

Bill No. 7 of 1955

A BILL TO AMEND THE CITY ACT

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NOTE

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

Section 9, subsection (1) is amended. This amendment will require that a town have a population in excess of ten thousand before it may make an application to be given city status.

Section 129a is added to make provision for the case where a candidate dies after nomination day and prior to election day.

Section 265, subsection (1) is amended to provide that an application to quash a by-law may be made within one month of the first passing thereof if the by-law is made to authorize the closing of a street or public thoroughfare.

Section 278, subsection (1), clause (d) is amended to permit a city to make by-laws requiring the removal or pruning of trees that interfere with or endanger the works of a public utility. Previously, the clause applied only to interference with sewers.

Section 284 is amended to make it clear that the vesting of public roads in a city does not vest the mines or minerals thereunder.

Section 291, subsection (3), which was enacted in 1954 to require that a city obtain the consent of the Lieutenant Governor in Council to the purchase for subdivision purposes by a city of land outside the city is amended to require such consent before a city acquires any land outside a city or any interest therein whatever the purpose of the acquisition.

Section 314 is amended. A new subsection (2) provides that a city is not entitled to mines or minerals where it obtains land by expropriation proceedings under this Part, except where coal rights are acquired to prevent the operation of a coal mine within the city.

Section 333 is amended to bring a reference to an Act and an agreement thereunder up to date.

Section 379, subsection (1) is amended. This subsection refers to gasoline pumps, which are not again referred to in this section, but contains no reference to service stations, which are subsequently referred to. For all practical purposes the terms "filling stations" and "service stations" are the only terms required.

Section 444 is amended. A new subsection (4) permits a city to enter any expenses, rates or rents on the assessment and tax roll at any time.

Section 466 is amended by the addition of a new subsection which expressly authorizes a newly proclaimed city to adopt the previous year's assessment, however obtained; but it may do this only once.

Section 468 is amended. The effect of the amendment is to extend the time within which the assessment for the following year is to be made to December 31st, and to require that the assessment roll be made up before the following March 31st.

Section 469 is repealed as the amendment to section 468 makes this section unnecessary.

Section 526a is amended to correct a reference.

Section 544, subsection (1), clause (o) is amended. The effect of this amendment is to exempt from taxation all property owned by a city. Heretofore only city property used for civic purposes was exempted by clause (o). A city may still make such property liable for taxation for municipal purposes if it so declares by resolution.

Section 562, clause (c) is amended. This section authorizes the levying of taxes by distress upon goods and chattels in certain cases. In many cases businesses with an apparent substantial stock in trade have no ownership of the bulk of the stock, which is on consignment and owned by third parties. The amendment will permit taxes, not being taxes on land, to be levied by distress upon such consigned goods.

Section 581, subsection (2) is amended to correct terminology.

Section 601 is amended by removing the requirement that the excess of a local improvement assessment be refunded rateably to those who paid it. Section 684 permits a city in a similar case to use a surplus for other capital expenditures after applying to the Board of Public Utility Commissioners.

Section 705, subsection (9) is amended to conform to the amendment to section 265, subsection (1) in respect of by-laws authorizing the closing of public thoroughfares.

Form 33 in the Schedule is struck out as it became redundant on the repeal of section 381 by chapter 20 of the Statutes of Alberta, 1953.

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. 7 of 1955

An Act to amend The City Act

(Assented to , 1955)

**H**ER 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 9, subsection (1) is amended by striking out the word "five" and by substituting the word "ten". Section 9 amended

3. The following new section is added immediately after section 129: New section 129a

"129a. (1) If a candidate dies after being nominated and before the close of the poll, the returning officer shall fix new days for the nomination of candidates and for polling. Death of candidate

"(2) The nomination day fixed by the returning officer shall be the nearest practicable day after six days from the date of the fixing of nomination day.

"(3) The returning officer shall notify the city clerk of the cause of the postponement of the election."

