



## CHAPTER 79.

# An Act to amend the “Vancouver Incorporation Act, 1921.”

[Assented to 7th April, 1933.]

**W**HEREAS a petition has been presented by the City of Preamble.  
Vancouver, praying that the “Vancouver Incorporation Act, 1921,” be amended:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Vancouver Incorporation Act, Short title.  
1921, Amendment Act, 1933.”

2. The “Vancouver Incorporation Act, 1921,” being chapter 55 Enacts ss. 46A and 46B.  
of the Statutes of British Columbia, 1921 (Second Session), is amended by inserting therein the following as sections 46A and 46B:—

“46A. The Council may from time to time, in its discretion, enter into any agreement or agreements whereby the improvements, machinery and plant, being fixtures, situate on any property while used for terminal elevator or other purposes by any owner or occupant thereof engaged in or whose business is the export of grain or grain products, shall not be taxed in any year in excess of twenty-five per centum of their assessed value.

“46B. The Council may from time to time, in its discretion, make or enter into any agreement or agreements for a fixed annual assessment for any term of years, not to exceed fifteen years, in respect of any land or improvements, or both, or any interest therein, including any machinery and plant, being fixtures situate on any property which is used for terminal elevators or other purposes, the owner or

occupier of which is engaged in or carries on the business of the export of grain or grain products, or any other commodities not in competition with any established business or industry carried on within the Province."

Amends s. 46,  
subsec. (4).

3. Subsection (4) of section 46 of said chapter 55 is amended by striking out the words "the lands of" in the third line of said subsection.

Amends s. 56,  
subsecs. (9), (10),  
(11), and (12).

4. Section 56 of said chapter 55, as amended by section 8 of the "Vancouver Incorporation Act, 1921, Amendment Act, 1931," is amended as follows:—

(a.) Subsection (9) is repealed, and the following substituted therefor:—

"(9.) The Board, in its discretion, may hear any such appeal notwithstanding that the notice of appeal may not set out the grounds of appeal."

(b.) Subsection (10) is amended by inserting after the word "roll," in the sixth line thereof, the words "or such further time, within fourteen days thereof, as may be fixed by resolution of the Council."

(c.) Subsection (11) is amended by striking out the figures "1934" in the sixth line thereof, and substituting therefor the figures "1935."

(d.) Subsection (12) is amended by inserting after the word "aforesaid," in the thirteenth line thereof, the words "and any transcript of evidence ordered by the Board."

Enacts s. 79A.

5. Said chapter 55 is amended by inserting therein the following as section 79A:—

"79A. Notwithstanding the provisions of section 79 of this Act in respect of the time allowed for redemption of any parcel of land which shall be sold for unpaid taxes, the owner of any such parcel sold for unpaid taxes at the public auction held pursuant to the provisions of this Act in the year 1932, or any other person mentioned in said section 79 entitled to redeem such parcel of land, may at any time within two years from the date of such sale, but not afterwards, redeem the land so sold in the same manner as provided in said section 79; and the time for the payment of the balance of the purchase-money by the purchaser and for the issuance of the certificate of title shall be extended accordingly, and all the provisions of this Act in respect thereof shall, mutatis mutandis, apply to such sale."

Amends s. 163,  
subsec. (88).

6. Subsection (88) of section 163 of said chapter 55 is amended by adding to said subsection the words "and for defining and classifying such machines and devices, and empowering and authorizing the Council to differentiate and discriminate according to such

classification or classifications as may be designated in any by-law in that behalf between any such machines and devices, or any such class or classes of machines or devices."

7. Subsection (131) of section 163 of said chapter 55 is repealed, and the following subsection substituted in lieu thereof:—

Amends s. 163,  
subsec. (131).

"(131.) For regulating, prohibiting, defining, restricting, limiting, and licensing the owners of livery, feed, and sale stables, and the owners and drivers of horses, drays, express wagons, carts, cabs, carriages, omnibuses, automobiles, and other conveyances or vehicles used for hire, and every person engaged in or carrying on, either directly or indirectly, any business, occupation, or calling in connection therewith; for establishing the maximum and minimum rates or fares to be taken, and for prohibiting overcharging and undercharging in excess of or below said rates or fares so established within any zone, area, or district; and for authorizing and assigning stands for conveyances or vehicles kept for hire on any street or other public place, and for providing the kind or class of conveyance or vehicle which may stand in any particular place so assigned; and for prohibiting any other class or kind of conveyance or vehicle from occupying any such particular place or stand; and for defining and classifying all such conveyances or vehicles and the persons carrying on any business hereinbefore enumerated, and authorizing the Council to differentiate and discriminate according to such classification or classifications as may be designated in any by-law in that behalf between such persons or classes of persons, and between such business or classes of business, or between such conveyances or vehicles used for hire or any classes thereof."

