

Bill No. 12 of 1951.

A BILL RESPECTING CITIES.

NOTE.

This Bill introduces a new Act to be known as "*The City Act*".

At present the laws relating to the cities are contained in the seven city charters. These charters are found in a long series of private Acts and amendments, which in some cases extend back beyond the formation of the Province to the Ordinances of the North-West Territories. In the charters many provisions are obsolete and amendments made over a long period of years have introduced provisions which are conflicting and contradictory. Some of the charters and many of the amendments are out of print and presently unobtainable. The expense and difficulty involved in preparing and printing a consolidation or in getting an up to date revision passed by the Legislature does not appear to be warranted for each individual city. Consequently, the city solicitor and one or more civic officials may be in possession of the only up to date copies of a city charter in existence.

This situation makes it extremely difficult for the public at large, members of the legal profession, and others dealing with the cities to know or find out what the law governing the cities is.

At present if, due to changing conditions, the cities in the Province require some new power, each of the seven cities has to incur the expense and trouble of preparing and advertising a charter amendment and the Legislature has to deal with seven private bills. Frequently one or more of the cities already has the powers that from time to time the others find they require and are asking for by way of charter amendment.

Each of the seven charters deals in general with the same subjects. Each charter contains provisions dealing with assessment, taxation, local improvements, debenture borrowing, elections, voting on money by-laws, the powers and duties of the council, the appointment of the city clerk, city treasurer, assessor and other officials and employees, etc. In the majority of the subjects dealt with the provisions of the various charters are similar, having only minor variations, and in many instances they are identical.

Generally speaking all cities in Alberta are faced with the same problems and have to provide the same services

to their inhabitants. To enable cities to perform their functions and duties they should have the same rights and powers.

There is a considerable and increasing demand for a *City Act* which would be uniformly applicable to all cities in the Province and which would be readily available to the public. As a public Act of the Province, applicable to all cities, there would be sufficient demand to warrant the regular printing of office consolidations and revisions incorporating amendments made from time to time and cities would also be relieved of the responsibility and expense of seeking amendments by private Bills.

In 1942 consideration was given to the drafting of one Act which would be applicable to all cities along the lines of the existing *City Act* in Saskatchewan and similar legislation in Ontario. As it was a task of some magnitude the cities agreed with the Province to defer the matter until after the war. In 1947 the proposal of a *City Act* was approved in principle by the cities and the Province was requested to proceed with the preparation of a draft Act.

In informal discussions between the cities and the Minister and other officials of the Department of Municipal Affairs it was agreed that *The City Act* should not deprive a city of any of its existing powers. It was recognized, however, that for the sake of uniformity many matters of procedure and practice would require modification or variation. The powers given to the council in each of the seven charters have been checked repeatedly and all have been included in Part VI of this Act as far as possible. These powers are largely permissive and frequently they are expressed in this Act in briefer and more general terms which enables a wider exercise of discretion by the council. Accordingly, most cities will find they have greatly expanded powers which they may exercise under this Act.

It was agreed that the form of government should be sufficiently elastic to permit a city, in its discretion, to have one or more city commissioners or a city manager. This has been provided for in section 4, subsection (1), clause (g) and in section 42.

It was also agreed by the cities that uniformity of practice was desirable in certain particulars such as assessments, qualification for membership on the council, qualifications for voting, procedure where the validity of elections is contested and tax recovery procedure. In such cases, where differences existed between cities, normally this Act adopts the practice presently followed by the majority of the cities.

In the matter of assessments of buildings and improvements, the cities strongly favoured uniformity in the percentage of the assessed value to be adopted for purposes of taxation so that no city will have any undue advantage in attracting new business or industry. Section 463 provides

that sixty per cent of the fair actual value of buildings and improvements shall be the assessed value for purposes of taxation. Edmonton is the only city that now differentiates between the assessment of residential and other buildings. Although this assessment differential is removed, section 738, which is a special provision applicable to Edmonton only, enables the city to obtain revenue from residential buildings and from other buildings in exactly the same amounts and proportions as heretofore, notwithstanding the change to a sixty per cent assessment on all buildings.

It was felt that the same qualifications should entitle a person to vote or to be elected to office in all cities. This is provided for in Part IV dealing with elections.

Where the validity of an election is contested *The Controverted Municipal Elections Act*, which already applies to all towns, villages and municipal districts in the Province and to all cities incorporated after 1912, is made applicable to all cities by this Act rather than repeating the details of the procedure in this Act.

Similarly, *The Tax Recovery Act*, which already applies to all towns, villages, municipal districts and improvement districts in the Province and to four of the cities, is made applicable to all cities by this Act.

Administrative procedures in the various cities under the various charters and amendments differ in numerous details and particulars. It did not appear to be practicable or possible to provide numerous alternative procedures for performing the same administrative acts or achieving the same ultimate result. Accordingly, each city will find it necessary to make some concessions and adjustments which will be more or less extensive, dependent on the extent to which its individual practice varies from the majority. These variations in no way affect or prejudice the over-all powers and duties of cities contained in Part VI but they may necessitate adjustments in some administrative procedures and the duties and practices of some civic officials. The cities and their administrative officials recognize that such adjustments are inevitable if a City Act is to be passed. Their co-operation in the preparation of this Bill indicates that they appreciate that it is in the best interests not only of the cities but of the public generally that such concessions should be made.

To facilitate the transition with a minimum of change and inconvenience, it is proposed to bring *The City Act* into force on the first day of January, 1952, to enable civic officials to familiarize themselves with the new Act and to work out necessary administrative details. Similarly, section 4 provides for the continuation of existing by-laws and resolutions which are to be administered by the same executive and administrative officials who are to exercise the same powers and duties in the same manner and to the same extent as they presently do.

Certain cities particularly requested that exceptions or special provisions be made to enable them to continue certain unusual privileges or practices which they have exercised or enjoyed for a considerable period. These special provisions and exceptions applicable to certain cities have been included in Part XIII and the general provisions of this Act are varied in so far as is necessary to give effect to them.

A rough draft of the proposed City Act was sent to the city solicitor of each of the cities and to the Board of Public Utility Commissioners on the 23rd of September, 1949, and their suggestions and criticisms were invited. This draft was subsequently discussed for two days at a meeting held in the office of the Minister of Municipal Affairs on the 18th and 19th of October, 1949, which was attended by ten solicitors representing the cities, the Board of Public Utility Commissioners and the Province, and by officials of the Department of Municipal Affairs. The majority of the suggestions made by the city solicitors at that meeting were incorporated in a revised draft prepared for introduction at the 1950 session of the Legislature. Several hundred copies of this draft dated November 21st, 1949, were distributed to city councils, civic officials, and other interested bodies and groups.

In January, 1950, another meeting was held in the office of the Minister of Municipal Affairs which was attended by the city solicitors of the various cities and by several of the mayors and councillors. This meeting agreed on a number of changes in the draft Act which have now been included. The meeting also requested the Minister to delay introduction of the Bill to the Legislature for one year to give the cities' civic administrative officials more time to study the provisions of the draft that affected their administrative duties and procedures and to make recommendations for changes in these provisions.

The request for a one year delay was granted. The Minister of Municipal Affairs advised the representatives of the cities that a second revised draft of *The City Act* incorporating all changes agreed to up to that date would be prepared and distributed to the cities by the end of May, 1950. He requested that meetings of the civic administrative officials be held throughout the year to study this draft and advised that any procedural change and any other change requested and approved by the representatives of the majority of the cities would be made in the draft so long as the change did not conflict with the basic points where uniformity in principle had already been agreed upon.

As a result, numerous meetings of civic officials were held throughout the year. The city assessors met in Calgary once and in Edmonton once to prepare their requests for changes. The city solicitors met again on two different occasions. Meetings were also held by the city clerks and

by the city financial men, including the treasurers, comptrollers and commissioners, etc. Many of these meetings were also attended by officials of the Department of Municipal Affairs. Each meeting submitted a number of requests for changes which had been agreed upon by a majority of the cities represented. All these requests were studied by appropriate provincial officials, including members of the Department of Municipal Affairs, the Alberta Assessment Commission, the Board of Public Utility Commissioners and the Legislative Counsel, etc., depending on the nature of the subject. Practically all of the recommended changes have been included in this Bill and the careful study given to the draft provisions of *The City Act* by the various groups of civic officials has resulted in substantial improvement to the sections concerned.

For convenience of reference the Act is divided into Parts and classified under headings as set out in section 5. There are thirteen Parts each dealing with a separate and distinct subject. The Parts themselves are further subdivided by Divisions, headings and subheadings. By referring to section 5 you can find the approximate location and the section number of the subject matter in which you are interested.

KENNETH A. MCKENZIE,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 12 of 1951.

An Act Respecting Cities.

(Assented to _____, 1951.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

PART I.

INTRODUCTORY.

Short Title.

1. This Act may be cited as "*The City Act*". Short title

Interpretation.

2. In this Act, unless the context requires,— Inter-pretation
- (a) "board" means the board of police commissioners appointed pursuant to section 81; "board"
 - (b) "business" includes business, trade, profession, occupation, employment or calling; "business"
 - (c) "buildings and improvements" and "improvements" means all buildings or any part of any building and all structures and fixtures erected upon, in, over, under or affixed or attached to any land and includes all machinery, equipment and appliances which constitute an integral part of the building or other structure; "buildings and im-provements" and "improve-ments"
 - (d) "closed" means not open for the serving of customers or the receiving of orders from customers; "closed"
 - (e) "council" means the mayor and aldermen; "council"
 - (f) "elector" means a person qualified to vote for mayor and aldermen pursuant to the provisions of section 98; "elector"
 - (g) "first election" means the first election of mayor and aldermen in a city held after the formation of a town into a city pursuant to the provisions of this Act and any subsequent election held prior to the completion of the first voters' list; "first election"
 - (h) "fixtures" as employed in the definition of buildings and improvements for assessment purposes includes only those things,— "fixtures"
 - (i) that are so affixed to the land either directly or indirectly as to become an integral part of the realty; and

- (ii) that are transferred automatically with the title to the land without the necessity of special contractual mention;
such as water, lighting, heating or other equipment used for the operation of the building, elevators, escalators, cooling and airconditioning equipment, partitions, vaults and things of a like nature if actually affixed and intended to remain permanently affixed to the building, land or realty;
- “hawker” or “pedlar”
- (i) “hawker” or “pedlar” means any person who, whether as principal or agent,—
- (i) goes from house to house selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise having a permanent place of business in the city; or
- (ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterwards delivered in or shipped into the city; or
- (iii) sells merchandise on the streets or roads or elsewhere than at a building which is his permanent place of business;
- but does not include any person selling,—
- (iv) meat, fruit or other farm produce which has been produced, raised or grown by himself; or
- (v) fish of his own catching;
- “hospital”
- (j) “hospital” means a hospital approved by the Minister of Health under the provisions of *The Hospitals Act*;
- “indigent person”
- (k) “indigent person” means a person who is actually destitute of means from his own resources of obtaining food, clothing, shelter, medical advice or attention and hospital care necessary for the immediate wants of himself and his dependants;
- “judge”
- (l) “judge” means a judge of the Supreme Court of Alberta or a judge of the District Court having jurisdiction in the judicial district within which the city is wholly or mainly situated;
- “land”
- (m) “land” means land, tenements, hereditments, and any estate or interest therein;
- “local authority”
- (n) “local authority” means the council of any city, town, village or municipal district, and with respect to any improvement district or any transient person means the Minister of Public Welfare, and with respect to any special area means the Minister of Municipal Affairs;
- “Minister”
- (o) “Minister” means the Minister of Municipal Affairs;
- “municipality”
- (p) “municipality” means any city, town, village, municipal district, improvement district or special area;

- (q) "official" includes a city commissioner, city manager, city clerk, city treasurer, assessor, city solicitor, auditor, comptroller, city engineer and any other official appointed by the council to any office pursuant to the provisions of Part III, Division B; "official"
- (r) "owner" means, in the case of land any person who is registered under *The Land Titles Act* as the owner of land, or in the case of property other than land any person who is in legal possession thereof; "owner"
- (s) "parcel" means,— "parcel"
- (i) any unsubdivided block or any lot, or any part of such block or lot in any area of land a plan of subdivision of which is registered in a Land Titles Office;
 - (ii) in any case where a building has been erected on two or more lots or parts thereof all such lots;
 - (iii) where there is no such plan of subdivision a quarter section of land according to the system of surveys under *The Alberta Surveys Act* or any other area the description of which has been approved by the proper Land Titles Office;
 - (iv) all the land forming part of any railway, irrigation or drainage right-of-way;
- (t) "person" includes a corporation or partnership; "person"
- (u) "premises" includes the store, office, warehouse, factory, building, inclosure, yard or other place occupied, or capable of being occupied, by any person for the purpose of any business; "premises"
- (v) "proprietary elector" means an elector who is assessed or a corporation that is assessed in respect of land that is subject to assessment and taxation; "proprietary elector"
- (w) "public utility" means any municipal revenue earning work or utility and includes the municipal,— "public utility"
- (i) telephone system;
 - (ii) waterworks;
 - (iii) street railways, bus lines or other transportation systems;
 - (iv) irrigation ditches;
 - (v) waterways and ferries;
 - (vi) systems for the distribution of gas, whether natural or artificial;
 - (vii) electric or other artificial light or power systems;
 - (viii) heating systems;
- and includes the service or commodity supplied by any public utility;
- (x) "purchaser" means any person who has purchased or otherwise acquired land or other property within the city whether he has purchased or otherwise "purchaser"

	acquired the same direct from the owner thereof or from another person and has not become the owner thereof;
"ratable property"	(y) "ratable property" means the total amount of the assessment of lands, buildings and improvements, and special franchises;
"shop"	(z) "shop" means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail or public auction and includes barber shops and ladies' hairdressing, manicuring and beauty parlours;
"special assessment"	(aa) "special assessment" means a special frontage assessment or a special local benefit assessment levied pursuant to the provisions of Part IX relating to local improvements;
"special franchise"	(bb) "special franchise" means every right, authority or permission, whether exclusive or otherwise, to construct, maintain or operate within a city in, under, above, on or through or across any highway, road, street, lane, public place or public water within the jurisdiction of the city any poles, wires, pipes, tracks, conduits, buildings, erections, structures or other things for the purpose of bridges, railways, street railways, bus lines or other transportation systems or for the purposes of conducting steam, heat, water, natural or artificial gas or electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water, heat, light, power, transportation, telegraphic, telephonic or other services;
"transient trader"	(cc) "transient trader" means any person who does not ordinarily maintain within the city a permanent place of business and who is not liable for a business tax in respect thereof, and who, either as a principal or an agent, buys or offers to buy direct from the producer thereof any merchandise or sells or offers to sell to the consumer any merchandise except,— (i) agricultural products raised, grown or produced by him; (ii) fish of his own catching; but does not include a hawker or pedlar who is duly licensed under <i>The Licensing of Trades and Businesses Act</i> in respect of the business for which he is so licensed.

Application of Act.

Act applicable to all cities **3.** Except as hereinafter provided, this Act is applicable to all cities in the province lawfully constituted or incorporated under this or any other Act, Charter or Ordinance at any time in force in the Province.

Each city shall continue to,— **4.—(1)** Notwithstanding anything contained in this Act, in the case of each city lawfully constituted or incorporated prior to the passing of this Act it shall continue,—

- (a) to be a city within the meaning of this Act; be a city
- (b) to have its existing boundaries until such time as they may be altered in accordance with the provisions hereof; have existing boundaries
- (c) to retain its existing by-laws and resolutions legally passed under the provisions of its charter which shall continue good and valid until they are repealed or substantially altered or others are made in their stead by the council pursuant to the provisions hereof but the mere amendment of existing by-laws shall not invalidate them; retain by-laws
- (d) to be governed by its existing mayor and aldermen until others are elected in their stead pursuant to the provisions hereof; be governed by mayor and aldermen
- (e) to have the same number of aldermen on its council and the same number of school trustees until such time as the number may be altered in accordance with the provisions hereof; have same number of aldermen and trustees
- (f) to pay to its mayor and aldermen the same salaries until such time as their salaries are altered in accordance with the provisions hereof; pay mayor and aldermen
- (g) to have the same city commissioners or city manager and the same executive and administrative officials who shall continue to exercise the same powers and duties in the same manner and to the same extent as heretofore and to receive the same remuneration until such time as they may be altered in accordance with the provisions hereof; have same administrative officials
- (h) to be bound by all valid existing contracts, franchises, engagements, obligations, agreements and things of a like nature and any renewals thereof; be bound by existing contracts
- (i) to retain its existing pension or superannuation plans or benefit funds and its group insurance plans until such time as they may be altered in accordance with the provisions hereof. retain existing pension plans
- (2) In the case of any body corporate which is incorporated or continued as a body corporate by the provisions of any city charter for the purpose of operating or administering a hospital sinking fund, exhibition, or for any other purpose it shall continue to be a body corporate and to have the same constitution and to perform and exercise the same duties and powers that were conferred upon it by or pursuant to the provisions of the said city charter. Body corporate to retain powers

Implied Provisions.

5.—(1) Where in this Act a certain day is fixed on or by which certain things are to be done or proceedings taken, if it appears that such date was fixed having regard to an earlier date fixed on or by which certain other things are to be done or proceedings taken, then, notwithstanding anything herein contained if default is made in respect of the earlier date a like delay shall be allowed in respect of the later date. Time for taking proceedings

Time for election or voting on question

(2) Where in this Act an election is to be held or a question to be submitted or some other thing is to be done at the time of a general or other election and it becomes unnecessary to take a poll at the general or other election then the first mentioned election shall be held or question submitted or other thing done at the time upon which the general or other election would have been held if necessary.

Minister may extend time

6.—(1) If anything to be done within a number of days or at a time fixed by or under this Act cannot be or is not so done, the Minister, by order, from time to time, may appoint a further or other time for doing it whether the time at or within which it ought to have been done has or has not arrived or expired, as the case may be.

(2) Anything done at or within the time specified in the order shall be as valid as if it had been done at or within the time fixed by or under this Act.

Deviation from forms

7. Where forms are prescribed in this Act deviations therefrom not affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect and in substantial compliance with the provisions of this Act shall suffice.

Division of Act.

Division of Act

8. For convenience of reference only this Act is divided into Parts and classified under the following headings,—

<i>Part</i>	<i>Section</i>
I INTRODUCTORY	1-8
Short title	1
Interpretation	2
Application of Act	3-4
Implied Provisions	5-7
Division of Act	8
II FORMATION AND ALTERATION OF CITIES	9-18
Formation of Cities	9-15
Boundaries	16-18
III GENERAL GOVERNMENT AND ADMINISTRATION	19-91
Incorporation of Cities	19
DIVISION A—THE COUNCIL	20-41
Jurisdiction and Membership	20-21
The Mayor	22-26
Meetings of Council	27-37
Remuneration of Council	38
Resignations, Vacancies, Forfeiture of Seats	39-41

<i>Part</i>	<i>Section</i>
DIVISION B—OFFICIALS AND EMPLOYEES	42-80
City Commissioners or City Manager	42-53
Other Officials	54-58
City Clerk	59-61
City Treasurer	62-65
Assessor	66
City Solicitor	67-68
Auditor	69-74
Comptroller	75
City Engineer	76
General Provisions Relating to Officials and Employees	77-80
DIVISION C—BOARD OF POLICE COMMISSIONERS	81-91
IV ELECTIONS	92-212
First Election	92
First Election Following Increase in Aldermen	93
Annual Election	94
Qualification of Mayor and Aldermen	95-97
Qualification of Voters	98
Voters' List	99-100
Enumeration	101
Preparation of Voters' List	102-108
Court of Revision	109-116
Procedure Preliminary to Conduct of Election	117-121
Nominations	122-127
Procedure Preliminary to Holding of Poll	128-152
The Poll	153-157
Poll at Elections	158-170
Advance Poll	171-172
School Trustees	173-178
Procedure After Close of Poll	179-194
General Provisions Relating to Elections	195-201
Recounts	202-207
Offences and Penalties	208-212
V VOTING ON BY-LAWS	213-258
Interpretation	213-214
Procedure Preliminary to Holding a Poll	215-232
Poll	233-239
Procedure After Close of Poll	240-253
Recount	254-257
Passage of By-law	258
VI POWERS AND DUTIES OF THE COUNCIL	259-412
General Provisions	259-261
By-laws	262-270

<i>Part</i>	<i>Section</i>
Imposition of Penalties for Infraction	
of By-laws	271
Protection to Persons and Property	272-280
Police Protection	272-273
Fire Protection	274-275
Regulation of Animals	276-277
Nuisances and Pests	278-280
Highways and Public Places	281-290
Regulation of Vehicles and Highway	
Traffic	281-282
Advertising in Public Places	283
Control of Highways and Public Places	284-288
Maintenance of Highways and Public	
Places	289-290
Acquisition of Land	291-294
Expropriation of Land	295-314
Disposal of Land	315-317
Subdivision of Land	318
Civic Housing Projects	319-320
Sanitation and Waste Removal	321-327
Public Health	328-335
Social Welfare	336
Indigents	337-338
Recreation, Public and Community	
Services	339-346
Parks, Athletic and Exhibition Grounds	339-340
Parks Board	341
Recreation Board	342
Music, Art, Libraries, Museums and	
Zoos	343
Civic Centre	344
Public Markets and Scales	345
Miscellaneous Public Services	346
Control of Businesses	347-388
General Licensing Powers	347-355
Trades and Occupations	356-358
Vendors and Producers of Food and	
Drink	359-361
Places of Amusement	362
Salesmen and Sale of Goods	363
Public Accommodation	364-373
Prohibiting Certain Businesses	374-375
Closing of Shops	376-387
Holidays	388
Control of Buildings	389-393
Retirement Grants, Pension Plans and	
Group Insurance	394-399
Security	400-401
Coat of Arms	402
Miscellaneous	403-412
VII PUBLIC UTILITIES	413-459
Special Franchises and Other Contracts	413-414
Power of City	415-423

<i>Part</i>	<i>Section</i>
	Right to Enter, Acquire and Use Land.... 424-432
	Respective Rights and Duties of City and Consumers 433-440
	Liability of City 441-442
	Rates and Charges 443-445
	Assessment and Taxation of Public Utilities 446
	Power Beyond City Limits 447-449
	Prohibitions and Penalties 450-454
	Regulations 455-456
	General 457-459
VIII	ASSESSMENT AND TAXATION 460-578
	General Liability to Assessment and Taxation 460-461
	Assessment of Lands, Buildings and Improvements 462-471
	Preparation of Assessment Roll 472-473
	Assessment of Railway Property 474-476
	Assessment of Buildings and Improve- ments on Tax Exempt Lands 477-478
	Business Tax 479-486
	Supplementary Business Tax and Special License Fees 487
	General Provisions as to Assessment..... 488-493
	Procedure After Completion of Assessment Roll 494-498
	Court of Revision 499-517
	Appeal to Alberta Assessment Commission 518-523
	Estimates and Levy 524-531
	Minimum Taxes 532-536
	Special Taxes 537-542
	General 537
	Waterworks Tax 538
	Sewer Tax 539
	Boulevard Tax 540
	Dust Treatment Tax 541
	Maintenance Tax 542
	Exemption from Taxation 543-544
	Remission of Taxes 545
	Tax Collection 546-557
	Recovery of Taxes by Suit or Distress..... 558-577
	School Requisitions 578
IX	LOCAL IMPROVEMENTS 579-621
	General 579-580
	Special Frontage Assessment 581-582
	Special Local Benefit Assessment 583
	Unit Rate 584
	Initiating Local Improvements 585-593
	Spur Tracks 594-598
	Fixing of Special Assessments 599-611
	Assessment Notice 612-613

<i>Part</i>	<i>Section</i>
	Special Assessment Roll 614-615
	Appeal from Special Assessment 616-618
	Borrowing Powers 619-621
X FINANCE	622-688
	Temporary Loans 622-624
	Limitations on Debenture Debts 625-628
	Debenture By-Laws 629-639
	Required Provisions 629
	Provisions for Redemption 630
	Provisions for Repayment 631-632
	Alteration of Provisions 633-638
	Time for Passing By-Law 639
	Consolidation and Refunding of Debenture
	Debt 640-641
	Capital Loans 642-643
	Form and Mode of Issue of Debentures 644-648
	Validity of Debentures 649-650
	Debenture Register 651-655
	Repayment of Debentures 656-659
	Sinking Fund 660-669
	Sinking Fund Trustees 670-680
	Disposal of Capital Funds 681-685
	Reserves 686-688
XI LEGAL PROCEEDINGS	689-712
	Actions Against a City 689-702
	Evidence 703-704
	Quashing By-laws and Resolutions 705-706
	Penalties 707-708
	General 709-711
	Executions against a City 712
XII MISCELLANEOUS MATTERS	713-729
XIII SPECIAL PROVISIONS APPLICABLE TO CERTAIN CITIES	730-741
	General 730-731
	Calgary 732-734
	Drumheller 735
	Edmonton 736-738
	Lethbridge 739
	Medicine Hat 740
	Coming into Force 741

PART II

FORMATION AND ALTERATION OF CITIES.

Formation of Cities.

Application
to form city

9.—(1) The council of any town having a population in excess of five thousand persons may, by resolution, make application to the Minister for the formation of the town into a city.

(2) Upon the recommendation of the Minister the Lieutenant Governor in Council, by proclamation, may form the town into a city effective on the first day of January of the year named in the proclamation.

City formed
by procla-
mation

10.—(1) The proclamation shall contain,—

- (a) an accurate description of the area of the city;
- (b) the year in which the proclamation is to become effective; and
- (c) the name of the city.

Contents of
procla-
mation

(2) The proclamation shall be published in *The Alberta Gazette* and such publication shall be conclusive evidence of the legal formation of the city.

Publication
of procla-
mation
conclusive
evidence

11. The council of the town shall be deemed to be the council of the city until the first meeting of the new city council which shall be held on the Monday immediately following the date of the first election in the year next following the date of the proclamation and during such period the town council shall have all the powers and be charged with all the duties of the city council and shall carry out the same as nearly as possible in the manner prescribed by this Act.

Town coun-
cil temporary
city council

12. The existing by-laws and resolutions passed by the council of the town shall continue good and valid in so far as they are not inconsistent with this Act until they are altered or repealed or others are made in their stead by the council of the city in accordance with the provisions hereof.

Town by-
laws valid
until
repealed

13. All taxes due to the town shall on its formation into a city be deemed to be arrears of taxes due to the city and the provisions of any Act relating to arrears of taxes and the collection thereof for or on behalf of the city shall apply thereto.

Arrears of
town taxes

14. All suits or rights of action by or against the town shall, after its formation into a city, be continued or maintainable by or against the city and all debts and liabilities of the town shall be assumed and paid by the city.

Rights of
action
maintainable
against city

15. The title to and all rights in respect of any real estate or other property of the town shall be vested in the city upon the formation of the town into a city.

Title to
property
vests in city

Boundaries.

16.—(1) For the purposes of this Act whenever the boundaries of any city are wholly or in part described as comprising certain townships, parts of townships, or sections in accordance with the system of Dominion Land Survey the boundary lines of the city shall, unless it is other-

Boundary
line

wise expressly set out in the said description, be the posted side of the road allowance between adjoining sections or townships except in the case of correction lines where the south side of the road shall be the boundary.

Road allowance

(2) Any road allowance between an Indian reserve and a city shall be deemed to be in the city notwithstanding anything herein to the contrary.

Boundaries may be altered

17. The boundaries of any city may be altered by annexing lands thereto or by separating lands therefrom in accordance with the provisions of *The Public Utilities Act*.

Error in proclamation

18.—(1) No misnomer, misdescription or omission in any proclamation relating to the formation of a city or in any order making an alteration in its boundaries, shall in any way suspend or impair the operation of this Act with respect to the matter misnamed, misdescribed or omitted.

Confirmation of corrected proclamation

(2) Any misnomer, misdescription, omission or other error in any proclamation or order may by any subsequent proclamation or order be corrected and the proclamation or order so corrected may be confirmed as of the date of the original proclamation or order.

PART III

GENERAL GOVERNMENT AND ADMINISTRATION

Incorporation of Cities.

City is body corporate with,—

19.—(1) The mayor, aldermen and electors of every city in the Province, now or hereafter formed, constituted, or incorporated, are hereby declared to be and to continue to be a body corporate under the name of “The City of (naming the same)”, and the body corporate,—

Liabilities of corporation perpetual succession seal

(a) shall be subject to all the liabilities of a corporation; and

(b) shall have perpetual succession; and

(c) shall have a common seal with power to alter and modify the same at pleasure; and

power to sue

(d) may sue or be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever; and

power to hold land

(e) may receive by donation and otherwise acquire, hold, dispose of and convey any property, real or personal, for any purpose within its corporate powers; and

power to contract

(f) may become a party to any contract or agreement within the powers of the city.

(2) The said body corporate shall be capable of acting by the council and the council shall exercise all powers vested in the corporation by this Act or otherwise.

DIVISION A—THE COUNCIL

Jurisdiction and Membership.

20.—(1) The council shall be a continuing body notwithstanding any general or other election. Council continuing body

(2) The jurisdiction of the council shall be confined to the limits of the city and to any property outside the city belonging to or under the control and management of the city, except where further jurisdiction beyond the city limits is expressly given to the council by this or any other Act. Jurisdiction of council

(3) Except as herein provided the council of every city may perform and exercise the duties and powers imposed or conferred on it by this Act either by resolution or by by-law. Council may act by resolution or by-law

21.—(1) Except as otherwise provided the council shall consist of the mayor who shall be head thereof and of six or such other even number of aldermen, not less than six nor more than twenty, as may be determined by a by-law as hereinafter set out. Composition of council

(2) Six aldermen shall be elected at the first election following the formation of the city.

(3) After the first election the number of aldermen may be increased by a by-law to be submitted to and approved by a majority of the electors voting thereon.

(4) In case the number of aldermen has been increased under the provisions of subsection (3) the number of aldermen may be decreased to a number not less than six by a by-law to be submitted to and approved by a majority of the electors voting thereon.

(5) Every by-law passed under this section shall take effect so as to be applicable to the next ensuing election for aldermen and the aldermen then in office shall hold office only until the new council meets, notwithstanding that the term of office for which they were elected has not elapsed.

(6) Every member of the council shall make and subscribe the official oath prescribed in *The Oaths of Office Act*. Oath of office

(7) In the case of a first election the said oath shall be placed in the custody of the mayor at the first meeting of the council, to be afterwards deposited by him with the city clerk, and in every other case the member of the council shall deposit the same with the city clerk before entering upon the duties of his office.

The Mayor.

22. The mayor of a city shall hold office for a term of two years and may be re-elected for a subsequent term or terms. Tenure of office of mayor

Duties of
mayor

23.—(1) The mayor shall be the chief officer of the city and shall,—

- (a) preside at all meetings of council whenever he is present;
- (b) cause the laws governing the city to be duly executed;
- (c) supervise the conduct of all city officials in the performance of their duties under this Act;
- (d) cause all negligence and carelessness of duty to be prosecuted and punished; and
- (e) communicate from time to time to the council all such information and recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the city.

Ex-officio
member

(2) The mayor shall be *ex officio* a member of every board, association, commission, or other organization to which the council has the right to appoint members pursuant to the provisions of this Act, and the mayor when in attendance shall possess all the rights, privileges, powers and duties of other members whether elected or appointed.

(3) The mayor shall be *ex officio* a justice of the peace in and for the city.

Suspension
of officials

24.—(1) The mayor may suspend any municipal official, other than a city commissioner or a city manager, and he shall report such suspension and the reasons therefor to the next regular meeting of the council, and the council may either dismiss or reinstate the suspended official.

(2) If the official is dismissed he shall receive no salary or remuneration from the date of his suspension unless the council, by a resolution otherwise determines.

Mayor may
call public
meeting

25.—(1) The mayor, when authorized by a resolution of the council, may call a public meeting of the electors or of the proprietary electors for the discussion of any municipal matter.

Petition for
public
meeting

(2) Except as provided in subsection (3), the mayor, if so requested, at any time by the written petition of fifty electors shall call a public meeting of the electors or of the proprietary electors for the discussion of any matter which, in the opinion of the council, is one of public importance by issuing a printed public notice which shall be published in a newspaper circulating in the city.

Refusal of
petition for
public
meeting

(3) If, in the opinion of the mayor, the municipal matter in respect of which a meeting is requested pursuant to subsection (2) is not of general public importance or interest he shall refer the petition to the council and if the council by a majority of not less two-thirds of the members present votes against the calling of the meeting the same shall not be called.

Appointment
of special
constables

26.—(1) The mayor may from time to time by writing under his hand appoint and engage one or more special

constables within the city for such time not exceeding fifteen days as shall be stated in the appointment.

(2) The authority of a special constable shall cease if his appointment is not confirmed at the next regular meeting of the council.

(3) Special constables shall for the duration of their appointments form a part of the police force of the city.

Meetings of Council.

27. The first meeting of the council shall be held on the Monday immediately following the date of the annual election at such time and place as shall be fixed by the city clerk and the council of the previous year shall hold office until the new council meets.

Date for
first meet-
ing of
council

28. The subsequent regular meetings of the council shall be held on such days as the council shall determine.

29. The council may at any meeting at which the mayor and all the aldermen are present decide by resolution to hold regular meetings of the council and the resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary.

Regular
meetings

30.—(1) The council shall hold its meetings openly and no person shall be excluded except for improper conduct.

Meetings
held
openly

(2) The person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at the meeting.

Expulsion
from
meeting

(3) Notwithstanding subsection (1), in any case where a two-thirds majority of the councillors present are of the opinion that it is in the public interest to hold a meeting on any subject in private, they may by resolution exclude any person therefrom.

Private
meetings

31.—(1) The mayor may call special meetings of the council whenever he deems it expedient, and he shall do so when requested in writing by a majority of the council.

Special
meetings

(2) Where a special meeting of the council is to be held all the members shall be duly notified of the meeting and, in general terms, of the business to be transacted thereat.

(3) The notice shall be given in writing at least twenty-four hours prior to the meeting and may be delivered personally or left at the usual place of business or residence of the member.

Notice of
special
meeting

(4) Notwithstanding the provisions of subsection (3), the mayor may call a special meeting of the council upon such shorter notice, either verbal or written, as he deems sufficient, if all the members of the council give their consent in writing to such notice before the commencement of the meeting.

(5) No business other than that stated in the notice shall be transacted at any special meeting of the council unless all the members of the council are present, in which case, by unanimous consent any other business may be transacted.

Deputy
mayor

32.—(1) The council, at its first meeting following the date of the annual election in each year, and periodically thereafter at such intervals as the council may determine, shall elect one of its number as deputy mayor.

(2) In case the mayor, through illness, absence or other cause, is unable to perform the duties of his office, or in case the office is vacant, the deputy mayor shall have all the powers and shall perform all the duties of the mayor during his inability or absence.

Mayor or
deputy
mayor to
preside

33.—(1) The mayor, or in his absence the deputy mayor, shall preside at every meeting of the council and shall preserve order and enforce the rules of the council.

Substitute
chairman

(2) If the person who ought to preside at any meeting of the council does not attend within fifteen minutes after the hour appointed for the meeting, another member of the council shall be elected as chairman to preside at the meeting in the absence of such person.

Quorum
of council

34.—(1) A majority of the whole council shall be necessary to form a quorum.

(2) No act or other proceeding of the council shall be deemed valid or binding on any person which is not adopted at a regular or special meeting of the council at which a quorum is present.

Circum-
stances not
invalidating
proceedings

(3) The proceedings of the council or of any committee thereof shall not be invalidated by any vacancy among its members or by any defect in the appointment or election of any member or by the disqualification of any member thereof.

Regulations
for
meetings

35. The council may make rules and regulations for calling meetings, governing its proceedings, the conduct of its members, appointing committees and generally for the transaction of its business.

Presiding
member
may vote

36.—(1) The mayor or other member presiding at any meeting of the council may vote with the other members on all by-laws and resolutions except where he is disqualified to vote by reason of interest or otherwise.

Equality
of votes
deemed
negative

(2) Any by-law or resolution upon which there is an equality of votes shall be deemed to be decided in the negative.

All members
present must
vote on
division

37. The mayor, when present, and all the aldermen present shall vote on every division unless excused by resolution of the council or disqualified from voting by reason of interest or otherwise.

Remuneration of Council.

38.—(1) The mayor shall be paid such remuneration as shall be fixed by the council. Remuneration of mayor

(2) The alderman acting as deputy mayor may be paid for carrying out the duties of the office such sum for each period served by him as may be fixed by the council. Remuneration of deputy mayor

(3) Subject to the provisions of subsection (2), no alderman shall receive any remuneration, emolument or other payment in respect of his services on behalf of the city except,— Remuneration of aldermen limited

- (a) such sum as may be fixed by the council for each meeting of the council, and for each meeting on other occasions of any committee of the council, which he has attended during the year, or such annual sum for his duties as may be fixed by the council;
- (b) such sum per day as may be fixed by the council in addition to his actual transportation expenses while necessarily absent from the city upon any business of the city entrusted or delegated to him by resolution of the council;
- (c) such sum per day as may be fixed by the council for each day during which he is required to absent himself from his own business, trade or calling, to attend any convention held in the city, to which he has been appointed a delegate by the council, or to attend a court of revision of which he is a member.

39. The mayor or any alderman may resign his seat in the council at any time upon written notice to the city clerk who shall place the same before the council at its next meeting, and the resignation shall take effect and the seat shall become vacant upon the date fixed by the council, or if no date is fixed, upon the date the council concurs therein. Resignation by notice

40.—(1) If, after the election of any person as a member of the council he,— Disqualification of members

- (a) is convicted of a criminal offence punishable by death or by imprisonment for more than five years; or
- (b) makes an assignment in bankruptcy for the general ~~benefit of his~~ creditors or is adjudged a bankrupt; or
- (c) without being authorized by a resolution of the council to do so absents himself from the meetings of the council for three consecutive months; or
- (d) ceases to be a resident of the city; or
- (e) becomes disqualified from sitting or voting in the council under the provisions of section 96; or

(f) is convicted under section 126 of making a false statement in his acceptance of nomination;
the council, by resolution, shall declare his seat to be vacant and thereupon his seat in the council shall forthwith become vacant.

Ouster of
members

(2) If any elector files an affidavit showing that a member of the council,—

(a) has forfeited his seat on the council or his right thereto; or

(b) never was qualified as a member of the council; or

(c) has become disqualified as a member of the council; or

(d) has otherwise vacated his seat;

and pays into court the sum of ~~one~~ hundred dollars as security for costs to abide the event of the application, the judge may, on an *ex parte* application, direct that notice may be served upon such person of an application for an order ousting him from office, and if upon the hearing of the application, the judge, upon affidavit or oral evidence, is satisfied that the member of the council has forfeited his seat or is disqualified, or that his seat is vacant, the judge may declare his seat vacant or refuse the application and in either case with or without costs.

Mayoralty
vacancy
filled by
alderman
elected by
council

41.—(1) In case the office of the mayor becomes vacant by death, resignation or otherwise, the council shall forthwith elect some person from among its number to fill the position until the next annual election of aldermen, but no vacancy shall occur in the council by reason of such election.

Aldermanic
vacancy
filled by
special
election

(2) In case the office of any alderman on the council becomes vacant by death, resignation or for any other reason than the expiration of his term of office, the council shall forthwith fix a nomination day and appoint a returning officer to hold a special election to fill the vacancy and the election shall be held as nearly as may be in the manner provided by this Act for general elections; but if the vacancy occurs on or after the first day of July in any year the special election need not take place and the vacancy shall be filled at the next annual election of aldermen if the term of the vacating alderman has not then expired.

Elections
to fill
casual
vacancies

(3) At an annual election, in the event of it being necessary to fill a vacancy or vacancies under subsection (2) occurring on or after the first day of July in any year, then the candidate or candidates receiving the next highest number of votes after the regular number of aldermen have been elected shall fill the vacancy or vacancies.

Provision
where num-
ber nomin-
ated does not
exceed
vacancies

(4) If the number of candidates nominated at an annual election does not exceed the total number of vacancies to be filled the candidate or candidates last nominated shall be deemed to be elected to fill the vacancy or vacancies under subsection (2) occurring on or after the first day of July in any year.

DIVISION B—OFFICIALS AND EMPLOYEES

City Commissioner or City Manager.

42. In any city the council may by by-law, to be submitted to the electors and approved by a majority of the electors voting thereon, provide that the council may delegate any or all of its executive and administrative duties and powers to one or more city commissioners or a city manager.

By-law for commissioners or manager

43. The city commissioners or the city manager, as the case may be, shall be subject to the legislative jurisdiction of the council and shall exercise the powers and duties set out in this Act and such other powers and duties as may from time to time be vested, conferred or delegated by by-law or resolution of the council.

Powers of commissioner or manager limited

44. In any city which has city commissioners or a city manager, either by the provisions of a by-law passed under section 42, or by the provisions of its charter in force immediately prior to the passing of this Act, it shall continue to have city commissioners or a city manager, as the case may be, until otherwise provided by a by-law that has been submitted to the electors and received the assent of a majority of the electors voting thereon.

Commissioner or manager to continue

45. Where a by-law passed pursuant to the provisions of section 42 provides for one or more city commissioners it shall provide that they shall be appointed by the council.

Commissioners to be appointed by council

46. Where the by-law provides for the appointment of commissioners they shall be appointed by and hold office during the pleasure of the council and shall not be dismissed except upon a two-thirds majority vote of all the members thereof.

Term of office of commissioners

47. The mayor shall be *ex officio* a commissioner in addition to those appointed by the council.

Mayor is ex-officio a commissioner

48. The commissioners shall be called "The Commissioners of the City of (naming same)".

Name of commissioners

49. Where the by-law passed pursuant to section 42 provides for the appointment of a city manager he shall be appointed by the council and shall hold office during the pleasure of the council and shall not be dismissed except upon a two-thirds majority vote of all the members thereof.

Manager appointed by council

50.—(1) No person having an interest in a contract with the city shall be appointed city commissioner or city manager, and no city manager or city commissioner shall, during his term of office, have an interest, direct or indirect, in such a contract.

Disqualification of manager

(2) If a city commissioner or city manager, as the case may be, knowingly acquires such an interest he may be immediately dismissed without notice and without compensation.

Salary of
commission-
ers or
manager

51. The council shall fix the annual salary to be paid to each of the city commissioners or to the city manager, as the case may be, and in case of termination of the appointment of a city commissioner or the city manager, other than pursuant to section 50, subsection (2), he shall receive three months' notice, or in lieu thereof, one-quarter of his annual salary.

Substitute
commission-
er or
manager

52. If a city commissioner or a city manager, as the case may be, is incapable, through illness, absence or other cause, of performing the duties of his office the council may appoint a substitute who during such illness, absence or other incapacity, shall have and exercise all the powers of the said commissioner or manager.

Reference in
Acts to com-
missioner or
manager

53. Unless the context otherwise requires, wherever in this Act or any other Act there is a reference to the city commissioners or to their powers or duties it shall be deemed to be a reference to the city commissioners or to the city manager, as the case may be, if any, and if there is no by-law providing for either city commissioners or a city manager then it shall be deemed to be a reference to the mayor.

Other Officials.

Appointment
of officials
by council

54.—(1) The council shall by by-law appoint a city clerk, a city treasurer, an assessor, a city solicitor and one or more auditors and may also by by-law appoint a comptroller and may by resolution appoint a city engineer and such other officials as are deemed necessary for carrying into effect the provisions of this Act or of any other Act affecting the city or of any city by-law.

More than
one office
may be held

(2) A person may be appointed to more than one office but a person appointed as auditor shall not hold any other office.

Assistant
officials
designated
by council

(3) The council by resolution, may designate a person as the assistant to any official referred to in subsection (1) and the assistant shall,—

(a) have such powers and duties as may be delegated to him by that official; and

(b) have all the powers of the official during his absence or inability to act.

Substitute
officials
appointed by
council

55.—(1) The council, by resolution, may appoint some person to act in place of any official who may be absent or incapable of performing his duties, or during a vacancy in the office.

(2) The city commissioners, in writing, may appoint some person to act in place of any official until the next meeting of the council in case the official is absent or incapable of performing his duties or during a vacancy in the office.

Substitute officials appointed by commissioners

(3) During the period of the absence, incapability or vacancy, any person appointed under subsections (1) or (2) shall have all the powers of the official.

56. Each city official shall hold office during the pleasure of the council or according to the terms expressed in the by-law or resolution by which he was appointed, and in addition to the duties assigned to him by this Act or by the general law of Alberta, shall perform such other duties as may be required of him by the by-laws or resolutions of the council.

Term of office and additional duties of officials

57.—(1) The council, by by-law, may require an official or employee to give such security as is deemed expedient for the faithful performance of his duties, and during the month of January in each year all such securities shall be produced to the mayor and shall be laid by him before the council.

Securities of officials and employees

(2) The bonds or policies of guarantee of a corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust, may be accepted instead of or in addition to the personal bond of an official or employee.

Type of security

58. Each official, employee and agent of the city shall be personally liable for damage arising from his actions or defaults, or from his failure to discharge the duties imposed upon him by law or by this Act, or by the by-laws and resolutions of the council, in addition to any penalties otherwise imposed for the said acts or defaults.

Damage responsibility of officials and employees

City Clerk.

59.—(1) The city clerk shall attend all meetings of the council and shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council and, if required by any member present, shall record the name and vote of every member voting on any matter submitted.

Duties of city clerk

(2) He shall safely keep all the books, documents and records of the council and the originals or certified copies of the by-laws and resolutions.

(3) It shall be his duty to summon all meetings of the council, to communicate the by-laws, resolutions and instructions of the council to the parties concerned therein, and to conduct the general official correspondence of the council and the city.

(4) The city clerk shall perform all such other duties as may be prescribed by this Act or assigned to him by the council.

Inspection
of documents
by elector

60. Any elector may at all reasonable times inspect,—

- (a) any contract, account or by-law;
- (b) any report of the commissioners or of any committee or of any official of the city after it has been submitted to the council, other than an opinion or report of the city solicitor or of any counsel engaged by the city;
- (c) the minutes of council, after the same have been adopted by the council;

and the clerk shall, within a reasonable time after demand by an elector, furnish him with copies of any such documents or parts thereof at the rate of twenty-five cents per one hundred words, each figure to be counted as one word.

Validity of
documents
in court

61. A copy of any book, record, document or account certified under the hand of the clerk and the city seal shall be received in evidence in all courts without proof of the seal of the city or of the signature or official character of the person appearing to have signed the same unless the court or a judge thereof otherwise orders.

City Treasurer.

Duties of
city
treasurer

62. The city treasurer shall collect, receive and safely keep all moneys belonging to or accruing due to the city from whatever source, and shall pay out the same only to such persons and in such manner as is directed by law or by the by-laws or resolutions of the council.

Deposit
of moneys

63.—(1) The treasurer shall deposit or cause to be deposited in the name of the city, in a chartered bank or in a treasury branch designated by resolution of the council, all moneys received by him.

(2) The treasurer, with the approval of the council, may authorize any department to deposit directly the moneys received by it.

(3) Deposits shall be made daily or as often as the council may direct.

Treasurer
shall sign
cheques

(4) Subject to the provisions of section 64, the treasurer jointly with the mayor, or such other person as the council may from time to time appoint, shall sign all necessary cheques.

Person ap-
pointed to
sign jointly
with
treasurer

64.—(1) Unless otherwise provided by resolution of the council, the mayor or such other persons as the council may from time to time appoint for the purpose, shall sign jointly with the treasurer, all cheques issued by the city.

(2) The council, by resolution, may authorize the mayor and treasurer to issue each week, fortnight or month, as the case may be, a single cheque covering the total amount of the weekly, fortnightly or monthly payroll, such cheque to be deposited in the bank in a wages account and to be paid out upon cheques signed by the treasurer alone.

Special provision for payroll cheques

(3) The council may, by resolution, authorize the treasurer alone to sign and issue cheques for refunds of deposits.

Refund cheques

(4) The council may, by resolution, authorize the treasurer alone to sign and issue cheques covering all or any disbursements in connection with and authorized under any plan or scheme of relief from time to time in force in the city.

Relief cheques

(5) Any signature required by this section may be printed, lithographed or otherwise mechanically reproduced if authorized by resolution of the council.

Printed signature authorized

(6) The authority given by a resolution under subsections (2), (3), (4) or (5) shall be considered a continuing authority until the resolution is rescinded.

Continuing authority re signing cheques

65.—(1) The treasurer shall keep and make use of such books of record and account as the council shall from time to time require him to keep and use.

Type of records required

(2) The treasurer shall also prepare and submit to the council monthly a correct statement of the moneys at the credit or debit of the city.

Assessor.

66. The assessor shall assess all property, trades, businesses, professions, and franchises which are liable to assessment under the provisions of this Act, or are liable to assessment under the provisions of any by-law of the city which has been passed under the authority of this Act, and shall perform such other duties as may be delegated to him by the council.

Duties of assessor

City Solicitor.

67. The city solicitor shall be a member of The Law Society of Alberta, and the council may determine his duties and the terms and period of his employment.

Qualification and duties of city solicitor

68. Notwithstanding that the remuneration of the city solicitor is paid wholly or partly by salary, the city shall be entitled to tax and collect lawful costs in all actions and proceedings to which the city is a party.

Remuneration of city solicitor

Auditor.

69.—(1) The council shall, from time to time and as often as the office is vacant, appoint one or more auditors but no one who at the time of appointment or during the

Appointment and qualification of auditor

preceding year is or was a member of the council, or is or was the city clerk, comptroller, or treasurer, or has or had, directly or indirectly, alone or with any other person, a share or interest in any contract or employment with or on behalf of the city, except as auditor, shall be so appointed.

(2) A partnership may be appointed auditor.

Duties
of auditor

70.—(1) The auditor shall, at least once in every three months during the year, examine, audit and report upon all books and accounts affecting the city or relating to any matter under its control or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture, shall stamp thereon in indelible letters the word "audited".

(2) The auditor shall, on every such occasion, write a special report respecting all expenditures made contrary to law, by-law or resolution, and shall deliver the report to the mayor who shall lay the same before the council at its next meeting.

Provision
for continu-
ous audit

71. The council may, by by-law, provide that the auditor shall conduct a continuous audit and may by the same or a similar by-law provide that the auditor shall audit all accounts before they are paid.

Auditor
shall
prepare
statement
and report

72.—(1) On or before the first day of April in each year the auditor shall prepare in such form as the council may direct, an abstract of the revenue, expenditure, assets and liabilities of the city up to the thirty-first day of December of the preceding year, including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand, and shall make a special report respecting any expenditures made contrary to law.

Auditor's
report
mailed to
Minister
and mayor

(2) The auditor shall forthwith send by prepaid post, a copy of the abstract and report to the Minister and a copy to the mayor, who shall lay the same before the council at its next meeting.

Auditor's
report to be
published

(3) The council, on or before the first day of June in each year, shall cause the abstract and report, or a synopsis thereof, to be published in one of the following ways,—

- (a) in a newspaper published or circulating in the city;
or
- (b) in pamphlet form for distribution by mail or otherwise to the ratepayers; or
- (c) in such other manner as the council deems advisable in order to give such information to the ratepayers concerning the financial affairs of the city as the council deems reasonable and proper.

73.—(1) Any elector may inspect the said abstracts and reports at all reasonable hours, and may by himself or his agent and at his own expense take a copy thereof or extract therefrom. Inspection of report by elector

(2) The council may provide for a supply of printed copies of the abstract and report and may provide for the sale of such copies, if there are sufficient prints available, at such price as the council may set. Provision for sale of printed auditor's report

74. The financial year of the city shall commence on the first day of January and close on the thirty-first day of December. Financial year defined

Comptroller.

75.—(1) The council may appoint a comptroller or chief accountant who shall keep all the city's books other than those required to be kept by the treasurer, in connection with the receipt and disbursement of moneys. Appointment and duties of comptroller

(2) If such appointment is made the auditor or firm of auditors, appointed by the council shall,— Duties of auditor where comptroller appointed

- (a) examine, audit and report annually upon the books and accounts affecting the city or relating to any matter under its control or within its jurisdiction;
- (b) supervise the work of the accounting staff;
- (c) supervise generally the accounting in all the city departments; and
- (d) make special reports on any expenditure made contrary to law or by-law or resolution of council.

(3) In such case the council may assign to the comptroller or chief accountant such of the duties set out in sections 71 and 72 as are not assigned to the auditor mentioned in subsection (2). Special duties of comptroller

City Engineer.

76. If a council appoints an official with the title of city engineer he shall be a member of the Association of Professional Engineers of Alberta. Qualification of city engineer

General Provisions Relating to Officials and Employees.

77. No member of the council shall be eligible for appointment to any city office other than that of mayor or deputy mayor. Council member not eligible

78. The council shall not call for tenders from applicants for any office. Tenders disallowed

79. All officials and employees appointed by the council shall hold office during the pleasure of the council or as expressed in their appointment. Term of office

Oath of
office

80.—(1) Every official of the city shall before entering upon the duties of his office make and subscribe the official oath prescribed by *The Oaths of Office Act*.

(2) The officials who are required as aforesaid to make an oath of office shall make and subscribe the said official oath before a commissioner for oaths, a notary public or justice of the peace.

(3) The deponent, affirmant or declarant shall subscribe every oath, affirmation or declaration required under this Act, and the person administering it shall duly administer, certify and preserve the same and shall, within eight days, deposit it in the office of the city clerk, who shall preserve it among the city records.

DIVISION C—BOARD OF POLICE COMMISSIONERS

Provision for
board of
police com-
missioners

81.—(1) In every city the council, by by-law, may provide for a board of police commissioners consisting of one or more persons to be appointed by the council.

(2) In case of inability to act for over two months due to absence from the city or illness of any person appointed by the council under subsection (1), the council may appoint a person to act during the inability of the member.

Remunera-
tion of police
commis-
sioners

82. The council may provide for the payment of a reasonable remuneration to each member of the board for his services, or to any person appointed under section 81 to fill a vacancy.

Council may
prescribe
operation of
board of
police com-
missioners

83. The council, by by-law, may prescribe,—

- (a) the powers and duties to be exercised by the board;
- (b) rules and regulations governing the proceedings of the board and the conduct of its meetings;
- (c) the board shall have sole charge and control of the powers and duties delegated by the council to the board.

Council may
provide
board with
authority to
operate
police force

84. The by-law passed by the council may provide that,—

- (a) the police force shall consist of a chief of police and as many constables and other officers and assistants as may be deemed necessary from time to time by the Board;
- (b) the board shall appoint the members of the police force who shall hold office during pleasure;
- (c) the board shall have sole charge and control of the force and of the police department;
- (d) the board from time to time may make such regulations as it may deem expedient for the government of the force, for preventing neglect or abuse and for rendering the force efficient in the discharge of its duties.

85.—(1) If authorized to do so by by-law of the council, the board may pass by-laws in respect of all matters within its powers, and such by-laws shall be sufficiently authenticated by the signature of the chairman.

Board may
pass by-laws

(2) A copy of any such by-law, either written or printed, purporting to be certified a true copy by a member of the board shall be received in evidence in all courts without proof of the signature or official character of the member who signed the same.

86. Where the board has authority to make by-laws it shall have power in and by such by-laws to attach penalties for the infraction thereof, and such penalties may be recovered by way of summary conviction before the police magistrate of the city or before a justice of the peace residing in or near the city.

Board may
impose
penalties for
infraction of
by-laws

87. Each member of the police force, before entering upon his duties, shall take and subscribe the official oath prescribed by *The Oaths of Office Act*.

Oath of
office by
police

88. Subject to the paramount authority of the board, the members of the police force shall obey all lawful directions, and be subject to the orders of the chief of police, and shall be charged with the duty of preserving the peace, apprehending offenders and generally with the performance of all duties which by law devolve upon constables and peace officers.

Duties of
police

89.—(1) Any member of the force may be suspended by the chief of police, who shall forthwith report the suspension to the board of police commissioners, or if there is no board, to the council.

Suspension
by chief
of police

(2) Any member suspended or dismissed shall have the right to be heard in person or through his solicitor before the board or the council, as the case may be.

Right of
suspended
police to
hearing

(3) The board or the council, as the case may be, may dismiss or reinstate any member of the force suspended by the chief of police.

Reinstatement
of
suspended
police

90.—(1) The board or the council, as the case may be, may investigate the conduct of any member of the police force either of its own motion or in connection with a charge of negligence or misconduct or in case of suspension.

Investigation
of conduct
of member

(2) For the purpose of the investigation it shall have all the powers and authority for compelling witnesses to attend and testify under oath concerning the subject matter of the investigation, for preserving order and for punishing for contempt that may be exercised by a police magistrate or justice of the peace in respect of criminal or quasi-criminal matters being heard before him.

Authority of
investigating
body

91.—(1) Subject to the prior approval of the Lieutenant Governor in Council, the council of a city may enter into

Provision for
employment
of R.C.M.P.

arrangements with the Government of Canada for the use or employment of the Royal Canadian Mounted Police, or any portion thereof, in policing the municipality and in enforcing the laws of the municipality, and may, in any such arrangement, agree upon and determine the amount of money to be paid by the municipality for such services.

(2) Where a city enters into such arrangements the provisions of sections 81 to 90 shall not apply.

PART IV

ELECTIONS

First Election.

Term of
office of
aldermen
at first
election

92.—(1) In the case of a first election of aldermen in a city the three candidates first in order of nomination in case no poll is held, or the three candidates who stand first, second and third on the poll in the event of a poll being held, shall hold office for two years.

(2) The remaining three candidates next in order of nomination in case no poll is held or the three candidates who stand fourth, fifth and sixth on the poll, in the event of a poll being held, shall hold office for one year.

(3) In each case the term of office shall commence with the date of the first meeting of the new council following the date of the election as provided by section 27.

First Election Following Increase in Aldermen.

Term of
office of
aldermen
at first
election fol-
lowing
increase in
number

93. In the event of a by-law being passed and approved under the provisions of section 21, the terms of office of the aldermen composing the new council shall be determined in the same manner as that provided in a first election by section 92; provided, however, that the ratio of one-half the number of aldermen to the total number shall be maintained in like manner as that provided by the said section 92.

Annual Election.

Term of
office of
aldermen at
regular
annual
election

94. Following a first election, or following a first election after an increase in the number of aldermen, as the case may be, one-half the required number of aldermen shall be elected annually and shall hold office for two years commencing with the date of the first meeting of the council following the date of the election.

Qualification of Mayor and Alderman.

Qualification
of mayor and
alderman

95.—(1) No person shall be qualified to be elected mayor or a member of the council of a city unless,—

(a) he can speak, read and write the English language; and

(b) he is a Canadian citizen; and

- (c) he is of the full age of twenty-one years at the date of nomination; and
- (d) he is not disqualified under this or any other Act; and
- (e) he is a resident of the city and has resided therein for twelve consecutive months immediately preceding the date of nomination; and
- (f) he is entitled to have his name appear upon the voters' list.

(2) No person eligible for election as mayor, alderman or school trustee shall be permitted to be a candidate at one election for more than one of such offices, nor shall any person be permitted to hold at one time more than one of such offices.

Candidate limited to one office

(3) Any person holding the office of mayor, alderman or school trustee shall not be eligible to be a candidate for any other such office,—

Office holder not eligible as candidate for other office

- (a) unless his term of office is expiring; or
- (b) unless he has resigned his office effective on or before the ~~fifteenth day~~ of September in case his term of office is not expiring.

