



CHAPTER 85.

An Act to amend the "Vancouver Charter."

[Assented to 28th March, 1957.]

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, 1957."

Re-enacts s. 56.

2. Section 56 of the "Vancouver Charter," being chapter 55 of the Statutes of 1953, is repealed and the following substituted:—

"56. The Returning Officer shall before the day fixed for a contested election (hereinafter called 'polling-day') cause to be published in all daily newspapers published in the city a notice of such election containing the name of every candidate validly nominated and specifying the office for which he is a candidate and shall either mail to every person whose name appears on the voters list a notice indicating the polling-place at which he may cast his vote or in the alternative may publish in the said newspapers a map designating the polling districts and the polling-place for each such district."

Amends s. 57.

3. Section 57 is amended by striking out the word "seven" in the second line and substituting "eight."

Amends s. 128.

4. Section 128 is amended by striking out all the words after the word "member" in the twenty-third line and substituting the following:—

"Provided however, and notwithstanding the issue of the warrant, no election need be held to fill such vacancy until the next annual election if the Council so resolves by a two-thirds majority."

Re-enacts s. 137.

5. Section 137 is repealed and the following substituted:—

"137. (1) Except as otherwise provided the powers of the city shall be exercisable by the Council.

"(2) The Council shall be composed of a Mayor and ten Aldermen elected at large as provided by this Act. The Mayor shall be elected at the annual election held in each even-numbered year and one-half of the number of the Aldermen on the Council shall be elected at each annual election.

"(3) The number of Aldermen may be increased from ten to twelve by by-law but no such by-law shall be passed until the question has been submitted to the electors in the form of a plebiscite. The resolution authorizing such a plebiscite shall require a two-thirds majority.

"(4) Subsection (2) hereof shall come into effect at the annual election to be held in the year 1957 at which election notwithstanding the provisions of subsection (2) there shall be six Aldermen elected. Of the six Aldermen so elected the five receiving the highest number of votes shall hold office for a term of two years and the sixth Alderman elected shall hold office for a term of one year."

Amends s. 162.

6. Section 162 is amended by striking out all the words after "decide" in the fifth line of clause (a).

Enacts s. 162A

7. The said Act is further amended by inserting the following as section 162A:—

"162A. The Council may by by-law provide for the appointment of a Board of Administration and may delegate to such Board any of the executive or administrative powers exercisable by the Council or any of the functions or duties by this Act specifically assigned to any officer or employee. The Council may by such by-law make provisions with respect to:—

"(a) The persons who shall constitute the Board:

"(b) The remuneration that shall be payable to the members of the Board. If the membership of the Board includes members of Council, the remuneration payable shall be in addition to the remuneration received as a member of Council and shall not disqualify such member from continuing to hold office as a member of Council:

"(c) The matters coming within the jurisdiction of the Board:

"(d) The procedure to be followed by the Board:

"(e) Such other matters as Council may deem fit."

Amends s. 310.

8. Section 310 is amended—

(a) By inserting the words " or with the Provincial or Federal Government " immediately after the word " municipalities " in the first line of clause (e).

(b) By adding the following as clause (f):—

"(f) Enter into agreements with owners or occupiers of property situate outside of the limits of the city for the providing of fire protection to such property and for the collecting of such charges therefor as may be agreed upon."

Enacts s. 324A.

9. The said Act is further amended by inserting the following as section 324A:—

" 324A. (1) The Council may, by resolution or by by-law, declare any building, structure, tree, or erection of any kind whatsoever, or any drain, ditch, watercourse, pond, surface water, or any other matter or thing in or upon any private or public lands, street or road, or in or about any building or structure, a nuisance or dangerous to the public safety or health, and may, by such by-law or resolution, as may be directed therein, order that the same shall be removed, pulled down, filled up, or otherwise dealt with by the owner, agent, lessee, or occupier thereof, as the Council may determine, and within such time after the service of the order as may be therein named. Service of the order so made shall be effected by sending a copy of the order by return registered mail to the owner of the lands upon which such building, structure, tree, or erection stands, and to all other persons whose names appear on the records of the Land Registry Office as having an interest in the said lands, and to the agent, if known, of the registered owner thereof, and to the occupier thereof, if any; the same to be sent to the last-known address of each interested person herein referred to: Provided that if the occupier of the lands upon which such building, structure, tree or erection stands has no address to which the order may be sent by mail, service of the order may be made by posting a copy of the same on said building, structure, tree or erection. The Council may, by such by-law or resolution, further order that, in case of default by the owner, agent, lessee, or occupier to comply with the order within the period named in such order, such removal, pulling down, filling up, or other dealing with same shall be done by any officer of the corporation authorized for that purpose by the said resolution or by-law, at the cost of such owner, and payment of such costs and all expenses incidental thereto may be enforced against the owner thereof by such officer in an action in any Court of competent jurisdiction: Provided, however, that such order or orders of the Council shall not be carried into effect until the expiration of sixty days after the date of service by registered mail or by posting as aforesaid.

