

1973 Bill 30

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 30

The Municipal Government Amendment Act, 1973

MR. ZANDER

First Reading

Second Reading

Third Reading

Bill 30
Mr. Zander

BILL 30

1973

THE MUNICIPAL GOVERNMENT AMENDMENT ACT, 1973

(Assented to _____, 1973)

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 7 is amended*

(a) *as to subsection (1) by striking out the words "by petition" and by substituting the words "by a petition to be presented to a council",*

(b) *as to subsection (4) by striking out the words "in accordance with subsection (2),".*

3. *Section 10, subsection (1), clause (b) is amended by striking out the words "in the summer village".*

4. *Section 14 is amended by adding the following new subsection after subsection (5):*

(6) When an order is made to increase the number of electoral division in a municipal district, the council shall forthwith proceed to make all necessary arrangements for the nomination and election of a councillor or councillors to fill the vacancy or vacancies created.

5. *Section 29, subsection (2) is amended by adding the following after clause (e):*

(e1) of his performing work for or providing a service to the municipality in the case of an emergency and for which he is paid normal rates for the work or service provided, or

6. *Section 30 is amended by adding the following after subsection (3):*

(4) This section does not apply to a member of a council by reason only of his being a member of the board of directors of a foundation or association formed for the purpose of staging British Commonwealth Games.

Explanatory Notes

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

2. Section 7(1) reads in part:

7. (1) Where this Act provides for the doing of any thing by petition, the petition shall consist of one or more pages each of which shall contain an accurate and identical statement of the purpose and objectives of the petition and

Subsection (4) reads:

(4) Every petition shall be filed with the municipal secretary who shall, in accordance with subsection (2), compute the number of petitioners that have signed the petition and determine the sufficiency thereof.

3. Section 10(1)(b) reads:

10. (1) All the provisions of this Act that apply to villages apply to summer villages, except that in a summer village

(b) an annual meeting for the discussion of village affairs shall be held in the summer village on the third Saturday in July,

4. Self-explanatory.

5. Section 29(1) lists matters that disqualify a council member from office. Subsection (2)(e) reads:

(2) Subsection (1) does not apply to a person by reason only

(e) of the sale of goods, merchandise or services to the municipality or to persons contracting with the municipality and made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business, or

6. Section 30 prohibits members of a municipal council from voting on certain matters in which he has a personal interest or involvement.

7. *Section 31, clause (b) is amended by striking out the words "declare him to be disqualified, or may".*

8. *The following new section is added after section 45:*

45.1 Notwithstanding any other provision of this Act, a council may by by-law, under such terms and conditions as it considers appropriate, delegate to a municipal official authority to enter into contracts for the purchase or hire for municipal use of goods, machinery or equipment and the services connected therewith.

9. *Section 53 is amended by adding the following new subsection after subsection (3):*

(4) Where all the seats on a council become vacant through death, resignation or for any other reason, the Minister may by order appoint a person to act as official administrator of the municipality who thereupon has all the powers and duties of a council including the power to hold an election for the purpose of filling all vacancies then existing on the council.

10. *The following new section is added after section 56:*

56.1 A council, by by-law, may provide that the duties and responsibilities of the office of the municipal secretary and the treasurer be combined into one office to be designated as the municipal administrator and a person appointed to that office may under the title of municipal administrator do anything that by this or any other Act is to be done by the municipal secretary or the treasurer.

11. *Section 90 is amended by adding the following after subsection (4):*

(5) This section does not apply to a person by reason only of his being a member of the board of directors of a foundation or association formed for the purpose of staging British Commonwealth Games.

12. *Section 91 is amended by striking out the word "pre-requisites" and by substituting the word "perquisites".*

13. *Section 126.1 is amended by striking out subsection (2) and by substituting the following:*

(2) The petition referred to in subsection (1) has no effect unless the number of electors who have signed the petition equals at least

- (a) 3 per cent of the population of the municipality as determined by the latest census, in a municipality having a population of 10,000 or more persons, or

7. Section 31 reads:

31. Where a member of a council is not qualified under section 29 or 30 to be a member of the council

- (a) the member shall forthwith resign his seat on the council, and
- (b) if he does not so resign, the council may, by resolution, declare him to be disqualified, or may apply to a judge for an order declaring his seat vacant.

