



CHAPTER 63.

An Act to amend the "Municipal Act."

[Assented to 3rd April, 1947.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

R.S.B.C. 1936, c. 199;
1937, c. 55; 1938,
c. 47; 1939, c. 33;
1940, c. 35; 1941-42,
c. 26; 1943, c. 44;
1944, c. 35; 1945,
c. 52; 1946, c. 49.

1. This Act may be cited as the "Municipal Act Amendment Act, 1947." Short title.

2. Section 10 of the "Municipal Act," being chapter 199 of the "Revised Statutes of British Columbia, 1936," is amended by striking out the words "shall, except as provided in section 12, be elected annually" in the third and fourth lines, and substituting "shall be elected for a term of two years." Amends s. 10.

3. Section 11 is repealed, and the following is substituted:— Re-enacts s. 11.

"11. (1.) The term of office of Aldermen or Councillors shall be two years.

"(2.) In those municipalities where, before the enactment of this section, the term of office of Aldermen or Councillors was one year, the following provisions shall apply to the Aldermen or Councillors elected at the first annual election held after the passing of this Act, namely:—

"(a.) In a municipality having three Aldermen or Councillors, the two having the highest number of votes shall hold office for a period of two years:

"(b.) In a municipality having four Aldermen or Councillors, the two having the highest number of votes shall hold office for a period of two years:

"(c.) In a municipality having five Aldermen or Councillors, the three having the highest number of votes shall hold office for a period of two years:

“(d.) In a municipality having six Aldermen or Councilors, the three having the highest number of votes shall hold office for a period of two years:

“(e.) In a municipality having seven Aldermen or Councilors, the four having the highest number of votes shall hold office for a period of two years:

“(f.) In a municipality having eight Aldermen or Councilors, the four having the highest number of votes shall hold office for a period of two years:

“(g.) In a municipality having nine Aldermen or Councilors, the five having the highest number of votes shall hold office for a period of two years:

“(h.) In a municipality having ten Aldermen or Councilors, the five having the highest number of votes shall hold office for a period of two years,—

and in each case the remainder of those elected shall hold office for the period of one year.

“(3.) Aldermen or Councilors shall be elected from the municipality at large.

“(4.) (a.) Notwithstanding subsections (1), (2), and (3), the Council of a municipality divided into wards at the time this Act comes into operation may, by resolution passed on or before the thirtieth day of June, 1947, declare that it is desirable to continue the division of the municipality into wards, and thereupon the term of office of Alderman or Councilor in that municipality shall be one year, and the provisions of this Act and of the ‘Municipal Elections Act’ in so far as applicable as in effect on the first day of January, 1947, shall continue to be in force in such municipality.

“(b.) Any Council that has passed a resolution under the provisions of clause (a) may at any time rescind such resolution, and thereafter the provisions of subsections (1), (2), and (3) shall apply, and the municipality shall not again be divided into wards.”

Repeals s. 12.

4. Section 12 is repealed.

Repeals s. 32.

5. Section 32 is repealed.

Amends s. 59, cl. (19).

6. Section 59 is amended as follows:—

(a.) By striking out “fifty” in clause (19), and substituting “thirty.”

(b.) By striking out the words “interest and sinking fund” wherever they appear in clause (19), and substituting “debt charges.”

Amends s. 59, cl. (66).

7. Said section 59 is further amended as follows:—

(a.) By striking out "fifty" in paragraph (b) of the proviso to clause (66), and substituting "thirty."

(b.) By striking out "interest and sinking fund" in clause (66), and substituting "debt charges."

8. Said section 59 is further amended by inserting the following as clause (188a) :— Enacts cl. (188a), s. 59.

"(188a.) For prohibiting or controlling the presence or use of horses, mules, donkeys, or other animals on any public beach, park, pleasure-ground, or recreation-ground."

9. Said section 59 is further amended by striking out clause (193), and substituting the following :— Re-enacts cl. (193), s. 59.

