



CHAPTER 40.

An Act to amend the "Vancouver Incorporation Act, 1886," and the "Vancouver Incorporation Amendment Act, 1887."

[6th April, 1889.]

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

1. Section 2 of the above Acts is hereby amended by striking out all the words after the word "thence" in the last line but one of said section, and inserting in lieu thereof the following words:—"Easterly in a straight line to the point of commencement." Amends sec. 2.

2. Sub-section 1 of section 4 is hereby amended by inserting after the word "Inspector" in the fifth line, the words "or the holders of hotel, saloon, or shop licenses within the city, and by adding to the said sub-section the words following: "but no person shall be held to be disqualified from being elected as Mayor or Alderman of the city by reason of his being a shareholder in any incorporated company having dealings or contracts with the Council of the city, but no such shareholder shall vote in the Council on any question affecting such Company." Disqualification of Mayor and Aldermen.

3. Sub-section 2 of section 4 of the "Vancouver Incorporation Act Amendment Act, 1887," is hereby repealed, and the following substituted therefor:

"No person shall be qualified to be elected Mayor or Alderman unless such person resides within the city, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has been for the three months next preceding the day of nomination the registered Qualification of Mayor and Alderman.

owner in fee simple in the Land Registry Office of real property within the city limits of the assessed value, over and above all charges, liens, and encumbrances affecting the same—in the case of Mayor, of freehold property to the value of two thousand dollars, and in the case of Alderman, of freehold property to the assessed value of one thousand dollars, five hundred dollars of which shall be in the ward for which he is nominated, or of leasehold property for a term of five years to the assessed value of three thousand dollars, and the whole of which must be situate and rated in the ward for which such Alderman is a candidate, and which lease must extend over the whole term of his office.”

Qualification of voters.

4. Sub-section 1 of section 6 is hereby repealed, and the following substituted in lieu thereof:—

“(1.) Is entered on the voters’ list as the owner of real property within the limits of such city of the assessed value of two hundred and fifty dollars, or who pays an annual tax of four dollars for ordinary municipal expenses.”

Amends sec. 17.

5. Section 17 is hereby amended by adding the following sub-section:—

“(33.) Wherever the words ‘Deputy Returning Officer’ occur in clause 17 they shall be deemed to include ‘the Returning Officer.’”

Sub-s. 3 of sec. 18 amended.

6. Sub-section 3 of section 18 is hereby amended by inserting after the word “Corporation” in the seventh line, the words “except as provided in this Act.”

Amends sec. 19.

7. Section 19 is hereby amended by inserting after the word “Council” in the first line, the words “ceases to be the owner of freehold or leasehold property as provided by clause 4, sub-section 3, of this Act, or.”

Amends sub-s. 1 of sec. 35.

8. Sub-section 1 of section 35 is hereby amended by adding after the word “following” in the eleventh line, the words “or to the like effect.”

Amends sec 47.

9. Section 47 is hereby amended by adding thereto the following words:—“And such roll shall be prima facie evidence of the correctness of its contents, and received in evidence in any Court of Law.”

Amends sec. 89.

10. Section 89 is hereby amended by striking out the word “thirty” in the second line and inserting the word “sixty” in lieu thereof, and by striking out all the words after “office” in the seventh line to and including the word “notice” in same line, and inserting in lieu thereof the words “until the first of September following.”

