

# **Content Overview**

## **Bill 14**

### **Community Charter**

*May 2003*

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Please note: This material is presented by topic areas.  
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<b>Principles, Purposes and Interpretation</b>	
Principles	<ul style="list-style-type: none"> <li>• principles are part of the Act (not just in a Preamble)</li> <li>• principles guide the structure and content of the Act</li> </ul>
Principles of municipal governance	<ul style="list-style-type: none"> <li>• municipalities recognized as an order of government</li> <li>• municipalities recognized as autonomous, responsible and accountable, established by the will of their residents</li> <li>• principles build on principles of International Union of Local Authorities adopted by Federation of Canadian Municipalities and echoed in Union of British Columbia Municipalities' Local Government Bill of Rights</li> <li>• principles based on provincial recognition of municipal needs:               <ul style="list-style-type: none"> <li>✓ autonomy (e.g. determining public interest of their communities and level of municipal expenditures)</li> <li>✓ resources (e.g. drawing on adequate financial and other resources)</li> <li>✓ broad flexible powers (e.g. having adequate powers and discretion to meet existing and future needs)</li> <li>✓ accountability (e.g. addressing and responding to community needs)</li> <li>✓ balance (e.g. a legislative framework that supports balance and certainty; provincial responsibility to consider interests of B.C. generally)</li> </ul> </li> </ul>
Principles of municipal-provincial relations	<ul style="list-style-type: none"> <li>• only local government legislation in Canada that legislates principled basis for municipal-provincial relations</li> <li>• mutual respect, cooperation and harmonization are key to relationship</li> <li>• principle of “no offloading”, providing the Province must not assign responsibilities to municipalities unless there is provision for resources to fulfil the responsibilities</li> <li>• principle of consultation, including provincial consultation on proposed changes to local government legislation, to revenue transfers or to provincial programs where change would have significant impact on a matter under municipal authority</li> <li>• principle of consideration of municipal interests in provincial discussions on interprovincial, national or international matters</li> <li>• principle of respect for varying needs and conditions of different municipalities in different areas of B.C.</li> <li>• principle of encouraging alternative forms of dispute resolution for provincial-municipal disputes</li> </ul>

Purposes of Act	<ul style="list-style-type: none"> <li>sets out purposes of Act, including providing a legal framework of municipal powers/duties, and providing authority and flexibility to address community needs</li> </ul>
Broad interpretation	<ul style="list-style-type: none"> <li>directs courts to interpret Act in accordance with municipal purposes and purposes of the Act</li> <li>provides that general powers must not be limited by specific powers (except that aspect of a general power encompassed by a specific power is subject to same conditions/restrictions as apply to the specific power)</li> </ul>
Municipal purposes	<ul style="list-style-type: none"> <li>explicit statement illustrating the scope of municipal purposes (e.g. providing for good government of their community; fostering economic, social and environmental well being of their community)</li> </ul>
Relationship of bylaws to provincial laws	<ul style="list-style-type: none"> <li>establishes that municipal bylaws are effective unless inconsistent with provincial laws (adopting the test in the Supreme Court of Canada <i>Spraytech</i> case), meaning that municipal bylaws operating in the same areas as the province are generally valid unless they make it impossible for persons to comply with the provincial law (e.g. valid if the municipality “meets or beats” the provincial standard)</li> </ul>
Definitions	<ul style="list-style-type: none"> <li>atypically located in a Schedule to the Act, so that key provisions (i.e. principles) are first in the Act</li> </ul>
<b>Municipal Powers</b>	
Fundamental, ancillary and specific powers	<ul style="list-style-type: none"> <li>fundamental municipal powers provided in general terms and grouped in one section</li> <li>municipal powers augmented by ancillary powers that apply generally (e.g. broad authority to vary bylaws; general rules about entering onto property)</li> <li>additional specific powers (e.g. expropriation; highways) provided in the Part of the Act right after fundamental and ancillary powers</li> <li>Part containing specific powers also provides for any process requirements and limitations on both fundamental and specific powers</li> <li>replaces powers currently found in 19 Parts of the <i>Local Government Act</i> with provisions in 8 Parts of this Act</li> <li>municipal powers provided more broadly than in any other jurisdiction in Canada</li> </ul>
Natural person powers	<ul style="list-style-type: none"> <li>municipalities have capacity, rights, powers and privileges of a natural person, rather than a list of corporate powers</li> <li>natural person powers may be exercised outside the municipality</li> </ul>

