



CHAPTER 79.

An Act to validate and amend By-law No. 403 of the City of Prince Rupert.

[Assented to 21st December, 1923.]

WHEREAS a petition has been presented by the Municipal Corporation of the City of Prince Rupert, asking for the passage of an Act to:—

Preamble.

- (1.) Validate By-law No. 403 of the Corporation, being a by-law to provide for borrowing one hundred and fifty five thousand dollars upon debentures to pay for the construction of a local improvement—namely, the surfacing of certain roadways with broken stone and the finishing and binding of same by use of water and asphalt:
- (2.) Authorize the Council to assess and collect such assessments for the cost of the work provided for under said by-law:
- (3.) Amend the special assessment roll confirmed by the Court of Revision of the Council of the City of Prince Rupert on the twenty-sixth day of December, 1922, pursuant to the "Local Improvement Act," being chapter 49 of the Statutes of the Province of British Columbia, 1913, and amendments thereto, and all assessment notices and tax notices made and sent pursuant thereto:
- (4.) Amend the aforesaid by-law so that the interest payable on the debentures issued thereunder shall be payable on the first day of August and the first day of February in each and every year during the currency of the said debentures, and that the first payment of interest shall be due on the first day of August, 1924; and so as to make the payment of principal dated from five years from the first day of February, 1924:

- (5.) Alter the rate of interest payable on the debentures to be issued under the said by-law from seven per centum per annum to six per centum per annum:

And whereas the Council of the City of Prince Rupert, by By-law No. 375 as amended by By-law No. 400, passed pursuant to the provisions of the "Local Improvement Act," undertook the following works of local improvement, that is to say:—

The surfacing of certain roadways with four inches to six inches of broken stone, and finishing and binding same by use of water and asphalt as shown in the following schedule of roadways:—

SCHEDULE.

(a.) Asphalt spray coat, Second Avenue, from E.P.L. of Sixth Street to E.P.L. of McBride Street:

(b.) Asphalt spray coat, McBride Street, from N.P.L. of Second Avenue to S.P.L. of Third Avenue:

(c.) Asphalt penetration coat, Second Avenue, from W.P.L. of Eighth Street to E.P.L. of Sixth Street:

(d.) Asphalt penetration coat, Third Avenue, from W.P.L. of Eighth Street to W.P.L. of McBride Street, and from E.P.L. of McBride Street to W.P.L. of Government Road at Cameron Cove, commonly called Cow Bay: Provided that Third Avenue from E.P.L. of McBride Street to Cow Bay shall be surfaced for a width of thirty (30) feet only, and being fifteen (15) feet on either side of and contiguous to the centre line of the said avenue, as shown on plan filed in the office of the City Engineer:

(e.) Asphalt penetration coat, McBride Street, from S.P.L. of Third Avenue to N.P.L. of Fifth Avenue, as shown on plans filed in the office of the City Engineer:

(f.) Asphalt penetration coat, Fulton Street, from S.P.L. of Third Avenue to N.P.L. of Fifth Avenue:

(g.) Asphalt penetration coat, Sixth Street, from S.P.L. of Second Avenue to N.P.L. of Third Avenue:

(h.) Asphalt penetration coat, Second Street, from S.P.L. of Second Avenue to N.P.L. of Third Avenue:

(i.) Asphalt penetration coat, Second Street, from N.P.L. of Second Avenue to N.P.L. of First Avenue:

(j.) Water-bound macadam, Eighth Street, from N.P.L. of Third Avenue to S.P.L. of Second Avenue:

(k.) Water-bound Macadam, Manson Way, from Centre line of First Avenue to N.S. of lane in Block 17, Section 1:

And whereas the said by-laws fail to comply with the provisions of section 8 of the "Local Improvement Act" in so far as said by-laws are not for one distinct and separate work:

And whereas the said Council also passed a by-law, No. 403, to provide for the borrowing of one hundred and fifty-five thousand dollars to pay for the construction of the works undertaken pursuant to said By-laws No. 375 and 400 and to impose an assessment roll in respect thereof:

And whereas it is desirable that the several works hereinbefore mentioned be considered and dealt with as distinct and separate

works, notwithstanding the fact that they are included in one by-law:

And whereas it is deemed expedient to grant the prayer of the said petitioner to the extent hereinafter set out:

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 "City of Prince Rupert Local Improvement Validation Act, 1923." Short title

2. In the construction of this Act the following expressions, Interpretation wherever used, shall have the following meanings respectively, unless the context otherwise requires:—

"Corporation" shall mean the Municipal Corporation of the City of Prince Rupert:

"Council" shall mean the Municipal Council of the Corporation of the City of Prince Rupert:

"Local Improvement Act" shall be deemed to refer to and include chapter 49 of the Statutes of the Province of British Columbia, 1913, and all amendments thereto:

"Owner" shall include any person holding an estate for life or in inheritance (in possession) in lands or real property within the corporate limits of the municipality:

"The municipality" shall mean the Corporation of the Municipality of the City of Prince Rupert:

"By-law" or "the said by-law" shall mean By-law No. 403 of the Municipal Corporation of the City of Prince Rupert:

"The determining by-laws" shall mean By-laws Nos. 375 and 400, known and cited for all purposes respectively as "City of Prince Rupert Surfacing Local Improvement Construction By-law" and "City of Prince Rupert Local Improvement Determining, Corporation's Share, and Construction By-laws Amendment By-law."

