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Second Session, Forty-second Parliament  
70 Elizabeth II, 2021  
Legislative Assembly of British Columbia

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**BILL 26**

**MUNICIPAL AFFAIRS  
STATUTES AMENDMENT ACT (No. 2), 2021**

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Honourable Josie Osborne  
Minister of Municipal Affairs

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## Explanatory Notes

SECTION 1: *[Community Charter, section 81]* makes a housekeeping amendment.

SECTION 2: *[Community Charter, section 86]*

- clarifies when the second publication of a notice is considered to occur;
- is consequential to the addition by this Bill of section 94.2 to the Act.

SECTION 3: *[Community Charter, sections 94 and 94.1]*

- divides the content of section 94 into 2 sections;
- is consequential to the addition by this Bill of section 94.2 to the Act.

**BILL 26 – 2021**

**MUNICIPAL AFFAIRS  
STATUTES AMENDMENT ACT (No. 2), 2021**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

*Community Charter*

**1** *Section 81 (1) of the Community Charter, S.B.C. 2003, c. 26, is amended by striking out “4th” and substituting “fourth”.*

**2** *Section 86 is amended by adding the following subsection:*

(3.1) If the notice under subsection (2) is published in accordance with a bylaw adopted under section 94.2 [*bylaw to provide for alternative means of publication*], the second publication is considered to occur on the date when the notice has been published by 2 of the means of publication specified in the bylaw.

**3** *Section 94 is repealed and the following substituted:*

**Requirements for public notice**

- 94** (1) If this or another Act requires notice to be given or published in accordance with this section, the notice must be published
- (a) in accordance with section 94.1 or 94.2, as applicable, and
  - (b) by posting the notice in the public notice posting places.
- (2) If a matter is subject to 2 or more requirements for publication in accordance with this section, the notices may be combined so long as the requirements of all applicable provisions are met.
- (3) A council may provide any additional notice respecting a matter that it considers appropriate, including by the internet or other electronic means.

SECTION 3: *[Community Charter, sections 94 and 94.1 – continued]*

SECTION 4: *[Community Charter, section 94.2]*

- adds authority for a council to adopt a bylaw respecting how notice is to be published as an alternative to the requirement to publish a notice in a newspaper;
- requires the council to consider prescribed principles before adopting the bylaw;
- adds authority for the minister to make regulations prescribing one of the means of publication that the council must include in its bylaw;
- adds authority for the minister to make regulations requiring the council to select from among specified means of publication when the council is adopting a bylaw specifying how notice is to be published;
- adds authority for the minister to make regulations respecting when a notice must be published if the notice is published by an alternative means specified in a bylaw.

**Default publication requirements**

- 94.1** (1) Unless a council has adopted a bylaw under section 94.2, and subject to subsection (3) of this section, a notice must be published
- (a) in a newspaper that is distributed at least weekly
    - (i) in the area affected by the subject matter of the notice, and
    - (ii) if the area affected is not in the municipality, also in the municipality, and
  - (b) unless this or another Act provides otherwise, once each week for 2 consecutive weeks.
- (2) The obligation under subsection (1) may be met by publication of the notice in more than one newspaper, if this is in accordance with that subsection when the publications are considered together.
- (3) If publication under subsection (1) is not practicable, the notice may be given in the areas by alternative means so long as the notice
- (a) is given within the same period as required for newspaper publication,
  - (b) is given with the same frequency as required for newspaper publication, and
  - (c) provides notice that the council considers is reasonably equivalent to that which would be provided by newspaper publication.
- (4) As an exception, subsection 3 (b) does not apply in relation to an area if the alternative means is by individual distribution to the persons resident in the area.

**4** *The following section is added:*

**Bylaw to provide for alternative means of publication**

- 94.2** (1) A council may, by bylaw, provide for alternative means of publishing a notice instead of publishing the notice in a newspaper in accordance with section 94.1 (1) (a) and (b).
- (2) A bylaw adopted under this section must specify at least 2 means of publication by which a notice is to be published, not including posting in the public notice posting places.
- (3) Subject to the regulations, a council may specify, in a bylaw adopted under this section, any means of publication, so long as, before adopting the bylaw, the council considers the principles prescribed by regulation under subsection (6) (a).
- (4) Section 12 does not apply in relation to a council's authority to adopt a bylaw under this section.

SECTION 4: *[Community Charter, section 94.2 – continued]*

SECTION 5: *[Community Charter, Division 8 of Part 4]*

- establishes a requirement for councils to consider establishing codes of conduct for council members or reviewing existing codes of conduct for council members;
- establishes a requirement to reconsider a decision by a council not to establish or review a code of conduct for council members.

- (5) If a bylaw is adopted under this section, the applicable notice referred to in section 94 (1) (a)
  - (a) must be published by the means specified in that bylaw,
  - (b) subject to the regulations and unless this or another Act provides otherwise, must be published at least 7 days before the date of the matter for which notice is required, and
  - (c) if a period is prescribed for the purpose of this paragraph and unless this or another Act provides otherwise, must be published in the prescribed period before the date of the matter for which notice is required.
- (6) The minister may make regulations as follows:
  - (a) prescribing the principles that must be considered before adopting a bylaw under this section;
  - (b) prescribing one of the means of publication that must be specified in a bylaw adopted under this section;
  - (c) requiring that one or more of the means of publication specified in a bylaw adopted under this section be selected from the prescribed means;
  - (d) for the purpose of subsection (5) (b), prescribing a number of days, other than 7 days, before the date of the matter for which notice is required;
  - (e) for the purpose of subsection (5) (c), prescribing a period of time.

