



ORDINANCES  
OF THE  
**YUKON TERRITORY**

---

PASSED BY THE  
**YUKON COUNCIL**  
IN THE YEAR  
**1962**  
SECOND, THIRD, FOURTH AND FIFTH SESSION

G. R. CAMERON  
COMMISSIONER

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No Legislation Passed

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CHAPTER 1

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AUTHORIZE THE  
COMMISSIONER OF THE YUKON TERRITORY  
TO ENTER INTO AND EXECUTE AN AGREEMENT  
WITH THE GOVERNMENT OF CANADA  
RESPECTING FITNESS AND AMATEUR SPORT

*(Assented to December 3rd, 1962)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. This Ordinance may be cited as the *Fitness and Amateur Sport Agreement Ordinance*. Short title.
  
2. The Commissioner may, on behalf of the Government of the Yukon Territory, enter into an agreement with the Government of Canada, under and for the purposes of the Fitness and Amateur Sport Act, to provide for the payment by the Government of Canada to the Government of the Yukon Territory of contributions in respect of costs incurred by the Yukon Territory in undertaking programmes designed to encourage, promote and develop amateur sport. Commissioner may execute Agreement.
  
3. Any agreement made under this Ordinance may be amended Amendment of Agreement.
  - (a) with respect to the provisions of the agreement in respect of which a method of amendment is set out in the agreement, by that method; or
  - (b) with respect to any other provision of the agreement, by the mutual consent of the parties thereto.
  
4. The Commissioner is authorized to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under the agreement made under this Ordinance. Commissioner may implement Agreement.

CHAPTER 2

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO FACILITATE CORNEA  
TRANSPLANTS FROM THE BODIES OF  
DECEASED PERSONS TO LIVING PERSONS

(Assented to December 3rd, 1962)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Short title.

1. This Ordinance may be cited as the *Cornea Transplant Ordinance*.

Interpretation.

2. In this Ordinance, "person lawfully in possession of the body" does not include

(a) a coroner in possession of a body for the purpose of investigation; or

(b) an embalmer or funeral director in possession of a body for the purpose of its burial, cremation or other disposition.

Removal of eyes on deceased's request, death in hospital.

3. Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a hospital, the administrative head of the hospital, or the person acting in that capacity, may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose.

Idem., death outside hospital.

4. Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a place other than a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in

possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose.

5. Where a person has not made a request under Section 3 or 4 and dies either in or outside a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Removal  
of eyes  
without  
deceased's  
request.

6. An authority given under section 3, 4 or 5 is sufficient warrant for the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Authority  
sufficient.

7. An authority shall not be given under section 3 or 4 if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it.

Exception.

8. An authority shall not be given under section 3, 4 or 5 if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

Idem.

9. Any duly qualified medical practitioner who is authorized pursuant to this Ordinance to remove the eyes from the body of a deceased person shall not do so if

Idem.

(a) he has reason to believe that the person who made the request that his eyes be used after his death for the purpose of improving or restoring the sight of a living person subsequently withdrew the same; or

(b) he has reason to believe that an inquest may be required to be held on the body of the deceased.

10. Nothing in this Ordinance makes unlawful any dealing with the body of a deceased person that would be lawful if this Ordinance had not been passed.

Lawful  
dealings  
not  
affected.

CHAPTER 3

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE RESPECTING THE  
PREVENTION OF FIRE

(Assented to December 3rd, 1962)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

**SHORT TITLE.**

- |              |  |
|--------------|--|
| Short title. | 1. This Ordinance may be cited as the <i>Fire Prevention Ordinance</i> . |
|--------------|--|

**INTERPRETATION.**

- |                        |   |
|------------------------|---|
| Definitions.           | 2. In this Ordinance,   |
| "Deputy Fire Marshal". | (a) "Deputy Fire Marshal" means a person appointed Deputy Fire Marshal pursuant to section 3;   |
| "Fire Marshal".        | (b) "Fire Marshal" means the person appointed Fire Marshal pursuant to section 3;   |
| "Fire extinguisher".   | (c) "Fire extinguisher" means any first aid fire appliance, container or apparatus holding any fire extinguishing liquid, material or agent and designed for the specific purpose of extinguishing fire in its incipient stage; |
| "Inspector".           | (d) "inspector" means a person appointed inspector pursuant to section 3;   |
| "Local assistant".     | (e) "local assistant" means a person described in section 7, and  |
| "Structure".           | (f) "structure" means any structure of any kind whatsoever erected or placed on, in, over or under any area of land or water.   |

**ADMINISTRATION.**

- |                              |                                 |
|------------------------------|---------------------------------|
| Appointment of Fire Marshal. | 3. The Commissioner may appoint |
|                              | (a) a Fire Marshal,             |

- (b) one or more deputy Fire Marshals, and
- (c) one or more inspectors,

for the purpose of this Ordinance.

4. The Fire Marshal shall

Duties of  
Fire  
Marshal.

