

TO: CITY MANAGER

1998 JUNE 10

FROM: DIRECTOR PLANNING AND BUILDING

OUR FILE: 01.250

**SUBJECT: 1998 UBCM RESOLUTIONS - UPDATE**

**PURPOSE:** To present for Council's consideration resolutions for submission to the 1998 UBCM Convention resolution process, and to provide an update of active resolutions previously submitted by the City of Burnaby.

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**RECOMMENDATIONS:**

1. **THAT** Council approve the submission of the resolutions contained in Section 2.0 of this report to the 1998 UBCM Convention.
2. **THAT** a copy of this report be forwarded to the UBCM, Suite 15, 10551 Shellbridge Way, Richmond, B.C., V6X 2W9.

**R E P O R T**

**1.0 INTRODUCTION**

Each year, resolutions are considered for submission to the UBCM Convention to request amendments to the Municipal Act, Provincial legislation or other legislation and policies.

This report presents resolutions to be considered at the 1998 UBCM Convention, and updates the status of those resolutions previously endorsed by Council and submitted to the UBCM resolutions process which are still active, but not yet the subject of Provincial legislation.

**2.0 RESOLUTIONS FOR THE 1998 UBCM CONVENTION**

Earlier this year, the following first two resolutions, **2.1 *Flashing Light School Zone Signs*** and **2.2 *Traffic Safety Enforcement***, were endorsed by Council and forwarded to the UBCM for consideration at the upcoming 1998 UBCM Convention.

The next two resolutions, **2.3 Legislative and Policy Changes to Address the Sexual Exploitation of Children and Youth in the Sex Trade**, and **2.4 Resources to Support Sexually Exploited Children and Youth and Those At-Risk for Sexual Exploitation**, arise from recommendations contained in the report of the City's Task Force on the Exploitation and Prostitution of Children and Youth. The full report and recommendations of the Task Force will be forwarded to Council through Community Policing Committee. The Task Force's report is to appear on the agenda of the Community Policing Committee's next meeting scheduled for 1998 June 11.

**2.1 (B36) Flashing Light School Zone Signs**

This resolution was submitted to the 1997 UBCM Convention to support a change to the Motor Vehicle Act to allow for the use of flashing light school zone signs modelled on those in use in Blaine, Washington.

The resolution was not endorsed at the 1997 Convention and was referred back to the City for amendment. The UBCM staff suggested that the resolution may have been too specific and a more general wording may garner greater support amongst members. To this end, the Traffic Safety Committee re-submitted the following amended resolution which Council endorsed and forwarded to the UBCM earlier in 1998:

**"TRAFFIC SAFETY AND SCHOOL CHILDREN"**

**WHEREAS** child pedestrian safety at schools is a primary safety concern for the community and notwithstanding existing regulation and enforcement, driver behaviour, in particular speeding through designated 30 km/h school zones, remains a problem;

**AND WHEREAS** local governments have witnessed the effectiveness of non-traditional devices deployed in the United States such as a school speed zone sign stating "30 km/h Speed Zone When Lights Flashing" mounted under dual flashing amber lights that is activated by school officials;

**AND WHEREAS** the Provincial government is responsible for uniform traffic regulation through the Ministry of Transportation & Highways and province-wide education and safety initiatives through ICBC;

**THEREFORE BE IT RESOLVED** that the Provincial government, in consultation with local authorities and school boards, review the efficacy of existing safety measures at schools on collector streets and implement changes as appropriate."

## 2.2 Traffic Safety Enforcement

In 1998 February, Council forwarded the following resolution to the UBCM for inclusion in the upcoming 1998 resolution process. The resolutions calls for the Province to appropriately share traffic fine revenue with municipalities to enable municipalities to maintain an appropriate level of traffic policing to maximize traffic safety benefits while potentially enhancing traffic revenues as a by-product of enforcement.

The UBCM has advised that this has been a long-standing issue for local government and the subject of previous resolutions in 1987, 1990 and 1993. Currently, the Ministry of Municipal Affairs is in the process of preparing a report on the sharing of traffic fine revenue.

