

BILL

No. 8 of 1947

An Act to amend the Act constituting The Drumheller
Charter.

(Assented to _____, 1947.)

WHEREAS the City of Drumheller has prayed for certain amendments to chapter 64 of the Statutes of Alberta, 1930, and amendments thereto;

And whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Chapter 64 of the Statutes of Alberta, 1930, and amendments thereto are hereby amended as follows:

1. Part 2, section 11, by striking out subsection (4) (b) thereof and substituting therefor the following:

"(4) (b) To each member of the Council for every regular meeting of the Council attended by such member or whose presence thereat is excused by resolution of the Council, the sum of five dollars."

2. Part IV, section 5, by adding the following subsection:

"1 (k) Prohibiting the granting of a license to any applicant therefor who is in default of payment of any business tax levied by the City."

3. Part IV, section 32, by adding the following words "flues and smoke pipes" after the word "chimneys" in the last line thereof, and by adding the following subsections:

"32a. In the event of a fire occurring in any building or premises due to a violation of any by-law passed pursuant to this Act or in violation of any other Act all costs and expenditures incurred and made by the City in consequence of any such fire or incidental thereto shall be a debt payable on demand by the owner, purchaser and occupant thereof and may be recovered either by distress upon the goods and chattels of the said person or persons or by suit in any Court of competent jurisdiction brought by the City.

"32b. In case any sum so due and payable for costs and expenditures as aforesaid or any part thereof remains unpaid at the 15th day of December next after the making or incurring of such costs and expenditures the amount of

the unpaid costs and expenditures so made shall be added to and form part of the ordinary taxes levied by the City against the parcel of land on which the said building or premises are or were situate."

4. Part IV, by adding the following sections:

"54a. That in the event of any person under the age of eighteen years being convicted of a violation of any by-law passed pursuant to the provisions of this Act the Justice making the conviction may in and by the said conviction order and adjudge the parent or parents, guardian or guardians of such person, to pay the amount of any fine, penalty or costs, provided to be paid in such conviction and in default of immediate payment, the same shall be recoverable by distress and sale of the goods and chattels of such person or persons.

"54b. When any constable, license inspector or any other person duly authorized by the Council, finds any bicycle which in his opinion is being used or operated in violation of any by-law passed pursuant to the provisions of this Act, he may forthwith seize such bicycle and upon conviction of the owner or person in charge of such bicycle the Justice making the conviction may in and by the conviction declare the bicycle so seized shall be impounded at the risk of the owner and remain in the custody of the City for any period fixed by the conviction but in any event not exceeding two months from the date of such conviction and in the event of the said conviction being for a third offence by the same person in respect of the said by-law, that the said bicycle shall be forfeited to the City."

5. Part IV, section 57, by adding immediately after the word "prohibited", in the twelfth line thereof, the words "and in so doing to differentiate between taxi cabs and buses duly licensed by the City and taxi cabs and buses not so licensed".

And by adding the following subsections:

"(1) That in the event of any motor vehicle being left on any street, lane or highway of the City in violation of any by-law passed under the provisions of this Act any constable or person duly authorized by the Council may seize and cause such motor vehicle to be driven or conveyed to a public garage in the City and stored therein and unless the owner or person in charge of such motor vehicle pays all costs and charges incidental to such driving, conveying and storing and takes possession of the same within thirty days of such seizure, the city clerk, license inspector or other person designated by the Council shall by advertisement posted up in at least three public places in the City, give at least fourteen days' notice of the time and place of sale and shall serve similar notice by registered mail on the person last shown as owner of such motor vehicle at such person's address as recorded in the office of the Provincial Secretary.

"(2) The proceeds of the sale of any such motor vehicle shall be distributed in the following order:

- "(a) In the discharge and payment of the costs and charges incidental to such driving, conveying, storing and selling of the said motor vehicle;
- "(b) Any surplus moneys which may remain after distribution of the proceeds of sale as hereinbefore directed, shall be paid into a separate motor vehicle sale trust account of the City and shall be paid out to such person or persons as may apply to a District Court Judge and be by him declared to be entitled thereto within three years from the date when the motor vehicle is sold and the declaration may be made upon notice to such persons as the Judge may direct and shall be disposed of summarily and any Order so made shall have the same force and effect as an Order of the District Court;
- "(c) Upon the expiration of the period of time fixed by subsection (b), all surplus moneys in respect of which no declaration has been made shall form part of the general revenue of the City."

6. Part IV, by adding the following sections:

"59. All costs and expenditures incurred by the city in removing from any parcel of land in the City at the request of the owner or purchaser or conditional owner thereof or pursuant to the provisions of this Act or any other Act, weeds, shrubs, trees, ashes, debris or other nuisances or incidental thereto, shall be a debt payable on demand by the person or persons being the owner, purchaser or conditional owner thereof and may be recovered either by distress upon the goods and chattels of the person or persons liable therefor or by suit in any Court of competent jurisdiction brought by the city.

"60 In case any sum so due and payable for costs and expenditures as aforesaid or any part thereof remains unpaid at the 15th day of December next after the making and incurring thereof the amount of the unpaid costs and expenditures made in respect of any such parcel of land shall be added to and form part of the ordinary taxes levied by the City against the said parcel.