- (a) keep a record of fires reported to him;
- (b) review plans and specifications for the construction, alteration or repair of structures with a view to determining that proper precautions are taken against fire and the spread of fire;
- (c) submit to the Commissioner within three months following the end of each year a report for the year, setting forth particulars of fires, fatalities or injuries by fire, investigations and inquiries into fires, prosecutions for arson or attempted arson and a summary of the administration and the fire prevention and fire protection activity of the office of the Fire Marshal, together with such other information as the Commissioner prescribes;
- (d) advise and make recommendations to the Commissioner with respect to
  - (i) the establishment of fire brigades and the necessary organization and equipment of such brigades,
  - (ii) the provision of adequate water supply for fire fighting purposes,
  - (iii) the installation and maintenance of fire alarm systems and fire extinguishing equipment,
  - (iv) the storage, use, sale or disposal of combustibles, explosives or other inflammable material,
  - (v) the construction and maintenance of fire escapes and other exit facilities in the event of fire or the alarm of fire,
  - (vi) the types and adequacy of fire alarms in communities and in or upon any building or property



- (vii) fire prevention precautions in the construction or major alteration of or addition to any structure or property,
  - (viii) the enactment and enforcement by municipalities of by-laws for the prevention and suppression of fire and the safeguarding of persons and property in the event of fire or the alarm of fire,
  - (ix) the co-ordination of the work of fire brigades in the Territory, and
  - (x) the organization of fire brigades in the Territory for the purposes of civil defence; and
- (e) disseminate to the public information concerning the prevention of fire and the protection of persons and property from fire.

Deputy Fire Marshal to act for Fire Marshal.

5. Where the Fire Marshal is absent or unable to act, or where the office of the Fire Marshal is vacant, the Deputy Fire Marshal who has held office for the longest period of time shall act in place of the Fire Marshal.

Duties of Inspector.

6. The duties of an inspector shall be those assigned to him by the Fire Marshal.

Local assistant.

7. (1) Subject to subsection (2), the chief or acting chief of the fire brigade of every municipality or settlement in which a fire brigade has been established, and the municipal clerk of every municipality in which no fire brigade has been established is, by virtue of his office, a local assistant to the Fire Marshal and is subject to the directions of the Fire Marshal in carrying out the provisions of this Ordinance within the boundaries of the municipality or settlement.

Council may appoint person in place of municipal clerk.

(2) The council of a municipality in which no fire brigade has been established may appoint a person to act as local assistant in place of the municipal clerk and upon such appointment being made the municipal clerk shall no longer be a local assistant.

Notification of Fire Marshal.

(3) The council making an appointment pursuant to subsection (2) shall notify the Fire Marshal of the name, address and occupation of the appointee.

(4) The Commissioner may appoint local assistants in areas not included in subsection (1).

Commissioner may appoint local assistants.

(5) A member of the Royal Canadian Mounted Police while on duty in the Territory shall have all the powers of a local assistant.

R.C.M.P. officers to have powers of local assistant.

**INVESTIGATIONS OF FIRES.**

8. (1) A local assistant shall investigate the cause, origin and circumstances of every fire occurring within his jurisdiction that has destroyed or damaged property.

Investigation by local assistants.

(2) Any investigation pursuant to subsection (1) shall commence within seventy-two hours of the time the condition of the structure first permits an investigation.

Commencement of investigation.

(3) A local assistant may make an order prohibiting the entering of premises in which a fire has occurred until he has completed his investigation.

Order prohibiting entrance of premises where fire has occurred.

(4) The local assistant shall immediately upon completion of the investigation furnish to the Fire Marshal a report of all the facts that can be ascertained relating to the cause and origin of the fire and such further information as may be required by the Fire Marshal.

Report by local assistant.

9. (1) In addition to any investigation made by a local assistant under section 8, the Fire Marshal or any other person approved by the Commissioner may make an inquiry into the cause, origin and circumstances of any fire that has destroyed or damaged property.

Inquiry by Fire Marshal.

(2) The person conducting an inquiry pursuant to subsection (1) may

Witnesses.

- (a) summon witnesses to appear before him and require them to give evidence upon oath and to produce such documents and things as he deems requisite to the full investigation of the matter under inquiry;
- (b) for the purpose of obtaining further evidence adjourn the inquiry from time to time but no such adjournment shall be for more than thirty days; and
- (c) impose a fine not exceeding one hundred dollars upon any witness who refuses to answer any question put to him in the course of the inquiry.

**Suspicion  
of arson.**

**10. If**

- (a) the Fire Marshal, upon receiving the report made by a local assistant under section 8, or
- (b) the person making the inquiry under section 9 has reason to believe that arson or an attempt to commit arson may have been committed, the Fire Marshal or the person making the inquiry, as the case may be, shall immediately give all the information in his possession to the nearest detachment of the Royal Canadian Mounted Police.

