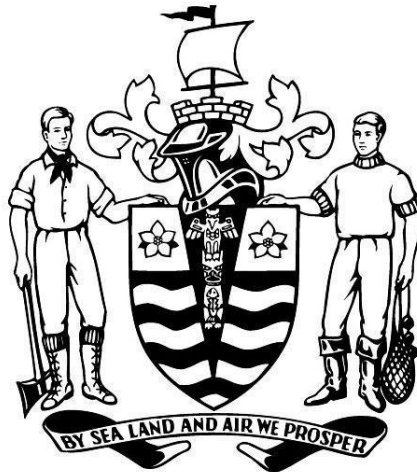


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# CITY OF VANCOUVER BRITISH COLUMBIA

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## C.B. 128

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the Council of the City of Vancouver

December 22, 2023

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## C.B. 128


### Defence By-Law of 2023

*The Council of the City of Vancouver, in open meeting assembled, enacts as follows:*

### INTERPRETATION


1. This by-law may be cited as the “Defence By-Law of 2023”.


2. In this by-law, unless the context otherwise requires:

“Vancouver City Charter” means  Vancouver City Charter .

“Canadian Armed Forces”, “Armed Forces”, “Canadian Forces”, or “CAF” means the following organisation: <https://www.roblox.com/groups/8236432/3rd-Canad-an-Division#!/about>.

“Canadian Forces National Investigation Service” means the following unit of the Canadian Armed Forces: <https://www.roblox.com/groups/33382862/3CD-National-Investigation-Service#!/about>.

“Offences By-Law” means  C.B.116 | A By-law to Reorganize and Redefine Criminal Offence...

“Revised Employee Rights Bylaw” means  Revised Employee Rights Bylaw .

“City Charter” means  Vancouver City Charter .

“British Columbia” means the Province of British Columbia, including - but not limited to - the cities of Vancouver and West Vancouver.

“activity quota”, whether capitalised or not, means being required to conduct duties within the following game - [Link](#) - or similar for a certain period of time on a regular, repeating basis.

“jurisdiction”, whether capitalised or not, means having ultimate authority over both in declaring scene command, ordering the vacation of the jurisdiction’s area, and other such matters.

“service member”, whether capitalised or not, means a person engaged in active duty of a military nature in the Canadian Armed Forces.

“defence property”, whether capitalised or not, means property owned by the Canadian Armed Forces or utilised by the Armed Forces in the interests of the security or prosperity of British Columbia.

“active jurisdiction”, whether capitalised or not, means the current area which is the jurisdiction of the Canadian Armed Forces.

## **PART I – AMENDMENTS**

3. Part VII, Article 1, Section titled “Jurisdiction of the Armed Forces” of the Vancouver City Charter shall be repealed in its entirety.
4. Part VII, Article 1, Section titled “Armed Forces Deployments” of the Vancouver City Charter shall be repealed in its entirety.
5. Section 2(d) of C.B. 41 (“Law Enforcement Bylaw of 2022”) shall be repealed in its entirety.

## **PART II – JURISDICTION**

6. The Canadian Armed Forces shall at all times possess jurisdiction over all defence property and the immediate vicinities of defence property, regardless of whether or not a deployment or callout is active.
7. The following sites shall be considered defence property and, therefore, be owned by the Canadian Armed Forces—
  - (a) CFB Discovery, defined according to the outer fence line and buoy arrangement;
  - (b) Defence Headquarters, defined by the building’s exterior walls but including its parking lot according to its outer fence line; and
  - (c) any other property designated by the development team or future legislation as property of the Canadian Armed Forces or Department of National Defence.
8. The Canadian Armed Forces may have its jurisdiction temporarily expanded for purposes including but not limited to security intelligence, quelling violence or disorder, providing humanitarian aid in the event of disaster, protecting democracy or the national interest, or maintaining the security and prosperity of British Columbia, by order or authority of the Mayor or Deputy Mayor or Brigadier General or Colonel of the Canadian Armed Forces.
  - 8.1. Such an action shall be considered a deployment, and deployments may only last for up to twenty-four consecutive hours unless subsequently renewed for a further period of up to twenty-four consecutive hours.
9. The Canadian Armed Forces may have its jurisdiction temporarily expanded to encompass the entirety of British Columbia for the same purposes as deployment outlined in Section 8 or in the interests of the maintenance of public safety and order or to render medical aid or for another plausible reason in accordance with internal policy approved by the Mayor or Brigadier General or Colonel of the Canadian Armed Forces. Such operations shall be described as callouts.
10. When inside of the active jurisdiction, when outside of the active jurisdiction but undertaking transport to it for an active security incident requiring an urgent response, in the interest of the maintenance of the security and prosperity of British Columbia, or for the preservation of life, on-duty service members may employ emergency lighting systems or a vehicle’s hazard lights (should the vehicle not be equipped with emergency lighting systems), exempting them from traffic regulations.
  - 10.1. When inside of the active jurisdiction and in the interests of maintaining the security or prosperity of British Columbia, and where authority is given for the purposes of this subsection by an officer of the Canadian Armed Forces at rank Major or above or at rank Chief Warrant

