

TO: CITY MANAGER 2001 June 13

FROM: DIRECTOR PLANNING AND BUILDING Our File: 01.250

SUBJECT: 2001 UBCM RESOLUTIONS AND UPDATE

PURPOSE: To present resolutions for submission to the 2001 UBCM Convention resolution process for Council's consideration, and to provide an update of active resolutions previously submitted by Council.

RECOMMENDATIONS:

1. **THAT** Council approve the submission of the resolutions contained in Section 2.0 of this report to the 2001 UBCM Convention.
2. **THAT** a copy of this report be forwarded to the UBCM, Suite 15, 10551 Shellbridge Way, Richmond, B.C., V6X 2W9.

REPORT

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 for consideration at the 2001 UBCM Convention, and updates the status of those resolutions previously endorsed by Council and submitted to the UBCM which are still active, but have not yet been adequately addressed through changes to Provincial legislation or policy.

2.0 RESOLUTIONS FOR THE 2001 UBCM CONVENTION

The following resolutions have been prepared for Council's consideration for submission to the 2001 UBCM Convention.

2.1 *Smoke Alarms*

At its regular meeting of 2000 November 20, Council adopted a motion to forward a resolution to the 2001 UBCM Convention regarding the creation of a program to

provide financial assistance to owners installing smoke alarms in pre-1983 residences. The requirement for wired-in-place smoke alarms within residential dwelling units was introduced in the 1980 National Building Code, and was subsequently adopted for use by the Province of B.C. in 1983. However, these requirements apply only to new construction or major renovations where bedrooms are added or altered, or where basement finishing occurs. The Building Code does not apply to those existing homes built prior to 1983 which do not undergo substantial renovations.

In 1991, CMHC conducted a study regarding the costs and benefits of installing smoke alarms in residences. The report outlines that 277 people across Canada died in fires in one and two family dwellings in 1987. Even though the total number of houses had grown in 1987, this was a distinct improvement from 1980, when 442 people died. There are a number of reasons for this improvement in safety, but it is generally agreed that the one major difference is the advent of inexpensive, battery-operated smoke alarms in existing homes and wired-in-place smoke alarms in all new construction and renovations.

In accordance with Council's request, the following resolution has been prepared for Council's endorsement for submission to the 2001 UBCM Convention:

“FINANCIAL ASSISTANCE PROGRAM FOR THE INSTALLATION OF SMOKE ALARMS IN PRE-1983 RESIDENCES

WHEREAS regulatory authorities, and those in the construction industry, support the proven benefits of installing smoke alarms within all residential construction, and that the Building Codes' requirement to install wired-in-place smoke alarms for all new construction, alterations or basement finishing since 1983 has reduced the number of deaths attributable to fires in single and two family dwellings;

AND WHEREAS it is not feasible to create an inventory of all residential buildings constructed prior to 1983 in order to undertake an inspection program to determine the status of each and subsequent enforcement of the installation of smoke alarms,

THEREFORE BE IT RESOLVED that a program to provide financial assistance by the Province to owners installing smoke alarms in pre-1983 residences be implemented to encourage the voluntary installation of smoke alarms.”

2.2 Municipal Elections Day

At its regular meeting of 2001 June 04, Council requested that a resolution be forwarded to the 2001 UBCM Convention regarding the general voting day for municipal elections. As per Section 36(2) of the Local Government Act, the general voting day for a general local election must be the third Saturday of November in the year of the election. However, a number of issues provide the rationale for changing this date to the third Saturday in October in order to increase elector participation. The

proximity of this date to the Christmas season may preclude participation given other obligations at that time of year. Typical weather conditions at this time throughout the province may also deter some electors from participating, and some nominees from adequately campaigning. The proximity of the date to Hallowe'en often precludes individuals from displaying elections signs in advance given the vandalism often associated with this holiday. Given these reasons, it is proposed that elector turnout may improve if the general local election date were to be moved to a Saturday in October. This would have the additional benefit of giving newly elected officers additional time before the New Year appointments typical in many municipalities.

