CITY OF LLOYDMINSTER ACT

THE LLOYDMINSTER CHARTER

Alberta Regulation 43/1979

With amendments up to and including Alberta Regulation 212/2011

Office Consolidation

© Published by Alberta Queen’s Printer

Alberta Queen’s Printer
5th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668
E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca
Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta’s statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__. *

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.
Short Title

1 This Charter may be cited as The Lloydminster Charter.

Interpretation

2 In this Charter, unless the context otherwise requires, the expression:

(a) “Alberta” means the Province of Alberta;

(a.1) “agency” means the Saskatchewan Assessment Management Agency established pursuant to The Assessment Management Agency Act, S.S. 1986, c. A-28.1;

(a.2) “appeal board” means the Saskatchewan Municipal Board;

(b) “approved Act” means an Act or part of an Act, of either of the provinces, made applicable to a part of the other province under the provisions of The Lloydminster Municipal Amalgamation Act, 1930, of Alberta, or The Lloydminster Municipal Amalgamation Act, 1930, of Saskatchewan;

(b.1) “base date” means the date established by the agency for determining the value of land and improvements for the purpose of establishing assessment rolls for the year in which the valuation is to be effective and for each subsequent year preceding the year in which the next revaluation is to be effective;

(c) “boarding house” includes every boarding house and rooming house designated in the regulations governing such premises issued under the Public Health Act;

(d) “building” means a building or part of a building and includes a trailer, mobile home or portable shack that is not:
(i) in storage;

(ii) used exclusively for recreational purposes in one location for a period of less than thirty days; or

(iii) licensed under paragraph 27 of section 127;

(e) “burgess” means a person who:

(i) is at least eighteen years of age; and

(ii) is a Canadian citizen or other British subject; and

(A) is the registered owner of taxable real property in the city provided that where property is owned under bona fide agreement for sale is shall mean the purchaser; or

(B) is assessed as an occupant in the city; or

(C) is assessed for a business in the city; or

(D) is a shareholder of a duly incorporated co-operative association located in the city and established to provide housing for its members residing therein; or

(E) where such person is not in his own right qualified under paragraph (A), (B), (C) or (D), he is the spouse or adult interdependent partner of a person mentioned in paragraph (A), (B), (C) or (D) and resides with that person in the city;

(f) “business” includes any trade, profession, calling, occupation or employment or the providing of goods or services, but does not include

(i) the cultivation of plants or the raising of livestock, whether in an artificial or controlled environment or on land;

(ii) the keeping of bees or the extracting of honey; or

(iii) fur farming;

(g) “city commissioners” or “commissioners” means the commissioners of the city;

(h) “city manager” or “manager” means the manager of the city;
(h.1) “classification” means the determination of what class established pursuant to section 259.2 any land, improvements or both belong to;

(i) “clerk”, “treasurer”, “assessor” and “auditor” mean respectively the persons occupying the positions of clerk, treasurer, assessor and auditor of the city;

(j) “complementary Orders in Council” means an order in council of the Lieutenant Governor in Council of Saskatchewan and an order in council of the Lieutenant Governor in Council of Alberta, expressed as being complementary to one another;

(k) “council” means the municipal council of the city;

(l) “elector” for the purposes of election of members of council, for votes on bylaws and for votes on questions, means a person:

(i) who is a Canadian citizen on the day of the election;

(ii) who is of the full age of 18 years on the day of the election; and

(iii) who immediately preceding the day of the election:

(A) has resided in the city, or on land now in the city, for at least three months, or

(B) is the owner of assessable land situated in the city, or of land now situated in the city, for at least three months;

and has resided in Saskatchewan or Alberta for at least six months.

(l.1) “improvement” means

(i) a building or structure or portion thereof erected or placed on, over or under land or over or under water but does not include machinery and equipment unless the machinery and equipment is used to service the building or structure;

(ii) anything affixed to or incorporated in a building or structure affixed to land but does not include machinery and equipment unless the machinery and equipment is used to service the building or structure;
(iii) the resource production equipment of any oil or gas well or mine; and
(iv) any pipeline on or under land;

(m) “judge” means a judge of the district court acting at the judicial centre or district, as the case may be, nearest to which the city is situated, and “court” means the district court;

(n) “land” includes lands, tenements and hereditaments and any estate or interest therein, or right or easement affecting the same; and
(i) buildings, structures or fixtures, erected or placed upon, in, over, under or affixed to land, but not machinery permanently affixed to buildings or embedded in foundations or such foundations;
(ii) structures and fixtures erected or placed upon, in, over, under or affixed to any highway, land or public place or water, but not the rolling stock of a railway;

(o) “Lieutenant Governor in Council” means the Lieutenant Governor of Alberta or of Saskatchewan as required by the context or circumstances of the case;

(p) repealed AR 71/97 s2;

(q) “medical health officer” means the medical health officer of the health region in which the city is included;

(q.1) “mine” means a mine as defined in The Mineral Resources Act, 1985 of Saskatchewan and includes any facility in the Alberta portion of Lloydminster;

(r) “minister” means the Minister of Municipal Government for Saskatchewan;

(s) “ministers” means the Minister of Municipal for Alberta and the Minister of Municipal Government for Saskatchewan;

(t) “money bylaw” means a bylaw which by this Charter may be required to be advertised or submitted to a vote of the burgesses;

(u) “occupant” includes the resident occupier of land or, if there is no resident occupier, the person entitled to the possession thereof, a leaseholder and a person having or enjoying in any way for any purpose the use of land otherwise than as owner;
(v) “owner” includes any person who has any right, title, estate or interest in land other than that of a mere occupant, tenant or mortgagee; but for the purposes of sections 105, 106, 153, 154 and 155 “owner” means the person in whose name the title to the property is registered and includes the person named as owner in the assessment records of the city;

(w) “parcel” means a lot or block in a registered subdivision, or a part of such a lot or block, or a number of lots or blocks when assessed together, or any unsubdivided area of land used for a single assessment;

(w.1) “person” includes an Indian Band;

(x) “pipe line” means a line of pipe, situated in, on, or under a continuing strip of land or pipe line right of way and used for the transportation of petroleum, petroleum products or gas but does not include a flowline;

(y) “places of public accommodation” means public hotels, boarding houses, restaurants, sample rooms and rest and reading rooms;

(z) “population” means
   (i) the total population of the city obtained by adding the population of the portion of the city in Alberta to the population of the portion of the city in Saskatchewan as shown by the latest federal census; or
   (ii) in the years between the taking of a federal census, the population as determined by the ministers;

(aa) “provinces” means Alberta and Saskatchewan;

(bb) “public hotel” includes every hotel, common lodging house or place of public accommodation other than a boarding house supplying lodging to the public;

(cc) “public utility” means any municipal revenue-earning work or utility, and includes the city’s:
   (i) telephone system;
   (ii) waterworks system;
   (iii) bus lines or other transportation system;
   (iv) system for the distribution of gas, whether natural or artificial;
(v) electric generating plant, artificial light or electric power system;

(vi) heating system; and

(vii) sewerage system;

and the service or commodity supplied by any public utility;

(dd) “railway company” includes every railway company owning or operating a railway in Alberta or Saskatchewan whether the head office is situated in Saskatchewan or Alberta or elsewhere and which transacts business in Saskatchewan or Alberta, whether as an original enterprise or undertaking or under a lease, contract or agreement or otherwise;

(ee) “railway roadway” means the continuing strip of land not exceeding one hundred feet in width and used by the railway company as a right of way and includes the superstructure thereon;

(ff) “railway superstructure” or “superstructure” means the grading, ballast, embankments, ties, rails and fastenings, miscellaneous track accessories and appurtenances, switches, poles, wires, conduits and cables, fences, sidings, spurs, trestles, bridges, subways, culverts, tunnels, cattle guards, cattle passes, platforms, stockyards, hog shelters, scales, turntables, cinder and service pits, hoists, signals and signal towers, grade crossing protective appliances, water tanks, stand pipes, pump sheds, dams, spillways, reservoirs, wells, pumping machinery, pipe lines and bins, sheds or other storage facilities having a floor space not exceeding one hundred square feet, owned by the railway company or used by it in the operation of the railway;

(gg) “resident” means a person residing within the city;

(gg.1) “resource production equipment” includes fixtures, machinery, tools, railroad spur tracks and other appliances by which a mine or petroleum oil or gas well is operated, but does not include tipples, general offices, general stores, rooming houses, public halls or yards;

(hh) “restaurant” includes every building or part of a building used as a restaurant, cafe or lunch counter, or used for the purpose of providing meals for the public, which has and regularly uses seating accommodation for serving more than eight paying guests at any one meal;
(ii) “revised assessment roll” means the assessment roll of the city as finally passed by the board of revision;

(jj) “Saskatchewan” means the Province of Saskatchewan;

(kk) “special assessment” means a special frontage assessment or special local benefit assessment relating to local improvements and includes a special assessment when calculated on a uniform rate;

(ll) “special franchise” means every right, authority or permission to construct, maintain or operate within the city in, under, above, on or through any highway, road, street, lane, public place or public water within the jurisdiction of the city, any poles, wires, tracks, pipes, conduits, buildings, erections, structures or other things for the purposes of bridges, railways or motor omnibus systems or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water or heat, power, transportation, telegraphic or other service;

(ll.1) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;

(mm) “the city” means the area designated by paragraph 32 of section 2 of The Lloydminster Charter consolidated in the year 1954 and approved by Orders in Council No. 2488/54 (Saskatchewan) dated November 9, 1954, and No. 1517/54 (Alberta) dated November 10, 1954, and existing on the thirty-first day of December, 1957, and any area from time to time lawfully included in the City of Lloydminster;

(nn) “transient trader” means a person carrying on business in the city who:

(i) offers goods or merchandise for sale by retail or auction; or

(ii) solicits any person who is not a wholesale or retail dealer for orders for the future delivery of goods or merchandise;

and who is not a person:
(iii) required to be licensed for carrying on such business under a provincial statute; or

(iv) assessable for the purpose of business taxation in respect of that business;

(oo) “voter” means a person qualified to vote as an elector at elections for council members, school board members and on bylaws or questions;

AR 43/79 s2;438/82;343/91;42/94;71/97;109/2003;219/2005

3(1) Whenever in this Charter any Act is referred to by its short title, such reference shall be deemed to be a reference to an Act of Saskatchewan unless it is specifically expressed to be a reference to an Act of Alberta or an Act of Canada.

(2) Reference to an Act in this Charter shall include any amendments, consolidations, revisions, re-enactments and substitutions heretofore or hereafter enacted.

AR 43/79 s3

4(1) Where the boundary of the city is wholly or partly described by reference to the boundary of a township or section of surveyed land along which a road allowance runs, then, unless the description otherwise specifies, the side of the road allowance upon which monuments or posts are placed under any survey made pursuant to any Act of the Parliament of Canada or of the Legislature of Alberta or Saskatchewan relating to surveys is the boundary, except in the case of correction lines, when the south side of the road allowance is the boundary.

(2) Where a street, lane or roadway situated in the city is the boundary of the city and the city acquires land for the widening of the street, lane or roadway, the land so acquired is deemed to be within the boundaries of the city, unless otherwise provided by complementary orders in council.

AR 43/79 s4

5(1) Where a thing is required to be done on a day that falls on a holiday the thing may be done on the next following day that is not a holiday; and for the purposes of this section the expression “holiday” includes a day proclaimed as a holiday under this Charter.

(2) Whenever any particular time of day is referred to in this Charter, the same shall mean Mountain Standard Time except that in every year during the period between two o’clock in the forenoon of the first Sunday in April and two o’clock in the
forenoon of the last Sunday in October it shall mean Central Standard Time.

AR 43/79 s5;479/87

6(1) Where any thing to be done by the council or an official or employee of the city within a number of days or at a time fixed by or under this Charter, cannot be or is not so done, the minister, by order from time to time, may appoint a further or other time for doing it, whether the time at or within which it ought to have been done has or has not arrived or expired, as the case may be.

(2) Any thing done at or within the time specified in an order under subsection (1) is as valid as if it had been done at or within the time fixed by or under this Charter.

(3) Where by this Charter a certain date is fixed on or by which certain things are to be done or proceedings taken, if it appears that the date was fixed having regard to an earlier fixed date on or by which certain other things are to be done or proceedings taken, then, notwithstanding anything in this Charter, if default is made in respect of the earlier date a like delay is allowed in respect of the later date.

AR 43/79 s6

7 When a person is required by this Charter to take an oath he may make a solemn declaration instead, and the solemn declaration is deemed a sufficient compliance with this Charter.

AR 43/79 s7

8 Where forms are prescribed, deviation therefrom not affecting the substance nor calculated to mislead does not vitiate them; and forms to the like effect and in substantial compliance with this Charter shall suffice.

AR 43/79 s8

9 Where power to make bylaws, regulations, rules or orders is conferred, it includes the power to alter or revoke them from time to time and to make others.

AR 43/79 s9

Part 1
Incorporation

10 The inhabitants of the city shall be a municipal corporation under the name of “The City of Lloydminster”.

AR 43/79 s10
11(1) Whenever two-thirds of the adult inhabitants who are householders of and in any territory adjacent to the city desire annexation thereto, and present a petition to that effect to the council, and the council agrees to such annexation or any part thereof, the said territory may be annexed to the city by complementary orders in council.

(2) Upon the request of the council of the city, any territory adjacent to the city may be annexed thereto by complementary orders in council.

(3) Every annexation shall take effect upon such date, and on such terms and conditions, as the complementary orders in council may determine.

AR 43/79 s11

12(1) The ministers may appoint a special joint committee consisting of not more than three members appointed by each minister to determine and recommend a decision on the matter of an annexation proposal to the ministers.

(2) Where such committee considers that a public hearing is desirable, the city shall give twenty days’ notice of the hearing by personal service or registered mail to the assessed owners of the land involved in the annexation and by publication of a notice in at least one newspaper published in the city.

AR 43/79 s12

13 The powers exercisable by complementary orders in council under the provisions of section 11 shall, for greater certainty but not so as to restrict the generality of that section, include the power to make any provision that may seem advisable as to assessment, taxation, total or partial exemption from taxation, construction of local improvements, adjustment of liabilities and all other matters affecting the common interests of the city and the included territory, or arising out of or in connection with the inclusion.

AR 43/79 s13

14(1) The name of the city may be altered by complementary orders in council upon the petition of the council and in such case:

(a) notice of such alteration shall be published in The Saskatchewan Gazette and The Alberta Gazette; and

(b) the seal theretofore used by the city shall continue to be the seal thereof until changed by the council.
(2) A change in the name of the city made in accordance with this section does not affect any obligation, right, action or property incurred, established, done or acquired prior to such change.

AR 43/79 s14

Part II

Municipal Government

15(1) The powers of the corporation are exercisable by the council; but where the council has delegated its power under the authority of this Charter or any Act the power is exercisable by the person delegated to exercise it.

(2) The council is deemed to be continuing and may take up and carry on to completion all proceedings commenced but not completed by the previous council.

AR 43/79 s15

16(1) The council shall consist of a mayor and six aldermen; but the number of aldermen may be increased to any even number not exceeding twenty by a bylaw approved by a majority of the voters voting thereon.

(2) Where the number of aldermen is increased pursuant to subsection (1), the election of any additional aldermen shall be held during the next regular election and those additional aldermen elected shall take office at the first meeting of the council following the regular election.

AR 43/79 s16;438/82

17 A person is qualified to be nominated as a candidate and to hold office as mayor or alderman of the city if he:

(a) is at least 18 years of age;

(b) is a Canadian citizen;

(c) has resided in:

(i) the city for at least three months; and

(ii) in Saskatchewan or Alberta for at least six months immediately preceding the day of the election; and

(d) is not disqualified pursuant to section 18 or under The Controverted Municipal Elections Act.

AR 43/79 s17;438/82;343/91
18(1) None of the following persons is qualified to be nominated or elected or to hold office as a member of council:

(a) a judge of a court;

(b) an auditor or solicitor of the city.

(2) No person is disqualified from being a member of the council by reason of his being:

(a) indebted to the city for taxes;

(b) indebted to the city for accounts for services rendered within the preceding twelve months;

(c) the publisher of a newspaper who publishes advertisements for or on behalf of the city in such newspaper, provided that only the regular advertising rate is charged;

(d) a person who is a shareholder of a corporation having dealings or contracts with the city unless he is a director or officer of such corporation or has a controlling interest therein or is the spouse or adult interdependent partner of any such person;

(e) a person who contracts with the city for:

   (i) the supply to him of sewer and water services, sanitation services or any other public utility;

   (ii) the purchase or care of a cemetery plot; or

   (iii) any other service supplied by the city on terms common to other persons;

(f) a person having a contract with the city for the sale to him, on terms common to other purchasers, of a commercial or industrial lot for his own use or a residential building lot;

(g) a person have a lease of property from the city for a term of twenty-one years or more;

(h) a person who has purchased or holds securities of the city on terms common to all persons;

(i) a person who is a shareholder of a co-operative or credit union that carries on business with the city.

(2.1)(a) An employee of the city or of a board or commission appointed by the council may seek nomination and election if he
Section 19

THE LLOYDMINSTER CHARTER

AR 43/79

has first obtained a leave of absence. An employee described in clause (2.1)(a) who is elected is deemed to have resigned from his position of employment on the day before the day on which he is declared elected unless for any reason the results of the election are overturned.

(3) For the purposes of clause (d) of subsection (2), a person shall be deemed to have a controlling interest in a corporation if he beneficially owns, directly or indirectly, or exercises control or direction over shares of the corporation carrying more than twenty-five percent of the voting rights attached to all issued shares of the corporation.

(4) Any member of the council who has a direct or indirect pecuniary interest in any question or matter that comes before the council shall immediately disclose his interest in that question or matter and shall not participate in the discussion or vote thereon and the abstention shall be recorded.

(5) A member of the council who participates in the discussion or votes on a question or matter in contravention of subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding $50, and if convicted of the offence his seat shall immediately become vacant and the council shall, subject to subsection (2) of section 23, immediately arrange for an election to fill the vacancy and such person shall continue to be disqualified from being nominated for or elected a member of the council for a period of three years thereafter.

(6) A member of the council who refrains from voting on a question or matter pursuant to subsection (4) shall not be counted for the purpose of determining whether a quorum of the council is present when the question or matter is put to a vote.

(7) Repealed AR 343/91 s4.

AR 43/79 s18;343/91;109/2003

19(1) Subject to the other provisions of this section, The Local Government Election Act (Saskatchewan) is deemed to be incorporated into this Charter and applies to the whole City, and the mayor and the councillors are to be elected in accordance with that Act.

(2) For the purposes of this Charter, any reference in The Local Government Election Act (Saskatchewan) to Saskatchewan is deemed to include a reference to Alberta, and to a city is deemed to be a reference to the City.
(3) If a form is prescribed by or under *The Local Government Election Act* (Saskatchewan), the council may modify the form or prescribe the use of a different form if the form used does not change the substance of the form prescribed by or under that Act.

(4) If there is an inconsistency between *The Local Government Election Act* (Saskatchewan) and this Charter, the provisions of this Charter prevail.

AR 43/79 s19;438/82;212/2011

20 Every member of council shall, before entering upon the duties of his office, take a declaration in form 1 which shall be forthwith deposited with the clerk.

AR 43/79 s20

21(1) A member of the council may resign his seat in the council upon written notice to the clerk and such resignation shall take effect and the seat of the member shall become vacant upon receipt of the notice thereof by the clerk unless the notice specifies a future date on which it is to take effect in which case it shall take effect upon that future date.

(2) Every notice of resignation submitted by a member of the council under subsection (1), including a notice of resignation that becomes effective on a future date, shall be brought to the attention of the council at the meeting of the council next following the receipt of the notice by the clerk and, subject to subsection (2) of section 23, the council shall take immediate steps to fill the vacancy for the remainder of the term of the member who resigned his seat.

AR 43/79 s21

22 If, after the election of a person as a member of the council:

(a) he is convicted of capital or non-capital murder or treason or of an offence punishable with imprisonment for five years or over;

(b) he makes an assignment for the general benefit of creditors;

(c) a receiving order is made against him under the *Bankruptcy Act* (Canada);

(d) he absents himself from all meetings of the council for three consecutive months without previous authorization by resolution of the council during which period at least two meetings have been held;
(e) he ceases to reside in the city and for three consecutive months does not so reside;

(f) he ceases to possess the qualifications that would entitle him to have his name placed on the voters’ list if a voters’ list were being prepared at such time; or

(g) he accepts a position of emolument;

his seat in the council shall become vacant and the council shall forthwith so declare it.

AR 43/79 s22

23(1) Subject to subsection (2), where a seat in the council becomes vacant by death, resignation or otherwise, the council shall at its next meeting name a day for receiving nominations and provide for holding an election to fill the vacancy, and the election shall be held in the same manner as nearly as may be as elections to fill regular vacancies.

(2) Subject to subsection (3), where a vacancy occurs in the council on or after the first day of January in the year in which elections are being held to fill regular vacancies, the council may in its discretion proceed to fill the vacancy, but in no case shall it be necessary for the council to fill such a vacancy prior to the time of elections to fill regular vacancies in the council.

(3) Where the number of members of council is reduced by death, resignation, invalidation of election or otherwise below the number required to constitute a quorum, the minister may by order do either or both of the following:

(a) appoint a returning officer and fix a date for an election to fill the vacancies;

(b) appoint one or more persons to act as aldermen who shall hold office until the vacancies are filled at an election; and every person so appointed has all the powers, rights and obligations of an elected alderman.

AR 43/79 s23

24(1) When the office of mayor becomes vacant by death, resignation, forfeiture or otherwise, the council shall forthwith appoint an alderman to be the mayor, but a vacancy in the council shall be deemed not to occur by reason of the appointment.

(2) A by-election need not be held to fill the vacancy in the office of mayor if the vacancy occurs on or after the first day of January in the year in which elections are being held to fill regular vacancies.
(3) Where the office of mayor becomes vacant and a person is elected as mayor, the alderman who had been appointed as mayor resumes his office as alderman.

AR 43/79 s24

25 Subject to section 22, if a member of the council forfeits his seat in the council or his right thereto, or becomes disqualified to hold the same, or if his seat becomes vacant by disqualification to hold the same, or if his seat becomes vacant by disqualification or otherwise, he shall forthwith resign his seat and if he does not do so within ten days thereafter proceedings may be taken to unseat him as provided by law.

AR 43/79 s25

Meetings

26(1) A majority of the whole council is necessary to form a quorum and no business shall be transacted unless there is a quorum.

(2) The proceedings of a council meeting are not invalidated by any vacancy among its members so long as a quorum remains in office.

AR 43/79 s26

27(1) The first meeting of the council following an election to fill regular vacancies shall be called by the clerk and shall be held on or before the tenth day of November in the year in which the election is held.

(2) The members of the council holding office immediately prior to the election mentioned in subsection (1) shall continue to hold office until the first meeting held after the election.

(3) All the members of the council shall be duly notified in writing by the clerk of the first meeting mentioned in subsection (1) at least twenty-four hours prior to the meeting, but all subsequent regular meetings of the council shall be held on such days as the council shall determine.

(4) The council shall hold its regular and special meetings openly and no person shall be excluded except for improper conduct; and the person presiding at a meeting may cause to be expelled and excluded any person who is guilty of improper conduct at the meeting.

(5) Notwithstanding subsection (4) where a majority of the members present is of the opinion that it is in the public interest to hold a committee meeting of the whole or part of the council on
any subject in private, the council may, by resolution, exclude any person or persons from the meeting, but it has no power at such a committee meeting to pass any bylaw or resolution apart from the resolution necessary to revert back to an open meeting.

AR 43/79 s27

28(1) The clerk shall call a special meeting of the council whenever requested to do so in writing by the mayor or by a majority of the members of the council.

(2) Subject to subsection (3), where a special meeting of the council is to be held, all the members shall be duly notified in writing of the meeting at least twenty-four hours prior thereto and, in general terms, of the business to be transacted thereat, and notice may be delivered personally or left at the usual place of business or residence of the member.

(3) The mayor may call a special meeting of the council upon such shorter notice, either verbal or written as he deems sufficient, if all the members of the council give their consent in writing to such notice before the commencement of the meeting.

(4) No business other than that stated in the notice shall be transacted at a special meeting of the council unless all the members of the council are present, in which case by unanimous consent any other business may be transacted.

AR 43/79 s28

29 Every meeting of the council shall be held in the city.

AR 43/79 s29

30(1) The council may appoint standing or special committees consisting of one or more of its members and may delegate to such committees any matter it deems necessary for consideration, inquiry, management or regulation and any of the duties and powers conferred by this Charter upon the council, except the power to borrow money, to pass a bylaw or to enter into a contract.

(2) Each committee to which any duty or power is delegated by the council may exercise or perform the duty or power in the same manner and with same effect as the council.

(3) The work of each committee shall be subject to the direction of the council.

AR 43/79 s30

31(1) The council shall at its first meeting or as soon thereafter as conveniently possible, and whenever the office becomes vacant,
appoint from its member a deputy mayor who shall hold office for a term of at least one month or for such longer period as the council may decide and in any event until his successor is appointed.

(2) The deputy mayor shall, if the mayor through illness, absence or any other cause is unable to perform the duties of his office or if the office is vacant, have all the powers of the mayor during the inability or vacancy.

(3) If the deputy mayor through illness, absence or any other cause is unable to perform the duties of his office, the council may, from its members appoint another person to act in the place and stead of the deputy mayor during the inability.

AR 43/79 s31

32 The mayor shall preside at all meetings of the council and shall preserve order and enforce the rules of the council.

AR 43/79 s32

33 If the person who ought to preside at any meeting of the council has before the hour appointed for the meeting notified the clerk that he will not be present or if he does not attend within fifteen minutes after the hour appointed for the meeting, the members present may appoint one of their members who shall during the meeting have the same authority as the absent person would have had, if present.

AR 43/79 s33

34 At all meetings of council the mayor and all the other members of the council present shall vote on all resolutions, except where disqualified by reason of pecuniary interest or otherwise and, except as otherwise provided in this Charter, any resolution upon which there is an equality of votes is deemed to be lost.

AR 43/79 s34

35 The mayor may, when authorized by resolution of the council, call a public meeting of the voters for the discussion of any municipal matter.

AR 43/79 s35;438/82

36(1) Repealed AR 438/82 s8.
(2) If so requested by a petition signed by not less than the number of voters equivalent to five per cent of the population, the mayor shall within twenty days, by notice inserted in one issue of a newspaper circulating in the city, call a public meeting of the voters for the discussion of the petition.

AR 43/79 s36;438/82

37 The mayor is the chief executive officer of the city and he shall:

(a) be vigilant and active in causing the laws governing the city to be duly executed;

(b) inspect the conduct of all civic officers;

(c) cause all negligence, carelessness and violation of duty to be duly prosecuted and punished so far as it is in his power to do so; and

(d) communicate to the council all such information, and recommend such measures, as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the city.

AR 43/79 s37

38 The mayor may suspend any appointed official of the city, other than the city commissioner or manager, and he shall thereupon report the suspension and the reasons therefor to the council, who may either dismiss or reinstate the suspended official.

AR 43/79 s38

39(1) Subject to subsections (2) and (3), the mayor or deputy mayor shall sign, jointly with the treasurer, all cheques issued by the city.

(2) Upon the motion of the mayor, the council may by bylaw authorize the treasurer alone or jointly with any other designated official of the city to sign cheques drawn on any bank account or on any designated bank account; and upon the motion of the mayor, the council shall repeal a bylaw passed under this subsection.

(3) The council may by bylaw authorize the treasurer to establish special bank accounts for designated purposes on which cheques may be drawn and may by the same or another bylaw authorize any other official of the city alone to sign such cheques.

AR 43/79 s39
40 The council may by resolution authorize the use of a cheque-signing machine for the purpose of imprinting the signature of the treasurer on cheques that pursuant to a bylaw passed under subsection (2) of section 39 he alone is authorized to sign, or for the purpose of imprinting the signature of any other official of the city on cheques that under a bylaw passed under subsection (3) of section 39 he alone is authorized to sign.

AR 43/79 s40

41 The mayor shall be paid such remuneration as shall be fixed by the council.

AR 43/79 s41

42(1) Each member of the council other than the mayor shall be paid such remuneration as shall be fixed by the council.

(2) Notwithstanding subsection (1), when a member of the council is absent from a meeting of council without the consent thereof of the council shall not pay to the member the remuneration fixed by the council for attendance at that meeting.

(3) A member of the council appointed to a board that is under the jurisdiction of the council may be paid the remuneration fixed by the council for members of the board.

(4) Notwithstanding subsection (1), the city may pay to an alderman who is the deputy mayor of the city such sum as may be fixed by council for carrying out the duties of that office.

(5) The council may pay an alderman:

(a) an allowance to be fixed by the council in addition to his actual expenses while necessarily absent from the city upon any business of the city entrusted or delegated to him by resolution of the council;

(b) an allowance to be fixed by the council for each day during which he is required to absent himself from his own business, trade or calling to attend a convention held in the city, to which he has been appointed a delegate by the council, or to attend a board of revision of which he is a member.

(6) The council may provide that a specified proportion, not exceeding one-third of the total remuneration paid under section 41 or this section to each member of the council in the current year shall be designated as having been paid in respect of general expenses, incidental to the discharge of his duties as a member, incurred by the member.

AR 43/79 s42,71/97
43(1) Except as authorized under sections 41, 42, and 44, no member of the council shall receive any remuneration, emolument or other payment in respect of his services as a member of the council.

(2) The council shall not appoint any of its members to an office of emolument.

AR 43/79 s43

44 Where every member of the council is agreeable to participate in a plan of group insurance in which the lives of the members are insured under a plan of term insurance, the council may pay not more than fifty per cent of the premium payable in respect of each member of the council whose life is insured under the group insurance to the extent of $5,000 or less.

AR 43/79 s44

Officials, Employees, Departments, Boards and Commissions

45(1) No person having an interest direct or indirect in a contract with the city shall be appointed commissioner or manager.

(2) No commissioner or manager, as the case may be, shall, during his term of office, have an interest direct or indirect in a contract with the city and if a commissioner or manager acquires such an interest he may be immediately dismissed without notice and without compensation.

(3) For the purposes of this section the term “contract” is deemed not to include a contract for the supply of a public utility or a contract respecting the purchase of or becoming a holder of securities of the city on terms common to all persons.

AR 43/79 s45

46(1) The council may appoint one or more commissioners to be called “The Commissioners of The City of Lloydminster” who shall hold office during the pleasure of the council and shall not be dismissed except upon a majority vote of all the members thereof unless the dismissal is for cause pursuant to subsection (2) of section 45.

(2) The mayor is ex officio a commissioner in addition to those appointed by the council.

AR 43/79 s46
47(1) Subject to the legislative jurisdiction of the council, the commissioners jointly or severally have all such powers and duties as shall be specified by bylaw or resolution of council.

(2) The powers specified pursuant to subsection (1) may include such executive duties of the council as require the exercise of a discretion or are judicial or quasi-judicial in their character; and they may be altered by bylaw or resolution of the council.

AR 43/79 s47

48 The council shall fix the annual salary to be paid to each of the appointed commissioners, and in case of dismissal a commissioner shall, unless he is dismissed for cause pursuant to subsection (2) of section 45, receive three months’ notice, or, in lieu thereof, one-fourth of his annual salary.

AR 43/79 s48

49 If a commissioner is incapable, through illness, absence or other cause of performing the duties of his office, the council may appoint a substitute who during such illness, absence or other incapacity has and may exercise all the powers of the commissioner in whose stead he is appointed.

AR 43/79 s49

50 The commissioners shall submit to the council at its first meeting or as soon as practicable in each year recommendations and estimates for expenditures that in their opinion ought to be made by the city during the year, and the council shall deal with the same and provide the necessary funds for such expenditures as it may determine to make.

AR 43/79 s50

51(1) The council may by bylaw, adopted by an affirmative vote of at least two-thirds of all the members of the council, provide for the appointment of a manager for the city and the bylaw shall set out the duties of the manager.

(2) Where a bylaw has been passed pursuant to subsection (1) the council shall appoint a manager and fix the annual salary to be paid to the person so appointed.

(3) Where a bylaw passed under this section is in force any amendment thereto or the repeal thereof shall be by bylaw adopted by an affirmative vote of at least two-thirds of all the members of the council.

(4) Notwithstanding anything in this Charter, from and after the date of the appointment of a manager under the authority of a
bylaw passed under this section, the offices of the commissioners, if any, and the offices held by any other persons whose duties have by the bylaw been delegated to the manager, shall be abolished, and as long as the bylaw remains in force sections 46 to 50 shall have no effect and any reference in this Charter, or in any Act, to the commissioners or, by his name of office, to any person whose duties have been so delegated, shall be deemed to be a reference to the manager.

(5) The council may appoint a person to act as manager during the necessary absence through illness or otherwise of the manager.

52(1) The council shall appoint a clerk, a treasurer and an assessor.

(2) The council may establish such other offices and may appoint officials and employees to any offices so established as the council deems necessary for carrying into effect the provisions of this Charter or any Act affecting the city or of any bylaw of the city and may prescribe the powers and duties of the holder of any such office or of any employee.

(3) A person may be appointed to more than one office.

53 All city officials shall:

(a) hold office during the pleasure of the council, or according to the terms expressed in the bylaws or resolutions by which they are appointed; and

(b) in addition to the duties assigned to them by this Charter or by the general law perform such other duties as may be required of them by the bylaws.

54(1) Every officer, servant and agent of the city is personally liable for damage arising from his acts or defaults, or from his failure to discharge the duties imposed upon him by law or by this Charter or by the bylaws of the council, in addition to any penalties otherwise imposed for those acts or defaults.

(2) Every officer, servant or agent of the city who:

(a) wilfully fails to discharge the duties of his office;

(b) knowingly signs a false statement, report or return required by this Charter; or
Section 55  THE LLOYDMINSTER CHARTER  AR 43/79

(c) wilfully fails to hand over to his successor in office or such persons as may be designated in writing to him by the council or by the minister all moneys, books, papers and other property of the city in his possession;

is, in addition to any civil liability that he may incur, guilty of an offence and liable on summary conviction to a fine not exceeding $50.

AR 43/79 s54

55(1) The council shall require a municipal official or employee to give security for such amount as is deemed expedient for the faithful performance of his duties.

(2) The bonds or policies of guarantee of a corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust may be accepted instead of or in addition to the personal bond of an official or employee; and the bonds or policies of guarantee may cover a single official or employee or a number of them.

(3) During the month of January in each year all the securities, bonds or policies of guarantee shall be produced to the mayor and shall be laid by him before the council which shall renew or change the securities, bonds or policies of guarantee as may from time to time be required.

(4) The members of a council who fail to take the security required by this section are jointly and severally liable for any wilful default of the official or employee to the extent of the sum or sums for which such security should have been taken.

(5) When a majority of the council refuses or neglects to take the security required to be taken by this section on the demand of any member of council and the demand is duly recorded in the minutes, that member is relieved from all personal liability under subsection (4).

AR 43/79 s55

56(1) The council may grant any officer or employee who has been in the service of the city, including its previous existence as a town or village, for at least ten years and who, while in that service, has become incapable through age or illness of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary for the last three years of his full-time service as a gratuity upon his dismissal or resignation.
(2) The gratuity under subsection (1) may be paid to the officer or employee as a lump sum or by instalments in such amount and over such period of time as the council may decide.

(3) In cases where the gratuity is to be paid by instalments, the council shall, in the resolution or bylaw authorizing the same, clearly set out whether or not the gratuity is to cease on death or if any balance left payable at that time is to be paid to the survivor either as a lump sum or by instalments.

(4) A grant made under this section may be made by resolution or bylaw and shall bind succeeding councils.

57 The clerk shall:

(a) attend all meetings of the council and truly record in a book without note or comment, all resolutions, decisions and other proceedings of the council and, if required by any member present, record the name and vote of every member voting on any matter submitted;

(b) safely keep all the books, documents and records of the city and maintain an indexed register containing certified copies of all bylaws thereof;

(c) summon all meetings of the council, communicate the resolutions and instructions of the council to the parties concerned therein and conduct the general official correspondence of the council.

58(1) The council may by resolution appoint a person to act in place of the clerk when absent or incapable of performing his duties, or during a vacancy in the office, and while so acting the appointee has all the powers of the clerk.