4. Section 265, subsection (1) is amended by adding immediately after the word "months" the words "or, in the case of a by-law passed under section 317, one month". Section 265 amended

5. Section 278, subsection (1) is amended by striking out clause (d) and by substituting the following: Section 278 amended

"(d) providing for the removal or pruning of trees or shrubs, on private property or otherwise, that in any way interfere with or endanger the lines, poles, conduits, pipes, sewers or other works of a municipal or other public utility;" removal of trees

6. Section 284 is amended Section 284 amended

(a) as to subsection (1) by striking out the words "in fee simple",

(b) as to subsection (2)

(i) by striking out the words "and the soil and freehold in the land comprised in",

(ii) by striking out the words "in all public" and by substituting the words "to all public",

- (c) by adding immediately after subsection (2) the following new subsection:

"(3) This section applies only to the property in the surface and in so much of the soil below and air above the same as is reasonably required for the control, protection and maintenance of the public place for the use of the public."

Section 291  
amended

7. Section 291, subsection (3) is amended by striking out the words "any land situated outside the boundaries of the city is purchased for the purpose of subdivision" and by substituting the words "acquiring any land situate outside the boundaries of the city or any interest in such land".

Section 314  
amended

8. Section 314 is amended

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

"(2) Except where coal mining rights are acquired to prevent the working of a coal mine within, upon or under any portion of land within the city, the city is not entitled to any mines or minerals, whether solid, liquid or gaseous, that may be found to exist within, upon or under land vested in the city by expropriation proceedings under sections 295 to 313, and the title to mines or minerals is in no wise affected by the registration of the conveyance or transfer of the land or of the order of the judge vesting the title to land in the city in pursuance of section 304."

Section 333  
amended

9. Section 333, subsection (1) is amended

- (a) by striking out the words "*The Hospitals Act*" and by substituting the words "*The Hospitalization and Treatment Services Act*",  
(b) by striking out the words "an agreement under the circumstances set out in section 3c of *The Hospitals Act*", where they occur in clause (b), and by substituting the words "a hospitalization agreement pursuant to *The Hospitalization and Treatment Services Act*".

Section 379  
amended

10. Section 379, subsection (1), clause (a) is amended by striking out the words "gasoline pumps" and by substituting the words "service stations".

Section 444  
amended

11. Section 444 is amended by adding immediately after subsection (3) the following new subsection:

"(4) Any public utility expenses, rates or rents that may be charged as taxes against a person may be entered on the assessment and tax roll at any time."

**12.** Section 466 is amended by adding immediately after subsection (1) the following new subsection: Section 466 amended

"(1a) When a town has been newly proclaimed a city, the council may, by by-law, adopt the assessment of land, including buildings and improvements, made in the previous year by the town, or by the municipal district, improvement district, special area or county within which the city was previously contained, as the case may be, but the assessment so adopted shall not be adopted again under subsection (1) in any succeeding year."

**13.** Section 468 is amended Section 468 amended

- (a) by striking out the word "October" and by substituting the word "December",
- (b) by striking out the words "that date" and by substituting the words "the first day of March of such succeeding year".

**14.** Section 469 is repealed. Section 469 repealed

**15.** Section 526a is amended by striking out the figures "436b" and by substituting the figures "463b". Section 526a amended

**16.** Section 544, subsection (1), clause (o) is amended by striking out the words "and used for civic purposes". Section 544 amended

**17.** Section 562, clause (c) is amended Section 562 amended

- (a) by adding at the end of subclause (iii) the word "or",
- (b) by adding immediately after subclause (iii) the following new subclause:
  - "(iv) by any person who has consigned the goods and chattels to the person taxed for sale in the ordinary course of the business of the person taxed, if the person taxed is not an auctioneer;"

**18.** Section 581, subsection (2) is amended by striking out the word "indifferent" and by substituting the words "a different". Section 581 amended

**19.** Section 601 is amended by striking out subsection (4). Section 601 amended

**20.** Section 705, subsection (9) is amended by adding immediately after the word "months" the words "or, in the case of a by-law passed under section 317, one month". Section 705 amended

**21.** The Schedule is amended by striking out Form 33. Schedule amended

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

No. 7

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THIRD SESSION  
TWELFTH LEGISLATURE  
4 ELIZABETH II  
1955

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**BILL**

An Act to amend The City Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. HINMAN

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