

1971 Bill 63

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 63

An Act to amend The Municipal Government Act

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

BILL 63

1971

AN ACT TO AMEND THE MUNICIPAL GOVERNMENT ACT

(Assented to _____, 1971)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Municipal Government Act is hereby amended.*

2. *Section 2 is amended*

(a) *by striking out clause 14 and by substituting the following:*

14. "mobile unit" means

- (i) any vacation trailer or house trailer or relocatable trailer, or
- (ii) any structure whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation for or other use by one or more persons,

(b) *by striking out clause 22 and by substituting the following:*

22. "proprietary elector" means

- (i) a person whose name appears on the assessment roll in respect of land liable to assessment and taxation for general municipal purposes, and
- (ii) a person who is liable for the payment of a mobile unit licence;

3. *Section 50 is amended by striking out subsection (1) and by substituting the following:*

50. (1) When the office of mayor of a city or town becomes vacant by death, resignation, forfeiture or otherwise, the council shall forthwith appoint one of the councillors to fill the position but a vacancy shall be deemed not to occur on the council by reason of the appointment and a by-election need not be held unless

- (a) the number of councillors remaining is reduced to a point where a by-election is required, or

Explanatory Notes

1. This Bill will amend chapter 246 of the Revised Statutes of Alberta 1970.

2. Section 2, clauses 14 and 22 presently read:

14. "mobile home" means

(i) any vacation trailer or house trailer, or

(ii) any structure whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation for one or more persons;

22. "proprietary elector" means an elector whose name appears on the assessment roll in respect of land liable to assessment and taxation for general municipal purposes;

3. Section 50, subsection (1) presently reads:

50. (1) When the office of mayor becomes vacant by death, resignation, forfeiture or otherwise, the council shall forthwith appoint one of the councillors to fill the position until the next general election, but a vacancy shall be deemed not to occur among the councillors by reason of the appointment unless the number of councillors remaining is reduced to the point where a by-election is required, in which event the appointment of a councillor to the position of mayor is temporary until a by-election is held at which the vacancy in the office of mayor and any other vacancy on the council are filled.

(b) the council considers it advisable to hold a by-election to fill the office of mayor, in which event the appointment of a councillor to the position of mayor is temporary until a by-election at which the vacancy in the office of mayor and any other vacancy on the council are filled.

(1.1) When the office of mayor of a village or municipal district becomes vacant by death, resignation, forfeiture or otherwise, the council shall forthwith appoint one of the councillors to fill the position for the remainder of the term of office.

4. Section 56, subsection (2), clause (b) is amended by adding after the words "treasury branch" the words "or credit union".

5. Section 77 is amended by adding the following subsection after subsection (2):

(3) For the purposes of this section, a municipality shall include a collecting school district established pursuant to section 131 of The School Act.

6. Section 126 is amended by striking out subsection (1) and by substituting the following:

126. (1) A council may provide for the holding of an annual meeting of the electors for the discussion of municipal affairs.

7. The following section is added after section 126:

126.1 (1) If so requested at any time by the written petition of the electors, the mayor, by public notice conspicuously posted in at least 10 widely separated places in the municipality, shall call a public meeting of the electors of the municipality to be held on the date named in the notice, for the discussion of municipal affairs or of any matter relating thereto.

(2) The petition referred to in subsection (1) shall be signed by at least

- (a) 5 per cent of the electors in a municipality having a population of 10,000 or more persons, or
- (b) 10 per cent of the electors in a municipality having a population of less than 10,000 persons but more than 1,000 persons, or
- (c) 15 per cent of the electors in a municipality having a population of 1,000 persons or less.

4. Section 56, subsection (2), clause (b) presently reads:

(2) Unless the council otherwise directs, the treasurer

(b) shall deposit or cause to be deposited daily or as often as the council may direct all moneys received by him in a chartered bank or treasury branch designated by the council,

5. Section 77, subsection (1) reads:

77. (1) The council of every municipality shall appoint an assessor and prescribe his duties.

6. Section 126, subsection (1) presently reads:

126. (1) The council of a city may and every other municipality shall provide for the holding of an annual meeting of the electors for the discussion of municipal affairs.