### ***“TRAFFIC SAFETY ENFORCEMENT***

***WHEREAS*** traffic safety is a major public concern and improved safety is in large measure contingent upon the traffic police dedicated to the task;

***AND WHEREAS*** local governments are responsible for funding the police in an era when other competing law enforcement priorities have in many cases reduced the provision of traffic police;

***AND WHEREAS*** the Province currently received the bulk of traffic fine revenue; the amount of which may diminish as dedicated traffic policing diminishes;

***THEREFORE BE IT RESOLVED*** that the Provincial Government share traffic fine revenue with the local jurisdiction where the revenue is generated to ensure an optimal level of police enforcement of traffic safety regulations.”

## 2.3 Legislative and Policy Changes to Address the Sexual Exploitation of Children and Youth in the Sex Trade

Adult prostitution in Canada is legal. However, many of the activities surrounding prostitution are not. Bawdy houses are illegal under Section 210 of the Criminal Code of Canada. Living on the avails of prostitution (pimping), in whole or in part, is illegal under Section 212(2). Buying or obtaining sex for consideration (shelter, drugs or other non-monetary items) from a person under the age of 18 years is illegal under Section 212(4).

It is very difficult for police to lay charges against pimps and customers of child and youth sex trade workers because gathering solid evidence of illegal activities involves painstaking work. The difficulty in gathering such evidence leaves police with only one practical alternative: to seek the co-operation of the young sex trade worker in making a statement and testifying. Unfortunately, co-operation is unlikely due to fear of retaliation by pimps. Even if a young person does find the courage to co-operate, the odds of his/her being able to maintain that courage over the two to three year period it may take to prosecute the case and through the two or three court appearances which may be required are very low.

As such, the following resolution is proposed for submission to the 1998 UBCM Convention:

**WHEREAS** an increasing number of British Columbia communities acknowledge that children and youth who are sexually exploited in the sex trade are victims of sexual abuse and, as a result, are raising concerns about and seeking ways to address the issue;

**AND WHEREAS** sexually exploited children and youth are reluctant to co-operate with police in their efforts to obtain the necessary evidence so that a criminal charge can be laid against pimps and customers of young people both because the young people fear retaliation and because the provincial court process can be intimidating;

**AND WHEREAS** a number of other factors also affect the ability to successfully prosecute those who would sexually exploit children and youth;

**THEREFORE BE IT RESOLVED** that the Attorney General of British Columbia strike a working committee to review existing Federal and Provincial legislation, including Sections 212, 280, 281 and 810 of the Criminal Code of Canada, and various Provincial policies relating to court procedures, and to lobby for or implement the changes necessary to ensure effective prosecution of those persons who are sexually exploiting children and youth in the sex trade and to maintain the safety and well-being of sexually exploited children and youth throughout their involvement with the criminal justice system.

**2.4 Resources to Support Sexually Exploited Children and Youth and Those At-Risk for Sexual Exploitation**

Girls and boys who are sexually exploited in the sex trade come from families of all income levels, education levels, social strata and cultures. They do not enter the sex trade by choice. They enter, rather, as a response to their life circumstances: low self-esteem; sexual, physical or emotional abuse at home or a traumatic incident; teen pregnancy and the subsequent financial pressures of single parenting. Once they are involved in the sex trade, their options shrink. Exiting the sex trade requires both a clear personal decision and community support. Without safe places for the young people to frequent and/or live; consistent support from caring individuals; tailored life skills, educational and employment programs; and financial support, they have few alternatives for physical and economic survival.

As such, the following resolution is proposed for submission to the 1998 UBCM Convention:

***WHEREAS*** children and youth who leave home for whatever reasons are faced with the necessity to meet basic life needs like shelter and food and often begin trading sex to meet those needs;

***AND WHEREAS*** children and youth in the sex trade lead lives filled with violence, addiction to alcohol or drugs, unmet health needs and a sense of powerlessness to deal with those issues or to leave the trade;

***AND WHEREAS*** the as-yet unproclaimed Section 9 of the Provincial Child, Family and Community Services (CFCS) Act enables the Ministry for Children and Families to enter into agreements with youth who have left home, in order to provide them with services and financial resources, without the necessity for the youth to come under the guardianship of the State, thus assisting the youth to avoid the risks associated with street life;

***THEREFORE BE IT RESOLVED*** that the Province proclaim, and provide the appropriate resources to implement, Section 9 of the Child, Family and Community Services Act.