Service powers	<ul style="list-style-type: none"> <li>• municipalities may provide any service council considers necessary or desirable, directly or indirectly</li> <li>• bylaw is no longer required to establish a service</li> <li>• services may be provided outside the municipality with consent of the other local government, with consent provisions providing more scope for agreement on the conditions of the service</li> <li>• municipalities have broad authority to regulate, prohibit and impose requirements in relation to a service</li> <li>• municipalities may cut off services for non-payment or non-compliance, subject to some process requirements</li> </ul>
Regulatory spheres	<ul style="list-style-type: none"> <li>• municipalities provided with 16 broad spheres of authority to regulate and/or prohibit and/or impose requirements (including in relation to service powers)</li> <li>• these regulatory spheres replace numerous specific sections in <i>Local Government Act</i> (e.g. sphere of “animals” replaces 13 specific, narrower regulatory authorities in relation to animals)</li> <li>• spheres contain within them a broader scope of authority – e.g. <ul style="list-style-type: none"> <li>✓ persons, property, things and activities in, on or near a public place;</li> <li>✓ knives and other weapons;</li> <li>✓ noise, vibration, odour, dust , illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public</li> </ul> </li> <li>• 2 spheres (protection of persons/property and well being of community) provide authority to regulate in relation to matters that previously could only be made subject to a specific requirement or prohibition</li> </ul>
Concurrent regulatory spheres	<ul style="list-style-type: none"> <li>• 2 spheres (public health; protection of natural environment) and aspects of 3 spheres (building standards, wildlife and prohibition of soil removal/deposit) are areas of concurrent authority with province, requiring provincial involvement before power may be exercised</li> <li>• this provides a more flexible mechanism for determining respective local and provincial interests in these spheres (e.g. rather than the current provincial approval of each bylaw regulating public health, the Ministry of Health could develop a regulation identifying specifically the types of municipal public health bylaws in which there is an actual provincial interest, or it could enter into agreements with one or more municipalities to determine that interest)</li> </ul>

<p>Authority to regulate, prohibit and impose requirements</p>	<ul style="list-style-type: none"> <li>• municipal authority to regulate in relation to most regulatory spheres is augmented by general authority to impose requirements and general authority to prohibit (signs sphere does not include authority to prohibit; business sphere does not include authority to prohibit or impose requirements; discharge of firearms sphere does not include authority to impose requirements)</li> <li>• authority to regulate continues to include authority to set rules as to what must/must not be done (“regulate” is defined in the Schedule to the Act)</li> <li>• authority to prohibit or to impose requirements refers to a “bare” authority (e.g. a person may not own an exotic animal; a property owner must plant a tree), separate from a regulatory scheme</li> <li>• authority to impose requirements includes general authority to require security for fulfilling a requirement</li> <li>• authority to regulate includes authority to require licences or other approvals, with more scope in establishing conditions (i.e. conditions for continuing to hold a licence) and authority to provide for reconsiderations/appeals</li> <li>• authority to regulate includes authority to establish standards by adopting a standard, code or rule of any standards association or any other jurisdiction (e.g. United States)</li> <li>• authority to regulate, prohibit or impose requirements includes authority to enter onto property to determine whether conditions and requirements are being met, and if requirements are not being met, to take action at the expense of the person not complying (subject to “reasonableness” limitations and specific limitations on entering private dwellings)</li> </ul>
<p>Business regulatory sphere</p>	<ul style="list-style-type: none"> <li>• sphere of business includes only specific limited authorities to prohibit and to impose requirements, not general authority</li> <li>• municipalities must provide notice/opportunity for representations before adopting bylaws in business sphere</li> </ul>
<p>Inter-municipal schemes</p>	<ul style="list-style-type: none"> <li>• municipalities may agree to undertake any activity inter-municipally (i.e. bylaws of 1 municipality apply in the other)</li> </ul>
<p>Emergency powers</p>	<ul style="list-style-type: none"> <li>• broad authority may be exercised by simple majority resolution of council (no more bylaw with 2/3s vote)</li> </ul>

