

1986 BILL 38

First Session, 21st Legislature, 35 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 38

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1986

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 38

1986

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1986

(Assented to _____, 1986)

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2 *Section 9(1)(b) is repealed and the following is substituted:*

(b) the organizational meeting of the council shall be held not later than August 31 in any year, and

3 *Section 13(3) is repealed and the following is substituted:*

(3) A person may, within 30 days from the date of the notice, file with the Minister objections to the proposed municipal district, village or summer village.

(3.1) If any objections are filed, the Minister may appoint an individual or a committee to hold a public meeting with respect to the proposed incorporation and to report on the public meeting to the Minister.

(3.2) If no objections are filed within the 30-day period referred to in subsection (3) or if, in the opinion of the Lieutenant Governor in Council, the objections that are filed or that are disclosed at a public meeting, if one is held under subsection (3.1), do not disclose sufficient reason against the formation of the municipality, the Lieutenant Governor in Council may by order form the municipal district, village or summer village.

4 *Section 25(1), (1.1) and (2) are repealed and the following is substituted:*

25(1) When, by an order under this Part, all or part of a municipality, in this section referred to as the “old municipality”, is

Explanatory Notes

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

2 Section 9(1) presently reads:

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

(a) a meeting for the discussion of village affairs shall be held on the 3rd Saturday in July in the year in which an election is to be held,

(b) the councillors shall be sworn in and assume office at the organizational 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

(c) the appointment of an auditor shall be made not later than September 30 in each year.

3 Section 13(3) presently reads:

(3) Any person may, within 30 days from the date of the notice, file with the Minister objections to the formation of the proposed municipal district, village or summer village, but if during the period of 30 days, no objections are filed or if in the opinion of the Lieutenant Governor in Council any objections that are filed do not disclose sufficient reason against the formation of the municipality, the Lieutenant Governor in Council by order may form the municipal district, village or summer village.

4 Section 25(1), (1.1) and (2) presently read:

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

included in another municipality, in this section referred to as the “new municipality”,

- (a) all property, rights, assets and liabilities
 - (i) of the old municipality, if all of the old municipality is included, or
 - (ii) related to that part of the old municipality that is included

pass to the new municipality,

(b) all taxes then due with respect to all assessments of the portion of the old municipality that is included in the new municipality and all remedies for their collection pass to the new municipality and, on collection, the taxes shall be reimbursed to the old municipality, and

(c) all land that is included in the new municipality and was at the time of the petition for the order designated or required to be provided as environmental reserve, municipal reserve or municipal and school reserve under the *Planning Act* passes to the new municipality.

(2) The Minister may give any directions necessary

- (a) to decide any question arising over the division or apportionment of the property, rights, assets and liabilities of the old municipality,
- (b) to provide that any specific property, right, asset or liability of the old municipality shall not be subject to subsection (1), or
- (c) to give effect to an order under this Part

that are not otherwise provided for by or under this or any other Act.

5 *Sections 29 to 35 are repealed and the following is substituted:*

29(1) A person who

- (a) ceases to be qualified for nomination under the *Local Authorities Election Act*,
- (b) is a judge of a court or is a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta,
- (c) subject to subsection (2), is absent from the regular meetings of the council for an 8-week period commencing on the date of the first meeting from which he is absent, or
- (d) is convicted of an indictable offence punishable by imprisonment for 5 or more years or an offence under section 112 of the *Criminal Code* (Canada)

is disqualified from remaining a member of a council.

(2) A person is not disqualified under subsection (1)(c) if his absence is authorized by a resolution of the council passed

- (a) at any time prior to the conclusion of the last regular meeting of the council during the 8-week period, or

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.

(1.1) All land that is formed or annexed into the new municipality and was at the time of or subsequent to 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.

(2) All questions arising over the division or apportionment of the property, rights and liabilities or otherwise of the old municipality, shall be decided finally and without appeal by the Minister, unless other provisions for the settlement or adjudication thereof have been made in this or any other Act or by order in council and the Minister may make any orders and directions necessary to give effect to his decision.