**3.0 STATUS OF ACTIVE PAST RESOLUTIONS**

The following updates the status of those resolutions previously adopted by Council and forwarded to the UBCM resolution process which are still active but not yet the subject of Provincial legislation.

**1997 Resolutions**

**3.1 (C68) 100% Smoke Free Environment**

This resolution urged the Provincial government through the Ministry of Health to take responsibility for the introduction of legislation to ensure a 100% smoke free environment in all public places, including pubs, bars, restaurants, casinos and bingo halls. At the 1997 UBCM convention, there were a number of resolutions submitted relating to smoking regulation. While the Burnaby resolution was not considered, a similar resolution was endorsed and forwarded to the provincial government.

In response, the provincial government has established an inter-agency steering committee on environmental tobacco smoke composed of representatives from WCB, UBCM and the Ministry of Health. The purpose of the committee is to facilitate the coordinated introduction and promotion of environmental tobacco smoke measures across public and occupational health jurisdictions at the provincial and municipal level.

**3.2 (B27) Age of Consent for Sexual Activity**

This resolution urges the Federal Government to amend the Criminal Code of Canada to raise the age of consent for sexual activity between a young person and an adult from 14 years to at least 16 years of age. It was submitted by Burnaby to the Federation of Canadian Municipalities (FCM) in 1997 February for consideration at the 1997 FCM convention. To further focus attention on this matter, the resolution was also submitted to the 1997 UBCM resolution process. The resolution was endorsed at the Convention and forwarded to the FCM for consideration at their annual conference in June.

**3.3 Liability for local governments**

- Resolution C45: Amendment to Sections 694 and 290 of the Municipal Act to Include Inspectors
- Resolution C46: Time Period Limits for Liability
- Resolution C47: Several Liability and Insurance Requirements
- Resolution C48: Advancement of Building Industry Education and Certification Standards
- Resolution C50 Designation of Liability

These resolutions arose from a 1997 January 13 report to Council from the Director Planning and Building regarding the status of initiatives to reduce the City's potential exposure to construction-related liability claims. The report was prepared at the request of Council as a result of a claim pertaining to the failure of a post tension structure to perform as designed.

The report identified a number of areas of concern and concluded that the City should continue to utilize the options provided in the Municipal Act to reduce the potential exposure to liability claims. The resolutions addressed outstanding areas of concern identified in the report regarding joint and several liability, accountability commensurate with responsibility, qualifications, education, warranty and insurance.

These resolutions were not individually considered at the Convention, but were included within the discussion of an updated Liability Action Plan at the 1997 Convention.

### **1995 Resolutions**

#### **3.4 (B10) Authority to Designate Buildings as Unsafe for Occupancy**

This resolution requested that the Province enable municipalities, through the building inspector, to evacuate a building or portion of a building which the inspector considers to present and imminent or serious danger to life or property.

This resolution was endorsed by the UBCM and forwarded to the Provincial Government for comment. The Province has indicated that the resolution is unclear as to the particular circumstances which would warrant giving powers to the building inspector to order and enforce an evacuation of a building because of imminent and serious danger to life or property. City staff have contacted the Ministry of Municipal Affairs directly to clarify the information provided in the resolution to assist in its further consideration by the Ministry.

### **1994 Resolutions**

#### **3.5 (B25) Age Classification and Restriction of Video Games**

This resolution requested the classification and regulation of video games based on violence, hatred or sexual exploitation. This resolution was endorsed at the 1994 UBCM Convention and was forwarded to the Provincial Government for consideration.

In response to this resolution, the Provincial Government has worked with the video game industry, and others, to implement a game rating system to provide consumers with information on the age suitability of games, as an alternative to government regulation of the industry. The Attorney General has indicated, however, that this Ministry would be prepared to re-examine the merits of amending legislation should self-regulation by the industry fail.

