

Current to December 15, 2015

R.S.B.C. 1996, c. 20, s. 21

[eff since September 24, 2007](Current Version)

ASSESSMENT ACT

RSBC 1996, CHAPTER 20

Part 3 -- Valuation

SECTION 21

Valuation for certain purposes not actual value

21 (1) The actual value of the following must be determined using rates prescribed by the assessment authority:

- (a) the pole lines, metallic or fibre optic cables, towers, poles, wires, transformers, conduits and mains of a telecommunications, trolley coach, bus or electrical power corporation, but not including substations;
- (b) the track in place of a railway corporation, whether the track is on a public highway or on a privately owned right of way;
- (c) the pipe lines of a pipe line corporation for the transportation of petroleum, petroleum products or natural gas, including valves, cleanouts, fastenings, and appurtenances located on the right of way, but not including distribution pipelines, pumping equipment, compressor equipment, storage tanks and buildings;
- (d) the right of way for pole lines, cables, towers, poles, wires, transformers, conduits, mains and pipe lines referred to in paragraphs (a) and (c);
- (e) the right of way for track referred to in paragraph (b).

(2) In prescribing rates respecting improvements referred to in subsection (1) (a) to (c), the assessment authority

(a) must base the rates on the average current cost of the existing improvements,

(b) may, within the rates, make an allowance for physical depreciation,

(b.1) may, within the rates, make an allowance for a decline in the cost of constructing or installing a similar improvement of the same or similar functional utility,

(c) may express the rates in terms of an amount

(i) per customer served by the improvements, or

(ii) per kilometre of the improvements that may vary according to

(A) the size of the improvements,

(B) the capacity of the improvements,

(C) the type of use or extent of use of the improvements, or

(D) the location of the improvements, and

(d) may prescribe different rates or a reduction in rates for improvements that should, in the opinion of the commissioner, be valued differently from other improvements of the same type by reason of

(i) lack of use for a period specified in the regulation,

(ii) in the case of railway track in place, use at less than its annual rated

capacity, or

(iii) other special circumstances that are specified in the regulation and relate to the construction or installation of the improvements.

(3) For the purposes of subsection (2):

"average current cost" means the cost to construct or install the existing improvements

(a) including all materials, labour, overhead and indirect costs, and

(b) assuming the improvements were to be constructed or installed

(i) on July 1 in the year previous to the year in which the assessment roll is prepared, and

(ii) at a location that has average construction and installation difficulty;

"functional utility" means the ability of an improvement to meet market standards.

(4) In prescribing rates respecting the right of way referred to in subsection (1) (d) and (e), the assessment authority must base the rates on the criteria prescribed under section 74 (2) (f).

(4.1) If, in the opinion of the assessment authority, the rate prescribed for the purposes of subsection (1) is substantially different in a taxation year than it was in the previous taxation year, the assessment authority, by regulation, may order that the rate change be phased in as directed in the regulation.

(4.2) For the purposes of subsection (4.1), the assessment authority may make regulations specifying types of improvements or rights of way for which rate changes are to be phased in over a period of up to 3 years and for that purpose may make regulations

(a) prescribing the manner in which the rate changes are to be phased in, and

(b) prescribing different rates and periods of time for the phasing in of rate changes for different types of improvements or rights of way.

(5) The rates prescribed by the assessment authority are subject to appeal to the board by notice filed with the board and the assessment authority before February 1 following receipt of the

assessment notice.

(6) An appeal under subsection (5) of rates prescribed in respect of improvements referred to in subsection (1) (a) to (c) must be made, heard and decided only on the ground that the assessment authority did not prescribe the rates in accordance with one or more of subsection (2) (a), (b) or (b.1).

(7) The notice of appeal filed with the board must be accompanied by the prescribed fee.

(8) For the purposes of an appeal under this section, sections 50 (4) (b) to (g) and (5), 52 (2), 55 and 59 to 62 and Part 7 apply with all necessary changes.

(9) If, on an appeal referred to in subsection (6), the board decides that the assessment authority did not prescribe the rates in accordance with one or both of paragraphs (a) and (b) of subsection (2), the board must

(a) refer the rates back to the assessment authority for the purpose of prescribing new rates under subsection (10), and

(b) advise the assessment authority of its reasons.

(10) If rates prescribed under subsection (1) (a), (b) or (c) are referred back to the assessment authority by the board, the assessment authority may prescribe new rates to replace those rates within

(a) 3 months after the date on which the board referred the rates back to the assessment authority, or

(b) a period of time longer than 3 months that the board, on application by the assessment authority, may direct.

(11) Rates prescribed under subsection (1) (a), (b) or (c) that are referred back to the assessment authority by the board remain in full force until

(a) new rates are prescribed under subsection (10), or

(b) the time for prescribing new rates under subsection (10) has expired,

whichever is earlier.

(12) Rates prescribed under subsection (10)

(a) apply for the purposes of assessment and taxation for the taxation years to which the rates they are replacing applied, and

(b) may, within one month after the date on which they were prescribed, be appealed as if they were rates prescribed under subsection (1).

(13) For the purposes of subsection (1) (d), "right of way" does not include

(a) land of which the corporation referred to in subsection (1) (a) or (c) is not the owner within the meaning of this Act, and

(b) land that the corporation referred to in subsection (1) (a) or (c) leases to a lessee.

(14) For the purposes of subsection (1) (e), "right of way" means land that meets the criteria prescribed under section 74 (2) (e).

(15) For the purpose of applying subsection (1) (b), the "track in place of a railway corporation" includes all structures, erections and things, other than any buildings, bridges, trestles, viaducts, overpasses and similar things, coal bunkers, corrals, stand pipes, fuel oil storage tanks, oil fuelling equipment, water tanks, station houses, engine houses, roundhouses, turntables, docks, wharves, freight sheds, weigh scales, repair and cleaning shops and equipment, boiler houses, offices, sand towers and equipment, pavement, platforms, yard fencing and lighting, powerhouses, transmission stations or substations, and the separate equipment for each of them, that are necessary for the operation of the railway.

** Editor's Table **

Provision	Changed by	In force	Authority
21(1)	2007-13-15	2007 Sep 24	BC Reg 292/2007
21(2)	2007-13-15	2007 Sep 24	BC Reg 292/2007
21(2)(b.1)	2002-48-1	2002 May 30	R.A.
21(3)	2002-48-1	2002 May 30	R.A.
21(4)	1998-22-10	1998 Oct 23	BC Reg 367/98
21(4)	2007-13-15	2007 Sep 24	BC Reg 292/2007
21(4.1)	2002-48-1	2002 May 30	R.A.
21(4.1)	2007-13-15	2007 Sep 24	BC Reg 292/2007
21(4.2)	2002-48-1	2002 May 30	R.A.

21(4.2)	2007-13-15	2007 Sep 24	BC Reg 292/2007
21(5)	1998-22-10	1998 Oct 23	BC Reg 367/98
21(5)	2007-13-15	2007 Sep 24	BC Reg 292/2007
21(6)	2002-48-1	2002 May 30	R.A.
21(6)	2007-13-15	2007 Sep 24	BC Reg 292/2007
21(7)	1998-22-10	1998 Oct 23	BC Reg 367/98
21(8)	1998-22-10	1998 Oct 23	BC Reg 367/98
21(8)	2004-45-67*	2004 Dec 3	BC Reg 516/04
21(9)	2007-13-15	2007 Sep 24	BC Reg 292/2007
21(10)	2007-13-15	2007 Sep 24	BC Reg 292/2007
21(11)	2007-13-15	2007 Sep 24	BC Reg 292/2007
21(14)	1998-22-10	1998 Oct 23	BC Reg 367/98

*Editor's note: Section 67 as it re-enacts section 21 (8) was amended by SBC 2004-57-6 effective December 3, 2004 (B.C. Reg. 516/2004).

RSBC 1996-20-21; SBC 1998-22-10; SBC 2002-48-1; SBC 2004-45-67; SBC 2007-13-15.

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 7

[eff since January 1, 2004](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 2 -- Municipal Purposes and Powers

Division 1 -- Purposes and Fundamental Powers

SECTION 7

Municipal purposes

7 The purposes of a municipality include

- (a) providing for good government of its community,
- (b) providing for services, laws and other matters for community benefit,
- (c) providing for stewardship of the public assets of its community, and
- (d) fostering the economic, social and environmental well-being of its community.

SBC 2003-26-7, effective January 1, 2004 (B.C. Reg. 423/2003).

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 25

[eff since December 1, 2007](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 2 -- Restrictions on Providing Assistance

SECTION 25

General prohibition against assistance to business and exceptions

25 (1) Unless expressly authorized under this or another Act, a council must not provide a grant, benefit, advantage or other form of assistance to a business, including

(a) any form of assistance referred to in section 24 (1) [publication of intention to provide certain kinds of assistance], or

(b) an exemption from a tax or fee.

(2) A council may provide assistance to a business for one or more of the following purposes:

(a) acquiring, conserving and developing heritage property and other heritage resources;

(b) gaining knowledge and increasing public awareness about the community's history and heritage;

(c) any other activities the council considers necessary or desirable with respect to the conservation of heritage property and other heritage resources.

(3) A council may, by an affirmative vote of at least 2/3 of all the members of council, provide assistance to a business for the conservation of any of the following property:

(a) property that is protected heritage property;

(b) property that is subject to a heritage revitalization agreement under section 966 of the Local Government Act;

(c) property that is subject to a covenant under section 219 of the Land Title Act that relates to the conservation of heritage property.

**** Editor's Table ****

Provision	Changed by	In force	Authority
25(1)	2007-14-201 *****	2007 Dec 1	BC Reg 354/07

SBC 2003-26-25, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2007-14-201.

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 35

[eff since November 30, 2007](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 35

Ownership and possession of highways

35 (1) Subject to this section,

(a) the soil and freehold of every highway in a municipality is vested in the municipality, and

(b) in the case of a highway in a municipality that is not vested under paragraph (a), the right of possession of the highway is vested in the municipality.

(2) Subsection (1) (a) does not apply to the following:

(a) Provincial arterial highways, including the intersection between a Provincial arterial highway and another highway and any interchange between a Provincial arterial highway and another highway;

(b) highways referred to in section 23 (1) of the South Coast British Columbia Transportation Authority Act;

(c) highways in a park, conservancy, recreation area or ecological reserve established under the Park Act, the Ecological Reserve Act or the Protected Areas of British Columbia Act or an area to which an order under section 7 (1) of the Environment and Land Use Act applies;

(d) highways in a regional park;

(e) a regional trail, other than a regional trail that is part of the road system regularly used by vehicle traffic;

(f) land, including the improvements on it, on which Provincial works such as ferry terminals, gravel pits, weigh scales and maintenance yards are located;

(g) roads referred to in section 24 of the Forest and Range Practices Act that have not been declared to be public highways;

(h) highways vested in the federal government;

(i) in relation to a reserve as defined in the Indian Act (Canada), highways in the reserve or that pass through the reserve;

(j) public rights of way on private land.

(3) Subsection (1) (b) does not apply to highways referred to in subsection (2) (a) to (h).

(4) The vesting under subsection (1) (a) and the right of possession under subsection (1) (b)

(a) are not adversely affected or derogated from by prescription in favour of any

other occupier, and

(b) are subject to any rights reserved by the persons who laid out the highway.

(5) The vesting under subsection (1) (a) includes the vesting of all statutory rights of way and other easements owned by the Provincial government solely for purposes relating to the drainage of a highway that is vested under that subsection, and the interest of the Provincial government under those easements is transferred to the municipality and the municipality assumes the rights and obligations of the Provincial government in relation to those easements.

(6) The minister responsible for the Transportation Act may file with the land title office an application satisfactory to the registrar of land titles that identifies an easement referred to in subsection (5) and, on filing, the registrar must register ownership of the easement in the name of the municipality.

(7) The vesting under subsection (1) (a) is subject to the following:

(a) the right of resumption under subsection (8);

(b) the limits referred to in section 23 (2) of the Land Title Act;

(c) the exceptions described in section 50 (1) (a) (ii) to (iv) and (b) of the Land Act, as if the vesting were made by Crown grant under that Act;

(d) the exceptions described in section 107 (1) (d) of the Land Title Act, as if the vesting were under that section.

(8) The Provincial government may, by order of the Lieutenant Governor in Council, resume the property or interest vested in a municipality under subsection (1) (a), if the Lieutenant Governor in Council considers that this is required

(a) for the purpose of or in relation to a Provincial arterial highway,

(b) for any other transportation purpose, or

(c) for the purpose of or in relation to a park, conservancy, recreation area or ecological reserve established or proposed to be established under the Park Act, the Ecological Reserve Act or the Protected Areas of British Columbia Act or an

area to which an order under section 7 (1) of the Environment and Land Use Act applies.

(9) An order under subsection (8) (a) or (b) may only be made on the recommendation of the minister responsible for the Transportation Act, and an order under subsection (8) (c) may only be made on the recommendation of the minister responsible for the applicable Act referred to in that subsection.

(10) The minister responsible for the Transportation Act, after consultation with the minister responsible for this Act, may

(a) by order, cancel the Provincial government's right of resumption under subsection (8) in relation to a specified highway or in relation to highways within a specified area, or

(b) by regulation, specify circumstances in which the Provincial government's right of resumption is cancelled without a specific order.

(11) For certainty, a council may grant a licence of occupation or an easement, or permit an encroachment, in respect of a highway that is vested in the municipality under subsection (1) (a).

(12) This section does not apply to a highway for which the municipality has purchased or taken the land and for which title is registered in the name of the municipality.

**** Editor's Table ****

Provision	Changed by	In force	Authority
35(2)(b)	2007-41-59	2007 Nov 30	BC Reg 399/07
35(2)(c)	2003-52-533	2004 Jan 1	BC Reg 465/03
35(2)(c)	2006-25-18	2006 Jul 14	BC Reg 215/06
35(2)(d)	BC Reg 337/06 Sch s1	2006 Dec 4	Deposit Date
35(2)(e)	BC Reg 337/06 Sch s1	2006 Dec 4	Deposit Date
35(2)(g)	BC Reg 337/06 Sch s1	2006 Dec 4	Deposit Date
35(6)	2004-44-96	2004 Dec 31	BC Reg 547/04
35(8)(c)	2003-52-533	2004 Jan 1	BC Reg 465/03
35(8)(c)	2006-25-18	2006 Jul 14	BC Reg 215/06
35(9)	2004-44-96	2004 Dec 31	BC Reg 547/04
35(10)	2004-44-96	2004 Dec 31	BC Reg 547/04

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SBC 2003-26-35, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2003-52-533 SBC; 2004-44-96; SBC 2006-25-18; B.C. Reg. 337/2006; SBC 2007-41-59.

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 36

[eff since December 1, 2007](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 36

General authority in relation to highways

36 (1) In addition to its authority in relation to highways as a service, a council may, by bylaw, regulate and prohibit in relation to all uses of or involving a highway or part of a highway.

(2) The authority of a municipality in relation to highways under any provision of this Act is subject to the following:

(a) traffic and parking on highways may only be regulated or prohibited in accordance with the Motor Vehicle Act, except as expressly provided in this Act;

(b) authority in relation to traffic on Provincial arterial highways is subject to section 124 (13) of the Motor Vehicle Act;

(c) extraordinary traffic on Provincial arterial highways may only be regulated or prohibited by bylaw adopted with the approval of the minister responsible for the Transportation Act;

(d) the restrictions established by the South Coast British Columbia Transportation Authority Act;

(e) authority in relation to all electrical transmission and distribution facilities and works that are on, over, under, along or across a highway is subject to the Utilities Commission Act and to all orders, certificates and approvals issued, granted or given under that Act.

(3) Authority in relation to highways that is provided to a municipality under this or another Act includes the power to restrict the common law right of passage by the public over a highway that is vested in the municipality, if this restriction is necessary to the exercise of the authority.

**** Editor's Table ****

Provision	Changed by	In force	Authority
36(2)(c)	2004-44-96	2004 Dec 31	BC Reg 547/04
36(2)(d)	2007-41-60	2007 Nov 30	BC Reg 399/07
36(3)	2007-14-201	2007 Dec 1	BC Reg 354/07

SBC 2003-26-36, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2004-44-96; SBC 2007-41-60; SBC 2007-14-201.

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 37

[eff since January 1, 2004](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 37

Intermunicipal boundary highways

37 In the case of an intermunicipal boundary highway,

(a) the councils of the applicable municipalities have joint jurisdiction over the highway,

(b) unless the councils agree otherwise, the highway must be opened, maintained, kept in repair and improved by the municipalities, and

(c) bylaws respecting the highway must be mutually acceptable to those municipalities or be in accordance with an intermunicipal scheme under section 14 [intermunicipal service, regulatory and other schemes] in relation to the highway.

