

1985 BILL 64

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 64

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1985

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 64

1985

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1985

(Assented to _____, 1985)

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- 2 *Section 1(f) is repealed and the following is substituted:*
 - (f) “hamlet” means
 - (i) an unincorporated community consisting of a group of 5 or more occupied dwellings, a majority of which are on parcels of less than 1850 square metres, with a defined boundary, a distinct name and the existence of or provision for non-residential uses, that is designated as a hamlet by the council for the municipal district in which the community is located or by the Minister, or
 - (ii) any area declared to be a hamlet by the Minister before July 1, 1986 unless the declaration is revoked by the Minister;
- 3 *Section 6 is amended by adding the following after subsection (4):*
 - (4.1) A petition shall be deemed to have been received by the council on the day the municipal secretary declares it to be a sufficient petition.
 - (4.2) The municipal secretary shall determine the sufficiency of a petition within 30 days of the filing of the petition with him.
- 4 *Section 9(1)(b) is amended by striking out “first” and substituting “organizational”.*
- 5 *Section 20(10) is repealed.*

Explanatory Notes

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

2 Section 1(f) presently reads:

(f) "hamlet" means

(i) an area of land subdivided into lots and blocks as a townsite, a plan of which is registered in a land titles office,

(ii) an area of land as defined by clause (s)(i) and (iii) on which are erected improvements used for purposes other than farming purposes, or

(iii) an area declared by an order of the Minister to be a hamlet;

3 Section 6(4) presently reads:

(4) Every petition shall be filed with the municipal secretary who shall compute the number of petitioners that have signed the petition and determine the sufficiency of it.

4 Section 9(1)(b) presently reads:

9(1) All the provisions of this Act that apply to villages apply to summer villages, except that in a summer village

(b) the councillors shall be sworn in and assume office at the first meeting of the council which shall be held not later than August 31 at a place, time and date to be fixed by council, and shall continue in office until their successors are sworn into office, and

5 Section 20(10) presently reads:

(10) 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

6 *The following is added after section 25:*

25.1(1) Notwithstanding this or any other Act, an order under this Part may provide that the order comes into force on different dates for the purpose of

- (a) assessment,
- (b) taxation,
- (c) elections, or
- (d) any other purpose

and may direct any modifications of procedures prescribed under any other Act that are necessary to give effect to the intent of the order.

(2) Notwithstanding this or any other Act, the dates provided for under subsection (1) may be during the year prior to the the year in which the order is made.

7 *Section 29 is amended*

(a) *in subsection (2)*

(i) *by adding the following after clause (l):*

(l.1) of his leasing, pursuant to section 182, a closed road or land acquired by a municipality under the *Tax Recovery Act*,

(ii) *in clause (n)(v) by adding “, and any additional parcels authorized under subsection (2.1),” after “parcel”;*

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

(2.1) For the purpose of subsection (2)(n)(v), the Minister may authorize the sale of more than 1 parcel to a member of council during any 1 term of office of the member.

(c) *by repealing subsection (3).*

8 *Section 30(5) is amended by adding the following after clause (d):*

(d.1) the interests or business of a co-operative association, a credit union or a society formed under the *Societies Act* or the

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

6 Effective date of order.

7 Section 29 presently reads in part:

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 or, in the case of a summer village, ceases to be a proprietary elector of the summer village,

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

(l) of his being the vendor or purchaser or assignor or assignee of land bought or sold under the Agricultural Development Act,

(m) of his being a party to a contract for the purchase or lease of real or personal property from the municipality entered into before he became a member of the council, or

(n) of his being a party to a contract for the purchase from the municipality of 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 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.

(3) Subsection (1)(c) does not apply with respect to summer villages.

8 Section 30(5)(d) presently reads:

(5) This section does not apply to a member of a council by reason only that the question affects

Agricultural Societies Act of which the member of council is a member or in the activities of which the member of council participates,

8 *Section 36 is amended*

(a) in subsection (1) by striking out “mayor and councillors” and substituting “persons elected”;

(b) in subsection (2) by striking out “mayor and councillors, except in the case of summer villages,” and substituting “persons elected”.

