

IN THE HOUSE

New Legislation

Bills of Particular Interest to Local Government

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Bill #3 ~ Cremation, Interment and Funeral Services Act

When proclaimed this Bill will repeal and replace the *Cemetery and Funeral Services Act*. Under Part 11 of this Act, certain provisions of Bill #2, *Business Practices and Consumer Protection Act*, apply. This Act also establishes rules relating to the operation of cemeteries, mausoleums, columbarium, and crematorium, as well as land issues and disposition and disinterment of remains and activities that cannot be carried out on the land of a cemetery, mausoleum or columbarium.

Bill #6 ~ Taxation Statutes Amendment Act, 2004

Taxation Acts amended by this Bill of interest to local government are:

Home Owner Grant Act - increases the threshold to begin phasing out the homeowner grant to \$585,000 from \$525,000.

Motor Fuel Tax Act - expands the definition of "family farm", and increases the maximum refund for fuel tax paid by persons with disabilities from \$400 to \$500.

Property Transfer Tax Act - expands the definition of "family farm" and extends the exemption of transfers of "family farm" to siblings and spouses, exempts for certain transfers of "family farm" by a trustee to a family farm corporation and creates a new exemption for transfers from related individuals to a minor when those transfers involve the province's Public Guardian and Trustee.

Community Charter - grandparents the tax exemption for improvements determined to be dust and particulate matter eliminators in the 2003 tax year.

Bill #8 ~ Ports Property Tax Act, 2004

This Bill provides for a cap on municipal tax rates applying to designated Port property and, in relation to this, compensation to municipalities that are affected by this cap. The Bill has designated seven municipalities for the purposes of this Bill; and provides a lower cap for municipal tax rates in relation to new investment in designated port property.

Bill #13 ~ Environmental Management Amendment Act, 2004

This Bill makes a number of amendments to this Act, some of which are:

- ~ Adds a new subsection 19(1.1) to allow the Minister to issue a variance order if the minister considers that a person should have a temporary variance from a code of practice;
- ~ Section 22 adds to the minister's regulation making authority for reporting and monitoring;
- ~ Section 40 is repealed and rewritten to move to the minister's regulations the specific circumstances in which a site profile is required;
- ~ Adds new section 61.1 "Land Remediation Fund", which provides for funding for the purposes of government programs in relation to the following: brownfield development, orphan site remediation, domestic and commercial underground tank remediation; and

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~ Adds new section 63.1 “Director’s Interim Standards”, which allows a director to make regulations for the purposes of the definition of “contaminated site” on an interim basis. The director regulation will cease to have effect one year after it is made.

There are consequential amendments to the *Local Government Act* sections 946.1(2)(b) and 946.2(2).

School Districts will receive \$35 million a year to help with the implementation of GAAP.

Bill #27 ~ Agricultural Land Commission Amendment

Please see member release dated April 30th for full details.

Bill #30 ~ Passenger Transportation Act

When in force, this Act will replace the current *Motor Courier Act* it will establish the Passenger Transportation Board of at least 3 member appointed by the Lieutenant Governor in Council. It also establishes the position of “Registrar of Passenger Transportation”, the registrar and staff will have the powers conferred by this Act and its regulations.

The registrar will be responsible for initiating most enforcement and investigative actions including license suspensions and cancellations, refusal to issue future licenses, and administrative fines. It also has offences for licensed and unlicensed offenders.

Bill #36 ~ Community, Aboriginal and Women’s Services Statutes Amendment Act, 2004

This Bill amends a number of the ministry’s Acts. Some of these include:

Community Charter

- amends Sect. 155(2) by adding a subsection (a.1) that will allow the delegation of council hearings to be

made by resolution or bylaw; this continues a regulation under the transitional provision.

- Section 189 is amended by adding subsections 4.1 and 4.2 which will allow local government to use money available in their capital reserve funds for other capital projects, rather than having to go to outside borrowing at higher interest rates.
- under section 194(2) Municipal fees adds subsections (d) & (e) to establish terms and conditions for payment of a fee, including discounts, interest and penalties and to provide for the refund of a fee. This continues the effect of an interim regulation under the transitional provisions.