**REPORTS BY INSURERS, ADJUSTERS AND OWNERS OF PROPERTY.**

**Report by  
insurers.**

**11. (1) Every fire insurance company carrying on business within the Territory shall forward to the Fire Marshal within fifteen days of the end of each month a statement showing the claims, if any, that have been made during the preceding month in respect of policies of fire insurance issued by it, the name and address of the insured, the location and value of the insured property, the amount of the insurance carried, the amount of loss sustained and the name and address of the person adjusting the claim.**

**Report by  
adjusters.**

**(2) Every person adjusting a claim against an insurer in respect of a loss of property by fire, whether that person represents the insurer or the insured, shall forward a report in writing to the Fire Marshall showing the date of the fire, the name and address of the owner and of the occupier of the property where the fire occurred, the location of the property, the name and address of the insured and each insurer, the value of the property insured, the amount of insurance placed with each insurer, the amount of loss which each insurer is to bear and such other particulars as the Fire Marshall may require.**

**Suspicion  
of arson.**

**(3) Where an adjuster referred to in subsection (2) believes that, in respect of a claim he is adjusting, arson or an attempt to commit arson may have been committed, he shall immediately give all information in his possession to the nearest detachment of the Royal Canadian Mounted Police.**

12. The occupant of any property upon which any fatality or injury has been caused by fire shall forthwith report such fatality or injury to the Fire Marshal giving the name, age and sex of each person sustaining such fatality or injury, the cause of the fire, if known, and such other information as the Fire Marshal requires.

Where fatality or injury caused.

**INSPECTION OF PREMISES WHERE FIRE HAS OCCURRED.**

13. The Fire Marshal, a Deputy Fire Marshal, an inspector or a local assistant may enter and inspect any structure or premises in which a fire has occurred or is in progress or any structure of premises immediately adjoining a structure or premises in which a fire has occurred or is in progress if he believes on reasonable and probable grounds that this Ordinance or the regulations made hereunder have been contravened or that an offence under section 374, 375 or 377 of the Criminal Code has been committed or attempted.

Power to enter premises where fire has occurred.

**FIRE HAZARDS.**

14. (1) The Fire Marshal or a local assistant may from time to time inspect any structure or premises and where it is found that

Inspection of structure or premises.

- (a) the structure for want of proper repair or by reason of age or dilapidated condition or for any other cause is a fire hazard and is so situated as to endanger other structures or property;
- (b) the structure is so used or occupied that any fire occurring therein would be likely to cause such structure to become a hazard to life or property;
- (c) an inflammable or potentially explosive substance or material is located in any structure or upon any premises, or hazardous conditions exist therein or thereon dangerous to such structure or premises; or
- (d) the structure is lacking adequate provision for the safe evacuation of persons therefrom in case of fire or an alarm of fire,

the Fire Marshal or the local assistant may in writing order the owner, lessee or occupant of the building or premises,

- (e) in any case mentioned in paragraph (a), to repair, remove or destroy the structure;
- (f) in any case mentioned in paragraph (b), to alter the use or occupancy of the structure;
- (g) in any case mentioned in paragraph (c), to remove the inflammable or potentially explosive substance or material or to remedy the hazardous conditions; and
- (h) in any case mentioned in paragraph (d), to install safeguards by way of fire extinguishers, fire alarms, exit signs and other equipment and devices, and such fire escapes and exit doors as may be deemed necessary for safe evacuation in the event of fire or an alarm of fire.

Service of order.

(2) Every order made pursuant to subsection (1) shall specify the date within which the order shall be complied with and shall be served upon the person to whom it is directed either personally or by registered mail.

Owner of inflammable or potentially explosive substance or material to remove.

(3) The Fire Marshal or local assistant when making an order pursuant to paragraph (g) of subsection (1) may also order the owner of the inflammable or potentially explosive substance or material to remove that substance or material from the structure or premises.

Danger to safety of public.

(4) Where any of the conditions described in paragraph (a) to (d) of subsection (1) or in section 15, in the opinion of the Fire Marshal or a local assistant, constitute a danger to the safety of the public, the Fire Marshal or the local assistant may order the structure or premises closed to the public until the condition has been remedied and the premises inspected and approved by the Fire Marshal or the local assistant.

Heating appliances.

**15.** Where an appliance, apparatus or place is used or intended to be used for supplying fire or heat and in the opinion of the Fire Marshal or a local assistant the use of the appliance, apparatus or place for that purpose is likely to be dangerous to persons or property, the Fire Marshal or the local assistant may order in writing that a fire not be lighted or maintained in the appliance, apparatus or place until the dangerous condition has been remedied and the appliance, apparatus or place has been inspected and approved by the Fire Marshal or the local assistant.

**16. (1)** The owner, lessee or occupant of a structure or premises or the owner of an inflammable or potentially explosive substance or material against whom an order is made pursuant to section 14 or 15 by a local assistant may within seven days from the date on which a copy of the order is served on him appeal the order in writing to the Fire Marshal. Appeal to Fire Marshal.

(2) The Fire Marshal shall forthwith consider the order and either affirm, modify or revoke the same and cause a copy of his decision to be served on the person appealing either personally or by registered mail.

(3) Unless the Fire Marshal otherwise orders, the operation of an order referred to in subsection (1) is suspended until a copy of the Fire Marshal's decision has been served on the person appealing.

**17. (1)** The person appealing an order of a local assistant under section 16 may within seven days from the date a copy of the Fire Marshal's order is served on him appeal to a judge by serving a notice of appeal on the Fire Marshal and filing a copy thereof with the Clerk of the Court. Appeal to a Judge.

(2) The owner, lessee or occupant of a structure or premises or the owner of an inflammable or potentially explosive substance or material against whom an order is made pursuant to section 14 or 15 by the Fire Marshal may appeal to a judge in the manner set out in subsection (1).

