
Summary of Local Government Legislation

2 0 0 9

Library and Archives Canada Cataloguing in Publication Data

Main entry under title:

Summary of local government legislation. -- 2010-

Annual

Running title: Summary of legislation.

Also available on the Internet.

Imprint varies: Ministry of Community and Rural Development, 2009- .

Continues: Summary of legislation (Victoria, B.C.) ISSN 1181-988X.

ISSN 1712-5316 = Summary of local government legislation.

1. Law - British Columbia - Digests. 2. Municipal corporations - British Columbia - Digests. 3. Local government -- Law and legislation - British Columbia - Digests. I. British Columbia. Ministry of Community, Aboriginal and Women's Services. II. British Columbia. Ministry of Community Services. III. Title: Summary of legislation.

KEB58

348.711/026

C2004-960156-3

USING THIS SUMMARY

This is a summary of legislation passed during the Spring 2009 and Fall 2009 sessions of the Legislative Assembly of British Columbia that may be of direct interest to local governments. This Summary is presented in three parts.

It should be noted that following the provincial general election in May 2009, the Ministry of Community Development was changed to the Ministry of Community and Rural Development, but retained responsibility for local government matters.

Part A covers one bill that amends local government legislation for which the Ministry of Community and Rural Development is responsible. The bill was sponsored by the Attorney General and includes a section of Community and Rural Development amendments.

Part B covers 12 bills that do not significantly affect the Ministry of Community and Rural Development's legislation, but contain amendments that directly affect local governments. In some cases, a bill in this Part may also consequentially amend local government legislation.

In the description of a bill in **Parts A** and **B**, a reference to "section #" is a reference to the section of the bill (also referred to as an Act) which is making the amendments. A reference to "s. #" or "ss. #", on the other hand, is a reference to a section or sections of an existing statute or Act that is being amended. To illustrate, **section 83** of Bill 13, *Miscellaneous Statutes Amendment Act, 2009*, amends **s.323** of the *Vancouver Charter*.

The information in **Parts A** and **B** as to the "in force" dates of the bills reflects the status of those bills as of August 31, 2010.

Part C provides an index to the Ministry of Community and Rural Development's local government legislation according to the Act and section amended by 2009 legislation.

This Summary provides a brief description of bills passed in 2009 that directly affect local governments. For a complete listing and the full text of all bills introduced or passed in the Spring 2009 or Fall 2009 sessions, go to the Legislative Assembly of British Columbia web site at: <http://www.leg.bc.ca/legislation/index.htm>.

The information in this Summary is provided as a guide for convenience only; while best efforts have been used in its preparation, it should not be relied on for accuracy.

TABLE OF CONTENTS

USING THIS SUMMARY	i
PART A – Amendments to Local Government Legislation (SPRING Session)	1
Bill 13 Miscellaneous Statutes Amendment Act, 2009	1
PART B – Other Legislation Affecting Local Governments (SPRING Session)	3
Bill 8 Worker’s Compensation Amendment Act, 2009	3
Bill 10 Public Safety and Solicitor General Statutes Amendment Act, 2009	3
PART B – Other Legislation Affecting Local Governments (FALL Session)	5
Bill 2 Budget Measures Implementation Act (No. 2), 2009	5
Bill 4 Wills, Estates and Succession Act	5
Bill 5 Finance Statutes Amendment Act, 2009	6
Bill 7 Police (Misconducts, Complaints, Investigations, Discipline and Proceedings) Amendment Act, 2009	7
Bill 9 Wood First Act	8
Bill 13 Miscellaneous Statutes Amendment Act, 2009	9
Bill 15 Motor Vehicle Amendment Act, 2009	10
Bill 16 Body Armour Control Act	11
Bill 18 Assistance to Shelter Act	12
Bill 20 Miscellaneous Statutes Amendment Act (No. 2), 2009	13
PART C – Index of Amendments to Local Government Legislation (FALL Session)	15
For Further Information:	16

PART A – Amendments to Local Government Legislation – FALL 2009**Bill 13 Miscellaneous Statutes Amendment Act, 2009***Sponsored by the Attorney General*

The Miscellaneous Statutes Amendment Act, 2009 adds a new section to the Municipalities Enabling and Validating Act (No.3) to provide the cities of Richmond, Vancouver and the Resort Municipality of Whistler with temporary enforcement tools with respect to signs and graffiti throughout the 2010 Winter Games. This Act also contains various amendments to the Vancouver Charter to align some of the City of Vancouver's powers with those of other municipalities.