5 Sections 29 to 35 presently read:

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

(a) is convicted of

(i) an indictable offence punishable by death or by imprisonment for 5 or more years, or

(ii) an offence under section 112 of the Criminal Code (Canada),

(b) absents himself, without being authorized by a resolution of the council to do so, from the meetings of the council for 3 regular consecutive meetings,

(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,

(d) is convicted of making a false statement in his acceptance of nomination,

(e) ceases to be a Canadian citizen,

(f) uses information gained through his position as a member of a council to gain a pecuniary benefit either directly or indirectly,

(g) is a judge of a court of civil jurisdiction, or is a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta,

(b) if the last regular meeting of the council during the 8-week period is not held, at any time prior to the conclusion of the next regular meeting of the council.

(3) Notwithstanding section 24 of the *Local Authorities Election Act*, a member who is disqualified under this section is eligible to be elected at the next ensuing general election in the municipality if qualified for nomination under the *Local Authorities Election Act*.

30(1) In this section and section 31,

(a) “corporation”, “distributing corporation”, “shareholder”, “voting shares”, “voting rights”, “director” and “officer” have the same meanings as they have in the *Business Corporations Act*;

(b) “pecuniary interest” means, with respect to a member of council, an interest in a matter that could monetarily affect

(i) the member,

(ii) a corporation, other than a distributing corporation, in which the member is a shareholder, director or officer,

(iii) a distributing corporation in which the member beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the member is a director or officer,

(iv) a partnership or firm of which the member of council is a member, or

(v) a corporation, partnership, firm, government or person that employs the member of council.

(2) For the purposes of this section and section 31, the pecuniary interests of the spouse, children or parents of a member of council or parents of his spouse that are known to him or of which he reasonably should know shall be deemed to be the pecuniary interests of the member.

(3) For the purposes of this section and section 31, a member of council does not have a pecuniary interest by reason only of any interest that he may have

(a) as an elector, taxpayer or utility customer of the municipality,

(b) by reason of his appointment by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the municipality or by reason of his being appointed as the representative of the council on any board, commission, committee or other body,

(c) with respect to any allowance, honorarium, remuneration or benefit to which he may be entitled by reason of being a member of the council or by reason of having been appointed by the council to a position described in clause (b),

(d) by reason of his employment by the Government of Canada, the Government of Alberta or a federal or provincial

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

(g) of services that are rendered by any person to indigents who are residents of the municipality and for which the municipality is or may become liable to pay, or of services rendered by any person where the municipality has provided a subsidy to secure his services,

(h) of his being appointed to a position under the Disaster Services Act,

(i) of professional services rendered by a barrister and solicitor to the municipality, if the charges for the services have been taxed under the Alberta Rules of Court,

(j) of the receipt by him of a gratuity or allowance for services on a committee or board appointed by or responsible to the council,

(k) of his being a member of a co-operative association,

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

(l.1) of his leasing, pursuant to section 182, a closed road or land acquired by a municipality under the Tax Recovery 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, and any additional parcels authorized under subsection (2.1), of residential or farm property is made to the member of council during any one term of office of the member.

(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.

(3) Repealed 1985 c43 s7.

30(1) A member of a council ceases to be qualified to remain a member of the council if he fails to comply with subsection (2) or (3).

(1.1) In this section,

(a) "private company" means a private company as defined in the Companies Act and a corporation as defined in the Business Corporations Act that is not a distributing corporation as defined in that Act;

(b) "public company" means a public company as defined in the Companies Act and a distributing corporation as defined in the Business Corporations Act.

(8) If a member is temporarily absent from a meeting when a matter in which he has a pecuniary interest is introduced, he shall immediately on his return to the meeting, or as soon thereafter as he becomes aware that the matter has been considered, disclose the general nature of his interest in the matter.

(9) The abstention of a member under subsection (5) and the disclosure of a member's interest under subsection (8) shall be recorded in the minutes of the meeting.

(10) A member who contravenes this section is disqualified from remaining a member of the council.

31(1) No contract or agreement with the municipality under which a member of council has a pecuniary interest is binding on the municipality unless

(a) the contract or agreement is for the performance of work or the provision of a service in the case of an emergency,

(b) the contract or agreement is for the sale of goods or services to the municipality or to persons contracting with the municipality at competitive prices by a dealer in those goods or services incidental to and in the ordinary course of his business, or

(c) the contract or agreement has been approved by the council.

(2) A member who has a pecuniary interest in a contract or agreement with the municipality other than a contract or agreement referred to in subsection (1)(a), (b) or (c) is disqualified from remaining a member of the council.

