

Bill No. 78 of 1952.

A BILL TO AMEND THE CITY ACT.

NOTE.

This Bill amends *The City Act*, being chapter 9 of the Statutes of Alberta, 1951.

Section 2 is amended by adding a word which was inadvertently left out. Clause (*w*) of that section is amended by including a municipal airport within the definition of "public utility". Clause (*aa*) of section 2 defining "special assessment" is amended to make it clear that the term includes a special assessment which is calculated on a uniform unit rate.

Section 4 is amended by rewording subsection (2). The present wording gives rise to an ambiguity and it was thought advisable to rearrange the wording slightly. There is no material change in the subsection.

Section 25 is amended slightly for the sake of uniformity.

Section 32 is amended by adding two new subsections. The effect of this amendment is to authorize the appointment of an acting mayor in the absence of the mayor and the deputy mayor and to fix the duration of his appointment.

Section 33 is amended by adding the words "acting mayor" to subsection (1). The effect of this amendment is that in the absence of the mayor and the deputy mayor, the acting mayor presides at meetings of the council.

Section 38 is amended by including a reference to the acting mayor in subsection (2). The effect of this is that the alderman acting as acting mayor may be paid for these duties.

Section 50 is amended by adding a new subsection (3). It was suggested that section 50 as it formerly stood would appear to disqualify a city commissioner or manager from holding office if he were a user or consumer of a public utility supplied by the city. The new subsection (3) makes it clear that such is not the case.

Section 65, subsection (2) is amended. The effect of the amendment is that the section requires the treasurer to submit a statement every three months instead of monthly. However, the council may require a statement oftener.

Section 70, subsection (1) is amended. The amendment makes it clear that the subsection applies only if no comptroller is appointed. Also, the auditor is required to examine, audit and report as often as the council requires during the year instead of once in every three months.

Section 71 is struck out and a new section substituted. The new section is redrafted to make it applicable to a comptroller as well as an auditor and provides that the comptroller or auditor shall, in addition to conducting a continuous audit and auditing all accounts before they are paid, also audit and report upon all books and accounts of any board, association, commission or other organization appointed pursuant to *The City Act*.

Section 75 is amended by adding a subsection (1a). The effect of this amendment is to make it clear that the treasurer may also be appointed comptroller or chief accountant of the city.

Section 77 is amended by including the office of acting mayor as being one of the offices to which a member of the council is eligible for appointment.

Section 95 is amended by adding the words "last revised" immediately before the words "assessment roll". This amendment makes it clear which assessment roll is meant.

Section 115 is amended to permit the use of the voters' list in existence on the 31st of December, 1951, for an election held before the voters' list as required by this Act is prepared.

Section 96, clause (g) is amended by substituting the word "official" for the word "officer" as the term "official" is defined in the interpretation section of the Act.

Section 125 is struck out and a new section substituted. The new section provides that the nomination of a candidate for an elective office shall be accompanied by a written statement of the assessor that the nominee is assessed in the last revised assessment roll. The only other change made in the section is in the matter of form.

Section 131 is amended slightly for purposes of clarification.

Section 175 is amended to refer to city school district instead of town school district. This section comes into force on July 1st, 1952, the date on which *The School Act, 1952*, is to come into force.

Section 232 is amended by changing the reference to Form 11. Form 11, which is the form for the poll book at an election, and Form 25, which is the form for the poll book in voting on a by-law, are being consolidated and made uniform thereby eliminating one form.

Section 270 is amended by adding a new subsection (2) and by renumbering the present subsection (2) as subsection (3). The effect of this amendment is that it makes it permissible for council to amend a by-law which requires the assent of the electors without reference to the electors if the amendment does not materially affect the by-law itself in substance or principle.

Section 271, subsection (1), clause (d) is amended. The effect of the amendment is that the council may recover costs of storage as well as the costs of moving a vehicle or obstruction from a highway, public place, civic or private parking lot, or private property, where it was parked or left in breach of a traffic by-law.

Section 274 is amended to permit the council by resolution and without passing a by-law to purchase apparatus and equipment for extinguishing fires.

Section 278 is amended as to clauses (b) and (c) of subsection (1). By the amendment to clause (b) the council is empowered to pass a by-law providing that where buildings or certain other things have been reported as a nuisance and dangerous to the public safety, the council, by resolution, may declare them a nuisance and direct their abatement. The amendment to clause (c) enables the council to pass by-laws authorizing the cutting of grass on public or private property.

Section 281, subsection (3) is amended. A new clause (ff) has been added whereby the council may make by-laws prohibiting the parking of a vehicle on private property without proper authority and providing for the impounding and removal of a vehicle so parked. Clause (h) is amended to make it clear that the city may acquire and operate parking stands and places for parking vehicles as well as establishing, controlling and regulating such places. A new clause (kk) is added which empowers the city to pass by-laws to provide for the impounding and removal of a vehicle which has been parked in violation of a by-law or regulation or parked while the charges for such parking have not been paid. A new clause (t) has also been added whereby the council may make by-laws prohibiting certain classes of motor vehicles from using wholly or partially or for a certain period, a highway, street or lane within the city. The new clause is designed to enable a city to set out routes for heavy vehicles moving through a city.