"(2) It shall be lawful for the Council by the said resolution or by-law to order that any building, structure, tree, or erection so ordered

to be dealt with, or any part or material thereof, shall be sold by auction or tender, or by private sale subject to the approval of the Council, or shall be otherwise disposed of in the discretion of the Council, and such sale or disposal may be effected at any time after the expiration of the period named in the order or orders herein referred to and after service thereof pursuant to this section. From the proceeds of such sale or disposal shall be deducted for the use of the city the actual costs and disbursements incurred by the city in carrying out the said pulling down, removal, sale, and disposal under the provisions of this section, and the remainder of such proceeds shall be paid by the city to the owner or owners, or other persons lawfully entitled thereto, who are interested in the lands from which any such building, structure, tree, or erection, or part or material thereof, has been so removed, pulled down, sold, or otherwise disposed of.

"(3) The provisions of this section shall apply to any building, structure, or erection of any kind whatsoever which, in the opinion of the Council, is in so dilapidated or uncleanly a condition as to be offensive to the community."

Enacts s. 413A.

10. The said Act is further amended by inserting the following as section 413A:—

"413A. In any case where the Crown in right of the Province has agreed to sell lands which are situate within the city on conditions of deferred payment, and in case the holders of such agreements of sale have defaulted in making payment for such lands or have abandoned such lands, and the title thereto remains in the Crown, and in case such agreement-holders have made default in the payment of any taxes assessed against such lands by the city, then in each such case the taxes assessed shall be a first charge against such lands, and the Province shall, at the time of selling such lands, pay, out of the proceeds of such sale, to the city the amount of the taxes: Provided that the amount so paid shall in no case exceed the amount received by the Province from such sale."

Amends s. 455

11. Section 455, as enacted by chapter 70 of the Statutes of 1956, is amended by striking out subsection (6) and substituting the following:—

"(6) Any three members of the Board shall form a quorum and in the absence of the Mayor or Acting-Mayor shall appoint one of them to act as Chairman."

Enacts s. 473A

12. The said Act is further amended by inserting the following as section 473A:—

"473A. It shall be the duty of the Board to provide for the policing of the city and the enforcement not only of the city by-laws, but also the criminal law and the general laws of the Province and of generally maintaining within the limits of the city law and order; and of administering justice therein, including the prosecution of offenders triable

summarily, and also of offenders triable upon indictment up to committal for trial. In order to carry out such duty the city shall provide a lockup."

Enacts ss. 484A
and 484B.

13. The said Act is further amended by adding the following as sections 484A and 484B:—

"484A. The costs, fees and expenses of and incident to the holding of any inquest or inquiry under the 'Coroners Act' upon any dead body found within the limits of the city shall be borne and defrayed by the city, but the city may recover from the local authority of the local area in which said deceased resided at the date of his death or disappearance, and the provisions of the 'Residence and Responsibility Act' shall apply to this section.

"484B. It shall be the duty of the city to bury any unclaimed human body found dead within the city limits, but the city may recover the expense of burial from the local authority of the local area of which such deceased was a resident, and thereafter the local authority by which such expense is incurred may recover such expense from the estate of the deceased. The provisions of the 'Residence and Responsibility Act' shall apply to this section."

Amends s. 500.

14. Subsection (3) of section 500 is repealed.

Enacts s. 523A.

15. The said Act is further amended by inserting the following as section 523A:—

"523A. Notwithstanding anything contained in this Act or in any by-law passed in pursuance thereof, in the event of any local improvement or work not being commenced within one year from the date of the sitting of the Court of Revision which was held to hear complaints with respect thereto, the Council may by resolution cancel the said local improvement or work."

Re-enacts s. 562.

16. Section 562 is repealed and the following substituted:—

"562. None of the provisions of the 'Municipal Act,' except sections 735 to 737, inclusive, and sections 772 to 805, inclusive, shall apply to the City, anything to the contrary contained in the 'Municipal Act' notwithstanding. This section shall come into force and take effect on the first day of July, 1957."

Enacts s. 279A.

17. The said Act is further amended by inserting the following as section 279A:—

"279A. (1) For the purposes of this section, 'shop' means any premises wherein any retail trade or business is carried on, and includes any building or portion of a building, booth, stall, or place where goods are exposed or offered for sale by retail, or where the business of a barber or hairdresser or the business of a shoe-shine stand is carried on, but does not mean premises where a barber or hairdresser is attending a customer in the customer's residence, or where the only trade or busi-

ness carried on is that of selling medicines, drugs and medical appliances, tobacco and related products, newspapers, magazines, fresh or frozen fruits, fresh or frozen vegetables and other frozen foods, cut flowers, florists' products, soft drinks, dairy products, bakery products, or any one or more of them, or that of automobile dealers, automobile service-stations and garages or that of an hotel, inn, public house, restaurant, or refreshment-house.

"(2) The Council may by by-law regulate the days and hours of the day during which shops may remain open or be closed for business during Monday to Saturday inclusive: Provided, however, that the owner or operator of any shop shall not require any employee to work in any shop on more than five days in any one week. Such by-law may classify shops and may differentiate between different classes as to hours and days for opening or closing.