Signs and graffiti	<p>Section 77 adds Part 9 (ss. 31 through 34) to the <i>Municipalities Enabling and Validating Act (No. 3)</i> to provide the municipalities of Richmond, Vancouver and Whistler with customized, temporary enforcement powers to enter on to property, without the consent of the owner or occupier, for the purpose of removing, covering or altering:</p> <ul style="list-style-type: none"> • a sign that is in contravention of a municipal bylaw with respect to signs (s 32), or • graffiti that is in contravention of municipal bylaws (s. 33). <p>S.34 limits the exercise of these powers to the period of February 1, 2010 to March 31, 2010.</p>
Permits	<p>Section 78 amends s.161A of the <i>Vancouver Charter</i> to provide Council authority to establish terms and conditions and to provide the effective period of a regulatory permit.</p>
Licences	<p>Section 79 amends s.273 of the <i>Vancouver Charter</i> to provide Council authority to establish terms and conditions for licences. The amendment also eliminates the rule that a particular licence can only be held for two years.</p>
Street traffic management provisions	<p>Section 80 amends s.317(1) of the <i>Vancouver Charter</i> to clarify Council's powers to regulate street traffic (pedestrian and vehicle) and empowers Council to make different rules for different areas, times, conditions or circumstances as described by by-law in the exercise of those powers with respect to the use of streets.</p>
Street entertainment	<p>Section 81 makes changes to s.319 of the <i>Vancouver Charter</i> to provide Council with the authority to regulate street performers, including the number of permits for street vendors and street performers. It also enables Council to establish variations or different rules in relation to such bylaws (eg. based on different areas or times).</p>
Relaxation of advertising by-laws	<p>Section 82 adds s.319.1 and provides for the relaxation of advertising by-laws in specified circumstances.</p>

PART A

AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION

Temporary traffic restriction and control	Section 82 also adds s.319.2 which enables Council to temporarily restrict or prohibit any type of traffic on a street, and authorizes Council, by by-law, to delegate such powers to city officials. These authorities are consistent with s.38 of the <i>Community Charter</i> .
Noise	Section 83 amends s.323 of the <i>Vancouver Charter</i> to authorize a city official to make exceptions to bylaws regulating noise and disturbances.
Fines and penalties under the <i>Offence Act</i>	Section 84 amends s.333 to authorize the City of Vancouver, with respect to bylaws prosecuted under the <i>Offence Act</i> , to provide for fines and penalties in the same way as other municipalities authorized under the <i>Community Charter</i> . This includes the authority to set a maximum fine of \$10,000.
Park Board's power to make by-laws	Sections 85 and 86 amend s.491 and s.491.1 of the <i>Vancouver Charter</i> to provide the Vancouver Park Board with the same powers as Council to regulate signs and advertising in city parks, including the ability to make variations and exceptions to bylaws in specified circumstances.

http://www.leg.bc.ca/39th1st/3rd_read/gov13-3.htm

S.B.C. 2009, c. 22

Sections 77 through 87 in force by Royal Assent, effective October 29, 2009

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****PART B – Other Legislation Affecting Local Governments - SPRING 2009****Bill 8** ***Worker's Compensation Amendment Act, 2009****Sponsored by the Minister of Labour and Citizens' Services*

This Bill adds lung cancer to the list of cancers already identified as occupational diseases for long-term firefighters. Firefighters who are diagnosed with lung-cancer and are non-smokers may be eligible for workers' compensation benefits. This legislation takes effect retroactively.

Definition of
"occupational
disease"

Section 1 amends the definition of "occupational disease" to include primary lung cancer for firefighters.

Firefighters'
occupational
disease

Section 2 amends s.6.1 to provide that if a firefighter contracts primary site lung cancer, and is a non-smoker, the disease must be presumed to be the nature of the worker's employment as a firefighter, unless the contrary is proved. These changes also include rules for establishing whether a firefighter would be eligible for compensation.

http://www.leg.bc.ca/38th5th/3rd_read/gov08-3.htm

S.B.C. 2009, c. 7

Effective May 27, 2008 by B.C. Reg 125/2009, in force March 18, 2009

Bill 10***Public Safety and Solicitor General Statutes Amendment Act, 2009****Sponsored by the Minister of Public Safety and Solicitor General*

This Bill applies to local governments who act on behalf of the Insurance Corporation of British Columbia, as authorized under section 9.1 in the Insurance Corporation Act. It empowers these local governments with respect to the seizing and retention of records presented in relation to driver's licensing.