A new section 285a is added. The effect of this section is to enable a council, by resolution, for municipal purposes, to change the name of a subdivision, district or part of a subdivision or district without regard to the name shown upon the registered plan and without the necessity of changing the name shown upon the registered plan filed in the Land Titles Office.

Section 289 is struck out and reworded for clarification. It is amended slightly to enable the council to pass regulations as well as by-laws authorizing the construction and maintenance of roads, streets, lanes, culverts and other public places and to authorize the purchasing, housing and maintaining of the machinery and equipment necessary for the construction and maintenance of public works undertaken by the city. If borrowing is not necessary the council can act by resolution rather than by by-law.

Section 291 is amended by adding the words "private treaty" to the section. The effect of this amendment is to make it clear that the city may acquire lands either within or without the city by private treaty. This enables the city to acquire by gift lands subject to an incumbrance simply by assuming the obligation to pay off or otherwise discharge the incumbrance.

Section 316 is amended by striking out the words "by resolution".

Section 317 is amended by adding a new subsection (6) which makes it clear that nothing in section 317 shall be deemed to restrict or prevent the exercise of the power or jurisdiction conferred upon the Board of Public Utility Commissioners to close a highway in dealing with a replotting scheme, cancellation of a plan of subdivision, where such is done pursuant to a power given to the Board under *The Public Utilities Act, The Town and Rural Planning Act* or any other Act.

Section 318 is amended by correcting the name to read the "town planning authority of the city" rather than the "town planning commission".

Section 348 is amended. Clause (f) is amended to provide that the council, where it revokes or suspends a license, need not give reasons for so doing. A new clause (g) is added which permits the council to require an applicant to be bonded before issuing him a license.

A new section 371a is added. It provides that the council, by by-law, may prescribe a minimum temperature for buildings during certain periods of the year.

Section 383 is amended by striking out subsection (1) and substituting two new subsections and renumbering the former subsection (2) as subsection (3). The former section 383 was ambiguous and the redrafted section removes the ambiguity and uncertainty.

Section 447 is amended to correct a misspelling.

Section 456 is amended by striking out the words "any of its" where they occur in subsection (1). The effect of this amendment is to empower a council to pass a by-law regulating the conduct of passengers on all public vehicles in the city rather than restricting such power to city-owned public vehicles. The section is further amended by striking out the words "the vehicle" in clause (c) of subsection (2) and substituting the words "a public vehicle" to conform with the wording in subsection (1). Clause (d) is struck out and replaced by a new clause (d) which enlarges the scope of the former prohibition. The former clause dealt with the defacing of the vehicle or signs within the vehicle. It is now enlarged to include the damaging of a public vehicle or any part thereof and the damaging, defacing or interference with a sign or notice placed within or upon a public vehicle.

Section 467 is amended by adding a new subsection (3) which permits a city to enter into an agreement with a holder of a special franchise so that the city may accept an amount equal to a fixed percentage of the gross annual revenue of the franchise holder in lieu of taxes.

Section 473 is amended to refer to *The School Act, 1952*, and the amendment comes into force on July 1st, 1952, the date on which the said Act is to come into force.

Section 480 is amended. Subsection (1) is amended to remove an ambiguity in clause (a). Clause (f) of subsection (2) is struck out and a new clause (f) substituted. The effect of this amendment is to give the assessor a discretion as to whether he should assess the tenant or the subtenant where assessable premises are sublet. As it stood prior to the amendment the clause provided that only the tenant could be assessed.

Section 481 is amended to clarify the meaning of subsection (2) and relate it more closely to subsection (1) of that section.

Section 482 is amended. The effect of the amendment is that the assessor is now required to fix the gross annual rental value of business premises at the time he assesses a business liable to assessment and taxation.

Section 498 is amended to correct a cross reference with respect to the time limited for the filing of complaints.

Section 505 is amended to set out the time within which a person may give notice of appeal from an assessment.

Section 526 is amended to provide that where a city has provided for grants to charitable institutions to cover their taxes, provision for obtaining these funds shall be made when setting the mill rate.

Section 535 is amended to provide that where a man and wife are joint owners of property they shall not each be required to pay the minimum hospital tax, but only one of them need pay it.

Section 544 is amended. The amendment to clause (c) of subsection (1) simply corrects an error. The word "of" was incorrectly used for the word "or". Subsection (2) is amended to exempt from frontage tax the lands in subsection (1) previously exempt from all but local improvement and frontage tax.

Section 554 is amended. The effect of this amendment is to enable a city to impose a penalty on arrears of taxes of one-half of one per cent per month, not exceeding an aggregate rate of six per cent per year. The present section provides for a penalty of one lump sum. Once it was imposed there was no further continuing incentive for early payment. The amendment leaves each city the alternative of choosing the method it prefers.

Section 555, subsection (1) is amended so that the taxes upon which a discount may be granted by the council will not now include local improvement taxes.

Section 578 is amended to refer to *The School Act, 1952*, where it now refers to *The School Act*. This amendment is effective on the 1st day of July, 1952.

