



CHAPTER 76.

An Act to amend the "Vancouver Incorporation Act, 1900."

[Assented to 19th May, 1917.]

WHEREAS a petition has been presented by the City of Vancouver praying that the "Vancouver Incorporation Act, 1900," be amended:

And whereas it is deemed 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. Section 4 of the "Vancouver Incorporation Act, 1900" (herein after called "the principal Act"), is amended by striking out the word "ten" where it appears in the third line of the said section, and inserting in lieu thereof the words "not less than eight"; and by inserting after the word "city," in the fourth line of the said section, the words "and the Council shall from time to time fix the number of Aldermen so to be elected"; and by adding after the word "ward," in the eighth line of the said section, the following words: "but in no event shall the Council consist of less than eight Aldermen:

" Provided that such Mayor and Aldermen shall be elected biennially if a by-law providing for such biennial election shall have first been submitted to the electors qualified to vote for Mayor and Aldermen pursuant to section 103 of this Act, and assented to by them, and finally passed by the Council, in which event the provisions of this Act providing for the nomination and election of Mayor and Aldermen annually shall, mutatis mutandis, apply to the nomination and election of Mayor and Aldermen biennially."

Election of Mayor and Aldermen biennially if by-law passed.

Females qualified to be elected as Mayor or Aldermen.

2. Subsection (2) of section 4 of the "Vancouver Incorporation Act, 1900," is amended by inserting after the word "male," in the fourth line of the said subsection, the words "or female."

Certain corporations given the right to vote by agents.

3. Section 5 of the principal Act is amended by inserting after the word "years" and before the word "shall," in the third line of said section, "or any corporation."

("Provided that no corporation shall be entered on the voters' list whose name is not on the assessment roll: And provided further that such corporation shall vote only by its duly authorized agent, whose authority shall be filed with the City Clerk before the first day of October, and who shall be a resident of the Province of British Columbia and a British subject of the full age of twenty-one years. And provided further that such agent shall be entitled to vote for such corporation from year to year until his appointment as such agent is cancelled and the City Clerk has notice of the cancellation.")

Wives of soldiers given the right to vote on husband's property in certain cases

4. Section 5 of the principal Act is further amended by inserting as subsection (1a) the following subsection:—

"(1a.) Is the wife of any person who has either enlisted or been mobilized as a Volunteer in the forces raised by the Government of Canada in the aid of His Majesty in the war now existing between His Majesty and certain European powers, or has left Canada to join the Navy or Army of His Majesty or any of his Allies in the said war as a Volunteer or Reservist, and who is qualified to vote for Mayor and Aldermen under subsection (1) of this section: Provided that such wife shall before voting make, before the Deputy Returning Officer, a statutory declaration to the effect:—

"(a.) That she is the wife of such person hereinbefore described

"(b.) That her husband is absent from the city and cannot possibly vote."

Assessing persons firms, partnerships and companies

5. The principal Act is amended by inserting as section 46x thereof the following section:—

"46x. The Council may by by law assess every person, firm, partnership, company, or corporation that carries on a business or profession in any way in the city, and may by such by law—

"(a.) Establish the basis of such assessment.

"(b.) Provide for the form of the assessment roll, and determine the time when the assessment shall be made and when the roll shall be completed.

"(c.) Provide for appeals against assessment

"(d.) Provide for the rate to be levied on such assessment and determine the time when such rates shall be due and payable:

"(c.) Provide for giving to the Assessment Commissioner power to add to the roll, after its completion, the name of any person, firm, partnership, company, or corporation which he may subsequently ascertain to be liable for assessment under this section:

"(f.) Provide for compelling the owner or agent of any premises rented or leased for the purpose of a business or profession to furnish to the Assessor or Assessors, from time to time as required a full report of the terms of the tenancy or tenancies under which the premises are rented or leased, and to give prompt notice to the said Assessor or Assessors of all changes or variations of tenancy:

"(g.) Provide for putting such business or profession, as the Council in its discretion may deem proper, under a specified class, with a view of differentiating between the rates to be imposed on the different classes of business or professions to be assessed:

"(h.) Provide for the exemption from such rate (either wholly or in part at the discretion of the Council) of such business or profession as may be already contributing to the revenues of the city either by licence fees or by special rates in respect of such business or profession:

"(i.) Designate the duties of the Assessment Commissioner and the Tax Collector for the purpose of making assessment and collecting the rates to be imposed thereunder:

" Provided that, notwithstanding anything in this section contained, no person, firm, or corporation shall, in respect of any business carried on by him or it, be subject to assessment or taxation under any by-law made in exercise of the powers by this section conferred, and also under any by-law made in exercise of the powers conferred by any other section of this Act."

