

16. Re: U.B.C.M. Resolutions
1. Provision of Underground Wiring as a Condition of Approval for New Development
 2. Control of Oil Tank Farms
 3. Municipal Treatment Plant Assistance Act
 4. Loan Bylaws for Sanitary Sewers
 5. Resident Parking
 6. Inclusion of Parking Costs in Apartment Rents

The Municipal Council at its meeting of July 30, 1973 received a letter dated July 19, 1973 from Mr. C.S.J. McKelvey, Executive Director, U.B.C.M., addressed to the Municipal Clerk advising that the Executive of the U.B.C.M. has ruled that the first four resolutions noted above should not be debated by the Convention. The Executive has instructed that this subject matter should be taken up directly with the Department of Municipal Affairs and the relevant legislative changes asked for. The letter of July 19, 1973 goes on to advise that "the resolutions will be printed in an Addendum to the Resolutions Booklet, so that all delegates may have them for information and will be discussed with the Department as soon as possible following the U.B.C.M. Convention." With respect, this may mean that any legislative changes that were required would not be considered at this Fall's sitting of the House. If the U.B.C.M. Executive is not going to be able to discuss the subjects concerned with the Department prior to the U.B.C.M. Convention, it is felt that we should make representation directly to the Department of Municipal Affairs with respect to the six points.

The Council at the same time received a letter dated July 19, 1973, from Mr. C.J.S. McKelvey advising that the Executive had ruled that the latter two resolutions noted above should also not be debated by the delegates but that they should also be printed in Addendum "E" of the Resolutions Booklet so that all delegates would have knowledge of our concern in these two matters." Last week Council directed we urge the U.B.C.M. to present to the Convention the resolution concerning "resident parking", as it was the type of permissive legislation that can be used when required by municipalities. We have written but, of course, have no response yet. The Manager feels that these two resolutions should also be taken directly to the Department of Municipal Affairs whether or not the U.B.C.M. agrees to reconsider its position with respect to the resolution on "resident parking".

We also point out that Mr. McKelvey in his letter of July 19, 1973 refers to our first resolution as reading "Provision of Underground Wiring as a Condition of Sub-division Approval". We already have this authority by virtue of an amendment made to the Municipal Act in 1973. We are really requesting that the Municipal Act be amended to clarify the situation 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. This wording is slightly different than the general subject quoted in Mr. McKelvey's letter and it may be that he has simply misread the title to the resolution. This matter should be drawn to Mr. McKelvey's attention in the event that he wishes to make a different recommendation to the Executive with respect to this particular resolution.

The resolutions concerned are attached.

RECOMMENDATIONS:

THAT the six resolutions concerned be presented to the Department of Municipal Affairs and the Department be requested to give its comments on each of them as quickly as possible; and

THAT the U.B.C.M. Executive be requested to reconsider its position with respect to resolution #1.

1. 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.

2. Control of Oil Tank Farms

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.

3. Re: Municipal Treatment Plant Assistance Act

Following is an excerpt from the minutes of a Greater Vancouver Regional District meeting which was held on May 30, 1973. It concerns the subject Act, which when enacted in 1969, provided that the Provincial Government would pay 75% of the debt charges in excess of 2 mills on eligible treatment plant facilities.

"It was our understanding with the Department of Finance that, since sewerage treatment facilities in this area are organized on a regional basis and are owned by the Greater Vancouver Sewerage & Drainage District, the District could in effect act as the agent for the municipalities and could submit the applications and information required to obtain approval of the facilities eligible for assistance under the Act. Approvals have since been obtained for eligible facilities. It was also our understanding with the Provincial Government that the municipalities were in effect paying the debt charges on eligible facilities when they paid their annual levy to the District and that the municipalities would submit their own claims for assistance under the Act based on information supplied by the District.

3. Municipal Treatment Plant Assistance Act - Cont'd.

ITEM 16

MANAGER'S REPORT NO. 59

COUNCIL MEETING Aug. 6/73

The Department of Finance has since taken the position that under the present legislation, it cannot pay grants to any of our municipalities. In November 1972, the Chairman of the Board submitted a brief to the Premier and Minister of Finance requesting that the Act be amended to accomplish the following:

1. Regional Districts and Sewerage Districts may act as the agent for their member municipalities and electoral areas for the purpose of the Act, including among other things, the financing of facilities, the submission of plans for approval for eligibility of facilities and the submission of details of financial transactions.
2. Facilities that were constructed and/or financed prior to the enactment of the Act shall be included for the purposes of the Act, provided they otherwise qualify.
3. Member municipalities and electoral areas are deemed to have paid debt charges when they pay their annual tax requisition or levy to a Regional District or Sewerage District.
4. Only the taxable assessed values of property situated within a specified sewerage area should be included in determining the two mill calculation, inasmuch as such property owners are paying all of the relative debt charges.
5. For the purposes of the two mill calculation, the assessed values shall be determined pursuant to the provisions of the Assessment Equalization Act and shall be 100% of the assessed value of land and 75% of the assessed value of improvements as fixed for taxation for general municipal purposes.
6. Interest on temporary capital borrowing shall be included with long term interest and principal repayment for the purposes of the Act.

Municipalities and electoral areas shall submit their own claims for assistance under the Act."

In summary, the legislation presently only applies to municipalities separately undertaking the construction of sewerage control facilities and applies only to work contemplated after the date of passage of the Act (1969) and only if prior approval is given. If it applied to all costs incurred for sewerage pollution control no matter when installed, the saving to Burnaby by 1976 would be 0.43 mills. We have been working on this problem with the G.V.R.D. for some time.

RECOMMENDATION:

THAT the appropriate resolution be prepared and forwarded to the U.B.C.M. requesting that the Provincial Government be urged to provide the benefits which were intended to be conferred upon municipalities of all Regional Districts by the Municipal Treatment Plan Assistance Act.

4. Loan Bylaws for Sanitary Sewers

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;

4. Loan Bylaws for Sanitary Sewers - Cont'd.

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. Resident Parking

"WHEREAS the parking of vehicles on highways adjacent to or in the vicinity of buildings or real property used by the public, including hospitals, libraries, schools, museums, arenas, exhibitions and parks, makes it impossible or inconvenient for the residents of the said highways to park their own vehicles on the said highways.

NOW THEREFORE BE IT RESOLVED that section 125(1) of the Motor Vehicle Act be amended to add the following as clause (dI):

'provide for the setting-apart and allotting of any highway or part thereof adjacent to or in the vicinity of any building or real property used by the public, for the exclusive use of residents of the said highway or parts thereof for the parking of vehicles and for the regulation of such parking.'"

This amendment is substantially in the language of section 125(1)(d) of the Motor Vehicle Act which permits the setting apart and allotting of portions of highways adjacent to any federal, provincial, or municipal public building for the exclusive use of officials and officers engaged therein.

6. 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.