96. The following persons shall not be eligible to be elected mayor or a member of the council or be entitled to sit or vote thereon,—

Persons not eligible as member of council

- (a) any judge of any court of civil jurisdiction;
- (b) any sheriff, deputy sheriff or bailiff;
- (c) any constable or police officer;
- (d) any gaoler or keeper of any house of correction;
- (e) any paid official or employee of the city;
- (f) any person who is for the time being a party to any subsisting contract with the city under which any money of the city is payable or may become payable for any service, work, matter or thing, or who has any pecuniary interest in any such contract, whether the interest is direct or indirect;
- (g) any person who is surety for an officer or employee of the city;
- (h) any person who has been convicted of a criminal offence punishable by death or imprisonment for more than five years;
- (i) any person who, at the time of nomination, is indebted to the city for taxes for more than the two calendar years immediately preceding the year in which the election is held or who, having entered into any agreement for the consolidation of the arrears of taxes owing by him to the city, is at such time in default in the payment of any sums payable under the agreement;
- (j) any person who, having been elected as a member of the council,—

- (i) has resigned his seat thereon,—
 - (A) on account of any matter or thing which would disqualify him for election as a member of the council or to sit or vote thereon; or
 - (B) for the purpose of avoiding the making of restitution for any money received by him in contravention of any of the provisions of this Act; or
 - (ii) has been dismissed from the council under the provisions of section 40, subsection (1), clauses (a) or (f);
- until the expiration of three years from the date of the resignation or dismissal.

Exceptions
to clause (f)
of section 96

97.—(1) Clause (f) of section 96 shall not apply to any person by reason only,—

- (a) of his being a shareholder in any incorporated company having a contract or dealings with the council,—
 - (i) unless he holds or there is held by himself and his spouse, parents, children, brothers and sisters, more than twenty-five per cent of the issued capital stock of the corporation; or
 - (ii) unless the contract or dealings are for the building, construction or repair of a public work of the city;
- (b) of his contracting with the council for the supply to him of any service or commodity which the council has statutory authority to supply;
- (c) of his being interested in any publication in which official advertisements of the council appear or which is supplied to the council or any official thereof at the usual rates;
- (d) of his having a lease of twenty-one years or upwards of any property from the city;
- (e) of sales of goods and merchandise to the city or to persons contracting with the city made by a dealer in those goods and merchandise incidental to and in the ordinary course of his business at competitive prices;
- (f) of any services rendered by a medical man to indigents who are residents of the city for which the city is or may become liable to pay;
- (g) of professional services rendered by a barrister and solicitor to the city, provided that the charges for the services have been taxed under the provisions of the Rules of the Supreme Court of Alberta and the amount of the charges as taxed does not exceed the sum of two hundred dollars in any year.

- (2) No mayor or alderman shall vote in the council,—
- (a) on any question affecting a company of which he is a shareholder;
 - (b) on any contract for the sale of goods and merchandise to which he is a party;
 - (c) on any question affecting the lease of any property of which he is the leaseholder from the city;
 - (d) on any question affecting land of which he is the purchaser from the city under an agreement of sale.

When member of council shall not vote

Qualification of Voters.

98. The persons qualified to vote for mayor and alderman at any election shall be every person of the full age of twenty-one years,—

Persons qualified to vote for mayor or alderman

- (a) whose name appears upon the last revised voters' list;
- (b) whose name does not appear upon the last revised voters' list, and whose name appears upon the last revised assessment roll in respect of land or business liable to taxation, if such person takes the oath or affirmation in Form 14 in the Schedule;
- (c) whose name does not appear upon the last revised voters' list and who is a British subject and has continuously resided in the city for a period of six consecutive months immediately preceding the first day of May and who continues to reside therein, if such person takes the oath or affirmation in Form 15 in the Schedule.

Voters' List.

99. The council shall by by-law, divide the city into polling divisions, and may from time to time alter the boundaries of any or all polling divisions by subsequent by-law.

Establishment of polling divisions

100.—(1) Wherever in this Part there is a reference to the duties of the city clerk in connection with any election and the council has appointed some other person to perform those duties it shall be deemed to be a reference to such other person as the council may have appointed.

City clerk's election duties

(2) The city clerk, or such other person as the council may appoint shall prepare a voters' list in each year.

Voters' list necessary each year

Enumeration.

101.—(1) There shall be an enumeration in each year unless the council, by by-law, provides that enumeration shall take place at less frequent intervals.

Enumeration each year unless otherwise provided

(2) The council, prior to May first in each year in which enumeration takes place, shall make provision for the

Appointment of enumerators

appointment of a sufficient number of enumerators to complete an enumeration of the electors residing in each polling division.

Enumerators appointed by council or city clerk

(3) Such appointments may be made by resolution of the council but if not so made the council shall, by resolution, delegate such appointments to the city clerk in which event it shall be the duty of the city clerk to appoint the enumerators.

Substitute enumerator

(4) If for any reason an enumerator is unable to fulfill his duties or is found to be incapable, the city clerk shall cancel the appointment of the enumerator and appoint another enumerator in his stead.

Regulations as to conduct of enumeration

(5) The council, by by-law, may prescribe regulations and forms governing the enumeration of the electors and unless otherwise provided in the said by-law the enumeration shall be conducted as follows,—

(a) on or before the last day of June in each year each enumerator shall visit each place of habitation in the area assigned to him and in Form 1 in the Schedule shall record the name and address of each person residing therein who is of the full age of twenty-one years, is a British subject and who has continuously resided in the city for a period of six months immediately preceding the first day of May in that year and has continued to reside therein;

(b) each enumerator shall complete each enumerator's form in duplicate in respect of each person entitled to vote at a municipal election in the current year and shall leave a copy at the residence of the person described.

(6) Each enumerator shall, upon completion of his duties, transmit to the city clerk the original of all enumerators' forms completed by him.

Oath of enumerator

(7) Each enumerator appointed pursuant to this section, before acting as such, shall take the oath of office in Form 2 in the Schedule which may be sworn before a justice of the peace, a commissioner for oaths, a notary public, or the city clerk.

Preparation of Voters' List.

Time for completion of voters' list.

102.—(1) The voters' list shall be prepared in the manner hereinafter provided prior to the fifteenth day of August.

Voters' list arranged according to polling divisions

(2) The list shall be arranged according to the polling divisions fixed by the council, as provided by section 99 and the names thereon shall be in alphabetical order according to each polling division.

Voters list to contain,—

(3) The list shall contain the following particulars, which when possible, shall be taken from the assessment roll,—

name of purchaser of land

(a) the name of every purchaser entitled to the possession of land liable to taxation for general municipal

- purposes whose name appears upon the last revised assessment roll and who is of the full age of twenty-one years;
- (b) the name of every owner of land liable to taxation for general municipal purposes of which there is no purchaser whose name appears upon the last revised assessment roll, and who is of the full age of twenty-one years; name of owner of land
- (c) the name of every person who is liable to a business tax in respect of a business and whose name appears upon the last revised assessment roll, and who is of the full age of twenty-one years if not entered upon the list under the provisions of clauses (a) or (b); name of person liable for business tax
- (d) the street address of the voter's residence or a brief description of the land in respect of which he is assessed or a statement of the business in respect of which he is assessed; voter's street address or description of assessable property.
- (e) the letters "SS" if a separate school supporter;
- (f) the letter "B" opposite the name of each person entitled to vote on a by-law requiring the assent of the proprietary electors.
- (4) Where an elector is resident in a polling division in the city his name shall be entered on the voters' list in that division only. Resident elector on list
- (5) Where an elector is not a resident within the city his name shall be entered on the voters' list in the division in which the land or business in respect of which he is qualified is situated. Non-resident elector on list.
- (6) Where an elector, who is not resident within the city, is qualified in respect of land or business in more than one division his name shall be entered on the voters' list in the division in which his assessment is highest, or, in the case of equality of assessment his name shall be entered on the voters' list in that division which bears the lower or lowest number, as the case may be. Where non-resident qualified in more than one polling division
- (7) The city clerk shall also enter upon the voters' list, the names in alphabetical order, of all persons whose names do not already appear on the list who are British subjects of the full age of twenty-one years, and who have continuously resided in the city for a period of six months immediately preceding the first day of May in that year, and whose names appear on the list prepared by the enumerators referred to in section 101. Additions to voters' list
- 103.**—(1) When the voters' list has been prepared, but in any event not later than August fifteenth, as provided by section 102, the city clerk shall post up one copy of the list in his office and one copy in each of two other conspicuous places in the city. Posting of voters' list
- (2) He shall also post up in a conspicuous place in each polling division a copy of that part of the list which contains the names of those entitled to vote in the polling division. Posting of partial voters' list in polling divisions.

Publication
of notice

(3) He shall also publish once a week for two consecutive weeks in a newspaper or newspapers published in the city a notice stating that the lists have been prepared and posted for inspection, stating the places where they are posted and the time within which application for amendments thereto may be received by him.

Penalty for
destruction
of voters'
list

104.—(1) A person unlawfully taking down, covering up, mutilating, defacing or altering a voters' list shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred dollars, and in default of payment, to imprisonment for a term not exceeding six months, with or without hard labour.

(2) A copy of subsection (1) shall be reproduced upon the face of every voters' list.

Application
of omitted
person.

105.—(1) Any person who is otherwise qualified to vote but whose name does not appear on the voters' list referred to in section 103 may make application to the city clerk to have his name added to the voters' list at any time during office hours of every business day from the sixteenth day of August to the sixth day of September.

Application
to be made
personally.

(2) The application shall be made personally and shall be in the form of a declaration setting forth the qualifications of the individual applying.

Penalty for
false
statement

(3) Any person making a false statement in any such declaration shall be liable on summary conviction to a fine of not less than ten dollars nor more than one hundred dollars.

Verification
of qualifi-
cations

(4) The city clerk shall receive all applications properly made under the provisions of this section and in order to verify the qualifications of any applicant may require him to furnish satisfactory proof thereof and shall have authority to take the affidavit or statutory declaration of the applicant or of any other person he shall see fit.

Addition
of name
of appli-
cant

(5) If the city clerk is satisfied that the applicant is qualified to have his name added to the voters' list he shall add the name to the list in the proper polling division and shall notify the applicant of the addition.

Rejection
of appli-
cation

(6) If the city clerk is not satisfied that the applicant is qualified to have his name added to the voters' list he shall reject the application and shall notify the applicant of the rejection and the reason therefor.

Notice of
rejection.

(7) The clerk shall include in the notice of rejection a statement advising the applicant that he may make a further application to the court of revision of the voters' list.

Applica-
tion to
strike
name off
voters' list

106. Any person who is, or who claims to be, an elector may apply to the court of revision to have the name of any person struck off the voters' list on the grounds that such person is not qualified as an elector and to have the name of the proper person, if any, substituted therefor.

107.—(1) Any person who challenges or takes objection to the name of any other person upon the list upon the ground that such other person is not duly qualified to be an elector may give written notice not later than the tenth day of September to the city clerk stating the ground of his challenge or objection and the reason therefor.

Notice of challenge or objection

(2) Notice of the challenge or objection shall be sent forthwith by the city clerk to the person challenged or objected to, if living.

Notice to challenged person

(3) If the person whose name is challenged or objected to is alleged to be dead, the city clerk shall make due inquiry and report the result thereof to the court of revision.

108. Any person who claims to be duly qualified as an elector but whose name does not appear on the list may appear personally before the court of revision and apply to have his name added to the list.

Personal application to court of revision

Court of Revision.

109.—(1) The council of each city, prior to the first day of September in each year, may provide by resolution that the court of revision shall be composed of a revising officer.

Court of revision may be revising officer

(2) If such provision is made the council shall appoint as a revising officer,—

Persons who may be revising officer

- (a) any judge of a District Court; or
- (b) the Clerk of the Supreme Court for the Judicial District in which the city is situated; or
- (c) any duly qualified barrister or solicitor practising in Alberta who is a resident of the city and shall fix the fees to be paid to the revising officer at such amount as the council deems reasonable.

(3) Unless provision has been made for the appointment of a revising officer the council shall be the court of revision.

110. The city clerk shall be the clerk of the court of revision.

Court of revision clerk

111. On or before the first day of September in each year, the council shall set the time or times and the place when and where the court of revision shall be held.

Time and place for court of revision

112. The city clerk shall cause to be published forthwith in two or more issues of a newspaper circulating in the city a notice stating the time and place fixed for the hearing by the court of revision of applications for amendments to the voters' list.

Notice of time and place.

113.—(1) On or before the twentieth day of September in each year, the court of revision shall hear and finally

Hearings to amend voters' list

determine all applications for amendments to the voters list and the city clerk shall amend the voters' list in the manner so determined.

No deletion without person's right to be heard

(2) No name shall be deleted from the voters' list unless the person concerned, if living, has been given an opportunity to be heard, or if dead, proof of death satisfactory to the court of revision has been produced.

Penalty for default of city clerk

114.—(1) Any city clerk who knowingly enters in the list the name of any person who has no right to be included therein pursuant to the provisions of this Act or who refuses or wilfully neglects or omits,—

- (a) to prepare any voters' list as required by this Act; or
- (b) to enter upon the list the name of any person whose name appears upon the assessment roll; or
- (c) to enter upon the list any other particular as required by this Act; or
- (d) to revise the list in accordance with any of the requirements of this Act;

shall in respect of each such entry, refusal, neglect or omission be guilty of an offence and liable on summary conviction to a fine of not more than fifty dollars and costs.

"voters' list."

(2) For the purposes of this section the expression "voters' list" includes any copy thereof which the city clerk is required to prepare by this Act.

Voters' list to be continuing

115. The voters' list as revised by the court of revision shall be the voters' list of the city for the ensuing year or until a new voters' list has been prepared and finally revised.

Powers of court of revision

116. The revising officer or the council, as the case may be, when sitting as a court of revision upon the voters' list shall have all the powers and privileges in respect of the attendance of witnesses, the imposition and recovery of penalties, as are conferred upon the court of revision for the assessment roll as set out in section 511.

Procedure Preliminary to Conduct of Election.

Polling places

117.—(1) The council from time to time may designate the places at which polls shall be opened in case a poll or vote is required.

Returning officer may set polling places

(2) In the absence of the designation of polling places by the council the returning officer shall designate the various polling places in each polling division.

Duties of city clerk re election preparations

118.—(1) In all elections and voting required under any of the provisions of this Act, unless the council otherwise specifically provides by by-law, the city clerk shall,—

- (a) be *ex officio* returning officer;

- (b) appoint such deputies, polling clerks, constables and other officials as may be requisite;
- (c) provide all necessary means and do all acts that may be required for the purpose of holding the election or taking the votes; and
- (d) in case any polling place named in any by-law is not available he shall provide a convenient place in the vicinity and shall post a notice at the designated polling place stating the place to which the poll is removed or station some person thereat for the purpose of directing electors.

(2) In case the council determines to make special provision, it shall, at least two weeks prior to the last Monday in September in any year by by-law, appoint a returning officer for the next municipal elections in which case the returning officer so appointed shall have all the powers of the city clerk in his capacity of returning officer.

Returning officer in lieu of city clerk

(3) No candidate shall be appointed as an election official.

119. Every returning officer, deputy returning officer, poll clerk, constable or other official appointed to act at an election, before entering upon the duties of his office shall make and subscribe a solemn declaration in Form 3 in the Schedule.

Declaration of election officials

120.—(1) When an oath, affirmation or declaration is required to be taken or made by a returning officer or deputy returning officer, the same may be made and subscribed before the city clerk, the poll clerk, a justice of the peace, or in the case of a deputy returning officer before the returning officer, as well as before any person authorized to administer an oath.

Persons before whom declaration may be made

(2) The returning officer, deputy returning officer, any justice of the peace or any person authorized to administer an oath may administer an oath, affirmation or declaration required to be made by a poll clerk, constable or other official under the provisions of this Act.

121. If a returning officer dies or is unable to act from any cause, the city commissioners may, in writing, appoint a person to act in place of the returning officer for the purpose of any election or vote on a by-law then pending or to be held or taken within thirty days after such appointment, and the person so appointed shall have and be subject to the same powers, authorities, duties and liabilities as a returning officer.

Substitute returning officer

Nominations.

122.—(1) Nomination day for the annual civic election shall be the fourth Wednesday in September.

Date for nomination

Time for
receiving
nominations

(2) The returning officer shall receive nominations at the city hall on that day from ten o'clock in the forenoon to twelve o'clock noon.

Publication
of notice
of nominations

123.—(1) The returning officer, at least six clear days previous to the fourth Wednesday in September in each year, shall publish in a newspaper circulating in the city a notice in Form 4 in the Schedule.

Publication
of notice
of nomination
meeting

(2) In each city wherein there is published a daily newspaper the returning officer shall also give notice of the nomination meeting by advertising in such newspaper or newspapers each day during the week preceding nomination day in Form 4 in the Schedule.

Receiving
of nominations

124. At the time and place named in the nomination meeting notice the returning officer shall declare the meeting open for the purpose of receiving nominations and he shall thereupon receive and accept all nominations presented in the proper form within the hours specified in the notice.

Nomination
for elective
office to
be in
writing

125. Every nomination of a candidate for any elective office shall be in writing signed by at least two electors and shall be accompanied by a written statement of the person nominated that he is eligible to be elected for such office and that he will accept the office if elected, and such nomination, statement and acceptance shall be in Form 5 in the Schedule.

Penalty
for false
statement
in candidates'
acceptance

126. Any person signing the candidate's acceptance who therein makes a false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars and costs.

Hours for
nomination
meeting

127.—(1) The nomination meeting shall remain open until twelve o'clock noon when, if the number of persons nominated to serve any of the offices for which they have been nominated is equal to and does not exceed the requisite number, the returning officer shall declare the persons so nominated duly elected for the office for which they were nominated.

Adjournment
of nomination
meeting

(2) In the event of the number of persons nominated for any office being less than the requisite number the meeting shall stand adjourned to the next day at the same place at the hour of eleven o'clock in the forenoon and such adjourned meeting shall remain open until twelve o'clock noon for the purpose of receiving further nominations for the office in respect of which the requisite number of nominations have not been received.

Day to day
adjournment
of nomination
meeting

(3) So long as the number of persons nominated for any office are less than the requisite number, the meeting shall be adjourned from day to day at the same place and hour, and each adjourned meeting shall remain open until twelve o'clock noon.

Procedure Preliminary to Holding of Poll.

128.—(1) If more than the requisite number of persons are nominated for any office or offices the returning officer shall declare that a poll will be held for filling such office or offices.

Poll de-
clared

(2) The date of polling shall be the third Wednesday following nomination day.

Date of
polling

(3) If nomination day or polling day falls on a statutory holiday in any year then nomination day or polling day, as the case may be, shall be the next legal day following the statutory holiday.

When
nomination
day a
holiday

129.—(1) If more than the required number for any particular office are nominated, any person so nominated, at any time within twenty-four hours from the close of the nomination period, may withdraw his name as a candidate for the office for which he was so nominated, by filing with the returning officer a resignation in writing.

Withdraw-
al of nom-
inated
person

(2) If, after one or more candidates have so resigned, the continuing candidate or candidates are required to fill the vacancy or vacancies for which they were nominated, the returning officer shall thereupon forthwith declare the said continuing candidates or candidate elected to the office and no further resignations may be received, and no election to fill the said vacancy or vacancies need be held.

Effect of
withdraw-
als

130. In case no poll is required by reason of the provisions of section 129 the returning officer shall forthwith cause to be posted in the city hall, and shall advertise at least once in one or more newspapers in the city, a notice in Form 6 in the Schedule.

Notice of
cancell-
ation of
poll

131. In case a poll is required the returning officer, after the expiration of the twenty-four hour period referred to in section 129 without further reasonable delay shall cause to be posted in the city hall, and shall advertise in one or more newspapers published in the city at least once in each of the two weeks immediately preceding the election a notice in Form 7 in the Schedule.

Notice of
poll to be
in Form 7

132. Voting shall be by secret ballot.

Voting to be
by secret
ballot

133. The city clerk shall provide as many ballot boxes for each polling division as appear to be required.

Number of
ballot
boxes

134. The ballot boxes shall be,—

Construc-
tion of
ballot
boxes

(a) made of some durable material;

(b) provided with a lock and key; and

(c) constructed so that the ballot papers can be deposited therein and cannot be withdrawn therefrom unless the box is unlocked.

Delivery
of ballot
boxes

135. When it becomes necessary for the purposes of an election to use the ballot boxes the city clerk shall deliver the same to the returning officer who shall deliver the required number of ballot boxes to each deputy returning officer appointed for the purposes of the election, not later than fifteen minutes before the opening of the poll.

Printing
of ballot
papers

136. The returning officer shall forthwith cause to be printed at the expense of the city a number of ballot papers sufficient for the purposes of the election.

Ballot
paper in
aldermanic
election

137.—(1) Every ballot paper in an aldermanic election shall contain a brief explanatory note stating the number of candidates required to be elected and voted for to make the ballot valid.

(2) Every ballot paper in an election for mayor shall contain a brief explanatory note stating that the ballot shall not be marked for more than one candidate.

(3) Every ballot paper shall contain,—

(a) the name of each duly nominated candidate arranged alphabetically in the order of their surnames, and if there are two or more candidates with the same surname in the order of their christian names;

(b) the occupation of each candidate.

Ballot
papers for
mayor and
aldermen
separate

138. The names of the candidates for the office of mayor or of alderman shall be placed on separate sets of ballot papers according to the office.

Form of
ballot
papers

139.—(1) The ballot papers for mayor shall be in Form 8 in the Schedule.

(2) The ballot papers for aldermen shall be in Form 9 in the Schedule.

Provision
governing
forms of
ballot
papers

140.—(1) Notwithstanding anything herein contained the council, by by-law passed before the first day of September in any year, may provide that the following provisions shall govern the forms of ballot papers,—

(a) ballot papers shall be printed in as many lots as there are candidates for the office;

(b) in the first lot the names of the candidates shall appear in alphabetical order;

(c) in the second lot the names shall appear in the same order except that the first name in the first lot shall be placed last;

(d) in each succeeding lot the orders shall be the same as that of the lot preceding except that the first name in the preceding lot shall be placed last;

(e) tablets of ballots to be used at the several voting places shall be made up by combining ballots from the different lots in regular rotation so that no two

successive voters shall receive ballots from the same lot and so that each candidate's name shall appear first and in each other position substantially the same number of times on the ballots used.

(2) Such by-law shall remain in force from year to year until repealed.

141. Before the opening of the poll the returning officer shall cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the polling division for which the deputy returning officer has been appointed to act, and such other materials as are necessary in order to enable the electors to mark their ballot papers.

Delivery
of election
material

142.—(1) The returning officer, before the opening of the poll, shall cause to be delivered to every deputy returning officer such number of printed directions for the guidance of voters as he may deem sufficient.

Delivery
of direc-
tions for
guidance
of voters

(2) Such directions shall be printed in conspicuous characters and may be in Form 10 in the Schedule.

143.—(1) The returning officer, prior to every election or the voting on any by-law, shall furnish each deputy returning officer with at least two copies of sections 4 and 5 of *The Controverted Municipal Elections Act*.

Delivery
and posting
of part of
The Con-
troverted
Municipal
Elections
Act

(2) The deputy returning officer shall post the same in conspicuous places at his polling place and see that they are so kept posted during polling hours.

144. Every deputy returning officer, before the opening of the poll or immediately after he has received the printed directions from the returning officer, if he did not receive the same before the opening of the poll, shall cause the said printed directions to be placarded outside the polling place for which he is appointed to act and also in every voting compartment of the polling place, and shall see that they remain so placarded until the close of the poll.

Posting of
directions

145. Every polling place shall be furnished with one or more compartments in which the voters can mark their ballots screened from observation, and it shall be the duty of the returning officer to see that such accommodation is provided at each polling place.

Voting
compart-
ments

146. The returning officer, before the poll is opened, shall cause to be delivered to every deputy returning officer a copy, certified by the city clerk to be a correct copy, of the voters' list for the polling division for which the deputy returning officer is to act and a blank poll book in which to record the names and qualifications of the electors who vote.

Delivery
of voters'
list for
polling
place

Poll book

147. The poll book shall be in Form 11 in the Schedule.

Election officials may vote where stationed

148. The returning officer, on the request of any elector who has been appointed deputy returning officer or poll clerk or constable to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day.

Election official entitled to vote where stationed

149.—(1) On the production of the certificate the deputy returning officer, poll clerk or constable shall have the right to vote at the polling place where he is stationed during the polling day instead of the polling place where he would otherwise have been entitled to vote, and the deputy returning officer shall attach the certificate to the voters' list.

(2) No certificate shall entitle the elector to vote at such polling place unless he has been actually engaged as such deputy returning officer, poll clerk or constable during the whole of the day of polling.

Persons entitled to administer oath to election official

150. If a deputy returning officer votes at the polling place to which he has been appointed as such, the poll clerk appointed to act at the polling place, or in the absence of the poll clerk, any elector authorized to be present, may administer to the deputy returning officer any of the oaths required by law to be taken by voters.

Poll clerk may act for deputy returning officer

151.—(1) The deputy returning officer, by writing under his hand, may appoint a poll clerk who, in the absence of the deputy returning officer or in case of his illness or inability to fulfill the duties required of him by this Act, shall have the powers of the officer by whom he was appointed.

Appointment of constable

(2) The deputy returning officer, with the approval of the returning officer, may also appoint a constable to maintain order at the polling place, or he may summon to his assistance in the polling place any police constable, peace officer or other male person for the purpose of maintaining order, preserving the public peace or preventing any breach thereof, or of removing any person who, in the opinion of the officer presiding at the poll, is obstructing the polling or wilfully violating the provisions of this Act.

Election official oath to be in Form 12

152. Every returning officer, deputy returning officer, poll clerk, constable, candidate or agent authorized to be present at any polling place, before exercising at any polling place any of the rights or functions of the office for which he has been so appointed, shall take and subscribe before a justice of the peace, the city clerk, a commissioner for oaths, or in the case of a poll clerk or constable or agent, before the deputy returning officer at whose polling place he is appointed to act, an oath in Form 12 in the Schedule.

The Poll.

153. The polls shall be kept open on polling day from ten o'clock in the forenoon until seven o'clock in the evening.

Hours for
polling

154.—(1) Any person producing to the deputy returning officer at any time a written authority to represent a candidate as his agent at a polling place shall be recognized as such by the said officer.

Authority
to act as
candidate's
agent

(2) The officer shall not permit a candidate to have more than one agent representing him to be present at any one time in a room in which voting is taking place.

155. An elector may vote once only for mayor and once only for each of the number of the requisite number of aldermen to be elected and all such votes shall be cast in the same polling division.

Elector
may vote
once only

156. The receipt by a voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has voted there and then.

Receipt of
ballot
paper
indicates
vote

157.—(1) The deputy returning officer presiding at the poll, immediately after the opening of the poll, shall show the ballot box to such persons as are present in the polling place so that they may see that it is empty.

Display
of empty
ballot box

(2) He shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and shall thereupon place it in his view for the receipt of ballot papers and shall keep it in full view of all present, and locked and sealed during the hours of polling.

Locking
and
sealing of
ballot box

Poll at Elections.

158.—(1) At any election in a city, when a person whose name is on the voters' list presents himself for the purpose of voting, the deputy returning officer shall proceed as follows,—

Procedure
to be
followed by
deputy
returning
officer
at election

- (a) he shall ascertain that the name of such person, or a name apparently intended therefor, is entered upon the voters' list for the polling division for which the said officer is appointed to act;
- (b) he shall record or cause to be recorded by the poll clerk in the proper columns of the poll book the name, qualification, and residence of such person;
- (c) when the vote is objected to by any candidate or his agent, the deputy returning officer shall enter the objection or cause it to be entered in the poll book and the person entering it shall write his initials opposite the name of the voter in the column headed "Objected to" noting at the same time by

which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of the candidate;

- (d) if a candidate or his agent demands that the voter be sworn, the deputy returning officer shall administer to him the oath in Form 13 in the Schedule;
- (e) if the voter takes the oath or affirmation the deputy returning officer shall receive the vote and shall enter or cause to be entered upon the poll book the voter's name together with the word "Sworn" or "Affirmed" according to the fact;
- (f) where the voter has been required to take an oath or affirmation and refuses to take it the deputy returning officer shall enter or cause to be entered opposite the name of the voter in the proper column of the poll book the words "Refused to swear" or "Refused to affirm" according to the fact and the vote of that person shall not be taken or received;
- (g) except in the case mentioned in clause (f) the ballot papers shall then be initialed and delivered to the voter.

Voter may vote if identity established

(2) If a voter presents himself for the purpose of voting and it is found that another person has voted in his name the voter shall be entitled to vote if he takes the oath set out in subsection (1) and otherwise establishes his identity to the satisfaction of the deputy returning officer.

Right of non-resident to vote if oath taken in Form 14

159.—(1) If a person who is not a resident of the city and whose name is not on the voters' list of the polling division at which he presents himself for the purpose of voting and claims he is entitled to vote by reason of land or business qualification in that division, the deputy returning officer shall place such person's name upon the voters' list and shall permit him to vote if he takes the oath or affirmation in Form 14 in the Schedule.

Person not entitled to vote if other person on list

(2) If the name of any other person appears upon the voters' list as qualified to vote in respect of the land or business in respect of which the person requiring an oath to be administered to him claims to be entitled to vote, the deputy returning officer shall not administer any oath or affirmation to the last mentioned person and he shall not be entitled to vote unless otherwise qualified.

Right to vote if oath taken

(3) If the voter takes the oath or affirmation the deputy returning officer shall receive the vote and shall enter upon the poll book the voter's name together with the word "Sworn" or "Affirmed", according to the fact.

No right to vote if oath refused

(4) Where the voter has been required to take an oath or affirmation and refuses to take it the deputy returning officer shall enter or cause to be entered opposite the name of the voter in the proper column of the poll book the words "Refused to swear" or "Refused to affirm", according to the fact and the vote of that person shall not be taken or received.

(5) Except in the cases mentioned in subsections (2) and (4) the ballot papers shall then be initialled and delivered to the voter.

160.—(1) If a person whose name is not on the voters' list of the polling division in which he actually resides presents himself for the purpose of voting and claims he is entitled to vote by reason of his being a British subject and of his having resided in the city continuously since November first of the previous year, the deputy returning officer shall place such person's name upon the voters' list and shall permit him to vote if he takes the oath or affirmation in Form 15 in the Schedule.

Person's
name not
on list may
vote by
oath in
Form 15

(2) If the voter takes the oath or affirmation the deputy returning officer shall receive the vote and shall enter or cause to be entered upon the poll book the voter's name together with the word "Sworn" or "Affirmed", according to the fact.

Vote
received
if oath
taken

(3) Where the voter has been required to take an oath or affirmation and refuses to take it the deputy returning officer shall enter or cause to be entered opposite the name of the voter in the proper column of the poll book the words "Refused to swear" or "Refused to affirm", according to the fact and the vote of that person is not to be taken or received.

Vote
refused
if oath
refused

(4) Except in the case mentioned in subsection (3) the ballot papers shall then be initialled and delivered to the voter.

161. The deputy returning officer may, and upon request shall, either personally or through his poll clerk, explain to the voter as concisely as possible the proper method of voting.

Explan-
ation to
voter of
method of
voting

162. The deputy returning officer shall place or cause to be placed in the columns of the poll book headed "mayor", "alderman", "school trustee" or "separate school trustee", a check mark opposite the name of every voter receiving a ballot paper at the time he receives the same, to denote that the voter has received a ballot paper for mayor, alderman, school trustee or separate school trustee, as the case may be.

Marking
of poll
book

163.—(1) Upon receiving from the deputy returning officer the ballot paper prepared as aforesaid, the voter shall forthwith proceed into the compartment provided for the purpose and shall then and therein mark his ballot paper by placing a cross (thus, X) on the right hand side opposite the name of any candidate for whom he desires to vote or at any other place within the division which contains the name of the candidate.

Method of
marking
ballot

(2) He shall then fold the ballot paper across so as to conceal the names of the candidates and the marks upon the face of the paper, and so as to expose the initials of the said

Method of
delivering
ballot to
ballot box

officer, and leaving the compartment without delay and without showing the front to anyone or so displaying the ballot paper as to make known to any person the names of the candidates for whom he has or has not marked it, shall deliver the ballot paper so folded to the deputy returning officer who shall, without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper, verify his own initials and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place.

(3) The voter shall forthwith leave the polling place.

Privacy of voting compartment

164. While a voter is in a voting compartment for the purpose of marking his ballot paper, no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

Ballot paper not taken out of polling place

165. No person who has received a ballot paper from the deputy returning officer shall take the same out of the polling place.

Forfeiture of right to vote

166.—(1) Any person who, having received a ballot paper from the deputy returning officer, leaves the polling place without first delivering the same to the said officer in the manner prescribed, shall thereby forfeit his right to vote.

Entry of forfeiture of right or refusal to vote

(2) The officer shall make an entry in the poll book in the column for "remarks" to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be.

Entry on declined ballot paper

(3) In the latter case the officer shall immediately write the word "declined" upon such ballot paper and shall preserve the same.

Incapacitated person's oath in Form 16

167.—(1) If a person who is entitled to vote is incapacitated by blindness or other physical cause from marking his ballot paper, or if such person claims to be unable to read or if such person objects on religious grounds to marking a ballot paper the deputy returning officer shall obtain from such person presenting himself to vote an oral oath or solemn declaration in Form 16 in the Schedule.

Friend may vote for blind person

(2) If a blind voter is accompanied by a friend the deputy returning officer, if required to do so by the voter, shall permit that friend to accompany the voter into a voting compartment for the purpose of marking the voter's ballot paper and the ballot when marked shall be delivered by the voter or the friend to the deputy returning officer to be placed in the ballot box.

Ballots of incapacitated persons

(3) Except as provided by subsection (2) the deputy returning officer, in the presence of the agents of the candidates, shall mark the votes of the persons referred to

in subsection (1) to be marked on their ballot papers in the manner directed by such persons and shall immediately place the ballot in the ballot box.

(4) No candidate shall be present at the marking of a ballot under this section. marked by deputy returning officer

(5) The deputy returning officer shall enter or cause to be entered in the poll book, opposite the name of such person in the "remarks" column of the poll book, that the vote of such person is marked pursuant to this section and the reason why it is so marked. Entry in poll book

168. Where a voter does not understand the English language the deputy returning officer may allow an interpreter to translate the oath as well as any lawful question necessarily put to the voter, and his answers, and the interpreter shall take the oath in Form 17 in the Schedule. Interpreter's oath in Form 17

169.—(1) A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy returning officer the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the said officer, receive another ballot paper in the place of the ballot paper so delivered. Replacement of spoiled ballot paper

(2) The said officer shall immediately write the word "spoiled" upon the ballot paper so delivered to him and he shall preserve the same for inclusion in the packets to be made up under section 187. Preservation of spoiled ballot paper

170. During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorized to attend at the polling place and the voters who are for the time being actually engaged in voting. Persons permitted to be present in polling place

Advance Poll.

171.—(1) This section applies to all persons who are qualified electors and who have reason to believe that they will be absent from their place of residence during the whole of the time fixed for the election, or for voting on by-laws. Absentee electors

(2) For the purpose of enabling every such person to vote the returning officer shall establish an advance polling booth which polling booth shall be centrally located so as to suit the convenience of the electors. Advance poll for absentee electors

(3) Except as herein provided, the poll so held at every such polling booth shall be conducted in the same manner as provided for the conduct of other polls in an election. Advance poll conducted as other polls

(4) The poll at each polling place so established shall be open during such hours and on such days as may be fixed by by-law of the council. Hours for advance poll

Time limit for advance poll	(5) No advance poll shall be held within twenty-four hours of the time fixed for the opening of the regular polls.
Notice of advance poll in newspaper	(6) Notice of the time and place fixed for an advance poll shall be published at least once in each of the two weeks preceding the advance poll in a newspaper circulating in the city.
Oath of advance poll voters in Form 18	(7) Every person applying to vote at any such polling booth, before being permitted to do so, shall be required by the deputy returning officer in charge of the poll to make and sign the affidavit or affirmation in Form 18 in the Schedule, which shall be kept by the deputy returning officer with the other records of the poll.
Penalty for false statement at advance poll	(8) The returning officer, or deputy returning officer, may take such affidavit or affirmation, and any person signing the same, knowing that any statements therein are false, shall be guilty of an offence and liable on summary conviction to a penalty of not less than twenty-five dollars and not more than one hundred dollars.
List of voters at advance poll delivered to deputy returning officer in each polling division	(9) The returning officer, as early as reasonably possible and prior to the opening of the poll, shall deliver to the deputy returning officer or other officer presiding at each poll, either,— <ul style="list-style-type: none"> (a) a corrected voters' list on which the names of all electors or proprietary electors entitled to vote in his division who have voted at the advance poll have been struck out; or (b) a list of all electors or proprietary electors entitled to vote in his division who have voted at the advance poll; and in the latter case the deputy returning officer or other presiding officer shall strike off his list the names of the persons having so voted.
Inconsistencies validated	(10) All proceedings in the opinion of the council necessary or expedient to give full effect to this section shall be deemed authorized notwithstanding any inconsistencies that may appear between this section and any other portion of this Act.
Votes in hospitals	172. —(1) For the purpose of taking the votes of any electors who on the day fixed for the holding of any civic election may be confined to any hospital in the city and who are in consequence unable to go to the polling place at which they are qualified to cast their votes, the returning officer may appoint a sufficient number of deputy returning officers and polling clerks as he deems necessary to take the votes of such patients, but of no other persons whatsoever.
Method of taking vote in hospital	(2) In any case where a hospital poll is provided for, the returning officer shall appoint the times on election day at which the votes in the said hospitals shall be taken, and the deputy returning officers and polling clerks so appointed, accompanied by an officer of the hospital, shall attend with a ballot box upon such patients as the superintendent or

other person having charge of the hospital certifies to the deputy returning officer to be *bona fide* patients in the hospital and to be well enough to vote and take the votes of any such patients who wish to vote.

(3) Every hospital at which a poll is taken pursuant to the provisions of this section shall be a polling place and all the provisions of this Act shall so far as the same are applicable apply to the holding of a poll under this section and to all proceedings in connection therewith or incidental thereto.

Hospital
a polling
place

(4) All proceedings which, in the opinion of the returning officer, may be deemed necessary or expedient to give full effect to the provisions of this section shall be deemed authorized, notwithstanding any inconsistencies which may appear between the said section and any other portion of this Act.

Inconsist-
encies
validated

School Trustees.

173. The board of public and of separate school trustees in each city shall give notice to the city clerk on or before the first day of September in each year of the number of vacancies required to be filled to make the school boards complete.

Notice of
vacancies
of school
trustees to
city clerk

174. When notice has been given to the city clerk as provided in section 173, the nomination and election of school trustees shall be held at the same time and place and by the same officers and shall be conducted in the same manner as the nomination and election of mayor and aldermen.

Trustees'
election
conducted
in same
manner
as civic
election

175. All the provisions in this Act respecting the election and qualification of aldermen and the qualification of electors shall, so far as the same are applicable, apply to the election of school trustees, except that where a school district extends beyond the limits of a city a person residing in such extended portion and qualified as an elector in a town school district shall be eligible to be nominated and to vote at an election of school trustees notwithstanding that he is not qualified to vote for aldermen if such person subscribes to the declaration in Form 19 in the Schedule.

Provisions
of this Act
apply to
school
trustees

176.—(1) In the preparation of the lists of electors the city clerk, from the assessment roll and by such other means as he can, shall ascertain in respect of each person whose name appears on such lists of electors whether he is a supporter of the public or separate schools and shall place opposite the names of any persons whom he ascertains to be separate school supporters the letters "SS".

Voters' list
shall be
marked to
show
separate
school
supporter

(2) All electors opposite whose names the letters "SS" are not placed shall be deemed to be public school supporters.

Electors
named not
marked,
deemed
public
school
supporters

Applica-
tion to
correct
voters' list

(3) Every elector who wrongly appears as a public or separate school supporter on the lists of electors may apply to the revising officer to have the lists corrected.

Ballot for
public
school
trustees

(4) No officer presiding at a poll shall deliver to any person opposite whose name "SS" appears, a ballot paper for the public school trustees.

Oath of
voter
wrongly
described
in Form 20

(5) Notwithstanding subsection (4), if any elector, before marking his ballot paper, declares that he is wrongly described on the lists of electors as a public or separate school supporter, the officer presiding at the poll shall administer to him the oath in Form 20 in the Schedule.

Amend-
ment of
list and
poll book

(6) Upon the elector having taken such oath the officer presiding at the poll shall cause the lists of electors and the poll book to be amended accordingly.

Assessor
to be
furnished
with list
of changes

(7) As soon as he conveniently can, after the election, the returning officer shall furnish the assessor with a list of the changes made pursuant to this section.

Oath of
person
objected to
in Form 13

177. In case any objection is made to the right of any person to vote at any election of school trustees, the officer presiding at the poll shall require the person whose right of voting is objected to, to take the oath in Form 13 in the Schedule.

Separate
ballot
papers for
public or
separate
school
trustees

178. A separate set of ballot papers shall be prepared by the returning officer at each election containing the names of the candidates nominated for school trustees in the same form as those used for the election of aldermen, except that the words "Public (or Separate) School Trustees" shall be substituted for the word "Alderman" thereon.

Procedure After Close of Poll.

Procedure
to be
followed
in counting
votes

179.—(1) In every polling place the deputy returning officer shall immediately after the close of the poll, in the presence of the poll clerk, if any, and of such candidates or their agents as are present, open the ballot box and proceed to count the votes.

(2) He shall examine all the ballot papers and every ballot paper,—

- (a) which does not bear his initials on the reverse side; or
- (b) on which more votes are cast than the elector is entitled to cast; or
- (c) on which anything is written or marked by which the voter can be identified; or
- (d) which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;

shall be void and shall not be counted.

180. The deputy returning officer shall not permit more than one agent of any candidate to be present at the same time in any polling place during the counting of the votes.

Persons permitted to be present at counting

181.—(1) The deputy returning officer shall take a note of any objection made by a candidate or his agent to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

Record of objections

(2) Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the deputy returning officer.

Objection to be numbered

182. On the back of a ballot paper the deputy returning officer shall,—

Marking on back of ballot paper

- (a) indorse “rejected” if he rejects it as invalid; and
- (b) indorse “rejection objected to” if any objection is made to his decision; and
- (c) initial each indorsement.

183. The deputy returning officer shall then count the votes given for each candidate upon the ballot papers not rejected, and shall prepare a written statement in words as well as in figures of the number of votes given for each candidate and of the total number of ballot papers rejected and not counted, which statement shall be made under the following heads,—

Counting of votes and written statement

- (a) name or number of polling division and date of election;
- (b) number of votes for each candidate;
- (c) rejected ballot papers.

184. The written statement shall be signed by the deputy returning officer, the poll clerk, if any, and such of the candidates or their agents who are present and desire to sign it.

Signing of written statement

185. Every deputy returning officer upon being requested to do so shall deliver to each of the persons authorized to attend at the polling place a certificate of the number of votes given at that polling place for each candidate and of the number of rejected ballot papers.

Certificate of number of votes and rejected ballots

186. Every deputy returning officer, at the close of the poll, shall certify under his signature on the poll book in full words the total number of persons who have voted at the polling place at which he has been appointed to preside.

Certificate in poll book

187.—(1) At the completion of the counting of the ballots and in the presence of the candidates or agents of the candidates, the deputy returning officer shall make up into separate packets,—

Deputy returning officer to prepare ballots in separate packets

- (a) the used ballot papers which have not been objected to and have been counted;
- (b) the ballot papers which have been objected to but which have been counted;
- (c) the rejected ballot papers;
- (d) the spoiled ballot papers;
- (e) the ballot papers given to voters who afterwards returned the same declining to vote;
- (f) the unused ballot papers;
- (g) the notes taken of objections made to ballot papers found in the ballot box;
- (h) the voters' list and poll book together with the oath in Form 21 in the Schedule.

Sealing
and
marking of
packets

(2) Each packet shall be sealed with his own seal and with seals of such candidates or agents of candidates as desire to affix their seals and shall be marked upon the outside with,—

- (a) a short statement of the contents of the packet;
- (b) the date of the election;
- (c) the name of the deputy returning officer; and
- (d) the polling division name or number.

Ballot
paper
account

(3) After making up the packets and in the presence of such candidates or their agents as are present, the deputy returning officer shall prepare a ballot paper account,—

- (a) indicating the date of the election, the name of the deputy returning officer, the polling division name or number; and
- (b) accounting for the ballot papers received by him showing,—
 - (i) the total number of ballot papers received by him;
 - (ii) the number of counted ballot papers;
 - (iii) the number of rejected ballot papers;
 - (iv) the number of spoiled ballot papers;
 - (v) the number of ballot papers given to voters who afterwards returned the same declining to vote;
 - (vi) the ballot papers taken from the polling place;
and
 - (vii) the unused ballot papers.

Oath of
deputy
returning
officer as
to correct
election
procedure

188.—(1) Before making up the packet containing the voters' list and poll book the deputy returning officer shall make and subscribe before the returning officer, a justice of the peace, a person authorized to administer oaths, or before the poll clerk, his declaration under oath that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

(2) The declaration shall be made in Form 21 in the Schedule.

(3) The declaration shall thereafter be attached to the voters' list.

189.—(1) The deputy returning officer personally shall forthwith deliver to the returning officer,—

- (a) the ballot box;
- (b) the packets;
- (c) the ballot paper account;
- (d) the statement of votes given for each candidate and of the rejected ballot papers prepared pursuant to section 183.

Personal delivery to returning officer of election records

(2) If, owing to illness or other cause, the deputy returning officer is unable to do so he shall deliver the items referred to in subsection (1) to a person chosen by him for the purpose and shall write on the outside of each of the said items the name of the person to whom the same has been so delivered and shall take a proper receipt therefor.

Delivery of election records by person other than deputy returning officer

190.—(1) After he has received the items referred to in section 189, and without opening any of the sealed packets of ballot papers, the returning officer shall calculate the total number of votes per candidate from the statements of votes given that have been prepared pursuant to section 183.

Calculation of votes

(2) At the city hall or at some other public place at noon on the second day after the day of election, he shall publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election.

Declaration of election by returning officer

(3) He shall also post up in some conspicuous place in the city hall a statement under his hand showing the number of votes polled for each candidate.

Posting of election results

191. If it appears upon the calculating of the votes that two or more candidates for any office have an equal number of votes, the returning officer shall write the names of such candidates separately on blank sheets of paper of equal size and of the same color and texture, and, after folding the same in a uniform manner and so that the names are concealed, deposit them in a receptacle and direct some person to withdraw one of the sheets, and the candidate whose name appears on the sheet thus withdrawn shall be declared elected by the returning officer.

Equal number of votes decided by drawing slips

192. The person elected shall make the necessary declarations of office and qualification and shall assume office at the time prescribed pursuant to the provisions of this Act.

Assumption of office by elected person

193.—(1) Forthwith after the election the returning officer shall deliver to the city clerk the ballot boxes, packets and returns aforesaid, and the city clerk shall thereafter be responsible for their safekeeping and for their delivery when required.

Delivery of election records to city clerk

Inspection
of election
records

(2) The voters' list, poll book and attached declaration may be inspected at any time in the presence of the city clerk by any elector.

Limit of
time for
retention
of election
records and
method of
destruction

194.—(1) The city clerk shall retain for six weeks all ballot papers, books, forms and other documents received by him, and shall then, unless otherwise ordered by a judge, cause them to be destroyed in the presence of two witnesses each of whom shall take an affidavit that he has witnessed the destruction of the said ballot papers, books, forms and other documents.

(2) The affidavits may be taken before the mayor, a justice of the peace or a commissioner for oaths and shall be filed by the city clerk among the records of the city.

General Provisions Relating to Elections.

Absence
from
employ-
ment

195.—(1) Every elector for the purpose of voting shall be entitled to absent himself from any service or employment in which he is engaged or employed from the hour of four until the hour of six o'clock in the afternoon on the day of polling.

Absence
protected
from
deduction

(2) The elector, by reason of such absence for such purpose, shall not be liable to any penalty or suffer or incur any reduction from the wages or compensation to which he would have been entitled but for such absence.

Non-
application
of
section 195

(3) The section shall not apply where an elector is permitted or allowed by his employer reasonable and sufficient opportunity to vote at any other period during the hours of polling.

Candidate
may
undertake
duties of
agent

196. A candidate may himself undertake the duties which any agent of his might have undertaken, or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorized to attend.

Non-
attendance
of candidate
or agent
shall not
invalidate

179. When, in the sections of this Act relating to elections of mayor or aldermen, expressions are used requiring or authorizing any act or thing to be done, or implying that any act or thing is to be done, in the presence of the agents of a candidate or candidates, such expressions shall be deemed to refer to the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is being done, and if the act or thing is otherwise duly done, the non-attendance of any agent at such time and place shall not invalidate it.

Contesting
under The
Contro-
verted
Municipal
Elections
Act

198. All proceedings for contesting in any way an election, or the voting on any by-law under this Act, shall be taken under the provisions of *The Controverted Municipal Elections Act*.

199. All reasonable expenses incurred at any election under this Act shall be paid by the treasurer out of the funds of the city upon the production to him of proper accounts verified in such manner as the council may direct.

Election expenses

200.—(1) No person shall be allowed to inspect any ballot papers in the custody of the city clerk except under order of a judge which may be granted upon satisfactory evidence on oath that the inspection or production of the ballot paper is required for the purpose of maintaining a prosecution for an offence in relation thereto, or for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election or return.

Inspection of ballot paper prohibited except under judge's order

(2) The order shall state the time and place for inspecting such papers and shall name the persons to be present at such inspection, and shall be made subject to such conditions as the judge thinks expedient.

201.—(1) Every printed or other advertisement, handbill, placard, poster, dodger, circular or circular letter having reference to an election or vote upon a by-law shall bear upon its face the name and address of its printer or of its printer and publisher.

Election advertising to bear name of printer and publisher

(2) Any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document, unless it bears upon its face such name and address, shall be guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars nor more than two hundred dollars.

Penalty for improper printing of election advertising

Recounts.

202.—(1) At any time within fifteen days from the time of the declaration of the result of the election by the returning officer under section 190, any elector after,—

Notice of motion for recount

(a) filing an affidavit with the clerk of the court that the returning officer or any deputy returning officer or other officer in counting the votes given at any election has improperly counted or rejected any ballot papers and that his action has materially affected the result of the election; and

(b) depositing with the clerk of the court the sum of one hundred dollars as security for the payment of costs and expenses;

may apply to a judge by notice of motion for a recount.

(2) A copy of the notice of motion and the affidavit filed shall be served by the elector on the city clerk, the returning officer and the candidate or candidates who may be affected thereby at least three days prior to the application.

Persons on whom notice of motion to be served

(3) Upon the hearing of the application the judge may appoint a time and place to recount the votes and cause notice in writing to be given to the city clerk, the candidate

Appointment of time and place for recount

or candidates who may be affected thereby and to such other person as the judge may direct of the time and place at which he will proceed to recount the same.

City clerk
to be
present at
recount

(4) The city clerk shall be present at the recount with the sealed ballot boxes and duplicate statements used at the election.

Deposit

(5) The deposit of one hundred dollars shall not be paid out by the clerk without the order of the judge.

Persons
permitted
to attend
recount

203. The judge, the clerk or deputy clerk of the court, the city clerk with the ballot papers and each candidate notified to attend the recount and his agent or solicitor and representatives of the press, and no other person, except with the sanction of the judge, shall be entitled to be present at the recount.

Method of
recount
by judge

204.—(1) At the time and place appointed the judge shall proceed to recount, or cause to be recounted, all the ballot papers received by the city clerk from the returning officer as having been cast in the election complained of, and he shall, in the presence of such of the parties aforesaid as attend, open all the sealed packets referred to in section 187.

Mode of
voting not
to be
disclosed

(2) In recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be disclosed.

Continuous
recount

205.—(1) The judge shall, as far as practicable, proceed continuously with the recount except during such hours as may be excluded by the judge.

Ballot
papers
sealed
during
recount

(2) During the excluded time the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents.

206.—(1) The judge shall proceed to examine the ballot papers and recount the votes.

Void ballot
papers

(2) Any ballot paper,—

- (a) which does not bear the initials of the deputy returning officer on the reverse side; or
- (b) on which votes are cast for more candidates than are to be elected for the office in question; or
- (c) on which anything is written or marked by which the voter can be identified; or
- (d) which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;

shall be void and shall not be counted.

(3) No word or mark written or made, or omitted to be written or made by the deputy returning officer on a ballot paper shall affect the vote.

(4) The judge shall take a note of any objection made by a candidate or by his agent to a ballot paper, and shall decide any question arising out of the objection, and the decision of the judge shall be final.

Judge's
decision
on question
final

(5) The judge shall then count the votes given for each candidate upon the ballot papers not rejected, and shall make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following:

Written
statement
of judge as
to rejected
ballot
papers

- (a) the names of candidates;
- (b) number of votes for each candidate;
- (c) ballot papers lacking initials of deputy returning officer;
- (d) ballot papers rejected as marked for more candidates than were to be elected;
- (e) ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
- (f) ballot papers rejected as unmarked or void for uncertainty.

(6) Upon the completion of the recount, or as soon as he has ascertained the result of the voting, the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the city clerk, who shall thereupon, by notice to be posted in his office, declare elected the candidate having the highest number of votes.

Result of
recount
and
declara-
tion by
city clerk

(7) If two or more candidates for the same office have been allowed by the judge the same number of votes, he shall write the names of such candidates separately on blank sheets of paper of equal size and of the same colour and texture, and after folding the same in a uniform manner and so that the names are concealed, deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the sheets, and the candidate whose name appears on the sheet thus withdrawn shall be declared elected by the judge.

Equal
number
of votes
decided by
drawing
slips

(8) Subsection (7) shall not apply where the candidates having an equal number of votes also had an equal number of votes at the time of the casting up of the votes by the returning officer, and where one of such candidates had been declared elected under section 191, and in such case the judge shall declare elected the candidate who previously had been declared elected under the provisions of said section 191.

Non-
application
of sub-
section (7)
of section 206

(9) Nothing in this section shall prevent or affect any remedy which any person may have had under the provisions contained in *The Controverted Municipal Elections Act* or by proceedings in the nature of *quo warranto* or otherwise.

Remedy
under
*The Con-
troverted
Municipal
Elections
Act* not
affected

Recount expenses determined by judge

207.—(1) All costs, charges and expenses of and incidental to an application for a recount, and to the proceedings consequent thereon, shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine, regard being had to any costs, charges or expenses which, in the opinion of the judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

Costs may be taxed

(2) The costs may, if the judge so orders, be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

Payment of costs enforceable by execution

(3) The payment of any costs ordered by the judge to be paid may be enforced by execution, to be issued upon filing the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment thereof.

Costs when applicant for recount defeated

(4) If the applicant for a recount is a defeated candidate or his agent, and if as a result of the recount the applicant is declared elected, the judge may order the city to defray all or any part of the cost of the recount.

Offences and Penalties.

Offence to place fraudulent paper in ballot box

208.—(1) No person shall,—

(a) without due authority supply a ballot paper to any person; or

(b) fraudulently put into a ballot box any paper other than the ballot paper which he is authorized by law to put in; or

(c) fraudulently take a ballot paper out of the polling place; or

Offence to interfere with ballot box or papers

(d) without due authority, destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of an election; or

Offence to apply for ballot in name of other person

(e) apply for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person, or advise or abet, counsel or procure any other person to do so but this provision shall not be construed as including a person who applied for a ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applied; or

Offence to attempt to vote more than once

(f) having voted once and not being entitled to vote again at an election, apply at the same election for a ballot paper in his own name, or vote again or advise or abet, counsel or procure any other person to do so.

(2) No person shall,—

(a) vote, knowing that he has no right to do so; or

(b) take a false oath; or

(c) induce or procure or aid or abet any other person to vote or attempt to vote knowing that such person has no right to vote.

(3) No person shall,—

(a) print or distribute or cause to be printed or distributed in any newspaper or on any circular, card, poster, bill or other paper a form of ballot paper or anything having a colourable resemblance to a ballot paper printed by the returning officer, indicating or showing the same to be marked for any candidate or candidates;

Offence to print or distribute false ballot paper

(b) print or distribute or cause to be printed or distributed any circular, card, poster, bill or other paper containing the name of any candidate for election in connection with the names of any other candidates without due authority from the other candidates for the purpose of influencing or soliciting votes for such candidate.

Offence to advertise without consent of candidates

(4) No person shall attempt to commit any offence specified in this section.

(5) A person who violates any provision of this section shall be guilty of an offence and liable on summary conviction, if he is the returning officer, to imprisonment for a term not exceeding two years with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding six months with or without hard labour or to a fine of not less than fifty dollars nor more than five hundred dollars or to both fine and imprisonment.

Penalty for offences under section 208

209. If the deputy returning officer,—

(a) takes or receives a vote or causes it to be taken or received contrary to the provisions of sections 158, subsection (1), 159, subsection (4) or 160, subsection (3); or

Penalty for contravention of sections 158 to 160

(b) refuses or wilfully omits to sign his initials upon the back of any ballot paper;

he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars.

210. Every returning officer, deputy returning officer, or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 154 to 209 shall be guilty of an offence and liable on summary conviction, in addition to any other penalty to which he may be subject, to a fine not exceeding two hundred dollars.

Penalty for offences by election officials

211.—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Secrecy of voting

(2) No officer, clerk, agent or other person shall interfere with, or attempt to interfere with, a voter when marking his ballot paper, or shall otherwise attempt to obtain

Interference with voter

at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

Soliciting
votes

(3) No candidate, agent or other person shall in the polling place or within fifty yards from the building containing the polling place canvass or solicit votes or make any communication to a voter otherwise than through the deputy returning officer.

Material
for sollicit-
ing votes

(4) No person shall display in the polling place or distribute or post therein or within fifty yards from the building containing the polling place a specimen ballot paper marked for a candidate or any other material purporting to explain to the electors how to vote, or leave or post the same in the voting compartment.

Communi-
cation of
information
obtained at
polling
place
prohibited

(5) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

Communi-
cation of
information
obtained
at counting
of votes
prohibited

(6) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

Display
of ballot
paper

(7) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

Penalty
for viola-
tion of
section 211

(8) Every person who acts in contravention of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months, with or without hard labour, or to a fine of not less than fifty dollars nor more than five hundred dollars or to both fine and imprisonment.

Secrecy of
vote main-
tained in
legal pro-
ceedings

212. No person who has voted at an election shall in any legal proceedings to question the election or returns or otherwise relating thereto be required to state for whom he has voted.

PART V.

VOTING ON BY-LAWS.

Interpretation.

Interpreta-
tion

213. In this Part, unless the context otherwise requires,—

“by-law”

(a) “by-law” includes a resolution and a question upon which the opinion of the electors is to be obtained;

- (b) "electors" means the persons entitled to vote at the municipal elections, except in the case of a money by-law or other by-law upon which only the proprietary electors can vote, in which case it means the proprietary electors. "electors"

214. Wherever in this Part there is a reference to the duties of the city clerk in connection with the voting on any by-law, and the council has appointed some other person to perform those duties it shall be deemed to be a reference to such other person as the council may have appointed. Reference to city clerk

Procedure Preliminary to Holding a Poll.

215.—(1) If a by-law requires the assent or is submitted to obtain the opinion of the electors, before the final passing thereof, the following proceedings shall, except in cases herein otherwise provided for, be taken. Procedure when by-law requires assent of electors

(2) The council, by by-law hereinafter called the procedure by-law, shall fix the day and hours for taking the votes of the electors and may fix the places in the city where polls shall be opened or may require the returning officer to designate the places in the city where polls shall be opened. Procedure by-law

(3) The day appointed shall be not less than three nor more than five weeks after the first publication of the notice hereinafter mentioned.