Given that the simple provision of information on the age suitability of games does not preclude access by young people to those games, staff would, based on the resolution endorsed at the 1994 UBCM Convention, intend to write to the UBCM to again request that the Attorney General be urged to re-enter discussions on the administrative and legislative changes proposed and endorsed in the 1994 resolution.

### **1993 Resolutions**

#### **3.6 (B29) Crossbows**

This resolution was endorsed at the 1993 UBCM Convention and referred to the Federation of Canadian Municipalities, where it was endorsed at their September Board meeting. The Minister of Justice and Attorney General of Canada, The Honourable Allan Rock, on 1994 January 20, provided a response to the FCM in response to the resolution.

The Minister advised that while it may not be practical to use the existing Criminal Code authority to declare crossbows to be a "restricted weapons", he is examining this and other options with the hope of being able to respond to public concerns in the near future. The UBCM will apprise staff of any further responses from the Minister.

#### **3.7 (C38) Recyclable Materials**

This resolution requested the Federal and Provincial/Territorial governments to enact legislation requiring suitable percentages of recyclable materials in new products manufactured of paper, glass, plastic, metals and other recyclable materials in new products reclaimed from the waste stream. A similar resolution was adopted by the Federation of Canadian Municipalities in 1990.

This subject continues to be dealt with by the UBCM Environment Committee as part of its ongoing work program related to environmental issues.



### **3.8 (C50) Excessive Packaging**

This resolution requested that the Provincial Government enact policies and/or legislation to require manufacturers and distributors of goods and materials to reduce the amount of packaging used for their products. It further requested that the Province also enact policies/legislation whereby all public agencies and corporations give preference to suppliers of goods and materials that employ reduced methods of packaging.

Related to this matter, the provincial government has begun implementation of a new deposit-refund system for beverage containers. On 1998 April 1, the province received and approved three stewardship plans submitted by brand owners of beverage products for province-wide return of their beverage containers. The beverage container deposit-refund system will be effective on 1998 October 1. Brand owners of beverage products are also required to submit plans to show how containers will be at least 95% recyclable or refillable by 2003 March 31, and how containers not currently recyclable or refillable will be phased out by 1999 March 31.

## **1992 Resolutions**

### **3.9 (B8) Disabled Parking Enforcement**

This resolution was submitted in response to concerns regarding the enforcement of illegal parking in disabled parking areas.

In 1996, Bill 10 Motor Vehicle Amendment Act contained legislative changes that offered some assistance in addressing this issue. In addition, the establishment of a Memorandum of Understanding (MOU) on accessibility last year has generated further discussions between the MOU Coordinator, communities and provincial staff on enforcement issues now facing local governments.

In 1997 August, a report was submitted to the provincial government by the Parking Sub Committee under the MOU on Accessibility. The report defines the scope of problems involved in addressing the disabled parking issues and makes recommendations to initiate the required coordinated approach to effectively address this issue.

City staff will continue to monitor progress on this issue to identify the appropriate role for the City in the enforcement of illegal parking in disabled parking areas.

### **3.10 (B50) Community Care Facilities/Group Homes**

This resolution requested that the Province, notwithstanding the provisions of the Community Care Facilities Act, consult with local government regarding plans to establish group homes and other community based residential facilities. As well, it was requested that the Province develop a data base on all licensed residential care facilities and other residential institutional uses throughout the Province.

In 1996, the Province established a standing Assistant Deputy Minister's inter-ministerial committee which meets regularly concerning special needs housing. Representatives of the various ministries are scheduled to meet with the GVRD's Social Issues Subcommittee (SIS) in 1998. The focus will be on recent Provincial special needs housing initiatives, protocols for consulting with municipalities in planning for new group homes, and other issues of mutual concern. Burnaby has a staff representative on the SIS.

The Province has also been working to establish a comprehensive data base on group homes and other types of special needs housing. Progress has been delayed by establishment of the Ministry for Children and Families and other realignments to Provincial ministries (i.e., the data base needed to be revised to reflect the changes in funding ministries for the various housing developments). The data base is expected to be completed this year.