SBC 2003-26-37, effective January 1, 2004 (B.C. Reg. 423/2003).

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 38

[eff since January 1, 2004](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 38

Temporary traffic restriction and traffic control

38 (1) A council may temporarily restrict or prohibit all or some types of traffic on a highway.

(2) In addition to the authority under section 154 [delegation of council authority], a council may, by bylaw, authorize a municipal employee or any other person to control traffic on a highway, or to

temporarily restrict or prohibit all or some types of traffic on a highway, in relation to matters specified in the bylaw.

SBC 2003-26-38, effective January 1, 2004 (B.C. Reg. 423/2003).

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 39

[eff since January 1, 2004](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 39

Additional powers in relation to highways

39 A council may, by bylaw, do one or more of the following:

- (a) assign a name or number to a highway;
- (b) assign numbers to buildings and other structures;
- (c) require owners or occupiers of real property to place assigned numbers in a conspicuous place on or near the property;
- (d) require owners of private highways to maintain them in a clean, fit and safe state and to post suitable private thoroughfare signs;
- (e) require persons to take specified actions for the purposes of maintaining the cleanliness or safety of a highway that is next to property that they own or

occupy, or that is affected by property that they own or occupy;

(f) require owners or occupiers of land to fence any part of it abutting on a highway.

SBC 2003-26-39, effective January 1, 2004 (B.C. Reg. 423/2003).

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 40

[eff since December 31, 2004](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 40

Permanent closure and removal of highway dedication

40 (1) A council may, by bylaw,

(a) close all or part of a highway that is vested in the municipality to all or some types of traffic, or

(b) reopen all or part of such a highway that has been closed.

(2) A council may, by bylaw, remove the dedication of a highway

(a) that has been closed by a bylaw under subsection (1) (a), or

(b) that is to be closed by the same bylaw, or by a bylaw adopted by the council at the same time.

(3) Before adopting a bylaw under this section, the council must

(a) give notice of its intention in accordance with section 94 [public notice], and

(b) provide an opportunity for persons who consider they are affected by the bylaw to make representations to council.

(4) In addition to the requirement under subsection (3), before adopting a bylaw under subsection (1) (a), the council must deliver notice of its intention to the operators of utilities whose transmission or distribution facilities or works the council considers will be affected by the closure.

(5) A bylaw under subsection (2) must be filed in accordance with section 120 of the Land Title Act and, on filing, the property subject to the bylaw ceases to be a highway, its dedication as a highway is cancelled and title to the property may be registered in the name of the municipality in accordance with section 120 of the Land Title Act.

(6) As a limit on subsection (2), a council may not remove the dedication of a highway that was dedicated by the deposit of a subdivision or reference plan in the land title office if

(a) the highway has not been developed for its intended purpose, and

(b) the owner of the land at the time the plan was deposited is the owner of all of the parcels created by the plan,

unless the owner of the parcels consents.

(7) This section, and not section 30 [reservation and dedication of municipal property], applies to cancelling the dedication of a highway.

(8) For certainty, this section applies to public highways under section 42 of the Transportation Act.

**** Editor's Table ****

Provision	Changed by	In force	Authority
40	2003-52-534	2004 Jan 1	BC Reg 534/03
40(8)	2004-44-97	2004 Dec 31	BC Reg 547/04

SBC 2003-26-40, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2003-52-534; SBC 2004-44-97.

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 41

[eff since March 18, 2013](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 41

Restrictions in relation to highway disposition, closure or alteration

41 (1) As a restriction, if

(a) a bylaw under section 40 (1) (a) [authority to permanently close] affects a highway, or part of a highway, that provides access to the ocean or a lake, river or other stream or watercourse, and

(b) the municipality is proposing to dispose of the highway or part,

the municipality may only dispose of that highway or part if

(c) the municipality is exchanging the property for other property that the council considers will provide public access to the same body of water that is of at least equal benefit to the public, or

(d) the proceeds of the disposition are to be paid into a reserve fund, with the money from the reserve fund used to acquire property that the council considers will provide public access to the same body of water that is of at least equal benefit to the public.

(2) If the effect of

(a) a proposed highway closure under section 40 (1) (a), or

(b) a proposed highway alteration

will be to completely deprive an owner of the means of access to their property, the municipality must either

(c) obtain the consent of the owner before the owner is deprived of access, or

(d) in addition to paying any compensation required under section 33 (2) [compensation for injurious affection], ensure that the owner has another means of access that is sufficient for this purpose.

(3) As a restriction on the authority under section 40 (1), if the highway or part of a highway to be closed or reopened is within 800 metres of an arterial highway, the bylaw under that section may only be adopted if it is approved by the minister responsible for the Transportation Act.

(4) The operator of a utility affected by the closure of a highway under section 40 [permanent closure and removal of highway dedication] may require the municipality to provide reasonable accommodation of the utility's affected transmission or distribution facilities or works on agreed terms.

(5) If the parties are unable to reach an agreement under subsection (4), the matters must be settled by arbitration, and for that purpose the Arbitration Act applies.

** Editor's Table **

Provision	Changed by	In force	Authority
41	2011-25-481	2013 Mar 18	BC Reg 131/2012
41 (3)	2004-44-96	2004 Dec 31	BC Reg 547/04

SBC 2003-26-41, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2004-44-96; SBC 2011-25-481.

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 42

[eff since January 1, 2004](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 42

Agreements respecting compensation for extraordinary traffic

42 If a municipal bylaw regulates or prohibits extraordinary traffic on a highway other than an arterial highway, the council may enter into an agreement with a person who is subject to the bylaw that provides

(a) for the payment of reasonable compensation to the municipality for the damage to the highway or the resulting expense to the municipality that may be caused by the extraordinary traffic, and

(b) that, so long as the person is in compliance with the agreement, the person is not subject to the bylaw, or specified provisions of the bylaw, in relation to that traffic.

SBC 2003-26-42, effective January 1, 2004 (B.C. Reg. 423/2003).

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 43

[eff since March 18, 2013](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 43

Agreements respecting municipal equipment on utility poles

43 (1) A council may require a person who is permitted to erect poles on highways to provide reasonable accommodation on the poles for wires and equipment of the municipality on agreed terms, and section 174 [limit on borrowing and other liabilities] does not apply to the agreement.

(2) If the parties are unable to reach an agreement under subsection (1), the matters must be settled by arbitration, and for that purpose the Arbitration Act applies.

**** Editor's Table ****

Provision	Changed by	In force	Authority
43	2011-25-481	2013 Mar 18	BC Reg 131/2012

SBC 2003-26-43, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2011-25- 481.

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 44

[eff since January 1, 2004](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 44

Agreements to reserve land for highway purposes

44 If a council enters into an agreement with an owner of land to reserve any part of the land for highway purposes, the agreement has the effect of a restrictive covenant running with the land and must be registered by the municipality under section 219 of the Land Title Act.

SBC 2003-26-44, effective January 1, 2004 (B.C. Reg. 423/2003).

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 45

[eff since January 1, 2004](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 45

Highway construction and dikes

45 (1) A person must not interfere with the level of a dike that is crossed by a highway or private road.

(2) If

(a) the top of a dike forms a portion of a highway, and

(b) the council has not granted a diking commission the privilege of using the existing highway for a dike,

it is the duty of the council to maintain the dike at a constant level, and to repair all injury directly or indirectly caused to the dike by its use as a highway.

(3) For certainty, a council's duty under subsection (2) is limited to the highway as a highway and, except as otherwise required, does not extend to or include repair or maintenance of the dike as

distinct from the highway.

SBC 2003-26-45, effective January 1, 2004 (B.C. Reg. 423/2003).

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 46

[eff since December 31, 2004](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 3 -- Additional Powers and Limits on Powers

Division 5 -- Highways

SECTION 46

Use of highways and public places

46 (1) Except as permitted by bylaw or another enactment, a person must not excavate in, cause a nuisance on, obstruct, foul or damage any part of a highway or other public place.

(2) A council may, by bylaw,

(a) authorize the seizure of things unlawfully occupying a portion of a highway or public place,

(b) establish fees for such seizure that are payable by the owner of the thing, and

(c) provide for the recovery of those fees from the owner of the thing, including by sale of the thing if the owner refuses to pay or cannot be identified after reasonable efforts.

(3) If a thing is seized under subsection (2), by a municipality, neither the municipality nor a person to whom the thing is disposed of is liable, in damages or otherwise, for or in respect of any claim that may arise in respect of the thing after its disposal in accordance with this Act.

**** Editor's Table ****

Provision	Changed by	In force	Authority
46(3)	2004-44-98	2004 Dec 31	BC Reg 547/04

SBC 2003-26-46, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2004-44-98.

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 192

[eff since December 1, 2007](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 7 -- Municipal Revenue

Division 1 -- General

SECTION 192

General revenue sources

192 Municipalities have the following revenue sources:

- (a) fees under Division 2 [Fees];
- (b) taxes under Division 3 [Property Value Taxes];
- (c) taxes under Division 4 [Parcel Taxes];
- (d) taxes under Division 5 [Local Service Taxes];
- (e) taxes under section 353 [taxation of utility company property] of the Local

Government Act;

(f) fines and other penalties referred to in section 261 [payment of fines and other penalties to municipality];

(g) revenues raised by other means authorized under this or another Act;

(h) revenues received by way of agreement, enterprise, gift, grant or otherwise.

**** Editor's Table ****

Provision	Changed by	In force	Authority
192(g)	2007-14-201 *****	2007 Dec 1	BC Reg 354/07

SBC 2003-26-192, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2007-14-201.

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 194

[eff since May 29, 2014](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 7 -- Municipal Revenue

Division 2 -- Fees

SECTION 194

Municipal fees

194 (1) A council may, by bylaw, impose a fee payable in respect of

- (a) all or part of a service of the municipality,
- (b) the use of municipal property, or
- (c) the exercise of authority to regulate, prohibit or impose requirements.

(2) Without limiting subsection (1), a bylaw under this section may do one or more of the following:

- (a) apply outside the municipality, if the bylaw is in relation to an authority that may be exercised outside the municipality;
- (b) base the fee on any factor specified in the bylaw and, in addition to the authority under section 12 (1) [variation authority], establish different rates or levels of fees in relation to different factors;
- (c) establish fees for obtaining copies of records that are available for public inspection;
- (d) establish terms and conditions for payment of a fee, including discounts, interest and penalties;
- (e) provide for the refund of a fee.

(3) As exceptions but subject to subsection (3.1), a council may not impose a fee under this section

- (a) in relation to Part 3 [Electors and Elections] or 4 [Other Voting] of the Local Government Act, or
- (b) in relation to any other matter for which this or another Act specifically authorizes the imposition of a fee.

(3.1) A council may impose a fee referred to in section 59 (3) [*fees for providing disclosure records*] of the *Local Elections Campaign Financing Act* under either that section or this section.

(4) A municipality must make available to the public, on request, a report respecting how a fee imposed under this section was determined.

(5) A municipality may not impose a highway toll unless specifically provided by a Provincial or federal enactment.

**** Editor's Table ****

Provision	Changed by	In force	Authority
194	2014-19-16	2014 May 29	R.A.
194(2)(d)	2004-34-5	2004 Jan 1	Act, s23
194(2)(e)	2004-34-5	2004 Jan 1	Act, s23

SBC 2003-26-194, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2004-34-5; SBC 2014-19-16.

Current to December 15, 2015

S.B.C. 2003, c. 26, s. 197

[eff since December 1, 2007](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Part 7 -- Municipal Revenue

Division 3 -- Property Value Taxes

SECTION 197

Annual property tax bylaw

197 (1) Each year, after adoption of the financial plan but before May 15, a council must, by bylaw, impose property value taxes for the year by establishing tax rates for

(a) the municipal revenue proposed to be raised for the year from property value taxes, as provided in the financial plan, and

(b) the amounts to be collected for the year by means of rates established by the municipality to meet its taxing obligations in relation to another local government or other public body.

(2) Unless otherwise permitted by this or another Act, a property value tax under subsection (1) must be imposed

(a) on all land and improvements in the municipality, other than land and improvements that are exempt under this or another Act in relation to the tax, and

(b) on the basis of the assessed value of the land and improvements.

(3) For the purposes of subsection (1) (a), the bylaw may establish for each property class

(a) a single rate for all revenue to be raised, or

(b) separate rates for revenue to be raised for different purposes but, in this case, the relationships between the different property class rates must be the same for all purposes.

(3.1) In relation to tax rates established for the purposes of subsection (1) (a), before adopting the bylaw, the council must consider the tax rates proposed for each property class in conjunction with the objectives and policies set out under section 165 (3.1) (b) [property value tax distribution] in its financial plan.

(4) For the purposes of subsection (1) (b), for each local government or other public body in relation to which the amounts are to be collected,

(a) the bylaw must establish separate rates for each property class, and

(b) the relationships between the different property class rates must be the same as the relationships established under subsection (3) unless otherwise required under this or another Act.

(5) If the amount of revenue raised in any year for a body under subsection (1) (b) is more or less than the amount that is required to meet the municipality's obligation, the difference must be used to adjust the rate under subsection (1) (b) for the next year.

(6) The minimum amount of tax under subsection (1) in any year on a parcel of real property is \$1.

(7) Property value taxes under subsection (1) are deemed to be imposed on January 1 of the year in

which the bylaw under that subsection is adopted, unless expressly provided otherwise by the bylaw or by the enactment under which they are imposed.

**** Editor's Table ****

Provision	Changed by	In force	Authority
197(3.1)	2007-24-3	2007 May 31	R.A.
197(4)(b)	2007-14-201	2007 Dec 1	BC Reg 354/07

SBC 2003-26-197, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2007-24-3; SBC 2007-14-201.

Current to December 15, 2015

S.B.C. 2003, c. 26, Schedule

[eff since September 18, 2015](Current Version)

COMMUNITY CHARTER

SBC 2003, CHAPTER 26

Schedule

Definitions and Rules of Interpretation

1 In this Act and in a bylaw or resolution under this Act:

"alternative approval process" means the process for obtaining approval of the electors established by section 86 [alternative approval process];

"animal" means any member of the animal kingdom, other than a human being;

"annual property tax bylaw" means a bylaw under section 197 [annual property tax bylaw];

"approval of the electors" means approval in accordance with section 84 [approval of the electors];

"assent of the electors" means assent in accordance with section 85 [assent of the electors];

"assessed value" means assessed value determined under the Assessment Act;

"assessment commissioner" REPEALED: SBC 2007-13-53 effective September 24, 2007 (B.C. Reg. 292/2007).

"assessment roll" means an assessment roll within the meaning of the Assessment Act;

"assessor" means an assessor appointed under the Assessment Authority Act;

"assistance" means assistance within the meaning of section 25 (1) [prohibition against assistance to business];

"building inspector" means an individual designated by the council as a building inspector for the municipality;

"business" means

(a) carrying on a commercial or industrial activity or undertaking of any kind,
and

(b) providing professional, personal or other services for the purpose of gain or profit,

but does not include an activity carried on by the Provincial government, by corporations owned by the Provincial government, by agencies of the Provincial government or by the South Coast British Columbia Transportation Authority or any of its subsidiaries.