In defining any word or expression used in this Act not by this section expressly defined, reference may be had to the interpretation section of the "Municipal Act."

3. The provisions of subsection (2) of section 8 of the "Local Improvement Act," in so far as they require that every by-law shall be for a distinct and separate work, shall not apply to the determining by-laws and the said by-law as defined in the preceding section.

S. S. subsec. (2),
c. 39, 1913, not
applicable

4. The several works mentioned in (a) to (k) of the preamble shall, for all purposes of the "Local Improvement Act," be deemed respectively to be distinct and separate works.

5. The determining by-laws and the said by-law shall not be held Validated to be invalid or set aside or held to be defective by reason of the

fact that they do not comply with the provisions of subsection (2) of section 8 of the "Local Improvement Act," and notwithstanding anything contained in the "Municipal Act" or in the "Local Improvement Act" or in any other Act, any debentures already issued or which may hereafter be issued under the provisions of the said by-law shall be good, valid, and subsisting debentures; and the determining by-laws and the said by-law shall be deemed to have taken effect and come into force, and be binding on the Corporation and the owners and ratepayers thereof, and all persons concerned, as and from the date of registration thereof to the like extent as if they had been duly authenticated in respect of the matters mentioned in sections 3 and 4 of this Act; and it is hereby declared that it shall not be competent for any Court to declare invalid or defective or to quash, set aside, or otherwise refuse to recognize the validity of the said by-laws or the said debentures in respect to the aforesaid matters.

Provisions of
"Municipal Act"
as to collection of
taxes to apply.

6. All the provisions of the "Municipal Act" as to the collection and recovery of taxes and the proceedings which may be taken in the default of payment thereof shall apply to the special assessments imposed by the said by-law.

Assessment and tax
notices, 1923, to
be good and
valid notices

7. All tax notices made and sent out to owners, ratepayers, and all persons concerned in the year 1923, pursuant to the said by-law, the "Municipal Act," and the "Local Improvement Act," shall be deemed to be good and valid notices for such special assessments, and it shall not be necessary for the Council to cause new notices to be made and sent to said owners, ratepayers, and other persons concerned in respect to such special assessments.

By-law No. 403
amended

8. Section 1 of said by-law is amended by striking out the words "April" and "October" where they appear in said section and inserting in lieu thereof the words "February" and "August"; and by striking out the figures "1923" in the first line of said section, and inserting in lieu thereof the figures "1924."

By-law No. 403
further amended.

9. The said by-law is amended by striking out the words and figures "seven (7) per cent." where they appear in the fourth recital of the said by-law and in section 1 of the said by-law, and inserting in lieu thereof the words "six per cent."

Section 2 of By-law
No. 403 repealed
and new section
inserted.

10. Section 2 of the said by-law is repealed, and the following section inserted in lieu thereof:—

"(2.) The said debentures shall bear date the first day of February, A.D. 1924, and shall be payable in five equal annual instalments during the five years next after the said first day of February, 1924, and the respective amounts of principal and interest payable in each of such years shall be as follows:—

ANNUITY INSTALMENT SCHEDULE.

By-law No. 403. Five years from February 1st, 1921:—

Total amount authorized	\$155,000 00	
Total annual instalment covering principal and interest	36,796 44	
	Interest.	Principal.
1	\$ 9,299 99	\$ 27,496 45
2	7,650 21	29,146 23
3	5,901 41	30,895 00
4	4,047 74	32,748 70
5	2,082 82	34,713 62
	<hr/> \$28,982 20	<hr/> \$155,000 00

11. Section 5 of the by-law is repealed, and the following section enacted in lieu thereof:—

"(5.) During five years, the currency of the debentures, the sum of thirty-six thousand seven hundred and ninety-six dollars and forty-four cents shall be raised annually for the payment of the debt and interest, as follows:—

"The sum of twenty-three thousand nine hundred and seventeen dollars and sixty-nine cents shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon, and shall be levied and raised annually by a special rate sufficient therefor and above all other rates on all the rateable property in the municipality, at the same time and in the same manner as other rates.

"For the payment of the owners' portion of the cost and the interest thereon, the special assessments set forth in the said special assessment roll is hereby imposed upon the lands liable therefor, as therein set forth, which said special assessment, with a sum sufficient to cover cost and interest thereon at six per cent., shall be payable in five equal annual instalments of twelve thousand eight hundred and seventy-eight dollars and seventy-five cents each, and for that purpose the special annual rates per front footage set forth in the said special assessment roll are hereby imposed upon the lots entered in the said special assessment roll, according to the assessed frontage thereof, over and above all other rates and taxes, and the said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates."

12. Notwithstanding anything in the said Act, the "Local Improvement Act," or in the said by-law contained, all payments set out in the assessment roll contained in the said by-law and confirmed by the Court of Revision of the Council of the City of Prince Rupert on the twenty-sixth day of December, 1922, as being the special annual rates for the Corporation's share and the owners' share under the said by-law for the cost of the work shall be reduced in each and

Reduction of levy.

Special assessment
roll amended

every case by a rate equal to two and two-thirds per centum, and such reduction shall in no way effect the confirmation of the said roll by the Court as aforesaid.

Debentures,
where payable.

13. The debentures to be issued under the said by-law may be made payable as provided in the said by-law, and may in addition be made payable as to both principal and interest at such place in the City of New York, in the United States of America, as the Council may by resolution determine.

VICTORIA, B.C.

Printed by WILLIAM H. CULIN, Printer to the King's Most Excellent Majesty.
1923.