10 *Section 66(1)(b) is repealed.*

11 *Section 67(1) is amended by striking out “not later than May 31 in each year and the treasurer of every other municipality shall not later than the last day of February” and substituting “no later than June 15 in each year and the treasurer of every other municipality shall no later than March 31”.*

12 *Section 68(1) and (4) are amended by striking out “April 1” and substituting “June 1”.*

13 *Section 70(2) is amended*

(a) by striking out “financial statements” wherever it occurs and substituting “annual financial statement”;

(b) by striking out “present” and substituting “presents”.

14 *Section 75 is amended by striking out “financial statement” wherever it occurs and substituting “annual financial statement”.*

(d) the interests or business of a company, of which the member is a director, in a manner common with all other, or a substantial number of other, persons who carry on business in the municipality and who have interests or business in common with the interests or business of that company,

9 Section 36 presently reads in part:

36(1) At a general election in a municipality the mayor and councillors shall be elected for a 3-year term of office.

(2) The term of office of the mayor and councillors, except in the case of summer villages, shall

(a) commence at the organizational meeting of the council following the general election, and

(b) unless their office is sooner vacated, continue to the organizational meeting of the council following the next ensuing general election.

10 Section 66(1) presently reads:

66(1) Every municipality, other than a city, shall cause to be prepared by the last day of February an annual financial statement

(a) in the form prescribed by the Minister, or

(b) if no form is prescribed, in a form acceptable to the council,

of the financial transactions of the municipality of the immediately preceding year.

11 Section 67(1) presently reads:

67(1) The treasurer of every city shall not later than May 31 in each year and the treasurer of every other municipality shall not later than the last day of February in each year cause the financial statements or a synopsis of them and the accompanying auditor's report to be published in such manner as the council considers advisable in order to give such information to the ratepayers concerning the financial affairs of the municipality as the council considers reasonable and proper.

12 Section 68 presently reads in part:

68(1) A council shall not later than April 1 in any year appoint one or more auditors to examine the financial statements of the municipality and of every administrative body handling municipal funds and for which no statutory audit provision is made.

(4) If the council appoints a different auditor or auditors, it shall advise the former auditor or auditors in writing prior to April 1 of the appointment.

13 Section 70(2) presently reads:

(2) The auditor shall make a report to the council on the financial statements of the municipality and shall state in his report whether in his opinion the financial statements referred to therein present fairly the financial position of the municipality and the results of its operations during the immediately preceding year, in accordance with generally accepted accounting principles applied on a basis consistent with that of the previous year.

14 Section 75 presently reads:

75(1) In the case of all municipalities, except cities, the auditor shall forward to the Deputy Minister not later than February 28 in each year a copy of the financial statement.

15 Section 94 is amended

(a) in subsection (4)

(i) by striking out “or” at the end of clause (b);

(ii) in clause (c)(v) by adding “, and any additional parcels authorized under subsection (5),” after “parcel”;

(iii) by adding “, or” at the end of clause (c) and by adding the following after clause (c):

(d) a party to a contract of employment with the municipality.

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

(5) For the purpose of subsection (4)(c)(v), the Minister may authorize the sale of more than one parcel to a manager or commissioner.

16 Section 95 is amended

(a) by adding “at least” after “he shall receive”;

(b) by renumbering it as section 95(1) and adding the following after subsection (1):

(2) Notwithstanding subsection (1), the council may by by-law enter into a contract with a municipal commissioner or the municipal manager to provide for the matters referred to in that subsection and for any additional termination benefits that the council considers appropriate.

17 Section 105 is amended by renumbering it as section 105(1) and adding the following after subsection (1):

(2) If a by-law does not receive 3rd reading within 2 years from the date of the first reading, the readings are deemed to have been rescinded.