"business licence" means a licence required for a business under section 8 (5) [spheres of authority -- business];

"charge", in relation to an estate or interest in land, means a charge under the Land Title Act;

"collector" means the municipal officer assigned responsibility as collector of taxes for the municipality;

"converted value of land and improvements" means the net taxable value of land and improvements multiplied by the percentage prescribed by regulation for this purpose;

"corporate officer" means the municipal officer assigned responsibility under section 148 [corporate officer];

"council" means the council of a municipality;

"council committee" means

(a) a select committee of a council,

(b) a standing committee of a council, or

(c) any other body established by a council that is composed solely of council members;

"councillor" means a member of a council other than the mayor;

"designated municipal officer" means

(a) the municipal officer assigned responsibility under section 146 [officer positions] in relation to the matter, or

(b) if no assignment referred to in paragraph (a) has been made, the corporate officer;

"dispute resolution officer" means a person designated by the minister to assist in the resolution of disputes for the purposes of Division 3 [Dispute Resolution] of Part 9 [Governmental Relations];

"domestic animal" means an animal that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for people;

"election" means an election for office on a council;

"extraordinary traffic" includes the carriage of goods or persons in vehicles over a highway that, in conjunction with the nature or existing condition of the highway, the council considers is so extraordinary in

(a) the quality or quantity of the goods or the number of persons carried,

(b) the mode or time of use of the highway, or

(c) the speed at which the vehicles are driven or operated,

that it substantially alters or increases the burden imposed on the highway through its proper use by ordinary traffic, and causes damage to the highway or resulting expense to the municipality beyond what is reasonable or ordinary;

"farm land" means land classified under the Assessment Act as a farm;

"fee" includes a fee by any name, including a charge;

"financial officer" means the municipal officer assigned responsibility under section 149 [financial officer];

"financial plan" means the current financial plan for a municipality under section 165 [financial plan];

"firearms" includes air guns, air rifles, air pistols and spring guns;

"first nation" means an aboriginal governing body, however it is organized and established by aboriginal people in their traditional territory in British Columbia;

"general bylaw" means a bylaw referred to in section 138 [municipal codes and other general bylaws];

"general property tax" means a property value tax or a parcel tax that is imposed in the municipality generally;

"greater board" means the corporate body, incorporated by an Act, with responsibility for the provision of water or sewage and drainage services;

"highway" includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property;

"impose", in relation to a tax, includes levy;

"improvements" means improvements as defined in the Assessment Act;

"inspector" means the Inspector of Municipalities under section 1019 of the Local Government Act;

"intermunicipal boundary highway" means a highway that forms all or part of the boundary between 2 or more municipalities, including any part of such a highway that deviates so that it is wholly or partly inside one or more of the municipalities, but does not include all or part of an intermunicipal transecting highway;

"intermunicipal bridge" means a bridge that crosses a river, stream or other body of water that forms all or part of the boundary between 2 or more municipalities;

"intermunicipal transecting highway" means a highway that transects 2 or more municipalities and serves those municipalities;

"intermunicipal watercourse" means

(a) a natural stream or watercourse that forms the boundary between, or runs through, more than one municipality, or

(b) a stream or watercourse referred to in section 548 [regional district equivalent] of the Local Government Act;

"justice" means a justice as defined in the Offence Act;

"land"

(a) for the purposes of assessment and taxation, means land as defined in the Assessment Act, and

(b) for other purposes, includes the surface of water, but does not include

(i) improvements,

(ii) mines or minerals belonging to the Crown, or

(iii) mines or minerals for which title in fee simple has been registered in the land title office;

"land title office" means the applicable land title office under the Land Title Act;

"loan authorization bylaw" means a bylaw under section 179 [loan authorization bylaws for long term borrowing];

"local area service" means a service referred to in section 210 (1) [authority for local area services];

"local authority" means

(a) a municipality, including the City of Vancouver,

(b) a regional district,

(c) the trust council, a local trust committee and the trust fund board within the meaning of the Islands Trust Act,

(d) a greater board,

(e) an improvement district, and

(f) any other local body prescribed by regulation as a local authority for the purposes of one or more provisions of this Act or the Local Government Act;

"local service area" means the area in which a local service tax is imposed;

"local service tax" means a tax imposed under section 216 [local service taxes];

"minister responsible" means the minister responsible in relation to the applicable matter;

"municipality" means, as applicable,

(a) the corporation into which the residents of an area are incorporated as a municipality under Part 2 [Incorporation of Municipalities] of the Local Government Act or under any other Act, or

(b) the geographic area of the municipal corporation,

but does not include the City of Vancouver unless otherwise provided;

"net taxable value", in relation to land or improvements or both, means

(a) if the Hospital District Act applies, the net taxable value of land or improvements or both for regional hospital district purposes, and

(b) if the Hospital District Act does not apply, the net taxable value of land or improvements or both determined as if the Hospital District Act applies;

"newspaper" means, in relation to a requirement or authorization for publication in a newspaper, a publication or local periodical that contains items of news and advertising;

"occupier"

(a) for the purposes of Division 8 [Tax Liability of Occupiers] of Part 7 [Municipal Revenue], means occupier as defined in the Assessment Act, and

(b) for other purposes, means a person

(i) who is qualified to maintain an action for trespass,

(ii) who is in possession of Crown land under a homestead entry or
preemption record,

(iii) who is in possession of

(A) Crown land, or

(B) land owned by a municipality or regional district

under a lease, licence, agreement for sale, accepted application to
purchase, easement or other record from the Crown, municipality or
regional district, or

(iv) who simply occupies the land;

"owner" means, in respect of real property,

(a) the registered owner of an estate in fee simple,

(b) the tenant for life under a registered life estate,

(c) the registered holder of the last registered agreement for sale,

(d) the holder or occupier of land held in the manner referred to in section 228
[taxation of Crown land used by others] or section 229 [taxation of municipal
land used by others], and

(e) an Indian who is an owner under the letters patent of a municipality
incorporated under section 12 [incorporation of reserve residents as a village] of

the Local Government Act;

"parcel" means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

"parcel tax" means a tax imposed on the basis of a single amount for each parcel, the taxable area of a parcel or the taxable frontage of a parcel;

"parcel tax roll review panel" means the parcel tax roll review panel under section 204;

"partnering agreement" means an agreement between a municipality and a person or public authority under which the person or public authority agrees to provide a service on behalf of the municipality, other than a service that is part of the general administration of the municipality;

"population" means, in relation to an area,

(a) population for the area as determined by the most recent population census, or

(b) if the population has not been established for the area by census, population determined by the minister;

"procedure bylaw" means a bylaw under section 124 [procedure bylaws];

"property class" means a property class under the Assessment Act;

"property taxes" means taxes under Division 3 [Property Value Taxes], 4 [Parcel Taxes] or 5 [Local Service Taxes] of Part 7 [Municipal Revenue];

"property value tax" means a tax imposed on the basis of the value of land or improvements or both;

"Provincial arterial highway" has the same meaning as "arterial highway" in section 1 of the Transportation Act;

"Provincial building code" REPEALED: SBC 2015-2-50, effective September 18, 2015 (B.C. Reg. 172/2015).

"Provincial building regulations" has the same meaning as "building regulation" in the *Building Act*;

"public authority" means any of the following:

(a) the government of Canada, the government of British Columbia or the government of another province, or an agent of any of them;

(b) a local government body, educational body or health care body, as those terms are defined in the Freedom of Information and Protection of Privacy Act;

(c) a first nation;

(d) a body in another province or country that provides local government services;

(e) any other body prescribed by regulation as a public authority for the purposes of one or more provisions of this Act or the Local Government Act;

"public notice posting places" means the places identified as such in a procedure bylaw;

"real property" means land, with or without improvements so affixed to the land as to make them in fact and law a part of it;

"registered", in relation to an interest in land less than the fee simple, means registered as a charge;

"registered mail" includes any method of mail delivery provided by the Canada Post Office for which confirmation of delivery to a named person is provided;

"registered owner" means the person registered in the land title office as entitled to the fee simple;

"registrar of land titles" means the applicable registrar of a land title district under the Land Title Act;

"regulate" includes authorize, control, inspect, limit and restrict, including by establishing rules respecting what must or must not be done, in relation to the persons, properties, activities, things or other matters being regulated;

"remedial action requirement" means a requirement imposed under section 72 [council may impose remedial action requirements];

"reserve fund" means a reserve fund under Division 4 [Reserve Funds] of Part 6 [Financial Management];

"seize" includes impound and detain;

"service" means, in relation to a municipality, an activity, work or facility undertaken or provided by or on behalf of the municipality;

"soil" includes sand, gravel, rock and other substances of which land is composed;

"stream" means a stream within the meaning of the Water Act;

"tax sale" means a tax sale under Part 11 [Municipal Tax Collection] of the Local Government Act;

"trees" includes shrubs;

"wildlife" means animals prescribed by regulation as wildlife.

Application of Local Government Act definitions

2 Subject to the definitions established by section 1 of this Schedule, section 5 [definitions] of the Local Government Act applies to this Act.

Special rule for Mountain Time Zone

3 In those municipalities in which Mountain Standard Time or Mountain Daylight Time is customarily used, section 25 (7) [calculation of time] of the Interpretation Act does not apply and instead a reference to a specified time of the day is a reference to Mountain Standard Time or Mountain Daylight Time, as applicable.

References to municipal officers

4 Words in an enactment referring to a municipal officer, by name of office or otherwise, also apply to

(a) the officer's deputy, and

(b) any person designated by the council to act in the officer's place.

**** Editor's Table ****

Provision	Changed by	In force	Authority
Sch	2003-52-549	2004 Jan 1	BC Reg 465/03
Sch	2007-36-50	2009 Apr 3	BC Reg 55/09
Sch	2010-21-224	2010 Jul 30	BC Reg 245/2010
Sch	2015-2-50	2015 Sep 18	BC Reg 172/2015
"assessment"	2007-13-53	2007 Sep 24	BC Reg 292/07

commissioner"

"business"	2007-41-61	2007 Nov 30	BC Reg 399/07
Sch, s1	2004-44-99	2004 Dec 31	BC Reg 547/04
Sch, s1	2007-13-54	2007 May 31	R.A.

SBC 2003-26-Sch, effective January 1, 2004 (B.C. Reg. 423/2003); SBC 2003-52-549; SBC 2004-44-99; SBC 2007-13-53, 54; SBC 2007-41-61; SBC 2007-36-50; SBC 2010-21-224; SBC 2015-2-50.

Updated on January 12, 2012

R.S.C. 1985, Appendix II, No. 5, s. 92

Constitution Act, 1867

30 & 31 Victoria, c. 3. (U.K.)

[Reprinted in R.S.C. 1985, App. II, No. 5]

(29th March 1867) / (Consolidated with amendments)

VI. Distribution of Legislative Powers

Exclusive Powers of Provincial Legislatures

SECTION 92.

Subjects of exclusive Provincial Legislation

92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,

1. REPEALED: 1982, c. 11, Schedule B (U.K.).
2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes.
3. The borrowing of Money on the sole Credit of the Province.
4. The Establishment and Tenure of Provincial Offices and the Appointment and Payment of Provincial Officers.
5. The Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon.

6. The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.

7. The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.

8. Municipal Institutions in the Province.

9. Shop, Saloon, Tavern, Auctioneer, and other Licences in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.

10. Local Works and Undertakings other than such as are of the following Classes:

(a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province:

(b) Lines of Steam Ships between the Province and any British or Foreign Country:

(c) Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.

11. The Incorporation of Companies with Provincial Objects.

12. The Solemnization of Marriage in the Province.

13. Property and Civil Rights in the Province.

14. The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.

15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.

16. Generally all Matters of a merely local or private Nature in the Province.

LOCAL GOVERNMENT ACT

[RSBC 2015] CHAPTER 1

Part 16 — Municipal Provisions

Division 6 — Municipal Taxation: Special Cases

Taxation of utility company property

644 (1) In this section:

"specified improvement" means an improvement of a utility company that is

(a) a pole line, cable, tower, pole, wire, transformer, equipment, machinery, exchange equipment, main, pipe line or structure, other than a building,

(b) erected or placed in, on or affixed to

(i) land in a municipality, or

(ii) a building, fixture or other structure in or on land in a municipality, and

(c) used solely in the municipality or a group of adjoining municipalities by the company for local generation, transmission, distribution, manufacture or transportation of electricity, telephonic communication, water, gas or closed circuit television;

"utility company" means an electric light, electric power, telephone, water, gas or closed circuit television company.

(2) A utility company that is carrying on business in a municipality in which it has specified improvements must be taxed annually by the municipality at the rate of 1% as follows:

(a) for a telephone or closed circuit television company, on the gross rentals received in the 2nd preceding year from its subscribers for telephone or television service located in the municipality, including telephone interexchange tolls for calls between exchanges in the municipality;

(b) for any other utility company, on the amount received in the 2nd preceding year by the company for electric light, electric power, water or gas consumed in the municipality, other than amounts received for

(i) light, power or water supplied for resale,

(ii) gas supplied for the operation of motor vehicles fueled by natural gas, or

(iii) gas supplied to any gas utility company, other than a government corporation as defined in the *Financial Administration Act* or a subsidiary of a government corporation.

(3) Tax under subsection (2) is subject to the same remedies and penalties as taxes under Part 7 [*Municipal Revenue*] of the *Community Charter*.

(4) A utility company liable to tax under subsection (2) must

(a) by October 31 in each year, for the purpose of determining the tax payable in the next year, file with the collector a return of the revenue referred to in that subsection that was received in the preceding year, and

(b) pay the tax imposed under subsection (2) in accordance with Division 10 [*Property Tax Due Dates and Tax Notices*] of Part 7 of the *Community Charter*.

(5) As an exception to subsections (2) and (4), in the case of a company to which this section applies for the first time in the municipality,

(a) the company must pay the tax imposed under subsection (2) in the 2nd year of its operation on the basis of revenue earned in the first year, and

(b) the report of revenue earned in the first year must be filed before May 8 of the 2nd year of operation.

(6) Tax imposed on a utility company under subsection (2) is in place of tax that might otherwise be imposed on the specified improvements under section 197 (1) (a) [*municipal property taxes*] of the *Community Charter*, and taxes may not be imposed under that provision on the specified improvements although they may be imposed on those improvements under section 197 (1) (b) [*property taxes for other bodies*] of the *Community Charter*.

(7) For certainty, all land and improvements of a utility company in a municipality, other than specified improvements, are subject to tax under section 197 [*annual property tax bylaw*] of the *Community Charter*.

Current to December 15, 2015

B.C. Reg. 426/2003, s. 1

Community Charter

MUNICIPAL TAX REGULATION

B.C. Reg. 426/2003 Deposited November 28, 2003

O.C. 1111/2003 effective January 1, 2004

SECTION 1

Interest on overpayment of municipal taxes

1 (1) The following rules apply to interest payable under section 239 [interest on overpayment of taxes] of the Community Charter:

(a) the interest is payable from the later of

(i) September 1 of the year in which the taxes are due, and

(ii) if the tax payment is made after July 2 of the year in which the taxes are due, the 61st day after the payment is made;

(b) the interest rate, during each successive 3 month period beginning on April 1, July 1, October 1 and January 1 in every year, is 2% below the prime lending rate of the principal banker to the Province on the 15th day of the month immediately preceding that 3 month period;

(c) the interest is to be compounded monthly and calculated on the number of days since

(i) the last compounding of interest, or

(ii) if no previous compounding has occurred, the interest commencement date;

(d) interest stops running on the day

(i) an instrument capable of effecting payment of the money owed is delivered or mailed to the person to whom it is owed, or

(ii) payment is made.

(2) Subsection (1) does not operate to require the payment of an amount of interest less than \$5.

Current to December 15, 2015

B.C. Reg. 426/2003, s. 2

Community Charter

MUNICIPAL TAX REGULATION

B.C. Reg. 426/2003 Deposited November 28, 2003

O.C. 1111/2003 effective January 1, 2004

SECTION 2

Interest on refund of municipal tax sale money

2 (1) The following rules apply to interest payable under section 411 (3) [refund if government refuses tax sale purchaser] or 423 (2) (a) [refund if court sets aside tax sale] of the Local Government Act:

(a) the interest rate, for each successive 3 month period beginning on January 1, April 1, July 1 and October 1 in every year, is 2% below the prime lending rate of the principal banker to the Province on the 15th day of the month immediately preceding that 3 month period;

(b) the interest is to be compounded monthly;

(c) interest stops running on the day

(i) an instrument capable of effecting payment of the money owed is delivered or mailed to the person to whom it is owed, or

(ii) payment is made.

(2) Subsection (1) does not operate to require the payment of an amount of interest less than \$5.

Current to December 15, 2015

B.C. Reg. 426/2003, s. 3

Community Charter

MUNICIPAL TAX REGULATION

B.C. Reg. 426/2003 Deposited November 28, 2003

O.C. 1111/2003 effective January 1, 2004

SECTION 3

Penalty for unpaid taxes

3 If all or part of the property taxes referred to in section 234 (1) [taxes collected under general tax collection scheme] of the Community Charter for a parcel of land and its improvements on the assessment roll remain unpaid after July 2 of the year those taxes are levied,

(a) the collector must add to the unpaid property taxes for the parcel and improvements for the current year a penalty equal to 10% of the portion that remains unpaid, and

(b) the penalty referred to in paragraph (a) is due as part of the property taxes for the current year for the parcel and improvements.

Current to December 15, 2015

B.C. Reg. 426/2003, s. 4

Community Charter

MUNICIPAL TAX REGULATION

B.C. Reg. 426/2003 Deposited November 28, 2003

O.C. 1111/2003 effective January 1, 2004

SECTION 4

Property taxes for other bodies

4 If a property value tax is imposed under section 197 (1) (b) [property taxes for other bodies] of the Community Charter on the basis of

(a) the net taxable value of land and improvements,

(b) the net taxable value of land, or

(c) the net taxable value of improvements,

unless otherwise expressly provided, the relationships between tax rates, expressed as ratios of the rate on each property class to the rate on Class 1, must be set out in the following Schedule:

Schedule

Class of Property	Ratio to Class 1 Rate
1	1.0:1
2	3.5:1
3	1.0:1
4	3.4:1
5	3.4:1
6	2.45:1
7	3.0:1
8	1.0:1
9	1.0:1

[am. B.C. Reg. 336/2008, Sched. 3, s. 1, effective November 28, 2008 (B.C. Regs. Bull. 33/2008).]

