

No. 102

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 102

A Bill to amend The City Act

HON. MR. HOOKE

Explanatory Note

1. This Bill amends The City Act, which is chapter 42 of the Revised Statutes.

2. (a) The definition of "hawker" or "pedlar" is amended to include the selling of services as well as merchandise.

(b) The definition of "improvement" is amended to remove tanks from the particular class of improvements mentioned in subclause (iii).

(c) The definition of "transient trader" is amended to include the selling of services as well as merchandise.

3. Section 7a, which deals with determining residence for the purpose of establishing municipality liability for assistance under various Acts is amended by removing references to repealed Acts.

4. Section 39 subsection (3), clause (a) presently reads:

"(3) Subject to the provisions of subsection (2), no alderman shall receive any remuneration, emolument or other payment in respect of his services on behalf of the city, except

(a) such sum as may be fixed by the council for each meeting of the council, and for each meeting on other occasions of any committee of the council, that he has attended during the year, or such annual sum for his duties as may be fixed by the council,
.....".

5. Section 40 presently reads:

"40. The mayor or any alderman may resign his seat in the council at any time upon written notice to the city clerk, who shall place the same before the council at its next meeting, and the resignation takes effect and the seat becomes vacant upon the date fixed by the council, or if no date is fixed, upon the date the council concurs therein."

6. Section 98 sets out the cases when the receipt of money from a city does not disqualify a person from being a member of the city council. Subsection (2) prohibits a council member from voting on questions touching property in which he has an interest.

BILL

No. 102 of 1964

An Act to amend The City Act

(Assented to _____, 1964)

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* is hereby amended.
2. Section 2 is amended
 - (a) as to clause (i) by adding after the word "merchandise" wherever it occurs the words "or services, or both,"
 - (b) as to clause (j1)
 - (i) by adding in subclause (i) after the word "structure" the words "or tank",
 - (ii) by striking out of subclause (i) the words "including tankage used exclusively for storage purposes,"
 - (iii) by striking out of subclause (iii) the words "tankage used exclusively for storage purposes," and by substituting the word "tanks,"
 - (c) as to clause (cc) by striking out the words "merchandise other than" and by substituting the words "merchandise or services other than".
3. Section 7a is amended by striking out subclauses (iii), (iv) and (v) and by substituting the following:
 - (iii) *The Juvenile Court Act*, or
 - (iv) *The Alberta Hospitals Act*,
4. Section 39, subsection (3), clause (a) is amended by striking out the words "committee of" and by substituting the words "committee or board appointed by or responsible to".
5. Section 40 is amended by striking out the words "council concurs therein" and by substituting the words "resignation is placed before the council".
6. Section 98 is amended
 - (a) as to subsection (1) by adding the following clause:

7. Section 131 reads:

"131. (1) If a candidate ceases to be a resident of the city or 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.

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

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

8. A new section is added stating who may administer oaths to persons required to take oaths before they can vote.

9. Section 204, subsection (1), clause (a) presently reads:

"204. (1) At any time within fifteen days from the time of the declaration of the result of the election by the returning officer under section 192, any elector may apply to a judge by notice of motion for a recount, after such elector has

(a) filed an affidavit with the clerk of the court that the returning officer or any deputy returning officer or other officer in counting the votes given at the election has improperly counted or rejected any ballot papers and that his action has materially affected the result of the election, and
....."

10. Subsection (2) of section 294 is struck out as it is not necessary because of sections 268 and 268a.

11. Section 318, subsection (2) prevents a city from selling land for less than the fair actual value without the assent of the electors. Subsection (4) presently reads:

"(4) For the purposes of education and notwithstanding clauses (b) and (c) of subsection (2), a city council may, without the assent of the electors, sell, rent or lease to the Crown in the right of the Province to a school district or to the University of Alberta lands or buildings, or any portion thereof, at a sale price of less than the fair actual value thereof at the time of sale or at a rental of less than the fair rental value thereof."

12. Section 332, clause (e) presently reads:

"332. The council may pass by-laws providing for
....."