- 11.** Section 93 is hereby amended by striking out all the words Amends sec. 93. after the word "shall" in the second line down to and including the word "office" in the third line, and inserting in lieu thereof the words "before the said first day of September."
- 12.** Section 95 is hereby amended by striking out all the words Amends sec. 95. after the word "city" in the second line down to and including the word "office" in the third line, and inserting in lieu thereof the words "before the said first day of September."
- 13.** Sub-section 2 of section 128 is hereby repealed and the following substituted therefor:— Repeals sub-s. 2 of sec. 128.
- "(2.) The by-law shall settle a certain specific sum to be raised By-laws for contracting debts. annually for the payment of interest during the currency of the debentures; also a certain specific sum to be raised annually for the payment of the debt, such sum to be such as will be sufficient, with the estimated interest on the investments thereof, to discharge the debt when payable, such interest to be calculated at not more than four per cent. per annum, to be capitalized annually, and the by-law shall further provide that such annual sum shall be raised and levied in each year by a special rate sufficient therefor on all the rateable property in the city."
- 14.** Sub-section 3 of section 128 is hereby amended by inserting Amends sub-s. 3 of sec. 128. after word "existing" in the seventh line the word "debenture," and adding to the said sub-section the words "and how much, if any, of the principal or interest is in arrear."
- 15.** Section 130 is hereby amended by adding thereto the words Amends sec. 130. "the initials of the Mayor and Treasurer, or of some other person or persons authorized by by-law to initial the same, shall be affixed to all coupons attached to such debentures."
- 16.** Sub-section 2 of section 142 is hereby amended by inserting Amends sub-s. 2 of sec. 142. after the word "works" in the seventh line, the words "or anything in connection therewith," by inserting after the word "gas" in the first line, the words "electric light," and after the word "pipes" in the first line, the words "or any works in connection therewith."
- 17.** Sub-section 3 of section 142 is hereby amended by inserting Amends sub-s. 3 of sec. 142. in the second line, after the word "gas," the words "electric light," and by inserting after the word "water works," in the third line, the words "and for the election of a Board of Park Commissioners for the maintenance and improvements of public parks."
- 18.** Sub-section 4 of section 142 is hereby amended by inserting in Amends sub-s. 4 of sec. 142. the first line thereof, after the word "gas," the words "electric light."

Repeals sub-s. 22 of sec. 142. **19.** Sub-section 22 of section 142 is hereby repealed, and the following substituted therefor:—

Bonuses to manufactories. “(22.) For granting aid by way of bonus for the promotion of manufactures within its limits, by granting such sum or sums of money to such person or body corporate, and in respect of such branch of industry, as the said city may determine upon; and to pay such sum, either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions, and restrictions as the said municipality may deem expedient:

By-laws to receive assent of electors. “(1.) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts:

Interested person not to vote. “(2.) No property owner or lessee interested in or holding shares or stock in any Company shall be qualified to vote on a by-law for the purpose of granting a bonus to the Company in which he is so interested as aforesaid. When granting such aid said city may take and receive security for the compliance with the terms and conditions upon which such aid is given.”

Regulating blasting. **20.** The following new sub-section, to be known as sub-section 22A, shall be added to section 142, immediately after sub-section 22.

“(22A.) For the prevention or regulation of blasting within the limits of the city.”

Amends sub s. 23 of sec. 122. **21.** Sub-section 23 of section 142 is hereby amended by inserting after the word “regulating” in the first line, the words “or preventing,” and by adding to the said sub-section the words “or any road, street, square, alley, lane, bridge, or other communication.”

Repeals sub-ss. 24, 26, & 27 of sec. 142. **22.** Sub-sections 24, 26, and 27 of section 142 are hereby repealed, and the following substituted in lieu thereof respectively:—

Cleaning wells, reservoirs, &c. “(24.) For establishing, protecting, regulating, and cleansing public and private wells, reservoirs, and other public and private conveniences for the supply of water, and for closing public and private wells; for preventing the fouling of the same, and the wasting of water therein or therefrom; for procuring an analysis of such water, and providing for the payment of the expense thereof; and for making reasonable charges for the use of public water: Provided however, that the powers by the section granted shall not interfere with or in any way lessen the powers granted to the Vancouver Water Works Company under and by virtue of an Act passed in the 49th year of Her Majesty’s reign, chapter 35.”

“(26.) For compelling the owner, lessees, and occupants of real property within any defined area, to fill up or close any wells, water-closets, privies, privy vaults, or cesspools, the continuance of which may, in the judgment of the Council, be dangerous to health: Privies, &c.

“(27.) For preventing or regulating the erection or continuance of slaughter-houses, gas works, tanneries, distilleries, wash-houses, or other manufactories or trades which may prove to be nuisances. Slaughter-houses.

“(27A.) For preventing or regulating the keeping of cows, goats, pigs, and other animals, and defining limits within which the same may be kept.” Keeping of pigs and other animals.

23. Sub-section 42 of section 142 is hereby amended by inserting after the word “for” in the first line, the words “preventing or regulating the erection of and.” Amends sub-s. 42 of sec. 142.

24. Sub-section 43 of section 142 is hereby repealed and the following substituted therefor:—

“(43.) For the creation of all offices that are necessary in the affairs of the corporation, and for regulating the remuneration, fees, charges, and duties of all officers appointed to such offices, and the securities to be given for the performance of such duties.” Appointment of officers.

