

APPENDIX E

TO: UBCM Members
FROM: Councillor Joanne Monaghan, President
DATE: September 3, 1996
RE: **LEGISLATIVE ACTION PROGRAM**

ITEM #3(b)
September 18, 1996
B.C. COMMUNITIES AGENDA

1. INTRODUCTION

Local government in British Columbia is a product of provincial legislation. The degree to which the statutes allow local government to respond to local needs is the measure of the effectiveness of local government.

UBCM recognizes this in its Statement of General Policies:

The powers of local government should be adequate to meet local needs. The legislation that sets out local government responsibilities should be reviewed regularly and amended so it continues to meet those needs. When local government is empowered to carry out a responsibility, it should be done in a clearly written statute.

Without an adequate and effective legislative framework, local government and the communities it serves will suffer.

2. BACKGROUND AND STATUS

An initiative to “Modernize the Municipal Act” was launched at the 1991 Convention with the adoption of the first edition of “Modernizing the Municipal Act - Legislative Action Program”. It included five key legislative priorities:

1. action to restore the balance of public liability;
2. action to provide fair legislation on indemnities and expenses;
3. action to provide for better management of development and affordable housing;
4. action to modernize fees and charges;
5. action to deregulate outdated provincial supervision of local government.

The provincial government response was initially very positive with, for instance, in 1992 legislation, virtually all 21 of the recommendations on fees and interest rates being addressed (Action to Modernize fees and charges). Consequently, this Action Program was considered complete. Some of the other 1992 modernizing amendments included:

- changes to the *Electrical Safety Act* and *Fire Services Act* as recommended by the liability action program;
- tree cutting and retention powers as recommended in the “better management of development” action program;
- drawing on recommendations in the “deregulation” action plan were a variety of amendments including regulation of bows and crossbows, false alarms, commutation of local services and alternate means of service for a range of notices.

Based on this fruitful foundation UBCM recommended a further phase at the 1992 UBCM Convention: Modernizing the Municipal Act². It too reported good success during the 1993 legislative session. Action taken to provide fair legislation on indemnities and expenses and included recognition of UBCM requests for per diem payments, expenses within the municipality, acting or deputy mayor indemnities, unanticipated

meeting expenses, “in-town” mileage charges and better access to insurance. As a consequence, this Action Program was considered to be completed.

Legislative action was also undertaken in 1993 under the heading “better management of development and affordable housing”:

To respond to the needs for affordable housing:

- by allowing bonus density in exchange for affordable housing or public amenities.

To respond to the need to protect public safety and the environment in advance of development or redevelopment process.

- by allowing for the protection of environmentally sensitive areas.

In 1992, the proposed “Action to Modernize the Municipal Statutes” was added to the Modernizing program and responses were:

- in the Land Title Act to give local government control of the transfer of un-opened road ends.
- to introduce new Heritage Conservation legislation (as an exposure bill).

In 1993 the Convention considered and approved Modernizing the Municipal Act³. Some of the results of that year’s initiative included:

- long-standing request by municipalities to use parkland DCCs for capital improvements to existing parkland.
- municipal approval over the sale of undivided interests.

Due to the progress made and the very, otherwise, busy BC Communities Agenda it was decided to defer an updated Modernizing report at the 1994 Convention. However, in 1995 and again in 1996 the Executive felt it was appropriate to advance a digest of its Legislative Action Program.

3. LEGISLATIVE ACTION PROGRAM

As in previous years, the 1996 Legislative Action Program continues to be based on existing policy and resolutions. The 1996 program will introduce a process to signal the next priority for general Municipal Act renewal, will set priorities within the Liability Action Program and continue with the remaining components. The 1996 Legislative Action Program for local government includes:

- Action to continue the general Municipal Act renewal process;
- Action to deregulate provincial controls of community commerce;
- Action to provide better management of development and affordable housing;
- Action priorities to restore the balance of public liability;
- Action to deregulate outdated provincial supervision of local government;
- Action to modernize the municipal statutes.

Given that 17 of the resolutions received in 1994, 7 resolutions in 1995 and numerous others this year call for legislative reform, the need for continued efforts is evident.

4. RECOMMENDATION

That the membership approve the 1996 Legislative Action Program.

1. ACTION TO CONTINUE THE GENERAL MUNICIPAL ACT RENEWAL PROCESS

1. The Background

Local governments and Ministry of Municipal Affairs, have jointly been working toward a complete “re-write” of the Municipal Act in a staged process focusing on agreed priorities.