(e) uniting in the formation of a municipal hospital district under the provisions of The Alberta Hospitals Act."

(h) of the receipt by him of a gratuity or allowance for service on a committee or board appointed by or responsible to the council.

(b) by adding the following subsection after subsection (2) :

(3) When a mayor or alderman is not entitled to vote by virtue of subsection (2), he shall so declare before discussion of the question and shall not participate in the debate and the abstention shall be recorded.

7. Section 131 is repealed.

8. The following section is added after section 154:

154a. The officer presiding at a polling place, and a poll clerk when acting in the place of the officer presiding or appointed to preside at a polling place, is by virtue of his office authorized to administer an oath to a person making a declaration, affidavit or other statement under oath that is authorized or required by this Act to be made in the course of the holding of an election or of the taking of a vote pursuant to this Act.

9. Section 204, subsection (1), clause (a) is amended by striking out the words "and that his action has materially affected the result of the election".

10. Section 294 is amended by striking out subsection (2).

11. Section 318, subsection (4) is amended by adding after the word "education" the words "or charitable works".

12. Section 332, clause (e) is amended by striking out the word "municipal".

13. Section 350 presently reads:

"350. (1) The council of any city may control and regulate all businesses carried on within the city and may license any or all such businesses, whether or not such businesses are specifically provided for in this Act.

(2) The council may appoint one or more licence inspectors and regulate and define their duties and their remuneration."

14. Section 359 is amended to clarify the power of cities to fix standards for persons engaged in certain trades.

15. A reference to another Act is brought up to date.

16. A reference to a repealed Act is removed.

13. Section 350 is struck out and the following is substituted:

350. (1) The council of any city may control and regulate all businesses carried on within the city and may license any or all such businesses, except transient traders,

(a) whether or not the business is one mentioned elsewhere in this Act, and

(b) whether or not the business has a business premises within the city.

(2) For the purpose of this section a business includes any business, trade, occupation, employment or calling.

(3) The council may appoint one or more licence inspectors and regulate and define their duties and their remuneration.

14. Section 359 is amended

(a) as to clause (a) by striking out the words "journeymen, plumbers" and by substituting the words "journeyman plumbers, master plumbers",

(b) as to clause (b) by striking out the words "journeymen, electricians" and by substituting the words "journeyman electricians, master electricians",

(c) by striking out clause (c) and by substituting the following:

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

(d) as to clause (c1) by striking out the words "journeymen, plasterers" and by substituting the words "journeyman plasterers, master plasterers".

15. Section 385 is amended by striking out the words "*The Town and Rural Planning Act*" and by substituting the words "*The Planning Act*".

16. Section 386, subsection (1), clause (d) is amended by striking out the words ", subject to the provisions of *The Factories Act*,".

17. The minimum period of time to be given a landowner to remove a building in ruinous or dilapidated condition is reduced to 1 month and the period of notice of the hearing is reduced to 2 weeks. A new subsection (4a) is added which is self-explanatory.

18. Section 453 presently reads:

"453. The city, its officers, agents and servants, shall be deemed to have the like protection in the exercise of its and their respective offices and the execution of its and their duties as public officers have under the laws of the Province."

19. Section 457, subsection (2) presently reads:

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

(a) a purchaser of the property under a bona fide agreement for sale, or

(b) 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."

20. Section 458, subsection (9) presently reads:

"(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 as if the zoning had not taken place."

17. Section 389 is amended

- (a) as to subsection (2) by striking out the words "three months" and by substituting the words "one month",
- (b) by adding the following subsection after subsection (4) :

(4a) If the proceeds from the sale of the building, structure or erection, after the deduction of any taxes owing thereon, are insufficient to meet the cost of demolition or clearance of the site, or if no proceeds are realized from the demolition and removal of the building, structure or erection, the council may charge the cost of the work done against the owner of the land on which the building, structure or erection was located and recover the cost as a debt due to the city or charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

- (c) as to subsection (5) by striking out the words "one month's" and by substituting the words "two weeks'".