8. Subsection (135) of section 163 of chapter 55 is amended by inserting after the word "inspecting," in the first line, the words "defining, classifying"; and by inserting after the word "thereof," in clause (a) thereof, the words "including their construction, type, and fitness, and any mechanical device or equipment used thereon or therewith, and any premises used in connection with any such motor-vehicle, or any business or occupation carried on or conducted in relation to or incidental thereto, including taxi-service brokers."

Amends s. 163,  
subsec. (135).

9. Section 163 of said chapter 55 is amended by inserting therein the following as subsections (189a) and (189b):—

Enacts s. 163,  
subsecs. (189a) and  
(189b).

"(189a.) For regulating, controlling, prohibiting, prescribing, altering, limiting, restricting, and registering the

names used to designate buildings in such manner as may be provided by by-law; and for compelling the owners of all such buildings to affix such names, or to authorize the Building Inspector to affix such names, to or on such buildings at the expense of the owners thereof:

“(189*b*.) For regulating, controlling, governing, defining, and classifying the architectural design of buildings and other structures; and for prohibiting the construction and erection of any building or structure the architectural design of which is contrary to any regulation or provision contained in such by-law; and for appointing, in the discretion of the Council, such advisory architectural control board or commission as may be provided by by-law, and for empowering, authorizing, or delegating to any such board or commission so established such powers as are hereby authorized in that behalf as the Council may in its discretion deem expedient.”

Amends s. 163,  
subsec. (233).

**10.** Subsection (233) of section 163 of said chapter 55 is amended by inserting after the word “entertainment,” in the first and second lines thereof, the words “or other suitable recognition”; and by inserting after the word “entertain,” in the third line thereof, the words “or so recognize.”

Enacts s. 163,  
subsec. (289*a*).

**11.** Section 163 of said chapter 55 is amended by inserting therein the following as subsection (289*a*):—

“(289*a*.) For establishing, setting aside, and maintaining a fund to ensure the perpetual upkeep and maintenance of any cemetery owned and operated by the city in such manner as the Council may by by-law determine; and for setting aside or receiving any money as a capital sum towards such perpetual upkeep and maintenance; and for the investment of such money from time to time as provided in section 149 of this Act in respect of sinking funds of the city.”

Amends s. 172,  
subsec. (13).

**12.** Subsection (13) of section 172 of said chapter 55 is amended by striking out the word “may” in the second line thereof, and substituting therefor the word “shall”; by striking out the word “said” at the end of the second line thereof; by inserting after the word “have,” in the said third line, the word “not”; by inserting before the word “constructed,” in the sixth line, the word “having”; and by striking out all the words after the word “works” in the sixth line thereof, and substituting therefor the words “in question.”

**13.** Section 253 of said chapter 55, as amended by section 31 of the "Vancouver Incorporation Act, 1921, Amendment Act, 1928," and subsections (1) to (6), inclusive, of said chapter 55, are repealed, and the following section inserted in lieu thereof:—

Amends s. 253,  
subsecs. (1) to (6);  
adds (7) to (16).

"253. (1.) Notwithstanding anything contained in this Act, there shall be constituted for the City of Vancouver a Board of Police Commissioners (hereinafter called the 'Board').

"(2.) Such Board shall consist of the Mayor for the time being of the city, a Judge of the County Court of Vancouver, to be designated by the Lieutenant-Governor in Council, and the Police Magistrate of the city.

"(3.) If the office of such Judge or of such Police Magistrate is vacant, or in case of the illness, absence, inability, or incapacity of such Judge or such Police Magistrate to sit or act, the Lieutenant-Governor in Council shall designate temporarily one of the Junior Judges of the County Court of Vancouver, or one of the Deputy Police Magistrates for the city, as the case may be, to act instead of such Judge or such Police Magistrate.

"(4.) The Mayor of the city for the time being shall be the Chairman of the Board, and a majority of the members of the Board shall constitute a quorum.