(3) Unless a judge otherwise orders, the operation of an order referred to in subsection (2) is suspended until a copy of the judge's decision has been served on the person appealing either personally or by registered mail.

**18. (1)** Where an owner, lessee or occupant of a structure or premises fails to comply with an order made pursuant to section 14 and Failure to comply with Order.

- (a) has not within the prescribed time appealed from the order, or
- (b) has appealed from the order and a decision has been rendered against him,

if the structure or premises is located

- (c) within a municipality, the council of the municipality may take the necessary steps to perform the work required by the order;

or

(d) outside of a municipality, the Commissioner may take the necessary steps to perform the work required by the order.

Cost may be recovered.

(2) Subject to subsection (3), the cost of performing the work pursuant to subsection (1) may be added to and shall form part of the taxes on the property on which the work was done.

Limitation of amount to be added in any one year.

(3) No amount shall be added to such taxes in any one year in excess of five percent of the assessed value of the property or two hundred and fifty dollars, whichever is greater.

Location of owner, lessee or occupant unknown.

19. (1) Where an order is made under subsection (1) of section 14 and

(a) the whereabouts of the owner are unknown to the Fire Marshal, and

(b) there is no lessee or occupant of the structure, or the whereabouts of the lessee or occupant are unknown

the Fire Marshal or any person authorized in writing by him, upon obtaining leave under subsection (2) and upon compliance with any conditions attached thereto, may enter into or upon the structure or premises and carry out the order.

Application for leave.

(2) Upon ex parte application by the Fire Marshal for leave to proceed to carry out the order, the judge may grant such leave, upon such conditions with respect to notice of intention to do so as upon such other conditions as the judge deems fit.

Saleable material.

(3) Where the carrying out of an order pursuant to subsection (1) results in any saleable material being obtained, the Fire Marshal may cause such material to be sold at such price and in such manner as he directs.

Proceeds of sale.

(4) The Fire Marshal shall apply the proceeds from any sale under subsection (3) against the expense of complying with any conditions prescribed by the judge and the expense actually and necessarily incurred in carrying out the order, and shall pay the surplus, if any, to the Commissioner.

(5) The Commissioner shall pay the moneys so received, or any part thereof, to any person entitled thereto or to the municipality in which the structure or premises is situated, or to the Yukon Consolidated Revenue Fund. Idem.

**PUBLIC SAFETY.**

**20.** (1) The outside doors and the main inside doors of every structure used as a theatre, dance hall or skating rink and of every structure used as a church, school or place of public resort or amusement having seating capacity for more than fifty persons, shall be so hung as to open freely outwards and when the public is using the structure Doors of public buildings.

- (a) the doors shall be kept open by proper fastening; or
- (b) the doors may be closed but not locked otherwise than by latches which release when pressure not exceeding fifteen pounds is applied to a releasing device located on the inner side of the door which consists of bars or panels not less than two-thirds of the width of the door and placed at a height suitable for the service required but not less than thirty inches and not more than forty-four inches above the floor.

(2) Any fences connected with any structure referred to in subsection (1) shall have gates that are at least as wide as the outside doors of the structure and are so hung as to open freely outwards or are kept open by proper fastenings during the time the public is using the structure. Fences.

(3) Every person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a period not exceeding three months. Liability for violation.

**21.** (1) No person shall sell or offer for sale Sale of fire extinguishers, fire alarms and heating appliances.

- (a) a fire extinguisher;
- (b) a fire alarm device; or
- (c) a heating appliance that
  - (i) uses electrical energy to produce heat, or



- (ii) produces heat by the burning of
  - (A) natural gas or oil,
  - (B) manufactured gas, or
  - (C) a mixture of liquified material which is composed predominantly of propane, propylene, butane or butylene, or of a combination thereof,

unless the extinguisher, device or appliance has been listed and labelled by any of the following organizations:

- (1) Canadian Standards Association,
- (2) Canadian Gas Association,
- (3) Underwriters' Laboratories of Canada,
- (4) Underwriters' Laboratories Incorporated,
- (5) Associated Factory Mutual Fire Insurance Companies,

or by a person or government department specified by the Commissioner in Council.

(2) Any person selling or offering for sale the equipment listed under subsection (1) which has not been listed and labelled or approved as provided for may in writing request the Commissioner to appoint an evaluator who shall examine and make such tests as he thinks fit of the equipment for which approval is sought and the evaluator shall if he approves the equipment list and label it for sale or mark it as rejected as the case may be and report the result of his examination to the Commissioner.

(3) If the equipment is approved by the evaluator the person offering same for sale shall be permitted to sell such approved equipment during the ensuing twelve months and not thereafter.

**OFFENCES AND PENALTIES.**

Offences and penalties.

**22.** Every person who

- (a) hinders or obstructs the Fire Marshal, a Deputy Fire Marshal, a local assistant or an inspector in the performance of his powers or the execution of his duties, or

- (b) violates any of the provisions of this Ordinance or the regulations, for which violation no other penalty is provided,

is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

**23.** Any owner, lessee or occupant of any structure or premises who fails to comply with an order of the Fire Marshal or a local assistant duly made under the authority of this Ordinance, is guilty of an offence and is liable on summary conviction to a fine not exceeding twenty-five dollars for each day's neglect or failure to comply therewith. Idem.

