

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, clause (z) is amended. The definition of "shop", for greater certainty, is extended to include certain premises specifically mentioned in the early closing provisions of this Act.

Sections 11 and 27, subsection (3) of section 92 and section 94 are similarly amended. Reference was made to "the date of the election" in many instances in *The City Act*. In some cases persons are declared elected by acclamation on nomination day while in other cases persons are elected after a poll is held. This made it difficult to determine the date of the first meeting following an annual "election". It also affected the periods of office. Nomination day is a fixed day and is, therefore, used as the point in time from which to fix a first meeting and thereby the term of office, whether there was an acclamation or poll in an election. The amendments to the above mentioned sections fix the date in the manner described.

Section 35a is added. The Act contains indirect references to committees of council but no express provision is made for the appointment of committees. This new section provides for the appointment of committees and their powers.

Section 41 is amended as to subsection (4) to include the conditions which may arise under the provisions of section 129, which heretofore were not included in section 41.

Sections 80 and 87 are similarly amended to extend the sections to include solemn affirmations and declarations as alternatives to the "oath" of office.

Section 97 is amended by striking out clause (d) which was introduced into the Act from city charters and which is now obsolete.

Section 102, subsection (3), clause (d) is amended to ensure that the deputy returning officer may obtain information which, by reason of section 159 he might be required to have available.

Section 127 is amended by the addition of a new subsection (4). The new subsection requires the returning officer to notify the city clerk of the persons elected by acclamation. The Act did not previously require official notification to be so given.

Section 129 is amended by correcting a term and by the addition of a new subsection (3) for the same purpose as the new subsection (4) of section 127.

Section 153 is amended to have it conform to Form 7 in the Schedule in which the polling hours are set out as being from ten o'clock until eight o'clock.

Section 156 is repealed as it is in conflict with section 166 and is meaningless.

Section 158, subsection (1), clause (b) is amended to permit the returning officer to have recorded by an assistant in the poll book certain information which previously could only be recorded by himself or by having the poll clerk record it.

Section 159 is amended. A new subsection (2) is substituted for the former subsection (2) which imposed a difficult task upon the deputy returning officer. It required him to determine whether or not a person's name appeared upon the voters' list with respect to land for which another person claimed the right to vote. This was not always possible and was always extremely difficult. The new subsection does away with this requirement and gives a resident the same privilege as subsection (1) gives a non-resident.

Section 160a is added. Until this amendment to *The City Act* there was no method provided for determining whether a person added to the voters' list was a separate school supporter or not. This section is similar in function to clause (e) of subsection (1) of section 102 and subsection (5) of section 489 of the Act.

Section 171, subsection (9) is amended. The effect of this amendment is to authorize the returning officer to have the voters list delivered rather than requiring that he deliver the list.

Section 179, subsection (2) is amended to clarify the situation where an unmarked ballot paper is found in a ballot box.

Section 202, subsection (3) is amended to clarify the requirements of this subsection.

Section 249 is amended. In certain cases ballot boxes, packets, ballot paper accounts and the statement of the by-law vote for or against the by-law could be given to a person by the deputy returning officer even though subsection (1) requires that the deputy personally deliver these items to the returning officer forthwith. However, there was in this section no express obligation upon the person to whom the items were given for delivery to the returning officer to deliver them forthwith or at all. Subsection (3) is new and imposes that duty upon any person receiving such items for delivery in these cases.

Section 254 is amended. The effect of this amendment is to require a judge to order a recount in certain cases whereas before it appeared from the words to be a discretionary power.

Section 258, subsection (3) is amended to have the extended time for passing of a by-law upon the same footing as the time in which the passing of a by-law was imperative before the extended time was given by the Board of Public Utility Commissioners.

Section 270 is amended. A new subsection (1a) provides for the case where a by-law which under this Act does not require the electors' assent to an amendment is continued by section 4, subsection (1), clause (c) and which then under section 270, because it was originally assented to by the electors, requires assent of the electors before it can be amended. In such a case this section permits an amendment without a reference to the electors.

Section 271 is amended. The effect of the amendment is to permit a city to impose a penalty not exceeding five hundred dollars for a breach of any provision of any by-law. Formerly the limit of such imposed penalty was one hundred dollars.