“CHANGES TO THE GENERAL LOCAL ELECTION DATE

WHEREAS the Local Government Act specifies that the general local election date must be the third Saturday of November in the year of the election;

AND WHEREAS elector participation may be hampered at this time due to the proximity of this date to the Christmas season, and the typical weather conditions at this time throughout the Province;

AND WHEREAS the proximity to Hallowe'en often precludes individuals from displaying election signs in advance given the vandalism often associated with this holiday;

THEREFORE BE IT RESOLVED that the Local Government Act be amended to specify a Saturday in October as the general voting day.”

2.3 Recovery of Hit and Run Collision Costs

At its regular meeting of 2001 June 11, Council adopted a recommendation to forward a resolution regarding the recovery of hit and run collision costs to the 2001 UBCM Convention. The resolution seeks to amend the Insurance Motor Vehicle Act to permit the recovery of such costs from ICBC by local governments, as they are currently able to do by private property owners. For convenience, a copy of the resolution is ***attached*** in *Appendix A*.

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 requested changes to Provincial legislation or policy.

2000 Resolutions

3.1 Amendments to School Site Acquisition Charge Legislation

As noted in the School Site Acquisition Charge report appearing elsewhere on this agenda, when the School Site Acquisition Charge (SSAC) legislation was introduced in January 2000, Council requested that a resolution stating Council's objection to the SSAC be prepared for the 2000 U.B.C.M. Convention in October 2000. The intent of the resolution was to request the Province to amend the legislation to give municipalities and school district the power to implement the charge at their discretion. The resolution was presented at the 2000 U.B.C.M. Convention but was not endorsed.

In its discussion of the resolution, the U.B.C.M. Resolutions Committee stated that the Province had embarked on a multi-year consultation with local governments, school boards and the development industry to replace the previous school site acquisition legislation with a more workable system. It further stated that although not enamoured with the new legislation, it was unlikely that the Province would now reverse the legislation and allow discretionary charges for school sites.

3.2 Fines/School Playground Zones (B69)

This resolution seeks to "double the fine" in school and playground zones, similar to the program in work zones. As this program has enhanced worker and driver safety in the work areas, it is considered an appropriate mechanism to apply in school and playground zones. It is anticipated that apart from the general heightened awareness brought by a "double the fine" campaign, the direct punitive effect would be beneficial in changing the habits of the least responsible drivers. This program requires the support of both the Attorney General and the Minister of Transportation and Highways. The resolution also includes fine revenue sharing between the Provincial Government and the local authority.

This resolution was considered and endorsed at the 2000 U.B.C.M. Convention. The response from the Ministry of the Attorney General is that the resolution is a fair proposal in order to protect children. An addendum from ICBC indicates that anything that can be done to improve road safety in school zones would be carefully considered in consultation with the police and the Ministry of the Attorney General.

3.3 DCCs for Replacement Housing (B77)

This resolution seeks changes to the Local Government Act to give local governments the ability to levy DCCs to fund the replacement of affordable rental

housing in areas where demolition of the existing affordable rental housing stock is an issue. This resolution was considered and endorsed at the 2000 UBCM Convention. In January 2001, the Minister of Municipal Affairs wrote the City to say that he is prepared to discuss the matter with UBCM and put forward a Request for Legislation to Cabinet regarding this amendment. UBCM will keep the Request for Legislation on its legislative agenda for future work.

3.4 *Extended School Zone Hours (C21)*

This resolution seeks to bring the legislation regarding school and playground speed zones into conformity, given that many school grounds function outside of regular school hours. The resolution as advanced by the City of Burnaby was not considered at the 2000 Convention, but a similar resolution was considered as forwarded by the City of Surrey, which was endorsed. The Ministry of Transportation and Highways has advised that recent changes to the Motor Vehicle Act regulations will require all school zone signs to be fluorescent yellow-green with black lettering. Signs which are blue/white or black/yellow will no longer be permitted. The present 30 km/hr tab sign will also be prohibited unless accompanied by additional wording to identify the hours and days when that speed is in effect. The new regulations will be mandatory after December 31, 2004.

This change does not, however, address the resolution's aim of extending the hours of school speed zones. As such, it is desirable to continue to pursue this resolution.

