Village of Carmacks

Bylaw No. 327 - 26

A Bylaw to designate Bylaw Services Constables as Peace Officers and to regulate the Use of Force.

Whereas Council of the Village of Carmacks has authority under the Municipal Act to establish designated municipal officer positions and set terms, duties and powers;

And Whereas Council wishes to clarify the status of persons appointed to Bylaw enforcement roles and to create rules governing the training and use of force by those persons;

Now Therefore the Municipal Council of the Village of Carmacks enacts as follows:

1. Title

This Bylaw may be cited as the "Bylaw Services Constable – Peace Officer and Use of Force Bylaw."

2. Purpose

The purpose of this Bylaw is to:

a) formally designate persons appointed as Bylaw Services Constables as peace officers for the purposes described in this Bylaw;

b) authorize, subject to controls, the carriage and operational use of approved use-of-force tools by trained Bylaw Services Constables; and

c) establish training, oversight, reporting, and review requirements to ensure lawful, reasonable, necessary, and proportionate use of force, consistent with the Criminal Code.

3. Definitions

In this Bylaw:

- "Bylaw Services Constable" means a person appointed by Council (or by the CAO if so authorized by Council) to carry out enforcement of municipal bylaws and who holds the title set out in the Bylaw Enforcement Appointment bylaw.

- "Peace Officer" means, for the purpose of this bylaw and insofar as permitted by law, a Bylaw Services Constable sworn or designated as such and performing duties authorized by Council under municipal authority. (This designation is limited to powers within the legislative competence of Council.)

- "Intermediate Weapon" means a non-lethal weapon (e.g. baton, oleoresin capsicum (OC) spray, restraints) that is included in the Village's approved list (Appendix A) and is subject to training and use restrictions. Intermediate weapons are defensive weapons. They are used primarily as a deterrence to support the de-escalation of potentially volatile situations. When necessary, they are used with the intent to temporarily incapacitate a subject to overcome their resistance when lower levels of force would be inappropriate or ineffective. The Village shall maintain an Approved Intermediate Weapons List (Appendix A)

- "Use of Force" and "reasonable force" have meanings in the Criminal Code. Nothing in this bylaw expands or narrows rights or obligations under the Criminal Code.

4. Appointment and Oath

4.1 Council may, by resolution or by separate appointment instrument, appoint people to the position of Bylaw Services Constable. The CAO may be authorized by resolution to effect appointments, suspensions and term-of-employment matters as permitted by the Municipal Act.

4.2 All Bylaw Services Constables designated as Peace Officers under this Bylaw must take the formal oath of office in a ceremony attended by the mayor or designate, and the oath must be recorded in the municipal records. The oath is attached as Appendix B.

5. Peace Officer Powers – Limitations

5.1 When acting within the lawful scope of their appointment, Bylaw Services Constables designated as Peace Officers may exercise:

a) powers reasonable and necessary for the enforcement of municipal Bylaws enacted by Council;

b) powers expressly delegated by Council by bylaw; and

c) the limited powers set out in this Bylaw related to use of force.

5.2 Nothing in the Bylaw authorizes a Bylaw Services Constable to exercise powers beyond the municipality's legislative competence, to perform duties that are exclusively the responsibility of federal or territorial police, or to act in a matter contrary to federal or territorial law.

6. Approved Intermediate Weapons

6.1 The Village shall maintain an Approved Intermediate Weapons List (Appendix A). Only items listed in Appendix A may be carried or used by Bylaw Services Constables. Appendix A may be amended by Council resolution on the recommendation of the CAO in consultation with RCMP/territorial authorities and legal counsel.

6.2 No Bylaw Services Constable may carry, display, or use any intermediate weapon unless they have:

a) completed the Village-approved training and certification program for that intermediate weapon; and

b) are acting pursuant to the Village's Use of Force Policy (Schedule 1) and this Bylaw.

7. Training, Equipment and Maintenance

7.1 The CAO shall ensure that any Bylaw Services Constable authorized to carry an intermediate weapon receives certification from an accredited trainer recognized by the Village.

7.2 The Village will keep written records of training, intermediate weapon issuance, and maintenance logs.

7.3 Intermediate weapons and equipment shall be stored, maintained, and disposed of in accordance with the manufacturer's instructions and Village policy.

8. Use of Force Rules and Reporting

8.1 Bylaw Services Constables may only use that force which is necessary, reasonable, and proportionate in the circumstances, consistent with the Criminal Code and applicable territorial standards. Nothing in this Bylaw authorizes unlawful force.

8.2 Any discharge or employment of an intermediate weapon (including pointing, drawing, or deployment as defined in Schedule 1) shall be documented and reported.

8.3 The CAO will ensure there is an independent administrative review of every incident involving the use of intermediate weapons; criminal investigations remain the responsibility of the RCMP.

9. Oversight, Review and Public Transparency

9.1 Council shall receive quarterly reports summarizing training, deployments, intermediate weapon maintenance, and any incidents involving use of intermediate weapons (redacting personal identifying information as required by privacy law).

9.2 Council shall review this Bylaw and associated policies at least once every two (2) years.

10. Qualifications, Suspension and Removal

10.1 The CAO may suspend the authorization to carry an intermediate weapon from any Bylaw Services Constable pending investigation, re-training or for cause.