Section 281 is amended. Subsection (1), clause (a) is amended and subsection (2) is struck out. The effect of this amendment is to permit cities to set their own speed limits within cities as they find it necessary to do so. The amendment to subsection (3) provides authority for a city by-law to regulate egress and ingress to private parking lots in which parking space is allotted by the owner to others not being his relatives.

Section 298 is amended. As the section previously read, delay on the part of the city clerk in notifying the owner or occupier of land of the expropriation could prevent a claimant from making a claim within the time allowed. The section now provides that the time within which a claim may be made begins on the date upon which the notification is or usually would be received by the claimant.

Section 333 is amended. A new subsection (5) removes an ambiguity in the Act relating to payment of hospital benefits. Before it was not clear which of two persons, owner or purchaser, both liable to pay taxes in certain circumstances, should receive the hospital benefits if the owner paid the taxes upon the default of the purchaser. The subsection now provides that where there is a purchaser, the purchaser receives these benefits and where there is no purchaser the owner receives them. Subsection (6) is added to clarify the position when property is transferred during a year and another person thereby becomes liable to pay future taxes in respect of that property. The subsection provides that whether or not taxes have at that time been paid the new owner or purchaser becomes the person "liable to pay taxes" upon the date his name is entered on the assessment roll, and thereby he becomes entitled to receive the hospital benefits in respect of that property thereafter.

Sections 376 and 378 are struck out and new sections substituted. The effect of these new sections, together with the repeal of certain other sections relating to "early closing", permit a city council to make its own early closing provisions with respect to shops. Certain shops are exempt from civic early closing provisions. The by-law may provide a penalty for a breach of the early closing by-law.

Sections 379, 380, 381, 382, 383, 384, 385 and 386, all dealing with early closing, are repealed.

Section 421, clause (b) is amended to permit a city to fix a percentage charge for failure to pay a municipal utility bill before or on the due date.

Section 461 is amended. Formerly an interest in exempt property was also exempt from taxation. This was not intended by the Act as clause (b) of subsection (1) of section 473 requires the assessor to enter certain interests in exempt property on the assessment roll. The exemption formerly expressed in this section is not from assessment but from taxation and this is now clarified by this amendment.

Section 463, subsection (2) is amended. The effect of this amendment is to make an assessment based on sixty per cent of the value discretionary rather than obligatory.

Sections 463a and 463b are new. Section 463a permits a differential of assessment for residential buildings and improvements from business buildings and improvements.

Section 463b permits the existence of classifications of residences and businesses, even though both are assessed at the same percentage of value.

Section 489 is amended. Subsections (1) and (2) are struck out and new subsections substituted. The continuity of the subsections has been altered for clearness. The effect of these amendments is to provide for changes of assessment without appearing to limit the changes to the purpose merely of entitlement to be an elector. Changes of assessment in many cases now affect also entitlement to hospital benefits and the previous wording is inappropriate. Subsection (4), clause (c) is amended for the same reason. In subsection (5) the expression "authority" conveys the intent better than the phrase "*prima facie* evidence". The initials as used in this subsection were in reverse order and are now in their order of use in the section.

Section 492 is amended to indicate the minimum and maximum penalties for these offences and is redrafted to indicate the offences with greater clarity.

Section 511 is amended to indicate the minimum and maximum penalties for an offence created by this section.

Section 517, subsection (2) is amended. The effect of this amendment is to have subsection (2) refer specifically to the provisions of section 488 whereby errors in the assess-

ment roll may be corrected, and to section 489 wherein provision is made for the insertion in the assessment roll of names of persons entitled to have their names so inserted.

Section 518, subsection (1) is amended to correct a reference to an Act.

Section 524, subsection (2) is amended. The purpose of this amendment is to provide for the case where a remission of taxes is made by a city under the provisions of section 526b.

Section 526, subsections (1), (2) and (3) are amended by the addition of words making the subsections subject to the new provisions which permit various types of levies at varying rates.

Section 526a is added. This section permits a council to choose between the levying of a surtax on business property or the remission of taxes on residential property.

Section 526b is added. This section permits a reduction in the taxes levied on residential property.

Section 526c is added. This section permits the levying of a surtax in the manner formerly restricted to the city of Edmonton under section 737.