18 Section 110 is amended by adding the following after subsection (2):

(2.1) If the voluntary payment of a fine is authorized under section 6 of the *Summary Convictions Act*, a council may provide

(2) In the case of cities, the auditor shall forward to the Minister not later than June 1 in each year a copy of the financial statement.

15 Section 94 presently reads in part:

94(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 a contract with the municipality.

(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 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.

16 Section 95 presently reads:

95 A council shall fix the annual salary and fringe benefits, including pensions, sick leave and other perquisites, to be paid or provided for each of the municipal commissioners or to the municipal manager, as the case may be, and in the case of termination of the appointment of a municipal commissioner or the municipal manager, except for cause or pursuant to section 94(2), he shall receive 3 months' notice, or in lieu thereof, 1/4 of his annual salary, except that when that official has served for a period exceeding 15 years, he may be granted not more than 12 months' notice or salary in lieu of notice, as the council may decide.

17 Section 105 presently reads:

105 Every by-law shall have 3 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 Section 110(3) presently reads:

(3) A council may, either in a general penalty provision in a by-law or in a penalty provision applicable to a contravention of a particular provision of a by-law, provide for

in its general penalty by-law for the discounting of the fine for prompt payment, and the amount of the discount shall be the amount specified in the by-law.

19 The following is added after section 111:

111.1(1) A council may appoint 1 or more by-law enforcement officers for the purpose of enforcing compliance with by-laws.

(2) A by-law enforcement officer who is an employee of the municipality is, in the execution of his duties, a person employed for the preservation and maintenance of the public peace.

(3) The council may appoint one of the by-law enforcement officers appointed under subsection (1) as the chief by-law enforcement officer, who shall provide for the supervision of the performance and conduct of the by-law enforcement officers of the municipality.

(4) The council may provide for a by-law enforcement committee to carry out any duties and responsibilities assigned to it by council.

(5) The council shall, by by-law, set out the powers and duties of by-law enforcement officers and the chief by-law enforcement officer, if any, appointed under this section.

(6) The council shall, by by-law, establish disciplinary procedures, including procedures, penalties and an appeal process, applicable to by-law enforcement officers.

(7) All by-law enforcement officers shall take the official oath prescribed by the *Oaths of Office Act*.

(8) Notwithstanding anything in this section, a council may enter into an agreement with any other municipality to provide for joint by-law enforcement.

20 The following is added after section 115.1:

115.2 A council may authorize municipal employees to provide consulting services to a person who has entered into an agreement with the municipality for the supply of those services.

21 Section 123 is amended by striking out subsections (3), (4) and (5) and substituting the following:

(3) At the time and place set out in the notice

(a) the secretary shall call the meeting to order and shall preside over the selection of a chairman,

- (a) a minimum fine, which shall be imposed by a court on a conviction for a contravention of the by-law,*
- (b) minimum and maximum fines applicable to 2nd or subsequent offences,*
- (c) a minimum daily fine not exceeding \$2500 for every day that the offence continues after conviction,*
- (d) any combination of fines authorized by this subsection, or*
- (e) a minimum period of imprisonment in case of non-payment of the fine and costs, which period may vary for first, second and subsequent offences but shall not exceed 6 months in respect of one offence.*

19 By-law enforcement officers.

20 Consulting services.

21 Section 123 presently reads in part:

- (3) At the time and place set out in the notice, the mayor, secretary-treasurer and the chairmen of the various committees shall attend and submit to the meeting their respective reports for the year ending on December 31.*

- (b) the mayor, secretary and treasurer and the chairmen of the various committees shall submit their reports for the year ending the immediately preceding December 31,
 - (c) the mayor shall cause to be read the latest municipal inspector's report on the affairs of the municipality, and
 - (d) the persons present shall be offered the opportunity to ask questions on or to discuss the affairs of the municipality or any matter relating to them.
- (4) 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
- (a) published by that date by the municipality in an issue of a newspaper circulating within the municipality,
 - (b) included by that date in a publication of the municipality that circulates within the municipality, or
 - (c) included with the next publication of the annual financial statement or synopsis of it required under section 67.