Section 579 is amended by adding a new clause (*nn*) which permits the council to provide and maintain off-street parking facilities as a local improvement.

Section 583 is amended. The amendment to subsections (1) and (2) is simply to avoid a possible ambiguity. A new subsection (3) is added to indicate that it is not necessary to convert the special local benefit assessment to a rate per foot frontage of a lot benefited where it is on a fixed sum per parcel of land benefited.

Section 584 is amended to provide that where the special frontage assessment or the special local benefit assessment, based on a uniform unit rate, has been fixed for a local improvement, no refund is to be made to the property owner if the annual assessment based on the unit rate is in excess of the actual cost of construction. Similarly, where the annual assessment is less than the actual cost of construction, no additional special assessment is to be made on the property owner.

Section 588, subsections (1) and (2) are amended. The effect of the amendment is, firstly, to make it clear that a council, where a sewer or water main has been constructed, may undertake the construction of private drain connections and water service connections as a local improvement without waiting for a petition or without publishing a notice of intention to so make a local improvement, and secondly, that where the cost of such local improvement is specially assessed upon the property receiving the benefit, the owner of that property shall not have the right to petition against the local improvement.

Section 594 is amended to permit the council, by by-law, to provide for the removal of industrial spur tracks.

Section 604 is amended by making the wording of subsection (3) conform to the wording of subsection (1), and by adding a new subsection (4). This new subsection provides that the cost to be assessed against each lot with respect to certain connections and works related to sewers and water mains shall not be assessed against the lot on a rate per foot frontage.

Section 612, subsection (1) is amended by substituting a new subsection (1). The effect of the amendment is to permit the assessor to give notice of every proposed special assessment by publishing the notice once a week for three consecutive weeks in a newspaper circulating within the city. Clause (*c*) of subsection (2) is amended by including

a reference to special assessment by uniform unit rate. Subsection (3) is amended by providing that the time fixed in the notice for the hearing of the appeal in respect of the special assessment shall not be earlier than twenty-one days from the date of the delivery or mailing of the notices or the date of the first publication in a newspaper.

Section 619, subsection (1), clause (b) is amended by striking out subclause (iii) and by substituting a new subclause. This has the effect of permitting a city to share the cost of local improvements up to fifty-five per cent of the total cost before it has to obtain the assent of the proprietary electors to the by-law authorizing the borrowing for the local improvement by an issue of debentures. The subsection is further amended to clarify it. As the subsection previously stood it provided for only the cost of a local improvement but very often the only cost known is an estimated cost of the local improvement.

Section 622, subsection (1) is amended to make it clear that the council may borrow by temporary loans to meet obligations as well as current expenditures.

A new section 624a is added. It provides that the assent of the proprietary electors is not required for a by-law passed pursuant to section 622 for the purpose of borrowing money to meet current expenditures and obligations until the taxes for the year can be collected, or in the case of a by-law pursuant to section 640, for the consolidation of the amount of its debenture debt.

Section 626 is amended to make it clear that the assent of two-thirds of the proprietary electors is not required where the Act makes a specific exception.

Section 628 is amended by adding a new subsection (3). The effect of this amendment is simply to permit the outstanding debenture debt, if repayable in money of the United States of America, to be computed as if repayable in the same number of dollars in Canadian money.

Section 632 is amended. The effect of this amendment is to permit debentures authorized to be issued for a certain amount in Canadian dollars to be issued for the like amount in United States dollars.

Section 635 is amended to correct a cross reference.

Section 641, subsection (2) is amended to correct a cross reference.

Section 642 is amended. The amendment increases the borrowing permitted to two hundred and fifty thousand dollars in the case of a bridge and it adds a new subsection which provides that in the case of a bridge the borrowing authorized by the section may also be for the purpose of replacing a bridge.

Section 649 is amended by adding a new clause (c). The section provides that the debentures issued by a city shall be valid and binding upon the city notwithstanding any insufficiency in form or substance of the by-law or of the authority of the city in respect of the issue of such debentures, if certain conditions are complied with. The amendment adds the further condition that the by-law is to receive the approval of the Board of Public Utility Commissioners where such approval is required.

A new section 649a is added to the Act which provides that a debenture issued in respect of a local improvement shall not be invalid by reason only of a defect or omission in the proceedings relating to the authorization, undertaking or construction of the work or the making of the special assessment or anything incidental thereto.

Section 651, subsection (3) is amended. The memorandum to be placed on each debenture issued need not now be signed by the treasurer. Formerly, the treasurer was required to sign each such memorandum although no space was provided for his signature in Form 40 of the Schedule.

Subsection (1) of section 665 is amended. The effect is that the sinking fund of a city, while it may be invested in the investments authorized for insurance companies by the *Canadian and British Insurance Companies Act, 1932*, may not be invested in the investments under subsection (4) of section 60 of that Act. Subsection (4) of section 60 of that Act authorizes investments in real estate or leaseholds for the purpose of income and subject to certain conditions.