"(193.) For imposing a tax on any houseboat, building, or other structure that is used as a dwelling and that is not subject to real-property taxes, the tax not to exceed five per centum of the actual value; and for collecting such tax from the owner or occupier of the houseboat, building, or other structure so used; and for fixing dates for payment and imposing penalties not exceeding ten per centum of the amount remaining unpaid after the date fixed for payment."

10. Said section 59 is further amended by inserting the following as clause (237c) :— Enacts cl. (237c), s. 59.

"(237c.) (a.) For erecting, maintaining, and operating, on any highway or other public place, automatic or other mechanical meters or devices, with the necessary standards for the same, for the purpose of controlling the parking of any vehicle on the highway or other public place and measuring and recording the duration of such parking; for requiring drivers of every vehicle parked on such highways or other public places to make use of the said meters or devices, and to pay for parking such vehicle on the highway or other public place a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or other public place unless the meter or device is made use of and the fee is paid, and for limiting the right of parking of vehicles on such highway or other public place to such drivers as make use of the meters or devices and pay the fees:

“(b.) The municipality shall not, except in case of negligence, be liable for personal injury or for damage by reason of the erection, maintenance, or operation of the said meters or devices, with the necessary standards for the same, under the authority of a by-law passed under this clause, or by reason of a vehicle being parked on the highway under the terms of such by-law.”

Amends s. 59a.

11. Section 59B is amended by inserting after “by-law,” in the third line of subsection (5), the words “without the assent of the electors.”

Further amends
s. 59a.

12. Said section 59B is further amended by adding the following as subsection (7) :—

“(7.) The Council may from time to time, after passing a by-law pursuant to subsections (1) and (2), by further by-law without the assent of the electors, set aside and include within any forest reserve established under subsections (1) and (2) any land that has reverted to the municipality for non-payment of taxes, but the further by-law shall be passed by not less than a three-fifths majority of the Council; and before the by-law is finally passed, the Council shall cause a notice to be published once each week for two consecutive weeks in a newspaper circulating in the municipality, stating the intention of the Council to set aside the land for inclusion within the forest reserve.”

Amends s. 62.

13. Section 62 is amended by renumbering the present section as subsection (1), and by adding the following as subsection (2) :—

“(2.) Before being submitted for the assent of the electors, every such money by-law shall be subject to the approval of the Inspector of Municipalities.”

Further amends s. 62.

14. Said section 62 is further amended by adding the following as subsection (3) :—

“(3.) Any such money by-law that if passed under any of the provisions of section 59 would require the approval of the Lieutenant-Governor in Council before coming into force shall not come into force until it has received his approval.”

Amends s. 101.

15. Section 101 is amended by striking out all words after “fined” in the eighteenth line, and substituting “a sum not exceeding five dollars.”

Amends s. 103.

16. Section 103 is amended as follows:—

(a.) By striking out clause (a), and substituting the following:—

"(a.) The aggregate of such debts, except for works of local improvement and school purposes, shall not exceed twenty per centum of the total of the following:—

"(i.) The assessed value of the taxable land and improvements within the municipality computed on an average taken from the assessment rolls for the three years before the year in which the debt is created; and

"(ii.) The value of all water systems, irrigation systems, electric light and power systems, telephone systems, transportation systems, and gasworks owned by the municipality and constructed or purchased at the expense of the municipality as a whole, such value to be determined by the cost of the system less such amounts as are allowed by the auditor from time to time for depreciation, except that where the rates of any utility have been pledged as security for any borrowing under the provisions of section 107, the value of that utility shall not be included in computing borrowing-power under the provisions of this section."

(b.) By striking out "fifty" in clause (c), and substituting "thirty."

17. Said section 103 is further amended by adding the following to clause (a):— Further amends s. 103.

"In any municipality where debts for works of local improvement and for school purposes have been merged with other debts for the purpose of a refunding, such municipality may, for the purposes of this clause, deduct from the amount of such refunding debt outstanding the same percentage as said local improvement and school debts bore to the total debts refunded."

