

The Committee of Council submit for the consideration of
His Honour the Lieutenant-Governor a Bill intituled

"Municipalities Enabling and Validating Amendment Act, 1976"

and advise that the same be transmitted by Message to the
Legislative Assembly.

Victoria, 8th day of June, A.D. 1976

W. R. Bennett
Presiding Member of the Executive Council.

Approved this 8th day of June, A.D. 1976

W. S. Owen
Lieutenant-Governor.

WRB

W.S. Owen
Lieutenant-Governor

First Session, Thirty-first Parliament
25 Elizabeth II, 1976
Legislative Assembly of British Columbia

BILL 63
**MUNICIPALITIES ENABLING AND VALIDATING
AMENDMENT ACT, 1976**

Honourable Minister of Municipal Affairs

Printed by K. M. MacDONALD, Printer to the Queen's Most Excellent Majesty
in right of the Province of British Columbia.
1976

EXPLANATORY NOTES

SECTION 1: This section validates and confirms the regulations made by the minister, the elections of the council and the by-laws of the council elected on September 6, 1975, to remove doubts arising from a technical failure to comply with the Act.

SECTION 2 (a): Section 3 is re-enacted to make clear that the provisions of the *Municipal Act* referring particularly to "district municipalities" apply to this resort municipality. The present section reads as follows:

3. Except as varied by this Act or by regulation, the *Municipal Act* applies to the municipality.

SECTION 2 (b): Section 9 is re-enacted to transfer the authority for municipal services and rates from the minister to the municipal council.

BILL

No. 63]

[1976

Municipalities Enabling and Validating
Amendment Act, 1976

HER 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.
1960
c. 281
s. 233.
Resort
Municipality
of Whistler.

1. The *Municipalities Enabling and Validating Act* is amended by adding the following after section 232:

233. Notwithstanding the *Resort Municipality of Whistler Act*,

- (a) the election of the mayor and aldermen of the Resort Municipality of Whistler on September 6, 1975,
- (b) the appointment of one alderman of the Resort Municipality of Whistler on September 2, 1975 by Order in Council 598/75,
- (c) all by-laws passed and things done by the council of the Resort Municipality of Whistler so elected or appointed, and
- (d) all regulations respecting the Resort Municipality of Whistler made by the Minister of Municipal Affairs,

are validated and confirmed, and no action shall be taken against the Resort Municipality of Whistler, the council, or its members in respect of anything done or passed in the purported exercise of a power or authority under the *Resort Municipality of Whistler Act* or the *Municipal Act* up to the coming into force of this section.

S.B.C.
1975
c. 67
ss. 3 and 9.
*Municipal
Act* applies.

2. The *Resort Municipality of Whistler Act* is amended
(a) by repealing section 3 and substituting the following:

3. Subject to this Act, the *Municipal Act* applies to the municipality unless it is inconsistent with this Act or the regulations, and for all the purposes of the *Municipal Act* the municipality shall be deemed to be a district municipality under that Act with all the powers referred to in section 17 or any other provision of that Act. , and

- (b) by repealing section 9 and substituting the following:

9. (1) The municipality may construct, acquire, operate and maintain sewers and sewage-disposal facilities, trunk water mains and water-supply systems and such other municipal works and services in the municipality as the council considers appropriate.

(2) The council may, by by-law, establish rates and charges to be imposed upon land and improvements, as defined in the *Municipal Act*, in the municipality for works or services referred to in subsection (1), including,

Services
and rates
for services.

without limiting the generality of the foregoing, any kind of charge referred to in sections 532, 568, 569, or 570 of that Act, and the by-law may provide that those rates and charges shall be levied and collected by the municipality.

(3) In addition to subsection (2), where a municipal work or service has been provided under subsection (1), the council may, by by-law, define the area of land which, in the opinion of the council, benefits or will benefit from the municipal work or service, and the council may provide a formula for imposing all or part of the costs of those municipal works or services on the land and improvements within the area benefited by the municipal works and services and, where council does so provide, the cost shall be levied by the municipality in accordance with the by-law.

(4) Section 616 of the *Municipal Act*, except subsection (4), applies to this section.

(5) The powers of the council under subsections (2) and (3) may be exercised by the minister by regulation if no by-law is adopted by the council pursuant to subsections (2) and (3) respecting a particular municipal work or service referred to in subsection (1).