Local Government Act

- 800.1(2) adds subsection (j) in relation to the described services for which an establishing bylaw is optional rather than mandatory, provides an exemption from the requirement that any establishing bylaw that is in fact adopted must set the maximum amount that may be requisitioned for the services. It also adds a new subsection in relation to an establishing bylaw for general administration services.
- 801 adds a new subsection (5) which will allow establishing bylaws for General Administration, Electoral Area Administration, and Regional Hospital District services for which an establishing bylaw is optional not mandatory, to be adopted using the elector consent rules in Sect. 802 that apply to amending bylaws.
- amends section 933 to allow local governments by bylaw to charge Development Cost Charges on developments of fewer than 4 self contained dwelling units. It also amends Section 937.3 to allow bylaw school site acquisition charges to be paid on these developments.

Vancouver Charter

- adds a section which will allow, by bylaw, for payment of development levies on a project that is less than four self contained units.
- clarifies the size of the Board of Variance (5)
- in response to a recent decision by the Court of Appeal amends the Charter to maintain the effect of the exemption for charitable organizations.

Bill #47 ~ Transportation Act

When proclaimed, this Bill will replace the *Highway Act*, *Ministry of Transportation and Highways Act*, *Highway Scenic Improvement Act*, *Build B.C. Act* into one Act. The Bill clarifies responsibilities between provincial and local governments and harmonizes the legislation with the *Community Charter*.

Key features of the Act of interest to local government are:

- arterial highways including consultation before designation or removing a designation.
- controlled access highways including the ability to enter into agreements with municipalities that would establish conditions where ministerial approval of zoning bylaws would not be required.
- allow a council or board to require owners or occupiers of roadside land to remove garbage or clean up their land or take "remedial action" on scenic highways.
- a consequential amendment of *Community Charter* that provides liability protection for seized vehicles and goods that are damaged.
- clarifies that the *Transportation Act* deals mainly with provincial highways including those in rural areas and that *Community Charter* deals with municipal highways.

Bill #54 - Miscellaneous Statutes Amendment Act (No. 2), 2004

This Bill amends a number of Acts of interest to local government including:

Emergency Program Act - the changes to this Act will require all local governments (municipalities and regional districts) to prepare local emergency plans that apply to their jurisdiction. The Act makes the regional board the local authority for all electoral areas within a regional district. It requires the regional board to establish one or more emergency plans and management organizations which in the aggregate have coverage and responsibility for all of the electoral areas in the regional district. This was a recommendation of the Filmon report on Firestorm 2003.

A transitional measure has also been introduced which gives regional district boards until January 1, 2006 to

comply with the obligations under the new legislation, or any other time the minister may order.

Vancouver Charter - will allow regulation (ticketing) for fighting or similar physical confrontations on or near a public place. The broad powers other local governments now have under the *Community Charter* make this type of specific power unnecessary.

Gaming Control Act - amend s. 105(1) by adding provisions specifically authorizing Cabinet to make regulations respecting the consultations required with neighbouring jurisdictions and the time by which an objection by a neighbouring jurisdiction must be filed.

Cemeteries Act - The *Cremation Interment and Funeral Services Act* is amended to restore a tax exemption for funeral chapels on cemetery land.

Local Government Act - amends S. 910 to provide local government with greater flexibility in making bylaws in relation to flood plains and authorizes local government to make exemptions from their bylaws based on Provincial guidelines on flood plain development or a report from a professional engineer certifying that the property can be safely used for the intended purpose.

A transitional provision continues the effect of exemptions for types of developments given by the minister under Section 910(6) of the *Local Government Act*, as it read before its repeal, for a maximum of one year from the date of royal assent.

Municipalities Enabling and Validating Act - retroactively validates and confirms local government bylaws adopted under Section 910 of the *Local Government Act* and the local government authorizations and permissions granted before the date of the new legislation. (See above).

Video Games Act - the provincial government has repealed this legislation and placed the regulation of video games under the *Motion Picture Act*.

For other legislation introduced at the Spring Session,
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