**Affected Act** | **Section** | **Amending Bill**  
--- | --- | ---  
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 604-663-2421 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

**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 **Part A** and **Part B**, a reference to “section X” is a reference to the section of the bill (also referred to as an Act) which is making the amendments. A reference to “s. X” or “ss. X”, 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.
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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 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
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.

Subsections (3) and (4) provide that the minister may cancel an extreme weather alert 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.

Extreme weather alert by minister
Section 3 enables the minister to issue an extreme weather alert for a geographical area under the following circumstances:
- 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.

The minister must notify all of the relevant police forces and local authorities if an extreme weather alert is issued or cancelled.

Assessment if a person is at risk
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.

Assistance to shelter
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.

Transport to emergency shelter
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.

PART A
AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION

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
Section 77 adds Part 9 (ss. 31 through 34) to the Municipalities Enabling and Validating Act (No. 3) to provide the municipalities of Richmond, Vancouver and Whistler with customized, temporary enforcement powers to enter on to property, without the consent of owner or occupier, for the purpose of removing, covering or altering:
- 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).

S.34 limits the exercise of these powers to the period of February 1, 2010 to March 31, 2010.

Permits
Section 78 amends s.161A of the Vancouver Charter to provide Council authority to establish terms and conditions and to provide the effective period of a regulatory permit.

Licences
Section 79 amends s.273 of the Vancouver Charter 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.

Street traffic management provisions
Section 80 amends s.317(1) of the Vancouver Charter 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.

Street entertainment
Section 81 makes changes to s.319 of the Vancouver Charter 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).

Relaxation of advertising by-laws
Section 82 adds s.319.1 and provides for the relaxation of advertising by-laws in specified circumstances.
### 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 Community Charter. |
| Noise | Section 83 amends s.323 of the Vancouver Charter to authorize a city official to make exceptions to bylaws regulating noise and disturbances. |
| Fines and penalties under the Offence Act | Section 84 amends s.333 to authorize the City of Vancouver, with respect to bylaws prosecuted under the Offence Act, to provide for fines and penalties in the same way as other municipalities authorized under the Community Charter. 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 Vancouver Charter 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  OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

| 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

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
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.

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.
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

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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. |
| Tourist Accommodation (Assessment Relief) Act | Section 3 exempts from property taxation, manufactured homes that are owned or occupied by a taxing treaty First Nation. |
| Treaty First Nation Taxation 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 Taxation 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. |
| Treaty First Nation Taxation Act | 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. |
| Treaty First Nation Taxation Act | 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 – 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 Assessment Act to change the way “continuous structures” refer to specified infrastructure in s.21 of the Assessment Act, 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.

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 Estate Administration Act.

Paragraph 5 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:

http://www.leg.bc.ca/39th1st/3rd_read/gov02-1.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

PART B

OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

2009 – Summary of Legislation – 2009

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/39th1st/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

- 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 28, 2009

PART B
OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

Bill 7
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 Police Act 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
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:

- 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 by which complaints with respect to the general management or operation of a municipal police department may be resolved.
Bill 5  Finance Statutes Amendment Act, 2009

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.

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Ministry of Community and Rural Development

7
**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. 28  
Effective March 31, 2010, in force by B.C. Reg 60/2010

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**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 Estate Administration Act.

Paragraph 1(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:

**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 Assessment Act 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 Assessment Act, 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/39th1ss/3rd_read/gov02-1.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

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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
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

### 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.

<table>
<thead>
<tr>
<th>Act</th>
<th>Sections Amended</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufactured Home Tax Act</td>
<td>Sections 1 and 2</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Section 3</td>
<td>exempts from property taxation, manufactured homes that are owned or occupied by a taxing treaty First Nation.</td>
</tr>
<tr>
<td>Tourist Accommodation (Assessment Relief) Act</td>
<td>Section 4</td>
<td>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</td>
</tr>
<tr>
<td>Treaty First Nation Taxation Act</td>
<td>Section 5</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Section 6</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>The new s.4.2</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Section 6</td>
<td>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.</td>
</tr>
<tr>
<td>Assessment Act</td>
<td>Section 75</td>
<td>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.</td>
</tr>
</tbody>
</table>
### 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

**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.

**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.

### 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 May 27,2008 by B.C. Reg 125/2009, in force March 18, 2009
### 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 Community Charter. |
| Noise | Section 83 adds s.323 of the Vancouver Charter to authorize a city official to make exceptions to bylaws regulating noise and disturbances. |
| Fines and penalties under the Offence Act | Section 84 amends s.333 to authorize the City of Vancouver, with respect to bylaws prosecuted under the Offence Act, to provide for fines and penalties in the same way as other municipalities authorized under the Community Charter. 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 Vancouver Charter 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. |

### PART B  OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

#### 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
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.

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.

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.

Section 3 enables the minister to issue an extreme weather alert for a geographical area under the following circumstances:
- 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.

The minister must notify all of the relevant police forces and local authorities if an extreme weather alert is issued or cancelled.

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.

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.

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.

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.

Section 77 adds Part 9 (ss. 31 through 34) to the Municipalities Enabling and Validating Act (No. 3) 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:
- 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).

S.34 limits the exercise of these powers to the period of February 1, 2010 to March 31, 2010.

Section 78 amends s.161A of the Vancouver Charter to provide Council authority to establish terms and conditions and to provide the effective period of a regulatory permit.

Section 79 amends s.273 of the Vancouver Charter 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.

Section 80 amends s.317(1) of the Vancouver Charter 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.

Section 81 makes changes to s.319 of the Vancouver Charter 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).

Section 82 adds s.319.1 and provides for the relaxation of advertising by-laws in specified circumstances.
### Ministry of Community and Rural Development

#### 2009 – Summary of Legislation – 2009

### PART B OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

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<th>Cabinet Regulations Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 8 authorizes Cabinet to make various regulations under the Act, including:</td>
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<tr>
<td>- prescribing conditions for the purposes of the definition of &quot;extreme weather conditions&quot;,</td>
</tr>
<tr>
<td>- prescribing designated policing units, or one or more classes of constables for the purposes of executing this Act,</td>
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<tr>
<td>- respecting the manner or issuing, cancelling and notifying relevant parties of extreme weather alerts.</td>
</tr>
</tbody>
</table>

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

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<thead>
<tr>
<th>Bill 20 Miscellaneous Statutes Amendment Act (No. 2), 2009</th>
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<tbody>
<tr>
<td>Sponsored by the Attorney General</td>
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</table>

**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.**

<table>
<thead>
<tr>
<th>Community Care and Assisted Living Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Criminal Records Review Act</th>
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</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

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
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<td>Local Government Act</td>
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<td></td>
<td>952</td>
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<td></td>
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<td>Vancouver Charter</td>
<td>161A</td>
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<td></td>
<td>317 (1)</td>
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<td></td>
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<td>13 (s. 81)</td>
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<tr>
<td></td>
<td>319.1</td>
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<td>13 (s. 82)</td>
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<td>323</td>
<td>13 (s. 83)</td>
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<td></td>
<td>333</td>
<td>13 (s. 84)</td>
</tr>
</tbody>
</table>
## 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](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.
Summary of Local Government Legislation

2009