Officer, service members shall be exempt from traffic regulations regardless of whether emergency or hazard lighting is employed.

**11.** The Canadian Armed Forces may vacate its active jurisdiction for purposes of transport, maintenance, or other non-immediate purposes.

**12.** On-duty service members shall have the lawful powers to—

- (a) detain persons who are either on or around defence property or within the active jurisdiction;
- (b) detain any person where there is a national security reason for doing so, and
- (c) conduct forceful searches against a detained person or their vehicles.

**12.1.** Such detainments and searches must only occur provided there is legal cause for doing so, as would be expected of a peace officer.

**13.** All service members designated for the purposes of this section by the Mayor or Brigadier General or Colonel of the Canadian Armed Forces, whilst on-duty, shall be considered peace officers.

**14.** The Canadian Forces National Investigation Service may assume investigative jurisdiction over all matters which relate to service members, occur on defence property, or involve Treason, Intimidating Government, Sabotage, Sedition, Rioting (where there is a national security element), or Terrorism. The aforementioned crimes, where applicable, shall be defined as under the Offences By-Law.

**15.** The Canadian Forces National Investigation Service or service members acting under its authority or confidential human intelligence agents recruited by or for the Canadian Forces National Investigation Service shall, where authority is given for the purposes of this section by an officer of the Canadian Armed Forces at rank Major or above or at rank Chief Warrant Officer, in the view of enabling an effective investigation, intelligence collection, or operation in the interests of the security or prosperity of British Columbia, be protected from any charges, liability, or adverse action in relation to good faith intelligence work except notwithstanding authority of the Mayor or Deputy Mayor or Brigadier General or Colonel of the Canadian Armed Forces for any act which would certainly result in death of an unrelated person.

**16.** As applicable, all vehicles of the Canadian Armed Forces while operated by a service member or a person designated by the Canadian Armed Forces for the purposes of this section shall be viewed as an emergency vehicle and afforded all privileges and statuses as though it were being operated by a peace officer.

### **PART III – SECURITY**

**17.** Every person trespasses on defence property when he—

- (1) enters or attempts to enter onto defence property without authorisation or clearance from the Canadian Armed Forces;
- (2) enters with authorisation or clearance but refuses to vacate defence property where this is revoked or suspended or where directed to do so by a service member, peace officer, or a person designated by the Canadian Armed Forces for the purposes of this section; or

(3) enters or attempts to enter onto defence property under a false or fraudulent pretext.

**18.** Every person who trespasses on defence property is guilty of an indictable offence and shall be liable to the punishment prescribed in Schedule A of the Offences By-Law.

**19.** Schedule A of the Offences By-Law shall be amended to reflect the punishment of imprisonment for 400 seconds for trespass on defence property.

**20.** Every person loiters on defence property when—

(1) he lingers in the vicinity of defence property, such that he could perform a successful attack or commit a trespass onto the property;

(2) he is directed to vacate the area by a service member, peace officer, or a person designated by the Canadian Armed Forces for the purposes of this section; and

(3) he does not.

**21.** Every person who loiters on defence property is guilty of a hybrid offence and shall be liable to the punishment prescribed in Schedule B of the Offences By-Law.