8. Power given to delegate authority to enter into certain contracts.

9. Appointment of administrator when all council seats vacant.

10. The offices of municipal secretary and treasurer may be combined with the name municipal administrator.

11. Section 90(1) reads:

90. (1) No person having an interest in a contract with the municipality shall be appointed a municipal commissioner or municipal manager and neither the municipal manager or a municipal commissioner shall, during his term of office, have an interest, direct or indirect, in such a contract.

12. A typographical error is corrected.

13. Section 126.1 (1) provides for a petition for a public meeting. Subsection (2) presently reads:

(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.

- (b) 5 per cent of the population of the municipality as determined by the latest census, in a municipality having a population of less than 10,000 persons but more than 1,000 persons, or
- (c) 7 per cent of the population of the municipality as determined by the latest census, in a municipality having a population of less than 1,000 persons.

14. *The following new section is added after section 126.1:*

126.2 (1) If a petition is submitted to the council for 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.

(2) The petition referred to in subsection (1) has no effect unless the number of electors who have signed the petition equals at least

- (a) 3 per cent of the population of the municipality as determined by the latest census, in a municipality having a population of 10,000 or more persons, or
- (b) 5 per cent of the population of the municipality as determined by the latest census, in a municipality having a population of less than 10,000 but more than 1,000 persons, or
- (c) 7 per cent of the population of the municipality as determined by the latest census, in a municipality having a population of 1,000 persons or less.

(3) Within four weeks after receiving the petition, the council shall publish the proposed by-law once a week for two consecutive weeks in at least one newspaper circulating within the municipality and shall make provision to submit the by-law to a vote of the electors.

(4) The proceedings upon a vote under this section shall be the same, as far as practicable, as those provided in *The Municipal Election Act* for voting on money by-laws.

(5) If the majority of the votes polled is in favour of the by-law, the by-law as submitted shall be finally passed by the council within four weeks of the voting thereon without any alteration being made therein affecting the substance thereof.

(6) This section does not apply to matters or proceedings under Part 7.

15. *Section 127, subsection (3) is amended by adding after the words "interest in land" the words "(other than an option to acquire land or an interest therein)".*

14. A new section is added to enable electors to petition the council to introduce a by-law and submit it to a vote of approval by the electors.

15. Section 127 (1) and (3) read:

127. (1) A council may acquire lands or any interest therein either within or without the municipality for any municipal purpose.

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

16. *Section 156 is amended*

- (a) *as to clause (f) by striking out the words "in any defined area" and by substituting the words "in the municipality or any defined area thereof",*
- (b) *as to clause (k) by adding after the words "National Fire Code of Canada 1963" the words "or a successor Code".*

17. *Section 161 is amended by striking out clause (c) and by substituting the following:*

- (c) *prohibiting or regulating the running at large of dogs and cats, or either of them, and*
 - (i) *providing for the impounding of dogs and cats, or either, running at large and for the killing, sale or other disposition of impounded dogs and cats if not claimed from the pound within a specified time or if the claimant does not comply within a specified time with such conditions governing payment of costs and expenses and removal from the pound as the by-law may provide,*
 - (ii) *classifying dogs and cats for licensing purposes, and*
 - (iii) *prescribing a tariff of licence fees to be paid by persons owning, possessing or harbouring dogs or cats, which fees may vary as between the different classifications of dogs and of cats,*

18. *Section 195 is amended*

- (a) *as to subsection (1)*
 - (i) *by adding after the words "the medical health officer of the municipality" the words "or any person authorized by the board",*
 - (ii) *by striking out the words "requiring the premises to be put in proper sanitary condition" and by substituting the words "requiring the premises to be brought up to the requirements of the regulations of the Provincial Board of Health made under The Public Health Act",*
- (b) *as to subsection (3) by striking out the words "to put the premises in a sanitary condition" and by substituting the words "to bring the premises up to the requirements of the regulations of the Provincial Board of Health made under The Public Health Act",*
- (c) *as to subsection (4) by striking out the words "until put in proper sanitary condition" and by substitut-*