Retention or
seizure of records

Section 3 adds s.25.01 to the *Motor Vehicle Act*, to allow the Insurance Corporation of British Columbia (ICBC), and persons authorized by them, to act as agents to retain or seize documents submitted as part of a driver's licence or identification application or renewal. This section also specifies what ICBC or an acting agent may do with the documents.

PART B

AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION

If a record is retained or seized, the local government may return the record to the person or government that issued or created it, return the record to the person who presented it, or destroy the record. The local government must return a record within 30 days, unless the *Motor Vehicle Act* requires that a record be surrendered, or the local government determines that retention or seizure of the record for a longer period is necessary for the purposes of the *Motor Vehicle Act*.

http://www.leg.bc.ca/38th5tt/3rd_read/gov10-3.htm

S.B.C. 2009, c. 10

Section 3 in force by Royal Assent, effective May 1, 2009

PART B – Other Legislation Affecting Local Governments – FALL 2009**Bill 2 Budget Measures Implementation Act (No. 2), 2009***Sponsored by the Minister of Finance*

This Act makes a number of amendments to several taxation and revenue statutes. The changes of interest to local government are the amendments to the Assessment Act.

Valuation of continuous structures for the 2010 taxation year	Section 63 creates a transitional provision under the <i>Assessment Act</i> to change the way “continuous structures” are to be valued for the 2010 assessment roll. “Continuous structures” refer to specified infrastructure in s.21 of the <i>Assessment Act</i> , including things like fibre optic cable, railway track and pipelines.
---------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The amendment requires BC Assessment to use the same regulated valuation rates that were used for the 2009 assessment roll.

Repeal	Section 75 repeals s.63 on January 1, 2011, to make it effective for the 2010 taxation year only.
--------	---------------------------------------------------------------------------------------------------

http://www.leg.bc.ca/39th1st/3rd_read/gov02-3.htm

S.B.C. 2009, c. 14

Section 63 in force by Royal Assent, effective October 29, 2009

Section 75 deemed effective January 1, 2011, in force by Royal Assent, October 29, 2009

Bill 4 Wills, Estates and Succession Act*Sponsored by the Attorney General*

The Wills, Estates and Succession Act, reduces the number of separate acts that govern estate law from seven to one. Of relevance to local government is the section prescribing how the proceeds of an insolvent estate are to be spent with respect to debts and liabilities, which include municipal taxes.

How proceeds from insolvent estate are to be spent	Section 170 provides that subject to the rights of secured creditors, the personal representative of a deceased person must apply the proceeds realized from an insolvent estate within a prescribed order of priority. The order of priority has been revised from the previous legislation found in Part 11 of the <i>Estate Administration Act</i> .
----------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Paragraph (f) of section 170 provides that municipal taxes assessed or levied against the deceased, within 2 years immediately preceding their death, are sixth in the order of priority. Proceeds from an insolvent estate are to be spent on municipal taxes after the following debts and liabilities have been settled:

PART B

OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

- funeral and estate administration expenses,
- compensation of the personal representative under the *Trustee Act*,
- legal expenses,
- compensation of any employee for services during the 180 days immediately preceding the death, and
- claims for spousal support or child maintenance, whether a lump sum amount, or periodic amounts accrued in the year immediately preceding the date of death.

Consequential amendments

Section 237 amends s.999 (b) of the *Local Government Act* to update the language, changing “grants of letters probate or letters of administration” to “grants of probate or grants of administration.”

http://www.leg.bc.ca/39th1st/3rd_read/gov04-3.htm

S.B.C. 2009, c. 13

This Act will come in force by Regulation

Bill 5

Finance Statutes Amendment Act, 2009

Sponsored by the Minister of Finance

This bill makes minor amendments to the Business Number Act, further defining the legislative authority to verify the identity of suppliers and ensure the accuracy of payment information as required under the current Income Tax Act and the Excise Tax Act of Canada. A couple of minor changes are of interest to local governments who are defined as “public bodies” under Section 4 of the Act.

Collection of business information – form and manner

Section 4 amends s.5 to require a business entity to provide business information in the form and manner required by the public body to facilitate the supply of goods or services to the public body. Previously this section only empowered a public body to require a business to provide information under a designated enactment.