**24.** The Commissioner may make regulations Regulations.

- (a) respecting the establishment and operation of any plant and equipment used in the business of dry cleaning, dry dyeing, cleaning and pressing or any similar business in which inflammable liquid or other light petroleum or coal tar product or volatile liquid is used;
- (b) respecting the sale, distribution, installation and maintenance of fire fighting and fire prevention equipment, apparatus, material and supplies, including fire alarm systems, and for the licensing and control of manufacturers, agents and jobbers, wholesale and retail vendors and installers of such equipment, apparatus, material or supplies;
- (c) respecting the licensing and control of manufacturers, agents and jobbers, wholesale and retail vendors and installers of oil burners and appliances using inflammable liquids as fuel;
- (d) respecting the storage, sale and use of inflammable liquids;
- (e) respecting the prevention and extinguishment of fires, the provision and installation of safety devices and means of exits in hotels, boarding houses, apartment blocks and other places of public accommodation;

- (f) respecting the prevention and extinguishment of fires, the provision and installation of safety devices and means of exit in churches, schools and institutions;
- (g) establishing minimum building standards for fire prevention purposes and designating the areas within the Territory to which such minimum standards shall apply; and
- (h) generally, for carrying into effect the purposes and provisions of this Ordinance.

Repeal.

**25.** The Fire Investigation Ordinance, chapter 44 of the Revised Ordinances of the Yukon Territory, 1958, and the Fire Prevention Ordinance, chapter 45 of the Revised Ordinances of the Yukon Territory, 1958, are repealed.



## CHAPTER 4

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE RESPECTING SURVIVORSHIP

*(Assented to December 3rd, 1962)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows :

1. This Ordinance may be cited as the *Survivorship Ordinance*. Short title.
  
2. (1) Where two or more persons die at the same time or in circumstances rendering it uncertain which of them survived the other or others, the deaths are, subject to subsections (2) and (3), presumed to have occurred in the order of seniority, and accordingly the younger is deemed to have survived the older. General rule.
  - (2) Where an Ordinance or an instrument contains a provision for the disposition of property operative if a person designated in the Ordinance or instrument Substitute gifts.
    - (a) dies before another person,
    - (b) dies at the same time as another person, or
    - (c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated person dies at the same time as the other person or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of that disposition, the case for which the Ordinance or instrument provides is deemed to have occurred.
  - (3) Where a will contains a provision for a substitute personal representative operative if an executor designated in the will Substitute executors.
    - (a) dies before the testator,

- (b) dies at the same time as the testator, or
- (c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated executor dies at the same time as the testator or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of probate, the case for which the will provides is deemed to have occurred.

Exception.

**3.** Nothing in this Ordinance shall be construed as affecting the operation of sections 104 and 159 of the Insurance Ordinance.

## CHAPTER 5

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE RESPECTING THE  
PRESUMPTION OF DEATH

*(Assented to December 3rd, 1962)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. This Ordinance may be cited as the *Presumption of Death Ordinance*. Short title.
  
2. In this Ordinance "court" means the Territorial Court or a judge thereof.
  
3. (1) Upon application to be heard after such notice as the court deems proper, the court, if satisfied that Presumption of death order.
  - (a) a person has been absent and not heard of or from by the applicant, or to the knowledge of the applicant by any other person, since a day named;
  - (b) the applicant has no reason to believe that the person is living; and
  - (c) reasonable grounds exist for supposing that the person is dead,

may make an order declaring that the person shall be presumed to be dead for all purposes, or for such purposes only as are specified in the order.

(2) The order shall state the date on which the person is presumed to have died or the date after which the person is presumed not be living.
  
4. An order, or a certified copy thereof, declaring that a person is presumed dead for all purposes or for the purposes specified in the order is proof of death in all matters requiring proof of death. Certified copy of order sufficient as evidence.

CHAPTER 6

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO EXTEND THE JURISDICTION  
OF THE TERRITORIAL COURT TO APPROVE  
THE VARIATION OF TRUSTS IN THE INTERESTS  
OF BENEFICIARIES AND TO SANCTION  
DEALINGS WITH TRUST PROPERTY

(Assented to December 3rd, 1962)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Short title.

1. This Ordinance may be cited as the *Variation Of Trusts Ordinance*.

Judge may approve arrangement varying a trust on behalf of certain persons.

2. (1) Where any property is held on trusts arising before or after the coming into force of this Ordinance under any will, settlement or other disposition, a judge may, if he thinks fit, by order approve on behalf of any person described in subsection (2) any arrangement, whether or not there is any other person beneficially interested who is capable of assenting thereto, varying or revoking all or any of the trusts or enlarging the powers of the trustees of managing or administering any of the property subject to the trusts.

Persons on behalf of whom judge may approve.

(2) A judge may approve an arrangement under subsection (1) on behalf of the following persons:

- (a) any person having, directly or indirectly, an interest, whether vested or contingent, under the trusts who by reason of infancy or other incapacity is incapable of assenting;
- (b) any person, whether ascertained or not, who may become entitled, directly or indirectly, to an interest under the trusts as being at a future date or on the happening of a future event a person of any specified description or a member of any specified class of persons;

- (c) any person unborn; or
- (d) any person in respect of any interest of his that may arise by reason of any discretionary power given to anyone on the failure or determination of any existing interest that has not failed or determined,

but the arrangement shall not be approved on behalf of any person described in paragraph (a), (b) or (c) unless the carrying out thereof appears to be for the benefit of that person.