Highways	<ul style="list-style-type: none"> <li>• municipalities are provided with ownership of most highways in their municipalities</li> <li>• clear authority to grant a licence, easement or permit an encroachment on a municipal highway</li> <li>• closure and disposition of highways simplified (no need to apply to provincial government for a Crown grant), subject to requirements to protect public and provincial interests (e.g. in relation to highways providing access to water, or sole access to a property, or containing utilities)</li> <li>• municipalities have general authority to regulate, prohibit and impose requirements in relation to their highways as a service and to regulate and prohibit all uses of a highway, subject to specific limitations</li> <li>• included in powers in relation to highways is authority, where necessary, to restrict the common law right of public passage over a highway (meaning that specific regulatory authority in relation to gates across highways is not needed)</li> <li>• simplified authority for municipalities to make agreements with persons for reasonable compensation for highway damage/expense in relation to extraordinary traffic</li> </ul>
Agreements	<ul style="list-style-type: none"> <li>• highlights public-private partnerships, with clarification that a municipality may provide assistance to business under a partnering agreement (overriding the general prohibition on providing assistance to business)</li> <li>• simplified authority to grant an exclusive or limited franchise for transportation, water, sewage or energy systems</li> <li>• elimination of provincial approval requirement for agreements between a municipality and a public authority in another province</li> <li>• retains requirement for electors approval of agreements over 5 years under which a liability is incurred, but provides regulation making authority to exempt prescribed agreements from the requirement</li> <li>• where a partnering agreement would require such electors approval, provides more flexibility to municipality to obtain that approval early (i.e. to the concept of the agreement) before extensive negotiations are completed</li> </ul>
Local parks	<ul style="list-style-type: none"> <li>• municipalities are provided with ownership of all parks dedicated by subdivision</li> <li>• land dedicated or reserved for park land may only have that dedication/reservation removed with approval of the electors</li> </ul>



Other powers	<ul style="list-style-type: none"> <li>• municipality may dispose of its property after providing notice to the public (need not first make it available to the public for acquisition)</li> <li>• seized animals may be sold, disposed of or destroyed for being unclaimed, in addition to for non-payment of fees</li> <li>• councils may provide municipal fire chiefs with fire prevention/suppression powers that include exercising the powers of the fire commissioner under s. 25 of the <i>Fire Services Act</i> (i.e. ordering the evacuation of buildings in emergencies)</li> <li>• clear authority to classify animals on the basis of sex, age, size or breed for the purposes of regulating, prohibiting or imposing requirements</li> <li>• streamlined notice requirements for undertaking intermunicipal drainage control works in the public interest (e.g. no reporting of objections to Inspector)</li> </ul>
<b>Public Participation and Accountability</b>	
Accountability framework	<ul style="list-style-type: none"> <li>• given broad municipal powers, the Act supports the principle of balance by establishing an accountability framework that covers matters such as electors involvement, reporting to electors, and ethical rules for council members</li> </ul>
Electors approval	<ul style="list-style-type: none"> <li>• number of matters for which electors approval required reduced</li> <li>• electors approval may generally be provided by electors assent (a vote) or by alternative approval process (opportunity for electors to seek a vote)</li> <li>• threshold number of electors who must respond seeking a vote under alternative approval process is 10%</li> </ul>

<p>Open meetings</p>	<ul style="list-style-type: none"> <li>• general rule remains that meetings must be open to the public, but there are some additional circumstances in which meetings may be closed, including: <ul style="list-style-type: none"> <li>✓ an administrative tribunal hearing or potential hearing affecting the municipality</li> <li>✓ preliminary stage negotiations and related discussions respecting the proposed provision of a municipal service</li> <li>✓ discussions with municipal staff respecting municipal objectives, measures and progress for the purposes of preparing the annual municipal report</li> <li>✓ consideration of whether a meeting should be closed or whether some persons should be allowed to attend a closed meeting</li> </ul> </li> <li>• authority to allow municipal staff to be included or excluded from a closed meeting, and to allow other persons to attend closed meetings</li> </ul>
<p>Information and reporting</p>	<ul style="list-style-type: none"> <li>• notices must be published and be posted at the public notice posting places identified in the municipal procedure bylaw</li> <li>• additional notices may be provided by any means, including the Internet or other electronic means</li> <li>• specific listing of records to which public access must be provided</li> <li>• authority for municipalities to provide for public access to their records and establish procedures respecting that access (subject to <i>Freedom of Information and Protection of Privacy Act</i> rules)</li> <li>• if requested, requirement for municipalities to provide statement of reasons for adopting a bylaw under its fundamental powers that regulates, prohibits or imposes requirements</li> <li>• requirement for municipalities to hold an annual meeting</li> <li>• requirement for an annual municipal report, available for public inspection 14 days before the annual meeting, and open for discussion at that meeting</li> <li>• annual report must include various matters such as: <ul style="list-style-type: none"> <li>✓ municipal objectives and measures for the next 2 years, and a report on municipal progress in relation to the previous year's objectives and measures</li> <li>✓ audited annual financial statements</li> <li>✓ amount of property tax revenue foregone under any permissive tax exemptions</li> <li>✓ any disqualifications of council members, including identification of the member involved and nature of the disqualification</li> </ul> </li> </ul>

