

1976 BILL 80

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Second Session, 18th Legislature, 25 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 80**

**THE MUNICIPAL GOVERNMENT AMENDMENT  
ACT, 1976**

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MR. MUSGREAVE

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First Reading .....

Second Reading .....

Third Reading .....

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*Bill 80*  
*Mr. Musgreave*

## **BILL 80**

1976

### **THE MUNICIPAL GOVERNMENT AMENDMENT ACT, 1976**

*(Assented to , 1976)*

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 adding after clause 10 the following:*

10.1 "Land Compensation Board" means the Land  
Compensation Board established under *The  
Expropriation Act*;

*(b) by striking out clause 25 and by substituting therefor  
the following:*

25. "shop" means any building, booth, stall or place  
where services are provided or where goods are  
exposed, auctioned or offered for sale;

3. *Section 20 is amended by adding after subsection (7) the  
following:*

(8) Subject to subsection (9), where the Board makes an  
order pursuant to this section, the Board may provide that the  
order comes into force on a day that is prior or subsequent to  
the day on which the order is made.

## Explanatory Notes

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

2. Defines the term "Land Compensation Board" and redefines the term "shop". Section 1, clause 25 presently reads:

*25. "shop" means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail or public auction, and includes barber shops and ladies hairdressing, manicuring and beauty parlors, garages, filling stations and service stations;*

3. Section 20 presently reads:

*20. (1) Where a petition is presented to the Local Authorities Board*

*(a) by a majority of the registered owners of any territory in or immediately adjoining a municipality, or*

*(b) by the council of a municipality with respect to any territory in or immediately adjoining the municipality, or*

*(c) by the Minister with respect to territory forming the whole or any part of an improvement district or special area that he desires to have annexed to a municipality,*

(9) An order made pursuant to this section is void if it is stated to come into force on a day which

(a) came before the commencement of the year within which the order is made, or

(b) is subsequent to the 12-month period following the day upon which the order is made.

*requesting that the territory be annexed to the municipality or to another municipality, improvement district or special area, the Board by order may annex territory*

*(d) from a municipality to an improvement district, special area or another municipality, or*

*(e) from an improvement district or special area to a municipality.*

*(1.1) In this section*

*(a) "owner" means*

*(i) with reference to territory which is Crown land, the Crown, or*

*(ii) with reference to territory which is not Crown land, the person registered under The Land Titles Act as the owner of the fee simple estate in the land;*

*(b) "land" does not include mines and minerals.*

*(2) The Local Authorities Board may, without a petition and of its own motion by order and after notice, annex territory*

*(a) from a municipality to an improvement district, special area or another municipality immediately adjoining thereto, or*

*(b) from an improvement district or special area to a municipality immediately adjoining thereto.*

*(3) The order may be made subject to such terms and conditions as to the Board seem proper and, in particular, the order may*

*(a) contain directions that the annexed territory be or be not subject to debentures already issued by the municipality, with respect to the area annexed, or the rate levied to meet those debentures,*

*(b) contain directions that the annexing municipality, improvement district or special area assess the land in the territory upon any basis or principle of assessment that seems proper to the Board and, if the order contains directions, the municipality, improvement district or special area shall comply with the directions for the fixed term of years specified in the order,*

*(c) fix a maximum rate of taxation for the land in the territory and if a maximum rate of taxation is set, that rate shall be for the fixed term of years specified in the order, and*

*(d) deal with and make any order respecting any by-law for the protection of any rights of any person in the annexed area.*

*(4) An order made pursuant to this section shall be published in the Gazette and becomes effective upon the date named in the order or in the absence of any date therein upon the date of the publication of the order in the Gazette and such publication is conclusive proof of the fulfilment of all conditions precedent to the making of the order.*

*(5) Any misnomer, misdescription, omission or error in any order may be corrected by subsequent order and the correction so made is effective upon such date as is specified in the correcting order and may be made effective upon the date of the original order.*

*4. Section 25, subsection (1), clause (c), subclause (ii) is amended by striking out the words "500 persons" and by substituting therefor the words "250 persons".*

*5. Sections 26, 27 and 28 are struck out and the following is substituted therefor:*

**26.** (1) The council of a city may, by by-law, divide the city into wards and specify

- (a) the number of councillors to be elected by the electors of each ward to represent the ward, and
- (b) the name or number by which each ward is to be known.

