

1983 BILL 43

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 43

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1983

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 43

1983

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1983

(Assented to _____, 1983)

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

1 *The Municipal Government Act is amended by this Act.*

2 *Section 1(u) is amended by striking out "and" at the end of subclause (i) and by adding the following after subclause (i):*

(i.1) an elector who owns a share of the capital stock of a family farm corporation as defined in the *Income Tax Act* (Canada) if that family farm corporation appears on the assessment roll in respect of land liable to assessment and taxation for general municipal purposes, and

3 *Section 4 is amended by adding the following after subsection (3):*

(4) When the boundary of a municipality is wholly or partly described by reference to a river, then, unless the description otherwise specifies, the right bank of the river shall be deemed to be the boundary.

4 *Section 6 is amended*

(a) *in subsection (1)(b) by striking out "postal address and occupation" and substituting "complete municipal address and printed name";*

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

(1.1) An adult person who witnesses a signature to a petition shall do so by signing his name opposite to the signature of the petitioner.

(c) *by repealing subsection (2)(c) and substituting the following:*

(c) whose municipal address or printed name is not completely set out or is incorrect,

Explanatory Notes

1 This Bill will amend chapter M-26 of the Revised Statutes of Alberta 1980.

2 Section 1(u) presently reads:

1 *In this Act,*

(u) *“proprietary elector” means*

(i) *an elector whose name appears on the assessment roll in respect of land liable to assessment and taxation for general municipal purposes, and*

(ii) *an elector who is liable for the payment of a mobile unit licence;*

3 River boundary of municipality.

4 Section 6(1), (2), (3) and (6) presently read:

6(1) *When this Act provides for the doing of any thing by a petition to be presented to a council, 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*

(a) *each signature thereto shall be witnessed by an adult person, who shall take an affidavit that to the best of his belief the persons whose signatures he has witnessed are electors, and*

(b) *the postal address and occupation of each signatory thereto shall be set out opposite his signature,*

and, in addition, in any petition restricted to proprietary electors, the legal description of the property or other qualifications entitling that person to be a proprietary elector shall be set out opposite his signature.

(d) by repealing subsection (3);

(e) in subsection (6) by adding “added to or” after “be”;

(f) by adding the following after subsection (7):

(8) In this section “municipal address” means

(a) the address assigned pursuant to a by-law under section 175, or

(b) in the absence of such an address, the legal description of the property on which the signatory resides.

5 Section 13 is amended

(a) in subsection (1) by adding the following after clause (a):

(a.1) form any area of Alberta into a village, town or city, if the Minister is satisfied that

(i) the majority of the electors in the area is in favour of the change, and

(ii) the number of dwelling units or the population of the area is sufficient for a village, town or city, as the case may be;

(b) by repealing subsection (4) and substituting the following:

(4) When an order is made forming a municipal district, the Lieutenant Governor in Council shall by that order divide the municipal district into electoral divisions.

(4.1) After the formation of a municipal district, the Minister may by order change the number or boundaries of the electoral divisions of the municipal district.

(2) In computing the number of petitioners on a petition there shall be excluded the name of any person

(a) whose signature appears on a page of the petition that does not contain an accurate statement of the purpose and objective of the petition identical to the statement contained on all the other pages of the petition,

(b) whose signature is not witnessed,

(c) whose postal address and occupation, or either, are not set out or are incorrectly set out,

(d) in the case of a petition restricted to proprietary electors,

(i) who is not a proprietary elector, or

(ii) whose property or other qualification as a proprietary elector is not or is incorrectly described or set out,

or

(e) in the case of a petition restricted to electors, who is not an elector.

(3) A corporation or a church or other religious organization or an estate, the name of which appears on the last revised assessment roll as the owner, conditional owner or purchaser of land that is not exempt from taxation, may in writing authorize a resident representative to sign a petition on behalf of the corporation or church or other religious organization or the estate, as the case may be, and this section applies in that case.

(6) No name shall be removed from a petition after it has been received by the municipal secretary.

5 Section 13(1)(a) and (4) presently read:

13(1) The Lieutenant Governor in Council, by order, may

(a) form into a municipal district any part of Alberta not included in a city, town, new town, village or summer village;

(4) When an order is made forming a municipal district, the Lieutenant Governor in Council

(a) shall by that order divide the municipal district into electoral divisions, and

(b) may by any subsequent order alter the boundaries of the electoral divisions or increase or decrease the number of electoral divisions.

6 *Section 20(1) is repealed.*

7 *Section 25 is amended by adding the following after subsection (1):*

(1.1) All land that is formed or annexed into the new municipality and was at the time of the petition for formation or annexation designated or required to be provided as environmental reserve, municipal reserve or municipal and school reserve under the *Planning Act* shall pass to the new municipality.

8 *Section 28(1)(a) is amended by striking out “by the electors of each ward to represent the ward” and substituting “to represent each ward”.*

9 *Section 29 is amended*

(a) in subsection (1)(c) by adding “or, in the case of a summer village, ceases to be a proprietary elector of the summer village” after “municipality”;

(b) in subsection (2)(n) by striking out “acquired under the Tax Recovery Act or of other property”.