(4) A proposed by-law may be submitted on the day of the annual election and where it is so submitted the procedure by-law shall provide that the voting shall take place at the same time and at the same places as the annual election and it shall not be necessary to appoint a separate returning officer or separate deputy returning officers to take the vote.

(5) The council shall by the procedure by-law,—

- (a) fix a date and time when and a place where the returning officer shall sum up the number of votes given for and against the proposed by-law, or in the affirmative and negative on the question submitted;
- (b) fix a date and time when the mayor will be in his office for the appointment of agents to attend at the various polling places and at the final summing up of the votes by the returning officer on behalf of the persons interested in promoting or opposing the passing of the by-law or voting in the affirmative or negative on the question.

(6) Where two or more by-laws are to be submitted on the same date, it shall be sufficient to pass one procedure by-law applying to all the by-laws submitted. One procedure by-law may apply to all by-laws submitted

Information
required
for news-
paper
notices in
case of, —
by-law or
question

216.—(1) The council shall advertise in at least one newspaper published in the city a notice signed by the city clerk,—

- (a) giving a correct statement of the question to be submitted, or in the case of a by-law, a concise statement of its object;
- (b) the date, time and place for the appointment of agents to attend at the polling places and at the final summing up of the votes by the returning officer;
- (c) the date and hours for taking the vote; and
- (d) the number and description of the polling divisions and the location of each polling place.

money
by-law

(2) In the case of a money by-law the statement above mentioned shall show,—

- (a) the amount of the debt or liability to be created or the money to be raised;
- (b) how the same is to be payable; and
- (c) the amount to be raised annually for payment of the debt and interest, or the instalments if the debt is to be paid in instalments.

special
franchise

(3) In case of a by-law granting a special franchise as defined by this Act, the proposed by-law shall be published in full.

Number of
publications
required

217. The notice shall be advertised by the council once a week for two successive weeks.

Contents of
additional
notice

218. To each notice so published and posted shall be appended an additional notice over the printed signature of the returning officer stating,—

- (a) that the above is a correct statement of the question submitted or a correct summary of the proposed by-law which has been introduced;
- (b) that in the case of a by-law it may be finally passed by the council in the event of the assent of the electors being obtained thereto, within four weeks of the voting thereon; and
- (c) the hours during which voting will take place upon the date and at the place or places fixed for taking the votes of the electors.

One notice
may include
several
summaries

219.—(1) Where more money by-laws than one are to be submitted at the same time, summaries of all or any number of them may be included in one notice signed by the city clerk as required by section 216.

(2) In such case only one additional notice signed by the returning officer as required by section 218 need be appended thereto, which additional notice may refer in general terms to all the by-laws summarized.

220.—(1) Where a by-law requires the assent of the proprietary electors before the final passing thereof, any corporation and any church or other religious organization whose name appears upon the voters' list shall be entitled to one vote only, which in the case of a corporation may be given by a resident representative thereof authorized by the corporation, and in the case of a church or other religious organization, may be given by a resident representative thereof nominated for the purpose by the local governing body.

Voting by
corporation
and religi-
ous organi-
zations

(2) The person voting under subsection (1) shall be of the full age of twenty-one years, and before voting he shall produce a certificate,—

(a) from the head office of the corporation or from its principal office within the Province; or

(b) from the local governing body of the church or other religious organization;

authorizing him to represent it.

221. Forthwith after the day has been fixed for the taking of the votes of the electors, the returning officer shall cause to be printed at the expense of the city, such number of ballot papers as will be sufficient for the purposes of the voting.

Ballot
paper
printing
expense
of city

222. At the time fixed by the procedure by-law the mayor shall attend at his office and if requested, shall appoint by writing signed by him, two agents to attend at the final summing up of the votes, and one agent to attend at each polling place on behalf of the persons interested in promoting the passing of the by-law or voting in the affirmative on the question and a like number on behalf of the person interested in opposing the passing of the by-law or voting in the negative on the question.

Appoint-
ment of
agents

223. Before any agent is so appointed he shall make and subscribe before the mayor or the returning officer a declaration in Form 22 in the Schedule.

Agent's
declaration
in Form 22

224. Every agent so appointed before being admitted to the polling place or to the summing up of the votes, as the case may be, shall produce his written appointment to the deputy returning officer presiding at the poll or the returning officer, as the case may be.

Production
of written
appoint-
ment by
agent

225. In the absence of any agent authorized to attend at the polling place for the final summing up of votes any elector in the same interest as the agent so absent, may, upon making and subscribing before the deputy returning officer or the returning officer a declaration in Form 22 in the Schedule, be admitted to the polling place to act for the agent so absent.

Elector
may act
for agent

Ballot
paper for
by-law in
Form 23

226.—(1) Subject to the provisions of subsection (2), the ballot paper shall, in the case of a by-law, be in Form 23 in the Schedule.

Repeal of
existing
by-law

(2) Where a by-law is submitted to the electors for the repeal of an existing by-law, the council may, by resolution, determine the form of the ballot paper.

Where
more than
one by-law,
council
determines
form of
ballot

(3) The council, when more than one by-law is to be submitted to the electors, may prescribe, by resolution, forms of ballot papers to serve for the voting on all such by-laws.

Ballot
paper for
question in
Form 24

227. The ballot paper, in the case of a question, shall be in Form 24 in the Schedule.

Persons
permitted
in polling
place

228. During the time appointed for polling, no person shall be entitled or permitted to be present in a polling place other than the officers, clerks and agents or electors authorized to attend at the polling place.

Sections
148-206
apply to
voting on
by-law

229. All the provisions of sections 148 to 206 inclusive, so far as not inconsistent with the provisions of this Act, shall apply in so far as they may be applicable to voting on a by-law or question.

Delivery of
voters' list
and poll
book to
deputy
returning
officer

230. The returning officer, before the poll is opened, shall deliver to every deputy returning officer a copy, certified by the city clerk to be a correct copy, of the voters' list for the polling division for which the deputy returning officer is to act, and a blank poll book in which to record the names and qualifications of the electors who vote.

Municipal
election
voters' lists
used

231.—(1) The same list shall be used in taking the vote as would be proper voters' lists for use at a municipal election.

Revision of
voters' list
for voting
on by-law

(2) The lists shall be prepared by the city clerk and shall be final and conclusive as to the right to vote, save that the council or commissioners or a revising officer appointed by the council, as the case may be, may, up to the eighth day before the day fixed for voting on the by-law, strike from the lists the name of any person who has ceased to have the necessary qualifications or include therein the name of any person who has since the final revision of the list acquired such qualifications.

Voters' list
to be certi-
fied by
city clerk

(3) The list prepared by the city clerk shall be certified by him to be correct copies of the voters' lists and shall be posted in his office at least six days before the day fixed for the voting.

Poll book
in Form 25

232. The poll book shall be in Form 25 in the Schedule.

Poll by
secret
ballot

233. At the day and during the hours fixed as aforesaid the poll shall be held and the votes shall be taken by secret ballot.

234. The polls shall be kept open during such hours as may be fixed by by-law of the council.

Hours of polling

235.—(1) An elector or proprietary elector may vote once only upon a by-law or question.

One vote only by electors

(2) Notwithstanding subsection (1), an elector or proprietary elector who is also the resident representative of a corporation, church or other religious organization may vote once in his personal capacity and once on behalf of the corporation, church or other religious organization.

Representative may vote for organization

236. Every returning officer, deputy returning officer, poll clerk, constable or agent authorized to be present at any polling place at the voting on a by-law or question shall, before exercising any of the rights or functions of his office, make and subscribe a declaration in Form 26 in the Schedule.

Declaration of election official in Form 26

237. The printed directions to be delivered to the deputy returning officers shall be in Form 27 in the Schedule.

Directions for guidance of voters in Form 27

238.—(1) Every elector tendering a vote on the by-law or question may be required by the deputy returning officer or by any elector entitled to vote on the by-law or question or by any agent who may be present in the polling place to make the oath or affirmation in Form 28 in the Schedule or any part thereof or to the effect thereof before his vote is recorded.

Elector required to take oath in Form 28

(2) If the by-law has been submitted for the approval of the proprietary electors there shall be added to Form 28 in the Schedule the clause set out in Form 29 in the Schedule.

Proprietary elector to take oath in Form 28 with additional clause in Form 29

(3) No inquiry shall be made of any voter except with respect to the facts specified in the above oath or affirmation.

239.—(1) The resident representative of a corporation, church or other religious organization tendering a vote on the by-law may be required by the deputy returning officer or by any proprietary elector or agent present in the polling place to make the oath or affirmation in Form 30 in the Schedule, or any part thereof before his vote is recorded.

Oath of representative in Form 30

(2) No inquiry shall be made of such voter except with respect to the facts specified in the oath or affirmation.

Procedure After Close of Poll.

240.—(1) In every polling place the deputy returning officer shall, immediately after the close of the poll, in the presence of the poll clerk, if any, and of the persons authorized to attend or such of them as may be present, open the ballot box and proceed to count the votes.

Count of votes by deputy returning officer

(2) He shall examine all the ballot papers and every ballot paper,—

Void ballot papers

- (a) which does not bear his initials on the reverse side;
or
- (b) on which anything is written or marked by which the voter can be identified; or
- (c) which has been torn, defaced or otherwise dealt with by the voter so that he could thereby be identified;

shall be void and shall not be counted.

Records of objections

241.—(1) The deputy returning officer shall take a note of any objection made by any person authorized to attend to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

Objections numbered

(2) Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the deputy returning officer.

Indorsement on back of ballot paper

242. On the back of a ballot paper the deputy returning officer shall,—

- (a) indorse “rejected” if he rejects it as invalid; and
- (b) indorse “rejection objected to” if any objection is made to his decision; and
- (c) initial each indorsement.

Preparation of written statement of vote on by-law

243. The deputy returning officer shall then count the number of votes for and against the by-law or in the affirmative and negative on the question and shall prepare a written statement in words as well as in figures of the number of votes given for and against the by-law or in the affirmative and negative on the question, and of the total number of ballot papers rejected and not counted on the by-law or question, which statement shall be made under the following heads:

- (a) name or number of polling division and date of voting;
- (b) the number of votes for the by-law or in the affirmative on the question;
- (c) the number of votes against the by-law or in the negative on the question;
- (d) the total number of rejected ballot papers.

Signers of statement

244. The written statement shall be signed by the deputy returning officer, the poll clerk, if any, and such of the persons authorized to attend as are present and desire to sign it.

Certificate of vote on by-law furnished to authorized persons

245. Every deputy returning officer, upon being requested to do so, shall deliver to each of the persons authorized to attend at the polling place a certificate of the number of votes given at the polling place for and against the by-law or in the affirmative and negative on the question and of the total number of ballot papers rejected on the by-law or question.

246. Every deputy returning officer, at the close of the poll, shall certify under his signature on the poll book in full words the total number of persons who have voted at the polling place at which he has been appointed to preside.

Certificate
in poll book

247.—(1) At the completion of the counting of the ballots and in the presence of the persons authorized to attend or such of them as may be present, the deputy returning officer shall make up into separate packets,—

Ballot
papers
made up in
separate
packets

- (a) the used ballot papers which have not been objected to and have been counted;
- (b) the ballot papers which have been objected to but which have been counted;
- (c) the rejected ballot papers;
- (d) the spoiled ballot papers;
- (e) the ballot papers given to voters who afterwards returned the same declining to vote;
- (f) the unused ballot papers;
- (g) the notes taken of objections made to ballot papers found in the ballot box;
- (h) the voters' list and poll book together with the oath in Form 21 in the Schedule.

(2) Each packet shall be sealed with his own seal and with the seals of such persons authorized to attend as desire to affix their seals and shall be marked upon the outside with,—

Marking
and sealing
of packets

- (a) a short statement of the contents of the packet;
- (b) the date of the voting;
- (c) the name of the deputy returning officer; and
- (d) the polling division name or number.

(3) After making up the packets and in the presence of the persons authorized to attend or such of them as may be present the deputy returning officer shall prepare a ballot paper account,—

Prepara-
tion of
ballot
paper
account

- (a) indicating the date of the voting, the name of the deputy returning officer, the polling division name or number; and
- (b) accounting for the ballot papers received by him showing,—
 - (i) the total number of ballot papers received by him;
 - (ii) the number of counted ballot papers;
 - (iii) the number of rejected ballot papers;
 - (iv) the number of spoiled ballot papers;
 - (v) the number of ballot papers given to voters who afterwards returned the same declining to vote;
 - (vi) the ballot papers taken from the polling place; and
 - (vii) the unused ballot papers.

Declaration by deputy returning officer respecting proper use of voters' list and poll book

248.—(1) Before making up the packet containing the voters' list and poll book the deputy returning officer shall make and subscribe before the returning officer, a justice of the peace, a person authorized to administer oaths or the poll clerk his declaration under oath that the voters' list and the poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

Declaration in Form 21 to be attached to voters' list

(2) The declaration shall be in Form 21 in the Schedule and shall thereafter be attached to the voters' lists.

Election records to be delivered to returning officer in person

249.—(1) The deputy returning officer personally shall forthwith deliver to the returning officer,—

- (a) the ballot box;
- (b) the packets;
- (c) the ballot paper account;
- (d) the statement of the number of votes for and against the by-law or in the affirmative and negative on the question and of the total number of rejected ballot papers prepared pursuant to section 243.

Delivery of election records by person other than deputy returning officer

(2) If, owing to illness or other cause, the deputy returning officer is unable to do so he shall deliver the items referred to in subsection (1) to a person chosen by him for the purpose and shall write on the outside of each of the said items the name of the person to whom the same has been so delivered and shall take a proper receipt therefor.

Calculation of votes from statement by returning officer and declaration of result

250. After he has received the items referred to in section 249, and without opening any of the sealed packets of ballot papers the returning officer shall calculate the number of votes for and against the by-law or in the affirmative and negative on the question from the statements of votes given that have been prepared pursuant to section 243, and shall then and there declare the result.

Certificate by returning officer to council respecting required result of voting

251. The returning officer shall forthwith certify the result of the voting to the council in writing under his hand showing whether the required majority of the electors voting upon the by-law or question have approved or disapproved of the by-law or have voted in the affirmative or negative on the question.

Election officials to maintain secrecy of voting

252. Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Municipal election procedure applies to voting on by-laws

253. The provisions of section 211, applicable to municipal elections, shall apply in so far as it may be applicable to the voting on a by-law or question, whether the submission is optional with or compulsory upon the council.

Recount.

254. Within two weeks after the returning officer has declared the result of the voting on a by-law or question, any person who was entitled to vote thereon may apply for a recount of the votes to a judge of the district court, after giving notice of the application to such persons as the judge directs, and if it appears by affidavit that there are reasonable grounds for the application and if the applicant enters in a recognizance before the judge in the sum of two hundred dollars with two sureties, to be allowed as sufficient by the judge upon affidavit of justification, in the sum of one hundred dollars each, conditioned to proceed with the application without delay and to pay any costs which may be adjudged to any persons against the applicant, the judge may order a recount of the votes to be had and shall in such case appoint a day and place for commencing the recount.

Application
for recount

255. At least seven clear days' notice of the day appointed for the recount shall be given by the applicant to the returning officer and to such persons as to the judge directs.

Notice of
recount

256. At the time appointed the city clerk shall attend before the judge with the sealed ballot boxes and duplicate statements used at the voting on the by-law, and the judge, upon inspecting the ballot papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel, shall, in a summary manner, determine whether the required majority of votes was or was not given for the by-law or question and shall forthwith certify the result to the council.

Recount
by judge

257. The judge shall possess the like power and authority as to all matters arising upon the recount as he possesses upon the trial of the validity of the election of a member of the council, and costs shall be in the discretion of the judge who may apportion the same as he deems just.

Powers of
judge

Costs in
discretion
of judge

Passage of By-law.

258.—(1) No by-law that is required to be submitted to the electors shall be deemed to have been passed or rejected unless the total number of electors voting on the by-law is ten per cent of the total number of electors entitled to vote thereon.

Percentage
of voters
required to
pass by-law

(2) Where a proposed by-law, which the council has been legally required by petition or otherwise to submit for the assent of the electors, has received such assent, the council shall pass the by-law within three months after the voting takes place.

Time of
passing
petitioned
by-law

Extension
of time for
passing
by-law

(3) Notwithstanding subsection (2), the Board of Public Utility Commissioners, upon application of the council made either before or after the expiration of the period of three months, may extend the time for passing the by-law beyond the period of three months, and in such case, the by-law may be passed within such extended time.

Time of
passing
other
by-laws

(4) In other cases it shall not be incumbent on the council to pass the by-law but if the council determines to pass it it shall be passed within four weeks after the voting takes place.

Minimum
period of
time for
passing
by-law

(5) The by-law in either case shall not be passed until the expiration of two weeks after the result of the voting has been declared, nor if within that period an order for a recount has been made, until the result of the recount has been certified by the judge.

Delay in
making
recount

(6) The time which intervenes between the making of an application for a recount and the final disposition of it shall not be reckoned as part of the four weeks.

PART VI.

POWERS AND DUTIES OF THE COUNCIL

General Provisions.

Council shall
act by
by-law or
resolution

259.—(1) The council shall act in the exercise of its powers and duties by resolution or by by-law.

Resolution
sufficient
except where
by-law
required

(2) The council may exercise any of its powers and duties by resolution except where a by-law is required by the provisions of this Act.

By-law may
supplant
resolution

(3) The council may exercise by by-law any of its duties and powers which this Act permits it to exercise by resolution.

Majority vote
required

260. Except as otherwise provided in this Act, every resolution or by-law shall be passed by a majority vote of the aldermen present at any duly constituted meeting of the council.

By-law or
resolution
invalid if
inconsistent
with
provincial
statute

261. No by-law or resolution which is inconsistent with any Act or regulation made pursuant to any Act in force in the Province shall have any validity in so far as it is so inconsistent.

By-laws.

Purposes of
by-laws

262. The council may pass such by-laws as may be deemed expedient and are not contrary to this Act or to any other law,—

- (a) for the peace, order and good government of the city; and
- (b) for promoting the health, safety, morality and welfare of the inhabitants thereof; and
- (c) for governing the proceedings of the council, the conduct of its members and the calling of meetings.

263.—(1) Every by-law shall be under the seal of the city and shall be signed by the mayor or person presiding at the meeting at which the by-law is finally passed and by the city clerk, or by the person acting as city clerk at the meeting.

By-laws shall be signed and sealed

(2) In the event of the inability, neglect or failure of one or both of the parties named in subsection (1) to sign, the council, by resolution, in any particular case may authorize such person or persons as it may designate in the resolution to sign the by-law.

Substitute persons may sign by-law

264. Every by-law shall have three distinct and separate readings before it is finally passed, but not more than two readings of a by-law shall be had at any one meeting except by the unanimous vote of the members present.

Three readings of by-law required

265.—(1) Every by-law shall be valid and binding, notwithstanding any lack of compliance with the provisions of this Act either in substance or in form, or in the proceedings prior thereto or in the time or manner of passing thereof, unless an application to quash the by-law is made within two months next after the final passing thereof.

Application to quash by-law

(2) Notwithstanding subsection (1), in the case of a by-law requiring the assent of the electors, where the by-law has not been submitted to or has not received the assent of the electors, an application to quash the by-law may be made at any time.

266.—(1) Subject to the exceptions set out in this or any other Act, no by-law for creating a debt not payable within the current year shall have any effect until it has received,—

Money by-laws require assent of proprietary electors

- (a) the assent of two-thirds of the proprietary electors of the city voting thereon in accordance with the provisions of Part V; and
- (b) the approval of the Board of Public Utility Commissioners as required by *The Public Utilities Act*.

(2) The council shall have power to pass by-laws to borrow money for the construction of any work ordered under the authority of any statute by the Board of Railway Commissioners of Canada, or by the Government of the Dominion of Canada or of the Province of Alberta and for the issue of debentures for the payment of the same without a vote of the proprietary electors.

Compulsory borrowing needs no assent

Petition for
submission
of by-law

267.—(1) If ten per cent of the resident proprietary electors petition the council for the submission of a by-law dealing with any matter within its legislative jurisdiction, the council shall cause a by-law dealing with the subject matter of the petition to be prepared and read a first time in council.

Petition to
be advertised

(2) Within four weeks after receiving the petition the council shall advertise it in some newspaper published in the city, or in case there is no such newspaper, in any newspaper circulating therein, in at least one number of the paper each week for two successive weeks prior to the date of voting thereon.

Majority
required to
pass by-law

(3) If the majority of the votes polled is in favour of the by-law the by-law as submitted shall be finally passed by the council within four weeks of the voting thereon without any alteration being made therein affecting the substance thereof.

(4) The proceedings upon a vote under the provisions of this section shall be the same as far as may be practicable as those provided herein for voting on money by-laws.

Expense
recoverable
from
defaulting
person

268. When any council has authority to direct by by-law that any matter or thing shall be done by any person, the council may also, by the same or another by-law, direct that in default of its being done by the person the matter or thing shall be done at the expense of the person in default and the city may recover the expenses thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes.

Validity of
by-law

269. A by-law passed by a council in the exercise of any of the powers conferred by and in accordance with this Act and in good faith shall not be open to question, or be quashed, set aside or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Council may
repeal or
amend
by-law

270.—(1) The council may repeal or amend any by-law but where the by-law has received the assent of the electors the repeal or amendment shall be similarly assented to.

Manner of
amending
by-law

(2) No by-law relating to the procedure of the council when in session shall be repealed, amended or suspended except so far as the terms thereof shall themselves permit unless it is repealed, amended or suspended,—

(a) by by-law unanimously passed at a regular or special meeting of the council at which all the members thereof are present; or

(b) by by-law passed at a regular meeting of the council in pursuance of a notice in writing given and openly announced at the next preceding regular meeting of the council, setting forth the terms or substantial effect of the proposed by-law.

Imposition of Penalties for Infraction of By-laws.

- 271.**—(1) The council may by any by-law,—
- (a) impose a penalty not exceeding one hundred dollars exclusive of costs for breach of any provision of any by-law, and provide for reasonable punishment by imprisonment, with or without hard labour, in the nearest common gaol, for any period not exceeding sixty days in case of non-payment of the fine and costs imposed for any such breach unless the fine and costs, including the costs of committal, are sooner paid; Penalty for breach included in by-law
 - (b) provide that in case the conviction is for the non-payment of any license fee payable to the city under the provisions of any by-law the magistrate or justice may adjudge payment thereof in addition to the penalty; License fee in addition to penalty
 - (c) enact that in case any person is convicted of an offence relating to any provision of any by-law of the city with respect to the use of a bicycle within the city, the magistrate or justice may, in addition to any penalty imposed in respect of any such offence, order and direct the impounding by the police of the bicycle concerned in the commission of the offence for a period of time not exceeding sixty days; Impoundment of bicycle
 - (d) enact that if by reason of the breach or non-observance by any person of any provision of any law or by-law relating to traffic any expense has been incurred by the city for or in connection with the moving of any vehicle or obstruction from any part of the highways of the city, the amount of the expense so incurred shall be added to the amount of any fine or penalty imposed in respect of such breach or non-observance or added to the amount fixed by council in lieu of prosecution pursuant to the provisions of clause (e), and that the person concerned shall be required to pay the amount of such expense in addition to the fine, penalty or amount so fixed by council as aforesaid, as the case may be; Cost of moving of vehicle or obstruction chargeable to person
 - (e) enact the procedure for the payment to the city treasurer or other person designated by the council of an amount fixed by by-law, which amount may be accepted by the city in lieu of proceeding with any punishment by way of prosecution, for breach of any provision or provisions of any by-law of the city designated by the council. Procedure in lieu of prosecution
- (2) The council may enact a general penalty by-law for a breach of a provision of any by-law or of any number of specified by-laws, and may impose a fine and costs and imprisonment in the case of non-payment of the fine and costs as set out in clause (a) of subsection (1), and the payment in addition to the penalty as set out in clause (b) of subsection (1). General penalty by-law

Protection to Persons and Property.

Police Protection.

- Appointment
of policemen
- 272.** The council which has not passed a by-law providing for a board of police commissioners may pass by-laws providing for the appointment of policemen and for regulating and defining their duties.
- Council may
pass by-laws
controlling-
disorderly
conduct, etc.
- firearms, etc.
- immoral
entertain-
ment
- minors in
public places
- vagrants
- 273.** The council may pass by-laws,—
- (a) for preventing vice, drunkenness, profane swearing, obscene, offensive, blasphemous or insulting language, fighting, disorderly conduct, and any other immorality and indecency, on or near any street or in or near any public place or building within the limits of the city, or in any other place to which the public has access;
 - (b) prohibiting or regulating the carrying or discharge of guns or other firearms and the firing and setting off of fire balls, squibs, crackers or fire works;
 - (c) prohibiting the production or giving of an immoral or indecent play or performance in any theatre, hall or other public place of amusement or entertainment, and authorizing the chief constable, the deputy chief constable or any inspector of police, or any officer or person specially detailed for that purpose, to enter any theatre, hall or other place of public amusement or entertainment, and if at his request such play or performance is not forthwith stopped, to apprehend the performers without warrant, and to take them as soon as practicable before a police magistrate or justice of the peace;
 - (d) subject to the provisions of *The Child Welfare Act*,—
 - (i) prescribing the age at which and the conditions under which a minor may be permitted to enter, play games in, be employed in, remain or loiter in or about any house or place of public entertainment or resort in which billiards, pool or bagatelle tables or bowling alleys are kept for hire or gain and prohibiting minors under the age specified in the by-law from entering any such house, place or resort;
 - (ii) regulating children being in other public places;
 - (iii) regulating and licensing working children;
 - (e) for preventing loitering and for restraining and punishing vagrants and mendicants within the limits of the city, and for preventing common begging, or persons in the streets from importuning others for help or aid in money, or deformed or malformed or diseased persons from exposing themselves, or being

exposed in the public streets to excite sympathy or induce help or assistance from general or public charity;

- (f) for suppressing gambling houses, disorderly houses, and houses of ill-fame.

Fire Protection.

274. For the prevention or extinguishing of fires, the council may pass by-laws providing for any or all of the following,—

- (a) the purchase of apparatus and equipment for extinguishing fire and preserving life and property from injury or destruction by fire; Fire prevention by-laws may provide for,—
purchase of equipment
- (b) the building of fire walls and the granting of bonuses to assist in the building thereof; fire walls
- (c) compelling male adults for the time being in the city to assist in the extinguishing of fires and to assist in the prevention or the spread thereof; compelling assistance
- (d) the prevention of interference with the efforts of persons engaged in the extinguishing of fires or prevention of the spreading of fire by regulating the conduct of the public at or in the vicinity of any fire; interference control
- (e) the regulation of the storage or transportation of explosives or other highly inflammable or dangerous matter and the prohibition of the storage or transportation thereof except by permit authorized by resolution of the council; regulation of explosives
- (f) the prevention of the erection or placing of any building, erection or other structure within areas prescribed in the by-law unless,— proper construction of buildings
- (i) the main walls thereof are made of brick, concrete or stone;
- (ii) the roof thereof is constructed of incombustible materials;
- (g) the prevention of structural alterations to any existing building, provided such existing building does not conform in structure to the building and fire regulations governing construction in any defined area; alteration of non-conforming buildings
- (h) the razing or removal at the expense of the owner thereof of any building erected or placed in contravention of any by-law passed under the provisions of this Act, and if the expense is not paid upon demand levying and collecting the expense from the owner as if the same were taxes; removal of building
- (i) the regulation of the construction of chimneys and enforcing the proper cleaning thereof at stated intervals either by licensed chimney sweeps or otherwise, the licensing of such sweeps and the fees to be charged therefor; proper chimneys

- inspection of electric wiring
- (j) the inspection and supervision of electric wiring to ensure that the wiring complies with the minimum standards prescribed in *The Electrical Protection Act*, and for the fees to be charged for such inspections, which fees shall be reasonable in amount and shall not be imposed for the purpose of exacting revenue;
- conduct in public places
- (k) the regulation of the method of lighting, subject to the minimum standards prescribed by *The Electrical Protection Act*, the construction of doors, the width of aisles, the provision of fire escapes in or leading to places of public accommodation or assembly, and generally all matters relating to the construction, maintenance or conduct of such places as in the safety of the public may be deemed convenient;
- proper construction of garages and machine shops
- (l) requiring that no building be used as a public garage or machine shop unless it is provided with a concrete floor, and prohibiting the use of any building for such purpose unless it be separated from all other buildings by a fire wall or by a clear space of not less than one hundred feet;
- fireproof containers for ashes, etc.
- (m) the disposal of ashes or combustible refuse and prohibiting the placing or retention of such in or on property, public or private except in fire-proof containers;
- appointment of fire marshal
- (n) the appointment of a fire marshal and requiring that he be given access at reasonable hours to places both public and private for purposes of inspection of premises;
- general regulations
- (o) notwithstanding any other of the provisions of this Act, any other matter or thing for the protection of life or property as may be deemed proper.
- Council may pass by-laws.—
275. The council of any city may pass by-laws,—
- preventing obstructions in public meeting places
- (a) preventing the obstruction of the halls, aisles, passageways, alleys or approaches in a church, theatre, hall or other place of public meeting during the occupation of the same for a public assemblage;
- providing punishment for false alarms
- (b) providing punishment for the creating, giving, making or spreading of false alarm of fire;
- authorizing use of fire fighting equipment outside city
- (c) authorizing the entering into of a contract with any municipality or person upon such terms and conditions as may be agreed upon for the use of the fire fighting equipment of the city in extinguishing fires outside the limits of the city, or permitting the use of such equipment in extinguishing fires outside the limits of the city and charging for such services where no contract has been entered into and a request for such services is made by a municipality or by any person.

Regulation of Animals.

- 276.** For the purpose of regulating and controlling animals the council of any city may pass by-laws,—
- Council may pass by-laws,
- (a) preventing the leading, riding and driving of cattle or horses on any sidewalk;

preventing animals on sidewalks
 - (b) providing for distraining and impounding animals running at large, and,—

providing for impounding animals running at large

 - (i) determining the compensation to be allowed for carrying out the provisions of such by-law and for services rendered with respect to, and sustenance supplied for, animals distrained or impounded;
 - (ii) appointing poundkeepers;
 - (iii) providing sufficient yards, buildings and inclosures for the safekeeping of such animals as it may be the duty of the poundkeeper to impound;
 - (iv) appraising damages to be paid by the owners of animals impounded for trespassing; and
 - (v) providing for the sale or destruction of animals in case they are not claimed within a reasonable time or in case damages, costs and expenses are not paid;
 - (c) restraining and regulating the running at large of dogs; and,—

restraining dogs running at large

 - (i) providing for the impounding of dogs running at large and for the killing, sale or other disposition of impounded dogs if not claimed from the pound within a specified time or if the claimant does not comply within a specified time with such conditions governing payment of costs and expenses and removal from the pound as the by-law may provide;
 - (ii) classifying dogs for licensing purposes; and

licensing dogs
 - (iii) prescribing a tariff of license fees to be paid by persons owning, possessing or harbouring dogs, which fees may vary as between the different classifications of dogs;
 - (d) providing for the enforcement of the provisions of *The Dangerous Dogs Act*;

enforcing *The Dangerous Dogs Act*
 - (e) licensing and fixing the license fee payable by any person owning or keeping in his possession or using for any purpose any horse, mare, mule or jack within the city;

licensing the keeping of other animals
 - (f) for regulating the keeping by any person of wild or domestic animals or poultry within the limits of the city;

prohibiting
keeping of
animals
which con-
stitute
nuisance

preventing
cruelty to
animals

By-laws for
control of
animal
diseases

- (g) for prohibiting the keeping by any person of any wild or domestic animals or poultry in any specified part or parts of the city where, in the opinion of council, such keeping is likely to cause a nuisance;
- (h) for the prevention of cruelty to animals.

277. The council may pass by-laws for the purpose of preventing the spread of tuberculosis, infectious bovine abortion and other diseases of animals which are communicable to human beings and without restricting the generality of this provision, may pass by-laws,—

- (a) appointing inspectors to inspect and subject to such tests as may be required by such by-laws all cattle within the city and all dairy cows any of the milk from which is used for human consumption within the city;
- (b) empowering the inspectors to make such orders as may be required for effectually carrying out the provisions of this section;
- (c) providing for the collection, detention and isolation of such animals for the purpose of making such tests;
- (d) providing for branding and quarantining infected animals;
- (e) compelling the owners to separate such animals from their herds;
- (f) preventing the use for human consumption of milk from animals which have been quarantined or found to be infected;
- (g) slaughtering animals which have not been separated from the herds when required to be separated by order of an inspector;
- (h) requiring persons who know that an animal is infected with any disease communicable to human beings or has reacted to a test for such disease to report the same to the nearest inspector.

Nuisances and Pests.

Council may
pass
by-laws.—
compelling
abatement
of nuisances

278.—(1) The council may pass by-laws,—

- (a) preventing and compelling the abatement of nuisances generally, and regulating untidy and unsightly premises;
- (b) declaring any building, structure or erection of any kind whatsoever, or any excavation, depression, drain, ditch, water course, pond, surface water, refuse or other matter or thing in or upon any private lands, street or road or in or about any building or structure, to be a nuisance and dangerous to the public safety or health and directing that

- the same shall be removed, pulled down, filled up, abated or otherwise dealt with by the owner, agent, lessee or occupier;
- (c) providing for the eradication of dandelions and noxious weeds or plants on public or private property; providing for eradication of noxious weeds
- (d) providing for the removal of any tree, whether on private property or otherwise, the roots of which interfere with any sewer; removal of trees
- (e) requiring the owner, lessee, tenant, agent, manager or occupant of any premises in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke,— controlling smoke
- (i) for a period of more than six minutes in any one hour; or
- (ii) at any other point than the opening to the atmosphere of the flue, stack or chimney;
- (f) for the purpose of eliminating or mitigating within the city,— to eliminate insect pests
- (i) the mosquito nuisance; or
- (ii) insect pests harmful to the growth or development of trees and shrubs or any vegetable or plant life; or
- (iii) blight or disease to trees and shrubs or vegetable or plant life;
- (g) for the purpose of prohibiting, eliminating or abating noise. controlling noise
- (2) Any person authorized by the council may enter any lands, buildings, or premises to inspect for conditions that may constitute a nuisance or contravene or fail to comply with any by-law passed pursuant to subsection (1). Inspector of nuisances
- (3) In any by-law passed under subsection (1) the council may,— Penalties for violation of nuisance by-law
- (a) require the owner, agent, lessee or occupier to remedy in such manner as the council may direct any condition on his land that constitutes the nuisance or that contravenes or fails to comply with the by-law and impose appropriate fines and penalties in case of failure to do so;
- (b) provide that if the owner, agent, lessee or occupier fails, neglects or refuses to remedy the said condition, the council may cause such work to be done as the council deems necessary to remedy it; Council may remedy nuisance condition
- (c) charge the cost of the work done to remedy the condition to the owner, agent, lessee or occupier, and in default of payment,— Costs of nuisance abatement may be recovered from owner
- (i) recover the same as a debt due to the city; or
- (ii) charge the same against the land concerned as taxes due and owing in respect of that land and recover the same as such;

- (d) make any other provisions which council deems necessary to carry out the purposes of the by-law.

Appeal to
judge to
vary order

279. Any owner, agent, lessee or occupier who receives a notice, order or direction requiring him to abate a nuisance or to remedy any condition that constitutes a nuisance or that contravenes or fails to comply with a by-law passed under section 278, and who thinks himself aggrieved may appeal within ten days to a Supreme Court Judge in Chambers who, if satisfied that the council has acted unreasonably or unjustly or in a manner contrary to the intent and meaning of section 278, may set aside, vary or modify the notice, order or direction of the council.

Appoint-
ment of
noxious
weeds in-
spectors

280.—(1) The council shall appoint such inspectors as may be required to carry out and enforce the provisions of *The Noxious Weeds Act* within the city and shall clearly define the territory of each such inspector so that every part of the city shall be covered.

(2) Every inspector so appointed shall have all the powers and shall perform all the duties of an inspector appointed in accordance with the provisions of the said Act, and shall be paid such remuneration as the council may determine.

(3) The clerk shall forthwith notify the Field Crops Commissioner at the Department of Agriculture of the appointment of such inspectors, of their post office addresses and of the territory assigned to each.

Recovery of
costs for
destruction
of weeds

(4) Where an inspector destroys noxious weeds upon land in a city pursuant to the provisions of *The Noxious Weeds Act* the council may charge the owners of such lands a sum to be fixed by the council not exceeding one dollar for each lot on which weeds are destroyed.

Highways and Public Places.

Regulations of Vehicles and Highway Traffic.

Council may
pass by-
laws con-
trolling
speed of
vehicles

281. (1) For the regulation of vehicles and highway traffic within the city the council may pass by-laws,—

- (a) making provision for the carrying out of any provincial law regulating the use and speed of motor vehicles on highways;
- (b) regulating or restricting the rate of speed of all vehicles or any class or classes of vehicles either generally or in respect of any designated highway or portion thereof;
- (c) regulating or restricting the rate or pace of riding or driving any vehicle;
- (d) restricting in particular the rate of speed of vehicles entering or leaving or travelling on or in any school zone, bridge, overpass or subway.

(2) The rate of speed fixed in a city by-law passed pursuant to subsection (1) shall not be in excess of that permitted under *The Vehicles and Highway Traffic Act* or in excess of that which is deemed to be *prima facie* unreasonable under that Act.

The Vehicles and Highway Traffic Act governs speed

(3) The council of a city may pass by-laws,—

Council may pass by-laws,—

(a) giving to fire department apparatus and ambulances and police cars, when on emergency calls only, the right-of-way, notwithstanding anything in *The Vehicles and Highway Traffic Act*, and subject to such regulations as may be deemed advisable;

giving right-of-way to certain vehicles

(b) restricting the weight of vehicles or of vehicles with their loads, using the streets or any particular streets of the city;

restricting weight of vehicles and loads

(c) setting aside so much of any street as the council deems necessary for constructing safety islands and platforms or traffic standards, and where safety islands and platforms are constructed, permitting vehicular traffic to pass street cars taking on or letting off passengers;

(d) controlling and regulating the use of all streets, sidewalks and other public places and delegating to the chief constable or city commissioners any powers in connection therewith;

controlling use of streets

(e) classifying motor and other vehicles and pedestrians for any and all purposes involving the use of streets, lanes and other public places;

classifying vehicles and pedestrians

(f) preventing or restricting, controlling and regulating,—

controlling parking of vehicles

(i) the parking of vehicles or of any particular class or classes of vehicles on all or any streets, lanes and other public places or any portion thereof;

(ii) the parking on specified streets or lanes or within a certain distance from any building, of any class or classes of vehicles or of vehicles used for carrying inflammable, combustible, explosive or other dangerous material, whether loaded or unloaded, and defining the route or routes through the city that such vehicles must follow in entering or traversing the city and prohibiting them from travelling on any designated highway, bridge, overpass or sub-way;

(iii) any other use of the streets, lanes and other public places or any portion thereof by or for vehicles or any particular classification thereof;

(g) prohibiting right or left turns at any designated intersection;

prohibiting right or left turns

(h) establishing, controlling and regulating parking stands and places for parking vehicles or any class

establishing parking stands

- or classes of vehicles on any street, lane or other public place or an any lands acquired by the city for parking purposes or designated in the by-law as parking stands or places and assigning any particular stand or place to a specific person or persons;
- prescribing fees for parking stands (i) prescribing a tariff of fees or charges to be paid by persons using such parking stands or places, which fees or charges may vary according to the location, the classification of the vehicles for which the same are intended or as the council may otherwise determine, and in its discretion granting free use of all or any parking stands or places for all vehicles or any particular classification thereof for such period of time or during such hours as may be specified in the by-law;
- establishing parking meter system (j) establishing, controlling and regulating a parking meter system or providing in any other manner for the collection of fees or charges payable by persons using such parking stands or places;
- preventing incumbering of streets (k) preventing the incumbering of streets and other public places by vehicles and other articles;
- controlling bicycles (l) controlling or preventing the riding of bicycles or tricycles on any sidewalk;
- licensing bicycles (m) licensing the owners of bicycles, prescribing regulations with respect thereto and controlling and regulating the operation and parking of bicycles on streets, lanes and other public places;
- impounding bicycles (n) providing for the seizure or impounding for a period not exceeding sixty days of any bicycle used or operated in violation of any by-law;
- regulating parades (o) for regulating parades or processions over and along any street or streets within the city, and for prohibiting the passage of any parade or procession over any or all streets within the city unless and until a permit therefor has been issued by the mayor, or the council by resolution has expressly permitted the same;
- preventing reckless driving of animals (p) for preventing the reckless riding or driving of any animal or vehicle within the city;
- closing or restricting use of streets (q) closing or restricting the use of any highway, subway, bridge or overpass or part of any highway, subway, bridge or overpass within the city either as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians and providing for the proper enforcement of any such closing either by way of the erection of barricades or by the adoption of such other means as council may consider necessary or expedient;
- providing for marking traffic lanes (r) providing for the marking of one or more traffic lanes upon any of the highways of the city and to regulate the manner and extent of the use thereof by any class or classes of vehicles or pedestrians;

- (s) providing that vehicular or pedestrian traffic shall travel upon any highway or part of any highway of the city only in one direction as council may in the interests of safety and convenience prescribe. governing one-way streets

282.—(1) The council, subject to the provisions of any Act of the Parliament of Canada or of the Legislature of Alberta, or to any order of the Board of Transport Commissioners for Canada, may make by-laws,— Council may pass by-laws.—

- (a) sanctioning and permitting the track of any railway, street railroad or tramway to be laid in, on or along any street or avenue of the city; respecting railway tracks
- (b) prescribing compensation for any damage that may be done on the property or on the said streets or avenues and that the amount of the said damage, if any, shall be settled in the manner provided for compensation for expropriation; prescribing compensation for damage by railway tracks
- (c) regulating the use of locomotive engines and of steam or other motive power on any or every portion of any railroad within the city; regulating use of locomotives
- (d) providing and regulating the speed of cars upon any and every part of any railroad within the city; regulating speed of railway cars
- (e) regulating the rate of speed of railway trains and engines along or across any of the streets or avenues of the city; regulating speed of trains at crossings
- (f) preventing the obstruction of any streets or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time; preventing obstruction at crossings
- (g) preventing the loading or unloading of any car or truck alongside or from any street crossing or sidewalk in the city; preventing loading at crossings
- (h) preventing the blowing of whistles or ringing of bells while the engine is going along or across any street or avenue except under conditions mentioned in the by-law; controlling railway whistles and bells
- (i) imposing a fine not exceeding five hundred dollars for a breach of any such by-law. imposing fines

(2) In any proceedings taken for infraction of by-laws passed under this section, service of necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad. Service of document on employee deemed service on railway

(3) Any of the persons in charge of the engine, car, truck or train as well as the railroad company shall be liable to the fine provided in the by-law, and proceedings may be taken against either or any of them. Joint liability of employee and company

Advertising in Public Places.

283. The council may pass by-laws,— Council may pass by-laws.—

- (a) prohibiting the posting or exhibition of placards, play-bills, posters, writing or pictures or the writing of words, or the making of pictures or drawings prohibiting indecent posters

- which are indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on or adjacent to a highway or public place;
- regulating and licensing billboards (b) preventing and controlling throughout the city or in any specified part thereof, the erection and use of billboards, signboards or other advertising devices of any kind, whether the notices be printed or otherwise displayed; and
- (i) requiring a permit from the council or a city official designated for the purpose as a condition of erecting any signboard, billboard or other advertising device;
- (ii) imposing an annual license fee in respect of each billboard, signboard or other advertising device;
- (iii) authorizing the removal and destruction of signboards or billboards or other advertising devices erected or maintained without such permit or license;
- (iv) requiring the licensee to pay a proportionate share of the cost of a bond of indemnity indemnifying the city and all concerned against claims, demands, actions, proceedings and costs for loss, damage or injury to persons or property arising by reason of the erection, maintenance, use or existence of any such billboards, sign or other advertising device;
- regulating and licensing billposters (c) regulating and licensing billposters and preventing the pulling down and defacing of signboards and billboards or printed or other notices lawfully affixed and preventing the defacing of private or other property by printed or other notices;
- regulating loud-speakers (d) prohibiting or controlling and regulating the use of loudspeakers or other devices for the amplification of sound on any street or other public place or in any building or premises.

Control of Highways and Public Places.

Title to highways vested in city

284.—(1) The title in fee simple to every public highway, road, street, lane, alley, boulevard, park, square, bridge or other public place in every city, except so far as excluded by a special Act or agreement, shall be vested in the city.

(2) The title to and the soil and freehold in the land comprised in all road allowances transferred to the Crown in the right of the Province of Alberta by *The Saskatchewan and Alberta Roads Act*, being chapter 180 of the Revised Statutes of Canada, 1927, and in all public travelled roads or trails vested in the Crown in the right of the Province of Alberta by reason of the said Act, which are situate within a city, shall be vested in the city.

Control of highways by council

285.—(1) Every road allowance, public highway, road, street, lane, alley, park, square, bridge, river, stream or

other public place, shall be subject to the direction, control and management of the council of the city in which it is situate, subject however, to the provisions of *The Water, Gas, Electric and Telephone Companies Act*.

(2) The council, by resolution, may name or number the streets and avenues and change the names and numbers of any of the streets and avenues now existing or hereafter laid out within the city.

Naming and numbering of streets

286.—(1) The council, by by-law, may grant to any person, firm or corporation owning land adjacent to a highway or public place the privilege of erecting a structure overhanging the highway or public place or any part thereof, or of excavating under the highway or public place for a cellar, area way or other purpose under such terms and conditions, and subject to the payment of such annual rental, as the council may fix.

Permission to erect overhang or excavate on highways

(2) A person, firm or corporation that has been granted a privilege for erection or excavation under subsection (1) shall indemnify the city in full against any claim for damage sustained by reason of the existence of the privilege.

City indemnified against damage claims

(3) The annual rental for the privilege shall be added to and deemed to be part of the taxes of the adjacent land to which it is appurtenant, and the provisions of *The Tax Recovery Act* are applicable thereto.

Rental for privilege of overhang or excavation

287. The council may pass by-laws,—

Council may pass by-laws—

(a) compelling all persons, or all persons within specified areas of the city, to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them;

compelling snow and ice removal

(b) providing for the clearing of sidewalks adjoining property of non-residents and all other persons who for twenty-four hours neglect to clear the same, and in case of non-payment of the expenses thereof by the owner or occupant, charging the same against the property as a special assessment to be recovered in like manner as and with other taxes;

providing for clearing of sidewalks

(c) prohibiting the planting of trees, hedges or shrubs on private property at or adjacent to and within twenty-five feet from street intersections or such lesser distance as may be stated in the by-law, requiring the removal of trees, hedges or shrubs already planted, or limiting the height of such trees, hedges or shrubs whether planted before or after the date of the passing of the by-law;

prohibiting planting of trees or hedges near intersections

(d) providing for planting and protecting trees on highways and other public places;

providing for planting trees

providing
for joint
construction
of public
works with
municipali-
ties

- (e) providing for uniting with the councils of other municipalities, in the construction and maintenance of any public work or performance of any matter or thing deemed by all councils concerned to be of benefit to their respective municipalities, and entering into an agreement as to the joint control and management of any undertaking that concerns their respective municipalities.

Highways,
etc., partly
in city
controlled by
city

288. The Lieutenant Governor in Council by order may direct that any highway, bridge or stream not wholly within the city limits, or any part of such highway, bridge or stream, shall be subject to the direction, management and control of the council for the public use of the city.

Maintenance of Highways and Public Places.

Council may
pass by-
laws,—

289. The council may pass by-laws,—

authorizing
construction
of highways,
etc.

- (a) authorizing the construction and maintenance of roads, streets, lanes, bridges, sidewalks, culverts, squares or other public places;

authorizing
purchase and
mainten-
ance of
necessary
machinery

- (b) purchasing, housing, and maintaining all such machinery and equipment as may be deemed necessary for the construction and maintenance of all public works undertaken by the city.

City respon-
sible for
mainten-
ance of
highways,
etc.

290.—(1) Every public road, street, bridge, highway, square, alley or other public place subject to the direction, management and control of the council, including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the city or by any person with the permission of the council, shall be kept in a reasonable state of repair by the city, having regard to the character of the road, street, bridge, highway, square, alley, public place or work made or done therein or thereon, and the locality in which it is situated or through which it passes, and if the city fails to keep the same in such reasonable state of repair, the city shall be civilly responsible for all damage sustained by any person by reason of its default in addition to being subject to any punishment provided by law.

City not
responsible
for neglect
of private
through-
fare

(2) This section shall not apply to any road, street, bridge, alley, square, crossing, sewer, culvert, sidewalk or other work made or laid out by a private person until it has been established as a public work by by-law or otherwise assumed for public use by the city.

City not
responsible
for damage
in common

(3) The city shall not be liable for damages under this section unless the person claiming the same has suffered by reason of the default of the city a particular loss or damage beyond what is suffered by him in common with all other persons affected by the want of repair.

City not
liable where
no control
held

(4) Nothing herein contained shall cast upon the city any obligation or liability in respect of acts done or omitted by persons exercising powers or authorities conferred upon

them by law, and over which the city has no control, where the city is not a party to such acts or omissions and where the authority under which such persons proceed is not a by-law, resolution or license of the council.

(5) Default under this section shall not be imputed to the city in any action if the city proves that it had not actual or constructive notice of the disrepair of the highway or other thing in this section mentioned or that it took reasonable means to prevent the disrepair arising.

City not liable where no notice of disrepair

Acquisition of Land.

291.—(1) The council may acquire by purchase or otherwise for and on behalf of the city and for any purpose whatsoever, such lands either within or without the city, as the council deems it expedient to acquire.

Council may acquire land

(2) Where the acquisition involves the contracting of a debt that is not payable within the current year, the council shall pass a by-law and obtain the assent of two-thirds of the proprietary electors voting thereon before acquiring the property.

Vote required if money borrowed

292. The council may acquire by gift,—

Acquisition of land by gift

- (a) from the Crown in the right of the Dominion of Canada or of the Province of Alberta, or from the Soldier Settlement Board or from the Department of Veterans' Affairs, any lands situate within or without the city; and
- (b) from any other person, firm or corporation, lands situate within or without the city which are at the time of transfer free from all incumbrances whatsoever.

293. The council may,—

Council may.—

- (a) authorize the erection of municipal buildings, convention and memorial halls and of lock-ups, weight houses, markets, and all such other buildings as may be required by the municipality for any purpose within its powers and the expropriation of lands therefor;
- (b) authorize the acquisition or erection of buildings, either separately or in conjunction with other structures, which may be acquired or erected,—
 - (i) for the purpose of conducting any business which the city is empowered to operate; or
 - (ii) for housing any service which the city is authorized to provide; or
 - (iii) for the purpose of leasing such buildings or any portion therefor; or
 - (iv) for any other purpose within the powers of the city for which a building may be required; and the acquisition of a site for such buildings or any of them;

authorize erection of municipal buildings

authorize erection or acquisition of other buildings

- authorize purchase of quarries, gravel pits, etc.
open or widen streets
- control cemeteries
- Council may provide and manage rest and reading rooms
- Management of public accommodation
- (c) authorize the purchasing or leasing and working of any quarry, gravel or sand pit wherever situated, for the purpose of the city;
- (d) acquire land for the opening, widening, altering or diverting of a street, lane or other public highway;
- (e) authorize the purchasing, maintaining and controlling of cemeteries within or outside the city and preventing or regulating the burial of the dead within the city.
- 294.**—(1) The council may,—
- (a) rent, lease, purchase or otherwise acquire any building or land which it desires to use in any way for the purpose of providing public rest and reading rooms or other public accommodation;
- (b) provide for the establishment of public rest and reading rooms or other public accommodation and make rules and regulations for the conduct and maintenance of the same.
- (2) Upon acquiring property for the purpose of providing public accommodation the council may,—
- (a) furnish the premises so acquired;
- (b) provide for the management of the premises;
- (c) do all other acts and things deemed necessary or advisable to have the premises conducted and managed successfully and economically as a place of public accommodation.

Expropriation of Land.

- Expropriation of land
- Costs of expropriation proceedings
- 295.**—(1) If the council desires to acquire land, either within or without the city, for any purpose authorized by this Act, or for the purpose of preventing the working of any coal mine within, upon or under any portion of the land comprised within the city, or for the purpose of improving any land owned by the city, the commissioners may negotiate with the owners and occupiers of such land or other persons interested therein for the acquisition of the land by agreement, and in case they cannot acquire the land at a fair price by agreement, the commissioners may take steps to acquire the same by expropriation in the name and on behalf of the city.
- (2) If the council, by agreement with the owners or persons concerned, cannot acquire at an amount which council considers a fair price, title to any parcel of land or any estate or interest therein, required for the municipal public use of and by the city in or in connection with any plan of development of any particular area of the city which council *bona fide* deems to be in the public interest, whether such plan of development is to be undertaken solely by the city or in conjunction with any other person, then council

may acquire such title by expropriation proceedings in the name of the city.

(3) At any time prior to the appointment of an arbitrator pursuant to the provisions of section 306 any owner of any parcel of land concerned or any person having any estate or interest therein may appeal to the Board of Public Utility Commissioners to determine whether the plan of development concerned is in the public interest.

Submission
of plan of
develop-
ment to
Board of
Public Utility
Commis-
sioners

296.—(1) The commissioners shall make to the owners or occupiers of, or other persons interested in any land taken by the city in the exercise of any of the powers conferred by this Act due compensation, and pay damages for any land or interest therein injuriously affected by the exercise of such powers, the amount of such damages being such as necessarily result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work.

Compensa-
tion for
damages

(2) Any claim for such compensation or damages, if not mutually agreed upon, shall be determined by arbitration under this Act.

Damage
arbitrated

(3) Where a street or any part thereof has been or is being widened by means of an equal contribution from the lots thereon abutting, no compensation shall be payable to the owners or other persons interested therein, nor shall they be entitled to damages except for the value of buildings and improvements demolished or the cost of removal of the same, unless the judge or arbitrator is of the opinion that under the special circumstances of the case the owner is entitled to damages.

No damage
allowable
where equal
contribution

(4) In order to provide for a uniform assessment of damages only one arbitration shall be held in respect of the street or part thereof to be widened and the judge or arbitrator dealing with the matter shall have power to make one or more awards as he shall see fit.

One arbitra-
tion only
permissible

297.—(1) Before taking any land the commissioners shall deposit with the city clerk,—

Plans to be
deposited

- (a) plans showing the land to be taken or used; and
- (b) specifications of the work to be done thereon; and
- (c) the names of the owners or occupiers thereof according to the last revised assessment roll.

(2) In case the land to be taken is required for the opening, extending or widening of any highway they shall also deposit copies thereof in the office of the Registrar of the land registration district within which the city is situate and the Registrar shall receive and preserve the same in like manner as railway plans are received and preserved under the provisions of *The Railway Act* of Alberta.

298.—(1) The city clerk shall thereupon notify such owners and occupiers,—

Notice to
owners of
lands taken

- (a) of the deposit of the said plans and specifications; and
- (b) of the date of such deposits; and
- (c) that all claims for compensation for the land so to be taken and the amount and particulars thereof shall be filed with him within fifteen days from the date of the deposit of the said plans and specifications.

(2) The amount of the compensation for the land shall be ascertained as of the date of the deposit of the plans and specifications.

Damage claim may be barred

(3) If any claimant under this section has not filed his claim within the period hereinbefore limited, it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

Land to be surveyed and marked

299.—(1) In any case where land has been taken or used by the city for highway purposes or for any other public purpose in the exercise of any of the powers conferred by this Act, and whether or not the title thereto is vested in the city, the council shall cause the land to be surveyed and marked on the ground in accordance with the provisions of *The Alberta Surveys Act* by a duly qualified Alberta land surveyor.

Notification of lands taken

(2) Where the lands taken comprise an entire parcel or parcels, the council by resolution may authorize the city clerk to deposit in the proper Land Titles Office a notification under the seal of the city designating the parcels taken or used, and to pay the proper fees.

Lands vest in city upon filing of notification

(3) The Registrar shall file the notification and thereupon the parcels designated therein that are not already vested in the city shall vest in the city.

Plan where fraction of lands taken

(4) Where the lands taken comprise a fraction or fractions of any parcel or parcels, the surveyor shall prepare a plan in triplicate of his survey of the fraction or fractions, and shall certify the same in accordance with the provisions of *The Land Titles Act*.

(5) The plan in triplicate shall be submitted to the Director of Surveys and to the proper officers of the city for their examination and approval.

(6) Upon approval the plan in triplicate shall be deposited in the proper Land Titles Office, together with payment of the proper fee.

(7) The Registrar, shall,—

- (a) file one of the originals of the plan and thereupon the lands included in the plan that are not already vested in the city shall vest in the city;
- (b) indorse the other two plans with the Land Titles Office registration number and forward one to the city engineer and the other to the Director of Surveys.

300.—(1) In case any land not taken for any work or undertaking constructed, made or done by the corporation or commissioners under the authority of this Act is injuriously affected by such work or undertaking, the owner or occupier or other person interested therein shall file with the city clerk within fifteen days after notice has been given in a local newspaper of the completion of the work, his claim for damages in respect thereof stating the amount and particulars of the claim.

Claim for damages to be filed with city clerk

(2) Such notice shall be given by the city clerk forthwith after the person in charge of the work or undertaking has given his final certificate, and shall state the last day on which any claim under this section may be filed.

Notice of completion of work

(3) The amount of the damages shall be ascertained as of the date of publication of the notice.

(4) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

Damage claim barred

301. Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land, and shall pass by any transfer or conveyance thereof.

Claim for compensation passes with land

302.—(1) In the case of land which the city has authority under this Act to take without the owner's consent, corporations, tenants for life, guardians, committees and trustees shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those whom they represent (whether infants, issue unborn, lunatics, idiots or others) have power to act as well in reference to any arbitration, notice and action under this Act as in contracting for and conveying to the city any such land, or in agreeing as to the amount of damages arising from the exercise by the commissioners of any powers in respect thereof.

Agents, heirs etc. may act

(2) If there is no such person who can so act in respect of such land, or if any person interested in respect of any such land is absent from the Province or is unknown, or if his residence is unknown, or he himself cannot be found, a judge may appoint a person to act in respect to the same for all or any of the said purposes.

Judge may appoint agent

(3) In case any person acting as aforesaid has not the absolute estate in the property, the city shall pay into court such amount as a judge shall direct in respect of such property, and the city shall not be bound to see to the application of any sum so paid.

Payment into court

303. The compensation or damages which may be agreed upon or awarded for any lands taken or injuriously affected as aforesaid, shall stand in the stead of such lands, and shall be subject to the limitations and charges, if any, to which the said lands were subject, and any claim to or incumbrance

Compensation money same as land

upon the said lands or to or upon any portion thereof shall, as against the city, be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

Payment
of compensa-
tion into
court

304.—(1) If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer, conveyance, discharge or other instrument, or cannot be found or is unknown to the council, or if the city has any reason to fear any claim, mortgage or incumbrance, or if for any other reason the city deems it advisable, the city may pay such compensation or damages into court, and thereupon a judge upon the application of the city, may grant an order vesting in the city the absolute title to the lands in respect whereof such compensation or damages have been paid into court.

Publication
of notice
of compen-
sation claims
in news-
paper

(2) A notice in such form and for such time as a judge may direct shall be inserted in newspaper of the city calling upon persons entitled to compensation or damages in respect of any lands or any part thereof so taken or injuriously affected to file their claims to the said compensation or damages or any part thereof, and all such claims shall be received and adjudicated upon by the said judge.