Use of business number

Section 5 amends s.7 to require a business entity to provide its business number to facilitate the supply of goods or services to the public body. Previously this section only empowered a public body to require a business to provide its business number when the business was providing the information under a designated enactment.

http://www.leg.bc.ca/39th1st/3rd_read/gov05-3.htm

S.B.C. 2009, c. 15

In force by Royal Assent, effective October 29, 2009

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS****Bill 7 Police (Misconduct, Complaints, Investigations, Discipline and Proceedings) Amendment Act, 2009**

Sponsored by the Minister of Public Safety and Solicitor General

This Act adds Part 11 to the Police Act to provide rules regarding procedures for complaints against municipal police officers, including provisions of what constitutes officer misconduct and what corrective measures are available.

Misconduct, complaints, investigations, discipline and proceedings	Section 10 adds Part 11 (ss. 76 through 184) to the <i>Police Act</i> to provide rules regarding procedures for complaints against municipal police officers. Part 11 contains 7 Divisions.
Definitions	Divisions 1 and 2 (ss. 76-77) set out definitions and rules of interpretation for the new Part 11, including provisions regarding who the “discipline authority” is (in Division 1) and what constitutes police misconduct (Division 2).
Process respecting alleged misconduct	<p>Division 3 (ss. 78 through 155) describe the process and rules respecting alleged misconduct, and provides authority for the Office of the Police Complaint Commissioner (OPCC) in its oversight role, including:</p> <ul style="list-style-type: none"> • providing for the form and manner of receiving and recording complaints • providing that a chief constable must ensure that their municipal police department members preserve evidence relating to a complaint or report • providing that there be an external investigation in all instances of in-custody and policy-related deaths and cases involving serious harm • the application of these rules to former officers as well as current ones • establishing timelines and procedures for the taking of steps in the complaint, investigations and discipline processes • setting out the powers and duties of investigating officers • allowing for the OPCC to arrange public hearings or reviews of records in certain circumstances
Resolution of complaints by mediation or other informal means	Division 4 (ss. 156 through 167) provides for the use of mediation and other means of resolution in certain cases. Through mediation, the matter may be resolved informally if the complainant and police officer concerned agree to the proposed resolution in writing. The municipal police department of the police officer implicated in misconduct must bear the costs of mediation.
Process respecting department service or policy complaints	Division 5 (ss. 168 through 173) describe the process of by which complaints with respect to the general management or operation of a municipal police department may be resolved.

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Internal discipline matters	Division 6 (ss. 174 through 176) provides for matters where admissible complaints are not filed but misconduct has occurred. Procedures established for internal discipline matters must not be inconsistent with this Act and OPCC is to be provided with a copy of any recommendations or final decisions with respect to internal discipline matters.
General	Division 7 (ss. 177 through 184) contains general provisions, such as the role of the OPCC; that a police complaint process does not prohibit criminal prosecutions or civil remedies; and the requirement that municipal police departments use, maintain and upgrade a system of software and hardware components that enable the OPCC to securely and electronically monitor records respecting investigations and proceedings under the Act. Division 7 also provides that the chief constable and chair of board must ensure that disciplinary or corrective measures issued under the new misconduct rules are taken.

http://www.leg.bc.ca/39th1ss/3rd_read/gov07-3.htm

S.B.C. 2009, c. 28

Effective March 31, 2010, in force by B.C. Reg 60/2010

Bill 9**Wood First Act**

Sponsored by the Minister of Forests and Range and Minister Responsible for the Integrated Land Management Bureau

The Wood First Act provides the basis for which wood is required to be used as the primary building material for all new provincially funded buildings. This Act is of interest to local governments in so far as it impacts construction and reporting requirements with respect to the use of wood in provincially funded local government buildings.

Definitions	Section 1 defines a “provincially funded building” as a building or addition to a building to which the Provincial government contributed money to fund its design or construction. The Act does not apply to a building funded by an unconditional grant to a local government.
Purpose	Section 2 states that the purpose of the Act is to facilitate a “culture of wood” by requiring the use of wood as the primary building material in all new provincially funded buildings, consistent with the British Columbia Building Code.
Best Practices	Section 3 authorizes the minister to recommend best practices for the use of wood in provincially funded buildings and to advise on the form and content of agreements for the design or construction of provincially funded buildings.
Power to make regulations	Section 4 enables Cabinet to make regulations requiring a report on the use of wood in provincially funded buildings. These regulations may prescribe the timing, form and content of the reports. Cabinet may also require records relating to the reports to be kept and prescribe how they are to be accessed.

