

No. 11

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 11

A Bill to amend The City Act

HON. MR. HOOKE

Explanatory Note

1. This Bill will amend chapter 42 of the Revised Statutes.

2. Section 41, subsection (1) reads in part:

41. (1) If, after the election of any person as a member of the council,

(a) he is convicted of a criminal offence punishable by death or by imprisonment for more than five years,

(f) he is convicted under section 127 of making a false statement in his acceptance of nomination,

the council by resolution shall declare his seat to be vacated and thereupon his seat in the council is forthwith vacated.

3. Section 42, subsections (1) and (2) read:

42. (1) When the office of the mayor becomes vacant by death, resignation or otherwise, the council shall forthwith elect some person from among its number to fill the position until the next annual election of aldermen, but no vacancy shall occur in the council by reason of such election.

(2) When the offices of two or more aldermen on the council become vacant by death, resignation or for any other reason than the expiration of their terms of office, the council shall forthwith fix a nomination day and appoint a returning officer to hold a special election to fill the vacancies for the unexpired terms thereof, and the special election shall be held as nearly as possible in the manner provided by this Act for general elections, but no special election need take place

(a) when only one office becomes vacant, or

(b) when more than one office becomes vacant on or after the first day of July and before the fifteenth day of September in that year,

and in either of the cases mentioned in clauses (a) and (b) the vacancy or vacancies shall be filled at the next annual election of aldermen.

BILL

No. 11 of 1966

An Act to amend The City Act

(Assented to _____, 1966)

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 41, subsection (1) is amended
 - (a) by striking out the words "a member of the council" and by substituting the words "mayor or alderman",
 - (b) by adding the following clause after clause (f) :
 - (f1) he becomes a party to a contract with the city contrary to clause (f) of subsection (1) of section 97,
3. Section 42 is amended
 - (a) by adding the following subsection after subsection (1) :
 - (1a) When an alderman is elected by council to fill the office of mayor pursuant to subsection (1) and
 - (a) upon a mayor being elected by the electors, or
 - (b) upon the former mayor being reinstated in the office of mayor,the alderman so appointed reassumes his office as alderman if the term of his office has not then expired.
 - (b) by adding the following subsection after subsection (2) :
 - (2a) Notwithstanding subsection (2), where there are twelve or more aldermen on council a special election shall be held to fill the vacancies when the offices of three or more aldermen on the council become vacant by death, resignation or for any other reason than the expiration of their terms of office.

4. Section 65 provides for the signing of cheques.

5. Section 96, subsection (1), clause (a) reads:

96. (1) No person is qualified to be elected mayor or a member of the council of a city unless
(a) he can speak, read and write the English language,

6. Section 97, clauses (f) and (j) read:

97. The following persons are not eligible to be elected mayor or a member of the council or entitled to sit or vote thereon,

.....
(f) a person who is for the time being a party to any subsisting contract with the city under which any money of the city is payable or may become payable for any service, work, matter or thing, or who has any pecuniary interest in any such contract, whether the interest is direct or indirect,
.....

(j) a person who, having been elected as a member of the council,
(i) has resigned his seat thereon

(A) on account of any matter or thing that would disqualify him for election as a member of the council or to sit or vote thereon, or

(B) for the purpose of avoiding the making of restitution for any money received by him in contravention of any of the provisions of this Act,
or

(ii) has been dismissed from the council under the provisions of clause (a) or (f) of subsection (1) of section 41, until the expiration of three years from the date of the resignation or dismissal.

4. Section 65 is amended by adding the following subsection after subsection (4) :

(4a) Where any thing is directed to be done by the mayor and treasurer, or either of them, pursuant to this section, it shall also include his or their successors in the office and his or their deputy.

5. Section 96, subsection (1) is amended by striking out the words "a member of the council" and by substituting the words "alderman".