"(5.) The meetings of the Board shall be open to the public, unless otherwise directed by the Board.

"(6.) The Board shall have power to summon and examine witnesses on oath in all matters connected with or incidental to the administration of the force, and shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any Court of law in civil cases. A notice to attend before the Board shall be sufficient if signed by the Chairman of the Board or any one of the Commissioners, and any such notice shall have the same effect as a subpoena.

"(7.) The police force of the city shall consist of a Chief Constable or Chief of Police and as many constables and other officers and assistants as the Council may from time to time deem necessary; such number not being less than that which the Board may report to be absolutely required.

"(8.) The Chief Constable and all members of such police force shall be appointed by and hold their office during the pleasure of the Board.

"(9.) The Board shall from time to time make such regulations as it may deem expedient for the control and government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of its duties.

"(10.) The Chief Constable and all constables and members of the police force shall obey the lawful directions and be subject to the discipline and government of the Board; and shall be charged with the special duties of preventing infractions of by-laws of the city,

preserving the peace, preventing crime, and apprehending offenders; and shall have, generally, all the powers and privileges and be liable to all the duties and responsibilities which belong by law to constables.

“(11.) The Board shall fix and determine the remuneration and salaries of all members of the force and assistants, and shall, on or before the first day of February in each year, prepare and submit to the Council for its determination and approval a detailed estimate of all moneys or sums required for the ensuing year to pay such remuneration and salaries, and also such moneys or sums required to provide for offices, arms, accoutrements, clothing, and equipment for the accommodation, use, and maintenance of the force, gaols, industrial schools, lock-up houses, reformatories and houses of correction, and other necessary or incidental matters or things under the jurisdiction or control of the Board.

“(12.) The city shall provide and maintain a gaol or gaols and lock-up or lock-ups for the care and custody of prisoners.

“(13.) All gaols, industrial schools, lock-up houses, reformatories, and houses of correction established by the city for the detention or imprisonment of persons sentenced to imprisonment or confinement, or detained for examination (except those established pursuant to the ‘Juvenile Delinquents Act’), shall be under the care, control, and supervision of the Board.

“(14.) The Board, on request of the Council, shall, on or before the thirty-first day of December in each year, take a census of all industries and manufacturing plants and persons employed therein in the city, and shall, before the first day of February following, submit the results of such census to the Council.

“(15.) (a.) The jurisdiction of the Board shall comprehend and relate exclusively to the appointment, control, direction, supervision, discipline, and government of the police force, and the care, control, and supervision of the gaols, industrial schools, lock-up houses, reformatories, and houses of correction referred to in subsection (13) hereof.

“(b.) The jurisdiction of the Council shall comprehend and relate exclusively to the business and financial matters or expenditures incident to the establishment, maintenance, and upkeep of the police force, including the purchase and sale of any or all accoutrements, equipment, clothing, plant, land or premises, or other necessary matters or things incidental to or for the accommodation and use of the police force, or relating to the making of any contracts, repairs, or alterations, or effecting or placing insurance, or any other business or financial matter or expenditure whatsoever incident or relating to such police force, or any gaol, industrial school, lock-up house, reformatory, or other house of correction, or the lands or premises incident thereto or connected therewith.

“(16.) Any fees payable in law as incident to the office of Chief Constable or Police Court Clerk or any assistant to such clerk, acting in the capacity of Justice of the Peace or otherwise, for any act done, or for the issuance of any information, complaint, summons, bail bond, or otherwise howsoever, shall be payable to and for the use of the city; and a return of all such fees from time to time shall be made to the City Treasurer as may be required by the Council.”

**14.** Said chapter 55 is amended by adding thereto the following Enacts s. 274A.  
as section 274A:—

“274A. The Board may acquire, lease, sublease, erect, maintain, and operate, or prohibit or regulate the operation of, refreshment-stands or other places or premises for the preparation and sale of refreshments, foods, and beverages in or on any public beaches, parks, or places under the jurisdiction of the Board.”

**15.** Section 305 of said chapter 55 is repealed, and the following Re-enacts s. 305.  
section substituted therefor:—

“305. (1.) The Council shall appoint one or more Auditors, and may in its discretion reappoint the same person or persons.

“(2.) No person who is, or during the next preceding year was, a member of the Council, or the Clerk or Treasurer of the city, or who has, or during the next preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the city, except as Auditor, shall be appointed an Auditor.”

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VICTORIA, B.C.:

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