[Provisions of the Community Charter, S.B.C. 2003, c. 26, relevant to the enactment of this regulation: sections 199, 234 (2) and 239 (2)]

Current to December 30, 2015

SOR/99-294, s. 22

National Energy Board Act

National Energy Board Onshore Pipeline Regulations

SOR/99-294

REPEALED

Crossing a Utility or Private Road

SECTION 22.

22. When a pipeline is constructed across a utility or private road, the company constructing the pipeline shall ensure that there is no undue interference with the use of the utility or road during construction.

Current to December 15, 2015

S.B.C. 2008, c. 36, s. 76

[eff since May 31, 2012](Current Version)

OIL AND GAS ACTIVITIES ACT

SBC 2008, CHAPTER 36

Part 7 - General

SECTION 76

Pipeline crossings

76 (1) Subject to subsection (3), a person must not

(a) construct

(i) a highway, road or railway,

(ii) an underground communication or power line, or

(iii) any other prescribed work, or

(b) carry out a prescribed activity

along, over or under a pipeline or within a prescribed distance of a pipeline unless

(c) the pipeline permit holder agrees in writing to the construction or the carrying out of the prescribed activity, either specifically or by reference to a class of construction projects or activities,

(d) the commission, by order issued under subsection (2), approves the construction or the carrying out of the prescribed activity, either specifically or by reference to a class of construction projects or activities, or

(e) the construction or prescribed activity is carried out in accordance with the regulations.

(2) The commission, on application by a person referred to in subsection (1), may issue an order for the purposes of subsection (1) (d) and in doing so may impose any conditions that the commission considers necessary to protect the pipeline.

(3) The commission must approve

(a) the construction referred to in subsection (1) (a), and

(b) the carrying out of a prescribed activity under subsection (1) (b)

by the government or a municipality, but may impose conditions referred to in subsection (2) in the order issued under that subsection.

(4) The commission, for the purposes of deciding whether to issue an order under subsection (1) or impose conditions under subsection (2), may require a pipeline permit holder to submit information regarding the pipeline permit holder's pipeline.

(5) The commission may order a pipeline permit holder whose pipeline is the subject of an order issued under subsection (2) to do one or both of the following:

(a) with the approval of the Lieutenant Governor in Council, relocate the pipeline to facilitate the construction or prescribed activity approved by the order issued under subsection (2);

(b) take the actions specified in the order that the commission considers necessary to protect the pipeline.

(6) In relation to an order of the commission referred to in subsection (5), the Lieutenant Governor in Council

(a) may order that a person other than the pipeline permit holder must pay the costs, or a portion of the costs, incurred in carrying out the commission's order, or

(b) may approve the payment of any of those costs from the consolidated revenue fund.

(7) If there is an inconsistency between an order or an approval made under subsection (6) and a regulation made under section 99 (1) (m.1), the order or approval prevails to the extent of the inconsistency.

**** Editor's Table ****

Provision	Changed by	In force	Authority
76	2012-27-11	2012 May 31	R.A.

Editor's note: SBC 2008-36-76 was amended prior to its coming into force by SBC 2010-9-36, effective June 3, 2010 (R.A.).

SBC 2008-36-76, effective October 4, 2010 (B.C. Reg. 274/2010); SBC 2012-27-11.

Current to December 15, 2015

B.C. Reg. 147/2012, s. 3

Oil and Gas Activities Act

PIPELINE CROSSINGS REGULATION

B.C. Reg. 147/2012 Deposited June 25, 2012

O.C. 424/2012 effective June 25, 2012

SECTION 3

Cost allocation for pipeline crossings

3 (1) Subject to subsections (3) to (5), an enabled person is responsible for all costs incurred by the enabled person in carrying out an enabled action.

(2) Subject to subsections (3) to (6), an enabled person is responsible for any costs incurred by a pipeline permit holder as a result of the enabled person's carrying out of an enabled action, including, without limitation, costs

(a) to realign, raise or lower the pipeline,

(b) to excavate material from around the pipeline, and

(c) to add casing or other appurtenances that an official considers necessary for the protection of the pipeline.

(3) Subject to an order issued under section 76 (6) of the Act and to subsections (4) to (6) of this section, a specified enabled person is not responsible for any costs incurred by a pipeline permit holder as a result of the carrying out of an enabled action.

(4) The costs referred to in subsection (3) must be shared equally between the specified enabled person and the pipeline permit holder if

(a) the specified enabled person is a municipality, and

(b) the enabled action is the construction of a new highway within the boundaries of that municipality on either an existing right of way or a newly dedicated right of way.

(5) The costs incurred by a pipeline permit holder as the result of the carrying out of an enabled action must be shared equally between the enabled person and the pipeline permit holder if the enabled action is the construction of a new road for a subdivision within a municipality.

(6) The cost allocation rules set out in subsections (2) to (5) may be varied by agreement between the parties.

B.C. Reg. 451/59.

PIPE-LINES ACT

REGULATION APPROVED BY ORDER IN COUNCIL NO. 2867, DECEMBER 17TH, 1959

PART XXX

RULES AND REGULATIONS MADE PURSUANT TO THE PIPE-LINES ACT, CHAPTER 60, 1955

1. In these rules, unless the context otherwise requires,
 - "Act" means the *Pipe-lines Act*;
 - "Chief Inspecting Engineer" means the Chief Inspecting Engineer of the Department of Commercial Transport;
 - "contractor" means a person or firm engaged by the company to construct, alter, or repair a pipe-line or pipe-line property in connection therewith;
 - "crossing" means any point where a pipe-line crosses or is crossed by a railway, highway, industrial road, electrical transmission-line, navigable waters, or pipe-line;
 - "Department" means the Department of Commercial Transport;
 - "fabrication" means the manufacture, assembly, or joining together of mechanical appurtenances and pressure components of a pipe-line project in the ship or in the field;
 - "field" means the on-the-ground location where a pipe-line is being constructed and laid in permanent position;
 - "flow-line" means a pipe-line serving to interconnect well-heads with separators, treaters, dehydrators, field storage-tanks, or field storage-batteries;
 - "gathering-line" means a pipe-line used to transport oil or gas from a separating or processing plant to a company pipe-line or other means of transport;
 - "highway" means a highway as defined in the *Highway Act*;
 - "Inspecting Engineer" means an Inspecting Engineer of the Department of Commercial Transport, and includes the Chief Engineer;
 - "material specifications" means the physical properties and dimensions of all materials used or to be used or fabricated into pressure appurtenances on or in connection with any pipe-line;
 - "railway" means a railway as defined in the *Railway Act*;
 - "shop" means an establishment where materials are fabricated to form pipe or pressure vessels which are to be used or fabricated into a pipe-line;
 - "welding operator" means a person authorized to weld pressure appurtenances on, or in connection with, a pipe-line.
2. These rules and regulations shall apply to all pipe-lines within the boundaries of British Columbia which have been constructed or are operating under the jurisdiction of the Government of British Columbia.

Application for Certificate Granting Leave to Construct a Pipe-line Pursuant to Section 12 of the Pipe-lines Act

3. (1) Each application for leave to construct a pipe-line shall be in duplicate, and shall contain

B.C. Reg. 451/59.

- (a) the exact legal name and principal place of business of the applicant, the names of its officers, if other than a natural person, and the name and mailing address of the applicant to which communications concerning the application are to be addressed;
- (b) a concise statement of the applicant's proposal and of its programme for the completion and operation of the project;
- (c) a complete description of all agreements which may exist between the applicant and others for the acquisition, purchase, transportation, sale, or disposal of gas or oil to be transported by the applicant's proposed line;
- (d) a statement of the applicant's financial and proposed public responsibilities;
- (e) the map to be filed under section 12 (1) of the Act, not exceeding 42 by 72 in dimension, and entitled "General Location" within a title block showing also the name of the applicant, the number or designation of the proposed line, and the date on which the map was drawn or the proposed project was superimposed thereupon;
- (f) an undertaking to complete and operate the project.
- (2) The Minister may require that all documented agreements between parties concerned be presented for examination or investigation.
- (3) Each application to the Minister for leave to construct a pipe-line shall be accompanied by proof of publication in The British Columbia Gazette of the company's intention to make the said application, and such publication shall be in the following form:—

TAKE NOTICE that _____ intends to make application
(Legal name of applicant.)
on or after _____ A.D. 19_____, to the Minister of
Commercial Transport for leave to construct a pipe-line from _____
to _____ for the purpose of transporting _____
(Name of commodity.)

(4) Notice of intention to make the application, together with a plan on a readable scale showing the general route of the pipe-line, shall be published in the issue or issues for one week in a newspaper published in each locality through which the pipe-line is to pass, or, if there is no such newspaper, in some newspaper circulating in such locality, and such publication of the notice shall be at least one week before the date fixed for application.

(5) The requirements of the foregoing subsections need not apply where any provision of the Act exempts the necessity of the Minister's authorization with respect to alterations, additions, or extensions to a pipe-line.

*Approval of Plans, Profiles, and Books of Reference
Pursuant to Section 13 of the Act*

(1) Each plan, profile, and book of reference required under section 13 (1) of the Act shall be submitted to the Minister in duplicate, together with the following additional information:—

- (a) The exact legal name of the company in whose interest the plan, profile, and book of reference are submitted;
- (b) The name and address of the person or persons to whom communications concerning the plan, profile, and book of reference are to be addressed:

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- (c) The number of the certificate by which the Minister has granted the company leave to construct the pipe-line:
 - (d) The company's drawing number applicable thereto:
 - (e) A short description of the points of commencement and termination of the section or part of the pipe-line shown on the plan, profile, and book of reference.
- (2) The Minister shall not approve the plan, profile, and book of reference submitted under section 13 (1) of the Act without the prior approval of the Minister of Highways with respect to all proposed highway crossings, or infringements of highway rights-of-way, and with respect to the location of the pipe-line in relation to proposed highway routes.
- (3) Unless the Minister otherwise directs, the plan, profile, and book of reference of a section or part of a pipe-line shall be submitted in accordance with the following:—
- (a) A title block shall be placed at the right-hand end of the plan and shall show the name of the company in whose interest the plan, profile, and book of reference are submitted, the company's drawing number applicable thereto, and the date on which the information contained in the plan, profile, and book of reference was correct:
 - (b) The plan shall bear the signature of the chief engineer or a responsible officer of the company in whose interest the plan, profile, and book of reference are submitted:
 - (c) A blank space not less than 6 by 6 inches shall be provided on the right-hand side of the plan:
 - (d) The vertical dimension of plans shall not exceed 42 inches.
 - (4) Upon approval by the Minister of the plan, profile, and book of reference, one approved copy shall be returned to the applicant.

*Changes to Plans Involving Changes in Location of Pipe-line
Pursuant to Sections 14, 15, and 16 of the Act*

5. (1) When the Minister directs the diversion or relocation of a pipe-line pursuant to sections 14 or 15 of the Act, the plan, profile, and book of reference required under section 16 (1) of the Act shall
- (a) be submitted in duplicate in the same form as the original plan, profile, and book of reference;
 - (b) be marked "Amended Plan," together with the name of the company, the name or designation of the project, and the date the plan was prepared;
 - (c) when approved, supersede, with respect to the particular section or part of the pipe-line, all former plans, profiles, and books of reference which may have been theretofore approved.

Railway Crossings

6. Where any pipe-line crosses under or over any railway subject to the jurisdiction of the *Railway Act*, Rules, 38, 39, and 40 of Part I of the rules and regulations made pursuant to the *Railway Act* shall apply to the approval, construction, and inspection of the crossing.

B.C. Reg. 451/59.

*Leave of the Minister Required before Pipe-line Opened
for Transportation of Oil or Gas*

7. The Minister shall not grant leave to open a pipe-line for the transportation of oil or gas unless

- (a) the company has made application in writing to the Minister requesting leave to open the line for operation; and
- (b) the Minister has received a report from an inspecting engineer stating that all conditions and requirements provided in the Minister's certificate granting leave to construct the line have been complied with, and that the line has been tested and is safe for operation.

Pipe-line and Highway Crossings

8. The following regulations shall apply to the crossing of any highway, utility line, or other company pipe-line by a pipe-line:—

- (a) Where specified by the public authority concerned, the carrier-pipe under any highway shall be encased in a steel casing-pipe or conduit of sufficient strength to withstand all stresses and strains resulting from its location:
- (b) When specified, casing-pipe at any highway crossing shall, unless the public authority concerned agrees to a lesser width, extend the full width of the existing highway right-of-way. At other highway crossings the length of the casing-pipe shall be determined by local conditions:
- (c) The ends of the casing-pipe shall be suitably sealed to the outside of the carrier-pipe. The casing-pipe shall be properly vented above the ground with vent-pipes not less than 2 inches in diameter, and extending not less than 4 feet above the ground surface:
- (d) Vent-pipes shall be connected with the casing-pipe approximately 1 foot from the ends thereof. The top of each vent shall be fitted with a turn-down elbow, properly screened:
- (e) Where a casing-pipe is installed under any highway, the vent-pipes shall be equipped with approved identification markers:
- (f) The inside diameter of the casing-pipe shall be sufficiently large to permit ready withdrawal of the carrier-pipe without disturbing the structure of the highway crossed. The casing-pipe shall be installed with an even bearing throughout its length and in such a manner as to prevent formation of a waterway along it:
- (g) The casing-pipe shall be installed so as to prevent leakage, except through vent-pipes:
- (h) The top of the casing-pipe, or of the carrier-pipe where casing is not required, shall be either not less than 4 feet below the surface of the highway or not less than 1 foot below the highway ditches, and the pipe-line shall be so located that it will not obstruct drainage, or interfere with traffic on the highway, or with highway maintenance. Where it is not practical to secure the required depth, special construction shall be made as required by the Minister:
- (i) The carrier-pipe, casing-pipe, and vent-pipes shall be suitably insulated from underground conduits carrying electric wires, and vent-pipes shall be at least 4 feet distant from aerial electric wires:

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- (j) All work in connection with the construction, maintenance, renewal and repair of the pipe-line, and the continued supervision of the same, shall be performed by the pipe-line company, and, unless the renewal or repair is made necessary by reason of the negligence of others, all costs and expenses of such work shall be borne and paid by the pipe-line company, and no work at any time shall be done in such a manner as to unduly obstruct, delay, or interfere with the operation of any highway, utility line, or other pipe-line:
 - (k) The pipe-line company shall at all times be responsible for maintaining the pipe-line in good working-order and condition, so that at no time shall any damage be caused to any highway, utility line, or other pipe-line, the usefulness or safety thereof be impaired, or the full use and enjoyment thereof be in any way interfered with:
 - (l) Before any work of construction, maintenance, renewal, or repair of the pipe-line is begun, the pipe-line company shall give to the authority having control over the highway, utility line, or other pipe-line, or the owner of the utility line or other pipe-line; as the case may be, at least forty-eight hours' notice in writing; provided that, in an emergency, the work of repairing the pipe-line may be begun where immediate notice is given by mail or telegraph.
9. The following regulations shall apply to the crossing of pipe-lines by any highway, private road, railway, utility line, drain, or other company pipe-line:—
- (a) Except as hereunder provided, all work in connection with the construction, maintenance, renewal, and repair of any crossing of a pipe-line by any highway, private road, railway, utility line, drain, or other pipe-line, and the continued supervision of the same, shall be performed by the authority having control over such highway, railway, utility line, drain, or other pipe-line, or the owner of such private road, railway, utility line, drain, or other pipe-line, as the case may be, at its own cost and expense, unless the removal or repair is made necessary by the negligence of others. No work shall at any time be done in such a manner as to unduly obstruct, delay, or interfere with the operation of the pipe-line. Notwithstanding the foregoing, all work which might disturb the pipe and which necessitates realigning, raising, or lowering the pipe or excavating material from over or around it, or the additions of casing or other appurtenances thereto deemed necessary by the pipe-line company for the protection of the pipe-line being crossed, shall be performed by the pipe-line company whose line is being crossed, and, except as provided in subsection (b) hereof, all costs and expenses of such work shall be borne and paid by the authority having control over the highway, railway, utility line, drain, or other pipe-line, or the owner of the private road, railway, utility line, drain, or other pipe-line, as the case may be:
 - (b) Subject to the approval of the Lieutenant-Governor in Council with respect to the crossing of a pipe-line by a railway or highway, neither the Pacific Great Eastern Railway Company nor the Province shall be liable for any costs incurred in the actual removing, realigning, raising, or lowering of a pipe and appurtenances thereto. The construction of the crossing shall be carried out expeditiously and with all reasonable care and dili-

B.C. Reg. 451/59.