(3) A person is disqualified from remaining a member of the council if he uses information gained through his position as a member of the council to gain a pecuniary benefit in respect of any matter in which he has a pecuniary interest.

32(1) If a person is disqualified from remaining a member of the council under section 29, 30 or 31, he shall forthwith resign.

(2) If the person does not so resign,

(a) the council may apply by originating notice to a judge of the Court of Queen's Bench for

(i) an order determining whether or not the person is qualified to remain a member of the council, or

(ii) an order declaring the person to be disqualified from being a member of the council,

or

(b) an elector who

(i) files an affidavit showing reasonable grounds for believing that a person never was or has ceased to be qualified as a member of the council, and

- (2) *A member of a council shall not vote in the council*
- (a) *on any question*
 - (i) *affecting a private company of which he is a shareholder,*
 - (ii) *affecting a public company in which he holds more than 1% of the number of shares issued,*
 - (iii) *affecting a partnership or firm of which he is a member, or*
 - (iv) *affecting a company of which he is a director unless he is a director only by reason of being a member of the council and the council, by resolution, authorizes him to vote,*
 - (b) *on a contract for the sale of goods, merchandise or services to which he is a party,*
 - (c) *on a question affecting his selling or leasing land or an interest in land to the municipality, or*
 - (d) *on any question in which he has a direct or indirect pecuniary interest.*
- (3) *When a member of a council is not entitled to vote by virtue of subsection (2), he shall so declare before discussion of the question and shall not participate in the debate and the abstention shall be recorded.*
- (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.*
- (5) *This section does not apply to a member of a council by reason only that the question affects*
- (a) *the interests or business of a private company, of which the member is a shareholder, 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 private company,*
 - (b) *the interests or business of a public company in which the member holds more than 1% of the number of shares issued, 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 public company,*
 - (c) *the interests or business of a partnership or firm, of which the member of council is a member, 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 partnership or firm,*
 - (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,*
 - (d.1) *the interests or business of a co-operative association, a credit union or a society formed under the Societies Act or the Agricultural*

(ii) pays into court the sum of \$250 as security for costs
may apply by originating notice to a judge of the Court of
Queen's Bench for an order declaring the person to be dis-
qualified from being a member of the council.

(3) On hearing an application under this section and any evi-
dence, either oral or by affidavit, that he requires, the judge may
make an order

- (a) declaring the person to be disqualified and his seat on the
council to be vacant,
- (b) declaring the person to be qualified to remain a member
of the council, or
- (c) dismissing the application

with or without costs.

(4) If a judge declares a person disqualified for a contravention
of section 31, he may order the person to pay to the municipality
the total amount of any profit made in contravention of that
section.

(5) An application under this section shall be made within 3
years of the date the contravention is alleged to have occurred.

(6) An application under this section may be commenced or con-
tinued notwithstanding that an election has been held between
the time at which the disqualification is alleged to have arisen
and the time at which the application is or was commenced and
whether or not the person in respect of whom the application is
being brought

- (a) resigns before or after the election,
- (b) was re-elected in the election,
- (c) was not re-elected or did not run in the election, or
- (d) has completed a term of office.

33 A judge who hears an application under section 32 and finds
that the person is disqualified may nevertheless dismiss the ap-
plication if he is of the opinion that the disqualification arose
inadvertently or by reason of a bona fide error in judgment.

34(1) The decision of a judge pursuant to section 32 or 33 may
be appealed to the Court of Appeal.

(2) A person who is declared disqualified pursuant to section 32
and appeals that declaration remains disqualified until the final
determination of the appeal.

(3) If, on the final determination of the appeal, the disqualifica-
tion is set aside,

- (a) the Court shall reinstate the person as a member for any
unexpired portion of the term of office for which he was elected
and require any person who has been elected to fill the bal-
ance of that term to vacate the office, and

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

(e) a contract for the sale of any goods, merchandise or services that the member is entitled to buy or sell on terms common with all other, or a substantial number of other, persons in the municipality, or

(f) any thing in respect of which the member has a direct or indirect pecuniary interest if the member's interest in it is one which is in common with all other, or a substantial number of other, persons in the municipality.

(6) For the purposes of subsection (5), "persons who carry on business in the municipality" includes partnerships or firms carrying on business in the municipality.