6. (1) Section 97 is amended

(a) by renumbering the section as subsection (1),

(b) as to the renumbered subsection (1)

(i) by striking out the words "a member of the council or entitled to sit or vote thereon" and and by substituting the words "alderman or entitled to sit or vote on the council",

(ii) by striking out clause (j),

(c) by adding the following subsections after subsection (1) :

(2) A person having been a mayor or alderman

(a) who resigned his seat on council

(i) on account of any matter or thing for which his seat on the council could have been declared vacated under clause (a), (f) or (f1) of subsection (1) of section 41, or

(ii) for the purpose of avoiding the making of restitution for any money received by him in contravention of this Act,

or

(b) whose seat on the council was declared vacated by the council under clause (a), (f) or (f1) of subsection (1) of section 41, or

(c) whose seat on the council was declared vacated by a judge under subsection (2) of section 41 for any of the reasons set out in clause (a), (f) or (f1) of subsection (1) of section 41,

is not eligible to be elected mayor or alderman or entitled to sit or vote on the council until the expiry of three years from the date of his resignation or the date his seat on the council was declared vacated, as the case may be.

(3) A person having been a mayor or alderman at a time when he was a party to a contract with the city contrary to clause (f) of subsection (1), but

(a) who did not resign his seat on the council, and

(b) whose seat on the council was not declared vacated

7. Section 98, subsection (1), clause (h) reads:

98. (1) Clause (f) of section 97 does not apply nor shall it be deemed to have heretofore applied to any person by reason only
.....
(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.

Subsection (2), clause (a), subclause (iv) presently reads:

(2) No mayor or alderman shall vote in the council
(a) on any question
.....
(iv) affecting a company of which he is a director,

8. Section 104, subsection (2) presently reads:

(2) The clerk shall also post up in a conspicuous place in each polling division a copy of that part of the list that contains the names of those entitled to vote in the polling division.

9. Section 126, clause (c) presently reads:

126. Every nomination of a candidate for an elective office shall
.....
(c) be accompanied by a written statement of the assessor that the person nominated is assessed in the assessment roll as of the twentieth day of September last,
and such nomination, acceptance and statement shall be in Form 5 in the Schedule.

as set out in clause (a), (b) or (c) of subsection (2), is not eligible to be elected mayor or alderman or entitled to sit or vote on the council until the expiry of three years from the date the contract is discharged.

(2) Clause (c) of subsection (2) of section 97 of *The City Act* as enacted by section 4 of this Act only applies with respect to a person whose seat on a council is declared vacated by an order of a judge made after the commencement of this Act.

7. Section 98 is amended

(a) as to subsection (1) by adding the word "or" at the end of clause (h) and by adding the following clause after clause (h) :

(i) of the purchase or lease of land or other property that the city has authority to sell or lease either under this Act or *The Tax Recovery Act*, if

(i) an advertisement is made in one issue of a newspaper circulating in the city for two successive weeks to the effect that sealed tenders will be accepted for the sale or lease of the land or property at a specified time, place and date, which shall not be earlier than two weeks after the final publication of the notice,

(ii) the land or property is sold or leased to the highest bidder, and

(iii) the sale or lease is approved by the Local Authorities Board.

(b) as to subsection (2), clause (a) by striking out subclause (iv) and by substituting the following:

(iv) affecting a company of which he is a director, unless he was appointed a director of the company by the council,

8. Section 104 is amended by striking out subsection (2) and by substituting the following:

(2) The clerk shall also post up

(a) in a conspicuous place in each polling division, or

(b) when a suitable conspicuous place is not available in a polling division, then in a conspicuous place close to the polling division,

a copy of that part of the list that contains the names of those entitled to vote in the polling division.

9. Section 126, clause (c) is amended by adding after the words "the assessor" the words ", or his representative,".

10. Section 147 presently reads:

147. Every polling place shall be furnished with one or more compartments in which the voters can mark their ballots while screened from observation, and the returning officer shall ensure that such accommodation is provided at each polling place.

11. See clause 10 of this Bill.

12. Section 214a presently reads:

214a. Where on a vote of the electors, two-thirds of the electors voting, vote in favour of the election of aldermen by and to represent different areas of the city, the council shall by by-law declare the ward system to be in effect in the city.