Judgement
final

(3) Any judgment in such proceedings shall forever bar all claims to or in respect of the lands or any part thereof, and all interests therein, and to the compensation or damages therefor, and the judge shall make such order for distribution, payment or investment of the money and for securing the rights of all persons interested therein as may be necessary.

Procedure
when com-
pensation
claims sub-
ject of
arbitration

305.—(1) In all cases where claims for compensation or damages made against the city under the provisions of this or any other Act are declared to be the subject of arbitration in the event of the parties not being able to agree, the commissioners may tender to any person making such claim such amount as they consider proper compensation for the land taken or injuriously affected.

Costs of
arbitration
may be set
off

(2) In the event of the non-acceptance by the claimant of the amount so tendered and of the arbitration being proceeded with, if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award, unless otherwise directed by the arbitrator, shall be awarded to the city and set off against any amount awarded against it.

Settlement
by
arbitrator

306. Where a claim is made for compensation for damages by the owner or occupier of or other person interested in lands taken by the commissioners, or which is alleged to have been injuriously affected by the exercise of any of the powers of the commissioners, and where the commissioners are not able to agree with the claimant as to the amount of compensation or damages, the same shall be settled and determined by the award of a judge of the Supreme Court

of Alberta or of the District Court of the Judicial District in which the city is situate or of a barrister to be appointed by him as arbitrator.

307. The fees to be paid to the arbitrator in any such arbitration shall be such as may be fixed by the council from time to time. Arbitrator's fees

308. The reference of any such claim to an arbitrator shall not be deemed to be an admission of liability on the part of the city and all defences and objections shall be open to either party as if an action had been brought. Reference to arbitrator not admission of liability

309. The arbitrator may award the payment by any of the parties to the other of the costs of the arbitration or of any portion thereof, and may direct the scale on which such costs shall be taxed, in which case the costs shall be taxed by the officer of the court without any further order and the amount so determined shall be payable within one week after taxation. Arbitrator awards costs

310. In case of an award under this Act the arbitrator, immediately after making of the award, shall take and file with the city clerk for the inspection of all parties interested, full notes of the oral evidence so given on the reference, and also the documentary evidence so given or a copy thereof, and in case he proceeds partly on a view or on any knowledge or skill possessed by him, he shall also put in writing a statement thereof. Arbitrator to file notes of evidence with city clerk

311.—(1) The award shall not be binding on the city unless it is adopted by the city by by-law within two months after the making of the award, and if not so adopted the property shall stand as if no arbitration had been held, and the city shall pay the costs of the arbitration. Award not binding unless adopted by city

(2) Notwithstanding anything in this Act contained the city need not provisionally pass or submit to the proprietary electors a by-law for providing the sum awarded until after the date of the award.

312.—(1) On affidavit by any of the commissioners or the city engineer,— Judge may order immediate possession of land

(a) that immediate possession of any land desired to be taken for any purpose is necessary, having regard to the purpose for which it is required; and

(b) that the city has made an offer of compensation to the owner and occupier of the land sought to be taken or the person empowered to convey or interested in the same, which offer has been refused;

a judge may make an order giving the city immediate possession of such land.

(2) Ten days' previous notice of the time when and the place where the application for such order is to be made shall Notice to owner

be served upon the owner and occupier of the land sought to be taken, or the person empowered to convey or interested in the same.

Security
for compen-
sation

(3) The city shall give security to the satisfaction of the judge by payment into court of a sum sufficient in his estimation to cover the probable compensation and costs of the arbitration.

Costs of
application
and hearing

313.—(1) The costs of such application and of the hearing before the judge in terms of the preceding section shall be borne by the city, unless the compensation awarded is not more than the city had offered to pay.

(2) No part of the deposit mentioned in the preceding section shall be repaid to the city, or paid to the owner or other person interested, without an order from the judge, which he may make in accordance with the terms of the award.

Registra-
tion gives
city absolute
title free
of in-
cumbrances

314. Upon registration in the Land Titles Office for the land registration district in which the land taken by the city is situated of the conveyance or transfer of such land, or upon registration of the order of the judge vesting in the city the title to the land in pursuance of section 304, the city shall have an absolute and indefeasible title to such land, free of all mortgages, liens and other incumbrances thereon.

Disposal of Land.

When
disposal
of land
permissible
without
consent of
proprietary
electors

315.—(1) Where, by this Act, the council is empowered to acquire title to any land or to any estate or interest therein, either by purchase, expropriation, gift or other manner, other than tax recovery process, the council may hold, convey or dispose of such land, estate or interest in such land in any manner which the council may deem to be advisable or expedient, and any such disposal shall not require the assent of the proprietary electors.

When
disposal
of land
not permis-
sible without
consent of
electors

(2) A city council shall not have power,—

- (a) to dispose of its estate in any landed property acquired for a public park, public recreation grounds or exhibition grounds;
- (b) to sell to any person, firm or corporation, lands at at any sum less than the fair actual value thereof at the time of sale;
- (c) to rent or lease to any person, firm or corporation, any lands, buildings or portion thereof at a rent less than the fair rental value;
- (d) to dispose of or to devote to any other purpose, lands that have been dedicated to the city by gift for a specific purpose when such lands have been accepted by the city for that specific purpose;

without the assent of a majority of the electors voting on a by-law authorizing the disposal.

(3) The proceeds of the sale of lands, or the revenue from lands, may be appropriated by the council as if it were money raised by general rate for general municipal purposes.

Appropriation of proceeds of sale

316.—Subject to the provisions of *The Tax Recovery Act*, the council of a city, by resolution, may provide for the selling, leasing or otherwise disposing of lands finally acquired by the city under the provisions of any statute which provides or provided for the recovery of taxes.

The Tax Recovery Act to govern sale of tax sale lands

317.—(1) The council may pass by-laws for the purpose of closing and selling, leasing or holding the whole or any portion of any street, road, lane or public highway.

By-laws for closing streets, etc.

(2) No such by-law shall be passed until,—

Requirements of notice of closing street, etc.

(a) at least two weeks' notice of the intention of the council to pass the same is served upon the persons registered or assessed as the owners of the lands abutting upon the portion of the highway so proposed to be closed; and

(b) the notice is published once a week for at least two successive weeks in some newspaper circulating in the city; and

(c) any person who claims that his land will be injuriously affected thereby and petitions to be heard has been afforded an opportunity of being heard by himself or his agent in relation to the proposed by-law.

(3) Any such person so claiming, petitioning and appearing shall be entitled to be compensated for all damages to his land by reason of anything done under such by-law.

Claimant entitled to compensation

(4) The compensation shall be determined in the same manner and subject to the same conditions as compensation in the case of expropriation.

Determination of compensation

(5) In case it appears that the amount of the compensation, after deducting the selling price in case a sale is contemplated, will be so large that the amount ought not to be paid out of current revenue, the by-law shall be referred for the assent of the proprietary electors, and if it is finally passed, the amount necessary to be raised to pay the compensation and any costs may be raised by the issue of debentures for the amount payable, on such terms and with such rate of interest as the council by by-law determines.

Issue of debentures to cover compensation

Subdivision of Land.

318. The council may pass by-laws requiring that every tentative plan of subdivision of land within the city be submitted to the city engineer and to the town planning commission for approval before being submitted to the Provincial Planning Advisory Board.

Subdivision plans submitted to city for approval

Civic Housing Projects.

- 319.**—(1) The council may pass by-laws for the purpose of improving housing conditions in the city by providing for the construction of dwelling houses at a reasonable cost for sale or lease to persons of moderate income.
- (2) The council of the city, by by-law may,—
- (a) undertake, carry to completion, maintain and operate a housing scheme according to any method or plan approved or authorized under the terms of *The National Housing Act, 1938*, and act as a “local authority” or as a “lending institution” as defined in the said Act, with all the powers, rights, duties and remedies necessary or incidental thereto;
- (b) undertake and carry to completion a housing scheme in any case where by any Act of the Parliament of Canada or any statutes of the Province of Alberta, provision is made for assistance to municipalities in the undertaking of a housing scheme and enter into any agreement or agreements with the Government of Canada, or the Province of Alberta, as may be required by the terms of any such Act or statute in relation to any such housing scheme;
- (c) do any act or thing which may require to be done in order to obtain for the city any benefits or advantages which by the terms of any Act of the Parliament of Canada or by the terms of any statute of the Province of Alberta, are rendered available to municipalities as a means of assistance in formulating, completing and operating a housing scheme or any similar project, for relieving the crowded living conditions or for improving housing accommodation generally within the city;
- (d) undertake, maintain and operate a “municipal housing scheme” upon such terms, conditions, rules and regulations as the council may by by-law determine, in order to fully carry out the object and purpose of this subsection.
- (3) The expenditure of any money by the city under the authority of this section shall first receive the assent of two-thirds of the proprietary electors who vote on the question and such assent may be obtained by a plebiscite or by the submission of a money by-law to the said proprietary electors, and any sums borrowed or any debentures issued under the authority of this section shall constitute a valid and binding obligation on the city and the ratepayers thereof.
- 320.**—(1) A city, with the approval of the Board of Public Utility Commissioners, may expend in any year such sum or sums as may be designated by the Board to meet all or part of the cost of erecting or purchasing houses and the land used in connection therewith, or of acquiring other suitable accommodation for residential purposes, and

By-laws for, —
construction of dwelling houses

By-laws for, —
adoption of The National Housing Act plan

Provincial or Dominion assistance with housing scheme

for promoting housing scheme

undertaking municipal housing scheme

Expenditure for scheme requires vote of proprietary electors

Expenditure for residential purposes

renovating, remodelling or modernizing any dwelling owned by it or in respect of which the city has made a contribution towards the erection or purchase thereof.

(2) The city may sell or lease property acquired under subsection (1) or may enter into an agreement with the owner of a dwelling in respect of which the city made a contribution towards its erection or purchase for the repayment by him, upon such terms and conditions as may be agreed upon, of the amount expended by the city in making such contribution or in renovating, remodelling or modernizing such dwelling.

Disposal of
purchased
dwellings

Sanitation and Waste Removal.

321. The council, subject to the provisions of *The Public Health Act* and any regulations thereunder, may pass by-laws,—

Sanitation
by-laws may
provide for,—

- (a) authorizing the constructing and maintaining of such sewers, drains and ditches, either within or outside the city, as may be required,—
 - (i) to secure the proper drainage of the city and disposal of the sewage; or
 - (ii) to control or divert water in any stream or other watercourse;
- (b) preventing or restricting, controlling and regulating the discharge into any stream, watercourse, drain, sewer or sewerage system of any deleterious matter, substance or thing, whether liquid or solid, which would be injurious to health, life or property, or injure, pollute or damage any stream, watercourse, drain, sewer, sewerage system or sewage treatment plant;
- (c) providing for and regulating and controlling the preliminary treatment of any sewage or other deleterious matter, substance or thing, whether liquid or solid, before the same is discharged into any stream, watercourse, drain, sewer or sewerage system;
- (d) compelling any owner or occupant of land to construct and properly maintain such works as the council may deem necessary for the proper treatment of any sewage or other deleterious matter, substance or thing, whether liquid or solid, before the same is discharged into any stream, watercourse, drain, sewer or sewerage system and preventing any such discharge where such works have not been so constructed or are not so maintained;
- (e) preventing the flooding of basements or cellars connected with the municipal sewerage system by compelling the owner to install and operate a suitable gate valve or other mechanical device for the purpose of cutting off or controlling the connection between the sewerage system and the cellar or basement;

sewers
and ditches

drainage,
disposal of the sewage; or

water
diversion

prevention
of injurious
matter
in streams
or sewers

preliminary
treatment
of sewage

compelling
owner to
maintain
works

preventing
flooding

- payment of service charge
- constructing sewage disposal plant
- cleaning streets
- construction of privy vaults
- charging owners for costs of maintenance of privies
- prohibiting rubbish in public places
- removal of rubbish from private property
- nuisance grounds
- comfort stations
- sanitary conditions on private premises
- (f) charging to all persons occupying property connected with the sewerage system of the city a service charge to be determined by the council in such manner as it deems equitable, having regard to the city's portion of the cost of the sewerage system and to the cost of treatment and disposal of sewage and the services respectively rendered with respect to such properties;
- (g) authorizing the constructing, maintaining and operating of a sewage disposal plant;
- (h) providing for cleaning or flushing of streets and regulating the parking of vehicles which might interfere with such cleaning or flushing;
- (i) making provision for the proper scavenging of the city, licensing and regulating scavengers and fixing a schedule of rates to be charged by scavengers;
- (j) preventing and controlling the construction of privy vaults and providing for the keeping of the same in a proper state of cleanliness;
- (k) charging to all assessed owners of lands, whether otherwise exempt from taxation or not, upon which privies exist, whether used or not, a fixed sum per privy per annum to cover the cost of removing the contents thereof or the contents of pail receptacles where supplied to such owners, and the actual cost to the city of such receptacles, such charge to be added to the tax roll as a special assessment against the lands of such owners, and to be recoverable in like manner as other taxes which are a lien upon land;
- (l) prohibiting or restricting, controlling and regulating the placing or depositing of such rubbish as may be designated in the by-law upon any street or lane or in any park, public place or watercourse and compelling the removal of such rubbish by the party so placing or depositing the same and the placing of the same where ordered by the council either within or outside the city;
- (m) providing for the summary removal from any building or other erection or from any lot of such rubbish as may be designated in the by-law or directing that any such rubbish shall be removed or otherwise dealt with by the owner, agent, lessee, occupier or other person designated in the by-law;
- (n) regulating and controlling the use of nuisance grounds owned or used by the city;
- (o) establishing, maintaining and supervising comfort stations;
- (p) requiring that premises be put and maintained in a proper sanitary condition and providing penalties for infraction and other means for enforcing the by-law, including forcible removal of occupants and closing of the premises.

322.—(1) If the local board of health for the city, or the Medical Health Officer, or any person authorized by them upon due examination is satisfied that any building, enclosure or structure or portion thereof, has for any reason become or is unfit for the purpose for which it was used, or that it has become unsanitary or a nuisance or in any way dangerous to the health of the occupants or neighbors, the Medical Health Officer of the city may issue a notice addressed to the owner of such premises or the agent or person in charge of the same or any of them, requiring the premises to be put in proper sanitary condition, or if the said board sees fit, requiring the occupants to quit and close up the premises within such time as the board deems reasonable.

Notice to owner of unsatisfactory sanitary condition of premises

(2) If the person so notified, or any of them, refuses or neglects to comply with the terms of the notice, every person so offending shall be liable to a fine not exceeding ten dollars for each and every day he neglects or refuses and in default to imprisonment not exceeding thirty days.

Fine for refusal to comply with notice

(3) The board may cause the premises to be properly cleaned and may make sewer and water connections, install plumbing and effect such alterations as may be necessary to put the premises in a sanitary condition at the expense of the owner or occupants.

Expense of alteration chargeable to owner

(4) The board may remove or cause to be removed the occupants forcibly and close up the premises and if so closed the same shall not be reoccupied until put in proper sanitary condition.

Forcible removal of occupants

(5) A certificate signed by the board or the Medical Health Officer of the city showing the amount of expenses incurred by reason of the doing of all or any of the things referred to in this section shall be filed with the person having charge of the tax collector's roll, who shall enter the amount shown in the certificate in the roll against the property affected and the same shall become taxes and be collected with the ordinary municipal taxes.

Expense a charge on tax roll

323.—(1) If the owner, agent or occupant refuses or neglects to comply with any notice given under section 322 the Medical Health Officer, whether before or after the occupants have left the premises, may affix to the building or structure a placard declaring the same unfit for occupation and forbidding the use of the same, and any person removing or defacing any such placard shall be guilty of an offence and liable on summary conviction to a fine of not less than five dollars and not exceeding ten dollars, and in default thereof, to imprisonment for a period not exceeding thirty days.

Posting of placard on building forbidding use

(2) Any owner, agent or person renting or allowing to be occupied or any person occupying such building, enclosure or structure or part thereof without the consent of the Medical Health Officer, shall be guilty of an offence and liable on summary conviction to a penalty of not less than

Penalty for unauthorized occupation of condemned premises

ten dollars and not exceeding twenty-five dollars for each day the same is rented, allowed to be occupied, and in default thereof, to imprisonment for a period not exceeding thirty days.

By-laws for
garbage
collection
and disposal
by various
systems

324.—The council may pass by-laws,—

- (a) defining and classifying “ashes”, “garbage” and “refuse”;
- (b) establishing and maintaining a system for the collection, removal and disposal of garbage or of garbage and refuse or of ashes, garbage and refuse throughout the city, either,—
 - (i) at the expense of the city or of the owners or occupants of the lands in respect of which the service is rendered; or
 - (ii) at the expense of the city with respect to any defined area or areas, and at the expense of such owners or occupants with respect to any other defined area or areas; or
 - (iii) at the expense of the city with respect to any defined class or classes of premises and at the expense of such owners or occupants with respect to any other defined class or classes of premises; or
 - (iv) at the expense of the city with respect to any defined class or classes of ashes, garbage and refuse and at the expense of such owners or occupants with respect to any other defined class or classes;
- (c) requiring the removal and disposal of garbage or of garbage and refuse or of ashes, garbage and refuse by the owners or occupants of the lands or premises on which the same originates or originate, or by any defined class or classes of such owners or occupants, and providing for removal and disposal by the city at the expense of owners or occupants who fail to comply with the by-law;
- (d) compelling owners and occupants of land to provide such receptacles as may be specified in the by-law for ashes, garbage and refuse;
- (e) erecting and maintaining such buildings, machinery and plant as may be deemed necessary for the collection, removal and disposal of ashes, garbage and refuse or contracting with some person for the collection, removal and disposal by him of the ashes, garbage and refuse, upon such terms and conditions as may be deemed expedient;
- (f) prohibiting the handling of or interfering with or removal of ashes, garbage and refuse, or any receptacle therefor, by persons not authorized or required by the by-law to handle or remove the same;

Owners to
remove and
dispose of
garbage

Receptacles
for garbage

Disposal
plants for
garbage

Interference
with garbage
removal
prohibited

- (g) prohibiting the removal of garbage and refuse from a hotel, boarding house or restaurant, for use as food for swine or other live stock, except under the authority of a permit issued by the Medical Health Officer; Permit required to remove garbage for stock food
- (h) conferring discretionary powers upon the Medical Health Officer with respect to,— Power of Medical Health Officer
- (i) applications for permits;
 - (ii) the conditions precedent to the granting of permits;
 - (iii) the issue of permits;
 - (iv) duration of permits;
 - (v) suspension and cancellation of permits; and
 - (vi) the fees to be paid for permits.

325.—(1) If the council passes a by-law establishing a system for the collection, removal and disposal of ashes, garbage, refuse or waste matter either as a municipal undertaking or by contract, all matter collected by the city or by the contractor shall become the property of the city and may be sold or disposed of as the council may direct. Garbage matter collected property of city

(2) The council may provide for the collection of any manufacturing or trade waste or manure and the same may be removed or disposed of under such terms and conditions as the council may direct.

326.—(1) The council may pass by-laws,— Council may direct

- (a) directing that the owner of any building situate upon land abutting upon any street or public place wherein there is a sewer and water main shall install in such building connections with the sewer and water mains, and such apparatus and appliances as may be required to insure the proper sanitary condition of the building and premises; and owner to install water and sewer connections or to discontinue use of privies
- (b) preventing the use or continuance of any water closets or privies which are not connected with the sewer and providing for removing or filling them up.

(2) Notwithstanding anything contained in this Act, upon the report of the city engineer or the city medical officer of health recommending the same, the council, by resolution or by-law, may direct water and plumbing, or other sanitary improvements to be made in any such building, and the city may, with or without the consent of the owner, occupant or tenant thereof, enter, make, construct and install such water, plumbing or other sanitary improvements or cause the same to be done and the total cost may be entered upon the assessment roll against the lot or parcel of land affected in the same manner as taxes, but the said cost may be made payable in such manner as the council may by resolution or by-law direct. Necessary sanitary improvements chargeable as taxes

Storm
sewers

327.—(1) In any case where the council deems it expedient to construct under any of the highways of the city a system of storm sewers separate from a combined system of sanitary and storm sewers, the owner of any building, erection or structure situate on land abutting upon any highway where such separate system of storm sewers is constructed, if so required by council, shall connect such building, erection or structure to each of the said systems.

Cost of
storm sewer
connections
chargeable
to owner

(2) If the owner fails, neglects or refuses to do so within such period of time as may be fixed by council, the city may enter upon the land and building, erection or structure concerned and make such connection and charge the cost thereof against the land and building concerned in the same manner as taxes and with the same priority as to lien and to payment thereof as in the case of ordinary municipal taxes, except that in the case of any existing building, erection or structure connected with a sewerage system existing at the time of the construction of a separate sewer system the city shall, at its expense, supply the material and perform the work of connecting the building, erection or structure with the separate storm sewer subsequently constructed.

Public Health.

Public health
by-laws may
provide
for,—

328. The council, subject to *The Public Health Act* and any other Act affecting the public health and any regulations made thereunder, may pass by-laws,—

control of
communicable
diseases

(a) providing for the health of the city and against the spread of communicable diseases, and appointing and defining the duties of a health officer and assistants;

combining
with other
municipal-
ities for
health
districts

(b) uniting with the councils of other municipalities, or with other municipalities and the Province in the organization of health regions or health districts consisting of a number of municipalities, or combining with the councils of other municipalities in the maintenance of a medical and sanitary staff for the services of their combined areas, and in either case, contributing such share of the expense as may be agreed upon or as may be fixed by order of the Lieutenant Governor in Council;

regulating
sources of
water supply

(c) regulating and controlling the use of wells, springs and other sources of supply of water for the city, preventing the contamination of the same or of any stream of water flowing through or past the city;

regulating
bakeries and
sale of
bread

(d) making and enforcing regulations for the sanitary conditions of bread, bakehouses and bakeries, and subject to the provisions of *The Bread Act*, fixing the quality and weight of bread offered for sale or sold within the city and prescribing the marks which it shall bear;

compulsory
use of bread
wrappers

(e) requiring bakers and other persons offering bread for sale to wrap the same in paper of a prescribed

quality and description, and forbidding such persons to expose, offer for sale or sell bread which is not so wrapped;

- (f) regulating the sale, distribution and packaging of any article used for food or drink and providing for the inspection of the same and for seizure and forfeiture of such articles offered or exposed for sale, contrary to law; inspection of food and drink
- (g) providing for the distribution and delivery of dairy and bakery products within the city; distribution of bakery and dairy products
- (h) preventing or regulating bathing or washing the person in any public water in the city; regulation of bathing in public water
- (i) for closing, filling up or cleaning wells, cisterns or other sources of water supply whenever the Medical Health Officer of the city reports the same as unfit for use or likely to be deleterious to health, and for entering upon any lands for the purpose of doing so; closing of unfit water supply
- (j) compelling the removal of dirt, filth, or rubbish or any other obstructions off the highways or streets, lanes, alleys and by-ways or public places of the city, by the party depositing the same or in default removing same at his expense; removal of rubbish from public places
- (k) compelling the removal from any place within the city of anything deemed dangerous to the health or lives of the inhabitants; removal of dangerous substance
- (l) preventing or regulating the erection or continuance of slaughterhouses, gas works, tanneries, breweries, distilleries, livery, feed and sale stables and laundries on certain streets and avenues or within certain portions of the city. regulation of various types of business structures

329. The council may pass by-laws providing for,—

- (a) engaging the services of medical practitioners, dental surgeons, nurses and such other persons as may be required to carry out the medical inspection of schools, to conduct child welfare stations and to give instructions and advice on all matters of public health, and authorizing arrangements with the Department of Public Health and with any municipality, school district or school division as to the sharing of expenses in connection with the employment of such persons; Public health by-laws may provide for,—
engaging the services of medical practitioners. etc.
- (b) taking over, purchasing, erecting, operating, maintaining and regulating hospitals, either directly or by means of a board of governors, commission, corporation, board, or other body which may be constituted or incorporated for that purpose; regulating hospitals
- (c) granting aid for the erection, maintenance and operation of hospitals either by direct payment or by guaranteeing the repayment of the principal and interest of any loan obtained by the hospital authorities, subject to the provisions of Part X; granting aid to hospitals

uniting with other municipalities for charitable institutions and hospital districts

- (d) uniting with the councils of other municipalities in the construction and maintenance of charitable institutions;
- (e) uniting in the formation of a municipal hospital district under the provisions of *The Municipal Hospitals Act*.

Public health by-laws may provide for operation of isolation hospital

330.—(1) The council may pass by-laws,—

- (a) authorizing the making of an agreement with any other municipality for the joint construction or leasing and for the equipment and operation by all the municipalities executing the agreement of an isolation hospital for the care and treatment of their residents requiring hospitalization in such a hospital;
- (b) authorizing the making of an agreement with any other municipality for the provision by an established hospital of the care and treatment of residents requiring treatment in an isolation hospital.

Debenture borrowing for isolation hospital

(2) Notwithstanding any other provisions of this Act, the council, after entering into an agreement pursuant to subsection (1), clause (a), may borrow by the issue of debentures or otherwise the amount required to provide its proportion of the capital cost of the construction and equipment of the isolation hospital and may do so without submitting a by-law authorizing the borrowing to the proprietary electors or to the Board of Public Utility Commissioners.

Application to Minister of Health for certificate authorizing expenditure

331.—(1) The council, at any time subsequent to the first reading of a by-law providing for the raising and expenditure of moneys for the advancement or protection of public health, may apply to the Minister of Public Health for a certificate that the expenditure proposed in such by-law is necessary for the advancement or protection of public health.

(2) No application for a certificate shall be made except upon a two-thirds vote of the council present and voting.

(3) Any by-law carrying with it such a certificate from the Minister of Public Health shall be deemed to be carried if it receives an affirmative vote of a majority of the electors of the city qualified to vote on money by-laws and voting thereon.

Hospitalization agreements

332. Where any city is not included in a municipal hospital district, the council may pass a by-law for the purpose of entering into an agreement with any approved hospital or hospitals for the hospitalization of residents of the city and providing that the expenses incurred under the agreement shall be raised by a special tax imposed and levied upon all property and businesses situate or carried on within the city and liable to assessment and taxation for municipal purposes.

333.—(1) Without in any way restricting the generality of section 332, the council of a city that is not included within a municipal hospital district may pass by-laws in accordance with *The Hospitals Act* for the purposes of,—

(a) entering into an agreement with an approved hospital,—

(i) for the care and treatment of any person liable to pay taxes in respect of real property in the city, including the spouse, dependent family and domestic female help of such person; and

(ii) for the care and treatment on a voluntary contract basis of persons who are residents of the city and who are not liable to pay taxes in respect of real property in the city, including the spouse, dependent family and domestic female help of such person;

(b) providing for the admission and care and treatment of any of the persons mentioned in clause (a) as an emergency admission or medically referred admission in an approved hospital, other than the approved hospital with which the city has entered into an agreement under the circumstances set out in section 3c of *The Hospitals Act*.

(2) The council may fix the amount payable for hospitalization pursuant to subclause (ii) of clause (a) of subsection (1),—

(a) by a single resident; and

(b) by a resident for himself and his dependent family, who wishes to enter a voluntary contract with the council pursuant to the provisions of this section.

(3) The amount fixed under subsection (2) may be sufficient to pay for part or all of the expenses incurred in respect of such persons.

(4) The expenses incurred to provide hospital facilities pursuant to subsection (1) shall be met,—

(a) by the levy and collection of a mill rate tax upon real property liable to assessment and taxation with respect to those persons mentioned in subclause (i) of clause (a) of subsection (1); and

(b) by the fixing and collection of the amounts payable by those persons who have entered voluntary contracts pursuant to subclause (ii) of clause (a) of subsection (1).

334.—(1) The council, by by-law, may appoint a board of governors consisting of not less than two and not more than fifteen members to manage, control and operate any hospital belonging to the city, and may define the powers and duties of the board and fix the remuneration, if any, of the members.

Hospital
by-laws

Payment for
hospital
facilities

Appoint-
ment of
board of
governors
to operate
hospital

Term of
office

(2) The members may be appointed by resolution of the council and shall hold office during the pleasure of the council.

Hospital
board

(3) The council may, on the petition of the governing body or persons operating any hospital, other than a hospital belonging to the city, appoint a board for the hospital consisting of not less than two and not more than fifteen members, and may confer upon the board such powers not inconsistent with this Act as the council and the governing body or persons operating the hospital may agree upon.

Guarantee
of annuity

335. Where a bequest, gift or devise, whether made by will, trust deed or in any other manner, has been or is hereafter made to a hospital belonging to the city and is subject to payment of an annuity or other charge, the city, upon payment of the bequest or gift, or transfer of the property to the hospital, may guarantee payment of the annuity or charge.

Social Welfare.

Social wel-
fare by-laws
may provide
for,—

grants to
hospitals

grants to
social wel-
fare and
charitable
organiza-
tions

social aid
board

aid to fire
and flood
sufferers

detention
homes

aid to
needy

aid to
humane
societies

336. The council may pass by-laws,—

- (a) providing for grants to hospitals under such terms and in such amounts as may be set out in the by-law;
- (b) providing for grants to charitable organizations, welfare societies, children's shelters, clinics, St. John Ambulance Association, the Young Men's Christian Association, the Young Women's Christian Association, the Canadian National Institute for the Blind, veterans' organizations and such other organizations or associations as the council deems to be acting in the promotion of general social welfare, in such amounts as may be set out in the by-law;
- (c) establishing a social aid board;
- (d) granting aid to sufferers from fire, flood, tempest or other calamity, in any locality in Canada;
- (e) establishing permanent or temporary detention homes or shelters for neglected children;
- (f) granting social aid to the poor or needy residents of the city;
- (g) granting aid to humane societies.

Indigents.

Mainten-
ance of
indigent
residents

337.—(1) The council, subject to the following subsections, shall make provision for the maintenance or partial maintenance of its indigent residents and for their care and treatment when sick.

(2) The council, may in cases of sudden and urgent necessity, make similar provision for indigent and indigent sick persons who are temporarily within the corporate limits but are not resident therein.

Maintenance of temporary indigent residents

(3) All provision for the relief of indigents or the treatment of indigent sick persons shall be made by means of a written order.

(4) When an indigent resident receives medical advice, attention, medicine or surgical or other treatment given by a medical practitioner or surgeon at a first visit or during the twenty-four hours following a first visit, the city shall be liable to pay to the medical practitioner or surgeon any proper charges in respect to such first visit, notwithstanding the absence of a written order, if the medical practitioner or surgeon concerned certifies that the case was, or that he was informed the case was, one of sudden and urgent necessity.

Liability of city for medical attention for indigent residents

(5) The city shall not be liable for any charges other than for the services rendered during the first twenty-four hours after the medical practitioner or surgeon sees the indigent resident, unless the medical practitioner or surgeon is authorized to continue to treat the indigent person by a written order from a proper officer of the city.

Written authorization required to continue treatment

(6) ~~Any member of the council~~, or any person appointed by the council to do so, may sign and issue any of the written orders mentioned in this section on behalf of the council of which he is a member or by which he is appointed, as the case may be.

Persons authorized to sign order

(7) Where, under the provisions of this section, the council assists any indigent person or causes to be treated any indigent sick person, who is not a resident of the city, then the municipality of which the said person is a resident at the time of assistance or treatment, or the Minister of Public Welfare, if the person is a resident of an improvement district or is a transient person within the meaning of Rule 3 of subsection (11), shall upon demand repay the actual expenses incurred by the council.

Responsibility of other municipality

(8) The liability of any city for the hospital treatment of indigent sick persons shall be governed by the provisions of *The Hospitals Act*.

The Hospitals Act governs liability

(9) The value of any assistance given by a city to any person who is a resident thereof, whether indigent or not, for food, fuel, clothing, shelter, medical advice or attention, medicine, surgical treatment, hospitalization, or for any other assistance, together with the amount of all moneys expended by the city for such assistance, shall be a charge on the lands of any person for whose benefit it was given or paid, and shall constitute a debt due to the city from the person for whose benefit it was given or paid, and from any person who was legally responsible for the maintenance of the person aforesaid for whom it was given or paid, and may be recovered from him or from his estate or from the

Value of assistance furnished recoverable

persons responsible for his maintenance, by action or by distraint upon any of his or their goods found within the Province.

Expenses
of treatment
chargeable
on land

(10) The council shall have a charge upon the lands owned by any such person situate within the Province for the expenses incurred under this Act or *The Hospitals Act* and may lodge a caveat for the protection of such charge in the proper Land Titles Office.

Determina-
tion of
residence

(11) In order to determine whether or not any person is a resident in any area controlled by a local authority for the purposes of this section, the following rules of interpretation shall be applied,—

Rule 1. Any person who, on the date of the application of such person for food, fuel, clothing, shelter, assistance, medical advice or attention, or any of them, or for placing such person in a hospital has then had his home or resided within the area controlled by a local authority for twelve consecutive months out of the twenty-four consecutive months immediately preceding the making of the application and has not during such period of twelve months received any relief, shall be deemed to be a resident of the area controlled by the local authority within whose boundaries he has so resided.

Rule 2. Any person who, at any time during which he is in receipt of food, fuel, clothing, shelter, assistance, medical service or attention, hospitalization or any of them, from a local authority which is liable for the provision thereof, or at any time within a period of twelve months after he last received any such relief, moves within the area controlled by another local authority, shall be deemed to be a resident of the area controlled by the first mentioned local authority as if he had continued to reside therein until such time as he shall have thereafter become a resident of some other local authority as defined in Rule 1 hereof.

Rule 3. Any person who, on the date of the application of such person for food, fuel, clothing, shelter, medical advice or attention, hospitalization, or any of them has not resided for twelve consecutive months out of the twenty-four consecutive months immediately preceding the date of the application, within the area controlled by a local authority and who has not a permanent home elsewhere than in the Province, shall be deemed to be a transient person.

Rule 4. Any person who receives any relief from a local authority for the provision of which relief that local authority is liable, shall be deemed to be a resident of the area controlled by that local authority until such time as he shall have had his home or resided within the boundaries of another local authority for twelve consecutive months out of the twenty-four consecutive months immediately preceding the date of the application of such person for food, fuel, clothing, shelter, assistance, medical advice or

attention or any of them, or for placing such person in a hospital, without having received any relief during such period of twelve months.

(12) If any dispute arises as to whether or not any person is an indigent or a resident of any city, the question shall be referred by such person or by the city to a judge of the district court, who shall proceed to decide the question in a summary manner, and whose decision shall be final and conclusive.

Judge determines dispute as to residence

338.—(1) The council shall make provision for the decent burial of the bodies of indigent persons who have died within the city or who have died in another municipality while under the care of the city, but the amount so expended in any one case shall not exceed the amount set from time to time by the Minister of Public Health.

Burial of indigents

(2) If any such person dies leaving goods within the city the expense of burial may be recovered by the treasurer by distraint and sale of the same, and if any such person dies leaving money the city shall have a first claim upon the same for the expense of burial.

Recovery of burial costs

(3) If any such person dies possessed of an interest in land, the city shall have a charge upon the land for the expense of the burial, and may file a caveat for the protection of such charge in the proper Land Titles Office.

Burial costs a charge on land

(4) If any such indigent person was not at the time of his death a resident of the city, the council shall be entitled to recover the reasonable expenses of the burial from the local authority controlling the area of which the person was a resident at the time of his death within the meaning of this section.

Recovery of burial costs from other municipality

(5) Where an indigent person becomes an inmate of a home or institution in the city for the feeble or the aged or infirm, or a patient in a hospital in the city and has not, immediately before the time when he becomes such inmate or patient, been a resident of the city within the meaning of this section, and such person dies while an inmate or patient of such home, institution or hospital, the local authority of the area of which such person was last a resident prior to becoming such inmate or patient shall be responsible for the burial expenses of such person and the city may recover the same from such local authority.

Burial costs of inmate of institution

(6) In case any dispute arises as to which local authority is responsible for the burial expenses of such deceased indigent person the dispute shall be referred to the Minister of Municipal Affairs whose decision shall be final.

Dispute as to responsibility of local authority

(7) For the purpose of this section the word "resident" shall have the meaning ascribed to it by section 337.

"resident"

Recreation, Public and Community Services.

Parks, Athletic and Exhibition Grounds.

Park
by-laws

339.—(1) The council may pass by-laws,—

- (a) authorizing the establishing, purchasing, or otherwise obtaining, controlling, improving, maintaining or extending of parks, athletic and exhibition grounds or buildings or other properties for the use of the city, either within or without the limits of the city;
- (b) governing the leasing of land dedicated for a public park or for athletic or exhibition grounds or buildings, to any association organized for the purpose of fostering an interest in athletics or exhibitions;
- (c) providing for a charge for admission to public parks, athletic or exhibition grounds or buildings, whether or not so leased.

Council may
pass by-
laws,—

(2) Without restricting the generality of the foregoing the council may pass by-laws,—

accepting
dedicated
land

- (a) accepting and taking charge of landed property within or outside the city dedicated for a public park, garden or walk for the use of the residents of the city;

establish-
ing swim-
ming pools
and bathing
houses

- (b) establishing and maintaining swimming pools or granting aid towards the establishment and maintenance of swimming pools;

acquiring
skating
rinks

- (c) establishing and maintaining or granting money to aid in the construction of public bathing houses;

acquiring
golf courses
granting
aid to
playground
associations

- (d) acquiring or erecting and operating municipal skating rinks or making grants in aid of the erection or of the maintenance and operation of skating rinks or both;

- (e) acquiring, maintaining and operating municipal golf courses;

- (f) making grants in aid to playground associations.

Property
deemed to
be in city

(3) All property referred to in subsection (1), clause (a), without the said limits heretofore or hereafter acquired by the city, the title to which is vested in the said city shall be deemed to be part of the city and shall be subject to all the provisions of this Act and any by-laws passed hereunder.

Lease of
dedicated
land

340. Notwithstanding anything contained in this Act, the council, by by-law, may provide for the leasing of all or part of any land which has been dedicated or set apart as a public park if the interests of the public will not be materially affected by such lease.

Parks Board.

Appoint-
ment of
parks board

341.—(1) The council, by by-law, may appoint a parks board to exercise such powers in the control, supervision and

management of any park, street, boulevard, playground and cemetery as the council may determine and may provide for the remuneration, if any, of the members thereof.

(2) Such members may be appointed by resolution of the council and shall hold office during the pleasure of the council. Term of office

Recreation Board.

342.—(1) The council, by by-law, may appoint a recreation board to exercise such powers in the control, supervision and management of any playground as the council may determine, and either alone or in co-operation with other bodies, to take such measures as may be deemed advisable for the encouragement and development of amateur athletic and aquatic sports. Appointment of recreation board

(2) The members of the board may be appointed by resolution of the council and shall hold office during the pleasure of the council and shall receive such remuneration, if any, as the council may determine. Term of office of recreation board

Music, Art, Libraries, Museums and Zoos.

343. The council may pass by-laws,—

- (a) aiding the establishment or maintenance of bands of music by any corps of active militia within the city or of any other bands of music; Council may pass by-laws establishing,— bands of music
- (b) making grants in aid of the erection, preservation, enlargement, improvement or maintenance of libraries, art galleries or art schools and for the purchase therefor of books and objects of art; libraries, art galleries, and art schools
- (c) establishing and maintaining public museums and zoos. museums and zoos

Civic Centre.

344.—(1) If the council acquires land for the establishment of a civic centre, with a view to grouping together in some central location the civic offices and other buildings of a public character, the council may pass by-laws,— Civic centre by-laws

- (a) prescribing the height, structural character and architectural features of all buildings on lands fronting on or adjoining such civic centre and the uses to which such buildings may be put;
- (b) prohibiting the use of any buildings on such fronting or adjoining lands for the exhibition of signboards or outdoor advertisements or for the holding of travelling shows, or for any other purposes which the council may deem aesthetically offensive or obnoxious, having regard to the character of the locality as a civic centre.

(2) The council, in respect of such by-laws or the enforcement thereof, shall not be liable to make compensation to the owners or occupiers of lands or buildings affected thereby, excepting in the event of any building having to be Compensation to owners affected by civic centre

taken down, removed or altered in consequence of such by-laws, in which case the amount of compensation, failing agreement, shall be determined by arbitration in the manner provided for expropriation of lands by this Act.

Public Markets and Scales.

By-laws for
public mar-
kets and
scales

345. The council may pass by-laws,—

- (a) establishing and regulating public markets and stock yards, and imposing penalties for any breach of contract in public markets;
- (b) providing shelter for animals and vehicles in connection with public markets and charging fees for the use of such shelter;
- (c) imposing market fees in respect of articles or animals brought to any public market for sale or disposal;
- (d) restraining or preventing selling on the streets;
- (e) establishing city scales for weighing or measuring, and compelling the weighing or measuring thereon of anything sold by weight or measurement;
- (f) establishing or regulating the fees to be paid for weighing and measuring on city scales;
- (g) compelling dealers in coal to weigh upon city scales all coal sold by them if requested to do so by the purchaser, or by any inspector appointed by the council for the purpose, and prohibiting the owners of private scales from charging fees for the use of the same when city scales are in operation.

Miscellaneous Public Services.

Council may
pass by-
laws,—

granting
community
centre aid
establish-
ing tourist
camps
establish-
ing airport

erecting
memorials
to armed
forces

346. The council may pass by-laws,—

- (a) making grants in aid to community centre organizations;
- (b) establishing, erecting and maintaining tourist camps;
- (c) authorizing the establishing, acquiring, maintaining or operating within or without the city of a municipal airport or seaplane base;
- (d) erecting one or more memorials to members of the armed forces who gave their lives in the service of Canada in any war and acquiring grounds for a site therefor, and providing for the repair and maintenance of such memorials, or granting aid for such erection, acquisition, repair and maintenance.

Control of Businesses.

General Licensing Powers.

Licensing
of
businesses

347.—(1) The council of any city may control and regulate all businesses carried on within the city and may

license any or all such businesses, whether or not such businesses are specifically provided for in this Act.

(2) The council may appoint one or more license inspectors and regulate and define their duties and their remuneration. License inspectors

348.—(1) The power to license any business or industry, or the person carrying on or engaged in it shall include the power,— Powers included in license

- (a) to prohibit the carrying on or engaging in it without a license; and
- (b) to impose penalties upon unlicensed persons; and
- (c) to fix the fees to be paid for licenses; and
- (d) to enforce payment of license fees; and
- (e) to limit the time during which a license shall remain in force; and
- (f) to suspend or revoke or provide for the suspension or revocation of licenses.

(2) Such power shall, within the city, extend to persons who carry on business partly within and partly outside the city.

(3) A license fee may be in the nature of a tax for the privilege conferred by the license or for the purpose of raising revenue and may be computed in any manner adopted by the council. Nature of license fee determined by council

349.—(1) The council may refuse to grant or may revoke any license if in its opinion there are just and reasonable grounds for the refusal or revocation. Refusal or revocation of license

(2) The council may delegate to the Medical Health Officer the power to revoke the license of any person who sells food or drink for human consumption in the city but who neglects or refuses to comply with the rules, orders or regulations of the Minister of Public Health or with the by-laws of the city relevant to such business. Medical Health Officer may revoke license

350.—(1) Where a license is revoked or surrendered the licensee shall be entitled to a refund of a part of the license fee. Refund where license revoked or surrendered

(2) The refunds to be granted may be prescribed by by-law.

(3) If there is no by-law the amount of the refund shall be proportionate to the unexpired part of the term for which it was granted.

351. The imposing or collecting of license fees shall in no case be held to prevent the assessment of land held or used by the license holders or the collection of taxes lawfully imposed thereon. License fee does not affect taxes

Where provincial and city license required

352.—(1) No city or city official shall issue a license to anyone,—

- (a) as owner of a motor vehicle, chauffeur, dealer in motor vehicles or keeper of a garage;
- (b) as auctioneer;
- (c) as hawker or pedlar;
- (d) as owner, proprietor, manager, agent or person in charge of a menagerie, circus, wild west show, trained animal show or similar show;
- (e) as owner, proprietor, lessee or manager of a theatre, moving picture theatre, opera house, concert hall, dance hall, assembly room or other place of public entertainment, or film exchange; or
- (f) as itinerant exhibitor of moving pictures, moving picture operator or operator's apprentice, or to any other person required by law to obtain a provincial license;

until the applicant has first produced the proper provincial license and no license issued by a city without such production shall be valid.

(2) The city license issued in such case shall state the fact that the licensee has produced the said provincial license.

Proof of one violation sufficient for prosecution

353. Where, in any prosecution or proceeding under a by-law providing for the licensing of any business or industry, or of persons carrying on the same or engaged therein, it is alleged that the person proceeded against carried on or engaged in such business or industry without having first obtained a license to do so, proof of one transaction in such business or industry shall be sufficient to establish that the person proceeded against carried on or engaged in such business or industry.

Employer of contractor liable for license fee

354.—Where a by-law for the licensing of contractors has been passed pursuant to section 356, clause (c) and a license fee imposed by the by-law is unpaid, the licensing officer may give notice in writing to any person by whom the contractor is employed requiring such person to pay the license fee out of moneys payable by him to the contractor, and upon receipt of the notice by such person the amount of the license fee to the extent of the moneys so payable shall be a debt due by such person to the city and may be recovered in the same manner as taxes may be recovered.

Information required by license inspector

355.—(1) Every person carrying on or engaged in any business in respect of which a license is required under this Act, upon request of a license inspector, shall give to the inspector all information necessary to enable him to carry out his duties.

Failure to give information an offence

(2) A person carrying on or engaged in any such business who fails to furnish such information within ten days from the date on which the request is made, shall be guilty

of an offence and liable on summary conviction to a fine not exceeding five dollars for every day during which the default continues.

Trades and Occupations

356.—The council may pass by-laws respecting the following trades and occupations. Council may pass by-laws,—

- (a) regulating and licensing plumbers and providing for examining into their qualifications and establishing a board for the examination of journeymen, plumbers, foremen, overseers or managers using the tools of the trade and desiring to engage in the work of plumbing within the municipality, and fixing the fees for such examinations and authorizing the examining board to grant or refuse certificates of qualification; licensing plumbers
- (b) regulating and licensing electrical workers, inquiring into their qualifications, establishing a board for the examination of journeymen, electricians, foremen, overseers or managers using the tools of the trade and desiring to engage in the work of installing electrical apparatus or fixtures within the municipality, charging fees for such examinations and authorizing the board to grant or refuse certificates of qualification; licensing electrical workers
- (c) licensing contractors who enter into contracts for the erection, alteration, or repair of buildings, or structures, the installation of heating plants, plumbing or other fixtures or the performance of other similar work in the city, classifying such contractors, prescribing a schedule of license fees to be paid by such contractors which fees may vary as between the different classifications, and requiring such contractors to pay the prescribed fee as a condition of commencing to carry out any such contract; licensing contractors
- (d) regulating the installation, maintenance or repair of gas piping, appliances, equipment and material used or to be used in connection with natural, manufactured or artificial gas within the city; and controlling gas installations
 - (i) establishing a board, consisting of such number of persons as council may designate, to fix and prescribe safety standards as to design, type, quality or workmanship and nature of material, for all such gas piping, appliances and equipment used or to be used within the city;
 - (ii) prohibiting the sale of or the offering or exposing for sale or use within the city of any gas piping, appliances, equipment or material not approved by the said board;
- (e) licensing, regulating and governing the business of laundries, dry cleaners, dry dyers, cleaners and pressers and persons engaged in those and similar businesses in which gasoline, carbon bisulphide, controlling businesses where inflammables used

- licensing
barbers,
beauty shops,
etc.
- licensing
pawn shops
and second
hand stores
- licensing
auctioneers,
livestock
dealers
- licensing
money lend-
ers, auto-
mobile or
real estate
dealers
- licensing
coal or wood
dealers
- controlling
weight and
measure of
coal or
wood
- controlling
distribution
of coal or
wood
- licensing
wood cutting
machine
operators
- licensing
carriers of
passengers
or material
- Taxi
by-law
- Taxi by-
law may,—
- classify
persons
operating
taxis
- naptha, benzine, benzol or other light petroleum or coal tar products or volatile or inflammable liquids are used;
- (f) licensing and regulating barber shops, beauty parlours, turkish or other baths operated for profit;
- (g) licensing and regulating pawnshops, dealers in junk, junk stores or shops and second hand stores or shops and fixing the amount to be paid for a license and the time such license shall be in force and prescribing the age at which and the conditions under which minors may purchase, pledge, sell, barter or exchange any materials, goods or articles at any such store or shop;
- (h) licensing, regulating and controlling auctioneers, live stock dealers and billposters.
- (i) licensing and regulating money lenders, real estate dealers or agents and automobile dealers or agents;
- (j) licensing persons who sell, distribute or deliver coal or coke, or wood for use as fuel by retail within the city;
- (k) controlling and regulating the weighing and sale of coal and coke and the measurement and sale of wood for use as fuel;
- (l) controlling and regulating or providing for the distribution and delivery of coal, coke and wood within the city;
- (m) licensing, controlling and regulating persons operating woodsawing or wood-cutting machines and directing and enforcing the use of such safety devices and other precautionary measures as may from time to time be recommended by the Minister of Labour, the Workmen's Compensation Board or other proper authority;
- (n) subject to the provisions of *The Public Service Vehicles Act*, controlling, regulating and licensing porters, draymen, hackmen, livery, feed and sale stables, motor liveries, taxicab drivers, omnibus drivers and all persons performing work with horses or mules or vehicles driven by mechanical power within the city for gain, waterdealers, common carriers, persons removing or hauling furniture, goods, stone, gravel, earth or any other commodity whatsoever into or within the city and fixing a schedule of maximum and minimum fees to be charged by them.
- 357.**—(1) The council may pass by-laws licensing and regulating the taxi business.
- (2) Without restricting the generality of subsection (1) the council may pass by-laws,—
- (a) defining and classifying the persons,—
- (i) conducting or operating the business of supplying motor vehicles for hire; or

- (ii) supplying motor vehicles for carrying passengers for hire; or
- (iii) 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;
- (b) establishing and specifying the rates or fares which shall be charged to or taken from the persons or passengers using such motor vehicles according to any such classification established; establish taxi fares
- (c) defining and classifying such motor vehicles upon such basis as the council may deem just and establishing and specifying the rates or fares according to such classification; classify motor vehicles
- (d) limiting the number of such vehicles which may be used for plying for hire or for carrying passengers for hire; limit number of taxis
- (e) providing 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; compel use of taximeters
- (f) establishing and maintaining within the city zones or districts within which special rates or fares shall apply; establish zones
- (g) 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; establish maximum and minimum fares
- (h) 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; prohibit over or undercharging
- (i) limiting the number of passengers and the quantity and weight of freight and other articles to be carried in each motor vehicle; limit number of passengers
- (j) defining the places in or upon the motor vehicle in or upon which passengers or freight and other articles may be carried; define carrying place on vehicle
- (k) naming or defining the roads, streets or limits on or within which each motor vehicle may be operated and limiting the number of motor vehicles that may be driven or operated on any road or street or within any limits so defined; and define operating limits of taxis
- (l) limiting the number of hours and fixing the period in each day during which the motor vehicle may be operated or driven by any one person. limit maximum hours for taxi driver

358.—The council may license and regulate or regulate without licensing all ambulances and ambulance services Ambulance service

- operating either wholly within or partly within and partly without the city for the use of the public and may,—
- Ambulance equipment and personnel
- (a) require that ambulances, when responding to calls, shall,—
- (i) carry such emergency equipment; and
- (ii) be accompanied by a person having medical or first aid qualifications;
- as the council may specify from time to time;
- Ambulance fees
- (b) fix the fees which may be charged in respect of ambulance services.

Vendors and Producers of Food and Drink

- Vendors of food and drink may be licensed and regulated
- 359.**—(1) The council may pass by-laws respecting vendors of food and drink.
- (2) Without restricting the generality of the foregoing the council may license and regulate,—
- (a) soft drink and ice cream vendors or parlours, restaurants, cafes and lunch counters;
- (b) persons selling milk or cream within the city and persons selling or delivering water for gain or hire;
- (c) persons operating butcher shops or stalls, including any person selling meat, or dairy or poultry products within the city which are not the products of his own farm and including persons selling fish within the city which are not of his own catching.

- By-law for milk delivery
- 360.**—The council may pass a by-law prohibiting the delivery of milk by retail within the city before any hour in the forenoon during the whole or any part of the year, or before any hour in the forenoon during a part of the year and before any other hour or hours in the forenoon during any other part or parts of the year.

- Council may pass by-laws,—
regulating and controlling slaughter houses, dairies, etc.
- 361.** The council, subject to *The Public Health Act*, may pass by-laws,—
- (a) preventing and controlling the erection and use of slaughter houses within the city;
- (b) inspecting and regulating slaughter houses and dairies, as well as all other places within the city where food is produced or kept which is intended for sale or human consumption;
- (c) inspecting and regulating slaughter houses, dairies and other places outside the city from or through which food is brought for sale for human consumption within the city;
- (d) framing and enforcing building and sanitary regulations with regard to all places mentioned in clauses (b) and (c);
- (e) establishing and maintaining public slaughter houses;

- (f) inspecting and approving or condemning and destroying at the time of or subsequent to slaughter, all animals or parts of animals the meat of which is to be or is offered for sale within the city and providing for the marking of such meat as "approved" or "condemned" by an inspector duly appointed by the city or by the Government of Canada under the *Meat and Canned Foods Act*;
- (g) prohibiting the selling of meat within the city which is not marked as "approved" under the provisions of clause (f); prohibiting sale of un-marked meat
- (h) licensing and regulating the owners, possessors or harbourers of cows, any of the milk from which is offered for sale or is to be consumed within the city, and all persons operating depots or dairies at which such milk is treated, bottled or otherwise handled in bulk; regulating all producers and handlers of milk
- (i) requiring the grading of milk or cream in accordance with such standards and requirements as the council may prescribe;
- (j) requiring the pasteurization of all milk and cream which is to be offered for sale or is to be consumed within the city;
- (k) for the purpose of controlling contagious abortion in the cows from which any supply of milk or cream for the inhabitants of the city is obtained, and may, in any such by-law,— controlling contagious abortion in cows
- (i) require that such cows be subjected to tests and prescribe the nature and extent of the said tests;
 - (ii) prescribe the period of time within which such tests shall be made and completed;
 - (iii) provide that the cost of such tests shall be paid out of the general revenue of the city or shall be paid by the owner of the cows in respect of which the tests are made;
 - (iv) require that cows reacting to such tests shall be removed from the dairy farm supplying milk or cream for the inhabitants of the city.

Places of Amusement

- 362.**—(1) The council may pass by-laws licensing and regulating places of amusement. Places of amusement
- (2) Without restricting the generality of the foregoing, the council may pass by-laws,— Amusement by-law may,—
- (a) controlling and regulating or appointing a board or commission for controlling and regulating sparring exhibitions, boxing matches and wrestling matches, and prohibiting such exhibitions or matches without the written authority of the council or such board or commission; control boxing and wrestling

- license
billiard
and pool
rooms
- license
bowling
alleys
- regulate
circuses,
shows,
menageries,
etc.
- regulate
exhibitions
- require
permit
to hold
meeting in
place of
worship
- control
operation
of theatres
- classify
clubs and
associations
- control
slot and
automatic
machines
- regulate
horse racing
- (b) licensing, regulating and governing persons who for hire or gain, keep or have in their possession, or on their premises, any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort, and limiting the number of licenses to be granted and the number of such tables which shall be licensed;
- (c) licensing, regulating and controlling public bowling alleys;
- (d) preventing or regulating and licensing waxworks, menageries, circuses, shows, theatres and caravans and requiring the payment of license fees by exhibitors thereof not exceeding five hundred dollars per day, and imposing fines on persons for infringing such by-laws to the amount of fifty dollars and costs over and above the amount of the license fee, and providing that such fine and costs and fee may be levied by distress and sale of the goods of the showman, or the goods belonging to or used in connection with the show or exhibition, whether owned by the showman or not, and providing in addition that the offenders may be imprisoned for a period not exceeding six months;
- (e) preventing or regulating and licensing exhibitions, halls, opera houses and other places of amusement held or kept for hire or profit;
- (f) requiring a permit to be obtained before any building used as a place of worship is rented for the purpose of holding any meeting, assembly or entertainment and prescribing the fees to be paid in connection with the granting of any such permit;
- (g) acquiring and operating exhibitions, theatres and places of amusement;
- (h) classifying, controlling and regulating clubs and associations, whether incorporated or unincorporated, whether formed or maintained for social or commercial purposes or for purposes of recreation, licensing clubs or associations falling within any of the classes and requiring payment of license fees of the same or different amounts by clubs or associations falling within the various classes licensed;
- (i) preventing or controlling, regulating and licensing slot machines, automatic vending machines, automatic baseball machines, automatic golf machines, automatic music machines, pin games, marble games, problem punch boards and all other machines, instruments, contrivances, games or mechanical devices of like nature, whether or not the same are kept for hire or profit and whether or not the same are operated by the insertion of a coin, slug, disc or other means whatsoever;
- (j) for preventing or regulating horse racing.

Salesmen and Sale of Goods

- 363.**—(1) The council may pass by-laws licensing and regulating salesmen and the sale of goods. By-laws for control of sale of goods
- (2) Without limiting the generality of the foregoing the council may pass by-laws,— By-law may,—
- (a) classifying, licensing, regulating and governing hawkers and pedlars and transient traders; classify hawkers and pedlars
 - (b) requiring transient traders to pay a business tax or give security therefor as a condition of commencing business; control transient traders
 - (c) controlling, regulating and licensing commercial travellers or other persons selling goods, wares, merchandise or other effects of any kind whatsoever or offering the same for sale by sample cards, specimens or by any method whatever, for or on account of any merchant, manufacturer or other person selling directly to the consumer not having his principal place of business in the city; control commercial travellers
 - (d) licensing and regulating persons who go from house to house carrying on the business of a barber or hairdresser or who carry on such business at the private residence of customers, and who are not assessable for the purpose of business taxation in respect of such business; license travelling barbers and hairdressers
 - (e) licensing and regulating persons who go from house to house carrying on the business of a dry cleaner or furrier or who carry on such business at the private residence of customers, and who are not assessable for the purpose of business taxation in respect of such business; license travelling dry-cleaners
 - (f) for prohibiting the sale or offering for sale of goods or merchandise on streets, lanes, or other public places. prohibit sale of goods on streets

Public Accommodation

- 364.**—(1) The council, by by-law, may,— Public accommodation by-laws may provide for,—
- (a) license public hotels and other places of public accommodation, and adopt regulations with respect to the licensing and the conduct, management, appointments and inspection of all such places, and enforce such regulations by means of penalties; licensing hotels, etc.
 - (b) make regulations governing the operation, management, hours of business and inspection of restaurants situated in or within a specified distance from any class or classes of restricted areas where such areas are defined by a zoning by-law of the city; regulating and controlling restaurants
 - (c) licensing and supervising nursing or maternity homes; licensing nursing or maternity homes

licensing
rooming and
boarding
houses

(d) licensing and regulating rooming houses and boarding houses.

Fire Prevention Act
regulations
applicable

(2) Regulations prescribed under subsection (1) shall include such regulations as the Lieutenant Governor in Council may require a municipal council to adopt under the authority of *The Fire Prevention Act*, and where the council has not prescribed regulations under the authority of this Act the regulations respecting hotels made from time to time under the provisions of the said Act shall govern.

Application
for hotel,
license

365. Any person desirous of conducting a public hotel or other place of public accommodation shall make application for a license to the city clerk and the clerk, at the next sitting of the council after receipt of the application, shall submit the same to the council for its consideration.