<p>Conflict of interest and influence</p>	<ul style="list-style-type: none"> <li>• maintains restrictions on members participating in council meetings if they have a direct or indirect pecuniary interest</li> <li>• if council member believes that he/she has another interest that constitutes a conflict of interest (e.g. bias), they must declare this, leave the meeting, and follow the other procedural rules (not just if they have a pecuniary interest)</li> <li>• a member who has left a meeting on the basis of any conflict of interest may return to the meeting if, after receiving legal advice, he/she determines that he/she was wrong in the initial determination that he/she had to leave</li> <li>• prohibition on a council member with a pecuniary interest in a matter from attempting to influence municipal staff, a delegate, or a meeting of council, council committees or other related bodies (“inside influence”)</li> <li>• prohibition on a council member with a pecuniary interest in a matter from using his/her office to attempt to influence another person’s/body’s decision (“outside influence”)</li> <li>• pecuniary interest, conflict of interest, inside influence and outside influence rules subject to exceptions (e.g. a member subject to those rules who has a right to be heard before a body may appoint a representative to exercise that right)</li> </ul>
<p>Gifts, insider information and contracts</p>	<ul style="list-style-type: none"> <li>• prohibition on council members accepting gifts, fees or personal benefits connected with the performance of office, subject to specified exceptions and the requirement that gifts over \$250 must be reported</li> <li>• prohibition on council member or former council member using private information gained in the performance of his/her office to further a pecuniary interest</li> <li>• requirement that contracts with a council member or former council member with a pecuniary interest must be publicly reported</li> </ul>

Remedies against council members	<ul style="list-style-type: none"> <li>• authority for municipality or an elector to seek court order for council member to give up financial gain realized in relation to their contravention of the ethical rules</li> <li>• consolidates in 1 section the basis on and the periods for which a person is disqualified from council office</li> <li>• extends the disqualification period for conflict of interest until the next general local election (i.e. the member may not run in the by-election)</li> <li>• 10 or more electors of a municipality, or the municipality with a 2/3 vote of council, may apply to court for a declaration that the council member is disqualified</li> </ul>
<b>Municipal Government, Bylaws and Procedures</b>	
Responsibilities of council members	<ul style="list-style-type: none"> <li>• establishes clear responsibilities for council members, including: <ul style="list-style-type: none"> <li>✓ considering the well-being and interests of the municipality and its community</li> <li>✓ contributing to the development and evaluation of policies and programs</li> <li>✓ participating in council meetings</li> </ul> </li> <li>• establishes the duty of council members and former council members to maintain confidentiality of municipal records and in camera meetings, and authorizes municipality to recover damages against a person in contravention of this duty</li> <li>• establishes some new responsibilities for the mayor, including: <ul style="list-style-type: none"> <li>✓ providing leadership to council</li> <li>✓ providing general direction to municipal officers regarding implementation of municipal policies, and</li> <li>✓ to reflect the will of council</li> </ul> </li> <li>• council must designate a councillor as the acting mayor</li> </ul>
Council and council members	<ul style="list-style-type: none"> <li>• a bylaw establishing the number of council members only becomes effective at the next general local election</li> <li>• provides more flexibility as to the start of the term of office (linked to the first meeting date which must be in the first 10 days of December following a general local election)</li> <li>• enables municipalities to establish the oath or affirmation of office for council members by bylaw</li> <li>• enables council members resigning from office to specify a later date as their date of resignation, rather than the date on which they deliver their resignation</li> </ul>