In 1985, work was completed and a revised Part 29 “Management of Development” was enacted. In 1989, a completely revised Part 24 - “Regional Districts” was re-enacted. The revisions to the elections sections, Parts 2 and 3 of the *Municipal Act*, were completed in 1993. This was the result of a three year joint work program. The Heritage sections of the *Municipal Act* were added in 1994, again completing intensive consultations. In 1995, the process of reviewing regional strategic planning was completed and the *Growth Strategies Amendment Act* added new sections to the Act regarding growth strategies planning powers.

2. The Situation

The current work program is complete. It is time to determine the next priority for renewal. At this time there is no mutually agreed priority for the next stage of the renewal process. It is also timely for the UBCM to reflect on the objectives of the amendments to the *Municipal Act* to ensure they reflect the overall objectives for new municipal legislation such as:

- does it support the UBCM recommendations toward more enabling legislation for local governments to pursue communities priorities without constant reference to provincial enabling legislation as is expressed in the concepts of "natural person powers" and "spheres of jurisdiction" (see item 3(a) "*Local Government as an Order of Government*" policy paper for more details on these concepts).
- does the legislation reflect the basic principles for the local - provincial government relationship established by UBCM including:
 - guaranteed access to provincial decision-making;
 - consultation on all matters affecting local government;
 - an amending formula for local government legislation;
 - joint decision-making in areas of shared responsibility;
 - negotiation of conflicts;
 - ensuring local government jurisdiction is respected by provincial ministries, Crown corporations and agencies; and
 - ensuring adequate financial resources are provided for any new delegated responsibilities.
- does the legislation deal with the liability concerns of local government;
- does the legislation meet basic tests such as simplicity and ease of comprehension.

Despite the progress achieved in modernizing the *Municipal Act*, there are many opportunities for improvement. For instance, Item #2, dealing with community commerce, provides an example of how the "spheres of jurisdiction" approach to municipal legislation could be applied to simplifying municipal legislation. It illustrates how a more enabling approach to the *Municipal Act* could meet community needs and alleviate the constant stream of requests for legislative amendments.

3. The Recommendation

That Executive set in motion a consultative process:

- to confirm the principles for redrafting local government legislation;
- to identify the next priority for a comprehensive rewrite of a Part of the *Municipal Act* based on an examination of the application of those principles to the existing Act.

2. ACTION TO DEREGULATE PROVINCIAL CONTROLS OF COMMUNITY COMMERCE

1. The Situation

The *Municipal Act* contains a confusing and restrictive set of provincial controls over local government powers to regulate the commercial environment within municipalities. Provincial intervention over shop hours and licensing powers are out of step with the need to allow communities to manage their own affairs.

Some UBCM resolutions have highlighted specific problems or needs such as:

- what is the ongoing interest of the province in setting special hours for the operation of service stations?
- why can't a local government set closing hours on a zone by zone basis and permit late-night and special-event shopping if it chooses?
- why can't local government be given the powers to deal with non-residential business in ways that are appropriate to the community?
- why are regional districts not allowed to deal with business licensing-type issues in rural areas?

A sample of issues extracted from the UBCM "Consolidated Statement" of resolutions proposing legislative amendments appears in Appendix A.

2. The Direction

A new approach to municipal legislation has been endorsed by UBCM. This would be a useful area in which to implement the principle that local government should have wide enabling authority to manage their communities and that the provincial government should only restrict that authority where there is a specific identifiable provincial interest. Rather than set out specific narrow powers as is now the case, the *Municipal Act* would simply provide the basis for local government to determine, by bylaw, what was needed in each community. The only limitations would be in the case where:

- the provincial government had by legislation stated an overriding provincial interest that supported a general provincial policy;
- the local enactments did not infringe on the rights of individuals of the community or on the law-making authority of adjacent local governments.

3. The Recommendation

That in keeping with the general directions to provide communities the scope to manage their affairs, the *Municipal Act* be amended to provide local government the full scope of authority to regulate shopping hours, business licensing and regulation.

3. ACTION TO PROVIDE FOR BETTER MANAGEMENT OF DEVELOPMENT AND AFFORDABLE HOUSING

1. The Background

When the new Management of Development part of the *Municipal Act* was enacted in 1985, a process to discuss land use legislation proposals was introduced. At the time, this was extremely beneficial. This process, while still relevant has not been continued and as a consequence, has not ensured that the legislation is kept up to date so that it can respond to land use and housing needs in the province.

2. The Situation

The development pressures in this province are great and the need to respond to land use and housing issues requires a comprehensive range of legislative measures. So too is the need to protect the environment and the quality of life in our communities. We also need an efficient and timely development approval process. These are some of the main legislative needs within Part 29 of the *Municipal Act*:

To provide for a more efficient development approval process:

- reintroduce Comprehensive Development Agreements.
- re-write and consolidate public hearing rules; clarify the quorum rules for public hearings; allow councils to adopt procedures for the conduct of public hearings.
- allow for variable application fees.
- make the “late comer” provisions workable.