13. Section 214g, subsection (1) reads:

214g. (1) Where the offices of both aldermen representing a ward become vacant, the council shall forthwith fix a nomination day and appoint a returning officer to hold a special election in the ward which shall be held as nearly as possible in the manner provided by this Act for annual elections.

The repeal of this section will make section 42 applicable.

14. Section 242, subsection (2) presently reads:

(2) He shall examine all the ballot papers, and every ballot paper
(a) that does not bear his initials on the reverse side,
(b) on which anything is written or marked by which the voter can be identified, or
(c) that has been torn, defaced or otherwise dealt with by the voter so that he could thereby be identified,
is void and shall not be counted.

15. Section 256 presently reads:

256. Within two weeks after the returning officer has declared the result of the voting on a by-law or question, any person who was entitled to vote thereon may apply for a recount of the votes to a judge of the district court, after giving notice of the application to such persons as the judge directs, and if it appears by affidavit that there are reasonable grounds for the application and if the applicant enters into a recognizance before the judge in the sum of two hundred dollars with two sureties, to be allowed as sufficient by the judge upon affidavit of justification, in the sum of one hundred dollars each, conditioned to proceed with the application without delay and to pay any costs that may be adjudged to any persons against the applicant, the judge shall order a recount of the votes to be had and shall in such case appoint a day and place for commencing the recount.

16. Section 268, subsection (1) presently reads:

268. (1) Subject to the exceptions set out in this or any other Act, no by-law for creating a debt not payable within the current year has any effect until it has received
(a) the assent of two-thirds of the proprietary electors of the city voting thereon in accordance with the provisions of Part V, and
(b) the approval of the Local Authorities Board as required by The Local Authorities Board Act.

10. Section 147 is struck out and the following is substituted:

147. (1) The returning officer shall ensure that each polling place is furnished with one or more compartments so arranged that each voter may be screened from observation and may mark his ballot papers without interference or interruption.

(2) In each compartment there shall be provided for the use of voters in marking their ballot papers a table, desk or shelf with a hard surface and a suitable black lead pencil which shall be kept properly sharpened throughout the hours of voting.

11. Section 165, subsection (1) is amended by adding after the words "mark his ballot paper" the words "with the pencil provided".

12. Section 214*a* is amended by striking out the word "two-thirds" and by substituting the words "a majority".

13. Section 214*g* is repealed.

14. Section 242, subsection (2) is amended

(a) by striking out the word "or" at the end of clause (b) and by adding the word "or" at the end of clause (c),

(b) by adding the following clause after clause (c):
(d) on which no vote has been cast by the voter,

15. Section 256 is amended by striking out the words "there are reasonable grounds for the application" and by substituting the words "the returning officer or any deputy returning officer or any other officer in counting the votes at the voting on the by-law has improperly counted or rejected ballot papers".

16. Section 268, subsection (1) is amended by striking out clauses (a) and (b) and by substituting the following:

(a) the assent of

(i) two-thirds of the proprietary electors voting thereon in accordance with Part V, when the total number of proprietary electors voting on

17. Section 268a, subsection (2) presently reads:

(2) Within ten days after giving first reading to a by-law referred to in subsection (1), a council may publish a notice of the proposed by-law, in the form prescribed by the Local Authorities Board, once a week for two successive weeks

(a) in at least one newspaper published and circulated within the limits of the city, or

(b) if there is no newspaper published within the city, then in at least one newspaper published in Alberta and circulating in the city.

18. Section 269, subsection (3) presently reads:

(3) If the majority of the votes polled, or in the case of a money by-law if a two-thirds majority of the votes of the proprietary electors polled, is in favour of the by-law the by-law as submitted shall be finally passed by the council within three months of the voting thereon without any alteration being made therein affecting the substance thereof.