16. Section 156 (f) and (k) read:

156. For the prevention or extinguishing of fires and for the preservation of life and property from injury or destruction by fire, the council may pass by-laws providing for any or all of the following:

- (f) the prevention of structural alterations to any existing building, if the existing building does not conform in structure to the building and fire regulations governing construction in any defined area;
- (k) adopting and constituting the National Fire Code of Canada 1963, 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;

17. Section 161(c) which authorizes by-laws for dog control is extended to apply to cats.

18. Section 195(1) reads:

195. (1) If the local board of health for the municipality, or the medical health officer, or any person authorized by them upon due examination is satisfied that any building, enclosure or structure or portion thereof, has for any reason become or is unfit for the purpose for which it was used, or that it has become unsanitary or a nuisance or in any way dangerous to the health of the occupants or neighbors, the medical health officer of the municipality may issue a notice addressed to the owner of such premises or the agent or person in charge of the premises or all of them, requiring the premises to be put in proper sanitary condition, or if the board sees fit, requiring the occupants to quit and close up the premises within such time as the board considers reasonable.

*ing the words "until brought up to the requirements of the regulations of the Provincial Board of Health made under *The Public Health Act*".*

19. *Section 206 is amended*

- (a) *as to subsection (1) by striking out clause (e),*
- (b) *by adding the following after subsection (1)*

(1.1) The council may pass by-laws providing for grants to other non-profit organizations which the council considers are entitled to grants to provide for activities and events which the council considers are of benefit to the municipality and may make all regulations, conditions and provisions with respect thereto.

(1.2) A payment made by a council to any organization that is performing a legislatively required function of the municipality shall not be considered a grant for the purpose of this section.

20. *Section 207, subsection (2) is amended*

- (a) *by striking out the word "and" at the end of clause (d) and by adding the word "and" at the end of clause (e),*
- (b) *by adding the following new clause after clause (e):*
 - (f) making grants to community associations and community leagues that are providing recreation and community services to residents.

21. *The following new section is added after section 209:*

209.1 (1) A council may pass by-laws designating all or any part of the municipality as a "re-development area".

(2) A by-law under subsection (1) shall not be finally passed until a synopsis thereof has been published at least once in a newspaper circulating within the municipality and a public hearing on the by-law is held.

(3) The public hearing referred to in subsection (2) shall be held within four weeks of the date of the last publication of the synopsis of the by-law and notice of the hearing shall be given concurrently with or subsequent to the publication of the synopsis of the by-law.

(4) A by-law under this section may provide for the levy of a development charge against developments undertaken in a re-development area for the purposes of providing for it:

- (a) new or expanded park facilities;
- (b) new or expanded school grounds;

19. Section 206(1) reads:

206. (1) The council may pass by-laws providing for grants
(a) to any hospital,
(b) to any charitable organization,
(c) to sufferers from any calamity anywhere in Canada,
(d) to religious and educational organizations, and
(e) to other organizations which the council considers entitled to such grants,
and may make all regulations, conditions and provisions with respect thereto.

20. Section 207(2)(e) reads:

(2) Without restricting the generality of subsection (1), the council may pass by-laws
(e) making grants in aid to playground associations.

21. The cost of providing additional public facilities in areas being re-developed may be recovered by special levies on property being redeveloped.

- (c) new or expanded playgrounds or recreation facilities.
- (5) The development charge referred to in subsection (4) may be imposed by
 - (a) a levy not exceeding \$500 a unit on each new self-contained dwelling unit constructed, or
 - (b) a levy not exceeding 50 cents a square foot of the total gross floor area of each new building calculated on the basis of the external dimensions of the building, or
 - (c) a levy not exceeding 10 per cent of the market value of the land being developed.
- (6) The rates referred to in subsection (5) may vary between one class of development and another.
- (7) A levy imposed under this section may be imposed only once and at the time an application for a development permit is received by the municipality.