Application
for hotel
license
to be in
Form 31

366.—(1) The application shall be in Form 31 in the Schedule.

(2) In addition to the information contained in the above form, the applicant for a license shall furnish such information as the council may require.

Clerk to
issue license
in Form 32

367.—(1) The council, if satisfied that the applicant is a fit and proper person to conduct a public hotel or other place of public accommodation and that the premises to be used are necessary and suitable for the purpose, may, by resolution, instruct the clerk to issue the license applied for.

(2) The license shall be in Form 32 in the Schedule.

License fees
for hotel
rooming or
boarding
house and
restaurant
payable
in advance

(3) The fee payable in advance for a license for a public hotel shall be as such as the council may determine.

(4) The fee payable in advance for a license for the rooming house, boarding house or restaurant shall be such as the council may determine.

Renewal
of license

368. Every annual application for the renewal of a license shall be filed with the clerk and all such applications shall be dealt with by the council in the manner herein provided for first applications.

Display
of license

369.—(1) Every person licensed to conduct a public hotel or other place of public accommodation shall cause his license to be framed and continuously exhibited in a conspicuous public position on the licensed premises.

Penalty for
failure to
display
license

(2) A licensee who fails to comply with the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars.

Penalty for
false display
of license

370. Any person not a licensee of a public hotel who causes to be displayed in or on any building or in any manner connected therewith any document or other paper purporting to be a license as herein provided, or any sign intended to cause the public to believe that the building is a

public hotel, or that the owner or any occupant thereof has been licensed to conduct the same as a public hotel, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars, and in default of payment thereof to imprisonment for one month.

371. Every public hotel or other place of public accommodation licensed hereunder shall be conducted in accordance with the by-laws, rules and regulations enacted by the council in that behalf.

Regulations governing conduct of hotel

372. The council may cancel or suspend for such time as it may deem advisable any license granted in respect of a place of public accommodation, but no cancellation or suspension shall take place until the licensee has been given a full opportunity to be heard regarding any complaint lodged with the council with respect to the conduct of the licensee or of the premises under his control.

Cancellation or suspension of license

373.—(1) Written notice of such cancellation or suspension shall be forthwith served by the city clerk on the licensee personally or on some one in the employ of the licensee, and upon receipt of the notice the licensee or employee shall forthwith remove the license referred to in section 369.

Notice of cancellation

(2) A licensee or employee who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars, and in default of payment, to imprisonment for fourteen days.

Penalty for non-observance of cancellation notice

Prohibiting Certain Businesses

374.—(1) The council may prohibit the carrying on within the city of any business likely, in the opinion of the council, to become or give rise to a nuisance.

Certain businesses prohibited

(2) No by-law under this section shall receive more than one reading at any one meeting of the council.

(3) If a by-law under this section prohibits the continued maintenance of a business already in existence in the city, the city shall compensate the owner of such business for any loss which he may suffer in consequence of the prohibition.

Compensation for prohibited business

(4) No such prohibition shall become effective before the expiration of a period of three months from the date upon which the by-law containing it was finally passed by the council, nor until a notice thereof in general terms has been advertised once a week for three successive weeks in a newspaper published in the city.

Effective date of prohibiting by-law

(5) A claim for such compensation may be filed with the city clerk at any time within three months after the date when the prohibition becomes effective.

Time for filing claim for compensation

(6) A claim for compensation, if not mutually agreed upon, shall be determined by arbitration in the manner prescribed for expropriation of land in this Act.

Arbitration of disputed compensation claim

By-law
controlling
business
in certain
districts

375.—(1) The council may pass a by-law or by-laws for regulating, restricting, limiting or prohibiting, the carrying on or conducting of any business in any particular district or districts within the city, which, in the opinion of the council, is undesirable or unsuitable to such district or districts.

Removal of
business
declared
nuisance
in district

(2) In any by-law or by-laws passed pursuant to this subsection the council may declare any business so carried on or conducted in any district or districts to be a nuisance and direct the same to be removed from such district or districts.

(3) The power granted by this section shall be in addition to and not in substitution for the other powers given by this Act or by any other Act.

Closing of Shops

Hours when
shops to
be closed

376.—(1) During the whole of the year shops shall be and remain closed on each day of the week during the following times, namely,—

(a) subject to clause (b), all shops except garages, filling stations, service stations and gasoline pumps shall be and remain closed between the hours of six o'clock p.m. and five o'clock a.m. of the next following day;

(b) on each Saturday, excepting a Saturday which is the twenty-fourth day of December, and on each of the four days, other than a Sunday, immediately prior to the twenty-fourth day of December, all shops shall be and remain closed between the hours of ten o'clock p.m. and five o'clock a.m. of the next following day except in the case of garages for the purpose of storing cars and emergency services.

Special
provisions
for closing
shops

(2) Notwithstanding the provisions of clause (b) of subsection (1), the council, by by-law, without petition passed at a regular meeting of the council in pursuance of a notice in writing, given and openly announced at a regular meeting of the council held not less than thirty days prior thereto, may require that during the whole or any part of the year, all shops or any class or classes of shops shall be and remain closed on each Saturday after the hour of six o'clock p.m. or after such later hour as the council may deem fit, but not later than ten o'clock p.m. during the months of November to April inclusive and not later than eleven o'clock p.m. during the months of May to October inclusive.

(3) Where a by-law requires that certain classes of shops shall be closed and remain closed on each Saturday during the whole or any part of the year after the hour of six o'clock p.m. or a later hour stated therein, the hour provided in respect of any one or more classes of shops may differ from that provided in respect of any other class or classes of shops affected.

(4) The council, by by-law, may require that during the whole or any part of the year all shops or any class or classes of shops shall be closed on any one day of the week at the hour of twelve o'clock noon, or such later hour as may be deemed advisable, and shall remain closed until five o'clock a.m. the next following day.

Half-day
closing
of shops

(5) Where a by-law requires that certain classes of shops shall be closed and remain closed on any one day of the week after the hour of twelve o'clock noon or a later hour stated therein, the day provided in respect of any one or more classes of shops may differ from that provided in respect of any other class or classes of shops affected.

377. The council, by by-law, may require that during the whole or any part of a holiday as defined in *The Interpretation Act*, or of a day proclaimed as a civic holiday, all shops, businesses and industries or any specified class or classes thereof shall be and remain closed.

Holiday
closing
of shops

378.—(1) Within two months following receipt of a petition therefor, and upon being satisfied that it is signed by not less than three fourths in number of the occupiers of shops throughout the city, belonging to the class or classes to which the petition relates, the council may, if it deems it advisable, pass a by-law fixing an earlier closing hour, for the class or classes of shops to which the petition relates, than that specified in subsection (1) of section 376.

Petition
for earlier
closing
of shops

(2) No by-law passed under the provisions of subsection (1) of this section shall be repealed or amended except,—

Petition for
repeal or
amendment
of early
closing
by-law

- (a) upon petition for such repeal or amendment, signed by not less than one-third in number of the occupiers of shops of the class or classes to which such by-law relates; or
- (b) by a by-law unanimously passed at a regular or special meeting of the council at which all the members thereof are present; or
- (c) by a by-law passed at a regular meeting of the council in pursuance of a notice in writing given and announced at the next preceding regular meeting of the council, setting forth the terms and substantial effort of the proposed by-law.

(3) Nothing in subsection (2) shall be construed as empowering the council to pass any by-law which would have the effect of fixing a later closing hour than specified in subsection (1) of section 376.

(4) The council, by by-law, may make regulations as to the form of the petitions referred to in subsections (1) and (2), and as to the production of evidence that any such petition has been signed by the required number of persons, and classifying shops for any of the purposes in this section.

Form of
petition

(5) The decision of the council as to the sufficiency of any such petition shall be final and conclusive and not subject to review by any court.

Decision of
council final

"exempted
merchan-
dise"

379.—(1) Notwithstanding anything contained in this Act or in any by-law, any shop in which the principal trade or business carried on is that of a tobacconist, news agent, hotel refreshment house, confectionery, bakery or druggist, may be kept open after the hour fixed by this section or any such by-law for the closing thereof, for the sale by retail only of any of the following, hereinafter referred to as "exempted merchandise",—

tobacco, cigars, cigarettes, smokers' sundries, newspapers, magazines, periodicals, pamphlets, writing material, picture cards, milk, soft drinks, ice cream, sherbet, candy, nuts, confectionery, fresh fruit, food and any drink which may be lawfully sold, for consumption on the premises only, preparations for or articles used in the care of the teeth, scalp, skin or feet, including tooth brushes and combs, shaving supplies (excepting razors), photo supplies and finishing, provided that the said toilet preparations or articles are not put up in gift packages.

"exempted
merchan-
dise" further
defined

(2) The following additional articles shall be deemed to be "exempted merchandise",—

- (a) in the case of a druggist, medicines, drugs and medical supplies and appliances;
- (b) in the case of a hotel, the providing of rooms and of meals;
- (c) in the case of a restaurant or refreshment house, meals for consumption on the premises or the supply for consumption on the premises or elsewhere, of cooked meats, cooked vegetables and cooked fish, when in unsealed containers.

(3) No goods other than exempted merchandise shall be sold in any shop while the shop is open for the sale of exempted merchandise only.

Proprietor
to file
statement
with city
clerk setting
forth princi-
pal business

380.—(1) No shop shall be kept open after the hour fixed for closing by this Act or any by-law for the sale by retail of exempted merchandise unless the proprietor or manager of the shop has previously filed with the city clerk a statement in writing setting forth that the principal trade or business carried on in such shop is that of a tobacconist, news agent, hotel, restaurant, refreshment house, confectionery or druggist, as the case may be.

(2) A similar statement may also be so filed at any time in the event of a change in the principal trade or business carried on in any shop.

Trade of,—
tobacconist

(3) For the purpose of this Act the trade or business,—

- (a) of a tobacconist means the sale by retail of the following articles,—
tobacco, cigars, cigarettes and smokers' sundries, including cigarette papers, matches, lighters, cigar and cigarette holders, pipes, pipe cleaners, cigar and cigarette cases, tobacco pouches and humidors;

- (b) of a news agent means the sale by retail of the following articles,—
 newspapers, magazines, periodicals, pamphlets, books, writing material, playing cards, picture cards and souvenirs; news agent
- (c) of a hotel means providing the public with rooms or with meals or with rooms and meals; hotel
- (d) of a restaurant or refreshment house means providing the public with food and any drink which may lawfully sold, for consumption on the premises, and the sale by retail of the following articles for consumption either on or off the premises, namely,—
 cooked meats, cooked vegetables and cooked fish, when in unsealed containers, and soft drinks, ice cream and sherbet; restaurant
- (e) of a confectionery means the sale by retail of candies, nuts, sweetmeats, soft drinks, ice cream and sherbet; confectionery, and
- (f) of a druggist means the sale by retail of medicines, drugs, medical supplies and appliances. druggist defined

381. Where any shop in which the principal trade or business carried on is that of a tobacconist, news agent, hotel, restaurant or refreshment house, confectionery, bakery or druggist, remains open after the hour fixed for the closing thereof by this Act or any by-law for the purpose of selling or offering for sale any exempted merchandise, the person in charge of such shop, throughout the whole of the period during which the shop remains open after such fixed closing hour, shall keep in a conspicuous place in the store, a card not less than thirty inches by eighteen inches, on which the following words are printed in the English language,—

Notice

This shop is now closed under the provisions of *The City Act*, except for the sale of the following merchandise only: (here list the exempted merchandise being offered for sale).

382. Nothing in this Act or in any by-law shall render the proprietor or person in charge of a shop liable to fine, penalty or other punishment for supplying any article required for immediate use by reason of an emergency arising from sickness, personal injury or death. Proprietor not liable for supplying merchandise in emergency

383.—(1) Notwithstanding anything contained in this Act, the council by by-law, may,— By-laws regulating and controlling garages, machine shops, etc.

(a) prescribe conditions on which gasoline, lubricating oil and grease may be sold in garages, filling stations and service stations or in any of them;

(b) prescribe the hours on any day of the week when garages, filling stations and service stations shall

- be and remain closed for the service of customers ;
- (c) prescribe conditions on which services, material and parts may be supplied by machine shops or implement dealers ;
- (d) select through a plan of rotation or otherwise, certain shops of the classes mentioned herein where such commodities may be sold or services, material and parts supplied and prescribe the hours in which such business may be carried on ;

during the time when garages, filling stations, service stations, gasoline pumps, machine shops and implement shops are closed under the provisions of this section or under any by-law passed pursuant to this section.

Council may exempt designated garages from closing provisions of Act

(2) In the case of garages, filling stations and service stations, notwithstanding anything contained in this Act or in any by-law, and notwithstanding any system of rotation, the council may exempt one or more designated garages, filling stations or service stations from the application of any of the provisions relating to closing contained in this Act or in any by-law, or system of rotation, as the case may be.

Public auction restriction

384. During the hours when any class of shops in which goods are offered for sale by retail are required to be closed under the provisions of this Act or any by-law passed pursuant to this Act, no goods of the kind ordinarily sold in shops of that class shall be offered for sale by public auction except goods which are used or second hand goods.

Employees prohibited from shop after closing

385.—(1) No employer shall suffer or permit any of his employees to be in his shop within the period during which the shop is required to be closed, except for one-half hour after the commencement of that period.

Overtime services

(2) Notwithstanding subsection (1), an employer may, with the consent of his employees, and upon compliance with any relevant provisions of *The Alberta Labour Act* or any regulations or orders made thereunder respecting overtime, use their services after such half-hour period for the purpose of taking inventories, dressing windows, arranging stock, balancing books of account or other work which cannot reasonably be done while the shop is open for the serving of customers.

Penalty for violation of closing by-law

386.—(1) The proprietor of any shop, and the person in charge of the shop, when any provision of this Act or of any by-law relating to closing is violated, shall each be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

Minimum fine for violation of section 379

(2) In the case of a conviction of the proprietor or the person in charge of a shop, in which the principal trade or business is that of a tobacconist, news agent, hotel, restaurant or refreshment house, confectionery, bakery or druggist, for violation of section 379 by the unlawful sale of any goods

other than exempted merchandise at a time when exempted merchandise only may be sold, the minimum fine shall be fifty dollars.

(3) In default of payment of any fine imposed under this section the person upon whom the fine is imposed shall be liable to imprisonment for a term not exceeding six months, with or without hard labour.

Default of
payment
of fine

(4) In any prosecution for alleged violation of section 379 by the unlawful sale in a shop of goods other than exempted merchandise at a time when exempted merchandise only may be sold, the statement, or the last statement, as the case may be, filed pursuant to section 380 before the commission of the alleged violation shall be received in any court as *prima facie* evidence of the principal trade or business carried on in the shop at the time of the alleged violation, without proof of the authority of the person by whom the statement purports to be made or of the signature of such person.

Statement
filed with
city clerk
prima facie
evidence

(5) In any such prosecution, if it is proved that no statement has been filed, the principal trade or business carried on in the shop at the time of the alleged violation shall be deemed to be the trade or business named in the information as the principal trade or business carried on in the shop.

387.—(1) Any reference in the sections of this Act or in any by-law relating to closing time shall be deemed to be a reference to the time in common usage in the city.

Reference
to closing
time

(2) Nothing contained in the sections of the Act or in any by-law relating to closing shall,—

Closing time
by-laws

- (a) be deemed to apply to the sale of beer in licensed premises in a hotel;
- (b) be construed as authorizing the sale upon Sunday of any merchandise, the sale of which on that day is prohibited by the *Lord's Day Act*.

Holidays.

388.—(1) The mayor of a city shall have full power and authority to declare by proclamation that any one day of the year or any two half-days shall be civic holidays.

Civic
holidays

(2) The council may, of its own motion, also declare another one day or another two half-days as civic holidays.

Control of Buildings.

389. The council may pass by-laws to carry out the provisions of *The Town and Rural Planning Act* and to regulate the construction of buildings.

Application
of *The Town
and Rural
Planning Act*

By-laws
controlling
buildings
may,—

390. The council may pass by-laws respecting the erection, classification, alteration, repair, demolition or removal of buildings within the city or any part thereof, and in particular for,—

regulate
quality of
materials

(a) regulating the quality and strength of wood, brick, stone, hollow tile, cement and concrete and the size and strength of columns, piers, studding, beams, joists, girders, floors, rafters, roofs and their supports in all buildings;

regulate
size and
construction
of heating
apparatus

(b) regulating the size and construction of chimneys and flues, the construction of hearths and fireplaces, the installation of furnaces, hot air and stove pipes, ovens, boilers, and providing for removing at the expense of the owner any of them constructed or installed in contravention of the by-law;

regulate size
and struc-
ture of
doors, stairs
and lighting
in public
places

(c) subject to any provincial rules or regulations, regulating the size, structure, number and position of doors in churches, theatres and halls or other places of public meeting or places of amusement and the street gates leading thereto, the size and structure of stairs and stair railings in such buildings, the strength of beams and joists and other supports used in their construction, the method of lighting them and the provision of stand pipes and other fire appliances in connection therewith;

compel
proper fire
escapes
on public
buildings

(d) subject to the provisions of *The Factories Act*, compelling the owners and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefrom in such places and of such pattern and mode of construction as may be deemed proper, and prohibiting the occupation of any such building unless such fire escapes are provided;

prevent erec-
tion of wood-
en buildings

(e) preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the city;

compel
fireproof
construction

(f) prohibiting the erection or placing of buildings, other than with main walls of brick, iron, concrete, stone or other incombustible material and roof of incombustible or slow-burning material within defined areas of the city;

adopt
National
Building
Code
regulations

(g) adopting and constituting as building regulations,—
(i) the regulations known as the *National Building Code (Canada)*;
(ii) the said regulations with exception of any specified provisions thereof; or
(iii) any specified provisions of the said regulations; and
(iv) any amendments to the said regulations, with or without modification;
either in place of or in addition to any regulations made under any other clause of this section.

(2) In any by-law relating to the construction, erection, sanitation or use of buildings or other similar by-law, the council may,— Building construction appeal board

- (a) provide for the creation of an appeal board to deal with and adjudicate upon any question that may arise under the provisions of the by-law;
- (b) prescribe the duties and powers of the board;
- (c) fix their remuneration and tenure of office.

391.—(1) The council may pass by-laws,—

- (a) providing for the issue of building permits; Building permit by-laws
- (b) prohibiting the commencement of the erection, alteration, repair, demolition or removal of any building except in conformance with the regulations pertaining thereto and unless authorized by permit;
- (c) providing that the granting of a building permit shall not entitle the grantee, his successors or assigns or anyone in his or their behalf, to erect any building which fails to comply with the requirements of any building restriction agreement affecting the site described in such permit.

(2) Neither the city nor any of its officials shall be liable for damages or otherwise by reason of the fact that a building, the erection of which has been authorized by permit, does not comply with the requirements of any such building restriction agreement.

392. The council may pass by-laws,—

- (a) authorizing the pulling down or removal at the expense of the owner thereof of any building or erection constructed, altered, repaired or placed in contravention of any by-law and if the expense is not paid upon demand, levying and collecting the expense from the owner as if the same were taxes; Council may pass by-laws,—
authorizing removal of building erected in contravention of by-law
- (b) respecting the distances of buildings from the street line and the minimum space to be allowed between buildings and the side lines of the lots upon which they are constructed; prescribing space between buildings
- (c) prohibiting or regulating and controlling the use of barbed wire within the city or any part thereof; prohibiting use of barbed wire
- (d) directing the removal of doorsteps, porches, railing or other erections or obstructions projecting into or over any sidewalk, street or other public place, at the expense of the owner of the property with which such projections are connected, and if the expense is not paid upon demand, levying and collecting the expense from the owner as if the same were taxes; directing removal of obstructions
- (e) appointing street and building inspectors and defining their duties; appointing building inspectors
- (f) providing for the summary removal of any pole or wire or other obstructions from the street;

- direct removal of buildings dangerous to safety or health (g) directing that any building or other erection within the city, which the council by resolution declares to be dangerous to the public safety or health, shall be repaired, pulled down, removed, closed to the public or otherwise dealt with by the owner, agent, lessee, occupier or other person designated in the resolution;
- numbering houses (h) numbering the houses or buildings in the city and renumbering them from time to time as the council may deem expedient;
- regulating auto camps (i) regulating the erection, construction and sanitary requirements of auto camps generally within the city;
- licensing auto camps (j) licensing, governing and controlling any person, firm or corporation operating an auto camp within the said city and defining the meaning of the words "auto camp" to include such similar class or classes of construction as shall be deemed advisable;
- regulating moving of buildings (k) providing for regulations governing the moving of buildings along or across any highway or any public place and requiring a permit for such operation.

Order to remove dilapidated buildings

393.—(1) If, in the opinion of council, a building, structure or erection, by reason of its ruinous or dilapidated condition is,—

- (a) seriously detrimental to the amenities of the neighbourhood; or
- (b) seriously depreciates the value of land or buildings in the vicinity;

the council may make an order respecting such building, structure or erection.

Contents of order to remove dilapidated building

(2) Any such order may require the owner, within a period of time which shall not be less than three months from the date of the making of the order,—

- (a) to remedy the condition in the manner and to the extent directed in the order; or
- (b) to demolish and remove the building, structure or erection and clear the site thereof.

Building inspector to remove building if owner fails

(3) If the owner does not remedy the condition within the period specified in the order and the building, structure or erection has not been demolished and removed at the expiration of the period specified in the order, the building inspector shall cause the building, structure or erection to be demolished or removed and the site thereof cleared.

Disposal of proceeds of dilapidated building

(4) Such removal may be done by way of selling the building, structure or erection, in which case the net proceeds realized by the building inspector from such sale shall be payable to the owner, mortgagee or other person thereto entitled unless there are any taxes owing in respect of the building, structure or erection or the land on which the same are situate, in which case the amount of such taxes will be set off against the net proceeds of the sale of the building,

structure or erection and any amount in excess thereof shall be paid to the owner, mortgagee or other person thereto entitled.

(5) The council shall cause not less than one month's notice to be sent by registered mail to the registered and assessed owner of the land upon which the ruinous or dilapidated building stands, specifying the date, time and place at which the making of such an order will be considered and that such owner will be given an opportunity of appearing and of being heard by council at such meeting before the making of the order.

Notice to owner that removal order to be made

(6) Any person who thinks himself aggrieved by an order of the council made hereunder may apply by notice of motion to a Supreme or District Court Judge in Chambers within thirty days from the date of making of the order and the judge, if satisfied,—

Application to judge to set aside removal order

(a) that the proper procedure set for in this section has not been followed; or

(b) that the council has acted in a manner contrary to the intent and meaning of this section;

may set aside, vary or modify the order of the council as he deems just.

Retirement Grants, Pension Plans and Group Insurance.

394. The council may grant any officer or employee who has been in the service of the city, or of the town prior to its formation into a city, for at least ten years, and who, while in such service, has become incapable through age or illness of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation.

Council may grant civic employee gratuity

395.—(1) The council, by by-law, may set up, contract for and maintain a pension or superannuation plan or a benefit fund for the benefit of,—

Pension or superannuation by-law

- (a) civic employees or any group thereof;
- (b) members of the police force;
- (c) employees of the fire department;
- (d) employees of the hospital board;
- (e) employees of the library board;
- (f) employees of the exhibition board or association;
- (g) employees of any other board or commission authorized pursuant to the provisions of this Act;

or all or any of them, and of their dependants or any of them, classify the employees affected or any group thereof, as to age or otherwise, as may be deemed expedient, and make adherence and contribution to such plan or fund compulsory or optional as to all employees or any group or class thereof.

Pension contributions

(2) Any such pension or superannuation plan or benefit fund may require such contributions on the part of the members or employees and on the part of the city, as the council in its discretion may provide in the by-law, and the council may deduct the contributions of the members or employees from their salaries.

(3) A by-law passed under this section shall not be deemed to be a money by-law.

Council may act jointly with other boards with respect to pension plans

396.—(1) The powers conferred upon the council by section 395 may be exercised either alone or jointly with the boards of trustees of school districts situated wholly or partly within the city in respect of their non-teaching staffs, the library board, the hospital board, the exhibition board or other board or commission authorized pursuant to the provisions of this Act or with any one or more of them, each of the parties acting for and assuming responsibility only in respect of its own employees.

Withdrawal from pension agreement

(2) A joint agreement made pursuant to this section may provide that any party thereto may withdraw therefrom subject to such conditions as may be specified in the agreement.

Money payable from pension fund not assignable or subject to attachment

397. Where the city establishes a pension or superannuation plan or a benefit fund, the money payable therefrom to an employee or to his estate, whether by way of annuity, death benefit or otherwise,—

- (a) shall not be assignable; and
- (b) shall not be subject to garnishment or attachment or seizure, except in respect of failure of the employee to account for public money or to pay a debt due to the city.

Investment of surplus pension funds

398.—(1) The council may invest any surplus money at the credit of the funds in any of the investments authorized for insurance companies by the *Canadian and British Insurance Companies Act, 1932*, as amended from time to time by the Parliament of Canada and may sell, assign or transfer such securities and reinvest the proceeds thereof or any part of the proceeds in like securities.

(2) The council, by by-law, may appoint trustees to carry out the provisions of subsection (1) and to keep an account of the investments for and on behalf of the pension or superannuation plan or fund.

Pension fund borrowings

(3) The council or the trustees, as the case may require, may borrow from any person or bank such sums as the council or trustees may deem necessary to meet the obligations of the funds and may give as security for such loan any investments or other assets held at the credit of the funds.

Insurance scheme for employees

399.—(1) The council, by by-law, may set up, contract for or otherwise institute a scheme of insurance for the purpose of insuring all or any employees referred to in

section 395 against sickness, accident or death, as the case may be.

(2) Any such scheme of insurance may require such contributions on the part of the members or employees, and on the part of the city, as the council in its discretion may provide in the by-law, and the council may deduct the contributions of the members or employees from their salaries.

Contributions
by employees
to insurance
scheme

(3) A by-law passed under this section shall not be deemed to be a money by-law.

Security.

400. Where power is given to the city under the provisions of this or any other Act to perform services or sell goods or lands, it shall have and be deemed always to have had the same right as a private individual to take security for any debt owing to it arising out of matters transacted in the exercise of such power.

City entitled
to security
for debts

401. The city may acquire, hold and dispose of real or personal property offered or transferred to it in partial or complete settlement or payment of, or a security for, any lien or charge or any right to a lien or charge on any taxes, license fee or other indebtedness owing to the city.

City may
acquire
property in
settlement
of debt

Coat of Arms.

402.—(1) The council by by-law approved by the Lieutenant Governor in Council, may adopt a crest and coat of arms for the city.

Coat of arms

(2) A person who, without the authority of the council, assumes or uses the crest and coat of arms of the city, or any heraldic emblem so nearly resembling the same as to be calculated to deceive, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for every day during which the offence continues.

Penalty for
misuse of
coat of arms

Miscellaneous.

403. The council may pass by-laws,—

- (a) providing for taking the census of the city;
- (b) submitting to the vote of the electors or proprietary electors any municipal question not specifically authorized by this Act to be submitted;
- (c) providing for the taking of a plebiscite of the electors or of the proprietary electors upon any question, matter or thing.

Council
may pass
by-laws,—
providing
for census
taking, sub-
mitting mun-
icipal ques-
tion to
voters,
providing for
plebiscite

404.—(1) The council is hereby empowered to appoint by by-law any board, association, commission or other organization deemed desirable for the purpose of managing

Appointment
of board to
manage city
department

and operating or advising in the management and operation of any branch or department of the city's service and in the extension and improvement thereof.

Board of management prohibited from appropriating public moneys

(2) There shall not be delegated to any such board, association, commission or other organization the right to appropriate or expend any public moneys other than such moneys duly voted by the council which are necessary for the carrying on of the secretarial and other administrative functions of the said organization as such.

Powers of board of management

(3) The constitution, duties, powers and functions of the board, associations, commission or other organization and all necessary provisions with reference to administration may be prescribed in the by-law or by-laws appointing it.

Termination of appointment of member of board of management

(4) If it is reported to the council that any person appointed by the council as a member of any board, association, commission or other organization has been absent from three consecutive meetings of that organization the council may terminate his appointment and may appoint another person in his stead.

City may exercise power of insurance company

405.—(1) The council may exercise such powers of an insurance company pursuant to the provisions of *The Alberta Insurance Act* as will enable the council to establish and maintain a plan of insurance to cover losses which may occur to the property of the city by reason of fire and other occurrences and to cover the city's legal liability to others arising out of accidents and occurrences, and to adjust and settle any loss, whether on a strictly legal basis or otherwise.

Re-insurance of risks

(2) The council may do all things necessary for the proper conduct and handling of the business of insurance, including re-insurance of any of such risks as may be covered by such plan with any insurance company lawfully authorized to deal in re-insurance risks.

Incorporation of city insurance company

(3) The council may make application for incorporation of a company to be known as "The City of Municipal Insurance Company, Limited" or such other similar name as council may choose, and provide for setting aside the necessary capital therefor from time to time and deposit with the Provincial Government any money or security which the provisions of *The Alberta Insurance Act* may require and otherwise comply with all the provisions of *The Alberta Insurance Act*.

Powers when title to land and mineral rights vested in city

406.—(1) In any case where a city is the owner of title to lands together with mineral rights therein, including gas and oil, the council may,—

- (a) test, explore, mine or drill for and recover from such lands any minerals, including gas and oil;
- (b) deal in, lease, sell or dispose of any such minerals in such manner as council deems to be in the best interest of the citizens;

- (c) enter into agreements with any person to carry out, either in association with or on behalf of the city, any or all of the purposes specified in clause (a) ;
- (d) enter into an agreement with any person owning mineral rights adjacent to mineral rights owned by the city for the joint conduct of operation to recover such minerals including gas and oil or with respect to the sharing of the proceeds of the minerals recovered from the adjacent parcels ;
- (e) generally to do all acts or things collateral or incidental to the exercise of any of the powers granted by this section ;
- (f) apply for the incorporation of a company, pursuant to *The Companies Act*, to be known as "The City of Mineral Rights Development Company Limited" or by such other name as council may choose, to carry out any or all of the powers or purposes referred to in this section.

(2) In the exercise of any of the powers contained in this section, the city shall not expend in any one year for said purposes an amount exceeding the sum of one dollar for each one thousand dollars of ratable property without first obtaining the consent of the proprietary electors.

407.—(1) The council may pay for or towards the reception or entertainment of guests, travelling or other expenses incurred in respect of matters pertaining to or affecting the interests of the corporation or the celebration of events or matters of national interest or importance, a sum not exceeding in any year in the case of,—

Expenses of civic entertainment and celebrations

- (a) a city having a population of not less than 100,000\$20,000 ;
- (b) a city having a population of not less than 12,000 5,000 ;
- (c) a city having a population of not less than 5,000 3,000 ;
- (d) other cities 1,000.

(2) No sum in excess of the sums outlined in subsection (1) shall be so expended in any year without being first approved by a two-thirds majority vote of the proprietary electors.

408. The council may expend in diffusing information respecting the advantages of the city as a manufacturing, business, education or residential centre a sum based on the population of the city not exceeding twenty-five cents per capita per year.

Advertising city advantages

409. Any city by by-law or resolution may take all proceedings, make all expenditures and do all other things that may be necessary to implement the provisions of *The*

Establishment of veterans on city lands

Veterans' Land Act of the Dominion of Canada for the establishment of veterans on lands within the city and for that purpose,—

- (a) may make all necessary agreements with the Dominion Government or the Provincial Government or any other person or corporation;
- (b) may acquire any land or real property, necessary therefor by purchase, gift or otherwise and by expropriation proceedings pursuant to the provisions of this Act regarding expropriation of land and real property.

Agreement to assist other municipalities with matters of common concern

410. The council may enter into an agreement with the council of any other municipality for the purpose of assisting such municipality in the administration or supervision of any matters of common concern such as health, sanitation, fire protection, police protection, building restrictions or zoning, upon such terms and conditions as the council deems expedient and any such agreement shall be valid and binding upon the city and upon any municipality entering into such an agreement.

Disposal of personal property

411. Any city may dispose of any personal property acquired by it for any purpose authorized by this Act when no longer required, and until sold, may rent or lease the same.

City property exempt from seizure

412. No property owned by the city under the authority of this Act shall be liable to seizure by way of distress for rent.

PART VII.

PUBLIC UTILITIES.

Special Franchises and other Contracts.

Special franchise to supply residents with utilities

413.—(1) The council, with the approval of the Board of Public Utility Commissioners, may enter into a contract with any person undertaking to provide the residents of the city with a supply of all or any of the following, namely, telephones, transportation, light, power, natural and artificial gas, water and heat and to confer a special franchise upon that person in respect of the subject matter of the contract for any period not in excess of twenty years.

Term of contracts to supply utilities

(2) The council, with the approval of the Board of Public Utility Commissioners, may enter into a contract with any person to supply light, power, gas, natural and artificial gas or water for the use of the corporation for any period not exceeding twenty years.

Approval of proprietary electors required to utility by-law

(3) Any by-law passed by the council under this section shall be submitted to the proprietary electors and it shall only become operative upon ratification by two-thirds of the proprietary electors voting thereon.

414.—(1) Application for the approval by the Board of Public Utility Commissioners of any special franchise, contract entered into pursuant to the provisions of section 413, or any renewal thereof as hereinafter provided, shall be made to the Board prior to or forthwith after the first reading of the by-law.

Application for approval of Board of Public Utility Commissioners to special franchise

(2) Any such contract, whether or not it contains an express provision to that effect, shall be subject to the following condition, namely,—

Conditions of special franchise contract

(a) that at or before the expiration of the term thereof and after the expiration of the said term if the contract has been continued in force under the provisions of subsection (3), the same may be renewed for a period not exceeding ten years from the date of the renewal and so from time to time, with such alterations, if any, as may be agreed upon by the parties and approved by the Board of Public Utility Commissioners; and

(b) that, if either party refuses to renew the contract, or if the parties fail to agree as to the conditions of the renewal, then the council, subject to the consent of the Board of Public Utility Commissioners, may purchase all the rights of the contractor in all matter and things under the contract and in all apparatus and property used for the purposes thereof, for such price and on such terms as may be agreed upon with the contractor, or failing such agreement, then for such price and on such terms as may be fixed and settled by the Board of Public Utility Commissioners on the application of either of the parties.

(3) If any such contract is not renewed either on or before the expiration of the original term, or of any renewal thereof and so from time to time, by express agreement of the parties as aforesaid, or if the council does not complete the purchase of the subject matter thereof as hereinbefore provided, then the contract shall continue in full force and effect until such time as either party shall terminate it on six-months' written notice given to the other with the approval of the Board of Public Utility Commissioners.

Continuation of special franchise contract

Power of City.

415. The city shall have power to construct, build, purchase, lease, drill, explore for, improve, extend, hold, maintain, control, operate and conduct any public utility and all buildings, materials, machinery, plants, equipment and appurtenances necessary in connection therewith.

Power of city as to public utilities

416. The city may purchase or lease any works constructed for the supply of telephone service, transportation, water, gas, light, heat and power within or in the neighbourhood of the city and being the property of any person or company, and under the provisions of this Act may improve or extend such works as a public utility.

Purchase or lease of public utilities

Public utility
may be
combined
with other
undertaking

417. Any public utility provided for in this Act may be constructed, built, purchased, improved, extended, held, maintained, managed and conducted, either separately as a distinct undertaking, or with two or more such works in conjunction as one entire undertaking.

Disposal of
public utility
material

418. The city may sell, lease or dispose of all fittings, machines, apparatus, meters or other things used in connection with any public utility carried on by it together with every product, refuse or residue resulting from the conduct of any such public utility.

Acquisition
of land and
buildings for
public utility

419. The city shall have the power to enter upon or purchase such lands and buildings as it may deem necessary or advantageous for the purposes of any public utility.

Management
of public
utilities

420. The city shall have the power to employ such superintendents of public utilities, engineers, surveyors and other persons as may from time to time, in the opinion of the council, be necessary or expedient to enable the powers of the city to be properly exercised.

Public utility
by-laws may
provide
for,—

general
management

fixing rates

rentals

collections

enforcement
of payment

421. The council may make by-laws,—

- (a) for the general maintenance or management or conduct of any public utilities constructed or maintained, and of the officers or others employed in connection with them;
- (b) fixing such rates, charges, tolls, fares and rents, and the times and place where the same shall be payable and providing for such discount as it may deem expedient for prepayment or punctual payment;
- (c) for the rent of fittings, machines, apparatus, meters or other things leased to consumers;
- (d) for the collecting of the rates, charges, tolls, fares or rents in connection with any public utility; and
- (e) providing for enforcing payment of such rates, charges, tolls, fares or rents,—
 - (i) by action in any court of competent jurisdiction; or
 - (ii) by shutting off the water, gas, electricity or heat or disconnecting the telephone service or discontinuing the service; or
 - (iii) by distress and sale of the goods and chattels of the person owing such rates, charges, tolls, fares or rents wherever the same may be found in the city.

Manner
of distress

422.—(1) The distress and sale for rates, charges or rents shall be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable under *The Seizures Act*.

(2) An attempt to collect the rates or rents by any such process shall not in any way invalidate any lien which the city is entitled to upon the premises in respect of which the indebtedness has been incurred.

423. For the purpose of any such public utility the city may sink and lay down pipes, wells, tanks, reservoirs and erect poles, wires and buildings and other conveniences, and may from time to time, alter all or any of the said works both as to position and construction, as it may deem advisable.

Laying of pipes, etc. for public utility

Right to Enter, Acquire and Use Land.

424.—(1) Any official authorized by the city for that purpose shall have free access at proper hours of the day and upon reasonable notice given and request made or in the case of the written authority of the mayor given in respect of the special case without notice to all parts of every building or other premises in which water, telephone, gas, electricity or heat is delivered and consumed or which is served by a sewer, for the purpose of inspecting or repairing as aforesaid or for placing meters upon any service pipe or connection within or without any house or buildings as he may deem expedient.

Power to enter for inspection or repair

(2) For this purpose or for the purpose of protecting or regulating the use of such meter, any official authorized by the city, may set or alter the position of the same or of any pipe, wire connection or tap.

Control of meters

(3) The city may fix the price to be paid for the use of such meter and the times when and the manner in which the same shall be payable, and may also charge for and recover the expenses of such alterations, and such price and expense of such alterations may be collected in the same manner as water rates.

Fee for meter

425. Where any consumer discontinues the use of any public utility furnished by the city, or the city lawfully refuses to continue any longer to supply the same, any authorized official or servant of the city may at all reasonable times enter the premises in or upon which such consumer was supplied with the public utility for the purpose of removing therefrom any fittings, wires, machines, apparatus, meters, pipes or other things being the property of the city in or upon such premises and may remove the same therefrom, doing no unnecessary damage.

Removal of installations where utility service discontinued

426. The city, its engineers, servants and workmen, from time to time and at such times as the city shall see fit, may enter into and upon, take or use the land of any person, bodies politic or corporate in the city or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of any public utility which it is empowered to construct or operate, and

Acquisition of land for public utility

may contract with the owners or occupants of the said land and any person having a right or interest therein for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of any such public utility, at the option of the city.

Construction
of public
utilities on
acquired land

427. The city may construct, erect and maintain in and upon any land acquired under the provisions of this Act all reservoirs, waterworks, gas works or wells and shafts, dams, buildings, machinery or other things requisite for the public utilities authorized under this Act, and for conveying water, gas, electricity, heat or power through the same by such lines of pipes, ditches, poles or wires as may from time to time be found necessary or expedient.

Right of
entry
upon land

428.—(1) The city and its servants under its authority may, for the said purposes, enter and pass upon and over any such lands, and may cut and dig up same, if necessary, and may lay down pipes, excavate ditches, erect poles and wires through the same, and in, upon, through, over and under the highways, streets, lanes, roads, squares, bridges or other passages, whether the same be within the city or not, and for such purposes may break up, dig, and trench the same.

Repairing of
public utility

(2) For the purposes of taking up, examining or repairing and otherwise maintaining any public utility, the city may exercise the same power.

(3) Any power given to the city under this section may be exercised in regard to private property with the consent of the owner thereof.

Restoration
of land to
original
condition

429. All lands not being the property of the city and all highways, streets, lanes, roads, squares, bridges or other passages so dug up or interfered with shall be restored to their original condition without unnecessary delay.

Maintenance
of public
utility

430. The city may enter upon, set out, ascertain, purchase, use and occupy such parts of the said land as the said city may think necessary and proper,—

- (a) for the making and maintaining of the said public utility; or
- (b) for the purchasing of the said lands required for the protection and improvement of the said public utility; or
- (c) for the taking up, improving, moving, altering or repairing the same, and for enabling the same to be used by the city or by the inhabitants thereof.

Conveyance
of public
utility across
property

431. Where different parts of a building belong to different tenants or lessees, the city may carry pipes or wires to any part of the building passing over the property of one or more proprietors or in the possession of one or more tenants, to convey any public utility to the property of another or in the possession of another.

432. Such pipes or wires shall be carried up and attached to the outside of the building unless consent is obtained to carry the same inside.

Attachment
of pipes
or wires

Respective Rights and Duties of City and Consumers

433.—(1) Utility service pipes or sewers which may be required shall be constructed and laid down up to the outer line of the street by the city, and the city shall be solely responsible for keeping the same in repair.

Laying of
utility ser-
vice pipes

(2) Connections between private property and service pipes or sewers shall be made by the city on payment by the owner of the charges therefor to the outer line of the street, at a point to be designated by the owner and the owner shall be solely responsible for the repair thereof.

Connection of
service pipes

434. In cases where vacant space intervenes between the outer line of the street and the wall of the building or other place into which the public utility is to be taken or with which the sewer is to be connected, the city may, with the consent of the owner, lay the service pipe or sewer connections across such vacant space and charge the cost thereof to the owner of the premises, or the owner himself may lay service pipes or sewers provided the same is done to the satisfaction of the city or person appointed by it in that behalf.

Connections
across vacant
space
chargeable
to owner

435.—(1) The expense incidental to the laying and repairing as hereinafter provided of the service pipes or sewers if laid or repaired by the city beyond the outer limit of the street or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the city, or if not paid, may be collected forthwith in the same manner as water rates.

Liability for
expense of
laying and
repairing
service pipes

(2) In no case shall the expense of superintending the laying or repairing of such service pipes or sewers if laid or repaired by any other person as aforesaid exceed five dollars.

436.—(1) All service pipes or sewers to the interior face of the outer walls of the building supplied, together with all branches, couplings, stop-cocks and apparatus placed therein by the city, shall be under its control.

Pipes to
inner wall
of building
under city
control

(2) If any damage is done to this portion of the service pipes or sewer or its fittings, either by neglect or otherwise, or if the sewer becomes obstructed in any manner between the inner surface of the wall of the building supplied and the outer line of the street, the occupant or owner of the land shall forthwith repair the same to the satisfaction of the city.

Owner
responsible
for damage
to inner
service pipes

(3) In default of his so doing, whether notified or not, the city may enter upon the lands where the service pipes

or sewers are, and by its officers, agents or servants repair the same and charge the same to the owner of the premises as hereinbefore provided.

Use of
stop-cock

437. The stop-cock placed by the city inside the wall of the building shall not be used by the public utility user except in cases of accident or for the protection of the building or the pipes and to prevent the flooding of the premises.

Water taps

438. Persons supplied with water by the city may be required to place only such taps for drawing and shutting off the water as are approved of by the city.

Distribution
of water
and price
therefor

439.—(1) The city shall regulate the distribution and use of water in all places and for all purposes where the same may be required, and from time to time may fix the prices for the use thereof and the times of payments.

Public
hydrants

(2) The city may erect such number of public hydrants and in such places as it shall see fit and direct in what manner and for what purposes the same shall be used, and may fix the rate or rent to be paid for the use of water from hydrants or fire plugs and by public buildings.

Duty to
supply
public utility

440. Where the city has constructed any public utility, and where there is a sufficient supply thereof, it shall be the duty of the city to supply any building within the city situate upon land lying along the line of the public utility upon the same being requested by the owner or occupant or other person in charge of the building, at the customary charges and on the customary terms.

Liability of City.

Compensation
for
damage

441. The city shall do as little damage as possible in the execution of the powers by this Act granted to it and shall make reasonable and adequate satisfaction to the owners, occupants or other persons interested in the land, waters, rights or privileges entered upon, taken or used by the city or injuriously affected by the exercise of its powers and in case of disagreement the compensation or damages shall be ascertained in the manner provided in section 306.

City not
liable for
damage ex-
cept through
negligence

442. The city shall not be liable for damages,—

- (a) caused by the breaking of any public utility main, service pipe or attachment, or for the bursting of any ditch; or
- (b) caused by the interference with the supply of any public utility necessary in connection with the repair or proper maintenance of the public utility; or
- (c) generally for any accident due to the operation of any public utility;

unless such accident is shown to be directly due to the negligence of the city or its employees.

Rates and Charges.

443.—(1) The sum payable by the owner or occupant of a house, tenement, lot or part of a lot for the public utility supplied by the city to him or for his use and all rates, costs and charges imposed under any by-law passed under this Act, shall be a preferential lien and charge on the house, tenement, lot or part of a lot, and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable.

Public utility
charge pre-
ferential lien

(2) In cases where water has been supplied to a person other than the owner of any such house, tenement, lot or part of lot, the preferential lien and charge on the property of the owner shall be limited at any one time or from time to time to an amount not exceeding ten dollars or three months' arrears of public utility rates in respect thereof, whichever may be the greater.

444.—(1) In the event of the rate or rent remaining uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the collector shall make a return showing the amount of the rent or rate so in arrears, together with all costs and charges in connection therewith.

Collector's
return

(2) The return shall be made by the collector to the city clerk at least once in every year and on such day or days as may be fixed by the council or by the by-law in that behalf.

(3) The rate or rent, together with interest at a rate to be fixed by the council not greater than ten per centum per annum thereon, shall be collected by the treasurer by the sale of land and premises in the same manner and subject to the same provisions as in the case of a sale of land for arrears of municipal taxes.

Recovery
of service
charges

445.—(1) The council may,—

- (a) employ the ordinary collectors and assessors and such other persons as in its opinion may be necessary to carry out the objects of this Act;
- (b) specify their duties and fix their compensation.

Employment
of collectors
and assessors

(2) All such persons shall hold their offices at the pleasure of the council or as the council shall determine by by-law in that behalf.

(3) All such persons shall give such security as the council shall from time to time require.

(4) Such assessors and collectors shall have full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the city may by by-law possess and enjoy in respect of municipal taxes.

Powers of
collectors
and assessors

Assessment and Taxation of Public Utilities.

Assessment
of public
utilities

446.—(1) All public utilities owned by the city may be assessed as if owned and operated by private persons under a franchise from the city.

(2) The council may from time to time,—

(a) fix such assessment on the value as a going concern of each of said public utilities, including the value of the plant, machinery, fixtures, buildings, structures and all other things used in or in connection with each of the said public utilities and in addition thereto the value of the franchise in respect of each such public utilities and restrict such assessment to municipal purposes alone;

(b) fix the rate or rates to be levied upon the assessments so fixed at such amount as council may deem expedient, and said rate or rates may differ in respect of different public utilities.

Utilities
assessment
has no effect
on private
assessment

(3) In estimating the value of land, business or special franchise of any private person holding a franchise, no regard shall be had or given of the assessment of public utilities under the powers contained in this section.

Power Beyond City Limits.

Supplying of
utility,—
outside city

447.—(1) The city shall have power and authority to supply any person or corporation outside the city with any public utility, upon special terms, and may exercise all other powers necessary to the carrying out of its agreement with such corporation or person as well without the city as within the city.

to railway or
manufactory

(2) The city may also, from time to time, make and carry out any agreement which it deems expedient for the supply of any public utility to any railway company or manufactory.

in other
municipality

(3) Where the supply of a public utility is to be made in another municipality which itself possesses any similar public utility, no pipes, poles or wires for this purpose shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality, without the consent of the council of such municipality.

(4) The agreement may be for a term of years or otherwise as may be agreed upon.

Utility
dispute
adjusted by
Minister of
Public Works

(5) Where there is a dispute between the city and any municipality in connection with public utility work that is being carried on within the boundaries of that municipality such dispute shall be adjusted by the Minister of Public Works.

Transporta-
tion system
outside city

448. Any city may extend its transportation system beyond the boundaries of the city.

449.—(1) A city, under a by-law of any adjoining municipality, may exercise the like powers within such adjoining municipality as it may under this Part exercise within the city, upon such terms as may be agreed upon. Powers with-
in adjoining
municipality

(2) The adjoining municipality may either require the city to pay a sum in gross or annually for such privilege, or may pay a sum to the city in gross or annually therefor.

Prohibitions and Penalties.

450.—(1) The council may make by-laws prohibiting any person being tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks,— Water
by-laws

- (a) from lending, selling or disposing of the water thereof;
- (b) from giving it away or permitting it to be taken or carried; or
- (c) from using or applying it to the use or benefit of others or to any other than his, her or their own use and benefit; or
- (d) from increasing the supply of water agreed for with the city; or
- (e) from wrongfully neglecting or improperly wasting the water.

(2) The by-law may provide that any person who violates the by-law provided for in subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars and costs. Penalty for
violation of
water by-law

451.—(1) No member of the council shall personally have or hold any contract in connection with any public utility under this Act or be directly or indirectly interested in the same or any of them. Member
of council
prohibited
from holding
interest in
utility

(2) No person shall be held to be disqualified from being elected or sitting as a member of the council of the city by reason of his being a user or consumer of any public utility supplied by the city or by reason of any dealing or contract with the city with reference to the supply of any public utility to such person. Member of
council not
disqualified
by use of
utility

452. All persons and corporations who by themselves, their servants or agents, by act, default, neglect or omission occasion any loss, damage or injury to any public utility constructed under the provisions of this Act or to any plant, machinery, fitting or appurtenance thereof, shall be liable to the city for or in respect of such damage, loss or injury, and damages in respect thereof may be recovered by the city in any court of competent jurisdiction. Damage to
utility
recoverable

453. If any person does or commits any of the following acts,— Penalty
for,—

- | | |
|--|--|
| interrupting
work on
public
utilities | (a) wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted, the city or its contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities relating to public utilities by this Act authorized and contained; |
| wasting
public utility | (b) wilfully or maliciously lets off or discharges water or gas or heat so that the same runs waste or useless; |
| interference
with
hydrants | (c) not being in the employment of the city and not being a member of the fire department and duly authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stop-cock, chamber pipe or hydrant chamber by placing on it any building material, rubbish or other obstruction; |
| fouling of
water supply | (d) throws or deposits any injurious, noisome or offensive matter into the water or waterworks or upon the ice in case such water is frozen or in any way fouls the water or commits any wilful damage or injury to the works, pipes or water or encourages the same to be done; |
| interference
with meter | (e) wilfully alters any meter placed upon any service pipe or connected therewith within or without any house, building or other place so as to lessen or alter the amount of water, gas, electricity or heat registered thereby, unless specially authorized by the city for that particular purpose and occasion; |
| laying false
connections | (f) lays or causes to be laid or attached any pipe or main or wire or rod to communicate with any pipe or main or wire or rod of the public utility or in any way obtains or uses any water, gas, electricity or heat thereof without the consent of the city; |
| placing
nuisance
near source
of water
supply | (g) washes or cleanses cloth, wool, leather, skin or animals or places any nuisance or offensive thing within the distance of one mile above the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained or conveys, casts, throws or puts any filth, dirt, dead carcass or other noisome or offensive thing therein or within the distance as above set forth, or causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed in the same or causes any other thing to be done whereby the water therein may be in any way tainted or fouled; |
| interference
with tele-
phone system | (h) wilfully, and without authority from the proper officer of the city, hinders or interrupts the transmission of any communication over the wires or apparatus of the telephone system of the city, or interferes with, damages, taps or makes any unauthorized connection with any wires, equipment |

or apparatus belonging to or in the custody or under the control of the telephone department of the city;

and if such person is convicted of such act before a justice of the peace he shall, for every such offence, forfeit and pay a sum not exceeding fifty dollars and not less than five dollars together with the costs and charges attending the proceedings and conviction.

454. The penalties in money under the last preceding section or any portion of them, which may be recovered shall be paid to the justice and by him paid to the treasurer of the city. Penalties payable to city treasurer

Regulations.

455. The council may make by-laws,—

- (a) regulating the time, manner, extent and nature of the supply of the public utility to the user thereof; Public utility regulations
- (b) the price to be collected in connection with any public utility;
- (c) each and every other matter or thing related to or connected with which it may be necessary or proper to direct, regulate or determine in order to secure the inhabitants of the municipality a continued and abundant supply of the public utility and to prevent the practising of frauds upon the city with regard to the public utility so supplied.

456.—(1) The council may pass by-laws to regulate and control the conduct of passengers on any of its public vehicles with respect to preventing unseemly behaviour and promoting safety. Conduct of passengers on public vehicles

(2) Without restricting the generality of subsection (1), the council may pass by-laws,—

- (a) to prohibit smoking or spitting;
- (b) to prohibit unseemly or disorderly conduct;
- (c) to prohibit interference with the operation or mechanism of the vehicle;
- (d) to prohibit the defacing of the vehicle or signs within the vehicle;
- (e) to promote safety.

General.

457. The city, its officers, agents and servants, shall have the like protection in the exercise of its and their respective offices and the execution of its and their duties as public officers have under the laws of the Province. Protection of public officers

458. All materials procured under contract with the city and upon which the city has made advances in accordance with such contract shall be exempt from execution. Materials for contracts exempt from execution

Works vested
in city

459. All works, wells, pipes, poles, erections and machinery requisite for any public utility shall be vested in and be the property of the city.

PART VIII

ASSESSMENT AND TAXATION.

General Liability to Assessment and Taxation.

Liability to
assessment
and taxation

460. This Part relates to and governs the liability to assessment and taxation of property, special franchises, businesses, trades and professions in every city for the purposes of this Act and *The School Act*.

Property
liable to
assessment

461. Subject to the other provisions of this Act, all property and every interest therein in any city, save and except only such property as is declared by this Act to be exempt, shall be liable to assessment and taxation by the city.

Assessment of Lands, Buildings and Improvements.

Land
assessed at
fair value

462.—(1) Land shall be assessed at its fair actual value exclusive of the value of buildings and improvements thereon.

Estimating
value of
land for
assessment

(2) In estimating the value of any land for assessment purposes no regard shall be had, nor consideration given to the price at which any land or lands owned by the city has or have been sold or offered for sale by the city to any person.

Building and
improve-
ments asses-
sed at value

463.—(1) All buildings and improvements on land within a city, which are not exempt from assessment and taxation, shall be assessed at their fair actual value.

Sixty per
cent of
actual value
entered
on roll

(2) A sum equal to sixty per cent of the fair actual value of buildings and improvements shall be entered on the assessment roll and shall be deemed to be the assessed value of such buildings and improvements for purposes of taxation.

Cost of
improvement
considered
for assess-
ment
purposes

464.—(1) For the better determining of the value of a building or other improvement for assessment purposes, it is hereby declared that the cost thereof is only one of the matters which shall be considered in this connection, and if it is found that a building or other improvement, either because of its condition as to repair or of its inappropriateness to its location or because of any other circumstances affecting its value increases the value of the land by less than the cost of the building or the cost of replacing it, such less sum shall be the amount of the assessment of the building.

(2) In assessing land having any buildings and improvements thereon, the assessed value of the land and of the buildings and improvements as hereinbefore defined shall be ascertained separately and shall be set down separately in the assessment roll either in the same or separate columns, and the total assessment shall be the sum of such values.

Land and improvements assessed separately

(3) The council may direct the assessor to assess all parcels of land within the city separate and apart from the buildings, structures or improvements which may be situate thereon, and at a different time from the assessment of such buildings, structures and improvements, and likewise council may direct the assessor to assess all buildings, structures and improvements on any lands within the city separate and apart from the lands upon which the same are situate and at a different time from the assessment of the lands.

Land and improvements may be assessed at different times

(4) The court of revision and appeals from any assessment made pursuant to subsection (3) may sit at different times from those fixed for the hearing of appeals from the general assessment, and the two assessments may be treated as separate and distinct.

Sittings of court of revision and assessment appeals

(5) In all other respects the inspection of the assessment roll, the giving of notice of appeal, the procedure for and at appeals and for the preparation of a tax roll based thereon, and the collection of taxes shall be the same as are provided for the general assessment.

465. The council may divide the city into assessment districts, and may appoint one or more assistant assessors to aid the city assessor in the work of assessment.

Division of city into assessment districts

466.—(1) The council of any city, by by-law, in any year, may adopt the whole or any part of the assessment roll of the previous year as the assessment for the then current year but no such by-law shall be passed in more than eight consecutive years.

Adoption of assessment roll of previous year

(2) In such event no new general assessment of lands, buildings and improvements or no general assessment of land or of buildings and improvements need be made.

467.—(1) Every person, association of persons, company or corporation owning, using, operating, or enjoying the benefit of any special franchise within a city shall not be liable for business assessment.

Special franchise not liable for business assessment

(2) In addition to the assessment on land it shall be assessed for the full value of all buildings, improvements, plant, machinery, equipment and apparatus used in operating such special franchise which said value shall be arrived at by estimating the actual cost thereof and deducting therefrom a reasonable amount for depreciation.

All buildings and equipment of special franchise assessed

Date for making assessment

468. The assessor of each city, not later than the thirty-first day of October in each year, shall make his assessment of lands, buildings and improvements for the purpose of taxation in the next succeeding year, and shall make up the assessment roll not later than that date.

Supplementary assessment roll

469.—(1) Notwithstanding the provisions of section 468, the council of any city, by by-law, may require that the assessor in each and every year, shall compile a supplementary assessment roll in respect of buildings and improvements begun or completed subsequently to the thirty-first day of October and prior to the thirty-first day of December in that year.

Taxes based on supplementary assessment

(2) When such supplementary assessment is made the assessed owner of any building or improvement begun or completed subsequently to the thirty-first day of October and prior to the thirty-first day of December, shall be taxed for the following year on the said building or improvement so begun or completed on a valuation for assessment purposes, as of the date of the thirty-first day of December.

Mailing of assessment and tax notices, etc.

(3) The rules and regulations hereinafter set out for the mailing of assessment notices, the mailing of tax notices, the notices of appeals to the court of revision and to the Alberta Assessment Commission, in so far as they may be applicable, shall apply to the said supplementary assessment.

Calculation of value of exempt property

470. The assessor shall calculate the value of all lands, buildings and improvements which are exempt from assessment and taxation and shall list such property upon the roll together with its value and shall indicate that it is exempt from assessment.

Adoption of previous assessment roll and assessment of new property

471. In any city when the whole or any part of the assessment of the previous year is adopted under the provisions of section 466,—

(a) the assessor shall make his assessment by adopting the whole or such part of the assessment roll of the previous year as has been designated by the council and by assessing not later than the thirty-first day of October all property which is liable to assessment and taxation, and which did not appear upon that part of the assessment roll of the previous year which has been adopted, as well as all other property liable to assessment and taxation;

Re-assessment of property changed in value

(b) the assessor shall re-assess, not later than the thirty-first day of October, all assessable property, the value of which has been decreased by the destruction of buildings or improvements thereon, or from some cause other than fair wear and tear, or the value of which has been increased by the erection, completion or substantial repair of buildings or improvements thereon, or by some other physical cause;

- (c) no assessment slip respecting land, buildings and improvements or special franchise need be sent to any person whose name appears on the assessment roll of the previous year in respect thereof unless the assessment of his land, buildings and improvements, or special franchise, has been changed. Assessment slips not required unless assessment changed

Preparation of Assessment Roll.