19. Section 275 authorizes the passing of by-laws on various subjects. Clause (d) is replaced by section 275a—see clause 20 of this Bill.

the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or

- (ii) a majority of the proprietary electors voting thereon in accordance with Part V, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon,

and

- (b) the approval of the Local Authorities Board as required by *The Local Authorities Board Act*.

17. Section 268a is amended by striking out subsection (2) and by substituting the following:

(2) Within twenty-one days from the date of the issuance of an order from the Local Authorities Board approving a by-law referred to in subsection (1), a council shall publish a notice of the proposed by-law, in a form approved by the Local Authorities Board, once a week for two consecutive weeks

- (a) in at least one newspaper published and circulated within the limits of the city, or
- (b) if there is no newspaper published within the city, then in at least one newspaper published in Alberta and circulating in the city.

18. Section 269 is amended by striking out subsection (3) and by substituting the following:

(3) If the majority of the votes polled or in the case of a money by-law if

- (a) two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon,
- (b) a majority of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon,

are in favour of the by-law, the by-law as submitted shall be finally passed by the council within three months of the voting thereon without any alteration being made therein affecting the substance thereof.

19. Section 275 is amended

(a) by adding the following clause after clause (a):

- (a1) prohibiting the sale of fire balls, squibs, crackers or fireworks to persons under the age of twenty-one years,

(b) by striking out clause (d).

20. The section being added is section 54 of the present Child Welfare Act which more appropriately belongs in the municipal Acts.

21. Section 283 authorizes the making of by-laws with respect to the use of streets, etc.

22. Section 290, clause (e) reads:

290. The council may pass by-laws
.....

(e) providing for uniting with the councils of other municipalities, in the construction and maintenance of any public work or performance of any matter or thing deemed by all councils concerned to be of benefit to their respective municipalities, and entering into an agreement as to the joint control and management of any undertaking that concerns their respective municipalities.

23. Authority to enter into agreements with other municipalities and school boards for the joint ownership and operation of public works.

20. The following section is added after section 275:

275a. (1) The council may pass a by-law

- (a) regulating the time after which children shall not be in a public place at night without proper guardianship, and
- (b) designate the age or apparent age of boys and girls respectively to whom the by-law applies.

(2) A child to whom the by-law applies and found in a public place after the time so fixed may be warned to go home by an inspector, constable or peace officer and if after the warning the child refuses or fails to go home he may be taken to his home or to a shelter by the inspector, constable or peace officer.

(3) A parent who permits his child to contravene the by-law is guilty of an offence and liable upon summary conviction for a first offence to a fine of five dollars, and for a second offence to a fine of ten dollars, and for a third or a subsequent offence to a fine of twenty dollars, and in each case in default of payment to a term of imprisonment of not more than three months.

21. Section 283, subsection (2) is amended by adding the following clause after clause (t):

- (t1) granting a licence or permit for the temporary occupation or use of a road allowance, public highway, road, street, lane or alley or a portion thereof when it is not required for public use, provided that the licence or permit is terminable upon thirty days' notice in writing,

22. Section 290 is amended by striking out clause (e).

23. The following section is added after section 297:

297a. (1) Subject to the other provisions of this Act, a council may pass a by-law authorizing the making of an agreement with the council of any other municipality, or the board of trustees of a school district or division, for the joint construction, ownership, maintenance, operation and use of a public work or building, or for the performance of any matter or thing considered by all the councils or boards concerned to be a benefit to their respective municipalities, school districts or divisions, and to enter into an agreement as to the joint control and management of any thing that concerns their respective municipalities or school districts or divisions.

(2) Where an agreement is entered into pursuant to subsection (1) the council may in the by-law

- (a) appoint one or more of its members to be members of a joint committee or board with members ap-

24. Section 298 which authorizes expropriation of land is amended to provide cities with the same power now given to the Crown by section 20 of The Public Works Act in acquiring more land than is actually required, where it is advantageous to do so.

Subsection (3) presently reads:

(3) In this Act "plan of development" means a development scheme pursuant to The Planning Act.