6 Section 20(1) presently reads:

20(1) In this section,

(a) repealed 1981 c25 s5;

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

7 Environmental reserves etc. pass to the new municipality on annexation or formation.

Section 25(1) presently reads:

25(1) When under this Act a municipality, or part thereof, hereinafter referred to as the "old municipality", is included in another municipality, hereinafter referred to as the "new municipality", either at the time of the formation of the municipality or subsequently thereto, the property, rights and liabilities of the old municipality or part thereof, including all taxes then due, pass to the new municipality and all remedies that were available for the collection of any taxes due to the old municipality are available to the new municipality in all respects as though the taxes or arrears had originally been due to it.

8 Section 28(1)(a) presently reads:

28(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

9 Section 29(1)(c) and (2)(n) presently read:

29(1) A person is not qualified to remain a member of the council if he

(c) ceases to be a resident of the municipality,

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

(n) of his being a party to a contract for the purchase from the municipality of property acquired under the Tax Recovery Act or of other property if

(i) the property is, following application for its purchase by a member of the council, advertised for sale by public tender at least once a week for 2 successive weeks in a newspaper circulated within the municipality,

(ii) a notice of the sale by public tender is posted in the municipal office,

(iii) the highest tender is accepted,

(iv) the sale to a member of the council is approved by a $\frac{2}{3}$ majority of the council, and

(v) not more than one sale of one parcel of residential or farm property is made to the member of council during any one term of office of the member.

10 *Section 30(4) is repealed and the following is substituted:*

(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) a foundation or association formed for the purpose of staging provincial, national or international sporting events, or

(b) a Business Revitalization Zone Association.

11 *Section 34(1) is amended by striking out “declaring that that member or former member is disqualified to be a member of the council”.*

12 *Section 47(1)(a) is amended by adding “, by the council or by the mayor,” after “appointment”.*

13 *Section 54 is amended*

(a) *in subsection (1)(b) by striking out “of the council” and substituting “of the whole council”;*

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

(1.1) In a municipality having a council of 10 or more members, if the council does not hold a by-election for a reason referred to in subsection (1)(a) or (b), the whole council for the purposes of sections 37 and 353 shall be deemed to be the number of members remaining in office.

14 *Section 68(3)(b) is amended by striking out “Minister” and substituting “Deputy Minister of Municipal Affairs”.*

10 Section 30(4) presently reads:

(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, Canada Winter Games or Canada Summer Games.

11 Section 34(1) presently reads:

34(1) An application alleging a contravention of section 29(1)(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.

12 Section 47(1)(a) presently reads:

47(1) A council may by by-law provide

(a) for the appointment of an executive committee which may be comprised of

(i) members of the council, or

(ii) members of the council and officials of the municipality,

13 Section 54 presently reads:

54(1) When in a municipality having a council of 6 or more members a seat or seats in the council become vacant by death, resignation, forfeiture or otherwise, the council shall make provision to fill the vacancy or vacancies by the holding of a by-election for that purpose except that

(a) during the 2-year period immediately following a general election a by-election need not be held if there is only one vacancy on the council, and

(b) during the 3rd year following a general election a by-election need not be held unless the number of vacancies on the council reduces the council to a number less than one more than the quorum of the council.

(2) In a municipality having a council of 5 members or less, the council shall provide for the filling of all vacancies which occur prior to the last 6 months of the term.

14 Section 68(3)(b) presently reads:

68(3) The secretary shall

(b) send a copy of the appointment to the Minister.

15 *Section 86 is repealed and the following is substituted:*

86 A council shall require that a fidelity bond in an amount the council considers adequate shall be placed in the name of the municipality and shall bond on a blanket basis all officials and employees who are responsible for the management of the money of the municipality.

16 *Section 94(4) and (5) are repealed and the following is substituted:*

(4) This section does not apply to a person by reason only of his being

(a) a member or shareholder in a recreational or social organization that is operating on real property in which the municipality has an interest,

(b) a member of the board of directors of

(i) a foundation or association formed for the purpose of staging provincial, national or international sporting events, or

(ii) a Business Revitalization Zone Association, or

(c) a party to a contract for the purchase from the municipality of property if

(i) the property is, following application for its purchase by that person, advertised for sale by public tender at least once a week for 2 successive weeks in a newspaper circulated within the municipality,

(ii) a notice of the sale by public tender is posted in the municipal office,

(iii) the highest tender is accepted,

(iv) the sale to the person is approved by a $\frac{2}{3}$ majority of the whole council, and

(v) not more than one sale of one parcel of residential or farm property is made to that person.

15 Section 86 presently reads:

86(1) A council shall require a municipal official or employee to give such security as is considered expedient for the faithful performance of his duties.

(2) The bonds or policies of guarantee of a corporation with power to grant securities, being bonds or policies for the integrity and faithful accounting of public office or servants or persons occupying positions of trust, may be accepted instead of or in addition to the personal bond of an official or employee and any premiums payable in respect of bonds and policies of guarantee shall be paid by the municipality.

(3) Every member of a council who knowingly permits a municipal treasurer or any other official whom the council has required to furnish a bond, to enter on his duties or discharge his duties at a time when he is not bonded or guaranteed is, to the extent of the sum in which the treasurer or other official should have been bonded or guaranteed, jointly and severally liable for any default of the treasurer or other official, except only any councillor who appears by the minutes of the council to have voted in favour of a resolution prohibiting the treasurer or the other designated official from entering on or discharging his duties at a time when he is not bonded.