(2) The city commissioners or manager, as the case may be, if any, or in other cases the mayor, may in writing appoint a person to act in place of the clerk until the next meeting of the council where the clerk will be absent or incapable of performing his duties and while so acting the appointee has all the powers of the clerk.

59 The treasurer shall collect, receive and safely keep all moneys belonging or due to the city from whatever source and shall pay out the same only to such persons and in such manner as is directed by law or by the laws or resolutions of council.
60 The treasurer shall daily, or as often as the council may direct, deposit in the name of the city, in a chartered bank, or in a credit union whose members are authorized to use negotiable orders, or in a treasury branch of Alberta, all moneys received by him, and subject to the provisions of section 39, he shall jointly with the mayor or deputy mayor, sign all necessary cheques.

AR 43/79 s60

61(1) The treasurer shall keep and make use of such books of record and accounts as the council requires him to keep and use.

(2) The treasurer shall perform faithfully all other duties conferred upon him by this Charter and generally carry out such instructions as may be issued to him by the council.

AR 43/79 s61

62(1) The council may by resolution appoint a person to act in place of the treasurer when absent or incapable of performing his duties, or during a vacancy in the office and while so acting the appointee has all the powers of the treasurer.

(2) The city commissioners or manager, as the case may be, if any, or in other cases the mayor, may in writing appoint a person to act until the next meeting of the council in place of the treasurer when he will be absent or incapable of performing his duties and while so acting the appointee has all the powers of the treasurer.

AR 43/79 s62

63(1) The council may appoint a collector of taxes as a permanent or temporary officer and may make regulations defining his duties, among which may be included duties otherwise belonging to the treasurer or assessor.

(2) Where duties otherwise belonging to the treasurer or assessor are assigned to the collector of taxes, he may furnish all declarations, statements and other documents relating to such duties that by law would otherwise be required to be furnished by the treasurer or assessor.

AR 43/79 s63

64(1) The council shall appoint a solicitor which may be a partnership and the council may determine the duties and the terms and period of employment of the solicitor.

(2) The solicitor or the members of the partnership appointed pursuant to this section shall be members of The Law Society of Saskatchewan or The Law Society of Alberta.

AR 43/79 s64
65 Where the remuneration of the city solicitor is paid wholly or partly by salary, the city is, notwithstanding, entitled to tax and collect lawful costs in all actions and proceedings to which the city is a party.

AR 43/79 s65

66(1) The council shall from time to time and when the office becomes vacant appoint an auditor which may be a partnership; but no one shall be appointed auditor who is then or was during the preceding year:

(a) a member of the council;

(b) the clerk or treasurer of the city; or

(c) employed by the city in any capacity except that of auditor.

(2) The auditor, whether appointed for a stated period or otherwise, is the auditor of the city until his services are dispensed with by resolution of the council, and a resolution dispensing with his services does not take effect until the expiration of thirty days from the date on which notice of dismissal is mailed to the auditor.

(3) The auditor shall at least once in each year make such audit of the books, accounts and records affecting the city or relating to any matter under its control or within its jurisdiction as he considers necessary to form an opinion as to the accuracy and reliability of the accounting records of the city.

(4) The auditor shall forthwith after his audit send a report to the mayor of:

(a) any negligence, irregularity or discrepancy that he finds in the books or accounts of the city;

(b) any city expenditures made contrary to law, bylaw or resolution;

and the mayor shall lay the report before the council at its next meeting.

AR 43/79 s66

67(1) On or before the first day of June in each year the auditor shall prepare an abstract of the revenue, expenditure, assets and liabilities of the city up to the thirty-first day of December of the preceding year.

(2) The auditor shall forthwith, after completion of the abstract mentioned in subsection (1), send a copy thereof to the ministers.
and to the mayor and the mayor shall present it to the council at its next meeting.

(3) The council shall on or before the first day of September in each year:

(a) cause the abstract or a synopsis thereof to be published in a newspaper that is:

(i) published in the city; or

(ii) circulating in the city; or

(b) mail a synopsis of the abstract to each person whose name appears on the last revised assessment roll.

(4) Where a synopsis of an abstract is used pursuant to subsection (3) it shall contain such information as the minister may prescribe.

(5) Any voter may inspect the abstracts at all reasonable hours and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

AR 43/79 s67

68 Any voter may at all reasonable times inspect:

(a) any contract or bylaw and any account paid by the council relating thereto;

(b) any report of the commissioners or any committee or of any official of the city after it has been submitted to the council, other than an opinion or report of the city solicitor or any counsel engaged by the city; and

(c) the minutes of council, after they have been adopted by the council;

and the clerk shall within a reasonable time after demand by a voter, furnish him with copies of any such documents or parts thereof at the rate of fifty cents per one hundred words, each figure to be counted as a word.

AR 43/79 s68

69 A copy of any book, record, document or account certified under the hand of the clerk under the seal of the city shall be received in evidence in all courts without proof of the seal of the city or of the signature or official character of the person appearing to have signed the same unless the court or a judge thereof otherwise orders.

AR 43/79 s69
70 The council may establish and maintain such departments as the council deems necessary for carrying into effect the provisions of this Charter or any Act affecting the city or any bylaw of the city.

AR 43/79 s70

71(1) The council may by bylaw appoint a parks board to exercise such powers in the control, supervision and management of any park, street, boulevard, playground or cemetery as the council may determine and may provide for the remuneration, if any, of the members thereof.

(2) The members of the parks board may be named by resolution of the council and shall hold office during the pleasure of the council.

AR 43/79 s71

72(1) The council may by bylaw appoint a recreation board to exercise such powers in the control, supervision and management of any recreational facility or program as the council may determine.

(2) The members of the recreation board may be named by resolution of the council, shall hold office during the pleasure of the council, and shall receive such remuneration, if any, as the council may determine.

(3) The council may enter into an agreement for the operation of a recreational facility by a community service organization.

AR 43/79 s72

73(1) Notwithstanding sections 71 and 72, the council may by bylaw appoint a parks and recreation board to exercise the powers mentioned in those sections or any of those powers as determined by the council.

(2) The members of the parks and recreation board may be named by resolution of the council, shall hold office during the pleasure of the council and shall receive such remuneration, if any, as the council may determine.

AR 43/79 s73

74(1) The council may by bylaw appoint a board consisting of not less than three and not more than five members to manage, control and operate any transportation system belonging to the city and may define the powers and duties of the board and the remuneration, if any, of the members.
(2) The members of the transportation system board may be named by resolution of the council and shall hold office during the pleasure of the council.

AR 43/79 s74

75(1) The council may by bylaw appoint an air board to exercise such powers in the development, control, supervision and management of any airports belonging to or leased by the city, as the council may determine, and may provide for the remuneration, if any, of the members thereof.

(2) The members of the air board may be named by resolution of the council and shall hold office during the pleasure of the council.

AR 43/79 s75

76 The operation of an auto camp, trailer camp, mobile home park or tourist camp acquired and operated by the city, including the dispensing of food, gasoline, oil and grease to any registered occupant of the camp, may be delegated to any of the boards appointed under section 71, 72 or 73 or to a special board appointed for the purpose in which case the provisions of subsection (2) of section 72 shall mutatis mutandis apply.

AR 43/79 s76

77 The council may by bylaw appoint a board or commission for controlling and regulating sparring exhibitions, boxing matches and wrestling matches, and prohibiting such exhibitions or matches without the written authority of such board or commission.

AR 43/79 s77

Oaths of Officials and Certain Employees

78(1) Subject to subsection (2), the commissioner, manager, city clerk, treasurer, assessor, solicitor, engineer and every other city official who may by the terms of his appointment be required to do so, shall before entering upon the duties of his office make and subscribe a declaration in form 1.

(2) The auditor of the city shall make and subscribe a declaration of office in form 2.

AR 43/79 s78

79 A person who has been appointed to two or more offices that he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been appointed.

AR 43/79 s79
80(1) The persons who are required to make a declaration of office shall make and subscribe the declaration before a justice of the peace, notary public or commissioner for oaths, or before the clerk.

(2) The declaration of the clerk or treasurer shall be made and subscribed before a justice of the peace, notary public or commissioner for oaths.

(3) The person before whom a declaration is made under this section shall give the necessary certificate of its having been so made and subscribed.

81 The mayor, a justice of the peace, notary public or commissioner for oaths may administer any oath, affirmation or declaration relating to the business of the city except where herein otherwise specially provided and except where he is the person required to make the oath, affirmation or declaration.

82 The deponent, affirmant or declarant shall subscribe the oath, affirmation or declaration and the person administering it shall certify and preserve it and shall within eight days of its completion deposit it in the office of the clerk, who shall preserve it among the city records.

83 The mayor, or in his absence the presiding officer of the council or of any committee thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to or being dealt with by the council or a committee thereof.

Part III
Powers and Duties of Council

General Provisions

84 The jurisdiction of the council is confined to the limits of the city and to any property outside the city belonging to or under the control and management of the city, except where authority beyond the limits of the city is expressly given by this Charter or any approved Act.
85(1) Except as provided by this Charter the council may perform and exercise the duties and powers imposed or conferred on it by this Charter either by resolution or by bylaw.

(2) Where by this Charter or any approved Act, the assent or approval of the voters is required before a bylaw or resolution may be passed or anything may be done, Part V of The Local Government Election Act, applies and the assent or approval shall be determined in accordance with the provisions of that Act.

AR 43/79 s85;438/82

86(1) Every bylaw shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at one meeting of the council except by the unanimous vote of the members present thereat.

(2) Every bylaw shall be under the seal of the city and shall be signed by the mayor or other person who presided at the meeting at which the bylaw was finally passed and by the clerk.

AR 43/79 s86

87(1) A copy of a bylaw or resolution written or printed without erasure or interlineation and under the seal of the city and certified to be a true copy by the mayor or clerk shall be received as prima facie evidence of its due passing and of the contents thereof without further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the mayor or clerk has been forged.

(2) When a copy of a bylaw or resolution so certified has been filed with a provincial magistrate it shall, for the purpose of all prosecutions before him for violation thereof, be deemed to be a public record and may be used and acted upon in the same manner as an Act of the Legislature.

(3) Printed documents purporting to be printed copies of any or all bylaws passed by the council, and purporting to be printed by the authority thereof, shall be admitted as prima facie evidence in all courts in the provinces of those bylaws and of the due passing thereof.

AR 43/79 s87

88(1) Where by this Charter or any approved Act the approval of a member of the Executive Council of Alberta or Saskatchewan is required to a bylaw and the Charter or Act does not otherwise provide, a certificate by the clerk, under his hand and the seal of the city specifying the bylaw and stating by his name of office the minister by whom it has been approved and the date of the
approval, is prima facie evidence that the bylaw has been so approved.

(2) Where the approval is given by a deputy minister the certificate shall state that fact.

AR 43/79 s88

89(1) Where a petition is presented to the council for the submission of a bylaw on a question concerning a matter within the legislative jurisdiction of the council and the petition is signed by 10 resident voters or the number of resident voters equivalent to 5% of the population as shown by the latest federal census, whichever is the greater, a bylaw in accordance with the request of the petitions shall be introduced within four weeks, and the necessary steps shall be taken to submit the bylaw to the electors.

(2) Where a petition is presented to the council for the submission of a bylaw on a question and the petition is received by the council:

(a) on or before the first day of September in any year, the bylaw shall be submitted to the voters before the end of that year;

(b) after the first day of September in any year, the bylaw shall be submitted to the voters before the end of the next ensuing year.

AR 43/79 s89;438/82

90(1) Where a proposed bylaw is approved by a majority of the persons who vote thereon and whose ballots are not rejected, the council shall pass the bylaw within four weeks after the voting takes place.

(2) Where a proposed bylaw is not assented to it shall not be incumbent on the council to pass the bylaw, but if the council determines to pass it, it shall be passed within four weeks after the voting takes place.

(3) The bylaw in either case shall not be passed until the expiration of two weeks after the result of the voting has been declared not, if within that period an order for a scrutiny has been made, until the result of the scrutiny has been certified by the judge.

(4) The time that intervenes between the making of an application for a scrutiny and the final disposition of it shall not be reckoned as part of the four weeks.
(5) The minister may extend the time for passing a bylaw under either subsection (1) or subsection (2), if the time has been allowed to elapse without the bylaw being passed.

AR 43/79 s90

91(1) Notwithstanding section 9, where a bylaw has been passed pursuant to a petition under section 89 the repeal of or amendment to the bylaw shall be similarly assented to by the electors.

(2) No bylaw relating to the procedure of the council when in session shall be repealed, amended or suspended except so far as the terms thereof shall themselves permit unless:

(a) by bylaw unanimously passed at a regular or special meeting of the council at which all the members thereof are present; or

(b) by bylaw passed at a regular meeting of the council pursuant to a notice in writing given and openly announced at the next preceding regular meeting of the council, and the setting forth the terms or substantial effect of the proposed bylaw.

AR 43/79 s91;438/82

92(1) Any voter of the city may, within two months after the passing of a bylaw or resolution of the council, apply to a judge upon motion to quash the bylaw or resolution in whole or in part for illegality; and the judge upon the motion may quash the bylaw or resolution in whole or in part and may award costs for or against the city and determine the scale of the costs.

(2) The notice of the motion shall be served at least seven clear days before the return day of the motion.

(3) The bylaw or resolution may be proved by the production of a copy thereof certified under the hand of the clerk and the seal of the city; and the clerk shall deliver such copy upon payment of a fee therefor at the rate of fifty cents per one hundred words.

(4) Before the motion is made the applicant, or if the applicant is a company some person on its behalf, shall enter into a recognizance before the judge, himself in the sum of $100 and two sureties each in the sum of $50, conditioned to prosecute the motion with effect and to pay any costs that may be awarded against the applicant.

(5) The judge may allow the recognizance upon the sureties making proper affidavits of justification, and thereupon the same shall be filed in court with the other papers relating to the motion.
(6) In lieu of the recognizance the applicant may pay into court the sum of $100 as surety for any costs that may be awarded against him; and the certificate of the payment into court shall be filed in court with the other papers relating to the motion.

(7) Upon the determination of the proceedings the judge may order that the money paid into court be applied in payment of costs or be paid out to the applicant.

(8) All moneys required to be paid into or out of court under this section shall be paid into or out in like manner as moneys are paid into and out of court in actions pending in the court.

AR 43/79 s92

93 A bylaw that has been procured to be passed through or by means of a violation of any provision of section 3 or 4 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with section 92 of this Charter.

AR 43/79 s93

94(1) If no application to quash a bylaw or resolution is made within two months next after the final passing thereof the bylaw or resolution, as the case may be, shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of the passing thereof.

(2) No bylaw or resolution shall be held to be invalid merely because it was beyond the legislative jurisdiction of the council at the time it was enacted, if it conforms to this Charter; and every such bylaw or resolution and any agreement entered into thereunder shall, if otherwise legal and operative, be deemed valid and binding according to its purport.

AR 43/79 s94

95 A bylaw passed by the council in the exercise of any of the powers conferred by and in accordance with this Charter and in good faith is not open to question nor shall it be quashed, set aside or declared invalid, either wholly or partly, on account of the unreasonableness of its provisions or any of them.

AR 43/79 s95

96 Where the council has authority to direct by resolution or bylaw that any matter or thing shall be done by any person the council may also by the same or another resolution or bylaw, direct that in default of its being done by that person, the matter or thing shall be done at the expense of the person in default, and the city may recover the expenses thereof with costs, by action in any court.
of competent jurisdiction or in the like manner as municipal taxes or the expenses may be added to and form part of the taxes on that person’s land on which or with respect to which the work was done.

AR 43/79 s96

97(1) The council may pass bylaws for imposing maximum and minimum fines, the maximum not exceeding $500, for breach of any of the bylaws of the city passed under this Charter and for the non-payment of a licence fee.

(2) The council may by bylaw provide that in addition to or in place of any fine imposed for breach of a bylaw regulating the operation and parking of bicycles the bicycle may be impounded for a period not exceeding thirty days.

(3) Where the council has passed a bylaw requiring the licensing of bicycles the council may by the same or another bylaw, provide for the impounding of an unlicensed bicycle until the license therefore has been obtained.

(4) Where penalties are fixed by a bylaw at sums not exceeding $20 each for one or more specified infractions thereof the council may by the same or another bylaw provide that those penalties may be paid by the person committing the breach to a designated officer of the city within a stated period of time and that upon payment as so provided that person shall not be liable to prosecution for the offence.

(5) Conviction of a person for breach of any provision of a bylaw does not relieve him from compliance with the bylaw and the conviction magistrate or justice of the peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the bylaw or to remedy the breach thereof.

(6) A person who fails, within the period specified in an order under subsection (5), to comply with the order is guilty of an offence and is liable on summary conviction to a fine of not less than $5 or more than $25 for each day during which the breach continues or to imprisonment for not less than one month or to both fine and imprisonment.

AR 43/79 s97

98 Subject to subsection (4) of section 109, a person who obstructs or interferes with an agent or servant of the city engaged in exercising on behalf of the city any of the powers conferred by this Charter, or by a bylaw of the city passed under this Charter, or who destroys, pulls down, alters or interferes with any work carried
out or thing done by or for the city under this Charter or any such bylaw, is guilty of an offence and liable on summary conviction to a fine not exceeding $100.

AR 43/79 s98

99 All fines, penalties and forfeitures mentioned in this Charter, may be recovered and enforced with costs by summary conviction before a judge of the magistrate’s court or justice of the peace having jurisdiction and upon default of payment the person convicted may be committed to jail or to the guardroom of the Royal Canadian Mounted Police or to a public lock-up for any time determined by such judge or justice of the peace, not exceeding thirty days, unless the penalty, or penalty and licence fee, as the case may be, and costs including the costs of the committal and of the conveyance of the person convicted to the said jail, guardroom or lock-up are sooner paid.

AR 43/79 s99

100(1) A penalty or fine under a bylaw of the city shall, if no other provision is made respecting it, belong to and form part of the general revenue of the city.

(2) If a person is committed to jail by reason of a breach of a bylaw there shall be chargeable to the city such part of the expenses paid by the province for the transport of that person to jail, and for his maintenance while there, as may be designated by the Lieutenant Governor in Council.

(3) Notwithstanding anything in any Act of the Legislature of Saskatchewan, where a person has been convicted or fined for violation within the city of any provision of any such Act or any regulations thereunder, upon the information of a policeman or constable or other official employed and paid by the city and not a member of a force directly or indirectly employed and paid by either of the provinces, the fine imposed shall belong to the city and the convicting judge or justice of the peace shall dispose of the fine accordingly.

AR 43/79 s100

101 In every prosecution for breach of a bylaw passed pursuant to paragraph 9, 10 or 11 of section 115 of the owner of any motor or other vehicle in respect of which the breach was committed shall be liable, as well as the person who committed the breach, unless the owner proves to the satisfaction of the judge of the magistrate’s court or justice of the peace trying the case that at the time of the breach the motor or other vehicle has been stolen from him or taken, without his consent express or implied, out of his possession
or out of the possession of a person entrusted by him with the care thereof.

AR 43/79 s101

102 In matters not specifically provided for in this Charter the council may pass such bylaws as are deemed expedient and are not contrary to law:

(a) for the peace, order and good government of the city;

(b) for promoting the health, safety, morality and welfare of the inhabitants thereof; and

(c) for governing the proceedings of the council, the conduct of its members and the calling of meetings.

AR 43/79 s102

Buildings

103(1) Any plans, drawings and specifications for the construction or erection of any building:

(a) to be used as a place of public assembly with an occupant load, as defined in the National Building Code of Canada, 1977, in excess of one hundred and twenty-five persons;

(b) that costs more than $75,000 to construct or erect;

(c) that has an area in excess of six thousand square feet;

(d) that has spans which exceed twenty feet in length or, if twenty feet in length or less, are not in accordance with the standards provided for in the span tables of document No. 15563 of the National Research Council of Canada entitled “Residential Standards Canada 1977”; or

(e) that is more than two storeys in height exclusive of its basement level;

shall be prepared by, or in collaboration with, an architect or professional engineer authorized to practise as such under the laws of Alberta or Saskatchewan, as the case may require.

(2) Where any addition, alteration or repairs to any building mentioned in subsection (1) affect the supporting structure of the building, the plans, drawings and specifications shall be prepared in the manner described in that subsection.

(3) Plans, drawings and specifications with respect to buildings mentioned in subsection (1) or (2) shall be submitted to any
appropriate persons who are appointed to pass, approve or accept them.

(4) The owner of any building mentioned in subsection (1) or (2), or his agent, shall be responsible for ensuring that subsection (1) or (2) is complied with, as the case may require.

(5) Nothing in this section applies to plans, drawings and specifications with respect to a one or two family dwelling.

Section 104  THE LLOYDMINSTER CHARTER  AR 43/79

104(1) The council may pass bylaws for all or any of the following purposes:

1 adopting and constituting as building regulations the regulations known as the National Building Code of Canada and any supplement, consolidation, revision or amendment thereto with such additions, insertions or deletions as may be required by the council and approved by the minister;

2 preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the city; prohibiting the erection or placing of buildings other than with main walls of brick, iron, concrete, stone or other incombustible material and roofs of incombustible or slow-burning material within defined areas of the city;

3 respecting the distances of buildings from the street line and the minimum space to be allowed between buildings and the side lines of the lots upon which they are constructed and the levels at which they are constructed;

4 providing for the issue of permits, establishing a schedule of fees therefor and prohibiting the commencement of the erection, alteration, repair, demolition, removal or relocation of any building except in conformance with the regulations pertaining thereto and unless authorized by permit; but the granting of a building permit shall not:

(a) entitle the grantee, his successors or assigns or any one in his or their behalf, to erect any building that fails to comply with the requirements of any building restriction agreement affecting the site described in the permit; or

(b) make either the city or any of its officials liable in damages or otherwise by reason of the fact that a building, the erection of which has been authorized
by permit, does not comply with the requirements of any such building restriction agreement;

5 requiring a person who applies for a permit authorizing the demolition or removal of a building to deposit with the city such sum as the council, or an officer designated in the bylaw, considers sufficient to cover the cost of putting the site, after the building is demolished or removed, in such condition that it is not dangerous to the public safety and providing that if the person who demolishes or removes the building puts the site in a condition satisfactory to the council or to such officer, the sum deposited shall be refunded;

6 authorizing the pulling down or removal at the expense of the owner thereof of any building or erection constructed, altered, repaired or placed in contravention of any bylaw, and where such pulling down or removal is done by the city at the expense of the owner the cost thereof may be recovered in like manner as municipal taxes are by law recoverable or may be charged against the land and form part of the taxes thereon.

(2) The council may by bylaw authorize appointed officers to enter at all reasonable times upon any land in order to ascertain whether the provisions of any bylaw passed pursuant to this section are obeyed; and where entry is refused the permit for the erection, alteration, repair, demolition or removal of any part of the land or premises is forthwith suspended until entry is permitted.

(3) No action or other proceedings for damage lies or shall be instituted against an appointed officer for an act or omission by him in good faith in the execution or intended execution of any power or duty under this section or the regulations thereto.

(4) Subsection (3) does not relieve the Crown or the city of liability in respect of a tort committed by an appointed officer to which either would otherwise be subject and the Crown or city is liable for any such tort as if subsection (3) were not enacted.

105(1) In this section “building” includes any fences, scaffolding, structure or erection.

(2) The council may declare any buildings to be a nuisance if, because of its ruinous or dilapidated state or its faulty construction, or for any other reason, the council is of the opinion that the building:

(a) is dangerous to the public safety or health; or
(b) substantially depreciates the value of other property in the vicinity; or

c) is substantially detrimental to the amenities of the neighbourhood.

(3) Subject to subsection (9), where a building has been declared under subsection (2) to be a nuisance the council may by order require the owner, within the time specified in the order, which shall be not less than three months from the date of service of the order upon the owner:

(a) to demolish or remove the building, and to fill in any open basement or excavation remaining on the site of the building after the demolition or removal thereof or take such other measures with respect to the basement or excavation as may be described in the order; or

(b) to improve the condition of the building in the manner and to the extent described in the order.

(4) An order made under subsection (3) may be personally served upon the owner or sent to him by registered mail at his last known address as shown by the assessment roll or by the records of the proper land titles office and the council may direct that notice of the order be affixed to any part of the building and may authorize an agent of the city to cause such notice to be affixed to the building; and where the owner is deceased or his address is unknown a copy of the order shall be published in at least two issues of a newspaper circulating in the city.

(5) If the owner does not comply with an order made under subsection (3) within the time specified therein, the council may proceed to have such work done as it considers necessary for the purpose of carrying out the order, and the cost of the work shall be added to and form part of the taxes on the land on which the building is or was situated.

(6) Where the council proceeds under subsection (5) and the building is occupied, the council may, if it is of the opinion that the work cannot be conveniently carried out while the building is occupied, by written notice require the person occupying the building to vacate the building forthwith.

(7) Where a person to whom a notice has been given under subsection (6) fails to vacate the building forthwith after receiving the notice the council may apply ex parte to a judge in chambers for an order requiring that person to deliver up possession of the land on which the building is situated, and of the building, to a nominee of the council, and upon such an application the judge
may make such order, including an order as to costs, as he deems just.

(8) Where the council proceeds under subsection (5) and removes or demolishes the building, it may sell or otherwise dispose of the building or the materials therefrom, as the case may be, at such price as it considers reasonable, and shall pay the proceeds of the sale or other disposition, after deducting the amount of the cost of the work, any costs awarded to the council under subsection (7) and any taxes owing in respect of the property, to the owner, mortgagee or other person entitled thereto.

(9) Before making an order under subsection (3) the council shall cause not less than one month’s prior written notice to be given to the owner specifying the date, time and place of a meeting of the council at which the making of such an order will be considered and stating that the owner will be given an opportunity to be heard at the meeting before an order is made; and in such case a permit under section 104 may be withheld pending the issuance of an order under subsection (3) of this section.

(10) A notice under subsection (9) may be personally served upon the owner or sent to him by registered mail at his last known address as shown by the assessment roll or by the records of the proper land titles office; and where the owner is deceased or his address is unknown, a copy of the notice shall be published in at least two issues of a newspaper circulating in the city.

(11) The owner of the building affected by an order made under subsection (3), or any other person having a registered interest in the building who considers himself aggrieved by the order, may, within thirty days after service of the order upon the owner, apply by notice of motion to a judge in chambers for a review of the matter and the judge, if satisfied:

(a) that the council has acted in a manner contrary to the intent and meaning of this section; or

(b) that the procedure prescribed by this section has not been followed;

may set aside, vary or modify the order on such terms as to costs and otherwise as he deems just.

(12) Notwithstanding any other provisions of this Charter, where a building or structure:

(a) is vacant;

(b) is damaged by fire, wind, hail, storm or vandals; and
(c) is determined by a resolution of the council to require immediate measures to secure it from being an imminent danger to the public safety;

the council may direct that any preliminary measures that it considers necessary be taken immediately to secure that building, and the council, where the owner of the building or structure fails within the time specified by council to take the preliminary measures indicated by council, shall proceed to have the work done and the cost of that work shall be added to and form part of the taxes on the land on which the work is done.

(13) No action lies against the city or the council, or any member of the council, or any of the officials, agents or servants of the city in respect of any matter or thing done under this section.

106(1) Upon the recommendation of the medical health officer, the council may by resolution or by bylaw declare any occupied residential premises to be dangerous to the health of the occupants thereof, and, by such resolution or bylaw as may be directed therein, may order that the premises shall be repaired by the owner, agent, lessee or occupant thereof, as the council may determine and within such time after service of the order as may be therein specified.

(2) If the order is not complied with and the required work is done by the city pursuant to section 96, the amount expended for that purpose shall not exceed ten per cent of the value of the premises as shown upon the last revised assessment roll.

(3) Moneys expended by the city pursuant to this section shall be added to and form part of the taxes on the land upon which the premises are situated.

Highways and Public Places

107 Subject to any statutory right of entry, every public road, street, bridge, highway, lane, square and other public place in the city is under the direction, management and control of the council for the public use of the city and the council has the power to lay out, construct, repair and maintain highways, roads, streets, lanes, sidewalks, bridges and culverts.

108 The Lieutenant Governor in Council may by order direct that any highway, bridge or stream not wholly within the city, or any part of such highway, bridge or stream, shall be subject to the


109(1) The council may temporarily close a public road, street, bridge, highway, lane, alley, square or other public place, or any portion thereof to traffic where the closing is for the purpose of a parade or where the closing is for a period not exceeding twenty-one days for the purpose of carrying out road, sewer line or water line construction, repair or improvement or any other work authorized under this Charter or any Act.

(2) A council may by bylaw delegate all or any of its powers under subsection (1) to a person or official who shall have and may exercise all of the powers set out in the bylaw for the purposes set out in subsection (1).

(3) Every public road, street, bridge, highway, lane, alley, square or other public place, or part thereof, closed pursuant to this section shall be marked with appropriate signs.

(4) A person who removes, defaces or damages a sign, notice or obstruction placed, under the authority of this section, on or near a public road, street, bridge, highway, lane, alley, square or other public place, or part thereof, is guilty of an offence and liable on summary conviction to a fine not exceeding $50.

(5) A person using a public road, street, bridge, highway, lane, alley, square or other public place closed to traffic pursuant to this section does so at his own risk and has no right to recover damages in case of accident or injury and is liable for any damage or injury to the public road, street, bridge, highway, lane, alley, square or other public place resulting from such use.

110(1) Subject to the approval of the Minister of Transportation for Alberta or the Minister of Highways and Transportation for Saskatchewan, as the case may require, and to such terms and conditions, if any, as he may prescribe in his approval, the council may:

(a) by bylaw set aside all or part of any street solely or principally as a mall for the use of pedestrians and prohibit the use thereof by vehicles or any class of vehicles to such extent and during such hours or for such period or periods as may be specified in the bylaw; or

(b) temporarily close a public road, street, bridge, highway, lane, alley, square or other public place, or any portion thereof, to facilitate the moving, construction, demolition,
(1) The council may pass bylaws for closing or selling or leasing:

(a) any public highway the title whereof is not vested in the Crown, provided that the consent from one of the ministers, as the case may require, has been first obtained; or

(b) any public highway the title whereof is vested in the Crown, provided that the consent of the Minister of Transportation for Alberta or the Minister of Highways and Transportation for Saskatchewan, as the case may require, has been first obtained.

(2) No bylaw shall be passed pursuant to subsection (1) unless:

(a) at least two weeks’ notice of the intention of the council to pass the bylaw is given by registered letter to all persons who are either registered or assessed owners of the lands abutting upon the portion of public highway so proposed to be closed or sold or leased; and

(b) such notice is advertised previous to the passing of the bylaw in a newspaper circulating in the city at least once each week for two successive weeks; and

(c) a person who claims that his land will be injuriously affected thereby, and petitions to be heard, has been afforded an opportunity to be heard by himself or his agent in relation to the proposed bylaw.

(3) A person claiming, petitioning and appearing pursuant to clause (c) of subsection (2) is entitled to be compensated for all damage caused to his land by reason of anything done under the bylaw and the compensation shall be determined in the same manner and subject to the same conditions as in the cases provided for by The Expropriation Act of Alberta or The Municipal Expropriation Act of Saskatchewan.

(4) Where that part of a public highway immediately adjacent to private property and known as a boulevard and not developed as a road, street or sidewalk, is leased to the owner of that private property, subsections (2) and (3) do not apply; but every such lease
shall be deemed to contain a clause that access to any other
property shall not be affected thereby, and that the lease is subject
to any easement or right of way for the purpose of water, sewer,
electric power, gas or telephone lines.

112(1) Every public road, street, bridge, highway, square, alley or
other public place subject to the direction, management and control
of the council, including all crossings, sewers, culverts and
approaches, grades, sidewalks and other works made or done
therein or thereon by the city or by any person with the permission
of the council, having regard to the character of the road, street,
bridge, highway, square, alley, public place or work made or done
therein or thereon, and the locality in which it is situated or through
which it passes, and on default of the city keeping it in such
reasonable state of repair, the city, besides being subject to any
punishment provided by law, shall be civilly responsible for all
damage sustained by any person by reason of the default.

(2) This section does not apply to any road, street, bridge, alley,
square, crossing, sewer, culvert, sidewalk or other work made or
laid out by a private person until it has been established as a public
work by bylaw or otherwise assumed for public use by the city.

(3) Default under subsection (1) shall not be imputed to the city in
any action without proof by the plaintiff that the city knew or
should have known of the disrepair of the road or other thing
mentioned in subsection (1).

(4) The city shall not be liable for damages under this section
unless the person claiming damages has suffered by reason of the
default of the city particular loss or damage beyond what is
suffered by him in common with all other persons affected by the
want of repair.

(5) Nothing in this section casts upon the city any obligation or
liability in respect of acts done or omitted by persons exercising
powers or authorities conferred upon them by law, and over which
the city has no control, where the city is not a party to the acts or
omissions and where the authority under which those persons
proceed is not a bylaw, resolution or licence of the council.

113 Except in case of gross negligence the city is not liable for
personal injury caused by snow or ice upon a sidewalk or an
extension of a sidewalk used as a street crossing.
114 The council may enter into an agreement with the Minister of Utilities and Telephones for Alberta or Saskatchewan Telecommunications providing for the joint use by the city and the Department of Utilities and Telephones or the corporation, as the case may be, of any poles belonging to or to be erected by either party; and may erect poles suitable for such use.

115 The council may pass bylaws for all or any of the following purposes:

1 acquiring land for the opening, widening, altering or diverting of a street, lane or other public highway;

2 naming or numbering the streets or avenues and changing the names and numbers or any of them, of streets and avenues now existing or hereafter laid out within the city;

3 numbering the houses or buildings in the city and renumbering them from time to time as council may deem expedient;

4 controlling and regulating the use of all streets, sidewalks and other public places and delegating to the police powers in connection therewith to act in an emergency;

5 entering into agreements for the improvement of any road or portion of a road beyond the boundaries of the city;

6 making provision for the carrying out of any provincial law regulating the use of motor vehicles on highways in any manner not inconsistent with the provincial law;

7 regulating, subject to The Vehicles Act and section 384 of this Charter, the rate or pace of riding or driving a vehicle within the city;

8 restricting the weight of vehicles or vehicles with their loads using the streets or any particular street of the city;

9 subject to The Vehicles Act and section 384 of this Charter:
   (a) classifying motor and other vehicles for any and all purposes involving the use of streets, lanes and other public places;
   (b) preventing or restricting, controlling and regulating:
(i) the parking of vehicles or of any particular classification thereof on all or any streets, lanes and other public places or any portion thereof;

(ii) the parking on specified streets or lanes or within a certain distance from any building, of vehicles used for carrying inflammable, combustible, explosive or other dangerous material, whether loaded or unloaded;

(iii) any other use of the streets, lanes and other public places or any portion thereof by or for vehicles or any particular classification thereof;

(c) establishing, controlling and regulating parking stands or places or parking stands and places for vehicles or any classification thereof on any street, lane or other public place or on any lands acquired by the city for parking purposes or designated in the bylaw as parking stands or places;

(d) establishing, controlling and regulating stands or places on any street, lane or other public place for the exclusive use of a person or persons engaged in the operation of a taxi service, and making a charge for the use of such stands or places;

(e) prescribing a tariff of fees or charges to be paid by persons using such parking stands or places, which fees or charges may vary according to the location of the parking stands or places, the classification of the vehicles for which the parking stands or places are intended or as the council may otherwise determine; but the council may in its discretion grant free use of all or any parking stands or places for all vehicles or any particular classification thereof for such period of time or during such hours as may be specified in the bylaw;

(f) establishing, controlling and regulating a parking meter system or providing in any other manner for the collection of fees or charges payable by persons using parking stands or places;

(g) defining the route or routes through the city that vehicles or any particular classification thereof must follow in entering or traversing the city;

(h) erecting and maintaining on any street, lane or other public place, other than a primary highway designated under The Public Highways Development
Act of Alberta or designated as a provincial highway under The Highways Act of Saskatchewan, such signs as the council may deem expedient for the control of traffic.