22 *Section 124(4) is amended by adding "by the council" after "petition".*

23 *Section 125 is repealed and the following is substituted:*

125(1) The electors of a municipality may submit a petition to the council for

- (a) a by-law, or
- (b) the repeal, amendment or suspension of any existing by-law or resolution

dealing with any matter within the legislative jurisdiction of the council under this Act.

(2) A petition under subsection (1)(b) has no effect unless it is filed with the municipal secretary within 60 days of the day on which the existing by-law or resolution was passed.

(3) A petition under this section has no effect unless the number of electors who have signed the petition equals at least

- (a) in the case of a municipality other than a summer village,
 - (i) 5% of the population if the population is 1000 or more, or
 - (ii) 10% of the population if the population is less than 1000

as determined at the latest census, or

- (b) in the case of a summer village, 10% of the persons entitled to vote at an election in the summer village.

(4) Within 4 weeks of receiving the petition the council shall

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

(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.

22 Section 124(4) presently reads:

(4) 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.

23 Section 125 presently reads:

125(1) If a petition is submitted to the council for a by-law dealing with any matter within its legislative jurisdiction under this Act, the council shall cause a by-law dealing with the subject matter of the petition to be prepared and read a first time.

(1.1) Notwithstanding subsection (1), a petition for a by-law that will have the effect of repealing, amending or suspending an existing by-law has no effect unless it is received by the council within 60 days of the day on which the existing by-law was passed.

(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) 5% of the population of a municipality as determined by the latest census, in a municipality having a population of 1000 or more persons, or

(b) 10% of the population of a municipality as determined by the latest census, in a municipality having a population of less than 1000 persons.

(3) 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% of those parcels of land within the summer village that are liable to assessment and taxation.

(4) Within 4 weeks after receiving the petition, the council shall publish the proposed by-law once a week for 2 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.

(a) cause a by-law dealing with the subject matter of the petition and any other related matters the council considers necessary to be prepared and read a first time, and

(b) fix a day as election day for the vote on the by-law by the electors.

(5) The vote on the by-law shall be in accordance with the *Local Authorities Election Act* except that the notice of the vote shall set out the text of the by-law that is the subject of the vote.

(6) If the majority of the persons voting vote in favour of the by-law, the by-law as submitted shall be finally passed within 4 weeks of the vote without any alteration affecting the substance of the by-law.

(7) Notwithstanding subsections (4) and (6), if the petition is for a by-law to repeal an existing by-law or resolution, the vote may be taken on the existing by-law or resolution.

(8) If, in a vote under subsection (7), the majority of the persons voting

(a) vote in favour of retaining the existing by-law or resolution, the existing by-law or resolution shall be retained;

(b) vote in opposition to retaining the existing by-law or resolution, the council shall pass a by-law or resolution repealing the existing by-law or resolution within 4 weeks of the vote.

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

24 *Section 127(4) is amended by striking out “Notwithstanding subsections (1) to (3), a council may sell, rent or lease to the Crown in right of Alberta or any of its agents, a municipality, a school district, a school division, a public college or a university,” and substituting “Notwithstanding anything in this or any other Act, a council may sell, rent or lease to the Crown in right of Alberta or any of its agents, a municipality, a school district or division, a public college, a university or a non-profit community organization formed under the Societies Act or the Agricultural Societies Act”.*

25 *Section 136(1)(b) is amended by striking out “all the owners thereof” and substituting “all persons registered on the title as having an interest within 40 metres of the new boundary of the right of way as shown on the plan of survey”.*

26 *Section 171.2(3) is amended by adding “and the petition has been filed with the municipal secretary” after “area”.*

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

(6) 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 4 weeks of the voting thereon without any alteration being made therein affecting the substance thereof.