18. Said section 103 is further amended as follows:—

(a.) By striking out paragraph (i.) of clause (d), and renumbering paragraphs (ii.), (iii.), and (iv.) as paragraphs (i.), (ii.), and (iii.) respectively. Further amends s. 103.

(b.) By striking out the first line of clause (e), and substituting "For the purposes of paragraphs (i.) and (ii.) of."

19. Section 104 is amended by striking out clauses (b) and (c), and substituting the following as clause (b):— Amends s. 104.

"(b.) The amount of the assessed value of the taxable land, or land and improvements, within the municipality according to the last revised assessment roll."

20. Section 107 is amended by striking out the two last sentences, comprising the following words:— Amends s. 107.

"No such by-law shall sanction the borrowing of any sum exceeding the capital sum represented by the estimated annual sum for the time being unencumbered, calculated at four per centum per annum.

"Sections 103 to 105 and sections 164 to 167 shall not apply to by-laws passed under the provisions of this section."

And substituting the following:—

"Provided that the provisions of this section shall not be taken as increasing the borrowing-power otherwise applicable as set out in section 103.

"Clause (f) of section 103 and sections 104 and 105 and sections 164 to 167 shall not apply to by-laws passed under the provisions of this section."

Amends s. 157.

21. Section 157 is amended by striking out the words "at the credit of the sinking fund account of the debentures representing the debt incurred by such borrowing, or, in the case of a debt payable by instalments," in the fifth, sixth, and seventh lines of subsection (5).

Enacts s. 177A.

22. Said chapter 199 is further amended by inserting the following as section 177A:—

"177A. Notwithstanding any other provisions of this Act, the Council of any municipality shall not, either directly or indirectly, assist any individual or commercial enterprise or undertaking, and, without in any way limiting the generality of the foregoing, shall not grant assistance in any of the following ways, namely:—

"(a.) By giving or lending money or other security, or giving the use or ownership of any immovable:

"(b.) By taking or subscribing for shares in any company created for such object:

"(c.) By guaranteeing, by endorsement or otherwise, any borrowing:

"(d.) By granting any exemption from taxation to any industrial or commercial establishment:

"(e.) By granting any land owned by the municipality as a gift for any such purposes:

"Provided that this section shall not be construed to prevent aid to hospitals, charitable institutions, or for the relief of the poor."

Amends s. 179.

23. Section 179 is amended by striking out the words "and, where the municipality is divided into wards, in one public place in each ward" in the third, fourth, and fifth lines of subsection (5).

Amends s. 180.

24. Section 180 is amended by striking out "twenty-one" in the ninth line of subsection (1), and substituting "thirty."

25. Said section 180 is further amended by striking out sub-sections (2) and (3), and substituting the following:— Further amends s. 180.

“(2.) Where at any time other than at the annual municipal election the vote of the municipality is to be taken on any by-law for raising money upon the credit of the municipality or on any by-law to which the assent of the electors is necessary, the persons entitled to vote on the by-law shall be such persons, being British subjects of the full age of twenty-one years, and such corporations as have for one month immediately preceding the day of voting been the owners of land within the municipality; and where at the municipal election such a vote is to be taken, the persons entitled to vote on the by-law shall be such persons, being British subjects of the full age of twenty-one years, and such corporations as were, at the time of the closing of the annual municipal voters list for the current year, owners of land within the municipality; and, notwithstanding anything contained in any Act to the contrary, no other person or corporation shall be entitled to vote as aforesaid on any such by-law.

“(3.) A corporation shall vote only by its duly authorized agent, who shall be a resident of the Province and a British subject of the full age of twenty-one years. In the case of a vote taken at any time other than that of the annual municipal election, the corporation’s authority shall be filed with the clerk of the municipality at least five days before the day of voting; and in the case of a vote taken at the annual municipal election, such authority shall be filed with the clerk of the municipality before the closing of the annual municipal voters list for the current year: Provided that such agent shall be entitled to vote for the corporation from year to year until his appointment as agent is cancelled and the clerk of the municipality has received notice of the cancellation.”