To respond to the needs for affordable housing.:

- zoning options for temporary dwelling units for elderly relatives.
- clarify the authority for local governments to charge DCCs for multi-unit developments on a square foot/metre basis rather than on a per unit basis.
- controls on demolitions that may explicitly allow moratoriums on demolition of rental accommodation.
- provide local governments with the authority to license secondary suites

To respond to the need to protect public safety and the environment during development or redevelopment process.

- safety of an abandoned development site.

To ensure that new development plays its fair share of development costs:

- revise Development Cost Charge provisions to include any local government function that can demonstrate a linkage to new development (as set out in the UBCM Convention approved policy document and otherwise review the DCC provisions in light of recent UBCM resolutions).
- provide for the use of parkland reserve funds for recreation related capital expenditures
- ensure that when more than three additional parcels are created from the parent parcel, parkland dedication cannot be circumvented.

3. The Response

Elements of this action plan were endorsed by UBCM in 1991, and during 1992 one welcomed legislative response was made to provide tree cutting and retention powers. In 1993 legislation dealt with bonus density zoning, rental housing zoning variations and protection of environmental sensitive sites. In 1995, legislation was passed to allow municipalities to enact standards of maintenance bylaws to ensure the maintenance of existing housing structures.

4. The Recommendation:

That in keeping with the general directions to provide communities the scope to manage their affairs, the *Municipal Act* be amended to provide local government the full scope of authority to regulate the management of development as set out in UBCM policy recommendations.

4. ACTION PRIORITIES TO RESTORE THE BALANCE OF PUBLIC LIABILITY

1. UBCM Liability Action Program Launched in 1985

In July 1985, UBCM launched a three-point Liability Action Program in response to, the then municipal liability crisis. The three points were:

- legislation;
- risk management; and
- insurance.

2. Program Results to date have addressed certain issues

The Liability Action Program results include:

- the investigations into self-insurance resulted in the Municipal Insurance Association of B.C.
- the risk management program commenced by UBCM is now in the hands of MIA.
- the legislative objectives contained in Bill 30 (1987), that included:
 - indemnification of elected officials;
 - personal protection from liability;
 - protection for failure to enforce building bylaws;
 - protection for public works nuisance cases; and
 - provision to put notice on title.

Subsequent stages of legislative reform have resulted in:

- *Fire Service Act* amended removing Section 26(2) [the mandatory two-month inspection of public buildings]. (1989)
- *Municipal Act* Sections 699 and 700 amended to allow Fire Departments to undertake rescue initiatives without the threat of being liable. (1989)
- liability protection for building approvals where a professional had given assurances of Code compliance. (1990)
- amendments to the *Electrical Safety Act* and the *Fire Services Act* to remove unintended liability. (1992)

3. Priority Action needed to address Building Inspection

In 1993, UBCM received ten resolutions (see C17 to 26) and over 60 letters of support for the removal of what has become an unlimited, transferable warranty for building inspections. There were 4 resolutions on building liability in 1994 and more in 1995. During 1994 UBCM and MIA participated with provincial ministries in a report on building liability. As well, an extensive UBCM report and recommendations on the "*Foundations of Building Regulatory System*" was approved at the 1994 Convention. While the UBCM Liability Action Program has been in existence since 1985 and sets out a range of actions, this year's Program again sets as a priority to clearly establish that **the purpose of building inspection is not to create a building warranty.**

In 1994 UBCM identified a new problematic source of lawsuits - Strategic Lawsuits Against Public Participation (SLAPP) and included this topic as an element the 1995 Action Program.

4. The Recommendation:

That legislation be introduced to restore the balance of public liability in terms of building inspections.

A summary of the full range of specific proposals UBCM has previously approved and advanced is set out in Appendix B.

5. ACTION TO DEREGULATE OUTDATED PROVINCIAL SUPERVISION OF LOCAL GOVERNMENT

ACTIONS THAT WILL MAKE LOCAL GOVERNMENT MORE EFFECTIVE AND RESPONSIVE

1. Background

Almost ten years ago, UBCM began to compile in a "UBCM Consolidated Statement Proposed Legislative Changes"¹ those resolutions that called for changes to provincial legislation affecting local government. Most often, these requests were straightforward, common sense requests that would improve local governance.

2. The Situation

Some examples of the situations these resolutions have attempted to resolve include:

- permitting tax sale notices to be sent by certified mail (on books 7 years).
- sending orders or notices by any means that provides proof of service (on books 8 years).
- permitting local government to grant tax exemptions for churches under construction (3 years).
- allowing discretion for prepayment discounts on utility accounts (on books for at least 6 years).
- allowing local government to establish consolidated municipal codes for the convenience of the public.