Section 713 is amended by substituting a new subsection (3). The present subsection (3) is intended to provide that the selling or leasing of land by the city for a price that is fair and reasonable or the selling and distributing of public utilities supplied by the city, if provided at a price not less than the actual cost to the city, shall not be deemed the granting of a bonus or aid within the meaning of section 713. The purpose of the amendment is to make the meaning of the section clearer.

Section 723, subsection (1) is amended. A judge has been defined in the Act as 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. The effect of the amendment is to enable Supreme Court judges, as well as District Court judges, to make the inquiry.

Section 727 is amended to refer to *The Surveys and Expropriation Act* rather than to *The Public Works Act*.

A new section 727a is added which provides that the Minister of Highways shall have the same power to enter a city for the purpose of constructing, maintaining or repairing a highway as the Minister of Public Works has with regard to a public work set out in section 727.

Section 729 is amended to correct a cross reference.

A new section 730a is added to the Act to facilitate the change from the individual charters to this Act. It provides that the Lieutenant Governor in Council may declare a provision of a city charter to be in force without regard to *The City Act* if the subject matter of the provision is not adequately dealt with in this Act and the provision is not contrary to nor inconsistent with the Act, and if the provision is necessary for the proper and efficient administration of the city. It is provided that such provision, if declared in force, shall not have any force and effect after the first day of January, 1957.

Form 5 of the Schedule is amended by adding the words "last revised" before the words "assessment roll" where they are found in the Candidate's Acceptance. Form 5 is further amended by adding an Assessor's Statement to comply with the amendment to section 125.

Forms 11 and 25 of the Schedule are struck out and a new Form 11 is substituted in their stead. The effect of this is that a uniform form of poll book will be used applicable to both elections and voting on by-laws.

The Bill comes into force upon assent except as otherwise provided.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 78 of 1952.

An Act to amend The City Act.

(Assented to *1952*.)

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

1. *The City Act*, being chapter 9 of the Statutes of Alberta, 1951, is hereby amended.

Section 2 amended

2. Section 2 is amended,—

- (a) by adding immediately after the word "context" the word "otherwise";
- (b) by adding immediately after subclause (viii) of clause (w) the following new subclause:
“(ix) airport;”;
- (c) by adding at the end of clause (aa) the words “and includes such special assessments when calculated on a uniform unit rate”.

Section 4 amended

3. Section 4, subsection (2) is amended by striking out the words “hospital sinking fund, exhibition, or for any other” and by substituting the words “sinking fund, hospital, exhibition, or for any”.

Section 25 amended

4. Section 25, subsection (1) is amended by striking out the words “municipal matter” and by substituting the words “question or matter which, in the opinion of the council, is of public importance”.

Section 32 amended

5. Section 32 is amended by adding immediately after subsection (2) the following new subsections:

Acting mayor

“(3) If both the mayor and the deputy mayor, through illness, absence or other cause, are unable or unwilling to perform the duties of the office the council may appoint an acting mayor.

“(4) The acting mayor shall hold office for such time as the council may fix and he shall have all the powers and shall perform all the duties of the mayor during such time.”.

Section 33 amended

6. Section 33, subsection (1) is amended by adding immediately after the words “deputy mayor,” the words “or acting mayor,”.

7. Section 38, subsection (2) is amended by adding immediately after the words "deputy mayor" the words "or acting mayor".

Section 38 amended

8. Section 50 is amended by adding immediately after subsection (2) the following new subsection:

Section 50 amended

"(3) No person shall be held to be disqualified from holding the office of city commissioner or city manager by reason of his being a user or consumer of a public utility supplied by the city or by reason of any dealing or contract with the city with reference to the supply of a public utility to him."

Public utility consumer not disqualified from holding office

9. Section 65, subsection (2) is amended by striking out the word "monthly" and by substituting the words "at least once in every three months during the year or oftener if the council so requires".

Section 65 amended

10. Section 70, subsection (1) is amended by striking out the words "The auditor shall, at least once in every three months during the year," and by substituting the words "If no comptroller is appointed pursuant to section 75, the auditor, as often as the council requires during a year, shall".

Section 70 amended

11. Section 71 is struck out and the following is substituted:

Section 71 amended

"71. The council may provide by by-law that the auditor or comptroller shall,—

Provision for continuous audit

"(a) conduct a continuous audit;

"(b) audit all accounts before they are paid;

"(c) audit and report upon all books and accounts of any board, association, commission or other organization appointed pursuant to this Act."

12. Section 75 is amended by adding immediately after subsection (1) the following new subsection:

Section 75 amended

"(1a) Nothing in subsection (1) shall prevent the council from appointing the person who holds the office of treasurer to hold also the office of comptroller or chief accountant."

13. Section 77 is amended by striking out the words "or deputy mayor" and by substituting the words ", deputy mayor or acting mayor".

Section 77 amended

14. Section 95, subsection (1), clause (g) is amended by adding immediately before the words "assessment roll" the words "last revised".

Section 95 amended

15. Section 96, clause (g) is amended by striking out the word "officer" and by substituting the word "official".

Section 96 amended

16. Section 115 is amended,—

Section 115 amended

(a) by renumbering the section as subsection (1);

(b) by adding immediately after subsection (1) the following new subsection:

“(2) Notwithstanding subsection (1), the voters’ list in existence on the thirty-first day of December, 1951, may be used as the voters’ list of a city until such time as a voters’ list has been prepared in accordance with the provisions of this Act.”.