"61. The Council may pass a by-law providing that during the prescribed period in each year in which the said by-law is in force, the time for general purposes in the City shall be one hour in advance of the time which under the law of the Province of Alberta at the time of the coming into force of the said by-law is the time prescribed for such province and if there is no time so prescribed of the then accepted standard time.

"61 (1) Wherever any expression of time occurs in this Act or any order, regulation or by-law of the City or in any deed, time-table, notice, advertisement or other document of the City or relating to municipal affairs of the City the

time mentioned or referred to shall be held during the prescribed period to be the time as fixed by the said by-law.

"62 For the purposes of this section the expression 'motor vehicles' shall mean and include any vehicles propelled by any power other than muscular power and the Council may pass a by-law for defining and classifying the persons conducting or operating the business of supplying motor vehicles for hire, or supplying motor vehicles for carrying passengers for hire, or supplying motor vehicles for carrying passengers and used for plying for hire according to the type of business so conducted or operated or according to the nature of the service provided and for establishing and specifying the rates or fares which shall be charged to or taken from the persons or passengers using such motor vehicle according to any such classification established; for defining and classifying said motor vehicles upon such basis as the Council may deem just and for establishing and specifying the rates or fares according to such classification; for the compulsory installation, maintenance and use upon all or any of such motor vehicles of a taximeter or other device or equipment to accurately record thereon the fares or rates from time to time established and specified; for establishing and maintaining within the city zone or districts within which special rates or fares shall apply; for establishing maximum and minimum rates or fares either applicable generally throughout the city or applicable only within a specified zone or district within the city and for prohibiting overcharging or undercharging in excess of or below the maximum and minimum rates or fares so established and prohibiting overcharging or undercharging in excess of or below any specified rates or fares and restricting and limiting the number of such motor vehicles that may be operated in the City.

"63 The Council may pass a by-law or by-laws providing for the City entering into an agreement or agreements with any other municipality providing for assistance to be given such other municipality by the City in preventing and extinguishing fires therein.

"64 The Council may pass a by-law licensing and regulating the use in the City of automatic musical machines and games and devices which may be caused to be operated after the insertion or deposit of a coin or token or any number of either of them.

"65 The Council is hereby authorized and empowered to enter into agreements with any person, firm or corporation for the operation by such operator of a passenger transportation service along any of the highways of the City, upon such terms and conditions as the Council may deem reasonable, including power to make payments or allowances to any such operator in connection with such operation (which payments or allowances shall not constitute the payment of a bonus within the meaning of this Charter); and the City shall not be responsible for any negligence of

any such operator in the operation of the said passenger transportation service; provided that any such agreement shall not be for a longer period than five years."

7. Part VI, section 3, by striking out the word "pleased", in the second line thereof, and substituting therefor the word "pleaded".

8. Part VI, section 5, by adding the following subsections:

"5 (a) Provided that except in the case of gross negligence the City shall not be liable for injuries to property or person caused by snow, ice or slush upon any sidewalk, street, highway or lane in the City of Drumheller.

"5 (b) Provided further, that no action shall be brought in order to recover against the City of Drumheller for any damage to property or person sustained by reason of the existence of snow, ice or slush upon any sidewalk, street, highway or lane in the City of Drumheller unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the city clerk within fourteen days after the cause of action arises and failing such notice, the City shall be relieved from any liability for such damages or compensation in respect of such accident or injury, notwithstanding any provisions of law to the contrary."

9. Part XI, by adding the following section:

"12 (a) Every person who acquires by purchase, gift or otherwise howsoever any property real or personal or any interest therein in the City and which property or interest is subject to assessment under the provisions of this Act shall not later than thirty days after the acquisition of such property or interest give notice in writing to the City of such change in ownership by serving the same upon or by registered mail to the city clerk and any person guilty of a violation of this section shall be liable on summary conviction to a fine not exceeding five dollars and costs."

10. Part XI, by adding the following section:

"24 (b) If at any time after the completion of the assessment roll by the assessor or the adoption of the assessment roll of the previous year by the Council any building or improvements are brought on, erected or constructed on any parcel of land in the City then on the completion or use of such building or improvements the same shall be liable for assessment and taxation upon a *pro rata* basis for the remainder of the year and the provisions of this Act for the mailing of assessment notices, the mailing of tax notices and the right of appeal shall *mutatis mutandis* apply to said supplementary assessments."

11. Part XIII, section 3, by striking out the words "twenty-one", where they occur in line 5 thereof, and sub-

stituting therefor the word "nineteen", and by inserting the words "or she" immediately after the word "he" in the eleventh line thereof.

12. Part XIII, section 3 (d) by striking out the word "same", in the sixth line thereof, and substituting therefor the word "said".

13. Part XIII, section 14 (a), by striking out the words "The Government of Alberta under the provisions of *The Supplementary Revenue Act*", in the last two lines thereof, and substituting the words "The Province of Alberta".

14. Part XIII, section 20, by striking out the words "taxes assessed and levied on a floor space basis or on a rental basis", in the first two lines thereof, and substituting therefor the words "business tax".

15. This Act shall come into force on the day upon which it is assented to.

No. 8

FOURTH SESSION
TENTH LEGISLATURE

11 GEORGE VI

1947

BILL

An Act to amend the Act constituting
The Drumheller Charter.

Received and read the

First time.....

Second time.....

Third time.....

MR. TAYLOR.

EDMONTON:
A. Shnitka, King's Printer
1947