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

(a) the member shall forthwith resign his seat on the council, and

(b) if he does not so resign, the council may, by resolution, apply to the Court of Queen's Bench for an order declaring him to be disqualified to be a member of the council.

32(1) On the ex parte application of an elector who

(a) files an affidavit showing that a member of a council never was or has ceased to be qualified as a member of the council, and

(b) pays into court the sum of \$50 as security for costs to abide the event of the application,

a judge of the Court of Queen's Bench may direct that there be served on that member notice of an application for an order declaring him to be disqualified to be a member of the council.

(2) On hearing the application and any evidence, either oral or by affidavit, that he requires, the judge

(a) may, by order, declare the member to be disqualified, or

(b) may refuse the application,

and, in either case, with or without costs.

(3) If a judge declares a member of a council disqualified pursuant to this Act, that member's seat on the council thereupon becomes vacant.

(4) If a judge declares a member of a council disqualified for a contravention of section 29(1)(f), he may order the disqualified member to pay the total amount of any profit so made to the municipality.

33(1) When an application under section 31 or 32 is before a judge and the judge finds that a member is disqualified, he may nevertheless dismiss the application if he is of the opinion that the disqualification arose inadvertently or by reason of a bona fide error in judgment.

(2) This section applies to an application continued or commenced under section 34.

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.

(b) the Court may order that any money paid to the municipality pursuant to section 32(4) be paid back to the member.

(4) If, on the final disposition of the appeal, the disqualification is set aside but the term of office for which the person was elected has expired, he shall not be reinstated, but he is eligible to be elected at the next ensuing election in the municipality, if otherwise qualified.

35(1) If an application under section 32 is dismissed, or an order is issued declaring the person qualified to remain a member of the council, the council may reimburse the person in respect of whom the application was made for any of his costs and expenses that the council considers reasonable other than costs that have already been awarded to the member by the judge.

(2) A council may contract for insurance in respect of payments under subsection (1).

35.1(1) A council may by by-law

(a) require that each member of council file with the municipal secretary a statement showing the names of

(i) his spouse, children and parents and the parents of his spouse, and

(ii) any corporation, partnership, firm, government or person referred to in section 30(1)(b),

and

(b) require the municipal secretary to compile a list of all the names reported on the statements filed with him and provide a copy of the list to the officials and employees of the municipality indicated in the by-law.

(2) A person who contravenes a by-law under subsection (1)(a) is guilty of an offence and liable to a fine of not less than \$100 and not more than \$1000.

6 *Section 43 is amended*

(a) *in subsection (4)(a) by striking out “at his residence or place of business” and substituting “or an adult person at the residence or place of business of the member”;*

(b) *by repealing subsection (5) and substituting the following:*

(5) The mayor may call a special meeting of council on shorter notice, either oral or written, than that required under subsection (4) but the special meeting may not be held unless

(a) the notice states the time and place at which the meeting is to be held and in general terms the nature of the business to be transacted at the meeting, and

(b) at least 2/3 of the members of the council give written consent to the holding of the meeting.

(2) Subsection (1) applies whether or not the member in respect of whom the application is being brought

- (a) resigns before or after the election,*
- (b) was re-elected in the election,*
- (c) was not re-elected or did not run in the election, or*
- (d) has completed a term of office.*

35(1) When a person is declared disqualified pursuant to section 31 or 32 and appeals therefrom he remains disqualified until the final determination of the appeal.

(2) If, on the final determination of the appeal, the disqualification is set aside,

- (a) the court shall reinstate the member of the council for any unexpired portion of the term of office for which he was elected and require any person who has been elected to fill the balance of that term to vacate the office, but*
- (b) if the term of office for which the member was elected has expired, he shall not be reinstated, but he is eligible to be elected at the next ensuing election in the municipality, if otherwise qualified.*

6 Section 43(4) and (5) presently read:

(4) Written notice of a special meeting stating the time and place at which it is to be held and stating in general terms the nature of the business to be transacted thereat shall be given to each councillor

- (a) in the case of a city, town or village by delivering the notice to the council member at his residence or place of business not less than 24 hours prior to the meeting, and*
- (b) in the case of any other municipality by mailing the notice to the council member's address at least 6 clear days before the day of the meeting or by personally delivering the notice to him or, in his absence from his residence, to any adult person thereat, at least 3 clear days before the date of the meeting.*

(5) The mayor may call a special meeting of the council on any shorter notice, either oral or written, that he considers sufficient; however no such special meeting may be held until at least 2/3 of the members of the council give their consent in writing to the holding of the meeting.