22. Section 224 is amended

- (a) *as to subsection (2) by striking out clause (b) and by substituting the following:*
 - (b) limit the number of taxi licences which may be issued in the municipality having regard to the population thereof or the area to be served therein or by any other means the council considers to be just and equitable,
 - (b1) limit the number of taxis which may be operated in any area or district of the municipality,
 - (b2) limit the number of vehicles that may be used by a person in the taxi business,
 - (b3) licence each taxi separately without regard to the ownership thereof,
 - (b4) require taxis owned or operated by or for the same person to be identified as the by-law may require or to adopt a specified paint or other means of identification on all of them,
- (b) *by striking out subsection (4) and by substituting the following:*
 - (4) A council, by by-law or resolution, may delegate the power to
 - (a) one or more officials, or
 - (b) a taxi commission established pursuant to subsection (5),
 to make any decision under this section but a person affected thereby may appeal any such decision to the council.

22. Section 224(2)(b) and (4) presently read:

(2) Without restricting the generality of the foregoing the council may pass by-laws to

(b) limit the number of vehicles that may be used by a person in the taxi business,

(4) A council may delegate by by-law or resolution the power to one or more officials to make any decision under this section but a person affected thereby may appeal any such decision to the council.

- (5) A council, by by-law, may establish a commission to be known as the taxi commission
 - (a) which shall be composed of such number of resident electors as the council selects including, if it seems desirable, such members of council or officials of the municipality as are considered appropriate, and
 - (b) which may exercise any power or make any decisions which the council may make pursuant to this section as the by-law provides.

23. Section 240 is amended by adding the following new subsection after subsection (1):

- (1.1) In any by-law passed pursuant to this section, the council may provide for
 - (a) controlling, restricting or preventing cranes, hoists or other apparatus used in the construction or demolition of buildings being projected or swinging over public thoroughfares,
 - (b) controlling, restricting or preventing persons servicing the outside of buildings being suspended over public thoroughfares, and
 - (c) requiring the furnishing of bonds, insurance or other guarantees considered appropriate by the council for the protection of persons who may be injured by reason of cranes, hoists or other apparatus extending over or persons being suspended above public thoroughfares and indemnifying the municipality in respect thereto.

24. The following new section is added after section 242:

- 242.1** (1) In this section,
- (a) “municipal services” means all or any of the works that may be undertaken as a local improvement pursuant to *The Municipal Taxation Act* which provide service directly or indirectly to the land being developed;
 - (b) “off-site cost levy” means a levy imposed to provide for expansion of water supply, treatment and storage facilities, sewage treatment and disposal facilities, or any or all of them.
- (2) A council may pass by-laws
- (a) providing for the imposition of an off-site cost levy on undeveloped land that is to be developed for residential, commercial, industrial or other purposes, and
 - (b) authorize the entering into of agreements with the owners or purchasers of that land for the provision

23. Councils given authority to regulate construction equipment being operated over public thoroughfares.

24. A new section is added to permit municipalities to impose a levy for municipal services in areas subject to development.

of municipal service to the land and for the payment of the off-site cost levy imposed on that land.

(3) The agreement shall contain the terms and conditions of development and shall provide the details of the off-site cost levy.

(4) An off-site cost levy shall not exceed

- (a) \$500 for each unit of housing provided, or
- (b) 50 cents a square foot of the total gross floor area of each unit of housing or other building calculated on the basis of the external dimensions of the building, or
- (c) \$2,000 an acre on the gross acreage of the lands being developed.

(5) The municipality shall provide to the owner or purchaser a notice of the off-site cost levy prior to the entering into of any agreement.

(6) Any person whose property is affected by an off-site cost levy may, within 14 days of receipt of notice of the levy, appeal in writing to the development appeal board of the municipality or, where no development appeal board is established, to the council.

(7) The development appeal board or council, as the case may be, shall hold a hearing of each appeal and in determining the appeal it may confirm, reverse or vary the off-site cost levy.