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- (c) The authority having control over any highway, railway, utility line, drain, or other pipe-line, or the owner of any private road, railway, utility line, drain, or other pipe-line crossing a pipe-line, shall at all times maintain such crossing in good working order and condition, so that at no time shall any damage be caused to the pipe-line, the usefulness or safety thereof be impaired, or the full use and enjoyment thereof be in any way interfered with:
- (d) Before any work of construction, maintenance, renewal, or repair of any crossing of a pipe-line is begun, the authority having control over such crossing or the party making, owning, or operating such crossing, as the case may be, shall give to the pipe-line company at least forty-eight hours' notice in writing, to enable the pipe-line company to appoint an inspector to see that the work is performed in such a manner as shall in all respects comply with these regulations; and in cases of emergency the pipe-line company shall be notified immediately. Except as provided in subsection (e) hereof, the amount of the wages and expenses of such inspector shall be paid by the authority having control over such highway, railway, utility line, drain, or other pipe-line, or the owner of such private road, railway, utility line, drain, or other pipe-line, as the case may be, upon receipt from the pipe-line company of a statement showing in reasonable detail the particulars of such wages and expenses:
- (e) In no case shall the Pacific Great Eastern Railway Company or the Province be liable for any of the costs or expenses referred to in subsection (d):
- (f) The pipe-line company shall at all times wholly indemnify the authority having control over the highway, railway, private road, utility line, drain, or other pipe-line, or the owner of the highway, railway, private road, utility line, drain, or other pipe-line, as the case may be, from and against all loss, costs, damage, injury, and expense to which the authority or owner may be put by reason of any damage or injury to persons or property caused by the construction, maintenance, renewal, repair, or operation of the company pipe-line, or any other works herein provided for, as well as against any damage or injury resulting from the imprudence, neglect, or want of skill of the employees or agents of the pipe-line company in connection with the construction, operation, maintenance, renewal, or repair of the pipe-line, or any other works herein provided for, unless the cause of such loss, costs, damage, injury, and expense can be traced elsewhere.

Material Standards—Pipe, Pressure Components, and Pressure-vessels

10. (1) Subject to subsection (2), any reference to the codes referred to in these rules and regulations shall include any changes, revisions, amendments, or alterations made subsequent to their adoption.

(2) No change, revision, amendment, or alteration inferred in subsection (1) shall apply until approved by the Minister.

B.C. Reg. 451/59.

11. (1) Before the commencement of the construction of a pipe-line or any extension, alteration, or repair of any pipe-line or pressure component used or to be used in any pipe-line, the company shall

- (a) file with the Chief Inspecting Engineer, in duplicate, all the pertinent data, specifications, and documented or other information he may require;
- (b) within thirty days after the completion of the construction, extension, alteration, or repair, file with the Chief Inspecting Engineer a certificate certifying that all work done and material used in connection therewith is in accordance with the data and specifications submitted under Regulation 11 (1) (a).

(2) All unfired pressure-vessels used in connection with the operation of a pipe-line shall be

- (a) constructed in accordance with A.S.M.E. Code Section VIII, 1956 edition, for unfired pressure-vessels;
- (b) stamped in accordance with A.S.M.E. Code Section VIII, 1956 edition;
- (c) registered with the Department as to design, identification number, and working-pressure;
- (d) installed and equipped in accordance with Section VIII of the A.S.M.E. Code;
- (e) inspected annually by an Inspecting Engineer of the Department.

Standard Code for Pressure-piping, Gas Pipe-lines

12. (1) Except as otherwise provided in these regulations, the standard governing the design, fabrication, installation, testing, and inspection of gas pipe-lines, piping, fittings, and appurtenances thereto shall be in accordance with Code A.S.A. B31.1.8, 1955, published by the American Society of Mechanical Engineers; and in cases where a code or formulæ have not been provided, or where partial or imperfect provision exists, the Minister may establish a code or formulæ to meet the requirements.

(2) All welding, welding procedure, and specifications on gas pipe-lines shall be in accordance with Code A.S.A. B31.1.8, 1955, but all welding operators engaged in shop or field welding in British Columbia shall be currently certified as pipe-line welders under the British Columbia *Boiler and Pressure-vessel Act*, and regulations pursuant thereto.

Gas Compressor-stations

13. Except as otherwise provided, all compressor-stations on gas pipe-lines shall be installed and operated in accordance with the requirements of Code A.S.A. B31.1.8, 1955.

Standard Code for Oil-lines

14. (1) Except as otherwise provided in these regulations, the standard governing the design, fabrication, installation, testing, and inspection of oil pipe-lines, piping, fittings, and appurtenances thereto shall be in accordance with a code to be defined and adopted by the Minister; and in cases where a code or formulæ have not been provided, or where partial or imperfect provision exists, the Minister may establish a code or formulæ to meet the requirements.

B.C. Reg. 451/59.

(2) All welding, welding procedure, and specifications on oil pipe-lines shall be in accordance with Code A.S.A. B31.1.8, 1955, but all welding operators engaged in shop or field welding in British Columbia shall be currently certified as pipe-line welders under the British Columbia *Boiler and Pressure-vessel Act*, and regulations pursuant thereto.

Flow-lines

15. Except where non-ferrous or synthetic materials have been approved for flow-lines, all piping used in flow-lines shall be in accordance with A.S.A. B31.1.8, 1955.

Gathering-lines

16. Except where non-ferrous or synthetic materials have been approved for specific applications to gathering-lines, all piping in such lines shall be in accordance with A.S.A. B31.1.8, 1955.

Oil Pumping-stations

17. Unless otherwise approved, all oil pumping-stations shall be installed and operated in accordance with the requirements of a code to be defined and adopted by the Minister; and in cases where a code or formulæ have not been provided, or where partial or imperfect provision exists, the Minister may establish a code or formulæ to meet the requirements.

Installation—Railway Property

18. Installations on or adjacent to any railway property shall be in accordance with Part XII of the rules and regulations pursuant to the *Railway Act*.

Storage-tanks

19. Tanks for the storage of oil shall conform to A.P.1 Standards and all new tanks constructed for the storage of oil shall conform to A.P.1 Standard 12A, 12B, 12C, or 12E, current editions, depending upon the type of construction.

Field Construction of the Line

20. A company may make equipment alterations or changes in its pipe-line for the purposes of maintenance, improvement, or emergency, and such alterations or changes will be subject to subsequent inspection in accordance with section 22 of these regulations.

21. A company shall mark with conspicuous stand signs on the limits and both sides of a public highway, surveyed road, road allowance, or railway outside the boundaries of a city, town, or village, subject to local conditions, the place at which a pipe-line enters and leaves or crosses under the public highway, surveyed road, road allowance, or railway, said signs to be maintained by the company.

Inspection

22. (1) All pipe-lines shall be inspected during construction, and Inspecting Engineers shall have the right to examine or inquire into any phase of construction or the installation of any component part of any pipe-line project, and may con-

B.C. Reg. 451/59.

demn anything which is contrary to the Act, the regulations, or the Minister's certificate by which leave was granted to construct the pipe-line.

(2) It shall be the duty of every contractor or supervisor to inform the Inspecting Engineer of any defects known or believed to exist in any pressure or stress component which might endanger safety.

(3) The Inspecting Engineer may, if in his opinion a dangerous condition is deemed to exist in any section of a pipe-line which might endanger life or property, order that section out of service until proper repairs have been completed.

(4) Upon the completion of construction of a section or part of a pipe-line and before final tests are made subsequent thereto, the company shall submit for approval all test procedures applied during construction and also all final acceptance tests and procedures, and Inspecting Engineers shall have the right to be present to witness such tests and are to be fully notified as to when such tests are to take place.

(5) The results of any company test shall be made available to an Inspecting Engineer on request.

(6) Upon the completion of any pipe-line and before the line may be opened for operation, an Inspecting Engineer shall make a general inspection and submit a report in writing to the Minister, and subsequent inspections shall be made in a like manner when deemed necessary for public protection.

Fees

23. Fees shall be payable to the Minister of Finance, through the Chief Inspecting Engineer, as follows:—

(a) For the approval of plans, specifications, books of reference regarding route, location, and Minister's certificate granting leave to construct, as well as approval of engineering plans and specifications regarding pressure components—

	Per Mile
100 miles or less	\$40.00
101 to 250 miles	30.00
251 to 500 miles	20.00
501 miles and over	15.00

(b) For special field inspection at the request of the company or contractor, \$50 per day;

(c) For shop inspection within British Columbia, \$10 per unit of special fabrication;

(d) For any shop inspections outside of British Columbia requested by a company, a fee of \$50 per day.

Operation

24. Unless otherwise approved by the Minister, operating and maintenance procedures on gas pipe-lines shall be in accordance with Code A.S.A. B31.1.8, 1955, Chapter V, and on oil pipe-lines operating and maintenance procedures shall be in accordance with a code to be defined and adopted by the Minister, and in cases where a code or formulæ have not been provided, or where partial or imperfect

B.C. Reg. 451/59.

provision exists, the Minister may establish a code or formulæ to meet the requirements.

Accidents and Their Investigation

25. (1) In cases of accident due to failure or misuse of any pressure-vessel or appurtenance in conjunction with a pipe-line which results in serious injury or death to one or more persons, the company owning or operating the pipe-line shall immediately transmit by telegraph or telephone to the Deputy Minister at his office in Victoria, British Columbia, a report of such accident, stating the nature of the accident, the place at which it occurred, and where the equipment involved may be inspected. Such telegraph or telephone communication shall be immediately confirmed by mail, giving a complete list of all killed or injured.

(2) The Chief Inspecting Engineer may hold an investigation to inquire into any accident due to the failure of any pressure-vessel or component used in the operation of a pipe-line, and he may summons witnesses and require their attendance before him by the same process as Courts of justice, and may examine witnesses touching the cause of such accident, and he shall forthwith report in writing to the Minister.

Appeals

26. An appeal shall lie from any ruling or decision of an Inspecting Engineer to the Chief Inspecting Engineer, and from him to the Minister.

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B.C. Reg. 452/59.

RAILWAY ACT

REGULATION APPROVED BY ORDER IN COUNCIL NO. 2886, DECEMBER 17TH, 1959

PART I

LOCATION, CONSTRUCTION, AND CLEARANCES

1. *Application of Rules and Regulations.*—These rules and regulations are in amplification of the various sections of the Province of British Columbia *Railway Act* (R.S.B.C. 1948, chapter 285) and shall apply to all railways under the jurisdiction of the Government of British Columbia and to which the *Railway Act* applies.

2. *Interpretation.*—"A.A.R." means Association of American Railroads.

The "Act" means the *Railway Act* of British Columbia (R.S.B.C. 1948, chapter 285) and amendments thereto.

"Company" means

- (a) a railway company incorporated under the Act, and includes every person and every company by Act of the Legislature authorized to construct, or to own, or to operate a railway within the Province;
- (b) (special application of the Act) a person, firm, or corporation which owns, constructs, or operates a railway or tramway within the Province.

B.C. Reg. 104/69.

Township 87, Range 24, W. of 6th M.: Sections 1, 12, 13, 24, 25, North Half of Section 36.

Township 88, Range 23, W. of 6th M.: Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, South Half of Section 29, Section 30.

Township 88, Range 24, W. of 6th M.: Sections 1, 12, 13, North Half of Section 23, Sections 24, 25, 26, Fractional Sections 35, 36.

National Topographic Series 94-A-12

Block J: Fractional Units 5, 6, 7, 8, Units 16, 17.

Moberly Lake

(Amended April 1, 1969.)

Township 82, Range 22, W. of 6th M.: East Half of Section 15, West Half of Section 14, West Half of Section 23.

Stoddart

(Amended April 1, 1969.)

Township 85, Range 19, W. of 6th M.: North Half and South-west Quarter of Section 31, Sections 26, 34, 35.

Township 86, Range 19, W. of 6th M.: Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17, 18, 19, 20, 21.

Township 86, Range 20, W. of 6th M.: Sections 1, 12, 13, 24.

Two Rivers

(Designated April 1, 1969.)

Township 83, Range 16, W. of 6th M.: Sections 5, 8, 9.

ap24—9375

B.C. Reg. 105/69.

PIPE-LINES ACT

CERTIFICATE No. 528, APPROVED BY ORDER IN COUNCIL No. 1129 ON
APRIL 15, 1969, AMENDING B.C. REG. 451/59

Now, therefore, I, Francis Xavier Richter, Minister of Commercial Transport of the Province of British Columbia, hereby certify that, pursuant to the provisions of section 5 of the *Pipe-Lines Act*, being chapter 284, R.S.B.C. 1960, I have amended the Rules and Regulations, Part XXX (B.C. Reg. 451/59), approved by Order in Council No. 2867, dated December 17, 1959, as follows:—

1. By adding the following after the definition “material specifications” in Rule 1:—

“‘municipality’ for the purposes of these regulations means a municipality as defined in section 2 of the *Municipal Act*, R.S.B.C. 1960, chapter 225, and includes the City of Vancouver.”

B.C. Reg. 105/69.

2. By striking out subparagraph (b) of Rule 9 and substituting therefor the following:—

“(b) Subject to the approval of the Lieutenant-Governor in Council with respect to the crossing of a pipe-line by a railway or a highway, in no case shall the Province of British Columbia, a municipality within the Province, nor the Pacific Great Eastern Railway be liable for any costs incurred in the actual installation, removal, realigning, strengthening, casing, raising, or lowering of a pipe and appurtenances thereto, except when a new highway is built within a municipality by the municipality on an existing right-of-way or on a newly dedicated right-of-way, the costs shall be shared equally by the municipality and the pipe-line company. In the case of a new subdivision road within a municipality, the subdivider and the pipe-line company shall share the cost equally. The construction of the crossing shall be carried out expeditiously and with all reasonable care and diligence; provided, however, that in no case shall the Province of British Columbia or a municipality within the Province or the Pacific Great Eastern Railway Company be liable for losses incurred through the discontinuance of operation of the pipe-line.”

In witness whereof I have hereunto set my hand and seal this fourteenth day of April, in the year of our Lord one thousand nine hundred and sixty-nine.

FRANK RICHTER,
Minister.

ap24—9376

ap24—9375

B.C. Reg. 106/69.

PROVINCIAL NEW-HOME BUILDING ASSISTANCE ACT

ORDER IN COUNCIL NO. 1063, APPROVED APRIL 9, 1969, MAKING
REGULATIONS APPLICABLE UNDER ACT

That, pursuant to section 8 of the *Provincial New-home Building Assistance Act* and all other powers thereunto enabling, the following regulations be made:—

1. The regulations passed pursuant to the *Provincial Home-acquisition Grant Act* shall apply under the *Provincial New-home Building Assistance Act*.

2. For the purpose of subsection (2) of section 3 of the Act, “applicant” includes any owner of the eligible residence or eligible apartment residence and the spouse, as determined by the Eligibility Committee, of such an owner.

3. A person who has received a loan under subsection (2) of section 3A of the Act shall not be entitled to a grant under subsection (2) of section 3A of the Act or subsection (1) of section 3 of the Act.

4. A person who has received a grant under subsection (2) of section 3A of the Act or subsection (1) of section 3 of the Act shall not be entitled to a loan under subsection (2) of section 3A of the Act.

B.C. Reg. 360/98
M350/98

Deposited October 23, 1998
effective October 23, 1998

Pipeline Act

PIPELINE REGULATION

[includes amendments up to B.C. Reg. 601/2004, December 31, 2004]

Contents

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Interpretation

1 In this regulation, unless the context otherwise requires:

"Act" means the *Pipeline Act*;

"chief inspecting engineer" means the chief inspecting engineer appointed by the commission that administers the *Pipeline Act*;

"commission" means the Oil and Gas Commission;

"contractor" means a person or firm engaged by the company to construct, alter or repair a pipeline or pipeline property;

"crossing" means any point where a pipeline crosses or is crossed by a railway, highway, industrial road, electrical transmission line, navigable waters or pipeline;

"CSA Standard Z276" means the standard published by the Canadian Standards Association as CSA-Z276-94 Liquefied Natural Gas (LNG) Production, Storage and Handling;

"CSA Standard Z662" means the standard published by the Canadian Standards Association as CSA-Z662-03 Oil and Gas Pipeline Systems;

"fabrication" means the manufacture, assembly or joining together of mechanical appurtenances and pressure components of a pipeline project in the shop or in the field;

"farm tap" means a natural gas line, with a nominal diameter of 25 mm or less, that feeds from a pipeline to an individual end user;

"field" means the on-the-ground location where a pipeline is being constructed and laid in permanent position;

"flow line" means a pipeline serving to interconnect well heads with separators, treaters, dehydrators, field storage tanks or field storage batteries;

"gathering line" means a pipeline used to transport oil or gas from a separating or processing plant to a company pipeline or other means of transport;

"highway" means a highway as defined in the *Transportation Act*;

"inspecting engineer" means an inspecting engineer of the commission;

"material specifications" means the physical properties and dimensions of all materials used or to be used or fabricated into pressure appurtenances on or in connection with any pipeline;

"municipality", for the purposes of this regulation, means a municipality as defined in section 1 of the *Municipal Act* and includes the City of Vancouver;

"railway" means a railway as defined in the *Railway Act*;

"shop" means an establishment where materials are fabricated to form pipe or pressure vessels which are to be used or fabricated into a pipeline;

"welding operator" means a person authorized to weld pressure appurtenances on, or in connection with, a pipeline.