**5     *The following Division is added to Part 4:***

**Division 8 – Code of Conduct**

**Requirement to consider code of conduct**

- 113.1** (1) Within 6 months after its first regular council meeting following a general local election, a council must decide
- (a) whether to establish a code of conduct for council members, or
  - (b) if a code of conduct for council members has already been established, whether it should be reviewed.
- (2) Before making a decision under subsection (1), the council must
- (a) consider the prescribed principles for codes of conduct,
  - (b) consider the other prescribed matters, if any, and
  - (c) comply with the prescribed requirements, if any, including requirements respecting public notice or consultation.
- (3) If the council decides, under subsection (1), not to establish a code of conduct or review an existing code of conduct, it must make available to the public, on request, a statement respecting the reasons for its decision.

SECTION 5: *[Community Charter, Division 8 of Part 4 – continued]*

SECTION 6: *[Community Charter, section 208]*

- removes the requirement that the notice must be published in a newspaper;
- requires the notice to be published in accordance with section 94.

SECTION 7: *[Community Charter, section 213]*

- clarifies when the second publication of a notice is considered to occur;
- is consequential to the addition by this Bill of section 94.2 to the Act.

SECTION 8: *[Community Charter, section 265]* makes a housekeeping amendment.

SECTION 9: *[Islands Trust Act, section 3]* amends the objects of the trust to expressly refer to cooperation with First Nations.

SECTION 10: *[Islands Trust Act, section 8]* expands the authority of the trust council to support and provide financial assistance to others.



**Reconsideration of decision respecting code of conduct**

- 113.2** (1) If a council decides, under section 113.1, not to establish a code of conduct or review an existing code of conduct, the council must reconsider that decision before January 1 of the year of the next general local election.
- (2) In a reconsideration under subsection (1), the council must
- (a) consider the prescribed principles for codes of conduct,
  - (b) consider the other prescribed matters, if any, and
  - (c) comply with the prescribed requirements, if any, including requirements respecting public notice or consultation.
- (3) If the council confirms the decision that is the subject of the reconsideration, the council must make available to the public, on request, a statement respecting its reasons for confirming the decision.

**6** *Section 208 (3) is amended by striking out “must publish in a newspaper” and substituting “must publish in accordance with section 94 [public notice]”.*

**7** *Section 213 is amended by adding the following subsection:*

- (4.1) If the notice under subsection (1) (a) is published in accordance with a bylaw adopted under section 94.2 [bylaw to provide for alternative means of publication], the second publication is considered to occur on the date when the notice has been published by 2 of the means of publication specified in the bylaw.

**8** *Section 265 (2) (a) is amended by striking out “30th” and substituting “thirtieth”.*

***Islands Trust Act***

**9** *Section 3 of the Islands Trust Act, R.S.B.C. 1996, c. 239, is amended by adding “First Nations,” after “improvement districts,”.*

**10** *Section 8 (2) is amended*

*(a) by repealing paragraph (h), and*

*(b) by adding the following paragraph:*

- (h.1) support and give financial assistance to others to do any of the following:
- (i) engage in activities to gain knowledge about the history and heritage of the trust area and to increase public awareness, understanding and appreciation of the history and heritage;
  - (ii) conserve heritage property;

SECTION 10: *[Islands Trust Act, section 8 – continued]*

SECTION 11: *[Islands Trust Act, section 9]* makes a housekeeping amendment.

SECTION 12: *[Islands Trust Act, sections 13 and 26]* applies section 225 (1) (c) of the *Local Government Act* to the trust council and to the local trust committees.

SECTION 13: *[Islands Trust Act, section 29]* removes an exception that gives the trust council, rather than a local trust committee, the power to adopt a bylaw under section 485 (1) of the *Local Government Act* in respect of a local trust area.

SECTION 14: *[Islands Trust Act, section 49.6]*

- removes the requirement that notice of a proposed discharge of a protection covenant be published in a newspaper;
- adds a requirement that notice of a proposed discharge of a protection covenant be given in accordance with section 94 of the *Community Charter*.

SECTION 15: *[Local Government Act, section 8]* removes the authority of the Lieutenant Governor in Council to incorporate a mountain resort municipality, whether or not there are residents in the area of the proposed municipality.

SECTION 16: *[Local Government Act, section 13]* applies the notice requirements set out in section 94 of the *Community Charter* to a proposed request to reduce the area of a municipality.

- (iii) engage in activities to gain knowledge about the unique amenities and environment of the trust area and to increase public awareness, understanding and appreciation of the unique amenities and environment;
- (iv) preserve and protect the unique amenities and environment of the trust area, .

**11 Section 9 (1) (e) is repealed and the following substituted:**

(e) a First Nation.

**12 Sections 13 (1) (c) and 26 (1) (a) are amended by striking out “section 225 (1) (a) and (b)” and substituting “section 225 (1)”.**

**13 Section 29 (3.1) is repealed.**

**14 Section 49.6 is amended**

**(a) in subsection (1) by striking out “in accordance with subsection (2)” and substituting “in accordance with this section”, and**

**(b) by repealing subsection (2) and substituting the following:**

(2) Notice of a proposed discharge must be published in accordance with section 94 [*requirements for public notice*] of the *Community Charter*.

(2.1) If the trust council has adopted a bylaw under section 94.2 [*bylaw to provide for alternative means of publication*] of the *Community Charter*, the notice must be published by at least one of the means of publication specified in the bylaw at least 30 days before the deadline established by the trust council for the purposes of subsection (3) (c) of this section.