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

24 Section 127(4) presently reads:

(4) Notwithstanding subsections (1) to (3), a council may sell, rent or lease to the Crown in right of Alberta or any of its agents, a municipality, a school district, a school division, a public college or a university, land or buildings, or any portion thereof, at a sale price of less than the fair actual value thereof at the time of sale or at rental of less than the fair rental value thereof.

25 Section 136(1) presently reads:

136(1) When through agreement with the owner, a municipality acquires land for the purpose of a highway, road, street, lane, bridge, culvert, ditch or drain, title to the land may be vested in the city, or in the case of any other municipality, the Crown in right of Alberta, by filing in the proper land titles office

(a) plans of survey in accordance with section 135, and

(b) an affidavit of the municipal secretary setting forth a description of the land, and stating that agreement has been reached with all the owners thereof as to the land to be acquired and the price to be paid,

and it is not necessary to register a transfer to that land.

26 Section 171.2(3) presently reads:

(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

27 *The following is added after section 171.4:*

171.41(1) In this section “capital project” means a capital project for any of the purposes referred to in section 171.4(a), (b) or (d) and includes the preparation of designs for the project.

(2) At the request of a board, a council may by by-law authorize the undertaking by the municipality of a capital project within a Business Revitalization Zone.

(3) Subject to subsection (4), a council may by by-law authorize the issue of debentures to finance the undertaking of a capital project within a Business Revitalization Zone.

(4) Where a council receives a request from a board under subsection (2), the council shall cause a notice of its intention to undertake the capital project to be published, and section 157 of the *Municipal Taxation Act* applies as though the capital project were local improvements as referred to in that section.

(5) Where debentures are issued under this section, the council, in each year of the currency of the debentures, shall by by-law authorize a levy on all business assessments in the area at a uniform rate that the council considers sufficient to raise the amount required for the payment of the annual instalments of principal and interest on the debentures.

(6) Notwithstanding subsection (5), a council may in a by-law passed under subsection (3) provide that a portion of the cost shall be borne by the municipality at large, but if the portion of the cost to be borne by the municipality at large exceeds 50% of the estimated costs, section 324 applies.

(7) Notwithstanding subsection (5) or (6), where it appears to the council that the proposed facilities or structures will be of benefit to only a portion of a Business Revitalization Zone, the by-law authorizing the issue of debentures shall specify the portion so benefiting and the levies imposed under this section shall be imposed only on the business assessments within that portion of the Business Revitalization Zone.

(8) The levies authorized under this section shall be in addition to the levies specified in section 171.6.

(9) The levies authorized under this section shall be imposed by the council during the currency of any debentures issued under subsection (3) notwithstanding the repeal of the by-law establishing the Business Revitalization Zone.

(10) Where a capital project is undertaken under this section, the council may enter into an agreement with the board respecting the maintenance and operation of the capital project.

(11) Subject to subsection (6), a by-law passed under this section does not require the assent of the proprietary electors, but the by-law has no effect until it has received the approval of the Local Authorities Board.

entitled to notice representing at least 1/3 of the business assessment in the area within 60 days from the day on which the last notice was mailed.

27 Facilities and structures within Business Revitalization Zone.

(12) The term of a debenture under this section shall in no case exceed 10 years.

28 *The following is added after section 180:*

180.01 Notwithstanding section 180, the council of a municipal district may by resolution with the approval of the Minister of Transportation close the whole or any part of a road described in a surveyed road plan that the council determines is no longer required for use by the travelling public owing to the existence of an alternate route.

29 *Section 182(1) is amended by striking out “or any other”.*

30 *Section 188 is amended by adding the following after subsection (1):*

(1.1) A council may by by-law authorize its agents and employees to enter on land adjacent to a road for the purpose of surveying to determine water drainage patterns.