Section 125
amended

17. Section 125 is struck out and the following is substituted:

Nomination
for elective
office to be
in writing

“**125.** Every nomination of a candidate for an elective office shall,—

“(a) be in writing signed by at least two electors; and

“(b) be accompanied by a written acceptance signed by the person nominated stating,—

“(i) that he is eligible to be elected for such office; and

“(ii) that he will accept the office if elected;

“(c) be accompanied by a written statement of the assessor that the person nominated is assessed in the last revised assessment roll;

and such nomination, acceptance and statement shall be in Form 5 of the Schedule.”.

Section 131
amended

18. Section 131 is amended by striking out the words “without further reasonable delay” and by substituting the word “forthwith”.

Section 175
amended

19. Section 175 is amended by striking out the word “town” and by substituting the word “city”.

Section 232
amended

20. Section 232 is amended by striking out the word and figures “Form 25” and by substituting the word and figures “Form 11”.

Section 270
amended

21. Section 270 is amended,—

(a) by adding immediately after subsection (1) the following new subsection:

“(2) Notwithstanding subsection (1), a by-law which has received the assent of the electors may be amended without reference to the electors if the amendment does not materially affect the by-law in principle or in substance.”;

(b) by renumbering the present subsection (2) as subsection (3).

Section 271
amended

22. Section 271, subsection (1), clause (d) is amended by striking out the words “of any vehicle or obstruction from any part of the highways of the city,” and by substituting the words “or storage of a vehicle or obstruction moved from a highway, public place, civic or private parking lot or private property,”.

23. Section 274 is amended,—Section 274
amended

- (a) by striking out all that portion preceding clause (b) and by substituting the following:

“**274.** For the prevention or extinguishing of fires and for the preservation of life and property from injury or destruction by fire, the council may purchase apparatus and equipment for extinguishing fire and may pass by-laws providing for any or all of the following,—”;

Fire prevention
by-laws
may provide
for,—

- (b) by relettering clauses (b) to (o) inclusive as clauses (a) to (n) inclusive, respectively.

24. Section 278, subsection (1) is amended,—Section 278
amended

- (a) by striking out the word “declaring”, where it occurs in clause (b), and by substituting the words “to provide that where”;
- (b) by striking out the words “to be”, where they occur in clause (b), and by substituting the words “has been reported by a city inspector as being”;
- (c) by striking out the words “and directing that the same shall”, where they occur in clause (b), and by substituting the words “, the council, in its discretion, may declare by resolution that the same is a nuisance and direct that it”;
- (d) by adding immediately after the words “or plants”, where they occur in clause (c), the words “and the cutting of grass”.

25. The heading immediately preceding section 281 is amended by striking out the word “Regulations” and by substituting the word “Regulation”.Heading
amended**26.** Section 281, subsection (3) is amended,—Section 281
amended

- (a) by adding immediately after clause (f) the following new clause:

“(ff) prohibiting a person from parking or leaving a vehicle on private property without authority from the owner, tenant, occupant or person in charge or control of such private property, and providing for the impounding and removal from such private property of a vehicle parked or left thereon without authority;”;

prohibiting
parking on
private
property

- (b) by adding immediately after the word “establishing,”, where it occurs in clause (h), the words “acquiring, operating,”;

- (c) by adding immediately after clause (k) the following new clause:

“(kk) providing for the impounding and removal from a highway, street, lane, parking lot or other public place of a vehicle in respect of which

impounding
and removing
vehicles

charges have not been paid or of a vehicle parked in violation of a provision of a by-law or regulation;”;

(d) by adding immediately after clause (s) the following new clause:

prohibiting
use of
streets

“(t) prohibiting a class or classes of motor vehicles from using wholly or partially or for a certain period or periods a highway, street or lane within the city.”.

New section
285a

27. The following new section is added immediately after section 285:

Changing
name of
subdivision
for municipal
purposes

“**285a.** Whenever the council deems it expedient to do so, the council, by resolution, may change for municipal purposes the name of a subdivision or district or part of a subdivision or district without regard to the name shown upon the plan registered in the Land Titles Office for the subdivision or district and without the necessity of having the name shown upon such registered plan changed.”.

Section 289
amended

28. Section 289 is struck out and the following is substituted:

Council
may pass
by-laws,—
authorizing
construction
of high-
ways, etc.

“**289.** The council by by-law or resolution may authorize,—

authorizing
purchase and
maintenance
of machinery

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

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

Section 291
amended

29. Section 291, subsection (1) is amended by adding immediately after the words “by purchase” the words “, private treaty”.

Section 316
amended

30. Section 316 is amended by striking out the words “, by resolution.”.

Section 317
amended

31. Section 317 is amended by adding immediately after subsection (5) the following new subsection:

Power of
Public Utility
Commissioners to
close roads

“(6) Nothing in this section shall be deemed to restrict or prevent the exercise by the Board of Public Utility Commissioners of a power or jurisdiction contained in any Act conferring power or jurisdiction upon the Board of Public Utility Commissioners to close a highway in whole or in part or to alter or divert the same as incidental to dealing with a replotting scheme, cancellation of a plan of subdivision or the resubdivision of land or otherwise, pursuant to *The Public Utilities Act, The Town and Rural Planning Act* or any other Act, in any case where a city makes application to the said Board.”.