16 Section 94(4) and (5) presently read:

(4) This section does not apply to a person by reason only of his being a member or shareholder in a recreational or social organization that is operating on real property in which the municipality has an interest.

(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, Canada Winter Games or Canada Summer Games.

17 *Section 105 is amended by striking out “distinct”.*

18 *The following is added after section 105:*

105.1 Before a proposed by-law is finally passed each member of council present at the meeting at which the by-law is finally passed shall be provided with an opportunity to review the full text of the by-law.

19 *Section 110 is amended by adding the following after subsection (5):*

(6) Any person who uses a municipal form in a manner that deceives or is likely to deceive any other person is guilty of an offence.

(7) In subsection (6) “municipal form” means a form or other document prescribed by a municipality for the purpose of enforcing a by-law or a form or other document that resembles or is apparently intended to resemble such a form or document.

20 *Section 113(2)(a) is amended by adding “and any equal or lesser number of other persons that the council considers advisable” after “its members”.*

21 *The following is added after section 115:*

115.1 A council may pass a by-law authorizing the municipality to acquire, hold and dispose of shares in the Alberta One Call Location Corporation.

22 *Section 123 is amended*

(a) *in subsection (2) by striking out “it shall be held not later than March 31, except in a summer village where the meeting shall be held not later than August 31, and”;*

(b) *by adding the following after subsection (4):*

(5) If no annual meeting is held before April 30, or in the case of a summer village before August 31, the municipal inspector’s report on the affairs of the municipality shall be published by that date by the municipality in an issue of a newspaper circulating within the municipality.

17 Section 105 presently reads:

105 Every by-law shall have 3 distinct separate readings before it is finally passed, but not more than 2 readings of a by-law shall be had at any one meeting unless the members present unanimously agree to give the by-law 3rd reading.

18 Full text of by-law must be presented to council.

19 Creates an offence with respect to the use of a municipal form in a manner that is likely to deceive.

20 Section 113(2)(a) presently reads:

(2) When 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 with members appointed by the board of trustees of a school district or school division or by the councils of other municipalities or the appointee of the Minister on behalf of any improvement district or special area, and

21 Ownership of shares in Alberta One Call Location Corporation.

22 Section 123(2) and (4) presently read:

(2) If an annual meeting is held in any year, it shall be held not later than March 31, except in a summer village where the meeting shall be held not later than August 31, and notice of the meeting shall be given by causing it to be

(a) mailed at least 16 clear days before the date of the meeting to each resident of the municipality, or

(b) published in an issue of a newspaper circulating within the municipality once a week for 2 successive weeks, the last of which shall be published not less than 7 clear days prior to the date of the meeting.

(4) The mayor shall cause to be read to the meeting the latest municipal inspector's report on the affairs of the municipality.

23 *Section 125(1) is amended by adding “under this Act” after “jurisdiction”.*

24 *Section 126(6)(a) is amended by striking out “Soldiers’ Settlement Board” and substituting “Soldier Settlement Board (Canada)”.*

25 *Section 127 is amended*

(a) in subsection (2) by adding the following after clause (a):

(b) to sell to any person any land, building or portion of a building at a sum less than the fair actual value at the time of sale, except where the sale is for the purpose of providing land on which housing is to be constructed,

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

(2.1) In subsection (2)(b) “fair actual value” means market value less the value as determined by the council of any conditions imposed on the development of the land.

26 *Section 131(c) is amended by striking out “Preventive Social Services Act” and substituting “Family and Community Support Services Act”.*

23 Section 125(1) presently reads:

125(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.

24 Section 126(6)(a) presently reads:

(6) A council may acquire by gift

(a) from the Crown in right of Canada, the Crown in right of Alberta, the Soldiers' Settlement Board or the Department of Veterans' Affairs, any land situated inside or outside the municipality;

25 Section 127(2) presently reads as follows:

(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

(a) to dispose of land or any estate or interest in land that was acquired

(i) for a public park, recreation grounds or exhibition grounds, or

(ii) as environmental reserve, municipal reserve or municipal and school reserve pursuant to the Planning Act,

(b) repealed 1981 c25 s12,

(c) to rent or lease to any person any land, buildings or any portion thereof at a rent less than a fair rental value except when 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 except where the leasing is under a housing project under Part VI of the National Housing Act (Canada), or

(d) to dispose of or to devote to any other purpose land, buildings or any portion thereof that have been dedicated to the municipality by gift for a specific purpose, when the land or buildings have been accepted by the municipality for that specific purpose

without

(e) in the case of municipal reserve or municipal and school reserve, complying with the requirements of the Planning Act with respect to the sale, lease or other disposal, and

(f) in every other case, except for environmental reserve or where land that was acquired for a public park, recreation grounds or exhibition grounds is rented or leased to a community association, advertising the disposition, and the provisions of section 324 relating to the requirements of submitting the matter to a vote of the proprietary electors apply, with all necessary modifications, to the disposition.

26 Section 131 presently reads:

131 A council may acquire, construct, equip and operate land, buildings and facilities for

27 *Section 147(1) is repealed and the following is substituted:*

147(1) A council may, by by-law approved by the Minister, adopt a crest or coat of arms for the municipality.