1999 Resolutions

3.5 *Continuously Sounding Car Alarms (B42)*

This resolution seeks changes to the Municipal Act to give municipalities the authority to tow from public streets motor vehicles whose alarms sound continuously. The report to Council on this subject from the Officer in Charge, Burnaby RCMP Detachment, referenced a similar 1993 amendment to the City of Vancouver Charter which gave the City of Vancouver specific authority to deem a vehicle to be unlawfully left on a street if the vehicle has a security system that is operating in contravention of a bylaw, or a horn that is audibly sounding for a period of more than 10 minutes.

This resolution was considered and endorsed at the 1999 UBCM Convention. The Ministry of Municipal Affairs has advised it considers that sufficient statutory authority exists to prohibit cars using alarms from parking in certain areas of the municipality, and to ticket and penalize offenders of a noise bylaw, and that the power to impound and tow vehicles in contravention of a bylaw would be excessive in relation to the offense.

3.6 Laser Markers (A16)

This resolution requested that the UBCM request the Government of Canada to amend the Criminal Code to clearly and specifically make it a criminal offence to intentionally or negligently misuse a laser marker or other laser device. The resolution was endorsed by the UBCM membership, and in March 2001 UBCM received correspondence from the Minister of Justice Anne McLellan advising that the response had just been received on this outstanding resolution. The Minister indicated that the Criminal Code already addresses the criminal use of laser markers, and does not appear to be willing to consider amending the assault provisions of the code at this time. She does however indicate that if the present provision within the Code do not appear to adequately address specific instances, the issue could be reconsidered.

1998 Resolutions

3.7 Traffic Safety And School Children (Flashing Light School Zone Signs) (B36/B57)

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 an amended resolution which Council endorsed and forwarded to the UBCM in 1998. This resolution was considered and endorsed by delegates at the 1998 Convention. In response to the resolution, the UBCM has been advised that ICBC is developing a strategy to examine road safety measures around schools. It is anticipated that this program will provide municipalities with the appropriate means to further address traffic safety issues in school zones.

3.8 Traffic Safety Enforcement (B37/C28)

In 1998 February, Council forwarded this resolution to the UBCM requesting that the Province appropriately share traffic fine revenue with municipalities to enable municipalities to maintain an appropriate level of traffic policing to maximize traffic safety benefits. This has been a long-standing issue for local governments and the subject of previous resolutions in 1987, 1990 and 1993.

In 1999 and 2000, the Ministry of Municipal Affairs committed to share \$13.2 million each year in traffic fine revenue with local governments with policing responsibilities. These payments were, however, significantly lower than the amount being sought by the City as they were based on the total cost of our policing function, and not in direct relation to the traffic fine revenue generated by Burnaby RCMP. This year, the Province has reduced this to \$10 million, based on a share of projected fine revenues

collected by the provincial treasury on tickets issued by local police enforcement officers, and will continue to distribute to municipalities on the basis of their share of total traffic enforcement costs. The UBCM Executive has expressed an interest in determining a means of increasing the allocation in future years, and will be working to identify a satisfactory revenue sharing formula.

3.9 *Legislative and Policy Changes to Address the Sexual Exploitation of Children and Youth in the Sex Trade (B49)*

This resolution arose from recommendations contained in the report of the City's Task Force on the Exploitation and Prostitution of Children and Youth. The resolution requested the Attorney General of British Columbia to 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. The resolution also requested the Attorney General 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.

The Attorney General has established a committee on prostitution to develop inter-ministerial responses to issues related to prostitution and the sexual exploitation of children and youth in B.C. This Committee is reviewing the suggestions outlined in the City's resolution. As reported to Council previously, related amendments have been made at the Federal level to the Criminal Code of Canada to address prostitution-related issues. In 2000, the Province introduced the Secure Care Act which provides for the involuntary secure care of young persons at high risk of serious harm or injury because of self-destructive behaviour. This is intended to provide a mechanism whereby a young person involved in drugs and prostitution can be required to undergo treatment.

3.10 *Resources to Support Sexually Exploited Children and Youth and Those At-Risk for Sexual Exploitation (B50)*

This resolution also arose from recommendations contained in the report of the City's Task Force on the Exploitation and Prostitution of Children and Youth. This resolution requested the Province to proclaim Section 9 of the Provincial Child, Family and Community Services (CFCS) Act to enable 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.