" The provisions of sections 40, 41, 42, 44, and 56 of this Act shall be deemed to be applicable and referable to the provisions of this section in so far as the same are not inconsistent therewith.

" Provided that no by-law passed under the provisions of this section shall come into force or take effect (so far as the assessment and levying of taxes are concerned) until the same has been ratified by an Act of the Legislative Assembly of the Province of British Columbia."

6. Section 65 of the principal Act is repealed, and following section 65 enacted in lieu thereof:—

" 65 The Collector shall receive taxes either in amounts equal to one year's taxes on any one lot or in such instalments of same as the

Taxes receivable
in instalments
Local improvement
tax first to be paid

Council may by by-law determine, provided that no such by-law shall authorize more than three instalments for any one year's taxes on any one lot, and that no part of any such instalments shall be credited to general taxes unless and until all local improvements or special taxes or assessments shall have been paid; and in case the whole arrears are not paid at one time, he shall credit the payment made (being a sum not less than one year's taxes or one instalment of same as by by-law provided) to the first and following years overdue, as shown on the tax roll, unless satisfactory proof is produced of the previous payment, or erroneous charge in respect of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of taxes chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder: Provided always that no discount shall be allowed on any payments unless the whole arrears are paid up"

S. 70 amended

7. Section 70 of the principal Act is amended by inserting after the word "by law," in the fifth line of the said section, the following words: "and by such by law may provide for the collection by such sale of all subsequent delinquent taxes as well as such unpaid taxes in arrears as aforesaid"

Subs. of s. 70 amended

8. Subsection (c) of said section 70 is amended by inserting after the word "dollar," in the fourth line of the said subsection, the words: "and on the payment of all delinquent taxes"

Amends s. 70 enabling the City to purchase where no bids equal the amount of delinquent taxes

9. Said section 70 of the principal Act is amended by inserting as subsection (c) the following subsection:—

(c) In the event of there being no bids equal to or over the amount of taxes advertised as delinquent and costs against any lot, the city shall be declared to be the purchaser, and the Collector shall issue to the city the certificate provided for in clause (a) of section 70 of this Act, and if the land is not redeemed as provided by this Act, it shall, without any further proceedings, become and be the absolute property of the city. The Council may by resolution passed by two-thirds vote of the Council sell any land which has become the property of the city under the provisions of this section, at such price as may be specified in such resolution."

Repeals s. 81

10. Section 81 of the principal Act, as amended by the "Vancouver Incorporation Act, 1900, Amendment Act, 1906," and the "Vancouver Incorporation Act, 1900, Amendment Act, 1909," is repealed, and the following inserted in lieu thereof:—

"81. The Revising Judge shall on the day appointed for the revision as aforesaid hear the appeals or complaints, notice of which have been given as hereinbefore provided, and any evidence adduced upon oath in summary manner, and may adjourn the hearing from time to time and defer judgment thereon at pleasure: Provided that the Revising Judge may accept as conclusive evidence the affidavit or statutory declaration of any applicant, to be placed on the list made on or after the first day of August, before the Mayor or City Clerk, or a Commissioner for taking Affidavits, or a Notary Public, or a Justice of the Peace, as to his qualification or non-qualification of a voter."

11. The principal Act is amended by inserting as section 106A the following section —

"106A. At any time after the Council shall have passed a by-law for levying a rate pursuant to section 57 of this Act, the Council may, under the formalities required by this Act and the provisions and conditions of sections 103, 104, 105, and 106 of the said Act, pass by-laws for contracting debts, borrowing money, or otherwise, and for levying rates for the payment of such debts on the rateable property of the city for the purpose of providing funds to be applied towards the necessary annual expenses and other charges as set out in section 57, subject to the following restrictions and provisions —

city to have power to pass by laws to be submitted to the ratepayers for the purpose of raising \$5,000,000 in five annual instalments

- "(a.) The total amount of the debt to be contracted under the provisions of this section shall not exceed five million dollars (\$5,000,000) in the aggregate, and no by law for a greater amount than one million dollars (\$1,000,000) shall be passed in any one year under the provisions of this section.
- "(b.) This section shall only remain in force for five (5) years from the date of the passing of this Act.
- "(c.) The whole of the debts and the obligations to be issued therefor under any by law passed under this section shall be made payable in twenty five (25) years at the furthest from the day on which the said by law comes into force and takes effect.
- "(d.) Notwithstanding anything contained in section 103 of this Act, the Council may name a day for the taking of the votes of the electors on the said by law to be submitted pursuant to this section, which shall not be less than eight (8) days or more than fourteen (14) days after the first publication of the proposed by law, which publication shall be for one (1) week continuous in some newspaper published in the city, and appended to each copy of such by-law so published shall be a notice, signed by the Clerk of the Council, stating that such a copy is a true copy of

the proposed by-law which shall be taken into consideration by the Council after one week from the first publication in the newspaper, stating the date of the first publication in the newspaper, and naming the hour, day, and place or places fixed for taking the votes of the electors: Provided, however, that no moneys borrowed or otherwise obtained under the provisions of this section shall be borrowed or obtained from any sinking fund of the city."

