

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 (w) is amended to include sewers within the definition of "public utility".

Section 98 is amended to make reference to a new Form added to the Schedule in 1953.

Section 281, subsection (3) is amended by bringing up to date the reference therein to "street cars".

Section 291 is amended by adding a new subsection (3) which restricts cities from purchasing land outside cities for the purpose of subdivision.

Section 319, subsection (2) is amended to make this section refer to the latest federal *National Housing Act*, rather than to the *National Housing Act, 1938* (Canada).

Section 333 is amended by the addition of a subsection which empowers a city council to provide entitlement to the benefits of a hospitalization agreement in the case of certain beneficiaries of trust estates.

Section 356 is amended. Clause (a) is amended to correct a reference in the case where the reference referred to a city and the term "municipality" which is a defined term more extensive in scope than the term "city" was used. Clause (b) is amended for the same purpose. Clause (b1) is added and expressly authorizes the council of a city to pass regulatory and licensing by-laws for the gas fitting trade.

Section 363, subsection (2) is amended to correct a misspelling.

Section 379 is added and authorizes a city to prescribe closing hours for garages, filling stations, gasoline pumps, machine shops and implement shops, to permit emergency sales when these businesses are otherwise closed for business pursuant to a city by-law, and to exempt designated garages, filling stations and service stations from the provisions relating to closing in this Act, a city by-law or any system of rotation.

Section 421, clause (b) is amended to correct a misspelling.

Section 526 is amended to correct a misprint.

Section 535, subsection (1) is amended to increase the ceiling placed by this subsection on the amount of the minimum hospital tax that a city may assess. The limit is increased from eight dollars to ten dollars and coincides

with amendments in other Acts wherein hospital agreements and minimum hospital taxes are authorized.

Section 565 is amended to remove an ambiguity.

Section 642 is amended. Subsection (1) is amended to include fire equipment within the listing of utilities and works that may be extended, re-equipped or improved through borrowings by the city. Subsection (3) which provides that borrowing for the above mentioned purpose need not have the assent of the proprietary electors if three-fourths of all the council vote therefor, is amended to make that provision applicable on a two-thirds vote of all the council.

Section 716 is amended. This section relates to lost or unclaimed property and the amendment makes it possible for the city to dispose of same after three months instead of the previous six months limit; also, by amendment to subsection (2) the city where it fails to dispose of an unclaimed article by public auction can now dispose of it in other ways. Previously the position of a city in such a case was unprovided for in the Act.

Forms 8, 9 and 10 are amended to change the manner of setting out the names on ballot forms to a smaller print with less detail and to remove the reference to the year of the balloting.

Form 35 is amended to clarify the meaning of the word "date" as used in this Form.

This Bill comes into force upon assent.

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. 97 of 1954

An Act to amend The City Act

(Assented to , 1954)

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 immediately after subclause (ix) of clause (w) the following new subclause: " (x) sewers;". Section 2 amended

3. Section 98, clause (b) is amended by striking out the words "in the Schedule" and by substituting the words and figures "or in Form 14a in the Schedule, whichever is the case,". Section 98 amended

4. Section 123, subsection (2) is amended by striking out the word "week" and by substituting the words "six clear days immediately". Section 123 amended

5. Section 281, subsection (3), clause (c) is amended by striking out the words "street cars" and by substituting the words "vehicles of a public transportation system". Section 281 amended

6. Section 291 is amended by adding immediately after subsection (2) the following new subsection:
"(3) Notwithstanding the provisions of subsection (1), the council shall obtain the approval of the Lieutenant Governor in Council before any land situated outside the boundaries of the city is purchased for the purpose of subdivision." Section 291 amended

7. Section 319, subsection (2), clause (a) is amended by striking out the figures and words ", 1938, and act as a 'local authority' or" and by substituting the figures and words ", 1954, and act". Section 319 amended

8. Section 333 is amended by adding immediately after subsection (6) the following new subsection: Section 333 amended

"(7) Notwithstanding the provisions of this section, the council may provide that a beneficiary represented by

a trustee or executor whose name is shown upon the assessment roll of the city, as the owner of lands or buildings and improvements be entitled to the benefits and advantages specified in any agreement between the council and an approved hospital."

