



CHAPTER 49.

An Act providing for the Incorporation of The Corporation of the District of Kitimat.

[Assented to 27th March, 1953.]

HER 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 “Kitimat Incorporation Act, 1953.”

Power to incorporate.

2. It shall be lawful for the Lieutenant-Governor in Council, by Letters Patent under the Great Seal, to incorporate into a district municipality forthwith, under the name of “The Corporation of the District of Kitimat,” in accordance with the ensuing provisions, the tract of land described as follows, that is to say: Commencing at the south-east corner of Lot 309, Range 4, Coast Land District, being a point on the westerly high-water mark of Kitimat Arm; thence due east to the middle line of said Kitimat Arm; thence north-easterly in a straight line to the north-west corner of Indian Reserve No. 11, being Lot 1022, Range 4, Coast Land District; thence easterly to the north-east corner of said Indian Reserve No. 11; thence due east to a point due south of a point due east two and one-half miles from the north-east corner of Lot 6199, Range 5, Coast Land District; thence north to said point; thence due west to the north-east corner of said Lot 6199; thence westerly along the northerly boundary of said Lot 6199 to the north-west corner thereof; thence westerly in a straight line to the north-east corner of Lot 6087; thence westerly along the northerly boundaries of Lots 6087, 6088, 6089, 6090, 6091, 6092, 6093, and 6094, Range 5, Coast Land District, to the north-west corner of said Lot 6094; thence due west one and one-half miles; thence due south to a point due west of the south-west corner of Lot 309, Range 4, Coast Land District; thence east to said corner; thence easterly along the southerly boundary of said

Lot 309 to the south-east corner thereof, being the point of commencement, containing by admeasurement thirty-nine thousand two hundred and fifty acres, more or less.

Alteration of boundaries.

3. Redefinition or alteration of the boundaries of the municipality may be effected under the provisions of the "Municipalities Incorporation Act."

Matters to be specified in Letters Patent.

4. The said Letters Patent shall specify all matters referred to in section 7 of the "Municipalities Incorporation Act," and shall also specify the matters that are contained in sections 5 to 15, inclusive, of this Act.

Qualifications of Reeve and Councillors.

5. Prior to the regular annual election in December, 1954, the Reeve and Councillors shall be elected from those registered owners of real property in the municipality who are British subjects of the full age of twenty-one years and have resided within the territorial limits of the municipality for the period of three months immediately preceding the day of nomination.

Qualifications of voters.

6. (1) Any of the following persons shall be entitled to have his name entered on the list of voters, and if his name is so entered, he shall be entitled to vote at any municipal election held prior to the regular annual municipal election in December, 1954, that is to say:—

(a) Any person, male or female, who is a British subject of the full age of twenty-one years and has been resident within the territorial limits of the municipality for not less than six months immediately preceding his having filed with the Returning Officer a declaration to that effect not less than one week before the closing of the list of voters:

(b) Any person, male or female, who is a British subject of the full age of twenty-one years and is, on the tenth day preceding the closing of the list of voters, the owner of land within the territorial limits of the municipality, and any corporation which is on such day the owner of land within the territorial limits of the municipality. For the purpose of this section, "owner" shall have the meaning assigned to it by the "Municipal Act."

(2) A corporation shall vote only by its duly authorized agent, whose authority shall be filed with the Returning Officer not less than one week before the closing of the list of voters, and who shall be a resident of the Province and a British subject of the full age of twenty-one years.

Assessment roll for year 1953.

7. The assessment roll of the municipality for the year 1953 shall be prepared in accordance with the provisions of the "Municipal Act," except that it shall be returned not later than the last day of the month following that in which the first election is held, and the Court of Revision shall be held on the eighteenth day of the month next ensuing,

and the roll shall be completed and authenticated not later than the last day of the month in which the Court of Revision is held.

By-law imposing rates.

8. Upon completion and authentication of the assessment roll as aforesaid, the Council shall, on or before the fifteenth day of the month following that in which the assessment roll is authenticated, pass a by-law or by-laws as provided for in section 264 of the "Municipal Act" imposing a rate or rates upon all land or land and improvements within the municipality.

Municipal Manager.