10 prohibiting the parking of any vehicle in any private parking place or on any private property by any person other than the owner, occupant, licensee or permittee of the parking place or private property except with the consent of such owner, occupant, licensee or permittee;

11 where the owner of a shopping centre has, by means of clearly distinguishable signs, designated certain areas of his property in which the parking of vehicles is prohibited:

(a) prohibiting the parking of vehicles in such areas;

(b) and, where the owner of the shopping centre has in writing authorized the council to take such action on his behalf, permitting a member of the police force to cause such vehicles to be removed from the designated area; and

(c) prescribing, for the owners of such vehicles, the same penalties as if the vehicles had been removed for being improperly parked on a street, lane or other public place in the city;

12 authorizing members of the police force or any designated officer to remove or cause the removal of any vehicle that is unlawfully placed, left or kept on any street, lane, public parking place, other public place or on city-owned property, to impound or store the vehicle and to release it to the owner upon payment of the cost of removal and impounding or storage within a period of thirty days after the date of the removal of the vehicle or within such extended period as may be specified in the bylaw, and providing for the recovery of the cost, if not paid within the specified period, from the owner of the vehicle by action in a court of competent jurisdiction or by sale of the vehicle at public auction or by private sale;

13 controlling or preventing the riding of bicycles or tricycles on sidewalks and controlling and regulating the operation and parking of bicycles on streets, lanes and other public places;

14 preventing the leading, riding and driving of cattle or horses on sidewalks, and regulating the driving and riding of horses and other animals on streets, lanes and other public places;
15 preventing the encumbering of streets, lanes and other public places by vehicles and other articles, and providing for the summary removal of any pole, wire or other obstruction therefrom;

16 prohibiting the planting of trees, hedges or shrubs on private property at or adjacent to and within twenty-five feet from street intersections or such lesser distance as may be stated in the bylaw, requiring the removal of trees, hedges or shrubs already planted, or limiting the height of such trees, hedges or shrubs whether planted before or after the passing of the bylaw;

17 compelling all persons, or all persons within specified areas of the city, to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them, and providing for the clearing of sidewalks adjoining property of non-residents and all other persons who for twenty-four hours neglect to clear the sidewalks, and, in case of non-payment of the expenses thereof by the owner or occupant, charging the expenses against the property as a special assessment to be recovered in like manner as and with other taxes;

18 setting aside so much of any street as the council deems necessary for constructing safety islands or platforms or traffic or light standards, and, where safety islands or platforms are constructed, permitting vehicular traffic to pass buses or street cars taking on or letting off passengers;

19 subject to the provisions of any Act of the Parliament of Canada or of the Legislature of Saskatchewan or Alberta, or to any order of the Canadian Transport Commission, sanctioning and permitting the track of a railway, street railroad or tramway to be laid in, on or along any street or avenue of the city, subject to the ratification of the bylaw by the majority of the electors voting thereon, providing compensation for any damage that may be done on the property or on the said streets or avenues, the amount of the said damage, if any, to be settled in the manner provided by The Expropriation Act of Alberta or The Municipal Expropriation Act of Saskatchewan, as the case may require, and regulating the use of locomotive engines and of steam, diesel, electrical or other motive power on any or every portion of any railroad within the city, and regulating the speed of cars upon any and every part of any railroad within the city and imposing a fine not exceeding $500 for a breach of such bylaw;
20 subject to the provisions of any Act of the Parliament of Canada or of the Legislature of Saskatchewan or Alberta respecting railways or to any order of the Canadian Transport Commission, regulating the rate of speed of railway trains and engines along or across any of the streets or avenues of the city and preventing the obstruction of any streets or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time, and preventing the loading or unloading of any car or truck alongside or from any street crossing or sidewalk in the city or the blowing of whistles or ringing of bells while the engine is approaching or going along or across any street or avenue except under conditions mentioned in the bylaw, and imposing a fine not exceeding $500 for a breach of the bylaw; and in any proceedings taken for infraction of bylaws passed under paragraph 19 or this paragraph, service of necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad; and any of the persons in charge of the engine, car, truck or train as well as the railroad company shall be liable to the fine provided in the bylaw, and proceedings may be taken against either or any of them;

21 providing for the planting and protection of trees and shrubs on highways and public places.

AR 43/79 s116

116 In addition to the powers that the council has under clause (h) of paragraph 9 of section 115, the council may erect and maintain on any street, land or other public place other than a primary highway designated under The Public Highways Development Act of Alberta or a provincial highway designated under The Highways Act of Saskatchewan, such signs as the council may deem expedient for the warning, guidance, information and direction of traffic.

AR 43/79 s116

117(1) Where any vehicle has been left or placed upon a road, road allowance, public place of city-owned property and has been allowed to remain there for ten days or more the owner thereof cannot after reasonable inquiry be ascertained, the vehicle shall be deemed to be abandoned.

(2) The council may by resolution order that a vehicle which is deemed to be abandoned within the meaning of subsection (1) be removed by the city from the place where it is abandoned and sold, destroyed or otherwise disposed of as the council may decide.
(3) Where the council pursuant to subsection (2) decides to sell, destroy or otherwise dispose of an abandoned vehicle it shall, at least fifteen days before doing so, publish a notice of its decision in a newspaper having circulation in the city together with a description of the abandoned vehicle.

(4) When an abandoned vehicle is sold pursuant to the council’s order under this section, the proceeds of the sale shall be applied against the cost of removal of the vehicle and any balance remaining shall form part of the general funds of the city and in such case the purchaser of the vehicle shall, notwithstanding the provisions of any Act, obtain good title thereto free and clear of all encumbrances.

(5) Notwithstanding the provisions of any Act, no action lies or shall be brought against the council where it sells, destroys or otherwise disposes of a vehicle in compliance with the provisions of this section.

118(1) In this section “parkade” includes any improved ground level area intended for the public parking of motor vehicles or any building, parking deck or decks, or similar structure for the public parking of motor vehicles, together with all ramps, stairways, escalators, elevators and other works connected therewith.

(2) Subject to the approval of the minister and with an affirmative vote of at least two-thirds of all the members of council, the council may pass bylaws to:

(a) acquire by purchase, lease or otherwise real property and establish, lay out, improve or develop such property for parkades;

(b) construct or cause or permit to be constructed on such property, or any property owned or leased by the city, a parkade, and provide facilities therein for business establishments or acquire a parkade by lease, on such terms as the council may deem proper;

(c) hold, maintain, operate and improve parkades and charge fees, rents, rates or charges for the use or occupation thereof, and lease or contract out any part or parts thereof, or any real property acquired therewith upon such terms and conditions and for such rent or consideration as may be deemed proper and from time to time alter such fees, rents, rates or charges;

(d) borrow money for the purposes of carrying out the provisions of this section and issue and sell debentures
therefore, and set up a reserve fund into which shall be placed all net revenue from the operation of parkades and all sums collected in respect thereof and invest the same and make payments from such fund with the approval of the minister of such amounts as are required to pay principal and interest on the debentures and for such other purposes as may be required;

(e) designate a specially benefited area for the purpose of recovering therein any capital costs or operating deficits which may be incurred in the operation of a parkade, by means of a levy against the land or buildings or both in such area; but no single family dwelling or duplex shall be included in a specially benefited area unless the single family dwelling or duplex, as the case may be, forms part of the premises assessed for business pursuant to this Charter; and the council may in its discretion divide the area into zones and make such adjustment as may be required in order that the levy against such land, buildings or both will be in proportion to the benefit to be conferred on them by the parkade; and

(f) set up a schedule showing the estimated total capital cost, the estimated annual operating cost including debt retirement costs, the estimated annual revenue and estimated deficit, if any, and showing the annual portion of any deficit which may be levied against each parcel of land or buildings or both within the specially benefited area, by means of an annual levy upon the assessed value of the property.

(3) Where a proposed bylaw provides for the designation of a specially benefited area a notice shall be sent to all assess owners who are assessed for land or buildings or both within the area, including a copy of the proposed bylaw showing the specially benefited area and the schedule referred to in clause (f) of subsection (2) and advising the owners that they have thirty days from the date of mailing of such notice to petition against the proposed bylaw.

(4) Where petitions are filed with the clerk within the period of time mentioned in subsection (3), signed by a majority of the owners affected and who represent at least one-half of the assess value of the land and buildings within the specially benefited area, the minister shall not approve the proposed bylaw and no similar bylaw covering the same area shall be proposed within a period of two years after the thirty-day period mentioned in subsection (3).

(5) The council may, subject to the approval of the minister, allocate such portion of the revenue from parking meters, or such
portion of all other parking revenues as it may deem proper, to be paid into the reserve fund referred to in clause (d) of subsection (2).

(6) The council shall on or before the thirty-first day of March in each year forward to the minister a copy of the auditor’s financial report for the preceding calendar year of each parkade in respect of which a specially benefited area has been designated.

(7) Where the revenues from the operation of a parkade will permit, the minister may order such reduction in the levies made under clause (f) of subsection (2) for the following year as he may deem proper.

(8) All levies made under this section are hereby constituted to be taxes and may be entered into the tax roll and are subject to the same penalties and may be enforced in the same manner as taxes and the provisions of Part VIII, as the case may require, shall apply.

(9) Nothing in this section restricts the powers of the city set out in paragraph 9 of section 115.

(10) The minister may review annually the schedule of fees, rents, rates or charges made by the council for the use of space in a parkade and may order the council to make such changes therein as he may direct.

**Licensing and Regulating**

119(1) The power to license any business, industry or calling or the person carrying on or engaged in it includes the power to prohibit the carrying on or engaging in it without a licence, and to impose penalties upon unlicensed persons, to fix the fees to be paid for licenses and to enforce payment thereof, to limit the time during which a licence shall remain in force and to suspend or revoke or provide for the suspension or revocation of licences; and such power shall, within the city, extend to persons who carry on business partly within and partly outside the city.

(2) A licence fee may be in the nature of a tax for the privilege conferred by the licence and may be computed in any manner adopted by the council.

(3) The city may license, regulate and control all persons who carry on a business, including a business that is assessed.

(4) The power to license any business, or the person carrying on or engaging in it, applies whether or not a place of business is used in connection therewith.
120(1) Subject to subsection (3), the granting or refusing of any licence that the council has power to grant under this Charter or any Act, or the suspension or revocation of any such licence, shall be in its discretion, and it shall not be bound to give any reason for such refusal, suspension or revocation and, except as provided in subsection (4), its action shall not be open to question or review by any court.

(2) The power of the council to refuse, or to suspend or revoke a licence shall be exercised in good faith, without discrimination and in the public interest.

(3) No licence shall be suspended or revoked until the licensee has been given full opportunity to be heard by the council with respect to its intention to suspend or revoke the licence.

(4) An appeal lies to a judge of the Court of Queen’s Bench of Saskatchewan or the Supreme Court of Alberta, as the case may require, from a decision of the council to refuse an application for a licence or to suspend or revoke a licence on the ground only that the council failed to comply with subsection (2) or, in the case of suspension or revocation, with subsection (3).

(5) The procedure on an appeal under subsection (4), including the time within which the appeal may be instituted, shall be the same as nearly as may be as in the case of an appeal from a decision of a local master in chambers in an action in the Court of Queen’s Bench of Saskatchewan or the Supreme Court of Alberta, as the case may require.

(6) The costs of an appeal under subsection (4) shall be in the discretion of the judge hearing the appeal, and his decision with respect to the appeal, including the costs thereof, shall be final and binding upon the council and all persons concerned except where leave to appeal from the decision is granted by a judge of the Court of Appeal of Saskatchewan or the Supreme Court Appellate Division of Alberta, as the case may require, in which case the judgment of such court shall be final and binding upon the council and all persons concerned.

(7) The council may delegate to the medical officer the power to suspend or revoke the licence of any person who sells food or drink for human consumption in the city and who fails to comply with rules, orders or regulations of the Minister of Health for Saskatchewan or with the bylaws of the city relevant to the licensee’s business; and subsection (3) does not apply with respect to the suspension or revocation of such a licence by the medical health officer.

(8) Where the medical health officer has suspended or revoked a licence, the licensee may within thirty days after the date of the
suspension or revocation appeal to the council from the decision of
the medical health officer, and the council may in its discretion,
after giving the licensee full opportunity to be heard, cancel the
suspension or reinstate the licence or confirm the suspension or
revocation.

(9) Subsections (2), (4), (5) and (6) apply mutatis mutandis with
respect to the council’s decision in the case of an appeal under
subsection (8).

(10) Where a licence is revoked, the licensee is entitled to a refund
of a part of the licence fee proportionate to the unexpired part of
the term for which it was granted.

AR 43/79 s120

121 The imposing or collecting of licence fees shall in no case be
held to prevent the assessment of land held or used by the licence
holders or the collection of taxes lawfully imposed thereon.

AR 43/79 s121

122(1) No official of the city shall issue a licence to any person
required by law to obtain a provincial licence, until the applicant
has first produced the proper provincial licence, and a licence
issued without such production is invalid.

(2) A licence issued to a person required to produce a provincial
licence shall state the fact that the licensee has produced the proper
provincial licence.

AR 43/79 s122

123 Where in a prosecution or proceeding under a bylaw
providing for the licensing of any business, industry or calling, or
of persons carrying on the same or engaged therein, it is alleged
that the person proceeded against carried on or engaged in such
business, industry or calling without having first obtained a licence
to do so, proof of one transaction in the business, industry or
calling is sufficient to establish that the person proceeded against
carried on or engaged in that business, industry or calling.

AR 43/79 s123

124 Where a bylaw for the licensing of contractors has been
passed pursuant to paragraph 10 of section 127 and a licence fee
imposed by the bylaw is unpaid, the licensing officer may give
notice in writing to any person by whom the contractor is employed
requiring that person to pay the licence fee out of moneys payable
by him to the contractor, and upon receipt of the notice by that
person the amount of the licence fee shall to the extent of the
moneys so payable be a debt due by that person to the city and may be recovered in the same manner as taxes may be recovered.

AR 43/79 s124

125(1) Every person carrying on or engaged in any business in respect of which a licence is required pursuant to this Charter shall, upon request of a licence inspector, give to the inspector all information necessary to enable him to carry out his duties.

(2) A person who fails to comply with subsection (1) within ten days from the date on which the request is made is guilty of an offence and liable on summary conviction to a fine not exceeding $5 for every day during which the default continues.

AR 43/79 s125

126(1) The council may by bylaw prohibit the carrying on within the city of any business likely in the opinion of the council to become or give rise to a nuisance.

(2) A bylaw under this section shall not receive more than one reading at any one meeting of the council.

(3) If a bylaw under this section prohibits the continued maintenance of a business already in existence in the city, the city shall compensate the owner of the business for any loss that he may suffer in consequence of the prohibition.

(4) No such prohibition shall become effective before the expiration of a period of three months from the date upon which the bylaw containing it was finally passed by the council, nor until a notice thereof in general terms has been advertised once a week for three successive weeks in a newspaper published or circulating in the city.

(5) A claim for compensation under this section may be filed with the clerk within three months after the date when the prohibition becomes effective.

(6) A claim for compensation, if not mutually agreed upon, shall be determined by arbitration under The Expropriation Act of Alberta or The Municipal Expropriation Act of Saskatchewan, as the case may require, and the provisions of the applicable Act with reference to the ascertaining of damages for lands injuriously affected by the city’s exercise of any of its powers shall apply, insofar as applicable and not inconsistent with the express terms of this section, to the claim and arbitration.

AR 43/79 s126
Section 127  THE LLOYDMINSTER CHARTER  AR 43/79

127 The council may pass bylaws for all or any of the following purposes:

1 preventing or regulating and licensing exhibitions, halls, opera houses, bowling alleys and other places of amusement, held or kept for hire or profit;

2 preventing or controlling, regulating and licensing automatic vending machines, automatic baseball machines, automatic golf machines, pin games, marble games, problem punch boards and all other machines, instruments, contrivances, games or mechanical devices of like nature, whether or not they are kept for hire or profit;

3 licensing and regulating persons who go from house to house carrying on the business of a barber or hairdresser or who carry on such business at the private residence of customers, and who are not assessable for the purpose of business taxation in respect of the business;

4 licensing, regulating and controlling persons keeping bees within the city or any designated part thereof, or prohibiting the keeping of bees within the city or any designated part thereof;

5 licensing the owners of bicycles and prescribing regulations with respect thereto;

6 licensing, regulating and governing persons who for hire or gain, keep or have in their possession or on their premises, any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort; and limiting the number of licences to be granted and the number of such tables that shall be licensed;

7 preventing or controlling throughout the city or in any specified part thereof, the erection and use of billboards, signboards or other advertising devices of any kind, whether the notices are printer or otherwise displayed; requiring a licence from the council or an official of the city designated for the purpose, as a condition of erecting or continuing the use of any signboard, billboard or other advertising device, and authorizing the removal and destruction of signboards or billboards or other advertising devices erected or maintained without such licence;

8 regulating and licensing billposters and preventing the pulling down and defacing of signboards and billboards or
printed or other notices lawfully affixed, and preventing the defacing of private or other property by printed or other notices;

9 classifying, controlling and regulating clubs and associations, whether incorporated or unincorporated, and whether formed or maintained for social or commercial purposes or for purposes of recreation; licensing clubs or associations falling within any of the classes, and requiring payment of licence fees of the same or different amounts by clubs or associations falling within the various classes licensed;

10 licensing contractors who enter into contracts for the construction, alteration, repair or removal of buildings or structures, the installation of heating plants, plumbing or other fixtures or the performance of other similar work in the city; classifying such contractors, prescribing a schedule of licence fees to be paid by the contractors which fees may vary as between the different classifications, and requiring the contractors to pay the prescribed fee as a condition of commencing to carry out any such contract;

11 restraining, regulating or prohibiting the running at large of dogs and prohibiting any person who owns, possesses or harbours a dog from allowing that dog to run at large;

12 defining the phrase “running at large” and providing for the impounding of dogs that run at large and for the destruction, sale or other disposition of any impounded dogs that are not claimed from a pound within a specified time or that are owned by a claimant who does not comply, within a specified time, with any conditions respecting payment of costs and expenses and removal from a pound that the bylaw may provide;

13 classifying dogs for licensing purposes and prescribing the licence fee to be paid by persons owning, possessing or harbouring dogs;

14 providing that when, upon complaint that a dog has bitten or attempted to bite a person, it appears to the justice of the peace having cognizance of the complaint that the dog is dangerous, the justice may make an order directing that the dog be kept by the owner or keeper under proper control or destroyed, and that a person failing to comply with the order shall be liable to a fine not exceeding $5 for every day during which the failure continues; and providing that, when a dog is ordered to be destroyed, the
justice may by the same order direct any person to destroy the dog;

15 licensing, regulating and governing the business of dry cleaners, dry dyers, cleaners and pressers and persons engaged in those and similar businesses in which gasoline, carbon bisulphide, naphtha, benzine, benzol or other light petroleum or coal tar products or volatile or inflammable liquids are used;

16 licensing, regulating and controlling persons who go from house to house soliciting orders for work consisting of the dry cleaning, dyeing, glazing, cleaning, pressing, making alteration or repair of clothing or furs and who or whose employers are not assessable in the city for the purpose of business taxation in respect of the work; classifying such persons and prescribing a schedule of licence fees to be paid by them, which fees may vary as between the different classifications;

17 regulating and licensing electrical workers;

18 licensing person who sell, distribute or deliver coal, coke, wood, oil or propane gas for use as heating fuel, by retail within the city; controlling and regulating the weighing and sale of coal and coke and the measurement and sale of oil, propane gas and wood for use as heating fuel; and controlling and regulating or providing for the distribution and delivery of coal, coke, wood, oil and propane gas within the city;

19 licensing, regulating and controlling gun clubs or similar organizations for the purpose of supervised target practice or other activities and specifying the part or parts of the city in which they may or in which they may not carry on their operations;

20 licensing and regulating the owners, possessors or harbourers of cows, any of the milk from which is offered for sale or is to be consumed within the city, and all persons operating depots or dairies at which such milk is treated, bottled or otherwise handled in bulk;

21 prohibiting the herding or grazing or herding and grazing of cattle within the city or defining the areas within which and the conditions under which cattle may be herded or permitted to graze in the city;

22 prohibiting or controlling and regulating the keeping of horses, cattle and other livestock, poultry, pigeons, foxes,
mink, rabbits, skunks and any animals reared for the bearing of fur, or any of them:

(a) within the city; or

(b) within any designated area or areas of the city;

23 prohibiting or controlling and regulating the use of loudspeakers or other devices for the amplification of sound on any street or other public place or in any building or premises with the intention or result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place;

24 prohibiting the delivery of milk by retail within the city before any hour in the forenoon during the whole or any part of the year, or before any hour in the forenoon during a part of the year and before any other hour or hours in the forenoon during any other part of parts of the year;

25 subject to the Child, Youth and Family Enhancement Act, prescribing the age at which and the conditions under which a minor may be permitted to enter, play games in, be employed in, remain or loiter in or about any house or place of public entertainment or resort in which billiard, pool or bagatelle tables or bowling alleys are kept for hire or gain and prohibiting minors under the age specified in the bylaw from entering any such house, place or resort;

26 licensing and supervising nursing homes and maternity homes;

27 classifying trailers, mobile homes and portable shacks used for residential purposes within the city and licensing the occupants thereof, prescribing forms and regulations for the registration of such occupants with the clerk or with a licensed operator of a trailer or mobile home park or camp and, subject to the approval of the minister, providing a schedule of fees to be paid by such licences; but no bylaw passed under the authority of this paragraph shall apply to the occupant of a trailer, mobile home or portable shack who occupies the trailer, mobile home or portable shack for a period of less than thirty days;

28 licensing the operators of trailer or mobile home parks or camps and by the same bylaw authorizing and requiring such operators and every owner or occupant of property who permits two or more trailers, mobile homes or portable shacks used as living quarters to be located thereon to register the occupants on forms provided by the city and to collect from the occupants such licence fees as
are imposed by a bylaw under paragraph 25 and to pay to the city the licence fees collected, and making such regulations concerning the foregoing as the council may deem expedient; but section 261 shall not apply with respect to a licence fee imposed by a bylaw under this paragraph and no licence fee shall exceed $5;

29 licensing and regulating pawnshops, dealers in junk, junk stores or shops and second hand stores or shops and fixing the amount to be paid for a licence and the time the licence shall be in force and prescribing the age at which and the conditions under which minors may purchase, pledge, sell, barter or exchange any materials, goods or articles at any such store or shop;

30 regulating and licensing plumbers;

31 subject to *The Motor Transport Act* of Alberta and *The Vehicles Act* of Saskatchewan, controlling, regulating and licensing porters, draymen, hackmen, livery, feed and sale stables, motor liveries, taxicab drivers, omnibus drivers and all persons performing work with horses or mules or vehicles driven by mechanical power within the city for gain, waterdealers, common carriers, persons removing or hauling furniture, goods, stone, gravel, earth or any other commodity whatever into or within the city, and fixing a schedule of maximum and minimum fees to be charged by them;

32 preventing or regulating and licensing waxworks, menageries, circuses, shows, theatres and caravans, requiring the payment of licence fees by exhibitors thereof not exceeding $500 per day, and imposing fines on persons for infringing such bylaws to the amount of $50 and costs over and above the amount of the licence fee; and such fine and costs and fee may be levied by distress and sale of the goods of the showman, or the goods belonging to or used in connection with the show or exhibition whether owned by the showman or not, and in addition the offenders may be imprisoned for a period not exceeding six months;

33 controlling and regulating sparring exhibitions, boxing matches and wrestling matches, and prohibiting such exhibitions or matches without the written authority of the council except where such authority is delegated to a board or commission;

34 providing for distraining and impounding animals running at large, and determining the compensation to be allowed for carrying out the provisions of the bylaw and for
services rendered with respect to, and sustenance supplied for, animals distrained or impounded; appointing poundkeepers and providing sufficient yards, buildings and enclosures for the safekeeping of such animals as it may be the duty of the poundkeeper to impound; appraising damages to be paid by the owners of animals impounded for trespassing and providing for the sale or destruction of animals impounded if they are not claimed within a reasonable time or if the damages, costs and expenses are not paid; and where the Department of Physiology of The University of Saskatchewan requests that it be supplied with unclaimed animals specified by it, the council shall direct the poundkeeper to dispose of such animals in accordance with the request;

35 classifying, licensing, regulating and governing transient traders and prescribing a schedule of licence fees to be paid by transient traders, which fees may vary as between the different classifications of transient traders;

36 subject to The Mobile Equipment Licensing Act of Alberta or The Vehicles Act of Saskatchewan, as the case may require, classifying and licensing mining contractors and well-drilling contractors who are not assessable for the purposes of a business tax and who, in the operation of a mining or well-drilling business:

(a) contract to move earth, gravel, stones or mineral of any kind within the city; or

(b) operate or offer for hire any machine, tractor, truck or appliances used in the process of drilling or of moving earth, gravel, stones or mineral of any kind within the city;

and prescribing a schedule of fees to be paid by such mining or well-drilling contractors which schedule shall be subject to the approval of the minister and which fees may be in the nature of a tax computed in any manner adopted by the council and may vary as between the different classifications;

37 licensing, controlling and regulating persons operating wood-sawing or wood-cutting machines and directing and enforcing the use of such safety devices and other precautionary measures as may from time to time be recommended by the Minister of Labour for Saskatchewan;
38 classifying, controlling, regulating and licensing all businesses carried on or to be carried on within the city that are not in this Charter specifically provided for.

AR 43/79 s127.8/2005

Business Improvement Districts

127.1 In sections 127.2 to 127.15,

(a) “board” means a board of management established pursuant to section 127.3;

(b) “business improvement district” means an area designated as a business improvement district pursuant to section 127.2(1) and shall be considered to be a business revitalization zone within the meaning of the Municipal Government Act for the purposes of any grants or assistance payable by Alberta.

AR 260/89 s2

127.2(1) The council may, by by-law,

(a) designate any area within the city as a business improvement district, or

(b) enlarge or modify the area of any existing business improvement district.

(2) The council shall send a notice of its intention to pass a by-law pursuant to subsection (1) by mail to every person who is shown in the last revised assessment roll of the city as being assessed for business assessment in the area and no such by-law may be passed if, within 60 days after the day on which the last notice is mailed, the clerk receives a petition signed by

(a) at least one third of the persons who are entitled to a notice pursuant to this subsection who represent at least one third of the business assessment in the area, or

(b) any number of persons who are entitled to a notice pursuant to this subsection and who represent at least one half of the business assessment in the area.

(3) The clerk shall determine and certify the sufficiency of a petition submitted pursuant to subsection (2) and his determination is final.

(4) If the council is prevented from passing a by-law by reason of a petition mentioned in subsection (2), the council may, on the expiration of 2 years from the day on which that petition is
received, again proceed under subsection (1) to designate an area as a business improvement district.

AR 260/89 s2

127.3(1) The council shall, by by-law, establish a board of management for each business improvement district.

(2) A board is a body corporate and consists of

   (a) at least one person who is a member of the council, and

   (b) any number of other persons who are assessed for business assessment in the business improvement district or who are nominees of corporations that are so assessed,

who are appointed by a resolution of the council.

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

(4) Unless sooner removed from office, a member of the board holds office until the first meeting of council following the next general election after he is appointed and until his successor is appointed, and is eligible for reappointment.

AR 260/89 s2;71/97

127.31(1) Where the city does not assess businesses pursuant to section 482, the council shall send the notice mentioned in section 127.2(2) to every person identified by the council as:

   (a) operating a business in the area proposed to be designated pursuant to section 127.2(1);

   (b) occupying premises on land or in improvements that are used for business purposes and that are in the area mentioned in clause (a); and

   (c) owning land or improvements that are used or intended to be used for business purposes that are in the area mentioned in clause (a).

(2) In cases where subsection (1) applies, the council shall not pass a bylaw pursuant to section 127.2(1) if, during the 60-day period mentioned in section 127.2(2), the clerk receives a petition signed by:

   (a) at least one-third of the persons who are entitled to notice pursuant to this section and who operate a business on land or in improvements, or own land or improvements,
Section 127.4  

representing at least one-third of the total assessment in the area of land and improvements used or intended to be used for business purposes; or

(b) any number of persons who are entitled to notice pursuant to this section and who operate a business on land or within improvements, or own land or improvements, representing at least one-half of the total assessment in the area of land or improvements used or intended to be used for business purposes.

(3) Section 127.2(3) and (4) apply to a petition pursuant to subsection (2), with any necessary modification.

(4) Where the city does not assess businesses pursuant to section 482, the persons appointed pursuant to section 127.3(2)(b) are to

(a) operate a business in the district;

(b) be nominees of corporations that carry on business in the district; or

(c) own land or improvements that are used or intended to be used for business purposes in the district.

AR 71/97 s 5; 232/2004; 219/2005

127.4 Subject to any limitations that may be set out in the by-law establishing it, a board may

(a) improve, beautify and maintain publicly-owned land, buildings and structures in the business improvement district, in addition to any improvement, beautification or maintenance that is provided at the expense of the city at large;

(b) acquire, by purchase, lease or otherwise, any land and buildings necessary for its purposes and improve, beautify, maintain or dispose of that land and buildings;

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

(d) undertake improvement and maintenance of any land for use as parking and may subsequently dispose of that land 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) conduct any studies or prepare any designs that may be necessary for the purposes of this section;
Section 127.5  THE LLOYDMINSTER CHARTER  AR 43/79

(f) contribute money to the city in which it is located for the purposes of a downtown revitalization project described in sections 127.13 to 127.15.

AR 260/89 s2

127.5 A board shall submit to the council for its approval the revenue and expenditure estimates of the board for the current year, at the time and in the form required by the Council, and shall set out in the estimates

(a) the amounts to be contributed to a board by the council from money collected from the city at large,

(b) any amounts contributed to a board by the council pursuant to section 127.9,

(c) the amounts of grants to be received by a board from other than city sources, and

(d) the amounts to be received by a board from the disposal or conveyance of land and buildings.

AR 260/89 s2

127.6(1) The council shall authorize the levy on all business assessments within the business improvement district of a uniform rate that the council considers sufficient to raise the amount required for the purposes of the proposed expenditures included in the approved estimates of the board less any revenues to be received by the board pursuant to section 127.5(a) to (d).

(2) Any levy imposed pursuant to subsection (1) may be collected in the same manner and with the same remedies as provided in this Charter for the collection of taxes on business assessments.

AR 260/89 s2

127.61(1) Where the city does not assess businesses pursuant to section 482, the council shall authorize a levy, to be paid by the owners of land and improvements that are used or intended to be used for business purposes in the district, that the council considers sufficient to raise the amount required for the purposes of the proposed expenditures included in the approved estimates of the board, less any revenues to be received by the board pursuant to section 127.5(a) to (d).

(2) The levy mentioned in subsection (1) is to be based on the assessment of all land and improvements used or intended to be used for business purposes in the district.
(3) Any levy imposed pursuant to subsection (1) is to be of a uniform rate.

(4) Notice of any levy imposed pursuant to subsection (1):

(a) is to be substantially in the form of and may be included in the tax notice mentioned in sections 445 and 446; and

(b) is to be mailed by ordinary mail or delivered to the owners of land and improvements in the district that are used or intended to be used for business purposes.

(5) Any levies payable pursuant to this section are payable at the same time as municipal taxes.

(6) Any amounts payable to the city pursuant to this section may be collected in any manner in which municipal taxes may be collected.

AR 71/97 s6;232/2004;219/2005

127.7 Subject to the other provisions of this Charter, after the budget has been approved by council and prior to the remittance of the levy, the council shall pay the cost of any claims for approved works which may be submitted by the board for payment, and the city shall recover any such payments from the levy.

AR 260/89 s2

127.8(1) The board shall expend only that money included in the estimates approved by the council and no member of the board shall authorize the expenditure of funds not previously approved by the council.

(2) No board shall incur indebtedness extending beyond the current year.

AR 260/89 s2

127.9 The council may contribute funds to a board from money collected as payments in lieu of the provision of the off-street parking facilities required by section 75 of the Planning and Development Act, 1983 and the board shall expend those funds for the acquisition, construction, operation or maintenance of parking facilities on land that does not form part of a street.

AR 260/89 s2

127.10 A board may

(a) appoint one of its members,
(b) hire any person, or
(c) by agreement with the council, arrange for the city

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

AR 260/89 s2

127.11 On or before March 1 in each year, a board shall submit its annual report for the preceding year to the council together with a complete audited and certified financial statement of its affairs, with a balance sheet and revenue and expenditure statements.

AR 260/89 s2

127.12(1) The board of management of a business improvement district ceases to exist once the by-law designating the district is repealed, and its undertakings, assets and liabilities are thereupon vested in the city.

(2) The council may repeal a by-law designating a business improvement district to take effect on December 31 in the year in which the repealing by-law is passed.

(3) Section 127.2(2) does not apply to a by-law repealing a by-law designating a business improvement district.

AR 260/89 s2

Downtown Revitalization Projects

127.13 The council may undertake a project for the purpose of revitalizing the downtown area of the city.

AR 260/89 s2

127.14(1) In addition to any other power vested in the city to dispose of land, any land of the city may be exchanged for other land, and the council may impose on the other party to the exchange any conditions regarding the improvement of the land given in exchange that the council considers expedient.

(2) Notwithstanding any other provision of this Charter but subject to the approval of the Minister, the city may lease, sell or otherwise dispose of land at a price less than its fair market value in order to carry out a downtown revitalization project, and the proceeds of any such disposition may be applied by the city

(a) to retire any debt incurred by the city in connection with the downtown revitalization project,
(b) to pay any costs associated with

(i) the preparation of any land for building, or

(ii) the relocation of services or other improvements related to the downtown revitalization project,

or

(c) if no debt or costs described in clauses (a) and (b) are outstanding, for any purpose determined by the council.

AR 260/89 s2

127.15 No long-term debt incurred by the city in connection with a downtown revitalization project is to be considered in determining whether or not the city has complied with section 206 of this Charter.

AR 260/89 s2

Shop Closing

128 In sections 129 to 134 “shop” means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail or public auction, and includes barber shops and ladies’ hairdressing, manicuring and beauty parlours, garages, filling stations and service stations.

AR 43/79 s128

129 The council may by bylaw provide for all matters or things relating to the days and hours wherein shop or any class of shops shall be permitted to remain open or shall be required to close and for such purpose may exempt shops or any class of shops or one or more classes of shops designated as to size or type from any of the provisions of such bylaw and may designated by type the merchandize that may be sold or exposed for sale during the hours such shops are permitted to be open.

AR 43/79 s129

130 The council may by bylaw require that during the whole or any part of a holiday as defined in The Interpretation Act of Alberta, The Interpretation Act of Saskatchewan or an Act of the Parliament of Canada, 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.

AR 43/79 s130
131 The council may by bylaw impose a penalty not exceeding $100 exclusive of costs, for the breach of a bylaw 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 nonpayment of the fine and costs imposed for any such breach unless the fine and costs, including the costs of committal are sooner paid.

AR 43/79 s131

132(1) Notwithstanding anything contained in this Charter, the council may by bylaw:

(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) The council may by bylaw 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 the provisions of this section.

(3) The bylaw 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 and in or by any of them; and

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

(4) Notwithstanding anything contained in this Charter or in any bylaw, and notwithstanding any system of rotation, the 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 Charter or in any bylaw, 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 such 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 such varying number of premises for service.

AR 43/79 s132

133 Where a bylaw is passed pursuant to sections 129, 130 and 132, the council may in that or another bylaw 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.

AR 43/79 s133

134 A closing bylaw does not apply to:

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

(b) a bazaar for charitable or church purposes; or

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

(i) the post office business; or

(ii) the sale of medicines and medical and surgical appliances; or

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

(iv) the sale of refreshments for consumption on the premises; or

(v) the sale of tobacco and other requisites of smokers; or

(vi) the sale of newspapers; or

(vii) the ordinary business of a railway stall or refreshment room; or

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

AR 43/79 s134

**City-owned Property**

135(1) The council may acquire for any municipal purpose such land within or outside the city as it deems expedient to acquire.

(2) Without restricting the generality of subsection (1), where the city is the registered owner of at least ninety per cent in area of the land contained in a registered plan of subdivision or of the land contained in a portion of a registered plan of subdivision and the council deems it expedient to acquire other lands contained in the plan or portion for the purpose of facilitating the convenient cultivation of the whole for agricultural purposes, the council may for that purpose acquire any of such other lands on which there are no buildings.

(3) The council may purchase land within or outside the city for resale or lease for residential, industrial or commercial purposes and may, prior to disposing of the land or any part thereof, subdivide the land for building purposes.