[am. B.C. Regs. 205/99; 337/2004; 601/2004.]

Application

2 (1) This regulation applies to all pipelines within the boundaries of British Columbia which have been constructed or are operating under the jurisdiction of the government of British Columbia.

(2) In the event of a conflict between the CSA Standards and the provisions of this regulation, the latter applies.

Application for certificate granting leave to construct a pipeline

3 (1) Each application for leave to construct a pipeline must be in duplicate, and must contain

- (a) the exact legal name and principal place of business of the applicant, the names of its officers, if other than a natural person, and the name and mailing address of the applicant to which communications concerning the application are to be addressed,
- (b) a concise statement of the applicant's proposal and of its programme for the completion and operation of the project,
- (c) a complete description of all agreements which may exist between the applicant and others for the acquisition, purchase, transportation, sale or disposal of gas or oil to be transported by the applicant's proposed line,
- (d) a statement of the applicant's financial and proposed public responsibilities,
- (e) the map to be filed under section 11 (1) of the Act, not exceeding 42 inches by 72 inches in dimension, and entitled "General Location" within a title block showing also the name of the applicant, the number or designation of the proposed line and the date on which the map was drawn or the proposed project was superimposed, and
- (f) an undertaking to complete and operate the project.

(2) The commission may require that all documented agreements between parties concerned be presented for examination or investigation.

(3) Each application to the commission for leave to construct a pipeline must be accompanied by proof of publication in the Gazette of the company's intention to make the application, and the publication must be in the following form:

TAKE NOTICE that (legal name of applicant) intends to make application on or after (date)....., to the Oil and Gas Commission for leave to construct a pipeline from to for the purpose of transporting (name of commodity)

(4) Notice of intention to make the application, together with a plan on a readable scale showing the general route of the pipeline, must be published in the issue or issues for one week in a newspaper published in each locality through which the pipeline is to pass, or, if there is no such newspaper, in some newspaper circulating in the locality, and the publication of the notice must be at least one week before the date fixed for application.

(5) The requirements of the foregoing subsections need not apply where any provision of the Act exempts the necessity of the commission's authorization with respect to alterations, additions or extensions to a pipeline.

Approval of plans, profiles and books of reference

4 (1) Each plan, profile and book of reference required under section 12 (1) of the Act must be submitted to the commission in duplicate, together with the following additional information:

- (a) the exact legal name of the company in whose interest the plan, profile and book of reference

are submitted;

(b) the name and address of the person or persons to whom communications concerning the plan, profile and book of reference are to be addressed;

(c) the number of the certificate by which the commission has granted the company leave to construct the pipeline;

(d) the company's drawing number;

(e) a short description of the points of commencement and termination of the section or part of the pipeline shown on the plan, profile and book of reference.

(2) The commission must not approve the plan, profile and book of reference submitted under section 12 (1) of the Act without regard for all proposed highway crossings or infringements of highway rights of way and with respect to the location of the pipeline in relation to proposed highway routes.

(3) Unless the commission otherwise directs, the plan, profile and book of reference of a section or part of a pipeline must be submitted in accordance with the following:

(a) a title block must be placed at the right hand end of the plan and must show the name of the company in whose interest the plan, profile and book of reference are submitted, the company's drawing number applicable thereto and the date on which the information contained in the plan, profile and book of reference was correct;

(b) the plan must bear the signature of the chief engineer or a responsible officer of the company in whose interest the plan, profile and book of reference are submitted;

(c) a blank space not less than 6 by 6 inches must be provided on the right hand side of the plan;

(d) the vertical dimension of plans must not exceed 42 inches.

(4) On approval by the commission of the plan, profile and book of reference, one approved copy must be returned to the applicant.

Changes to plans involving changes in location of pipeline

5 When the commission directs the diversion or relocation of a pipeline under section 13 or 14 of the Act, the plan, profile and book of reference required under section 15 (1) of the Act must

(a) be submitted in duplicate in the same form as the original plan, profile and book of reference,

(b) be marked "Amended Plan" together with the name of the company, the name or designation of the project and the date the plan was prepared, and

(c) when approved, supersede, with respect to the particular section or part of the pipeline, all former plans, profiles and books of reference which may have been approved.

Leave of the commission required before pipeline opened for transportation of oil or gas

6 Leave of the commission to open a pipeline or section of a pipeline for service will not be granted unless

(a) the company has made application in writing to the commission in the form and manner directed by the chief inspecting engineer,

(b) the application includes a statement by a professional engineer registered in British Columbia that the line has been built and tested in accordance with the submitted data and in accordance with the requirements of the *Pipeline Act* and that all control and safety devices have been inspected, tested and found to be in working order,

(c) the company undertakes to submit to the commission, within 3 months of the opening of the line for service, all as-built drawings, specifications and data,

(d) the company has in place an operations and maintenance manual or manuals and an emergency response manual, and

(e) for a pipeline designed for sour service, the company has submitted to the commission the details of the internal corrosion protection plan for the pipeline.

[am. B.C. Reg. 301/2000.]

Installation of farm taps

7 No farm tap may be installed or opened for use except in a manner approved by the chief inspecting engineer.

Pipeline and highway crossings

8 The following provisions apply to the crossing by a pipeline of any highway, utility line or other pipeline:

(a) the minimum standard for the design and construction of a pipeline that crosses or is on the right of way of a highway, a pipeline crossing, utility line or other pipeline must be as set out in CSA Standard Z662;

(b) a highway crossing may be cased or uncased as required by the appropriate Provincial, municipal or regional highway authority, and a vent pipe must

(i) be not less than 50 mm in diameter,

(ii) extend at least 1 200 mm above the ground,

(iii) have a turndown bend and screened open end, and

(iv) be connected to the casing within 0.5 m of the end of the casing pipe;

(c) the carrier pipe, casing pipe and vent pipes must be suitably insulated from underground conduits carrying electric wires, and vent pipes must be at least 1.5 metres distant from aerial electric wires;

(d) the carrier or casing pipe must be installed with an even bearing throughout its length and must not allow formation of a waterway along it;

(e) where a casing pipe is installed under a highway, the vent pipes must be equipped with identification markers approved by the commission;

(f) all work in connection with the construction, maintenance, renewal and repair of the pipeline, and the continued supervision of it, must be performed by the pipeline company and, unless the renewal or repair is made necessary by reason of the negligence of others, all costs and expenses of such work must be borne and paid by the pipeline company and no work at any time will be done in such a manner as to unduly obstruct, delay or interfere with the operation of any highway,

utility line or other pipeline;

(g) the pipeline company at all times is responsible for maintaining the pipeline in good working order and conditions, so that at no time will there be

(i) damage to,

(ii) impairment of the usefulness or safety of, or

(iii) interference with the full use and enjoyment of

any highway, utility line or other pipeline;

(h) before any work of construction, maintenance, renewal or repair of the pipeline is begun, the pipeline company must give to the authority having control over the highway, utility line or other pipeline, or the owner of the utility line or other pipeline, as the case may be, at least 48 hours notice in writing; provided that, in an emergency, the work of repairing the pipeline may be begun where immediate notice is given by mail, telegraph or facsimile.

Pipeline crossings

9 The following provisions apply to the crossing of pipelines by any highway, private road, railway, utility line, drain or other company pipeline:

(a) except as set out in this section, all work in connection with the construction, maintenance, renewal and repair of any crossing of a pipeline by any highway, private road, railway, utility line, drain or other pipeline, and the continued supervision of them, must be performed by the authority having control over such highway, railway, utility line, drain or other pipeline, or the owner of the private road, railway, utility line, drain or other pipeline, as the case may be, at its own cost and expense, unless the removal or repair is made necessary by the negligence of others;

(b) no work will at any time be done in such a manner as to unduly obstruct, delay or interfere with the operation of the pipeline, but all work which might disturb the pipe and which necessitates realigning, raising or lowering the pipe or excavating material from over or around it, or the additions of casing or other appurtenances thereto deemed necessary by the pipeline company for the protection of the pipeline being crossed, must be performed by the pipeline company whose line is being crossed, and, except as provided in paragraph (c) to (e), all costs and expenses of such work must be borne and paid by the authority having control over the highway, railway, utility line, drain or other pipeline, or the owner of the private road, railway, utility line, drain or other pipeline, as the case may be;

(c) subject to the approval of the commission with respect to the crossing of a pipeline by a railway or a highway, in no case will the Province of British Columbia, a municipality within the Province, nor the British Columbia Railway be liable for any costs incurred in the actual installation, removal, realigning, strengthening, casing, raising or lowering of a pipe and appurtenances thereto, except that when a new highway is built within a municipality by the municipality on an existing right of way or on a newly dedicated right of way, the costs must be shared equally by the municipality and the pipeline company;

(d) in the case of a new subdivision road within a municipality, the subdivider and the pipeline company must share the cost equally;

(e) the construction of a crossing must be carried out expeditiously and with all reasonable care and diligence; provided, however, that in no case will the Province of British Columbia or a municipality within the Province or the British Columbia Railway Company be liable for losses incurred through the discontinuance of operation of the pipeline;

(f) the authority having control over any highway, railway, utility line, drain or other pipeline, or the owner of any private road, railway, utility line, drain or other pipeline crossing a pipeline, must at all times maintain the crossing in good working order and condition, so that at no time will any damage be caused to the pipeline, the usefulness or safety thereof be impaired, or the full use and enjoyment thereof be in any way interfered with;

(g) before any work of construction, maintenance, renewal or repair of any crossing of a pipeline is begun, the authority having control over such crossing or the party making, owning or operating such crossing, as the case may be, must give to the pipeline company at least 48 hours notice in writing, to enable the pipeline company to appoint an inspector to see that the work is performed in such a manner as will in all respects comply with this regulation; and in cases of emergency the pipeline company must be notified immediately;

(h) except as provided in paragraph (f), the amount of the wages and expenses of an inspector must be paid by the authority having control over such highway, railway, utility line, drain or other pipeline, or the owner of such private road, railway, utility line, drain or other pipeline, as the case may be, on receipt from the pipeline company of a statement showing in reasonable detail the particulars of the wages and expenses;

(i) in no case will the British Columbia Railway Company or the Province be liable for any of the costs or expenses referred to in paragraph (g) and (h);

(j) the pipeline company must at all times wholly indemnify the authority having control over the highway, railway, private road, utility line, drain or other pipeline, or the owner of the highway, railway, private road, utility line, drain or other pipeline, as the case may be, from and against all loss, costs, damage, injury and expense to which the authority or owner may be put by reason of any damage or injury to persons or property caused by the construction, maintenance, renewal, repair or operation of the company pipeline, or any other works herein provided for, as well as against any damage or injury resulting from the imprudence, neglect or want of skill of the employees or agents of the pipeline company in connection with the construction, operation, maintenance, renewal or repair of the pipeline, or any other works herein provided for, unless the cause of such loss, costs, damage, injury and expense can be traced elsewhere.

References to codes

10 (1) Subject to subsection (2), any reference to the codes referred to in this regulation must include any changes, revisions, amendments or alterations made subsequent to their adoption.

(2) No change, revision, amendment or alteration inferred in subsection (1) will apply until approved by the commission.

Material standards — pipe, pressure components and pressure vessels

11 (1) Before the commencement of the construction of a pipeline or any extension, alteration or repair of any pipeline or pressure component used or to be used in any pipeline, the company must

(a) file with the chief inspecting engineer, in duplicate, all the pertinent data, specifications and documented or other information he or she may require, and

(b) within 30 days after the completion of the construction, extension, alteration or repair, file with the chief inspecting engineer a certificate certifying that all work done and material used in connection with it is in accordance with the data and specifications submitted under paragraph (a).

(2) All unfired pressure vessels used in connection with the operation of a pipeline must be

constructed, registered, stamped, equipped, tested and inspected, as per the requirements of the *Power Engineers and Boiler and Pressure Vessel Safety Act*.

Standard for pipelines

12 (1) Except as otherwise provided in this regulation, the standard governing the design, fabrication, installation, testing, operation, maintenance, repair or deactivation of onshore and offshore gas, oil, oilfield water and steam pipelines, including flow, gathering and transmission lines, is CSA Standard Z662 and, in cases where only partial or imperfect provisions exist in CSA Standard Z662, the chief inspecting engineer may establish provisions to meet those requirements.

(2) All welding, welding procedures and specifications for pipelines must be in accordance with CSA Standard Z662.

(3) Except as otherwise provided in this regulation, liquefied natural gas facilities which are part of a gas pipeline system, must comply with CSA Standard Z276.

Pumping and compressor stations

13 Except as otherwise provided in this regulation, all pumping stations and compressor stations must be installed and operated in accordance with the requirements of CSA Standard Z662 and section 11 of this regulation and, in addition, they must comply with regulations made under the *Fire Services Act*, the *Power Engineers and Boiler and Pressure Vessel Safety Act* and the *Electrical Safety Act*.

Flare systems

14 (1) When applying for permission to construct a pipeline, a company must provide plans and specifications for the flare system and proof of compliance with this section in the form and manner directed by the chief inspecting engineer.

(2) If installed, the flare system on any pipeline must be designed using the American Petroleum Institute (API) Recommended Practices 520 and 521 or a similar standard or practice, and the method must be noted in the application.

(3) Any over-pressure protection device used on the flare system equipment of a sour pipeline must not discharge H₂S to the atmosphere.

(4) For sizing and back pressure purposes, the flow from blow down and relieving devices may be treated separately.

(5) When flame arrestors are used in the flare system, unless the upstream flare system is designed for wellhead pressure, means must be provided to ensure that the upstream pressure does not increase beyond the upstream piping design pressure.

(6) The flare system must be protected against a vacuum condition developing or against the consequences of a vacuum condition in the system.

(7) Knock-Out Drums must be designed according to the ASME Boiler and Pressure Vessel Code, Section VIII and the design pressure must be noted on the application.

Installation — railway property

15 Installations on or adjacent to any railway property must be in accordance with Part 12 of the rules and regulations pursuant to the *Railway Act*.

Storage tanks

16 A company that stores oil in tanks must use tanks that conform to CSA Standard Z662 or to A.P.I. Standards 12B, 12D or 12F, depending on the size and type of construction of the tank.

Field construction of the line

17 A company may make equipment alterations or changes in its pipeline for the purposes of maintenance, improvement or emergency, and such alterations or changes will be subject to subsequent inspection in accordance with section 19 of this regulation.

Signs required

18 A company must mark with conspicuous stand signs on the limits and both sides of a public highway, surveyed road, road allowance or railway outside the boundaries of a city, town or village, subject to local conditions, the place at which a pipeline enters and leaves or crosses under the public highway, surveyed road, road allowance or railway, and the signs must be maintained by the company.

Inspection

19 (1) Every company that proposes to construct a pipeline must inform the chief inspecting engineer of the proposed construction date for each pipeline when it applies for permission to construct.

(2) During construction and before the opening of a line for service, a pipeline may be inspected by an inspecting engineer in accordance with the inspection program of the commission.

(3) Existing pipelines may be inspected by an inspecting engineer from time to time in accordance with the inspection program of the commission.

(4) Pressure and leak testing of pipelines may be witnessed by an inspecting engineer.

(5) It is the duty of every company and its staff, including contractors for the line, to inform the inspecting engineer of any material, installation, service or procedure that is contrary to the Act.

(6) The inspecting engineer may order the company to bring the line into compliance with the requirements of the Act.

(7) If the company does not comply with an order made under subsection (6) the inspecting engineer may recommend to the chief inspecting engineer or the commissioner that permission to open a line for service be withdrawn or the commission's certificate be rescinded, or both.

(8) The inspecting engineer may, in the interest of understanding the safety and technical aspects of a pipeline project, request additional data and information from the company.