10.2 Council may revoke appointment of a Bylaw Services Constable in accordance with Municipal Act procedures and employment rules.

11. Liability, Insurance and Legal Compliance

11.1 The CAO shall ensure the Village maintains adequate coverage for all authorized activities, including the carriage and use of intermediate weapons.

11.2 Nothing in the Bylaw limits personal liability, criminal liability, or civil liability if a Bylaw Services Constable acts unlawfully.

12. Offences and Penalties

12.1 Any person who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine.

13. Severability

If any provisions of this Bylaw is held invalid by a court the remainder of this Bylaw remains in force.

14. Effective Date

This Bylaw comes into force on the date of final adoption of Council.

Read a first time this 21st day of April, 2026

Read a second time this _____day of _____, 2026

Read a third time this _____ day of _____, 2026

Mayor: _____

CAO_____

Appendix A

Approved Intermediate Weapons

Handcuffs
Handcuffs are used for the safe restraint of individuals who are under lawful arrest or detention, to prevent harm to the officer, the individual, or the public.

Baton (ASP)
The baton is a defensive tool used to protect the officer from assault or to control an actively resistant individual or animal when lower levels of force are ineffective, in accordance with use-of-force continuum.

Oleoresin Capsicum (OC) Spray
OC spray is used as a non-lethal option to stop aggressive or threatening behavior - this may include both humans and animals - by temporarily incapacitating the subject and allowing the situation to be brought under control safely.

Appendix B

Oath of Appointment

Peace Officer and Bylaw Services Constable

I, _____, of the Village of Carmacks in the Yukon Territory, make oath and say:

That I will well and truly serve our Sovereign King in the office of Peace Officer and Bylaw Services Constable for the Village of Carmacks without favour or affection, malice or ill will;

That I will, to the best of my power, cause the peace to be kept and preserved; and

That while I continue to hold the said office of Peace Officer and Bylaw Services Constable I will, to the best of my skill and knowledge, discharge all the duties and responsibilities thereof faithfully and according to law.

So Help Me God

_____

Sworn before me at the Village of Carmacks in the Yukon Territory this _____ day of _____, 2026

_____

A Notary Public in and for the Yukon Territory

Schedule 1

Village Use of Force Policy

Bylaw Services Constable – Use of Force Policy

Policy # _____

Approval Date: _____

Applies to: Bylaw Services Constable

1. The purpose of this policy is to:

- Define when and how the Bylaw Services Constable may use force in the lawful execution of their duties.

- Ensure actions are consistent with the Criminal Code, Summary Convictions Act, territorial legislation, and Village policies.

2. Definitions

- Intermediate Weapons: Defensive tools or devices used to control, restrain, or subdue an individual in a non-lethal manner. Examples include:

    - OC (Oleoresin Capsicum) spray

    - Expandable or fixed baton

    - Approved restraint devices (handcuffs or soft restraints)

- Use of Force: The application of physical means to gain compliance, prevent harm, or enforce the law. Force must always be reasonable, necessary, and proportionate.

- Lethal Force: Any action that is intended or reasonably likely to cause death or grievous bodily harm.

- Peace Officer: A Bylaw Services Constable designated under Bylaw 308-24

3. Guiding Principles

- Legality: All use of force must comply with federal, territorial and municipal law.

- Necessity: Force may only be used when other lawful measures are insufficient.

- Proportionality: Force must match the threat level or resistance encountered.

- Accountability: All incidents involving force or weapon use must be reported and reviewed.

- Training: Only officers trained and certified in the use of an intermediate weapon may carry or deploy it.

4. Authorized Use of Force

- The Bylaw Servies Constable may employ use of force options that are consistent with approved training and the use of force must remain reasonable, proportionate, necessary and consistent with law.

- Nothing in this policy restricts or removes the legal protections available to a Peace Officer under Section 25 of the Criminal Code of Canada, which justifies the use of necessary force when acting on reasonable grounds in the execution of lawful duties.

5. Training and Certification

- Officers must complete certified training programs for all use of force or defensive tactics. This program shall be approved by Council.

- Annual recertification and refresher training are mandatory.

- Training Records with be maintained by the CAO.

6. Reporting and Documentation

- Any use of non-lethal force must be documented in writing to the CAO as soon as practicable.

- Any use of lethal force shall be reported immediately to the CAO and the RCMP and the officer shall be placed on administrative leave pending, review, with support services offered.

-An Incident Report shall be submitted, and must include

    - Date, time, and location of the incident

    - Parties involved

    - Reason force was used

    - Type and level of force applied

    - Outcome of the incident

- Reports will be reviewed by the CAO or designate and retained for municipal records.

- The Village shall ensure that an incident involving lethal force is subject to external investigation in accordance with applicable law.

7. Oversight and Review

- The CAO shall ensure compliance with this policy

- All incidents involving force or weapons will be reviewed for:

    - Compliance with law and policy

    - Appropriateness of force applied

- Recommendation for training or procedural adjustments, if necessary.

8. Policy Enforcement

- Failure to comply with policy may result in disciplinary action, up to and including dismissal.

- This policy complements all other Village bylaws and territorial or federal legislation.

9. Policy Review

- This policy will be reviewed at least every two years or sooner if legislative or operational changes occur.

Approval:

Mayor _____

CAO _____