(4) If the council desires to acquire land for any purpose authorized by this Charter and cannot acquire the land by agreement with the owner, the council may take expropriation proceedings under *The Expropriation Act* of Alberta or *The Municipal Expropriation Act* of Saskatchewan, as the case may require.

AR 43/79 s135

136(1) When the council or commissioners desire to undertake any work or enterprise authorized by law and for the purpose of carrying out the work or enterprise it may become necessary to acquire any land, or any land may be injuriously affected thereby, the council or commissioners, if it or they deem it expedient, may acquire any adjoining land, or the land liable to be injuriously affected, and may hold, lease, sell or otherwise dispose of the surplus of any land so acquired, over and above the land required for the work or enterprise.

(2) Without restricting the powers conferred by subsection (1) or by any other provision of this Charter, where it appears to the council when exercising any of its powers to acquire land, that it would be to the advantage of the city to acquire an area of land in addition to the area actually required, the council may by agreement with the owner acquire the additional area, and may hold it or lease, sell or otherwise dispose of it or of any part of it
that is not required for the purposes of the city but in case of a sale Part VIII applies mutatis mutandis.

AR 43/79 s136;232/2004

137(1) Land acquired by the city may be held, improved and used, or when in the opinion of the council it is no longer required for the use of the corporation it may, subject to paragraph 1 of section 149 be leased, sold or otherwise disposed of without the matter being referred to the electors.

(2) Subject to paragraph 1 of section 149, land acquired by the city may be exchanged for other land on the basis of their respective assessed values, and the council may impose upon the other party to the exchange such conditions regarding the improvement of the land given in exchange as may be deemed expedient.

(3) The city may convey or dispose of land for the purpose of providing a site for a hospital, school or a public library or for any use by the Government of Saskatchewan, the Government of Alberta, the Government of Canada or any agency of any of those governments, at such price as may be agreed upon or by way of gift.

(4) The provisions of Part VIII respecting prior notice of sale do not apply to land conveyed or disposed of under subsection (3).

AR 43/79 137;438/82;232/2004

138 The city shall not lease, sell or otherwise convey or dispose of a site for industrial or commercial purposes at a price less than the fair market value of the interest so conveyed or disposed of.

AR 43/79 s138

139 Except in cases falling within section 136 or 138, the decision of the council as to the time when, the manner in which, the price for which, or the person to whom, any property of the city that the council may lawfully sell shall be sold, is not open to question, review or control by any court, if the purchaser is a person who may lawfully buy and the council acted in good faith.

AR 43/79 s139

140(1) Notwithstanding anything in this Charter, the council may, with the consent of the minister, by bylaw provide for the leasing of all or part of any land that has been dedicated or set apart as a public park.

(2) The consent may be given only if it appears to the minister that the interests of the public will not be materially affected by the
lease, and a consent so given may be withdrawn at any time by the minister.

(3) Every lease entered into pursuant to this section shall provide that, if such consent is withdrawn, the term granted by the lease shall cease and determine on the thirty-first day of December next following the withdrawal of the consent, unless otherwise sooner determined and ended.

141 The council may, upon securing a permit from the Minister of Health for Saskatchewan, establish or acquire and operate an auto camp, trailer camp, mobile home camp or tourist camp, including the dispensing of food, gasoline, lubricating oil and grease to any registered occupant of the camp.

142 The council may pass bylaws for the acquisition or erection of buildings, either separately or in conjunction with other structures that may be acquired or erected, for the purpose of conducting any business that the city is empowered to operate or for the purpose of leasing such buildings or any portion thereof and the acquisition of a site for such buildings or any of them.

143 The council may pass bylaws for leasing or acquiring land within or outside the city for the purpose of constructing or extending an airport, and providing for the improvement and maintenance thereof, subject to any Act of the Parliament of Canada and any regulations thereunder.

144(1) The city may, with the approval of the minister, expend in any year such sum or sums as may be designated by him to meet all or part of the cost of erecting or purchasing houses and the land used in connection therewith, or of acquiring other suitable accommodation for residential purposes, and renovating, remodelling or modernizing any dwelling owned by it or in respect of which the city has made a contribution towards the erection or purchase thereof.
(2) The city may sell or lease property acquired under subsection (1) or may enter into an agreement with the owner of a dwelling in respect of which the city made a contribution towards its erection or purchase for the repayment by him, upon such terms as may be agreed upon, of the amount expended by the city in making the contribution or in renovating, remodelling or modernizing the dwelling.

AR 43/79 s144

145 Notwithstanding sections 138 and 181, the council may:

(a) enter into an agreement with a railway company providing for the relocation or removal of specific portions of their rail lines that are located within the city, and for ancillary or necessary works in connection therewith, on such terms as to the costs thereof and subject to such financial arrangements as the parties may agree;

(b) acquire any lands within or outside the city for the purpose of relocating the rail lines or station grounds, or both, of a railway company and sell, lease or otherwise dispose of any land owned by the city to a railway company for either or both of those purposes; and

(c) subject to section 199, borrow such sums as are required to meet the expenditures incurred by the city under the authority of this section.

AR 43/79 s145

Public Services and Municipal Undertakings

146(1) The council may accept in the name and on behalf of the city any bequest, gift or devise, whether by will, trust deed or in any other manner, of pictures, paintings or objects of art or of moneys or other property, real or personal, bequeathed, given or devised for the purpose of encouraging the study of art.

(2) The council may by bylaw establish, maintain and operate a civic art gallery.

(3) A bylaw under this section may provide that the general management, regulation and control of a civic art gallery established under this section shall be vested in and exercised by a board of management and may also provide for the manner of appointment or selection of such board and for its constitution, powers and duties.

AR 43/79 s146

76
147(1) Where the council acquires land for the establishment of a civic centre, with a view to grouping together in a central location the civic offices and other buildings of a public character, the council may pass bylaws prescribing the height, structural character and architectural features of all buildings on lands fronting on or adjoining the civic centre and the uses to which those buildings may be put, and prohibiting the use of any buildings on such fronting or adjoining lands for the exhibition of advertisement boardings, or the holding of travelling shows, or for any other purpose that the council may deem aesthetically offensive or obnoxious, having regard to the character of the locality as a civic centre.

(2) The council is not liable, in respect of such bylaws or the enforcement thereof, to make compensation to the owners or occupiers of land or buildings affected thereby, except in the event of a building having to be taken down, removed or altered in consequence of the bylaws, in which case the amount of compensation shall, failing agreement, be determined by arbitration in the manner provided for by The Expropriation Act of Alberta or The Municipal Expropriation Act of Saskatchewan, as the case may require.

AR 43/79 s147

148 A person who is the registered owner of real property in the city upon which no building, structure or fixture is situated may, without consideration therefor, present to the city a registrable transfer of the property naming the city as the transferee of the property and the city shall, if there are no monetary encumbrances recorded in respect of the property in the land titles office for the land registration district in which the property is situated, if there are no monetary encumbrances otherwise against the property of which the city is aware and if no taxes are due and owing in respect of the property, forthwith present the transfer for registration in that land titles office.

AR 43/79 s148

149 The council may pass bylaws for all or any of the following purposes:

1 acquiring land within or outside the city for a public park, forest area, garden or walk, or for athletic grounds, playgrounds, parking areas or a place for exhibitions, and providing for the disposal thereof when no longer required for the purpose or when deemed advisable by the council; but no land purchased for any of the above purposes shall be sold or disposed of in any way except after publication once a week for two successive weeks, in a newspaper published or circulating in the city, of a notice of intention
to do so and, if a petition for a vote on the proposed sale or disposal, signed by 10 electors or the number of electors equivalent to 5% of the population as shown by the latest federal census whichever is greater is filed with the clerk before the expiration of ten days from the date of the last publication of the notice, after submission of a bylaw to a vote of electors and the assent of a majority of the electors voting thereon;

2 establishing or acquiring and maintaining and operating museums, zoos and wild animal parks either within or outside the city;

3 accepting and taking charge of land within or outside the city dedicated for a public park, garden or walk for the use of the inhabitants;

4 with the consent of the minister, governing the leasing of land dedicated for a public park or for athletic or exhibition grounds, to any association organized for the purpose of fostering an interest in athletics or exhibitions, and providing for a charge for admission to such grounds, whether or not so leased;

5 constructing or acquiring and operating exhibitions, theatres, civic auditoriums, recreational facilities and places of amusement and establishing committees for the purpose of the planning or operation thereof;

6 authorizing the incorporation of a company, or acquiring some or all of the shares of an incorporated company, formed for the purpose of constructing or acquiring, maintaining and operating civic auditoriums or art galleries or museums or conservatories or zoos or wild animal parks and carrying out all related activities, provided that the city shall have and retain the controlling interest in the company;

7 providing assistance to a company operating pursuant to a bylaw passed under paragraph 6 by:

(a) making payment out of any funds of the city to the company for the purpose of meeting capital and operating costs either by way of grant or upon such terms or repayment and with such security as may be deemed advisable;

(b) conveying lands to the company by grant or for such consideration and upon such terms of payment therefor as may be deemed advisable;
(c) without limiting the generality of any of the foregoing, exercising all privileges of ownership of any shares in the company to the same degree as would be permitted in the case of an individual owner thereof;

(d) exempting the land and buildings of the company from taxation;

8 purchasing, maintaining and controlling a cemetery within or outside the city and preventing or regulating the burial of the dead within the city;

9 constructing municipal, convention and memorial halls, and lock-ups, weigh houses, markets and all such buildings as may be required by the city and acquiring lands therefor;

10 establishing and regulating public markets and stockyards, and imposing penalties for any breach of contract in public markets, and restraining or preventing selling on the streets; providing shelter for animals and vehicles in connection with such markets, charging fees for the use of such shelter, and imposing market fees in respect of articles or animals brought to market for sale or disposal;

11 establishing scales for weighing or measuring, and compelling the weighing or measuring thereon of anything sold by weight or measurement, establishing or regulating fees to be paid for weighing and measuring on such scales, compelling dealers in coal to weigh upon such scales all coal sold by them if requested to do so by the purchaser, or by an inspector appointed by the council for the purpose, and prohibiting the owners of private scales from charging fees for the use thereof when such scales are in operation;

12 regulating and controlling the use of wells, springs and other sources of supply of water for the city, making provision for a supply of water for the city, regulating the use thereof and the rates to be paid therefor and preventing the contamination of any stream of water flowing through or past the city;

13 regulating and controlling the use by the public of property owned or controlled by the city.

AR 43/79 s149;438/82;548/82

150(1) Where a company or society has been incorporated for the purpose of promoting, managing or conducting any provincial,
interprovincial, national or international sports or athletic event within the city and the company is one:

(a) which is not formed for the purpose of gain and which is prohibited from paying any dividends to its members or from distributing its property among its members; and

(b) whose memorandum of association or application for incorporation provides that upon completion of the event for which it was formed, any surplus which it has made together with all assets remaining after paying its liabilities shall be turned over to the city to be used for sports, athletic or recreational purposes or which has entered into an agreement with the city to a like effect;

the council may pass a bylaw for the purpose of providing assistance to such company.

(2) The council may grant assistance to a company or society under subsection (1) by:

(a) becoming a member of the company;

(b) making payment out of any funds of the city for the purpose of meeting capital or operating costs either by way of grant or upon such terms as to repayment and with such security as may be agreed upon;

(c) conveying, leasing or otherwise disposing of land to the company by grant or gift or for such consideration as may be agreed upon;

(d) making any facilities owned by the city available to the company without charge or upon such terms as may be agreed upon;

(e) guaranteeing the liabilities of the company and agreeing to assume any deficits of the company;

(f) exempting the company from taxation.

(3) A bylaw passed pursuant to subsection (1) shall be of no effect until it is approved by the minister.

AR 43/79 s150

151(1) Subsection (2) of section 187 shall not apply to any grants or gifts made pursuant to section 150.
(2) Sections 199 and 203 shall not apply to any guarantee or agreement made pursuant to clause (e) of subsection (2) of section 150.

Protection of Person and Property

152 The council may pass bylaws for all or any of the following purposes:

1 generally establishing such measures as the safety and welfare of the city may require for the prevention and extinguishment of fires, and in particular for:

(a) prohibiting or regulating and controlling the storage of inflammable liquids in and about any building, the location of which may be specified in the bylaw;

(b) preventing or controlling the storage of gunpowder and other combustible, explosive or dangerous materials within the city;

(c) regulating the installation of stoves and stove pipes or other apparatus or things that may be dangerous in causing or promoting fires, and enforcing the proper cleaning of chimneys, flues and stove pipes;

(d) requiring buildings and yards to be kept in a safe condition to guard against fire or other dangerous risk or accident; and regulating the removal and safekeeping of ashes;

(e) regulating the conduct and enforcing the assistance of persons present, for the preservation of property at fires; pulling down or demolishing buildings or other erections when deemed necessary to prevent the spread of fire; and providing compensation for loss or damage sustained by reason of the said pulling down or demolishing; and in all cases where a building is pulled down or demolished by the order of anyone acting under the authority of the council, the council shall compensate the owner for the amount of insurance to which the owner would have been entitled had the building been burned;

(f) adopting and constituting as fire regulations:
(i) the regulations known as the National Fire Code or the regulations, if any, consolidating or revising those regulations; or

(ii) the said regulations with the exception of any specified provisions thereof; or

(iii) any specified provisions of the said regulations; and

(iv) any amendments to the said regulations;

with or without modifications, either in place of or in addition to any regulations made under clauses (a) to (e) of this paragraph, or any of them;

2 providing protection from fire including the purchase of engines and equipment, and compelling the building of fire walls;

3 entering into a contract with any town, village, rural municipality, county or persons upon such terms and conditions as may be agreed upon for the use of the firefighting equipment of the city in extinguishing fires outside the city, or permitting the use of that equipment in extinguishing fires outside the city and charging for such services where no contract has been entered into and a request for such services is made by a town, village, rural municipality, county or any of its officers or by any person;

4 regulating the use of explosives in the city;

5 prohibiting or regulating and controlling the discharge of guns and other firearms, air-guns and spring guns, or any class or type thereof, in the city or any specified part or parts thereof;

6 classifying fireworks and:

(a) prohibiting or regulating and controlling the sale of fireworks, or of any specified class or classes thereof, in the city;

(b) prohibiting or regulating and controlling the setting off in the city, or in any specified part or parts of the city, of fireworks or any specified class or classes thereof;

(c) prescribing conditions under which a display of fireworks or any specified class or classes thereof
may be held in the city or in any specified part or parts of the city;

7 preventing the flooding of basements or cellars connected with the city sewerage system by compelling the owner to install and operate a suitable gate valve or other mechanical device for the purpose of cutting off or controlling the connection between the sewerage system and the cellar or basement;

8 preventing the obstruction of the halls, aisles, passageways, alleys or approaches in a church, theatre, hall or other place of public meeting during the occupation thereof for a public assemblage;

9 providing for the protection of trees on private property from insect pests, and entering upon such property for the purpose and for charging the cost to the owner of the property;

10 prohibiting or regulating and controlling the use of barbed wire within the city or any part thereof;

11 respecting the construction, erection, repair or demolition of private swimming pools within the city and prescribing, regulating and enforcing the use of safety measures in connection with such pools;

12 prohibiting, eliminating or abating noise.

Regulation of Private Property and Public Health Matters

153(1) The council may provide for the control of untidy and unsightly premises, including premises on which the uncontrolled growth of any kind of weed is permitted, and may authorize a person to declare any premises untidy and unsightly.

(2) The person designated under subsection (1) may in writing:

(a) order the owner or occupant of the premises to remedy the untidiness and unsightliness within such time as may be specified in the order; and

(b) notify the owner or occupant that, if he fails to comply with the order, the city may have the work done at his expense and the estimated cost thereof; and

(c) notify the owner or occupant that a period of ten days is allowed for him to appear before the council and show
A notice mentioned in subsection (2) shall be served on the owner or occupant:

(a) personally;

(b) by registered mail sent to his last known address as shown on the assessment roll or in the records of the appropriate land titles office; or

(c) by publication in one issue of a newspaper published or circulating in the city.

(4) If the owner or occupant does not within the said period of ten days satisfy the council that the work should not be proceeded with, the council may proceed to have the work done and the cost of the work shall be added to and form part of the taxes on the land constituting the premises.

154(1) The council may by resolution or by bylaw declare any basement, excavation, drain, ditch, watercourse, pond, surface water or any other matter or thing in or upon any private land, or in or about any building or structure, a nuisance and dangerous to the public safety or health, and by such bylaw or resolution as may be directed therein order that the basement, excavation, drain, ditch, watercourse, pond, surface water, matter or thing shall be removed, pulled down, filled up or otherwise dealt with by the owner, agent, lessee or occupier thereof, as the council may determine and within such time after the service of the order as may be therein named.

(2) A placard shall be posted at or near the locality of the nuisance so declared giving the order provided for herein, and the order shall be served personally upon the owner, agent, lessee or occupier of the premises or published in one issue of a newspaper published or circulating in the city.

(3) If the owner, agent, lessee or occupier does not comply with an order made under subsection (1) within the time specified therein, the council may proceed to have such work done as it considers necessary for the purpose of carrying out the order, and the cost of the work shall be added to and form part of the taxes on the land on which the work was done.

155(1) In this section “junked vehicle” means any automobile, tractor, truck or trailer that:
(a) has no currently valid licence plates attached thereto;

(b) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and

(c) is located on private property, but is not within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the city and that does not form a part of the business enterprise lawfully being operated on that property.

(2) Where an owner or occupant of property keeps or permits to be kept thereon a junked vehicle, the council may serve a notice on such owner or occupant, as the case may be, which notice shall set out the time and place of a council meeting at which the owner or occupant, as the case may be, may appear to show cause why the junked vehicle should not be removed from the property and destroyed or otherwise disposed of.

(3) A notice under subsection (2) shall be served upon the owner or occupant:

(a) personally, not less than three days before the day fixed for the meeting mentioned in the notice; or

(b) by registered mail sent to his last known address as shown on the assessment roll or in the records of the appropriate land titles office not less than ten days before the day fixed for the meeting mentioned in the notice;

but, where the property is vacant and is owned by a person who does not reside in the city, the notice shall be deemed to be served when it is sent in accordance with clause (b).

(4) Notwithstanding subsection (3), where a junked vehicle is located on vacant property and the address of the owner is unknown to council, the notice mentioned in subsection (2) shall be published in at least two issues of a newspaper circulating in the city, the last publication of which shall be not less than three days before the council meeting mentioned in the notice.

(5) Where the owner or occupant, as the case may be:

(a) does not appear before council pursuant to the notice under subsection (3) or (4), as the case may be; or

(b) appears before council and fails to satisfy the council that the junked vehicle should not be removed from the property and destroyed or otherwise disposed of;
the council or its agent or employee authorized by it for the purpose may remove the junked vehicle from the property and destroy it or otherwise dispose of it and the cost of removing and destroying or disposing of the vehicle may be added to, and when so added shall form part of, the taxes on the land constituting the property.

(6) The council shall be the sole judge as to whether or not an automobile, tractor, truck or trailer, as the case may be, is a junked vehicle within the meaning of subsection (1).

(7) No action lies against the city or its agent or employee for any reasonable or necessary acts omitted in connection with the removal, destruction or disposal of a junked vehicle in accordance with this section.

156 The council may pass bylaws for all or any of the following purposes:

1 subject to The Public Health Act or any other Act affecting the public health and any regulations made thereunder, providing for the health of the city and against the spread of communicable diseases, and appointing and defining the duties of a health officer and assistants;

2 regulating the sale of any articles used for food or drink and providing for the inspection thereof and for seizure and forfeititure of such articles offered or exposed for sale contrary to law;

3 requiring the pasteurization of all milk and cream that is to be offered for sale or is to be consumed within the city;

4 subject to The Water Resources Management Act and any regulations thereunder and notwithstanding the provisions of any other Act or of any agreement heretofore or hereafter made:

(a) preventing or restricting, controlling and regulating the discharge into any stream, watercourse, drain, sewer or sewerage system of any deleterious matter, substance or thing, whether liquid or solid, that would be injurious to health, life or property, or injure, pollute or damage any stream, watercourse, drain, sewer, sewerage system or sewage treatment plant;

(b) providing for and regulating and controlling the preliminary treatment of any sewage or other
deleterious matter, substance or thing, whether liquid or solid, before it is discharged into any drain, sewer or sewerage system;

(c) compelling owners or occupants of land to construct and properly maintain such works as the council may deem necessary for the proper treatment of any sewage or other deleterious matter, substance or thing whether liquid or solid, before it is discharged into any drain, sewer or sewerage system and preventing any such discharge where such works have not been so constructed or are not so maintained;

5 providing for the proper scavenging of the city, licensing and regulating scavengers and fixing a schedule of rates to be charged by scavengers;

6 defining and classifying “ashes”, “garbage” and “refuse”, and:

(a) establishing and maintaining a system for the collection, removal and disposal of garbage or of garbage and refuse or of ashes, garbage and refuse throughout the city, either at the expense of the city or of the owners or occupants of the lands in respect of which the service is rendered, or at the expense of the city with respect to any defined area or areas and at the expense of such owners or occupants with respect to any other defined area or areas, or at the expense of the city with respect to any defined class or classes of premises and at the expense of such owners or occupants with respect to any other defined class or classes of premises, or at the expense of the city with respect to any defined class or classes of ashes, garbage and refuse and at the expense of such owners or occupants with respect to any other defined class or classes; and where, pursuant to a bylaw, such collection, removal and disposal is done by the city at the expense of an owner or occupant of land and the sum or part of the sum payable for the collection, removal and disposal remains unpaid on the thirty-first day of December of the year in which the sum became payable, the sum or part thereof that remains unpaid shall be added to and form part of the taxes on the land in respect of which the collection, removal or disposal was done;

(b) requiring the removal and disposal of garbage or of garbage and refuse or of ashes, garbage and refuse by the owners or occupants of the lands or premises on
which the same originates or originate, or by any defined class or classes of such owners or occupants, and providing for removal and disposal by the city at the expense of owners or occupants who fail to comply with the bylaw; and where, pursuant to a bylaw, such removal and disposal is done by the city at the expense of an owner or occupant of land and the sum or part of the sum payable for the removal and disposal remains unpaid on the thirty-first day of December of the year in which the sum became payable, the sum or part thereof that remains unpaid shall be added to and form part of the taxes on the land in respect of which the collection, removal or disposal was done;

(c) compelling owners and occupants of land to provide such receptacles as may be specified in the bylaw for ashes, garbage and refuse and in default thereof to provide such receptacles at the expense of the owner or occupant and if the charges or part of the charges for providing the receptacles remain unpaid on the thirty-first day of December of the year in which the charges became payable, the charges or part thereof that remain unpaid shall be added to and form part of the taxes on the land in respect of which the receptacles were provided;

(d) erecting and maintaining such buildings, machinery and plant as may be deemed necessary for the collection, removal and disposal of ashes, garbage and refuse or contracting with some person for the collection, removal and disposal by him of the ashes, garbage and refuse, upon such terms and conditions as may be deemed expedient;

(e) prohibiting the handling of or interfering with or removal of ashes, garbage and refuse, or any receptacle therefor, by persons not authorized or required by the bylaw to handle or remove the same;

(f) prohibiting the removal of garbage and refuse from a public hotel, boarding house or restaurant, for use as food for swine or other livestock, except under the authority of a permit issued by the medical health officer, conferring discretionary powers upon the medical health officer with respect to the issue of permits, governing applications for permits, the conditions precedent to the granting of permits, duration of permits, suspension and cancellation of permits and the fees to be paid for permits;
(g) prohibiting or regulating and controlling the outdoor incineration of garbage and refuse or garbage and refuse of any defined class or classes;

(h) compelling owners and occupants of land to provide outdoor incinerators of a kind specified in the bylaw for the incineration of garbage and refuse, or garbage and refuse of any defined class or classes, originating on such land, and in default thereof to provide such incinerators at the expense of the owner or occupant and if the charges or part of the charges for providing the incinerators remain unpaid on the thirty-first day of December of the year in which the charges became payable, the charges or part thereof that remain unpaid shall be added to and form part of the taxes on the land in respect of which the incinerators were provided;

(i) requiring owners and occupants of land to dispose of all garbage and refuse, or garbage and refuse to any defined class or classes, originating on such land, by incineration thereof on the premises in the manner and subject to the conditions specified in the bylaw;

7 prohibiting or restricting, controlling and regulating the placing or depositing of such rubbish as may be designated in the bylaw upon any street or lane or in any park, public place or watercourse and compelling the removal of such rubbish by the party so placing or depositing it and the placing of the rubbish where ordered by the council either within or outside the city;

8 providing for the summary removal from any building or other erection, or from any lot, of such rubbish as may be designated in the bylaw or directing that any such rubbish shall be removed or otherwise dealt with by the owner, agent, lessee, occupier or other person designated in the bylaw;

9 subject to The Public Health Act and any rules or regulations made thereunder:

(a) preventing and controlling the erection and use of slaughter houses within the city;

(b) inspecting and regulating slaughter houses and dairies, as well as all other places within the city where food is produced or kept that is intended for sale or human consumption;
(c) making and enforcing building and sanitary regulations with regard to all places mentioned in clause (b);

(d) establishing and maintaining public slaughter houses;

(e) inspecting and approving or condemning and destroying at the time of or subsequent to slaughter all animals or parts of animals the meat of which is to be or is offered for sale within the city and providing for the marking of such meat as “approved” or “condemned” by an inspector duly appointed by the city, or by the Government of Canada under the Meat and Canned Foods Act (Canada);

(f) prohibiting the selling of meat within the city that is not marked as “approved” under clause (e);

10 acquiring, purchasing, erecting, maintaining, regulating and operating a hospital;

11 erecting and maintaining a health centre;

12 prohibiting or controlling the construction of privies, cesspools, septic tanks and other sanitary conveniences, controlling their location and maintenance and providing for the keeping of them in a proper state of cleanliness;

13 regulating and controlling the use of nuisance grounds owned or used by the city;

14 prohibiting or regulating bathing or washing the person in any public water in the city;

15 uniting with the councils of other municipalities or counties or with other municipalities or counties and the Government of Alberta or of Saskatchewan, in the organization of health regions or health districts consisting of a number of municipalities and counties, or combining with the councils of other municipalities and counties, in the maintenance of a medical and sanitary staff for the services of their combined areas; and in either case contributing such share of the expense as may be agreed upon or as may be fixed by order of the Lieutenant Governor in Council or by complementary orders in council, as the case may require.

AR 43/79 s156
Utilities

157(1) The provisions of The Municipal Public Works Act are deemed to be incorporated in this Charter and the city shall, with respect to public works of the various classes therein mentioned, possess all the powers and remedies conferred by the said Act, whether or not the works have been heretofore or are hereafter constructed under bylaws purporting to be passed under the authority thereof.

(2) Section 50 of The Municipal Public Works Act does not apply to money borrowed or debentures issued after the twenty-fourth day of June, 1915.

158 Repealed AR 262/95 s2.

159(1) Where a sewer has heretofore been or is hereafter constructed in the city, the council may by bylaw provide that persons who own or occupy premises drained or that are by bylaw required to be drained into the sewer shall be charged a reasonable rent or service charge for the use of it.

(2) A bylaw under subsection (1) may prescribe the times when and the manner in which the rent or service charge is to be paid, may classify the sewage according to its nature, the premises drained according to the size and character of the buildings comprised therein, the uses to which they are put or the nature of the business conducted upon the premises, and may fix different rates for different classes.

(3) Rents or service charges charged under this section may be levied and collected in the same manner as taxes that are not a lien upon land.

(4) In this section the word “sewer” includes a common sewer and a drain.

160 The council may enter into an agreement with the council of a rural municipality or county to provide for the use of ditches along roads in the rural municipality or county, other than provincial highways, for drainage of effluent from sewage lagoons owned by the city.

161(1) The council, with the approval of the Alberta Utilities Commission, may by bylaw:
Section 162

THE LLOYDMINSTER CHARTER

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

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

for any period not in excess of 20 years.

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

(3) The provisions of section 311 of The Municipal Government Act of Alberta relating to the requirement of advertising and if necessary submitting the matter to a vote of the burgesses apply mutatis mutandis to a bylaw passed pursuant to this section.

(4) A special franchise contract heretofore entered into which is currently in effect, shall be deemed to have been entered into under this Charter and this Charter applies with respect to the contract.

162 The council, with the approval of the Alberta Utilities Commission, may enter into a contract with any person to supply light, power, natural gas, artificial gas or water to the city for the use of the city’s public utility for any period not in excess of twenty years.

163(1) An application for approval by the Alberta Utilities Commission of any contract, together with any special franchise conferred in respect thereto, entered into pursuant to subsection (1) of section 161 or section 162 or any renewal of such a contract or special franchise, shall be made to the Commission prior to or forthwith after the first reading of the bylaw.

(2) Any such contract entered into pursuant to subsection (1) of section 161 or section 162, whether or not it contains an express provision to that effect, is subject to the following conditions, namely:

(a) that no such contract or special franchise conferred in respect thereto may be altered or renewed without the approval of the Commission;

(b) that any renewal may be for a period not exceeding ten years from the expiration of the contract; and
(c) that, if either party refuses to renew the contract, or if the parties fail to agree as to the conditions of the renewal, then the council, subject to the consent of the Commission, may purchase all the rights of the contractor in all matters and things under the contract and in all apparatus and property used for the purposes thereof, for such price and on such terms as may be agreed upon with the contractor in all matters and things under the contract and in all apparatus and property used for the purposes thereof, for such price and on such terms as may be agreed upon with the contractor, or failing such agreement, then for such price and on such terms as may be fixed and settled by the Commission on the application of either of the parties.

(3) If any such contract is not renewed on or before the expiration of the original term, or of any renewal thereof, or if the council does not complete the purchase of the subject matter thereof, then the contract continues in effect until such time as either party, with the approval of the Commission, terminates it on six months’ written notice given to the other.

(4) When pursuant to this Charter or any Act, an area is or has been heretofore annexed to, or included in the city, a special franchise with respect to the area, or a contract for the supply of light, power, natural gas or water to persons resident in the area, that has been conferred or entered into by the governing authority previously having jurisdiction in the area and that has become operative therein shall be deemed to have been conferred or entered into on its original date by the council of the city and to have become operative therein and sections 161 and 162 and this section apply mutatis mutandis to the special franchise or contract.

164(1) Where the city proposes to purchase, lease or otherwise acquire:

(a) the property and rights of a franchise holder or contractor pursuant to section 163, subsection (2), clause (c);

(b) from an owner, a utility system described in section 2, clause (cc);

the provisions of section 311 of The Municipal Government Act of Alberta relating to the requirement of advertising and if necessary submitting the matter to a vote of the burgesses apply mutatis mutandis to a bylaw passed pursuant to this section.

(2) This section does not apply to the purchase, lease or other acquisition by the city of the property and rights of a franchise.
holder operating within an area annexed to or amalgamated with the city if the city is itself the owner of and engaged in the operation of the same utility.

AR 43/79 s164

165 The council may pass bylaws for all or any of the following purposes:

1 acquiring, constructing, maintaining and operating a municipal transportation system;

2 building, erecting, buying or leasing, controlling and operating any electric light, heat or power plant, gas or waterworks plant;

3 authorizing the payment of a sum of money to Saskatchewan Power Corporation to meet the cost, or part thereof, of construction of a power transmission line to connect the city with the corporation’s system or of a system of street lights and also a power distribution system within the city, and for assessing and levying the amount of such payment in one or more years as the council may determine;

4 constructing and maintaining such sewers, drains and ditches, either within or outside of the city, as may be required to secure the proper drainage of the city, and disposing of the sewage.

AR 43/79 s165

Public Accommodation

166(1) The council has power:

(a) to license public hotels and other places of public accommodation, and to adopt by bylaw regulations with respect to the licensing and the conduct, management, appointments and inspections of all such places, and to enforce such regulations by means of penalties;

(b) to refund in whole or in part any taxes, other than school taxes, paid by any licensee of a public hotel;

(c) to provide for the establishment of a public rest and reading room, and to make rules and regulations for the conduct and maintenance thereof;

(d) to provide sample rooms for the convenience of commercial travellers, and to fix the fees for the use of such rooms;
(e) to make suitable arrangements for the care and maintenance, by the licensee of any public hotel or other place of public accommodation, of any library that the council may desire to install.

(2) Notwithstanding clause (a) of subsection (1), the council may by bylaw make regulations, either in addition to or in place of any adopted under the said clause (a), governing the operation, management, hours of business and inspection of restaurants situated in or within a specified distance from any class or classes of restricted areas where such areas are defined by a zoning bylaw of the city.

167(1) The clerk or other designated officer shall, when the council has made provision by bylaw for licensing public hotels or other places of public accommodation, give public notice thereof in such manner as the council may determine.

(2) Within thirty days from the date of publication of the notice every person who owns, conducts or manages a public hotel or other place of public accommodation required to be licensed shall apply to the clerk for a licence.

(3) A person who, after the expiration of sixty days from the date of publication of the notice, owns, conducts or manages a public hotel or other place of public accommodation required by the council to be licensed, without having applied for and obtained a licence, is on summary conviction liable for a first offence to a fine not exceeding $25 and for a subsequent offence to a fine not exceeding $60.

168(1) A person desirous of conducting a public hotel or other place of public accommodation shall make application for a licence in form 3 to the clerk and the clerk shall, at the next sitting of the council after receipt of the application, submit it to the council for its consideration.

(2) In addition to the information contained in form 3, the applicant for a hotel licence shall furnish such information as the council may require.

169(1) The council, if satisfied that the applicant is a fit and proper person to conduct a public hotel or other place of public accommodation and that the premises to be used are necessary and suitable for the purpose, may by resolution instruct the clerk or other designated officer to issue the licence applied for.
(2) The licence shall be in form 4.

(3) The fee payable in advance for a licence for a public hotel shall be such as the council may determine, but shall not exceed $10.

(4) Section 261 does not apply to such fee.

(5) The fee payable in advance for a licence for a boarding house or restaurant shall be such as the council may determine.

Every annual application for the renewal of a licence shall be filed with the clerk and all such applications shall be dealt with by the council in the manner herein provided for first applications.

Every person licensed to conduct a public hotel or other place of public accommodation shall cause his licence to be framed and continuously exhibited in a conspicuous public position on the licensed premises.

A licensee who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding $25.

A person not a licensee of a public hotel who causes to be displayed in or on any building or in any manner connected therewith any document or other paper purporting to be a public hotel licence, or any sign intended to cause the public to believe that the building is a public hotel, or that the owner or any occupant thereof has been licensed to conduct it as a public hotel, is guilty of an offence and liable on summary conviction to a fine not exceeding $100 and in default of payment thereof to imprisonment for one month.

Every public hotel or other place of public accommodation licensed pursuant to this Charter shall be conducted in accordance with bylaws, rules and regulations enacted by the council in that behalf.

Written notice of suspension or revocation under subsection (1) of section 119 of a licence granted in respect of a place of public accommodation shall be forthwith served by the clerk or other designated officer on the licensee personally or on a
person in his employ, and upon receipt of the notice the licensee or employee shall forthwith cease to exhibit the licence on the licensed premises.

(2) A licensee or employee who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding $100 and in default of payment to imprisonment for fourteen days.

175 The council may rent, lease, purchase or otherwise acquire any building or land that it desires to use in any way for the purpose of providing public accommodation.

176 Upon acquiring property for the purpose of providing public accommodation the council may:

(a) furnish the premises so acquired;
(b) provide for the management of the premises;
(c) do all other acts and things deemed necessary or advisable to have the premises conducted and managed successfully and economically as a place of public accommodation.

177 All moneys required for carrying out the provisions of sections 166, 175 and 176 may be provided from the general revenues of the city or by the issue of debentures or other securities.

178(1) For the purpose of aiding in the establishment of a public rest and reading room in any public hotel or other place of public accommodation in the city and of providing for the care of any library that the council may desire to install in such hotel or place of public accommodation, the council may pay such sums as may be deemed advisable but not exceeding $200 annually to the licensee of the hotel or place of public accommodation.

