

No. 83

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4th Session, 13th Legislature, Alberta  
6 Elizabeth II, 1958

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## **BILL 83**

A Bill to amend The City Act

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HON. MR. HOOKE

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Edmonton, Alberta, 1958

## Explanatory Note

2. Reference changed to the new Assessment Commissioner.

3. (a) Section 42 provides for by-elections to fill vacancies on a city council. At present there is no provision for such an election if a vacancy occurs after the elections in October and before the end of the year. By the amendment the special election is required to be held unless the vacancy occurs between July first and September fifteenth.

(b) Subsection (3) amended to conform to change made to subsection (2). See note to clause 3(a) above.

(c) Words omitted as unnecessary.

4. This amendment will make a British subject eligible to be elected mayor or alderman whether or not he is a Canadian citizen.

5. (a) Section 98(1) presently reads as follows:

"98. (1) Clause (f) of section 97 does not apply to any person by reason only

"(d) of sales of goods and merchandise to the city or to persons contracting with the city and made by a dealer in those goods and merchandise incidental to and in the ordinary course of his business at competitive prices,".

Section 97(f) disqualifies persons who have contracts with the city from sitting on the council.

(b) Section 98, subsection (2), clause (b) presently reads as follows:

"(2) No mayor or alderman shall vote in the council

"(b) on any contract for the sale of goods and merchandise to which he is a party,".

# BILL

No. 83 of 1958

An Act to amend The City Act

(Assented to \_\_\_\_\_, 1958)

**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 42 of *The Revised Statutes of Alberta, 1955*, is hereby amended.

2. Section 2, clause (f1) is amended by striking out the words "Director of Assessments" and by substituting the words "Assessment Commissioner".

3. Section 42 is amended.

- (a) as to subsection (2) by striking out the words "in any year" and by substituting the words "and before the fifteenth day of September",
- (b) as to subsection (3) by striking out the words "in the previous year" and by substituting the words "and before the fifteenth day of September",
- (c) as to subsection (4) by striking out the words "and occurring on or after the first day of July in the previous year".

4. Section 96, subsection (1), clause (b) is amended by adding immediately after the word "citizen" the words "or a British subject".

5. Section 98 is amended

- (a) as to subsection (1)
  - (i) by adding immediately after the words "does not apply" the words "nor shall it be deemed to have heretofore applied",
  - (ii) by striking out the words "goods and merchandise" wherever they occur in clause (d) and by substituting the words "goods, merchandise or services",
- (b) as to subsection (2), clause (b) by striking out the words "goods and merchandise" and by substituting the words "goods, merchandise or services".

**6.** British subjects are qualified to vote in municipal elections.

**7.** See note to clause 6.

**8.** See note to clause 6.

**9.** See note to clause 6.

**10.** The present Act states that the employee may be absent from work from four to six o'clock in the afternoon. The proposed amendment would make the time of absence more flexible and is similar to section 69 of The Election Act.

**11.** Under the present section 280, subsection (1), clause (g), a council has authority to pass by-laws for the purpose of prohibiting, eliminating or abating noise. There is some doubt as to whether this would permit the passing of a by-law prohibiting noises made by the alteration of mufflers on motor vehicles.

**12. (a)** The powers of a city to take action against the owner of a vehicle for certain parking offences are clarified.

**6.** Section 99, clause (c) is amended by adding immediately after the words "Canadian citizens" the words "or British subjects".

**7.** Section 102, subsection (5), clause (a) is amended by adding immediately after the words "Canadian citizen" the words "or a British subject".

**8.** Section 103, subsection (7) is amended by adding immediately after the words "Canadian citizens" the words "or British subjects".

**9.** Section 161, subsection (1) is amended by adding immediately after the words "Canadian citizen" the words "or a British subject".

**10.** Section 197 is struck out and the following is substituted:

"**197.** (1) An employee who is an elector, shall while the polls are open on polling day at an election, have three consecutive hours for the purpose of casting his vote.

"(2) If the hours of the employee's employment do not allow for such three consecutive hours, his employer shall allow him such additional time for voting as may be necessary to provide the said three consecutive hours, but the additional time for voting shall be granted at the convenience of the employer.

"(3) No employer shall make any deduction from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work during such three consecutive hours or additional time."

**11.** Section 280, subsection (1) is amended by striking out clause (g) and by substituting the following:

"(g) for the purpose of prohibiting, eliminating or abating noise and in particular, but not so as to restrict the generality of the foregoing, prohibiting the operation of any vehicle powered by an internal combustion engine, the exhaust muffling system of which has been removed or altered in such a manner that it is capable of emitting a noise louder than that emitted by the exhaust muffling system originally installed."

