

**REGIONAL DISTRICT OF NORTH OKANAGAN  
BYLAW NO. 1652, 2000**

**CONSOLIDATED FOR CONVENIENCE**

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*This document is an office consolidation of the above-noted Bylaw and includes the amendments listed below. This Bylaw has been consolidated for convenience and is intended for information and reference purposes only. This document is not the official version of the Bylaw. Be advised that plans, pictures, other graphics or text in the official version may be missing or altered in this consolidated version. Where accuracy is critical, please contact the Corporate Services Department at the Regional District of North Okanagan.*

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**TEXT AMENDMENTS**

<b>Bylaw No.</b>	<b>Adopted</b>	<b>Amendment</b>
1894, 2003	August 3, 2004	– Amend service area and committee composition
2593, 2013	November 6, 2013	– Amend scope of service

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 1652

A bylaw to convert the function of Community Parks and Recreational Programmes and Facilities to a service established by bylaw and to amend the service area to include only Designated Area No. 2 (Village of Lumby, part of District of Coldstream and Electoral Areas "D" and "E")

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**WHEREAS** by Supplementary Letters Patent dated March 31, 1976 the Regional District was granted the function of Community Parks and Recreational Programmes and Facilities (Div. XXVI) within the entire Regional District;

**AND WHEREAS** the *Local Government Act* authorizes the Regional District Board (the "Board") to convert a function established by Supplementary Letters Patent to a service exercised under the authority of a bylaw establishing the service;

**AND WHEREAS** the Board wishes to convert the function of Community Parks and Recreational Programmes and Facilities (Div. XXVI) to an established service of Community Parks, Recreation and Culture;

**AND WHEREAS** the Board wishes to amend the service area established under the Letters Patent in order to establish a separate service area for each "Designated Area" as defined in Supplementary Letters Patent dated March 31, 1976 and the Board is considering five distinct bylaws for that purpose;

**AND WHEREAS** the Board wishes to amend the service area for the purpose of this Bylaw, to include only the Village of Lumby, part of the District of Coldstream and Electoral Areas "D" and "E";

**AND WHEREAS** the participants of the converted service wish to establish the service in accordance with the terms set out in the "Framework for Conversion to a New Function" document (a copy of which is attached as Appendix A, but which does not form part of this bylaw) concerning the Parks, Recreation and Culture service;

**AND WHEREAS** the Board has obtained the required consent of at least 2/3 of the participants of the original function pursuant to Section 802(1)(b) of the *Local Government Act*;

**NOW THEREFORE**, the Regional Board of the Regional District of North Okanagan, in open meeting assembled, **ENACTS AS FOLLOWS:**

### TITLE

1. This Bylaw may be cited as the "***White Valley Parks and Recreation and Culture Service Conversion and Service Establishment Bylaw No. 1652, 2000***"

### CONVERSION and ESTABLISHMENT

2. The function of Division XXVI Community Parks and Recreational Programmes and Facilities as established by Supplementary Letters Patent dated March 31, 1976, is converted and established as the "***White Valley Parks, Recreation and Culture Service***" with the service area as described in Section 5 of this bylaw.

### SCOPE OF SERVICE

3. The service established by this bylaw is limited to:
  - (1) the operation of recreational programs and facilities;
  - (2) the acquisition, improvement and maintenance of land, buildings and other facilities for park and recreation purposes;
  - (3) Cultural services and/or grants as agreed to by the unanimous consent of the participants.
  - (4) *the operation and maintenance of tertiary or regional parks that tend to draw users from outside the service area, including open space reserves and ecological reserves which address objectives beyond the traditional recreation park.***
4. It is the intention of the Board not to change the scope of the service without the unanimous consent of all participants.

#### **SERVICE AREA**

5. The service area for the service converted and established by Section 2 is the same as the former Designated Area No. 2, consisting of all of the Village of Lumby and Electoral Areas "D" and "E", ~~and part of the District of Coldstream (being Municipal Voting Division 2 as defined in the "District of Coldstream Local Government Elections Procedures Bylaw No. 1233, 1996).~~

#### **PARTICIPATING AREAS**

6. The participating areas for the service are the Village of Lumby, District of Coldstream and Electoral Areas "D" and "E".

#### **COST RECOVERY**

7. The annual cost of providing the service, including debt charges on existing parks and recreational facilities within the service area, shall be recovered by either or both of the following:
  - (1) the requisition of money under Sections 805 and 806 of the *Local Government Act* to be collected as a property value tax to be levied on improvements only for regional hospital district purposes within the participating areas and collected in accordance with Sections 805.1 and 806.1 of the Act;
  - (2) the imposition of fees and other charges.
8. The annual cost of this service shall be apportioned amongst the participants on the basis of the converted value of improvements only for hospital purposes in those areas.

#### **MAXIMUM REQUISITION**

9. The maximum amount that may be requisitioned annually for this service shall not exceed the product of a levy of \$ 1.95 for each \$1,000 of net taxable value of land and improvements in the service area.

**COMMITTEE**

10. The administration and the operation of the service shall be carried out by a committee to be known as the "*White Valley Parks, Recreation and Culture Committee*" (the "Committee"). The Committee's powers, duties and limitations shall be established by a separate bylaw.
11. The Committee shall consist of one representative appointed by the Council of the Village of Lumby, ~~one representative appointed by the Council of the District of Coldstream~~ and the Directors of Electoral Areas "D" and "E".
12. Subject to Section 11, each member of the Committee shall have one vote on all matters decided by the Committee.

**REGIONAL BOARD VOTING**

13. In relation to resolutions and bylaws respecting the administration and operation of the service, including bylaws regulating the service, each director who represents a participant shall be entitled to one vote.

**WITHDRAWAL FROM SERVICE**

14. In addition to the withdrawal procedure under the *Local Government Act*, if the scope of the service as set out in Section 3 of this Bylaw is changed without the consent of a participant, that participant may withdraw from the service by giving notice in writing to the other participants, provided that the financial liabilities of the remaining participants are not increased by the withdrawal or the withdrawing participant makes arrangements that are accepted by the remaining participants, acting reasonably, to address the increased liabilities.

**READ a FIRST, SECOND and THIRD TIME**      this    11<sup>th</sup>    day of        October        ,  
2000

**APPROVED by Inspector of Municipalities**      this    23<sup>rd</sup>    day of        January        , 2001

**Reconsidered and ADOPTED**                      this    14<sup>th</sup>    day of        February        , 2001

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Chair

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Secretary