(2) For the purpose of better carrying out the provisions of this section the council may enter into an agreement with the licensee of any public hotel or other place of public accommodation for the purposes mentioned, and such agreement shall set forth the terms and conditions under which and the times when the grants provided for in subsection (1) shall be payable to the licensee.
Section 179

THE LLOYDMINSTER CHARTER

Miscellaneous

179(1) The council may by bylaw, approved by complementary orders in council, adopt a crest and coat of arms for the city.

(2) A person who, without the authority of the council, assumes or uses the crest and coat of arms of the city, or any heraldic emblem so nearly resembling the same as to be calculated to deceive is guilty of an offence and liable on summary conviction to a fine not exceeding $50 for every day during which the offence continues.

(3) The city shall have a seal which shall be kept in the custody of the clerk who shall cause the seal to be affixed as required by law or by order of the council.

AR 43/79 s179

180 The council shall have no power to give any person an exclusive right of exercising any business or special franchise within the city except in cases where such power is conferred expressly or by necessary implication in this Charter or any Act.

AR 43/79 s180

181 Subject to any special Act of Alberta or Saskatchewan, the city shall not bonus in any manner, exempt from taxation beyond the current year, subscribe for stock in, or guarantee the payment of any bonds or debentures issued by, any industrial or commercial undertaking, or any railway company other than an incorporated street railway company operating within or near the city.

AR 43/79 s181

182(1) The council may pass bylaws regulating the time after which children shall not be in a public place at night without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hour appointed and may classify children by age groups and vary the times for each age group.

(2) A child found in a public place after the time appointed may be warned to go home by any constable or peace officer, and if after such warning the child is found loitering in a public place the child may be taken by the constable or officer to the child’s home or to a children’s shelter.

(3) Any parent or guardian may be summoned for permitting his child or ward to violate such bylaw and may be fined $10 for the first offence and $50 for the second offence and each subsequent offence.

AR 43/79 s182
183(1) Where the city has retained for six months any lost personal property that has come into its possession and the property remains unclaimed, the council may provide for the disposal thereof by sale or gift and, in the case of a sale, may retain the proceeds of the sale for its own use and the proceeds shall be deposited to the credit of the general funds of the city.

(2) Where the personal property that is unclaimed is perishable the property may be disposed of as soon as practicable after receipt by the city.

AR 43/79 s183

184 All public documents of the city shall be preserved by the council until their destruction is authorized by a resolution of the council in accordance with a schedule prepared or approved by the minister or, in the case of non-current records, until they are, with the consent of The Saskatchewan Archives Board, deposited with the said Board for preservation in the archives.

AR 43/79 s184

185 Where power is given to the city to perform services or sell goods or lands, it shall have and be deemed always to have had the same right as a private individual to take security for any debt owing to it, arising out of matters transacted in the exercise of that power.

AR 43/79 s185

186 The council may make expenditures of such sums as may be required to meet the cost of:

(a) membership in any association of municipal institutions or municipal officers or any water development association;

(b) the reception and entertainment of guests;

(c) sending delegates to attend conventions or meetings related to municipal business;

(d) travelling or other expenses necessarily incurred in and about the business of the city.

AR 43/79 s186

187(1) Subject to subsection (2), the council may grant aid:

(a) for the erection, maintenance or operation of any facility to be operated or being operated for the purpose of health, welfare, public entertainment, recreation or culture, whether or not located in the city;
(b) to any recognized organization, association, society, institution or agency thereof, whether or not located in the city, which council may deem entitled to a grant;

(c) to sufferers from any calamity in any locality in Canada;

(d) to privately-owned airports or landing fields which provide airport or landing field services to the inhabitants of the city;

(e) to persons providing ambulance services within the city;

and may make regulations, conditions and provisions with respect thereto.

(2) The total amount of aid that may be expended during a current year under the authority of subsection (1) shall not exceed the equivalent of a levy of one-half mill on the taxable assessment of the city for that year.

(3) Subject to the approval of the minister, the council may by bylaw exceed the limitation set out in subsection (2), which bylaw shall designate the recipients, amounts and purposes of the grants.

(4) Money payable as a grant under the authority of this Charter is exempt from attachment.

(5) The limitations contained in this section do not apply to a grant that a council is required or empowered to make under any Act.

188 The council may pass bylaws for all or any of the following purposes:

1 entering into agreements with the councils of towns, villages, rural municipalities, counties, or other cities providing for the carrying out jointly or managing or both of any work, service or purpose:

(a) in which the contracting parties have a common interest; and

(b) that each could lawfully carry out alone within its own territorial limits;

and where any such agreement is entered into the council may, without reference to the electors but only if the approval of the minister has first been obtained, contract such debts not payable within the current year as the council deems expedient for the purpose of carrying out the agreement;
2 uniting with any larger school unit, school district, health region or public library board for the purpose of acquiring a building that shall be used jointly by the parties having an interest therein;

3 taking the census of the city;

4 declaring any day or part of any day, other than a Sunday, to be a civic holiday and the mayor shall so proclaim it;

5 becoming a member of a co-operative association or a credit union by the purchase of one or more shares or otherwise and holding additional shares of which it becomes the owner by the application of dividends;

6 submitting to a vote of the electors any municipal question;

7 erecting one or more memorials to members of the armed forces who gave their lives in the service of Canada in any war and acquiring grounds for a site therefor, and providing for the repair and maintenance of such memorials;

8 providing for the representation of the council upon any hospital board or other public body by members of the council or other suitable persons;

9 authorizing the imposition of interest charges not exceeding one and one-half per cent per month on general accounts payable to the city that remain unpaid after thirty days from the date of the mailing of the account.

Part IV
Finance

Estimates and Levy

189 The financial year of the city shall commence on the first day of January and close on the thirty-first day of December.

190(1) The council shall as soon as practicable in each year prepare or cause to be prepared a budget containing the estimated revenues and expenditures for the current year.

(2) The budget shall make due allowance for:
(a) the cost of collection of taxes;
(b) the abatement of and discounts on taxes; and
(c) taxes that may not be collected.

191 The council shall determine the amount of taxes required to be levied to at least meet the estimated expenditures having regard to estimated revenues from other sources and shall adopt the budget.

192 If the revenue exceeds the expenditure for the year, the excess shall form part of the general funds of the city and shall be at the disposal of the council unless otherwise specially appropriated.

Temporary Borrowing

193(1) The council may authorize the mayor and treasurer to borrow, either before or after levying the taxes for the current year, from any person, bank or corporation such sums as the council deems necessary to meet the current expenditure of the city for municipal purposes, including the library rate, until the taxes levied or to be levied for the year can be collected.

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

(3) The council may, during the year in which such moneys are borrowed and the two succeeding years, extend the loan and renew or extend the promissory notes or other obligations, whether original or renewal.

194 The council may by agreement designate what revenues of the city, if any, are charged with the repayment of the promissory notes or other obligations made pursuant to section 193 but school taxes shall not be so charged.

195 The amount borrowed pursuant to section 193 shall not exceed the amount of the municipal taxes levied for the preceding
year and if the council authorizes the borrowing of a larger sum every member of the council who votes therefor shall be disqualified from holding any municipal office for three years.

AR 43/79 s195

196 The council may authorize the mayor and treasurer:

(a) to borrow moneys required by the city for the operation of any utility, including a hospital, to an amount not exceeding the total amount of accounts owing to the city with respect to the utility, whether by way of government grant or for goods or services supplied by the city; and

(b) to execute any form of obligation in connection with the loan and to assign such accounts or grants, or both, as security for the loan.

AR 43/79 s196

197(1) Where, pursuant to section 257, the city has invested surplus funds in the bonds or securities of the Government of Canada, Alberta or Saskatchewan the council may authorize the mayor and treasurer to borrow from any person, bank or corporation such sums as the council deems necessary and to pledge or hypothecate the bonds or securities as security for the loan.

(2) The loan may be secured by a promissory note signed by the mayor and treasurer and sealed with the corporate seal of the city.

(3) A loan made under the authority of this section is not a charge on the taxes of the city.

(4) The power of the city to borrow against bonds or securities under this section shall be in addition to the powers contained in section 193.

AR 43/79 s197

Long-term Borrowing

198 Subject to the limitations and restrictions contained in this Charter, the council may borrow money for the purposes of financing the capital works and expenditures of the corporation, whether under this Charter or some Act.

AR 43/79 s198

199(1) Where the city provides for an expenditure not included in the current budget and provides for the creation of a debt not payable within the current year, it shall do so by bylaw.
(2) The city may secure a debt created by a bylaw under subsection (1) by a debenture, promissory note or other form of security in favour of any person, institution or corporation.

(3) Subject to subsection (4) and section 204, a bylaw passed under subsection (1) has no effect unless prior approval is obtained from the minister to incur the debt and authorization is given by complementary orders in council.

(4) Where a bylaw passed under subsection (1) provides for a term of repayment of three years or less and the security for the debt is not by way of debenture, the bylaw has effect if approved by the Minister.

AR 43/79 s199

200 In sections 201 to 246 inclusive and section 251 of this Charter, “debenture” includes a promissory note or other form of security unless the context otherwise requires.

AR 43/79 s200

201(1) The minister may, before giving the approval mentioned in section 199, require that the proposed bylaw:

(a) shall be submitted for the assent of the electors; or

(b) shall be proceeded with in the manner set out in this section.

(2) Where the minister so directs, the council shall, within one month from the date of the issuance of his direction, publish a notice of the proposed bylaw, in a form approved by the minister, once a week for two consecutive weeks in at least one newspaper published within the limits of the city.

(3) If a petition for a vote on a money bylaw is received by the clerk within fifteen days of the last publication of the notice and if the petition is signed by at least five percent of the population, the council if it decides to proceed with the bylaw shall submit the money bylaw to a vote of the electors.

(4) Section 6 of The Local Improvements Act applies mutatis mutandis to the petition.

AR 43/79 s201;438/82

202 The council has power, without a vote of the burgesses, to pass bylaws to borrow money for the construction of any work ordered under the authority of any statute by the Canadian Transport Commission or by the Government of Canada or of
Alberta or of Saskatchewan and for the issue of debentures for the payment thereof.

AR 43/79 s202

203 The council may, by bylaw, authorize the mayor and the clerk to guarantee on behalf of the city the due repayment of money borrowed for the erection of any structure required in the city for community recreational purposes, but no such bylaw and no such guarantee has any effect until it has been approved by the minister and section 201 applies thereto.

AR 43/79 s203

204(1) Where the city has entered into an agreement with the Government of Alberta, the Government of Saskatchewan, the Government of Canada or any of their agencies for the joint financing of the construction, maintenance, operation or use of a public work, building or structure, the council at any time, pending receipt of all or any part of the funds to be provided under the agreement, may by bylaw authorize the mayor and treasurer to borrow from time to time such sums as may be required to finance the construction, maintenance, operation or use.

(2) The aggregate of the principal of all sums borrowed under this section shall not exceed the total of the sums that any of the governments mentioned in subsection (1) or their agencies will contribute pursuant to the agreement.

(3) When contributions are received pursuant to the agreement, payments in amounts equal thereto shall be made on the borrowings obtained under this section in respect of that agreement.

(4) The term of any borrowing under this section shall not continue beyond the date upon which the final contribution under the agreement is received.

(5) A bylaw passed under this section does not require the assent of the burgesses or the approval of the minister or authorization by complementary orders in council.

AR 43/79 s204

205(1) Notwithstanding the provisions of The Local Improvements Act, a borrowing bylaw passed pursuant to that Act shall not take effect until authorized by complementary orders in council and the bylaw may provide for the issue of a promissory note or other form of security instead of a debenture.

(2) Such bylaw may provide for a rate of interest different from the interest rate used in the calculation of the frontage rate.
(3) Where debentures are issued, the debentures of an issue maturing in different years may bear different rates of interest.

206 The amount of debenture debt of the city at any time outstanding shall not exceed an amount equal to twenty-five per cent of the taxable assessment in respect of land, businesses and special franchises, exclusive of:

(a) debts incurred for local improvements to the extent to which the amounts are secured by special assessments;

(b) debts contracted for the purchase, extension or improvement of an electric light and power plant or plant for producing, transmitting or distributing electrical power or energy, or for the installation, extension or improvement of a waterworks system, or a sewerage system of works for the interception, purification or disposal of sewage, as to which the minister has made an order under section 207.

207(1) On the application of the council the minister may order that debentures issued for the purchase, extension or improvement of an electric light and power plant or plant for producing, transmitting or distributing electrical power or energy, or for the installation, extension or improvement of a waterworks system or a sewerage system or works for the interception, purification or disposal of sewage, or a stated amount of such debentures, shall form no part of the debenture debt of the city under section 206 and the minister may make his order subject to such conditions and restrictions as may be deemed advisable.

(2) Where an order has been made under subsection (1), and it appears that the rates, rents or charges charged or demanded by the city for supplying light, power or energy or for supplying water or for supplying sewer service are insufficient to meet the fixed and operating expenses of the utility, any elector or the holder of one or more of the city’s debentures may apply to the minister for a variation of those rates, rents or charges, and he may upon hearing the application deal with the matter and fix such rates, rents or charges as may be deemed advisable.

(3) Under similar circumstances the minister may at any time, of his own motion, inquire into the rates, rents or charges mentioned in this section and may vary them in such manner as may be deemed advisable.
208 A debt contracted pursuant to a bylaw and not payable within the current year shall be made payable within a period not exceeding forty years from the date of the issue of the security therefor.

AR 43/79 s208

209 Every bylaw within the meaning of subsection (1) of section 199 shall set forth the following information:

(a) the amount of the debt intended to be created and in brief and general terms the object for which it is to be created;
(b) the period over which the indebtedness is to be spread and the amount of the instalment to be paid in each year;
(c) the rate of interest and whether the interest is to be paid annually or semi-annually;
(d) the amount of the taxable assessment in the city according to the last revised assessment roll;
(e) the amount of the existing debenture debt of the city and how much, if any, of the principal or interest thereof is in arrears;
(f) such further and other information as the minister may require.

AR 43/79 s209

210 Notwithstanding clause (e) of section 209, it is not necessary to state the amount of the local improvement debt secured by special assessment in any bylaw for borrowing money and it is sufficient to state in any such bylaw that the amount of the general debt of the city as therein set forth is exclusive of local improvement debts secured by special assessment.

AR 43/79 s210

211(1) Notwithstanding any provision of this Charter, a bylaw to borrow money for the purchase, construction, maintenance or improvement of a public utility may make the debt:

(a) a lien and first charge on the gross revenues of that public utility only and not on the taxes, rates or other revenues of the city; or
(b) a lien and first charge on the gross revenues of that public utility in priority to a charge on the taxes, rates and other revenues of the city.
(2) The provisions of this Charter relating to debenture bylaws apply mutatis mutandis to a bylaw passed pursuant to this section but instead of providing a tax levy the bylaw shall prescribe a utility rate sufficient to pay the principal and interest of the debentures.

(3) Whenever it appears that the utility rate specified in a bylaw passed pursuant to subsection (1), clause (a) is too low to produce sufficient revenue to pay principal and interest on the debentures, the council shall, by bylaw, increase the utility rate accordingly.

(4) Whenever it appears that the utility rate specified in a bylaw passed pursuant to subsection (1), clause (b) is too low to produce sufficient revenue to pay the principal and interest on the debentures, the council shall, by bylaw, provide for the raising of the deficiency by an increase in the utility rate or by the levy of a tax or by both methods.

AR 43/79 s212

212(1) Notwithstanding anything in this Charter, a bylaw to borrow money by way of debenture for the acquisition of land pursuant to section 135 may provide that the debenture debt is to be:

(a) a lien and first charge on the gross sales or rental revenues of the lands acquired and not on the taxes, rates or other revenues of the city; or

(b) a lien and first charge on the gross sales or rental revenue of the lands acquired in priority to a charge on the taxes, rates and other revenues of the city.

(2) The provisions of this Charter relating to debenture bylaws apply mutatis mutandis to a bylaw passed pursuant to this section except that instead of providing a tax levy the bylaw shall pledge the entire proceeds of the sale or lease of the land acquired.

(3) The proceeds from the sale or rental of the lands acquired shall be deposited in a special trust account out of which the annual instalments or principal and interest on the debenture shall be paid.

AR 43/79 s212

213(1) Subject to the approval of the minister, any borrowing bylaw may provide that all or any part of the debentures authorized thereby will be redeemable at the option of the city at any time or at such time or times in advance of maturity, as the bylaw may prescribe.

(2) The bylaw shall specify:
(a) the place of redemption;
(b) the manner of publishing notice of intention to redeem;
and
(c) the price or prices at which the debentures may be so
redeemed, and the price or prices may include such
premium or premiums, if any, on redemption as may be
provided in the bylaw.

(3) The council may subsequently exercise the option to redeem all
or any of such redeemable debentures and set a date for redemption
in advance of the maturity thereof.

(4) If notice of intention to redeem has been given as hereinafter
set forth, the principal of every debenture so to be redeemed
becomes due and payable on the date set for redemption and from
and after that date interest ceases to accrue on the debentures so to
be redeemed.

(5) Notice of intention so to redeem shall be sent by post at least
thirty days prior to the date set for such redemption to the person, if
any, in whose name the debenture is registered, at the address
shown in the debenture register, and the notice shall be published
in such manner as may be set out in the bylaw.

(6) Any debentures that are so redeemable shall contain a
provision or bear an endorsement to the effect that they are issued
subject to redemption and the provision or endorsement shall
specify:

(a) the place of redemption;
(b) the price or prices at which the debenture may be
redeemed; and
(c) the manner of giving notice of intention to redeem.

(7) Where only a portion of the debentures issued under the bylaw
is to be redeemed at any time, the debentures to be redeemed shall
comprise only the debentures having the earlier maturity dates so
that no debenture issued under the bylaw will be called for
redemption in priority to any such debenture that has an earlier
maturity date.

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

(9) Where a debenture is redeemed on a date prior to maturity, the redemption does not affect the validity of any bylaw by which special assessments are imposed or instalments thereof levied, or the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

214(1) The debenture bylaw may provide that the indebtedness shall, as the council may deem expedient, be payable:

(a) in such manner that the principal and interest shall be combined and be made payable in, as nearly as possible, equal annual instalments during the period for which the debentures have to run; or

(b) in such manner that, without combining principal and interest, the instalments of principal shall be of such amounts that, with the interest, payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be nearly as possible the same; but each instalment of principal may be for an even $100, $500 or $1,000, or multiple thereof, and notwithstanding anything herein contained the annual instalments of principal and interest may differ in amount sufficiently to admit thereof; or

(c) in such manner that the principal shall be repaid in equal annual instalments, with interest annually or semi-annually upon the balance from time to time remaining unpaid.

(2) In the cases set forth in clauses (a), (b) and (c) of subsection (1), the debenture bylaw shall provide for the raising in each year in which an instalment falls due, of a specific sum to pay both principal and interest when and as they become due.

215(1) The authority conferred upon the council by this Charter or any Act to borrow or raise money for any purpose and to issue debentures therefore shall include and shall be deemed to have always included power to borrow or raise the money and to issue the debentures expressed and payable in lawful money of Canada or in sterling money of Great Britain or in dollars of the United States of America, or as to part thereof in one and part or parts thereof in another or the others of the said moneys, for such
principal amount as the council deems necessary in order to realize the sum required for such purpose, and to make the debentures payable at any place or places in Canada, Great Britain or the United States of America or elsewhere.

(2) Notwithstanding anything in this Charter, where a debenture bylaw provides that the debentures shall be expressed and made payable in sterling money of Great Britain or dollars of the United States of America, the council may in the debenture bylaw or in an amending bylaw, in lieu of providing for the raising in each year during the currency of the debentures of specific sums sufficient to pay the interest on the debentures and to meet instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for the said purposes and as the requirements for such purposes may from year to year vary.

216 The debenture bylaw may name a day when it is to take effect which day shall be not more than three months after the day on which the voting takes place if a vote is required; but if no day is named in the bylaw it shall take effect on the day of the final passing thereof.

217(1) Subject to subsection (3), in the case of a debenture bylaw heretofore or hereafter passed, the council may amend the bylaw:

(a) to authorize a change in the mode of issue of the debentures, or in the place or places where the debentures are payable or both;

(b) to provide that the debentures be issued with interest coupons instead of in amounts of combined principal and interest or vice versa;

(c) to change the interest from annual to semi-annual or vice versa; or

(d) to provide that the debentures may be issued in a different currency or may be in different amounts from those authorized by the original bylaw.

(2) Subject to subsection (3), where any debentures issued under a bylaw have been sold, pledged or hypothecated the council, upon again acquiring them or any part of them, or at the request of any holder of them, may amend the bylaw:

(a) to authorize the cancellation of the debentures and the issue of one or more debentures in substitution therefor;
Section 217

(b) to make the new debentures payable by the same or a different mode and at the same or a different place or places;

c) to provide that the interest shall be changed from annual to semi-annual or vice versa; or

d) to provide that the debentures may be issued in a different currency or may be in different amounts from those of the original debentures.

3 The period over which the indebtedness was originally spread or the rate of interest shall not be increased and the amount of the principal of the new debentures shall not exceed the amount of the principal remaining owing upon the original debentures.

4 In the case of a debenture bylaw heretofore or hereafter passed authorizing the borrowing or raising by way of loan of a specific number of dollars and the issue of debentures for a specific number of dollars in principal amount, the council may amend the bylaw:

(a) to authorize the borrowing or raising by way of loan of the same or an equivalent number of dollars of the United States of America and the issue of debentures for the same or the equivalent number of dollars of the United States of America in principal amount;

(b) to provide that, in lieu of raising in each year during the currency of the debentures specific sums sufficient to pay the interest on the debentures and to meet instalments of principal falling due in such year, there shall be raised such yearly amount as may be necessary for the said purposes and as the requirements for those purposes may from year to year vary;

(c) to change the provisions, if any, in the bylaw respecting the places of payment, date of issue and maturity dates of the debentures and to provide that the debentures may be payable at any place or places in the United States of America as may be stated in the bylaw.

5 In the case of a bylaw heretofore or hereafter passed the council may repeal the bylaw as to all or any part of the debentures to be issued thereunder and as to all or a proportionate part of the amounts to be raised annually.

6 The repealing bylaw pursuant to subsection (5) shall state the facts upon which it is founded.
Section 218  THE LLOYDMINSTER CHARTER  AR 43/79

218  Notwithstanding section 217, when:

(a) owing to a decline or advance in the rate of interest between the passing of a bylaw and the sale or other disposal of the debentures, they or any of them cannot be sold or disposed of except at a heavy premium or at a discount involving a substantial reduction in the amount required to be provided; or

(b) in the opinion of the council, it is desirable that the whole or any part of the debentures authorized by such a bylaw bear a rate of interest differing from the rate specified in the bylaw;

the council may amend the bylaw by providing for a different rate of interest upon all or any of the debentures and for a corresponding change in the amount to be raised annually with respect thereto.

AR 43/79 s218

219  Notwithstanding anything in this Charter or any Act, where a bylaw is passed for the purpose of borrowing money on the security of debentures under this Charter, the council may:

(a) amend the bylaw by reducing the principal amount of the debentures to be issued thereunder and by making a corresponding reduction in the amount to be raised annually;

(b) pass a further bylaw to provide for the issue of debentures in an amount not exceeding the reduction made in the principal amount of the debentures under clause (a).

AR 43/79 s219

220  No bylaw authorized by section 217, 218 or 219 takes effect until approved by the minister.

AR 43/79 s220

221(1) Subject to the approval of the minister, the council may by bylaw consolidate the amount of debenture debt to be created under two or more existing bylaws, and, without reducing that amount except as hereinafter provided, authorize the issue of one or more debentures for any term of years not greater than the longest term provided by any of the bylaws to be consolidated and may provide for the payment of interest on that amount at such rate as may be provided in the bylaw and may establish the date of issue of the debenture or debentures under the bylaw.
Section 222  THE LLOYDMINSTER CHARTER  AR 43/79

(2) The debentures issued under a consolidating bylaw as provided in subsection (1) may be made repayable in any of the modes mentioned in section 214.

AR 43/79 s221

222(1) The council may, when under the authority of this Charter or an approved Act it has passed a bylaw for contracting a debt or incurring a liability for borrowing money, apply to the ministers for a certificate approving the bylaw.

(2) No certificate shall be granted while any action or proceeding in which the validity of the bylaw is called in question, or by which it is sought to quash it, is pending, or until two months after the final passing of the bylaw, unless notice of the application is given in such manner and to such persons, if any, as the ministers may direct.

(3) The certificate may be in form 5.

(4) Such certificate may be signed by the Deputy Minister of Municipal Affairs for Alberta or the Deputy Minister of Urban Affairs for Saskatchewan, and shall, when so signed, be as valid, binding and effectual in all respects as if signed by his minister.

AR 43/79 s222

223 The ministers may grant the certificate, notwithstanding any defect or irregularity in substance or in form in the proceedings prior to the final passing of the bylaw or in the bylaw itself, if in the opinion of the ministers, the provisions of this Charter or the Act under the authority of which the bylaw was assumed to be passed have been substantially complied with.

AR 43/79 s223

224 Every bylaw heretofore or hereafter approved by the certificate of the ministers, and the debentures issued or to be issued in conformity therewith, shall be valid and binding upon the city and upon the property liable to the rate imposed by or under the authority of the bylaw, and neither the validity of the bylaw nor that of any such debenture shall be open to questions in any court, either on the ground of want of authority in the council to pass the bylaw or on any other ground whatever.

AR 43/79 s224

225(1) Where a bylaw has been approved under section 222, the ministers may, upon application of the council or of a debenture holder, countersign any debenture issued under the authority of the bylaw and such countersigning by the ministers shall be conclusive evidence of the validity of the debenture and of the legality of its
issue and that the bylaw under the authority of which it was issued has been approved in accordance with section 222; and a debenture so countersigned shall be binding upon the city and upon the property held for the rate imposed by or under authority of the bylaw.

(2) The signature of a Deputy Minister of Municipal Affairs or Deputy Minister of Urban Affairs upon a debenture heretofore or hereafter issued shall be and is a valid and sufficient counter-signature of such debenture by his minister.

(3) Either of the ministers may direct that his signature or that of his deputy minister on debentures may be reproduced by lithographing or printing or any other method of mechanical reproduction, and the signature of the minister or deputy minister so reproduced shall be and is a valid and sufficient counter-signature by the minister.

AR 43/79 s225

226 Debentures and the coupons attached thereto shall be in such form as may be prescribed by the minister.

AR 43/79 s226

227 A debenture shall be sealed with the seal of the city and signed either by the mayor or by a person authorized by bylaw to sign the debenture in his stead and by the treasurer or by a person authorized by bylaw to sign in his stead.

AR 43/79 s227

228 The signatures on debentures of the mayor or the person authorized to sign in his stead and of the treasurer or the person authorized to sign in his stead, except the signature of the treasurer for the purpose of certifying to the registration of the debenture in the debenture register of the city, and the signature on coupons attached to debentures may be reproduced by lithographing or printing or any other method of mechanical reproduction.

AR 43/79 s228

229(1) Subject to subsection (2), debentures authorized to be issued by a bylaw heretofore or hereafter passed:

(a) may be issued either all at one time or in instalments, at such times as the council deems expedient, within a period of four years from the final passing of the bylaw;

(b) may bear any date that is within a period commencing six months prior to, and ending four years after, the date of the final passing of the bylaw.
Section 230  THE LLOYDMINSTER CHARTER

(2) Upon the application of the council either before or after the expiration of four years from the final passing of a bylaw authorizing debentures to be issued, the minister may extend the time for issuing those debentures and in such case the debentures may:

(a) be issued within such extended period;

(b) bear any date that is within a period commencing six months prior to the date of the final passing of a bylaw and ending at the expiration of the time for issuing the debentures as extended by the Minister.

(3) Any taxes imposed in accordance with the debenture bylaw after the final passing thereof and not required to repay the debenture or any portion of the debenture, including interest thereon, issued under the authority of the bylaw may be used for the purpose of meeting the cost, including interest, of the work authorized by the bylaw.

230(1) Any debenture issued under this Charter or any Act shall be valid and binding upon the city, notwithstanding any insufficiency in form or substance or otherwise of the bylaw or of the authority of the city in respect thereof; provided that the bylaw has received authorization by way of complementary orders in council or the approval of the minister, as the case may require, pursuant to section 199 and that no successful application has been made to quash it within two months after its final passing.

(2) Where the interest for one year or more on the debentures issued under a bylaw heretofore or hereafter passed, and the principal of any debenture that has matured, have been paid by the city, the bylaw and the debentures issued under it shall be valid and binding upon the city.

231 Wherever there is a reference to the duties of the treasurer in connection with the debenture register and the council has appointed some other person to perform those duties, the reference shall be construed to be a reference to such other person as the council has appointed.

232 The treasurer shall open and keep a book to be known as “The Debenture Register” wherein shall be entered particulars of every bylaw authorizing the issue of debentures and of all debentures issued thereunder, and every debenture issued shall have written, printed or stamped thereon a memorandum, signed by
the treasurer, with the proper particulars inserted therein in the following form:

Registered in the debenture register as No. __ under bylaw No. __ this ___ day of ___ 19__.

AR 43/79 s232

233 Every debenture registered in the debenture register shall be valid and binding in the hands of the city or of any bona fide purchaser for value, notwithstanding any defect in form or substance.

AR 43/79 s233

234 A certificate, signed by the treasurer and sealed with the seal of the city, that a debenture has been duly registered in the debenture register is prima facie evidence of the registration.

AR 43/79 s234

235 A debenture may contain a provision in the following words:

This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this city, be transferable except by entry by the treasurer or his deputy in the debenture register until a transfer to bearer has been registered.

AR 43/79 s235

236(1) In case of the issue of debentures containing the provision mentioned in section 235 the treasurer shall enter in the debenture register a copy of all certificates of ownership of debentures that he gives, and also every subsequent transfer of any such debenture.

(2) No such entry shall be made except upon the written authority of an unregistered holder or the person last entered in the register as the owner of the debenture, or of his executor or administrator or of his or their lawful attorney, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture shall be transferable only by entry by the treasurer in the debenture register, as transfers of the debenture are authorized by the then owner thereof or his lawful attorney, executor or administrator, until a transfer to bearer has been registered.

(4) The treasurer, upon receipt of a debenture accompanied by a transfer purporting to be signed by the owner, the signature being guaranteed by a bank or notary public, shall register the transfer in accordance with the request, and in so doing neither the treasurer...
nor the city shall incur liability to the true owner for any loss caused by the transfer, if the transfer was not signed by him.

AR 43/79 s236

237(1) Where:

(a) a transmission of registered debentures issued by the city under this Charter or any Act takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy; and

(b) the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in Canada, or in the United Kingdom of Great Britain and Northern Ireland, or in any other of Her Majesty’s dominions, or in any of Her Majesty’s colonies or dependencies, or the United States of America;

the probate of the will or the letters of administration or the document testamentary or, in the case of a transmission by notarial will in the Province of Quebec, a copy thereof duly certified in accordance with the laws of that Province, or the said other judicial or official instrument or a copy thereof or extract therefrom certified under the seal of such court or other authority, without any proof of the authenticity of the seal or other proof whatever, shall be produced to and deposited with the treasurer of the city.

(2) A certificate by the Minister of Finance or Deputy Minister of Finance of Saskatchewan and a certificate by the Attorney General or Deputy Attorney General of Alberta that all succession duties payable to the provinces respectively in respect of the debentures have been paid shall also be produced to and deposited with the treasurer, together with such other documents as the city’s practice or regulations may require.

(3) The production and deposit under subsections (1) and (2) are sufficient authority to the treasurer, after obtaining any consent 128 required under the Dominion Succession Duty Act or the Estate Tax Act (Canada), to pay the amount or value of any coupon, debenture or obligation, or to transfer or consent to the transfer of any debenture or obligation, in pursuance of and in conformity with the probate, letters of administration or other such document.

AR 43/79 s237
238 The treasurer shall keep in his records two separate accounts of every debt, one for the interest and the other for instalments of principal, both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and he shall keep the accounts so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated for payment of it.

AR 43/79 s238

239 If, after paying the interest on a debt for any financial year and appropriating the necessary sum in payment of the instalments of principal, there is a surplus properly applicable to the debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

AR 43/79 s239

240 The council may appropriate to the payment of any debt the surplus income derived from any municipal work or utility, or from any share or interest therein, after paying the annual expenses thereof, or may so appropriate any unappropriated money in the treasury or any money raised by general rate; and any money so appropriated may be applied in payment of any instalment thereof accruing due.

AR 43/79 s240

241(1) Pending the sale of debentures authorized by bylaw under this Charter or any Act or in lieu of selling or disposing of the debentures, the council may by bylaw authorize the mayor and treasurer to raise money by way of loan on the debentures and to deposit or hypothecate the debentures for the loan.

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

(3) The city may renew all or any portion of the securities at maturity for such further period and on such terms as may be deemed advisable.

(4) The proceeds of every such loan shall be applied to the purpose for which the debentures were issued, and, if the debentures are subsequently sold and disposed of, the proceeds thereof shall first be applied in payment of the loan, but the lender is not bound to see to the application of the proceeds of the loan.

AR 43/79 s241
242(1) Notwithstanding subsection (2) of section 42 of The Local Improvements Act, the council may, when the work being undertaken has been commenced, carry out any necessary borrowing procedures to defray the cost of the work being undertaken.

(2) The provisions of section 251 of this Charter apply to the disposition of any funds borrowed in excess of the net requirements as determined when the work has been completed and the final cost thereof established.

AR 43/79 s242

243 A person lending money to the city is not bound to establish the necessity for the borrowing nor to see that it is expended for the purpose for which it is borrowed.

AR 43/79 s243

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

AR 43/79 s244

245 Where the city purchases its own debentures out of current funds, the council may, with the approval of the minister, cancel the debentures so purchased and the levies of any portion thereof required for their repayment.

AR 43/79 s245

246 If the council neglects in any year to levy the amount required to be raised for the instalment necessary for the payment of a debenture debt, each member of the council is disqualified for the next three years from holding any municipal office, but no member is liable to the penalty hereby imposed who shows to the satisfaction of the judge that he made reasonable efforts to procure the levying of the required amounts.

AR 43/79 s246

Disposal of Capital Funds

247 No money borrowed for capital expenditure, or in the hands of the city as capital funds, shall be applied towards current expense.

AR 43/79 s247
Section 248  THE LLOYDMINSTER CHARTER  AR 43/79

248(1) Subject to section 212, the net proceeds of the sale of any lands by the city except lands acquired through tax process or in settlement of the city’s claim for taxes shall be considered to be held on capital account, and may be invested in the securities mentioned in section 257 or used for the purposes of any of the city’s public utilities or for such other capital expenditure and on such terms as may be approved by the Saskatchewan Municipal Board.

(2) Subsection (1) applies to any moneys paid to the city under a policy of insurance for any damage caused by fire, lightning, windstorm or explosion to land acquired by the city other than land acquired through tax process or in settlement of the city’s claim for taxes.

(3) If the net proceeds of the sale of any lands or any moneys paid to the city as mentioned in subsection (2) have been invested in the purchase of the city’s own debentures, the city may, with the approval of the Saskatchewan Municipal Board, cancel the said debentures and the levies required for their repayment.

(4) All income derived from the investment of the net proceeds of the sale mentioned in this section may be appropriated by the council as if it were money raised by general mill rate for general municipal purposes.

AR 43/79 s248;262/95

249 If the council applies any money in contravention of section 247 or subsection (1) or (2) of section 248 for current expense:

(a) the members who vote for the application shall be personally liable for the amount diverted, and that amount may be recovered by the city by action against them in any court of competent jurisdiction; and

(b) the mayor and treasurer are guilty of an offence, and for every such offence each is liable on summary conviction to a fine not exceeding $100.

AR 43/79 s249

250 If the council, upon the request in writing of a elector, refuses or neglects for one month to bring an action under section 249, an action may be brought by any elector on behalf of the city to recover the amount diverted.

AR 43/79 s250;438/82

251 Where debentures have been issued for a public work, and upon completion of the work or in consequence of its partial abandonment there remains an unexpended balance, the council...
may, by resolution reciting the facts, declare its intention to apply to the Saskatchewan Municipal Board for authority to use that balance for capital expenditure upon any object not authorized by the bylaw under which the debentures were issued; and the Saskatchewan Municipal Board may grant permission to use the balance for such purposes and upon such terms and conditions as may be deemed expedient.