http://www.leg.bc.ca/39th1ss/3rd_read/gov09-3.htm

S.B.C. 2009, c. 18

In force by Royal Assent, effective October 29, 2009

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS****Bill 13****Miscellaneous Statutes Amendment Act, 2009***Sponsored by the Attorney General*

The Miscellaneous Statutes Amendment Act, 2009 makes amendments to various statutes. Of key interest to local government are changes to the Assessment Act, the Tourist Accommodation (Assessment Relief) Act, the Treaty First Nations Taxation Act and the Manufactured Home Tax Act with respect to First Nations property taxation powers and exemptions. The Act also amends the definition of "wildlife" in the Wildlife Act with respect to endangered and threatened species.

Manufactured Home Tax Act

Sections 1 and 2 amends s.2 and s.3 of the *Manufactured Home Tax Act* to provide that a manufactured home located on treaty lands is considered an improvement under the *Assessment Act* and the owner of a manufactured home is liable to property taxation.

Section 3 exempts from property taxation, manufactured homes that are owned or occupied by a taxing treaty First Nation.

Tourist Accommodation (Assessment Relief) Act

Section 4 amends s.1 of the *Tourist Accommodation (Assessment Relief) Act* to provide that tourist accommodations on treaty lands are entitled to the assessment reduction provided under the Act

Treaty First Nation Act

Section 5 adds definitions for "improvements" and "land" to s.1 of the *Treaty First Nation Taxation Act*, specifically by giving both terms the same meaning as in the *Assessment Act* for taxation purposes.

Section 6 adds s.4.2 to the Act, providing that land or improvements that are vested in or held by a taxing treaty First Nation are exempt from taxation by the taxing treaty First Nation as they would be by a municipality or regional district under section 220 (1) (b) of the *Community Charter*.

The new s.4.2 specifies that s.229 and s.230 of the *Community Charter*, respecting taxation of municipal land used by others and occupiers of exempt land, apply in relation to a taxing treaty first nation as those sections do for municipalities.

Section 6 also adds s.7.1 to the *Treaty First Nation Taxation Act*, providing that Cabinet may pass regulations establishing a maximum penalty rate a taxing treaty First Nation may apply to property taxes paid after their due date.

Assessment Act

Section 75 amends s.19 (1) of the *Assessment Act* to include within the meaning of "eligible supportive housing property" property that is used by or on behalf of a person who received funding from a regional health board.

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS***Wildlife Act*

Section 90 amends the definition of “wildlife” in s.1 (1) of the *Wildlife Act*. The *Community Charter* uses the same definition of “wildlife” as the *Wildlife Act*. (B.C. Reg 427/2003). Previously, the terms “threatened species” and “endangered species” fell under the definition of “wildlife.” These terms are now defined separately, and a new definition added for “controlled alien species. These definitions were clarified to distinguish “controlled alien species” for the regulation of exotic pets.

http://www.leg.bc.ca/39th1st/3rd_read/gov13-3.htm

S.B.C. 2009, c. 22

Sections 1 to 6 in force by Royal Assent, effective October 29, 2009

Section 75 effective October 30, 2009 in force by B.C. Reg. 261/2009

Section 90 will come in force by Regulation

Bill 15**Motor Vehicle Amendment Act, 2009**

Sponsored by the Minister of Public Safety and Solicitor General

This Act makes amendments to the Motor Vehicle Act. Part 3.1 is of interest to local governments, as it establishes new rules respecting the use of hand-held electronic communications devices while driving, and exceptions to those rules. The new rules may pertain to local government employees who use hand-held communications in the course of their work. The Motor Vehicle Act is enforced by the RCMP and municipal police forces in specified circumstances.

Definitions

Section 3 adds Part 3.1 (ss. 214.1 to 214.6) to the *Motor Vehicle Act*. The new s.214.1 defines “electronic device” and “use” in relation to that device.

Prohibition

Section 3 also adds s.214.2, prohibiting the use of hand-held electronic devices while driving or operating a motor vehicle on a highway, including the use of cellular phones, or other devices that are capable of transmitting or receiving text messages or electronic mail.