7. Public meeting of electors on petition therefor.

(3) The date of the meeting named in the notice shall be not more than 30 days from the date of the receipt of the petition.

(4) The notices shall be posted at least seven clear days prior to the date of the meeting named in the notice.

8. Section 128, subsection (2), clause (c) is amended by adding after the words "to the municipality" the words "or except where the leasing is under a housing project under Part VI of the National Housing Act (Canada)".

9. The following section is added after section 128:

128.1 A council may operate and maintain a public housing project and may delegate

(a) to a housing authority established under section 41 of The Alberta Housing Act or,

(b) where no housing authority is established, to a municipal officer

the power to operate and maintain a public housing project including the power to enter into leases.

10. Section 148 is amended by adding at the end of subsection (1) and subsection (2) the words "or to all proprietary electors and all other adult residents of the municipality".

11. Section 149, subsection (1) is amended by adding after the words "within a reasonable time after" the words "receiving a written".

12. The following section is added after section 150:

150.1 The council may pass a by-law requiring owners of outdoor swimming pools to erect and maintain fences and gates around the swimming pools and prescribing the minimum height and specifications of, and the manner of erecting and maintaining the fences and gates.

13. Section 155 is amended by striking out clause (e) and by substituting the following:

(e) with respect to extinguishing fires or preserving life or property from injury or destruction by fire on land within or outside the municipality, to provide

(i) for the charging of any cost incurred, or a minimum fee, to the owner or occupant of the land, and

8. Section 128, subsection (2), clause (c) presently reads:

(2) 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

(c) to rent or lease to any person any lands, buildings or portion thereof at a rent less than a 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, community service club or other organization is carrying out or proposes to carry out activities beneficial to the municipality, or

9. Self-explanatory.

10. Section 148 presently reads:

148. (1) A council by by-law may provide for publication of the minutes of its meetings and of information concerning other municipal subjects and for that purpose may cause circulars to be prepared and distributed to all proprietary electors.

(2) Where one or more weekly newspapers are in circulation in a municipality the council by by-law may provide for the publication of the matters referred to in subsection (1) in such newspapers, and for the distribution of a copy thereof to each proprietary elector.

11. Section 149, subsection (1) presently reads:

149. (1) Any elector may at all reasonable times inspect

(a) any contract approved by council or an executive committee and any by-law or account after it has been submitted to the council,

(b) any report of the commissioners or of any committee or of any official of the municipality after it has been submitted to the council, other than an opinion or report of the municipal solicitor or of any counsel engaged by the municipality, and

(c) the minutes of council, after they have been adopted by the council,

and the municipal secretary shall within a reasonable time after demand by an elector furnish him with copies of any such documents or parts thereof at the rate of not more than 50 cents per 100 words, each figure to be counted one word or at a rate of not more than \$1 per reproduced page or part thereof of any such documents.

12. Fencing of swimming pools.

13. Section 155, clause (e) presently reads:

155. The council of a municipality may pass by-laws:

(e) for the charging of the cost to the owner or occupant of land and for the recovery of such cost as the by-law may provide where costs have been incurred with respect to extinguishing fires and preserving life and property from injury or destruction by fire on lands situated outside the boundaries of the municipality;

- (ii) for the recovery of such cost or fee as the by-law may provide,
and in the case of land within the municipality to provide in default of payment for charging the cost or fee against the land as taxes due and owing in respect of that land;

14. Section 166 is amended by adding the following subsections after subsection (2):

(3) Where the council provides an ambulance service to all or a part of the municipality, the council may, by by-law, prohibit any other person from providing a public ambulance service in the municipality or any part thereof.

(4) A by-law under subsection (3) may exclude ambulance services provided by a hospital from the prohibition set out in the by-law.

(5) Where a by-law has been passed pursuant to subsection (3) requiring a licensed ambulance service provided by another person to be discontinued, the municipality shall acquire the assets and pay compensation for the loss of anticipated profits plus the value of vehicles and equipment to the person who previously operated such service.

(6) Where the amount of the compensation or the terms of the acquisition cannot be agreed upon between the council and the former operator, the compensation and value of the assets shall be determined by the Public Utilities Board in like manner to that provided by section 28 of The Expropriation Procedure Act and the resulting order that is issued is binding upon both parties.