In response, in 1999 December, the Province proclaimed and implemented changes to the Child, Family and Community Services Act to allow Youth Agreements with youths aged 16 - 19 years. While this was not the requested proclamation of Section 9, the implementation of Youth Agreements with some youth is now possible. There are no new resources attached to the amendments to the Act, but the Ministry for Children and Families expects to be able to fund support services which accompany Youth Agreements with savings gained by redirecting youth from high-cost residential settings such as group homes. Staff will monitor the implementation of the changes and advise on its effectiveness.

1997 Resolutions

3.11 100% Smoke Free Environment (A20)

The 1997 UBCM resolution (A20) called for the UBCM to work with the WCB to implement regulations which will protect all workers in B.C. from exposure to secondhand smoke. Subsequently the UBCM has participated in the Interagency Steering Committee with the WCB and Ministry of Health, and all three organizations signed a Memorandum of Understanding (MOU) in July of 1998. The MOU established a framework for a cooperative approach to the implementation of province-wide requirements to control exposure to secondhand smoke.

The implementation date of the regulations was April 1998 for most B.C. workplaces. The final implementation of the regulations were effective January 1, 2000 for public workplaces (public entertainment and long term care workplaces). On March 22nd, 2000 Justice Sunni Stromberg-Stein of the B.C. Supreme Court found that the WCB exceeded its powers by instituting a "sunset clause" for public entertainment (bars, restaurants, casinos, bingo halls, sporting arenas) and long term care facilities without holding the proper public hearings. As a result, the court's decision declared the January 2000 sunset clause null and void, leaving the partial exemption contained in the regulations for public entertainment workplaces in place.

After a comprehensive consultation and public hearing process that were consequential to the Supreme Court of B.C. decision, the WCB has approved amendments to the Environmental Tobacco Smoke regulations. The new regulations are intended to further control workers' exposure to second hand smoke in hospitality, long-term care and Provincial correctional facilities. The revised regulation will come into effect September 10, 2001. Prior to that date, the WCB will be providing employers with educational and training materials, as well as working directly with employers to facilitate compliance. The amendments provide that all employers must control workers' exposure to environmental tobacco smoke, and provides reasonable options, such as "designated smoking areas" or other equally effective means, to protect workers. Designated smoking areas include safe, outdoor locations and separately

ventilated indoor smoking rooms that workers must not enter except in an emergency, where there is a requirement to investigate for illegal activity, or until the smoke has been effectively removed.

3.12 Age of Consent for Sexual Activity (B27)

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.

The Federal Department of Justice reviewed this request for a change to the age of consent as part of a national consultation process on child victims and criminal justice system. This process was concluded in Spring 2000. Burnaby participated in this consultation process by forwarding a recommendation to the Federal Justice Minister reiterating its support for raising the age of consent to sexual activity from 14 to 16 years. The results of the process have not yet been communicated.

3.13 Liability for Local Governments

- (C45) Amend Sections 694 & 290 of the Municipal Act to Include Inspectors
- (C46) Time Period Limits for Liability
- (C47) Several Liability and Insurance Requirements
- (C48) Advancement of Building Industry Education and Certification Standards
- (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 considered individually at the Convention, but were included within the discussion of an updated Liability Action Plan at the 1997

Convention. The UBCM continues to raise these issues with the Provincial Government, and are now working to reduce liability with respect to responsibilities under the Home Owner Protection Act. In April 2001 the UBCM and the Municipal Insurance Association of B.C. set up a joint Task Force on Building Inspection Liability. The Task Force will focus on well established longstanding UBCM/MIA policy and resolutions. The Task Force had its first meeting on 2001 April 10.

Other Active Resolutions

3.14 Excessive Packaging (C50)

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.

Aside from the new deposit-refund system for beverage containers implemented in October 1998, there has been no progress on this resolution. Staff will investigate other avenues through the UBCM and appropriate ministries to advance this issue in the current work program.

3.15 Authority to Designate Buildings as Unsafe for Occupancy (B10)

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 an 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 written to the Ministry of Municipal Affairs to clarify the information provided in the resolution to assist in its further consideration by the Ministry. At this time, the Province has not provided a further response to the resolution.