28 *Section 151 is amended by adding the following after subsection (2):*

(3) A council may by resolution provide that subsection (1) does not apply with respect to a specified portion of a contract that contains technical or commercial information the release of which could jeopardize the future competitive position of the contractor.

29 *Section 164(b)(i) is amended by adding “within a reasonable distance from the point of seizure” after “impounding”.*

30 *The following is added after section 171:*

Business Revitalization Zones

171.1 In sections 171.2 to 171.8,

(a) “board” means the board of directors established under section 171.2;

(b) “Business Revitalization Zone” means a Business Revitalization Zone designated under section 171.2.

- (a) recreational and similar use by senior citizens,*
- (b) use as a municipal day care centre, and*
- (c) a program, project or service under the Preventive Social Services Act.*

27 Section 147(1) presently reads:

147(1) A council by by-law approved by the Lieutenant Governor in Council may adopt a crest or coat of arms for the municipality.

28 Section 151(1) presently reads:

151(1) Any elector or owner or purchaser of land within the municipality 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 receiving a written demand by an elector or owner or purchaser of land within the municipality furnish him with copies of any of those documents or parts thereof at the rate of not more than 50¢ 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.

29 Section 164(b)(i) presently reads:

164 For the purpose of regulating and controlling animals a council may pass by-laws

- (b) restraining and regulating the running at large of dogs, and*
 - (i) providing for the impounding of dogs running at large and for the killing, sale or other disposition of impounded dogs if not claimed from the pound within a specified time or if the claimant does not comply within a specified time with any conditions governing payment of costs and expenses and removal from the pound that the by-law provides,*

30 Business Revitalization Zones.

171.2(1) On the request of at least 10 persons in an area who are shown on the current assessment roll of a municipality as being assessed for business assessment, a council may, by by-law,

(a) designate the area as a Business Revitalization Zone and prescribe its boundaries, and

(b) establish a board of directors for the Business Revitalization Zone.

(2) Notice of the intention of the council to pass a by-law under subsection (1) shall be mailed to every person in the area who is shown on the current assessment roll of the municipality as being assessed for business assessment with respect to that area.

(3) No by-law under subsection (1) shall be passed where the council receives a petition objecting to the passing of the by-law signed by persons entitled to notice representing at least $\frac{1}{3}$ of the business assessment in the area within 60 days from the day on which the last notice was mailed.

(4) Where the council is prevented from passing a by-law by reason of a petition under subsection (3), the council may, on the expiration of 2 years from the day on which the petition was received, again proceed under this section to designate the area as a Business Revitalization Zone.

171.3(1) A board is a corporation and shall consist of

(a) 1 or more members of council, and

(b) not more than 10 individuals nominated by any of those persons referred to in section 171.2(2)

appointed by a resolution of the council.

(2) The council may, by resolution, remove any person appointed under subsection (1) and appoint another person to replace him.

(3) Where a vacancy occurs in the membership of the board, the council shall appoint a person who is eligible under subsection (1) to fill the vacancy.

171.4 The purposes of a Business Revitalization Zone Association may include all or any of the following:

(a) to improve, beautify and maintain municipally owned lands, buildings and structures in the area, in addition to any improvement, beautification or maintenance that is provided at the expense of the municipality at large;

(b) to acquire, by purchase, lease or otherwise, any real property necessary for its purposes and improve, beautify and maintain that property;

(c) to promote the area as a business or shopping area;

(d) to undertake interim improvement and maintenance of any property mentioned in clause (b) for use as parking and subsequently to dispose of that property, by sale, lease, exchange or otherwise, for public or private redevelopment for commercial purposes at a price not less than its fair market value;

(e) to conduct any studies or prepare any designs that may be necessary for the purposes of this section.

171.5(1) At the time and in the form prescribed by the council, a board shall submit to the council for its approval the estimates of the board for the current year and may request of the council any sums of money required to carry out its powers and duties.

(2) On receipt of the estimates, the council shall provide, in the form and manner it considers adequate, to every person assessed for business purposes in the area, notice of the estimates and the date and place of the council meeting at which the estimates will be considered.

(3) On approval of all or part of the estimates, the council shall direct the payment of the approved amount to the board.

(4) The board shall expend only money included in the estimates approved by the council and any member of the board who authorizes the expenditure of money not previously approved by the council is guilty of an offence and liable to a fine of not more than \$500.

(5) No indebtedness extending beyond the current fiscal year shall be incurred by a board.

(6) In addition to the amount payed under subsection (3), the council may contribute to the board funds

(a) from money collected from the municipality at large, or

(b) from money collected as payments pursuant to an off-street parking levy pursuant to the *Planning Act* if that money is used for the purposes described in section 171.4.

(7) The board shall include in its estimates any funds

(a) contributed by a council pursuant to subsection (6), or

(b) received from the disposal or conveyance of real property for commercial development,

but no such funds shall be used for the promotion of the area as a business or shopping centre or for studies under section 171.4.

171.6(1) Subject to those maximum and minimum charges that the council may specify in the by-law, the council shall authorize, by by-law, the levy, on all business assessments in the area, of a uniform rate that the council considers sufficient to raise the amount required for the purposes of section 171.5(3).

