

No. 63

5th Session, 14th Legislature, Alberta
11 Elizabeth II

BILL 63

A Bill to amend The City Act

HON. MR. HOOKE

Explanatory Note

2. (a) A definition of "depreciation" is added.

(b) The definition of "hospital" is amended to refer to the present hospitals Act.

(c) Clause (j1) presently reads:

"(j1) "improvement" means

- (i) a building or structure erected or placed upon, in, over or under land, whether or not it is so affixed as to become transferred without special mention by a transfer of the land,
- (ii) any thing affixed to or integrated in a building or structure affixed to the land that would without special mention be transferred by a transfer of the land, and
- (iii) machinery, equipment, appliances and other things that form an integral part of an operational unit designed for or used in
 - (A) processing or manufacturing, or
 - (B) the production of natural resources or the transmission of natural resources by pipe line,whether or not the machinery, equipment, appliances or other things are so affixed as to become transferred without special mention by a transfer of the land;"

Under other provisions of this Act, the things described in sub-clause (iii) are to be assessed at 30% rather than 60% of their fair actual value. The amendment is intended to remove storage tanks from this class.

3. Section 177 reads:

"177. All the provisions in this Act respecting the election and qualification of aldermen and the qualification of electors apply, so far as the same are applicable, to the election of school trustees, except that where a school district extends beyond the limits of a city, a person residing in such extended portion and qualified as an elector in a city school district is eligible to be nominated and to vote at an election of school trustees, notwithstanding that he is not qualified to vote for aldermen, if such person subscribes to the declaration in Form 20 in the Schedule."

BILL

No. 63 of 1963

An Act to amend The City Act

(Assented to _____, 1963)

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 42 of the Revised Statutes, is hereby amended.

2. Section 2 is amended

- (a) by adding the following clause immediately after clause (e):
 - (e1) "depreciation" means a loss in value attributable to any cause;
- (b) as to clause (j) by striking out the words "*The Hospitals Act*" and by substituting the words "*The Alberta Hospitals Act*",
- (c) as to clause (j1)
 - (i) by adding immediately after the words "or under land," in subclause (i) the words "including tankage used exclusively for storage purposes,"
 - (ii) by adding immediately before the words "that form an integral part" in subclause (iii) the words ", excluding tankage used exclusively for storage purposes,".

3. Section 177 is amended by renumbering the section as subsection (1) and by adding immediately after the renumbered subsection the following:

(2) Notwithstanding subsection (1), a paid official or employee of the city, is eligible to be elected and entitled to sit or vote as a school trustee.

4. A new Part is added to authorize the holding of city elections every two years, with the mayor, aldermen and school trustees being elected at the same time for a two year term. Section 214u is required because the city of Edmonton, from whom this request stems, conducted a plebiscite on the issue at the time of the annual election in the fall of 1962, with the electors favouring the method prescribed in the new Part.

4. The following new Part is added immediately after section 214p:

PART 1V B

ELECTION OF MAYOR AND ENTIRE COUNCIL EVERY TWO YEARS

214q. (1) Where on a vote of the electors, a majority of the electors voting, vote in favour of the mayor, aldermen and school trustees of the city being elected at the same time for a term of two years, the council shall by by-law declare the system of election as aforesaid to be in effect in the city.

(2) A vote of the electors under subsection (1) shall be held on the day of the annual election and in accordance with the provisions of Part V.

214r. (1) A by-law passed pursuant to section 214q, takes effect at the annual election for mayor and aldermen in the second year following the passing of the by-law, with the mayor and aldermen being elected for a two year term commencing with the date of the first meeting of the council following the election and every two years thereafter at the date fixed for the annual election.

(2) Notwithstanding any other provision of this Act, the term of office of mayor and aldermen elected at the date of the annual election for mayor and aldermen in the year following the passing of the by-law shall be for a period of one year commencing with the date of the first meeting of the council following the annual election.