25. Section 303a presently reads:

303a. (1) Notwithstanding any other provision of this Act, where in the exercise by a city of any of the powers conferred on it by this Act the city, in the erection or construction of a city work or structure, causes damage to an owner or other person having an interest in land immediately adjacent to the land upon which the city erects or constructs the work or structure by reason of loss of or permanent lessening of use of the land of that owner or other person, the person sustaining the damage is entitled to compensation therefor and may, at any time after the damage has been sustained and within sixty days after notice has been given in a newspaper of the completion of the work or structure in respect of which the damage is sustained, file with the city clerk a claim for damages in respect thereof, stating the amount and particulars of his claim.

(2) This section does not apply to any damage caused by

- (a) the construction of boulevards down the centre of a highway, street or lane for the purpose of channelling traffic, or
- (b) the restriction of traffic to one direction only on any highway, street, or lane.

pointed by the board of trustees of a school district or school division or by the councils of other municipalities, and

- (b) delegate to such joint committee or board power to construct, maintain, control and manage such undertaking, including the power to disburse the proceeds of debentures or other funds used for the purpose of such undertaking.

(3) A board or committee established pursuant to subsection (2) may in each year requisition the council of each municipality or the board of trustees of a school district or school division for its proportionate share of the cost of operating the undertaking and expend any sums so requisitioned for the control, management, upkeep and operational expenses of the undertaking.

(4) A board or committee established pursuant to subsection (2) shall in each year furnish the council of each municipality or board of trustees of a school district or school division concerned, with an audited statement of its receipts and payments for the preceding year and shall also supply each council or board of trustees of a school district or school division with such information regarding its management and operation as is deemed necessary.

24. Section 298 is amended

- (a) as to subsection (3) by adding at the end thereof the words "but does not include an urban renewal scheme under *The Alberta Housing Act*",
- (b) by adding the following subsection after subsection (3):

(4) Where the council is of the opinion that the city can obtain, at a more reasonable price or to greater advantage than by acquiring a part only, the whole or a portion of any parcel of land of which a part may be expropriated by the city, the city may take the whole or the portion of the parcel.

25. Section 303a is amended by adding the following subsection:

(3) The amount payable for damages under this section shall not exceed the amount of the difference between

- (a) the appraised value of the property prior to the exercise by the city of any of the powers conferred on it by this Act, and
- (b) the appraised value of the property after the exercise of the powers referred to,

together with an amount of not more than ten per cent of the amount of the difference as so determined.

26. Section 342, subsection (1), clause (b) presently reads:

342. (1) The council may pass by-laws

.....

(b) governing the leasing of land dedicated for a public park or for athletic or exhibition grounds or buildings, to any association organized for the purpose of fostering an interest in athletics or exhibitions, and

27. Section 345, subsection (1) presently reads:

345. (1) The council, by by-law, may appoint a recreation board to exercise such powers in the control, supervision and management of any playground as the council may determine, and to take such measures, either alone or in co-operation with other bodies as may be deemed advisable for the encouragement and development of amateur athletic and aquatic sports.

28. Section 346, clause (a) presently reads:

346. The council may pass by-laws

(a) aiding the establishment or maintenance of bands of music by any corps of active militia within the city or of any other bands of music,

29. Section 360, which authorizes by-laws regulating and licensing taxis and vehicles kept for hire is amended to exclude U drive vehicles.

30. Cities authorized to make provision for ambulance services.

31. Section 379, subsection (1) reads:

379. (1) The council, by by-law, may provide for all matters or things relating to the days and the hours wherein shops or any class of shops, other than those set out in subsection (2), shall be and remain closed.

32. Section 402 authorizes a city to deal with minerals and mineral rights. Subsection (2) reads:

(2) In the exercise of any of the powers contained in this section, the city shall not expend in any one year for the said purposes an amount exceeding the sum of one dollar for each one thousand dollars of ratable property without first obtaining the consent of the proprietary electors.