26. Said chapter 199 is further amended by inserting the following as section 211A:— Enacts s. 211A.

“211A. The Council of any municipality may, by by-law finally passed by a three-fourths majority of all its members, provide for the entering into an agreement with the Minister of Finance whereby all sinking fund accounts together with all moneys and securities held with respect thereto and the accruing proceeds of all special rates or assessments together with the sinking fund investments relating thereto be transferred to and be administered by the Minister of Finance.”

27. Section 213D is amended by striking out the words “the sale of tax-sale lands or rentals derived therefrom” in the third and fourth lines, and substituting “rentals derived from tax-sale properties.” Amends s. 213D.

- Amends s. 223.** 28. Section 223 is amended by striking out the words "telephone, telegraph, electric light or power" in the second line of subsection (2), and substituting "telegraph."
- Further amends s. 223.** 29. Said section 223 is further amended by inserting after "company," in the first line of subsection (3), the words "other than a tramway company carrying passengers for hire."
- Further amends s. 223.** 30. Said section 223 is further amended by striking out subsection (5).
- Enacts s. 223A.** 31. Said chapter 199 is further amended by inserting the following as section 223A:—
- "223A. (1.) The buildings of any telephone, electric light, electric power, gas, or street-railway or tramway company; the pole-lines, cables, towers, poles, and wires of any telephone, electric light or power 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, wherever situate within a municipality, shall be deemed to be taxable property, and shall be liable to taxation as provided in subsection (2).
- "(2.) The several companies aforesaid shall be taxed annually at the rate of three per centum per annum:—
- "(a.) In the case of every telephone company, on the gross rentals annually received from its subscribers for telephones situate within the municipality, including inter-exchange tolls for calls between exchanges within the municipality:
- "(b.) In the case of every gas company, electric light company, and electric power company, on the amount annually received by such company for gas, electric light, or electric power consumed within the municipality, but such amount shall not include revenue from power, light, or gas supplied for resale:
- "(c.) In the case of every street-railway or tramway company, on the amount of fares annually received upon its street-cars within the municipality.
- "(3.) The taxation imposed under this section shall be in lieu of trade-licence fees and of business taxes and of ordinary municipal and school taxes (but not including local improvement rates or special rates of whatever nature or kind) otherwise imposed and payable to the municipality upon the aforesaid property.
- "(4.) Every company to which this section applies shall annually, without notice or demand, make a return of its revenue

that forms the basis of the taxation hereunder, and shall file a return with the assessor on or before the thirty-first day of January in each year.

"(5.) For the purposes of recording on the collector's roll, the collector shall make the appropriate entries in respect of each person liable.

"(6.) Any company failing to transmit its appropriate statement or return shall be liable to the penalties provided in section 220."

32. Section 246 is amended by striking out clause (c) of sub-section (1), and substituting the following:— Amends s. 246.

"(c.) To provide for all other lawful purposes of the municipality, including due provision for uncollectable taxes and for taxes that it is estimated will not be collected during the year, a rate not exceeding thirty-five mills on the dollar: Provided that in any municipality for which there is at the time a Commissioner appointed under Part XXIII., the said maximum rate of thirty-five mills on the dollar may, with the consent of the Lieutenant-Governor in Council, be increased by such amount as may be considered necessary."

33. Section 278 is repealed. Repeals s. 278.

34. Section 308 is amended by striking out clause (40) of sub-section (1), and substituting the following:— Amends s. 308.

"(40.) From any person, notwithstanding the provisions of any other Act, who conducts horse-racing in the Township of Richmond, an amount not exceeding three hundred dollars for each day of such horse-racing, and in all other municipalities an amount not exceeding one hundred and fifty dollars for each day of such horse-racing."