472.—(1) The assessor shall make up the assessment roll according to the procedure laid down by by-law or resolution of the council. Preparation of assessment roll

(2) The assessment roll may consist of leaves held together in book form or cards held in a suitable filing device. Structure of assessment roll

473.—(1) The assessor shall set out in the general assessment roll as far as his information permits,— Assessment roll to contain,—

- (a) the name of the owner of every parcel of land in the city which is liable to assessment or if the assessor has received a notice pursuant to section 496, subsection (5), the name of the purchaser, if any, entitled to the possession of every such parcel of land; name of owner or purchaser
- (b) in the case of property exempt from taxation,— exempt property
 - (i) the name of the purchaser having a taxable interest in the property under *bona fide* agreement for sale; or
 - (ii) the name of the person having a taxable interest in the property by reason of being an occupant under lease, license or permit, except an occupant in possession of property in an official capacity on behalf of a person exempt from taxation;
- (c) the post office address, if known, of every such owner, purchaser or occupant; address of owner or purchaser
- (d) a brief description of every such parcel of land, and unless it is subdivided according to a plan registered in a Land Titles Office, or is a full quarter section, the number of acres which it contains; description of land
- (e) the assessed value of every such parcel of land; assessed value of im-land
- (f) the sum which pursuant to section 462 is deemed to be the assessed value of buildings and improvements on each such parcel of land separately from the assessed value of the land upon which they are situate; assessed value of improvements
- (g) the value of land exempt from assessment and taxation, together with the statement that the said valuation is exempt from assessment and taxation; value of exempt land
- (h) the value of buildings and improvements exempt from assessment and taxation together with the statement that the said valuation is exempt from assessment and taxation; value of exempt im-provements

- total assessed value of special franchise
- (i) the total assessed value of each special franchise including the assessed value of all property declared to be assessable with respect to the franchise by this Act.
- Business assessment
- (2) Unless the council has directed that the business assessment be made in a separate roll the assessor shall set out in the general roll,—
- (a) the name of every person carrying on a taxable trade, business or profession within the city;
- (b) the assessed value of every taxable trade, business or profession;
- (c) the place where every such trade, business or profession is carried on.
- Designation as to public or separate school supporter
- (3) In the case of property which is situated both within the boundaries of a public school district and the boundaries of a separate school district, the assessor shall make the proper entry on the roll as to whether the taxpayer is a public school supporter or a separate school supporter, having regard to the provisions of *The School Act*.
- Assessment of property not mentioned in section 473
- (4) In case the assessor includes assessments of property other than property hereinbefore mentioned in this section, the assessor shall include in the assessment roll in a separate part thereof, the name and post office address of every person who is assessed in respect of such property and particulars of the property assessed and the assessed value thereof.
- Failure to enter particulars does not invalidate assessment
- (5) Failure to enter any of the particulars hereinbefore directed shall not invalidate the assessment of any parcel or of any other property, or of any trade, business or profession, nor affect the liability of any person to pay taxes if the correct description and the assessed value of the same appear upon the assessment roll.
- Taxes levied against property a valid charge
- (6) If any person is assessed as the owner of assessable property who is not in fact the owner thereof, taxes levied against the said property shall nevertheless be a valid charge against the same.

Assessment of Railway Property.

- Interpretation
"roadway"
- 474.**—(1) For the purpose of this section,—
- (a) "roadway" means the continuing strip of land owned or occupied by the railway company as a right-of-way for its railway leading from place to place within the Province, but does not include the land outside the limits of the said right-of-way which is owned or occupied by the company for station grounds, extra right-of-way for sidings, spur tracks, wyes, or other trackage.
- "super-structure"
- (b) "superstructure" includes grading, ballast, ties, rails, switches and other track appurtenances, bridges, tunnels, culverts, signals and grade crossing protective appliances, telephone and telegraph lines,

fencing on the right-of-way, and station platforms, but does not include railway stations, office buildings, water tanks, coaldocks, wells, pipe lines, pump houses and equipment, warehouses, dwellings, round-houses, turntables, shops and tool houses, stock yards, loading platforms or things of a like nature.

(2) Notwithstanding the provisions of section 462, the lands of a railway company within any city comprising the roadway thereof and the superstructure of the roadway situated thereon, which are not expressly exempted from liability to assessment and taxation, shall be assessed in accordance with the provisions of *The Railways Assessment Act*.

Assessment of railway, roadway and superstructure

(3) The following shall be assessable in accordance with the provisions of sections 462 and 463,—

Assessment of railway property other than roadway and superstructure

- (a) all lands of a railway company other than the roadway and superstructure;
- (b) all buildings, structures, erections and improvements of a railway company on lands other than the roadway;
- (c) all buildings, structures, erections and improvements of a railway company on the roadway which do not form part of the superstructure thereon.

475.—(1) Where buildings are erected by a tenant upon land which is part of the station grounds or right-of-way of a railway company and which are held under lease from a railway company, whether the buildings are affixed to the land or not, the buildings together with the land forming the site thereof or occupied therewith shall be assessed to the tenant as if he were the owner thereof.

Tenant of railway land

(2) Where land is held under lease from a railway company as an industrial site, such land shall be assessed to the tenant of the site as if he were owner thereof and all buildings and improvements thereon, whether affixed to the land or not and whether the tenant has any interest therein or not, shall be assessed to him as if he were the owner thereof.

Railway lands leased for industrial site

(3) The name of every such tenant if assessed shall be placed upon the assessment roll as owner of the buildings and the land forming the site thereof or occupied therewith.

Name of tenant on assessment roll as owner

(4) Every such tenant, whether his name appears on the assessment roll or not, shall pay taxes upon the assessed value of the buildings and the land forming the site thereof or occupied therewith at the rates lawfully imposed thereon, irrespective of the amount or nature of his interest therein.

Tenant to pay taxes

476. Where any spur track or railway siding or any part thereof is situated upon any land which is not owned by the same person who is the owner of the track or siding, the spur track or railway siding or part thereof so situate shall be assessed to the owner of the spur track or railway siding

Spur track or railway siding assessment

apart from the land upon which it is situate at the fair value thereof and the name of the owner of the spur track or railway siding shall be placed upon the assessment roll.

Assessment of Buildings and Improvements on Tax Exempt Lands.

Owner of improvements on exempt lands liable to assessment and taxation

477.—(1) Where an assessable building, structure or erection is situate on land which is exempt from assessment and taxation, the building, structure or erection shall be assessed to the owner thereof at its fair actual value as if it was land.

(2) The name of the owner of any property assessed pursuant to this section shall be placed upon the assessment roll.

Occupant for purpose of working mines or minerals, etc., liable to assessment and taxation as if special franchise

478. Where any person is in the occupation of any part of the surface of a parcel of land by virtue of any lease or license from the person who is the owner of the surface of the land, for the purpose of working any mines or minerals in, on or under the parcel, or in, on or under any land in its vicinity, or for the purpose of drilling for natural gas, or oil or salt or for the purpose of operating any natural gas or oil or salt well, all buildings, structures and erections thereon and all machinery, tools, appliances and other things thereon used or intended to be used or capable of being used for any of the purposes for which the land is occupied, shall be assessed separately to the owner of the same, and apart from the parcel, and all such buildings, structures, erections, machinery and appliances shall be liable to assessment and taxation in the same manner as if the owner thereof were the owner of a special franchise.

Business Tax.

Business assessment on rental basis

479. The council of any city may pass a by-law or by-laws providing for the assessment on a rental basis of any or all businesses carried on within its area, to be known as "business assessment", and for the payment by any person carrying on any such business of a tax upon the assessment thereof to be known as "business tax".

Business tax by-law shall,—

provide for assessment on annual rental value

480.—(1) The by-law shall,—

- (a) provide for the assessment of any class or classes of business at a sum equal to the full annual rental value of the premises occupied or rented for the purpose of the business;

- (b) specify the time during which the business assessment shall be made by the assessor. specify time for assessment
- (2) The by-law may,—
- (a) provide for the grouping of businesses into classes for the purpose of assessment and taxation under the by-law; Business tax by-law may provide,— for grouping of businesses into classes
- (b) provide that any person who carries on any business within the city for more than thirty days in any year in respect of which business a business tax is payable, shall be liable for the payment of the full annual business tax in respect thereof; for liability of full annual tax after thirty days
- (c) provide that if the assessor is satisfied that any person subject to the business assessment has given up, sold or disposed of such business to any person who is continuing the same, the assessor shall, in preparing the tax roll, charge such person with the business tax *pro rata* in respect to the number of months during which he has carried on such business, a portion of the month being taken as a month, and the assessor shall, upon the same basis of assessment, charge the successor in business in such premises with the remainder of the tax in respect of the year in question; for charging business tax *pro rata*
- (d) provide that if a person subject to a business assessment permanently vacates the premises before the first day of July, the assessor shall, on being satisfied of that fact before preparing the tax roll, enter the business tax against such person in regard to such premises at one-half the amount of the tax for the year; for reduction of business tax if premises vacated permanently
- (e) provide that if it appears to the assessor that such person has resumed business in the premises or that any other person has subsequently commenced business therein, he may charge against the party so resuming or commencing business a business tax *pro rata* for the proportion of the remainder of the year in which the business is carried on in the premises; that resumption of business creates new tax
- (f) provide that where any tenant liable to assessment in respect of any premises leased by him, sublets the whole or any portion thereof, the said tenant and not the subtenant shall be assessed in respect thereof; that tenant and not subtenant liable to business tax
- (g) include the power to assess all premises whether buildings or land which are leased or rented, notwithstanding the fact that such premises are unoccupied, and no business is exercised or operated therein or thereon. for assessment of unoccupied premises
- (3) The by-law and every amending by-law shall continue in force until amended or repealed, but no such by-law shall be amended or repealed except by a by-law passed at a regular meeting of the council held in Continuation of business assessment by-law

any year subsequent to the year in which the original by-law was passed and prior to the first day of May in the subsequent year.

Business tax based on percentage of assessed value **481.**—(1) The business tax payable in respect of any business shall be such percentage of the assessed value not in excess of a total of twenty-five per cent as may be specified by the by-law.

Factors for varying percentage of assessed value for business tax (2) The percentage of the assessed value on which the business tax will be levied may be varied as between any class or classes of businesses and any other class or classes for the purpose of obviating unfairness, injustice or discrimination or relieving against undue hardship or for any other purpose which is proper in the opinion of the council, having regard to all or any of the following considerations,—

- (a) the nature of the business carried on;
- (b) the purpose for which the premises or any parts thereof are used;
- (c) the situation or position of the place of business in relation to that of other places of business, whether in the same building or not;
- (d) the extent to which the premises or any parts thereof occupied for purposes of the trade, business or profession are profitably used;
- (e) the profits derived from the business.

Annual assessment of businesses **482.**—(1) The assessor shall, in every year before the expiration of the time provided for in the by-law, assess all businesses, which are by virtue of the by-law liable to assessment and taxation.

Other Acts not to affect business assessment or tax (2) The business assessment and business tax provided for in this Act shall not be affected by anything contained in *The Corporations Taxation Act* or in any other Act.

Business assessment in addition to other assessments (3) The assessment for business tax provided for in this section shall be in addition to the assessment of land or lands, buildings and improvements as herein provided.

One class of business only assessed **483.**—(1) No person shall be taxed in respect of the same premises under more than one class of business tax as fixed by the by-law and in case any person carries on more than one kind of business on the same premises the business tax shall be levied on the entire premises as if the entire premises were used for the kind of business which is the chief or principal business of those so carried on by him in or on the premises.

Business assessment may be separate in all matters (2) The business assessment may be made in a separate roll and the business assessment roll may be made at a different time from the general or annual assessment roll and may be returned or reported upon by the assessor at a different time from the assessments in the general or annual assessment roll, and the court of revision may sit for the hearing of appeals from the business assessment at different

times from those fixed for hearing appeals from the general or annual assessment and the two assessments may be treated as separate and distinct.

(3) In all other respects, such as the inspection of the business assessment roll, the giving notice of appeal, and the procedure for and at appeals, and for the preparation of a tax roll based thereon, and the collection of taxes, the provisions governing the business tax shall be the same as are provided for the general or annual assessment.

(4) The business tax roll may be attached to the general tax roll of the city or may be separate and distinct therefrom.

(5) The business tax may be made due and payable on the same date or dates as general taxes, or on any other date or dates that the council may fix therefor by by-law. Payment dates for business tax

(6) If no by-law is passed under subsection (5) the date or dates for the payment of business tax shall be the date or dates for the payment of general taxes.

(7) The occupant of any building liable to taxation under section 478 or this section shall be liable for the business tax aforesaid though he may also be the owner of the premises and liable as such owner to taxation on the lands, buildings and improvements. Business tax payable in addition to other taxes

(8) Any city may abate the business tax in respect of any business by the amount of any license fee payable to the city in respect of that business. Abatement of business tax

484.—(1) In any case in which it is made to appear to the Alberta Assessment Commission, upon the hearing of any appeal from any assessment made pursuant to sections 479 and 480 that any assessment in respect of any business or any class thereof, under a by-law has the effect of discriminating against any business or any class thereof, or is unfair having regard to the provisions of subsection (2) of section 481 the Commission shall by order alter or vary any assessment which it deems to be unfair or discriminatory for the purpose of relieving against unfairness or discrimination and any assessment so altered or varied shall be substituted for the original assessment and the tax calculated thereon shall be the business tax payable in respect of businesses affected thereby. Power of Alberta Assessment Commission to vary assessment

(2) In case the council is desirous of amending any by-law passed pursuant to this section for the purpose of relieving against any unfairness, discrimination, injustice or undue hardship arising out of any provision of the by-law, the council, with the approval of the Director of Assessments, by by-law passed either before or after the first day of May, may amend the by-law and the amendments so made, if made after the first day of May, shall have the same force and effect as if they had been made before that date. Amendment of business tax by-law

Personal property liable to distress for business tax

485.—(1) All personal property of every nature and kind in or upon the premises belonging to the person assessed or used in connection with the business carried on therein or thereon for which the occupant is assessed under the business assessment, shall be liable for the business taxes due by such occupant, and the business taxes shall be a first charge thereon and shall take priority over any other lien or claim thereto, and the personal property may be seized while upon the said premises or at any place upon removal therefrom after such taxes are made due and payable, and the personal property may be sold in the manner provided by this Act, for the distress and sale of personal property for the non-payment of arrears of taxes.

Distress in addition to other rights of collection

(2) This special remedy for the collection of business taxes in arrears shall be in addition to any other right of the city granted by this Act for the collection of taxes in arrears.

Business tax not a charge upon real property

486. Nothing contained in this Act shall be construed to make the business taxes levied in respect of any premises a charge upon the real estate or building in or on which such premises are situated.

Supplementary Business Tax and Special License Fees.

Supplementary business tax or special license fee by-law

487.—(1) The council, by by-law, may impose a supplementary business tax or a special license fee or both,—

- (a) upon each person, firm or corporation that carries on any business for a temporary period or that commences business after the final revision of the business assessment roll and whose name is not entered on such roll;
- (b) upon each person, firm or corporation moving into new premises or opening new premises or branches of an existing business after the final revision of the business assessment roll, notwithstanding that his name is entered on such roll; and
- (c) upon each person, firm or corporation who commences business before the final revision of the business assessment roll, but whose name is omitted from such roll.

Special license fee

(2) The council may also impose a special license fee upon all persons, firms or corporations as soon as they commence to carry on any business within the city, which fee shall be set off against any business tax which may be payable by any such person, firm or corporation during the then current year or against the supplementary business tax or the special license fee imposed by subsection (1), as the case may be.

License fee for revenue

(3) The special license fees under subsections (1) and (2) may be in the nature of a tax for revenue purposes.

(4) No person who is assessed in respect of any business or special franchise shall be liable to pay a special license fee in respect of the same business or special franchise save as provided in this section.

General Provisions as to Assessment.

488.—(1) If at any time it is discovered that any land, building or improvement that was assessable on the immediately preceding thirty-first day of December has not been assessed, or that the name of any person which should be entered upon the assessment roll is not entered, or that there is any error in any of the particulars contained in the roll, the council may direct the assessor to assess the property and thereafter to enter the same and the assessment thereof upon the roll or to enter the name of any such person upon the roll or to correct the error and every such entry or correction shall be dated with the date on which it is made.

Correction of errors or omissions on assessment roll

(2) In the event of such entry upon or correction of the roll without the knowledge or consent of the person or persons affected thereby, an assessment slip shall be sent by mail or delivered to the address of the person or persons by the assessor and every such person or persons shall be given every reasonable opportunity to complain against the entry or correction and all complaints shall be heard and determined as nearly as may be in the manner hereinafter provided by this Act for the hearing of ordinary assessment appeals.

Hearing and determination of complaints against corrections on assessment roll

489.—(1) Where a person claims to be assessed or claims that another person should be assessed or named in the assessment roll so as to be entitled to be an elector, and the assessor has reason to suspect that the person so claiming, or the person on whose behalf the claim is made, has not a just right to be so assessed or to be named in the roll so as to be entitled to be an elector, the assessor shall make reasonable inquiries before assessing or naming any such person in the assessment roll.

Inquiry by assessor

(2) Any person entitled to be assessed or to have his name inserted in the assessment roll shall be so assessed or shall have his name so inserted upon his request in that behalf.

(3) A person entitled to have his name inserted in the assessment roll shall have the same right to apply to have the name of any other person inserted therein as the other person would or could have had personally, unless such other person actually dissents therefrom.

(4) Any person,—

- (a) who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll; or
- (b) who wilfully inserts or procures the insertion of any fictitious name in the assessment roll; or
- (c) who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll with intent to deprive that person of his right to be an elector; or

Penalty for wrongful entries on assessment roll

(d) assesses or procures the assessment of a person at too low an amount;

shall be guilty of an offence and liable upon summary conviction to a penalty of twenty-five dollars with costs, and to imprisonment for a period not exceeding thirty days unless said penalty and costs are sooner paid.

Public or separate school supporter designated on assessment roll

(5) The assessor shall accept the statement of any ratepayer or the statement made on behalf of any ratepayer by his authority as to whether he is a Roman Catholic or not, and that statement shall be sufficient prima facie evidence for entering opposite the name of such person in the assessment roll, the letters "P.S.S.", or "S.S.", as the case may be, and in the absence of any such statement the assessor shall enter the ratepayer as a supporter of public schools.

Information to be furnished to assessor

490. Every assessable person shall give to the assessor all information necessary to enable him to make up the roll, but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

Detailed information of lands and buildings to be furnished to assessor in writing when required

491.—(1) Every assessable person or his agent and every person whose name is shown upon the land or buildings and improvements assessment rolls or business assessment rolls of the city, and the agent of any such person shall, whenever so required, forthwith furnish in writing, signed by the person concerned, to the assessor true and accurate information concerning the land owned by such person and concerning any buildings, structures or fixtures upon the said land, in such form and detail as the assessor may require, including particulars as to sale price, terms and covenants in leases, construction costs including costs of alterations and repairs, rents payable or paid or agreed to be paid.

Architect, contractor or builder to furnish assessor with required information in writing

(2) Every architect, contractor or builder having performed or supervised any work of construction, alteration or repairs to any land, buildings or improvements or the agent of any such architect, contractor or builder shall, whenever so required, furnish in writing, signed by the person concerned, to the assessor, true and correct information in such form and detail as the assessor may require, concerning the cost of the work of construction, alteration or repair.

Penalty for failure to furnish information to assessor

(3) Any person able to do so who fails to furnish the information in the form and detail required by the assessor within thirty days after the date of the demand by the assessor therefor shall be guilty of an offence and liable upon conviction to a penalty not exceeding ten dollars per day for each day default is made in furnishing such information.

Information furnished to assessor

(4) The information furnished to the assessor pursuant to the provisions of subsections (1) and (2) of this section shall not be divulged to any person except to such officials of

the city as may be concerned therein or except when giving evidence in connection with any appeal which may be made concerning the land, buildings, improvements or business in respect of which the information was furnished.

492. If any assessor makes fraudulent assessments, or wilfully and fraudulently inserts in the assessment roll the name of any person who should not be entered therein, or wilfully or fraudulently omits the name of any person who should be entered therein, or wilfully neglects any duty required of him by this Act, he shall be guilty of an offence and liable on summary conviction to a penalty of one hundred dollars.

Penalty for
fraudulent
assessments

493. The commissioners or council may at any time correct any error in the roll which, in the opinion of the commissioners or council, as the case may be, is gross and palpable and any corrections so made shall be initialled by the city clerk.

Correction
of error in
assessment
roll by
council or
commis-
sioners

Procedure After Completion of Assessment Roll.

494. Upon completion of the assessment roll the assessor shall attach thereto a certificate signed by him and verified by solemn declaration before the city clerk in Form 34 in the Schedule.

Certificate
upon com-
pletion of
assessment
roll in
Form 34

495. Within ten days after completing the roll the assessor shall publish in each newspaper published in the city a notice in Form 35 in the Schedule.

Notice of
completing
assessment
roll published
in Form 35

496.—(1) When any assessment roll has been duly prepared the assessor forthwith shall mail to every person whose name appears on that roll, other than those persons especially provided for by section 471 of this Act, an assessment slip which shall contain a copy of so much of the assessment roll as pertains to the property of such person, and shall also contain a copy of the notice in Form 35 in the Schedule.

Mailing of
assessment
slips

(2) When the whole or any part of the assessment roll of the previous year has been adopted as provided for by section 466 the persons assessed in respect of the property assessment so adopted whose assessments have not been changed shall be deemed to have received notice of their assessments by the publication of the newspaper notice provided for by section 495.

(3) The assessor shall make or cause to be made an entry on the roll of the date of mailing or delivery of the assessment slips.

Entry on
assessment
roll of date
of mailing

(4) The entry on the roll of the date of the mailing or delivery of the assessment slip shall be *prima facie* evidence of the mailing or delivery of the assessment slip upon the date entered without proof of the authority of the person

Entry of
date of
mailing
or delivery
of assess-
ment slip
prima facie
evidence

making the entry to make it and the absence of any date shall be *prima facie* evidence that the address of the person named on the roll is unknown.

No assessment slip to purchaser unless requested

(5) Notwithstanding the previous subsections, no assessment slip need be sent to any purchaser of land unless prior to the thirty-first day of October a notice in writing sent by him or by the registered owner has been received by the assessor showing the purchaser's interest in the assessed parcel giving his name and postal address and requesting that notices of assessment and taxation shall be sent to him.

Assessment not invalidated by non-receipt of assessment slip

(6) No assessment shall be invalidated nor right to exemption from taxation conferred by reason of any error, omission or misdescription in any assessment slip, or by reason of the non-receipt of the slip by the person to whom it was addressed.

Complaint re assessment slip to be in Form 36

497. There shall be indorsed upon every assessment slip a written or printed form of complaint which shall be in Form 36 in the Schedule.

Lack of complaint to court of revision validates assessment

498. Where any person was at the time of the assessment taxable in respect of any property, business, trade or profession, or in respect of any share or interest therein, in respect of which his name was entered upon the assessment roll, and there has been no complaint to the court of revision, in accordance with the provisions of this Act, then upon the expiration of the time hereinbefore limited for the lodging of complaints, the assessment of the property, business, trade or profession or any share or interest therein entered opposite his name shall be deemed incontestably to be the proper, lawful and final assessment of the property, business, trade or profession or of his share or interest therein.

Court of Revision.

Hearing of appeals by court of revision

499. Annually in every city a court of revision shall sit consisting of such members as may be appointed by resolution of the council and the court of revision so sitting shall hear and deal with such appeals against assessment as have been received by the assessor as provided by this Act.

Court of revision established by council

500.—(1) The council of any city, by by-law, may establish a court of revision by appointing three members thereof and may provide that no member shall be an alderman or commissioner of the city.

Term of office and remuneration of member of court of revision

(2) Where the court of revision is established as provided by subsection (1), the members shall hold office for the period prescribed in the by-law and their remuneration shall be fixed by the by-law appointing them.

(3) The by-law shall provide for the appointment of a clerk to the court of revision and may provide that the clerk shall be an official or employee of the city other than the city assessor and shall prescribe his duties and remuneration.

Appointment
of clerk to
court of
revision

(4) The council shall make provision for replacements of vacancies which may occur in the court of revision or in the office of the clerk appointed under the provisions of this section.

Replacement
of vacancies
in court of
revision

(5) No person who is interested, directly or indirectly, in any property or business in connection with the assessment of which an appeal has been filed shall act as a member of the court of revision on such appeal.

Persons
disqualified
as members
of court of
revision

(6) The majority of the members appointed under this section shall constitute a quorum.

501.—(1) The council, by resolution, may act as the court of revision and in such case it shall appoint not less than three nor more than five of its own members to form such court.

Council
may be
court of
revision

(2) In any city where there are at least three commissioners the council, by resolution, may appoint the commissioners as the court of revision.

Commis-
sioners may
be court of
revision

(3) The majority of the members of the court of revision shall constitute a quorum.

(4) No person who is interested, directly or indirectly, in any property or business in connection with the assessment of which an appeal has been filed shall act as a member of the court of revision on such appeal.

Persons dis-
qualified as
members of
court of
revision

(5) Where the court of revision is composed of members of the council and a majority of the members of the court of revision are unable to attend a sitting of the court, the mayor may appoint other members of the council to the court of revision to act in the place and stead and exercise all the powers of such absent members for that sitting.

Replacement
of vacancies
in court
of revision

(6) The city clerk shall be the clerk of the court of revision constituted under the provisions of this section.

(7) Notwithstanding any other provision of this Act, the council may provide for the payment of such remuneration to any members of the council serving on a court of revision as the council may by by-law provide.

Remunera-
tion to
members of
council on
court of
revision

502.—(1) The council, by resolution or by-law, may appoint a member of the court of revision to be the chairman for the purpose of conducting the sittings and deliberations concerning the hearing of appeals and any such by-law or resolution shall prescribe the method by which any vacancy in the chairmanship shall be filled.

Chairman
of court
of revision

(2) Where the council of a city has not appointed a chairman as provided by subsection (1), the members of the court of revision of the city shall choose and appoint

Vacancy in
chairmanship
of court
of revision

from among their number a chairman and shall from time to time, as occasion demands, appoint a member to fill any vacancy in the chairmanship.

Adoption
of decision
of court
of revision

503.—(1) No act or other proceeding of a court of revision shall be deemed valid or binding which is not adopted at a sitting of the court of revision at which a quorum is present.

(2) A majority of the quorum present may decide all questions before the court of revision.

Council fixes
time and
place for
court of
revision
sittings

504. The council shall fix a time and place for the sittings of the court of revision to hear appeals.

Notice to
assessor
of appeal
to court
of revision

505.—(1) If any person whose name appears upon the assessment roll thinks,—

- (a) that he or any other person has been wrongly assessed or has been assessed too high, or too low; or
- (b) that his name or the name of any other person has been wrongly inserted in or omitted from the roll; or
- (c) that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or vice versa; or
- (d) that a building has been wrongly classified for the purpose of business assessment; or
- (e) that the rental value fixed by the assessor for business assessment is too high or too low;

he may, within the time limited as aforesaid, give notice in writing to the assessor that he appeals to the court of revision to correct the error and in such notice he shall give a name and address where notices may be served upon him.

(2) Every notice of appeal shall be in Form 36 in the Schedule.

Notice to
appellant
of court
of revision
sittings

506. The assessor shall forthwith notify every appellant, and every other person whose assessment is affected or may be affected, of the time and place of the sittings of the court of revision to hear the appeal.

Mailing of
notice to
appellant

507. The notice shall be mailed to the post office address of such person as given in the notice of appeal, or if no address is there given, to the address entered on the assessment roll, at least five days before the sitting of the court of revision.

Preparation
of list of
appeals

508. Before the sitting of the court of revision the assessor shall prepare a list of the appeals.

Order of
hearing
court of
revision
appeals

509. The appeals shall be heard, as far as possible, in the order in which they stand upon the list but the court, in its discretion, may adjourn or expedite the hearing of any appeal.

510. If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal, fails to appear in person or by an agent, the court may proceed without his presence.

Court of revision proceeds in absence of appellant

511.—(1) The clerk of the court of revision, when required to do so, may issue a summons to any person to attend as a witness at the court of revision.

Summons to witness to attend court of revision

(2) If any person so summoned, having first been tendered compensation for his time at the rate of two dollars per day and reasonable transportation expenses, both ways, at the lowest available public transportation rates, fails to attend at the time and place mentioned, or having attended or being present in court refuses to be sworn, if required to give evidence, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars and costs.

Penalty for failure to obey summons to attend court of revision

(3) The court hearing the appeal may for good and sufficient reason excuse such person from attending and in that event no fine shall be incurred by reason of non-attendance.

512.—(1) It shall not be necessary to hear upon oath the complainant or assessor or the person complained against, except where the court deems it necessary or proper, or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

Evidence a court of revision not on oath

(2) All oaths necessary to be administered to witnesses may be administered by any member of the court hearing the appeal.

513. Where the value at which any specified land, building, improvement or business is assessed appears to be more or less than its fair value, the amount of the assessment of the land, building, improvement or business, as the case may be, shall nevertheless not be varied on appeal if,—

Assessment not varied by court of revision if,—

(a) the value at which the land is assessed is fair and just in proportion to the value at which other lands in the city are assessed; or

fair in proportion to other lands

(b) the value at which the building or other improvement is assessed is fair and just in proportion to the value at which other buildings or other like improvements in the city are assessed; or

fair in proportion to other buildings

(c) the business assessment is fair and just in proportion to the other business assessments in the city.

fair in proportion to other business

514.—(1) The council, by resolution, shall provide for the calling of sittings of the court of revision for the purpose of hearing appeals.

Calling of sittings of court of revision

(2) Where there are separate assessment rolls respecting land or buildings and improvements, or business assessment, or where there is a supplementary roll as provided by

Times for sittings of court of revision

section 469, the council may provide different times for the sittings of the court of revision with respect to hearing appeals in connection with any one or all of the said rolls.

Five days' notice required before court of revision sitting

(3) In providing for sittings of the court of revision the date or dates set shall in every case allow the giving of the five days' notice of the sitting as hereinbefore provided.

Adjournments of court of revision

515.—(1) The court of revision may, in its discretion at any sitting, hear all appeals with respect to any roll or rolls, or if deemed advisable, may adjourn from time to time until all complaints are heard and determined.

Limitation for hearing assessment appeals by court of revision

(2) All appeals in connection with any assessment roll shall be determined within ninety days after the completion of the assessment roll by the assessor, or within such further time as may be authorized by resolution of the council, and no appeal shall be heard after the expiration of such time, except as otherwise expressly provided for by this Act.

Amendment of assessment roll in accordance with decision of court of revision

516.—(1) As soon as a decision is given by a court of revision the assessor shall amend the assessment roll in accordance with the decision of the court of revision.

(2) Every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the assessor.

Notice to complainant of result of court of revision hearing

(3) When the court of revision has heard and determined any complaint the assessor shall forthwith notify the complainant and every person whose name is entered upon the assessment roll in respect of the assessment affected of the result of the hearing of the complaint.

(4) The notice shall be in writing and shall be sent by mail to the post office address contained in the complaint.

(5) When the court of revision has omitted, neglected, or refused to hear or decide a complaint by the day fixed for the completion of its duties, the assessor shall immediately notify the complainant in the manner set out in subsection (4).

Notice of result of court of revision hearing in Form 37

(6) The notice of the result of the hearing of the complaint or of the omission, neglect, or refusal to hear or decide a complaint shall be in Form 37 in the Schedule.

Certificate of completion of assessment roll

517.—(1) Upon the termination of the sittings of the court of revision, or where there are no complaints upon the expiry of the time for complaining thereto, the assessor, over his signature, shall enter at the end of the roll a certificate in Form 38 in the Schedule.

Completed assessment roll subject to amendment on appeal to Alberta Assessment Commission

(2) The roll as finally completed and certified shall be the assessment roll for that year, subject to amendment on appeal to the Alberta Assessment Commission, and to any amendment that may be necessary to bring the roll into conformity with the assessment of the city made by the Commission, and any directions of the Commission with respect thereto, and subject to any further amendment as herein provided.

(3) The roll shall be valid and bind all parties concerned, notwithstanding any defect in or omission from the said roll or mistake made in or with regard to such roll or any defect, error or mis-statement in any assessment slip or notice or any omission to deliver or to transmit any assessment slip or notice.

Assessment roll not invalidated by error or omission

Appeal to Alberta Assessment Commission.

518.—(1) The assessor or any person who, or the assessment of whose property is affected by the decision of the court of revision, may appeal to the Alberta Assessment Commission against the decision and may also appeal against the omission, neglect or refusal of the court to hear or decide a complaint made to it, and in hearing all such appeals the Commission shall be governed by the provisions of this Act and *The Alberta Municipal Commission Act*.

Decision of court of revision may be appealed to Alberta Assessment Commission

(2) The person appealing in person or by his agent, or by registered mail, shall serve upon the city clerk, within twelve days after the mailing of the notification of the result of his complaint, or of the failure to hear or decide his complaint, a written notice of his intention to appeal to the Commission.

Notice of intention to appeal Commission's decision

(3) No person may appeal under the provisions of this section unless he has appeared before the court of revision in person or by agent, or has sent to the court a document setting out in detail the grounds of his complaint.

No person may appeal unless he has appeared before court of revision

(4) Immediately after the expiration of the time limited for the filing thereof the city clerk shall forward to the Commission a list of all notices received by him setting out in the list the address of the appellant and particulars of the assessment under appeal.

List of appeals sent to Commission

519. The city clerk shall appear at the sittings of the Commission, and if so appointed by the Commission, shall be the clerk of the Commission at the sittings for hearing the appeals.

City clerk appears at sitting of Commission

520.—(1) At the time appointed the Commission shall hear the appeals and it may adjourn the hearing from time to time and defer decision thereon at pleasure.

Deferred decisions of Commission

(2) All deferred decisions shall be in writing and when given shall be filed with the city clerk.

521.—(1) At the hearing the person having charge of the assessment roll passed by the court of revision shall appear and produce the roll and all papers and writings in his custody connected with the matter of appeal.

Production of assessment roll at Commission hearing

(2) The roll shall be confirmed, altered or amended according to the decision of the Commission if then given, and the chairman, or in his absence another member of the

Confirmation, alteration or amendment of assessment roll by Commission

Commission, shall write his initials opposite any part of the roll in which any mistake, error or omission is corrected or supplied.

(3) If the Commission reserves its decision the city clerk shall, when the same is given, forthwith alter and amend the roll according to the terms of the decision and shall write his own name or initials opposite such alteration or correction.

Certified copy of assessment roll received as evidence by Commission

522. A copy of the roll or of any portion thereof, written or printed without any erasure or interlineation and under the seal of the city, certified to be a true copy by the assessor, shall be received in any sittings of the Alberta Assessment Commission or in any court of justice as *prima facie* evidence of the matters stated therein without the production of the original assessment roll.

Jurisdiction of Commission

523. In determining all matters brought before the Commission it shall have jurisdiction to determine not only the amount of the assessment but also all questions as to whether any things are or were assessable or persons were properly entered on the assessment roll or are or were legally assessed or exempted from assessment.

Estimates and Levy.

Estimate of expenditure for year shall include,—

524.—(1) The council, in each year as soon as may be after the final revision of the assessment roll by the court of revision, shall prepare a detailed estimate of the probable expenditure of the city for the year, and the estimate shall include,—

debenture instalments due

(a) the sum or sums necessary for municipal purposes to meet debenture instalments and interest falling due during the year;

school requisitions

(b) such sums as may be required to meet the requisition of any school district or school division;

hospital requisitions

(c) such sums as may be required to meet the requisition of any municipal hospital district, or to meet the requirements of any hospital contract or agreement;

municipal expenditures

(d) such sums as may be required to meet the expenditure for ordinary municipal purposes as may be set by the council; and

(e) such sums as the city may become liable to pay by virtue of any other statute of the Province.

Annual estimates may include,—

(2) The council may include in the annual estimates such sums as may be required,—

costs of civic entertainment

(a) to meet the costs of entertainment, travel and other matters pertaining to the city's interest, subject to the provisions of section 407;

costs of advertising

(b) for advertising purposes subject to the provisions of section 408;

(c) for the creation and maintenance of reserves.

reserves

(3) A copy of the estimates so prepared shall be incorporated in the minutes of the meeting of the council at which the estimates are adopted.

Adoption of estimates

525. The council shall proceed to make an estimate of the probable revenues of the city for the year to be derived from business taxes and other taxes not levied upon real property or special franchises together with the revenue from sources other than taxation.

Estimate of revenue

526.—(1) The council, by by-law, shall authorize and levy a tax for municipal purposes upon the assessed value of all lands, buildings and improvements, and special franchises assessed in the assessment roll at such uniform rate on the dollar as the council deems sufficient to produce the amount of the expenditures for municipal purposes as estimated by the council, less the amount of the estimated probable revenue from business taxes, and taxes other than on real property and from sources other than taxation, due allowance being made for taxes which may reasonably be expected to remain unpaid.

By-law to levy tax for municipal purposes

(2) The council, by by-law, shall authorize and levy a tax at such uniform rate on the dollar as the council deems sufficient to produce the amount of such sums as may be requisitioned annually by the board of any school division or school district upon the assessed value of all lands, buildings and improvements and special franchises assessed in the assessment roll in respect of such school division or school district, less the amount of the estimated probable revenue from business taxes, and taxes other than on real property and from sources other than taxation, due allowance being made for taxes which may reasonably be expected to remain unpaid.

By-law to levy school taxes

(3) The council, by by-law, shall authorize and levy a tax at such uniform rate on the dollar as the council deems sufficient to produce the amount of such sum as may be requisitioned annually by the board of any municipal hospital district, or to produce the amount which may be required to fulfil the terms of any hospital contract or agreement, subject to the same terms and conditions as set out in subsections (1) and (2).

By-law to levy hospital tax

(4) The rate set under the provisions of subsections (2) and (3) shall be levied in addition to but together with the rates set for municipal purposes as provided by subsection (1).

(5) One by-law or several by-laws for levying the rates may be passed as the council may deem expedient.

(6) The council, by resolution or by-law, may provide for the combination into one rate of the different rates levied pursuant to any by-law passed pursuant to this section and payable by a ratepayer who is a public school supporter and

Combining of rates

a ratepayer who is a separate school supporter, and the rates so combined shall be levied and payable as if each rate included therein were levied separately.

By-law
defining and
assessing
outer or farm
land area

527. The council, by by-law, may,—

- (a) describe, define and delimit any parcel or area within the city that is not used for commercial, industrial or manufacturing purposes as an outer or farm land area;
- (b) define the mode and basis of assessment for any such parcel or area;
- (c) prescribe a lesser mill rate for any such parcel or area.

All rates
levied credit-
ed to general
revenue

528.—(1) The total amount of all the said rates levied and collected in any year shall be credited to the general revenue of the city and shall be available for the payment of the general expenditures of the city and also for the payment of any amount payable by the city in that year to any municipal hospital district, school district or school division, or payable under any hospital contract or agreement.

(2) So much of the taxes levied for the purposes of a sinking fund or to meet any debenture instalment or other debt shall be dealt with in accordance with the provisions of this Act relating thereto.

Rates due on
Jan. 1 of
year levied

529. The rates imposed for any year shall be considered to have been imposed and to be due on and from the first day of January of such year unless otherwise expressly provided by the by-law under which the same are imposed.

Disposition
of excess
taxes

530.—(1) If the sums collected exceed the estimates the balance shall form part of the general funds of the city and shall be at the disposal of the council unless otherwise specially appropriated, but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.

Deficit in tax
collection
made up
from other
funds

(2) If the amount collected falls short of the sum required the council may direct the deficiency to be made up from any unappropriated fund belonging to the city, or if there is no such fund, the deficiency may be deducted proportionately from the sums estimated or from any one or more of them.

Agreement
with Direc-
tor, *Veterans'*
Land Act to
limit taxes

531.—(1) The council, by a two-third clear majority vote of the entire council, may pass a by-law authorizing it to enter into an agreement with the Director, *The Veterans' Land Act*, limiting the amount of any taxes, other than local improvement and frontage taxes, which may be levied annually by the city during a term specified in the agreement, not exceeding fifteen years, upon land or buildings held by

the Director or by a veteran, within the meaning of *The Veterans' Land Act, 1942* (Canada), under agreement of sale with the Director.

(2) The council may provide for a fixed annual tax during such term upon such land and buildings which fixed tax may be lower than that prevailing in the rest of the city.

(3) No such agreement shall have any effect unless it has been approved by the Minister or such other person as the Lieutenant Governor in Council may designate.

(4) Subject to the term of years specified in an agreement entered into pursuant to subsection (1) not having earlier expired,—

When
*Veterans'
Land Act*
agreements
cease to
apply

(a) the agreement shall cease to apply with respect to land or buildings covered by the agreement if the land or buildings are disposed of by a veteran by sale, assignment, gift or in any other manner or if, upon his death, they pass to any person other than his widow or his widow and children or his infant children;

(b) where land or buildings covered by the agreement pass, upon the death of the veteran to his widow and children any of whom are infants, or to his infant children, the agreement shall cease to apply upon the death of the widow or upon the youngest of such children attaining the age of twenty-one years, whichever is the later.

(5) The limited amount of taxes levied in accordance with the provisions of subsection (1) shall be apportioned *pro rata* to the various purposes in respect of which taxes are levied on all properties in the city, or may be applied in such manner as the council may determine.

Minimum Taxes.

532.—(1) The council by resolution may provide that if the taxes payable on any lot in any subdivision or plan, or on any fraction of a quarter section for the purposes of the city are less than fifty cents, the amount payable to the city on any lot in any subdivision or plan, or on any fraction of a quarter section for such purposes shall be fifty cents.

Minimum
tax on
parcel for
municipal
purposes

(2) The council by resolution may provide that if the amount payable for school purposes on any lot in any subdivision or plan or on any fraction of a quarter section is less than fifty cents the amount payable to the city on any lot in any subdivision or plan, or on any fraction of a quarter section for such purposes shall be fifty cents.

Minimum
school tax
on parcel

533.—(1) The council, by by-law, may fix a minimum annual tax for municipal purposes to be paid by any resident of the city assessed upon the assessment and tax roll,

Minimum
municipal
tax by
resident
on assess-
ment roll

Minimum
tax for
municipal
purposes by
resident not
on assess-
ment roll

(2) The council, by by-law, may impose a tax for municipal purposes in the amount fixed by by-law under subsection (1) upon every resident of the city of the full age of twenty-one years who has not been assessed upon the assessment and tax roll and who has resided therein for a period of sixty days or more during any calendar year and is gainfully employed, whether he has resided in the city before the completion of the roll or not, but in the case of the collection of the tax the name of the resident so paying shall be added to the roll for that calendar year.

(3) Where any person has in any year paid a tax of the nature of that provided in subsection (2) for municipal purposes, equivalent to the amount imposed by by-law under subsection (2), to any town or village, municipal district or other city in the Province and such person was not assessed upon the assessment roll of such town or village, municipal district, improvement district, special area or other city for that year, he shall not be liable in that year to the tax imposed by subsection (2).

Minimum
school tax
by resident
on assess-
ment roll

534.—(1) The council, by by-law, may fix a minimum annual tax for school purposes to be paid by any resident of the city assessed upon the assessment and tax roll.

Minimum
school tax
by resident
not on as-
sessment roll

(2) The council, by by-law, may impose a tax for school purposes in the amount fixed by by-law under subsection (1) upon every resident of the city of the full age of twenty-one years who has not been assessed upon the assessment and tax roll and who has resided therein for a period of sixty days or more during any calendar year and is gainfully employed, whether he has resided in the city before the completion of the roll or not, but in the case of the collection of the tax the name of the resident so paying shall be added to the roll for that calendar year.

(3) Where any person has in any year paid a tax of the nature of that provided in subsection (2) for school purposes, equivalent to the amount imposed by by-law under subsection (2) to any town or village, municipal district, improvement district, special area, school district or other city in the Province and such person was not assessed upon the assessment roll of such town or village, municipal district, improvement district, special area, school district or other city for that year, he shall not be liable in that year to the tax imposed by subsection (2).

Minimum
tax for
hospital
purposes

535.—(1) In case the council has entered into an agreement with an approved hospital and has levied a mill rate tax for purposes of the agreement the council, by by-law, may fix a minimum hospital tax in an amount not in excess of eight dollars to be paid by every person assessed upon the assessment and tax roll for such hospital agreement purposes.

536.—(1) Any person liable to pay any tax pursuant to sections 533 or 534 shall pay it to the city or to such person as is appointed by the council to collect it within three days after demand is made therefor, but in case of neglect or refusal to pay levy may be made by distress and sale of goods and chattels of the person in default as provided in this Act.

Tax levy under sections 533 or 534 payable 3 days after demand

(2) Every employer shall furnish from month to month upon request of the tax collector of the city, the names of all persons in his employment, and the tax collector, by a notice in writing, may require the employer or employers to deduct from the next payment made to any employee who is named in the notice and has not paid any tax for the payment of which the employee is liable under the said sections, the amount of the tax and to forward it to the city immediately after making the deduction hereinbefore directed.

Employer to furnish names of employees and deduct unpaid tax

(3) Any employer who fails to furnish the information requested or to make the deductions hereinbefore directed to be made and to forward the amount of the deductions as hereinbefore directed, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty dollars, and the amount of the fine shall be paid to the tax collector who, in the event of it not being paid within two weeks of its imposition, may levy the amount of the same by distress and sale of the goods and chattels of the employer in default, as provided under this Act, and of all costs incurred by reason of the proceedings leading to the imposition of, or of enforcing the payment thereof and all sums paid or recovered in respect of any fine so imposed shall form part of the general revenue of the city.

Penalty for failure to comply with section 536

Special Taxes.

General.

537. The city by by-law may impose and levy any or all of the following special taxes or charges in addition to any other taxes authorized by this Act.

By-law to levy special taxes

Waterworks Tax.

538. In addition to any other taxes which the city may impose it may levy a special waterworks tax annually against every lot fronting or abutting on any street, lane or public highway which is traversed by the waterworks system, of an amount not exceeding such amount per lineal foot of frontage as may be fixed by by-law.

Waterworks tax by-law

Sewer Tax.

539. In addition to any other taxes which the city may impose it may also impose and levy a special sewer tax annually against every lot fronting or abutting on any street, lane or public highway which is traversed by the

Sewer tax by-law

sewer system of an amount not exceeding such amount per lineal foot of frontage as may be fixed by by-law.

Boulevard Tax.

Boulevard
tax by-law

540. In addition to any other taxes which the city may impose it may impose and levy a special boulevard tax annually against every lot fronting or abutting or adjoining on any boulevard within the city of an amount not exceeding such amount per lineal foot of frontage as may be fixed by by-law.

Dust Treatment Tax.

Dust
treatment
tax by-law

541.—(1) The council may levy a special dust treatment tax annually charging to all assessed owners of lands fronting or abutting on any street or streets the cost, as estimated by the city engineer, of placing and maintaining a dustless surface or partially dustless surface by means of calcium chloride, petroleum oils or any other substance used as a dust palliative, or such portion of the cost as the council may decide, on a front foot acreage cost basis irrespective of the width of the street or in any other manner which the council deems just, and exempting any property from such tax.

(2) The tax shall be added to the tax roll as a special assessment against the land and shall be recoverable in like manner as other taxes which are a lien upon land.

Maintenance Tax.

Maintenance
tax by-law

542.—(1) The council, by by-law, or by-laws of general or special application, may levy a tax to assist in covering the costs of repair and maintenance upon all lands fronting or abutting on any of the streets, lanes, squares or other public places which are served or benefitted by the installation of paving, gravelling, concrete curbing, or by the construction of bituminous or paved or plank sidewalks, boulevards, sewer facilities, water facilities or other local improvements of a like nature.

(2) The tax shall be known as a maintenance tax and shall have no relationship to any other tax which may be assessed and levied with respect to any special assessment for local improvements as provided by Part IX or with respect to any other special tax levied on a frontage basis.

Require-
ments of
maintenance
tax

(3) The tax shall,—

- (a) be a uniform one according to the class of repair and maintenance concerned;
- (b) not exceed such amount per lineal foot so fronting or abutting as may be fixed by by-law;
- (c) be assessed, levied and collected as part of and along with the ordinary taxes of the city;
- (d) form a lien upon the lands affected; and
- (e) be collected in the same way as ordinary taxes.

(4) The amount of the tax, the lands to be affected, the mode of adjustment and the amount of the tax in respect of lands of peculiar shape or size, or of varying depths, or in respect of lands fronting or abutting on more than one street, lane, square or public place, shall be ascertained and determined by such authority and in such manner as may be directed by the council.

Determina-
tion of main-
tenance tax

(5) The official in whose charge the collector's rolls are prepared shall enter the amount of the tax in the rolls against the respective lands affected in the same manner as and as part of the ordinary rates and taxes of the city.

Entry of
maintenance
tax on as-
sessment roll

(6) The tax may be assessed, levied and collected irrespective of whether the lands are vacant or occupied.

Vacant or
occupied
lands subject
to mainten-
ance tax

Exemption from Taxation.

543. Subject to the other provisions of this Act, the municipal and school taxes of the city shall be levied upon lands, buildings and improvements and special franchises, and where the by-laws require the levy of a tax for hospital purposes, such tax shall also be levied upon lands, buildings and improvements and special franchises.

Taxes levied
on lands,
buildings, im-
provements
and special
franchises

544.—(1) The following property shall be exempt from taxation,—

Property
of,—

(a) every right, title and interest of the Crown in any property whatsoever;

Crown

(b) property specially exempted by law;

(c) land held by or for the use of any religious body on which is situated a building chiefly used for divine service or public worship, together with the building, but exclusive of any other building thereon to the extent of one-half acre of such greater acreage not in excess of four acres as may be exempted by by-law from taxation;

religious
body

(d) every cemetery and burial ground;

cemetery

(e) the school buildings and lands not exceeding four acres for each school owned and occupied by a school district or school division for the purposes of a school, except the whole or any part of any such building used as a dwelling and the land used in connection therewith;

schools

(f) such land, in addition to that exempted by clause (e) when required and used for school purposes, if the council by by-law exempts it from taxation;

(g) the dormitories, office buildings, warehouses, workshops and lands necessarily used in connection therewith which are owned and occupied by a school district or school division for the public use of such school district or school division;

(h) all property vested in the Governors of the University of Alberta or in any educational institution affiliated therewith, except the whole or any part of

University
of Alberta
except
dwellings.

- a separate building owned by such affiliated educational institution used as a dwelling and the lands used in connection therewith;
- hospitals
- (i) the buildings and lands not exceeding four acres, of and attached to or otherwise *bona fide* used in connection with and for the purpose of every hospital which receives public aid under and by virtue of any Act, so long as such buildings and lands are actually used and occupied by such hospital but not if otherwise occupied or occupied as a dwelling;
- (j) such land, in addition to that exempted by clause (i) when required and used in connection with and for the purpose of a hospital which receives public aid under and by virtue of any Act if the council, by by-law, exempts it from taxation;
- municipal district buildings used for municipal purposes
- (k) the buildings owned by a municipal district and used for municipal purposes and the land used in connection therewith not exceeding one-half acre in extent, except any part of such building which is occupied as a residence or for any purpose other than a municipal purpose;
- agricultural society
- (l) the lands and buildings of every agricultural society established under *The Agricultural Societies Act*;
- children's aid society
- (m) the property of any children's aid society incorporated under *The Child Welfare Act* or any former Act, or approved by the Lieutenant Governor in Council for the purposes of such Act if used exclusively for the purpose of and in connection with the society;
- library boards
- (n) the property vested in any library board established under provisions of *The Public Libraries Act*;
- city property used for civic purposes
- (o) all property belonging to the city and used for civic purposes, except all or such portion of such property as the council by resolution in any year designates as liable to taxation for municipal purposes only;
- city airports exempt from taxation
- (p) the land forming the site of an airport or sea plane base which is owned by the city, whether within or without the boundaries of the city;
- income and personal property exempt from taxation
- (q) all income;
- (r) all personal property except the personal property which is by this Act declared to be assessable;
- (s) all property which has been legally exempt from taxation in whole or in part by a specific agreement legally entered into by the council prior to the coming into force of this Act, but only during the life of the agreement and only to the extent of the exemption granted in the agreement.
- All lands liable to improvement and frontage tax
- (2) Notwithstanding subsection (1) all lands affected by that subsection shall nevertheless be liable to taxation for local improvements and for frontage tax.

Remission of Taxes.

545.—(1) No person shall be entitled to any abatement of the taxes imposed on improvements to land which subsequent to the assessment thereof have been damaged or destroyed by fire or otherwise.

Abatement of taxes on damaged or destroyed property

(2) If the improvements are damaged or destroyed in any year so as to render them unfit for further use or occupation in that year, the council, by resolution, may remit such proportion of the taxes as the council deems proper.

Remission of taxes on damaged or destroyed property

Tax Collection.

546.—(1) The council, by by-law, shall appoint a tax collector who on or before such date in each year as may be fixed by the council shall prepare a tax roll and shall proceed to collect taxes specified therein.

Appointment of tax collector.

(2) The tax collector may be such official as may be appointed by the council and the collector shall deposit the tax moneys collected with the city treasurer.

Tax moneys deposited with treasurer

547.—(1) The tax roll may be a continuation of the assessment roll and may combine all classes of taxes or there may be a separate tax roll for each distinct class of taxes.

Tax roll may be separate or combined

(2) The tax roll shall contain,—

Contents of tax roll

- (a) the name of each person liable to taxation;
- (b) his residence, or place of business;
- (c) the value of the land, buildings and improvements or premises wherein he carries on his business in respect of which he is liable to taxation;
- (d) the sums for which that person is chargeable by way of taxes;
- (e) the total arrears of taxes due;
- (f) the total amount for which he is liable.

548.—(1) Every owner or purchaser of assessed land, buildings or improvements, and every person having a taxable interest in land, buildings or improvements, whether his name appears on the assessment roll or not, shall be liable to pay taxes upon the value assessed in the assessment roll at the rates lawfully imposed thereon, irrespective of the amount or nature of his interest in the property.

Every person liable to taxation whether on roll or not

(2) No sum in excess of the total taxes, penalties or costs due in respect of any property shall be exacted from any or all of such persons.

549.—(1) The collector, if requested, shall make a search in the assessment or tax roll in respect of any assessable parcel of land or other property and if required, shall issue a certificate showing whether or not all taxes in respect of the parcel have been paid, and if not, the amount of current taxes and arrears payable against the parcel or other property.

Tax certificate and fee

(2) The council, by by-law, may fix the fees to be paid for searches or certificates.

(3) Such fee shall form part of the general revenue of the city.

Tax notice

550.—(1) The collector shall either mail to each taxable person a written or printed notice showing the amount of the taxes charged against him in the roll, or deliver such notice to any adult person at the residence or business office of the person taxed.

(2) Forthwith the collector shall make or cause to be made an entry upon the roll of the date of the mailing or delivery of the tax notice.

Mailing of tax notice *prima facie* evidence

(3) The entry on the roll of the date of the mailing or delivery of the tax notice shall be *prima facie* evidence of the mailing or delivery of the tax notice upon the date entered without proof of the authority of the person making the entry to make it and the absence of any date shall be *prima facie* evidence that the address of the person named on the roll is unknown.

Tax notice to purchaser

551.—(1) No tax notice need be sent to any purchaser unless the notice provided for by section 496 requesting that notices of assessment and taxation should be sent to him, has been duly received by the collector.

Non-receipt of tax notice

(2) No taxation notice shall be considered irregular, incomplete or otherwise invalid, nor shall any exemption from taxation be conferred by reason of any error, omission or misdescription in any taxation notice or by reason of the non-receipt of the notice by any person.

How and where taxes payable

552.—(1) The council, by by-law, may require payment of taxes to be made by every taxable person at the office of the collector.

(2) The by-law may provide,—

(a) that taxes may be paid on any day or days and in full or by instalments; and

(b) that on punctual payment of any instalment the time of payment of the remainder may be extended to a day or days to be named in the by-law or that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

Penalty for unpaid taxes

553.—(1) The council, by by-law, may require any or all taxes or any instalment thereof to be payable on a certain day or days and may by way of penalty impose such additional percentage charge not exceeding six per cent as is deemed expedient for the non-payment of such taxes or any instalment thereof on any day or days named and may make such percentage charge on a sliding scale according to the time the said taxes or any instalment thereof may remain unpaid.

(2) Any percentage charge imposed under the provisions of subsection (1) shall be added to and shall form a part of the unpaid taxes.

(3) The council may from time to time by by-law change, alter or vary the percentage charge and the dates upon which it is imposed but the aggregate of all percentage charges imposed in any year shall not exceed a total of six per cent.

554.—(1) The council, by by-law, may provide that in the event of any taxes remaining unpaid after the thirty-first day of December of the year for which the same are levied there shall be added thereto by way of penalty an amount not exceeding six per cent in the next succeeding year and in each succeeding year thereafter so long as the taxes remain unpaid. Additional penalties for unpaid taxes

(2) The penalty shall be added on the first day of January of the succeeding year or on such other date as may be provided in the by-law.

(3) Any penalty imposed under the provisions of subsection (1) shall be added to and shall form a part of the unpaid taxes. Penalty part of unpaid taxes

(4) Any by-law passed pursuant to subsection (1) shall remain in force until it is repealed or amended by subsequent by-law and any amending by-law shall remain in force until repealed or amended.

(5) Nothing contained in this section shall be construed to extend the time for payment of the taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of taxes.

555.—(1) The council, by by-law, may provide that a discount of not more than ten per cent shall be allowed on all payments made before a date or dates to be fixed in the by-law on taxes which became due and payable in the year in which the payment is made, and the by-law may provide for different rates of discount for payments made before different specified dates. Discount for prepayment of taxes

(2) Any by-law passed pursuant to subsection (1) shall remain in force until it is repealed or amended by subsequent by-law and any amending by-law shall remain in force until repealed or amended in the same manner.

(3) The council, by by-law, may give such allowance, discount or rebate for prepayments on account of taxes in such manner and subject to such conditions as may be set out in the by-law.

556.—(1) If arrears of taxes are due by any person on any property, and such person pays only a portion of the taxes due by him in respect of that property, the taxes received shall be applied first in payment of the arrears on that property. Payments applied first on arrears of taxes

Payment of
portion of
current taxes

(2) When all arrears have been paid in respect of any property, the collector, upon the written request of any person paying a portion only of the current taxes due in respect of that property, shall apply such portion to such current taxes as the person may select, and shall credit the person in the assessment roll as having paid the taxes selected.

(3) In case any person pays a portion only of the current taxes due by him in respect of any property, and he does not signify the manner in which such portion is to be applied, the collector shall apply the portion to such taxes levied for the current year as he may select, and shall credit the person in the assessment roll as having paid the taxes selected by the collector.

Receipt
for taxes

557. When the collector receives any taxes, he shall issue an official receipt therefor upon a form that may from time to time be approved of by the council and shall enter the number of the receipt upon the tax roll opposite the property in respect of which the taxes are paid.

Recovery of Taxes by Suit or Distress.

Taxes first
charge on
fire insur-
ance policy

558.—(1) Where any parcel of land and the buildings and improvements thereon are assessed to the same person all taxes due in respect of such land and buildings and improvements shall be a first charge upon any money payable under any policy of fire insurance in respect of any such building or erection, whether or not any proceedings are pending for the recovery of the taxes under any Act relating to the recovery of taxes, save and except only where the policy has been effected and is maintained by a mortgagee of the land for his own protection.