(9) The inspecting engineer must order a pipeline out of service when a condition exists that the inspecting engineer considers is dangerous to the safety of workers or the public.

(10) The company must notify the inspecting engineer of the start date for the testing of the pipeline so that the testing may be witnessed by an inspecting engineer.

(11) Before the testing of any pipeline, the company must submit to the inspecting engineer copies of all test procedures.

(12) The results of any company tests conducted on the pipeline, its material or its appurtenances, for the purposes of establishing the integrity of the line, must be made available to the inspecting engineer.

(13) If the inspecting engineer cannot gain access to the project for inspection purposes because of inaccessibility or company imposed prohibitions against travel to the site, the company must, at its own expense, provide the inspecting engineer with transportation to and from the pipeline site.

Fees

20 Fees are payable to the Minister of Finance and Corporate Relations, care of the commission, as follows:

(a) and (b) Repealed. [B.C. Reg. 187/2002.]

(c) for a special inspection at the request of the company or contractor, \$500 a day and expenses;

(d) and (e) Repealed. [B.C. Reg. 169/99, s. 4.]

(f) to (h) Repealed. [B.C. Reg. 187/2002.]

(i) for an approval to sell, assign, transfer, convey or lease a pipeline, to amalgamate its pipeline with that of another company or to contract the operation of its pipeline to another company, \$100 a pipeline;

(j) an annual fee of \$25 a kilometre of pipeline registered by a company.

[am. B.C. Reg. 169/99; 187/2002.]

Operation

21 Unless otherwise approved by the commission, a company must follow operating and maintenance procedures on oil and gas pipelines that conform to CSA Standard Z662.

Accidents and their investigation

22 (1) A company must notify the commission of the occurrence of

(a) spillage of oil or gas or solids,

(b) malfunction of or damage to the pipeline, or

(c) incidents likely to cause or contribute to spillage

in the form or manner directed by the chief inspecting engineer.

(2) A company must subsequently report to the commission, in the form or manner directed by the chief inspecting engineer, the cause, effect and remedy of the events in subsection (1).

(3) The chief inspecting engineer may investigate an accident that includes the failure of any pressure vessel or component used in the operation of a pipeline, and must, as soon as possible, report the results of the investigation in writing to the commissioner.

Appeals

23 An appeal lies from any ruling or decision of an inspecting engineer to the chief inspecting engineer, and from him or her to the commission.

Note: this regulation supersedes B.C. Reg. 451/59.

[Provisions of the *Pipeline Act*, R.S.B.C. 1996, c. 364, relevant to the enactment of this regulation: sections 35, 37 and 56]

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Current to December 15, 2015

B.C. Reg. 218/86, s. 1

Assessment Act

**RAILWAY, PIPELINE, ELECTRIC POWER AND
TELECOMMUNICATIONS CORPORATION RIGHTS OF WAY
VALUATION REGULATION**

B.C. Reg. 218/86 Deposited September 24, 1986

Assessment Commissioner

[includes amendments to B.C. Reg. 233/2014]

SECTION 1

Interpretation

1 In this regulation, "gathering pipeline" means a gathering pipeline as defined in the Prescribed Classes of Property Regulation, B.C. Reg. 438/81.

[am. B.C. Reg. 488/2003, s. 1, effective December 16, 2003 (B.C. Gaz. December 31, 2003); B.C. Reg. 253/2013, effective December 11, 2013 (B.C. Regs. Bull. 36/2013).]

Current to December 15, 2015

B.C. Reg. 218/86, s. 2

Assessment Act

**RAILWAY, PIPELINE, ELECTRIC POWER AND
TELECOMMUNICATIONS CORPORATION RIGHTS OF WAY
VALUATION REGULATION**

B.C. Reg. 218/86 Deposited September 24, 1986

Assessment Commissioner

[includes amendments to B.C. Reg. 233/2014]

SECTION 2

Application

2 This regulation shall be used for determinations of value for the purposes of assessment for the 2015 and subsequent taxation years.

** Editor's Table **

Provision	Changed by	In force	Authority
2	BC Reg 233/2014	2014 Dec 10	BC Regs
Bull	s1		43/2014

[en. B.C. Reg. 285/90, s. 1; am. B.C. Regs. 502/92, s. 1; 457/94, s. 2; 499/95, s. 1; 335/96, s. 1; 442/97, s. 1; 420/98, s. 1; 425/99, s. 1; 381/2000, s. 1; 282/2001, s. 1; B.C. Reg. 362/2002, s. 1, effective December 18, 2002 (B.C. Gaz. December 31, 2002); 488/2003, s. 2, effective December 16, 2003 (B.C. Gaz. December 31, 2003); 559/2004, s. 1, effective December 7, 2004 (B.C. Gaz. December 14, 2004); 363/2006, s. (a), effective December 18, 2006 (B.C. Regs. Bull. 43/2006); 351/2007, s. 1, effective November 22, 2007 (B.C. Regs. Bull. 41/2007); 288/2009, s. 1, effective November 30, 2009 (B.C. Regs. Bull. 35/2009); 373/2010, s. 1, effective December 17, 2010 (B.C. Regs. Bull. 46/2010); 222/2011, s. 1, effective December 5, 2011 (B.C. Regs. Bull. 42/2011); 392/2012, s. 1, effective December 7, 2012 (B.C. Regs. Bull. 47/2012); 253/2013, s. 1, effective December 11, 2013 (B.C. Regs. Bull. 36/2013); 233/2014, s. 1, effective December 10, 2014 (B.C. Regs. Bull. 43/2014).]

Current to December 15, 2015

B.C. Reg. 218/86, s. 3

Assessment Act

RAILWAY, PIPELINE, ELECTRIC POWER AND TELECOMMUNICATIONS CORPORATION RIGHTS OF WAY VALUATION REGULATION

B.C. Reg. 218/86 Deposited September 24, 1986

Assessment Commissioner

[includes amendments to B.C. Reg. 233/2014]

SECTION 3*Determination of value*

3 The actual value of the right of way for an item in column 1 of the table must be determined using the rate set out opposite the item in column 2:

TABLE

Column 1	Column 2
For the track in place of a railway corporation, acre located on land a) described in section 1 (1) (c) (i) or (ii) of the Criteria for Railway Right of Way Definition Regulation, B.C. Reg. 325/96, and b) south of the 59th parallel	\$8 890 per
For the track in place of a railway corporation, acre located on land a) described in section 1 (1) (c) (i) or (ii) of the Criteria for Railway Right of Way Definition Regulation, B.C. Reg. 325/96, and b) north of the 59th parallel	\$824 per
For the track in place of a railway corporation, acre located on land described in section 1 (1) (c) (iii) of the Criteria for Railway Right of Way Definition Regulation, B.C. Reg. 325/96	\$505 per
For the pipelines of a pipeline corporation, other acre than gathering pipelines	\$4 340 per
For the gathering pipelines of a pipeline corporation acre	\$1 020 per
For the transmission lines of an electrical	\$4 340 per

acre

power corporation

For the metallic or fibre optic cables of a \$4 340 per
acre

telecommunications corporation

**** Editor's Table ****

Provision	Changed by	In force	Authority
3	BC Reg 233/2014	2014 Dec 10	BC Regs
Bull	s2		43/2014

[am. B.C. Regs. 457/94, s. 3; 499/95, s. 2; 335/96, s. 2; 442/97, s. 2; 420/98, s. 2; 425/99, s. 2; 381/2000, s. 2; 282/2001, s. 2; B.C. Reg. 362/2002, s. 2, effective December 18, 2002 (B.C. Gaz. December 31, 2002); 488/2003, s. 3, effective December 16, 2003 (B.C. Gaz. December 31, 2003); 559/2004, s. 2, effective December 7, 2004 (B.C. Gaz. December 14, 2004); 363/2006, s. (b), effective December 18, 2006 (B.C. Regs. Bull. 43/2006); 351/2007, s. 2, effective November 22, 2007 (B.C. Regs. Bull. 41/2007); 288/2009, s. 2, effective November 30, 2009 (B.C. Regs. Bull. 35/2009); 373/2010, s. 2, effective December 17, 2010 (B.C. Regs. Bull. 46/2010); 222/2011, s. 2, effective December 5, 2011 (B.C. Regs. Bull. 42/2011); 392/2012, ss. 2 and 3, effective December 7, 2012 (B.C. Regs. Bull. 47/2012); 253/2013, s. 2, effective December 11, 2013 (B.C. Regs. Bull. 36/2013); 233/2014, s. 2, effective December 10, 2014 (B.C. Regs. Bull. 43/2014).]

[Provisions of the Assessment Act, R.S.B.C. 1996, c. 20, relevant to the enactment of this regulation: section 21]

Current to December 15, 2015

B.C. Reg. 203/86, s. 0.1

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

SECTION 0.1

Definition

0.1 In this regulation, "gathering pipeline" means a gathering pipeline as defined in the Prescribed Classes of Property Regulation, B.C. Reg. 438/81.

[en. B.C. Reg. 500/2003, s. 1, effective December 23, 2003 (B.C. Gaz. December 31, 2003); 252/2013, effective December 11, 2013 (B.C. Regs. Bull. 36/2013).]

Current to December 15, 2015

B.C. Reg. 203/86, s. 1

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

SECTION 1

Application

1 This regulation shall be used for determinations of value for the purposes of assessment for the 2015 and subsequent taxation years.

** Editor's Table **

Provision	Changed by	In force	Authority
1	BC Reg 232/2014	2014 Dec 10	BC Regs
Bull	s1		43/2014

[en. B.C. Reg. 286/90, s. 1; am. B.C. Reg. 503/92, s. 1; 456/94, s. 1; 352/96, s. 1; 378/97, s. 1; 419/98, s. 1; 423/99, s. 1; 315/2000, s. 1; 281/2001, s. 1; B.C. Reg. 361/2002, s. 1, effective December 18, 2002 (B.C. Gaz. December 31, 2002); 500/2003, s. 2, effective December 23, 2003 (B.C. Gaz. December 31, 2003); 552/2004, Sched., s. 1, effective December 3, 2004 (B.C. Gaz. December 14, 2004); 378/2005, Sched., s. 1, effective December 19, 2005 (B.C. Gaz. December 28, 2005); 365/2006, s. 1, effective December 18, 2006 (B.C. Regs. Bull. 43/2006); 350/2007, s. 1, effective November 22, 2007 (B.C. Regs. Bull. 41/2007); 372/2010, s. 1, effective December 17, 2010 (B.C. Regs. Bull. 46/2010); 221/2011, s. 1, effective December 5, 2011 (B.C. Regs. Bull. 42/2011); 394/2012, App., s. 1, effective December 7, 2012 (B.C. Regs. Bull. 47/2012); 252/2013, s.1, effective December 11, 2013 (B.C. Regs. Bull. 36/2013); 232/2014, s. 1, effective December 10, 2014 (B.C. Regs. Bull. 43/2014).]

Current to December 15, 2015

B.C. Reg. 203/86, s. 2

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

SECTION 2

REPEALED

2 Repealed. [B.C. Reg. 293/89, s. 3.]

Current to December 15, 2015

B.C. Reg. 203/86, s. 3

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

SECTION 3

Railway corporations, track in place

3 (1) In this section a reference to

(a) "Class 1 track" means track in place comprising a trackage system that carries an annual gross tonnage of 35 million tons or more,

(b) "Class 2 track" means track in place comprising a trackage system that carries an annual gross tonnage of 21 million tons but under 35 million tons,

(c) "Class 3 track" means track in place comprising a trackage system that carries an annual gross tonnage of 11 million tons but under 21 million tons,

(d) "Class 4 track" means

(i) track in place comprising a trackage system that carries an annual gross

tonnage of 4 million tons but under 11 million gross tons, or

(ii) track in place of a siding, spur or wye not classed as Class 5 or Class 6 track,

(e) "Class 5 track" means

(i) track in place comprising a trackage system of any gauge that carries an annual gross tonnage of under 4 million gross tons, or

(ii) track in place of a siding, spur, wye or yard track associated with a trackage system that carries an annual gross tonnage of under 4 million tons, or

(iii) track in place of a siding, spur or wye which is not in use on September 30 in the year preceding the year for which the assessment roll or revised assessment roll is prepared, was unused for the immediately preceding year, and is not usable in any other trackage system,

(f) "Class 6 track" means track in place comprising a trackage system located within a rail yard and outside the continuous strip of 100 feet in width used for the operation of track in place of a railway corporation and not associated with a Class 5 trackage system,

(g) "Class 7 track" means track in place that is unusable for commercial railway traffic on a line or on a siding or spur of a line in respect of which formal approval for abandonment has been received and a copy of the "Certificate of Abandonment" has been provided to the assessment authority,

(h) "Class 8 track" means track in place that is the second track of a Class 1 double track system having two closely parallel rail lines on the same roadbed,

(i) "Class 9 track" means track in place that is the second track of a Class 2 double track system having two closely parallel rail lines on the same roadbed,

(j) "Class 10 track" means track in place that is the second track of a Class 3 double track system having two closely parallel rail lines on the same roadbed, and

(k) "Class 11 track" means track in place that is the second track of a Class 4 double track system having two closely parallel lines on the same roadbed.

(2) The actual value of the track in place of a railway corporation shall be determined using the following rates:

(a) Class 1 track, \$202 200 per kilometre;

(b) Class 2 track, \$192 600 per kilometre;

(c) Class 3 track, \$164 500 per kilometre;

(d) Class 4 track, \$120 000 per kilometre;

(e) Class 5 track, \$13 400 per kilometre;

(f) Class 6 track, \$96 100 per kilometre;

(g) Class 7 track, \$0 per kilometre;

(h) Class 8 track, \$162 400 per kilometre;

(i) Class 9 track, \$150 800 per kilometre;

(j) Class 10 track, \$113 800 per kilometre;

(k) Class 11 track, \$97 300 per kilometre.

**** Editor's Table ****

Provision	Changed by	In force	Authority
3	BC Reg 232/2014	2014 Dec 10	BC Regs
Bull	s2		43/2014

[am. B.C. Reg. 391/88, ss. 3, 4; 293/89, ss. 4, 5; 286/90, s. 2; 503/92, ss. 2, 3; 413/93, s. 2; 456/94, s. 2; 352/96, s. 2; 378/97, s. 2; 419/98, s. 2; 423/99, s. 2; 315/2000, s. 2; 281/2001, s. 2; B.C. Reg. 361/2002, s. 1, effective December 18, 2002 (B.C. Gaz. December 31, 2002); 500/2003, ss. 3, 4, effective December 23, 2003 (B.C. Gaz. December 31, 2003); 552/2004, Sched., s. 2, effective December 3, 2004 (B.C. Gaz. December 14, 2004); 378/2005, Sched., s. 2, effective December 19, 2005 (B.C. Gaz. December 28, 2005); 365/2006, s. 2, effective December 18, 2006 (B.C. Regs. Bull. 43/2006); 300/2007, s. 3 (a), effective October 1, 2007 (B.C. Regs. Bull. 34/2007); 350/2007, ss. 2, 3, effective November 22, 2007 (B.C. Regs. Bull. 41/2007); 372/2010, s. 2, effective December 17, 2010 (B.C. Regs. Bull. 46/2010); 221/2011, s. 2, effective December 5, 2011 (B.C. Regs. Bull. 42/2011); 394/2012, App., s. 2, effective December 7, 2012 (B.C. Regs. Bull. 47/2012); 252/2013, s. 2, effective December 11, 2013 (B.C. Regs. Bull. 36/2013); 232/2014, s. 2, effective December 10, 2014 (B.C. Regs. Bull. 43/2014).]

Current to December 15, 2015

B.C. Reg. 203/86, s. 4

Assessment Act**RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION****B.C. Reg. 203/86 Deposited September 10, 1986**

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

SECTION 4

Pipeline corporations, pipelines

4 The actual value of pipelines referred to in section 21 (1) (c) of the Assessment Act shall, except where section 5 applies, be determined by applying the rates set out in Schedule A for gathering pipelines and Schedule B for transmission pipelines.

[am. B.C. Reg. 500/2003, s. 5, effective December 23, 2003 (B.C. Gaz. December 31, 2003).]

Current to December 15, 2015

B.C. Reg. 203/86, s. 5

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

SECTION 5

Pipeline corporations, special cases

5 (1) Where, in respect of a pipeline referred to in section 21 (1) (c) of the Assessment Act,

(a) the pipeline has been abandoned in accordance with the Oil and Gas Activities Act and in respect of which the permit holder has obtained a certificate of restoration, and

(b) the pipeline would, if valued under section 19 of the Assessment Act and in that reference to section 21 of the Assessment Act, have no value,

the actual value of the pipeline shall be determined using a rate of one dollar.