Section 577a is added. This section provides for the cancellation and compromise of taxes in certain cases.

Section 579, subsection (1) is amended by repealing clause (o).

Section 587 is amended for clarification.

Section 616 is amended by adding a provision restricting an appeal from a special assessment for a local improvement to an appeal upon the original assessment. In ordinary assessments an appeal may be made in any year's assessment, or every year's assessment. In a special assessment the entire cost is prorated between the properties and amortized over a period of years.

Section 623, subsection (1) is amended to obtain a more precise expression of intent.

Section 638a is new. It provides for a certificate of approval by the Board of Public Utility Commissioners of a city by-law for contracting a debt or incurring a liability. Similar provisions are found in *The Town and Village Act, 1952*.

Section 638b is new. It provides for a countersigning of debentures by the Board of Public Utility Commissioners where debentures are issued in conformity with the provisions of an approved by-law. Similar provisions are found in *The Town and Village Act, 1952*.

Section 642, subsection (1) is amended. The effect of this amendment is to change the construction of the section so

that it will indicate more clearly that where a city has constructed, purchased or acquired certain works of a public nature specified in the section, it may, by by-law, borrow in order to maintain or alter the works in the manner set out; also, certain obsolete words are removed from the subsection.

Section 705, subsection (9) is amended to correct a printing error in the original Act.

Section 713 is amended. Subsection (4) is struck out and a new subsection substituted to provide for a minimum fine for the offence of voting for a by-law providing for a bonus contrary to subsection (1) of this section.

Section 716, subsection (3) is amended. The effect of this amendment is to permit a city to deduct from the proceeds of an auction sale of unclaimed property, costs incurred by the city in preserving the lost property and making it available for sale.

Section 718 is amended. This amendment provides for a term of imprisonment for default in paying the fine and costs imposed for the violation of a provision of this Act.

Section 719 is amended. The effect of this amendment is to set a minimum fine for the offence created by this section, and further to provide the term of imprisonment upon default in payment of the fine and costs adjudged.

Section 736 is amended to permit the appointment of a dentist to the local board of health of the city of Edmonton.

Section 737 is repealed as it is replaced by section 526c.

A new Form 14a setting out the oath or affirmation required under subsection (2) of section 159 is added.

A new Form 41 setting out the certificate of the Board of Public Utility Commissioners required under section 638a is added.

This Bill comes into force upon assent except for section 28 which comes into force on the 1st day of July, 1953.

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. 103 of 1953

An Act to amend The City Act

(Assented to, 1953)

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.

2. Section 2 is amended by adding at the end of clause (z) the words "garages, filling stations and service stations". Section 2 amended

3. Section 11 is amended by striking out the words "Monday immediately following the date of" and by substituting the words "fourth Monday following the nomination day for". Section 11 amended

4. Section 27 is amended by striking out the words "shall be held on the Monday immediately following the date of the annual election" and by substituting the words "following the annual election shall be held on the fourth Monday following nomination day". Section 27 amended

5. The following new section is added immediately after section 35: New section 35a

"**35a.** (1) The council may from time to time appoint standing or special committees consisting of one or more of its members. Standing or special committees

"(2) The council may delegate to such committees

"(a) any matter for consideration, inquiry, management or regulation, and

"(b) any of the duties and powers by this Act imposed and conferred upon the council, except the powers

"(i) to borrow money,

"(ii) to pass a by-law, or

"(iii) to enter into a contract.

"(3) A committee to which a duty or power is delegated pursuant to subsection (2) may exercise or perform the same in like manner and with the same effect as the council."

Section 41
amended

6. Section 41 is amended by striking out subsection (4) and by substituting the following:

- “(4) If, at an annual election,
- “(a) the number of candidates nominated, or
- “(b) the number of continuing candidates remaining after resignations have been received pursuant to section 129,

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.”.

Section 80
amended

7. Section 80 is amended

- (a) by adding immediately after the word “oath”, where it occurs in subsection (1), the words “, solemn affirmation or declaration”;
- (b) by striking out the words “oath of office”, where they occur in subsection (2), and by substituting the words “oath, solemn affirmation or declaration”;
- (c) by adding immediately after the words “official oath”, where they occur in subsection (2), the words “, solemn affirmation or declaration”.