26. Section 342, subsection (1), clause (b) is amended by striking out the word "exhibitions," and by substituting the words "exhibitions, or of fostering playgrounds,".

27. Section 345, subsection (1) is amended

- (a) by striking out the word "playground" and by substituting the words "recreation program",
- (b) by striking out the words "amateur athletic and aquatic sports" and by substituting the words "such recreation program".

28. Section 346, clause (a) is amended by adding at the end thereof the words "orchestras and musical groups,".

29. Section 360 is amended by adding the following subsection:

(3) Subsections (1) and (2) do not apply with respect to motor vehicles kept for the purpose of being rented without a driver and classified as "D.U." vehicles for the purpose of licensing under *The Public Service Vehicles Act*.

30. Section 361 is amended by renumbering the section as subsection (1) and by adding the following subsections:

(2) The council may acquire and equip a motor vehicle for the purpose of providing ambulance services in the city.

(3) The council may by by-law authorize the payment of a grant to the owner of an ambulance for the purpose of encouraging the establishment and maintenance of an ambulance service in the city.

31. Section 379 is amended by adding the following subsection after subsection (1):

(1a) Notwithstanding subsection (1), the council, by by-law, may exempt shops or any class of shops or one or more classes of shops designated as to size or type from any of the provisions of the closing by-law and may designate by type the merchandise that may be sold or exposed for sale during the hours any such shops are permitted to be open.

32. Section 402 is amended by striking out subsection (2).

33. Section 403 authorizes the payment of entertainment and travelling expenses in the interests of the city. Subsection (2) presently reads:

(2) No sum in excess of the sums specified in subsection (1) shall be so expended in any year without being first approved by a two-thirds majority vote of the proprietary electors.

34. Section 404 presently reads:

404. The council may, in diffusing information respecting the advantages of the city as a manufacturing, business, education or residential centre, expend a sum based on the population of the city and not exceeding fifty cents per capita per year.

35. Section 409, subsection (3) presently reads:

(3) 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.

36. Section 458, subsection (11) presently reads:

- (11) Notwithstanding anything in this Act, where a new improvement
- (a) intended to be used for manufacturing or processing purposes, or
- (b) intended to be used in connection with a manufacturing or processing operation for the storage of the materials manufactured or processed,

is not completed and in operation before the thirty-first day of October in any year, the improvement is exempt from assessment in that year.

37. Section 472, subsections (2) and (4) presently read:

(2) Where land is held under lease from a railway company as an industrial site, the land shall be assessed to the tenant of the site as if he were owner thereof and all buildings and improvements thereon, whether affixed to the land or not and whether the tenant has any interest therein or not, shall be assessed to him as if he were the owner thereof.

(4) Every such tenant, whether his name appears on the assessment roll or not, shall pay taxes upon the assessed value of the buildings and the land forming the site thereof or occupied therewith at the rates lawfully imposed thereon, irrespective of the amount or nature of his interest therein.

33. Section 403 is struck out and the following is substituted:

403. The council may pay for or towards the reception or entertainment of guests, travelling or other expenses incurred in respect of matters pertaining to or affecting the interests of the corporation or the celebration of events or matters of national interest or importance.

34. Section 404 is struck out and the following is substituted:

404. The council may pay for or towards the diffusion of information respecting the advantages of the city as a manufacturing, business, educational or residential centre.

35. Section 409 is amended by striking out subsection (3) and by substituting the following:

(3) 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 of

- (a) two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or
- (b) a majority of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon.

36. Section 458 is amended by striking out subsection (11) and by substituting the following:

(11) Notwithstanding anything in this Act, where a new improvement is not completed or in operation or is not occupied, either in whole or in part, on or before the thirty-first day of October in any year, the improvement is exempt from assessment for purposes of taxation in the succeeding year.

37. Section 472 is amended

- (a) by striking out subsection (2) and by substituting the following:

(2) Where any land that forms part of the station grounds or right of way of a railway company is held under a lease from the railway company and does not form the site of an improvement, the land shall be assessed to the tenant as if he were the owner thereof.

