

CHAPTER 41

An Act to Amend the Vancouver Charter

[Assented to June 29, 1978.]

Preamble

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:

Short title

1. This Act may be cited as the "Vancouver Charter Amendment Act, 1978".

S. 12

2. Section 12 of the said Act is amended by the addition of the following at the end thereof:
"Any person impeding or obstructing the City Clerk or any enumerator in carrying out his duties under this section is guilty of an offence against this Act."

S. 37

3. Section 37 is amended by inserting the words "Canadian citizen or other" immediately before the words "British subject" in the first line.

S. 38 (g)

4. Section 38 is amended by striking out the words "of an indictable" in paragraph (g) and substituting "on indictment of an".

S. 38 (d) (i)

5. Section 38 is amended by striking out the colon at the end of subparagraph (i) of paragraph (d) and adding the words "or any other municipality in the Province:".

S. 38 (d) (ii) and (iii)

6. Section 38 is further amended by striking out subparagraphs (ii) and (iii) of paragraph (d) and substituting the following:
- (ii) Possesses the qualifications of an owner-electors as set forth in section 7:
 - (iii) His name appears on the list of electors of any municipality or regional district in the Province: .

S. 47

7. Section 47 is amended by striking out the second paragraph numbered "5" in paragraph (b) and substituting the following:
5. That I have resided in the City or municipality of
for the past 12 months and am at present a resident.

S. 57

8. Section 57 is amended by inserting immediately after the words "statement that he" in the second sentence, the words "is a person whose mobility is restricted or impaired by physical disability or for whom attendance at the usual facilities on polling-day would be a physical hardship or that he".

S. 58

9. Section 58 is amended by striking out the following words at the end thereof:
- "provided that an elector entitled to vote as agent of a corporation shall not be prevented by this section from voting in both capacities".

S. 78

10. Section 78 is amended by the addition of the following at the end thereof:
- "Notwithstanding anything contained in this Act, a Deputy Returning Officer may permit a voter who is incapacitated by a physical disability to mark his ballot-paper at a place immediately adjacent to the polling-place."

S. 136B

11. The said Act is further amended by the insertion of the following as section 136B:

Use of "nicknames"
on ballots

136B. For the purposes of this Part, the Returning Officer may, in his

discretion, and subject to satisfactory evidence thereof, accept as a given name the name by which a candidate is commonly known.

S. 175A

12. The said Act is further amended by inserting the following immediately after section 175:

City may join
employers' organization

175A. The Council may, by a majority vote of all members of the Council, provide for the inclusion of the City in an employers' organization for the purpose of the Labour Code of British Columbia.

S. 179

13. Section 179 is amended by striking out the word "Public" in the third line, and by striking out the words "So much of the real property so acquired as the Council from time to time so designates shall be public parks." in the last 2 lines.

S. 180

14. Section 180 is amended by relettering paragraph (b) as paragraph (c) and inserting the following as paragraph (b):
(b) whose conduct is the subject of an inquiry under section 40 of the Police Act or of an appeal from a decision rendered in such inquiry; or.

S. 182

15. The said Act is further amended by inserting the following as section 182:

Indemnification of members
of Boards or Commissions

182. The Council may provide for the indemnification in whole or in part of any appointed member of any Board or Commission established pursuant to this Act if such member suffers damages, costs, or expenses arising out of any action or prosecution brought against him or the City arising out of the performance of his duties.

S. 201A

16. The said Act is further amended by inserting the following immediately after section 201:

Property acquisition fund

201A. (1) The Council may establish and maintain a property acquisition fund to be used to purchase any real or personal property that the City is authorized to acquire.

(2) The Council may, before or after the submission to the electors of a by-law or question authorizing the borrowing of monies for the acquisition of real or personal property for a designated purpose or purposes, purchase said property with monies from the property acquisition fund.

(3) At such time as a by-law or question is approved by the electors authorizing borrowing for the acquisition of properties purchased as provided in subsection (2) and monies are borrowed pursuant to such authorization, the monies so borrowed shall, subject to the powers of Council contained in section 244, be paid into the property acquisition fund.

S. 206A

17. Section 206A is amended by striking out the words "half past one and six" in the fourth line and substituting "one and ten".