(2) Any levy imposed under subsection (1) may be collected in the same manner and with the same remedies as provided in the *Municipal Taxation Act* for the collection of taxes on business assessments but the limitations imposed by section 82(3) of that Act do not apply to a by-law under this subsection.

(3) In addition to the levy under subsection (1), the council may, by by-law, provide that the sum required for any specific activity of the board shall be raised by a special benefit levy on the business assessment of those businesses considered by the council to receive a special benefit and the provisions of the *Municipal Taxation Act* with respect to local improvement taxes apply to a special benefit levy under this subsection.

(4) The municipal secretary, or the assessor in the case of a city, shall include in the general roll the businesses that are subject to a Business Revitalization Zone levy.

171.7(1) On or before March 1 in each year a board shall submit its annual report for the preceding year to the council and that report shall include a complete audited financial statement of its affairs, with a balance sheet and a revenue and expenditure statement.

(2) All books, documents, records of transactions, minutes and accounts of a board shall, at all times, be open to inspection by the municipal auditor.

(3) A board may

(a) appoint one of its members,

(b) hire any person, or

(c) by agreement with the council, rely on the municipality

to maintain any books, documents, records of transactions, minutes and accounts, and for making and receiving payments.

171.8(1) A council may, by by-law, amend the boundaries of a Business Revitalization Zone.

(2) The provisions of section 171.2(2) and (3) apply to a by-law under this subsection with respect to any business proposed to be added to the area.

(3) A by-law under this subsection shall not come into force until the next January 1 after its passing.

171.9(1) A by-law passed pursuant to section 171.2(1) may be repealed by a by-law of the council to take effect on December 31 in the year in which it is passed.

(2) The provisions of section 171.2(2) and (3) do not apply to a by-law under this section.

(3) If a by-law passed pursuant to section 171.2(1) is repealed,

the board shall cease to exist and its undertakings, assets and liabilities shall be assumed by the municipality.

31 *The following is added after section 172:*

172.1(1) Subject to any special Act or agreement, the council of a city has the power and shall be deemed always to have had the power to dispose of an estate or interest in a public highway, road, street, lane or alley in the city so long as the disposition does not amount to a sale or lease or require a road closure within the meaning of section 180.

(2) Notwithstanding subsection (1), no estate or interest disposed of under that subsection shall be registered in a land titles office.

32 *Section 175 is repealed and the following is substituted:*

175 A council may by by-law

(a) provide for the orderly numbering of parcels of land and buildings and units and sub-units within buildings,

(b) require owners or occupants to display the numbers assigned to their land, building, units or sub-units,

(c) provide for the revision of the numbers assigned and require owners or occupants to display the numbers so revised, and

(d) delegate any of its powers or duties under this section to one or more officials or employees of the municipality.

33 *Section 179(1) is amended by striking out “council or” and substituting “council of”.*

34 *The following is added after section 180:*

180.1 Notwithstanding section 180, a council by resolution or a municipal official if authorized by a resolution of the council may temporarily close a street, road, lane or public highway or any part of it at any time that a construction or maintenance project adjacent to the street, road, lane or public highway may create a hazard.

35 *Section 223 is amended by adding “, games arcades or similar establishments” after “rooms” wherever it occurs.*

31 Disposal of estate or interest in highway.

32 Section 175 presently reads:

175 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.

33 Section 179(1) presently reads:

179(1) A council of a city may pass a by-law for the purpose of establishing a mall or pedestrian promenade and the council or any other municipality may do so with the approval of the Minister of Transportation.

34 Temporary closing of streets etc.

35 Section 223 presently reads:

223 A council may make by-laws

(a) governing the licensing of billiard rooms;

(b) fixing licence fees for billiard rooms;

(c) regulating the operation and hours of business of billiard rooms;

(d) fixing a minimum age for admittance to or patronizing of billiard rooms.

36 Section 225 is amended

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

(1.1) A council may appoint an appeal board consisting of not fewer than 3 persons to hear an appeal under subsection (1).

(1.2) An appeal board that hears an appeal under this section may

- (a) confirm the refusal, revocation or suspension,
- (b) direct that the licence be issued,
- (c) reinstate the revoked licence, or
- (d) remove or vary the suspension.

(b) in subsection (3)(b) by adding “or the appeal board, as the case may be,” after “council”.

37 Section 228 is repealed.

38 Section 238(2) is amended by striking out “, boxing matches and wrestling matches” and substituting “and boxing, kick boxing, judo, karate, wrestling and similar matches”.

39 Section 248(4)(b) is amended by striking out “3” and substituting “2”.

36 Section 225(1) and (3) presently read:

225(1) A council may refuse to grant or may revoke or suspend a licence on grounds which, to it, appear just and reasonable and may delegate to a municipal officer, on the terms and conditions the council by by-law determines, the power to refuse to grant or revoke or suspend any licence if in his opinion there are just and reasonable grounds for the refusal of the application or for revocation or suspension of the licence, subject to the right of the applicant to appeal the refusal or revocation or suspension to the council.

(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) if 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.