**22.** Schedule B of the Offences By-Law shall be amended to reflect the punishment of imprisonment for 240 seconds or a 1200-dollar fine for loiters on defence property.

**23.** Every person commits espionage when he—

(1) makes any sketch, plan, model, note, photograph, or video relating to national defence or security intelligence which is calculated to be or might be or is intended to be directly or indirectly useful to a foreign state or terrorist group;

(2) obtains, collects, records, publishes, or communicates to any other person any secret official code word or any sketch, plan, model, article, note, photograph, information, or video relating to national defence or security intelligence which is calculated to be or might be or is intended to be directly or indirectly useful to a foreign state or terrorist group;

(3) engages, directs, commands, or plans or conspires to engage, direct, or command another person to commit acts (1) or (2); or

(4) attempts, plans, or conspires to commit acts (1) or (2).

where such is an act that did, does, or has a tendency to pervert, undermine, or threaten the security, prosperity, or social or public order of British Columbia.

**24.** Every person who commits espionage is guilty of an indictable offence and shall be liable to the punishment prescribed in Schedule A of the Offences By-Law.

**25.** Schedule A of the Offences By-Law shall be amended to reflect the punishment of imprisonment for 1200 seconds for espionage.

**26.** Any person who poses a threat to national security on defence property, for instance through trespassing onto defence property, may have deadly force employed against them by a peace officer or service member.

**27.** Service members and peace officers shall be protected from any charges, liability, or adverse action for good faith efforts to protect national security in relation to Section 26 provided they behaved reasonably, in line with the standard operating procedures they were or should have been aware of, and without negligence.

## **PART IV– EMPLOYMENT & RIGHTS**

**28.** In the event that the Canadian Armed Forces is engaged in war, deployed, or where there is an active State of Emergency, service members shall be excused from any and all activity quotas they possess, whether they be in the public or private sector, with no repercussions in any form.

**29.** It shall be a violation of rights for any employer, public or private sector, to disadvantage an employee who is a service member in relation to the above or otherwise for their military service. It shall be a further violation of rights for an employer to use any type of duress or undue means to induce a service member to vacate the rights conferred by Section 28.

**30.** No element of the Revised Employee Rights Bylaw shall apply to service members or other persons employed by the Canadian Armed Forces. The obligations placed upon employers under the Revised Employee Rights Bylaw shall not apply to the Canadian Armed Forces or any part of it.

**31.** Every person commits desertion when he is absent without leave and he intends to remain permanently absent without leave or he intends to avoid a period of active service.

**31.1.** In this section, “active service” means service in the Canadian Armed Forces.

**31.2.** In this section, a person is absent without leave when he–

(a) without authorisation, leaves his place of duty;

(b) without authorisation, is absent from his place of duty; or

(c) having been authorised to be absent from his place of duty, fails to return to his place of duty at the expiration of the period for which the absence was authorised.

**32.** Every person who commits desertion is guilty of a summary offence and shall be liable to the punishment prescribed in Schedule C of the Offences By-Law.

**33.** Schedule C of the Offences By-Law shall be amended to reflect the punishment of imprisonment for 300 seconds for desertion.

**34.** No person shall be arrested for desertion except where ordered by warrant.

**35.** Every person commits stolen valour when he, not being authorised by the Canadian Armed Forces, wears, portrays himself as possessing, or seeks to obtain under a false pretext any decoration, badge, medal, uniform, or honour of or relating to the Canadian Armed Forces.

**36.** Every person who commits stolen valour is guilty of a summary offence and shall be liable to the punishment prescribed in Schedule C of the Offences By-Law.

**37.** Schedule C of the Offences By-Law shall be amended to reflect the punishment of imprisonment for 180 seconds or a 900-dollar fine for stolen valour.

## ENACTMENT

38. This by-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this #<sup>st/nd/th</sup> day of Month, Year

Signed "S3aWo1fz"

Author/Sponsor

Signed "Shibe R6"

Co-Author/Co-Sponsor

Signed "Automationeer"

Co-Author/Adviser

Signed "EvayLaws"

Adviser

Signed "FoxyTheWereFox"

Adviser

Signed "MayorName"

Mayor