18. Section 453 is amended by adding after the words "its officers," the word "officials,".

19. Section 457 is amended by striking out subsection (2) and by substituting the following:

(2) In the case of land or an improvement that is exempt from taxation, the interest of a person who is

- (a) a purchaser of the property under a *bona fide* agreement for sale, or
- (b) an occupant of the property under a lease, licence or permit,

is liable to assessment and taxation by the city and the interest of that person in the property shall be assessed in the same manner as if he were the owner of the property unless that person is himself exempt from taxation.

(3) Clause (b) of subsection (2) does not apply with respect to

- (a) an occupant in possession of the property in an official capacity on behalf of a person exempt from taxation, or
- (b) an occupant of property owned by a municipality.

20. Section 458 is amended by striking out subsection (9) and by substituting the following:

(9) Notwithstanding anything in this Act, where an action taken pursuant to *The Town and Rural Planning Act* or *The Planning Act* has the effect of prescribing

21. Section 459 is amended to provide a standard effective date for a by-law providing for a reduced assessment on land held for development purposes.

22. 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 six consecutive years."

23. Section 270, subsection (1) lists the information to be set out in the assessment roll.

24. Section 479, subsection (2) reads:

"(2) The business assessment and business tax provided for in this Act is not affected by anything contained in The Corporations Taxation Act or in any other Act."

25. Section 491 presently reads:

"491. Upon completion of the assessment roll the assessor shall attach thereto a certificate signed by him and verified by solemn declaration before the city clerk in Form 33 in the Schedule."

26. Section 492 presently reads:

"492. Within ten days after completing the roll the assessor shall publish in each newspaper published in the city a notice in Form 34 in the Schedule."

27. Section 493, subsection (1) presently reads:

"493. (1) When any assessment roll has been duly prepared the assessor forthwith shall mail to every person whose name appears on that roll, other than those persons especially provided for by section 468, an assessment slip which shall contain a copy of so much of the assessment roll as pertains to the property of such person, and shall also contain a copy of the notice in Form 34 in the Schedule."

(a) for land used for residential purposes, or
(b) for a parcel of land twenty acres or more in extent and used for agricultural purposes,
some use other than its actual use, the assessor shall, until such time as the land is used for the purpose designated assess the land according to its residential or agricultural use, as the case may be.

(10) Where land is not subject to an action taken under *The Planning Act*, or no actual use is being made of the land, the assessor shall assess the land in accordance with subsection (5).

21. Section 459 is amended by adding the following subsection:

(4) A by-law passed pursuant to this section comes into force on the first day of January of the year following the passage of the by-law.

22. Section 464, subsection (1) is amended by adding after the words "city by by-law" the words ", passed not later than the thirty-first day of August,".

23. Section 470, subsection (1) is amended by adding after clause (c) the following clause:

(c1) the name and post office address of the holder of each special franchise liable to assessment,

24. Section 479 is amended by striking out subsection (2).

25. Section 491 is amended by adding after the words "assessment roll" the words ", other than a supplementary business assessment roll,".

26. Section 492 is amended by adding after the word "roll" the words ", other than a supplementary business assessment roll,".

27. Section 493 is amended

(a) as to subsection (1) by adding after the words "When any assessment roll" the words ", other than a supplementary business assessment roll,",

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

(1a) As a supplementary business assessment roll is prepared, the assessor shall mail to every person whose name appears on that roll, an assessment slip which shall contain a copy of so much of the roll as pertains to the business of that person and if that

28. Section 502, which provides for an appeal to the court of revision is amended.

29. Section 512, subsection (2) presently reads:

"(2) All appeals in connection with any assessment roll shall be determined within ninety days after the completion of the assessment roll by the assessor, or within such further time as may be authorized by resolution of the council, and no appeal shall be heard after the expiration of such time, except as otherwise expressly provided for by this Act."