Section 87
amended

8. Section 87 is amended by adding immediately after the word “oath” the words “, solemn affirmation or declaration”.

Section 92
amended

9. Section 92, subsection (3) is amended by striking out the words “following the date of the election as provided by section 27” and by substituting the words “as provided by section 11”.

Section 94
amended

10. Section 94 is amended by striking out the words “date of the election” and by substituting the words “annual election”.

Section 97
amended

11. Section 97, subsection (1) is amended by striking out clause (d).

Section 102
amended

12. Section 102, subsection (3), clause (d) is amended by striking out the words “residence or” and by substituting the words “residence and”.

Section 127
amended

13. Section 127 is amended by adding immediately after subsection (3) the following new subsection:

Notice to city
clerk of
persons
elected

“(4) Forthwith after having declared the persons duly elected pursuant to this section, the returning officer in writing signed by him shall notify the city clerk of the names of the persons so elected and of the offices for which they were elected.”.

- 14. Section 129 is amended** Section 129 amended
- (a) by striking out the word "election", where it occurs in subsection (2), and by substituting the word "poll";
- (b) by adding immediately after subsection (2) the following new subsection:
- "(3) Forthwith after having declared the persons elected pursuant to subsection (2), the returning officer in writing signed by him shall notify the city clerk of the names of the persons so elected and of the offices for which they were elected."
- Notice to city clerk of persons elected
- 15. Section 153 is amended by striking out the words "from eight o'clock" and by substituting the words "from ten o'clock".** Section 153 amended
- 16. Section 156 is repealed.** Section 156 repealed
- 17. Section 158, subsection (1), clause (b) is amended by striking out the words "he shall record or cause to be recorded by the poll clerk" and by substituting the words "he shall provide that there be recorded".** Section 158 amended
- 18. Section 159 is amended** Section 159 amended
- (a) by striking out subsection (2) and by substituting the following:
- "(2) If a person who is a resident of the city and whose name is not on the voters' list of the polling division in which he is a resident, presents himself for the purpose of voting and claims he is entitled to vote by reason of land or business qualification in the city, 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 14a in the Schedule."
- Oath to be taken when name not on voters' list
- (b) by striking out the words "cases mentioned in subsections (2) and (4)", where they occur in subsection (5), and by substituting the words "the case mentioned in subsection (4)".
- 19. The following new section is added immediately after section 160:** New section 160a
- "160a.** (1) When the deputy returning officer places the name of a person upon the voters' list pursuant to section 159 or section 160, he shall enquire from that person whether he is a supporter of the public or separate schools and shall place opposite the name of the person whom he thereby ascertains to be a separate school supporter the letters 'SS'.
- Designation as public or separate school supporter
- (2) The oral acknowledgment of a person referred to in subsection (1) that he is a supporter of the separate schools is sufficient authority for entering the letters 'SS' opposite that person's name on the voter's list."

- Section 171 amended **20.** Section 171, subsection (9) is amended by striking out the word "deliver" and by substituting the words "cause to be delivered".
- Section 179 amended **21.** Section 179, subsection (2) is amended by adding immediately after clause (d) the following new clause:
 "(e) on which no vote has been cast by the voter;"
- Section 202 amended **22.** Section 202, subsection (3) is amended by striking out the words "may appoint" and by substituting the words "shall appoint".
- Section 249 amended **23.** Section 249 is amended by adding immediately after subsection (2) the following new subsection:
 "(3) The person mentioned in subsection (2) to whom the items referred to in subsection (1) are delivered shall personally deliver the same to the returning officer forthwith."
- Section 254 amended **24.** Section 254 is amended by striking out the words "judge may" and by substituting the words "judge shall".
- Section 258 amended **25.** Section 258, subsection (3) is amended by striking out the words "the by-law may be passed" and by substituting the words "the by-law shall be passed".
- Section 270 amended **26.** Section 270 is amended by adding immediately after subsection (1) the following new subsection:
 "(1a) Notwithstanding subsection (1), a by-law which
 "(a) prior to the first day of January, 1952, had received the assent of the electors pursuant to a provision of the city charter under which it was passed, and
 "(b) remains good and valid by virtue of clause (a) of subsection (1) of section 4, and
 "(c) is not one that would have required the assent of the electors if it had been passed under the provisions of this Act,
 may be amended or repealed without the assent of the electors thereto."
- Section 271 amended **27.** Section 271, subsection (1), clause (a) is amended by striking out the word "one" and by substituting the word "five".
- Section 281 amended **28.** Section 281 is amended
 (a) by striking out the words "and speed" where they occur in clause (a) of subsection (1);
 (b) by striking out subsection (2);
 (c) by adding immediately after clause (ff) of subsection (3) the following new clause:
 "(fff) regulating and controlling the manner and method of entering and leaving private property whereon the parking of vehicles is per-
- Controlling parking on private property