9. The chief administrative official of the municipality shall be a Municipal Manager, who shall be appointed by the Council and shall exercise such powers as may by by-law be delegated to him pursuant to the "Municipal Manager Act"; and if the by-law so provides, the Reeve may delegate to the Municipal Manager any one or more of those powers vested in the Reeve by clauses (a), (b), and (d) of section 27 of the "Municipal Act."

Power to borrow for operating expenses.

10. The Council may by by-law, at any time prior to the day specified in section 8, incur liabilities by borrowing such sum or sums of money, not exceeding in the whole fifty thousand dollars, as may be required for the purpose of carrying on the business of the municipality until the revenues for the year 1953 are available for that purpose; and any liabilities so incurred shall be repaid out of the revenues for the year 1953.

Power to borrow for capital outlays.

11. In order that the municipality, during its initial period of growth, may meet its requirements for heavy capital outlays, including those for local improvements and school purposes, the Council may, prior to the thirty-first day of December, 1955, by by-law, with the assent of the electors and notwithstanding the provisions of clause (a) of section 106 of the "Municipal Act," borrow by the issue and sale of debentures not more than the principal amount of five million dollars in the aggregate: Provided that during the calendar year 1953 not more than two million five hundred thousand dollars of the said principal amount shall be borrowed, and that during the calendar years 1953 and 1954 together not more than four million dollars of the said principal amount shall be borrowed. The provisions of this section shall not derogate from the borrowing powers of the municipality under section 106 of the "Municipal Act."

Purchase of improvements.

12. (1) The Council, within one year from date of incorporation or such further period as the Lieutenant-Governor in Council may determine, may by by-law, with the consent of the Lieutenant-Governor in Council, declare to be public works of general benefit to the municipality such bridges or sidewalks, or improvements to roads within the municipality as may have been constructed or partially constructed, and may provide for the reimbursement of the cost thereof to the person or persons constructing such works. In the case of uncompleted works contracted for prior to the election of the first Council, the Council may

in the same by-law, or in another by-law with like consent, assume the payment of all moneys lawfully payable under any contract or contracts for the construction of such uncompleted works.

(2) In the exercise of powers under clauses (11) and (229) of section 58 of the "Municipal Act," the Council, in the case of any uncompleted works contracted for prior to the election of the first Council, may, in the terms of purchase, include the assumption by the municipality of the payments of all moneys lawfully payable under any contract for the construction of such uncompleted works.

Municipal code.

13. In addition to the power given by the "Municipal Act" to revise and consolidate the by-laws of the municipality, the Council may, instead of passing separate by-laws in the exercise of its various powers, make, alter, and repeal a comprehensive general by-law (to be known as the "Kitimat Municipal Code") dealing with all such matters within its jurisdiction as the Council shall think fit to include therein.

Town planning.

14. The Council shall appoint a Town Planning Commission under the provisions of the "Town Planning Act."

Agreements concerning joint financing and use of public buildings.

15. The municipality shall have power from time to time to enter into agreements with any Official Trustee or any Board of School Trustees, having jurisdiction within the territorial limits of the municipality, relating to the joint construction, use, and operation of such public buildings and other public facilities for such purposes and upon such terms and conditions as the Council and such Official Trustee or Board of School Trustees considers in the best interests of the municipality and of the persons residing therein, and such Official Trustee or Board of School Trustees shall, with the approval of the Department of Education, have the power to enter into such agreements.

Collection of taxes under "Taxation Act."

16. (1) All taxes levied under the "Taxation Act" and the "Public Schools Act" for the year 1952, and for any years prior thereto, upon real property within the territorial limits of the municipality shall be collected in the manner provided in those Acts.

Cancellation of taxes under "Taxation Act" and "Public Schools Act" for 1953.

(2) All taxes imposed under the "Taxation Act" and the "Public Schools Act" for the year 1953 upon real property within the municipality shall be deemed to be cancelled and annulled; and all such taxes that have been paid shall be refunded by the Provincial Collector of Taxes to the person who has made payment.

17. All the provisions of the "Municipal Act," the "Municipal Elections Act," and the "Municipalities Incorporation Act," and of all other Statutes and laws applicable to district municipalities shall apply to The Corporation of the District of Kitimat, except as otherwise provided by this Act.

VICTORIA, B.C.

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