CHAPTER 7

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ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE INSURANCE  
ORDINANCE

*(Assented to December 3rd, 1962)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

R.O.Y.T.  
1958, c.5,  
1959 (1st).

1. Section 48 of the *Insurance Ordinance* is repealed and the following substituted therefor:

- “48. A contract containing
- (a) a deductible clause;
  - (b) a co-insurance, average or similar clause; or
  - (c) a clause limiting recovery by the insured to a specified percentage of the value of any property insured at the time of loss, whether or not that clause is conditional or unconditional,

shall have printed or stamped on its face in red ink the words “This policy contains a clause which may limit the amount payable”, and unless those words are so printed or stamped the clause is not binding upon the insured.”

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CHAPTER 8

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE MOTOR  
VEHICLES ORDINANCE

(Assented to December 3rd, 1962)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

R.O.Y.T.  
1958c.77,  
1960(3rd)  
c.3,  
1961(1st)  
c.5,  
1961(2nd)  
c.7,  
1962(1st)  
c.21.

1. (1) Subparagraphs (ii) to (vi) of paragraph (b) of Item 1 of Schedule A of the *Motor Vehicles Ordinance* are repealed and the following substituted therefor:

	Apr. 1	Oct. 1	Jan. 1
“(ii) over 2,000 lbs.....	\$10.00	\$5.00	\$2.50”

(2) Paragraph (c) of Item I of Schedule A of the said Ordinance is repealed and the following substituted therefor:

“(c) truck tractors

(i) having a rated load capacity up to and including 10,000 lbs.....	\$50.00	\$25.00	\$12.50
(ii) having a rated load capacity of over 10,000 lbs....	\$100.00	\$50.00	\$25.00”

2. Paragraph (b) of Item 2 of Schedule A of the said Ordinance is repealed and the following substituted therefor:

“(b) public service vehicle truck tractor

(i) brought into the Territory for the purpose of transporting goods through the Territory without loading or discharging any part of such goods inside the Territory .....	\$200.00	\$100.00	\$50.00
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(ii) any other .....\$250.00 \$125.00 \$65.00

(iii) Notwithstanding the foregoing subparagraphs (i) and (ii) of this paragraph, if the load capacity rating of the public service vehicle truck tractor does not exceed 10,000 lbs. the rate applicable shall be half of the rate shown in subparagraphs (i) or (ii) as the case may be."

3. This Ordinance shall come into force on the first day of April, 1968.

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CHAPTER 9

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE LABOUR  
PROVISIONS ORDINANCE

*(Assented to December 3rd, 1962)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

R.O.Y.T.  
1958c.62,  
1961(3rd)  
c.3.  
1962(1st)  
c.15.

1. Section 10 of the *Labour Provisions Ordinance* is repealed and the following substituted therefor:

"10. (1) An employer or any one acting on behalf of an employer who violates any provision of this Ordinance is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars, and in default of payment to imprisonment for a term not exceeding three months, and he is guilty of a separate offence in respect of each employee affected by the violation.

Offences.

(2) Where a person is convicted of an offence under this Ordinance and part or all of the offence consists of paying lesser wages to an employee than required by this Ordinance, the convicting magistrate may, in addition to any penalty he imposes pursuant to subsection (1), order the convicted person to pay to that employee an amount equal to the difference between the wages paid to that employee and the wages required by this Ordinance to be paid to him.

**LABOUR PROVISIONS OFFICER.**

11. (1) The Commissioner may appoint a Labour Provisions Officer for the Territory.

Labour  
Provisions  
Officer.

(2) The duties of the Labour Provisions Officer shall be to investigate any circumstances he suspects constitute an offence under this Ordinance and, if he deems necessary, to lay an information against any person he believes to have committed such offence."

CHAPTER 10

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE  
MUNICIPAL ORDINANCE

(Assented to December 3rd, 1962)

R.O.Y.T.  
1959(2nd)  
c.1.  
1960(1st)  
c.6.  
1961(1st)  
c.6.  
1961(2nd)  
c.5.  
1961(2nd)  
c.9.  
1961(3rd)  
c.2.  
1962(1st)  
c.22.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 34 of the *Municipal Ordinance* is amended by adding thereto the following subsection:

Acting  
Clerk.

“(2) In the absence of the clerk the council may by resolution appoint an acting clerk who shall during the period specified in such resolution exercise and perform the powers and duties of the clerk.”

2. Paragraph (c) of section 118 of the said Ordinance is repealed and the following substituted therefor:

Miscellaneous  
By-laws.

“(c) authorizing the making of grants to any person, society or organization, other than a hospital or nursing station in the municipality, not exceeding any one fiscal year.

- (i) five thousand dollars in the aggregate, or
- (ii) two hundred and fifty dollars without the approval of the Commissioner or one thousand dollars with the approval of the Commissioner to any one such person, society or organization.”

3. Section 194 of the said Ordinance is repealed and the following substituted therefor:

Levy of  
school tax.