(2) Where a city is divided into wards,

- (a) the division of the city into wards shall be done in such a manner that the number of electors residing in each ward is substantially equal, and
- (b) the number of councillors to be elected to represent each ward shall be the same.

(3) A by-law under this section may make provision for the election by the electors of the entire city of a specified number of councillors in addition to the councillors elected to represent wards.

*(6) Where the Board has issued an order under this section, any municipality, improvement district or special area affected thereby that is of the opinion the order has imposed on it a financial hardship may request the Lieutenant Governor in Council to take such measures as he considers requisite to remove any resulting hardship.*

*(7) This section applies to new towns.*

**4. Section 25(1)(c) presently reads:**

*25. (1) Except as otherwise provided in this Act:*

*(c) the council of a village*

*(i) shall consist of three councillors, or*

*(ii) if the council of a village having a population of at least 500 persons so authorizes, by by-law, shall consist of five councillors,*

*one of whom shall be mayor;*

**5. Sections 26, 27 and 28 presently read:**

*26. (1) A council of a city*

*(a) may, of its own motion, or*

*(b) shall, on receipt of a petition signed by such number of electors as represent at least 2 per cent of the population,*

*submit to a vote of the electors a proposal to have councillors elected by wards.*

*(2) Where on the vote of the electors a majority of the electors voting vote in favour of the proposal, the council shall, by by-law, declare the ward system to be in effect.*

*(3) The by-law shall not be given effect to until the general election next following the year in which the by-law was finally passed.*

(4) A by-law made under this section, or any by-law that amends, revokes or replaces that by-law,

(a) does not apply to the general election next following the passing of the by-law unless it is passed before March 1 in the year in which that general election is to be held, and

(b) does not apply to or affect the composition of the council of the city until the date of the next general election to which the by-law applies.

*6. Section 32.2, subsection (1) is amended by adding after the words "section 29" the words ", subsection (1)".*

*7. Section 126.1 is amended*

*(a) as to subsection (2), clause (c) by striking out the words "of less than 1,000 persons" and by substituting therefor the words "of 1,000 persons or less",*

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



27. (1) *The council shall by the by-law under section 26*
- (a) *divide the city into not less than three nor more than 10 areas, to be known as wards, in such a manner that the number of electors residing in each ward is substantially equal, and*
  - (b) *specify the number of councillors, being not less than two, to be elected to represent each ward.*
- (2) *The by-law shall state a name or number by which each ward is to be known.*
- (3) *Subject to subsection (1) the council may by by-law alter the boundaries of any or all wards or the number of wards.*
28. (1) *Where a ward system has been established in a city,*
- (a) *the council may submit to the electors a proposal to abolish wards and to revert to a system of nomination and election of councillors by a vote of the electors of the entire city, and*
  - (b) *upon receipt of a petition signed by such number of electors as represent at least 2 per cent of the population, the council shall forthwith submit the proposal to abolish wards to a vote of the electors.*
- (2) *Where a majority of the electors voting on a proposal of abolishing wards vote in favour of the abolition of the ward system, the council shall forthwith repeal the by-law establishing the ward system.*
- (3) *Where the ward system is abolished, all councillors then holding office continue to hold office in accordance with this Act until their offices become vacant through the effluxion of time.*

6. Section 32.2(1) presently reads:

*32.2 (1) An application alleging a contravention of section 29, clause (f) or (n) or of section 30 may be commenced pursuant to section 31 or 32 or continued under either of those sections, notwithstanding that an election has been held between the time when the disqualification of the member or former member of council is alleged to have arisen and the time at which the application was or is commenced and the judge may make an order under section 31 or 32 declaring that that member or former member is disqualified to be a member of the council.*

7. Section 126.1 presently reads:

*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.*

(2.1) Notwithstanding subsection (2), in the case of a summer village, a petition referred to in subsection (1) has no effect unless the number of electors who have signed the petition are the registered owners of not less than 10 per cent of those parcels of land within the summer village that are liable to assessment and taxation.

*8. Section 126.2 is amended by adding after subsection (2) the following:*

(2.1) Notwithstanding subsection (2), in the case of a summer village, a petition referred to in subsection (1) has no effect unless the number of electors who have signed the petition are the registered owners of not less than 10 per cent of those parcels of land within the summer village that are liable to assessment and taxation.

