

Community Charter**Ministry of Community, Sport
& Cultural Development**

The Minister

News

Search

Reports & Publications

Contacts

Wireless

[LGD Home](#) > ... > [Governance & Structure](#) > [Community Charter](#) > Frequently Asked Questions

Sunday, January 22, 2017

**Governance &
Structure Division****Search this site**

Go

**Subjects**

Business Improvement Areas

Boundary Extensions »

Board of Examiners

Community Charter »

Elections »

First Nations »

Green Communities »

Improvement Districts »

Local Government

Restructure »

Maps

Municipal Incorporation

Municipal Restructure

Nominal Rent Tenure

Resort Associations »

Restructure Program »

Sponsored Crown Grants

Voting Strength

West Nile Virus

Divisions

Governance & Structure

Infrastructure & Finance

Intergovernmental
Relations & Planning

Policy & Research

University Endowment Lands

Branches

Advisory Services »

Community Relations »

Local Government

Structure »

Directories

Department Publications

Division Publications

LinksCivicInfo BC
GFOA**Frequently Asked Questions**

- [Does each municipality have its own *Community Charter*?](#)
- [What is the purpose of the *Community Charter*?](#)
- [How was the *Community Charter* developed?](#)
- [Does the *Community Charter* impose many new responsibilities on municipalities?](#)
- [What happened to the *Local Government Act*?](#)
- [Does the *Community Charter* affect other provincial legislation?](#)
- [What opportunities are provided for under the *Community Charter*?](#)
- [What does "spheres of concurrent authority" mean?](#)
- [How does the province get involved in these concurrent spheres?](#)
- [Who is the minister responsible for each of these concurrent spheres?](#)
- [How does the *Community Charter* affect elected officials?](#)
- [How does the *Community Charter* affect the public?](#)
- [How does *Community Charter* affect Regional Districts?](#)
- [When are the regional district legislation and other provisions of the *Local Government Act* going to be overhauled?](#)

Does each municipality have its own *Community Charter*?

No. The *Community Charter* is comprehensive, flexible legislation which provides all municipalities in B.C. except the City of Vancouver (which operates under the Vancouver Charter).

What is the purpose of the *Community Charter*?

The *Community Charter* replaces the tradition of prescriptive legislation that tells municipalities what they can or can't do, with enabling legislation that allows municipalities to be innovative in meeting the needs of their communities.

How was the *Community Charter* developed?

Please see [Public Response](#).

Does the *Community Charter* impose many responsibilities on municipalities?

Most of the responsibilities under the *Community Charter* are ones that have long applied to municipalities, with the addition of:

- providing an annual report;
- holding a council, or other public meeting to discuss the annual report; and
- covering a few additional matters in a municipality's procedure bylaw.

[Top](#)**What happened to the *Local Government Act*?**

The *Local Government Act* remains the primary legislation for regional districts and certain municipal provisions remain in effect for matters

not covered by the *Community Charter*.

For example, local governments continue to use the statutory requirements of the *Local Government Act* for elections and land-use planning.


With a piece of legislation as significant as the *Community Charter*, many other consequential changes were made to other legislation that deals with municipalities. Bill 76 - [*Community Charter Transitional Provisions, Consequential Amendments & Other Amendments Act 2003*](#) made these changes and provided short-term rules for the period of change from the *Local Government Act* to the *Community Charter*.

Does the *Community Charter* affect other provincial legislation?

The specific rules contained in all other provincial statutes apply to municipalities. Acts, such as the [*Environmental Management Act*](#), [*Motor Vehicle Act*](#), and the [*Police Act*](#), may provide a specific or general exception to a *Community Charter* provision, or specific limitations or conditions relating to powers provided under the *Community Charter*.

[Top](#)

What opportunities are provided for under the *Community Charter*?

As enabling legislation, the *Community Charter* provides municipalities with broad powers to engage in a wide range of activities that meet the needs of communities. For more information please see [Highlights, Content Overview](#)  (282 KB) or refer to [Opportunities](#) under the *Community Charter* for specific information and examples.

What does “spheres of concurrent authority” mean?

The *Community Charter* gives municipalities broad powers to regulate activities within their communities, in areas or “spheres.” Some of these spheres are areas where local councils have nearly complete discretion to do what is best for their local circumstances, subject to compliance with all provincial laws. Examples of these spheres include municipal services, public places and trees.

In five areas, the province must be involved before the municipality can adopt a bylaw. These areas are:

1. public health;
2. protection of the natural environment;
3. wildlife;
4. standards that are or could be dealt with by provincial building regulations; and
5. prohibition of soil removal or prohibition of the deposit of soil or other material making reference to the quality of the soil or material or to contamination.

How does the province get involved in these concurrent spheres?

In most cases, the minister responsible has adopted a regulation that identifies the types of matters in these spheres where municipalities can go ahead and pass bylaws without any further provincial oversight. Where there is no regulation, or for matters not covered by a regulation, the municipality must seek approval from the minister responsible before adopting a bylaw. See [concurrent authority](#) for more information.

[Top](#)

Who is the minister responsible for each of these concurrent spheres?

There is a regulation that identifies ministers responsible for each of these spheres. See [concurrent authority](#) for a complete listing.

How does the *Community Charter* affect elected officials?

The *Community Charter* clarifies rules for council meetings, [conflict of interest](#), [ethical standards](#) and establishes requirements for [annual reporting](#) council matters to citizens. It also provides guidance on mayor and councillor roles and responsibilities.

How does the *Community Charter* affect the public?

The *Community Charter* is designed to balance greater municipal autonomy with greater municipal accountability.

The requirement for [annual reporting](#) to citizens on the objectives, measures and progress of a municipality is an essential component of overall accountability. Other requirements for notice and opportunities for representation also exist. The *Community Charter* seeks to balance the need of municipal governments to act, with the rights of those who will be affected.

[Top](#)

How does the *Community Charter* affect Regional Districts?

The *Local Government Act* is the main source of authority for regional districts.

However, the *Community Charter* does apply to [regional districts](#) for operations and administration where there is overlap between municipalities and regional districts. Where it makes sense, consistent rules apply to elected officials in municipalities and regional districts. For example, many of the accountability processes set out in the *Community Charter* for municipalities apply to regional districts.

When are the regional district legislation and other provisions of the *Local Government Act* going to be overhauled?

The province, in consultation with the Union of BC Municipalities, has been undertaking major reform of local government legislation since 1997, and even before that was actively amending the rules under which local governments operate. As such, both UBCM and the Province are focused on effective implementation of legislative change. The province will continue to seek to refine legislation for both municipalities and regional districts as issues arise and legislative priorities warrant.