(8) Where the owner or purchaser fails, neglects or refuses to pay the off-site cost levy imposed on his land, the municipality

- (a) may cause the levy to be added to the tax roll as a charge against the lands of the owner or purchaser concerned in the same manner as taxes and with the same priority as to lien and to payment thereof as is the case of ordinary municipal taxes, or
- (b) may refuse to issue development or building permits until the owner or purchaser has entered into the agreement or paid the levy.

(9) An off-site cost levy may not be imposed on land within a re-development area designated under section 209.1.

25. Section 253, subsection (1), clause (a) is amended by striking out the words "and are" and by substituting the words "that are".

26. Section 270 is amended by striking out subsection (1) and by substituting the following:

270. (1) A council, with the approval of the Public Utilities Board, may

25. A typographical error is corrected.

26. Section 270(1) is revised to make it clearer that the 20 year limit applies to the contract as well as to the special franchise.

- (a) enter into a contract with a person undertaking to provide the municipality and its residents with a supply of all or any of the following, namely, telephones, transportation, light, power, natural gas, artificial gas, water and heat, and
 - (b) confer a special franchise upon that person in respect to the subject matter of the contract,
- for any period not in excess of 20 years.

27. Section 271 is struck out and the following section is substituted:

271. A council, with the approval of the Public Utilities Board, may enter into a contract with any person to supply light, power, natural gas, artificial gas or water to the municipality for the use of the municipal public utility for any period not in excess of 20 years.

28. Section 272 is amended

- (a) *by striking out subsection (1) and by substituting the following:*

272. (1) An application for approval by the Public Utilities Board of any contract, together with any special franchise conferred in respect thereto, entered into pursuant to section 270, subsection (1) or section 271, or pursuant to a municipal charter, or any renewal of such a contract or special franchise, shall be made to the Board prior to or forthwith after the first reading of the by-law.

- (b) *as to subsection (2) by adding after the words "Any such contract" the words "entered into pursuant to section 270, subsection (1) or section 271",*
- (c) *as to subsection (2) by striking out clause (a) and by substituting the following:*

- (a) that no such contract or special franchise conferred in respect thereto may be altered or renewed without the approval of the Public Utilities Board,

- (a1) that any renewal may be for a period not exceeding 10 years from the expiration of the contract, and

- (b) *by striking out subsection (3) and by substituting the following:*

(3) If any such contract is not renewed on or before the expiration of the original term, or of any renewal thereof, or if the council does not complete the purchase of the subject matter thereof, then the contract continues in effect until such time as either

27. Section 271 is revised for greater clarity.

28. Section 272 presently reads:

272. (1) Application for the approval by the Public Utilities Board of any special franchise or other contract entered into pursuant to section 271 or pursuant to a municipal charter, or any renewal thereof as hereinafter provided, shall be made to the Board prior to or forthwith after the first reading of the by-law.

(2) Any such contract, whether or not it contains an express provision to that effect, is subject to the following conditions, namely,

(a) that at or before the expiration of the term thereof, and after the expiration of the term if the contract has been continued in force under subsection (3), the contract may be renewed for a period not exceeding 10 years from the date of the renewal and so on from time to time with such alterations, if any, as may be agreed upon by the parties and approved by the Public Utilities Board, and

(b) that, if either party refuses to renew the contract, or if the parties fail to agree as to the conditions of the renewal, then the council, subject to the consent of the Public Utilities Board, may purchase all the rights of the contractor in all matters and things under the contract and in all apparatus and property used for the purposes thereof, for such price and on such terms as may be agreed upon with the contractor in all matters and things under the contract and in all apparatus and property used for the purposes thereof, for such price and on such terms as may be agreed upon with the contractor, or failing such agreement, then for such price and on such terms as may be fixed and settled by the Public Utilities Board on the application of either of the parties.

(3) If any such contract is not renewed on or before the expiration of the original term, or of any renewal thereof, by express agreement of the parties as aforesaid, or if the council does not complete the purchase of the subject matter thereof as hereinbefore provided, then the contract continues in full force and effect until such time as either party terminates it on six months' written notice given to the other with the approval of the Public Utilities Board.