25. That the following new sub-section, to be known as sub-section 54A, be added to section 142 immediately after sub-section 54.

“(54A.) For regulating and enforcing the cutting down of trees that, in the opinion of the Council, might be dangerous to life or property, clearing and burning, or removing trees, timber, logs, and brush from lots or blocks in the neighbourhood of buildings, or where buildings are to be erected; also streets opened up within the city limits, and for charging the owner or owners of the properties on which such trees, timber, logs, or brush may be situated with the expense and cost of cutting down, burning, or removal thereof.” Clearing of trees, logs, brush, &c.

26. Sub-section 58 of section 142 is hereby repealed, and the following substituted in lieu thereof:—

“(58.) For regulating the erection of buildings, and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the city, and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron, or stone, and roofing of incombustible material, within defined areas of the city; and for regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made Wooden buildings and fences.

more nearly fire-proof; and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed, repaired, or placed in contravention of any by-law."

27 The following new sub-section, to be known as sub-section 58A, be added to section 142, immediately after sub-section 58.

Levels of cellars, &c. "(58A.) For compelling to be deposited with an officer to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws."

Entrances to public buildings. **28.** Sub-section 62 of section 142 is hereby amended by adding thereto the following words: "for regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings, or places of amusement, and the street gates leading thereto; and also the size and number of doors, halls, stairs, and other means of egress from all hospitals, schools, colleges, and other buildings of a like nature, and also the structure of stairs and stair-railings in all such buildings; and the strength of walls, beams, and joists and their supports, and for compelling the production of the plans of all such buildings for inspection, and for enforcing observance of such."

29. The following new sub-section, to be known as sub-section 62A of section 142, be added to section 142 immediately after sub-section 62:—

Inspection of buildings, &c. "(62A.) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same."

Amends sub-s. 64 of sec. 142. **30.** Sub-section 64 of section 142 is hereby amended by inserting after the word "hotels" in the first line the word "shops."

Amends sub-s. 68 of sec. 142. **31.** Sub-section 68 of section 142 is hereby amended by inserting after the word "hotels" in the first line the word "shops."

32. The following new sub-section, to be known as 68B, be added to section 142 immediately after sub-section 68A:—

Sale of opium. "(68B.) For licensing and regulating the sale of opium, except where same is sold in the preparation of medical prescriptions by chemists and druggists:

Bill posters. "(1.) For licensing and regulating bill posters:

Wholesale and retail traders. "(2.) For licensing and regulating every person carrying on the business of a wholesale or retail or of a wholesale and retail merchant or trader."

33. Sub-section 71 of section 142 is hereby amended by adding the following:—

“(a.) For licensing regulating, and governing hawkers or petty chapmen, and other persons carrying on petty trades, or who go from place to place, or to other men’s houses on foot, or with any animal, bearing or drawing any goods, wares, or merchandise for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the city, and the time the license shall be in force:

Hawkers and peddlers.

“(b.) Provided always that no such license shall be required for hawking or peddling any goods, wares, or merchandise the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to hotel, shop, or saloon, or hotel, shop, or saloon licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares, and merchandise, or by his bona fide servant or employé having written authority in that behalf; and such servant or employé shall produce and exhibit his written authority when required so to do by any municipal or peace officer:

Produce of the Province may be sold without licence.

“(c.) The word “hawkers” in this section shall include all persons who, being agents for persons not resident within the city, sell, or offer for sale, or carry and expose samples or patterns, or quote prices for the purpose of selling any goods to be afterwards delivered within the city to any person.”

Meaning of “hawkers.”

34. Sub-section 73 of section 142 is hereby amended by adding the words “and for authorizing and assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways, and public places for the protection and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting, or adjoining such stand or booth.”

Cab stands.

Booths.

35. That the following new sub-section, to be known as sub-section 73A, be added to section 142, immediately after section 73:—

“(73A.) For regulating the erection and maintenance of telegraph and telephone and electric light poles and wires within the city limits.”

Telegraph poles, &c.

36. Sub-section 81 of section 142 is hereby amended by inserting the word “concert” before the word “and” in the last line thereof, and

Common shows, &c.

by adding the following words at the end of same:—"And for licensing and regulating the buildings in which any such shows, exhibitions representations shall take place."