"(3) Pending the enactment of by-laws pursuant to subsection (2) by the city every shop shall be closed and remain closed on Monday, Tuesday, Wednesday, Thursday and Saturday from and after six o'clock in the afternoon and on Friday from and after nine o'clock in the afternoon: Provided, however, that if shops are required by Statute to remain closed on any Friday such shops may remain open until nine o'clock in the afternoon of the immediately preceding day.

"(4) All shops may remain open until nine o'clock in the afternoon on the seven business-days immediately preceding Christmas Day.

"(5) Notwithstanding the provisions of the 'Shops Regulation and Weekly Holiday Act' or any other Act the Council may at any time amend or repeal any by-law passed pursuant thereto.

"(6) The Council may by by-law require that hawkers, pedlars and hucksters shall not hawk, peddle or sell any goods, chattels, or merchandise during the period when shops are required to be closed pursuant to this section.

"(7) Every shop shall be closed for business on the following days, that is to say: Christmas Day and the day immediately following; New Year's Day; Good Friday; Dominion Day; Victoria Day; Labour Day; Remembrance Day; the birthday, or the day fixed by Proclamation of the Governor in Council for the celebration of the birthday, of the reigning sovereign; and any day fixed by the Parliament of the Dominion or appointed by Proclamation of the Governor in Council for a general fast or thanksgiving or as a holiday of general application throughout the Dominion; and any day appointed by Proclamation or Order of the Lieutenant-Governor in Council or the City Council as a holiday."

Enacts s. 306A.

18. The said Act is further amended by inserting the following as section 306A:—

"306A. Notwithstanding the repeal of the 'Town Planning Act,' being chapter 339 of the 'Revised Statutes of British Columbia, 1948,' the Council shall continue to have and may exercise all the powers which

it had pursuant to the provisions of that Act; and the Zoning Board of Appeal and the Town Planning Commission shall continue to have and continue to exercise all the powers formerly exercised by those bodies pursuant to the provisions of the said Act. All privileges, restrictions and rights of all kinds provided in the said Act shall continue in full force and effect in the City of Vancouver. The provisions of this section shall expire one year from the day on which it comes into force."

Amends s. 498.

19. Section 498 is amended by adding to the definition of "assessed owner" the following words: "In the case of a parcel of Crown lands it shall mean the occupier of the said parcel."

Re-enacts s. 398.

20. Section 398 is repealed and the following substituted:—

"398. (1) The poles, conduits, cables, and wires of any telephone, electric light, electric power company, or closed-circuit television company; the mains of any gas company; the rails, poles, and wires of any street-railway or tramway company; and the plant and machinery, being fixtures appurtenant thereto and used in any way in connection therewith by any such company when situate on any street or public place, shall be deemed to be rateable property, and shall be liable to taxation for municipal purposes as provided in subsection (2) hereof and for school purposes as provided in subsection (4) of section 52 of the 'Public Schools Act.'

"(2) The several companies aforesaid shall pay to the city annually:—

"(a) In the case of every telephone company or closed-circuit television company, at the rate of one and one-quarter per centum per annum, on the revenue, being gross rentals actually annually received from its subscribers for telephones or closed-circuit television service, situate within the city, including interexchange tolls of a telephone company for calls between exchanges within the city:

"(b) In the case of every gas company, electric light company, and electric power company, at the rate of one and one-quarter per centum per annum, on the revenue, being the amount annually received by such company for gas, electric light, or electric power consumed within the city:

"(c) In the case of the British Columbia Electric Railway Company, Limited, with respect to its street-railway and transportation undertaking, at the rate of two and one-half per centum per annum, on its annual basic fare revenue as defined in an agreement between the city and the said company, dated the thirtieth day of December, 1946, in respect of its street-cars and trolley-coaches operated under such agreement.

"(3) Every company to which this section applies shall annually, without any notice or demand, make a return of its revenue as aforesaid for the previous year, and shall file such return with the City Comptroller

on or before the fifteenth day of April in each year, and shall on or before the third day of July in each year pay to the city the amount imposed by this section. The amount so payable shall bear interest at the rate of six per centum per annum from such third day of July until payment is made.

"(4) The taxation imposed by subsection (2) shall be in lieu of all taxes (other than school taxes) otherwise imposed and payable to the city upon the property mentioned in subsection (1).

"(5) Notwithstanding anything in subsections (1) and (4), before applying any moneys paid to it in the year under clause (c) of subsection (2) to any other purpose, the city shall apply so much thereof as is required on account of all school taxes from time to time owing or to become owing to it in the year in respect of so much of the said property as is included within the undertaking mentioned in clause (c) of subsection (2).

"(6) This section comes into force and effect as of the first day of January, 1957, and is retroactive to the extent necessary to give effect to the provisions thereof."

VICTORIA B C

Printed by DON McDIARMID, Printer to the Queen's Most Excellent Majesty
1957