(2.2) If the trust council has not adopted a bylaw under section 94.2 of the *Community Charter*, the second publication of the notice must be at least 30 days before the deadline established by the trust council for the purposes of subsection (3) (c) of this section.

***Local Government Act***

**15 Section 8 (5) to (7) of the *Local Government Act, R.S.B.C. 2015, c. 1*, is repealed.**

**16 Section 13 (2) (a) is amended by striking out “notice of its proposed request in at least 2 consecutive issues of a newspaper” and substituting “notice of its proposed request in accordance with section 94 [*requirements for public notice*] of the *Community Charter*”.**

SECTION 17: ***[Local Government Act, section 16]*** applies the notice requirements set out in section 94 of the *Community Charter* to a proposal to redefine or alter the boundaries of a municipality.

SECTION 18: ***[Local Government Act, section 25]*** is consequential to the repeal by this Bill of section 8 (6) of the Act.

SECTION 19: ***[Local Government Act, section 50]***

- removes the requirement that notice required under Part 3 must be published in a newspaper;
- removes the reference to section 4 of the Schedule to the Act and replaces it with a reference to the publication requirements set out in section 94 of the *Community Charter*.

SECTION 20: ***[Local Government Act, section 205]*** applies the requirements to consider establishing or reviewing a code of conduct, added to the *Community Charter* by this Bill, to regional districts.

SECTION 21: ***[Local Government Act, section 220]***

- changes the requirements respecting how notice of a special meeting of the board of a regional district is to be given;
- removes the rules respecting notice of a special meeting that apply in an emergency.

SECTION 22: ***[Local Government Act, section 225]***

- removes the requirement that notice of a proposed amendment to a procedure bylaw be mailed to each director;
- adds a requirement that notice of a proposed amendment be given in accordance with section 94 of the *Community Charter*.

SECTIONS

23 TO 25: ***[Local Government Act, various sections]***

- remove the requirement that notice be published in a newspaper;
- require the applicable notice to be published in accordance with section 94 of the *Community Charter*.

- 17 Section 16 (2) is amended by striking out “once in a newspaper” and substituting “in accordance with section 94 [requirements for public notice] of the Community Charter”.**
- 18 Section 25 (2) to (4) is repealed.**
- 19 Section 50 (1) is repealed and the following substituted:**
- (1) If this Act requires notice to be given in accordance with this section, the notice must be published in accordance with section 94 [requirements for public notice] of the Community Charter.
- 20 Section 205 (1) is amended by adding the following paragraph:**
- (b.1) Division 8 [Code of Conduct] of Part 4; .
- 21 Section 220 (2) to (4) is repealed and the following substituted:**
- (2) Subject to subsection (4), notice of a special meeting must be given at least 24 hours before the time of the meeting by
    - (a) posting a copy of the notice at the regular board meeting place,
    - (b) posting a copy of the notice at the public notice posting places referred to in section 225 (1) (c), and
    - (c) leaving one copy for each director at the place to which the director has directed notices be sent.
  - (3) A notice under subsection (2) must include the date, time and place of the meeting, describe in general terms the purpose of the meeting and be signed by the chair or corporate officer.
  - (4) Notice of a special meeting may be waived by unanimous vote of all directors.
- 22 Section 225 (2) is repealed and the following substituted:**
- (2) A bylaw adopted under this section must not be amended, or repealed and substituted, unless the board first gives notice in accordance with section 94 of the Community Charter describing the proposed changes in general terms.
- 23 Section 272 (1) is amended by striking out “must publish in a newspaper” and substituting “must publish, in accordance with section 94 [requirements for public notice] of the Community Charter, notice of”.**
- 24 Section 286 (1) is amended by striking out “in a newspaper in accordance with subsection (2) or (3), as applicable” and substituting “in accordance with section 94 [requirements for public notice] of the Community Charter and subsection (2) or (3) of this section, as applicable”.**

SECTIONS

23 TO 25: *[Local Government Act, various sections – continued]*

SECTION 26: *[Local Government Act, section 464]* removes a local government’s authority to waive the requirement to hold a public hearing on a proposed zoning bylaw, but preserves the local government’s discretion not to hold a public hearing if the proposed bylaw is consistent with an official community plan.

SECTION 27: *[Local Government Act, section 465]* is consequential to amendments made by this Bill to the Act.

SECTION 28: *[Local Government Act, section 466]* is consequential to amendments made by this Bill to the Act.

SECTION 29 *[Local Government Act, section 466]*

- removes the requirement that notice of a public hearing under section 464 (1) of the Act be published in a newspaper;
- adds a requirement that notice of a public hearing under section 464 (1) of the Act be published in accordance with section 94 of the *Community Charter*.

**25 Section 376 (2) is repealed and the following substituted:**

- (2) Notice of the meeting must be published in accordance with section 94 [requirements for public notice] of the *Community Charter* and must include
  - (a) the date, time and place of the meeting, and
  - (b) a statement that the financial statements and any reports to be presented at the meeting are available for inspection at the regional district offices.

**26 Section 464 (2) is repealed and the following substituted:**

- (2) A local government is not required to hold a public hearing on a proposed zoning bylaw if
  - (a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and
  - (b) the bylaw is consistent with the official community plan.