7 *Section 50(2) is amended by striking out “additional” and substituting “related”.*

8 *Section 70 is amended by adding the following after subsection (2):*

(2.1) Notwithstanding subsection (2), the auditor may base his opinion under that subsection on modifications of generally accepted accounting principles, if he discloses those modifications in the report.

9 *Section 87 is repealed and the following is substituted:*

87 No member of the council is eligible for appointment to any municipal office other than that of

(a) mayor, deputy mayor or acting mayor, or

(b) volunteer chief or other volunteer officer of a volunteer fire department, volunteer ambulance service, volunteer emergency measures organization or other volunteer organization or service.

10 *Section 105 is amended by adding the following after subsection (2):*

(3) If the by-law is defeated on 3rd reading, the previous readings are deemed to have been rescinded.

11 *Section 111.1 is amended*

(a) *by repealing subsections (3) and (4) and substituting the following:*

(3) The council may appoint 1 or more chief by-law enforcement officers, who shall provide for the supervision of the performance and conduct of the by-law enforcement officers of the municipality.

(4) The council may delegate any or all of its duties and powers under this section to a municipal official or a by-law enforcement committee appointed under section 45.

(b) *in subsection (5) by striking out “, by by-law,”;*

(c) *by repealing subsection (6) and substituting the following:*

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

7 Section 50(2) presently reads:

(2) A council may provide for the payment to the members of the council of remuneration, either annual or otherwise, for attending the meetings of the council and the committees thereof or for assuming or performing any additional duties.

8 Section 70(2) presently reads:

(2) The auditor shall make a report to the council on the annual financial statement of the municipality and shall state in his report whether in his opinion the annual financial statement referred to therein presents 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.

9 Section 87 presently reads:

87 No member of the council is eligible for appointment to any municipal office other than that of mayor or deputy mayor or acting mayor.

10 Section 105 presently reads:

105(1) 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.

(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.

11 Section 111.1 presently reads in part:

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 with respect to their powers and duties as peace officers.

12 Section 125 is amended

- (a) by repealing subsection (4)(b) and substituting the following:*
 - (b) fix a day as election day for the vote on the by-law by the electors, which shall be no later than 4 weeks after the date on which the by-law received first reading.
- (b) by adding the following after subsection (4):*
 - (4.1) The Minister may, on the request of the council, extend the times referred to in subsection (4).
- (c) by adding the following after subsection (8):*
 - (8.1) If a vote on a petition is held, the council may refuse to receive any further petitions of a similar nature filed within 1 year of the date the petition was voted on.
 - (8.2) Council may rescind a by-law finally passed pursuant to this section
 - (a) after 5 years from the date the petition was voted on, or
 - (b) at any time if a majority of the electors vote in favour of rescinding the by-law.

13 Section 136 is amended

- (a) by repealing subsection (1)(b) and substituting the following:*
 - (b) an affidavit of the municipal secretary setting forth a description of the land, and stating that
 - (i) an agreement has been reached with the registered owners as to the land to be acquired and the price to be paid, and
 - (ii) all persons registered on the certificates of title affected by the plans of survey as having an interest within 40 metres of the new boundary of the right of way as shown on the plans of survey have been notified by registered mail,
- (b) by adding the following after subsection (2):*
 - (3) In subsection (1), “registered owners” means
 - (a) the owners of the fee simple estate in land,
 - (b) in the case of land that is being acquired under an agreement for sale, the owners of the fee simple estate in the land and the purchasers under the agreement for sale who have registered their interest against the certificate of title for the land, or
 - (c) in the case of land that is subject to a lease for which a certificate of title has been issued, the owners of the fee simple estate in the land and the lessees under that lease.

14 Section 160(3) and (4) are repealed and the following is substituted:

- (3) If authorized to do so in a by-law under this section,
 - (a) a council or a by-law enforcement officer authorized by the council may direct the owner, lessee, occupier or agent of

12 Section 125 presently reads in part:

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.

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

- (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.*

(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.*

13 Section 136 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 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 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.

(2) A municipality is not entitled to mines and minerals in any land vested in it pursuant to this section and the title to any mines or minerals is not affected by the filing of any plan of survey pursuant to this section.