37 Section 228 presently reads:

228 No municipality or municipal official shall issue a licence to anyone

(a) as owner of a motor vehicle, chauffeur, dealer in motor vehicles or keeper of a garage,

(b) as auctioneer,

(c) as hawker or pedlar,

(d) as owner, proprietor, lessee, manager, agent or person in charge of a menagerie, circus, wild west show, trained animal show or similar show,

(e) as owner, proprietor, lessee or manager of a theatre, moving picture theatre, opera house, concert hall, dance hall, assembly room or other place of public entertainment or film exchange, or

(f) as itinerant exhibitor of moving pictures, moving picture operator or operator's apprentice,

or to any other person required by law to obtain a Government licence until the applicant has first produced the proper Government licence and no licence issued by a municipality without that production is valid.

38 Section 238(2) presently reads:

(2) Without restricting the generality of subsection (1), a council may pass by-laws to control and regulate, or may appoint a board or commission to control and regulate sparring exhibitions, boxing matches and wrestling matches, and may prohibit such exhibitions or matches without the written authority of the council or the board or commission.

39 Section 248(4)(b) presently reads:

(4) The by-law is not enforceable with respect to property until notice has been sent by registered mail to or served on the assessed owner and all

40 Section 251 is amended by striking out “ $\frac{2}{3}$ vote of all the members” and substituting “vote of $\frac{2}{3}$ of the whole council”.

41 Section 253 is amended by renumbering it as section 253(1) and by adding the following after subsection (1):

(2) Subject to the approval of the Lieutenant Governor in Council, a municipality may acquire mineral rights incidental to the operation of a public utility owned by the municipality.

42 Section 279 is amended

(a) in subsection (1)(a) by adding “or part of the municipality and the residents of that part” after “residents”;

(b) in subsection (2) by adding “or to the residents of part of a municipality” after “municipality”.

43 Section 281(4) is amended by adding “, unless the council of the new municipality decides otherwise and so notifies the person holding the franchise in writing prior to the incorporation, annexation or inclusion,” after “shall”.

persons shown by the records of the land titles office to have an interest in the property and on the occupant, if any,

(b) stating the time within which the repairs are to be made or the clearing is to be done, which shall not be less than 3 months, and

40 Section 251(1) presently reads in part:

251(1) A council, by a 2/3 vote of all the members, may pass by-laws

(a) directing that the owner of any building situated on land abutting on any street or public place wherein there is a sewer and water main shall install, in the building, connections with the sewer and water mains, and any apparatus and appliances required to ensure the proper sanitary condition of the building and premises,

41 Acquisition of mineral rights.

42 Section 279 presently reads:

279(1) A council, with the approval of the Public Utilities Board, may

(a) enter into a contract with a person undertaking to provide the municipality and its residents with a supply of telephones, transportation, light, power, natural gas, artificial gas, water and heat, or any of them, and

(b) confer a special franchise on that person in respect to the subject matter of the contract,

for any period not in excess of 20 years.

(2) When a person undertakes to provide a community antenna television system to the residents of a municipality, a contract may confer a special franchise on the person for a period not in excess of 20 years.

(3) The provisions of section 324 relating to the requirement of advertising and if necessary submitting the matter to a vote of the proprietary electors apply, with all necessary modifications, to a by-law passed pursuant to this section.

43 Section 281(4) presently reads:

(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) a special franchise with respect to the area, or

(b) a contract for the supply of light, power, natural gas or water to persons resident in the area,

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 sections 279 and 280 and this section apply, with all necessary modifications, to the special franchise or contract.

44 *The following is added after section 283:*

283.1(1) Where the franchise area of a rural gas utility as defined in the *Rural Gas Act* is reduced by municipal annexation, the Public Utilities Board may make an order as to all or any of the following:

- (a) the payment of compensation to the owner of the utility;
- (b) the payment of compensation to all or any of the consumers of the utility;
- (c) the amount of compensation payable under clause (a) or (b) and the time period within which it must be paid;
- (d) the municipality or utility that shall pay the compensation referred to in clause (a) or (b);
- (e) whether all or part of a Government grant received by the utility for the purposes of capital construction costs should be repaid to the Government;
- (f) any other matters that the Board considers necessary with respect to the reduction of the franchise area of the utility.

(2) Compensation payable under subsection (1)(a) or (b) may include compensation for the following:

- (a) the cost of facilities and equipment of the rural gas utility that were transferred to a municipality, based on new replacement cost less depreciation;
- (b) the cost of relocating any rural gas utility plant and equipment as a result of the annexation;
- (c) severance damages based on
 - (i) a period of time that the Board considers reasonable,
 - (ii) the number of consumers served and the gas load in the annexed area compared to the total number of consumers and gas load for the rural gas utility,
 - (iii) the effect on the capital costs per consumer of the rural gas utility,
 - (iv) the economic effect on the overall operation of the rural gas utility,
 - (v) the loss of future benefits to the rural gas distributor, and
 - (vi) the economic effect on the rural gas utility consumers in the annexed area.

45 *Section 316(1) is amended by striking out "\$100" and substituting "\$500".*

44 Compensation to rural gas utilities affected by annexation.

45 Section 316(1) presently reads in part:

316(1) If a person

46 *Section 322 is amended by adding the following after subsection (6):*

(7) The interest charges for a temporary loan borrowed pursuant to subsection (1) may be included in the capital costs for debenture purposes.