mitted by the person in possession of the private property to persons other than his relatives, either for profit or otherwise;”.

29. Section 296 is amended by adding at the end of subsection (3) the words “or compensation”. Section 296 amended

30. Section 298 is amended Section 298 amended

(a) by striking out the words “of the deposit of the said plans and specifications”, where they occur in clause (c) of subsection (1), and by substituting the words “on which the notification is or should in due course have been received by the person who makes the claim for compensation”;

(b) by adding immediately after subsection (3) the following new subsection:

“(4) A notification sent by registered mail shall be deemed to have been received on the day on which the notification would have been received in the ordinary course of the mail.”.

31. Section 333 is amended by adding immediately after subsection (4) the following new subsections: Section 333 amended

“(5) For the purpose of a hospital agreement entered into under the provisions of this section, where there is an owner or owners and a purchaser or purchasers of real property, or of any share or interest therein, the only person or persons entitled to the benefits of the agreement by reason of being liable to pay taxes in respect of such real property Persons entitled to hospital benefits

“(a) shall be the purchaser or purchasers, if any, entitled to the possession of the property, or of any share or interest therein, or

“(b) shall be the owner or owners thereof, if there is no such purchaser or purchasers.

“(6) Where the assessment and tax roll shows that any real property has been assessed in the name of a person who was the owner or purchaser of the property and that his name has been struck off and replaced in the roll by the name of another person who subsequently became the owner or purchaser of the property,

“(a) the person whose name has been struck off the roll shall be deemed not to be the person liable to pay taxes under subclause (i) of clause (a) of subsection (1) in respect of that property from the date his name is replaced on the roll by the name of another,

“(b) the person whose name has been entered on the roll shall be deemed to be the person liable to pay taxes under subclause (i) of clause (a) of subsection (1) in respect of that property from the date his name is entered on the roll to replace the name of the previous owner or purchaser,

whether or not the taxes on the property have then been paid.”.

Section 376
amended

32. Section 376 is struck out and the following is substituted:

Closing of
shops

"376. (1) The council, by by-law, may provide for all matters or things relating to the days and the hours wherein shops or any class of shops, other than those set out in subsection (2), shall be and remain closed.

Certain
shops not
affected

"(2) A closing by-law shall not apply to

"(a) a fair or exhibition that is lawfully held, or

"(b) a bazaar for charitable or church purposes, or

"(c) a shop in which the entire business carried on is confined to

"(i) the post office business, or

"(ii) the sale of medicines and medical and surgical appliances, or

"(iii) the sale of intoxicating liquors in the manner prescribed by law, or

"(iv) the sale of refreshments for consumption on the premises, or

"(v) the sale of tobacco and other requisites of smokers, or

"(vi) the sale of newspapers, or

"(vii) the ordinary business of a railway book stall or refreshment room, or

"(viii) any one or more of such businesses,

"(d) that part of a shop wherein any one or more of the business mentioned in clause (c) is carried on."

Section 378
amended

33. Section 378 is struck out and the following is substituted:

Penalty for
violating
closing of
shops
provisions

"378. Notwithstanding section 271, the council, by by-law, may impose a penalty not exceeding one hundred dollars, exclusive of costs, for the breach of a by-law relating to the closing of shops, businesses or industries and may provide for punishment by imprisonment for any period not exceeding sixty days in case of the 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."

Sections 379
to 386
repealed
Section 421
amended

34. Sections 379 to 386, inclusive, are repealed.

35. Section 421 is amended by adding at the end of clause (b) the words ", or an additional percentage charge not exceeding ten per cent of the rates, tolls, fares or rents in arrears as the council may deem advisable for failure to pay the same until after the date fixed for payment".