(2) Where buildings and improvements are assessed to some person other than the owner of the land then the provisions of subsection (1) shall apply in so far as they are applicable to the taxes due in respect of such buildings and improvements only.

(3) All taxes due in respect of any business assessment shall be a first charge upon any money payable under any policy of fire insurance in respect of any personal property that,—

- (a) is upon the premises; and
- (b) belongs to the person assessed; and
- (c) is used in connection with the business carried on therein.

Notice of
fire loss
to tax
collector

(4) The insurer as promptly as possible after notice of loss, but in any event within forty-eight hours after receiving formal proof of loss under any policy of fire insurance, shall notify by registered mail the tax collector of the city in which the insured property is situated of the loss of the insured property.

(5) The collector, within ten days after the receipt of the notice from the insurer, shall notify the insurer by registered mail of the full amount of the taxes due in respect of the parcel of land, the buildings and improvements and the business carried on upon the premises.

Notice to insurer of taxes owing

(6) Whenever any insurer becomes liable for the payment of any money under any policy of fire insurance in respect of any building or erection or personal property in any city the insurer, subject to the rights of any mortgagee as provided in subsection (1), shall pay to the city the full amount of the taxes stated to be due to the city in the notification received by the insurer from the tax collector, or in case the amount which the insurer is liable to pay is insufficient to pay the full amount of the taxes, the insurer shall pay to the city the full amount for which it is liable.

Insurer liable for taxes

(7) Upon any such payment being made under subsection (6) the amount for which the insurer paying the same is liable under the policy shall be reduced by the amount of the payment.

559.—(1) The taxes and costs due in respect of any land may be recovered with interest as a debt due to the city from any person who was the owner, conditional owner or purchaser of the land at the time of its assessment or subsequently became the owner, conditional owner, or purchaser of the whole or any part thereof, saving his recourse against any other person and shall be a special lien on the land if not exempt from taxation in priority to every claim, privilege, lien or incumbrance of every person except the Crown, and the lien and the priority shall not be lost or impaired by any neglect, omission or error.

Recovery of taxes

(2) All taxes and costs due in respect of any business may be recovered with interest as a debt due to the city from the person carrying on the business at the time of its assessment.

(3) The production of a copy of so much of the assessment roll or tax roll as relates to the taxes payable by any person purporting to be certified as a true copy by the tax collector, shall be *prima facie* evidence of the debt.

Copy of assessment or tax roll *prima facie* evidence

560. For the purpose of enforced collection only all taxes shall be deemed to be due on the day on which the tax notice respecting the same was mailed as shown by the tax roll and where the address of any owner, conditional owner or purchaser is unknown, a tax notice shall be deemed to have been mailed upon the date upon which a tax notice was first mailed to any owner, conditional owner or purchaser.

Enforced tax collection

561.—(1) In case taxes which are a lien upon the land remain unpaid for one month after the mailing of the tax notice the tax collector may levy the same with costs by distress as a landlord may recover rent in arrears upon,—

Levying taxes by distress when taxes lien on land

- (a) the goods or chattels wherever found within the Province belonging to any owner, purchaser or conditional owner of the land (each of whom is hereinafter referred to as "a taxable person") or belonging to any occupier of the land; or
- (b) the interest of any taxable person or any occupier in any goods or chattels found on the land, including his interest in any goods or chattels to the possession of which he is entitled under a contract for purchase or any contract by which he may become the owner thereof upon performance of any condition; or
- (c) any goods or chattels on the land where the title to such goods or chattels is claimed in any of the following ways,—
 - (i) by virtue of an execution against a taxable person or an occupier;
 - (ii) by purchase, gift, transfer or assignment from a taxable person or occupier, whether absolute or in trust or by way of mortgage or otherwise;
 - (iii) by the wife, husband, daughter, son, daughter-in-law or son-in-law of a taxable person or occupier or by any relative of his in case such relative lives on the land as a member of the family;
 - (iv) by virtue of an assignment or transfer made for the purposes of defeating distress.

(2) Notwithstanding anything hereinbefore contained no distress shall be made upon the goods or chattels of an occupier for any taxes which are a lien upon land if they were not first placed upon the tax roll during the period of his tenancy or occupancy of the land assessed.

Onus of
proof as to
ownership
of chattels

(3) The onus of proof that any goods or chattels found upon land are not the property of a taxable person or occupier shall lie upon the person asserting the same.

Levying
taxes by
distress when
taxes not
lien on land

562. When taxes which are not a lien upon land remain unpaid in the case of a resident of the city for fourteen days, or in the case of a non-resident for one month after the mailing of the tax notice, the tax collector may levy the same with costs by distress,—

- (a) upon the goods or chattels of the person taxed wherever found within the Province; or
- (b) upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition; or
- (c) upon the goods and chattels in the possession of the person taxed where title to the same is claimed,—
 - (i) by virtue of execution against the person taxed;

- (ii) by purchase, gift, transfer or assignment from the person taxed, whether absolute or in trust or by way of mortgage or otherwise; or
- (iii) by the wife, husband, daughter, son, daughter-in-law, or son-in-law of the person taxed or by any other relative of his in case such relative lives with the person taxed or assists him in his business;
- (d) upon the goods and chattels or interest therein, as the case may be, falling within any of the classes mentioned in the foregoing clauses of this section, of any person who occupies the premises in respect of which the business tax was levied, as purchaser of the business theretofore carried on therein by the person taxed.

563.—(1) The collector may from time to time by writing under his hand appoint any person to make and execute any levy which the collector is authorized to make. Execution of levy by distress

(2) Any person so appointed shall have the same powers to make and execute the levy as are conferred upon the collector for that purpose.

564. Notwithstanding anything herein contained no goods in the possession of any owner, purchaser, conditional owner or tenant for the purpose only of storing or warehousing them or of selling the same upon commission or as agent shall be levied upon or sold for taxes. No distress on goods held for storage

565. Where the owner of a building is assessed, which building is situated on land belonging to another person, whether or not such land is exempt from taxation or which building is not attached to the land upon which it is placed, such building,— Liability to distress of building not situated on property of owner

- (a) shall be liable to taxation as an improvement upon the land and shall be subject to a lien for the taxes;
- (b) may be distrained upon for such taxes in case of removal within three months from the date of removal, notwithstanding that it has been attached to the soil in its new situation;
- (c) may be sold and disposed of for such taxes in the same manner as chattels distrained for taxes may be sold and disposed of; and the purchaser of any building so sold and disposed of shall have free right of entry upon the land on which the building stands for the purpose of severing it from the soil, if necessary, and of removing it.

566. Goods in the hands of a receiver for the general benefit of creditors or of an authorized trustee in bankruptcy or in the hands of a liquidator under a winding-up order shall be liable only for the taxes of the assignor or of the company which is being wound up and for the taxes Liability to distress of goods in hands of receiver

charged upon the premises in which the said goods were at the time of the assignment or winding-up order and thereafter charged upon the premises while the receiver, trustee or liquidator occupies the premises or while the goods remain thereon.

Taxes a
priority on
seized goods

567. Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff or any court or is claimed by or in possession of any assignee for the benefit of creditors or any liquidators or any trustee or authorized trustee in bankruptcy, or where such property has been converted into cash and is undistributed, it shall be sufficient for the collector to, and he shall, give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due for taxes, and in such case the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy shall pay the amount of the same, after deducting any costs properly incurred in seizing, holding, and selling the property, to the collector in preference and priority to any other and all other fees, charges, liens or claims whatsoever, except those of the Crown.

Liability
to distress
of goods
exempt from
seizure

568.—(1) Any goods or chattels exempt by law from seizure under execution shall not be liable to seizure by distress unless they are the property of the person taxed, or of the tenant or of the owner, purchaser or conditional owner, though his name does not appear on the roll.

(2) The person who claims the exemption shall select and point out the goods or chattels as to which he claims exemption.

Rent of
premises
payable
on taxes

569.—(1) Where any taxes are due upon any land occupied by a tenant, the collector may give the tenant notice in writing requiring him to pay the collector the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid, including costs.

Collection
of rent
by distress

(2) The collector shall have the same authority as the landlord of the premises has to collect the rent by distress or otherwise to the amount of the unpaid taxes and costs.

(3) Nothing contained in this section shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from any person liable therefor.

Tenant may
deduct taxes
paid from
rent

(4) Any tenant may deduct from his rent any taxes paid by him which, as between him and his landlord, the latter ought to pay.

Warrant to
levy taxes
by distress

570. If at any time after demand has been made or notice given pursuant to section 550, and before the expiration of the time allowed before levy by distress can be made, the collector has reason to believe that any person in possession of goods or chattels subject to distress is about to

move the goods or chattels out of the city, and if he makes affidavit to that effect before any justice of the peace the justice may issue a warrant to the collector authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment thereof may not have expired and the collector may levy accordingly.

571. The costs chargeable in respect of any distress and levy shall be those payable to bailiffs under *The Seizures Act*. Costs of distress

572.—(1) The collector, by advertisement posted up in at least three public places in the city near to the distrained property, shall give at least ten days' public notice of the time and place of sale and of the name of the person whose property is to be sold and at the time named in the notice the collector shall sell at public auction the goods or chattels distrained or so much thereof as may be necessary. Advertisement of sale of distrained property

(2) Notwithstanding subsection (1), the collector may have any grain seized by the city, hauled to the nearest elevator or to any other convenient and suitable place of storage and may dispose of the grain at the current market price. Disposal of grain seized for distress

573. If the property distrained has been sold for more than the amount of the taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus, the said surplus shall be returned to the person in whose possession the property was when the distress was made. Disposal of unclaimed surplus proceeds of distrained property

574. If the claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

575. If the claim is contested the surplus shall be retained by the collector until the respective rights of the parties have been determined by action or otherwise.

576. If any of the taxes appearing in the roll remain unpaid on the thirty-first day of December in any year and the collector has been instructed by the council not to collect the same the collector shall insert in each case the words "instructed by council not to collect". Instructions by council not to collect taxes

577.—(1) Taxes shall be deemed to be in arrears when they remain unpaid after the thirty-first day of December of the year in which they were imposed. Taxes in arrears if unpaid after Dec. 31st

(2) If taxes in respect of any parcel are in arrears the provisions of *The Tax Recovery Act* shall apply. Application of The Tax Recovery Act

School Requisitions.

Payment
of school
requisition

578.—(1) The council, in each year, shall pay to each school district or school division in which the area of the city is included, the amount of the requisition duly transmitted by the board of trustees of any such school district or school division under the provisions of *The School Act*.

(2) The said amount shall be paid in equal quarterly instalments on the fifteenth day of each of the months of March, June, September and December in the said year.

Failure to
pay school
requisition

(3) In the event of the council failing to pay to any school district or school division the amount required from time to time as hereinbefore provided, such amount shall become a debt due, owing and payable by the city to the school district or school division, as the case may be.

(4) The debt may not be recovered by suit at law unless permission to enter suit is granted by the Minister of Education.

PART IX.

LOCAL IMPROVEMENTS.

General.

Local im-
provement
work may
include,—

579.—(1) The council may authorize a work of any of the following types to be undertaken as a local improvement, that is to say,—

streets

(a) opening, widening, straightening, extending, grading, gravelling, levelling, macadamizing, diverting, paving or planking any street or public lane, alleyway or place;

sidewalks

(b) constructing any sidewalk including any street crossing constructed in connection with a sidewalk or any bridge, culvert or embankment forming part of a highway;

boulevarding

(c) curbing, sodding, boulevarding or planting any street or public lane, alley, square or other public place;

grass
and trees

(d) cutting grass or weeds or trimming trees or shrubbery on any boulevard, street or other public place;

dust
treatment

(e) sweeping, watering, oiling or other dust treatment of any street, lane, alley, square or other public place;

sewer and
water mains

(f) making, deepening, enlarging or prolonging any common sewer or water main and making sewer or water service connections;

irrigation

(g) constructing any irrigation work and providing for the purchase of irrigation water and of the costs of conveying the same and the costs of making the main and lateral ditches for distribution;

- (*h*) constructing any conduit for wires or pipes along a roadway, street, lane, alley, square or other public place; conduits
- (*i*) reconstructing but not merely repairing and maintaining any local improvements during the originally estimated lifetime thereof; reconstruction
- (*j*) repairing and maintaining any local improvements only after the lapse of the originally estimated lifetime thereof; repair and maintenance
- (*k*) surfacing or resurfacing of any pavement or sidewalk already constructed; resurfacing
- (*l*) constructing and erecting any poles, standards, wires and pipes and all other necessary work for the lighting of any roadway, street, alley, lane, square or other public place; street lighting
- (*m*) installing high pressure water mains specially constructed for the purposes of fire protection; water for fire protection
- (*n*) constructing a spur track system and extensions thereto; spur tracks
- (*o*) such other work as may be approved by the Board of Public Utility Commissioners as proper to be undertaken as a local improvement. other work approved by Board of Public Utility Commissioners
- (2) Any one or more of the works mentioned in clause (*c*) of subsection (1) may be undertaken in conjunction with the works mentioned in clauses (*a*) or (*b*) or clauses (*a*) and (*b*) and constructed as one local improvement.

580. The cost of a local improvement shall be deemed to include not only the cost of the actual work of making the local improvement but also any expenses of engineering, surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising the money to pay the cost thereof including discount and interest. Cost includes all expense incidental to local improvement

Special Frontage Assessment.

581.—(1) The council by by-law, may impose a “special frontage assessment” on the several lands abutting on that portion of the street or place whereon or wherein the local improvement is to be made according to the number of lineal feet thereof of the said several lands measured along the abutting portion at a uniform and equal rate per foot, computed by dividing the total sum to be raised by special frontage assessment on the lands by the total number of lineal feet of the abutting lands. Special frontage assessment by-law

(2) Where several parcels of land abut on the local improvement some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots or being of indifferent size or shape from the other parcels of land such exceptional parcels of land may be assessed as having a smaller or larger number of feet Proportioning special frontage assessment

abutting thereon than they actually have, so that each parcel of land abutting on the local improvement shall bear a fair, just and equitable proportion of the cost of the improvement.

Special
frontage
assessment
rate

(3) The frontage rate may be greater or less upon one side of the street or place whereon or wherein the improvements are to be made than upon the other side, or such rate may be assessed upon the lands on one side of the street or place only.

Exemption
from special
frontage
assessment
when sewer
main not
connected

582.—(1) If, for the purpose of affording an outlet for a sewer or a system of sewers, a sewer main is carried along a street or place along which it would not have been carried except as a means of affording an outlet as aforesaid, the lot or lots, parcel or parcels of land abutting on such street or place shall be exempted from the payment of any special frontage assessment in respect of the sewer main either for the whole or a part of the term of the special frontage assessment imposed in respect of the sewer or system of sewers served by the outlet, or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances.

Proportion-
ing of special
frontage
assessment
when
sewer main
connected

(2) If any land which has not been assessed by way of special frontage assessment for any part of the cost of a sewer is connected therewith there may be assessed against such land the same amount per foot frontage as was assessed against the land actually abutting on the street or place whereon or wherein the sewer or system of sewers was constructed and the provisions of section 586 shall apply to the assessment so made.

(3) The amount assessed shall be placed to the credit of the city account relating to sewers.

Limitation
on special
frontage
assessment

(4) Any land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place whereon or wherein such land abuts and the other lands specially assessed in respect of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption.

Special Local Benefit Assessment.

By-law
for special
local benefit
assessment

583.—(1) The council, by by-law, may impose a "special local benefit assessment" which shall be levied against each parcel of land in the vicinity of the local improvement, whether or not such land abuts on the street or place whereon or wherein the local improvement is made or is increased or is likely to be increased in market value or is otherwise specially benefited by reason of the construction of the local improvement.

Proportion-
ing special
local benefit
assessment

(2) The amount levied against each parcel shall be sufficient to raise a fair, just and equitable proportion of the total sum to be raised therefor by special local benefit assessment having regard to the benefit to other parcels of land specially benefited by the local improvement.

Unit Rate.

584.—(1) Instead of basing the special frontage assessment or the special local benefit assessment on the actual cost of an improvement in the manner set out in sections 581 to 583, the council, by by-law, may fix a uniform unit rate based on estimated average costs throughout the city for any type of work undertaken as a local improvement.

Fixing
of uniform
unit rate for
special
frontage or
special local
benefit
assessment

(2) Where a unit rate has been fixed for any type of local improvement, notwithstanding section 601, there shall be,—

- (a) no refund to the property owners in any case where the unit rate is in excess of the actual cost of construction;
- (b) no additional special assessment on the property owners in any case where the unit rate is below the actual cost of construction.

Initiating Local Improvements.

585.—(1) Any local improvement to be paid in whole or in part by special frontage assessment or special local benefit assessment may be undertaken pursuant to petition or notice as hereinafter provided.

Petition
for local
improvement

(2) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on that part of the street or place whereon or wherein the improvement is to be made or of lands to be benefited by the local improvement, as the case may be, and representing at least one-half in value of the lands excluding improvements thereon as the same are valued upon the last revised assessment roll, the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the special frontage assessment system or special local benefit assessment system, as the case may be.

Procedure
to undertake
local
improvement

(3) After the council has finally determined to undertake the improvement no name may be removed from the petition.

(4) The petition, by resolution of the council, may be acceded to at any time during the five years next succeeding the date of the filing of the petition with the council, either in respect of the whole or of a part of the local improvement.

(5) Part only of the local improvement petitioned for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is made.

Partial local
improvement

586.—(1) The council, on its own initiative, may cause a notice of its intention to undertake a local improvement to be inserted once in each week for two consecutive weeks in at least one newspaper published in the city.

Notice of
intention to
undertake
local
improvement

(2) The notice shall describe the nature and location of the proposed improvement and the special assessment to be adopted for it.

Petition against local improvement

(3) Unless the majority of the owners of the lands that may be assessed therefor, representing at least one-half in value thereof as aforesaid, petition the council against it within two weeks after the last publication of the notice, the local improvement may be undertaken and the cost thereof assessed by the system of assessment referred to in the notice.

(4) If any sufficiently signed petition as aforesaid against the proposed local improvement is presented to the council no second notice for the same shall be given by the council within the then current calendar year.

Local improvement to be commenced within three years

(5) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the council and no petition sufficiently signed as aforesaid has, within the time limited in that behalf, been presented to the council against the local improvement or assessment, the council may undertake the proposed local improvement at any time within three years of the giving of the notice.

Undertaking necessary local improvement where necessary consent lacking

587. In any case where a petition has been received pursuant to section 585 or an advertisement published pursuant to section 586 in respect of any local improvement work and the doing of such work, in the opinion of two-thirds of all of the members of the council, is necessary or required in the general interest of the district in which such work is situated, the said council, notwithstanding lack of consent of the required majority of abutting or other owners concerned, may authorize and direct that such work be carried out and the cost thereof charged against the properties concerned on a special frontage assessment system or special local improvement benefit assessment system, as the case may be.

Private drain connections to street line

588.—(1) Where a sewer has been heretofore constructed, the council, by a vote of two-thirds of all the members thereof at any general or special meeting, may undertake the construction of private drain connections from the sewer to the street line on either or both sides as a local improvement without any petition therefor.

Cost of private drain connections

(2) The cost of each private drain connection shall be specially assessed upon the particular lot for or in connection with which it is constructed, and the owners of the land shall not have the right of petition.

Water service connections

(3) Where a water main has heretofore been laid the council shall have similar powers for the construction of water service connections and the provisions of this section shall apply in so far as they are applicable.

589. Notwithstanding anything to the contrary contained in this or any other Act or in any by-law of the city, where the council, by by-law or resolution passed at any general or special meeting by a vote of two-thirds of all the members thereof, declares that it is desirable that the construction of curbing, pavement, sidewalk, sewer or bridge, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street or the laying of a water main, should be undertaken as a local improvement, the council, with the consent of the Board of Public Utility Commissioners, may undertake the work without petition, and the owners of the land shall not have the right of petition.

Undertaking
local
improvement
without
petition

590. Where the council, upon the recommendation of the Minister of Public Health or of the Medical Health Officer or the board of health of the city, by by-law passed at a regular or special meeting of the council by a vote of two-thirds of all members thereof, declares that the construction, enlargement or extension of a sewer as a local improvement is necessary or desirable in the public interest on sanitary grounds, the council may undertake the work without petition, and the owners of the land shall not have the right of petition.

Necessary
sewer extension
without
petition

591.—(1) Where it is intended to proceed under sections 588, 589 or 590, notwithstanding that the owners have no right to petition, the council, before passing the by-law for undertaking the work, shall cause notice of its intention to be published in Form 39 in the Schedule once in each week for two weeks in at least one newspaper published in the city.

Notice of
intention to
undertake
local
improvement
in Form 39

(2) Where that part of the municipality in which the land to be specially assessed is situated is divided into districts or sections the form shall be altered to show the special rate per foot frontage in each district or section.

Authority to
alter Form 39

(3) Where more than one improvement is to be advertised, the several works may be referred to in a schedule, and the form may be otherwise altered to suit the case.

592.—(1) The sufficiency of a petition for or against a local improvement shall be determined by the assessor, and his determination shall be evidenced by his certificate and when so evidenced shall be final and conclusive.

Determining
sufficiency
of petition
for local
improvement

(2) Where the sufficiency of a petition has been determined by the assessor it shall be deemed to have been and to be a sufficient petition notwithstanding that changes may be made by the court of revision or by the Board of Public Utility Commissioners in the lots to be specially assessed which have the effect of increasing or reducing the number of the lots.

(3) When it is necessary to determine the value of any lot, and the same cannot be ascertained from the proper

assessment roll by reason of the lot not having been separately assessed, or for any other reason, the assessor shall fix and determine the value of the lot, and the value thereof as so fixed and determined shall be deemed for the purpose of this Part to be the assessed value thereof, and his determination shall be final and conclusive.

(4) Where a person who owns land is a petitioner, but does not appear by the last revised assessment roll to be an owner, he shall be deemed an owner if his ownership is proved to the satisfaction of the assessor and in such case if the person who appears by the assessment roll to be the owner is also a petitioner his name shall be disregarded in determining the sufficiency of the petition.

(5) Where two or more persons are jointly assessed for a lot in determining the sufficiency of a petition,—

(a) they shall be reckoned as one owner only;

(b) they shall not be entitled to petition unless a majority of them concur, and the signatures of any of them, unless the petition is signed by the majority, shall be disregarded in determining the sufficiency of the petition.

Petition
against local
improvement
to be lodged
with city
clerk

593. A petition for or against the undertaking of a local improvement shall be lodged with the city clerk and shall be deemed to be presented to the council when it is so lodged.

Spur Tracks.

Spur track
by-laws

594. Subject to any Act of Canada or of Alberta respecting railways and to any order of the Board of Transport Commissioners for Canada, the council, by by-law, may provide for the construction and operation of an industrial spur track or of a system of industrial spur tracks.

Construction
of spur
tracks

595.—(1) The council, upon petition or on its own initiative in the manner and according to the procedure prescribed with respect to other local improvements, may construct any such spur track or system of spur tracks.

(2) For that purpose the council may close streets and lanes to vehicular traffic in accordance with the procedure set out in section 317.

Expropria-
tion for
spur tracks

(3) The council may expropriate a right-of-way for the purpose of providing main spurs and branch spurs to serve lands requiring branch spur facilities.

Frontage
charge for
spur track

596. The council may charge against every lot or parcel of land abutting on any main spur, whether such lot or parcel has branch spur service from the main spur or not, and against every lot or parcel having a branch spur connection with a main spur, a fixed rate per foot per annum based on the frontage of the main spur and on the frontage of property served by the main spur, to cover the costs of

and incidental to the construction, maintenance, operation and renewal of such main spur, including the costs of closing streets or lanes and of expropriating a right-of-way, and the annual rental to be paid to the railway company for the use of its steel.

597. Such rate shall be,—

- (a) specially assessed against the land liable therefor;
- (b) entered in the tax roll as a permanent annual charge during the existence of the service; and
- (c) recoverable in the same manner as other taxes which are a lien upon the land.

Rate of
spur track
charges

598. For the purpose of fairly adjusting from time to time the share of the costs of and incidental to the construction, maintenance, operation and renewal of any system of main spur tracks, the council by by-law may order that the annual charges against owners of property abutting on or served by such system shall be varied as set forth in the by-law, subject to the provisions of section 597 and to the right of appeal.

Variation
of annual
spur track
charges

Fixing of Special Assessments.

599.—(1) The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected.

Proportion-
ing special
assessment

(2) The several amounts so assessed against the several lands, with interest at a rate not exceeding eight per cent per annum, shall be spread over the term of the probable lifetime of the local improvement so that it shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period.

Payments
spread over
probable
lifetime
of local
improvement

(3) Each annual instalment shall be entered upon the tax roll for the year in which it is payable, and shall be payable in the same manner and collectible by the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general city taxes.

(4) The owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against the land together with interest and penalties chargeable in respect thereof less any amounts previously paid on account thereof.

Commutation
of local
improvement
payments

Ascertaining
cost of local
improvement
to be borne
by special
assessment

600.—(1) The council may pass by-laws for providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment or by special local benefit assessment and what portion of it, if any, shall be borne by the city at large.

(2) In the case of special frontage assessment the by-law may provide which lands shall be assessed in an exceptional mode as hereinbefore provided and the mode to be adopted.

(3) In the case of special local benefit assessment the by-law may provide in what proportions the assessment is to be borne by the several lands benefited.

(4) The by-law may provide for assessing the cost or a portion of the cost, as the case may be, either by way of special frontage assessment or by way of special local benefit assessment.

(5) In the case of common sewers and water mains and water service connections the by-law may provide that in addition to either the special frontage assessment or the special local benefit assessment a portion of the cost thereof shall be raised by a special tax levied on a frontage basis and a portion shall be borne by the city at large.

(6) A by-law or by-laws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special by-law in each particular instance.

Undertaking
local im-
provement
before ascer-
taining cost

601.—(1) Any local improvement, in the discretion of the council, may be undertaken and the necessary by-laws passed and debentures issued thereunder, either before or after the cost thereof has been ascertained and finally determined as aforesaid, unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained.

(2) A special assessment in respect of the local improvement may be imposed by the council, either before or after the cost thereof has been finally determined.

Additional
assessment
if first
assessment
insufficient
for local
improvement

(3) If, in any case, the first assessment for any local improvement proves insufficient or invalid an additional or new assessment or assessments may be made until sufficient moneys have been realized to pay for the local improvement.

Refund of
excess local
improvement
assessment

(4) If too large a sum has at any time been raised the excess shall be refunded ratably to those by whom it is paid.

Council may
require other
local im-
provements
before
paving

602.—(1) Where the local improvement is construction of pavement, the council, before proceeding with the work, may make all necessary private drain connections from an existing sewer to the street line on either or both sides, and may also lay all necessary water mains and where gas works are owned by the city, all necessary gas mains.

(2) The council may lay all necessary water service pipes and instal stop-cocks and may make all necessary alterations or renewals of the said connections, pipes and stop-cocks, and where gas works are owned by the city may

lay all necessary gas connections and make alterations or renewals.

603. Where the local improvement is the construction of a sewer or water main, the council may at the same time as the work is proceeded with construct all necessary private drain connections and water service pipes and stop-cocks.

Construction of sewer and private drain connections

604.—(1) The cost of a private drain connection, water service pipe, stop-cock or gas connection, or the alteration or renewal thereof, shall be specially assessed only upon the particular lot for or in connection with which it was constructed or effected.

Assessment of private drain connections

(2) The work mentioned in sections 602 and 603 shall be deemed part of the construction of the local improvement in all respects except as to the manner in which the cost of them is to be specially assessed as provided by this section.

(3) The amount to be assessed against each lot in respect of a private drain connection, water service pipe or gas connection shall be the cost thereof from the centre of the street to the street line, whether or not the sewer or water or gas main is laid in the centre of the street, unless the council by by-law prescribes some other method of assessment.

605.—(1) The council, by a two-thirds vote of all the members thereof, may require the owners of all property adjacent to sewer or water mains in the city, or in any defined area of the city, whether occupied or not, to connect such property by connections approved by the city with the city systems of sanitary sewers, storm sewers and waterworks, or with any one or more of such systems, notwithstanding that any of such property is connected with any of such systems.

Compelling sewer and water connections in defined areas

(2) If the owner fails to make such connections within the time limited for the purpose, the council may do the work and charge the expense against the property affected, and may collect the amount in the same manner as is adopted by the city for the collection of the cost of installing such water or sewer connections when made at the request of the property owner, or in any other manner decided upon by by-law of the city.

Failure of owner to make sewer and water connections

(3) The provisions of this section shall apply only to property owners, a portion of whose land adjoins a street or lane along which a sewer or water main, as the case may be, has been laid adjacent to such land.

606.—(1) Where the petition for a sidewalk or boulevard is signed by two-thirds of the owners, representing four-fifths in value, of the property liable for special assessment and is accompanied by an undertaking signed by them to pay in cash upon completion of the work their respective shares of the cost, the council, in addition to all other remedies for recovering moneys due to it in respect of the improvements, may charge the same in one sum against

Remedies for recovery of costs of local improvement

the property of any person in default if such default continues for thirty days after completion, whether or not the property has been transferred to another person by the original petitioner.

(2) The council shall also have the right to spread repayment of the cost of work done under this section over such term of years as may be deemed expedient in the case of property owners who did not request its construction but whose properties are nevertheless liable to be specially assessed in respect thereof.

Portion of
local im-
provement
payable
by city

607.—(1) The council, by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council, may provide that such part of the cost of any sidewalk, pavement or curbing constructed as a local improvement which the council deems proper and which otherwise would be chargeable upon the land abutting directly on the work shall be paid by the city.

(2) Such by-law shall not be repealed except by vote of three-fourths of all the members of the council.

Portion
payable by
city when
local im-
provement
of general
benefit

608. Where the local improvement is the acquisition, establishment, laying out and the improvement of a park or square or the construction of a bridge or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, and the council is of the opinion that for any reason it would be inequitable to charge the cost of the work on the land abutting directly thereon, the council may provide for the payment by the city of such part of the cost as to the council seems just, and so much of the residue thereof as may seem just may be specially assessed upon the land abutting directly on the local improvement, and so much of such residue as may seem just on such other land as is immediately benefited by the local improvement.

Gift of land
for local
improvement

609.—(1) Where the work of acquiring, establishing, opening, widening, extending or diverting a street involves the taking of a portion of a lot abutting on the work, or of one or more of a number of lots or contiguous lots owned by the same person, the council may agree with the owner that in consideration of the dedication or gift of the land required to be taken, or a release of or reduction in the owner's claim for compensation, the remainder of his lot or his remaining lots, as the case may be, shall be charged with no part or a specified portion or proportion only of the special assessment which would otherwise be chargeable thereon in respect of the cost of the work.

(2) The special assessment roll shall be prepared in conformity with such agreement notwithstanding anything to the contrary contained in this Act.

Apportioning
cost of local
improvement
constructed
for fire
protection

610.—(1) Where the local improvement is a high pressure water main specially laid for the purpose of fire protection, the council may provide for payment by the city of such part of the cost as may seem just and the residue may

be assessed against the land specially benefited by the local improvement in such proportions as each parcel of land and building bears to all the land and buildings specially benefited.

(2) In such case, without changing the total amount of the special assessment, the special assessment on each parcel of land may be varied from year to year so that it shall bear the same proportion to the total special assessment as the assessment on such parcel of land and buildings according to the last revised assessment roll bears to the total assessment for the year of all the parcels of land and buildings covered by the special assessment.

611.—(1) If there is a change of the plan of subdivision, or a division of the ownership of any parcel or parcels of land upon or in respect of which a special rate for local improvement is levied or assessed, the assessor, both with respect to arrears and to the special rate for future years, may apportion to and against each respective part of the original parcel or parcels of land such proportion or share of the sum originally assessed against the same as he deems just.

Variation of assessment for local improvement when plan of subdivision changed

(2) The sum or sums so reapportioned shall be levied and collected as if they had in the original by-law been assessed against the parcels according to the resubdivision or division of ownership.

Assessment Notice.

612.—(1) Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby, either personally or by letter addressed to the last post office address of the owner.

Notice of special assessment

(2) The notice shall contain,—

- (a) a description in general terms of the local improvement;
- (b) the probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) the probable or actual cost if then ascertained of the local improvement;
- (d) that portion, if any, of the cost to be borne by the city at large;
- (e) the portion of the cost to be provided by special assessment and the system of special assessment under which the special assessment is proposed to be made;
- (f) the time fixed for the sitting of the council for the hearing of appeals in respect of the special assessment.

Contents of special assessment notice

(3) The time fixed in the notice for the sitting shall not be earlier than twenty-one days from the date of the delivery or mailing of the notices.

Record of
service of
special
assessment
notice

613. A memorandum in any proper book or roll kept for that purpose of the service or mailing of the notices and of the date thereof shall be *prima facie* evidence of the service or mailing of the notices in accordance with section 612 on the date mentioned in the memorandum.

Special Assessment Roll.

Special
assessment
roll for local
improvement

614. Before a special assessment is imposed the council shall cause to be made a special assessment roll in which shall be entered,—

- (a) every lot to be specially assessed in respect of the owner's portion of the cost, the name of the owner and the number of feet of its frontage to be so assessed;
- (b) every lot which, but for the provisions of section 615 would be exempt from the special assessment and the number of feet of its frontage;
- (c) the rate per foot at which each lot is to be assessed;
- (d) the number of instalments by which the special assessment is to be payable.

Lands
exempt
generally
shall be
assessed
for local
improvement

615.—(1) Land exempt from taxation for local improvements under any general or special Act nevertheless, for all purposes except petitioning for or against undertaking a local improvement, shall be subject to the provisions of this Act and shall be specially assessed.

(2) The special assessments imposed thereon which fall due while such land remains exempt shall not be collected or collectible from the owner thereof unless there has been a previous agreement to the contrary with such owner, but shall be paid by the city.

Appeal from Special Assessments.

Right
of appeal
against local
improvement
assessment

616. There shall be a right of appeal against every assessment made under the authority of any by-law passed respecting local improvements in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment.

Defect in
form does
not invali-
date local
improvement
assessment

617. Subject to the right of appeal herein given, no assessment under the provisions of this Act respecting local improvements shall be invalid by reason of any defect in form or in substance in any proceeding upon which the special assessment depends.

Decision of
council final
on special
assessment
appeals

618. The decision of the council, subject to an appeal to the Alberta Assessment Commission by the like procedure and as in like cases under the provisions of this Act, shall be final and conclusive upon all matters respecting the assessment and special rate and the council and Commission

shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

Borrowing Powers.

619.—(1) The council may pass by-laws for borrowing by the issue of debentures upon the credit of the city at large the money required to meet the whole or any part of the costs or estimated costs of any local improvement, provided,—

By-laws
for local
improvement
debentures

- (a) that such debentures shall mature within the probable lifetime of the local improvement;
- (b) that it shall not be necessary to obtain the assent of the proprietary electors to the passing of,—
 - (i) a by-law for raising the cost of a local improvement to be levied by special assessment; or
 - (ii) a by-law for raising the cost to be borne by the city at large for an extension of a system of sewerage originally constructed as a local improvement; or
 - (iii) a by-law for raising the cost of a local improvement unless the share of the cost to be borne by the city at large is greater than forty per cent of the cost of the local improvement; and
- (c) that nothing herein contained shall be construed as authorizing an extension of the general debt of the city beyond the limits thereof fixed by this Act.

(2) The council may pass by-laws for borrowing by way of temporary loans without the issue of debentures but within the restrictions aforesaid on the credit of the city at large the whole or any part of the cost of a local improvement.

Temporary
loans
for local
improvement

(3) Debentures issued or money borrowed for the purpose of local improvements to the extent to which the sums are secured by special assessments therefor form no part of the general debt of the city within the meaning of this Act.

Special
assessment
loans for
local im-
provements

(4) It shall not be necessary to cite the amount of the local improvement debt so secured by special assessment in any by-law for borrowing money but it shall be sufficient to state in any such by-law that the amount of the general debt of the city as therein set forth is exclusive of local improvement debts secured by special assessment.

620.—(1) The moneys required to pay the cost of any local improvement may be borrowed under the authority of one or more by-laws.

By-laws
authorizing
local
improvement
borrowing

(2) The portion payable by way of special assessment and the portion to be borne by the city at large may be provided for in one or more separate by-laws.

Require-
ments of
by-laws
authorizing
local
improvement
borrowing

(3) Every by-law providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise,—

- (a) the amount of the debt which the by-law is intended to create and in general terms the object for which it is to be created;
- (b) the total amount required to be raised annually for paying the debt and interest under the by-law and whether the whole or if not what portion thereof is payable by way of special assessment and the system of special assessment applicable;
- (c) the total value of the land charged with the special assessment and if any portion of the debt created by the by-law is to be borne by the city at large the value of the whole ratable property of the city according to the last revised assessment roll.

Deficit in
collection
of local
improvement
assessment

(4) If in any year the amount realized from the special rate imposed to provide for the owner's portion of the cost and interest is insufficient to pay the amount falling due in that year in respect of so much of the debentures as represent the owners' portion of the cost the council may pay the same out of the general revenue of the city or may provide for the deficiency in the estimates for the following year, by levying and collecting the same by a general rate but this shall not relieve the land specially assessed from the special rate thereon.

Interest rate
on local
improvement
debentures

621.—(1) In the case of local improvement debenture by-laws, the interest rate on the debentures issued thereunder may be different than the interest rate used in the calculation of the estimated cost of construction of the type of local improvement concerned for the purpose of fixing the unit rate.

Total amount
collectible
on local
improvement
debentures

(2) The total amount collectible from the special frontage assessment and special benefit assessment on the properties concerned during the lifetime of the local improvement shall be approximately equal to the total principal and interest payable on the debentures to be issued under the by-law.

(3) The debentures of an issue maturing in different years may bear different rates of interest.

(4) The amount collectible in any one year from the special frontage assessment or the special benefit assessment on the properties concerned may be less than the amount payable in respect of the principal and interest payable on debentures in any such year.

PART X.

FINANCE.

Temporary Loans.

622.—(1) The council, by by-law, may authorize the mayor and treasurer to borrow, either before or after the passing of the by-law levying the taxes for the current year, from any person or bank such sums as the council deems necessary to meet the current expenditure of the city until the taxes levied or to be levied for the year can be collected.

By-law for temporary borrowing

(2) The city may give as security for such loan, treasury bills, temporary debentures, promissary notes or similar forms of obligation signed by the mayor and treasurer, and each such bill, debenture, promissary note or obligation shall be valid and binding upon the city according to its tenor.

Security for temporary borrowing

(3) The council, by by-law or agreement, may designate what revenues of the city, if any, are charged with the repayment of such treasury bills, temporary debentures, promissary notes or other obligations.

(4) The council, from time to time during the year in which such moneys are borrowed and the two succeeding years, may pass by-laws for extending the loan and renewing or extending such bills, debentures, promissary notes or other obligations, whether original or renewal.

Extension of temporary borrowing

623. (1) The amount so borrowed shall not exceed the estimated amount of the taxes for the current year.

Amount of temporary borrowing limited

(2) If the council authorizes the borrowing of any larger sum every member of the council who votes therefor shall be disqualified from holding any municipal office for two years.

Penalty for violation of section 623

624. The council, by by-law, may authorize the mayor and treasurer,—

By-law authorizing temporary borrowing for operation of utility

- (a) to borrow moneys required by the city for the operation of any utility, including a hospital, to an amount not exceeding the total amount of accounts owing to the city with respect to such utility, whether by way of Government grant or for goods or services supplied by the city;
- (b) to execute any form of obligation in connection with such loan; and
- (c) to assign such grants or accounts, or both, as security for the loan.

Limitations on Debenture Debts.

625. Subject to the limitations and restrictions contained in this Act and in *The Public Utilities Act*, a council, by by-law, may borrow money for any purpose within the jurisdiction of the corporation, whether under this or any other Act, and may issue debentures therefor.

Debenture borrowing

By-laws for debts not payable within current year **626.** By-laws for contracting debts not payable within the current year shall,—

- (a) provide for the issuing of debentures and the levying of annual rates for the payment of such debts;
- (b) be subject to the assent of two-thirds of the proprietary electors voting thereon in accordance with the provisions of Part V.

Debenture repayment limited **627.**—(1) A debt contracted pursuant to a by-law and not payable within the current year shall be made payable within a period not in any case to exceed forty years from the date of the issue of the debentures.

Currency and place of payment of debentures (2) The debentures or other securities authorized to be issued under any by-law of the city may be made payable as to principal and interest in the currency or currencies of such country or countries, and at such place or places, either in Canada or elsewhere, as the council deems expedient.

Outstanding debenture debt limited **628.**—(1) The amount of the debenture debt of a city outstanding at any time shall not exceed twenty per cent of the total amount of the assessment of ratable property as shown on the last revised assessment roll exclusive of,—

- (a) debts incurred by the board of trustees of any school district of which the city is a part;
- (b) debts incurred for local improvements to the extent to which the amounts are secured by special assessments;
- (c) debts incurred by the issue of debentures on behalf of the purchase, construction, maintenance and improvement of the public utilities of the city.

Calculating debenture debt (2) The amount of any funds or securities held in the sinking fund, to the extent required for redemption of the outstanding debenture debt of the city issued on the sinking fund plan of repayment, shall be deducted in calculating the total amount of the debenture debt of the city outstanding at any time.

Debenture By-laws.

Required Provisions.

Requirements of debenture by-law **629.**—(1) The by-law creating the debt shall state by recital or otherwise,—

- (a) the amount of the debt intended to be created and in some brief and general terms the object for which it is to be created;
- (b) the period over which the indebtedness is to be spread and the amount of the instalments to be paid in each of the years or the period at the end of which it is to be paid;
- (c) the rate of interest and whether the same is to be paid annually or semi-annually;

- (d) the amount of ratable property in the city according to the last revised assessment roll;
 - (e) the amount of the existing debenture debt of the city and how much, if any, of the principal or interest thereof is in arrears;
 - (f) that any consent or approval of the Minister or of the Provincial Board of Health required by *The Public Health Act* has been obtained.
- (2) Every such by-law shall,—
- (a) authorize the issue of debentures for the amount of the debt to be created thereby;
 - (b) determine the amount or denomination thereof;
 - (c) fix the rate or rates of interest payable thereon, and name the places where and the time when the principal and interest are payable;
 - (d) provide for the assessment and levy of an annual rate or rates sufficient to pay the principal and interest of such debenture;
 - (e) generally shall be in such form and contain such further provisions as may be required by the Board of Public Utility Commissioners.
- (3) The by-law shall name a day when it is to take effect, which day shall not be more than three months after the day on which the voting is to take place. Effective date of debenture by-law
- (4) If no day is named in the by-law it shall take effect on the day of the final passing thereof.

Provisions for Redemption.

- 630.**—(1) Subject to the approval of the Board of Public Utility Commissioners, any such by-law may provide that all or any part of the debentures authorized thereby shall be redeemable at the option of the city at any time or at such time or times in advance of maturity, as the by-law may prescribe. By-laws for debenture redemption prior to maturity
- (2) The by-law shall specify,—
- (a) the place of redemption;
 - (b) the manner of publishing notice of intention to redeem;
 - (c) the price or prices at which such debentures may be so redeemed, which price or prices may include such premium or premiums, if any, on redemption as may be provided in the by-law.
- (3) The council may subsequently exercise the option to redeem all or any of such redeemable debentures and set a date for redemption in advance of the maturity thereof.
- (4) If notice of intention to redeem has been given as hereinafter set forth, the principal of every debenture so

to be redeemed shall become due and payable on the date set for redemption and from and after such date interest shall cease to accrue on the debentures so to be redeemed.

Notice of intention to redeem debentures

(5) Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture is registered, at the address shown in the debenture register, and such notice shall be published in such manner as may be set out in the by-law.

Indorsement on redeemable debentures

(6) Any debentures that are so redeemable shall contain a provision or bear an indorsement to the effect that they are issued subject to redemption, and such provision or indorsement shall specify,—

- (a) the place of redemption;
- (b) the price or prices at which the debenture may be redeemed; and
- (c) the manner of giving notice of intention to redeem.

Variation of maturity dates on debentures

(7) Where only a portion of the debentures issued under the by-law is to be redeemed at any time the debentures to be redeemed shall comprise only the debentures having the latest maturity dates so that no debenture issued under the by-law shall be called for redemption in priority to any such debenture that has a later maturity date, and where only a portion of the debentures of any one maturity are to be redeemed the debentures to be redeemed shall be selected by lot.

Redeemed debenture does not affect special assessment

(8) Where a debenture is redeemed on a date prior to maturity such redemption shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

Provisions for Repayment.

Repayment of debentures

631.—(1) The by-law may provide that the indebtedness shall be payable as the council may deem expedient either,—

- (a) in such manner that the principal shall be repayable at the end of the period of years during which the debentures are to run, together with interest on the debentures to be paid annually or semi-annually in accordance with the by-law;
- (b) in such manner that the principal and interest shall be combined and be made payable in, as nearly as possible, equal annual instalments during the period for which the debentures have to run;
- (c) in such manner that, without combining the principal and interest,—
 - (i) the instalments of principal shall be of such amounts that with the interest payable annually or semi-annually the aggregate amount

- payable for principal and interest in each year shall be nearly as possible the same; or
- (ii) each instalment of principal may be for an even one hundred dollars or multiple thereof and notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to permit the payment of the instalments of principal in even one hundred dollars or multiple thereof;
 - (d) in such manner that the principal shall be repaid in equal annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid;
 - (e) in such other manner as may be approved by the Board of Public Utility Commissioners.
- (2) If the indebtedness is to be payable in the manner set out in clause (a) of subsection (1), the by-law shall provide for raising each year during the currency of the debentures,
- (a) a specific sum sufficient to pay the interest on the debentures when and as it becomes due;
 - (b) a specific sum which, with the estimated interest at a rate not exceeding four per cent per annum capitalized yearly, will be sufficient to pay the principal of the debentures when and as it becomes due.
- (3) In the cases set forth in clauses (b), (c), (d) and (e) of subsection (1), the by-law shall provide for the raising in each year in which an instalment falls due, of a sum sufficient to pay both principal and interest when and as they become due.

632.—(1) The by-law may provide that the debentures and coupons shall be payable at any place or places in the Dominion of Canada or in any other country and may be made payable in lawful money of Canada or pounds sterling or in the moneys of such place or country where the same are made payable.

Currency
and place
of payment
of
debentures

(2) A by-law authorizing the issue of debentures for a certain amount with interest in lawful money of Canada shall be taken to authorize the issue of debentures, or any of them, according to the provisions of this section, unless the by-law provides that the provisions of this section shall not apply thereto.

Alteration of Provisions.

633.—(1) In the case of a by-law heretofore or hereafter passed, the council, by by-law, without the assent of the proprietary electors, may authorize a change,—

- (a) in the mode of issue of the debentures; or

By-law
authorizing
change in
mode of
issue, place
of payment
or manner
of repay-
ment of
debentures

- (b) in the place or places where the same are payable; or
 - (c) in the manner of repayment to any of the manners outlined in section 631;
- or in any one or more of such particulars.

(2) The by-law may also,—

- (a) provide that the debentures shall be issued with interest coupons instead of in amounts of combined principal and interest or vice versa; or
- (b) change the interest from annual to semi-annual or vice versa; or
- (c) provide that the debentures may be issued in a different currency or may be in different amounts from those authorized by the original by-law.

Cancellation
or substitution
of
debentures

634.—(1) Where any debentures issued under a by-law have been sold, pledged or hypothecated, the council, upon again acquiring them or any part of them, or at the request of any holder of them, by by-law without the assent of the proprietary electors, may authorize the cancellation of the same and the issue of one or more debentures in substitution therefor.

(2) The by-law may,—

- (a) make the new debentures payable by the same or a different mode and at the same or a different place or places; or
- (b) authorize any manner of repayment outlined in section 631; or
- (c) provide that the interest shall be changed from annual to semi-annual or vice versa; or
- (d) provide that they may be issued in a different currency; or
- (e) provide that they may be in different amounts from those of the original debentures.

Principal
of new
debenture
not to
exceed
principal
owing on
original
debenture

635. In the case of a by-law passed pursuant to section 631 or 632, neither the period over which the indebtedness was originally spread nor the term at the end of which the same was made payable, as the case may be, nor the rate of interest, shall be increased except as provided by section 640 and the amount of the principal of the new debentures shall not exceed the amount of the principal remaining owing upon the original debentures.

Repeal of
debenture
by-law

636.—(1) In the case of a by-law heretofore or hereafter passed the council, by by-law without the consent of the proprietary electors, may repeal the by-law as to all or any part of the debentures to be issued thereunder and as to all or a proportionate part of the amounts to be raised annually.

(2) The repealing by-law shall state the facts upon which it is founded and may provide for the treasurer withdrawing from the sinking fund amounts which may have been paid into that fund in respect of debentures which are not to be issued.

637. No by-law authorized by sections 633, 634 or 636 shall take effect until approved by the Board of Public Utility Commissioners. Approval of debenture by-law

638. When,—

- (a) owing to a decline or advance in the rate of interest between the passing of a money by-law and the sale or other disposal of the debentures they or any of them cannot be sold or disposed of except at a heavy premium or at a discount involving a substantial reduction in the amount required to be provided; or
- (b) in the opinion of the council, with a view to the better marketing of the city securities, it is desirable,—
 - (i) that the whole or any part of the debentures authorized by such a by-law bear a rate or rates of interest differing from the rate or rates specified in the by-law; or
 - (ii) that the period over which the indebtedness was originally spread or the term at the end of which the same was made payable should be changed or extended;

Amendment of debenture by-laws

the council, with the approval of the Board of Public Utility Commissioners, and without submitting the matter to the proprietary electors; may pass a by-law to amend the money by-law by providing for a different rate or rates of interest, or a different period over which the indebtedness will be spread, or a different term at the end of which the indebtedness will be made payable, upon all or any of the debentures and for a corresponding change in the amount to be raised annually with respect thereto.

Time for Passing By-law.

639.—(1) Every by-law which has received the required assent of the proprietary electors shall be passed by the council within three months of the voting thereon but not thereafter. Time for passing debenture by-laws

(2) Notwithstanding subsection (1) the Board of Public Utility Commissioners, upon application of the council made either before or after the expiration of the period of three months, may extend the time for passing the by-law beyond the period of three months and in such case the by-law may be passed within such extended time.

Consolidation and Refunding of Debenture Debt.

Consolidation
of debenture
debt

640.—(1) The council, by by-law without the assent of the proprietary electors, may consolidate the amount of debenture debt created under two or more existing by-laws, and without reducing such amount except as hereinafter provided, authorize the issue of one or more debentures for any term of years not greater than the longest term provided by any of the by-laws to be consolidated and may provide for the payment of interest on such amount at a rate not exceeding the highest rate stated in any of such by-laws.

Consolidation
of local
improvement
debentures

(2) The consolidation of local improvement debentures shall not affect the local improvement assessment or the liens on the property described in the local improvement by-laws.

(3) The consolidating by-law shall provide for the assessment and levy of an annual rate or rates sufficient to pay the principal and interest of the consolidated debentures.

(4) The debentures issued under a consolidating by-law as provided in subsection (1) may be made repayable in any of the modes mentioned in section 631.

(5) In case a debenture has been issued and the council deems it advisable to consolidate the unpaid balance of the debt created thereby with other debentures, whether issued or not, it may, with the consent of the holder of such debenture,—

(a) include such balance in the amount to be consolidated by the consolidating by-law and the provisions of subsection (1) and (2) shall thereupon apply;

(b) where such debenture is repayable on the sinking fund plan, cause to be paid to the holder thereof the amount of the sinking fund accrued to the credit of such debenture before proceeding with the consolidation of the balance remaining.

(6) The consent of the Board of Public Utility Commissioners to the consolidation of debentures under this section and the terms of repayment of the consolidated debenture shall be obtained before the third reading of the consolidating by-law.

Apportioning
proceeds of
sale of
consolidated
debentures

(7) The net amount realized by the issue and sale of consolidated debentures shall be applied for the purposes set forth in the separate by-laws in the same proportions as the respective principal amounts of debentures authorized by the separate by-laws bear to the principal amount of the consolidated debentures.

By-laws for
redeeming
debentures
in advance

641.—(1) The council, with the approval of the Board of Public Utility Commissioners, may pass by-laws for contracting debts by borrowing money and for levying rates for the payment of such debts on the ratable property in the

city for the purpose of purchasing or redeeming in advance of the maturity thereof the whole or any part or parts of the outstanding debentures of the city.

(2) Notwithstanding the provisions of this Act or of *The Public Utilities Act*, it shall not be necessary for any such by-law to be referred to or assented to by the proprietary electors, and section 266 shall not apply to any by-law passed under the provisions of this section.

Capital Loans.

642.—(1) Where a city constructs, purchases or acquires a public utility, sewer, sewerage works, paved street, concrete or bituminous walk, public building or other public works or bridge at the expense of the corporation at large, the council may pass a by-law for borrowing such further sums as may be necessary to extend, rehabilitate, re-equip or improve the same.

Borrowing
for public
utility ex-
tension or
improvement

(2) The by-law shall not require the assent of the proprietary electors if,—

- (a) it is passed by a vote of three-fourths of all the members of the council; and
- (b) it is approved by the Board of Public Utility Commissioners under *The Public Utilities Act*; and
- (c) in the case of a bridge, the borrowing does not exceed the sum of two hundred thousand dollars.

643.—(1) The council of any city pending the issue or the sale of any debentures authorized by a by-law, or in lieu of selling and disposing of the same, may, by resolution, raise money by way of loan on such debentures, not to exceed eighty per cent of the par value of the debentures and to hypothecate the same for any such loan.

Loan on
debentures

(2) The proceeds of every loan shall be applied to the purposes for which the debentures were issued and should the debentures be subsequently sold and disposed of the proceeds thereof shall first be applied in repayment of the loan.

Application
of proceeds
of loan on
debentures

(3) The lender shall not be bound to see to the application of the proceeds of the loan.

Form and Mode of Issue of Debentures.

644.—(1) Any debenture under this Act may be in such form as is approved by the Board of Public Utility Commissioners.

Form of
debentures

(2) A debenture for the full amount or for a less amount than that mentioned in the by-law or a series of debentures aggregating the full amount or less amount than that mentioned may be issued.

Debentures
may be less
than by-law
provides

Series of debentures distinguished by special symbol

(3) Whenever a series of debentures is issued of the same denomination at the same time each of the series shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same issue.

(4) The said marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

Interim certificates

645.—(1) Pending the issue of debentures the council may direct the issue of interim certificates to the purchasers thereof.

Assignment and cancellation of interim certificates

(2) Such certificates may be assigned by indorsement thereon and shall be delivered up upon delivery of the debenture or debentures representing the same, and upon delivery shall be cancelled by the city treasurer or such other officer as the council appoints.

Signing of debentures

646. A debenture shall be sealed with the seal of the city and signed either by the mayor or by some person authorized by by-law to sign the same in his stead and by the treasurer or by some person authorized by by-law to sign in his stead.

Debenture signatures may be reproduced

647. The signatures on debentures or on coupons attached to debentures may be reproduced by lithographing or printing or any other method of mechanical reproduction.

Debentures may be issued at one time or in instalments

648.—(1) Debentures may be issued either all at one time or in instalments at such times as the council deems expedient and may be dated accordingly.

(2) No debenture shall be issued after the expiration of four years from the final passing of the by-law authorizing the issue.

Surplus taxes may be used to meet cost of work

(3) Any taxes imposed in accordance with the provisions of the by-law after the final passing thereof and not required to repay the debenture or any portion of the debenture, including interest thereon, issued under the authority of the by-law may be used for the purpose of meeting the cost, including interest, of the work authorized by the by-law.

Validity of Debentures.

Insufficiency in form or substance does not invalidate debenture

649. Any debenture issued under this Act shall be valid and binding upon the city, notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the city in respect thereof if,—

- (a) the by-law has received the assent of the required number of proprietary electors voting thereon, where such assent is required; and
- (b) no successful application has been made to quash it within two months after its final passing.

650. Where the interest for one year or more on the debentures issued under a by-law or the principal of any debenture which has matured has been paid by the city, the by-law and the debentures issued under it shall be valid and binding upon the city and shall not be open to question in any court, even if the assent of the required number of proprietary electors has not been obtained.

Debenture
valid if one
year's
interest paid

Debenture Register.

651.—(1) Wherever there is a reference to the duties of the treasurer in connection with the debenture register and the council has appointed some other person to perform those duties it shall be deemed to be a reference to such other person as the council may have appointed.

Debenture
register

(2) The treasurer, or such other person as may be appointed by the council, shall open and keep a book or record to be known as "The Debenture Register", wherein shall be entered particulars of every by-law authorizing the issue of debentures and of all debentures issued thereunder.

Entry in
debenture
register

(3) Every debenture issued shall have written, printed or stamped thereon a memorandum, signed by the treasurer, with the proper particulars inserted therein in Form 40 in the Schedule.

Memoran-
dum on
debenture
in Form 40

652. Every debenture registered in the debenture register shall be valid and binding in the hands of the city or of any *bona fide* purchaser for value, notwithstanding any defect in form or substance.

Debenture
valid if
entered in
debenture
register

653. A certificate signed by the treasurer and sealed with the seal of the city that a debenture has been duly registered in the debenture register shall be *prima facie* evidence of such registration.

Debenture
registration
prima facie
evidence

654. Any debenture may contain the following provision:

Transfer of
debenture

This debenture or any interest therein, after a certificate of ownership has been indorsed thereon by the treasurer, shall not be transferable except by entry by the treasurer or his deputy in the debenture register until a transfer to bearer has been registered.

655.—(1) In the case of the issue of debentures containing the provision mentioned in section 654, the treasurer shall enter in the debenture register a copy of all certificates of ownership of debentures which he may give, and also every subsequent transfer of any such debenture.

Certificate
of owner-
ship of
debenture

(2) No such entry shall be made except upon the written authority of an unregistered holder in the case of a bearer debenture, or the person last entered in the register as the

owner of such debenture, or of his executor or administrator or of his or their lawful attorney, which authority shall be retained and filed by the treasurer.

Authority
to transfer
debenture

(3) After a certificate of ownership has been indorsed as aforesaid, the debenture shall be transferable only by entry by the treasurer or his deputy in the debenture register, as transfers of the debenture are authorized by the then registered owner thereof or his lawful attorney, executor or administrator, until a transfer to bearer has been registered.

Registration
of debenture
transfer

(4) The treasurer, on receipt of a debenture accompanied by a transfer purporting to be signed by the owner, the signature being guaranteed by a bank or notary public, shall register the transfer in accordance with the request, and in so doing neither the treasurer nor the city shall incur liability to the true owner for any loss caused by the transfer in case the transfer was not signed by him.

Debenture
coupons
transferable
by delivery

(5) Notwithstanding registration of a debenture, if the interest coupons are detached they shall be transferable by delivery.

Repayment of Debentures.

Separate
accounts for
debentures

656.—(1) The treasurer shall keep in his books two separate accounts of every debt, one for the interest and the other for the sinking fund or for instalments of principal, both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted.

(2) The treasurer shall keep the accounts so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated for payment of it.

Debenture
surplus to
be retained
until requir-
ed for debt

657. If, after paying the interest on a debt for any financial year and appropriating the necessary sum to the sinking fund of the debt or in payment of the instalments of principal, there is a surplus properly applicable to the debt, it shall so remain until required in due course for the payment of interest or for the sinking fund or in payment of the principal.

Surplus
from income
applied to
payment
of debt

658.—(1) The council may appropriate to the payment of any debt the surplus income derived from any civic work or public utility, or from any share or interest therein, after paying the annual expenses thereof, or may so appropriate any unappropriated money in the treasury or any money raised by general rate.