**27 Section 465 is amended**

- (a) in subsection (1) by striking out “A public hearing under section 464 (1)” and substituting “A public hearing referred to in section 464”, and**
- (b) in subsection (1.1) by striking out “a public hearing under section 464 (1)” and substituting “a public hearing referred to in section 464”.**

**28 Section 466 (1) is amended by striking out “If a public hearing is to be held under section 464 (1),” and substituting “If a public hearing referred to in section 464 is to be held,”.**

**29 Section 466 (3) is repealed and the following substituted:**

- (3) The notice must be published in accordance with section 94 [requirements for public notice] of the *Community Charter*.
- (3.1) If the local government has adopted a bylaw under section 94.2 [bylaw to provide for alternative means of publication] of the *Community Charter*, the notice must be published by at least one of the means of publication specified in the bylaw not less than 3 days and not more than 10 days before the public hearing.
- (3.2) If the local government has not adopted a bylaw under section 94.2 of the *Community Charter*, the last publication of the notice must be not less than 3 days and not more than 10 days before the public hearing.

SECTION 30: *[Local Government Act, section 467]* establishes a requirement to give notice before first reading of a bylaw if no public hearing is to be held.

SECTION 31: *[Local Government Act, section 467]* is consequential to the amendment made by this Bill to section 466 of the Act.

SECTION 32: *[Local Government Act, section 468]* is consequential to amendments made by this Bill to the Act.

SECTION 33: *[Local Government Act, section 470]* is consequential to amendments made by this Bill to the Act.

SECTION 34 *[Local Government Act, section 494]*

- removes the requirement that notice of a proposal to pass a resolution under section 493 (1) of the Act be published in a newspaper;
- adds a requirement that notice of a proposal to pass a resolution under section 493 (1) of the Act be published in accordance with section 94 of the *Community Charter*.



**30 Section 467 is repealed and the following substituted:**

**Notice if public hearing not held**

- 467** (1) If a local government decides not to hold a public hearing referred to in section 464 (2) *[public hearing not required for certain zoning bylaws]* on a proposed zoning bylaw, it must give notice in accordance with this section.
- (2) The notice must state the following:
- (a) in general terms, the purpose of the zoning bylaw;
  - (b) the land or lands that are the subject of the bylaw;
  - (c) the date of the first reading of the bylaw;
  - (d) the place where and the times and dates when copies of the bylaw may be inspected.
- (3) Section 466 (3), (4) and (6) to (8) applies to a notice under this section, except that
- (a) a reference in that section to a public hearing is to be read as a reference to the first reading of the bylaw, and
  - (b) the reference in subsection (4) (b) (i) of that section to the date of the first reading of the bylaw is to be read as a reference to the date of the mailing or delivery of the notice.

**31 Section 467 (3) is amended by striking out “Section 466 (3), (4) and (6) to (8)” and substituting “Section 466 (3) to (4) and (6) to (8)”.**

**32 Section 468 (1) is amended by striking out “In respect of public hearings being held under section 464 (1) or waived under section 464 (2),” and substituting “Without limiting the obligations to give notice under sections 466 and 467,”.**

**33 Section 470 (4) is amended by striking out “under section 464 (1)” and substituting “referred to in section 464”.**

**34 Section 494 (3) is amended**

**(a) by striking out “must be published in a newspaper” and substituting “must be published in accordance with section 94 *[requirements for public notice]* of the *Community Charter*”, and**

**(b) by adding the following subsections:**

- (3.1) If the local government has adopted a bylaw under section 94.2 *[bylaw to provide for alternative means of publication]* of the *Community Charter*, the notice must be published by at least one of the means of publication specified in the bylaw not less than 3 days and not more than 14 days before the adoption of the resolution to issue the permit.

SECTION 34 *[Local Government Act, section 494 – continued]*

SECTION 35: *[Local Government Act, section 498]* establishes an exception to the general rule that a local government may not delegate the power to issue a development variance permit.

SECTION 36: *[Local Government Act, section 498.1]*

- provides for the delegation of the power to issue a development variance permit in the circumstances specified;
- specifies what must be included in a bylaw delegating the power to issue a development variance permit;
- provides for the reconsideration of the decision of the delegate.

- (3.2) If the local government has not adopted a bylaw under section 94.2 of the *Community Charter*, the last publication of the notice must be not less than 3 days and not more than 14 days before the adoption of the resolution to issue the permit.

**35** *Section 498 (4) is amended by striking out “may not delegate the power to issue a development variance permit” and substituting “may not delegate the power to issue a development variance permit except in accordance with section 498.1”.*

**36** *The following section is added:*

**Delegation of power to issue development variance permit**

- 498.1** (1) A local government may, by bylaw, delegate to an officer or employee of the local government the power under section 498 to issue a development variance permit if the proposed variance
- (a) is a minor variance, and
  - (b) varies the provisions of a bylaw under any of the following:
    - (i) section 479 (1) (c) (iii) [*zoning bylaws respecting siting, size and dimensions of buildings, structures and permitted uses*];
    - (ii) section 525 [*off-street parking and loading space requirements*];
    - (iii) section 526 [*regulation of signs*];
    - (iv) section 527 (1) (a) or (b) [*screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment*];
    - (v) a provision of this Act prescribed by regulation of the Lieutenant Governor in Council.
- (2) A bylaw delegating the power to issue a development variance permit under this section must include
- (a) criteria for determining whether a proposed variance is minor for the purposes of subsection (1) (a), and
  - (b) guidelines the delegate must consider in deciding whether to issue a development variance permit.
- (3) The bylaw may also include any terms and conditions the local government considers appropriate.
- (4) If a local government delegates the power to issue a development variance permit, an owner of land that is subject to a decision of the delegate is entitled to have the local government reconsider the matter.

SECTION 37: ***[Local Government Act, section 499]*** provides that a delegate exercising the power to issue a development variance permit is not required to give notice before issuing the development variance permit.