Section 461
amended

36. Section 461 is amended

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

(b) by striking out the words "and every interest therein", where they occur in subsection (1);

(c) by adding immediately after the word "exempt", where it occurs in subsection (1), the words "from taxation";

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

“(2) In the case of property that is exempt from taxation, the interest of a person

“(a) who is a purchaser of the property under a *bona fide* agreement for sale, or

“(b) who is an occupant under a lease, licence or permit but not an occupant in possession of the property in an official capacity on behalf of a person exempt from taxation,

is liable to assessment and taxation by the city unless that person is himself exempt from taxation.”.

37. Section 463, subsection (2) is amended by striking out the words “A sum” and by substituting the words “The council of a city, by by-law, may provide that a sum”.

Section 463
amended

38. The following new sections are added immediately after section 463:

New sections
463a and
463b

“**463a.** (1) The council of a city in any year, including the year 1953, may classify any buildings and improvements on land within the city as residences and, by by-law, may provide that a sum equal to fifty per cent of the fair actual value of the buildings and improvements so classified

Differential
of
assessment

“(a) be entered on the assessment roll, and

“(b) be deemed the assessed value of such buildings and improvements for purposes of taxation.

“(2) A by-law passed under subsection (1) shall provide that with respect to buildings and improvements not classified as residences, a sum equal to sixty per cent of the fair actual value of such buildings and improvements

“(a) be entered on the assessment roll, and

“(b) be deemed to be the assessed value of such buildings and improvements for purposes of taxation.

“(3) No act or proceeding taken by the assessor under any of the provisions of this Act with respect to the sending out of any notices of assessment or levy or otherwise howsoever affects the right of council to classify buildings and improvements as residences in and for the year 1953 as provided in subsection (1), and if such classification is made the classification is valid and effectual and not open to question in any court.

“**463b.** Where the council of a city has provided for the assessment of all buildings and improvements at sixty per cent of their value under section 463, the council

Classifica-
tions of
residences
and
businesses

“(a) may classify buildings and improvements as

“(i) residences, or

“(ii) business premises, and

“(b) may designate the buildings and improvements to be included in each of the said classes for purposes of taxation as provided by section 526a.”.

Section 489
amended

39. Section 489 is amended

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

Entry of
name on
assessment
roll

"489. (1) Subject to subsection (3), a person who at any time claims to be entitled to be assessed or to have his name entered in the assessment roll shall be so assessed or shall have his name so entered upon submitting his claim together with supporting evidence to the assessor, and every such entry shall be recorded with the date on which it was made.";

- (b) by striking out subsection (2);
(c) by renumbering the present subsection (3) as subsection (2);
(d) by adding immediately after subsection (3), now renumbered as subsection (2), the following new subsection:

Inquiry by
assessor

"(3) Where a person claims

"(a) that he is entitled to be assessed or to have his name inserted in the roll, or

"(b) that another person should be assessed or named in the roll,

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, the assessor shall make reasonable inquiries before assessing or naming any such person in the assessment roll.";

- (e) by striking out the words "with intent to deprive that person of his right to be an elector", where they occur in clause (c) of subsection (4);
(f) by striking out the words "*prima facie* evidence", where they occur in subsection (5), and by substituting the word "authority";
(g) by striking out the letters and word " 'P.S.S.', or S.S.'", where they occur in subsection (5), and by substituting the letters and word " 'S.S.', or 'P. S.S.'",

Section 492
amended

40. Section 492 is struck out and the following is substituted:

Penalty for
fraudulent
assessments

"492. An assessor

"(a) who makes a fraudulent assessment, or

"(b) who wilfully or fraudulently inserts in the assessment roll the name of a person who should not be entered in the assessment roll, or

"(c) who wilfully or fraudulently omits the name of a person who should be entered in the assessment roll, or

"(d) who wilfully neglects a duty required of him by this Act,

is guilty of an offence and liable on summary conviction to a fine of not less than ten dollars and not more than one

hundred dollars and costs and in default of payment to imprisonment for a term not exceeding thirty days.”.