S. 245

18. Section 245 is amended by the addition of the following as subsection (5):

(5) In any question submitted pursuant to subsection (1), the Council may include as a project the increase in the amount of any property acquisition fund.

S. 279B

19. The said Act is further amended by adding the following immediately after section 279A:

Regulation of
"burglar alarms"

279B. (1) The Council may, by by-law, regulate alarm systems designed or used to direct attention to a criminal or unlawful act, regulate persons engaged in the business of selling or maintaining such alarm systems and the employees of such persons, and regulate persons possessing or using such alarm systems.

(2) In any by-law passed pursuant to this section a Council shall have the power to classify and define alarm systems and differentiate as between classes of systems and shall have the power to pass different regulations with respect to each class of alarm system and the sale, maintenance, possession, or use thereof.

(3) The power to regulate granted by this section shall include the power to provide

(a) that no person shall sell, maintain, possess, or use an alarm system which has not been approved by a peace officer or

- municipal employee designated in the by-law;
- (l) for a system of permits requiring that any person selling, maintaining, possessing, or using an alarm system shall possess a current and valid permit, and for the delegation to the Chief Constable or other peace officer in direct charge of the peace officers providing policing within the municipality the power, in his discretion, to grant, suspend, or cancel any permit;
 - (c) an appeal to the Vancouver Police Board from a decision granting, refusing, suspending, or cancelling any permit;
 - (d) for the charging of a fee or fees in respect to the issuance of a permit and the reinstatement of a suspended permit;
 - (e) that where a person possessing or using an alarm system or his authorized representative does not attend at his premises where an alarm has been activated within one hour of receiving a request to do so made by a member or employee of the Police Force providing policing in the municipality, the person possessing or using the alarm system shall thereupon become liable to the municipality for an amount not exceeding \$25 per hour or portion thereof for each employee and member of the Police Force attending the alarm.

S. 282

20. Section 282 is repealed and the following substituted:

Interest on unpaid taxes

282. (1) Any business tax, together with penalties imposed pursuant to paragraph (d) of section 280, which remains unpaid on December 31 in the year in which it becomes due shall thereafter bear interest at a rate prescribed by a by-law enacted pursuant to subsection (2).

(2) Council may from time to time by a by-law passed not later than September 30 in any year impose the interest referred to in subsection (1) which shall take effect in the year following its enactment. Such interest rate shall not be greater than 4 percentage points above the prime interest rate prevailing on July 31 of the year of its enactment, as determined from the City's principal bankers.

S. 306 (s)

21. Section 306 is amended by adding the following at the end of paragraph (s):
- "and for providing that in the discretion of the Council the by-law provision enacted pursuant to this paragraph may be waived and, in lieu thereof, Council may by by-law accept payment of such sum of money as may be deemed appropriate by Council;"

S. 306 (w)

22. Section 306 is further amended by adding the following to subparagraph (i) of paragraph (w):
- "and the National Fire Code of Canada".

S. 306B

23. The said Act is amended by inserting the following immediately after section 306A:

Building Board of Appeal

306B. Council may, by by-law, establish a Building Board of Appeal and may empower such Building Board of Appeal to determine such matters, relating to by-laws prescribing requirements for buildings, as to Council seem appropriate. Any decision of the Building Board of Appeal shall be final and no appeal shall lie therefrom.

S. 317

24. Section 317 is amended by striking out the phrase "Board of Park Commissioners" in paragraph (dd) and substituting "Park Board".

S. 330

25. Section 330 is amended by the addition of the following at the end thereof:

(q) for providing that where, in the opinion of the Medical Health Officer, any building used for dwelling purposes (other than a one-family dwelling) is being inadequately provided with heat, light, water, or similar utilities, he may cause a notice to be posted on the premises requiring the owner to remedy the inadequacy in the manner described in the notice, and for providing that if such inadequacy is not remedied within 24 hours the Medical Health Officer or any person authorized by him may enter on the premises and do all such things as may be necessary to remedy such inadequacy, and for providing that the cost thereof may be recovered from the owner in any Court of competent jurisdiction or by entering the amount of such cost in the real-property tax roll with respect to such premises.

S. 373

26. Section 373 is amended by striking out the words "Exclusive of the amount" in the last sentence and all the words following.