*(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 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.*

*(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 126.2 presently reads:**

*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.*

*9. Section 135, subsection (3) is amended by striking out the words "Public Utilities Board" and by substituting therefor the words "Land Compensation Board".*

*10. Section 136 is amended by striking out the words "Public Utilities Board" and by substituting therefor the words "Land Compensation Board".*

*11. Section 166, subsection (6) is amended by striking out the words "in like manner to that provided by section 28 of The Expropriation Procedure Act".*

*12. Section 171 is amended by striking out the words "streets and avenues" wherever they occur and by substituting therefor the words "streets, avenues and roads".*

*13. Section 175, subsection (5) is amended by striking out the words "Public Utilities Board" and by substituting therefor the words "Land Compensation Board".*

9. Section 135(3) presently reads:

*(3) If the municipality is not able to agree with the claimant as to the amount of compensation or damages, the compensation and damages shall be settled and determined by the Public Utilities Board, and the amount so awarded shall be paid to the claimant by the municipality.*

10. Section 136 presently reads:

*136. Except where coal mining rights are acquired to prevent the working of a coal mine within, upon or under any portion of land within the municipality, the municipality is not entitled to any mines or minerals whether solid, liquid or gaseous that may be found to exist within, upon or under the land vested in the municipality by expropriation proceedings and the title to mines and minerals is in no way affected by the registration of the conveyance or transfer of the land or of the order of the Public Utilities Board vesting title to the land in the municipality.*

11. Section 166(6) presently reads:

*(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.*

12. Section 171 presently reads:

*171. A council may, by resolution, name or number the streets and avenues, and change the names and numbers of any of the streets and avenues now existing or hereafter laid out by the municipality, and whenever it is expedient to do so, the council, by resolution, may for municipal purposes change the name of any subdivision or district or part of a subdivision or district without regard to the name shown on the plan registered in the land titles office for the subdivision or district, and without the necessity of having the name shown upon the registered plan changed, if all particulars of any change are recorded on a plan filed with the municipal secretary, who shall make the plan available to the public.*

13. Section 175(5) presently reads:

*(5) Where a claim is made for compensation for damages by the owner or occupier or other person interested in lands alleged to have been injuriously affected by the exercise of any powers of the council under this section, if the council or official is not able to agree with the claimant as to the amount of compensation or damages, the compensation or damages shall be settled and determined by the award of the Public Utilities Board.*

*14. Section 180 is amended by striking out the words "Public Utilities Board" and by substituting therefor the words "Land Compensation Board".*

*15. Section 215 is amended*

*(a) as to subsection (1), by adding after the word "revoke" wherever it occurs the words "or suspend" and by adding after the word "revocation" wherever it occurs the words "or suspension",*

*(b) as to subsection (2), by adding after the words "the power to revoke" the words "or suspend", and*

*(c) by adding after subsection (2) the following:*

*(3) A suspension of a licence under this section may be*

*(a) for a period of time not exceeding the unexpired term of the licence, or*

*(b) where the suspension is for non-compliance with a by-law, until the holder of the suspended licence, in the opinion of the council, complies with that by-law.*

*(4) A licence may be revoked or suspended for non-compliance with a by-law notwithstanding that the holder of that licence has not been prosecuted for a contravention of that by-law.*

*16. Section 224 is amended*

*(a) as to subsection (2), by striking out clauses (e) and (f) and by substituting therefor the following:*

**14. Section 180 presently reads:**

*180. The council that passes a by-law under section 179 shall make provision therein for funds for paying compensation for the use thereof in every instance to the occupier or owner of the land upon which the temporary road has been opened, as may be mutually agreed upon between the council and the person interested, or in the event of disagreement the compensation as may be determined by the Public Utilities Board.*

**15. Section 215 presently reads:**

*215. (1) The council may refuse to grant or may revoke a licence on grounds which, to it, appear just and reasonable and 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.*

*(2) The council may delegate to the medical health officer the power to revoke the licence of any person who sells food or drink for human consumption within the municipality but who neglects or refuses to comply with the rules, orders or regulations of the Minister of Social Services and Community Health or the by-laws of the municipality relevant to such business.*

**16. Section 224 presently reads:**

*224. (1) The council may pass by-laws licensing, regulating and controlling the taxi business.*

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

*(a) establish and specify the rates or fares that may be charged for hire of taxis,*

- (e) limit the number of hours that a person may drive a taxi during a 24-hour period,
- (f) prohibit any person from driving a taxi unless he is the holder of a taxi driver's licence,
- (g) govern the terms of licences issued pursuant to a by-law passed under this section, and
- (h) govern the issuance, renewal, revocation or suspension of licences issued pursuant to a by-law passed under this section.