Council procedures	<ul style="list-style-type: none"> <li>• highlights the procedure bylaw as the key means for council to establish general procedures for the conduct of council and council committee business</li> <li>• a number of matters are no longer set in legislation, but instead must be established in the procedure bylaws, including: <ul style="list-style-type: none"> <li>✓ first meeting date (in the first 10 days of December following the general local election)</li> <li>✓ identification of public notice posting places</li> <li>✓ procedure for designating a member as acting mayor</li> </ul> </li> <li>• procedure bylaw rules for the taking of minutes at council committee meetings apply to the minutes of other bodies (e.g. commissions), unless other procedures or a regulation apply</li> <li>• clarification that mayor's power of reconsideration does not preclude council from reconsidering a matter under the common law</li> <li>• elimination of the restriction on mayor's power of reconsideration for matters that have already been acted upon and for matters that have received electors approval but had not been adopted by council</li> </ul>
Council meetings	<ul style="list-style-type: none"> <li>• a schedule of regular council meetings must be made available to the public, with notice given as to that availability</li> <li>• a municipality may authorize that special council meetings be conducted by electronic or other means (e.g. teleconference), and that a member of a council or committee who cannot attend a council or committee meeting may participate by electronic or other means</li> <li>• the person presiding at a meeting may order any person expelled from the meeting for improper conduct and a peace officer may enforce the order if the person expelled does not leave the meeting</li> </ul>
Bylaws	<ul style="list-style-type: none"> <li>• clear authority to include "sunset clauses" in bylaws (i.e. that a bylaw is repealed on a predetermined date)</li> <li>• clarification that a municipality may exercise any number of its powers to act by bylaw in a single bylaw</li> <li>• detailed rules regarding the revision of bylaws to be set by regulation, rather than in the Act</li> <li>• judicial notice may be taken of municipal bylaws, putting them on the same legal footing as provincial regulations</li> </ul>

Officers and employees	<ul style="list-style-type: none"> <li>• flexibility in the administrative structure that a council chooses (e.g. may have a chief administrative officer with responsibility for all employees and officers including appointing and suspending officers, or may have a “flatter” structure with more council direction)</li> <li>• an officer must be provided with an opportunity to be heard prior to any termination of appointment</li> <li>• prohibition on persons interfering with, hindering or obstructing municipal officers or employees in the exercise of their power and performance of duties</li> <li>• elimination of requirement for a 2/3s vote of council to join an employers organization</li> </ul>
Other matters	<ul style="list-style-type: none"> <li>• municipal commissions may manage licences, as well as property, held by the municipality</li> <li>• the authority to appoint persons to council committees and municipal commissions includes authority to rescind and replace the appointee with another</li> <li>• council may establish a right of persons to have delegated decisions reconsidered by council</li> <li>• clarification of council’s authority to declare or mayor’s authority to proclaim a municipal day of recognition</li> <li>• a council could confer freedom of the municipality upon a distinguished armed forces unit of any nation</li> <li>• consolidation of the rules regarding giving notice to a municipality and a municipality giving notice</li> </ul>
<b>Financial Management and Municipal Revenue</b>	
Financial planning, reporting and audit	<ul style="list-style-type: none"> <li>• maintains the integrity of the financial management framework in relation to financial planning and reporting</li> <li>• annual financial statements must be included in the annual municipal report</li> <li>• eliminates provincial involvement in municipal decisions to terminate an auditor</li> </ul>
Liabilities and borrowing	<ul style="list-style-type: none"> <li>• maintains the integrity of the financial management framework in relation to borrowing and incurring liabilities</li> <li>• provides for an updated basis for setting the maximum liabilities a municipality may incur (“borrowing room”)</li> <li>• provides for development, by regulation, of “assent free zone” for liabilities incurred up to a specified percentage of total borrowing room</li> <li>• eliminates requirement for second municipal bylaw (i.e. security issuing) for long term borrowing</li> </ul>