3.16 Age Classification and Restriction of Video Games (B25)

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

In response to the resolution, the Provincial Government 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. Subsequently, the Attorney General directed his staff to review all policy and legislative options for providing a classification system for video games, and the City of Vancouver submitted a resolution to the UBCM requesting the Province to enact regulations for video games like those currently in effect to rate movies, which was considered at the 2000 convention of the UBCM. On 2001 April 10, the Provincial Government introduced the Video Game Act which will enable classification and regulation of video games. Staff will monitor the implementation of the Act and advise on its effectiveness.

3.17 Purchase of Factory Designed Alternative Fuel Vehicles (B58)

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 a Province-wide purchasing pool for these vehicles be established 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 fuel vehicles. To further assist with this proposal, the Provincial Government has also established vehicle purchase guidelines for vehicle fleets. Last year, the Province purchased 150 alternative fuel vehicles from Ford Canada. Recently, the UBCM has had discussions with the Green Economy Secretariat about how local governments can work with the Province in purchasing alternative fuel vehicles and the Province indicated that it was willing to work with local governments on this issue.

3.18 Development Cost Charges for Social Amenities

This resolution was first introduced by the City in 1990 to request amendments to the Municipal Act to authorize municipalities to collect development cost charges (DCC's) for child care facilities and other social amenities, as deemed necessary by local governments. Similar resolutions were also passed in 1991 and 1994. As part of the revised Burnaby Child Care Policy, adopted in 2000 February, Council reiterated its intent to continue to pursue authority to collect DCC's for those social amenities identified and deemed appropriate by the local municipality.

Through its participation on the Development Finance Review Committee (DFRC) and other forums, the UBCM continues to make numerous requests to Municipal Affairs to broaden the purposes for which DCC's may be collected. There continues to be

opposition from the development industry which makes it difficult for the Provincial Government to develop a cooperative approach to meeting this need of local government. The DFRC developed a document entitled *Development Finance Choices Guide* (October 2000) which in part discusses the various tools that local governments have to finance social amenities, as well as other infrastructure, as part of new development other than by using DCCs.

3.19 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.

3.20 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.

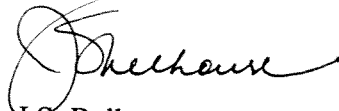
In 1994 the Ministry of Finance and Corporate Relations circulated a discussion draft of the proposed new Condominium Act. A review of the draft reveals that provision has not been made for municipal approval of strata applications for new and unoccupied buildings. Subsequently, staff submitted a letter to the Ministry of Finance and Corporate Relations requesting inclusion of this item within the Condominium Act revisions. Some amendments to the Act were made in 1999 relating to the definition and role of approving officers related to bare land strata plans. This has not fully addressed Burnaby's concerns. The UBCM has been advised that the consultation is still ongoing with respect to the Condominium Act revisions, and that further amendments may be forthcoming.

4.0 CONCLUDING COMMENTS

With Council endorsement of the resolutions outlined in Sections 2.1 and 2.2 of this report, staff will forward these resolutions to the UBCM for consideration at the upcoming Convention.

The UBCM deadline for receipt of resolutions is 2001 June 30. Resolutions received after this date are not included in the Resolutions Book for the Convention. Late submissions are

reviewed by the UBMC Resolutions Committee to determine whether the resolution should be considered at the Convention under the guidelines for Emergency Resolutions. Late submissions that do not meet the guidelines for consideration as an emergency resolution are brought forward for consideration at the next UBCM Convention.



J.S. Belhouse, Director
PLANNING & BUILDING

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

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Appendix A
UBCM Resolution
Recovery of Hit and Run Collision Damage Costs by Local Authorities

WHEREAS it is desirable for motorists to bear the full cost of travel, including the cost of damage to private and public property caused by collisions through insurance premiums;

AND WHEREAS the Insurance Corporation of British Columbia is required by law to compensate private property owners for hit and run damage to private property, but not local governments for hit and run damage to public infrastructure;

THEREFORE BE IT RESOLVED that the regulations to the Insurance (Motor Vehicle) Act, and specifically s.107 of B.C. Regulation 447/83, be amended so that hit and run damage costs incurred by local governments are recoverable from ICBC.