(1.2) Notwithstanding subsection (1.1), an agent or employee shall not enter on privately owned land unless he first notifies the owner or occupier of that land of the date on which the entry will be made.

31 *Sections 241 to 246 are repealed and the following is substituted:*

241(1) In this section, “businesses” means businesses, shops or industries.

(2) A council may by by-law regulate and control the days or hours or both that businesses are required to close, and without limitation may

(a) exempt a business or 1 or more classes of businesses, designated as to size or type, as to the number of employees or as to the type of goods or services sold or offered for sale, from any provision of the by-law;

(b) impose conditions that must be met by a business or 1 or more classes of businesses that are permitted to remain open;

(c) provide that designated businesses may remain open or closed according to a system of rotation.

(3) A council may by by-law authorize the carrying on of business in emergencies or in other prescribed circumstances during the days or hours when a business, or class of businesses, is required to be closed under a by-law made under this section.

28 Closure of road described in a surveyed road plan. Section 180(1) presently reads:

180(1) A council of a city may pass by-laws for the purpose of closing the whole or any portion of any street, road, lane or public highway, and the council of any other municipality may do so with the approval of the Minister of Transportation.

29 Section 182(1) presently reads:

182(1) If the whole or any portion of a street, road, lane or public highway is closed pursuant to this or any other Act, the municipality within which it is located may provide for the leasing thereof to any owner, purchaser, lessee or occupant of property adjoining the street, road, lane or public highway.

30 Section 188 presently reads in part:

188(1) A council of a municipal district shall make adequate provision for

(a) the drainage of all highways constructed or maintained by the council, and

(b) the disposition of any water collected in a drainage ditch or other artificial depression created by the council on or contiguous to the road forming the site of the highway,

in such a manner as to prevent the flooding of other land.

(2) A person who is the owner or occupant of land in the vicinity of a highway mentioned in subsection (1) and who claims that default has been made by the council in performing the duty cast on it by subsection (1) may lodge his complaint before the council.

31 Sections 241 to 246 presently read:

241 A council may by by-law provide for all matters or things relating to the days and hours shops or one or more classes of shops shall be permitted to remain open or shall be required to close, and for that purpose may

(a) exempt shops or one or more classes of shops, designated as to size or type, from any of the provisions of the by-law;

(b) designate by type the merchandise that may be sold or exposed for sale during the hours that any shops or one or more classes of shops are permitted to remain open;

(c) impose conditions which must be met by any shops or one or more classes of shops that are permitted to remain open, including a condition that a specified minimum number of employees shall be on the shop premises at the times specified.

242 A council, by by-law, may require that during the whole or any part of a holiday as defined in the Interpretation Act or of a day proclaimed as a civic holiday, all shops, businesses and industries or any specified class or classes thereof be closed and remain closed.

243 A council, by by-law, may impose a fine not exceeding \$500 exclusive of costs, for the breach of a by-law relating to the closing of shops, businesses or industries, and may provide for punishment by imprisonment for any period not exceeding 60 days in case of the non-payment of a fine and

- (4) A by-law under this section does not apply to
- (a) a fair or exhibition that is lawfully held,
 - (b) a bazaar for charitable or religious purposes, or
 - (c) a business the days or hours of which are regulated pursuant to an Act of the Legislature.

242(1) In this section, “entertainment events” means

- (a) a game, contest or sport,
- (b) a lottery scheme licensed pursuant to the *Criminal Code* (Canada),
- (c) an exhibition of an educational, artistic or cultural nature,
- (d) a theatrical performance, concert, recital, lecture or other performance, and
- (e) an exhibition of moving pictures,

or any of them that are specified in the by-law.

(2) A council may by by-law regulate and control the days or hours, or both, that entertainment events may be held and without limitation may exempt an event or class of events from any provision of the by-law, with or without conditions.

243 If a petition under section 125 is received by the council for a by-law dealing with a matter under section 241 or 242, the Minister may, on the request of the council, extend the time referred to in section 125(4) to a period not exceeding 26 weeks.