“194. The council of each municipality shall in each year as set out immediately below levy a school rate in the amount shown opposite the year appearing in the first column, that is to say

- (i) in the year ending  
December 31st, 1962 ..... 12 mills

- (ii) in the year ending  
December 31st, 1963 .....14 mills
- (iii) in the year ending  
December 31st, 1964 .....16 mills
- (iv) in the year ending  
December 31st, 1965 .....18 mills
- (v) in the year ending  
December 31st, 1966 .....20 mills

on the total annual real property assessment of all property liable to taxation in the municipality.”



CHAPTER 11

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ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE LIQUOR  
ORDINANCE

*(Assented to December 3rd, 1962)*

R.O.Y.T.  
1958c.67,  
1959(1st)  
c.6,  
1961(2nd)  
c.6,  
1962(1st)  
c.18.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Subsection (1) of section 12A of the *Liquor Ordinance* is repealed and the following substituted therefor:

Entertain-  
ment licence.

“12A. (1) In premises licensed as taverns no entertainment other than recorded music operated and controlled by the licensee is permitted.

Idem.

(1a) In premises licensed as cocktail lounges no entertainment other than recorded music operated and controlled by the licensee is permitted without a licence to be known as an “Entertainment Licence” which shall be issued on condition the entertainment is offered by adults and is keeping with the designed to meet safety regulations and generally accepted standards of decency.”

## CHAPTER 12

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE  
PUBLIC HEALTH ORDINANCE

*(Assented to December 3rd, 1962)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

R.O.Y.T.  
1958c.92.  
1959(1st)  
c.8.  
1961(1st)  
c.9.

1. Paragraphs (v) and (w) of section 3 of the *Public Health Ordinance* are repealed.

2. The heading immediately preceding section 5 and section 5 of the said Ordinance are repealed and the following substituted therefor:

“Medical Health Officers and Health Officers.

5. (1) Subject to section 6, the council of a municipality may appoint

Council may  
appoint  
Medical  
Health  
Officer or  
Health  
Officer.

(a) a licensed medical practitioner as Medical Health Officer for the municipality; or

(b) if no licensed medical practitioner is available, some suitable person as Health Officer,

and such person shall hold office during pleasure.

(2) The Commissioner may by order establish in areas of the Territory not within a municipality one or more Health Districts and may for each such Health District appoint

Establishment  
of Health  
Districts and  
appointment  
of Medical  
Health Officer  
or Health  
Officer.

(a) a licensed medical practitioner as Medical Health Officer, or

(b) some other suitable person as Health Officer, and such person shall hold office during pleasure.

6. (1) Where a municipality has entered into an agreement authorized by a by-law passed pursuant to section 97A of the Municipal Ordinance, if the party providing

Approval of  
Medical  
Health Officer  
or Health  
Officer.



public health services to the municipality pursuant to the agreement disapproves in writing of the person holding the office of Medical Health Officer or Health Officer, the council shall dismiss him and appoint a person approved by the party providing the public health services.

Idem.

(2) Any appointment to the office of Medical Health Officer or Health Officer during the term of an agreement referred to in subsection (1) shall be subject to the approval of the person providing the public health services.

**Boards of Health.**

7. (1) The council of a municipality for which a Medical Health Officer or Health Officer has been appointed may appoint a Board of Health for the municipality.

Appointment of Board of Health. Commissioner may request appointment of Board of Health.

(2) If the council of a municipality described in subsection (1) has not appointed a Board of Health, the Commissioner may by letter addressed to the clerk of the municipality request the council to appoint a Board of Health.

Appointment by Commissioner.

(3) If within two months of the mailing of the letter referred to in subsection (2) the council has not appointed a Board of Health, the Commissioner may appoint a Board of Health for the municipality.

Expenses of Board of Health.

(4) The expenses of a Board of Health appointed pursuant to subsection (3) shall be borne by the municipality for which it is appointed.

Boards of Health for areas outside a Municipality.

8. The Commissioner may appoint Boards of Health for areas in the Territory not within a municipality.

Board of Health appointed by council.

9. (1) A Board of Health established by a council shall consist of the Medical Health Officer or Health Officer of the municipality and four ratepayers not more than two of whom shall be members of the council.

Chairman and secretary.

(2) The council shall designate one of the members as chairman of the Board and another as secretary of the Board.

Term of office.

(3) Subject to subsection (4), the term of office of  
 (a) a member of the Board who is also a member of council shall be for a period fixed by the council at the time of his appointment or, if he ceases to be a member of the council before the expiry of the period so fixed, until he ceases to be a member of the council;

- (b) the member of the Board who is the Medical Health Officer or the Health Officer shall be for the period during which he holds the office of Medical Health Officer or Health Officer; and
- (c) members of the Board not described in paragraph (a) or (b) shall be for a period of three years;

(4) Any member of the Board may be reappointed for a term to be determined by the council except that no member shall be reappointed if, Reappointment of member.

- (a) on the expiry of his term of office he has been a member of the Board for nine consecutive years; or
- (b) the term for which it is intended to reappoint him would result in his being a member of the Board for more than nine consecutive years.

(5) Meetings of the Board shall be held at least once a month at the call of the chairman or at any time on the demand of any three members. Meetings.

(6) A copy of the minutes of each meeting of the Board shall be filed with the clerk of the council. Minutes.