From Financing Local Government (1989) study are these outstanding administrative items:

42. *Local governments be able to design their own tax forms.*
44. *If the revenue-sharing contribution of the provincial government is to be recognized, the current wording should be replaced with a statement such as: "The provincial government is contributing \$X in 1989 to help the municipality provide local services".*
56. *The consolidation of the assessment roll - so that there is only one roll for municipal, school and hospital purposes.*
69. *Municipalities be provided with the option of consolidating their water, sewer and general funds.*

In 1987 UBCM suggested these additional ways to remove unneeded provincial approvals:

- addition of roads to "Assent of electors - exceptions" (s.330b)
- rescind approvals for the transferring of surplus reserves or local improvement funds (s.382)
- replace "bylaw" with "resolution" in allowing gates across highways (s.583)
- rescind approvals for underground facilities (s.682(1)).
- rescind approvals for carrying out local improvements (s.650)

3. The Response and Recommendation

At the 1991 Convention a recommendation was approved that legislation be introduced to deregulate outdated provincial supervision of local government - actions that will make local government more effective and responsive.

¹**Note:** The "UBCM Consolidated Statement: Proposed Legislative Amendments" sets out those amendments to statutes that are required to provide local government with the tools needed to carry out its responsibilities.

#3(b) Preliminary Legislative Action Program

During 1992 the following items were addressed:

- allowing a member of the public to pay all of a specified area charge “up front” at the time of development - instead of paying over time with added interest (on books 6 years).
- sending orders or notices by any means that provides proof of service (on books 8 years).
- responding to problems over intrusion and false alarms (going back to 1984).
- property tax exemptions to leaseholder-non-profit organizations.
- control use of bows and cross-bows.

While a number of Ministerial approvals were abolished in 1993 legislation (Bill 58), much remains to be done.

A sample of proposals extracted from the “Consolidated Statement” is contained in Appendix C.

6. ACTION TO MODERNIZE THE MUNICIPAL STATUTES

1. Background

The wide-spread legislative reforms of the *Municipal Act* in 1992 recognized the need to keep the *Municipal Act* up to date. This thrust must extend beyond the *Municipal Act* to the other 'municipal' statutes that provide authority to local governments. Some progress was reported with the introduction of legislature in 1993 that addressed the following concerns of the 1992 Action Program:

- in the *Land Title Act* to eliminate the transfer of unopened road-ends;
- to introduce new *Heritage Conservation Legislation* (in "exposure bill" form and eventually in final legislative format-1994).

In 1995, the Real Estate Act was amended to give local government control over the sale of "undivided fractional interests".

2. The Situation

Drawing on the 'UBCM Consolidated Statement: Proposed Legislative Changes' some examples of the situations member resolutions have attempted to resolve include:

- in the *Land Title Act* - allow regional district to assume the approving officer functions.
- in the *Motor Vehicle (All-Terrain Act)* - require registration of ATV's.
- in the *Fire Act* - provide police powers to seize fireworks.
- in the *Condominium Act* - require referral to council and approving officers.
- in the *Mineral Titles Act* - regarding balancing the legal rights of mineral title holders with the rights and interests of surface users.

The process of modernizing the other statutes providing local government authority is fraught with the same difficulties in seeking amendments to the *Municipal Act*. It is a slow process. Such a process could be avoided if other statutes providing local government enabling authority provided the general "sphere of jurisdiction" authority UBCM is calling for under the *Municipal Act*.

3. The Recommendation

That the Ministry of Municipal Affairs in conjunction with UBCM, urge the Provincial Government and Ministers responsible, to commit to a program to Modernizing the *Municipal Statutes as a complement to recognizing local government as an order of government.*

**SAMPLE LEGISLATIVE PROPOSALS TO DEREGULATE PROVINCIAL CONTROLS OF
COMMUNITY COMMERCE**

LICENSING/REGULATION

SHOPS CLOSING	Regulation of Closing [s. 920, 921]	Grant unrestricted authority to regulate shop closing on a Monday through Saturday basis.	A44/83 A17/88 B3/94
SHOPS CLOSING	Sunday Shopping [s. 921]	Provide local government with the option of regulating shopping days and hours.	A5/89 #51/79 #40/77
BUSINESS REGULATION	Non-Resident Businesses [s. 504(4), s. 506]	Permit local government to regulate the entry of non-resident businesses into the community and to impose a separate licence fee.	B10/89 B6/94
	Second hand goods [s.527(g)]	Make the provision applicable to regional districts as well as municipalities.	B24/84
	Hours of Operation	Permit municipalities to set closing hours on a zone-by-zone basis and permit late-night and special-event shopping.	A2/85
	Service Stations [s.925]	Remove special provisions for establishing the hours of operation of service stations.	B4/91
	Security Bond for non- resident business [s. 501(2)]	Substantially increase the \$1,000 security bond.	A43/83
	Licence fees & periods for non-resident business [s.506, 504(4)]	Allow licences to be for one day, one week or one month and with different fees for non-resident business.	A43/83
REGIONAL DISTRICTS	Business Licenses	Allow regional districts to regulate and manage commercial development through the issuance of business licenses.	C4/92 LR10/94