AR 43/79 s251;262/95

252(1) If the council applies moneys included in any unexpended balance referred to in section 251 to a purpose not authorized by the Saskatchewan Municipal Board, the members who vote for the application shall be personally liable for the amount diverted, and that amount may be recovered by the city by action against them in any court of competent jurisdiction.

(2) If the council upon the request in writing of a elector refuses or neglects for one month to bring an action under subsection (1), an action may be brought by any elector on behalf of the city to recover the amount diverted.

(3) The members of the council who vote for the application contrary to subsection (1) shall be disqualified from holding any municipal office for three years.

AR 43/79 s252;438/82;262/95

Investment and Special Funds

253 The council may establish a fund for working capital, or an emergency fund, and may from time to time include in the budget for the year and set aside from the current revenue sums to be applied to such purpose or either of them, and may regulate the mode in which any such fund shall be used, paid out and recouped; but the use of any part of a fund for any specific purpose shall in no way limit the right of the council to raise separate funds for that purpose in any manner provided for in this Charter, in which case the council shall recoup the fund so used.

AR 43/79 s253

254(1) The council may by bylaw set up, contract for and maintain a plan of superannuation or a benefit fund for the benefit of the city’s employees or any group thereof, or the employees of any institution operated by a board appointed by the city or any employees of a company incorporated under The Companies Act or The Societies Act of Alberta or Saskatchewan of which the city is the majority or sole owner of shares or of members of the police force or of employees of the hospital board, or all or any of them, and of their dependants or any of them, or a plan of group insurance for such employees or members or all or any of them,
classify the employees affected or any group thereof, as to age or otherwise, as may be deemed expedient, and make adherence and contribution to such plan or fund compulsory or optional as to all employees or any group or class thereof; and a bylaw passed under this subsection is not required to be submitted to the burgesses for approval.

(2) The powers conferred upon the council by subsection (1) may be exercised either alone or jointly with the boards of trustees of school districts situated wholly or partly within the city in respect of their non-teaching staffs, the library board, the board of trade or chamber of commerce, an agricultural and industrial exhibition association, a playgrounds association operating within and in receipt of a grant from the city and an incorporated children’s aid society operating in the city, and with any one or more of them, each of the parties acting for and assuming responsibility only in respect of its own employees.

(3) A joint agreement made pursuant to subsection (2) may provide that any party thereto may withdraw therefrom subject to such conditions as may be specified in the agreement.

(4) The council may invest any surplus money at the credit of the fund in securities authorized by or under The Pension Benefits Act, 1967, or any similar Act of Alberta, and may sell, assign or transfer such securities and reinvest the proceeds thereof or any part of the proceeds in like securities.

(5) The council may borrow from any person or bank such sums as the council may deem necessary to meet the obligations of the fund and may give as security for the loan any investments or other assets held at the credit of the fund.

(6) Subject to subsection (8), the council may pass a bylaw or bylaws subject to any terms and conditions the council considers proper for one or more of the following purposes:

(a) including the members of its council in an existing plan of superannuation or a benefit fund maintained by the city for the benefit of its employees;

(b) making contributions to a registered retirement savings plan for members of the council;

(c) making contributions in respect of past services by its members as members of the council.

(7) The contributions made by a council under clause (b) or (c) of subsection (6) shall not exceed an amount equivalent to the member’s contributions or an amount equivalent to nine per cent of
the member’s gross indemnity in each year of service, whichever is the lesser.

(8) A plan or fund mentioned in clause (a) of subsection (6) shall meet the requirements of The Pension Benefits Act, 1967, or any similar Act of Alberta and its regulations, and a plan mentioned in clause (b) of subsection (6) shall be acceptable for registration as a retirement savings plan under the Income Tax Act (Canada).

(9) Notwithstanding subsection (1), where an incoming employee belongs to a superannuation plan of Alberta or Saskatchewan for municipal employees, he may, with the approval of the council, continue as a member of such plan.

AR 43/79 s254

255(1) Subject to the approval of the Saskatchewan Municipal Board, the council may by bylaw create a capital trust fund for constructing or acquiring public works, including the purchase of machinery, and for such other purposes as may from time to time be approved by the Saskatchewan Municipal Board, and may by the same or another bylaw approved by the Saskatchewan Municipal Board:

(a) assign thereto any surplus moneys in the general funds of the city;

(b) assign thereto, in whole or in part, moneys that thereafter are payable to the city under any contract or agreement and that, upon payment, would otherwise become part of the general funds of the city;

(c) provide for the inclusion in the annual budget of the city of an amount specified in the bylaw and for the payment into the capital trust fund of all sums realized as a result of such inclusion.

(2) A bylaw passed under clause (c) of subsection (1) shall remain in force for such period, not exceeding ten years, as may be stated therein, but with the approval of the Saskatchewan Municipal Board the bylaw may be extended from time to time for additional periods, none of which shall exceed ten years.

(3) A bylaw passed under subsection (1) shall not be amended, revised or repealed except with the prior approval of the Saskatchewan Municipal Board.

(4) Subject to the approval of the Saskatchewan Municipal Board and upon such terms and conditions as it may prescribe, the council may make expenditures from the fund for any of the purposes mentioned in subsection (1).
(5) The establishment, reduction of and use of the fund shall be subject to the control and approval of the Saskatchewan Municipal Board and to such rules and regulations as it may prescribe.

AR 43/79 s256

256(1) The council may pass a bylaw:

(a) to levy annually a special mill rate not exceeding two mills over and above the current requirements of the city for a specified number of years; or

(b) to provide a specified amount in the annual budget for the number of years specified in the bylaw;

for the establishment or maintenance of a capital reserve fund to accumulate funds for the purpose of making future capital expenditures.

(2) The accumulated amount of the capital reserve fund shall not at any time exceed the equivalent of ten mills on the taxable assessment as shown in the last revised assessment roll of the city.

(3) The moneys raised for a capital reserve fund shall be deposited in a special bank account and may be invested in any of the securities mentioned in section 257 and the earnings derived from the investment of such moneys shall form part of the general revenue of the city.

(4) The council may make an expenditure from the capital reserve fund in any year for the purpose designated by the council.

AR 43/79 s257

257(1) Subject to subsection (4) of section 254, the council may invest any surplus money at the credit of any fund in debentures or securities of the Government of Canada or of any province of Canada, or in debentures or securities the payment of which is guaranteed by the Government of Canada or of any province of Canada, or in the debentures of any municipal corporation, school unit or school district in Saskatchewan or Alberta, or in debentures issued under The Rural Telephone Act or The Union Hospital Act or any similar Act of Alberta, or in any debentures of the city, or in deposit certificates or similar investments issued by banks or credit unions, or in securities approved by the Saskatchewan Municipal Board and from time to time as such securities mature, may invest the proceeds in other like securities, and may invest and reinvest the surplus funds or any part thereof in such authorized securities, and may sell, assign or transfer the securities, and may call in and vary the investments for others of a like nature.
(2) For the purpose of making the investments mentioned in subsection (1), the money at the credit of any two or more funds may be consolidated into one account and securities purchased therefrom, in which case a record shall be maintained of the equity of each fund in the consolidated account and securities so purchased.

(3) The council may borrow from any person or bank such sums as the council may deem necessary to meet the obligations of any fund and may give as security for the loan any investments or other assets held at the credit of the fund or the proportion of those investments or other assets representing the equity of the fund therein.

AR 43/79 s257;262/95


Part VI  Miscellaneous

Actions by and against the City

350(1) No action shall be brought against the city for the recovery of damages occasioned by the default in its duty of repair as mentioned in section 112, whether the want of repair was the result of non-feasance or misfeasance, after the expiration of three months from the time when the damages were sustained and no such action shall be continued unless service of the writ of summons is made within the said three months.

(2) No action shall be brought for the recovery of such damages unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the mayor or clerk within seven days after the happening of the injury.

AR 43/79 s350

351(1) Failure to give or insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is tried is of the opinion that there is a reasonable excuse for the want or insufficiency of the notice and that the city was not thereby prejudiced in its defence.

(2) In case of the death of the person injured, failure to give the notice shall not be a bar to the action.

AR 43/79 s351
Section 352  THE LLOYDMINSTER CHARTER  AR 43/79

352 Subsections (2), (4) and (5) of section 112 and sections 113, 350 and 351 apply to all actions against the city occasioned by the presence of any nuisance on a highway.

AR 43/79 s352

353(1) Where the city and an adjacent rural municipality or county are jointly liable for keeping in repair a public road, street, bridge, stream or other highway, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing.

(2) An action by any such person shall be brought against the city and such rural municipality or county jointly and either of them may require that the proportions in which damages and costs recovered in the action are to be borne by them shall be determined therein.

(3) In settling the proportions, either in the action or otherwise, regard shall be had to the extent to which the city and the rural municipality or county was responsible, either primarily or otherwise, for the act or omission for which the damages have become payable or are recovered, and the damages and costs shall be apportioned between them accordingly.

AR 43/79 s353

354(1) Where an action may be brought against the city by any person who has suffered damages by reason of the default of the city in keeping in proper repair any public road, street, bridge, highway, square, alley or other public place, no action shall be brought in respect of those damages against any member of the council or officer or employee thereof personally, but the remedy therefor shall be wholly against the city.

(2) Subsection (1) does not affect the liability of a mere contractor with the city, nor of any officer or employee of such contractor, by reason of whose act or neglect the damage was caused.

AR 43/79 s354

355(1) Where an action is brought to recover damages sustained by reason of an obstruction, excavation or opening in or near a highway, street, bridge, alley, square or other public place, placed, made, left or maintained by a person other than a servant or agent of the city, or by reason of a negligent or wrongful act or omission of a person other than a servant or agent of the city, the city shall have a remedy over against the other person for, and may enforce payment accordingly of, the damages and costs, if any, that the plaintiff in the action may recover against the city.
(2) The city is entitled to the remedy over in the same action if the other party is a party to the action and if it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by him.

(3) The city may in the action have the other person added as a party defendant or third party if not already a defendant, for the purposes of the remedy over, and the other person may defend the action as well against the plaintiff’s claim as against the claim of the city to a remedy over; and the judge upon the trial of the action may order that costs be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

(4) If the person is not a party defendant or is not added as a party defendant or third party, or if the city has paid the damages before an action is brought to recover them or before recovery in an action against the city, the city shall have a remedy over by action against that person.

(5) The other person shall be deemed to admit the validity of the judgment, if any, obtained against the city only where a notice has been served on him pursuant to The Judicature Act of Alberta or The Queen’s Bench Act of Saskatchewan or the rules of court thereunder or where he has admitted or is estopped from denying the validity of the judgment.

(6) Where the notice mentioned in subsection (5) has been served and there has been no such admission or estoppel, and the other person has not been made a party defendant or third party to the action against the city, or where damages have been paid without action or without recovery of judgment against the city, the liability of the city for the damages, and the fact that the damages were sustained under such circumstances as to entitle the city to remedy over, must be established in the action against that person to entitle the city to recover in the action.

AR 43/79 s355

356 Where duties, obligations or liabilities are imposed by law upon a person in favour of the city or the inhabitants or some of the inhabitants of the city, or where contracts or agreements are or have heretofore been entered into imposing such duties, obligations or liabilities, the city shall have the right by action to enforce them and to obtain as complete and full relief and remedy as could have been obtained in an action by those inhabitants or one or more of them on his or their own behalf or on behalf of himself or themselves and of those inhabitants.

AR 43/79 s356
357 Where a building is erected or placed or is being erected or placed or is being used or where any land is being used in contravention of a bylaw passed under the authority of this Charter or any Act, in addition to any other remedy provided in this Charter or such Act and to any penalty imposed by the bylaw, the contravention may be restrained by action at the instance of the city and the court may order that any such building be pulled down and removed at the expense of the owner thereof.

AR 43/79 s357

358 No action shall be brought for anything done under a bylaw or resolution that is illegal in whole or in part until one month after the bylaw or resolution or the illegal part thereof has been quashed or repealed, nor until one month’s notice in writing of the intention to bring the action has been given to the city; and every such action shall be brought against the city alone and not against a person acting under the bylaw or resolution.

AR 43/79 s358

359 If the city or the commissioners tender amends to the plaintiff or his solicitor and the tender is pleaded and no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge may direct, and shall be set off against the amount recovered, and the balance due to either party may be recovered as in ordinary cases.

AR 43/79 s359

360 In cases not otherwise provided for, no action shall be brought against the city for the recovery of damages after the expiration of three months from the date when the damages were sustained and no such action shall be continued if service of the writ of summons is not made within the said three months unless, upon application to a judge of the Court of Queen’s Bench of Saskatchewan or of the Supreme Court of Alberta made not later than one year from that date, and after seven days’ notice to the city, the judge allows the claim to be made.

AR 43/79 s360

361 Notwithstanding anything in The Limitation of Actions Act of Alberta or The Limitations of Actions Act of Saskatchewan, there is no limitation to the time within which the city may commence action or take proceedings for the recovery of taxes or any other debt due to the city under this Charter.

AR 43/79 s361
362 No proceedings of the council or of any committee of the council or of any person acting as chairman or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election or by reason of the disqualification of any such person.

AR 43/79 s362

363(1) The city is civilly liable for damages if any land is injuriously affected by the exercise of any of the powers conferred upon it by this Charter or any Act with respect to the carrying out of any municipal public work.

(2) The damages shall be the amount of the injury done less any increased value to other lands of the claimant resulting from the exercise of such powers.

(3) Where the amount of compensation for damages is not agreed upon the amount shall, subject to subsection (4), be determined in accordance with The Expropriation Act of Alberta or The Municipal Expropriation Act of Saskatchewan, whichever applies to the land concerned.

(4) By agreement of all parties concerned the amount of compensation may be determined by the award of three arbitrators appointed and acting in the manner provided by The Arbitration Act of Alberta or The Municipal Expropriation Act of Saskatchewan, as the case may be.

AR 43/79 s363

364(1) Subject to subsection (2), a claim by any person in respect of damages mentioned in section 363 shall be made in writing, with particulars of the claim, within one year after the injury was sustained or after it becomes known to that person, and if not so made the right to the compensation for damages shall be forever barred.

(2) In the case of an infant, a lunatic or a person of unsound mind, the claim shall be made within one year, or within one year after he ceased to be under the disability whichever is the longer, or in case of his death while under disability within one year after his death, and if not so made the right to compensation for damages shall be forever barred.

AR 43/79 s364
THE LLOYDMINSTER CHARTER

AR 43/79

Section 365

365 The city may reimburse or indemnify any member of council, city employee, official or agent against any losses or expenses which he incurs as a result of any inquiry relating to, or any action brought or judgment obtained against him arising out of, his duties as a member of council, city official, employee or agent.

AR 43/79 s365

Executions against the City

366 A writ of execution against the city may be endorsed with a direction to the sheriff at the judicial centre or district at which, or nearest to which, the city is situated, to levy the amount thereof by rate and the proceedings thereon shall be as follows:

1 the sheriff shall deliver a copy of the writ and endorsement to the clerk with a statement in writing of the amount required to satisfy the execution, including the amount of interest calculated to a date as near as is convenient to the date of the service, and sheriff’s fees;

2 if the amount, with interest thereon from the date mentioned in the statement, is not paid to the sheriff within thirty days after such delivery, the sheriff shall examine the assessment roll of the city and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient to cover the amount claimed with such addition thereto as the sheriff deems sufficient to cover the interest and his own fees up to the time when the rate will probably be available;

3 the sheriff shall thereupon issue a precept under his hand and seal of office directed to the treasurer and shall annex thereto the roll of such rate, and shall by the precept, after reciting the writ and that the city has neglected to satisfy it and referring to the roll annexed to the precept, command the treasurer to levy the rate at the time and in the manner by law required in respect of the general annual rates;

4 at the time for levying the annual rates next after the receipt of the precept, the treasurer shall add a column to the tax roll headed: “execution rate in A.B., versus The City of Lloydminster”, adding a similar column if there are more executions than one, and shall insert therein the amount by the precept to be levied upon each person respectively, and shall levy the amount of the execution rate, and shall, within the time that he is required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon.
the sheriff shall, after satisfying the execution and all fees thereon, return any surplus within ten days after receiving it to the treasurer for the general purposes of the city;

the clerk, the treasurer and the assessor shall, for the purpose of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this section, be deemed to be officers of the court from which the writ issued, and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them.

5

6

Inquiries and Investigations

367 If one-third of the members of the council, or one-fourth of the voters of the city, petition the Lieutenant Governor in Council of Alberta or Saskatchewan for a commission to issue under the Great Seal to inquire into the financial affairs of the city, a commission may be appointed by complementary orders in council; and the commissioner or commissioners shall have all the powers of commissioners appointed under The Public Inquiries Act of the applicable province.

AR 43/79 s367

368(1) If the council passes a resolution requesting that an inquiry be made into a matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of a member of the council, commissioner or other officer, servant or agent of the city, or of a person having a contract therewith, in relation to the duties or obligations of such person to the city, or if the council by resolution requests that inquiry be made into or concerning any matter connected with the good government of the city or the conduct of any part of the public business thereof, the Attorney General of Alberta or Saskatchewan may appoint a judge of the district court or another suitable person to make the inquiry.

(2) The person so appointed shall as soon as possible enter upon the inquiry and he shall, upon the conclusion thereof, report to the Attorney General by whom he was appointed and to the council the result of the inquiry and the evidence taken thereon.

(3) The person so appointed shall for the purpose of the inquiry have all the powers that may be conferred upon commissioners under The Public Inquiries Act of the applicable province.

(4) That person so appointed shall be entitled to receive and shall be paid the same fees as an arbitrator is entitled to receive under
(5) The council may engage and pay counsel to represent the city and may pay all proper witness fees to persons summoned to give evidence at the instance of the city; and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question, may be represented by counsel.

AR 43/79 s368

369 The council may by resolution appoint a committee of its members to investigate any charge that may be made against an employee of the city, and the committee so appointed may summon the employee before it to answer the charge, and may summon witnesses and take evidence under oath and may pay all proper witness fees to persons summoned to give evidence, and the committee shall report the result of its inquiry to the council.

AR 43/79 s369

Schools

370 The boundaries of the Lloydminster Public School Division and the Lloydminster Roman Catholic Separate School Division comprise the incorporated area of the City of Lloydminster as well as the following lands lying west of the Third Meridian in the Province of Saskatchewan:

(a) Township 49, Range 27: sections 30 and 31;

(b) Township 49, Range 28: section 25, the east half of section 36;

(c) Township 50, Range 27: sections 6, 7 and 18; and

(d) Township 50, Range 28: the east halves of sections 1 and 12, the north-east quarter of section 13, section 14, fractional section 15.

AR 43/79 s370;51/97

371 Students residing in Alberta outside the boundaries of the Lloydminster Public School Division and the Lloydminster Roman Catholic Separate School Division are entitled to attend schools operated by these divisions in keeping with regulations and legislation set from time to time by the Province of Alberta, as though these divisions were Alberta jurisdictions.

AR 43/79 s371;51/97
372 The affairs of the Lloydminster Public School Division and
the Lloydminster Roman Catholic Separate School Division shall
be conducted in accordance with the provisions of *The Education
Act*, Province of Saskatchewan, save insofar as may be modified by
the provisions of this Charter.

AR 43/79 s372;51/97

372.1 Repealed AR 51/97 s2.

373 The basic program of studies and the courses of study used in
the schools operated by the Lloydminster Public School Division
and the Lloydminster Roman Catholic Separate School Division
shall be consistent with the regulations under *The Education Act*
and with any policies and directives that the Minister of Education
for the Province of Saskatchewan may issue.

AR 43/79 s373;51/97

374(1) The Province of Saskatchewan and the Province of Alberta
shall provide access to all funding available to other school
jurisdictions in the respective provinces.

(2) Provincial funding under subsection (1) must be based on a
served student count effective September 30 of each school year

(a) for all Saskatchewan and Alberta resident students in
grades 1 to 12, and

(b) for all Saskatchewan and Alberta resident students in a
Kindergarten/Early Childhood Services Program.

AR 43/79 s374;51/97

375(1) Saskatchewan facility guidelines and approval processes
shall apply in all matters related to the upgrading and construction
of school buildings.

(2)(a) The Province of Alberta and the Province of Saskatchewan
shall share the cost of upgrading and constructing school buildings
in the Lloydminster Public School Division in a prorated manner,
based on the number of students resident in each province who are
attending schools operated by that division as of September 30 of
the school year in which the upgrading or construction is approved.

(b) The Province of Alberta and the Province of Saskatchewan
shall share the cost of upgrading and constructing school buildings
in the Lloydminster Roman Catholic Separate School Division in a
prorated manner, based on the number of students resident in each
province who are attending schools operated by that division as of
Section 376  THE LLOYDMINSTER CHARTER  AR 43/79

September 30 of the school year in which the upgrading or construction is approved.

(3)(a) Upon receiving approval from Saskatchewan Education for a building upgrading or construction project, the Board of Education of the Lloydminster Public School Division or the Board of Education of the Lloydminster Roman Catholic Separate School Division may apply to the Saskatchewan Municipal Board to borrow funds related to the approved project; and,

(b) The Province of Alberta shall transfer its share of the approved cost of the project directly to the school division.

AR 43/79 s375;51/97

376(1) No contribution will be made to the Alberta School Foundation Fund by the City of Lloydminster. The funding entitlement for the Lloydminster Public School Division and the Lloydminster Roman Catholic Separate School Division under the Alberta School Foundation Fund shall be reduced by an amount equal to the Province of Alberta’s uniform education tax rates times the Alberta portion of the Lloydminster equalized assessment.

(2) All assessments in respect of which an owner has not specifically identified the school division that the owner supports must be allocated to the Lloydminster Public School Division and the Lloydminster Roman Catholic Separate School Division based on the proportion of assessments in respect of which individuals have declared support for either school division pursuant to The Education Act, 1995 (Saskatchewan).

AR 43/79 s376;51/97;232/2004

377(1) The election of the board members for the Lloydminster Public School Division and the Lloydminster Roman Catholic Separate School Division shall be conducted in accordance with The Local Government Election Act, Province of Saskatchewan.

(2)(a) Subject to subsection 23(2) of The Local Government Election Act, a person is qualified to be an elector of the Lloydminster Public School Division or the Lloydminster Roman Catholic Separate School Division if the person:

(i) is a Canadian citizen on the day of the election;

(ii) is at least 18 years of age on the day of the election;

(iii) has resided in the school division or on land now in the school division for at least three months immediately prior to the date of the election; and
(iv) has resided in Saskatchewan or Alberta for at least six months on the day of the election.

(3) A person is qualified to be nominated as a candidate for and hold office as a board member for a school division if the person:

(a) is an elector of the school division on the day of the election;

(b) at the time he or she submits the nomination paper is a Canadian citizen, and has resided:

(i) in the school division, or on land now in that school division, for at least three months; and

(ii) in Saskatchewan or Alberta for at least six months.

---

Police

378 Subject to the prior approval of the Lieutenant Governor in Council, the council may enter into arrangements with the Government of Canada for the use or employment of the Royal Canadian Mounted Police, or any portion thereof, in aiding the administration of justice in the city and in carrying into effect the laws of the city, and may, in any such arrangement, agree upon and determine the amount of money to be paid by the city for such services.

AR 43/79 s378

379(1) The council may appoint special constables to assist in the enforcement of laws in force within the city and may define their duties and fix their remuneration.

(2) Unless otherwise indicated in the appointment, a special constable appointed under subsection (1) shall have the same authority and responsibility as a member of a police force.

(3) A special constable appointed under this section shall, before entering upon his duties, take and subscribe to an oath in form 9.

AR 43/79 s379

Application of Law

380(1) Save insofar as such laws and regulations are modified or made inapplicable, either directly or arising by implication, by the provisions of this Charter or by complementary orders in council, the laws of Alberta apply to that portion of the city lying within the city.
boundary of Alberta and the laws of Saskatchewan apply to that portion of the city lying within the boundary of Saskatchewan.

(2) Except as specifically provided for in this Charter, the provisions of The Municipal Government Act of Alberta and the provisions of The Urban Municipality Act, 1984, of Saskatchewan, shall not apply to any portion of the city.

AR 43/79 s380;71/97

381 All the powers exercisable by the Lieutenant Governor of Saskatchewan or of Alberta or by complementary orders in council under The Lloydminster Municipal Amalgamation Acts, 1930, of the provinces are hereby continued and shall be exercisable from time to time as occasion may arise.

AR 43/79 s381

382(1) The City of Lloydminster as and from the first day of January, 1958, is deemed to be the successor of the Town of Lloydminster constituted by The Lloydminster Charter approved and made operative by Order in Council No. 889/30 (Saskatchewan) dated May 21, 1930 and Order in Council No. 649/30 (Alberta) dated May 20, 1930 and to have and to have had at all times since the said day all the powers, functions, rights and duties conferred upon or vested in the said town by virtue of or pursuant to any statute of Saskatchewan or of Alberta, or any order in council made pursuant to The Lloydminster Municipal Amalgamation Acts, 1930, of the provinces or conferred upon or vested in the said town pursuant to subsection (2) of section 196 of The Lloydminster Charter as consolidated in the year 1954 and approved by Orders in Council No. 2488/54 (Saskatchewan) dated November 9, 1954, and No. 1517/54 (Alberta) dated November 10, 1954.

(2) All bylaws of the Town of Lloydminster, until altered under lawful authority and all contracts, property, assets, rights and liabilities of the said town, as existing on the thirty-first day of December, 1957, shall be deemed and taken for all purposes to be the bylaws, contracts, property, assets, rights and liabilities of the city.

(3) For the purposes of The Land Titles Act of Alberta, any interest in land which, according to the records kept pursuant to that Act, was vested in the Village of Lloydminster at any time on the twenty-second day of May, 1930, or at any time thereafter, shall be deemed to have been vested in the Town of Lloydminster defined in subsection (1) and, on and after the first day of January, 1958, every such interest in land shall be deemed to be vested in the City of Lloydminster as successor to the said town and may be validly disposed of by the city by means of an instrument under the
common seal of the city and signed by the mayor and clerk thereof
by which it is made to appear that the city participates therein as
successor to the said town, and no further fee shall be payable in
respect of any such instrument by reason of the succession by the
city.

AR 43/79 s382

383(1) The Agricultural Pests Act, 1974 chapter 2, Statutes of
Alberta, 1974, applies to the entire area of the city.


AR 43/79 s383;42/94;71/97;232/2004

384(1) Where in the opinion of the responsible minister of Alberta
it is in the public interest, in that portion of the city situated within
Alberta, to vary any of the provisions of Parts 2 and 3 of The
Highway Traffic Act 1975, of Alberta, that minister may approve a
bylaw of the city containing such variations, in which case the
provisions of the bylaw shall supersede the relative statutory
provisions, and the bylaw shall not on that account be open to
question or review.

(2) A certificate by the city clerk, under his hand and the seal of
the city, specifying the bylaw and stating that it has been approved
by the responsible minister of Alberta pursuant to this section and
the date of such approval, shall be prima facie evidence that the
bylaw has been so approved and of authority to approve it.

AR 43/79 s384

385(1) The following Acts of Saskatchewan or parts thereof apply
to the entire area of the city;

(a) repealed AR 341/80 s2;

(b) The Housing and Special-care Homes Act, chapter 275,
Revised Statutes of Saskatchewan, 1965;

(c) The Planning and Development Act, 1973, chapter 73,
Statutes of Saskatchewan, 1973, except in the matters of
subdivisions and reploting in that portion of the city
situated within Alberta;

(d) sections 24 to 30 inclusive, 41 and 42 of The Water
Resources Management Act, 1972, chapter 146, Statutes
of Saskatchewan, 1972;

(e) The Public Health Act, chapter 251, Revised Statutes of
Saskatchewan, 1965;
(f) *The Health Services Act*, chapter 252, Revised Statutes of Saskatchewan, 1965.

(g) - (i) repealed AR 219/2005 s5.

(2) *The Pest Control Act*, chapter 243, Revised Statutes of Saskatchewan, 1965, does not apply to any part of the area of the city.

385.1(1) Where anything to be done by the minister, the council, a board of revision, any other board or committee established by the council pursuant to this Charter or a municipal employee within a number of days or at a time fixed in or under this Charter, cannot be or is not so done, the minister may, by order, appoint a further or other time for doing it, whether or not the time at or within which it ought to have been done has arrived or expired.

(2) Anything done at or within the time specified in an order under subsection (1) is as valid as if it had been done at or within the time fixed in or under this Charter.

Amendment of Charter

386 This Charter may at any time be amended by complementary orders in council.

Part VII

Assessment of Property

387(1) In this Part and Parts VIII, IX and X,

(a) “assessed person” means a person who is named on an assessment roll in accordance with section 411;

(b) “assessed property” means property in respect of which an assessment has been prepared or adopted;

(c) “assessment” means a value of property determined in accordance with this Part and the *Matters Relating to Assessment and Taxation Regulation* (AR 220/2004) made under the *Municipal Government Act* (Alberta);

(d) “assessment review board” means an assessment review board established by Council under section 571;
(e) “assessor” means a person who has the qualifications set out in section 390 and

(i) is designated by the Minister to carry out the duties and responsibilities of an assessor under this Charter, or

(ii) is appointed by the City to carry out the duties and responsibilities of an assessor under this Charter,

and includes any person to whom those duties and responsibilities are delegated by the person referred to in subclause (i) or (ii);

(f) “Council” includes a collecting board and a board of education that is authorized under the School Act (Alberta) or The Education Act, 1995 (Saskatchewan) to impose and collect taxes in a district or school division as defined in those Acts;

(g) “Crown” means the Crown in right of Alberta, Saskatchewan or Canada and includes a Provincial agency as defined in the Financial Administration Act (Alberta), a public agency as defined in The Financial Administration Act, 1993 (Saskatchewan) or a Crown corporation as defined in the Financial Administration Act (Canada) and an agent of the Crown in right of Alberta, Saskatchewan or Canada, unless otherwise specified;

(h) “designated manufactured home” means a manufactured home, mobile home, modular home or travel trailer;

(i) “electric power system” means a system intended for or used in the generation, transmission, distribution or sale of electricity;

(j) “farm building” means any improvement other than a residence, to the extent it is used for farming operations;

(k) “farming operations” means the raising, production and sale of agricultural products and includes

(i) horticulture, aviculture, apiculture and aquaculture,

(ii) the production of livestock, and

(iii) the planting, growing and sale of sod;

(l) “improvement” means

(i) a structure,
(ii) any thing attached or secured to a structure, that would be transferred without special mention by a transfer or sale of the structure,

(iii) a designated manufactured home, and

(iv) machinery and equipment;

(m) “licensee” means a person who has a licence for a designated manufactured home pursuant to section 405;

(n) “linear property” means

(i) either

(A) electric power systems, including structures, installations, materials, devices, fittings, apparatus, appliances and machinery and equipment, owned or operated by a person whose rates are controlled or set by the Alberta Utilities Commission, the City, another municipality or under the Small Power Research and Development Act (Alberta), but not including land or buildings, or

(B) similar systems in Saskatchewan that, if located in Alberta, would have the rates controlled or set in accordance with this subclause,

(ii) street lighting systems, including structures, installations, fittings and equipment used to supply light, but not including land or buildings,

(iii) telecommunications systems, including

(A) cables, amplifiers, antennas and drop lines, and

(B) structures, installations, materials, devices, fittings, apparatus, appliances and machinery and equipment,

intended for or used in the communication systems of cable distribution undertakings and telecommunication carriers that are owned or operated by a company as defined in Part 3 of the Telecommunications Act (Alberta) or that are subject to the regulatory authority of the Canadian Radio-television and Telecommunications Commission or any successor of the Commission, but not including

(C) cables, structures, amplifiers, antennas or drop lines installed in and owned by the owner of a
building to which telecommunications services are being supplied, or

(D) land or buildings,

and

(iv) pipelines, including

(A) any continuous string of pipe, including loops, by-passes, cleanouts, distribution meters, distribution regulators, remote telemetry units, valves, fittings and improvements used for the protection of pipelines intended for or used in gathering, distributing or transporting gas, oil, coal, salt, brine, wood or any combination, product or by-product of any of them, whether the string of pipe is used or not,

(B) any pipe for the conveyance or disposal of water, steam, salt water, glycol, gas or any other substance intended for or used in the production of gas or oil, or both,

(C) any pipe in a well intended for or used in
   (I) obtaining oil or gas, or both, or any other mineral,
   (II) injecting or disposing of water, steam, salt water, glycol, gas or any other substance to an underground formation,
   (III) supplying water for injection to an underground formation, or
   (IV) monitoring or observing performance of a pool, aquifer or an oil sands deposit,

(D) well head installations or other improvements located at a well site intended for or used for any of the purposes described in paragraph (C) or for the protection of the well head installations,

(E) the legal interest in the land that forms the site of wells used for any of the purposes described in paragraph (C) if it is by way of a lease, licence or permit from the Crown in right of Alberta or Saskatchewan, and
(F) the legal interest in any land other than that referred to in paragraph (E) that forms the site of wells used for any of the purposes described in paragraph (C), if the municipality in which the land is located has prepared assessments in accordance with this Part that are to be used for the purpose of taxation in 1996 or a subsequent year,

but not including,

(G) the inlet valve or outlet valve or any installations, materials, devices, fittings, apparatus, appliances, machinery or equipment between those valves in

(I) any processing, refining, manufacturing, marketing, transmission line pumping, heating, treating, separating or storage facilities, or

(II) a regulating or metering station,

or

(H) land or buildings;

(o) “machinery and equipment” means materials, devices, fittings, installations, appliances, apparatus and tanks other than tanks used exclusively for storage, including supporting foundations and footings and any other thing prescribed by the Minister that forms an integral part of an operational unit intended for or used in

(i) manufacturing,

(ii) processing,

(iii) the production or transmission by pipeline of natural resources or products or by-products of that production, but not including pipeline that fits within the definition of linear property in clause (n)(iv),

(iv) the excavation or transportation of coal or oil sands, as defined in clause (bb),

(v) a telecommunications system, or

(vi) an electric power system,

whether or not the materials, devices, fittings, installations, appliances, apparatus, tanks, foundations,
footings or other things are affixed to land in such a manner that they would be transferred without special mention by a transfer or sale of the land;

(p) “manufactured home” means any structure, whether ordinarily equipped with wheels or not, that is manufactured to meet or exceed the Canadian Standards Association standard CSA Z240 and that is used as a residence or for any other purpose;

(q) “manufactured home community” means a parcel of land that

(i) is designated in the land use bylaw of the City as a manufactured home community, and

(ii) includes at least 3 designated manufactured home sites that are rented or available for rent;

(r) “market value” means the amount that a property, as defined in this section, might be expected to realize if it is sold on the open market by a willing seller to a willing buyer;

(s) “mine” means a mine as defined in The Mineral Resources Act, 1985 (Saskatchewan) and includes any facility, within the meaning of that Act, in that part of the City that is located in Alberta;

(t) “Minister” means the Minister determined under section 16 of the Government Organization Act (Alberta) as the Minister responsible for the Lloydminster Municipal Amalgamation Act (Alberta);

(u) “Ministers” means

(i) the person mentioned in clause (t), and

(ii) the member of the Executive Council of Saskatchewan to whom for the time being the administration of The City of Lloydminster Act (Saskatchewan) is assigned;

(v) “mobile home” means a structure that is designed to be towed or carried from place to place and that is used as a residence or for any other purpose, but that does not meet the Canadian Standards Association standard CSA Z240;

(w) “modular home” means a home that is constructed from a number of pre-assembled units that are intended for delivery to and assembly at a residential site;
“Municipal Government Board” means the Municipal Government Board of Alberta established pursuant to Part 12 of the Municipal Government Act (Alberta) and includes any panel of the Municipal Government Board;

“municipality” includes a district, as defined in the School Act (Alberta) or The Education Act, 1995 (Saskatchewan), in which a collecting board, board of education or other taxing authority is authorized under those Acts to impose and collect taxes or, where the district is authorized or required to act, the collecting board, board of education or other taxing authority;

“non-profit organization” means

(i) a society, credit union or co-operative established under a law of Canada, Alberta or Saskatchewan,

(ii) a corporation that is prohibited from paying dividends to its members and distributing the assets to its members on a winding-up, or

(iii) any other entity established under a law of Canada, Alberta or Saskatchewan for a purpose other than to make a profit.