214s. Upon the institution of the system of election authorized by this Part, any reference in this Act to annual elections, shall be deemed to also refer to the elections held pursuant to this Part.

214t. This Part, the necessary changes being made, applies to the election of public and separate school trustees.

214u. Notwithstanding section 214q, where at a plebiscite held in a city prior to the first day of November, 1962, the electors voted in favour of the system of election as authorized by this Part, the council of the city shall pass the by-law required by section 214q with the by-law taking effect as of the date of the annual election to be held in the year 1964 and the mayor and aldermen to be elected at the date of the annual election in the year 1963 shall be elected for a one year term commencing with the date of the first meeting of the council following the election.

5. Section 268a, subsections (1) and (3) read:

- "268a. (1) Notwithstanding anything contained in this Act,
(a) if a notice is published as provided in subsection (2), and
(b) if a vote is not required under subsection (3),
the assent of the proprietary electors is not required to any by-law
creating a debt not payable within the current year.
(3) If a demand for a vote on the by-law, signed by five per cent
or more of the proprietary electors, is delivered to the city clerk
within fifteen days of the last publication of the notice
(a) the city clerk shall notify the Local Authorities Board of that
fact, and
(b) the council shall immediately arrange for and hold a poll of
the proprietary electors in the manner prescribed by this Act."

6. Section 269, subsections (1), (2) and (2a) read:

- "269. (1) If ten per cent of the resident proprietary electors petition
the council for the submission of a by-law dealing with any matter
within its legislative jurisdiction, the council shall cause a by-law
dealing with the subject matter of the petition to be prepared and
read a first time in council.
(2) Within four weeks after receiving the petition the council shall
advertise the by-law in some newspaper published in the city, or in
case there is no such newspaper, in any newspaper circulating therein,
in at least one number of the paper each week for two successive weeks
prior to the date of voting on the by-law.
(2a) Notwithstanding section 217 any vote required under this sec-
tion may be held on the same date as the next annual date for a
municipal election if the petition is received by the council on or after
the first day of July and before the fifteenth day of September in
that year."

The amendment is intended to remove the necessity of a vote
other than at the time of the regular municipal election.

7. Section 276 reads in part:

- "276. For the prevention or extinguishing of fires and for the preser-
vation 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:"

8. Evidence by certificate.

5. Section 268*a* is amended by striking out subsection (3) and by substituting the following:

(3) If a demand for a vote on the by-law, signed by five per cent or one thousand, whichever is the lesser, of the proprietary electors is delivered to the city clerk within fifteen days of the last publication of the notice, the council shall not finally pass the by-law unless

- (a) the city clerk notifies the Local Authorities Board of the receipt of the demand,
- (b) the council holds a poll of the proprietary electors in the manner prescribed by this Act, and
- (c) the assent of the proprietary electors, as required by section 268, is obtained.

6. Section 269 is amended by striking out subsections (2) and (2*a*) and by substituting the following:

(2) The by-law shall be submitted to a vote of the proprietary electors if it is a money by-law or to a vote of the electors if it is not a money by-law in accordance with Part V.

(2*a*) If the petition is received after the fifteenth day of September in any year, the vote need not be held until the date of the annual election in the next following year or at the date of the next biennial election, as the case may be.

7. Section 276 is amended by adding the following clause immediately after clause (j) :

- (j1) adopting and constituting the Municipal Fire Prevention Code (Canada), with the exception of any specified provisions thereof or any modification of that code, either in place of or in addition to any regulations made under any other clause of this section;

8. Section 283 is amended by adding the following subsection after subsection (4) :

(5) In any prosecution of a contravention of a by-law passed pursuant to this section a certificate signed by a tester appointed under section 127*a* of *The Vehicles and Highway Traffic Act* and bearing a date thereon not more than thirty days before or after the date of the offence charged and stating therein the result of a test of the speedometer on the motor vehicle mentioned therein, is admissible in evidence without proof of the signature or appointment of the tester, as *prima facie* proof of the facts stated in the certificate.