(4) When pursuant to this or any other Act, an area is or has been heretofore incorporated as, or annexed to, or included in a municipality, a special franchise with respect to the area, or a contract for the supply of light, power, natural gas or water to persons resident in the area, that has been conferred or entered into by the governing authority previously having jurisdiction in the area and that has become operative therein shall be deemed to have been conferred or entered into on its original date by the council of the new municipality and to have become operative therein and section 271 and this section apply, the necessary changes being made, to the special franchise or contract.

party, with the approval of the Public Utilities Board, terminates it on six months' written notice given to the other.

(e) *as to subsection (4) by striking out the words "section 271" and by substituting the words "sections 270 and 271".*

29. Section 277 is amended by renumbering the section as subsection (1) and by adding the following new subsection:

(2) A council which operates a public utility may by by-law delegate to a municipal official

(a) the power to do any of those things which the council may by by-law or resolution do pursuant to subsection (1), subject to such restrictions or limitations as the by-law may provide;

(b) the power to make binding contracts with its customers for the services of the public utility.

30. Section 282, subsection (1) is amended by adding after the words "For the purpose of" the words "conducting sampling tests or".

31. Section 295 is amended by adding after the words "where there is a sufficient" the words "plant capacity or".

32. Section 297 is amended by renumbering the section as subsection (1) and by adding the following:

(2) Notwithstanding subsection (1) or any other provision of this or any other Act, if it is necessary or expedient to acquire easements or other rights in land or to enter into any other type of agreement in order to enable or assist a municipality in the placing of any installation in connection with a public utility operated by the municipality, the council may direct or approve the assumption of liability by the municipality caused by the break of any public utility main, service pipe, line, power cable or attachment or for the breaching of any ditch or for any accident due to the operation of the public utility by the municipality.

(3) Where a municipality has assumed or purported to assume liability under the circumstances as set out in subsection (2) before subsection (2) came into force, the municipality shall be deemed to have had full authority to do so.

33. Section 310, subsection (1) is amended by adding after the words "to meet the" the words "current operating".

29. Authority is given for a council to delegate its powers in connection with the operation of a municipal public utility.

30. Section 282 (1) presently reads:

282. (1) For the purpose of inspecting, repairing or placing meters upon any service pipe or connection within or without any house or building as is considered expedient, an official authorized by the municipality for that purpose shall have free access, at proper hours of the day and upon reasonable notice given and request made, or, in the case of the written authority of the mayor given in respect of the special case, without notice, to all parts of every building or other premises in which water, telephone, gas, electricity or heat is delivered and consumed or that is served by a sewer.

31. Section 295 presently reads:

295. Where the municipality has constructed any public utility and where there is a sufficient supply thereof, the municipality shall supply, upon such terms as the council considers advisable, any building within the municipality and situated upon land lying along the line of the public utility, upon the supply being requested by the owner or occupant or other person in charge of the buildings.

32. Section 297 presently reads:

297. The municipality is not liable for damages,

- (a) caused by the break of any public utility main, service pipe, line, power cable or attachment, or for the breaching of any ditch, or
- (b) caused by the interference of any supply of any public utility necessary in connection with the repair or proper maintenance of the public utility, or
- (c) generally for any accident due to the operation of any public utility,

unless such action has been shown to be directly due to the negligence of the municipality or its employees.

33. Section 310(1) reads:

310. (1) The council may authorize the mayor and treasurer to borrow such sums as the council considers necessary to meet the expenditures and obligations of the municipality.

34. The following new section is added after section 310:

310.1 (1) When a council has adopted its program of capital works and expenditures to be undertaken in any year, the council by by-law may authorize the mayor and treasurer to borrow such sums as the council considers necessary to provide for the temporary financing of the works and expenditures pending the issuance of debentures.

(2) The municipality may as security for such a loan, give promissory notes or similar forms of obligation signed by the mayor and treasurer, and each promissory note or obligation is valid and binding upon the municipality according to its tenor.

(3) The term of such promissory note shall in no case exceed three years.

