

CITY OF WHITEHORSE

BYLAW 2004-05

A bylaw to provide for the appointment of officers for the enforcement of bylaws and other Acts under which the municipality and its officers are given powers of enforcement

WHEREAS section 265 of the *Municipal Act* (R.S.Y. 2002) provides that Council may pass bylaws for municipal purposes respecting the enforcement of bylaws; and

WHEREAS section 338 of the *Municipal Act* provides that a municipality may enforce its bylaws and other Acts under which the municipality or its officers are given powers of enforcement; and

WHEREAS section 339 of the *Municipal Act* provides that Council may by bylaw provide for the appointment of enforcement officers for the enforcement of bylaws and other Acts under which the municipality or its officers are given powers of enforcement, and may define their duties and responsibilities; and

NOW THEREFORE the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "**Bylaw Enforcement Bylaw.**"

DEFINITIONS

2. In this bylaw,

"BYLAW SERVICES CONSTABLE" means an employee of the City appointed as an enforcement officer pursuant to the *Municipal Act* for the enforcement of bylaws and of other Acts under which the municipality or its officers are given powers of enforcement.

"BYLAW SERVICES PARKING METER ATTENDANT" means an employee of the City appointed as an enforcement officer to enforce the provisions of the City Of Whitehorse Traffic Bylaw.

"CITY" means the municipal corporation of the City of Whitehorse.

"COUNCIL" means the elected Council of the City of Whitehorse.

"ENFORCEMENT OFFICER" means an employee of the City Of Whitehorse given powers of enforcement under section 339 of the *Municipal Act*.

Bylaw Enforcement Bylaw 2004-05

“PEACE OFFICER” is defined in section 2 of the *Criminal Code of Canada* and a Bylaw Enforcement Officer is a Peace Officer within the meaning of section 2 of the *Criminal Code*.

APPOINTMENT OF A BYLAW SERVICES CONSTABLE

3. A Bylaw Services Constable shall be sworn as an enforcement officer and as a peace officer within the meaning of the *Criminal Code of Canada* for all purposes within the legislative competence of the Council of the City of Whitehorse.
4. A Bylaw Services Constable shall swear an oath as set out in Appendix "A" to this bylaw.
5. A Bylaw Services Constable shall have the power to enforce the provisions of bylaws enacted by the Council of the City of Whitehorse, and the provisions of other territorial statutes as authorized by law.

APPOINTMENT OF A PARKING METER ATTENDANT

6. A Bylaw Services Parking Meter Attendant shall be sworn as a peace officer within the meaning of the *Criminal Code of Canada* for all purposes within the legislative competence of the Council of the City of Whitehorse.
7. Upon appointment, a Bylaw Services Parking Meter Attendant shall swear an oath as set out in Appendix “B” to this bylaw.
8. A Parking Meter Attendant shall have the power to enforce the provisions of the Traffic Bylaw enacted by the Council of the City of Whitehorse.

JURISDICTION

9. The territorial jurisdiction of a Bylaw Services Constable or Parking Meter Attendant shall extend throughout the area within the municipal boundaries of the City of Whitehorse.

FIREARMS

10. Except as otherwise specified herein, nothing in this bylaw should be construed as granting to an Enforcement Officer the right to bear arms.
11. The use of firearms by Enforcement Officers shall be restricted to animal control purposes and such use shall in each instance be under the authorization, direction and control of the Manager of Bylaw Services or such other person as the Manager of Bylaw Services may designate from time to time.

REPEAL

12. Bylaw 95-59, including all amendments thereto, is hereby repealed.

Bylaw Enforcement Bylaw 2004-05

COMING INTO FORCE

13. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST and **SECOND READING:** May 25, 2004

THIRD READING and **ADOPTION:** June 14, 2004

ORIGINAL BYLAW SIGNED BY:

"Ernie Bourassa"

Ernest J. R. Bourassa, Mayor

"R. I. Fendrick"

Robert I. Fendrick, City Clerk

Bylaw Enforcement Bylaw 2004-05

APPENDIX "A"

OATH OF APPOINTMENT PEACE OFFICER AND BYLAW SERVICES CONSTABLE

I, _____, of the City of Whitehorse in the Yukon Territory,
make oath and say:

That I will well and truly serve our Sovereign Lady the Queen in the office of Peace Officer and Bylaw Services Constable for the City of Whitehorse 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 City of Whitehorse in the
Yukon Territory this ____ day of _____

A Notary Public in and for the Yukon Territory

Bylaw Enforcement Bylaw 2004-05

APPENDIX "B"

OATH OF APPOINTMENT **PEACE OFFICER AND BYLAW SERVICES PARKING METER ATTENDANT**

I, _____, of the City of Whitehorse in the Yukon Territory,
make oath and say:

That I will well and truly serve our Sovereign Lady the Queen in the office of Peace Officer and Bylaw Services Parking Meter Attendant for the City of Whitehorse 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 Parking Meter Attendant 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 City of Whitehorse in the
Yukon Territory this ____ day of _____

A Notary Public in and for the Yukon Territory