(2) Any money so appropriated shall be carried to the credit of the sinking fund of the debt or may be applied in payment of any instalment thereof accruing due.

Surplus
income
appropriated
to reserve
fund

(3) The council, from time to time, may appropriate to a reserve fund part of any surplus income arising from any civic work or public utility for the purpose of meeting contingencies which, in the opinion of the council, may be likely to arise in connection therewith.

659. A city purchasing its own debentures out of current funds may cancel the debentures so purchased and the levies or any portion thereof required for their repayment.

Cancellation of purchased debentures

Sinking Fund.

660.—(1) The treasurer shall prepare and lay before the council each year before the striking of the annual rate, a statement showing what amount will be required to be raised for sinking fund purposes during the year.

Statement for sinking fund

(2) For every contravention of this section the treasurer shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars.

Penalty for contravention of section 660

661. If the council neglects in any year to levy the amount required to be raised for a sinking fund, or for the instalment necessary for the payment of a debenture debt each member of the council shall be disqualified from holding any municipal office for the next two years but no member shall be liable to the penalty hereby imposed who shows to the satisfaction of the judge that he made reasonable efforts to procure the levying of the said amounts.

Penalty for members of council neglecting to levy for sinking fund

662. The sinking fund to redeem the outstanding debentures of the city in each year as and when received by the treasurer, shall be deposited by him in some chartered bank or treasury branch to be designated by the council to the credit of a special account to be called "The Sinking Fund Account of the City of"

Sinking fund trust account

663. No money levied and collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the city.

Sinking fund moneys not used for any other purpose

664.—(1) If at any time there is a deficiency in the sinking fund account of the city, the council may pass by-laws providing for the issue of debentures and for levying rates for payment thereof upon the general ratable property in the city, without the assent of the proprietary electors, for the purpose of making good the deficiency.

Deficiency in sinking fund

(2) The proceeds of debentures issued for such purpose shall be allocated to the sinking funds of the various issues to which they may be properly applicable.

665.—(1) Subject to the provisions of sections 667 and 672 the council from time to time shall invest the sinking fund in stock, debentures or securities of the Government of Canada or of any province of Canada, or in debentures or securities the payment of which is guaranteed by the Government of Canada or of any province of Canada, or in the debentures of any municipal corporation, school division, school district or municipal hospital district in Alberta, or in local improvement or any other debentures

Investment of sinking fund

of the city, and in any of the investments authorized for insurance companies by the *Canadian and British Insurance Companies Act, 1932*, as amended from time to time by the Parliament of Canada, and from time to time as such securities mature may invest in other like securities, and may invest and re-invest the fund or any part thereof in authorized securities, and sell, assign or transfer the same, and call in and vary the investments for others of a like nature.

(2) The council may regulate by by-law the manner in which such investment shall be made.

Application
of sinking
fund when
debentures
acquired

(3) The council, when acquiring its own debentures, may apply the sinking fund to an amount equal to the amount of the debentures for the purposes to which the proceeds of the debentures are properly applicable and the council shall hold the debentures as an investment on account of the sinking fund, and deal with the same accordingly.

Surplus
moneys
credited to
sinking fund

(4) The council, by by-law, may direct that any surplus moneys in the hands of the treasurer not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt, and may invest such sinking fund in any of the securities named in and according to the provisions of this section.

Liability of
council for
sinking
fund loss

666. No member of the council shall take part in or be a party to the investment of any moneys referred to in section 665 otherwise than as therein authorized and any person so doing shall be held personally liable for any loss thereby sustained by the city.

Redemption
of debenture
from
sinking fund

667. The council, by by-law, may direct that any part of the sinking fund, instead of being invested as herein provided, shall be applied from time to time towards payment or redemption of any of the debentures to which such sinking fund is applicable, at such value as may be agreed upon between the council and the holders of the debentures.

Use of excess
earnings of
sinking fund

668.—(1) Notwithstanding anything herein contained if a city receives, during the current year, interest on or earnings of its sinking fund investments in excess of interest at the rate required by section 631, after paying,—

(a) the interest of a debt for the financial year preceding the year in which the application hereinafter mentioned is made; and

(b) the necessary sum into the sinking fund account up to the thirty-first day of December of that year;

the Board of Public Utility Commissioners, on the application of the council and on such terms and conditions as may be deemed advisable, may authorize the council to use such excess interest or earnings for such purposes as may be designated by the Board of Public Utility Commissioners.

(2) The current year's levies for sinking fund purposes shall not be used to cover any deficiency in the sinking fund account for the previous year.

(3) Notwithstanding anything herein contained, if at any time it is made to appear to the satisfaction of the Board of Public Utility Commissioners, that owing to abnormal economic conditions an extraordinary situation exists with respect to the financial condition of a city, the Board, on the application of the council and on such terms and conditions as may be deemed advisable, may authorize the council to use the whole or a part of any balance of excess interest or earnings held in reserve in the sinking fund account for such purposes as may be designated by the Board.

669.—(1) Subject to the provisions of section 668, if the council applies any of the said money for current or other expenditure, the members who vote for such application shall be personally liable for the amount diverted and the same may be recovered by the city by action against them in any court of competent jurisdiction.

Penalty for
misuse of
excess
sinking fund
earnings

(2) If the city refuses or neglects for one month to bring an action against the members of the council who voted for the application of the moneys as aforesaid, after receiving a request in writing from a ratepayer or from a holder of any debentures of the sinking fund from which payment has been diverted, action may be brought either by any ratepayer on behalf of himself and other ratepayers or by any holder of such a debenture.

(3) The members of the council who voted for such application shall be disqualified from holding any municipal office for two years.

Disqualifica-
tion of
council
member
voting for
misuse of
sinking fund

Sinking Fund Trustees.

670.—(1) The city, by by-law, may provide for the appointment of three trustees, two of whom shall be appointed by a judge on application by the city and the third by the council, to take charge of the sinking fund of the city.

Appointment
of sinking
fund trustees

(2) At least one of the trustees shall be a member of the council or a city commissioner and notwithstanding anything contained in this Act such trustee may be appointed by the council, and if so appointed, shall nevertheless be entitled to payment for his services as provided in subsection (5).

(3) The sinking fund, to redeem the outstanding debentures of the city, shall in each year be invested in the name of the city by the trustees in such of the securities mentioned in section 665 as the trustees think best.

Investment
of sinking
fund by
trustees

(4) The trustees may require the treasurer to pay from moneys to the credit of the sinking fund such sums as they from time to time require for investment, and all such sums coming into the hands of the treasurer from the temporary investment of the sinking fund shall be applied in the manner and to and for the purposes above mentioned.

Remuneration of sinking fund trustees (5) Each of the trustees may be paid for his services such amount as may be fixed by the council for each meeting held by them.

Expenses of sinking fund trustees (6) Administrative, office and other expenses incurred by the trustees in the performance of their duties shall be paid from the general funds of the city.

Trustees' statement of sinking fund (7) The trustees, whenever required by the council shall give a detailed statement in writing of the fund and the manner in which the same is invested.

Withdrawal of sinking fund moneys (8) In no case shall the moneys to the credit of the sinking fund account be withdrawn without the consent of the trustees.

Term of office of sinking fund trustees (9) The trustees shall hold office until removed therefrom by the council or a judge in the manner provided for their appointment.

Power of sinking fund trustees **671.**—(1) The trustees shall have the same power and authority to deal with the sinking fund as the council would otherwise have and in particular they shall have power,—

- (a) to invest and re-invest the fund in authorized securities, to sell, assign or transfer the same, and to call in and vary the investments for others of a like nature;
- (b) to collect the money due upon mortgages or other securities in which any portion or all of the fund is invested, and to take such steps as seem proper for enforcing the securities and for the adjustment, compromise or collection of the debts due thereunder;
- (c) to foreclose mortgages and all parties having any interest in or claim upon the property covered thereby;
- (d) to lease, rent, insure or otherwise deal with the property foreclosed;
- (e) to sell, assign, transfer and convey property obtained by foreclosure and to sell under power of sale property mortgaged to the city;
- (f) to sign discharges or partial discharges of mortgages and receipts for money paid on account of any claim of the city.

Foreclosure proceedings by sinking fund trustees (2) When a mortgage is foreclosed by the trustees the title to the property shall be vested in the city with absolute power in the trustees to sell, transfer and dispose of the same.

(3) In the case of property acquired by foreclosure or sold under power of sale the conveyances shall be signed by at least two of the trustees in their official capacity.

(4) Discharges or partial discharges of mortgages and receipts for moneys paid shall be given in the name of the city but shall be signed by at least two of the trustees.

672.—(1) When, in the opinion of the trustees it is expedient to do so in the interests of the sinking fund, they may borrow money from any chartered bank in Canada for a period not exceeding six months with the consent of the council.

Borrowing powers of sinking fund trustees

(2) As security for such temporary loan they may pledge or hypothecate any stock, debentures, mortgages or other securities held in the sinking fund.

(3) Any loan made under this section may be renewed for a period not exceeding six months.

(4) Where there are no sinking fund trustees the powers conferred by this section may be exercised by the council.

673.—(1) All funds coming into the hands or under the control of the trustees for the benefit of the sinking fund shall be deposited by them in a separate account in a chartered bank doing business in Canada or in a treasury branch, or in a chartered bank in the city of London, England, to be called the "sinking fund account".

Trustees' sinking fund account

(2) No part of the sinking fund account shall be withdrawn except,—

Withdrawals by sinking fund trustees

(a) upon cheque signed by at least two of the trustees; and

(b) for the purpose of carrying out the trust.

674. At all meetings of the trustees called by the chairman, or in his absence by either one of the other trustees in the usual way, two of the number shall form a quorum, and all acts done for or on behalf of the trustees by the quorum shall be as effectual as if done by the three trustees.

Meetings of sinking fund trustees

675. The trustees may purchase any of the debentures, stock or other securities of the city.

Purchase of securities by sinking fund trustees

676.—(1) The council, at any time by resolution, may require the trustees not to invest any part of the sinking fund in the manner hereinbefore provided and that the investments already made be called in and the amounts due thereupon be collected and paid into the sinking fund of the city.

Council may countermand investment by sinking fund trustees

(2) Upon such resolution being communicated to the trustees they shall not make any further investments until rescission of the resolution but shall proceed to call in and realize upon those already made as the same mature.

(3) In such case the council,—

(a) shall have no power to withdraw any moneys from the said account except as provided in subsection (4);

(b) may transfer the account from one chartered bank or treasury branch to another so long as it is kept at compound interest.

(4) As debentures outstanding mature the sinking fund to the credit of the city shall be applied to the payment of the same at the date of maturity or may be used in the purchase thereof before maturity.

Trust
company in
lieu of
sinking fund
trustees

677.—(1) Instead of trustees the council may appoint a trust company that has been approved by the Lieutenant Governor in Council under the provisions of *The Trust Companies Act*.

(2) Such company shall have all the power and authority conferred on trustees by this Act and all the above provisions with respect to trustees shall apply in so far as they may be applicable to the company.

Discontinua-
tion of
sinking fund
trustees

678. Where a city has provided for the appointment of sinking fund trustees the council, at any time by by-law, may abolish, suspend or discontinue in whole or in part the duties and operations of the sinking fund trustees.

Council may
appoint
board in
lieu of
sinking fund
trustees or
trust
company

679.—(1) Instead of trustees or a trust company the council may appoint a board consisting of such permanent officials of the city as may be deemed expedient and may delegate to the board,—

- (a) all or any of the powers, duties, rights, responsibilities and jurisdiction conferred upon or vested in the sinking fund trustees;
- (b) all or any books, records, registers and documents belonging to or in use by the said trustees in carrying out their duties;
- (c) all or any of the lands, mortgages, incumbrances, leases, instruments, moneys, bonds, debentures, securities and property of every nature and kind vested in the said trustees or over which the trustees exercise jurisdiction and control.

Council
may control
operation of
sinking fund

680.—(1) The council in any by-law passed under section 678 or 679, may provide for the doing of all acts, matters or things which may require to be done in order to carry into effect the powers and authority granted by the by-law.

(2) Upon the passing of such a by-law all the assets held by or in the name of the said trustees or over which the said trustees have jurisdiction and control shall vest in the city, provided that if any part of such assets is held by the trustees for or on behalf of any association of civic employees or of any person other than the city, then that part of such assets shall be held by the city subject to the same terms and conditions as the same are held by the said trustees.

Certified
by-law
operates as
transfer

(3) The filing in the proper Land Titles Office of a certified copy of a by-law passed pursuant to this section shall operate as a transfer to the city of any lands, mortgages, incumbrances, leases or other instruments standing in the name of the trustees, and the Registrar of the Land Titles

Office, upon payment of the proper fees, shall register the city as the owner thereof.

Disposal of Capital Funds.

681. No money borrowed for capital expenditure, or in the hands of the city as capital funds, shall be applied towards current expense.

Capital fund not available for current expenses

682. If the council applies any of the said moneys for current expense the members who vote for such application shall be personally liable for the amount diverted, and the same may be recovered by the city by action against them in any court of competent jurisdiction.

Penalty for voting in violation of section 681

683. If any of the said money is applied toward current expense, the mayor and treasurer shall be guilty of an offence and for every such offence each shall be liable on summary conviction to a fine of not less than one hundred dollars.

Penalty on mayor and treasurer for violation of section 681

684.—(1) Where debentures have been issued for a public work, and, upon completion of the work or in consequence of its partial abandonment, there remains an unexpended balance, the council, by resolution reciting the facts, may declare its intention to apply to the Board of Public Utility Commissioners for authority to use such balance for capital expenditures upon any object not authorized by the by-law under which the debentures were issued.

Use of unexpended balance of debenture for a public work

(2) The Board of Public Utility Commissioners may grant permission to use the balance for such purposes and upon such terms and conditions as the Board deems expedient.

685.—(1) If the council applies moneys included in any such unexpended balance to any purpose not authorized by the Board of Public Utility Commissioners, the members who vote for such application shall be personally liable for the amount diverted and the same may be recovered by the city by action against them in any court of competent jurisdiction.

Penalty for voting in violation of section 681

(2) If the city refuses or neglects for one month to bring an action therefor, after receiving a request in writing from a ratepayer, the action may be brought by any ratepayer on behalf of himself and other ratepayers.

(3) The members of the council who vote for such application shall be disqualified from holding any municipal office for two years.

Disqualification of members voting in violation of section 684

Reserves.

686. The council may provide for the formation and maintenance of reserve funds and special reserve funds,

Reserve funds

Levy for special reserve funds

687.—(1) To obtain funds for special reserves the council may include in the estimates and levy for any one year a sum not exceeding one-third of the total sum expended on general revenue accounts by the city during the immediately preceding year.

Special reserve fund trust account

(2) All money collected for special reserve funds shall be paid into special reserve fund trust accounts.

Special reserve fund limited in amount

(3) The total of all special reserve fund trust accounts at any one time shall not exceed the total amount of all taxes levied in the two immediately preceding years.

Use of special reserve funds

(4) The council may use the special reserve funds for any capital expenditures or deferred maintenance which it is authorized to undertake.

Section 687 applies only to levy

688. The provisions of section 687 applicable to special reserve funds do not apply to reserves or surpluses available from public utilities, land sales or sources other than by levy.

PART XI.

LEGAL PROCEEDINGS.

Actions Against a City.

Limitation of time for action against city

689.—(1) In case any by-law or resolution is illegal in whole or in part, or in case anything has been done under it which by reason of such illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring the action has been given to the city.

Action against city alone

(2) Every such action shall be brought against the city alone, and not against any person acting under the by-law or resolution.

Action against city to be brought within three months

(3) Every such action shall be brought within three months of the date of the quashing or repeal of such by-law or resolution, otherwise the right of action shall be barred and extinguished.

Notice of action against city

690.—(1) Except as otherwise provided by this Act, no action shall be brought by reason of the death of or any injury to any person or any injury to the property of any person arising out of any accident alleged to be due to the negligence of the city, its officials, employees or agents, unless notice in writing of the accident and the cause thereof has been served upon the city clerk within sixty days of the happening of the accident, and any action for damages brought in respect thereof shall be commenced within one year after such right of action has arisen, otherwise the right of action shall be barred and extinguished.

(2) In case of the death of any such person the want of notice shall not be a bar to the maintenance of the action and in other cases the want or insufficiency of the notice hereby required shall not be a bar to the action if a court or judge considers there is reasonable excuse for the want of such notice or insufficiency thereof, and that the city has not thereby been prejudiced materially in its defence.

In case of death, want of notice not bar to action

(3) The provisions of this Act as to the time within which notice shall be given or action brought against the city shall apply to the premises of and activities conducted by any board, association or organization in cases where, if liability is imposed, payment thereof would require directly or indirectly to be made by the city.

691.—(1) In case the city tenders amends to the plaintiff or his solicitor, if such tender is pleaded and if traversed proved and no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered and the balance due to either party may be recovered as in ordinary cases.

Amends tendered by city set off against amount recovered

(2) The tender of a cheque of the city payable to the claimant constitutes a legal tender of payment of a claim against the city, other than a claim founded on a cheque or note.

City cheque legal tender

(3) The council of any city upon any claim being made or action brought for damages for alleged negligence on the part of the city may tender or pay into court, pursuant to the Rules of Court in that behalf, such amount as it may consider proper compensation for the damages sustained and in the event of the non-acceptance by the claimant of the tender or of the amount paid into court and on the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into court, the costs of the suit or the costs of the suit subsequent to the payment into court in case no tender has been made shall be awarded to the defendants, and set off against any amount recovered against them.

Tender of compensation for damages

692.—(1) Except in the case of gross negligence the city shall not be liable for injury to property or person caused by snow, ice or slush upon any sidewalk, street, highway or lane in the city.

Liability of city for injury caused by snow, etc

(2) No action shall be brought in order to recover against the city 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, unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered mail to the city clerk within twenty-one days after the cause of action arises and failing such notice, the city shall be relieved from any

Notice of claim of injury caused by snow, etc

liability for such damages or compensation in respect of such accident or injury, notwithstanding any provisions or law to the contrary.

No action after one year from time damage sustained

693.—(1) No action shall be brought against a city, its officials, employees or agents for the recovery of damages occasioned by default in its duty of repair, referred to in section 290, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of one year from the time when the damages were sustained.

(2) No action shall be brought for the recovery of such damages 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 sixty days after the happening of the injury.

Failure of notice of action not a bar if court so considers

694.—(1) Failure to give or insufficiency of the notice under sections 692 or 693, shall not be a bar to the action if the court or judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the city was not thereby prejudiced in its defence.

Failure to give notice of action not a bar in case of death

(2) In case of the death of the person injured, failure to give such notice shall not be a bar to the action.

Joint liability of city and municipality for damages

695.—(1) Where the city and an adjacent municipality are jointly liable for keeping in repair a public road, street, bridge, highway, square, alley or other public place or work, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing.

(2) An action by any such person shall be brought against such municipalities jointly and either of them may require that the proportions in which damages and costs recovered in the action are to be borne by them shall be determined therein.

Apportioning damages payable by city and municipality jointly

(3) In setting such proportions, either in the action or otherwise regard shall be had to the extent to which each municipality was responsible, either primarily or otherwise, for the act or omission for which the damages have become payable or are recovered and the damages and costs shall be apportioned between them accordingly.

Action for damages wholly against city

696.—(1) Where an action may be brought against the city by any person who has suffered damages by reason of the default of the city in keeping in proper repair any public road, street, bridge, highway, square, alley or other public place or work, no action shall be brought in respect of such damage against any member of the council or officer or employee thereof personally, but the remedy therefor shall be wholly against the city.

(2) This section shall not affect the liability of a mere contractor with the city, nor of any officer or employee of such contractor by reason of whose act or neglect the damage was caused.

Liability of contractor

697. Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near a highway, street, bridge, alley, square or other public place or work, placed, made, left or maintained by any person other than the city or a servant or agent of the city or by reason of any negligent or wrongful act or omission of any person other than the city or a servant or agent of the city, the city shall have a remedy over against the other person for, and may enforce payment of the damages and costs, if any, which are recovered against the city.

City has remedy over against other person

698. The city shall be entitled to such remedy over in the same action if the other person is a party to the action and if it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by him or by reason of any negligent or wrongful act or omission of such person.

City entitled to remedy over in same action

699.—(1) The city may in such action have the other person added as a party defendant or third party if not already a defendant for the purposes of the remedy over, and the other person may defend such action as well against the plaintiff's claim as against the claim of the city to a remedy over.

Other party added as defendant

(2) The judge, upon the trial of the action, may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

Costs of action

700. If such person is not a party defendant or is not added as a party defendant or third party, or if the city has paid damages before an action is brought to recover the same or before recovery in an action against the city, the city shall have a remedy over by action against such person.

Recovery of damages paid prior to action

701. Such other person shall be deemed to admit the validity of the judgment, if any, obtained against the city only where a notice has been served on him pursuant to the provisions of *The Judicature Act* or of any rules of court made thereunder, or where he has admitted or is estopped from denying the validity of such judgment.

Admission of validity of judgment

702. Where such notice has not been served or where there has been no such admission or estoppel, and the other person has not been made a party defendant or third party to the action against the city, or where damages have been paid without action or without recovery of judgment

Establishment of right of city to remedy over

against the city, the liability of the city for such damages, and the fact that the damages were sustained under such circumstances as to entitle the city to the remedy over, must be established in the action against such person to entitle the city to recover in the action.

Evidence.

Certified copy of by-law or resolution *prima facie* evidence

703.—(1) A copy of any by-law or resolution written or printed, without erasure or interlineation and under the seal of the city, certified to be a true copy by the city clerk and mayor, shall be authentic and received as *prima facie* evidence of its passing and of the contents thereof without any further proof in any court unless it is specially pleaded or alleged that the seal or the signature of the city clerk or mayor has been forged.

Fee for copy of by-law

(2) The city clerk shall deliver the copy upon payment of a fee therefor at the rate of twenty-five cents for every hundred words.

Copy of by-law or resolution filed a public record

(3) When a copy of a by-law or resolution so certified has been filed with a police magistrate it shall, for the purpose of all prosecutions before him for violation thereof, be deemed to be a public record and may be used and acted upon in the same manner as an Act of the Legislature.

Printed by-laws evidence in all courts

704. Printed documents purporting to be printed copies of any or all by-laws passed by the council and purporting to be printed by the authority thereof, shall be admitted as *prima facie* evidence in all courts in the Province of such by-laws and of the due passing thereof.

Quashing By-laws and Resolutions.

Notice of motion to quash by-law for illegality

705.—(1) Any elector of the city may apply to a judge of the district court by notice of motion to quash any by-law, order or resolution of the council in whole or in part for illegality.

(2) The judge, upon such motion, may quash the by-law, order or resolution in whole or in part and may, according to the result of the application, award costs for or against the city and may determine the scale of the costs.

(3) The notice of motion shall be served at least seven clear days before the day on which the motion is to be made.

Recognizance to prosecute

(4) Before any such motion is made the applicant, or in case the applicant is a corporation, some person on its behalf, shall enter into recognizance before the judge himself in the sum of one hundred dollars, and two sureties each in the sum of fifty dollars conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

(5) The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the district court with the other papers relating to the motion.

(6) In lieu of the recognizance mentioned in subsections (4) and (5) the applicant may pay into court the sum of one hundred dollars as security for any costs which may be awarded against him, and the certificate of payment into court shall be filed in the district court with the other papers relating to the motion.

Payment into court in lieu of recognizance

(7) Upon the determination of the proceedings the judge may order the money paid into court to be applied in the payment of costs or to be paid out to the applicant in the discretion of the judge according to the result of the application.

Disbursement of moneys paid into court

(8) All moneys required to be paid into or out of court under this section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the court.

(9) No application to quash a by-law, order or resolution in whole or in part shall be entertained unless the application is made within two months from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of the electors where the by-law has not been submitted to or has not received the assent of the electors entitled to vote thereon, in which case an application to quash the by-law may be made at the time.

Application to quash by-law subject to time limit

706. Any by-law, the passing of which has been procured through or by means of any violation of the provisions of sections 4 and 5 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions herein contained.

By-law violating *The Controverted Municipal Elections Act* may be quashed

Penalties.

707. Every penalty and license fee imposed under the provisions of this Act may, unless any other provision is specially made in respect thereof, be recovered and enforced with costs on summary conviction before a justice of the peace.

Recovery of penalty and license fee

708.—(1) Any penalty or fine under any by-law of the city shall, if no other provision is made respecting it, belong to and form part of the general revenue of the city.

Penalties and fines part of general revenue

(2) In the event of any person being committed to gaol by reason of a breach of any by-law of the city there shall be chargeable to the city such part of the expenses paid by the Province for the transport of the person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

Liability of city for expense of transportation to and expense at gaol

General.

City to have
power for
enforcement
in same
manner as
Attorney
General

709. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation, or where contracts or agreements are or have heretofore been created, enacted or validated by any statute imposing such duties, obligations or liabilities, the city shall have the right by action to enforce such duties or obligations and the payment or discharge of such liabilities, and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General, had he been a party to the said action as plaintiff, or as plaintiff upon the relation of any person interested.

City may
apply for
injunction

710. In case any building is erected or is being erected or is being used or where any land is being used in contravention of any by-law of the city or in case the breach of a by-law is of a continuing nature or in case any person, firm or corporation is carrying on business or is doing any act, matter or thing without having paid any license or permit fee required to be paid in respect thereof, then in addition to any other remedy and to any penalty imposed by the by-law, the city may, in any of said cases, apply to a judge by way of action or originating notice for an injunction or other order and the judge may grant or refuse the injunction or other order or may make any other order that in his opinion the justice of the case requires, and there shall be a right of appeal to the Appellate Division of the Supreme Court of Alberta from any order made by a judge hereunder.

Right of
aggrieved
person to
appeal
conviction

711.—(1) In case any conviction founded upon the breach of any by-law of the city is appealed to the court or tribunal empowered to hear and determine appeals against summary convictions, and any question arises, upon the hearing of such appeal in regard to the validity of the by-law or the right of the city or council to pass the same, any person aggrieved by the decision of the court or tribunal may require the court or tribunal to state and sign a case setting forth the facts of the case and the grounds upon which the validity of the by-law or the right of the council to pass the same is questioned to the Supreme Court of Alberta *en banc*, or other court of appeal having like jurisdiction.

Determina-
tion of
appeal on
conviction

(2) The said court shall hear and determine the question of the validity of the by-law and the right of the council to pass the same, and shall thereupon affirm, reserve, or modify the decision, order or determination in respect of which the case has been stated, or remit the matters to the court below with the opinion of the court thereon, and may make such other order in relation to the matter and such orders as to costs as to the court seems fit.

(3) All such orders shall be final and conclusive as against all parties.

Executions Against a City.

712.—(1) Any writ of execution against a city may be indorsed with a direction to the sheriff of the judicial district in which the city is located to levy the amount thereof by rate. Writ of execution to levy rate

(2) Where the sheriff is directed to levy by rate he shall deliver a copy of the writ and indorsement to the city clerk with a statement in writing of the amount required to satisfy the execution, including the amount of interest calculated to a date as near as is convenient to the date of the service and sheriff's fees. Delivery of writ of execution

(3) If the amount, with interest thereon from the date mentioned in the statement, is not paid to the sheriff within thirty days after service, the sheriff shall examine the assessment roll of the city and shall in like manner as rates are struck for general city purposes, strike a rate on the dollar sufficient to realize the amount claimed with such addition to the same as the sheriff deems sufficient to cover the interest and his own fees up to the time when the rate will probably be available. Failure to satisfy writ of execution

(4) The sheriff shall thereupon issue an order under his hand and seal of office directed to the city treasurer and shall attach thereto a statement of the rate struck by him and shall by the order after reciting the writ and that the city has neglected to satisfy the same and referring to the rate attached to the order, command the treasurer to levy the rate at the same time and in the same manner as the general annual rates.

(5) At the time for levying the annual rates next after the receipt of the order, the city treasurer shall add a column to the tax roll headed "Execution rate in A.B. versus the city of _____", adding a similar column if there are more executions than one, and shall insert therein the amount that is required to be levied upon each person respectively pursuant to the order and shall levy the amount of the execution rate and shall, within the time that he is required to make the returns of the general annual rate, return to the sheriff the order with the amount levied thereon, deducting his percentage. Column in tax roll for execution rate

(6) The sheriff, after satisfying the execution and all fees thereon, shall return any surplus within ten days after receiving the same to the treasurer for the general purposes of the city. Disposition of surplus after satisfying writ of execution

(7) The city clerk, the treasurer and the assessor shall, for the purpose of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution, be deemed to be officers of the court from which the writ issued, and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them. City officials officers of court in effecting writ of execution

PART XII.

MISCELLANEOUS MATTERS.

- Council shall not have power,—
to grant bonus or other aid
- 713.—(1) No council shall have power,—
- (a) to grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any manufactory, mill, railway or any other business or concern whatever;
- exempt from taxation
- (b) to exempt from taxation any manufactory, mill, railway or other business or concern, nor to subscribe for stock therein, nor to guarantee the bonds, debentures or other securities thereof.
- Application of *The Industries Assessment Act*
- (2) Nothing herein contained shall deprive any city of the rights and privileges conferred by *The Industries Assessment Act* or any other Act or statute of the Province respecting the encouragement of industry.
- Sale of land or distribution of public utility services by council at actual cost not deemed to be a bonus
- (3) The council may sell or lease any land acquired by the city at a price which the council deems fair and reasonable, and may also sell, distribute or deliver to any person, firm or corporation light, heat, power, water, gas, oil, electricity or coal at any price not less than the actual cost thereof to the city, and the selling or leasing of the said lands at such price or the selling, distributing or delivering of the said commodities or services at such price shall not be deemed the granting of a bonus or aid within the meaning of this section.
- Penalty for council members voting in violation of section 713
- (4) If the council attempt to pass a by-law contrary to the above provisions in regard to bonusing, each member of the council voting in favour of the by-law shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars exclusive of costs, and such member of the council shall be disqualified from holding any municipal office for a period of two years.
- When section 713 not applicable
- (5) The provisions of this section shall not apply to any agreement in existence at the time of the passing of this Act between the city and any person, firm or corporation.
- Debts owing to city set off against debt owed by city
714. Debts or moneys owing by any person, firm, company, corporation or municipality to the city or to the hospital board or to any board or organization whose funds are derived from the city or for the payment of whose deficit the city is liable may be set off against any debts or moneys owing to the same person, firm, company, corporation or municipality by the city or such board or organization, as the case may be.
- Temporary disposition of unclaimed utilities deposits
- 715.—(1) If in any case money deposited with the city by any person as a guarantee deposit for the payment of accounts of the city with respect to water, light, telephone or other utilities remains unclaimed for a period of five years

after the account of the person so depositing the same has been discontinued, the amount of such deposit shall be transferred to the general revenue account of the city.

(2) The city shall remain liable to repay the amount of the deposit to the person lawfully entitled thereto for a period of ten years next following the discontinuance of the account but after the ten year period the said deposit shall become the absolute property of the city free from any claim in respect thereof.

Final dis-
position of
unclaimed
utilities
deposits

716.—(1) All lost or unclaimed property in the possession of the city or any department thereof shall be retained for six months.

Disposition
of lost or
unclaimed
property

(2) If not claimed within six months the city may dispose of the property by public auction.

(3) The purchaser at such auction shall become the owner thereof and any claim of the true owner shall be converted into a claim for the proceeds of sale, less the expenses of sale.

(4) If no claim is made to such proceeds within one year from the date of sale the same shall become part of the general revenue of the city.

717. Any person who violates any of the provisions of this Act for the violation of which no punishment has been specifically provided shall be guilty of an offence and liable on summary conviction to be punished by imprisonment for any term not more than one year, or to be fined not more than five hundred dollars, or to both such fine and imprisonment.

General
penalty for
violation
of Act

718. Any member of the council,—

(a) holding, enjoying, undertaking or executing any contract or agreement the holding, enjoying, undertaking or executing of which is declared by the provisions of this Act to make the seat of the member liable to forfeiture; or

(b) acting as surety for any official or employee of the council;

Penalty for
members of
council
violating
provisions
of Act

shall be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars and not more than one hundred dollars and costs.

719. Any official of the city,—

(a) who refuses, neglects or fails to discharge the duties of his office; or

(b) who knowingly signs any statement, report or return required by this Act, or any other enactment in force in the Province which contains any false statement; or

Penalty for
officials of
city violating
provisions
of Act

- (c) who refuses or neglects to hand over to his successor in office, or to such persons as are designated in writing to him by the council or by the Minister, all moneys, books, papers, and other property of the city in his possession;

in addition to any civil liability which he may incur, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars.

Statistical
information
and records

720. The Minister may require the council to supply such statistical information and records as he may require from time to time.

Alberta
Assessment
Commission
entitled to
access to
books, etc.

721.—(1) Every city shall afford to the Alberta Assessment Commission access to all books, papers, documents or other information in the possession or power of the city and the officials of the city to whom the Commission makes application for any statement, report, copies of documents or any other information shall furnish the same free of charge.

Penalties for
violation of
section 721

(2) Any city not complying with the requirements of this section, whether wilfully or not, shall be liable to a penalty of one dollar per day during the existence of the default.

(3) Any official of a city who refuses, neglects or fails to observe the provisions of this section, whether his failure be wilful or not, shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding fifty dollars.

Petition for
commission
of inquiry

722.—(1) If one-third of the members of the council, or one-fourth of the proprietary electors of the city, petition the Lieutenant Governor in Council for a commission to issue under the great seal to inquire into the financial affairs of the city the Lieutenant Governor in Council may issue a commission accordingly.

(2) The commissioner or commissioners shall have all the powers of commissioners appointed under *The Public Inquiries Act*.

Inquiry by
Attorney
General

723.—(1) If the council passes a resolution,—

- (a) requesting that an inquiry be made into any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of a member of the council, commissioner or other official, employee or agent of the city, or of any person having a contract therewith, in relation to the duties or obligations of such person to the city; or
- (b) requesting that inquiry be made into or concerning any matter connected with the good government of the city or the conduct of any part of the public business thereof;

the Attorney General may appoint the district court judge of any judicial district or some other suitable person to make the inquiry.

(2) The person so appointed, with all convenient promptitude, shall enter upon the inquiry and he shall, upon the conclusion thereof, report to the Attorney General and to the council the result of the inquiry and the evidence taken thereon.

Report of
inquiry to
Attorney
General

(3) The person appointed shall, for the purpose of the inquiry, have all the powers which may be conferred upon commissioners under *The Public Inquiries Act*.

(4) Such person shall be entitled to receive and shall be paid such fees as may be fixed by the council.

(5) The council may engage and pay counsel to represent the city and may pay all proper witness fees to persons summoned to give evidence at the instance of the city.

Counsel at
inquiry

(6) Any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question, may be represented by counsel.

724. The mayor or other member presiding at any meeting of the council or of any committee of the council may,—

Oath of
person ap-
pearing be-
fore council

(a) require any person appearing before the council or committee or making any claim or submission to the council or committee to do so under oath;

(b) administer the oath or affirmation to any such person.

725.—(1) The council, at any time by resolution, may appoint a committee of its members to investigate and make inquiry into or concerning any matter connected with the good government of the city, or with the administration of any of the public utilities under the control of the city, whether such matter involves any charge against any official or employee of the city or not.

Appointment
of investi-
gating
committee

(2) The council by the said resolution may authorize the committee to engage counsel and such other skilled persons and clerical assistants as the committee may deem necessary to assist them in their investigation.

Investigating
committee
may engage
assistants

(3) Every such committee so appointed in case the matter to be investigated or inquired into concerns any charge against any official or employee of the city, or in case during the investigation any charge against any such employee arises, may summon such official or employee before it to answer the charge.

Investigating
committee
may summon
charged
employee
or official

(4) The committee shall have power to summon witnesses and take evidence under oath.

Witnesses at
investigation

(5) The committee may pay all costs, charges and expenses incurred by them in and about such investigation.

Costs of
Investigation

(6) The committee shall report the result of the inquiry to the council.

Report to
council of
result of
inquiry

Adverse
possession
of land

726. No person shall, by reason of the adverse or unauthorized possession, occupation, enjoyment or use of any land owned by the city or of any highway within the city shown upon any plan of subdivision or dedicated for use as a highway, whether adopted by the city as a highway or not, obtain any estate or interest therein or in any such land by reason of such adverse possession, occupation, enjoyment or use thereof, and it shall be deemed that no such right has heretofore been so acquired.

Minister of
Public Works
has right
of entry

727. The Minister of Public Works shall at all times have the right to enter any city for the purpose of constructing, erecting, maintaining or repairing any public works as defined by *The Public Works Act*.

Minister of
Railways
and Tele-
phones has
right of entry

728. The Minister of Railways and Telephones shall at all times have the right to enter any city for the purpose of constructing, extending, erecting, maintaining or repairing any part of the government telephone or telegraph system or systems, or any appliance used in connection therewith.

Application
of sections
723 and 724

729. For all the purposes of sections 723 and 724 every public road, highway or other public place, or that part or parts thereof on which such work is being carried on, shall until the work is completed, be under the direction, control and management of whichever of the said Ministers has charge of the work.

PART XIII.

SPECIAL PROVISIONS APPLICABLE TO CERTAIN

CITIES.

General.

Special
provisions
respecting
certain
cities

730. Notwithstanding anything contained in this Act the special provisions and exceptions contained in this Part shall apply to the following cities as hereinafter set out.

Provisions
of Act varied
only as to
special
provisions

731. Where a special provision or exception is applicable to an individual city the provisions of this Act shall be varied only in so far as may be necessary to give effect to the special provision or exception.

Calgary.

Calgary
may,—

732. The city of Calgary may continue to have and to exercise the power of,—

arrange
voters' list

(a) arranging the voters' list in alphabetical order for the city as a whole in lieu of arranging it in alphabetical order according to each polling division;

- (b) using the proportional representation system and such of the existing election practices and procedures as are required to implement or are related or incidental to the proportional representation system for the election of mayor, aldermen, commissioners and school trustees.

use
proportional
representa-
tion system
of voting

733. The Calgary Police Commission shall continue to have the same constitution and jurisdiction and to perform and exercise the same duties and powers that were conferred upon it by the provisions of the Calgary Charter.

Calgary
Police
Commission

734. The provisions of the Calgary Charter relating to the lands, buildings, plants and equipment of the water supply and distribution system commonly known as the Glenmore dam, and the provisions relating in particular to the assessment and taxation thereof by the Municipal District of Springbank shall continue to be applicable.

Provisions of
Calgary
charter re
Glenmore
dam

Drumheller.

735. The city of Drumheller may continue to have and to exercise the power of completing the voters' list by a system of registration in lieu of enumeration in which case section 98, clause (c); section 105; section 160 and subsections (5), (6) and (7) of section 176 shall not apply.

Drumheller
may continue
to have
power to
arrange
voters' list

Edmonton.

736. The city of Edmonton shall continue to be bound by the provisions of *The Edmonton-Strathcona Amalgamation Act* as varied and amended at the date of the passing of this Act, and by all provisions of the Edmonton Charter granting special rights or privileges to that portion of the city south of the North Saskatchewan River.

Application
of *The
Edmonton-
Strathcona
Amalgama-
tion Act*

- 737.** The provisions of the Edmonton Charter relating to,—
- (a) the composition and constitution of the local board of health and the Edmonton Library Board and the method of appointment and term of office of members of the said boards;
 - (b) the exclusive franchise for the sale of natural gas now held by Northwestern Utilities Limited;
 - (c) exemptions and fixed taxation for hotels contained in section 221 (35) of the said Charter;
 - (d) development of the civic centre area contained in section 221 (36) of the said Charter;

Edmonton
charter
provisions
re,—

board of
health and
library board

exclusive
gas franchise

taxation for
hotels, and
civic centre
continue in
force

shall continue to be applicable.

738.—(1) The city of Edmonton, by resolution or by-law, may continue to classify all buildings in the city into,—

Levy of sur-
tax on
business
premises

- (a) residences; or
- (b) business premises; or
- (c) semi-business premises;

and may designate the buildings to be included in each of the said classes.

(2) The council, by by-law, may fix its total uniform mill rate at a rate that is sufficient to produce such percentage of the total amount of its estimated expenditures for all purposes as may be determined by the council.

(3) Where a by-law is passed under subsection (2), the council shall raise the remaining percentage of the total amount of its estimated expenditures by authorizing and levying a surtax in accordance with subsection (4).

(4) The surtax,—

- (a) may be levied on all buildings classified as business premises or semi-business premises under subsection (1); and
- (b) shall be at a rate not exceeding twenty per cent of the total uniform mill rate fixed under subsection (2).

Lethbridge.

Lethbridge
may continue
to,—
elect mayor

739. The city of Lethbridge may continue to have and to exercise the power of,—

(a) electing a council consisting of seven aldermen by a vote of the electors, which council at its first meeting following the general election in each year, may elect one of its number as mayor for the balance of the year or for the full year, as the case may be, in lieu of the procedure for the election of mayor and aldermen prescribed by this Act;

arrange
voters' list

(b) completing the voters' list by a system of registration in lieu of enumeration in which case section 98, clause (c); section 105; section 160; subsections (5), (6) and (7) of section 176 shall not apply.

Medicine Hat.

Medicine Hat
may continue
to limit
mill rate
for school
purposes

740. The amount of the requisition transmitted to the council of the city of Medicine Hat by the board of trustees of any school district or school division shall not exceed an amount equal to twenty-five mills on the dollar according to the last revised assessment roll of the city, on the property liable to assessment for ordinary school purposes, with such additional amount as may be necessary to meet any debenture debt that may have been incurred and may be coming due.

Coming into Force.

Coming
into force

741.—(1) This Act shall come into force on the first day of January, 1952.

(2) Before the coming into force of this Act, any city and any official or employee of a city, in order to facilitate the carrying out of the provisions of this Act when it comes into force, may,—

- (a) make any preparations, changes or administrative arrangements deemed necessary or advisable; and
- (b) do any act or thing authorized by this Act and carry out any provision of this Act.

preparation for coming into force

Schedule

SCHEDULE.

FORM 1.

Form 1

(Section 101)

ENUMERATOR'S FORM.

City of

Consecutive No.

Surname of voter

Christian names

Street address

Occupation

Public or Separate School Supporter

No. of polling division in which elector votes

Remarks:

.....

.....

.....

.....

Date

Enumerator.

FORM 2.

Form 2

(Section 101)

ENUMERATOR'S OATH.

I, the undersigned

(Name in full)

of

(Residence)

(Occupation)

appointed enumerator for the city of

....., in the Province of Alberta, do swear

(or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my capacity of enumerator without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me at the of in the Province of Alberta, this day of, 19.....

J.P., a Commissioner, N.P. or City Clerk.

Form 3

FORM 3.

(Section 119)

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office (inserting the name of the office) to which I have been appointed in this city; and that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office. So help me God.

Form 4

FORM 4.

(Section 123)

NOTICE.

City of, Municipal Election 19..... Public notice is hereby given that a meeting of the electors of the city of will be held at the city hall on Wednesday the day of September, 19..... from 10 a.m. until 12 o'clock noon for the purpose of receiving nominations of candidates for the office of of the city.

(here state the offices to be filled)

Given under my hand at this day of A.D. 19.....

Form 5

FORM 5.

(Section 125)

NOMINATION PAPER.

We, the undersigned electors of the city of hereby nominate (name) (occupation)

as a candidate at the election now about to be held for
..... of the said city.
(here name the office to be filled)

In witness whereof we have hereunto subscribed our signa-
tures this day of 19.....
.....
.....
(Signature of Electors)

CANDIDATE'S ACCEPTANCE.

I, the said
(name in full as it should appear on ballot)
named in the foregoing nomination, hereby solemnly
declare:

1. That I am of the full age of twenty-one years;
2. That I reside in the city of and
have resided therein for twelve consecutive months
immediately preceding the date of nomination;
3. That I am a Canadian citizen;
4. That I can speak, read and write the English language;
5. That I am entitled to have my name appear upon the
voters' list;
6. That I am not otherwise disqualified;
7. That I will accept the office of
of the said city if elected.

Declared before me this }
day of A.D. 19..... } Signature of Candidate
..... }
A Commissioner for Oaths }

FORM 6.

Form 6

(Section 130)

NOTICE.

City of Municipal Elections 19.....
Whereas nominated for the office of
..... has withdrawn his candidature for the
said office leaving the only candidate
therefor, I hereby give notice that no voting for the said
office will take place on day of (date of
polling), 19.....

Dated at this day of
19.....

G.H.,
Returning Officer.

Form 7

FORM 7.

(Section 131)

NOTICE.

City of Municipal Election 19.....

Public notice is hereby given that polling will take place for the election of mayor of the city of and of aldermen (or as the case may be, for school trustees) for the year 19....., on (here insert date of polling) the day of, 19....., from 10 o'clock in the forenoon until 7 o'clock in the evening at the following places (here specify polling places), and that I will at (describe the place) on (day of week), the day of 19....., at o'clock in the forenoon sum up the votes and declare the result of the election.

Given under my hand at this day of, 19.....

G.H.,
Returning Officer.

Form 8

FORM 8.

(Section 139)

FORM FOR MAYOR.

Note: The ballot shall NOT be marked for more than one candidate.

MAYOR Election of Mayor for the City of for 19.....	ALLAN. CHARLES ALLAN, of the City of Merchant.
	BROWN. WILLIAM BROWN, of the City of Banker.

FORM 9.

Form 9

(Section 139)

FORM FOR ALDERMAN.

Note: The number of aldermen to be elected is
The ballot shall NOT be marked for more than
candidates to be valid.

ALDERMEN.	Election of Aldermen of the City of for 19.....	ARGO. JAMES ARGO, of the City of Gentleman.
		BAKER. SAMUEL BAKER, of the City of Baker.
		DUNCAN. ROBERT DUNCAN, of the City of Printer.

FORM 10.

Form 10

(Section 142)

DIRECTIONS FOR THE GUIDANCE OF VOTERS

The voter will go into one of the compartments and, with pencil provided in the compartment, place a cross (thus, X) on the right hand side of the ballot paper opposite the name of each candidate for whom he votes, or at any other place within the division which contains such name.

The voter will fold up the ballot paper so as to show the name or initials of the deputy returning officer signed on the back and leaving the compartment, without showing the front of the paper to any person, will deliver the ballot so folded to the deputy returning officer and forthwith leave the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the deputy returning officer who, if satisfied of such inadvertence, will give him another.

If the voter votes for more candidates for an office than he is entitled to vote for his ballot paper will be void so far as relates to that office and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

In the following forms of ballot paper given for illustration the candidates for mayor are Jacob Thompson and Robert Walker, and for alderman, John Bull and Morgan Jones. The elector has marked the first ballot paper in favour of Jacob Thompson for mayor, and the second ballot paper in favour of John Bull for alderman.

FORM FOR MAYOR.

Note: The ballot shall NOT be marked for more than one candidate.

MAYOR Election of Mayor for the City of for 19	THOMPSON. JACOB THOMPSON, of the City of Merchant.	X
	WALKER. ROBERT WALKER, of the City of Physician.	

FORM FOR ALDERMEN.

Note: The number of aldermen to be elected is
 The ballot shall NOT be marked for more than
 candidates to be valid.

ALDERMEN. Election of Aldermen of the City of for 19	BULL. JOHN BULL, of the City of Butcher.	X
	JONES. MORGAN JONES, of the City of Grocer.	

FORM 11.

Form 11

(Section 147)

POLL BOOK

No. on Poll Book.	No. on Voters' List.	Name.	Qualifications.	Residence.	VOTED FOR				Sworn or Affirmed.	Refused to swear or affirm.	Objected to.	Remarks.
					Mayor.	Aldermen.	School Trustee.	Separate School Trustee.				

FORM 12.

Form 12

(Section 152)

I, A.B., do swear that I will not at the election to be held in the city of on the day of, 19....., attempt in any way unlawfully to ascertain the candidate or candidates for whom an elector has voted and will not in any way aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the persons for whom any elector has voted. So help me God.

Form 13

FORM 13.

(Sections 158 and 177)

You swear (or solemnly affirm) :

1. That you are the person named (or intended to be named) by the name of in the voters' list now shown to you (showing the list to the voter) ;
2. That you are of the full age of twenty-one years;
3. That you have not voted before at this election;
4. That you have not directly or indirectly received any reward or gift, nor do you expect to receive any for the vote which you tender at this election;
5. That you have not received anything nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, or any other services connected with this election; and
6. That you have not directly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election.

So help you God.

Form 14

FORM 14.

(Sections 98 and 159)

You swear (or solemnly affirm) :

1. That you are of the full age of twenty-one years and that on the twentieth day of September last you were entitled to be placed upon the voters' list for this polling division No. of the city of ; and
2. That your name appeared upon the assessment roll at that date in respect of the following land (or business) which is liable to taxation viz:
3. That you have not voted before at this election at any other polling place and will not do so nor attempt to do so.

Form 15

FORM 15.

(Sections 98 and 160)

You swear (or solemnly affirm) :

1. That on this date you do actually reside in this polling

division No. of the city of
and that the street address of your residence is
.....;

- 2. That you have continuously resided in the city of since the first day of November next preceding this date;
- 3. That you have not voted before at this election at any other polling place and will not do so nor attempt to do so;
- 4. That you are a British subject and are of the full age of twenty-one years.

FORM 16.

Form 16

(Section 167)

I, A.B., do hereby solemnly declare that I am incapable of voting without assistance by reason of, or that I object on religious grounds (*here state reason*) to personally marking a ballot paper (as the case may be).

FORM 17.

Form 17

(Section 168)

I swear (or solemnly affirm) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election, and that I will keep secret all knowledge which has come to me of the person or persons for whom any elector has voted. So help me God.

FORM 18.

Form 18

(Section 171)

I, of
(*name*) (*address*)
in the city of do hereby declare:

That I have reason to believe that I will be absent from the city of during the whole of the

election day next following this date and unless I am permitted to vote previous to election day I will be unable to cast my vote at the said election.

.....
Signature of Voter.

Declared before me this day of 19.....

.....
Deputy Returning Officer.

Form 19

FORM 19.

(Section 175)

The School District No.
of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is a *bona fide* elector of the above named school district.

Names *Property Owned or Occupied, or Residence*

Witness to above signatures:

....., Deputy Returning Officer.

Dated this day of, A.D. 19.....

Form 20

FORM 20.

(Section 176)

1. I, the undersigned, swear (or solemnly affirm) that I am the person shown on the list of electors as
.....;
(insert name and street address as in list)

2. I (am) (am not) a Roman Catholic and desire to vote as such and to have the list of electors amended accordingly.

Form 21

FORM 21.

(Sections 188 and 248)

I, C.D., the undersigned deputy returning officer for polling division No. of the city of

swear (or solemnly affirm) that to the best of my knowledge the attached voters' list and poll book used in and for the said polling division at this election held on the day of October, 19....., were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

C.D.,
Deputy Returning Officer.

FORM 22.

Form 22

(Sections 223 and 225)

I, the undersigned A.B., do solemnly declare that I am an elector (or proprietary elector) of the city of and that I am desirous of promoting (or opposing, as the case may be) the passing of the by-law (here insert object of the by-law) (or, of voting in the affirmative or in the negative, as the case may be, on the question) to be submitted to the electors (or proprietary electors) of the said city on the day of, 19.....
A.B.

Declared before me this day of, 19.....

.....
Signature.

FORM 23.

Form 23

(Section 226)

Voting on by-law to (here insert object of the by-law), submitted to the electors (or proprietary electors) of the city of this (date).	FOR THE BY-LAW
	AGAINST THE BY-LAW

FORM 24.

(Section 227)

19.....	
Voting on the following question (here state question)	
YES	NO

FORM 25.

(Section 232)

	Number on Poll Book.
	Number on List of Electors.
	Name.
	Qualification in respect of which an elector is entitled to vote.
	Column for mark indicating that the elector has voted.
	Sworn or Affirmed.
	Refused to Swear or Affirm.
	Objections.
	Remarks.

FORM 26.

(Section 236)

I, A.B., do solemnly promise and declare that at the voting on the by-law (or question) submitted to the electors

(or proprietary electors) of the city of
 I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector (or proprietary elector) has voted, and that I will not in any way whatsoever aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the manner in which any elector (or proprietary elector) has voted on the by-law (or question).

A.B.

Declared before me this day of 19.....
 C.D.,

*Justice of the Peace, Returning Officer
 or Deputy Returning Officer.*

FORM 27

Form 27

(Section 237)

DIRECTIONS FOR THE GUIDANCE OF VOTERS.

The voter will go into one of the compartments, and with the pencil provided in the compartment, will place a cross (thus, X) on the right hand side in the upper space if he votes for the passing of the by-law or in the affirmative on the question, and in the lower space if he votes against the passing of the by-law, or in the negative on the question.

The voter will then fold up his ballot paper so as to show the name or initials of the deputy returning officer signed on the back, and leaving the compartment without showing the front of the paper to any person will deliver such ballot so folded to the deputy returning officer and forthwith leave the polling place.

If the voter inadvertently spoils a ballot he may return it to the deputy returning officer who shall, if satisfied of such inadvertence, give him another.

If the voter places on any ballot paper more than one mark or any mark by which he may be afterwards identified, or if any ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void and will not be counted.

If a voter takes a ballot paper out of the polling place or deposits in the ballot box any paper not given to him by the deputy returning officer, he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

In the following form of ballot paper given for illustration in the case of a by-law, the voter has marked his paper in favour of the passing of the by-law:

Voting on by-law to (herein insert object of the by-law) submitted to the electors (or propri- etary electors) of the city of this (date)	FOR THE BYLAW	X
	AGAINST THE BYLAW	

Form 28

FORM 28

(Section 238)

You swear (or solemnly affirm):

1. That you are of the full age of twenty-one years;
2. That you have not voted before on your own behalf on the by-law or question;
3. That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you now tender;
4. That you are the person named (or intended to be named) in the voters' list (showing the voters' list to the voter);
5. That you have not received anything, nor has anything been promised to you directly or indirectly either to induce you to vote on this by-law or question, or for loss of time, travelling expenses, or any other service connected therewith; and
6. That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

Form 29

FORM 29

(Section 238)

7. That your name appears upon the assessment roll in respect of land liable to assessment and taxation.

FORM 30
(Section 239)

Form 30

You swear (or solemnly affirm) :

1. That you are the chief resident representative of the (naming the corporation, church or other religious organization) ;
2. That the corporation, church or other religious organization is the owner of real property in this city ;
3. That you have not cast any vote on the by-law on behalf of the corporation, church or other religious organization ;
4. That you are authorized by the corporation, church or other religious organization to vote on the by-law as resident representative of the corporation, church or other religious organization ;
5. That the corporation, church or other religious organization is the corporation, church or religious organization named (intended to be named) in the voters' list (showing the voters' list to the voter) ;
6. That you have not, nor to the best of your knowledge and belief has the corporation, church or other religious organization, directly or indirectly, received any reward or gift for the vote which you now tender, nor do you, or to the best of your knowledge and belief, the corporation, church or other religious organization, expect to receive any ;
7. That you have not, nor to the best of your knowledge and belief, has the corporation, church or other religious organization directly or indirectly, received anything or been promised anything, either to induce you to vote on this by-law or for loss of time, travelling expenses, or any other service connected therewith ; and
8. That you have not, nor to the best of your knowledge and belief has the corporation, church or other religious organization, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting.

FORM 31
(Section 366)

Form 31

PUBLIC ACCOMMODATION
Application for License

I,, hereby make application for a license to operate a in the building occupied by me situated on lot No. block No. in the city of in the Province of Alberta.

I am the true owner of the business and I am the owner of (or have a lease of) the premises for which this license is requested, and I am of the full age of twenty-one years.

Dated at }
this day }
of, 19..... }
and signed in the presence of }
..... } *Signature of Applicant.*
Signature.

Form 32

FORM 32
(Section 367)

PUBLIC ACCOMMODATION

License

The council of the city of hereby grants to this license to conduct a in the premises situated on lots No. in block No. in the city of, which license shall continue in force until the thirty-first day of January, 19....., unless suspended or cancelled.

Dated at }
this day of }
....., 19..... }
[SEAL OF CITY] } *Signature of Clerk.*

Form 33

FORM 33
(Section 381)

NOTICE

This shop is now closed under the provisions of *The City Act*, except for the sale of the following exempted merchandise only: (here list the exempted merchandise being offered for sale).

Form 34

FORM 34
(Section 494)

DECLARATION OF ASSESSOR

I, assessor of the city of in the Province of Alberta, do solemnly declare:

1. That I have faithfully performed my duties of assessment to the best of my ability as promised in my declaration of office dated.....

2. That I have read section 492 of *The City Act* and have not violated that section.

3. That I have read the other sections of *The City Act* relating to this assessment and to the best of my knowledge and belief the attached return of assessment contains every assessable item together with the name of the person to whom the assessment should be made and that the assessment shown is fair and just.

And I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at..... }
the..... day of..... 19..... }
in the Province of Alberta. }
..... }
City Clerk.

FORM 35

Form 35

(Section 495)

City of

Assessment Roll, 19.....

Notice is hereby given that the assessment roll of the city of..... for the year 19....., has been prepared and is now open for inspection at my office in the city hall from 10 a.m. to 4 p.m. on every day of the week except on Saturday and Sunday, and on every day which is a public holiday, and that any ratepayer who desires to object to the assessment of himself or of any other person must, within twenty-one days after the date of this notice, lodge his complaint in writing at my office.

Dated this..... day of..... 19.....

.....
Assessor.

Form 36

FORM 36

(Section 497)

To the assessor of the city of.....

Sir,—I hereby appeal to the court of revision against the assessment of.....

(here state property affected or assessment number) on the following grounds.....

(here state grounds of appeal)

My address for service of notice in connection with this appeal is.....

(here state mail address)

Dated this..... day of..... 19.....

Appellant.

Form 37

FORM 37

(Section 516)

City of.....

Notice of Decision of Court of Revision

Re: (Description of property or business)

You are hereby notified that your complaint against the assessment of the above property (or business assessment) has been treated with by the court of revision in the following manner:

(here state decision of court)

or

(state that decision of court not given)

And you are further advised that you have the right to appeal against such decision or lack of decision by serving in person, or by your agent, or by registered mail upon the city clerk, within twelve days of the date of this notice, a written notice of your intention to appeal to the Alberta Assessment Commission.

Dated at..... this..... day of..... 19..... A.B.

Assessor.

FORM 38

Form 38

(Section 517)

Roll finally completed this.....day of..... 19.....

.....
Signature.

FORM 39

Form 39

(Section 591)

Take notice that pursuant to section.....
(insert section number)
of *The City Act*:

1. The council of the city of.....
intends to construct as a local improvement (describe the
work) on (or in) street, between (describe the points be-
tween which the work is to be constructed) and intends to
specially assess a part of the cost upon the land abutting
directly on the work (in case other land is to be specially
assessed add) and upon the following land which is im-
mediately benefited by the work (describe land).

2. The estimated cost of the work is.....
dollars, of which.....dollars
is to be paid by the city.

3. The estimated special rate per foot frontage is.....
cents.

4. The land immediately benefited by the work shall
pay.....

5. The special assessment is to be paid in.....annual
instalments.

Dated at this day of 19.....

.....
City Clerk.

FORM 40

Form 40

(Section 651)

Registered in the debenture register as No.....under
by-law No.....this.....day of....., 19.....

No. 12

FOURTH SESSION
ELEVENTH LEGISLATURE
15 GEORGE VI
1951

BILL

A Bill Respecting Cities.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.