can reasonably be expected to give rise to a future breach of a Bylaw.

6.2 A Violation Ticket issued by a Bylaw Enforcement Officer will be rebuttable proof of the facts described therein and of the breach of any Bylaw referred to in that Violation Ticket. A Violation Ticket may impose a fine of up to fifty (\$50.00) dollars, which is to be paid within 30 days of its issuance and, if unpaid, may be deducted by the First Nation from any discretionary payments to that person.

7.0 Bylaw Enforcement Officers are not authorized to carry or use weapons or other implements of force except those designed for protective purposes.

PART 3 – COMPLAINTS AGAINST BYLAW ENFORCEMENT OFFICERS

8.0 A complaint against a Bylaw Enforcement Officer must be in writing and received by the Wasoqopa'q Band Manager.

8.1 Wasoqopa'q First Nation will, within 30 days and in writing, acknowledge receipt of the complaint to the complainant and notify the Bylaw Enforcement Officer involved of the complaint, as appropriate.

8.2 Wasoqopa'q First Nation will investigate and dispose of the complaint in accordance with the procedures set out in the Wasoqopa'q Human Resources Plan.

8.3 Wasoqopa'q First Nation will notify the complainant and the Bylaw Enforcement Officer as to the status of the investigation at least once every 45 days.

8.4 Upon conclusion of the investigation, Wasoqopa'q First Nation will notify the complainant and the Bylaw Enforcement Officer in writing of the disposition of the complaint and the reasons for the disposition.

8.5 Wasoqopa'q First Nation may refuse to investigate or may discontinue the investigation of a complaint if, in the opinion of Council, the complaint is frivolous, vexatious or made in bad faith, or having regard to all of the circumstances, no investigation is necessary.

PART 4: CODE OF CONDUCT

9.0 A Bylaw Enforcement Officer shall at all times comply with the terms and conditions of their Wasoqopa'q First Nation employment contract or their services contract, as interpreted by the Assigned Supervisor, as well as the terms of this Code of Conduct.

9.1 A Bylaw Enforcement Officer shall be prohibited from engaging in disorderly or inappropriate conduct, or acting in a way that would be harmful to the discipline of Bylaw Enforcement Officers or that is likely to discredit the office of Bylaw Enforcement Officer.

9.2 A Bylaw Enforcement Officer shall be prohibited from withholding or suppressing information, complaints or reports about any other Bylaw Enforcement Officer or peace officer.

9.3 A Bylaw Enforcement Officer shall comply promptly and diligently perform his/her duties and responsibilities.

9.4 A Bylaw Enforcement Officer shall be prohibited from making or signing false, misleading or inaccurate statements.

9.5 A Bylaw Enforcement Officer shall be prohibited, without lawful excuse, from destroying, mutilating or concealing records or property, or altering or erasing an entry in a record.

9.6 A Bylaw Enforcement Officer shall respect when confidentiality must be maintained.

9.7 A Bylaw Enforcement Officer shall properly account for or return money or property that the Bylaw Enforcement Officer receives in that capacity.

9.8 A Bylaw Enforcement Officer shall be prohibited from activities that may or will result in a conflict of interest or an apprehension of or a lack of integrity in the office of the Bylaw Enforcement Officer.

9.9 A Bylaw Enforcement Officer shall be prohibited from using the Bylaw Enforcement Officer's position for his or her own advantage or another person's advantage.

9.10 A Bylaw Enforcement Officer shall be prohibited from consuming alcohol, or being under the influence thereof, while on duty.

9.11 A Bylaw Enforcement Officer shall be prohibited from consuming illegal (non-prescription) controlled drugs or other substances, or being under the influence thereof, while on duty.

9.12 A Bylaw Enforcement Officer shall, except in the performance of his or her duties, be prohibited from possessing controlled drugs and controlled substances, the possession of which is prohibited by law.

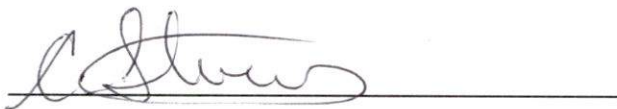
9.13 A Bylaw Enforcement Officer shall use his/her powers responsibly, acting with honesty and transparency, and preventing and addressing improper conduct.

PART 5: GENERAL

10.0 If any Section or Sections of this Bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

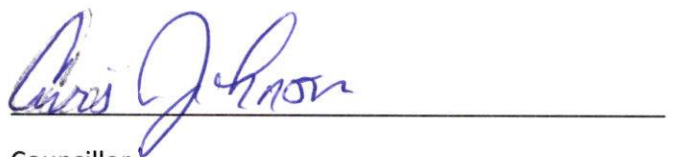
APPROVED AND PASSED at a duly convened meeting of the Chief and Council of the Wasoqopa'q First Nation this 21 day of November, 2023



Chief


Councillor

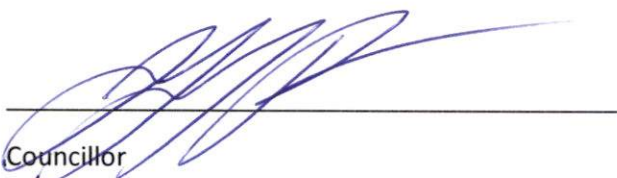

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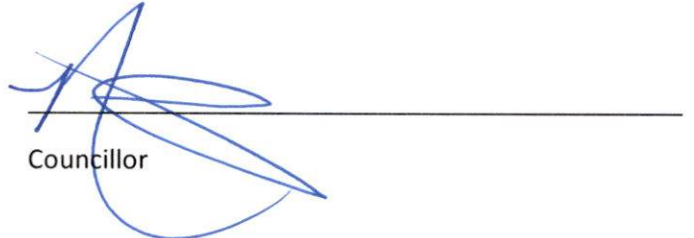

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