37. Sub-section 92 of section 142 is hereby amended by adding the following words:—

Infectious diseases. "(a.) For regulating, with a view of preventing the spread of infectious disease, the entry or departure of boats or vessels at the port of Vancouver, and the landing of passengers and cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving of passengers or cargoes on board of the same."

Amends sub-s. 97 of sec. 142. **38.** Sub-section 97 of section 142 is hereby amended by inserting after the word "for" in the first line the words "preventing and," and by inserting after the word "market" in the last line thereof the word "or."

Peddling in markets, &c. **39.** Sub-section 98 of section 142 is hereby amended by inserting after the word "preventing" in the first line the words "or regulating;" by inserting after the word "of" in the first line the words following, "or any meat, vegetables, grain, hay, fruit, beverages, fish, poultry, eggs, butter, cheese, straw, cordwood, shingles, timber, coal, flour, lumber, milk, and," and by inserting after the word "lots" in the last line of the said sub-section the words, "the streets and lanes."

40. The following new sub-section, to be known as sub-section 98A, be added to section 142 immediately after sub-section 98:—

Sale of fresh meat by retail. "(98A.) For granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcase, and for regulating such sale, and fixing and regulating the places where such shall be allowed, and for imposing a license not exceeding fifty dollars to be paid for such license, and for enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than by the quarter carcase, unless by a person holding a valid license, and in a place authorized by the Council."

Amends sub-s. 101 of sec. 142. **41.** Sub-section 101 of section 142 is hereby amended by inserting after the word "establishing" in the first line, the words "and regulating."

Amends sub-s. 102 of sec. 142. **42.** Sub-section 102 of section 142 is hereby amended by striking out the word "marketed" in the last line, and inserting in lieu thereof the word "vended."

Amends sub-s. 105 of sec. 142. **43.** Sub-section 105 of section 142 is hereby amended by inserting after the word "meat" in the first line, the words "fruit, fish, or other perishable articles."

44. Sub-section 112 of section 142 is hereby amended by inserting after the word "parks" in the eighth line thereof, the words "as if the same were within the limits of the city, and for acquiring and constructing roads or streets to the same if necessary." Purchasing real estate.

45. Sub-section 116 of section 142 is hereby amended by striking out the word "directing" in the second line, and inserting in lieu thereof the word "diverting," and by inserting after the word "Council" in the fifth line the words "and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes." Making drains, streets, &c.

46. Sub-section 120 of section 142 is hereby amended by inserting after the word "gas" in the first line thereof the words "electric light," and after the words "public squares" in the third line thereof the words "or to erect poles and attachments for the purposes of electric or gas lighting." Amends sub-s. 120 of sec. 142.

47. The following new sections, to be known as sections 142A, 142B, 142C, 142D, and 142E respectively, are hereby inserted immediately after section 142. Additional sections to sec. 142.

"142A. The Board of Park Commissioners may from time to time pass by-laws for the use, regulation, protection, and government of the park or parks, the approaches thereto, and streets connecting the same, not inconsistent with the provisions of this Act, or any law of the Province." By-laws for regulating, &c., parks.

"(1.) The said Board shall have power to inflict penalties for the infraction of any by-law, and the same shall be enforced by the Police Magistrate of the city, or by any Justice of the Peace of the Province in the manner and to the extent that any by-law passed by the Council may be enforced: Penalties to enforce same.

"(2.) The Chairman, or any two members, may summon a special meeting of the Board, by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called: Meetings of Park Commissioners.

"(3.) The office of any member of the said Board who shall be absent from the meetings of the Board for three successive months without leave of absence from the Board, or without reasons satisfactory to the Board, shall be declared vacant by the Board; and notice thereof shall be given to the Council at the next meeting of the Council: Filling vacancies on the Board.

"(4.) The said Board shall in the month of January in every year make up, or cause to be made up, an estimate of the sums required during the ensuing financial year for:— Board to make annual estimate of expenditure.

"(a.) The interest of any money borrowed as herein mentioned:

"(b.) The amount of the sinking fund; and

“(c.) The expense of maintaining, improving, and managing the parks, boulevards, avenues, and streets under their control. The Board may at any time pass, alter, and repeal by-laws, with the approval of the Council, for the punishment of any of the following offences, that is to say:

“142B. If any person does or commits any of the following acts:—

Interfering with Park Commissioners or their officers or servants.