9. Section 294, subsections (1) and (3) read:

"294. (1) The council may acquire by purchase, private treaty or otherwise, for and on behalf of the city and for any purpose whatsoever, such lands either within or without the city, as the council deems expedient to acquire.

(3) Notwithstanding the provisions of subsection (1), the council shall obtain the approval of the Lieutenant Governor in Council before acquiring any land situate outside the boundaries of the city or any interest in such land."

10. Section 298 presently reads:

"298. (1) If the council desires to acquire land, either within or without the city, for any purpose authorized by this Act, or for the purpose of preventing the working of any coal mine within, upon or under any portion of the land comprised within the city, or for the purpose of improving any land owned by the city, the commissioners may negotiate with the owners and occupiers of such land or other persons interested therein for the acquisition of the land by agreement, and in case they cannot acquire the land at a fair price by agreement, the commissioners may take steps to acquire the same by expropriation in the name and on behalf of the city.

(2) If the council, by agreement with the owners or persons concerned, cannot, at an amount that the council considers a fair price, acquire title to any parcel of land, or any estate or interest therein, required for the municipal public use of and by the city in or in connection with any plan of development of any particular area of the city and that the council bona fide deems to be in the public interest, whether such plan of development is to be undertaken solely by the city or in conjunction with any other person, then the council may acquire such title by expropriation proceedings in the name of the city."

11. A reference to the commissioners is replaced by a more correct reference to the city.

12. A reference to the commissioners is replaced by a more correct reference to the city.

13. Section 309 presently reads:

"309 Where a claim is made

(a) and (b) Repealed. (1961, c. 30, Schedule Two)

(c) for damages incurred by reason of the loss of or lessening of the use of land by the exercise of a power of a city in the erection or construction of a work or structure,

if the commissioners are not able to agree with the claimant as to the amount of compensation or damages, the compensation and damages shall be settled and determined by the award of a judge of the Supreme Court of Alberta or of the district court of the judicial district in which the city is situated or of a barrister to be appointed by him as arbitrator and the amount so awarded shall be paid to the claimant by the city."

9. Section 294 is amended by striking out subsection (3) and by substituting the following:

(3) Notwithstanding subsection (1), before acquiring any land or any interest in land, situate outside the boundaries of the city, the council shall obtain the approval of the council of the municipality in which the land is situated.

(4) If the approval of the council of the municipality in which the land is situated cannot be obtained the council of the city shall submit the matter to the Local Authorities Board for its approval, which may be given on such terms and conditions as the Board may decide.

(5) If the Local Authorities Board refuses to give the approval the council may not acquire the land.

10. Section 298 is amended

- (a) as to subsection (1) by striking out the word "commissioners" wherever it occurs and by substituting the word "city",
- (b) by striking out subsection (2).

11. Section 299, subsection (1) is amended by striking out the word "commissioners" and by substituting the word "city".

12. Section 300 is amended

- (a) as to subsection (1) by striking out the words "taking any land, the commissioners shall deposit" and by substituting the words "the taking of any land by a city there shall be deposited",
- (b) as to subsection (2) by striking out the word "commissioners" and by substituting the word "city".

13. Section 309 is struck out and the following section is substituted:

309. Where a claim is made for damage under section 303a, and the city is not able to agree with the claimant as to the amount of compensation or damages, the compensation or damages shall be settled and determined by the Public Utilities Board.

14. Section 318, subsections (1) and (2) presently read:

"318. (1) Where the council is empowered to acquire title to any land or to any estate or interest therein, either by purchase, expropriation, gift or other manner, other than tax recovery process, the council may hold, convey or dispose of such land, or estate or interest in such land in any manner that the council may deem to be advisable or expedient, and such disposal does not require the assent of the proprietary electors.