(7) The Board may make rules governing its proceedings, the conduct of its meetings, the appointment of committees and generally for the transaction of its business. Rules.

(8) The chairman shall submit to the council within three months following the end of each year a report on public health services and conditions in the municipality. Annual report.

10. The duties of a Board of Health established by a council are Duties.

- (a) to advise the council on matters pertaining to public health in the municipality;
- (b) to administer within the municipality the Public Health Ordinance and regulations and such by-laws pertaining to public health as are passed by the council; and
- (c) to administer local public health services and to advise the council with respect to financial matters pertaining thereto including cost-sharing arrangements with other agencies for the provision of these services.

Board of Health established by Commissioner.

10A. (1) A Board of Health established by the Commissioner shall consist of as many members as he may designate but not less than three.

Chairman and secretary.

(2) The Commissioner shall appoint one of the members as chairman of the Board and another member as secretary of the Board.

Term of office.

(3) The term of office of a member shall be as designated by the Commissioner at the time of his appointment.

Rules.

(4) The Board may make rules governing its proceedings, the conduct of its meetings, the appointment of committees and generally for the transaction of its business.

Duties.

(5) The duties of the Board shall be those assigned to it by the Commissioner.

Annual report.

(6) The chairman shall submit to the Commissioner within three months following the end of each year a report on public health services and conditions in the area in which the Board has jurisdiction.

Annual report to mayor of municipality.

10B. In the case of a Board of Health appointed by the Commissioner pursuant to subsection (3) of section 7, a copy of the report referred to in subsection (6) of section 10A shall be sent to the mayor of the municipality for which the Board was appointed."

3. The heading immediately preceding section 11 of the said Ordinance is repealed and the following substituted therefor:

"Part II  
Enforcements."

## CHAPTER 13

ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE  
MUNICIPAL ORDINANCE

*(Assented to December 3rd, 1962)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The *Municipal Ordinance* is amended by adding thereto, immediately after section 97 thereof, the following section:

"97A. (1) The council may by by-law authorize the mayor to enter into an agreement with any person or with the Governments of Canada, the Territory or any province with respect to

- (a) the provision of public health services in the municipality, and
- (b) the sharing of the cost of providing such services.

(2) A by-law passed pursuant to subsection (1) shall not be valid unless prior to the third reading thereof it has been submitted to and approved by the Commissioner."

2. Paragraph (a) of subsection (1) of section 121 of the said Ordinance is amended by striking out the word "and" at the end of subparagraph (i) thereof and by adding thereto the following subparagraph:

- "(iii) such sums as may be necessary to meet the expenses of the Board of Health of the municipality and the municipality's share of the cost of providing public health services in the municipality; and"

O.Y.T.  
1959 (2nd)  
c.1.  
1960 (1st)  
c.6.  
1961 (1st)  
c.6.  
1961 (2nd)  
c.5.  
1961 (2nd)  
c.9.  
1961 (3rd)  
c.2.  
1962 (1st)  
c.22.

Agreements  
to provide  
public health  
services.

Approval of  
Commissioner.

CHAPTER 14

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ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE  
LIQUOR ORDINANCE

*(Assented to December 3rd, 1962)*

R.O.Y.T.  
1958c.67,  
1959(1st)  
c.6,  
1961(2nd)  
c.6,  
1962(1st)  
c.18,  
1962(5th)  
c.12.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Subsection (2) of section 8 of the *Liquor Ordinance* is hereby revoked.

## CHAPTER 15

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ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE FUEL OIL  
TAX ORDINANCE

*(Assented to December 3rd, 1962)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Paragraph (b) sub-clause (i) of subsection (3) of section 3 of the Fuel Oil Tax Ordinance is amended by substitution of a comma for the period at the end thereof and adding thereafter the word "or" O.Y.T.  
1962(1st)  
c.6.

2. Sub-clause (i) of subsection (3) of section 3 of the said Ordinance is further amended by the addition of the following paragraph:

"(c) the vendor or the importer certifies on or before the tenth day of each month that to the best of his knowledge and belief the purchasers listed in a schedule accompanying his certificate had purchased the fuel oil in question for a purpose which would have exempted it from tax if the purchaser had furnished a certificate under paragraph (a)."

CHAPTER 16

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ORDINANCES OF THE YUKON TERRITORY  
1962 (FIFTH SESSION)

AN ORDINANCE TO AMEND THE  
MUNICIPAL ORDINANCE

*(Assented to December 3rd, 1962)*

O.Y.T.  
1959(2nd)  
c.1,  
1960(1st)  
c.6,  
1961(1st)  
c.6,  
1961(2nd)  
c.5,  
1961(2nd)  
c.9,  
1961(3rd)  
c.2,  
1962(1st)  
c.22.

Electors  
qualified to  
hold office.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Subsection (1) of section 240 of the said Ordinance is repealed and the following substituted therefor:

"240. (1) An elector shall be qualified to be nominated and elected to hold office as a member of the Council who

- (a) is a natural person
- (b) is a ratepayer in respect of real property
  - (i) the assessed value of which is at least one thousand dollars, and
  - (ii) on which taxes are not in arrears, or
- (c) is the spouse of such elector, ordinarily residing with such elector."

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