- (b) by striking out subsection (4) and by substituting the following:

38. Section 497, subsection (1) is revised for greater clarity. Section 496 and section 497, subsection (1) read:

496. Annually there shall sit in every city a court of revision consisting of such members as may be appointed by resolution of the council, and the court of revision so sitting shall hear and deal with such appeals against assessment as have been received by the assessor as provided by this Act.

497. (1) The council of any city, by by-law, may establish a court of revision by appointing not more than five members thereof and may provide that no member shall be an alderman or commissioner of the city.

39. Section 522 reads:

522. Notwithstanding the provisions of this Act, the council, by by-law, may exempt from taxation all or such percentage of the assessment of improvements as described in subclause (iii) of clause (j1) of section 2, as it deems advisable.

40. Council authorized to compromise taxes.

41. Section 553, subsection (1) reads:

553. (1) The council, by by-law, may require any or all taxes or any instalment thereof to be payable on a certain day or days and may by way of penalty impose such additional percentage charge, not exceeding six per cent, as is deemed expedient, for the non-payment of such taxes or any instalment thereof on any day or days named, and may make such percentage charge on a sliding scale according to the time the said taxes or any instalment thereof may remain unpaid.

42. Section 580 which lists the categories of work that may be undertaken as local improvements is amended to add a new category.

(4) Every tenant referred to in subsection (1) or (2) shall, whether his name appears upon the assessment roll or not, pay taxes upon the assessed value of the lands mentioned in subsection (1) or (2) and the improvements mentioned in subsection (1), at the rates lawfully imposed thereon, irrespective of the extent or nature of his interest therein.

38. Section 497 is amended by striking out subsection (1) and by substituting the following:

497. (1) The council of a city, by by-law, may

- (a) establish a court of revision consisting of not more than five members, and
- (b) provide that a member of the council or a commissioner of the city is not eligible for appointment to the court of revision.

39. (1) Section 522 is repealed.

(2) Notwithstanding subsection (1), a by-law passed pursuant to section 522 continues in force until the thirty-first day of December, 1966.

40. The following sections are added after section 545:

545a. The council may pass a resolution for the purpose of compromising payment of arrears of taxes upon such terms as may be agreed upon.

545b. The council may pass a resolution for the purpose of cancelling arrears of taxes that appear on the assessment and tax roll and that are no longer secured by a charge against land or other property and no longer collectible from the person taxed.

545c. A council may with respect to a specific property or business pass a resolution in any case where the council considers it equitable to do so

- (a) to cancel or refund all or any part of a tax levy, or
- (b) to suspend and defer for such period of time and on such terms and conditions as to the council seems proper, a special frontage or a special local benefit assessment.

41. Section 553 is repealed.

42. Section 580, subsection (1) is amended by adding the following clause:

- (p) acquisition, designing, erection, operation and maintenance of special street lighting and decorations for seasonal use and for the purpose of contributing an attractive and festive appearance to streets and public places.

43. Section 628 presently reads:

628. By-laws for contracting debts that are not payable within the current year

- (a) shall provide for the issuing of debentures and the levying of annual rates for the payment of such debts, and
- (b) are subject to the assent of two-thirds of the proprietary electors voting thereon in accordance with the provisions of Part V, except as otherwise provided.

44. The sections here being repealed have not been proclaimed in force.

45. Commencement of Act.

43. Section 628 is amended by striking out clause (b) and by substituting the following:

(b) are subject to the assent of

(i) two-thirds of the proprietary electors voting thereon in accordance with Part V, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or

(ii) a majority of the proprietary electors voting thereon in accordance with Part V, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon,

except as otherwise provided.

44. Sections 23 and 27 of chapter 10 of the Statutes of Alberta, 1965 are repealed.

45. This Act comes into force on the day upon which it is assented to and upon so coming into force section 41 shall be deemed to have been in force at all times on and after the first day of January, 1966.

No. 11

THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act to amend The City Act

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
