



CHAPTER 87.

An Act to incorporate the City of Port Coquitlam.

[1st March, 1913.]

WHEREAS a petition has been presented by the inhabitants and land-owners of the tract of land described in Schedule A hereto, being a portion of and forming part of the Municipality of the District of Coquitlam, praying that they may be incorporated as a city municipality under the name of the "City of Port Coquitlam"; and the said inhabitants and land-owners are desirous of securing incorporation without complying with certain of the provisions of the "Municipalities Incorporation Act" and amending Acts:

And whereas the Council of the Corporation of the District of Coquitlam has given its consent to the reduction of the limits of the said municipality by excluding therefrom the said tract of land:

And whereas it is expedient to permit a departure from the general statutory conditions, and to grant the prayer of the petitioners:

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 "Port Coquitlam Incorporation short title Act."

2. It shall be lawful for the Lieutenant Governor in Council, without requiring the inhabitants of the lands proposed to be incorporated to observe the provisions of section 3 of the "Municipalities Incorporation Act," by Letters Patent under the Great Seal, to incorporate into a city municipality forthwith, under the name of the "Corporation of the City of Port Coquitlam," the tract of land described in Schedule A hereto annexed; and such letters patent shall have the same force and effect as letters patent issued under

the provisions of and after compliance with all formalities of the said "Municipalities Incorporation Act," save and except as provided in the following sections of this Act, which shall apply to such municipality.

Letters patent.

3. The letters patent shall, in specifying all matters referred to in section 5 of the "Municipalities Incorporation Act," specify the matters contained in sections 4 to 22, both inclusive, of this Act, by incorporating the same therein in the manner set out in said last-mentioned sections or to the like effect; and reference in said letters patent to said sections, or any of them, by their respective numbers for the purpose of incorporating the same therein shall be sufficient compliance with this section in respect thereto.

Nominations for first election

4. The nomination of a first Council, to consist of a Mayor and five Aldermen, shall be held from twelve noon to two o'clock in the afternoon on the third Saturday after letters patent pursuant to this Act shall be issued by the Lieutenant-Governor in Council, and the election, in case a poll shall be demanded, shall be held on the following Saturday after such nomination, and shall continue for one day only; the Returning Officer to be named in the letters patent.

Returning Officer

Poll at first election

5. The poll to be taken by the Returning Officer shall be open from nine o'clock in the forenoon to seven o'clock in the afternoon on the day named, and the Returning Officer shall have authority to appoint Deputy Returning Officers, Poll Clerks, and constables, and such officers as he shall deem necessary for taking such poll and for maintaining order at the polling station.

Place of nomination and poll

6. The nomination and poll (if any) shall be held at the hall of the Coquitlam Agricultural Society, within the boundaries of the city.

Notice thereof to be published

7. Seven days' notice of the time and place of nomination and of the holding of the poll (if any) shall be given by the said Returning Officer in a newspaper published and circulated in the said city, and shall for the like period be posted upon the entrance door of the said hall.

Duties of Returning Officer

8. The Returning Officer shall provide a ballot box or ballot boxes for the necessary ballots for use in the said elections, and, except as by this Act it is otherwise provided, he shall so far as possible conduct such elections in all respects in conformity with the provisions of the "Municipal Elections Act."

First meeting of Council

9. The first meeting of the Council so elected shall be held at the Municipal Hall, in the said City of Port Coquitlam, on the first Wednesday after such election, commencing at ten o'clock in the forenoon.

10. The qualifications for Mayor of the city at the first election shall be his being a male British subject of the full age of twenty-one years, and having been for the six months next preceding the day of nomination for such office the registered owner in the Land Registry Office of the district within which the lands are situate of land or real property situate within the city of the assessed value, on the last revised municipal assessment roll of the said District of Coquitlam, of one thousand dollars or more over and above any registered judgment or charge, and being otherwise duly qualified as a municipal voter.

Qualifications for
Mayor at first
election.