SECTION 38: ***[Local Government Act, section 612]***

- removes the requirement that notice be published in a newspaper;
- requires the applicable notice to be published in accordance with section 94 of the *Community Charter*.

SECTION 39: ***[Local Government Act, section 647]***

- removes the requirement that notice be published in a newspaper;
- requires the applicable notice to be published in accordance with section 94 of the *Community Charter*.

SECTION 40: ***[Local Government Act, Schedule]*** is consequential to amendments made by this Bill that remove from various sections of the Act the requirement to publish a notice in a newspaper and replace it with a requirement to publish a notice in accordance with section 94 of the *Community Charter*.

**37 Section 499 is amended by adding the following subsection:**

- (1.1) For certainty, the obligation to give notice under this section does not apply if a delegate, under section 498.1, exercises the power to issue the development variance permit.

**38 Section 612 is amended**

- (a) *in subsection (4) by striking out* “must also be published in at least 2 consecutive issues of a newspaper, with the last publication to be at least 3 days but not more than 10 days before the public hearing” *and substituting* “must also be published in accordance with section 94 [requirements for public notice] of the *Community Charter*”, *and*

- (b) *by adding the following subsections:*

- (4.1) If the local government has adopted a bylaw under section 94.2 [*bylaw to provide for alternative means of publication*] of the *Community Charter*, the notice under subsection (4) of this section must be published by at least one of the means of publication specified in the bylaw not less than 3 days and not more than 10 days before the public hearing.
- (4.2) If the local government has not adopted a bylaw under section 94.2 of the *Community Charter*, the last publication under subsection (4) of this section must be not less than 3 days and not more than 10 days before the public hearing.

**39 Section 647 is repealed and the following substituted:**

**Notice of annual tax sale**

- 647** (1) Notice of the annual tax sale must be published in accordance with section 94 [*requirements for public notice*] of the *Community Charter* and must specify
  - (a) the time and place of the annual tax sale, and
  - (b) the legal description and street address, if any, of the property subject to tax sale.
- (2) If the council has adopted a bylaw under section 94.2 [*bylaw to provide for alternative means of publication*] of the *Community Charter*, the notice under this section must be published by at least one of the means of publication specified in the bylaw not less than 3 days and not more than 10 days before the annual tax sale.
- (3) If the council has not adopted a bylaw under section 94.2 of the *Community Charter*, the last publication of the notice must be not less than 3 days and not more than 10 days before the annual tax sale.

**40 Section 4 of the Schedule is repealed.**

SECTION 41: *[Local Government Act, various sections]* makes housekeeping amendments.

SECTION 42: *[Municipal Replotting Act, section 8]* is consequential to the amendment made by this Bill to section 94 of the *Community Charter*.

SECTION 43: *[Municipalities Enabling and Validating Act (No. 4), Division 6 of Part 5]*

- adds authority for the Lieutenant Governor in Council to revoke the letters patent for Jumbo Glacier Mountain Resort Municipality and thereby dissolve the municipality;
- adds authority for the Lieutenant Governor in Council, on dissolution of the municipality, to transfer some or all of the rights, property, assets, obligations and liabilities of the municipality to the Regional District of East Kootenay;
- provides for the jurisdiction for services to revert to the Regional District of East Kootenay;
- adds authority for the Lieutenant Governor in Council to repeal the bylaws or resolutions of the municipality or to continue them in force as bylaws or resolutions of the Regional District of East Kootenay;
- provides for the zoning of the land within the boundaries of the former municipality following its dissolution;
- adds authority for the Lieutenant Governor in Council to address any transitional difficulties arising from the dissolution of the municipality.

- 41 *The provisions of the Local Government Act listed in column 1 of Schedule 1 to this Act are amended by striking out the text shown in column 2 and substituting the text shown in column 3.*

***Municipal Replotting Act***

- 42 *Section 8 (1) (a) of the Municipal Replotting Act, R.S.B.C. 2016, c. 1, is amended by striking out “in a newspaper in accordance with section 94 (1) (b) [requirements for public notice] of the Community Charter” and substituting “in accordance with section 94 [requirements for public notice] of the Community Charter”.*

***Municipalities Enabling and Validating Act (No. 4)***

- 43 *The Municipalities Enabling and Validating Act (No. 4), S.B.C. 2011, c. 14, is amended by adding the following Division to Part 5:*

**Division 6 – Jumbo Glacier Mountain Resort Municipality**

**Dissolution of municipality**

- 49 (1) Despite section 38 [*dissolution of municipality*] of the *Local Government Act*, the Lieutenant Governor in Council may, by order, revoke the letters patent incorporating the Jumbo Glacier Mountain Resort Municipality.
- (2) On the revocation of the letters patent under subsection (1),
- (a) the municipality is dissolved,
  - (b) the appointments of individuals as members of the municipal council of the municipality are revoked,
  - (c) the advisory bodies established by the municipality are dissolved,
  - (d) the appointment by the municipality of a municipal director or alternate director to the board of the Regional District of East Kootenay is revoked, and
  - (e) the municipality is no longer a member of the Regional District of East Kootenay.

**Transfer of property, obligations and liabilities**

- 50 (1) Subject to subsection (2), on the dissolution of the Jumbo Glacier Mountain Resort Municipality under section 49 of this Act,
- (a) all of the municipality’s rights, property and assets vest in the Provincial government, and
  - (b) all of the debts, obligations and liabilities of the municipality are transferred to the Provincial government.

