

**RESORT MUNICIPALITY OF WHISTLER
AMENDMENT ACT, 1988****CHAPTER 55**

Assented to June 29, 1988.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. Sections 5 and 7 of the *Resort Municipality of Whistler Act*, S.B.C. 1975, c. 67, are repealed.

2. Section 6 is repealed and the following substituted:

Assent of electors

6. Sections 325, 326, 330 and 674 (4) of the *Municipal Act* do not apply, but the Inspector of Municipalities may direct that the assent of the electors be obtained or that section 330 (2) of that Act applies.

3. Section 9 is repealed and the following substituted:

Development charges

9. (1) In this section "development" means

- (a) subdivision of land,
- (b) construction, alteration or extension of a building or structure, and
- (c) connection to a water or sewage system.

- (2) The municipality may construct, replace, acquire, operate and maintain

- (a) a sewage collection, conveyance, treatment and disposal system,
- (b) a water supply, treatment, conveyance, storage and distribution system, including water reservoirs,
- (c) highway and transportation works and services, including off-street parking,
- (d) transit works and services,
- (e) recreational facilities,
- (f) parks, and
- (g) other works and services prescribed by the minister.

(3) The council may, by bylaw, in addition to rates, taxes and charges under the *Municipal Act*, for the purpose of assisting the municipality to construct, replace, acquire, operate or maintain one or more of the works and services under subsection (2),

- (a) impose charges on the owners of land for which or on which developments are undertaken, and
- (b) provide for the collection of charges so imposed.

- (4) Charges imposed under subsection (3) may be made

- (a) on the value of land or improvements or both,
- (b) on the area of buildings and structures on land,
- (c) on the value of work permitted under a permit,
- (d) as a flat rate per parcel or unit, or
- (e) on another basis approved by the minister.

(5) A bylaw that imposes charges under subsection (3) shall specify the amount of the charges in a schedule or schedules, and the charges may vary with respect to different

- (a) zones or other defined areas,
- (b) uses,
- (c) classes of building,
- (d) classes of development,
- (e) sizes or numbers of parcels or units, and
- (f) works or services.

(6) The municipality shall prepare a written report stating in detail the considerations, information and calculations used to determine the schedule referred to in subsection (5) and shall make this available to the Inspector of Municipalities on his request.

(7) A charge imposed under subsection (3) is payable at the time

- (a) the subdivision is approved,
- (b) the building permit is issued,
- (c) connection to a water or sewage system is made, in respect of charges for those works and services, or
- (d) that is specified in the bylaw, subject to the minister's approval.

(8) Notwithstanding subsection (7), the council may, in a bylaw under subsection (3),

- (a) authorize payment of a charge by instalments and fix terms under which the instalments may be paid,
- (b) subject to the minister's approval, provide for refund of a charge, and
- (c) impose on any portion of a charge that is overdue a penalty not greater than 10% of the overdue amount.

(9) Where the council authorizes the payment of a charge by instalments, it shall, in the bylaw under subsection (3), require the owner to post security for payment in the manner specified.

(10) A charge under this section is not payable

- (a) where a charge has previously been paid for the same development unless, as a result of further development, new cost burdens will be imposed on the municipality, or
- (b) in respect of a building permit authorizing the construction, alteration or extension of a building or part of a building that is or will be, after the construction, alteration or extension, exempt from taxation under section 398 (h) of the *Municipal Act*.

(11) Notwithstanding a bylaw under subsection (3), where the municipality has imposed a charge or made a requirement under

- (a) section 729 or 965 of the *Municipal Act*, before those sections were repealed, or
- (b) section 642 or Division (7) of Part 29 of the *Municipal Act*

for park land or for specific works and services outside the boundaries of land being subdivided or developed, that are included in the calculations used to determine the amount of a charge, the amount of the charge imposed or the value of the requirement made under any of the provisions in paragraph (a) or (b) shall be deducted from a charge that is applicable to the types of works and services or the park land for which the charge was imposed or the requirement was made.

(12) Notwithstanding a bylaw under subsection (3), where an owner has, with the approval of the municipality, provided or paid the cost of providing specific works and services that

- (a) are outside the boundaries of land being subdivided or developed, and
- (b) are included in the calculations used to determine the amount of a charge,

the cost of those works and services shall be deducted from those charges that are applicable to the works and services provided by the owner.

(13) A bylaw under subsection (3) shall not be adopted until approved by the Inspector of Municipalities and the inspector may refuse approval on the same grounds as he may refuse approval under section 987 (1) of the *Municipal Act*, and section 987 (2) to (4) of that Act apply.

4. Section 11 is amended

- (a) by renumbering the section as section 11 (1),
- (b) in subsection (1) by adding the following paragraph:
 - (b.1) prescribing additional works and services which may be undertaken by the municipality under section 9 (2), ,
- (c) in subsection (1) (c) by striking out "imposing and collecting" and substituting "respecting the imposition and collection of", and
- (d) by adding the following subsection:
 - (2) A regulation of the minister prevails over a bylaw of the municipality in the event of conflict.

5. Section 11.2 is repealed and the following substituted:

Approval of bylaw by minister

11.2 (1) An official community plan does not take effect until it is approved in writing by the minister.

(2) No

- (a) zoning bylaw,
- (b) land use contract bylaw, or
- (c) subdivision servicing bylaw

takes effect until it is approved in writing by the minister.

(3) Subsections (1) and (2) (a), (b) or (c) may be repealed by regulation of the Lieutenant Governor in Council.

Validation

6. (1) The following bylaws of the municipality are confirmed and validated from the date of their adoption:

- (a) the bylaw known as "Transportation Works Charge Bylaw No. 609, 1987" adopted on July 27, 1987;
- (b) the bylaw known as "Sewer Works Charge Bylaw No. 610, 1987" adopted on July 27, 1987;
- (c) the bylaw known as "Water Works Charge Bylaw No. 611, 1987";
- (d) the bylaw known as "Recreation Works Charge Bylaw No. 612, 1987".

(2) A charge under a bylaw named in subsection (1) that would have been validly collected had the bylaw been in force at the time it was collected shall be deemed to have been validly collected as though the bylaw were in force at that time.