LIABILITY ACTION PROGRAM

The elements of the Liability Action Program legislative reform package contains:

Fire Department Act: Amend the Fire Department Act Section 2, 3, 5 and any other parts that require that a municipality has to maintain a two-platoon system.¹

All-Terrain Vehicles: Request the provincial government to amend the regulations and establish a registration and identification for off-highway vehicles.²

MUNICIPAL ACT

Nuisance Actions: Amend Section 755.3 to extend the nuisance provisions to the normal operation of a drainage system or natural water course.

Nuisance Actions: Add Section 755.5 to state that a municipality is not liable for damages in any way arising from the provision of any service or function or the exercise of any power authorized by this Act, unless the municipality is guilty of gross negligence, and willful and deliberate misconduct.

Limitation Periods: Amend the Municipal Act Section 754 to ensure that the following elements are included in the limitation section: (a) the period should be clear and reasonable as to time; (b) the beginning of the period should be stated; and (c) **there should be an "ultimate limitation" regardless of when the period starts and for building inspection claims the ultimate limitation period from the date of final inspection be five years.**

Limitation Periods: Defend Municipal Act Section 755 to ensure that the two-month limitation period is retained.³

Limitation Periods: Add to section 755 to clarify that the two month period begins on the first date on which the damage physically occurs, whether or not it is discovered and that lack of knowledge of the requirements of this section shall not constitute a reasonable excuse within the meaning of this section.

Bylaw Compliance: Ensure that responsibility for bylaw compliance remains with owners/builders and allow local government to establish a development compliance certification process for professionals (engineers and architects) as under the Vancouver Charter.

Immunity from Liability: Amend to ensure that local governments are granted immunity from liability when a professional conducts a building inspection field review.

Good Samaritan Act: Amend to provide a defense against liability for fire service officers who render emergency rescue or medical services.

Federal Fisheries Act: Continue to press the Minister of Fisheries and Oceans to introduce a "dispute" resolutions process similar to that employed under the Environmental Protection Act, which would resolve conflicts between local government and the federal government without recourse to the Courts.

Other General Liability Issues: (part of the original legislative program)

Structured Settlements: Introduce legislation to provide for structured settlements for those who have suffered injury or incapacity.⁴

Joint and Several Liability: Abolish the principle of joint and several liability so that the co-defendant is liable only in proportion to their degree of responsibility.

Prejudgment Interest: Provide for interest for non-economic losses in personal injury cases only after sufficient medical information has been provided to the defendant.

Strategic Lawsuits Against Public Participation (SLAPP suits) - enact legislation that provides safeguards against lawsuits which are solely designed to threaten to limit public participation

¹ Status: proposal made and discussions have commenced.

²Some progress can be noted as part of a recent Motor Vehicle Act regulation requiring ATV drivers to be licensed.

³The Executive has developed a proposal and discussions will commence with the Law Reform Commission and continue with the Attorney General, Minister of Municipal Affairs, Recreation and Housing and the Benchers of the Law Society of B.C.

⁴Bill 66 that made such a provision was introduced but not passed at the 1989 legislative session.

SAMPLE LEGISLATIVE PROPOSALS TO STREAMLINE THE MUNICIPAL ACT

GENERAL TOPIC	SUBJECT OF AMENDMENT	AMENDMENT REQUIRED	SOURCE
GOVERNMENT PROCEDURE			
INCORPORATION	Classification of municipalities [s.20]	Give district municipalities the option to apply for incorporation as a city once a certain population is reached.	B10/92
ELECTIONS	Advance Voting	Provide local governments with the authority to set dates / times for advance voting.	B17/95
	Corporate Vote	Provide local business persons with the corporate vote.	B18/95
FINANCE			
COURT OF REVISION	Review of Process for frontage and parcel taxes [s.416]	Review the legislation with a view to introduce a less complex process.	A2/92
	Supplementary Roll [2.434, 420]	Amend the Municipal Act to no longer require Council approval of all supplementary rolls.	B13/92
LOAN AUTHORIZATION	Health related works [s.330]	Amend the Municipal Act to exempt loan authorization bylaws for works required pursuant to Ministerial orders under the Health Act from referendum and counter-petition requirements.	B18/92
TAXATION			
TAX SALE	Tax Sale procedures	Eliminate the annual tax sale of properties and provide instead that these properties automatically revert to the municipality.	A3/89
	Condition of property	Amend to ensure local government is not liable for environmental problems on properties that revert to tax sale.	B3/95
	Notice	Permit notices of tax sale to be forwarded by certified mail.	B13/84
	Notice [s.466]	Clearly identify local government liability in providing notice.	B40/91