**12.** Section 283 is amended

(a) as to subsection (2) by striking out clause (g) and by substituting the following:

"(g) prohibiting the owner of a vehicle or the person in charge of a vehicle from parking or leaving the vehicle on private property without authority from the owner, tenant, occupant or person in charge or control of the private property and providing for

(b) Where a traffic by-law is violated the owner of the motor vehicle may be charged when the identity of the driver cannot be ascertained.

**13.** By this amendment, the debt and lien arising upon the granting of municipal relief is to apply only to the cities' share of such relief. It will not apply in respect of provincial contributions thereto.

**14.** Authority given to cities to disconnect the telephone service if long distance charges are not paid.

**15.** This amendment is in line with a provision of The Edmonton Charter that was not included in this Act when it was passed. The City of Edmonton has requested that this amendment be made.

- “(i) the impounding and removal from the private property of a vehicle so parked or left thereon without authority,
  - “(ii) the laying of an information and complaint against the owner or person in charge of the illegally parked vehicle for the parking offence, or
  - “(iii) the placing on the vehicle of a parking violation notice allowing the owner of the vehicle an opportunity to pay a set amount in lieu of prosecution for the offence,”
- (b) by adding immediately after subsection (2) the following new subsections:

“(3) Where a vehicle is driven, used, parked or left in contravention of a by-law passed pursuant to this section, the owner of the vehicle is guilty of the contravention and liable to the penalty provided in the by-law unless he proves to the satisfaction of the justice of the peace or magistrate trying the case that at the time of the contravention the vehicle was not driven, used, parked or left by him or by any other person with his consent, express or implied.

“(4) In this section “owner” means, in the case of a motor vehicle registered pursuant to *The Vehicles and Highway Traffic Act*, the person named on the certificate of registration.”

**13.** Section 340 is amended by adding immediately after subsection (10) the following new subsection:

“(10a) Notwithstanding subsections (9) and (10), the charge and debt thereby created applies only for the value of the contribution made by the city to the indigent assistance given and to only the city’s share of any moneys expended towards the assistance and does not apply in respect of any moneys contributed by the Government toward such assistance.”

**14.** The following new section is added immediately after section 417:

“**417a.** A council may make by-laws authorizing the discontinuance of the telephone service supplied by the city to any person while any toll or charge payable by the person to the Alberta Government Telephones for long distance telephone services remains unpaid.”

**15.** Section 477, subsection (2) is amended

- (a) by striking out the word “and” where it occurs at the end of clause (f),
- (b) by adding the word “and” at the end of clause (g),
- (c) by adding immediately after clause (g) the following new clause:

“(h) provide that where a manufacturer is not manufacturing his products within the city but is selling the products wholesale or retail therein, the manufacturer concerned shall pay to the city a business tax at the rate applicable the wholesale dealers or retailers, as the case may be, as fixed by the by-law.”

**16.** Reference changed from the Director of Assessments to the Supervisor of Assessments.

**17.** Assessments are required to be made prior to December 31st in any year for taxation purposes the following year. A person might be assessable for the first time prior to December 31st but would not be taxable until the following year. The proposed amendment will remove an inconsistency.

**18.** This heading presently reads as follows:

"Appeal to Alberta Assessment Commission".

The Commission was replaced by the Board in 1957.

**19.** The amounts required under the named Act are to be included in the annual estimates and levy.

**20.** Sections 533 to 536 provide for the levying of a minimum or poll tax which is being abolished.

**21.** (a) See note to clause 4. A candidate's declaration of acceptance is amended in conformity.

(b) The form specified for use under section 161, subsection (1) is amended to conform to the amendment to the section. (See clause 9).

**22.** Coming into force dates.



**16.** Section 481, subsection (2) is amended by striking out the word "Director" and by substituting the word "Supervisor".

**17.** Section 495 is amended by striking out the word "taxable" and by substituting the word "assessable".

**18.** The heading immediately preceding section 515 is amended by striking out the word "Commission" and by substituting the words "Appeal Board".

**19.** Section 521, subsection (1) is amended by adding immediately after clause (c) the following new clause:

"(c1) such sums as may be required to meet the requisition of the Province pursuant to *The Hospitalization Benefits Act*,".

**20.** Sections 533 to 536 are repealed.

**21.** The Schedule is amended

- (a) as to Form 5 by adding immediately after the words "Canadian citizen" where they occur in clause 3 the words "or a British subject",
- (b) as to Form 16 by adding immediately after the words "Canadian citizen" where they occur in clause 4 the words "or a British subject".

**22.** (1) Except as otherwise provided this Act comes into force on the day upon which it is assented to.

(2) Section 20 shall be deemed to have been in force at all times on and after the first day of January, 1958.

No. 83

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FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

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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. HOOKE

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