11. The qualifications for Alderman at the said first election shall be his being a male British subject of the full age of twenty-one years, and having been for the three months next preceding the day of such nomination the registered owner in the Land Registry Office for the district within which the lands are situate of land or real property situate within the city of the assessed value, on the last revised municipal assessment roll of the said District of Coquitlam, of five hundred dollars or more over and above any registered judgment or charge, and being otherwise duly qualified as a municipal voter.

Qualifications for
Aldermen at first
election

12. All persons whose names are, at the date of incorporation of the city, on the voters' list for that part of the district municipality included in the city, and also any male or female, being a British subject of the full age of twenty one years, and being a freeholder, householder, or licence-holder for at least six months previous to such election, and being for the term of not less than six months immediately preceding the date of the issuing of letters patent incorporating the said city resident within the limits of the said city, shall be entitled to vote at the first municipal election under this Act.

Qualifications
of Voters

13. It shall be the duty of the Returning Officer to enter in a book, in alphabetical order, the names, addresses, and occupations of all persons qualified under section 12 of this Act, and such list shall be the list of electors for such first election.

14. Before the names of any person, other than a freeholder or licensee or person whose name is already on the voters' list for that part of the district municipality included in the city, shall be placed on the voters' list, he or she shall sign a declaration in writing before some person authorized to administer oaths, or before the Returning Officer, setting forth his or her name, address, occupation, and qualification under this Act, and shall deliver, or cause to be delivered, the same to the Returning Officer, and the said list shall be closed on the day before nomination day, and shall then be the voters' list for the said city for all purposes until another list is prepared in accordance with the "Municipal Elections Act."

to be
by A

First Mayor and Aldermen to hold office until successors elected

15. The Mayor and Aldermen elected at such first election shall hold office until their successors, or a majority of their successors, have been sworn in, unless he or they shall die, resign, or become disqualified.

Power to borrow money to pay District of Coquitlam and incorporation expenses

16. It shall be lawful for the Council, by by-law or by-laws to be passed, without any petition and without the previous assent of the electors, at any time or times, and in one or more sums at a time, to borrow upon the credit of the city at large, by debentures, a sum of money equal to the proportion of the debts of the said district corporation taken over and assumed by the said city, and in addition the purchase price or consideration payable for property to be transferred under the Agreement in the Schedule to this Act, and all matters incidental to the incorporation of the said city, at such rate or rates of interest, not greater than seven per cent., as the Council may see fit; and such debentures shall be issued under the formalities contained in the "Municipal Act," save as herein provided, and may be for a period not exceeding fifty years from this date.

Costs of incorporation

17. The Council shall, after they assume office, pay out of the ordinary revenue of the city all costs, charges, and expenses incurred in and about the incorporation of the city, including all expenses of preparing and printing the charter and of promoting this Act.

Sewage

18. It shall be lawful for the Council to dispose of sewage by depositing it at some point outside the limits of the city in such manner as may be found expedient, and from time to time to appropriate, take, and hold such lands, both in and beyond the limits of the city, as may be considered by the Council right and necessary for the purposes aforesaid.

Tax sales

19. All arrears of taxes levied by the Corporation of the District of Coquitlam on land heretofore in said district, but included by this Act in the city, shall be vested in the city, and it shall have all rights, powers, and privileges of the said district municipality as to the collection of the said taxes, by the sale of the lands liable therefor, or otherwise.

Meeting of Board of Licence Commissioners

20. A special meeting of the Board of Licence Commissioners for the city may, if desired, be held at any time to be fixed by the Mayor, not less than one month nor more than six weeks after the date of such first election, at which meeting all powers which the said Board of Licence Commissioners could exercise at any of the sittings provided for in section 331 of the "Municipal Act" may be had and exercised.