“occupant” includes

(i) a person residing on land or in a building,

(ii) a person entitled to the possession of land or a building if there is no person residing on the land or in the building, and

(iii) a leaseholder;

“oil sands” means

(i) sands and other rock materials containing crude bitumen,

(ii) the crude bitumen contained in those sands and other rock materials, and

(iii) any other mineral substances, other than natural gas, in association with that crude bitumen or those sands and other rock materials referred to in subclauses (i) and (ii);

“operator”, in respect of linear property, means

(i) for linear property described in clause (n)(iv)
(A) the licensee or licence holder within the meaning of the Pipeline Act (Alberta) or The Pipelines Act, 1988 (Saskatchewan),

(B) the licensee, as defined in the Oil and Gas Conservation Act (Alberta) or The Oil and Gas Conservation Act (Saskatchewan), or

(C) the person who for assessment purposes has applied in writing to and been approved by the Minister as the operator,

or, where paragraphs (A), (B) and (C) do not apply, the owner, and

(ii) for other linear property,

(A) the owner, or

(B) the person who for assessment purposes has applied in writing to and been approved by the Minister as the operator;

(dd) “owner” means

(i) in respect of unpatented land, the Crown,

(ii) in respect of other land, the person who is registered pursuant to the Land Titles Act (Alberta) or The Land Titles Act, 2000 (Saskatchewan) as the owner of the land,

(iii) in respect of any property other than land, the person in lawful possession of that property, and

(iv) in respect of a designated manufactured home, the owner of the designated home and not the person in lawful possession of it except for the purpose of section 405;

(ee) “parcel of land” means

(i) in the case of a subdivision, any lot or block

(A) that is shown on a plan of subdivision that has been registered in a Land Titles Office of Alberta and for which a certificate of title has been issued, or

(B) that is shown in a plan of subdivision placed in the Saskatchewan Land Surveys Directory and
for which a title has been issued by the Saskatchewan Land Titles Registry,

(ii) if a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a Land Titles Office of Alberta or placed in the Saskatchewan Land Surveys Directory and for which titles have been issued, all those lots or blocks, or

(iii) a quarter-section of land according to the system of land surveys under the Surveys Act (Alberta) or The Land Surveys Act, 2000 (Saskatchewan) or any other area of land described on a certificate of title in Alberta or on a title in Saskatchewan;

(ff) “property” means

(i) a parcel of land,

(ii) an improvement, or

(iii) a parcel of land and the improvements to it;

(gg) “public utility” means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use

(i) water or steam;

(ii) sewage disposal;

(iii) public transportation operated by or on behalf of the City;

(iv) irrigation;

(v) drainage;

(vi) fuel, including natural gas;

(vii) electrical power;

(viii) heat;

(ix) waste management;

(x) residential or commercial street lighting;

(xi) any other system or works that is provided for public consumption, benefit, convenience or use;
(hh) “railway” means roadway and superstructure;

(ii) “regional airports authority” means a regional airports authority created under the Regional Airports Authorities Act (Alberta);

(jj) “resource production equipment” includes fixtures, machinery, tools, railroad spur tracks and other appliances by which a mine or petroleum oil or gas well is operated, but does not include tipples, general offices, general stores, rooming houses, public halls or yards;

(kk) “roadway” means the continuous strip of land owned or occupied by a person as a right of way for trains, leading from place to place in Alberta or Saskatchewan, but not including

(i) land that is outside the right of way and owned or occupied by the corporation for station grounds or extra right of way for sidings, spur tracks, wyes or other trackage for trains, or

(ii) land within the right of way that is used by the corporation for purposes other than the operation of trains;

(ll) “structure” means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land;

(mm) “superstructure” means

(i) the grading, ballast and improvements located on a right of way for trains and used for the operation of trains, and

(ii) the improvements that form part of a telecommunications system intended for or used in the operation of trains;

(nn) “tax” means

(i) a property tax,

(ii) a business tax,

(iii) a business improvement district tax,

(iv) a special tax,

(v) a local improvement tax,
(vi) an amusement tax, and

(vii) a well drilling equipment tax;

(oo) “taxpayer” means a person liable to pay a tax;

(pp) “telecommunications system” means a system intended for or used in the transmission, emission or reception of cable television or telecommunications, but not including radio communications intended for direct reception by the general public;

(qq) “travel trailer” means a trailer intended to provide accommodation for vacation use and licensed and equipped to travel on a road;

(rr) “year” means a 12-month period beginning on January 1 and ending on the next December 31.

(2) In this Part and Parts VIII, IX and X, a reference to a parcel of land that is held under a lease, licence or permit from the Crown includes a part of the parcel.


Division 1
Incorporation of Regulations


AR 232/2004 s10;219/2005

Division 2
Preparation of Assessments

389 The City must prepare annually an assessment for each property in the municipality, except the property listed in section 403 and designated manufactured homes unless Council passes a bylaw pursuant to section 404.

AR 232/2004 s10

390 No person is eligible to be an assessor unless the person

(a) is registered as an accredited municipal assessor of Alberta (AMAA) under the Qualifications of Assessor

149
Regulation (AR 54/99) made under the Municipal Government Act (Alberta) or is an accredited assessment appraiser of Saskatchewan (AAAS) under The Assessment Management Agency Act (Saskatchewan),

(b) holds the designation Certified Assessment Evaluator (CAE) issued by the International Association of Assessing Officers,

(c) holds the designation Accredited Appraiser Canadian Institute (AACI) issued by the Appraisal Institute of Canada, or

(d) has qualifications or experience or a combination of qualifications and experience that, in the opinion of the Minister, is equivalent to one or more of the qualifications referred to in (a) to (c).

391 The City shall, not later than April 1 each year, provide to the Minister a list showing the names of all persons carrying out the duties and responsibilities of an assessor under this Charter on behalf of the City together with the qualifications held by each such person.

392(1) Assessments for all property in the City, other than linear property, must be prepared by the assessor appointed by the City.

(2) Each assessment must reflect

(a) the characteristics and physical condition of the property on December 31 of the year prior to the year in which a tax is imposed under Part VIII in respect of the property, and

(b) the valuation standard set out in the Matters Relating to Assessment and Taxation Regulation (AR 220/2004) made under the Municipal Government Act (Alberta) for that property.

(3) Each assessment of a railway must be based on a report provided by December 31 to the City by the person that operates the railway, showing

(a) the amount of land in the City occupied by the railway for roadway, and

(b) the amount of land in the City occupied by the railway for purposes other than roadway.
(4) If a person that operates a railway does not provide the report required by subsection (3), the assessor must prepare the assessment using whatever information is available about the railway.

AR 232/2004 s10;219/2005

393(1) If a parcel of land is located in more than one municipality, the assessor must prepare an assessment for the part of the parcel that is located in the City as if that part of the parcel is a separate parcel of land.

(2) Any area of land forming part of a right of way for a railway, irrigation works within the meaning of the *Irrigation Districts Act* (Alberta) or *The Irrigation Act, 1996* (Saskatchewan) or drainage works as defined in the *Drainage Districts Act* (Alberta) or *The Saskatchewan Watershed Authority Act* (Saskatchewan) but used for purposes other than the operation of the railway, irrigation works or drainage works must be assessed as if it is a parcel of land.

(3) Any area of land that is owned by the Crown and is the subject of a grazing lease or grazing permit granted by the Crown must be assessed as if it is a parcel of land.

AR 232/2004 s10

394(1) Each unit and the share in the common property that is assigned to the unit must be assessed

   (a) in the case of a bare land condominium, as if it is a parcel of land, or

   (b) in any other case, as if it is a parcel of land and the improvements to it.

(2) In this section, “unit” and “share in the common property” have the meanings given to them in the *Condominium Property Act* (Alberta) or *The Condominium Property Act, 1993* (Saskatchewan).

AR 232/2004 s10

395(1) In this section “strata space” means volumetric space, whether it is

   (a) located below or above or below and above the surface of the land, or

   (b) occupied in whole or in part by any structure,

and that is shown as strata space on a strata space plan registered under the *Land Titles Act* (Alberta).
(2) Each strata space must be assessed as if it is a parcel of land and the improvements to it.

AR 232/2004 s10

396(1) Unless subsection (2) applies, an assessment must be prepared for an improvement whether or not it is complete or capable of being used for its intended purpose.

(2) No assessment is to be prepared

(a) for linear property that is under construction but not completed on or before October 31, unless it is capable of being used for the transmission of gas, oil or electricity,

(b) for new improvements that are intended to be used for or in connection with a manufacturing or processing operation and are not completed or in operation on or before December 31, or

(c) for new improvements that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (b), if the improvements referred to in clause (b) are not completed or in operation on or before December 31.

AR 232/2004 s10

397(1) Assessments for linear property must be prepared by the assessor designated by the Minister.

(2) Each assessment must reflect

(a) the valuation standard set out in the regulations for linear property, and

(b) the specifications and characteristics of the linear property on October 31 of the year prior to the year in which a tax is imposed under Part VIII in respect of the linear property, as contained in

(i) the records of the Energy Resources Conservation Board of Alberta, the Alberta Utilities Commission or Department of Industry and Resources of Saskatchewan or its equivalent, or

(ii) the report requested by the assessor under subsection (3).

(3) If the assessor considers it necessary, the assessor may request the operator of linear property to provide a report relating to that property setting out the information requested by the assessor.
(4) On receiving a request under subsection (3), the operator must provide the report not later than December 31.

(5) If the operator does not provide the report in accordance with subsection (4), the assessor must prepare the assessment using whatever information is available about the linear property.

AR 232/2004 s10;254/2007

398(1) In preparing an assessment, the assessor must, in a fair and equitable manner,

(a) apply the valuation standards set out in the Matters Relating to Assessment and Taxation Regulation (AR 220/2004) made under the Municipal Government Act (Alberta), and

(b) follow the procedures set out in the regulation referred to in clause (a).

(2) If there are no procedures set out in the regulations referred to in subsection (1)(a) for preparing assessments, the assessor must take into consideration assessments of similar property in the same municipality in which the property that is being assessed is located.

AR 232/2004 s10;219/2005

399(1) After giving reasonable notice to the owner or occupier of any property, an assessor may at any reasonable time, for the purpose of preparing an assessment of the property or determining if the property is to be assessed,

(a) enter and inspect the property,

(b) request anything to be produced to assist the assessor in preparing the assessment or determining if the property is to be assessed, and

(c) make copies of anything necessary to the inspection.

(2) When carrying out duties under subsection (1), an assessor must produce identification on request.

(3) An assessor must inform the owner or occupier of any property of the purpose for which information is being collected under this section and section 400.

AR 232/2004 s10

400(1) A person must provide, on request by the assessor, any information necessary for the assessor to prepare an assessment or determine if property is to be assessed.
Section 401 THE LLOYDMINSTER CHARTER

401(1) An assessor described in section 387(1)(e)(i) or the City may apply by originating notice to the Court for an order under subsection (2) if any person

(a) refuses to allow or interferes with an entry or inspection by an assessor, or

(b) refuses to produce anything requested by an assessor to assist the assessor in preparing an assessment or determining if property is to be assessed.

(2) The Court may make an order

(a) restraining a person from preventing or interfering with an assessor's entry or inspection, or

(b) requiring a person to produce anything requested by an assessor to assist the assessor in preparing an assessment or determining if property is to be assessed.

(3) A copy of the originating notice and each affidavit in support must be served at least 3 days before the day named in the notice for hearing the application.

402(1) When preparing an assessment of property, the assessor must assign one or more of the following assessment classes to the property:

(a) class 1 - residential;

(b) class 2 - non-residential;

(c) class 3 - farm land;
(d) class 4 - machinery and equipment.

(2) Council may by bylaw

(a) divide class 1 into sub-classes on any basis it considers appropriate, and

(b) divide class 2 into the following sub-classes:

(i) vacant non-residential;

(ii) improved non-residential,

and if Council does so, the assessor may assign one or more sub-classes to a property.

(3) If more than one assessment class or sub-class is assigned to a property, the assessor must provide a breakdown of the assessment, showing each assessment class or sub-class assigned and the portion of the assessment attributable to each assessment class or sub-class.

(4) In this section,

(a) “farm land” means land used for farming operations as defined in section 387;

(b) “machinery and equipment” does not include

   (i) any thing that falls within the definition of linear property as set out in section 387, or

   (ii) any component of a manufacturing or processing facility that is used for the cogeneration of power;

(c) “non-residential”, in respect of property, means linear property, components of manufacturing or processing facilities that are used for the cogeneration of power or other property on which industry, commerce or another use takes place or is permitted to take place under a land use bylaw passed by Council, but does not include farm land or land that is used or intended to be used for permanent living accommodation;

(d) “residential”, in respect of property, means property that is not classed by the assessor as farm land, machinery and equipment or non-residential.

AR 232/2004 s10

403 No assessment is to be prepared for the following property:
(a) a facility, works or system for
   (i) the collection, treatment, conveyance or disposal of
       sanitary sewage, or
   (ii) storm sewer drainage,

   that is owned by the Crown or the City;

(b) a facility, works or system for the storage, conveyance,
    treatment, distribution or supply of water that is owned by
    the Crown or the City;

(c) a water supply and distribution system, including
    metering facilities, that is owned or operated by an
    individual or a corporation and used primarily to provide a
    domestic water supply service;

(d) irrigation works within the meaning of the *Irrigation
    Districts Act* (Alberta) or *The Irrigation Act, 1996*
    (Saskatchewan) and the land on which they are located
    when they are held by an irrigation district, but not
    including any residence or the land attributable to the
    residence;

(e) canals, dams, dikes, weirs, breakwaters, ditches, basins,
    reservoirs, cribs and embankments;

(f) flood-gates, drains, tunnels, bridges, culverts, headworks,
    flumes, penstocks and aqueducts

   (i) located at a dam,

   (ii) used in the operation of a dam, and

   (iii) used for water conservation or flood control, but not
         for the generation of electric power;

(g) land on which any property listed in clause (d) or (e) is
    located

   (i) if the land is a dam site, and

   (ii) whether or not the property located on the land is
        used for water conservation, flood control or the
        generation of electric power;

(h) a water conveyance system operated in connection with a
    manufacturing or processing plant, including any facilities
    designed and used to treat water to meet municipal
    standards, but not including any improvement designed
    and used for
(i) the further treatment of the water supply to meet specific water standards for a manufacturing or processing operation,

(ii) water reuse,

(iii) fire protection, or

(iv) the production or transmission of a natural resource;

(i) a sewage conveyance system operated in connection with a manufacturing or processing plant, including any facilities designed and used to treat and dispose of domestic sewage, but not including any improvement designed and used for the treatment of other effluent from the manufacturing or processing plant;

(j) roads, but not including a road right of way that is held under a lease, licence or permit from the Crown or from the City and that is used for a purpose other than as a road;

(k) weigh scales, inspection stations and other improvements necessary to maintain the roads referred to in clause (j) and to keep those roads and users safe, but not including a street lighting system owned by a corporation, the City or a corporation controlled by the City;

(l) any provincial park or recreation area held by the Crown, but not including any residence or the land attributable to the residence;

(m) property held by the Crown and forming part of an undertaking in respect of the conservation, reclamation, rehabilitation or reforestation of land, but not including any residence or the land attributable to the residence;

(n) wheel loaders, wheel trucks and haulers, crawler type shovels, hoes and dozers;

(o) linear property used exclusively for farming operations;

(p) cairns and monuments;

(q) property in Indian reserves;

(r) minerals within the meaning of The Mineral Taxation Act (Saskatchewan);

(s) growing crops;
(t) the following improvements owned or leased by a regional airports authority:

  (i) runways;

  (ii) paving;

  (iii) roads and sidewalks;

  (iv) reservoirs;

  (v) water and sewer lines;

  (vi) fencing;

  (vii) conveyor belts, cranes, weigh scales, loading bridges and machinery and equipment;

  (viii) pole lines, transmission lines, light standards and unenclosed communications towers;

(u) farm buildings, except to the extent prescribed in the regulation referred to in section 387(1)(c);

(v) machinery and equipment, except to the extent prescribed in the regulation referred to in section 387(1)(c);

(w) designated manufactured homes held in storage and forming part of the inventory of a manufacturer of or dealer in designated manufactured homes;

(x) travel trailers that are

  (i) not connected to any utility services provided by a public utility, and

  (ii) not attached or connected to any structure.

AR 232/2004 s10

404(1) Council may pass a bylaw to provide for the assessment and taxation of designated manufactured homes in the City.

(2) If Council passes a bylaw pursuant to subsection (1), the assessment and taxation of designated manufactured homes will be carried out in accordance with Parts VII and VIII of this Charter.

(3) If Council does not pass a bylaw pursuant to subsection (1), designated manufactured homes in the City may be licensed pursuant to section 405.
405(1) In this section,

(a) “licence” means a designated manufactured home licence issued pursuant to this section;

(b) “licence year” means the calendar year;

(c) “owner” means any person who is in lawful possession of a designated manufactured home;

(2) The licence fee to be imposed in respect of a designated manufactured home for a licence year shall be the licence fee set by Council.

(3) Except as otherwise provided in this section, the owner of a designated manufactured home situated in the City shall not occupy, suffer or permit any other person to occupy a designated manufactured home at any time during which the owner is not the holder of a subsisting licence issued by the City for the designated manufactured home.

(4) The owner of a designated manufactured home is not required to have a licence in respect of

(a) a designated manufactured home occupied by a tourist,

(b) a designated manufactured home used chiefly 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, or

(c) a designated manufactured home that is subject to a tax levy pursuant to the Charter or portions of it.

(5) Subject to subsection (3), if a designated manufactured home situated in the City is occupied by any person and the owner does not have a subsisting licence issued by the City, 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 City the licence fee.

(6) In a prosecution for a contravention of subsection (5) a certificate purporting to be signed by the designated officer for the City stating that a named person was or was not, on a specified day or during a specified period, a holder of a subsisting licence for a
designated manufactured home or for a particular designated manufactured home shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the designated officer’s appointment or signature.

(7) Not later than 14 days after a designated manufactured home is situated in the City and occupied, the owner of the designated manufactured home shall apply to the designated officer of the City for a licence.

(8) The City may by bylaw require the owner or operator of every licensed designated manufactured home community in the City to notify the designated officer of the City in writing of

(a) the name and address of the owner of each designated manufactured home in the designated manufactured home community within 14 days of its being occupied, and

(b) any change of ownership or occupancy or any removal of a designated manufactured home from the community within 14 days of the change or removal.

(9) If a designated manufactured home is situated in the City and occupied

(a) at the beginning of the licence year, a licence for the balance of the year shall be issued to the owner by the City on payment of the fee set by Council under subsection (2) for the entire licence year, and

(b) after the beginning of the licence year, a licence for the balance of the year shall be issued to the owner by the City on payment of a fee equal to the amount of the fee set by Council under subsection (2) for the entire licence year, multiplied by the number of days remaining in the licence year and divided by the number of days in the entire licence year.

(10) Notwithstanding subsection (9), the City may allow the owner of a designated manufactured home to pay a licence fee by prepaid instalments and on payment of an instalment a licence must be issued to the owner, which licence shall be valid for the period of time set out in the licence.

(11) If the owner of the designated manufactured home has not paid the licence fee payable in accordance with this section, the City may

(a) recover the amount of the licence fee as a debt owing to the City, or
(b) on the licence fee remaining unpaid for 30 days after demand for payment has been made by a designated officer, distrain for the licence fee on the goods and chattels of the owner.

(12) When the licence fee owing to the City has been paid in accordance with subsection (9) and the designated manufactured home has been removed from the City or is no longer occupied, the City, on application by the owner, shall refund to the owner the licence fee for the balance of the licence year, calculated as a sum equal to the amount of the fee set by Council under subsection (2) for the entire licence year, multiplied by the number of days remaining in the licence year and divided by the number of days in the entire licence year.

(13) Every person occupying a designated manufactured home

(a) shall, on request by a designated officer, give to the designated officer all information necessary to enable the designated officer to carry out his or her duties, and

(b) who fails to provide the information requested pursuant to clause (a) within 10 days from the day that the request is made is guilty of an offence and liable to a fine of not more than $100 for every day that the information is not provided from the date the request is made.

(14) If a designated manufactured home is required to be licensed pursuant to this section, the City shall make a valuation of the designated manufactured home for the purpose of determining the licence fee payable and shall mail or deliver to the owner written notice of the valuation.

(15) The owner of a designated manufactured home

(a) may, within 30 days of the notice being mailed or delivered to him or her, make a complaint to the Assessment Review Board in respect of the valuation of his or her designated manufactured home, and

(b) may appeal to the Municipal Government Board against the decision of the Assessment Review Board if

(i) the owner or the valuation of his or her designated manufactured home is affected by a decision of the Assessment Review Board, and

(ii) the owner appeared before the Assessment Review Board in person or by agent or sent to the designated officer a document setting out in detail the ground of his or her complaint,
and Parts VIII and IX of this Charter apply to proceedings under this subsection with all necessary modifications.

(16) Council may by resolution cancel or refund all or any portion of a designated manufactured home licence fee if Council considers it equitable to do so.

AR 232/2004 s10

406(1) An assessed person or licensee may ask the City, in the manner required by the City, to let the assessed person or licensee see or receive sufficient information to show how the assessor prepared the assessment or licence fee of that person's property.

(2) The City must comply with a request under subsection (1).

(3) The City may charge a fee for furnishing information, which fee must not exceed the reasonable costs incurred by the City for furnishing the information.

AR 232/2004 s10

407(1) An assessed person or licensee may ask the City, in the manner required by the City, to allow the assessed person or licensee to view or receive a summary of the assessment or licence fee of any assessed property or designated manufactured home in the City.

(2) The City must comply with a request under subsection (1) if it is satisfied that necessary confidentiality will not be breached.

(3) The City may charge a fee for furnishing information, which fee must not exceed the reasonable costs incurred by the City for furnishing the information.

AR 232/2004 s10

408(1) The City may provide information in its possession about assessments or licence fees for designated manufactured homes if the City is satisfied that necessary confidentiality will not be breached.

(2) This section prevails despite the Freedom of Information and Protection of Privacy Act (Alberta).

AR 232/2004 s10
Section 409  THE LLOYDMINSTER CHARTER  AR 43/79

Division 3
Assessment Roll

409  The City must prepare annually, not later than February 28, an assessment roll for assessed property in the City.

AR 232/2004 s10

410  The assessment roll must show, for each assessed property, the following:

(a) a description sufficient to identify the location of the property;

(b) the name and mailing address of the assessed person;

(c) whether the property is a parcel of land, an improvement or a parcel of land and the improvements to it;

(d) if the property is an improvement, a description showing the type of improvement;

(e) the assessment;

(f) the assessment class or classes;

(g) whether the property is assessable for public school purposes or separate school purposes, if notice has been given to the City pursuant to the School Act (Alberta) or The Education Act, 1995 (Saskatchewan);

(h) if the property is exempt from taxation under Part VIII, a notation of that fact;

(i) any other information considered appropriate by the City.

AR 232/2004 s10

411(1) The name of the person described in column 2 must be recorded on the assessment roll as the assessed person in respect of the assessed property described in column 1.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessed property</td>
<td>Assessed person</td>
</tr>
<tr>
<td>(a) a parcel of land, unless otherwise dealt with in this subsection;</td>
<td>(a) the owner of the parcel of land;</td>
</tr>
<tr>
<td>(b) a parcel of land and the</td>
<td>(b) the owner of the parcel of</td>
</tr>
</tbody>
</table>

163
improvements to it, unless otherwise dealt with in this subsection;

(c) a parcel of land, an improvement or a parcel of land and the improvements to it held under a lease, licence or permit from the Crown or the City;

(d) a parcel of land forming part of the station grounds of a railway or part of a right of way for a railway, irrigation works within the meaning of the Irrigation Districts Act (Alberta) or The Irrigation Act, 1996 (Saskatchewan), or drainage works as defined in the Drainage Districts Act (Alberta) or The Saskatchewan Watershed Authority Act that is held under a lease, licence or permit from the person that operates the railway, or from the irrigation district or the board of trustees of the drainage district;

(e) a parcel of land and the improvements to it held under a lease, licence or permit from a regional airports authority, where the land and improvements are used in connection with the operation of an airport;

(f) property held under a lease, license or permit for

(i) working any minerals in or under the land referred land;

c) the holder of the lease, licence or permit or, in the case of a parcel of land or a parcel of land and the improvements to it, the person who occupies the land with the consent of that holder or, if the land that was the subject of a lease, licence or permit has been sold under an agreement for sale, the purchaser under that agreement;

d) the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder;

e) the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder;

(f) the person who uses the property for the purpose indicated;
to in the lease, licence or permit or in or under land in the vicinity of that land,

(ii) drilling for oil, salt or natural gas, or

(iii) operating a well for oil, salt or natural gas;

(g) machinery and equipment used in the excavation or transportation of coal or oil sands;

(h) improvements to a parcel of land listed in section 403 for which no assessment is to be prepared;

(i) linear property;

(j) a designated manufactured home on site in a manufactured home community and any other improvements located on the site and owned or occupied by the person occupying the designated manufactured home;

(k) a designated manufactured home located on a parcel of land that is not owned by the owner of the designated manufactured home together with any other improvements located on the site that are owned or occupied by the person occupying the designated manufactured home.

(2) When land is occupied under the authority of a right of entry order issued under the Surface Rights Act (Alberta) or The Surface Rights Acquisition and Compensation Act (Saskatchewan) or an order made under any other Act of Alberta or Saskatchewan, the land is, for the purposes of subsection (1), considered to be occupied under a lease or licence from the owner of the land.
3. A person who purchases property or in any other manner becomes liable to be shown on the assessment roll as an assessed person must give the City written notice of a mailing address to which notices under this Part and Part VIII may be sent.

4. Despite subsection (1)(c), no individual who occupies housing accommodation under a lease, licence or permit from a management body under the Alberta Housing Act or from the Saskatchewan Housing Corporation or a public housing authority under The Saskatchewan Housing Corporation Act is to be recorded as an assessed person if the sole purpose of the lease, licence or permit is to provide housing accommodation for that individual.

5. A bylaw passed under subsection (1)(j)(ii)
   (a) must be advertised,
   (b) has no effect until the beginning of the year commencing at least 12 months after the bylaw is passed,
   (c) must indicate the criteria used to designate the assessed person, and
   (d) may apply to one or more manufactured home communities.

6. When a bylaw is passed under subsection (1)(j)(ii), the owner of the designated manufactured home is the assessed person for the purpose of making a complaint under section 577(1) relating to the designated manufactured home.

AR 232/2004 s10

412(1) If it is discovered that there is an error, omission or misdescription in any of the information shown on the assessment roll,
   (a) the assessor may correct the assessment roll for the current year only, and
   (b) on correcting the roll, an amended assessment notice must be prepared and sent to the assessed person.

2. If it is discovered that no assessment has been prepared for a property and the property is not listed in section 403, an assessment for the current year only must be prepared and an assessment notice must be prepared and sent to the assessed person.

3. If exempt property becomes taxable or taxable property becomes exempt under section 479, the assessment roll must be
corrected and an amended assessment notice must be prepared and sent to the assessed person.

(4) The date of every entry made on the assessment roll under this section must be shown on the roll.

AR 232/2004 s10

413 The fact that any information shown on the assessment roll contains an error, omission or misdescription does not invalidate any other information on the roll or the roll itself.

AR 232/2004 s10

414(1) Any person may inspect the assessment roll during regular business hours on the payment of a fee, if any, that may be set by Council.

(2) If a fee is set by Council under subsection (1), the fee must not exceed the reasonable costs incurred by the City in making the assessment roll available for inspection.

(3) This section prevails despite the Freedom of Information and Protection of Privacy Act (Alberta).

AR 232/2004 s10

Division 4
Assessment Notices

415(1) The City must annually

(a) prepare assessment notices for all assessed property, other than linear property, shown on the assessment roll of the City, and

(b) send the assessment notices to the assessed persons.

(2) The assessor designated by the Minister must annually

(a) prepare assessment notices for all assessed linear property situated in the City,

(b) send the assessment notices to the assessed persons, and

(c) send to the City copies of the assessment notices referred to in clause (a).

(3) The City must record on the assessment roll the information in the assessment notices sent to it under subsection (2)(c).
(4) The assessment notice and the tax notice relating to the same property may be sent together or may be combined on one notice.

AR 232/2004 s10

416(1) An assessment notice or an amended assessment notice must show the following:

(a) the same information that is required to be shown on the assessment roll;

(b) the date the assessment notice or amended assessment notice is sent to the assessed person;

(c) the date by which a complaint must be made, which date must not be less than 30 days after the assessment notice or amended assessment notice is sent to the assessed person;

(d) the name and address of the designated officer with whom a complaint must be filed;

(e) any other information considered appropriate by the City.

(2) An assessment notice may include a number of assessed properties if the same person is the assessed person for all of them.

AR 232/2004 s10

417(1) The assessment notices must be sent no later than the date the tax notices are required to be sent under Part VIII.

(2) If the mailing address of an assessed person is unknown,

(a) a copy of the assessment notice must be sent to the mailing address of the assessed property, and

(b) if the mailing address of the property is also unknown, the assessment notice must be retained by the City or the assessor designated by the Minister, as the case may be, and is deemed to have been sent to the assessed person.

AR 232/2004 s10

418(1) The City must publish in one issue of a newspaper having general circulation in the City, or in any other manner considered appropriate by the City, a notice that the assessment notices have been sent.
(2) All assessed persons are deemed to have received their assessment notices as a result of the publication referred to in subsection (1).

AR 232/2004 s10

419 If it is discovered that there is an error, omission or misdescription in any of the information shown on an assessment notice, an amended assessment notice may be prepared and sent to the assessed person.

AR 232/2004 s10

 Division 5
 Preparation of Supplementary Assessments

420(1) If the City wishes to require the preparation of supplementary assessments for improvements, Council must pass a supplementary assessment bylaw authorizing the assessments to be prepared for the purpose of imposing a tax under Part VIII in the same year.

(2) A bylaw under subsection (1) must refer

(a) to all improvements, or

(b) to all designated manufactured homes in the City.

(3) A supplementary assessment bylaw or any amendment to it applies to the year in which it is passed, only if it is passed before May 1 of that year.

(4) A supplementary assessment bylaw must not authorize assessments to be prepared for linear property.

AR 232/2004 s10

421(1) The assessor must prepare supplementary assessments for machinery and equipment used in manufacturing and processing if those improvements are completed or begin to operate in the year in which they are to be taxed under Part VIII.

(2) The assessor must prepare supplementary assessments for other improvements if

(a) they are completed in the year in which they are to be taxed under Part VIII,

(b) they are occupied during all or any part of the year in which they are to be taxed under Part VIII, or
(c) they are moved into the City during the year in which they are to be taxed under Part VIII and they will not be taxed in that year by another municipality.

(3) The assessor may prepare a supplementary assessment for a designated manufactured home that is moved into the City during the year in which it is to be taxed under Part VIII despite that the designated manufactured home will be taxed in that year by another municipality.

(4) A supplementary assessment must reflect
   (a) the value of an improvement that has not been previously assessed, or
   (b) the increase in the value of an improvement since it was last assessed.

(5) Supplementary assessments must be prepared in the same manner as assessments are prepared under Division 2, but must be prorated to reflect only the number of months during which the improvement is complete, occupied, located in the City or in operation, including the whole of the first month in which the improvement was completed, was occupied, was moved into the City or began to operate.

AR 232/2004 s10

422(1) Before the end of the year in which supplementary assessments are prepared, the City must prepare a supplementary assessment roll.

(2) A supplementary assessment roll must show, for each assessed improvement, the following:
   (a) the same information that is required to be shown on the assessment roll;
   (b) the date that the improvement
      (i) was completed, occupied or moved into the City, or
      (ii) began to operate.

(3) Sections 411, 412, 413 and 414 apply in respect of a supplementary assessment roll.

AR 232/2004 s10

423(1) Before the end of the year in which supplementary assessments are prepared, the City must
(a) prepare a supplementary assessment notice for every assessed improvement shown on the supplementary assessment roll, and

(b) send the supplementary assessment notices to the assessed persons.

(2) A supplementary assessment notice must show, for each assessed improvement, the following:

(a) the same information that is required to be shown on the supplementary assessment roll;

(b) the date the supplementary assessment notice is sent to the assessed person;

(c) the date by which a complaint must be made, which date must not be less than 30 days after the supplementary assessment notice is sent to the assessed person;

(d) the address to which a complaint must be sent.

(3) Sections 416(2), 417 and 419 apply in respect of supplementary assessment notices.

Division 6
Equalized Assessments

424 In this Division, “equalized assessment” means an assessment prepared under section 426.

425 Despite section 424, supplementary assessments prepared under a supplementary assessment bylaw under section 420 must not be included in the equalized assessment for the City.

426 The Minister must annually prepare an equalized assessment under Part 9 of the Municipal Government Act (Alberta) for that part of the City located in Alberta.

427(1) The City must provide to the Minister annually, not later than April 1, a return containing the information requested by the Minister in the form required by the Minister.
(2) If the City does not provide the information requested by the Minister, the Minister must prepare the equalized assessment using whatever information is available about the City.

AR 232/2004 s10

428 The Minister must send to the City annually, not later than November 1, a report of all the equalized assessments prepared.

AR 232/2004 s10

429 The City may appeal the amount of an equalized assessment under section 426 to the Municipal Government Board of Alberta not later than December 1 of the year in which the equalized assessment is prepared.

AR 232/2004 s10

430 If it appears to the Minister that in any year Council will be unable to carry out its obligation under section 389, the Minister may cause any or all of the assessments in the City to be prepared and Council is responsible for the costs.

AR 232/2004 s10

431(1) If, after an inspection under section 631 or an audit pursuant to the Matters Relating to Assessment and Taxation Regulation (AR 220/2004) is completed, the Minister is of the opinion that an assessment

(a) has not been prepared in accordance with the rules and procedures set out in this Part and the regulations,

(b) is not fair and equitable, taking into consideration assessments of similar property, or

(c) does not meet the standards required by the regulations,

the Minister may quash the assessment and direct that a new assessment be prepared.

(2) On quashing an assessment, the Minister must provide directions as to the manner and times in which

(a) the new assessment is to be prepared,

(b) the new assessment is to be placed on the assessment roll, and

(c) amended assessment notices are to be sent to the assessed persons.
(3) The Minister must specify the effective date of a new assessment prepared under this section.

AR 232/2004 s10;219/2005

432 Despite anything in this Charter, the Minister may adjust an equalized assessment at any time.

AR 232/2004 s10

Division 7 Repealed AR 212/2011 s5.

Part VIII Taxation

Division 1 General Provisions

436 In this Part,

(a) “Alberta’s education property tax requisition” means a requisition referred to in section 464.01;

(b) “housing requisition” means an amount required to be paid to a management body under the Alberta Housing Act or to the Saskatchewan Housing Corporation or a public housing authority under The Saskatchewan Housing Corporation Act;

(c) “tax arrears” means taxes that remain unpaid after December 31 of the year in which they are imposed.


437(1) The City must prepare a tax roll annually.

(2) The tax roll may consist of one roll for all taxes imposed under this Part or a separate roll for each tax imposed under this Part.

(3) The tax roll for property tax may be a continuation of the assessment roll prepared under Part VII or may be separate from the assessment roll.

(4) The fact that any information shown on the tax roll contains an error, omission or misdescription does not invalidate any other information on the roll or the roll itself.

AR 232/2004 s10

438 Taxpayers must provide, on request by the City, any information necessary for the City to prepare its tax roll.

AR 232/2004 s10
439 The tax roll must show, for each taxable property or business, the following:

(a) a description sufficient to identify the location of the property or business;

(b) the name and mailing address of the taxpayer;

(c) the assessment;

(d) the name, tax rate and amount of each tax imposed in respect of the property or business;

(e) the total amount of all taxes imposed in respect of the property or business;

(f) the amount of tax arrears, if any;

(g) if any property in the City is the subject of an agreement between the taxpayer and the City under section 457(1) relating to tax arrears, a notation of that fact;

(h) any other information considered appropriate by the City.

AR 232/2004 s10

440(1) If it is discovered that there is an error, omission or misdescription in any of the information shown on the tax roll, the City may correct the tax roll for the current year only and on correcting the roll, it must prepare and send an amended tax notice to the taxpayer.