35. Said chapter 199 is further amended by inserting the following as section 312A:— Enacts s. 312A.

"312A. The Council of every municipality may by by-law:—

"(a.) Tax every person carrying on business within a municipality pursuant to a beer licence issued under the 'Government Liquor Act' at the rate set out below. Every such person shall, on or before the thirty-first day of December in each year, file with the assessor or collector or licence collector a statement showing the amount of the annual licence fee which he is required to pay to the Liquor Control Board:—

If the said licence fee is \$600 or more, the tax for the next calendar year shall be.....	\$85.00
If the said licence fee is \$550 or more but less than \$600, the tax for the next calendar year shall be	70.00
If the said licence fee is \$500 or more but less than \$550, the tax for the next calendar year shall be	60.00
If the said licence fee is \$450 or more but less than \$500, the tax for the next calendar year shall be	50.00
If the said licence fee is \$350 or more but less than \$450, the tax for the next calendar year shall be	40.00
If the said licence fee is less than \$350, the tax for the next calendar year shall be.....	30.00

“(b.) Provide for collecting such tax and for imposing penalties in default of payment thereof at the time or times appointed.”

Enacts s. 312B.

36. Said chapter 199 is further amended by inserting the following as section 312B:—

“312B. (1.) The Council of every municipality may by by-law:—

“(a.) Provide for an annual tax on every person occupying or using real property or any building or structure or any part thereof for the purpose of carrying on within the municipality any business, trade, profession, or other occupation, the tax to be based on the annual rental value of the real property occupied or used for the purpose of such business or businesses, and to be known as a ‘business tax’:

“(b.) Classify the businesses, trades, professions, or other occupations for the purpose of the tax:

“(c.) Fix the rates applicable to each class of business, trade, profession, or other occupation:

“(d.) Make such regulations pertaining to assessment, appeal from assessment, collection, and all other matters as may be necessary for the proper administration of the tax:

“(e.) Fix dates for payment and impose penalties not exceeding ten per centum of the amount of the business tax remaining unpaid after the date fixed for payment.

“(2.) Every person subject to the business tax shall have his business tax abated to the extent of any trade licence fee paid by him to the municipality in respect of the same business.

“(3.) An occupant of property shall not be freed from taxation under this section by reason only of the fact that he is the owner of such property.

“(4.) Every person assessed for business assessment shall be liable for the payment of the tax thereon, and the same shall not constitute a charge upon the real property occupied or used.

"(5.) The liability imposed by this section shall be a debt recoverable by action brought by the corporation in any Court of competent jurisdiction.

"(6.) Every person liable to the business tax who violates any of the provisions of any by-law made under this section shall, on summary conviction, be liable to a penalty not exceeding two hundred and fifty dollars for every such violation.

"(7.) The Council may by by-law require and thereupon it shall be the duty of every owner or agent renting or leasing premises to any person to notify the assessor within seven days of the commencement of all occupancies and changes in occupancy.

"(8.) Any person who fails to comply with any of the provisions of this section or of any by-law made thereunder shall be liable, on summary conviction, to a penalty not exceeding ten dollars for every day on which such failure continues."

37. Section 426 is amended by striking out the words "and delivery of the accused to the common gaol of the county" in the eighth and ninth lines of subsection (1). Amends s. 426.

38. Section 429 is repealed. Repeals s. 429.

39. Section 454 is repealed. Repeals s. 454.

40. Section 455 is amended by striking out all the words following "value" in the ninth line, and substituting "of the taxable land and improvements of the city computed on an average taken from the assessment roll for the three years before the year in which the debt is created." Amends s. 455.