Amends subsec (1) of s. 125.

12. Subsection (1) of section 125 of the principal Act is amended by inserting after the word "for," in the first line thereof, the word "investigating"; and after the word "acquiring" and before the word "constructing," in the said line, the word "developing"; and by inserting after the word "any" and before the word "water," in the second line of the said subsection, the words "water powers"; and by inserting after the word "works," in the third line of the said subsection, the words "or electric power."

Subsec (4) of s. 125 repealed and new subsection enacted

13. Subsection (4) of section 125 of the principal Act, as amended by subclause (a) of section 7 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1904," is repealed, and the following subsection inserted in lieu thereof:—

"(4.) For supplying water, light, gas, and power to the citizens, persons, and corporations, whether resident or not within the City of Vancouver, and to municipalities adjacent to the City of Vancouver, and for the recovery of the moneys due for such water, light, gas, and power, or for the supplying of water, light, gas, and power to consumers, and for the enforcement of the payment of such moneys or rates in the case of the supply of water to the citizens by making the same a charge on the lands of such citizens (whether owners or tenants) using the water, light, gas, or power, and for enabling the city to recover the same in the same manner as overdue taxes: Provided that nothing in this subsection shall be held to impair or prejudice the rights (save and except in respect of the acquiring, development, manufacturing, or sale of electric light and power) now vested in the British Columbia Electric Railway Company, Limited, or the Vancouver Gas Company by virtue of any requirements under any agreement or agreements with the city."

Re enacts subsec (5) of s. 125

14. Subsection (5) of section 125 of the principal Act is repealed, and the following subsection inserted in lieu thereof:—

"(5.) Provided that the Council shall not, with the exceptions hereinafter stated as to tramways upon unoccupied streets

of the city, pass any by-law for the purpose of purchasing, acquiring, constructing, operating, or maintaining any works similar to those now carried on by the British Columbia Electric Railway Company, Limited, or the Vancouver Gas Company (save and except in respect of the acquiring, developing, manufacturing, and sale of electric light and power), or by virtue of which the city will become a competitor in the business carried on by such companies, or either of them, until the Council has, by by-law, fixed the price which they will offer for the property of the company or companies whose operations will be thereby interfered with, nor until thirty days have elapsed after such notice of such price shall have been communicated to such company or companies: Provided further that, notwithstanding anything in this section contained, the city shall have the right to investigate, develop, acquire, construct, operate, maintain, distribute, transmit, and sell any water power or powers inside or outside the city for any desired purpose; nor shall anything hereinbefore or hereinafter in this Act contained or in any other Statute, public or private, contained be considered in any way to restrict, limit, or prejudice the right of the city to investigate, develop, acquire, construct, operate, maintain, manufacture, distribute, transmit, and sell electric light and power; nor shall the provisions of any of the following subsections (6) to (13), both inclusive, be deemed or construed to be in any way applicable to the city in respect to electric light and power in the event of the city proceeding to exercise any of the foregoing rights in respect of electric light and power: Provided that the city shall not sell electric light or power in competition with the British Columbia Electric Railway Company, Limited, until the expiration of two years from the first day of June, 1917.

15. Section 125 of the principal Act is amended by inserting after subsection (54) the following subsection:—

“(54a.) For regulating the installation and ventilation of gas fixtures.” Regulation of gas fixtures.

16. Section 125 of the principal Act is amended by inserting as subsection (81a) thereof the following subsection:—

“(81a.) For surveying, settling, and marking a building line, so that buildings shall not be constructed at a lesser distance from any street than that set out in any by-law.” Establishing a building-line.

17. Subsection (130a) of section 125, as enacted by "Vancouver Incorporation Act, 1900, Amendment Act, 1915," is further amended by adding the following words at the end thereof:—

Licensing of motor-vehicles.