SECTION 43: *[Municipalities Enabling and Validating Act (No. 4), Division 6 of Part 5  
– continued]*



- (2) The Lieutenant Governor in Council may, by letters patent,
  - (a) transfer to and vest in the Regional District of East Kootenay any of the rights, property or assets of the municipality,
  - (b) transfer to and declare as assumed by the Regional District of East Kootenay any of the debts, obligations or liabilities of the municipality, and
  - (c) deem a reference to the dissolved municipality in any commercial paper, lease, licence, permit or other contract, instrument or document to be a reference to the Regional District of East Kootenay.

**Transfer is not default**

- 51** Despite any provision to the contrary in any document, including, without limitation, any commercial paper, lease, licence, permit, contract or instrument, the transfer to the Provincial government of a right, property, asset, debt, obligation or liability under section 50 does not constitute a breach or contravention of, or an event of default under, or confer a right to terminate the document, and, without limiting this, does not entitle any person who has an interest in the right, property, asset, debt, obligation or liability to claim any damages, compensation or other remedy.

**Transfer of service jurisdiction**

- 52** On the dissolution of the Jumbo Glacier Mountain Resort Municipality under section 49 of this Act, the Lieutenant Governor in Council may, by letters patent, transfer to the Regional District of East Kootenay the jurisdiction for the services that were transferred by letters patent from the regional district to the municipality on February 19, 2013.

**Bylaws**

- 53** (1) On the dissolution of the Jumbo Glacier Mountain Resort Municipality under section 49 of this Act, the Lieutenant Governor in Council may, by letters patent,
  - (a) repeal any bylaws or resolutions of the municipality, or
  - (b) continue in force any bylaws or resolutions of the municipality as bylaws or resolutions of the Regional District of East Kootenay.
- (2) The letters patent under subsection (1) (b) may
  - (a) continue the bylaws or resolutions in force until those bylaws or resolutions are amended or repealed by the regional district, or
  - (b) require the regional district to amend or repeal by a specified date a bylaw or resolution continued by the letters patent.

SECTION 43: *[Municipalities Enabling and Validating Act (No. 4), Division 6 of Part 5 – continued]*

SECTION 44: *[Powell River Incorporation Act, section 2]* amends the definition of “Mill-site area”.

SECTIONS

45 AND 46: *[Powell River Incorporation Act, section 21 and Fourth Schedule]* are consequential to the amendment made by this Bill to the definition of “Mill-site area”.

SECTION 47: *[The Cultus Lake Park Act, section 9.1]* applies the requirement to consider establishing or reviewing a code of conduct, added to the *Community Charter* by this Bill, to the Cultus Lake Park Board.

**Zoning**

- 54** (1) In this section, “**former municipality**” means the area where the Jumbo Glacier Mountain Resort Municipality was located immediately before its dissolution under section 49 of this Act.
- (2) As soon as practicable after the repeal of the official community plan bylaw for the Jumbo Glacier Mountain Resort Municipality, the Regional District of East Kootenay must, by bylaw under section 479 [*zoning bylaws*] of the *Local Government Act*, specify the zone that contains the former municipality and adjust the boundaries of that zone.

**Transitional regulations**

- 55** (1) The Lieutenant Governor in Council may, by letters patent or by regulation, make provisions considered necessary or advisable for the purpose of more effectively bringing this Division into operation and to remedy or avoid any transitional difficulties encountered in doing so.
- (2) If there is a conflict between letters patent or a regulation under this section and an enactment, the letters patent or regulation under this section prevails.

***Powell River Incorporation Act***

- 44** *Section 2 of the Powell River Incorporation Act, S.B.C. 1955, c. 108, is amended by repealing the definition of “Mill-site area” and substituting the following:*

“**Mill-site area**” has the meaning prescribed in the regulations of the Lieutenant Governor in Council: .

- 45** *Section 21 is amended by striking out “as defined in the Fourth Schedule”.*

- 46** *The Fourth Schedule is repealed.*

***The Cultus Lake Park Act***

- 47** *Section 9.1 of The Cultus Lake Park Act, S.B.C. 1932, c. 63, is amended*

*(a) by adding the following subsection:*

(1.1) Division 8 [*Code of Conduct*] of Part 4 of the *Community Charter* applies to the board. , **and**

*(b) in subsection (2) by striking out “referred to in subsection (1)” and substituting “referred to in subsection (1) or (1.1)”.*

SECTION 48: *[University Endowment Land Act, section 12]*

- adds authority for the minister to enact a bylaw modifying the requirements respecting how a notice is to be published;
- provides that a bylaw respecting how a notice is to be published must specify at least 2 means of publication that the minister considers provide for wide distribution of and convenient public access to the notice.

SECTION 49: *[Vancouver Charter, sections 3 and 3.1]*

- divides the content of section 3 into 2 sections;
- is consequential to the addition by this Bill of section 3.2 to the Act.

*University Endowment Land Act*

**48** *Section 12 of the University Endowment Land Act, R.S.B.C. 1996, c. 469, is amended*

**(a)** *in subsection (1) by adding the following paragraph:*

(g.1) modifying the requirement set out in subsection (5) by providing for alternative means of publishing a notice; ,

**(b)** *in subsection (5) by striking out “Not more than 60 days” and substituting “Subject to subsection (5.1), not more than 60 days”, and*

**(c)** *by adding the following subsections:*

(5.1) If a bylaw is enacted under subsection (1) (g.1), the notice referred to in subsection (5) must

(a) be published in accordance with the bylaw, and

(b) include the information referred to in subsection (5) (a) to (c).

(5.2) A bylaw enacted under subsection (1) (g.1) must specify at least 2 means of publication by which a notice is to be published.