32. Section 318 is amended by striking out the word "commission" and by substituting the words "authority of the city". Section 318 amended

33. Section 348 is amended,— Section 348 amended

(a) by adding at the end of clause (f) the words "without giving reasons for the suspension or revocation";

(b) by adding immediately after clause (f) the following new clause:

"(g) to require an applicant to be bonded before the issuance of a license."

34. The following new section is added immediately after section 371: New section 371a

"371a. (1) The council may prescribe the minimum temperature at which certain buildings within the city are to be heated. Heating of buildings

"(2) In a by-law passed pursuant to subsection (1), the council may designate a class or classes of buildings which shall be heated at the minimum temperature fixed by the by-law and may determine the periods of the year during which the minimum temperature shall be applicable."

35. Section 383 is amended,— Section 383 amended

(a) by striking out subsection (1) and by substituting the following:

"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 the hours of any day of the week when the following business premises or any class of such premises, namely, garages, filling stations, gasoline pumps, machine shops and implements shops shall be and remain closed for the service of customers;

"(b) provide that certain designated business premises selected by a system of rotation or otherwise may remain open for the service of customers during the time when all such premises, or the premises of a specified class, are required to be closed.

"(2) The council by by-law may authorize sales in emergencies or in other prescribed conditions during the hours when premises, or the premises of a specified class, are required to be closed for the service of customers under the provisions of this section, and the by-law may,— Sales in emergencies

"(a) prescribe conditions on which gasoline, oil and grease may be sold in or by garages, filling stations and service stations and in or by any of them;

"(b) prescribe conditions on which services, material and parts may be sold or supplied by

garages, filling stations, service stations, machine shops and implement shops or by any of them.”;

- (b) by renumbering the present subsection (2) as subsection (3).

Section 447
amended

36. Section 447, subsection (1) is amended by striking out the word “coporation” and by substituting the word “corporation”.

Section 456
amended

37. Section 456 is amended,—

- (a) by striking out the words “any of its” where they occur in subsection (1);
- (b) by striking out the words “the vehicle”, where they occur in clause (c) of subsection (2), and by substituting the words “a public vehicle”;
- (c) by striking out clause (d) of subsection (2) and by substituting the following:
- “(d) to prohibit the damaging or defacing of a public vehicle or any part thereof or the damaging, defacing, removal or interference with a sign or notice placed within or upon a public vehicle;”.

Section 467
amended

38. Section 467 is amended by adding immediately after subsection (2) the following new subsection:

Payment for
special
franchise
in lieu of
assessment

“(3) A city may enter into an agreement with the holder of a special franchise whereby the city accepts payment of an amount equal to a fixed percentage of the gross revenue of the special franchise from such holder in lieu of assessing and taxing the lands, buildings, improvements, plants, machinery, equipment and apparatus belonging to the special franchise holder.”.

Section 473
amended

39. Section 473, subsection (3) is amended by adding immediately after the word “Act” the figures “, 1952”.

Section 480
amended

40. Section 480 is amended,—

- (a) by striking out the word “full”, where it occurs in clause (a) of subsection (1), and by substituting the word “gross”;
- (b) by striking out clause (f) of subsection (2) and by substituting the following:

that tenant
or subtenant
liable to
business tax

“(f) provide that where a tenant liable to assessment in respect of any premises leased by him sublets the whole or a portion thereof, the assessor, in his discretion, may assess either the tenant or the subtenant in respect of the premises or the portion of the premises sublet;”.

41. Section 481, subsection (2) is amended by striking out the words “on which the business tax will be levied” and by substituting the words “which shall be payable as business tax”. Section 481
amended

42. Section 482 is amended by adding at the end subsection (1) the words “, and shall fix the gross annual rental value of each of the premises where a business which is liable to assessment and taxation is carried on”. Section 482
amended

43. Section 498 is amended by striking out the word “hereinbefore”. Section 498
amended

44. Section 505, subsection (1) is amended,— Section 505
amended

(a) by striking out the words “, within the time limited as aforesaid,”;

(b) by adding immediately after the words “to the assessor” the words “, within twenty-one days after the publication of the notice pursuant to section 495,”.

45. Section 526 is amended,— Section 526
amended

(a) by adding at the end of subsection (1) the words “or may be refundable by reason of grants made in lieu of tax exemptions pursuant to section 336”;

(b) by adding at the end of subsection (2) the words “or may be refundable by reason of grants made in lieu of tax exemptions pursuant to section 336”.

46. Section 535 is amended by adding immediately after subsection (1) the following new subsection: Section 535
amended

“(2) Notwithstanding the provisions of subsection (1) where the names of two persons appear upon the assessment and tax roll as joint owners of real property and each of such persons is the spouse of the other one only of such persons shall be liable to pay the minimum tax for the purposes of the hospital agreement.”.

