

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2748

A bylaw to establish a service for the purpose of acquiring, developing and operating a regional trail network along the discontinued Canadian Pacific railway corridor lands

WHEREAS the *Local Government Act (Act)* provides that the Board of the Regional District of North Okanagan may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the regional district;

AND WHEREAS the Regional District of North Okanagan wishes to acquire, in conjunction with the Spltasin First Nation and the Columbia Shuswap Regional District, the discontinued portions of the Canadian Pacific railway corridor lands (“Rail Corridor”) located between the City of Armstrong and the District of Sicamous to acquire, develop and operate a regional recreational trail network along the Rail Corridor;

AND WHEREAS the Board wishes to establish a service for the purposes of acquisition, development, operation and maintenance of a regional recreational trail network along those parts of the abandoned Canadian Pacific Rail Corridor located within the Regional District of North Okanagan;

AND WHEREAS the Board has, by resolution, determined that participating area approval is to be obtained for the entire service area and the approval process shall be by Alternative Approval Process in accordance with subsections 342(2)(b), 342(4) and 345(1)(a) of the *Act*;

AND WHEREAS pursuant to Section 348(1) of the *Local Government Act*, if money is to be borrowed for the start of the service, the establishing bylaw and the loan authorization bylaw [*North Okanagan/Shuswap Rail Trail Acquisition Loan Authorization Bylaw No. 2749, 2017*] must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

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

CITATION

1. This Bylaw may be cited as the “**North Okanagan/Shuswap Rail Trail Service Establishment Bylaw No. 2748, 2017**”.

ESTABLISHMENT AND DESCRIPTION OF SERVICE

2. The Regional District is authorized to establish a service for the purpose of acquiring, developing, operating and maintaining a regional recreational trail network on the discontinued Canadian Pacific Rail Corridor lands located within the Regional District of North Okanagan.

SERVICE AREA BOUNDARIES

3. The boundaries of the service area are:
 - All of Electoral Area “D”;

- All of Electoral Area "F";
- All of the City of Armstrong;
- All of the City of Enderby;
- All of the Village of Lumby; and
- All of the Township of Spallumcheen.

PARTICIPANTS

4. The participants of the service are:

- Electoral Area "D";
- Electoral Area "F";
- City of Armstrong;
- City of Enderby;
- Village of Lumby;
- Township of Spallumcheen.

COST RECOVERY

5. The annual cost of providing the service outlined in this Bylaw shall be recovered by one or more of the following:

a. requisition of money under sections 385 [*Requisition of funds from municipalities*] and 387 [*Requisition of funds from electoral areas*] of the Act to be collected by a property value tax to be levied on land and improvements for regional hospital district purposes and collected under sections 386 and 388 of the Act;

b. revenues received by way of agreement, enterprise, gift, grant or otherwise.

6. The maximum amount that may be requisitioned annually for the service shall not exceed \$250,000 or \$0.08 per \$1,000 of net taxable value of land and improvements included in the service area, whichever is greater.

COST APPORTIONMENT

7. The annual cost of this service shall be apportioned amongst the participants on the basis of the value of improvements only for regional hospital district purposes in those areas.

Read a First, Second and THIRD Time this 19 day of April, 2017

Approved by the Inspector of Municipalities this 26 day of May, 2017

**Received elector approval by alternative
approval process** this 17 day of July, 2017

ADOPTED this 19 day of July, 2017



Chair
Bob Fleming



Corporate Officer
David Sewell