(5.3) The minister may specify any means of publication in a bylaw enacted under subsection (1) (g.1) so long as the minister considers that together the means of publication provide

(a) wide distribution of the notice in the University Endowment Land, and

(b) convenient public access to the notice.

*Vancouver Charter*

**49** *Section 3 of the Vancouver Charter, S.B.C. 1953, c. 55, is repealed and the following substituted:*

**Requirements for public notice**

3. (1) If this Act requires notice to be given or published in accordance with this section, the notice must be published in accordance with section 3.1 or 3.2, as applicable.
- (2) If a matter is subject to 2 or more requirements for publication in accordance with this section, the notices may be combined so long as the requirements of all applicable provisions are met.
- (3) The Council may provide any additional notice respecting a matter that it considers appropriate, including by the internet or other electronic means.

SECTION 49: *[Vancouver Charter, sections 3 and 3.1 – continued]*

SECTION 50: *[Vancouver Charter, section 3.2]*

- adds authority for the Council to adopt a bylaw respecting how notice is to be published as an alternative to the requirement to publish a notice in a newspaper;
- requires the Council to consider prescribed principles before adopting the bylaw;
- adds authority for the minister to make regulations prescribing one of the means of publication that the Council must include in its bylaw;
- adds authority for the minister to make regulations requiring the Council to select from among specified means of publication when the Council is adopting a bylaw specifying how notice is to be published;
- adds authority for the minister to make regulations respecting when a notice must be published if the notice is published by an alternative means specified in a bylaw.

**Default publication requirements**

- 3.1** (1) Unless the Council has adopted a bylaw under section 3.2, and subject to subsection (3) of this section, a notice must be published
- (a) in a newspaper that is distributed at least weekly
    - (i) in the area affected by the subject matter of the notice, and
    - (ii) if the area affected is not in the city, also in the city, and
  - (b) unless this Act provides otherwise, once each week for 2 consecutive weeks.
- (2) The obligation under subsection (1) may be met by publication of the notice in more than one newspaper, if this is in accordance with that subsection when the publications are considered together.
- (3) If publication under subsection (1) is not practicable, the notice may be given in the areas by alternative means so long as the notice
- (a) is given within the same period as required for newspaper publication,
  - (b) is given with the same frequency as required for newspaper publication, and
  - (c) provides notice that the Council considers is reasonably equivalent to that which would be provided by newspaper publication.
- (4) As an exception, subsection (3) (b) does not apply in relation to an area if the alternative means is by individual distribution to the persons resident in the area.

**50** *The following section is added:*

**Bylaw to provide for alternative means of publication**

- 3.2** (1) The Council may, by bylaw, provide for alternative means of publishing a notice instead of publishing the notice in a newspaper in accordance with section 3.1 (1) (a) and (b).
- (2) A bylaw adopted under this section must specify at least 2 means of publication by which a notice is to be published, not including making it available for public inspection at the City Hall.
- (3) Subject to the regulations, the Council may specify, in a bylaw adopted under this section, any means of publication, so long as, before adopting the bylaw, the Council considers the principles prescribed by regulation under subsection (6) (a).
- (4) A bylaw adopted under this section may not provide for different means of publication for different matters for which notice is required.

SECTION 50: *[Vancouver Charter, section 3.2 – continued]*

SECTION 51: *[Vancouver Charter, section 17]* replaces the requirement that the notice must be published in a newspaper with the requirement that the notice must be published in accordance with section 3 of the Act.

SECTION 52: *[Vancouver Charter, section 45]* makes a housekeeping amendment.

SECTION 53: *[Vancouver Charter, sections 145.93 to 145.95]*

- establishes a requirement for the Council to consider establishing a code of conduct for Council members or reviewing an existing code of conduct for Council members;
- establishes a requirement to reconsider a decision by the Council not to establish or review a code of conduct for Council members;
- provides regulation-making powers for these requirements.



- (5) If a bylaw is adopted under this section, the applicable notice referred to in section 3 (1)
  - (a) must be published by the means specified in that bylaw,
  - (b) subject to the regulations and unless this Act provides otherwise, must be published at least 7 days before the date of the matter for which notice is required, and
  - (c) if a period is prescribed for the purpose of this paragraph and unless this Act provides otherwise, must be published in the prescribed period before the date of the matter for which notice is required.
- (6) The minister may make regulations as follows:
  - (a) prescribing the principles that must be considered before adopting a bylaw under this section;
  - (b) prescribing one of the means of publication that must be specified in a bylaw adopted under this section;
  - (c) requiring that one or more of the means of publication specified in a bylaw adopted under this section be selected from the prescribed means;
  - (d) for the purpose of subsection (5) (b), prescribing a number of days, other than 7 days, before the date of the matter for which notice is required;
  - (e) for the purpose of subsection (5) (c), prescribing a period of time.

**51 Section 17 is amended**

**(a) by repealing subsection (1) and substituting the following:**

- (1) If this Act requires notice to be given in accordance with this section, the notice must be given in accordance with section 3. , **and**

**(b) by repealing subsection (2).**

**52 Section 45 (7) is amended by striking out “the Internet” and substituting “the internet”.**

**53 The following sections are added:**

**Requirement to consider code of conduct**

- 145.93** (1) Without limiting section 165 (a), within 6 months after its first meeting following a general local election, the Council must decide, by resolution at a Council meeting,
- (a) whether to establish a code of conduct for Council members, or
  - (b) if a code of conduct for Council members has already been established, whether it should be reviewed.