<p>Other financial management matters</p>	<ul style="list-style-type: none"> <li>• clarifies the importance of municipal investments in securities of and the pooled investment funds of the Municipal Finance Authority</li> <li>• authorizes any municipality to invest in securities of any greater board, whether or not they are within the board’s jurisdiction</li> <li>• clarifies that provincial approval for incorporation of corporations does not apply to creation of a society</li> <li>• provides regulation-making authority to authorize incorporation of a corporation without provincial approval</li> <li>• streamlines current “special funds” and “reserve funds” rules into 2 “reserve funds” sections, and: <ul style="list-style-type: none"> <li>✓ eliminates any limits on the purposes for which reserve funds may be established</li> <li>✓ eliminates electors approval for establishment of special reserve funds (i.e. operating)</li> <li>✓ consolidates in 1 provision all mandatory reserve funds</li> <li>✓ streamlines process for using money from reserve funds</li> </ul> </li> <li>• a council member liable to the municipality for authorizing the use of money contrary to the Act is disqualified from holding municipal office for 3 years</li> </ul>
<p>Municipal revenues</p>	<ul style="list-style-type: none"> <li>• lists in 1 section all of a municipality’s revenue sources, including clarifying that payment of fines and penalties is a revenue source</li> <li>• explicitly states that fines and penalties collected in relation to a municipal bylaw must be paid to the municipality</li> <li>• continues broad fee authority</li> <li>• clarifies that fees may be charged for use of municipal property, as well as for municipal services and the exercise of authority to regulate, prohibit and impose requirements</li> <li>• provides that highway tolls may only be imposed as provided by another provincial or federal enactment</li> </ul>

<p>Taxation</p>	<ul style="list-style-type: none"> <li>• establishes a streamlined process for taxing a part of the municipality for services provided just to that part (“local area services”), which replaces current rules for local improvements, specified areas and business improvement areas</li> <li>• authorizes recovery of borrowing in relation to a local area service outside of the local service area with electors approval</li> <li>• streamlines the process for enlarging, reducing or merging local service areas</li> <li>• moves details of the assessment averaging and phasing options for annual property tax rates from the Act to regulation</li> <li>• clarifies the process for updating the parcel tax roll to ensure that a parcel tax roll review panel must only be established if a complaint about the roll is received</li> <li>• maintains the scope of the tax collection and recovery system, including the special fees that may be collected as taxes (e.g. amounts municipality may collect for work done in default when person failed to meet requirements)</li> <li>• clarifies municipal authority to make tax collection agreements with other authorities</li> </ul>
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<p>Tax exemptions</p>	<ul style="list-style-type: none"> <li>• maintains the integrity of the system of statutory tax exemptions for certain types of property</li> <li>• provides more generalized authority for councils to provide permissive property tax exemptions for government and “non-profit” owners</li> <li>• removes requirement that electors approve permissive tax exemptions of longer than 1 year</li> <li>• provides that such government/”non-profit” permissive tax exemptions may be provided for a term of not longer than 10 years after notice of the proposed exemption is published</li> <li>• in relation to permissive tax exemption authority under various types of agreements (e.g. partnering agreements): <ul style="list-style-type: none"> <li>✓ consolidates that authority in 1 provision</li> <li>✓ broadens the authority to make such agreements</li> <li>✓ provides that such tax exemptions are not limited in their term but must be approved by a vote of 2/3 of all council members and requires notice of the proposed exemption to be published</li> </ul> </li> <li>• provides for a new “revitalization tax exemption”, that permits tax breaks on increases in value resulting from construction/alteration of an existing improvement (e.g. building), in areas designated by the municipality for encouragement of revitalization</li> <li>• enables permissive tax exemptions for exempt occupiers of exempt property</li>   <li>• notice of any permissive tax exemptions must include an estimate of the property tax that would be foregone for each of the first 3 years that the exemption is in effect</li> </ul>
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<b>Bylaw Enforcement</b>	
Bylaw enforcement	<ul style="list-style-type: none"> <li>• expanded authority for municipalities to establish fines by bylaw, including: <ul style="list-style-type: none"> <li>✓ clear authority to establish a minimum fine</li> <li>✓ authority to establish a maximum fine up to \$10,000 (current limit is \$2,000 under <i>Offence Act</i>)</li> <li>✓ clear authority to establish a minimum or maximum fine for each day that a continuing offence continues</li> </ul> </li> <li>• authority for council to designate any bylaw offence to be a ticketable offence, subject to any exceptions set by regulation</li> <li>• more flexibility in setting fines in relation to municipal tickets, including: <ul style="list-style-type: none"> <li>✓ maximum amount that may be set as a fine is set by regulation (rather than being statutorily set at \$500)</li> <li>✓ elimination of the requirement for approval of the provincial court chief judge for ticket fine amounts</li> <li>✓ clear authority to establish ticket fines for continuing offences as amounts for each day that the offence continues</li> <li>✓ authority to set different fine amounts depending on when the fine is paid (i.e. within 30 days)</li> </ul> </li> <li>• more flexibility in setting fines in relation to municipal tickets, including: <ul style="list-style-type: none"> <li>✓ authorizing the judge to relax procedural rules in hearing a ticketing dispute</li> <li>✓ authorizing the judge to deal with extension for time requests on paper, rather than having a hearing</li> </ul> </li> </ul>