S. 415

27. Section 415 is repealed and the following substituted:

Interest

415. (1) Unless otherwise provided by a by-law passed pursuant to subsection (2) hereof, interest at the rate of 8% per annum compounded annu-

ally shall be added to all real-property taxes that become delinquent on or after December 31, 1969, and to delinquent taxes and interest that remain delinquent after December 31, 1969.

(2) Council may, from time to time, by a by-law passed not later than September 30 in any year impose interest to be compounded annually on real-property taxes which are delinquent in the calendar year following the enactment of such by-law. Such interest rate shall not be greater than 4 percentage points above the prime interest rate prevailing on July 31 of the year of its enactment as determined from the City's principal bankers.

S. 488

28. Section 488 is repealed and the following substituted:

Parks in care of Board

488. (1) The Board shall have exclusive possession of, and exclusive jurisdiction and control of all areas designated as permanent public parks of the City in a manner prescribed in subsection (5) of this section, and such areas shall remain as permanent public parks, and possession, jurisdiction and control of such areas shall be retained by the Board; provided that such designation may be revoked or cancelled in accordance with the provisions of any agreement creating such designation pursuant to paragraphs (c) and (d) of subsection (5) of this section or, in the case of a designation, pursuant to paragraph (a) or (f) of subsection (5) of this section, by resolutions of both City Council and the Park Board where, in each case, the same was passed by an affirmative vote of not less than 2/3 of all the members thereof.

(2) The Board shall have exclusive possession of, and exclusive jurisdiction and control of all areas of the City that are designated by resolution of Council as temporary public parks. Resolutions designating areas as temporary public parks shall not be revoked except by a resolution of Council requiring the affirmative vote of not less than 2/3 of all members of Council.

(3) The Board shall have the custody, care and management to the extent prescribed by Council of such other areas belonging to or held by the City as Council may from time to time determine.

(4) The areas referred to in subsections (1), (2), and (3) of this section are referred to in this Part as "the parks".

(5) Real property is designated as a permanent public park by

- (a) a declaration as such by a resolution or by-law of Council;
- (b) statutory appropriation of specific real property for park purposes;
- (c) dedication by either a person or by the City by deposit of a subdivision plan in the Vancouver Land Registry Office;
- (d) gift to the City for permanent public park purposes;
- (e) covenant in a document transferring real property to the City indicating that the transferred lands are to be used for park purposes together with acceptance of same by the City;
- (f) purchases made with funds approved by a plebiscite for the acquisition of permanent public parks borrowed pursuant to Part V.

(6) Subject to the provisions of section 490, possession of, and exclusive jurisdiction and control of real property includes the authority to determine how such real property shall be used, what fees or rental charges shall be levied and, subject to sections 492 and 493, what improvements shall be made thereon, including the removal or demolition of any existing improvements.

S. 490

29. Section 490 is repealed and the following substituted therefor:

Board's power of leasing, etc.

490. (1) Subject to sections 492 and 493, the Board, in the name of the City, may by lease, licence, or any other agreement, permit any person to occupy any building or place or any part thereof in a permanent public park, on such terms as to remuneration or otherwise as to the Board may seem expedient. Such agreements shall contain a provision providing for the termination thereof if such park ceases to be a permanent public park pursuant to the provisions of subsection (1) of section 488.

(2) Subject to the provisions of sections 492 and 493, the Council may delegate to the Board power, in the name of the City, to enter into agreements permitting any person to occupy any building or place in a temporary public park or any part thereof on such terms as to remuneration and otherwise as the Board may deem expedient.

(3) Any agreement made pursuant to this section shall be executed in the manner prescribed by the Board.

S. 523C

30. The said Act is further amended by the insertion of the following as section 523C:

Council may defer levies

523C. (1) The Council may, by a by-law passed by 2/3 of all its members, enter into an agreement with any owner of real property providing for the deferral of any levies imposed pursuant to this Part on such terms and conditions as to Council seem appropriate.

(2) During the life of any such agreement the City shall assume payments of all levies so deferred in accordance with the provisions under which such levies were imposed.

S. 565A

31. Section 565A is amended by striking out the figures "1964" at the end of subparagraph (i) of paragraph (e) and substituting "1977".

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Majesty in right of the Province of British Columbia.

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