Licences

21. Nothing herein contained shall impair or affect any licence heretofore issued by the Corporation of the District of Coquitlam so

far as the same is valid and binding, and the Corporation of the said city shall, until the expiration thereof, have and exercise all rights and powers with regard thereto as the said district corporation could have exercised, and upon the expiration thereof the reissue shall be regulated by the statutory powers governing the city.

22. The last revised assessment roll of the said district municipality so far as applicable to the city, and the said last revised assessment roll so far as applicable to the district municipality as reduced, shall be the assessment rolls of the city and of the district corporation, as reduced, respectively until completion of new revised assessment rolls for the city and for the district respectively, under the provisions of the "Municipal Act."

23. After the incorporation of the city, the remaining area of the present Municipality of the District of Coquitlam hereinafter referred to as "the district municipality" shall remain a duly constituted municipality under its present name of "The Corporation of the District of Coquitlam," under its present letters patent, subject only to the provisions hereinafter contained.

24. After the issue of the letters patent for the incorporation of the city as hereinbefore provided for, the Reeve and Council for the district as at present constituted shall hold office until new Councils for the city and district municipalities have been elected; but nothing contained herein shall be held to disqualify such Reeve and Councillors, or any of them, for nomination or election at the first elections for the city or district municipalities, if otherwise duly qualified.

25. A nomination for a first Council of the district municipality shall be held on the third Saturday after letters patent have been issued incorporating the City of Port Coquitlam; and the election, in case a poll shall be demanded, shall be held on the following Saturday after such nomination, between the hours of nine o'clock in the forenoon and seven o'clock in the afternoon, and shall be conducted in accordance with the provisions of the "Municipal Elections Act"; the Returning Officer to be appointed by the Lieutenant Governor in Council, with authority to such Returning Officer to appoint Deputy Returning Officers, Poll Clerks, constables, and such other officers as he may deem necessary for taking such poll and in maintaining order at the polling station.

26. The nomination and poll (if any) shall be held at the hall of the Burquitlam Agricultural Association, in the said district municipality. Seven days' notice of the time and place of nomination and of the holding of the poll (if any) shall be given by the

said Returning Officer in a newspaper published or circulated in the municipality, and, further, for a like period shall be posted at the entrance of the said hall.

Duties of
Returning Officer.

27. The Returning Officer shall provide a ballot-box or ballot-boxes and the necessary ballots for use in the said first election, and, except as by this Act is otherwise provided, he shall so far as possible conduct such elections in conformity with the provisions of the "Municipal Elections Act."

Qualifications
for Reeve and
Councillors.

28. The qualifications for Reeve and Councillors for said district municipality at said first election shall be the same qualifications as provided in the "Municipal Act," sections 18 to 22, both inclusive, for Reeve and Councillors after the first election.

Qualifications
for voters.

29. The provisions of sections 12, 13, and 14 of this Act shall, mutatis mutandis, apply as to the qualifications for voters and as to the compilation of the voters' list for the district municipality.

Voters' list.

Power to enter
into Agreement
in Schedule B.

30. The district municipality is hereby empowered to enter into the Agreement set out in Schedule B hereto, and the execution thereof by the Corporation of the District of Coquitlam is hereby ratified and confirmed; and after the grant of letters patent under this Act, the said Agreement shall be valid and binding upon the Corporation of the City of Port Coquitlam, and shall be executed by the said Corporation, and shall be carried into effect by the respective Corporations.

Continuing liability
of municipality
to creditors.

31. Notwithstanding anything herein contained, each of the said municipalities shall remain jointly and severally liable for the debts and liabilities of the present Municipality of Coquitlam until the same shall have been fully paid and satisfied, but the indebtedness of the present Municipality of Coquitlam shall not be included in any computation of the aggregate debts of either municipality under section 124 of the "Municipal Act," except to the extent of the amount thereof separately assumed by each municipality respectively.

New Boards of
School Trustees.

