

BILL No. 1 AN ACT TO AMEND THE VANCOUVER CHARTER**CHAPTER 32**

Assented to May 16, 1984.

WHEREAS the City of Vancouver has presented a petition praying that the *Vancouver Charter* be amended;

AND WHEREAS it is expedient to grant the prayer of the said petition;

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

1. Section 72 of the *Vancouver Charter*, S.B.C. 1953, c. 55, is amended by adding the figure "73A," after the figure "73".
2. Section 73A is amended
 - (a) by deleting subsections (2), (3) and (4) and the figure "(1)" at the beginning of the section, and
 - (b) by deleting the words, "Where a person claims to be a qualified elector", and substituting "Where a person is qualified under either section 7 or section 9 of this Act".
3. Section 160 is amended by deleting the word "Wednesday" and substituting the word "Monday" and deleting the word "January" and substituting the word "December".
4. The following is added as section 173:

173. Where the powers conferred on Council are inadequate to deal with an emergency the Council may, by by-law adopted by a vote of at least two-thirds of its members, declare that an emergency exists and exercise powers necessary to deal effectively with the emergency.
5. Section 180 is amended by renumbering it as section 180 (1) and by adding the following:
 - (2) The Council may by by-law provide that the city will indemnify its officers and employees against a claim for damages against an officer or employee arising out of the performance of his duties and pay legal costs incurred in a court proceeding arising out of the claim.
 - (3) The Council may in a by-law under subsection (2) provide that the city will not seek indemnity against its officers and employees where the actions of those officers or employees result in a claim for damages against the city by a third party unless the officer or employee has been grossly negligent or has acted contrary to the terms of his employment or to an order of a superior.
6. Section 182 is amended by adding the following:

This section and subsections (2) and (3) of section 180 shall apply mutatis mutandis to a volunteer assisting the city or any Board or committee.

7. Section 190 is amended by deleting the words "two hundred thousand dollars" in subsection (b) and substituting the words "four hundred thousand dollars".
8. Section 256 is repealed and the following substituted:
256. Neither the city, nor any employee or agent of the city, is bound to see to the execution of a trust, whether express, implied or constructive, to which a city debenture or security is subject.
9. Section 272 is amended
(a) by adding the word "arcades" and a comma following the word "poolrooms" in clause (r) of subsection (1), and
(b) by adding the following at the end of clause (r):
"and defining any terms used in this clause".
10. Section 306 is further amended by adding the following as paragraph (z):
(z) (i) for establishing a system to permit an architect or engineer recognized as qualified by the City Building Inspector and retained by a person seeking a building permit, to certify:
(A) that plans describing a building comply with the Building By-law; and
(B) that a building as built conforms to plans which were accepted by the city or certified as complying with the Building By-law by an architect or engineer;
(ii) such a system may establish the form of such certificates and the City Building Inspector may accept a certificate as satisfactory evidence of compliance and conformity;
(iii) the system established may also provide for any of the following:
(A) that in order to be recognized as qualified by the City Building Inspector, an architect or engineer must provide evidence satisfactory to the City Building Inspector that he is covered by public liability insurance, and must attend a course or courses approved by the City Building Inspector and, or in the alternative, attain a designated mark in an examination approved by the City Building Inspector;
(B) that an architect or engineer so recognized as qualified may be disqualified by the City Building Inspector;
(C) that a qualified architect or engineer shall, prior to issuing a certificate, obtain from qualified professional engineers all necessary assurances as to the building's electrical, mechanical and structural safety and fire protection;
(D) that a specified portion of the fees to be charged for a building permit in respect of which a qualified architect or engineer has issued the certificate of compliance may be refunded upon receipt of the certificate of compliance and record drawings of the completed building;
(E) that persons wishing to retain an architect or engineer to certify the compliance of plans and buildings shall enter into such undertakings and assurances as the City Building Inspector may prescribe; and

(F) that a permit may be revoked and no work on a building shall be permitted to continue where an architect or engineer retained to certify compliance and conformity has been discharged or resigns, except with the approval of the City Building Inspector;

(iv) where the City Building Inspector accepts the certificate of a qualified engineer or architect pursuant to a system established under this section neither the city nor the City Building Inspector nor any other city employee shall be liable for any loss, damage or expense caused or contributed to because a building in respect of which a certificate is issued is unsafe or does not comply with the Building By-law or other applicable by-laws.

11. Section 325 is amended by deleting the first sentence and replacing it with the following:

325. There shall be a Health Department of the city, and a Medical Health Officer shall be appointed by Council.

12. Section 338 is amended

(a) by inserting a comma and the words "kick-boxing" after the word "boxing" in clause (a), and

(b) by striking out the words "two cents" in clause (b) and substituting the words "five cents".

13. Section 491 (f) is amended by deleting the word "Superintendent" and substituting the words "General Manager".

14. Section 493 (2) is amended by deleting the words "Superintendent of Parks and Recreation" wherever they appear and substituting the words "General Manager".