Exceptions

New ss.214.3 through 214.6 set out exceptions to the prohibition under s.214.2. The new rules do not apply to peace officers, fire services personnel or persons driving or operating an ambulance. Cabinet may also make regulations prescribing other classes of persons, and classes of electronic devices that are also exempt from the prohibition.

http://www.leg.bc.ca/39th1st/3rd_read/gov15-3.htm

S.B.C. 2009, c. 23

Effective January 1, 2010, in force by B.C. Reg. 308/2009

Bill 16**Body Armour Control Act**

Sponsored by the Minister of Public Safety and Solicitor General

The new Body Armour Control Act establishes the rules around the sale and possession of body armour in BC. The Act requires those in possession of body armour to hold a valid body armour permit and those selling it to be licensed as a security worker under the Security Services Act. Of interest to local government is the authorization of police forces, as peace officers, to exercise powers and perform duties under this Act.

Prohibition	Section 2(2) of the Act provides that a person must not possess body armour unless they hold a valid permit.
Body armour permit	Sections 2 through 6 prescribe how body armour permits may be applied for or renewed, providing for exemptions and the role of the Registrar of Security Services in relation to body armour permits.
Terms and conditions	Section 7 requires that a body armour permit holder, when having body armour in his or her possession, must produce the body armour permit on the request of a peace officer.
Summary action to protect the public	Section 10 provides that the registrar may, without notice, cancel or suspend a body armour permit. If notice from the registrar is delivered by a peace officer, a body armour permit holder must immediately surrender their permit and body armour to the peace officer.
Offences	It is an offence under Section 13 to obstruct, impede or refuse to admit a peace officer who is exercising powers or performing duties under this Act.
Seizure of body armour without a warrant	Section 21 provides that a peace officer may request a person to produce a valid body armour permit, or identify the basis on which they are exempt. If the person is unable to do so, the peace officer may search the person and any personal property in their possession, and seize any unauthorized body armour found.

http://www.leg.bc.ca/39th1st/3rd_read/gov16-3.htm

S.B.C. 2009, c. 24
Effective July 1, 2010, in force by B.C. Reg 203/2010

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS****Bill 18****Assistance to Shelter Act**

Sponsored by the Minister of Housing and Social Development

This Act gives police new powers to assist persons deemed at risk to emergency shelters under extreme weather alerts issued by a community or the minister. The term “community” refers to any local government within a geographical area prescribed by an Extreme Weather Response Plan (EWRP) or a jurisdiction determined by the minister. EWRP boundaries may not be the same as the municipal or regional district boundaries in a given region as EWRP boundaries are determined by geographical features.

Extreme weather alert by community representative	<p>Section 2 of the Act authorizes a community representative, to which an Extreme Weather Response Plan (EWRP) applies, to determine when extreme weather conditions exist. In issuing an extreme weather alert, the minister and all police forces in the area to which the EWRP applies must be notified when the alert is issued or cancelled.</p> <p>Subsections (3) and (4) provide that the minister may cancel an extreme weather alert weather alert issued by a community if the community does not do so and, in the opinion of the minister, the extreme weather conditions no longer exist. If the minister cancels the alert, the minister must notify all of the police forces in the geographical area to which the EWRP applies.</p>
Extreme weather alert by minister	<p>Section 3 enables the minister to issue an extreme weather alert for a geographical area under the following circumstances:</p> <ul style="list-style-type: none"> • extreme weather conditions exist in a geographical area to which no EWRP applies, • extreme weather conditions exist in a geographical area that are not addressed or identified in the EWRP that applies to that geographical area, or • extreme weather conditions as described in an EWRP exist in the geographical area, but the community has not issued an extreme weather alert. <p>The minister must notify all of the relevant police forces and local authorities if an extreme weather alert is issued or cancelled.</p>
Assessment if a person is at risk	<p>Section 5 provides the assessment criteria for police officers to determine if a person is at risk under the conditions for which an extreme weather alert has been issued.</p>
Assistance to shelter	<p>Section 6 provides that a police officer may request that a person at risk go to an emergency shelter or any other accommodation that would protect the person at risk from extreme weather conditions. This section also prescribes acceptable accommodation.</p>
Transport to emergency shelter	<p>Section 7 authorizes police, using reasonable force if necessary, to transport any person at risk who refuses to respond to the police officer’s request to transport them to an emergency shelter, as per section 6.</p>

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Cabinet
Regulations
Authority

Section 8 authorizes Cabinet to make various regulations under the Act, including:

- prescribing conditions for the purposes of the definition of “extreme weather conditions”,
- prescribing designated policing units, or one or more classes of constables for the purposes of executing this Act,
- respecting the manner or issuing, cancelling and notifying relevant parties of extreme weather alerts.

http://www.leg.bc.ca/39th1st/3rd_read/gov18-3.htm

S.B.C. 2009, c. 32

In force by Royal Assent, effective November 26th, 2009

Bill 20**Miscellaneous Statutes Amendment Act (No. 2), 2009**

Sponsored by the Attorney General

This Act makes amendments to the Community Care and Assisted Living Act and the Criminal Records Review Act that may be of relevance to local governments who run their own community care facilities.