41. Said chapter 199 is further amended by inserting the following as section 457B:— Enacts s. 457B.

"457B. (1.) In order to provide funds for the retirement at maturity of all debentures of the City now outstanding, the Council of the City of New Westminster, notwithstanding anything contained in this Act, shall raise annually by rate or rates under the provisions of section 246, inclusive of the amounts specified in the by-laws authorizing the said debentures, the amounts as follows in the respective years, that is to say:—

In the years 1947 to 1949, inclusive, the sum of	\$417,344.34
In the years 1950 and 1951, the sum of	415,254.34
In the years 1952 and 1953, the sum of	396,004.21
In the years 1954 to 1958, inclusive, the sum of	386,004.21
In the year 1959, the sum of	384,091.08
In the year 1960, the sum of	372,117.01
In the year 1961, the sum of	358,907.70

In the year 1962, the sum of.....	\$354,750.53
In the year 1963, the sum of.....	255,355.60
In the year 1964, the sum of.....	125,617.20
In the year 1965, the sum of.....	109,826.52

“(2.) In each of the said years the respective amounts aforesaid shall be paid into the appropriate sinking fund account, or accounts.”

Enacts s. 457C.

42 Said chapter 199 is further amended by inserting the following as section 457C:—

“457C. (1.) Notwithstanding anything contained in this Act, subject to the provisions hereinafter contained it shall be lawful for the Council of the Corporation of the City of New Westminster, in its discretion, from time to time more fully to enumerate, subdivide, designate, distinguish, or classify any or all trades, professions, businesses, occupations, callings, employments, or purposes, and all persons engaging in any one or all of such individual trades, professions, businesses, occupations, callings, employments, or purposes enumerated in any or all of the clauses of subsection (1) of section 308 for the purpose of imposing licence fees therefor respectively or different amounts under such respective clauses; and the Council, in dealing with any one or more of such clauses, shall deal with each such clause individually.

“(2.) Notwithstanding anything contained in this Act, it shall be lawful for the said Council in the exercise of the powers contained in section 308 and of this section by by-law or by-laws to impose and collect licence fees of amounts greater than the maximum fees named in section 308, and in all other respects the provisions of the said section in so far as the same are applicable for carrying out the true intent and purpose of this section shall apply to the greater amounts referred to in such by-law or by-laws to the same extent as if the said greater amounts had been mentioned specifically in the appropriate subsection and clauses of said section 308: Provided that the licence fees to be imposed and collected pursuant to the provisions of this section shall not exceed three times the amount of the maximum fees permitted by section 308.”

Enacts s. 504C.

43. Said chapter 199 is further amended by inserting the following as section 504C:—

“504C. (1.) Notwithstanding any other provisions in this Act contained, the Council of every municipality shall by by-law set aside all moneys received from the sale of tax-sale properties. The moneys so set aside in accordance with the provisions of a by-law passed under this section shall be deposited in a chartered bank not later than the thirty-first day of December in the

same year, and, until required to be used in accordance with the provisions of this section, may be invested in the manner provided in section 204 for the investment of sinking funds. The money and any interest earned thereon so set aside under the provisions of this section shall not be used for any purpose except:—

“(a.) For bringing the sinking funds up to requirements where the sinking funds on hand are less than requirements:

“(b.) For the reduction of debenture debt, bank loans, or demand loans; and

“(c.) For expenditures of a capital or other special nature: “ Provided that, unless sinking funds on hand are equal to or greater than requirements, no expenditures hereunder shall be made under clauses (b) or (c).

“(2.) The Council may, by by-law passed by a three-fourths majority of all the members, provide for the expenditure of any moneys set aside under this section and any interest earned thereon. Any such by-law shall be subject to the approval of the Lieutenant-Governor in Council. The Lieutenant-Governor in Council may direct that before such approval is given, the by-law shall receive the assent of the electors in the manner provided by Part VI., Division (1).

“(3.) Any Mayor or Reeve or Alderman or Councillor who votes for any by-law or resolution authorizing the use of such money in any other way than that provided in this section, and any treasurer who obeys any such by-law or resolution, and any officer of the municipality who himself applies such moneys for any other purpose, shall be personally liable to the penalties set out in section 205: and the provisions of such section shall apply in each case.”

VICTORIA, B. C.

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