



## CHAPTER 69.

1959, c. 100.

**An Act to amend the Greater Nanaimo Sewerage  
and Drainage District Act.**

[Assented to 18th March, 1960.]

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of British Columbia, enacts  
as follows:—

Short title.

**1.** This Act may be cited as the *Greater Nanaimo Sewerage and Drainage District Act Amendment Act, 1960*.

Amends s. 6.

**2.** Section 6 of the *Greater Nanaimo Sewerage and Drainage District Act*, being chapter 100 of the Statutes of 1959, is amended by striking out subsection (1) and substituting the following:—

“(1) The Lieutenant-Governor in Council may, upon the request of the Corporation and any municipality or improvement district, order the municipality or improvement district to be a member of the Corporation.”

Amends s. 8.

**3.** Section 8 is amended by striking out clause (d) of subsection (1) and substituting the following:—

“(d) exercise, carry out, fulfil, and give effect to any or all of the powers, rights, duties, and obligations in and conferred by this Act; and”.

Re-enacts s. 9.

**4.** Section 9 is repealed and the following substituted:—

“9. (1) The Corporation may finance, design, and construct facilities for a community.

“(2) The cost of facilities financed, designed, and constructed by the Corporation for a community is a liability and debt of that community due and payable to the Corporation.

“(3) The Corporation shall not finance, design, and construct any facilities for a community, nor borrow moneys therefor, unless that community has authorized the construction by the Corporation of the said facilities.

“(4) If the liability and debt of the community under subsection (2) is not repayable within the current year, it shall be repaid, together with interest, by annual payments during a term not exceeding thirty years, and ranks as a debenture debt of the community.

“(5) The provisions of the *Municipal Act* and the *Water Act*, as the case may be, apply to a community under this section.”

Amends s. 31. **5.** Section 31 is amended by striking out subsection (1) and substituting the following:—

“(1) Subject to the *Water Act*, the Corporation may by by-law expropriate any land, stream, sewer, or drain, or any estate or interest therein, within or without its area, and upon the adoption of the by-law the estate or interest in the land, stream, sewer, or drain expropriated vests in the Corporation.”

Amends s. 36. **6.** Section 36 is amended by striking out subsection (1) and substituting the following:—

“(1) No new sewer shall be constructed in the area of the Corporation and no sewer in the area of the Corporation shall be altered, extended, or connected to the facilities of the Corporation until plans and particulars as required by the Corporation have been approved by the Corporation.”

Amends s. 40. **7.** Section 40 is amended by striking out subsections (1) and (2) and substituting the following:—

“(1) The Corporation may borrow in the course of any year in anticipation of the collection of its revenue for that year such sum or sums of money as it may require to meet its lawful expenditures by the issue of promissory notes or any similar form of obligation or security under the seal of the Corporation and signed by the Chairman or the Commissioner and by the Treasurer, or signed by some other person or persons authorized in that behalf by the Board, and each promissory note or other obligation or security is valid and binding upon the Corporation according to its tenor.

“(2) The Board may designate what revenues of the Corporation are charged with the repayment of a promissory note or other form of obligation or security.”

Amends s. 41. **8.** Section 41 is amended as follows:—

(a) By striking out subsection (1) and substituting the following:—

“(1) For the purpose of attaining the objects of the Corporation or exercising any power or powers conferred by section 9, or both, the Corporation may by by-law borrow moneys in such amounts and at

such times as the Board may deem expedient by the issue and sale of debentures or other similar forms of security, and pay interest thereon, but no issue of debentures or other securities shall be made without the approval of the Lieutenant-Governor in Council."

(b) By striking out subsection (3) and substituting the following:—

"(3) The aggregate of the outstanding principal amounts of the moneys borrowed by the Corporation (exclusive of any moneys borrowed under section 9 or sections 40, 45, and 50) shall not exceed an amount equal to six per centum of the total assessed valuation of the taxable lands and improvements for other than school purposes within the area of the Corporation as shown on the last revised assessment rolls of the communities."

Re-enacts  
s. 53.

**9.** Section 53 is repealed and the following substituted:—

"53. Indebtedness incurred or created by the Corporation, other than under section 9, is not, and shall not be deemed to be, indebtedness of any community requiring recital in any by-law of the community for the creation of debts by the issue of debentures or otherwise, and no such indebtedness of the Corporation shall be included in the general debt of any community for the purpose of calculating borrowing power."

Re-enacts  
s. 56.

**10.** Section 56 is repealed and the following substituted:—

"56. On or before the last day of December in each year the Board shall cause to be prepared an estimate (herein called the 'annual estimate') of the sums required to meet the total amount of all expenditures and financial obligations that the Corporation will be required to make or meet during the next year, including necessary and appropriate reserves and any deficits consequent upon the Corporation's operation in any year."

Amends s. 57.

**11.** Section 57 is amended by striking out subsections (2) to (6), inclusive, and substituting the following:—

"(2) Liability for payment of the amount required to meet the capital cost of and the estimated maintenance and operating cost of major facilities serving a single community shall be apportioned to and discharged by that community.

"(3) Liability for payment of the amount required to meet the capital cost of facilities undertaken under section 9 by the Corporation for a community shall be apportioned to and discharged by that community.

"(4) Liability for payment of the amount required to meet the capital cost of and the estimated maintenance and operating cost of major sewerage facilities serving more than one community shall be apportioned to and discharged by those communities in proportion to the flow of sewage effluent into those facilities from each community, and the Board may prescribe the minimum amount for the payment of which any community may be determined to be liable.

"(5) Liability for payment of the amount required to meet the capital cost of and the estimated maintenance and operating cost of major drainage facilities serving more than one community shall be apportioned to and discharged by those communities in a manner mutually agreed to in writing by the communities, or, failing such an agreement, as decided by the Board, and the Board may prescribe the minimum amount for the payment of which any community may be determined to be liable.

"(6) Liability for payment of that part of the annual estimate consisting of items of expenditure and financial obligations not provided for under the foregoing subsections shall be apportioned between the communities on the basis set forth in subsection (4)."

Amends s. 60. **12.** Section 60 is amended by striking out subsection (4) and substituting the following:—

"(4) The receiver shall, after satisfying all indebtedness of the defaulting community to the Corporation and all of his own fees and costs, pay any surplus within ten days after receiving same to the community for its general purposes."

Amends s. 67. **13.** Section 67 is amended by striking out subsection (2) and substituting the following:—

"(2) Subsection (1) does not apply to a member of the Board, or to the Commissioner, or to any other salaried officer of the Corporation, by reason only of the fact that he has an interest in an incorporated company, society, or association having any dealings or contract with the Corporation; provided that in the case of a member of the Board he does not vote on any question affecting the company, society, or association."

Re-enacts s. 68. **14.** Section 68 is repealed and the following substituted:—

"68. The Corporation and any real or personal property owned by the Corporation is exempt from taxation under the *Municipal Act*, the *Public Schools Act*, and the *Taxation Act*."

Effective date. **15.** This Act is deemed to have come into force and effect on the first day of January, 1959, and is retroactive to the extent necessary to give effect to the provisions thereof on and after that date.