41. Section 511, subsection (2) is amended by striking out the words “not exceeding fifty dollars and costs” and by substituting the words “of not less than ten dollars or more than fifty dollars and costs, and in default of payment to imprisonment for a term not exceeding fifteen days”.

Section 511
amended

42. Section 517, subsection (2) is amended by striking out the words “The roll as finally completed” and by substituting the words “Subject to the provisions of sections 488 and 489, the roll as finally completed”.

Section 517
amended

43. Section 518, subsection (1) is amended by adding immediately after the word “Municipal” the word “Assessment”.

Section 518
amended

44. Section 524, subsection (2) is amended by adding immediately after clause (c) the following new clause:

Section 524
amended

“(d) to offset a remission of taxes made pursuant to a by-law under section 526b.”.

remission
of taxes

45. Section 526 is amended by striking out the words “the council”, where they occur in subsections (1), (2) and (3), and by substituting the words “Subject to section 526, the council”.

Section 526
amended

46. The following new sections are added immediately after section 526:

New sections
526a, 526b
and 526c

“526a. Notwithstanding section 526, where a council has provided for the assessment of all buildings and improvements at sixty per cent of their value and has classified such buildings and improvements as residences or business premises as provided by section 436b, the council may provide for

Council may
provide for

“(a) the partial remission of taxes on buildings and improvements classified as residences, subject to section 526b, or

remission
of taxes on
residences or

“(b) the levy of a surtax on buildings and improvements classified as business premises, subject to section 526c.

levy of
surtax on
business
property

“526b. (1) The council, by by-law, may provide for the partial remission of taxes levied on the assessed value of buildings and improvements which have been classified as residences under section 526a.

By-law for
remission
of taxes

“(2) The amount of the taxes remitted under a by-law passed under subsection (1) shall not exceed sixteen and two-thirds per cent of the amount of the taxes levied in respect of the said buildings and improvements classified as residences.

“526c. (1) Where buildings and improvements have been classified as residences or business premises under

Levying of
surtax

section 526a, the council, by by-law, may fix the 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.

"(2) Where a by-law is passed under subsection (1) 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 (3).

"(3) The surtax

"(a) may be levied on all buildings and improvements classified as business premises under section 526a, and

"(b) shall be at a rate not exceeding twenty per cent of the total uniform mill rate fixed under subsection (1)."

New section
577a

47. The following new section is added immediately after section 577:

By-laws re
arrears of
taxes

"577a. (1) The council may pass by-laws for the purpose of

"(a) compromising, upon such terms as may be agreed upon, the payment of arrears of taxes,

"(b) cancelling arrears of taxes that are no longer secured by a charge against land or other property and are no longer collectible from the person taxed.

"(2) No by-law passed under subsection (1) is valid unless it receives the unanimous affirmative vote of the council at a regular or special meeting."

Section 579
amended

48. Section 579, subsection (1) is amended by striking out clause (c).

Section 587
amended

49. Section 587 is amended by adding immediately after the figures and word "585 or" the word "to".

Section 616
amended

50. Section 616 is amended

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

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

"(2) Notwithstanding subsection (1), an appeal shall not be made under this section except upon the first imposition of the special assessment."

Section 623
amended

51. Section 623, subsection (1) is amended by striking out the words "estimated amount of the taxes" and by substituting the words "amount of the taxes levied or estimated to be levied".

New sections
638a and
638b

52. The following new sections are added immediately after section 638:

Approval of
borrowing

"638a. (1) The council of a city that has passed a by-law for contracting a debt or incurring a liability or for

borrowing money may apply to the Board of Public Utility Commissioners for a certificate approving the by-law.

"(2) A city that intends to apply for a certificate approving a by-law shall forward a copy of the by-law to the Board before it has been submitted to a vote.

"(3) No certificate shall be granted while any action or proceeding in which the validity of the by-law is called in question or by which it is sought to quash it, is pending, nor until two months after the final passing of the by-law unless notice of the application shall be given in such manner and to such persons, if any, as the Board may direct.

"(4) The Board may grant the certificate notwithstanding any defect or irregularity in substance or in form in the proceedings prior to the final passing of the by-law or in the by-law itself if, in the opinion of the Board, the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with.

"(5) The certificate may be in Form 41 in the Schedule.

