

28. Re: U.B.C.M. Resolutions

The deadline for filing resolutions for the consideration of the 1973 convention of the U.B.C.M. is June 29, 1973.

The following proposed resolutions are submitted to Council for consideration and approval:

1. The Provision of Land or Funds for Public Use in Residential Subdivisions.

WHEREAS the provision of adequate sites in new residential and apartment development subdivisions for public use is considered essential in the modern residential neighbourhood;

AND WHEREAS the occupants of residential and apartment development subdivisions will require space for public use which, if not provided, will place increasing demands upon established public facilities;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend Section 711 of the Municipal Act to provide that as a condition of apartment development or residential subdivision approval the owner of the land to be developed or subdivided shall convey to the municipality for public use, other than streets or public utility easements, an area equivalent to at least five percent of the gross area of the land to be developed or subdivided, or at the discretion of the Approving Authority:

- (a) pay, in lieu of such conveyance, a sum equivalent to the current market value of the required area immediately before development takes place; or
- (b) defer such conveyance until a further development is undertaken or subdivision made.

2. The Including of the Cost of Parking for Apartment Buildings in the Rent.

WHEREAS many municipalities are experiencing excessive on-street parking in areas of apartment development, a situation which gives rise to problems of traffic congestion and increasing hazards to pedestrians;

AND WHEREAS the incentives to use the parking facilities provided by an apartment development are generally lacking due to the prevalent policy of requiring an additional fee, over and above the normal rental, for a parking space, a condition which leaves many parking spaces vacant;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Municipal Act to provide the necessary authority for a municipality to require that apartment owners include the cost of off-street parking in the rent in order to encourage the use of these facilities by the apartment tenants.

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3. The Provision of Underground Wiring as a Condition of Approval for New Development.

WHEREAS the Municipal Act makes provision for the installation of underground wiring for the distribution of electric power on newly dedicated streets created by subdivision;

AND WHEREAS the current practice of providing such services by overhead distribution defaces streets and clutters our municipalities with an unsightly maze of poles and wires:

THEREFORE BE IT RESOLVED that the Provincial Government be requested to clarify this situation by amending the Municipal Act to specifically provide the necessary authority for a municipality to require a developer at his expense, to service his new development with underground wiring from existing overhead services, thus preparing for the ultimate replacement of the overhead wires by underground services.

4. WHEREAS the borrowing of capital funds for sanitary sewers is subject to the submission of a By-Law to the electorate, either through the medium of a vote, or by counter-petition representing one-twentieth of the ratepayers'

AND WHEREAS the Provincial Government has decreed that Municipalities in the Lower Mainland shall have constructed sewerage treatment plants by the year 1975;

AND WHEREAS the provision requiring mandatory reference to the rate-payers is costly and creates an element of doubt that Capital Borrowing Bylaws will gain approval, and is therefore inconsistent with the mandate for sewerage treatment;

THEREFORE BE IT RESOLVED: That the anomaly portrayed in this resolution be drawn to the attention of the Minister of Health and Welfare and Minister of Municipal Affairs, and that a request go forward for an amendment to the Municipal Act or for an Order-in-Council which would empower Municipal Councils to pass Loan Bylaws for sanitary sewer purposes without any reference to the people."

5. WHEREAS Section 870(s) of the Municipal Act empowers the Municipal Council to enact a bylaw to prohibit cruelty to animals, and provide for the destruction of any animal suffering from an incurable disease; and

WHEREAS Section 870(t) of the Municipal Act empowers the Municipal Council to enact a bylaw to require that owners, possessors, or harbourers of dogs, or any class of dogs, shall keep them effectively muzzled while they are at large or upon a highway or public place, or shall keep them on a leash or under control of a competent person while upon a highway or public place, as the bylaw may direct; and

WHEREAS Section 871 (2)(a) of the Municipal Act empowers the Municipal Council to enact a bylaw to provide for the seizure, impounding, and detention of unlicensed dogs, and of dogs, horses, cattle, poultry, rabbits and other animals unlawfully permitted to be at large.

NOW THEREFORE BE IT RESOLVED THAT the Government of the Province of British Columbia be respectfully requested to amend the Municipal Act to empower the Municipal Council to enact a bylaw which may provide for the following:

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- (a) The destruction of dogs or any other animal which has suffered a severe injury so as to be obviously beyond recovery.
- (b) The authority to define "at large" to include a dog that is on a highway, public place or any area other than the premises of the owner or his agent and shall include a dog not confined or restricted to the owner's property.
- (c) That the poundkeeper or any other person appointed by the Municipal Council may at any reasonable time enter upon any property for the purpose of enforcing the provisions of the bylaw and in particular to ascertain if any persons on such property own or harbour any dog or animal and to further ascertain if the harbouring of such dogs or animal is in contravention of the provisions of the bylaw.
- (d) The poundkeeper may seize and impound or may order to be confined in a secure manner by the owner, any dog which has bitten or in his opinion injured or viciously attacked any person or other animal. Such order or impounding may continue until the dog is cleared for release by the Public Health Officer.

6. WHEREAS the Provincial Fire Marshal Act, Part 5(49)(4) states:

"Nothing in this Act shall prevent any municipality from making bylaws relating to any matter within the scope of this Act, but every bylaw so made has effect and as far only as it is not repugnant to any provision of this Act or regulations."

AND WHEREAS there is some controversy over the interpretation of the word "repugnant", and some authorities interpret that any deviation in the strict sense either by upgrading or literal change would be repugnant, which if such were the case would make it impossible for municipalities to make bylaws to upgrade existing regulations.

AND WHEREAS the fire protection and firefighting capabilities of an oil tank farm and refinery operations could be governed by local bylaw as there is no specific regulation in the "Act" governing these aspects and therefor would not be repugnant to the "Act",

AND WHEREAS municipalities have virtually no control over the expansion of fire protection and firefighting capabilities of oil tank farm and refinery installations;

THEREFORE BE IT RESOLVED That the Provincial Government be requested to amend the regulations under the Fire Marshal Act to provide municipalities with the capability of applying stricter controls to the operations and expansion of oil tank farm and refinery installations.

RECOMMENDATION:

THAT the subject resolutions be approved for referral to the U.B.C.M.