(2) A city council has no power

- (a) to dispose of its estate in any landed property acquired for a public park, public recreation grounds or exhibition grounds,
- (b) to sell to any person, firm or corporation, lands at any sum less than what is, in the opinion of the council, the fair actual value thereof at the time of sale,
- (c) to rent or lease to any person, firm or corporation, any lands, buildings or portion thereof at a rent less than the fair rental value except where the leasing is to a school, welfare organization, community service club or other organization, if in the opinion of the council the school, welfare organization, service club or organization is carrying out or proposes to carry out activities beneficial to the city, or
- (d) to dispose of or to devote to any other purpose, lands that have been dedicated to the city by gift for a specific purpose when such lands have been accepted by the city for that specific purpose,

without the assent of a majority of the electors voting on a by-law authorizing the disposal."

15. Section 332, clause (e) is amended to refer to the present hospitals Act.

16. Section 334 which deals with authorization of public health expenditures is never used and is being repealed.

Section 336 contains provisions which are now of no effect because of recent amendments to The Treatment Services Act.

17. Section 340 is amended to refer to the present hospitals Act.

18. Section 386 is amended to authorize a city to adopt as building regulations the Uniform Building Code.

14. Section 318 is amended

- (a) as to subsection (1) by striking out the words “, and such disposal does not require the assent of the proprietary electors”,
- (b) as to subsection (2) by striking out the words “A city council has no power” and by substituting the words “The disposal of any land, or estate or interest in land, as authorized by subsection (1) does not require the assent of the electors, except that the council does not have power”.

15. Section 332, clause (e) is amended by striking out the words “*The Municipal Hospitals Act*” and by substituting the words “*The Alberta Hospitals Act*”.

16. Sections 334 and 336 are repealed.

17. Section 340, subsections (8) and (10) are amended by striking out the words “*The Hospitals Act*” and by substituting the words “*The Alberta Hospitals Act*”.

18. Section 386, subsection (1) is amended by striking out clause (g) and by substituting the following:

- (g) adopting and constituting as building regulations
 - (i) the regulations known as the National Building Code (Canada) or the Uniform Building Code (1958 edition), or the National Building Code (Canada) or the Uniform Building Code (1958 edition) with the exception of any specified provisions thereof, or any specified provisions of the National Building Code (Canada) or the Uniform Building Code (1958 edition), and
 - (ii) any amendments to the National Building Code (Canada) or the Uniform Building Code (1958 edition), with or without modification, either in place of or in addition to any regulations made under any other clause of this section.

19. Section 409 presently reads:

"409. (1) The council, with the approval of the Board of Public Utility Commissioners, may enter into a contract with any person undertaking to provide the residents of the city with a supply of all or any of the following, namely, telephones, transportation, light, power, natural and artificial gas, water and heat, and confer a special franchise upon that person in respect of the subject matter of the contract for any period not in excess of twenty years.

(2) The council, with the approval of the Board of Public Utility Commissioners, may enter into a contract with any person to supply light, power, gas, natural and artificial gas or water for the use of the corporation for any period not exceeding twenty years.

(3) Any by-law passed by the council under this section shall be submitted to the proprietary electors and it shall only be made operative upon ratification by two-thirds of the proprietary electors voting thereon."

20. A cross-reference to section 409 is made more specific because of the amendments proposed by clause 19 of this Bill.

21. A new subsection (9) provides that the assessment of land is not to be affected by the zoning of the land for some use other than its actual use.

22. A new section provides for an assessment freeze on certain lands held for development purposes.

19. Section 409 is amended by striking out subsections (2) and (3) and by substituting the following:

(2) A by-law passed by a council under subsection (1) shall be submitted to the proprietary electors and it shall only be made operative upon ratification by two-thirds of the proprietary electors voting thereon.

(3) Where a city owns, maintains, controls, operates or conducts any public utility for the supply of all or any of the services mentioned in subsection (1), the council may enter into a contract with any person to supply additional quantities of any of such services for the use of the city and for the security and protection of service to its utility consumers for any period not exceeding twenty years.