32. After letters patent incorporating the said city have been issued by the Lieutenant-Governor in Council in accordance with this Act, a new Board of School Trustees shall be elected in each municipality; and such elections shall be conducted in the same manner and be held at the same time and in the same place as the elections for Mayor and Aldermen and for Reeve and Councillors in each respective municipality. Until such new Boards are elected, the present Board of School Trustees for the Coquitlam School District shall hold office.

"Municipal Act,"
"Municipalities
Incorporation Act,"
and "Municipal
Elections Act"
to apply.

33. All provisions of the "Municipal Act," the "Municipal Elections Act," and the "Municipalities Incorporation Act," and

amending Acts, shall apply to the said municipality, except where the provisions of the said Acts are repugnant to the provisions of this Act.

34. The agreement between the Canadian Pacific Railway Company and the Corporation of the District of Coquitlam with respect to taxation and other matters shall be valid and binding upon the Corporation of the City of Port Coquitlam so far and to the same extent as it is valid and binding upon the Corporation of the District of Coquitlam, and the Corporation of the City of Port Coquitlam is hereby empowered to carry out the said agreement, and the said Corporation shall have all the rights and powers in enforcing the said contract as if the said Corporation had been a party thereto in the first instance. Ratification of agreements

35. Neither the passing of this Act, nor any matter or thing contained herein, nor the issue of letters patent hereunder, shall enlarge, impair, nor in any way affect the provisions of any contract or agreement heretofore entered into by the Corporation of the District of Coquitlam with any person or body corporate other than the contract referred to in the last preceding section; and, so far as any such contract or agreement affects the City of Port Coquitlam, the Corporation of the said city shall have all the rights, remedies, and powers and be subject to the same liabilities as the Corporation of the District of Coquitlam could have had or be subject to had this Act not been passed. Existing contracts not affected

36. Notwithstanding anything in this Act or in the Schedule thereto contained, all transfers of water rights or water records provided for in the said deed of arrangement set out in Schedule B hereto, and all matters and things therein contained relating to the diversion, acquisition, or use of water, shall be in all respects subject to any Act now in force or hereafter passed respecting water and waterpower, or relating to the diversion, acquisition, and use of water, unless otherwise provided in said last mentioned Act. Transfer of water rights or water records

SCHEDULES.

SCHEDULE A.

All that lot of land in the County of Westminster, in the District of New Westminster, in the Province of British Columbia, described as follows: Beginning at the intersection of the south-east corner of District Lot 378, Group 1, and the south-west corner of District Lot 379, Group 1, and running thence northerly along the westerly boundaries of said District Lot 379 and District Lot 380, Group 1, and Section 4 of Township 39 to the north-west corner of said Section 4; thence easterly along the northerly boundaries of said Section 4 and District Lot 465, Group 1, to the north-east corner of said District Lot 465; thence northerly along the westerly boundary of the South-east Quarter of Section 12 of Township 39 to the north-west corner of said south-east quarter; thence northerly along the westerly boundary of the North-east Quarter of said Section 12 20 chains; thence easterly and parallel to the south boundary of the North-east Quarter of said Section 12 a distance of 20 chains; thence southerly and parallel to the west boundary of the North-east Quarter of Section 12 20 chains to the south boundary of said North-east Quarter of Section 12; thence easterly and following the said boundary to the south-east corner of said North-east Quarter of Section 12; thence easterly along the northerly boundary of the South Half of Section 7, Township 40, to the north-east corner of the South Half of the said Section 7; thence southerly along the easterly boundary of said Section 7 to the south-east corner thereof; thence easterly along the northerly boundary of Section 5, Township 40, and the south boundary of Fractional Section 9, Township 40, produced to the centre of the channel of the Pitt River; thence following the centre of the channel of the Pitt River down-stream to its mouth; thence following the centre of the channel of the arm of the Fraser River between the north shore of Douglas Island and the mainland to its junction with the channel of the main branch of the Fraser River; thence following the centre of the main channel of the Fraser River down-stream to a point due south of the mouth of the Coquitlam River; thence due north to the mouth of the Coquitlam River, and following the centre of the channel of the Coquitlam River up-stream to its junction with the south boundary of District Lot 378, Group 1; thence easterly following the said south boundary of District Lot 378 to the place of beginning, excluding therefrom the Indian reservation north of District Lot 343, Group 1, and Goose Island, in the Pitt River, and containing six thousand two hundred acres, more or less.