“(1.) Wilfully or maliciously hinders or interrupts, or causes or procures to be hindered or interrupted, the said Board or their engineer, surveyors, managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained; or

Discharging water from lakes and ponds.

“(2.) Wilfully and maliciously lets off or discharges any water so that the same runs waste or useless from or out of any reservoir pond, or lake connected with any such park; or

Fouling lakes or ponds.

“(3.) Causes any dog or other animal to swim in the water, or throws or deposits any injurious nuisance or offensive matter into the water in any reservoir, lake, pond, or other receptacle for water connected with any such park, or upon the ice in case such water is frozen, or in any way fouls the water, or commits any unlawful damage or injury to the works, pipes, or water, or encourages the same to be done; or

Injuring trees or park property.

“(4.) Wilfully or maliciously injures, hurts, defaces, tears, or destroys any ornamental or shade tree or shrub, or other plant, or any statue, fountain, vase, or fixture or ornament or utility in any street, avenue, drive, park, or other public place under the control of any such Board, or wilfully, negligently, or carelessly suffers or permits any horse or other animal driven by or for him, or any animal belonging to him, or in his custody, possession, or control, and lawfully on the street or other public place, to break down, destroy, or injure any tree standing for use or ornament in any such public park or place; or

Injuring animals, birds, &c.

“(5.) Wilfully or maliciously injures, hurts, or otherwise molests or disturbs any animals, birds, or fish kept in any such park, or in the lakes or ponds therewith connected.

Caretaker and park police.

“142C. It shall be the duty of the Board of Commissioners of Police of the city, upon the request of the Board of Park Commissioners, to detail for service in any of the public grounds under the care of the Board of Park Commissioners so many of the police force as the Board of Police Commissioners may deem necessary to maintain order and protect property therein; and any policeman on duty in the grounds may remove therefrom any person guilty of a violation of any of the provisions of this Act, or of any of the rules and regulations established by the Board.

“142D. The Board of Park Commissioners, and the officers thereof, shall have the like protection in the exercise of their offices and the execution of their duties as Justices of the Peace have under the laws of this Province; and the watchmen and other officers of said Board, when in the discharge of their duties, shall be ex officio possessed of all powers and authorities of constables.”

Protection of park officials.

“142E. Any action against any person for anything done in pursuances of this Act shall be brought within six months next after the act committed; or in case there shall be a continuation of damages, then within one year after the original cause of action first arose.”

Limitation of actions for anything done under this Act.

48. Section 151 is hereby amended by inserting “the Mayor shall be chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and so far as may be in his power to cause all negligence, carelessness, and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the Council all such information, and recommend such measures within the powers of the Council as may tend to the improvement of the finances, health, security, cleanliness, comfort, and ornaments of the municipality, and the Council may by by-law fix a sum not exceeding two thousand dollars to be paid to the Mayor annually.”

Duties of the Mayor.

Indemnity to Mayor.

49. Section 152, sub-section 2, is hereby amended by striking out all the words after the word “when” in the fifth line thereof, and adding the words “and to whom paid.” Said section is further amended by adding a sub-section, to be known as sub-section 11, thereto:—

Amends sub-s. 2 of sec. 152.

“11. There shall be appointed an officer, to be known as the accountant or comptroller of the city, who shall perform such duties as accountant or comptroller thereof as may be prescribed in the Procedure By-Law of the city, and the Council may, in fixing the duties to be so performed by said accountant or comptroller, direct that he shall perform such and so many of the duties of the treasurer and city clerk, respectively, as shall be defined in said by-law, anything contained in the ‘Vancouver Incorporation Act, 1886,’ and amending Acts to the contrary notwithstanding.”

Accountant or comptroller to be appointed.

50. Section 153 is hereby amended by inserting after word “officers” the words “by resolution to be entered on the minutes.”

Amends sec. 153.

51. Section 155 is hereby repealed.

Repeals sec. 155.

CHAP. 40. VANCOUVER INCORPORATION (AMENDMENT). 52 VICT.

Amends sec. 196. **52.** Section 196 is hereby amended by striking out all the words after the word "situated" in the fifth line.

Short title. **53.** This Act may be cited as the "Vancouver Incorporation Amendment Act, 1889."

VICTORIA, B. C.

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