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

(2.1) The council may

- (a) refuse to issue or renew a taxi licence where the taxi does not, in the opinion of the council, comply with the requirements of a by-law made under this section;
- (b) revoke or suspend a taxi licence where the taxi does not, in the opinion of the council, comply with the requirements of a by-law passed under this section;
- (c) refuse to issue a taxi driver's licence to any person or to renew a taxi driver's licence issued to any person pursuant to a by-law passed under this section
  - (i) where that person has a driving record which, in the opinion of the council, makes him unfit to operate a public conveyance, or
  - (ii) where the state of health of that person is such that he is, in the opinion of the council, unfit to drive a public conveyance;
- (d) revoke or suspend a taxi driver's licence issued pursuant to a by-law passed under this section
  - (i) where the licensee acquires a driving record which, in the opinion of the council, makes him unfit to drive a public conveyance, or



- (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,*
  - (c) limit the number of passengers to be carried in each taxi,*
  - (d) require the equipping of taxis with meters or other devices to record fares,*
  - (e) limit the number of hours any person may drive a taxi during any one day, and*
  - (f) refuse a licence or refuse renewal of a licence to drive a taxi to a person whose driving record or character or state of health makes that person unfit to operate a public conveyance.*
- (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.*
- (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.*
- (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.*

(ii) where the state of health of the licensee is such that he is, in the opinion of the council, unfit to drive a public conveyance, or

(iii) where the licensee does not, in the opinion of the council, comply with the requirements of a by-law passed under this section.

(2.2) A suspension of a licence under this section may be

(a) for a period of time not exceeding the unexpired term of the licence, or

(b) where the suspension is for non-compliance with the requirements of a by-law, until the requirements of the by-law, in the opinion of the council, have been complied with.

(2.3) A licence may be revoked or suspended for non-compliance with a by-law notwithstanding that the holder of that licence has not been prosecuted for a contravention of that by-law.

*17. Section 226, subsection (4), clause (b) is amended by adding after the words "a mobile unit used" the word "chiefly".*

*18. Section 287, subsection (1) is amended by adding after the words "belong to different" the word "owners,".*

*19. Section 296, subsection (2) is amended by striking out the words "Public Utilities Board" and by substituting therefor the words "Land Compensation Board".*

**17. Section 226(4)(b) presently reads:**

*(4) The owner of a mobile unit is not required to have a licence in respect of*

*(b) a mobile unit used as a farm building or residence in connection with the raising or production of crops, livestock or poultry or in connection with fur production or beekeeping and situated on farm land outside a city, town, new town, village or summer village, or*

**18. Section 287(1) presently reads:**

*287. (1) Where different parts of a building belong to different tenants or lessees, the municipality may carry pipes or wires to any part of the building passing over the property of one or more proprietors, or in the possession of one or more tenants, to convey any public utility to the property of another or property in the possession of another.*

**19. Section 296(2) presently reads:**

*(2) In the case of disagreement, the compensation or damage shall be ascertained by the Public Utilities Board.*

*20. Section 298, subsection (1) is amended by adding after the words "under any by-law" the words "or resolution".*

*21. Section 382.1 is amended by adding after the words "of treasury branches" the words "or of a credit union incorporated under *The Credit Union Act* or investment certificates as defined in *The Trust Companies Act* and issued or entered into by a trust company registered under that Act".*

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

**20. Section 298(1) presently reads:**

*298. (1) Where the occupant is the owner or purchaser of a building or lot or part of a lot, the sum payable by him for the public utility supplied by the municipality to him or for his use and all rates, costs and charges imposed or loans made to him under any by-law passed under this Part are of a preferential lien and charge on the building or lot or part of a lot and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable.*

**21. Section 382.1 presently reads:**

*382.1 The council may authorize the municipal treasurer to invest any operating surpluses of the municipality or other moneys of the municipality that are not required for immediate disbursement in any of the securities referred to in section 362 or in notes or deposit receipts of chartered banks or in term deposit certificates of treasury branches and to dispose of any investment so made whenever necessary to meet expenditures.*