SCHEDULE B.

THIS INDENTURE made this twenty-sixth day of December, in the year of our Lord one thousand nine hundred and twelve.

Between.

THE CORPORATION OF THE DISTRICT OF COQUITLAM (hereinafter called "the District Corporation") of the first part:

and

DENNIS E. WELCHER and JOHN H. SMALL, both of Coquitlam, in the County of Westminster, in the Province of British Columbia, on behalf of themselves and all others the inhabitants of the area (hereinafter referred to as "the city area") proposed to be incorporated as the "City of Port Coquitlam" (hereinafter called "the City"), of the other part.

Whereas a petition has been presented to the Legislature of the Province of British Columbia by the inhabitants and land-owners of that portion of the Municipality of Coquitlam described in the said petition to incorporate the inhabitants of the said tract of land as a city under the name of the "City of Port Coquitlam," by a special Act of Incorporation, and to separate the said tract of land from the said District Corporation:

And whereas, on the thirteenth day of December, 1912, a committee representing the inhabitants of the proposed city area met with a committee of the Council of the District Corporation and a committee representing the inhabitants of the remaining portion of the District Municipality, and it was jointly agreed to enter into this Agreement:

Now, this Indenture witnesseth that, for the consideration herein expressed and in pursuance of the said Agreement, the said District Corporation doth hereby agree to grant and convey to the City the following properties and assets, namely:—

(1.) All that portion of District Lot Two hundred and eighty-nine (289), Group One (1), New Westminster District, and known as Block "K," and so marked on the key plan of the said district lot registered in the Land Registry Office at New Westminster, in the Province of British Columbia, and containing 2.125 acres, together with the buildings thereon:

(2.) That portion of District Lot Three hundred and seventy-nine (379), Group One (1), New Westminster District, measuring sixty-six feet in width by one hundred and thirty-two feet in depth, on which the Municipal Hall of the Municipality of Coquitlam now stands, together with the buildings on the said land and the fixtures contained therein:

(3.) One and one-quarter acres of land at the north-east corner of Wilson and School Roads, in the said municipality, and being a portion of Block "M" of District Lot Two hundred and eighty-nine (289), Group One (1), New Westminster District, and known as the School Lot, together with the buildings thereon:

(4.) Lot Five (5), in the subdivision of Block "T," in the subdivision of District Lot One hundred and seventy-four (174), Group One (1), New Westminster District, according to the registered map or plan of said subdivision deposited in the Land Registry Office at New Westminster aforesaid:

(5.) All rights, benefits, and advantages of every nature and kind in respect of the water record applied for upon Silver Creek, in the Municipality of Coquitlam:

(6.) All parcels of land that may be acquired by the District Municipality for school purposes within the said area before the date of the issue of letters patent incorporating the said City:

(7.) All the road machinery and other implements and the horses at present owned by the Municipality of Coquitlam, and the office furniture and supplies in the Municipal Hall, together with the fire hose, reels, and other equipment of the fire brigade:

(8.) All other personal property and public works and improvements belonging to the District Corporation located within the city area:

(9.) All rights, benefits, and advantages of every nature and kind in the South-west Quarter of the North-east Quarter of Section Twelve (12) of Township Thirty-nine (39) west of the Coast meridian, and known as the Park:

(10.) All maps, plans, books, contracts, deeds, documents of every description relating solely or chiefly to real estate and other property, rights, and improvements within the city area:

(11.) All arrears of taxes and assessments due on the first day of January, 1913, in respect of lands within the city area, and all rights and privileges in connection therewith.