SECTION 53: *[Vancouver Charter, sections 145.93 to 145.95 – continued]*

SECTION 54: *[Vancouver Charter, section 486B]* applies the requirements to consider establishing or reviewing a code of conduct, added to the *Vancouver Charter* by this Bill, to the Park Board.

- (2) Before making a decision under subsection (1), the Council must
  - (a) consider the prescribed principles for codes of conduct,
  - (b) consider the other prescribed matters, if any, and
  - (c) comply with the prescribed requirements, if any.
- (3) If the Council decides, under subsection (1), not to establish a code of conduct or review an existing code of conduct for Council members, it must make available to the public, on request, a statement respecting the reasons for its decision.

**Reconsideration of decision respecting code of conduct**

- 145.94** (1) If the Council decides, under section 145.93, not to establish a code of conduct or review an existing code of conduct, the Council must reconsider that decision before January 1 of the year of the next general local election.
- (2) In a reconsideration under subsection (1), the Council must
    - (a) consider the prescribed principles for codes of conduct,
    - (b) consider the other prescribed matters, if any, and
    - (c) comply with the prescribed requirements, if any.
  - (3) If the Council confirms the decision that is the subject of the reconsideration, the Council must make available to the public, on request, a statement respecting its reasons for confirming the decision.

**Regulations in relation to code of conduct**

- 145.95** The Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing principles for codes of conduct for the purposes of sections 145.93 (2) (a) and 145.94 (2) (a);
  - (b) prescribing matters for the purposes of sections 145.93 (2) (b) and 145.94 (2) (b);
  - (c) prescribing requirements for the purposes of sections 145.93 (2) (c) and 145.94 (2) (c), including requirements respecting public notice or consultation.

**54** *The following section is added:*

**Application of code of conduct provisions**

- 486B.** Sections 145.93 and 145.94 apply to the Board.

SECTION 55: *[Vancouver Charter, section 566]* is consequential to the amendments made by this Bill to section 3 of the Act.

SECTION 56: *[Vancouver Charter, various sections]* makes housekeeping amendments.

**55 Section 566 (3) is repealed and the following substituted:**

- (3) Notice of the hearing must be published in accordance with section 3 and must include
  - (a) the time and date of the hearing,
  - (b) the place of the hearing, if applicable,
  - (c) the way in which the hearing is to be conducted by means of electronic or other communication facilities, if applicable, and
  - (d) the place where and the times when a copy of the proposed bylaw may be inspected.
- (3.1) If the Council has adopted a bylaw under section 3.2, the notice under this section must be published by at least one of the means of publication specified in the bylaw at least 7 days and not more than 14 days before the date of the hearing.
- (3.2) If the Council has not adopted a bylaw under section 3.2, the last publication of the notice must be at least 7 days and not more than 14 days before the date of the hearing.

**56 The provisions of the Vancouver Charter listed in column 1 of Schedule 2 to this Act are amended by striking out the text shown in column 2 and substituting the text shown in column 3.**

**Commencement**

- 57** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 2 to 7	By regulation of the Lieutenant Governor in Council
3	Section 12	By regulation of the Lieutenant Governor in Council
4	Section 14	By regulation of the Lieutenant Governor in Council
5	Sections 16 and 17	By regulation of the Lieutenant Governor in Council
6	Sections 19 to 25	By regulation of the Lieutenant Governor in Council



Item	Column 1 <b>Provisions of Act</b>	Column 2 <b>Commencement</b>
7	Section 29	By regulation of the Lieutenant Governor in Council
8	Section 31	By regulation of the Lieutenant Governor in Council
9	Section 34	By regulation of the Lieutenant Governor in Council
10	Sections 38 to 40	By regulation of the Lieutenant Governor in Council
11	Section 42	By regulation of the Lieutenant Governor in Council
12	Sections 44 to 51	By regulation of the Lieutenant Governor in Council
13	Sections 53 to 55	By regulation of the Lieutenant Governor in Council

**SCHEDULE 1**

*(Section 41)*

Item	Column 1 <b>Provisions of <i>Local Government Act</i></b>	Column 2 <b>Text to be struck out</b>	Column 3 <b>Text to be substituted</b>
1	52 (1) 91 (2) 96 (2) 146 (1) 639 (3) (c) and (6)	4th	fourth
2	52 (2) 97 (2)	3rd	third
3	77 (3) 84 (1)	46th	forty-sixth
4	77 (6) (c) 79 (2) 84 (1)	36th	thirty-sixth
5	89 (5) 95 101 (1)	29th	twenty-ninth





Item	Column 1 <b>Provisions of <i>Local Government Act</i></b>	Column 2 <b>Text to be struck out</b>	Column 3 <b>Text to be substituted</b>
6	107 (1) (a)	10th	tenth
7	149 (1)	13th	thirteenth
8	176 (2)	30th	thirtieth
9	182 (4)	6th	sixth
10	644 (2) (a) and (b) and (5) (a) and (b)	2nd	second

**SCHEDULE 2**

*(Section 56)*

Item	Column 1 <b>Provisions of <i>Vancouver Charter</i></b>	Column 2 <b>Text to be struck out</b>	Column 3 <b>Text to be substituted</b>
1	9 (1) 45.2 (2) 45.7 (2) 108 (1)	4th	fourth
2	9 (2) 46 (2)	3rd	third
3	35 (3) 41 (1)	46th	forty-sixth
4	35 (6) (c) 36 (2) 41 (1)	36th	thirty-sixth
5	45 (5) 45.6 52 (1)	29th	twenty-ninth
6	69 (2) (a)	10th	tenth
7	136 (2) 482.2 (2) (a)	30th	thirtieth
8	136.5 (4)	6th	sixth