47. Section 544 is amended,— Section 544
amended

(a) by striking out the words “of such greater”, where they occur in clause (c) of subsection (1), and by substituting the words “or such greater”;

(b) by striking out the words “and for frontage tax”, where they occur in subsection (2), and by substituting the words “and for taxes levied under the provisions of sections 538 to 542, inclusive”.

48. Section 554 is amended,— Section 554
amended

(a) by striking out the words “not exceeding”, where they occur in subsection (1), and by substituting the words “or amounts not exceeding an aggregate rate of”;

- (b) by adding immediately after the words "other date", where they occur in subsection (2), the words "or dates".

Section 555
amended

49. Section 555, subsection (1) is amended by adding immediately after the word "taxes" the words ", other than local improvement taxes,".

Section 578
amended

50. Section 578, subsection (1) is amended by adding immediately after the word "Act" the figures ", 1952".

Section 579
amended

51. Section 579, subsection (1) is amended by adding immediately after clause (n) the following new clause:

off-street
parking

"(nn) purchasing, leasing or otherwise acquiring of land and the erection or construction of facilities for the purpose of providing and maintaining off-street parking for vehicles;".

Section 583
amended

52. Section 583 is amended,—

- (a) by striking out the word "levied" wherever it occurs and by substituting the word "assessed";
- (b) by adding immediately after subsection (2) the following new subsection:

Rate of
special local
benefit
assessment

"(3) The special local benefit assessment may be on the basis of a rate per foot frontage of the parcel of land so benefited or on a fixed sum per parcel of land benefited, and, if the latter, it shall not be necessary to convert the fixed sum into a rate per foot frontage of the parcel of land so benefited."

Section 584
amended

53. Section 584 is amended by striking out subsection (2) and by substituting the following:

"(2) Where the special frontage assessment or the special local benefit assessment based on a uniform unit rate has been fixed for one type of local improvements, notwithstanding section 601, there shall be,—

- "(a) no refund to the property owners in any case where the annual assessment based on 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 annual assessment based on the unit rate is below the actual cost of construction."

Section 588
amended

54. Section 588 is amended,—

- (a) by striking out the word "heretofore" wherever it occurs;
- (b) by adding at the end of subsection (1) the words "or without publishing a notice of its intention";
- (c) by adding at the end of subsection (2) the words "against the local improvements".

55. Section 594 is amended by striking out the words “and operation” and by substituting the words “, operation or removal”. Section 594
amended

56. Section 604 is amended,— Section 604
amended

- (a) by adding immediately after the word “pipe”, where it occurs in subsection (3), the word “, stop-cock”;
- (b) by adding immediately after subsection (3) the following new subsection:
 - “(4) The cost to be assessed against each lot in respect of a private drain connection, water service pipe, stop-cock or gas connection, or the alteration or renewal thereof, shall not be on a rate per foot frontage of the particular lot for and in connection with which they are provided.”.

57. Section 612 is amended,— Section 612
amended

- (a) by striking out subsection (1) and by substituting the following:

“**612.** (1) Notice of a proposed special assessment shall be given by the assessor to each person registered or assessed as owner of a parcel of land to be charged thereby either,— Notice of
special
assessment

- “(a) personally; or
- “(b) by letter addressed to the last post office address of the owner; or
- “(c) by publishing the notice once a week for three consecutive weeks in a newspaper circulating within the city.”;
- (b) by striking out clause (c) of subsection (2) and by substituting the following:
 - “(c) the probable cost or the actual cost, if then ascertained, or the uniform unit rate of the local improvement;”;
- (c) by adding at the end of subsection (3) the words “or the date of the first publication in a newspaper”.

58. Section 619, subsection (1), clause (b) is amended,— Section 619
amended

- (a) by adding immediately after the word “cost”, where it occurs in subclause (i), the words “or estimated cost”;
- (b) by adding immediately after the word “cost”, where it occurs in subclause (ii), the words “or estimated cost”;
- (c) by striking out subclause (iii) and by substituting the following:
 - “(iii) a by-law for raising the cost or estimated cost of a local improvement, unless the share of the cost or estimated cost to be borne by the city at large is greater than fifty-five per cent of the cost or estimated cost of the local improvement; and”.