(4) Without restricting the generality of subsection (3), any such contract may include provision for the supply of

- (a) standby service in the event of failure of the city's facilities,
- (b) peak or base load and reserve supply, and
- (c) interchange and ancillary services.

20. Section 410, subsection (1) is amended by adding immediately before the word and figure "section 409" the words and figure "subsection (1) of".

21. Section 458 is amended by adding the following subsection after subsection (8):

(9) Notwithstanding anything in this Act, where under a zoning by-law land is zoned for some use other than its actual use, the assessor shall, until such time as the land is used for the purpose for which it is zoned, assess the land on the basis of its actual use as if the zoning had not taken place.

22. The following new section is added immediately after section 458:

459. (1) Where land that is not being used for commercial, industrial or residential purposes is subdivided, a council

- (a) if it is satisfied that the land is being held for development for commercial, industrial or residential purposes, and
 - (b) if the land is serviced by the owner or is to be serviced by the owner on the requirement of the city,
- may, upon the application of the owner of the land, pass a by-law pursuant to this section in respect of the land.

(2) Notwithstanding anything in this or any other Act, the by-law shall prescribe that twenty per cent of the fair actual value of each lot in the subdivision, exclusive of improvements thereon, shall be used as the assessment of such lot

- (a) for the period prescribed by the by-law, not exceeding three years from the date of the application, or

23. Section 464, subsection (1) presently reads:

"464. (1) The council of a city by by-law may in any year adopt the whole or any part of the assessment roll of the current year as the assessment for taxation purposes for the succeeding year, but no such by-law shall be passed in more than eight consecutive years."

24. Section 466 presently reads:

"466. The assessor of each city shall, not later than the thirty-first day of December in each year, make his assessment of lands, buildings and improvements for the purpose of taxation in the next succeeding year, and shall make up the assesment roll not later than the first day of March of such succeeding year and the assessment roll so made up shall be the assessment roll for that year."

25. Section 468 is amended to require the re-assessment of property to be completed by October 31st rather than by December 31st.

26. Section 471, subsection (1) which defines certain terms in connection with the assessment of railway property is struck out as the definitions are considered superfluous.

27. Section 472, subsection (1) is amended to correct an error.

28. Section 485, subsection (1) is amended to conform to sections 466 and 468 as being amended by clauses 24 and 25 of this Bill.

29. Section 488, subsection (1) is amended to substitute the defined term "improvements" for the expression "buildings, structures or fixtures".

30. A new subsection is added to provide for the deferment of a local improvement levy where the council considers it proper to do so.

31. Section 602, subsection (2) presently reads:

"(2) A special assessment in respect of the local improvement may be imposed by the council, either before or after the cost thereof has been fully determined."

(b) until the construction or erection of an improvement is commenced on such lot, whichever first occurs.

(3) Only one by-law may be passed under this section with respect to any land, regardless of any change in the ownership or any subdivision or re-subdivision of all or any part of that land.

23. Section 464, subsection (1) is amended by striking out the word "eight" and by substituting the word "six".

24. Section 466 is amended

- (a) by striking out the word "December" and by substituting the word "October",
- (b) by striking out the word "March" and by substituting the word "January".

25. Section 468 is amended by striking out the word "December" where it occurs in clauses (a) and (b) and by substituting the word "October".

26. Section 471 is amended by striking out subsection (1).

27. Section 472, subsection (1) is amended by striking out the words "buildings are held" and by substituting the words "land is held".

28. Section 485, subsection (1) is amended by striking out the word "December" and by substituting the word "October".

29. Section 488, subsection (1) is amended by striking out the words "buildings, structures or fixtures" and by substituting the word "improvements".

30. Section 578 is amended by adding the following subsection after subsection (1):

(1a) A council may, by resolution, suspend and defer a special frontage or a special local benefit assessment for such period of time and on such terms and conditions as may seem proper.