"(6) A by-law approved by the certificate of the Board and the debentures issued or which may thereafter be issued in conformity with its provisions is valid and binding upon the city and upon the property liable to the rate imposed by or under the authority of the by-law, and the validity of the by-law and of every such debenture shall not thereafter be open to question in any court.

"638b. (1) Where a by-law has been approved under the provisions hereof, the Board, upon the application of the council, may countersign the debentures issued or which may be issued under the authority of the by-law. Countersign-
ing of
debenture

"(2) Notwithstanding anything to the contrary in this Act, the countersigning by the Board is conclusive evidence of the validity of the debentures and their validity shall not be open to question in any court.

"(3) The countersigned debentures are valid and binding upon the city and upon the property liable to the rate imposed by or under authority of the by-law."

53. Section 642, subsection (1) is amended

Section 642
amended

(a) by striking out the words "constructs, purchases or acquires" and by substituting the words "has constructed, purchased or acquired";

(b) by striking out the words "at the expense of the corporation at large".

54. Section 705, subsection (9) is amended by striking out the words "the time" and by substituting the words "any time". Section 705
amended

55. Section 713 is amended by striking out subsection (4) and by substituting the following: Section 713
amended

"(4) If the council attempt to pass a by-law contrary to subsection (1) in regard to bonusing, a member of the council voting in favour of the by-law Penalty
for voting
in favour
of bonusing

- “(a) is guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars and not more than one hundred dollars, exclusive of costs, and in default of payment to imprisonment for a term not exceeding sixty days, and
- “(b) is disqualified from holding any municipal office for a period of two years.”.

Section 716 amended

56. Section 716, subsection (3) is amended by striking out the words “less the expenses of sale” and by substituting the words “after the charges have been deducted for hauling, storage and other necessary expenses, including the costs of sale, which have been incurred by the city”.

Section 718 amended

57. Section 718 is amended by adding at the end the words “and in default of payment to imprisonment for a term not exceeding thirty days, unless the fine and costs are sooner paid”.

Section 719 amended

58. Section 719 is amended by striking out the words “penalty not exceeding one hundred dollars” and by substituting the words “fine of not less than ten dollars and not more than one hundred dollars and costs, and in default of payment to imprisonment for a term not exceeding thirty days”.

Section 736 amended

59. Section 736 is amended

- (a) by renumbering the section as subsection (1);
- (b) by adding immediately after subsection (1) the following new subsection:

Appointment of dentist

“(2) In the case of the local board of health referred to in clause (a) of subsection (1), the council of the city of Edmonton after the first day of July, 1953, may appoint as a member of the local board of health a qualified dentist who has been recommended by the Edmonton Dental Council and whose term of office shall be the same as that prescribed in the Edmonton Charter for medical practitioners appointed to the local board of health.”.

Section 737 repealed

60. Section 737 is repealed.

Schedule amended

61. The Schedule is amended by adding immediately after Form 14 the following new Form:

Form 14a

“FORM 14a

“(Sections 98 and 159 (2))

“You swear (or solemnly affirm) :

“1. That on this date you are actually a resident in this polling division No..... of the city of.....; and that the street address of your residence is.....; and

"2. That you are of the full age of twenty-one years; and

"3. That on the twentieth day of September last your name appeared upon the assessment roll of the city of..... in respect of the following.....

(land or business)

which is liable to taxation, viz.....; and

"4. That you have not voted before at this election at any other polling place and will not do so or attempt to do so."

62. The Schedule is amended by adding immediately after Form 40 the following new Form:

Schedule amended

"FORM 41

Form 41

“(Section 638a)

“CERTIFICATE OF BOARD OF PUBLIC UTILITY COMMISSIONERS

“Pursuant to *The City Act* the Board of Public Utility Commissioners hereby certifies that the within by-law is valid and binding and that its validity is not open to question in any court on any ground whatever.

“Dated this..... day of....., 19.....

“(SEAL)

.....
“Chairman.”.

63. This Act comes into force on the day upon which it is assented to except section 28 which comes into force on the first day of July, 1953.

Coming into force

No. 103

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act to amend The City Act

Received and read the

First time

Second time.....

Third time.....

HON. MR. GERHART