Section 356
amended

9. Section 356 is amended

- (a) as to clause (a) by striking out the word "municipality" and by substituting the word "city",
- (b) as to clause (b) by striking out the word "municipality" and by substituting the word "city",
- (c) by adding immediately after clause (b) the following new clause:

licensing
gas fitters

"(b1) regulating and licensing gas fitters and providing for examining into the qualifications of gas fitters and establishing a board for the examination of journeymen, gas fitters, foremen, overseers or managers using the tools of the trade and desiring to engage in the work of gas fitting in the city and fixing the fees for such examination and authorizing the examining board to grant or refuse certificates of qualification;"

Section 363
amended

10. Section 363, subsection (2), clause (b) is amended by striking out the word "therfor" and by substituting the word "therefor".

New
section 379

11. The following new section is added immediately after section 378:

Closing
hours

"379. (1) Notwithstanding anything contained in this Act, the council by by-law may

- "(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 implement 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.

Sales in
emergencies

"(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.

"(3) The by-law authorizing sales in emergencies or in other conditions may

- "(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.

“(4) Notwithstanding anything contained in this Act or in any by-law, and notwithstanding any system of rotation, the council, in the case of garages, filling stations and service stations, may exempt one or more designated garages, filling stations or service stations from the application of any of the provisions relating to closing contained in this Act or in any by-law, or system of rotation, whichever is the case.”.

12. Section 421, clause (b) is amended by striking out the word “advisable” and by substituting the word “advisable”. Section 421
amended

13. Section 526 is amended by striking out the figures “526” wherever they occur in subsections (1), (2) and (3) and by substituting the figures “526a”. Section 526
amended

14. Section 535, subsection (1) is amended by striking out the word “eight” and by substituting the word “ten”. Section 535
amended

15. Section 565 is amended by adding immediately after the word “Where” the words “, under any of the other provisions of this Act,”. Section 565
amended

16. Section 642 is amended Section 642
amended

- (a) as to subsection (1) by striking out the words “or bridge” and by substituting the word “, a bridge or fire equipment”,
- (b) as to subsection (3), clause (a) by striking out the words “three-fourths” and by substituting the words “two-thirds”.

17. Section 716 is amended Section 716
amended

- (a) as to subsection (1) by striking out the word “six” and by substituting the word “three”,
- (b) as to subsection (2)
 - (i) by striking out the word “six” and by substituting the word “three”,
 - (ii) by adding immediately after the word “auction” the words “and any property offered for sale by public auction and not sold thereat may be otherwise disposed of as the council directs”,
- (c) as to subsection (3) by adding immediately after the word “auction” the words “or otherwise”.

18. The Schedule is amended Schedule
amended

- (a) as to Form 8 by striking out the form of Ballot and by substituting the following:

MAYOR Election of Mayor for City of	ALLAN, Charles Merchant
	BROWN, William Banker

- (b) as to Form 9 by striking out the form of Ballot and by substituting the following:

ALDERMEN Election of Aldermen for City of	ARGO, James Gentleman
	BAKER, Samuel Baker
	DUNCAN, Robert Printer

- (c) as to Form 10

- (i) by striking out the form of Ballot for Mayor and by substituting the following:

MAYOR Election of Mayor for City of	THOMPSON, Jacob Merchant	X
	WALKER, Robert Physician	

- (ii) by striking out the form of Ballot for Aldermen and by substituting the following:

ALDERMEN	Election of Aldermen for City of	BULL, John Butcher	X
		JONES, Morgan Grocer	

(d) as to Form 35 by adding immediately after the word "date" the words "of the publication".

19. This Act comes into force on the day upon which it is assented to. Coming into force

No. 97

SECOND SESSION
TWELFTH LEGISLATURE
3 ELIZABETH II
1954

BILL

An Act to amend The City Act

Received and read the

First time

Second time.....

Third time.....

HON. MR. GERHART