244 Notwithstanding section 110, a council may by by-law impose, for the contravention of a by-law made under section 241 or 242,

- (a) a fine of not more than \$2000 for a first offence;
- (b) a fine of not less than \$2000 and not more than \$5000 for a 2nd offence;
- (c) a fine of not less than \$5000 and not more than \$10 000 for a 3rd or subsequent offence.

costs imposed for any such breach unless the fine and costs, including the costs of committal, are sooner paid.

244(1) Notwithstanding anything in this Act, a council by by-law may

(a) prescribe the hours of any day of the week when the following business premises or any class of such premises, namely, garages, filling stations, service stations, machine shops and implement shops shall be and remain closed, and

(b) provide that certain designated business premises selected by a system of rotation or otherwise may remain open during the time when all such premises, or the premises of a specified class, are required to be closed.

(2) A council by by-law may authorize sales in emergencies or in other prescribed conditions during the hours when premises, or the premises of a specified class, are required to be closed under this section.

(3) The by-law authorizing sales in emergencies or in other conditions may

(a) prescribe conditions on which gasoline, oil and grease may be sold in or by garages, filling stations and service stations, or any of them, and

(b) prescribe conditions on which services, material and parts may be sold or supplied by garages, filling stations, service stations, machine shops and implement shops or any of them.

(4) Notwithstanding anything in this Act or in any by-law and notwithstanding any system of rotation, a council, in the case of garages, filling stations and service stations,

(a) may exempt one or more designated garages, filling stations or service stations from the application of any of the provisions relating to closing contained in this Act or in any by-law, or system of rotation, as the case may be,

(b) may provide for the closing of any premises described in this section during a part of any day, and

(c) may further provide for any area in the municipality to be supplied, during the time when all those premises or the premises of a specified class are required to be closed, with a varying number of premises for service if the needs of the travelling public, in the opinion of the council, require the varying number of premises for service.

245 If a by-law is passed pursuant to sections 241, 242 and 244, the council may in that or another by-law prescribe the manner in which premises are to be kept closed and the circumstances under which premises are to be deemed to be open and not closed.

246 A closing by-law does not apply to

(a) a fair or exhibition that is lawfully held,

(b) a bazaar for charitable or church purposes,

(c) a shop in which the entire business carried on is confined to

(i) the post office business,

(ii) the sale of medicines and medical and surgical appliances,

(iii) the sale of intoxicating liquors in the manner prescribed by law,

(iv) the sale of refreshments for consumption on the premises,

32 *Section 253 is amended*

(a) *in subsection (1) by striking out “is the owner of any mineral, including gas and oil” and substituting “has acquired any mineral right”;*

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

(2) Subject to the approval of the Lieutenant Governor in Council, a municipality may acquire mineral rights inside or outside the municipality.

(3) A mineral right granted, transferred or assigned to a municipality before the commencement of this subsection shall be deemed to have been validly acquired in accordance with subsection (2).

33 *Section 277(1) is amended by striking out “received by the council prior to April 1, but if the petition is received” and substituting “filed with the municipal secretary before March 1, but if the petition is received by the council”.*

34 *Section 283(5) is amended by striking out “, which approval shall be obtained before or immediately after the first reading of the by-law”.*

35 *Section 309(1) is amended by adding “or when the agreement to provide a public utility is entered into with a non-occupant owner” after “part of a lot”.*

- (v) *the sale of tobacco and other requisites of smokers,*
- (vi) *the sale of newspapers,*
- (vii) *the ordinary business of a railway book stall or refreshment room, or*
- (viii) *any one or more of such businesses,*

or

(d) that part of a shop wherein any one or more of the businesses mentioned in clause (c) is carried on.