#3(b) Preliminary Legislative Action Program

TAXES	Install Payment [s.442]	Remove the exemption to installment payment of taxes.	A4/92 B10/84 LR2/82
	Frontage Tax Notices [s.484(3)]	Require the mailing of a notice of frontage assessment only where there is a change in assessment.	B21/88
EXEMPTIONS	Churches [s. 398(h)]	Permit local government to grant tax exemptions to churches under construction.	B35/89
	Review [s.398]	Complete review of tax assessment exemptions.	A7/92
PAYMENTS (GRANTS) IN LIEU	Crown Corporations	Require that all provincial, federal and Crown Corporations pay full payments in lieu of taxes for all applicable taxes, DCCs, site servicing costs, etc.	A6/95

LICENSING/REGULATION

PROCEDURES ON APPROVALS	Abandoned highways	Allow the stop up, closing and conveying of highways by bylaw subject to adequate public notice, without reference to the Ministry of Municipal Affairs.	B17/89 A53/82 B57/94
	Highway widths	Allow municipalities to expand widths from 20m to 25m for land required upon subdivision for highways without compensation.	C8/95 B55/94 B52/92
	Security Deposits	Allow municipalities to require security deposits with respect to potential damage to municipal property (road pavement or drainage ditches)	A2/95
	Leasing Highway or Portion Thereof	Permit municipalities to grant a lease of a highway or portion thereof.	B54/95
TREE BYLAWS	Fines	Permit local governments to establish fines for tree cutting / damage equal to the cost of the tree replacement.	B13/95
POWER TO EVACUATE	Building Inspectors	Provide building inspectors with the authority to evacuate a building or portion thereof and to be give the authority to call upon the fire or police if necessary to assist.	B10/95

PUBLIC WORKS/UTILITIES

#3(b) Preliminary Legislative Action Program

UTILITY RATES	Discounts	Permit municipalities to offer discounts on prepayment of annual utility accounts.	B9/85
	Unpaid	Allow penalties on all overdue accounts.	B14/86 B11/83
	Unpaid [s.636]	Provide the same rate of interest on unpaid accounts as for taxes in arrears and delinquent.	A15/82

RECREATION

LEASING	Municipal Leasing Agreements [s.679]	Extend the term by which a municipality may lease land to a community group.	A10/87
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REGIONAL DISTRICTS

REGULATION	Firearms Control	Allow regional districts to designate “no shooting areas” and the discharge of firearms in rural residential areas.	C4/90
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TAXES	Tax Adjustments on Assessment Appeals	Allow RD’s to make adjustments similar to that employed in conjunction with hospital district levies.	C1/86
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	Reserve Funds	Allow regional districts to establish reserve funds.	C2/91
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	User Charges	Allow regional district to implement user charges to pay for regional district services.	C1/92
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REMUNERATION	Expense Claims	Require regional district directors to submit expense claims by end of February each year.	B16/95
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	Costs and Reimbursement	Amend the Act to provide that the costs of remuneration and reimbursement of expenses for electoral area directors for duties only performed in their electoral area be apportioned equally among the electoral areas only.	B85/95
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MUNICIPAL ACT: NEW PROVISIONS REQUIRED

LEGISLATIVE ROLE	Municipal Codes	Authorize the establishment of Municipal Codes for local government.	B11/89
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REGULATORY POWERS	Regulate use of fireworks [s. 933]	Permit municipalities to regulate or prohibit the possession of fireworks and authorize police to seize firecrackers or fireworks.	B29/88 B4/94
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	Vicious Dogs	Permit municipalities to regulate dogs or their owners.	B22/86 B42/82
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	Regulate distribution of commercial advertising material [s.932(m)]	Permit local government to regulate or prohibit the posting, exhibiting or distribution or any commercial advertising material.	B6/91
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COLLECTION FEES	Charge for collecting taxes.	Allow local government to charge a fee for the collection of taxes on behalf of other agencies.	A4/86 (LR10/91)
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COMMUNITY PLANS Environmental Policies

Permit local governments to
incorporate environmental policies in
Community Plans.