(2) Where operations of a pipeline have been suspended for a period of one year or more, 10% of the scheduled rate for the pipe size shall be used.

(3) Where a pipeline is placed directly on the ground and, except for extraordinary stream or ravine

crossings, is without man-made foundations, it shall be valued at 50% of the scheduled rate if

(a) the length of that section of the pipeline is 20 km or over, and

(b) the diameter of the pipe, throughout the section, is not more than 168 mm.

[am. B.C. Regs. 391/88, s. 5; 503/92, s. 4; 300/2007, s. 3 (b), effective October 1, 2007 (B.C. Regs. Bull. 34/2007); 372/2010, s. 3, effective December 17, 2010 (B.C. Regs. Bull. 46/2010).]

Current to December 15, 2015

B.C. Reg. 203/86, s. 6

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

SECTION 6

Pipelines under construction

6 Where the track in place referred to in section 21 (1) (b) or a pipeline referred to in section 21 (1) (c) of the Assessment Act is under construction, the assessor shall determine the percentage complete as of October 31 and the actual value of the track in place or pipeline shall be determined by applying the percentage complete to the rate prescribed for that class.

[en. B.C. Reg. 413/93, s. 3.]

Current to December 15, 2015

B.C. Reg. 203/86, s. 7

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

SECTION 7

REPEALED

7 Repealed. [B.C. Reg. 365/2006, s. 3, effective December 18, 2006 (B.C. Regs. Bull. 43/2006).]

[en. B.C. Reg. 500/2003, s. 6, effective December 23, 2003 (B.C. Gaz. December 31, 2003); am. B.C. Reg. 365/2006, s. 3, effective December 18, 2006 (B.C. Regs. Bull. 43/2006).]

Current to December 15, 2015

B.C. Reg. 203/86, s. 8

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

SECTION 8

8 Pursuant to section 21 (4.1) of the *Assessment Act*, the assessment authority, being of the opinion that the rates for valuing improvements under section 3 (2) of the regulation have changed substantially for the 2014 taxation year from the rates for the 2013 taxation year, the rate that would have been effect for the 2014 taxation year will be phased in equally over three years.

[en. B.C. Reg. 252/2013, s. 3, effective December 11, 2013 (B.C. Regs. Bull. 36/2013).]

Current to December 15, 2015

B.C. Reg. 203/86, Schedule

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

Schedule

Repealed. [B.C. Reg. 500/2003, s. 7, effective December 23, 2003 (B.C. Gaz. December 31, 2003).]

[en. B.C. Reg. 315/2000, s. 3; am. B.C. Reg. 500/2003, s. 7, effective December 23, 2003 (B.C. Gaz. December 31, 2003).]

Current to December 15, 2015

B.C. Reg. 203/86, Schedule A

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

Schedule A

Outside diameter of Pipe (mm)
Under 76

Rate per Kilometre
\$29 900

76 or more and under 88	\$33 100
88 or more and under 114	\$36 500
114 or more and under 141	\$47 100
141 or more and under 168	\$58 100
168 or more and under 219	\$69 200
219 or more and under 273	\$88 500
273 or more and under 323	\$110 900
323 or more and under 355	\$128 800
355 or more and under 406	\$151 900
406 or more and under 457	\$192 000
457 or more and under 508	\$220 000
508 or more and under 558	\$258 900
558 or more and under 609	\$319 900
609 or more and under 660	\$347 600
660 or more and under 711	\$375 600

For pipelines with outside diameter more than 711 mm, use Schedule B

**** Editor's Table ****

Provision	Changed by	In force	Authority
SchA	BC Reg 232/2014	2014 Dec 10	BC Regs
Bull	s3		43/2014

[en. B.C. Reg. 500/2003, s. 7, effective December 23, 2003 (B.C. Gaz. December 31, 2003); am. B.C. Reg. 552/2004, Sched., s. 3, effective December 3, 2004 (B.C. Gaz. December 14, 2004); 378/2005, Sched., s. 3, effective December 19, 2005 (B.C. Gaz. December 28, 2005); 365/2006, s. 4, effective December 18, 2006 (B.C. Regs. Bull. 43/2006); 350/2007, s. 4, effective November 22, 2007 (B.C. Regs. Bull. 41/2007); 372/2010, s. 4, effective December 17, 2010 (B.C. Regs. Bull. 46/2010); 221/2011, s. 3, effective December 5, 2011 (B.C. Regs. Bull. 42/2011); 394/2012, App., s. 3, effective December 7, 2012 (B.C. Regs. Bull. 47/2012); 252/2013, s. 4, effective December 11, 2013 (B.C. Regs. Bull. 36/2013); 232/2014, s. 3, effective December 10, 2014 (B.C. Regs. Bull. 43/2014).]

Current to December 15, 2015

B.C. Reg. 203/86, Schedule B

Assessment Act

RAILWAY AND PIPELINE CORPORATIONS VALUATION REGULATION

B.C. Reg. 203/86 Deposited September 10, 1986

Assessment Commissioner

[includes amendments up to B.C. Reg. 232/2014]

Schedule B

Outside diameter of Pipe (mm)	Rate per Kilometre
219 or more and under 273	\$113 300
273 or more and under 323	\$126 300
323 or more and under 355	\$166 400
355 or more and under 406	\$184 800
406 or more and under 457	\$274 600
457 or more and under 508	\$294 200
508 or more and under 558	\$342 900
558 or more and under 609	\$467 000
609 or more and under 660	\$494 700
660 or more and under 711	\$519 200
711 or more and under 762	\$551 900
762 or more and under 863	\$628 400
863 or more and under 914	\$669 900
914 or more and under 965	\$712 400
965 or more and under 1 016	\$767 200
1 016 or more and under 1 066	\$823 000
1 066 or more and under 1 219	\$877 900
1 219 and more	\$1 030 900
For pipelines with outside diameter less than 219 mm, use Schedule A	

** Editor's Table **

Provision	Changed by	In force	Authority
SchB	BC Reg 232/2014	2014 Dec 10	BC Regs

Bull

s3

43/2014

[en. B.C. Reg. 500/2003, s. 7, effective December 23, 2003 (B.C. Gaz. December 31, 2003); am. B.C. Reg. 552/2004, Sched., s. 3, effective December 3, 2004 (B.C. Gaz. December 14, 2004); 378/2005, Sched., s. 3, effective December 19, 2005 (B.C. Gaz. December 28, 2005); 365/2006, s. 4, effective December 18, 2006 (B.C. Regs. Bull. 43/2006); 350/2007, s. 4, effective November 22, 2007 (B.C. Regs. Bull. 41/2007); 372/2010, s. 4, effective December 17, 2010 (B.C. Regs. Bull. 46/2010); 221/2011, s. 3, effective December 5, 2011 (B.C. Regs. Bull. 42/2011); 394/2012, App., s. 3, effective December 7, 2012 (B.C. Regs. Bull. 47/2012); 252/2013, s. 4, effective December 11, 2013 (B.C. Regs. Bull. 36/2013); 232/2014, s. 3, effective December 10, 2014 (B.C. Regs. Bull. 43/2014).]

Note: see also section 10 of B.C. Reg. 799/94 - Assessment Act Regulations.

[Provisions of the Assessment Act, R.S.B.C. 1996, c. 20, relevant to the enactment of this regulation: section 21]

Current to January 2, 2016

R.S.C. 1985, c. 32 (4th Supp.), s. 23

[eff since June 18, 2015](Current Version)

Railway Safety Act

R.S.C. 1985, c. 32 (4th Supp.)

[Unofficial Chapter No. R-4.2]

PART II OPERATION AND MAINTENANCE OF RAILWAY WORKS AND EQUIPMENT

Powers of Agency - Fire

SECTION 23.

Editor's note: The heading before section 23 was changed from "Operation and Maintenance of Railway Works to Accord with Regulations and Rules" to "Powers of Agency - Fire" by S.C. 2015, c. 31, s. 21, effective June 18, 2015 (R.A.).

Application to Agency

23. (1) If a province or municipality is of the opinion that a fire to which it responded was the result of a railway company's railway operations, it may apply to the Agency to have the costs that it incurred in responding to the fire reimbursed by the railway company.

Form of application

(2) The application shall be in the form prescribed by regulations made under subsection (5), and it shall be accompanied by the information prescribed by those regulations.

Further information

(3) The Agency may, by notice sent to the province, municipality or railway company, require the province, municipality or railway company to provide it with any further information that it specifies relating to the application, within the period specified in the notice.

Agency's determination

(4) If the Agency determines that the fire was the result of the railway company's railway operations, it shall make an order directing the railway company to reimburse the province or municipality the costs that the Agency determines were reasonably incurred in responding to the fire.

Regulations

(5) The Agency may, with the Governor in Council's approval, make regulations

- (a) prescribing the form of the application referred to in this section; and
- (b) prescribing the information that must accompany that application.

Interpretation

(6) Despite this section, this Act is not deemed to be administered in whole or in part by the Agency for the purpose of section 37 of the *Canada Transportation Act*.

** Editor's Table **

For changes prior to Editor's Tables, please see other sources for in force information.

Provision	Changed by	In force	Authority
23	1999 c9 s17	1999 Jun 1	SI/99-52
23	2012 c7 s15	2013 May 1	SI/2013-50
23	2015 c31 s21	2015 Jun 18	R.A.

R.S.C. 1985, c. 32 (4th Supp.), s. 23; S.C. 1999, c. 9, s. 17; S.C. 2012, c. 7, s. 15; S.C. 2015, c. 31, s. 21.

B.C. Reg. 329/96
O.C. 1332/96

Deposited November 18, 1996

***Community Charter; Sechelt Indian Government District
Enabling Act; Vancouver Charter***

**TAXATION RATE CAP FOR CLASS 2
PROPERTY REGULATION**

Note: Check the Cumulative Regulation Bulletin 2014 and 2015
for any non-consolidated amendments to this regulation that may be in effect.

[includes amendments up to B.C. Reg. 31/2008, February 19, 2008]

Contents

[1 Definitions](#)

[2 General rule](#)

[3 Exceptions to the general rule](#)

[Schedules 1 to 3](#)

[Schedule 4](#)

Definitions

1 In this regulation

"class 2 property" means class 2 property as defined in section 2 of
B.C. Reg. 438/81, the Prescribed Classes of Property Regulation;

"class 6 property" means class 6 property as defined in section 6 of
B.C. Reg. 438/81, the Prescribed Classes of Property Regulation;

"general municipal revenue" means

(a) the municipal revenue referred to in section 197 (1) (a) of
the [Community Charter](#), and

(b) for the City of Vancouver, revenue equivalent to municipal
revenue referred to in section 197 (1) (a) of the [Community
Charter](#);

"municipality" means

- (a) as applicable, paragraph (a) or (b) of the definition of "municipality" in the Schedule to the *Community Charter*,
- (b) the City of Vancouver, or
- (c) the Sechelt Indian Government District.

[am. B.C. Reg. 31/2008, ss. (a) and (b).]

General rule

- 2** In setting the tax or levy rate for class 2 property for general municipal purposes, a municipality must not exceed the greater of
- (a) \$40 for each \$1 000 of assessed value, and
 - (b) 2.5 times the rate applicable to class 6 property for general municipal purposes in the municipality for the same taxation year.

Exceptions to the general rule

- 3** (1) Despite section 2, in setting the tax rate for class 2 property for general municipal purposes, the municipalities listed in Schedule 4 may not set a tax rate exceeding the greater of
- (a) the value given to the right of the name of the municipality under the heading "Rate cap", and
 - (b) the value calculated as the product of the value to the right of the name of the municipality under the heading "Ratio cap" and the rate applicable to class 6 property in the municipality for the same taxation year.

(2) Repealed. [B.C. Reg. 31/2008, s. (d).]

[am. B.C. Reg. 31/2008, ss. (c) and (d).]

Schedules 1 to 3

Repealed. [B.C. Reg. 31/2008, s. (e).]

Schedule 4

[am. B.C. Reg. 409/98, s. 2.]

Name of Jurisdiction	Rate cap	Ratio cap
Village of Chase	40.0	4.73
District of Chetwynd	43.63	2.5
The Corporation of the Village of Cumberland	40.0	7.2
The Corporation of the District of Fort St. James	40.0	3.44

The Corporation of the District of Kent	40.0	5.56
The Corporation of the Village of Lake Cowichan	40.0	2.89
District of Mission	40.0	2.9
City of Nanaimo	46.32	2.5
The Corporation of the District of North Vancouver	40.0	3.82
The Corporation of the District of Pitt Meadows	40.0	3.29
The Corporation of the City of Port Coquitlam	40.0	3.06
City of Port Moody	40.0	3.28
The Corporation of the Village of Pouce Coupe	47.2	2.5
The Corporation of the City of Revelstoke	42.2	2.77
The Corporation of the Village of Slocan	40.0	7.91
City of Terrace	64.39	2.5
Town of View Royal	40.0	3.64
The Corporation of the City of White Rock	40.0	3.1

[Provisions relevant to the enactment of this regulation: [Community Charter](#), S.B.C. 2003, c. 26, sections 199 and 283; [Sechelt Indian Government District Enabling Act](#), R.S.B.C. 1996, c. 416, section 4; and [Vancouver Charter](#), S.B.C. 1953, c. 55, section 374.3]

Current to January 2, 2016

S.C. 1993, c. 38, s. 43

[eff since October 25, 1993](Current Version)

Telecommunications Act

S.C. 1993, c. 38

[Unofficial Chapter No. T-3.4]

PART III RATES, FACILITIES AND SERVICES

Construction and Expropriation Powers

SECTION 43.

Definition

43. (1) In this section and section 44, "distribution undertaking" has the same meaning as in subsection 2(1) of the Broadcasting Act.

Entry on public property

(2) Subject to subsections (3) and (4) and section 44, a Canadian carrier or distribution undertaking may enter on and break up any highway or other public place for the purpose of constructing, maintaining or operating its transmission lines and may remain there for as long as is necessary for that purpose, but shall not unduly interfere with the public use and enjoyment of the highway or other public place.

Consent of municipality

(3) No Canadian carrier or distribution undertaking shall construct a transmission line on, over, under or along a highway or other public place without the consent of the municipality or other public authority having jurisdiction over the highway or other public place.

Application by carrier

(4) Where a Canadian carrier or distribution undertaking cannot, on terms acceptable to it, obtain the consent of the municipality or other public authority to construct a transmission line, the carrier or distribution undertaking may apply to the Commission for permission to construct it and the Commission may, having due regard to the use and enjoyment of the highway or other public place by others, grant the permission subject to any conditions that the Commission determines.

Access by others

(5) Where a person who provides services to the public cannot, on terms acceptable to that person, gain access to the supporting structure of a transmission line constructed on a highway or other public place, that person may apply to the Commission for a right of access to the supporting structure for the purpose of providing such services and the Commission may grant the permission subject to any conditions that the Commission determines.

S.C. 1993, c. 38, s. 43, effective October 25, 1993 (SI/93-101); S.C. 1999, c. 31, s. 204 (F).

Current to January 2, 2016

S.C. 1993, c. 38, s. 44

[eff since October 25, 1993](Current Version)

Telecommunications Act

S.C. 1993, c. 38

[Unofficial Chapter No. T-3.4]

PART III RATES, FACILITIES AND SERVICES

Construction and Expropriation Powers

SECTION 44.

Applications by municipalities and other authorities

44. On application by a municipality or other public authority, the Commission may

- (a) order a Canadian carrier or distribution undertaking, subject to any conditions that the Commission determines, to bury or alter the route of any transmission

line situated or proposed to be situated within the jurisdiction of the municipality or public authority; or

(b) prohibit the construction, maintenance or operation by a Canadian carrier or distribution undertaking of any such transmission line except as directed by the Commission.

S.C. 1993, c. 38, s. 44, effective October 25, 1993 (SI/93-101).

Current to December 15, 2015

R.S.B.C. 1996, c. 473, s. 32

[eff since April 21, 1997](Current Version)

UTILITIES COMMISSION ACT

RSBC 1996, CHAPTER 473

Part 3 -- Regulation of Public Utilities

SECTION 32

Use of municipal thoroughfares

32 (1) This section applies if a public utility

(a) has the right to enter a municipality to place its distribution equipment on, along, across, over or under a public street, lane, square, park, public place, bridge, viaduct, subway or watercourse, and

(b) cannot come to an agreement with the municipality on the use of the street or other place or on the terms of the use.

(2) On application and after any inquiry it considers advisable, the commission may, by order, allow the use of the street or other place by the public utility for that purpose and specify the manner and terms of use.

SBC 1980-60-37; SBC 1983-10-21.