### **Other Active Resolutions**

#### **3.11 (1991-B58) Purchase of Factory Designed Alternate Fuel Vehicles**

This resolution was based on the fact that in British Columbia, factory designed vehicles that utilize alternate fuels are not commercially available and therefore costly retrofits are required. It was proposed that the Province establish a Province wide purchasing pool for these vehicles to urge the automobile industry to produce factory alternate fuel vehicles for the B.C. market.

In 1995 November, the Provincial Government released a policy paper entitled 'Green House Action Plan' that contains a proposal for the promotion and demonstration of fuel efficient and alternative fuelled vehicles. To further assist with this proposal, the Provincial Government has also established vehicle purchase guidelines for vehicle fleets. At this time, the province is looking into further action on this issue arising out of discussions at the Kyoto Global Climate Conference.

### **3.12 (1990-B53) Development Cost Charges for Social Amenities**

This resolution requested an amendment to Section 985 of the Municipal Act to authorize municipalities to collect development cost charges for child care facilities and other social facilities and amenities as deemed necessary by the Municipality. Similar resolutions were also passed in 1991 and 1994.

The Ministry of Municipal Affairs has begun a comprehensive review of the Municipal Act, including the system of development financing in B.C. In addition, the Development Finance Review Committee was formed to examine a variety of issues primarily related to DCC's. As a member of the Review Committee, the UBCM has asked that a number of DCC-related issues form part of the review, including the longstanding request to broaden the purposes for which DCC's may be collected.

### **3.13 Provision of Compensation to Municipalities for Street Closures**

Endorsed by the UBCM in 1979 and 1983, this issue was brought up for consideration in 1987 at the Premier's Conference on decentralization. The Land Title Amendment Act 1993, eliminates the entitlement of landowners, other than the original subdivider, to annex adjacent dedicated roads without compensation. In such a case, the purchaser must pay market value. A proposal to assign municipalities title to municipal roads and allow road abandonments at the discretion of Municipal Councils remains in the hands of the Ministry of Municipal Affairs. The Ministry of Municipal Affairs has indicated that they are still looking at legislative changes regarding this issue.

### **3.14 All-Terrain Vehicles Act**

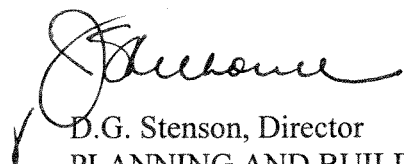
First introduced by Burnaby, a renewed request from Tumbler Ridge was endorsed at the 1993 UBCM Convention calling for the Provincial and Federal governments to take action to control the misuse and improve safety, consider licensing and the establishment of operation and training and safety programs for operators of ATVs and snowmobiles.

The Province has indicated that the current Motor Vehicle (All Terrain) Act applies only to snowmobiles and not other all-terrain vehicles. While no decisions have been made in regard to possible expansion of the regulations pursuant to the Motor Vehicle (All-Terrain) Act, the Province has indicated that it will give further consideration to the request of the UBCM in regards to this matter.

### 3.15 Strata Plans for New and Unoccupied Buildings

This resolution was first sponsored by Burnaby in 1983 and again in 1987 to ensure that municipal bylaws are not made ineffective by excluding municipal approval of strata applications for new and unoccupied buildings.

The Ministry of Finance and Corporate Relations circulated in 1994 April a discussion draft of the proposed new Condominium Act. A review of the draft reveals that provision has not been made for municipal approval of strata applications for new and unoccupied buildings. Subsequently, staff submitted a letter to the Ministry of Finance and Corporate Relations requesting inclusion of this item within the Condominium Act revisions. The UBCM has been advised that the consultation is still ongoing with respect to the Condominium Act revisions, and that nothing is expected to come forward this year on this resolution.

  
D.G. Stenson, Director  
PLANNING AND BUILDING

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cc: City Manager  
Director Engineering  
Director Finance  
Director Parks, Recreation and Cultural Services  
City Solicitor  
Chief Building Inspector