31. Section 602 is amended by striking out subsection (2) and by substituting the following:

(2) A special assessment in respect of the local improvement may be imposed by the council, either before or after the cost thereof has been finally determined but where a local improvement has been authorized but has not been constructed or installed, a parcel abutting on the proposed local improvement shall be subject to the special assessment

32. Section 617 is revised to make it clear that there is a right of complaint to the court of revision as well as a right of appeal thereafter to the Alberta Assessment Appeal Board.

33. Section 618 is amended for the same purpose as section 617.

34. Section 623, subsection (1) presently reads:

"623. (1) The council, by by-law, may authorize the mayor and treasurer to borrow, either before or after the passing of the by-law levying the taxes for the current year, from any person or bank such sums as the council deems necessary to meet the current expenditures and obligations of the city until the taxes levied or to be levied for the year can be collected."

35. Section 695, subsection (1) presently reads:

"695. (1) Except as otherwise provided by this Act, no action shall be brought against a city, its officials, employees or agents by reason of the death of or any injury to any person or any injury to the property of any person arising out of any accident alleged to be due to the negligence of the city, its officials, employees or agents acting in the course of their employment, unless notice in writing of the accident and the cause thereof has been served upon the city clerk within six months of the happening of the accident, and any action for damages brought in respect thereof shall be commenced within one year after such right of action has arisen, otherwise the right of action is barred and extinguished."

36. Special provision to incorporate the Board of Governors of the Royal Alexandra Hospital in Edmonton.

in the first year that the local improvement was authorized and in the following years the special assessment shall be suspended and deferred, until the local improvement has been constructed or installed.

32. Section 617 is struck out and the following section is substituted:

617. (1) There is, against every assessment made under the authority of any by-law passed respecting local improvements, a right of complaint and appeal in the same manner and by the same procedure as nearly as possible as in the case of a complaint or an appeal from an ordinary assessment, but a complaint or an appeal does not lie against the rates per foot fixed by by-law under sections 582 to 585.

(2) A complaint and an appeal under this section may be made only once after the imposition of the special assessment.

(3) Where on complaint to the court of revision or on appeal to the Alberta Assessment Appeal Board an assessment is cancelled, altered or varied, the council or the Board shall amend the by-law accordingly and the assessment so altered or varied shall be substituted for the original assessment.

33. Section 618 is amended by adding immediately after the words "Subject to the right of" the words "complaint and".

34. Section 623, subsection (1) is amended by striking out the words "or to be levied".

35. Section 695, subsection (1) is amended by striking out the words "except as otherwise provided by this Act," and by substituting the words and figures "Subject to sections 697 and 698,".

36. Section 743 is amended by adding the following subsection after subsection (2):

(3) The Board of Governors of the Royal Alexandra Hospital established by By-law No. 2255 of the City of Edmonton passed November 21, 1961, as authorized by section 337 of this Act, is hereby declared to be, and to have been since its inception, a body corporate under the name of the Royal Alexandra Board of Governors, and, without in any way restricting the powers it may exercise, with power to

(a) operate the Royal Alexandra Hospital mentioned in

37. Commencement of Act.

the By-law, and any addition or modification thereto, for the care and treatment of persons suffering illness, injury or disability for which active treatment hospital care is required or is proper, and

- (b) carry on educational activities and provide educational facilities related to the care and treatment of persons suffering illness, injury or disability or relating to the promotion of health and in particular, but not so as to restrict the generality of the foregoing, conduct a school of nursing.

37. This Act comes into force on the day upon which it is assented to and upon so coming into force

- (a) clause (c) of section 2 shall be deemed to have been in force at all times on and after the thirtieth day of December, 1962, and
- (b) sections 30 and 31 shall be deemed to have been in force at all times on and after the first day of January, 1963.

No. 63

FIFTH SESSION
FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

BILL

An Act to amend The City Act

Received and read the

First time

Second time

Third Time

HON. MR. HOOKE