15. Section 167 is amended by adding the following subsection after subsection (2):

(3) The council, by by-law may grant the privilege of providing ambulance service in the whole municipality or a part thereof to one person and may by the same or by another by-law

- (a) set minimum standards of ambulance service and the number of vehicles to be provided,
- (b) set minimum requirements pertaining to vehicles to be used to provide the ambulance service,
- (c) set the number and minimum qualifications of all drivers and attendants employed, and
- (d) set the rates which may be charged for the service provided, on any basis which is considered to be equitable by the council.

14. Section 166, subsection (1) reads:

166. (1) A council, by by-law, may acquire and equip motor vehicles for the purpose of providing an ambulance service in the municipality, or any part thereof.

15. Exclusive right to operate ambulance service may be granted.

16. The following section is added after section 171:

171.1 A council may pass a by-law for the orderly numbering of houses on lots on the streets and avenues and for the renumbering of them from time to time as the council considers expedient.

17. The following section is added after section 174:

174.1 (1) The council of a city may pass a by-law for the purpose of establishing a mall or pedestrian promenade and the council of any other municipality may do so with the approval of the Minister of Highways and Transport.

(2) The by-law may

- (a) designate a portion of a street, road, lane, public highway or other land belonging to the municipality as a mall or pedestrian promenade,
- (b) control, restrict or wholly prohibit the use thereof by vehicles or by any class of vehicles, and
- (c) permit or provide for the obstruction of the mall or pedestrian promenade in such manner and to such extent as the council considers desirable.

(3) Where the council has designated a portion of a street, road, lane, public highway or other land as a mall or pedestrian promenade the council may by the same or other by-law create an organization for the purpose of managing and operating or advising in the management and operation of the mall or pedestrian promenade.

(4) If a council creates an organization for the purpose of managing and operating or advising in the management and operation of a mall or pedestrian promenade the council may appoint one or more

- (a) members of the council,
 - (b) persons owning, occupying or having an interest in land abutting the mall or pedestrian promenade, and
 - (c) officials and employees of the municipality,
- or any combination of them as members of the organization.

(5) An organization established pursuant to this section is a corporation having the powers and obligations delegated to it pursuant to the by-law creating it.

18. Section 178, subsection (5) is amended by adding the word "or" at the end of clause (b) and by adding the following clause after clause (b):

- (c) where any traffic control device has been defaced, removed or destroyed by someone other than a municipal official or employee as a result of an act of vandalism, without proof by the plaintiff that the

16. Regulation of house numbers.

17. Municipalities authorized to establish pedestrian malls.

18. Section 178, subsection (5) presently reads:

- (5) Default under this section shall not be imputed to a municipality in any action
 - (a) without proof by the plaintiff that the municipality knew or should have known of the disrepair of the road or other work, or
 - (b) if the municipality proves that it had not actual or constructive notice of the disrepair or that it took reasonable means to prevent the disrepair arising.

municipality knew of the defacement, removal or destruction and failed to restore, repair or replace the traffic control device in a reasonable period of time.

19. Section 178 is amended by adding the following subsection after subsection (6):

(7) In a municipal district, the provisions of this section and of section 169 extend to all roads and road diversions surveyed for the purpose of opening a road allowance as a diversion from the road allowance on the south or west boundary of the district although the road or road diversions are outside the boundaries of the municipal district.

20. Section 193, clause (1) is amended by striking out the words "or watercourse" and by substituting the words "watercourse or private property".

21. The following section is added after section 212:

212.1 A council may pass by-laws authorizing the acquisition of land and the construction of buildings thereon for use as trade or convention centres and providing for the operation, maintenance and regulation thereof.

22. Section 215, subsection (1) is amended by adding after the words "The council may" the words "refuse to grant or may revoke a licence on grounds which, to it, appear just and reasonable and may"

23. Section 226 is struck out and the following is substituted:

226. (1) Every mobile unit is liable to be licensed in accordance with this section.

(2) The licence fee to be imposed in respect of mobile units shall be in accordance with a schedule prescribed by the Minister.