The District Municipality covenants to convey to the City by good and sufficient deeds in fee-simple the real estate described or mentioned herein, so soon as letters patent incorporating the City have been issued, and to execute the conveyances necessary to assure the said real estate to the City.

The District Municipality agrees to account for and pay over to the City all taxes and licences collected by the District Municipality after the first day of January, 1913, within the city area, and to account for and pay over to the City the share of the City in all other moneys received on behalf of the District Municipality as at present constituted, and it is agreed that the share of the City in such moneys shall be five-eighths thereof.

It is further agreed between the District Corporation and the City that the expense of carrying on the business of the District Corporation between the first day of January, 1913, and the date of the issue of letters patent incorporating the City shall be borne by the District Corporation and the City in the proportion of three to five, respectively.

In respect of the general debenture debt of the District Corporation, amounting to two hundred and twenty-five thousand dollars, the City shall undertake and be responsible for the payment of one hundred and forty thousand six hundred and twenty-five dollars thereof, and the District Corporation shall undertake and be responsible for the balance, and each of the said parties shall at all times hereafter indemnify the other from and against the liability so undertaken by it; and both parties shall comply with all the provisions of any by-law of the present Municipality of Coquitlam creating a debt or authorizing the issue of debentures so far as the said by-law provides for the creation of a sinking fund and the payment of interest on such debt, and to levy and collect upon and from the rateable property of the respective municipalities an amount of the said sinking fund and interest in proportion to the amount of the debt assumed by each of them respectively; and the City shall pay to the District Municipality the amount so levied by it on or before the first day of January in each year, and all amounts so paid for sinking funds, together with all amounts heretofore paid into any sinking funds created by the present Municipality of Coquitlam, shall be held and invested by the District Municipality for the purpose for which such sinking fund was created; and in estimating the liability of each party hereunder the amount of the sinking funds at present shall be divided in the same proportion as the said debenture indebtedness.

The City covenants to pay to the District Municipality, within three months after the date of letters patent incorporating the City, the following sums:—

- (1.) As payment for three-eighths interest of the District Municipality in the personal property and chattels transferred to the City, a sum equal to three-eighths of the cost price of such personal property and

chattels as ascertained by the Municipal Auditor, less an allowance of twenty per cent. of the whole cost price of the rock-crusher, and ten per cent. of the whole cost price of the other implements for depreciation:

- (2.) As payment for the three-eighths interest of the District Municipality in the real estate agreed to be conveyed, the sum of seventeen hundred and fifty dollars:
- (3.) The cost already incurred in applying for the water record on Silver Creek, and whatever costs may be hereafter incurred therefor.

The City agrees to supply the inhabitants of the municipality adjacent to the main water-pipes between the City and Silver Creek, in case a water system is installed by the City, with water at the same rates as charged to the inhabitants of the City, and the District Corporation agree to allow the City to use the roads and highways of the District Corporation for the purpose of installing, repairing and maintaining the necessary pipes for a water system.

The District Corporation agrees with the City that the City shall have access to all books, maps, plans, deeds, by-laws, and documents of the Municipality of Coquitlam, at all reasonable hours, together with the right to take copies of or extracts from them, and the District Municipality shall have a similar right with respect to any such maps, plans, deeds by laws, and documents in the possession of the City.

In the event of any dispute arising in connection with this Agreement, the same shall be referred to arbitration under the provisions of the Act respecting arbitration and reference.

In witness whereof the parties hereto have hereunto set their hands and affixed their seals the day and the year first above written

THE CORPORATION OF THE DISTRICT
OF COQUITLAM

[SEAL]

Signed, sealed and delivered in
the presence of—

JAMES MARS,
Rec'd

(Signed) G. R. LEIGH,
As to all signatures

JOHN SMITH
Clerk

DENNIS E. WELCHER.

[SEAL]

JOHN H. SMALL.

[SEAL]

VICTORIA, B. C.

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