

REGULATION OF THE MINISTER OF COMMUNITY SERVICES

Local Government Act

Ministerial Order No.

M 098

I, Ida Chong, Minister of Community Services and Minister Responsible for Seniors' and Women's Issues, order that the attached Regional Districts Establishing Bylaw Approval Exemption Regulation is made.

May 7, 2007
Date

Ida Chong
Minister of Community Services and
Minister Responsible for Seniors' and Women's

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Local Government Act, R.S.B.C. 1996, c. 323, s. 799.2 (2)

Other (specify):- _____

March 5, 2007

R 215/2007/48

REGIONAL DISTRICTS ESTABLISHING BYLAW APPROVAL EXEMPTION REGULATION

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Definitions

- 1 In this regulation, “Act” means the *Local Government Act*.

Exemption – bylaw amending service area boundary

- 2 (1) An amendment to an establishing bylaw that changes the boundaries of a service area by one or both of the following is exempt from the requirement for the inspector’s approval under section 802 (3) of the Act:
 - (a) adding parcels to the service area;
 - (b) removing parcels from the service area.
- (2) An exemption under subsection (1) applies only if
 - (a) the owners of parcels to be added, parcels to be removed or both, as the case may be, submit a petition to the regional district to change the boundaries of the service area, and
 - (b) at least 2/3 of the participants consent to the amendment.
- (3) Each page of a petition referred to in subsection (2) (a) must do the following:
 - (a) describe in general terms the service that is provided;
 - (b) define the boundaries of the proposed amended service area;
 - (c) in the case of a petition to add parcels to a service area, indicate in general terms the proposed method for recovering annual costs;
 - (d) contain other information that the board may require.
- (4) In order to be certified as sufficient and valid for the purposes of this section, a petition must satisfy the following requirements:
 - (a) the petition must be signed by the owners of the parcels, as follows:
 - (i) for a petition to add parcels to a service area, by at least 50% of the owners of parcels to be added;
 - (ii) for a petition to remove parcels from a service area, by at least 50% of the owners of the parcels to be removed.
 - (b) the persons signing the applicable petition must be the owners that in total represent
 - (i) for a petition to add parcels to the service area, 50% of the net taxable value of all land and improvements in or on the parcels to be added, or
 - (ii) for a petition to remove parcels from a service area, 50% of the net taxable value of all land and improvements in or on the parcels to be removed.

- (5) Section 212 (4) to (6) [rules in relation to petition for local area service] of the *Community Charter* applies to a petition under subsections (2) to (4).

Exemption – bylaw increasing requisition limit

- 3 (1) In this section:

“**baseline date**” means the later of

- (a) the date an establishing bylaw is first adopted in accordance with section 801 of the Act, and
- (b) the date 5 years before the date of the third reading of a bylaw proposing the amendment of the maximum amount that may be requisitioned for a service;

“**baseline value**” means

- (a) for a maximum amount set under section 800.1 (1) (e) (i) of the Act [*dollar limit*], the maximum amount set at the baseline date,
- (b) for a maximum amount set under section 800.1 (1) (e) (ii) of the Act [*rate limit*], the maximum amount obtained by multiplying the property value tax rate at the baseline date by the most recent net taxable value for the service area in the baseline year, or
- (c) for a maximum amount set under section 800.1 (1) (e) (iii) of the Act [*dollar limit and rate limit*], the greater of the baseline values described in paragraph (a) and (b);

“**baseline year**” means the calendar year in which the baseline date occurs;

- (2) The inspector’s approval under section 802 (3) of the Act is not required for an amendment to an establishing bylaw that increases the maximum amount that may be requisitioned under the bylaw by an amount less than or equal to 25% of the baseline value.