<p>Direct enforcement</p>	<ul style="list-style-type: none"> <li>• consolidated “remedial action requirements” authority for council to declare buildings, structures, erections, openings in the ground, drains, ditches, water courses, ponds, surface water or things in any of those things to be a nuisance, including things that are considered so unclean/dilapidated as to be offensive to community</li> <li>• authority for council to take action to require the declared nuisance be dealt with, subject to notice and timing requirements and the right of the person affected to seek review of the declaration</li> <li>• authority for council to declare that restoration work is needed if a person obstructs a constructed watercourse or damages a dike or other drainage work, subject to the same notice, timing and review requirements</li> <li>• authority for council to impose remedial action requirements on unsafe conditions (e.g. buildings; excavations; wires/cables over highway), subject to the same notice, timing and review requirements</li> <li>• authority for a municipality to apply to court to obtain an entry warrant if access to property is necessary for municipal purposes under an Act</li> </ul>
<p>Civil proceedings</p>	<ul style="list-style-type: none"> <li>• elimination of requirement to give notice to the Ministry of Attorney General of a legal action by a municipality in relation to damage to municipal property</li> </ul>

<b>Governmental Relations</b>	
Consultations	<ul style="list-style-type: none"> <li>• with required consultations and consultation agreements, provides the widest legislated scope of consultation between municipal and provincial governments in Canada</li> <li>• requires consultation by the provincial government with the Union of British Columbia Municipalities before the amendment of specified local government enactments or the reduction of revenue transfers under the <i>Local Government Grants Act</i> (unless alternative arrangements agreed to with UBCM)</li> <li>• required consultation includes providing information respecting the proposed change, time for it to be considered by the UBCM representatives, and considering any comments made by those representatives</li> <li>• provides for consultation agreements between the provincial government and the UBCM respecting consultation on any matter that affects local governments or the province, including a requirement that the parties must make all reasonable efforts to reach agreement when negotiating a consultation agreement</li> </ul>
No forced amalgamations	<ul style="list-style-type: none"> <li>• supports the principle of municipal autonomy by providing that a new municipality cannot be incorporated from 2 or more existing municipalities unless the incorporation is approved by a vote in each of the existing municipalities</li> </ul>

Dispute resolution	<ul style="list-style-type: none"> <li>• establishes an alternative means of resolving disputes between a municipality and: <ul style="list-style-type: none"> <li>✓ another local government</li> <li>✓ the provincial government</li> <li>✓ a Crown corporation</li> </ul> </li> <li>• provides for officers, appointed by the province, to manage the dispute resolution process and assist in non-binding resolution mechanisms</li> <li>• builds on established legislation for dispute resolution in relation to growth strategies and regional district services</li> <li>• provides for voluntary binding arbitration (which may be by final proposal arbitration or full arbitration) and sets out the general process requirements for such arbitration</li> <li>• limits mandatory binding arbitration (i.e. required dispute resolution) to disputes between municipalities respecting prescribed matters, intermunicipal boundary highways, transecting highways, bridges and watercourses, and eliminates Ministry of Transportation involvement in any of these intermunicipal disputes</li> </ul>
Provincial regulations	<ul style="list-style-type: none"> <li>• provides for regulations to be made to limit and provide exemptions from requirements for provincial approval of municipal bylaws under any Act</li> <li>• continues authority for regulations to be made to provide additional powers to municipalities or to exempt them from requirements, including the ability to replace a requirement for electors assent with electors approval</li> </ul>
<b>Related Matters</b>	
Transitional/ consequential	<ul style="list-style-type: none"> <li>• consequential amendments and other transitional provisions will be provided in a companion Bill to ensure a smooth transition from existing local government legislation</li> </ul>
Other related initiatives	<ul style="list-style-type: none"> <li>• a number of related initiatives are underway in government, separate from the Community Charter, including: <ul style="list-style-type: none"> <li>✓ forums for bylaws infractions</li> <li>✓ review of new municipal revenue sources</li> <li>✓ application of zoning bylaws to Crown corporations</li> <li>✓ 75% of traffic fine revenues back to municipalities</li> <li>✓ Crown corporations paying equivalent to full taxation</li> </ul> </li> </ul>