30. Section 544, subsection (1) clauses (n) and (u) read:

"544. (1) The following property is exempt from taxation:

-
- (n) the property vested in any library board established under provisions of The Public Libraries Act;
.....
- (u) property exempt from assessment and taxation under The Mobile Homes Licensing Act,
....."

31. Self-explanatory.

person desires to object to the business assessment he may within twenty-one days from the date of the mailing of the notice lodge his complaint in writing with the city assessor and the appeal shall be heard at the next regular sitting of the court of revision.

28. Section 502 is amended by adding the following subsection:

(3) Before an appeal is heard from a person who is not the owner or purchaser of the assessed property, there shall be deposited with the court of revision the sum of three dollars in respect of each parcel or improvement to which the appeal relates, and in the event of the appeal being allowed, the sum deposited shall be returned to the depositor, otherwise it shall form part of the general revenue of the city.

29. Section 512 is amended by striking out subsection (2) and by substituting the following:

(2) All appeals in connection with any assessment roll shall be determined within one hundred and twenty days after the completion of the assessment roll.

30. Section 544, subsection (1) is amended

- (a) as to clause (n) by striking out the word "*Public*",
- (b) by striking out clause (u).

31. The following section is added after section 583:

583a. (1) When a sewer is to be built to serve one or more parcels in an area where the development thereon will generate such a quantity of sewage that the existing sewers of the area cannot meet the need although the existing sewers can take care of the existing sewage requirements in the area, the council by by-law may establish a uniform charge per frontage foot for any parcel herein described for a period of not more than twenty-five years or may require that such sum be prepaid.

(2) Other parcels in the area that do not connect to the new sewer shall not be assessed or charged by reason of its existence until the owner requests connection and then shall be assessed and charged for the period of not more than twenty-five years or on a prepayment basis as the by-law so provides.

(3) Nothing in this section shall be deemed to authorize any parcel to be charged in any year a uniform charge per frontage foot for more than one sewer.

32. Section 620, subsection (1), clause (b), subclause (ii) presently reads:

"620. (1) The council may pass by-laws for borrowing, by the issue of debentures upon the credit of the city at large, the money required to meet the whole or any part of the costs or estimated costs of any local improvement, but

.....
(b) it is not necessary to obtain the assent of the proprietary electors to the passing of

.....
(ii) a by-law for raising the cost or estimated cost to be borne by the city at large for an extension of a system of sewerage originally constructed as a local improvement, or
....."
....."

33. Section 652, subsection (2) presently reads:

"(2) No debenture shall be issued after the expiration of four years from the final passing of the by-law authorizing the issue."

34. Section 718, subsection (2) appears to be now meaningless. Subsection (2) reads:

"(2) Nothing in this Act deprives any city of the rights and privileges conferred by The Industries Assessment Act or any other Act or statute of the Province respecting the encouragement of industry."

35. Section 742, subsection (1) states that Edmonton continues to be bound by The Edmonton Strathcona Amalgamation Act.

36. Commencement of Act.

32. Section 620, subsection (1), clause (b) is amended by striking out subclause (ii) and by substituting the following:

(ii) a by-law for raising the cost or estimated cost for an extension of a system of sewerage or of water mains, originally constructed as a local improvement, or

33. Section 652, subsection (2) is amended by striking out the word "four" and by substituting the word "six".

34. Section 718 is amended by striking out subsection (2).

35. Section 742 is amended by adding the following subsection:

(4) Notwithstanding subsection (1), the council of the City of Edmonton, without the assent of the electors, may register a subdivision plan for Block 45 Allendale which will include as Lot 3-R, containing 13.87 acres more or less, land to be used only for public park purposes by the city and this Lot 3-R will represent the park land grant made to the City of Strathcona November 14, 1911 by Elizabeth Allen, comprising Blocks 48 to 51 and Blocks 54 and 55, Plan 3553-P containing lots with a total area of 13.86 acres more or less.

36. This Act comes into force on the day upon which it is assented to and upon so coming into force sections 19 and 20 shall be deemed to have been in force at all times on and after the thirtieth day of October, 1963.

No. 102

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act to amend The City Act

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