47 *Section 330(3)(c) is amended by striking out “the total assessed value of the land, excluding improvements, charged with the special assessment and”.*

48 *Section 338 is amended*

(a) *in subsection (1)(c) by adding “, or that the maximum rate of interest shall be the interest rate fixed from time to time by the Alberta Municipal Financing Corporation,” after “interest”;*

(b) *in subsection (2)(c) by adding “or provide that the debentures shall bear interest at a rate not to exceed the interest rate fixed from time to time by the Alberta Municipal Financing Corporation,” after “thereon,”;*

(c) *by adding the following after subsection (3):*

(3.1) The terms of any debentures issued under this section may provide that the interest rate and the amounts of interest

(i) wilfully, and without authority, hinders, interrupts or cuts off the supply of a public utility,

he is guilty of an offence and liable to a fine of not more than \$100.

46 Section 322 presently reads:

322(1) When a council has adopted its program of capital works and expenditures to be undertaken in any year, the council may by by-law authorize the mayor and treasurer to borrow, from time to time, any sums the council considers necessary to provide for the temporary financing of the works and expenditures at any time pending the issuance of all or any part of the debentures therefor.

(2) The municipality may as security for the 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 on the municipality according to its tenor.

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

(4) The amount so borrowed in any year shall not exceed the aggregate amount of the estimated cost of the program of capital works and expenditures of that year, or any prior year, for which debentures have not been issued after deducting therefrom any revenue 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.

47 Section 330(3)(c) presently reads:

(3) Every by-law providing for the raising of a portion of the cost payable by way of special assessment or of any part thereof shall state by recital or otherwise,

(c) the total assessed value of the land, excluding improvements, charged with the special assessment and if any portion of the debt created by the by-law is to be borne by the municipality at large the total assessed value according to the last revised assessment roll.

48 Section 338(1)(c) and (2)(c) presently read:

338(1) The by-law creating the debt shall state, by recital or otherwise,

(c) the maximum rate of interest and whether it is to be paid annually or semi-annually,

(2) Every such by-law shall

(c) fix the maximum rate or rates of interest payable thereon, and name the places where and the time when the principal and interest are payable,

and principal payable annually shall be subject to change on any anniversary date of the debentures then outstanding.

49 *Section 350 is amended by adding the following after subsection (1):*

(1.1) The countersignature by the Board may be printed, lithographed or otherwise mechanically reproduced under those conditions that may be authorized by the Board.

50 *Section 353(5)(a) is amended by striking out “all the members of the council” and substituting “the whole council”.*

51 *The following is added after section 353:*

353.1(1) This section applies to a municipality with a population in excess of 40 000 persons.

(2) When a by-law has been passed under section 324 or 353 to authorize debenture borrowing, the council, without the assent of the proprietary electors, may pass by-laws

(a) governing the issue and sale of debentures in an amount or amounts not exceeding in the aggregate the amount prescribed in the by-law authorizing debenture borrowing, and

(b) governing the method of repaying at maturity or renewing at maturity or redeeming prior to maturity the whole or any part of any outstanding debentures or other securities of the municipality notwithstanding that those debentures were issued before or after the coming into force of this section.

(3) A by-law under subsection (2) may specify

(a) the date or dates of the debentures,

(b) the interest rate or rates of the debentures,

(c) the currency or currencies or units of monetary value in which the debentures are payable,

(d) the place or places where the debentures are payable,

(e) the time or times at which the debentures are payable, and

(f) the manner and terms and conditions of payment of the debentures.

(4) Every by-law under subsection (2) shall provide for raising sufficient money in lawful money of Canada in each year during the currency of the debentures as may be required to pay annually the following:

49 Section 350(1) presently reads:

350(1) When a by-law has been approved under this Act, the Local Authorities Board, on the application of the council, may countersign the debentures that are issued or that may be issued under the authority of the by-law.

50 Section 353(5)(a) presently reads:

(5) The by-law does not require the assent of the proprietary electors or publication pursuant to section 324 if

(a) it is passed by a vote of $\frac{2}{3}$ of all the members of the council, and

51 By-laws governing issue and sale of debentures.

- (a) the interest on the debentures;
- (b) any principal amount of the debt falling due in the year to the extent that no sinking fund is available for such purpose;
- (c) in the case of sinking fund debentures, a specific amount which, with a projected rate of earnings, compounded annually, will be sufficient to pay the principal of the debentures at maturity

and to the extent that sufficient money is not available from its other sources of revenue shall provide for the levy of a tax at a uniform rate on the assessed value of all assessed property shown on the assessment roll.

(5) The levy referred to in subsection (4) need not be made to the extent that provision has been made for the issue and sale of further debentures to refund the principal of any debentures falling due in that year.

(6) A by-law under subsection (2) may authorize the municipality to issue a temporary or global debenture in any form and in any denomination or denominations that may be appropriate which shall be valid and binding on the municipality and shall be exchangeable in the manner provided therein for one or more definitive debentures to an equivalent aggregate principal amount payable on the same date and bearing the same rate of interest.