14 Section 160 presently reads:

160(1) A council may pass by-laws

- (a) preventing, and compelling the abatement of, nuisances generally, and regulating untidy and unsightly premises;*

the owner of land to remedy, in accordance with the direction, any condition on the land that constitutes a contravention of the by-law, and

(b) a council may impose a fine not exceeding \$500 for failure to comply with a direction of the council or the by-law enforcement officer, as the case may be.

(4) Subject to subsections (5) to (10), a by-law under this section may contain any provisions that the council considers necessary to carry out the purposes of the by-law and, without limiting the generality of the foregoing, the by-law may provide that if the owner, lessee, occupier or agent fails, neglects or refuses to comply with the direction of the council or a by-law enforcement officer authorized by the council,

(a) the council or the by-law enforcement officer, as the case may be, may cause any work necessary to remedy the condition to be done, and

(b) the cost of the work done may be charged to the owner, lessee, occupier or agent and, in default of payment, the council may

(i) recover the cost as a debt due to the municipality, or

(ii) charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

(5) A person who considers himself aggrieved by a direction given pursuant to a by-law under this section may appeal the direction to the council.

(6) An appeal under this section shall be delivered in person or sent by certified mail to the municipal secretary within 10 days of the date on which the direction was served on the owner, lessee, occupier or agent.

(7) A council may hear the appeal or it may authorize a committee appointed under section 45 to hear the appeal.

(8) After considering the appeal, the council, or the committee authorized to hear the appeal, may confirm the direction or, if it is satisfied that the direction is unreasonable, unjust or in any manner contrary to the intent and meaning of this section, set aside, vary or modify the direction.

(9) If a person considers himself aggrieved by a decision under subsection (8), he may appeal the decision by originating notice to the Court of Queen's Bench within 10 days of the date on which the decision is served on him.

(10) The Court may confirm the decision of the council or the committee or may set aside, vary or modify the direction.

(b) for the purpose of requiring an owner, lessee, tenant or agent of the owner to cut the grass on a boulevard which abuts or flanks a property occupied by him and providing that in the event of the failure of the owner, lessee, tenant or agent of the owner to cut the boulevard grass after reasonable notice to him to do so, the municipality may cut the grass and charge the cost of the work done against the property as taxes due and owing and collect it as such;

(c) providing for the eradication of dandelions and noxious weeds or plants and the cutting of grass on public or private property;

(d) providing for the removal or pruning of trees or shrubs, on private property or otherwise, that in any way interfere with or endanger the lines, poles, conduits, pipes, sewers or other works of a municipal or other public utility;

(e) requiring the owner, lessee, tenant, agent, manager or occupant of any premises in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from the fire of opaque or dense smoke,

(i) for a period of more than 6 minutes in any one hour, or

(ii) at any other point than the opening to the atmosphere of the flue, stack or chimney;

(f) for the purpose of eliminating or mitigating within the municipality

(i) the mosquito nuisance,

(ii) animal, insect or other pests and diseases likely to be destructive or dangerous to grain, livestock, poultry, trees, shrubs, vegetable or plant life or other property, and

(iii) the emission into the atmosphere of opaque or dense dust;

(g) for the purpose of prohibiting, eliminating or abating noise and establishing permissible noise levels for all or varying periods of the day, in all or a designated part or location of the municipality.

(2) Any person who is authorized by the council to do so may enter any land, building or premises to inspect for conditions that may constitute a nuisance or that contravene a by-law passed pursuant to subsection (1).

(3) In a by-law passed under subsection (1) a council may

(a) require the owner, agent, lessee or occupier to remedy in a manner that the council may direct any condition on his land that constitutes the nuisance or that contravenes the by-law and impose appropriate fines and penalties in case of failure to do so,

(b) direct the owner, agent, lessee or occupier to remove any litter causing or contributing to untidy or unsightly premises,

(c) require the owner, agent, lessee or occupier to construct a fence, wall, screen or similar structure to prevent the untidy or unsightly premises from being viewed from any highway or other public place,

(d) provide that if the owner, agent, lessee or occupier fails, neglects or refuses to remedy the condition, the council may cause any work to be done that the council considers necessary to remedy it,

(e) charge the cost of the work done to remedy the condition to the owner, agent, lessee or occupier and, in default of payment,

