

DATE OF MEETING APRIL 07, 2025

AUTHORED BY KAREN ROBERTSON, DEPUTY CORPORATE OFFICER

SUBJECT **MISCELLANEOUS BYLAWS REPEAL BYLAW**

OVERVIEW

Purpose of Report

To bring forward a housekeeping bylaw to repeal bylaws that are outdated or no longer valid.

Recommendation

1. That “Miscellaneous Bylaws Repeal Bylaw 2025 No 7352” (a bylaw to repeal outdated bylaws) pass first reading.
2. That “Miscellaneous Bylaws Repeal Bylaw 2025 No. 7352” pass second reading.
3. That “Miscellaneous Bylaws Repeal Bylaw 2025 No. 7352” pass third reading.

BACKGROUND

During a recent research project, staff came across a number of bylaws that had been noted as being repealed; however, when cross referencing them with the minutes, it was discovered that the bylaws had been repealed by Council resolution. As bylaws can only be repealed by bylaw, the following bylaws are being brought forward to be formally repealed through a Miscellaneous Bylaws Repeal Bylaw, as attached.

DISCUSSION

Staff has confirmed that the bylaws that were intended to be repealed by Council resolution can be repealed. In three other instances, the bylaws were outdated or inadvertently missed being repealed when the newer bylaw was implemented. The rationale for each repeal is outlined below and copies of the bylaws are attached to the staff report:

Bylaw No.	Name of Bylaw	Rationale for Repeal
466	“The City Manager Bylaw, No. 466, 1929”.	This Bylaw reflects the City Manager position as of 1929. The duties as outlined in the bylaw are no longer applicable.
1751	“Mobile Home Parks Bylaw 1976 No. 1751”	This Bylaw missed being repealed when the newer Mobile Home Parks Bylaw 1984 No. 2704 was implemented.

2350	"Lease Authorization Bylaw 1981 No. 2350"	Repealed by Council motion on 1984-SEP-10. The lease associated with this bylaw was replaced through Bylaw No. 2745 which is still in effect and the clause to repeal Bylaw 2350 was missed.
2376	"Lease Authorization Bylaw 1981 No. 2376"	Repealed by motion on 195-DEC-16. This bylaw authorized an encroachment agreement for a portion of the house at 427 Prideaux St. to be located on City road right-of-way. The house was raised to rectify the encroachment so the agreement was terminated.
2412	"Service Station Closing Bylaw 1982 No. 2412"	Repealed by Council resolution on 2000-APR-10. The intent was to repeal this bylaw when "Business Licence Bylaw Amendment Bylaw No. 5442 was adopted. The repeal clause was inadvertently missed.
2502	"Downtown Development Committee Bylaw 1982 No. 2502"	Repealed by Council motion on 1987-FEB-02. Given this Committee was established by bylaw and is no longer in effect, it should be formally repealed.
2508	"Lease Authorization Bylaw 1982 No. 2508"	Repealed by Council resolution on 1984-APR-02. This bylaw was to authorize a sign encroachment for a business in a right-of-way. The sign has now been removed and the encroachment agreement has been terminated.
2514	"Lease Authorization Bylaw 1982 No. 2514"	Repealed by Council resolution on 1986-FEB-17. The bylaw authorized a business sign encroachment. The sign has been removed and the encroachment agreement terminated.
2515	"Property Exemption Bylaw 1982 No. 2515"	Repealed by Council resolution on 1986-FEB-17. Folios outlined in the bylaw are either non-existent or the folios still applicable are covered in more current PTE Bylaws.
2618	"Parking Commission Bylaw 1983 No. 2618"	Repealed by Council resolution on 1987-FEB-02. Given this Committee was established by bylaw and is no longer in effect, it should be formally repealed.
2959	"Expropriation Bylaw 1986 No. 2959"	Repealed by Council resolution on 1986-APR-07. Owners ultimately granted a right-of-way for sanitary sewer purposes so expropriation was ultimately not required. Bylaw should be formally repealed.
2960	"Expropriation Bylaw 1986 No. 2960"	Repealed by Council resolution on 1986-APR-07. Owners ultimately granted a right-of-way for sanitary sewer purposes so expropriation was ultimately not required. Bylaw should be formally repealed.
2974	"Lease Authorization Bylaw 1986 No. 2974"	Repealed by Council resolution on 1987-JUN-08. The Vancouver Island Helicopters Ltd. requested cancellation of the lease associated with this bylaw. It was supported by the Nanaimo Airport Commission and Council voted to support the recommendation of the Commission. The Bylaw should be formally repealed.

OPTIONS

Option 1:

1. That “Miscellaneous Bylaws Repeal Bylaw 2025 No 7352” (a bylaw to repeal outdated bylaws) pass first reading.
2. That “Miscellaneous Bylaws Repeal Bylaw 2025 No. 7352” pass second reading.
3. That “Miscellaneous Bylaws Repeal Bylaw 2025 No. 7352” pass third reading.

The advantages to this option is that it will formally repeal the bylaws that were intended to be repealed by Council resolution.

There are no disadvantages to this option.

Option 2:

Council direction is sought.

SUMMARY POINTS

- During a recent research project, staff came across a number of bylaws that had been noted as being repealed by Council resolution.
- A bylaw can only be repealed by bylaw;
- The Miscellaneous Bylaws Repeal Bylaw will formally repeal the outdated bylaws.

ATTACHMENTS:

ATTACHMENT A: Bylaws to be Repealed (B466, B1751, B2350, B2376, B2412, B2502, B2508, B2514, B2515, B2618, B2959, B2960, B2974)

Submitted by:

Karen Robertson,
Deputy Corporate Officer

Concurrence by:

Sheila Gurrie,
Director, Legislative Services

Laura Mercer,
Gen Mgr., Corporate Services

Dale Lindsay, CAO