- Section 622 amended **59.** Section 622, subsection (1) is amended by striking out the word "expenditure" and by substituting the words "expenditures and obligations".
- New section 624a **60.** The following new section is added immediately after section 624:
 By-law not requiring assent of proprietary electors "624a. Any by-law authorized by sections 622 and 624 shall not require the assent of the proprietary electors."
 Section 626 amended **61.** Section 626 is amended by adding at the end of clause (b) the words ", except as otherwise provided".
- Section 628 amended **62.** Section 628 is amended by adding immediately after subsection (2) the following new subsection:
 "(3) For the purpose of calculating the outstanding debenture debt of a city, debentures which are repayable in dollars of lawful money of the United States of America shall be computed as if repayable in the same number of dollars of lawful money of Canada."
- Section 632 amended **63.** Section 632 is amended by adding immediately after subsection (2) the following new subsection:
 "(3) A by-law authorizing the issue of debentures for a certain amount with interest in lawful money of Canada shall be deemed to authorize the issue of debentures of a like amount of dollars in lawful money of the United States of America."
- Section 635 amended **64.** Section 635 is amended by striking out the word and figures "or 634," and by substituting the figures and word ", 634 or 640,".
- Section 641 amended **65.** Section 641, subsection (2) is amended by striking out the figures "266" and by substituting the figures "628".
- Section 642 amended **66.** Section 642 is amended,—
 (a) by adding immediately after subsection (1) the following new subsection:
 "(2) In the case of a bridge, the borrowing may also be for the purpose of replacing the bridge.";
 (b) by renumbering the present subsection (2) as subsection (3);
 (c) by adding immediately after the words "two hundred", where they occur in clause (c) of subsection (2), now renumbered as subsection (3), the words "and fifty".
- Section 649 amended **67.** Section 649 is amended,—
 (a) by adding at the end of clause (b) the word "and";
 (b) by adding immediately after clause (b) the following new clause:
 "(c) the by-law has received the approval of the Board of Public Utility Commissioners where such approval is required."

68. The following new section is added immediately after section 649: New section
649a

“649a. Any debenture issued in respect of a local improvement shall not be deemed to be invalid by reason only of a defect or omission in the proceedings relating to the authorization, undertaking or construction of the work or the making of the special assessment or anything incidental thereto.”. Validity of
debenture
for local
improvement

69. Section 651, subsection (3) is amended by striking out the words “, signed by the treasurer,”. Section 651
amended

70. Section 665, subsection (1) is amended,— Section 665
amended

- (a) by striking out the word “municipal” and by substituting the word “municipal”;
- (b) by adding immediately after the words “Parliament of Canada,” the words “other than investments under subsection (4) of section 60 of the said Act,”.

71. Section 713 is amended by striking out subsection (3) and by substituting the following: Section 713
amended

“(3) Where the council,—

“(a) sells or leases land to a person, firm or corporation at a price which the council deems fair and reasonable; or

“(b) sells, distributes or delivers light, heat, power, water, gas, oil, electricity or coal to a person, firm or corporation at a price not less than the actual cost thereof to the city;

the selling or leasing of the land and the selling, distributing or delivering of the commodities or services shall not be deemed the granting of a bonus or aid within the meaning of this section.”. Sale of
land or
distribution
of public
utility
services by
council at
actual cost
not deemed
bonus

72. Section 723, subsection (1) is amended by striking out the words “the district court judge of any judicial district” and by substituting the words “a judge”. Section 723
amended

73. Section 727 is amended by striking out the words “*The Public Works Act*” and by substituting the words “*The Highways Department Act*”. Section 727
amended

74. The following new section 727a is added immediately after section 727: New section
727a

“727a. The Minister of Highways, at all times, shall have the right to enter a city for the purpose of constructing, maintaining or repairing a highway as defined by *The Surveys and Expropriation Act*.”. Minister of
Highways
has right
of entry

75. Section 729 is amended by striking out the figures and word “723 and 724” and by substituting the figures and word “727, 727a and 728”. Section 729
amended

New section
730a

76. The following new section 730a is added immediately after section 730:

Lieutenant
Governor
in Council
may declare
charter
provision
in force

"730a. (1) Upon application by the council of a city in existence on the first day of January, 1952, the Lieutenant Governor in Council may declare a provision contained in a charter of a city to be in full force and effect, if, in the opinion of the Lieutenant Governor in Council,—

"(a) the subject matter of the provision is not adequately dealt with in this Act; and

"(b) the provision is not contrary to nor inconsistent with a provision of this Act; and

"(c) the provision is necessary for the proper and efficient administration of the city.

(2) Where a provision in a city charter is declared to be in full force and effect pursuant to the provisions of subsection (1), it shall cease to have any force or effect on and after the first day of January, 1957, or such earlier date as may be mentioned in the order."

Schedule
amended

77. Form 5 in the Schedule is amended,—

(a) by adding immediately before the words "assessment roll", where they occur in paragraph 5 of the Candidate's Acceptance, the words "last revised";

(b) by adding at the end of Form 5 the following:

"ASSESSOR'S STATEMENT

"I, hereby certify that the above named is assessed on the last revised assessment roll of the city of as the of
(owner or purchaser)
land, or of an interest in land, which is not exempted from taxation.

Dated at }
this day of } *Signature of Assessor*.
....., A.D. 19..... }

78. Form 11 in the Schedule is struck out and the following is substituted: Schedule amended

"FORM 11

Form 11

"(Sections 147 and 232)

"POLL BOOK

No. on Poll Book	No. on Voters' List	Name	Residence	VOTED FOR							By-law or Question	Sworn or Affirmed	Refused to Swear or Affirm	Objections	Remarks
				Qualifications	Mayor	Alderman	Public School Trustee	Separate School Trustee							

79. Form 25 in the Schedule is repealed.

Schedule amended

80. This Act shall come into force on the day upon which it is assented to excepting sections 19, 39 and 50 which sections shall come into force on the first day of July, 1952.

Coming into force

No. 78.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The City Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