(i) recover the cost as a debt due to the municipality; or

(ii) charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such,

and

15 Section 164(b) is amended by adding “or cats” after “dogs” wherever it occurs.

16 Section 171.4 is amended by striking out “Business Revitalization Zone Association” and substituting “board”.

17 Section 171.41 is amended by adding the following after subsection (12):

(13) A council may, by by-law,

(a) authorize the municipality to finance a capital project by the use of reserves or other funds of the municipality and allow the municipality to impose interest charges in the same manner as if the funds were borrowed under a debenture, or

(f) make any other provisions that the council considers necessary to carry out the purposes of the by-law.

(4) An owner, agent, lessee or occupier who receives a notice, order or direction requiring him to abate a nuisance or to remedy any condition that constitutes a nuisance or that contravenes a by-law passed under this section and who thinks himself aggrieved may appeal within 10 days to the Court of Queen's Bench and if it is satisfied that the council has acted unreasonably or unjustly or in a manner contrary to the intent and meaning of this section, it may set aside, vary or modify the notice, order or direction of the council.

15 Section 164(b) 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 within a reasonable distance from the point of seizure 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,

(ii) classifying dogs for licensing purposes, and

(iii) prescribing a tariff of licence fees to be paid by persons owning, possessing or harbouring dogs, which fees may vary as between the different classifications of dogs;

16 Section 171.4 presently reads:

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.

17 Section 171.41 presently reads:

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.

(b) authorize a system of levies that is a modification of the system of levies provided for in this section.

18 Section 181(1)(b) is amended by striking out “with the consent of the Minister of Transportation,”.

19 Section 234(6) is amended by striking out “and classified as “D.U.” vehicles for the purpose of licensing under the Motor Transport Act”.

(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.

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

18 Section 181(1) presently reads:

181(1) A council of a city may

(a) lease air space over the whole or any portion of a public highway, road, street, lane or alley within the city;

(b) with the consent of the Minister of Transportation, grant to the person to whom it has leased air space, a lease of the portion of a public highway, road, street, lane or alley required for supporting columns for a building or other structure which may be erected or located in that air space together with an easement with respect to the public highway, road, street, lane or alley as may be necessary to excavate for, erect, maintain and repair the supporting columns.

19 Section 234 presently reads in part:

234(1) A council may pass by-laws licensing, regulating and controlling the taxi business.

(6) Subsections (1) and (2) do not apply with respect to motor vehicles kept for the purpose of being rented without a driver and classified as "D.U." vehicles for the purpose of licensing under the Motor Transport Act.

20 *Section 236 is amended by adding the following after subsection (1):*

(1.1) For the purposes of this section, a mobile unit shall be deemed to be occupied

(a) if it is occupied by the owner or a person permitted by the owner to occupy it, or

(b) if it is normally occupied by the owner and no other person is permitted to occupy it in the absence of the owner.

21 *Section 309(2) is amended by adding “in accordance with the Seizures Act” after “distress”.*

22 *Section 324(5) is repealed.*

20 Section 236 presently reads in part:

236(1) In this section,

- (a) "licence" means a mobile unit licence issued pursuant to this section;*
 - (b) "licence inspector" means a person appointed by resolution of the council as a licence inspector for the purpose of this section and in the absence of a person being appointed means a municipal official;*
 - (c) "licence officer" means a person appointed by resolution of the council as a licence officer for the purpose of this section and in the absence of a person being appointed means a municipal official;*
 - (d) "licence year" means the calendar year;*
 - (e) "owner" means any person who is in lawful possession of a mobile unit.*
- (2) The licence fee to be imposed in respect of a mobile unit for the licence year shall be in accordance with a schedule prescribed by the Minister.*
- (3) Except as otherwise provided in this section the owner of a mobile unit shall not occupy or suffer or permit any other person to occupy a mobile unit at any time during which he is not the holder of a subsisting licence for the mobile unit issued by the municipality in which the mobile unit is situated.*
- (4) The owner of a mobile unit is not required to have a licence in respect of*
- (a) a mobile unit occupied by a bona fide tourist,*
 - (b) a mobile unit used chiefly as a farm building or farm residence as defined in the Municipal Taxation Act, or*
 - (c) a mobile unit that is subject to a tax levy pursuant to the Municipal Taxation Act for the year or portion thereof.*
- (5) Subject to subsection (4), if a mobile unit is occupied by any person and the owner does not have a subsisting licence issued by the municipality in which the mobile unit is situated, the owner is guilty of an offence and liable*
- (a) for a first offence, to a fine of not more than \$100, and*
 - (b) for any subsequent offence, to a fine of not more than \$500,*
- and the court may order that the owner pay to the municipality the licence fee.*