(7) Without restricting the generality of subsection (2),

(a) the term of any debenture issued under this section may be made retractable at the option of the holder thereof to a date or dates prior to the stated maturity date on notice given to the treasurer in the manner provided for in the debenture;

(b) the term of any debenture issued under this section may be made extendible at the option of the holder thereof to a date subsequent to the stated maturity date and at the same or a different rate of interest on notice given to the treasurer in the manner provided for in the debenture;

(c) any by-law authorizing the issue of new debentures to refund retractable debentures at an early redemption date or to refund extendible debentures at their extended maturity date shall provide for the raising of sufficient money to pay the principal and interest on the new debentures in the same manner pursuant to subsection (4) as for the debentures that are being refunded.

(8) Any by-law under subsection (2) shall not take effect unless and until it is approved by certificate of the Local Authorities Board.

(9) Notwithstanding the *Local Authorities Board Act* or this Act, but subject to the prior approval of the Local Authorities Board,

a by-law under subsection (2) may be given all 3 readings and may be finally passed at the same council meeting by a vote of at least $\frac{2}{3}$ of the whole council.

(10) Debentures issued under a by-law passed under this section may be countersigned by the Local Authorities Board and the provisions of section 350 apply to any debentures so countersigned.

52 *Section 414 is amended by adding the following after subsection (9):*

(10) In this section "elector" includes a corporation that owns land in the municipality.

53 *Section 427 is amended*

(a) *in subsection (1) by striking out "3 months" and substituting "60 days";*

(b) *in subsection (4) by striking out "and any property offered for sale at a public auction and not sold thereat may be otherwise disposed of" and substituting "or".*

54 *Section 443(3) is repealed and the following is substituted:*

(3) This section does not apply to

(a) an agreement in existence on June 1, 1968 between the municipality and any person,

(b) the disposal of any land or estate or interest in land in accordance with section 127, or

(c) an agreement under section 354.

55 *Section 445(2) is repealed and the following is substituted:*

(2) The Royal Alexandra Board of Governors, incorporated by section 35 of chapter 9 of the Statutes of Alberta, 1963, is continued as a corporation under the name "Royal Alexandra Hospitals" and without restricting the powers it may exercise, the corporation, subject to the by-laws from time to time of the City of Edmonton and any Act or regulation made under an Act, may

(a) manage, control and operate the Royal Alexandra Hospital in the City of Edmonton and any other hospitals that it is authorized to manage, control and operate,

(b) own any or all of the real property and personal property from time to time constituting the Royal Alexandra Hospitals and any other hospital that it is authorized to manage, control

52 Section 414(1) presently reads:

414(1) Any elector of the municipality may, by notice of motion, apply to the Court of Queen's Bench to quash any by-law, order or resolution of the council in whole or in part for illegality.

53 Section 427(1), (2) and (4) presently read:

427(1) Except as otherwise provided in this section, all lost or unclaimed property in the possession of the municipality or any department thereof shall be retained for 3 months.

(2) All lost or unclaimed bicycles in the possession of a municipality or any department thereof shall be retained for 45 days.

(4) If property is not claimed within the time limited by this section, it becomes the property of the municipality and the municipality may dispose of the property by public auction and any property offered for sale at a public auction and not sold thereat may be otherwise disposed of as the council directs.

54 Section 443(3) presently reads:

(3) This section does not apply to any agreement between the municipality and any person in existence on June 1, 1968 or to an agreement under section 354.

55 Section 445(2) presently reads:

(2) The Board of Governors of the Royal Alexandra Hospital established by by-law of the City of Edmonton is hereby declared to be, and to have been since its inception, a corporation under the name of the Royal Alexandra Board of Governors, and, without in any way restricting the powers it may exercise, with power to

(a) operate the Royal Alexandra Hospital mentioned in the by-law, and any addition or modifications thereto, for the care and treatment of persons suffering illness, injury or disability for which active treatment hospital care is required or is proper, and

(b) carry on educational activities and provide educational facilities related to the care and treatment of persons suffering illness, injury or disability or relating to the promotion of health and in particular, but not so as to restrict the generality of the foregoing, conduct a school of nursing.

and operate, with the power to deal with and dispose of the property in the ordinary course of managing, controlling and operating the hospitals or any of them, and

(c) carry on educational activities and provide educational facilities related to the care and treatment of persons suffering illness, injury or disability or relating to the promotion of health and in particular, but not so as to restrict the generality of the foregoing, conduct a school of nursing.

(3) All rights and obligations incurred with respect to The Edmonton Public Hospital, The City Hospital, The Royal Alexandra Hospital, Edmonton Hospital Association, The Edmonton Hospital Board and Royal Alexandra Board of Governors shall be deemed to be and to always have been rights and obligations of Royal Alexandra Hospitals.

56 *The following enactments are repealed:*

(a) *The Edmonton Public Hospital Ordinance (c. 43, Ordinances of the North-West Territories, 1900);*

(b) *An Act to Amend Chapter 43 of the Ordinances of the North-West Territories, 1900 entitled "The Edmonton Public Hospital Ordinance" (c. 63 S.A. 1906);*

(c) *An Act to enable the Directors of the City Hospital to change the name thereof to "The Royal Alexandra Hospital," and for other purposes (c. 45 S.A. 1910, second session);*

(d) *section 6 of The Statute Law Amendment Act of 1913 (c. 9 S.A. 1913).*

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

56 Repeals obsolete Acts.