"Provided that the city may license all motor-vehicles as defined by this section, and if it should deem it advisable so to do, may differentiate in the conditions contained in licences granted to and the licence fees to be imposed upon the owners of motor-vehicles operating upon any routes which may be fixed by the city, and motor-vehicles operating in any other method."

18. Section 125 of the principal Act is amended by inserting as subsection (141a) thereof the following subsection:—

Residential districts.

"(141a.) For establishing and defining districts in the city, to be known as residential districts, and within which districts no buildings other than those of a purely residential character are to be built, and for preventing the erection of buildings for commercial or manufacturing purposes in such districts, or the carrying-on of commercial or manufacturing businesses in such districts."

Amends subsec. (229) of s. 125.

19. Subsection (229) of section 125 of the principal Act, as enacted by section 9 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1916," is amended by striking out all the words in the last line of the said subsection, and inserting in lieu thereof the words "the sum of ten dollars for every six (6) months."

20. Section 125 of the principal Act is amended by inserting as subsection (230) thereof the following subsection:—

Plebiscite may be submitted.

"(230.) For submitting a plebiscite or referendum on any question to the ratepayers: Provided that if the subject-matter of such plebiscite or referendum involves the expenditure of any money, the right to vote on the same shall be restricted to such persons as have a right to vote on money by-laws under section 103 of this Act."

21. Section 125 of the principal Act is amended by inserting as subsection (232) the following subsection:—

Clubs to appoint managers.

"(232.) For compelling all partnerships, or unincorporated clubs, and companies carrying on the business of a club to appoint a manager and for the licensing of such manager: Provided that nothing herein contained shall apply to any organization incorporated under the 'Benevolent Societies Act.'"

s 133 amended.

22. Section 133 of the principal Act is amended by inserting as subsection (19) thereof the following subsection:—

"(19.) The Council of the City of Vancouver shall have power and authority, in the event of it desiring to widen or enlarge any street, lane, public place, park, or square, or to raise or lower any grade, or to do any work on any street, which may injuriously affect any lot or lots abutting thereon, to provide by resolution or by by-law for acquiring, taking, or using the whole of any lot or any part of any lot or lots adjoining or adjacent to said street, lane, public place, park, or square, the part or whole of which may be necessary for the widening or enlarging of any such street, lane, public place, park, or square, or which may be injuriously affected by the raising or lowering of any grade or the carrying-out of any work on the same, and also any land within the block within which the work lies; and may by resolution passed by two-thirds of the Council present and voting provide, notwithstanding anything contained in this Act, for the sale of such portion of the lot or lots as may not be actually required for the enlarging or widening of the street, lane, public place, park, or square, or which may be injuriously affected as aforesaid, and may by resolution authorize the Mayor and City Clerk of the city to execute and give a good and sufficient deed of such lot or lots or such portion of such lot or lots to any person purchasing the same at such price as the Council may deem advisable."

23. Section 172 of the principal Act is amended by inserting as subsection (9) the following subsection:—

"(9.) The Board on request of the city 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 of Vancouver, and shall, before the first day of February, submit the results of such census to the Council."

Police census
on request

24. Section 16 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1907," is amended by striking out the words "two-thirds" where they appear in the third line of the said section, and inserting in lieu thereof the words "three-fourths" and by striking out the words "one-half" where they appear in the fifth line of the said section, and inserting in lieu thereof the words "two-thirds."

S. 16 of the
"Vancouver Incorporation Act, 1900, Amendment Act, 1907," amended

25. Subsection (1) of section 17 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1907," is amended by inserting after the figure "(1)" and before the word "any," in the first line of the said subsection, the following: "If the Council affirms by vote of two-

Subsec. (1) of s. 17 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1907," amended.

thirds of all the members of the Council, at any regular meeting thereof, that it is desirable and necessary in the public interest to carry out any work or works which may be effected as a local improvement under this Act, other than the works mentioned in subclause (2) of section 16 of the said amending Act, then in such case"; and by striking out the word "majority" in the third line of the said subsection, and inserting in lieu thereof the words "one-third"; and by striking out the words "one-half" in the fourth line of said subsection, and inserting in lieu thereof the words "one-third."

Re-enacts s. 223.

26. Section 223 of the principal Act is hereby repealed, and the following substituted therefor:—

"223. Notwithstanding anything contained in the 'Municipal Act' or the 'Municipalities Incorporation Act' or the 'Municipal Elections Act,' none of the provisions of those Acts, except sections 418 to 422 (both inclusive) of the 'Municipal Act,' shall apply to the City of Vancouver."

Short title.

27. This Act may be cited as the "Vancouver Incorporation Act, 1900, Amendment Act, 1917, No. 1."

VICTORIA, B.C.

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