21 Section 309(2) presently reads:

(2) When the occupant to whom the public utility has been supplied is a person other than the owner or purchaser of the building or lot or part of a lot, the sum payable by the occupant is a debt due by him and is a preferential lien and charge on his personal property and may be levied and collected with costs by distress.

22 Section 324 presently reads in part:

- 324(1) Subject to the exceptions set out in this or any other Act, no by-law for creating a debt not payable within the current year has any effect until it has received the assent of the proprietary electors, when their assent is required by this Act, and the approval of the Local Authorities Board.*
- (5) The necessary changes being made, section 164 of the Municipal Taxation Act applies to the petition.*

23 *Section 330(1) is repealed and the following is substituted:*

330(1) The money required to pay the cost of a local improvement may be raised under the authority of 1 or more by-laws authorizing

(a) the issue of debentures, or

(b) the use of reserves or other funds of the municipality.

(1.1) If the municipality uses reserves or other funds to pay the cost of a local improvement, it may impose interest charges in the same manner as if the funds were borrowed under a debenture.

24 *Section 353(1) is amended by striking out “fire” and substituting “emergency”.*

25 *Section 425 is amended by renumbering it as section 425(1) and adding the following after subsection (1):*

(2) This section does not authorize the setting off of debts or money owing against the remuneration of an official or employee of the municipality.

26 *Section 443 is repealed.*

(2) If a council attempts to pass a by-law contrary to subsection (1) in regard to bonusing, a member of the council voting in favour of the by-law

(a) is guilty of an offence and liable to a fine of not less than \$50 and not more than \$100 and in default of payment to imprisonment for a term not exceeding 60 days, and

(b) is disqualified for a period of 3 years from holding any municipal office.

(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.

27 Amends chapter I-1 of the Revised Statutes of Alberta 1980. Section 9 of that Act presently reads in part:

9(1) In this section,

(a) "licence" means a mobile unit licence issued pursuant to this section;

(b) "licence inspector" means a person appointed by the Minister as a licence inspector for the purpose of this section;

(c) "licence officer" means a person appointed by the Minister as a licence officer for the purpose of this section;

(d) "licence year" means the calendar year;

(e) "owner" means a person who is in lawful possession of a mobile unit;

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

(3) Except as otherwise provided in this section the owner of a mobile unit shall not occupy or suffer or permit any other person to occupy a mobile unit at any time during which he is not the holder of a subsisting licence for the mobile unit issued for the improvement district in which the mobile unit is situated.

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

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

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

(c) a mobile unit that is subject to a tax levy pursuant to the Municipal Taxation Act for the year or portion thereof.

(5) Subject to subsection (4), if a mobile unit is occupied by a person and the owner does not have a subsisting licence issued for the improvement district in which the mobile unit is situated, the owner is guilty of an offence and liable

(a) for a first offence, to a fine of not more than \$100, and

(b) for any subsequent offence, to a fine of not more than \$500,

and the court may order that the owner pay to the Minister the licence fee.

28 *The Local Authorities Election Act is amended in section 22*

(a) by repealing subsection (1)(a);

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

(1.1) Subsection (1)(h) and (i) do not apply to a candidate for election to a council.

(c) in subsection (2)(g) by striking out “Disaster Services Act” and substituting “Public Safety Services Act”.

28 Amends chapter L-27.5 of the Statutes of Alberta, 1983. Section 22 of that Act presently reads in part:

22(1) A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day

(a) he is a judge of a court;

(h) he is a party to a subsisting contract with the local jurisdiction for which the election is to be held under which money of the local jurisdiction is payable or may become payable for any work, service, matter or thing;

(i) he has a pecuniary interest, direct or indirect, in any subsisting contract with the local jurisdiction for which the election is to be held under which money of the local jurisdiction is payable or may become payable for any work, service, matter or thing;

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

(g) that he is appointed to a position under the Disaster Services Act;