B58/95

MUNICIPAL AID ACT

GRANTS IN LIEU	Frontage or Area Taxes	Grants in lieu to be made for a frontage or area tax.	B20/87 B7/85 B16/83 A21/82
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ASSESSMENT ACT

FARM CLASSIFICATION	Farm home and home site	Amend Act to classify home and home site as residential.	B36/95 C5/87
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SAMPLE LEGISLATIVE PROPOSALS TO UPDATE THE MUNICIPAL STATUTES

MINISTRY OF FINANCE AND CORPORATE RELATIONS

SOCIAL SERVICES TAX ACT

REGULATIONS	Exemptions	Exempt Social Services tax on chlorine used for sewage treatment.	A8/83
	Exemptions	Exempt fire fighting equipment from sales tax.	B31/90 B28/89 B10/82

CONDOMINIUM ACT

APPROVAL	Strata Plans [s. 7(2)]	New and unoccupied buildings to be subject to council approval and compliance with zoning bylaws.	B40/87 B48/83
REGULATIONS	Prospectus	Allow combinations of bare land and condominium prospectus for unique isolated developments.	B25/83
CONSTRUCTION	Warranties	Permit local government to demand warranties or other guarantees from builders on behalf of Strata Councils.	LR1/90

REAL ESTATE ACT

REAL ESTATE PROSPECTUS	Adjacent Farm Lands	Require that prospectuses identify and define adjoining agricultural operations.	B28/86
USE OF PROPERTY	Legal or Non-Legal Conformity	Require real estate listing services to provide a statement relative to the legal conformity or legal non-conformity of the use of the property.	B29/86
	Zoning and Community Plan	Require disclosure of zoning and other information affecting properties listed for sale.	B62/89

LAND TAX DEFERMENT ACT

TAX DEFERRAL	Specified Charges	Allow the deferment of all current garbage, water and sewer charges, whether or not these are billed as user charges or as ad valorem levies.	LR2/90
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MINISTRY OF THE ATTORNEY GENERAL

LAND TITLE ACT

#3(b) Preliminary Legislative Action Program

LAND EXCHANGE	Explanatory plan [s. 120]	Exempt a land exchange bylaw from the explanatory plan requirement.	A23/90
CONSOLIDATION PLAN	Approval of plans by adjoining parcels of land [s. 100]	Require the Registrar of land titles to refer the plan to the approving authority or seek input from the local government prior to acceptance of the plan.	B21/89
SUBDIVISION APPROVAL	Conformity with regional district plans and regulations.	Require that new subdivisions comply with regional district settlement plans and land not be subdivided until a development permit has been approved where it is required.	B60/90
APPROVING OFFICERS	Transfer of responsibility [s. 77 and 79]	Authorize regional districts to take over the responsibility for subdivision approval in the electoral areas.	C2/94 C3/90 B36/83
ROAD CLOSURES/ EXCHANGES	Closure of unopened road right-of-way [s. 8]	Eliminate the ability of an owner to petition for the closure of unopened road right-of-way.	B25/91
PROPERTY ON FLOODPLAIN	Notice on Title	Implement a notice on the Certificate of Title identifying properties located within a floodplain	B39/95
PROPERTY LAW ACT			
CROWN LAND	Exclusion [s. 32]	Specifically exclude Crown land used for highways from the application of s. 32.	LR5/84
JURY ACT			
JURY SERVICE	Exempt	Exempt salaried fire personnel from being impaneled to serve on a jury.	B59/83
POLICE ACT			
POLICE BOARDS	Composition [s. 19,20]	Provide balanced representation of council members and members of the public.	B12/88 A3/84
	Appointments	Require that the Solicitor General fill all vacancies on a local Police Board from a list submitted by the municipal council.	B12/88
	Municipalities	Allow municipalities with RCMP municipal police forces to create Police Boards to direct the duties and functions of the RCMP.	A10/88
BUDGET	Preparation Date	Provisional budget to be prepared by Nov. 30 and provided to council.	A30/84

EMERGENCY PROGRAM ACT

FINANCING	Municipal Funding	Increase funding to compensate municipalities for providing emergency programs outside their boundaries.	B21/86
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MOTOR VEHICLE ACT

PERMITS	Street Sales	Authorize municipalities to issue permits for sidewalk sales, street bazaars and mobile street vending.	B67/83
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MOTOR VEHICLES	Cargo Compartments	Make it an offense to ride in the cargo compartments of motor vehicles.	B19/89
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BICYCLE RIDERS	Helmets	Enact legislation requiring that helmets be worn by all bicycle riders	A28/90
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OCCUPIERS LIABILITY ACT

LAND OWNERS	Liability	Amend legislation to transfer liability from the land owner to the recreationist when residents expose themselves to risk when undertaking certain recreational activities.	B9/95
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MINISTRY OF TRANSPORTATION AND HIGHWAYS

B.C. RAILWAY ACT

TAXES AND GRANTS IN LIEU	Railway on Vacant Land	Taxes or grants in lieu to be paid on lands and improvements used to operate the railway or vacant land.	B11/84
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HIGHWAYS ACT