32 Section 253 presently reads:

253(1) If a municipality is the owner of any mineral, including gas and oil, the council may

- (a) test, explore, mine or drill for and recover those minerals, including gas and oil;*
- (b) deal in, lease, sell or dispose of any of those minerals in a manner the council considers to be in the best interest of the citizens;*
- (c) enter into agreements with any person to carry out, either in association with or on behalf of the municipality, any or all of the activities specified in clause (a);*
- (d) enter into an agreement with any person owning mineral rights adjacent to mineral rights owned by the municipality for the joint conduct of operations to recover those minerals, including gas and oil, or with respect to the sharing of the proceeds of the minerals recovered from the adjacent parcels;*
- (e) generally do all acts or things collateral or incidental to the exercise of any of the powers granted by this section;*
- (f) apply for the incorporation of a corporation, pursuant to the Business Corporations Act, to be known as "The Minerals Rights Development Corporation Limited" or by any other name the council chooses, to carry out any or all of the powers or purposes referred to in this section.*

(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.

33 Section 277(1) presently reads:

277(1) A council of a municipal district shall in each year cause at least 50% of the taxes collected for municipal purposes in the previous year in a hamlet to be expended on public works within the hamlet if a petition to that effect and signed by a majority of the owners, conditional owners and purchasers of land in the hamlet is received by the council prior to April 1, but if the petition is received after April 1 the council may postpone the expenditure of those sums until the following year.

34 Section 283(5) presently reads:

(5) A by-law passed under this section does not require the assent of the proprietary electors but does require the approval of the Local Authorities Board, which approval shall be obtained before or immediately after the first reading of the by-law.

35 Section 309(1) presently reads:

309(1) When 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

36 Section 310(3) and (4) are repealed and the following is substituted:

(3) Before he presents the return to the municipal secretary, the collector shall notify the owner and, if any, the purchaser of a building, lot or part of a lot that is included in the return.

(4) Subject to subsections (1) to (3), the municipal treasurer may collect any public utility expense, rate or rent that remains unpaid by charging the amount against the land as taxes due and owing in respect of that land.

37 Section 316(1)(g) is amended by striking out “1.6 kilometres” and substituting “500 metres”.

38 Section 321(7) is amended by adding “or the Local Authorities Board” after “proprietary electors”.

39 Section 322(5) is repealed and the following is substituted:

(5) The assent of the proprietary electors or the Local Authorities Board is not required for any temporary borrowing made pursuant to this section if the capital works have previously received Local Authorities Board approval.

40 All by-laws made under section 241, 242 or 244 of the Municipal Government Act as it read immediately before the coming into force of this Act shall be deemed to have been made under section 241 of the Municipal Government Act as enacted by this Act insofar as they are not inconsistent with that section.

41 The Alberta Lord's Day Act is repealed.

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

the municipality to him or for his use and all rates, costs and charges imposed or loans made to him under any by-law or resolution passed under this Part are 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.

36 Section 310 presently reads in part:

(3) The rate or rent, together with interest thereon at a rate fixed by the council which shall not be greater than 10% per year, shall be collected by the treasurer by the sale of land and premises in the same manner and subject to the same provisions as in the case of a sale of land for arrears of municipal taxes.

(4) Any public utility expenses, rates or rents that may be charged as taxes against a person may be entered on the assessment and tax roll at any time.

37 Section 316(1)(g) presently reads:

316(1) If a person

(g) washes or cleanses cloth, wool, leather, skin or animals or places any nuisance or offensive thing within the distance of 1.6 kilometres above the source of supply for the waterworks, in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained, or conveys, casts, throws or puts any filth, dirt, dead carcass or other noisome or offensive thing therein or within the distance as above set forth, or causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed in it or causes any other thing to be done whereby the water therein may be in any way tainted or fouled,

38 Section 321(7) presently reads:

(7) The assent of the proprietary electors is not required for any borrowing made pursuant to this section.

39 Section 322(5) presently reads:

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

40 Transitional.

41 Repeals chapter A-32 of the Revised Statutes of Alberta 1980.