*Community Care
and Assisted Living
Act*

Section 14 amends s.20 of the *Community Care and Assisted Living Act*, redrafting the provisions for plainer language and clarifying that the requirement for persons in care to be safely evacuated in the case of fire applies to all small community care facilities.

*Criminal Records
Review Act*

Sections 22 to 42 amend the *Criminal Records Review Act* to require criminal record reviews of employees who work with vulnerable adults. These changes parallel previous legislation mandating criminal record reviews for employees working with children, and are of relevance to local governments who run their own care facilities.

Section 22 amends s.1, defining a “vulnerable adult” as an individual 19 years or older who receives health services, other than acute care. The new definition also defines the various entities that provide health services to a vulnerable adult, including community care facilities.

Section 42 adds Schedule 3, which lists specified offences of concern with respect to employees who work with vulnerable adults.

http://www.leg.bc.ca/39th1st/3rd_read/gov20-3.htm

S.B.C. 2009, c. 34

Section 14 in force by Royal Assent, effective November 26, 2009.

Sections 22 to 42 will come in force by Regulation

PART C**Index of Amendments to Local Government Legislation -
FALL 2009**

<u>Affected Act</u>	<u>Section</u>		<u>Amending Bill</u>
Community Charter	90	[language update; consequential]	12 (s. 5)
Local Government Act	952	[language update; consequential]	12 (s. 4)
	952	[language update; consequential]	12 (s. 5)
	979	[language update; consequential]	12 (s. 4)
	999	[language update; consequential]	4 (s. 237)
Municipalities Enabling and Validating Act	31	[adds definitions, specifies municipalities of Richmond, Vancouver and Whistler]	13 (s. 77)
	32	[adds section; enforcement of bylaws in relation to signs]	13 (s. 77)
	33	[adds section; enforcement of bylaws in relation to graffiti]	13 (s. 77)
	34	[adds section; limits exercise of powers described in sections 32 and 33 to February 1, 2010 to March 31, 2010]	13 (s. 77)
Vancouver Charter	161A	[replaces section: permits and delegation of authority to issue permits]	13 (s. 78)
	165.2	[language update; consequential]	12 (s. 5)
	273	[amends section; terms and conditions of a licence]	13 (s. 79)
	317 (1)	[amends section; provisions for regulating street traffic]	13 (s. 80)
	319	[amends section; provisions for regulating street activity including advertising and street performances]	13 (s. 81)
	319.1	[adds section; relaxation of advertising bylaws]	13 (s. 82)
	319.2	[adds section; temporary traffic restriction and traffic control]	13 (s. 82)
	323	[amends section; city official designated by bylaw to hold same authority as mayor with respect to disturbing noises]	13 (s. 83)
	333	[replaces section; fines and penalties]	13 (s. 84)

PART C**Index of Amendments to Local Government Legislation -
FALL 2009**

<u>Affected Act</u>	<u>Section</u>	<u>Amending Bill</u>
	491 [amends section; board's power to make bylaws]	13 (s. 85)
	491.1 [adds section; relaxation of advertising and sign by-laws]	13 (s. 86)
	565A [amends section; council may make by-laws]	13 (s. 87)
	580 [language update; consequential]	12 (s. 4)
	580 [language update; consequential]	12 (s. 5)
	604 [language update; consequential]	12 (s. 4)

For Further Information:

Local Government Policy and Research Branch
Ministry of Community and Rural Development

Phone:

250 387-4050 in Victoria

For toll free access call Enquiry BC:
Call 604-660-2421 in Vancouver or
1-800-663-7867 elsewhere in B.C. and request a transfer to
250 387-4050 in Victoria

Local Government Department website:

<http://www.cd.gov.bc.ca/lgd/index.htm>

Summary of Legislation website:

http://www.cd.gov.bc.ca/lgd/policy_research/legislation.htm