APPROVALS	Subdivision [s. 52]	Require a decision on OSP's within 90 days.	RD2/82
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MINISTRY OF ENVIRONMENT, LANDS AND PARKS

WILDLIFE ACT

LEGHOLD TRAPS	Regulation/Prohibition	Permit municipalities to control or prohibit leghold traps or snares.	B31/84
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PESTICIDE CONTROL ACT

PESTICIDE USE PERMITS	Local Government Review	Require that a copy of every application for a pesticide use permit be forwarded to the local government.	A17/90 B37/86
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MOTOR VEHICLE (ALL-TERRAIN) ACT

REGULATIONS	Registration of ATVs	Registration and identification for all ATV (similar to the regulations for snow mobiles).	A14/87 B24/86 B23/85 B29/84
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MINISTRY OF LABOUR AND CONSUMER SERVICES

INDUSTRIAL RELATIONS ACT

ESSENTIAL SERVICES	Inclusion in Act	Employees involved in sanitary sewer and water supply collection and treatment not be allowed to withdraw their services.	A35/83
LABOUR NEGOTIATIONS	Right of Arbitration	The legislation be amended to allow municipalities to invoke arbitration.	A22/85
ARBITRATOR	Decision	Specify that decisions be rendered within 30 days.	A36/84
ARBITRATIONS	Procedural requirements [s.98(e)]	Do not allow arbitrators to relieve on breaches of time limits or procedural requirements set out in collective agreements.	A37/84
CONTRACTS	Manning strength	Manning strengths to be non-negotiable in labour contracts.	A40/83

LIQUOR DISTRIBUTION ACT

LIQUOR RETAILING OUTLET	Establishment	Municipal approval be obtained before a business is established to sell beer, wine, cider or hard liquor.	B44/87
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LIQUOR CONTROL AND LICENSING ACT

LIQUOR OFFENSES		Proclaim s.14 of the Offenses Act and have the Attorney General in consultation with the Chief Judge of Provincial Court prescribe fines for: Minor in possession of liquor; Minor in a licensed premise; Consumption of liquor in a public place.	B1/84
LIQUOR POSSESSION		Make it an offense to possess open liquor in a public place or in a motor vehicle.	B10/90

FIRE DEPARTMENT ACT

LIABILITY	Definition and operation of a paid fire department	Allow municipalities with fire departments with full-time firefighters, but not enough men to man the fire halls under the two platoon system, to man the halls in the most effective and efficient manner they deem possible with their manpower resources.	B43/89
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RESIDENTIAL TENANCY ACT

TERMINATION	Moving Expenses	Landlords be liable for the reasonable moving expenses of tenants whose agreements are terminated in order to comply with municipal bylaws.	B66/89
PARKING	Parking Requirements	Require that the parking spaces provided be made available to tenants without direct charge.	A34/82
RENT	Rent Increases	Provincial government establish a system to review unconscious-able rent increases.	A20/90

MINISTRY OF EDUCATION

SCHOOL ACT

TRUSTEES AND APPOINTED OFFICIALS	Liability	Place the same financial liability as provided in s.264 of the Municipal Act.	B92/83
EMPLOYEE HOUSING	Remove tax exemption	Amend the School Act to remove the tax exemption for school district employee housing.	B29/95

OTHER PROVINCIAL STATUTES

FINANCIAL DISCLOSURE

DISCLOSURE FORMS	Filing and Destruction	Authorize filing once a year; delete the filing requirement on termination of office; authorize destruction of form 8 weeks after elections in the case of unsuccessful candidates [also destruction of forms after two years: Executive, April 86].	B25/88 B25/83
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MINERAL ACT

CLAIMS FILING	Notice	Provide owner of land or holder of a registered interest with 60 days' notice of application for a mineral claim.	B46/82
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HEALTH ACT

HOSPITAL BOARDS	Requirements [s. 2]	Amendments to allow for the election of Hospital Boards by open public election.	B64/89 B67/88 A18/87
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PENSION (MUNICIPAL) ACT

VOLUNTEER FIRE FIGHTERS	Pension Plan [s. 38]	Amendments to allow a pension plan to be established for volunteer firefighters province-wide.	A27/90
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NEW LEGISLATION

SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES

REGULATE ORGANIZATIONS	Solicitation of Funds	Control and regulate organizations who solicit funds for charitable purposes.	A20/86
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GROUNDWATER ACT

REGULATE USE	Groundwater	Establish legislation that would authorize the provincial government to regulate and protect groundwater use.	B15/91 LR7/90 (#1 Islands Trust) B25/89 LR4/88
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ADULT PUBLICATION ACT

REGULATE DISPLAY	Adult Publications	Establish legislation that would allow municipalities to regulate the display of adult publications.	B36/91
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