(4) The amount so borrowed in any year shall not exceed the aggregate amount of the estimated cost of the annual program of capital works and expenditures of that year adopted by the council after deducting therefrom any revenues accruing to the program by way of grants or contributions.

(5) No by-law pursuant to this section has any effect until it has received the approval of the Local Authorities Board.

(6) The proceeds of every loan shall be applied to the purposes stated in the by-law.

35. Section 311.1 is amended

(a) *as to subsection (1) by adding after the words "the municipality to" the words "petition and",*

(b) *as to subsection (2) by adding after the words "in relation to" the words "petitioning and".*

36. Section 324 is amended by adding the following after subsection (2):

(2.1) Notwithstanding anything in this section, a by-law creating a debt to be financed by the issuing of debentures, the term of which is not less than 10 years, may provide for the issuing of debentures for successive five year periods during the life of the borrowing and retiring the issue of the previous five year period.

37. Section 325 is amended by striking out subsection (8) and by substituting the following:

(8) When only a portion of the debentures of any one maturity are to be redeemed the debentures to be redeemed shall be selected by lot, but in the case of a debenture in a denomination greater than \$1,000, the debenture may be treated as consisting of the appropriate number of units of \$1,000 each and any part of the principal amount of that debenture comprising one or more of such units may accordingly be selected for redemption.

34. A new section is added to permit a council after it has adopted its annual capital works program, to provide for temporary financing of the projects, pending the issue and sale of debentures, subject to the approval of the Local Authorities Board.

35. Section 311.1 reads:

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.

36. Section 324 is amended to permit a municipality to include in a debenture by-law the right to reissue debentures at five year periods.

37. Section 325 is amended to permit a municipality to split a debenture in a denomination of more than \$1,000 for the purpose of partial redemption.

38. *The following new section is added after section 328:*

328.1 The council may, by by-law, provide that where outstanding debentures become mutilated or destroyed or stolen or lost, a new debenture of like tenor and effect and, if appropriate, with interest coupons attached, may be issued in exchange for the mutilated debenture or in lieu of the destroyed, stolen or lost debenture upon such terms and conditions as the by-law may provide.

39. *Section 334, subsection (2) is amended by adding at the end thereof the words "if advertising of the by-law is required".*

40. *Section 342 is amended by adding the following after subsection (3):*

(4) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and when so reproduced, has the same effect as if it had been manually affixed.

(5) The signatures of the mayor and of the treasurer shall be the signatures of the mayor and of the treasurer respectively holding office at the date each such signature is affixed to a debenture or an interest coupon, notwithstanding any change in any of the persons holding either of those offices between the time when the signatures are so affixed and the date of delivery of the debenture, and notwithstanding that any person whose signature is so affixed may not have held office at the date of the debenture or at the date of the delivery thereof.

41. *Section 352 is amended by striking out subsection (4) and by substituting the following:*

(4) The treasurer, on receipt of a debenture accompanied by a transfer purporting to be signed by the owner, if the signature is guaranteed by

- (a) a bank or treasury branch, or
- (b) a member of the Investment Dealers' Association of Canada, or
- (c) a notary public, or
- (d) such other guarantor as may be authorized by by-law and approved by the Local Authorities Board,

shall register the transfer in accordance with the request and in so doing neither the treasurer nor the municipality incurs liability to the true owner for any loss caused by the transfer in case the transfer was not signed by him.

42. *This Act comes into force on the day upon which it is assented to.*

38. A new section will permit a municipality to issue a new debenture to replace one that is lost, stolen, mutilated or destroyed.

39. Section 334(2) reads:

(2) A municipality that intends to apply for a certificate approving a by-law shall forward to the Board a copy of the by-law together with a copy of the proposed advertisement as required by section 311 before advertising the by-law.

40. Section 342 (1) and (3) read:

342. (1) A debenture shall be sealed with the seal of the municipality and signed either by the mayor or by some person authorized by by-law to sign it in his stead.

(3) The signatures on debentures or on coupons attached to debentures may be reproduced by lithographing or printing or any other method of mechanical reproduction.

41. Section 352 which deals with municipal debentures is amended by adding clauses (b) and (d) to subsection (4).