(3) As soon as the mobile unit is occupied for any purpose in a municipality the full amount of the licence fee for the unexpired portion of the licensing year commencing with the first day of occupancy of the mobile unit in the municipality, thereupon becomes due and payable to the municipality unless the municipality and the owner of the mobile unit have entered into an agreement whereby the licence fee is made payable by installments in advance.

19. Section 178 sets out the duties of municipalities with respect to the state of repair of highways under their control.

20. Section 193, clause (1) presently reads:

193. The council, subject to the provisions of The Public Health Act and any regulations thereunder, may pass by-laws

(1) prohibiting or restricting, controlling and regulating the placing or depositing of refuse as defined in the by-law upon any street or lane or in any park, public place or watercourse and compelling the removal of such refuse by the party so placing or depositing it and the placing of it in the place ordered by the council either within or outside the municipality.

21. Authority to acquire and operate trade and convention centres.

22. Section 215, subsection (1) presently reads:

215. (1) The council may delegate to a municipal officer on such terms and conditions as the council by by-law may determine the power to refuse to grant or revoke any licence if in his opinion there are just and reasonable grounds for the refusal of the application or for revocation of the licence subject to the right of the applicant to appeal the refusal or revocation to the council.

23. Section 226 is revised to remove any conflict with proposed provisions in The Municipal Taxation Act which would permit the assessing and taxing of mobile homes situated on the owner's land.

(4) Where the owner of a mobile unit has paid the full annual licence fee imposed pursuant to the schedule prescribed by the Minister in accordance with this section and the mobile unit is moved from the municipality or ceases to be occupied for any purpose, the owner upon application therefor shall be refunded one-twelfth of the annual licence fee for each full calendar month remaining in the year and during which the mobile unit is not within the municipality or is not occupied for any purpose.

(5) A licence fee payable pursuant to this section is collectible as a debt due to the municipality.

(6) A licence or a licence fee shall not be required in respect of

(a) a mobile unit occupied by a *bona fide* tourist, or

(b) a mobile unit located in a county or municipal district while it is occupied by a *bona fide* farmer and used for farming purposes.

(7) A licence or licence fee shall not be required in respect of a mobile unit liable to assessment as an improvement pursuant to The Municipal Taxation Act.

24. Section 275, subsection (1) is amended by adding after the words "provided in section" the figure "270,".

25. Section 276, subsection (5) is amended by adding at the end thereof the words "or section 5 of The Gas Utilities Act".

26. Section 311 is amended by adding the following subsection after subsection (1):

(1.1) The by-law

(a) shall be proceeded with in the manner set out in this section, or

(b) shall be immediately submitted for the assent of of the proprietary electors.

27. The following section is added after section 311:

311.1 (1) Notwithstanding the provisions of this or any other Act, the council may, by by-law, authorize all electors of the municipality to vote on a specific by-law or on all by-laws requiring the assent of the proprietary electors.

(2) Where a council passes a by-law pursuant to subsection (1), all references to proprietary electors in this or The Municipal Election Act shall, in relation to voting on by-laws, be deemed to refer to and to include all electors.

28. (1) Subject to subsection (2), this Act comes into force on the day upon which it is assented to.

(2) Section 2, clause (a) and section 23 of this Act come into force on January 1, 1972.

24. Section 275, subsection (1) presently reads:

275. (1) A municipal district may exercise the powers provided in section 271 or 273, in a specified part or parts of the municipal district only, in which event only the proprietary electors of the specified part or parts of the municipal district are entitled to petition for a vote or to vote on the by-law.

Section 270 authorizes special franchises.

25. Section 276, subsections (4) and (5) presently read:

(4) Where there is a dispute between the municipality and any other municipality in connection with the rates, tolls or charges, the dispute may be submitted to the Public Utilities Board for an order upon such terms and conditions as to the Board seem proper.

(5) Subsection (4) applies whether or not a public utility is subject to the control and order of the Public Utilities Board pursuant to section 102 of The Public Utilities Board Act.

26. Section 311, subsections (1) and (2) read:

311. (1) Subject to the exception 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 the approval of the Local Authorities Board and the assent of the proprietary electors when such assent is required by this Act.

(2) Within 21 days from the date of the issuance of an order or as otherwise authorized by 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 in at least one newspaper circulating within the limits of the municipality.

27. Authorization for all electors to vote on money by-laws.