(2) If it is discovered that no tax has been imposed on a taxable property or business, the City may impose the tax for the current year only and prepare and send a tax notice to the taxpayer.

(3) If exempt property becomes taxable or taxable property becomes exempt under section 479, the City must correct the tax roll and on correcting the roll, it must send an amended tax notice to the taxpayer.

(4) The date of every entry made on the tax roll under this section must be shown on the roll.

AR 232/2004 s10

441(1) The person liable to pay a property tax imposed under this Part is the person who

(a) at the time the assessment is prepared or adopted under Part VII, is the assessed person, or
(b) subsequently becomes the assessed person.

**442.** Taxes imposed under this Part, other than a supplementary property tax and a supplementary business tax, are deemed to have been imposed on January 1.

**443(1)** The City must annually

(a) prepare tax notices for all taxable property and businesses shown on the tax roll of the City, and

(b) send the tax notices to the taxpayers.

**2** A tax notice may include a number of taxable properties and taxable businesses if the same person is the taxpayer for all of them.

**3** A tax notice may consist of one notice for all taxes imposed under this Part, a separate notice for each tax or several notices showing one or more taxes.

**4** The assessment notice and the tax notice relating to the same property may be sent together or may be combined on one notice.

**444(1)** Council may make a tax agreement with an assessed person who occupies or manages

(a) the City’s property, including property under the direction, control and management of

   (i) the City, or

   (ii) a non-profit organization as defined in section 387 that holds the property on behalf of the City,

   or
(b) property for the purpose of operating a professional sports franchise.

(2) A tax agreement may provide that, instead of paying the taxes imposed under this Part and any other fees or charges payable to the City, the assessed person may make an annual payment to the City calculated under the agreement.

(3) A tax agreement under this section must provide that the City accepts payment of the amount calculated under the agreement in place of the taxes and other fees or charges specified in the agreement.

445(1) A tax notice must show the following:

(a) the same information that is required to be shown on the tax roll;

(b) the date the tax notice is sent to the taxpayer;

(c) the amount of the housing requisitions, any one or more of which may be shown separately or as part of a combined total;

(d) except when the tax is a property tax, the date by which a complaint must be made, which date must not be less than 30 days after the tax notice is sent to the taxpayer;

(e) the name and address of the designated officer with whom a complaint must be filed;

(f) the dates on which penalties may be imposed if the taxes are not paid;

(g) any other information considered appropriate by the City.

(2) A tax notice may show

(a) one tax rate that combines all of the tax rates set by the property tax bylaw, or

(b) each of the tax rates set by the property tax bylaw.

(3) Despite subsection (2), a tax notice must show, separately from all other tax rates shown on the notice, the tax rates set by the property tax bylaw to raise the revenue to pay the amounts referred to in section 464(2)(d).
446(1) The tax notices must be sent before the end of the year in which the taxes are imposed.

(2) If the mailing address of a taxpayer is unknown

(a) a copy of the tax notice must be sent to the mailing address of the taxable property or business, and

(b) if the mailing address of the taxable property or business is also unknown, the tax notice must be retained by the City and is deemed to have been sent to the taxpayer.

AR 232/2004 s10

447(1) The treasurer must certify the date the tax notices are sent under section 446.

(2) The certification of the date referred to in subsection (1) is evidence that the tax notices have been sent and that the taxes have been imposed.

AR 232/2004 s10

448 A tax notice is deemed to have been received 7 days after it is sent.

AR 232/2004 s10

449 If it is discovered that there is an error, omission or misdescription in any of the information shown on a tax notice, the City may prepare and send an amended tax notice to the taxpayer.

AR 232/2004 s10

450 Council may by bylaw provide incentives for payment of taxes by the dates set out in the bylaw.

AR 232/2004 s10

451(1) Council may by bylaw permit taxes to be paid by instalments, at the option of the taxpayer.

(2) A person who wishes to pay taxes by instalments must make an agreement with Council authorizing that method of payment.

(3) When an agreement under subsection (2) is made, the tax notice, or a separate notice enclosed with the tax notice, must state

(a) the amount and due dates of the instalments to be paid in the remainder of the year, and

(b) what happens if an instalment is not paid.

AR 232/2004 s10
452  A tax payment that is sent by mail to the City is deemed to have been received by the City on the date of the postmark stamped on the envelope.

AR 232/2004 s10

453(1) A tax payment must be applied first to tax arrears.

(2) If a person pays only a portion of the taxes owing by him or her with respect to any property, the treasurer shall

(a) first apply the amount in payment of any arrears or taxes due from the person to any property, and

(b) apportion the amount paid between the City and any other taxing authorities on whose behalf the City levies taxes in shares corresponding to their respective tax rates for current taxes and to the amount of taxes in arrears owed by the person.

(3) If a person does not indicate to which taxable property or business a tax payment is to be applied, the treasurer must decide to which taxable property or business owned by the taxpayer the payment is to be applied.

AR 232/2004 s10

454(1) Council may by bylaw impose penalties in the year in which a tax is imposed if the tax remains unpaid after the date shown on the tax notice.

(2) A penalty under this section is imposed at the rate set out in the bylaw.

(3) The penalty must not be imposed sooner than 30 days after the tax notice is sent out.

AR 232/2004 s10

455(1) Council may by bylaw impose penalties in any year following the year in which a tax is imposed if the tax remains unpaid after December 31 of the year in which it is imposed.

(2) A penalty under this section is imposed at the rate set out in the bylaw.

(3) The penalty must not be imposed sooner than January 1 of the year following the year in which the tax was imposed or any later date specified in the bylaw.

AR 232/2004 s10
456 A penalty imposed under section 454 or 455 is part of the tax in respect of which it is imposed.

AR 232/2004 s10

457(1) If Council considers it equitable to do so, it may, generally or with respect to a particular taxable property or business or a class of taxable property or business, do one or more of the following, with or without conditions:

(a) cancel or reduce tax arrears;

(b) cancel or refund all or part of a tax;

(c) defer the collection of a tax.

(2) Council may phase in a tax increase or decrease resulting from the preparation of any new assessment.

AR 232/2004 s10

458(1) If Council takes any action pursuant to section 457, Council may also act in the same manner with respect to the claim of any other taxing authority of the Province of Saskatchewan on whose behalf the City levies taxes if

(a) there has been a change in the property to the extent that Council considers it inappropriate to collect the whole or a part of the taxes,

(b) a lease, licence, permit or contract has expired or been terminated with respect to property that is exempt from taxation,

(c) in Council’s opinion, the taxes owing are uncollectible,

(d) in Council’s opinion, the taxes owing have become uncollectible due to unforeseen hardship to the taxpayer, or

(e) Council and the other taxing authority agree that the compromise or abatement is in the best interests of the community.

(2) If the City compromises or abates a claim pursuant to subsection (1), the City must provide the other taxing authority of Saskatchewan on whose behalf the City levies taxes with full particulars of the compromise or abatement.

(3) The City must act pursuant to subsection (4) if

(a) the City compromises or abates a claim for taxes,
(b) any arrears of taxes levied against the occupant of property that is exempt from taxation become uncollectible and the City is unable to enforce their collection, or

(c) the City makes a refund of taxes.

4 In the circumstances set out in subsection (3), the City must

(a) recover or reduce the liability owing to the Saskatchewan school division, health region or conservation and development area from school taxes, health services taxes or conservation and development taxes, respectively, remitted in the compromise or abatement or levied against those occupants, and

(b) subject to the consent of the Board of Revenue Commissioners of Saskatchewan, as the case may require, recover from or reduce the liability owing to the Minister of Finance of Saskatchewan by the proportion of any taxes compromised or abated.

459 Taxes due to the City

(a) are an amount owing to the City,

(b) are recoverable as a debt due to the City,

(c) take priority over the claims of every person except the Crown, and

(d) are a special lien

(i) on land and any improvements to the land, if the tax is a property tax, a special tax or a local improvement tax, or

(ii) on goods, if the tax is a business tax or a property tax imposed in respect of a designated manufactured home in a manufactured home community.

AR 232/2004 s10

460(1) Taxes that have been imposed in respect of improvements are a first charge on any money payable under a fire insurance policy for loss or damage to those improvements.

(2) Taxes that have been imposed in respect of a business are a first charge on any money payable under a fire insurance policy for loss or damage to any personal property
(a) that is located on the premises occupied for the purposes of the business, and

(b) that is used in connection with the business and belongs to the taxpayer.

AR 232/2004 s10

461 On request, the treasurer must issue a tax certificate showing

(a) the amount of taxes imposed in the year in respect of the property or business specified on the certificate and the amount of taxes owing, and

(b) the total amount of tax arrears, if any.

AR 232/2004 s10

462(1) The following are exempt from taxation under this Part:

(a) property listed in section 403;

(b) designated manufactured homes unless Council passes a bylaw pursuant to section 404;

(c) any property or business in respect of which an exemption from assessment or taxation, or both, was granted

   (i) by a private Act of Alberta or Saskatchewan, or

   (ii) by an order of the Lieutenant Governor in Council of Alberta based on an order of the Local Authorities Board.

(2) Council may by bylaw cancel an exemption granted by a private Act of Alberta, with respect to any property or business.

(3) If Council is proposing to pass a bylaw under subsection (2), it must notify the person or group that will be affected by the proposed bylaw.

(4) A bylaw under subsection (2) has no effect until the expiration of one year after it is passed.

(5) A copy of a bylaw under subsection (2) must be sent to the Minister and if the bylaw amends a private Act of Alberta, the Minister must send a copy to the clerk of the Legislative Assembly of Alberta.

AR 232/2004 s10
463(1) An action, suit or other proceedings for the return by the City of any money paid to the City, whether under protest or otherwise, as a result of a claim by the City, whether valid or invalid, for payment of taxes or tax arrears must be started within 6 months after the payment of the money to the City.

(2) If no action, suit or other proceeding is started within the period referred to in subsection (1), the payment made to the City is deemed to have been a voluntary payment.

AR 232/2004 s10

Division 2
Property Tax

464(1) Council must pass a property tax bylaw annually.

(2) The property tax bylaw passed pursuant to subsection (1) authorizes the council to impose a tax in respect of property in the City to raise revenue to be used towards the payment of

(a) the expenditures and transfers set out in the budget of the City,

(b) the housing requisitions,

(c) taxes for educational purposes calculated in accordance with *The Education Act, 1995* (Saskatchewan) and based on Alberta’s education property tax requisition, and

(d) if agreed to by the City and the boards of education, a levy on assessment for city-wide educational programming purposes.

(2.1) The council may enter into an agreement with the Lloydminster Public School Division and the Lloydminster Roman Catholic Separate School Division to provide funds to the school divisions for city-wide educational programming, and any sums to be paid by the City pursuant to such an agreement must be raised by means of the levy referred to in subsection (2)(d).

(2.2) The levy referred to in subsection (2)(d) must not exceed a tax rate of 0.00075 or a mill rate of .75 in any year.


464.01 For the purposes of section 464(2)(c), Alberta’s education property tax requisition must be in an amount that is equal to the amount that results from applying the rates established under the *School Act* (Alberta) to the equalized assessment for the City as prepared under the *Municipal Government Act* (Alberta).

AR 212/2011 s9
464.1(1) In this section, “complementary minister’s order” means an order issued by a minister of Alberta or Saskatchewan and expressed as being complementary to an order issued by a minister of the other province.

(2) The council shall enter into an agreement with the boards of education to provide for a method of collecting and remitting the taxes and levy referred to in section 464(2)(c) and (d) respectively.

(3) An agreement entered into pursuant to this section remains in force for any period that may be specified in the agreement.

(4) Copies of the agreement entered into pursuant to this section must be filed with

(a) the ministers,

(b) the minister responsible for The Education Act, 1995 (Saskatchewan) pursuant to The Government Organization Act (Saskatchewan), and

(c) the minister responsible for the School Act (Alberta) pursuant to the Government Organization Act (Alberta).

(5) If an agreement is not entered into pursuant to this section or if that agreement has been terminated, the ministers named in subsection (4)(b) and (c) shall, by complementary minister’s order, provide for the method of collecting and remitting the taxes and levy referred to in section 464(2)(c) and (d) respectively.

(6) Notwithstanding subsections (2) to (4), the council must supply any information required in accordance with any other provision of this Charter or any Act of Saskatchewan or Alberta.


AR 219/2005 s15;212/2011

465(1) The property tax bylaw must

(a) show separately all of the tax rates to be imposed under this Division to raise revenue for the purposes of section 464(2), and

(b) set the tax rates to raise revenue for the purposes of section 464(2)(a), (b) and (d).

(2) A tax rate must be set for each assessment class or sub-class referred to in section 402.
(3) The tax rate may be different for each assessment class or sub-class referred to in section 402.

(4) Despite subsection (3), the tax rate set for the class referred to in section 402(1)(d) to raise the revenue required under section 464(2)(a) must be equal to the tax rate set for the class referred to in section 402(1)(b) to raise revenue for that purpose.

(5) The tax rates set by the property tax bylaw must not be amended after the City sends the tax notices to the taxpayers unless subsection (6) applies.

(6) If after sending out the tax notices the City discovers an error or omission that relates to the tax rates set by the property tax bylaw, the Minister may by order permit the City to revise the property tax bylaw and send out a revised tax notice.

466 A tax rate is calculated by dividing the amount of revenue required by the total assessment of all property on which that tax rate is to be imposed.

467 The amount of tax to be imposed under this Division in respect of a property is calculated by multiplying the assessment for the property by the tax rate to be imposed on that property.

468(1) Despite anything in this Division, the property tax bylaw may specify a minimum amount payable as property tax with respect to the matters referred to in section 464(2)(a).

(2) Despite section 464, Council may pass a bylaw separate from the property tax bylaw that provides for compulsory tax instalment payments for designated manufactured homes.

469 If the property tax bylaw specifies a minimum amount payable as property tax, the tax notice must indicate the tax rates set by the property tax bylaw that raise the revenue required to pay taxes for educational purposes referred to in section 464(2)(c).

470(1) In calculating the tax rate required to raise sufficient revenue to pay the housing requisitions, the City may include an allowance for non-collection of taxes at a rate not exceeding the actual rate of taxes uncollected from the previous year's tax levy as determined at the end of that year.
(2) If in any year the property tax imposed to pay the housing requisitions results in too much or too little revenue being raised for that purpose, Council must accordingly reduce or increase the amount of revenue to be raised for that purpose in the next year.

(3) If the City is requisitioned by a taxing authority of the Province of Saskatchewan, and the amount taxed by the City to a taxpayer in relation to the requisitioned amount remains unpaid, the unpaid amount is not required to be paid by the City to the taxing authority of the Province of Saskatchewan that requisitioned the amount until such time as it is collected.

471 The following items may be included in calculating the tax rate required to raise sufficient revenue to pay the taxes for educational purposes referred to in section 464(2)(c):

(a) the allowances referred to in section 470(1);

(b) the amounts referred to in section 470(2).

472(1) Council may make a tax agreement with an operator of a public utility or of linear property who occupies the City’s property, including property under the direction, control and management of the City.

(2) Instead of paying the tax imposed under this Division and any other fees or charges payable to the City, a tax agreement may provide for an annual payment to the City by the operator calculated as provided in the agreement.

(3) A tax agreement must provide that the City accepts payment of the amount calculated under the agreement in place of the tax and other fees or charges specified in the agreement.

(4) If a tax agreement with the operator of a public utility that supplies fuel provides for the calculation of the payment as a percentage of the gross revenue of the public utility, that gross revenue is the aggregate of

\[ \text{gr} + (\text{qu.ns} \times \text{vpu}) \]

where:

“\text{gr}” is the gross revenue of the public utility for the year;

“\text{qu.ns}” is the quantity of fuel in respect of which transportation service was provided during the year.
by means of the fuel distribution system of the provider of the public utility;

“vpu” is the deemed value per unit quantity of fuel determined by the Alberta Utilities Commission for that year for the fuel in respect of which transportation service was so provided.

(5) If a tax agreement with the operator of a public utility that transports electricity by way of a transmission system, an electric distribution system, or both, provides for the calculation of the payment as a percentage of the gross revenue of the public utility, that gross revenue is

(a) \(gr\), or

(b) \(gr + (qu.ns \times vpu)\),

where:

“\(gr\)” is the gross revenue received by the public utility under its distribution tariff for the year;

“\(qu.ns\)” is the quantity of electricity in respect of which system access service, distribution access service, or both, were provided during the year by means of the transmission system, the electric distribution system, or both, of the provider of the public utility;

“vpu” is the deemed value per unit quantity of electricity determined by the Alberta Utilities Commission for that year for the electricity in respect of which system access service, distribution access service, or both, were so provided.

(6) For the purposes of subsection (5),

(a) “distribution access service” means the service required to transport electricity to customers by means of an electric distribution system;

(b) “electric distribution system” means the plant, works, equipment, systems and services necessary to distribute electricity in a service area, but does not include a generating unit or a transmission facility;

(c) “electricity” means electric energy, electric power, reactive power or any other electromagnetic effects
associated with alternating current or high voltage direct current electric systems;

(d) “system access service” means the service obtained by eligible persons through a local substation connection to the transmission system or the interconnected electric system, and includes access to exchange electric energy through the power pool and access to system support services;

(e) “transmission system” means all transmission facilities in Alberta and Saskatchewan that are part of the interconnected electric system.

(7) An agreement under this section with an operator who is subject to regulation by the Alberta Utilities Commission is of no effect unless it is approved by the Alberta Utilities Commission.

473 The following property is exempt from taxation:

(a) the interest of the Crown in any property, including property held by any person in trust for the Crown;

(b) property specially exempted by law;

(c) every place of public worship and the land used in connection with it, not exceeding 2 acres, of which a religious organization is the owner, except such part as may have on it any other improvement and where the land exceeds 2 acres, the assessment shall be apportioned, but if a portion of a place of public worship is used as a dwelling or is leased and used for purposes other than public worship that portion and the land used in connection with it shall be subject to taxation;

(d) every cemetery other than a cemetery operated for gain;

(e) property owned and occupied by a school district or school unit established under the authority of any Act of Alberta or Saskatchewan and consisting of:

(i) an office building and the land used in connection with it not exceeding 1/2 acre;

(ii) an improvement used for storage and maintenance purposes and the land used in connection with it not exceeding 2 acres;
(iii) improvements used for the purposes of a school and the land, not exceeding 10 acres, used in connection with each school;

except any part of such improvements used as a dwelling and the land used in connection with a dwelling;

(f) the improvements and grounds, not exceeding 10 acres, of and attached to or otherwise used in good faith in connection with and for the purpose of every hospital that receives public aid under and by virtue of any Act, so long as the improvements and grounds are actually used and occupied by the hospital but not if otherwise occupied or occupied as a dwelling;

(g) the improvements and grounds, not exceeding 4 acres, of and attached to or otherwise used in good faith in connection with and for the purpose of the association known as The Young Men's Christian Association or the association known as The Young Women's Christian Association, so long as the improvements and grounds are actually used and occupied by either association but not if otherwise occupied;

(h) all property belonging to the City;

(i) every highway, lane and other public way, and every public square and park;

(j) the property of every public library established under the provisions of any Act of Alberta or Saskatchewan, and of every other public institution, literary or scientific, to the extent of the actual occupation of the property for the purposes of the institution;

(k) the improvements with grounds attached owned by a branch of The Royal Canadian Legion, the Army, Navy and Air Force Veterans in Canada, so long as the improvements and grounds are actually used and occupied by one of the branches mentioned but not if otherwise occupied;

(l) every monument erected as a war memorial and the land used in connection with it;

(m) the grounds and improvements of every agricultural society established under the provisions of any Act of Alberta or Saskatchewan;

(n) the improvements owned by a rural municipality or county and used for municipal purposes, and the land used
in connection with the improvements not exceeding 1/2
acre, but where a portion of any such improvement is
occupied as a residence or for any purpose other than a
municipal purpose, that portion shall be subject to taxation
and the relative portion of the land on which the
improvement is situated shall also be subject to taxation.

474 Lands exempt from taxation under section 473(c), (e), (f),
(g), (h), (j), (k), (m) and (n) are nevertheless liable to taxation for
local improvements.

475(1) Council may by bylaw exempt from taxation under this
Division property held by a non-profit organization as defined in
section 387.

(2) Council may by bylaw exempt from taxation under this
Division machinery and equipment used for manufacturing or
processing.

(3) Property is exempt under this section to the extent that Council
may consider appropriate.

476 Property that is licensed under the Gaming and Liquor Act
(Alberta) is not exempt from taxation under this Division, despite
sections 462(1)(c) and 473 to 475 and any other Act.

477(1) Each year the City may apply to the Crown for a grant if
there is property in the City that the Crown has an interest in.

(2) The Crown may pay to the City a grant not exceeding the
amount that would be recoverable by the City if the property that
the Crown has an interest in were not exempt from taxation under
this Division.

(3) When calculating a grant under this section, the following must
not be considered as Crown property unless subsection (4) applies:

(a) property listed in section 403;
(b) museums and historical sites;
(c) public works reserves;
(d) property used in connection with academic, trade, forestry or agricultural schools, colleges or universities, including student dormitories;

(e) property used in connection with hospitals and institutions for mentally disabled persons;

(f) property owned by an agent of the Crown in respect of which another enactment provides for payment of a grant in place of a property tax;

(g) property in respect of which the Crown is not the assessed person.

(4) If any of the property listed in subsection (3) is a single family residence, the property must be considered as Crown property when calculating a grant under this section.

(5) The Crown may pay a grant under this section in respect of property referred to in subsection (3)(g) if in the Crown's opinion it is appropriate to do so.

AR 232/2004 s10

478 A property may contain one or more parts that are exempt from taxation under this Division, but the taxes that are imposed against the taxable part of the property under this Division are recoverable against the entire property except in respect of properties owned by the Crown.

AR 232/2004 s10

479(1) An exempt property or part of an exempt property becomes taxable if

(a) the use of the property changes to one that does not qualify for the exemption, or

(b) the owner of the property changes to one who does not qualify for the exemption.

(2) A taxable property or part of a taxable property becomes exempt if

(a) the use of the property changes to one that qualifies for the exemption, and

(b) the owner of the property changes to one who qualifies for the exemption.
(3) If the taxable status of property changes, a tax imposed in respect of it must be prorated so that the tax is payable only for the part of the year in which the property, or part of it, is not exempt.

(4) When a designated manufactured home is moved out of the City,

(a) it becomes exempt from taxation by the City when it is moved, and

(b) it becomes taxable by another municipality when it is located in that other municipality.

AR 232/2004 s10

480(1) If in any year Council passes a bylaw authorizing supplementary assessments to be prepared in respect of property, Council must, in the same year, pass a bylaw authorizing it to impose a supplementary tax in respect of that property.

(2) If Council passes a bylaw referred to in subsection (1), the tax rates set by its property tax bylaw must be used as the supplementary tax rates to be imposed.

(3) The City must prepare a supplementary property tax roll, which may be a continuation of the supplementary property assessment roll prepared under Part VII or may be separate from that roll.

(4) A supplementary property tax roll must show

(a) the same information that is required to be shown on the property tax roll, and

(b) the date for determining the tax that may be imposed under the supplementary property tax bylaw.

(5) Sections 437(4), 438, 440 and 441 apply in respect of a supplementary property tax roll.

(6) The City must

(a) prepare supplementary property tax notices for all taxable property shown on the supplementary property tax roll of the City, and

(b) send the supplementary property tax notices to the persons liable to pay the taxes.

(7) Sections 443(4), 445, 446, 447, 448 and 449 apply in respect of supplementary property tax notices.
Division 3
Business Tax

481(1) Council may pass a business tax bylaw.

(2) A business tax bylaw or any amendment to it applies to the year in which it is passed, only if it is passed before May 1 of that year.

AR 232/2004 s10

482(1) The business tax bylaw authorizes Council to impose a tax in respect of all businesses operating in the City except businesses that are exempt in accordance with that bylaw.

(2) The tax must not be imposed in respect of a business that is exempt under section 462, 486 or 487.

AR 232/2004 s10

483(1) A tax imposed under this Division must be paid by the person who operates the business.

(2) A person who purchases a business or in any other manner becomes liable to be shown on the tax roll as a taxpayer must give the City written notice of a mailing address to which notices under this Division may be sent.

AR 232/2004 s10

484(1) The business tax bylaw must

(a) require assessments of businesses operating in the City to be prepared and recorded on a business assessment roll;

(b) specify one or more of the following methods of assessment as the method or methods to be used to prepare the assessments:

(i) assessment based on a percentage of the gross annual rental value of the premises;

(ii) assessment based on a percentage of the net annual rental value of the premises;

(iii) assessment based on storage capacity of the premises occupied for the purposes of the business;

(iv) assessment based on floor space, being the area of all of the floors in a building and the area outside the building that are occupied for the purposes of that business;
(v) assessment based on a percentage of the assessment prepared under Part VII for the premises occupied for the purposes of the business;

(c) specify the basis on which a business tax may be imposed by prescribing the following:

(i) for the assessment method referred to in clause (b) (i), the percentage of the gross annual rental value;

(ii) for the assessment method referred to in clause (b) (ii), the percentage of the net annual rental value;

(iii) for the assessment method referred to in clause (b) (iii), the dollar rate per unit of storage capacity;

(iv) for the assessment method referred to in clause (b) (iv), the dollar rate per unit of floor space;

(v) for the assessment method referred to in clause (b) (v), the percentage of the assessment;

(d) establish a procedure for prorating and rebating business taxes.

(2) A business tax bylaw may

(a) establish classes of business for the purpose of grouping businesses,

(b) specify classes of business that are exempt from taxation under this Division,

(c) require that taxes imposed under this Division be paid by instalments, or

(d) include any other information considered appropriate by the City.

(3) A business tax bylaw may provide that when a lessee who is liable to pay the tax imposed under this Division in respect of any leased premises sublets the whole or part of the premises, the City may require the lessee or the sub-lessee to pay the tax in respect of the whole or part of the premises.

AR 232/2004 s10

485 Despite section 484(1)(a), the City is not required to prepare an assessment for any business in a class of business that is exempt from taxation under the business tax bylaw.

AR 232/2004 s10
486 The following are exempt from taxation under this Division:

(a) a business operated by the Crown;

(b) an airport operated by a regional airports authority;

(c) property

(i) owned by the City and used solely for the operation of an airport by the City, or

(ii) held under a lease, licence or permit from the City and used solely for the operation of an airport by the lessee, licensee or permittee.

AR 232/2004 s10

487(1) When machinery and equipment or linear property is located on premises occupied for the purposes of a business and a property tax has been imposed in respect of the machinery and equipment or linear property under Division 2 of this Part in any year, the premises on which that property is located are exempt from taxation under this Division in that year.

(2) If in any year the activities that result from the operation of the machinery and equipment or linear property are not the chief business carried on at the premises, the premises on which that property is located are not exempt from taxation under this Division in that year.

AR 232/2004 s10

488(1) If Council has passed a business tax bylaw, Council must also pass a business tax rate bylaw annually.

(2) The business tax rate bylaw must set a business tax rate.

(3) If the business tax bylaw establishes classes of business, the business tax rate bylaw must set a business tax rate for each class.

(4) The business tax rate may be different for each class of business established by the business tax bylaw.

(5) The tax rates set by the business tax rate bylaw must not be amended after the City sends the tax notices to the taxpayers.

AR 232/2004 s10

489 The amount of tax to be imposed under this Division in respect of a business is calculated by multiplying the assessment for the business by the tax rate to be imposed on that business.

AR 232/2004 s10
490(1) If in any year Council passes a bylaw authorizing supplementary assessments to be prepared in respect of businesses, Council must, in the same year, pass a bylaw authorizing it to impose a supplementary tax in respect of those businesses.

(2) If Council passes a bylaw referred to in subsection (1), it must use the tax rates set by its business tax rate bylaw as the supplementary tax rates to be imposed.

(3) The supplementary business tax must be imposed

(a) on each person who operates a business for a temporary period and whose name is not entered on the business tax roll,

(b) on each person who moves into new premises or opens new premises or branches of an existing business, although the person's name is entered on the business tax roll,

(c) on each person who begins operating a business and whose name is not entered on the business tax roll, and

(d) on each person who increases the storage capacity or floor space of the premises occupied for the purposes of a business after the business tax roll has been prepared.

(4) The City must prepare a supplementary business tax roll, which may be a continuation of the supplementary business assessment roll or may be separate from that roll.

(5) A supplementary business tax roll must show

(a) the same information that is required to be shown on the business tax roll, and

(b) the date for determining the tax that may be imposed under the supplementary business tax bylaw.

(6) Sections 437(4), 438, 440 and 441 apply in respect of a supplementary business tax roll.

(7) The City must

(a) prepare supplementary business tax notices for all taxable businesses shown on the supplementary business tax roll of the City, and

(b) send the supplementary business tax notices to the persons liable to pay the taxes.
(8) Sections 443(4), 445, 446, 447, 448 and 449 apply in respect of supplementary business tax notices.

491(1) Each year the City may apply to the Crown for a grant if there is a business in the City operated by the Crown.

(2) The Crown may pay to the City a grant not exceeding the amount that would be recoverable by the City if the business operated by the Crown were not exempt from taxation under this Division.

Division 4
Special Tax

492(1) Council may pass a special tax bylaw to raise revenue to pay for a specific service or purpose.

(2) A special tax bylaw must be passed annually.

(3) Council must give public notice of a bylaw passed pursuant to this section.

493(1) The special tax bylaw authorizes Council to impose the tax in respect of property in any area of the City that will benefit from the specific service or purpose stated in the bylaw.

(2) The tax must not be imposed in respect of property that is exempt under section 462.

494 The special tax bylaw must

(a) state the specific service or purpose for which the bylaw is passed,

(b) describe the area of the City that will benefit from the service or purpose and in which the special tax is to be imposed,

(c) state the estimated cost of the service or purpose,

(d) provide a process by which an affected person may request the City to review the application or calculation of a special tax on property if the affected person considers
that an error or omission was made in the application or calculation, and

(e) state whether the tax rate is to be based on

(i) the assessment prepared in accordance with Part VII,
(ii) each parcel of land,
(iii) each unit of frontage, or
(iv) each unit of area,

and set the tax rate to be imposed in each case.

AR 232/2004 s10

495 A special tax bylaw must not be passed unless the estimated cost of the specific service or purpose for which the tax is imposed is included in the budget of the City as an estimated expenditure.

AR 232/2004 s10

496(1) The revenue raised by a special tax bylaw must be applied to the specific service or purpose stated in the bylaw.

(2) If there is any excess revenue, the City must advertise the use to which it proposes to put the excess revenue.

AR 232/2004 s10

497 The person liable to pay the tax imposed in accordance with a special tax bylaw is the owner of the property in respect of which the tax is imposed.

AR 232/2004 s10

Division 5
Local Improvement Tax

498 In this Division, “local improvement” means a project

(a) that Council considers to be of greater benefit to an area of the City than to the whole City, and

(b) that is to be paid for in whole or in part by a tax imposed under this Division.

AR 232/2004 s10

499(1) Part XII applies to petitions under this Division, except as they are modified by this section.
(2) A petition is not a sufficient petition unless

(a) it is signed by 2/3 of the owners who would be liable to pay the local improvement tax, and

(b) the owners who sign the petition represent at least 1/2 of the value of the assessments prepared under Part VII for the parcels of land in respect of which the tax will be imposed.

(3) If a parcel of land is owned by more than one owner, the owners are considered as one owner for the purpose of subsection (2).

(4) If a municipality, school division, school district, hospital district or health region under the Regional Health Authorities Act (Alberta) or The Regional Health Services Act (Saskatchewan), is entitled to sign a petition under this Division, it may give notice to Council prior to or at the time the petition is presented to Council that its name and the assessment prepared for its land under Part VII are not to be counted in determining the sufficiency of a petition under subsection (2), and Council must comply with the notice.

(5) If a corporation, church, organization, estate or other entity is entitled to sign a petition under this Division, the petition may be signed on its behalf by a person who

(a) is at least 18 years old, and

(b) produces on request a certificate authorizing the person to sign the petition.

500(1) Council may on its own initiative propose a local improvement.

(2) A group of owners in the City may petition Council for a local improvement.

501 If a local improvement is proposed, the City must prepare a local improvement plan.

502(1) A local improvement plan must

(a) describe the proposed local improvement and its location,
(b) identify

(i) the parcels of land in respect of which the local improvement tax will be imposed, and

(ii) the person who will be liable to pay the local improvement tax,

(c) state whether the tax rate is to be based on

(i) the assessment prepared in accordance with Part VII,

(ii) each parcel of land,

(iii) each unit of frontage, or

(iv) each unit of area,

(d) include the estimated cost of the local improvement,

(e) state the period over which the cost of the local improvement will be spread,

(f) state the portion of the estimated cost of the local improvement proposed to be paid

(i) by the City,

(ii) from revenue raised by the local improvement tax, and

(iii) from other sources of revenue,

and

(g) include any other information the proponents of the local improvement consider necessary.

(2) The estimated cost of a local improvement may include

(a) the actual cost of buying land necessary for the local improvement,

(b) the capital cost of undertaking the local improvement,

(c) the cost of professional services needed for the local improvement,

(d) the cost of repaying any existing debt on a facility that is to be replaced or rehabilitated, and
(e) other expenses incidental to the undertaking of the local improvement and to the raising of revenue to pay for it.

AR 232/2004 s10

503(1) When a local improvement plan has been prepared, the City must send a notice to the persons who will be liable to pay the local improvement tax.

(2) A notice under subsection (1) must include a summary of the information included in the local improvement plan.

(3) Subject to subsection (4), if a petition objecting to the local improvement is filed with a designated officer within 30 days of sending the notices under subsection (1) and the designated officer declares the petition to be sufficient, Council must not proceed with the local improvement.

(4) Council may, after the expiry of one year after the petition is declared to be sufficient, re-notify in accordance with subsections (1) and (2) the persons who would be liable to pay the local improvement tax.

(5) If a sufficient petition objecting to the local improvement is not filed with the designated officer within 30 days of sending the notices under subsection (1), Council may undertake the local improvement and impose the local improvement tax at any time in the 3 years following the sending of the notices.

(6) When Council is authorized under subsection (5) to undertake a local improvement and

(a) the project has not been started, or
(b) the project has been started but is not complete,

Council may impose the local improvement tax for one year, after which the tax must not be imposed until the local improvement has been completed or is operational.

AR 232/2004 s10

504(1) Council must pass a local improvement tax bylaw in respect of each local improvement.

(2) A local improvement tax bylaw authorizes Council to impose a local improvement tax in respect of all land in a particular area of the City to raise revenue to pay for the local improvement that benefits that area of the City.
(3) Despite section 462(1), no land is exempt from taxation under this section.

AR 232/2004 s10

505(1) A local improvement tax bylaw must

(a) include all of the information required to be included in the local improvement plan,

(b) provide for equal payments during each year in the period over which the cost of the local improvement will be spread,

(c) set a uniform tax rate to be imposed on

(i) the assessment prepared in accordance with Part VII,

(ii) each parcel of land,

(iii) each unit of frontage, or

(iv) each unit of area,

based on the cost of the local improvement less any financial assistance provided to the City by the Crown, and

(d) include any other information Council considers necessary.

AR 232/2004 s10

506 The undertaking of a local improvement may be started, the local improvement tax bylaw may be passed and debentures may be issued before or after the actual cost of the local improvement has been determined.

AR 232/2004 s10

507 The person liable to pay the tax imposed in accordance with a local improvement tax bylaw is the owner of the parcel of land in respect of which the tax is imposed.

AR 232/2004 s10
508(1) The owner of a parcel of land in respect of which a local improvement tax is imposed may pay the tax at any time.

(2) If the local improvement tax rate is subsequently reduced under section 509 or 510, Council must refund to the owner the appropriate portion of the tax paid.

AR 232/2004 s10

509(1) If, after a local improvement tax has been imposed, there is

(a) a subdivision affecting a parcel of land, or

(b) a consolidation of 2 or more parcels of land,

in respect of which a local improvement tax is payable, Council, with respect to future years, must revise the local improvement tax bylaw so that each of the new parcels of land bears an appropriate share of the local improvement tax.

(2) If, after a local improvement tax has been imposed,

(a) there is a change in a plan of subdivision affecting an area that had not previously been subject to a local improvement tax, and

(b) Council is of the opinion that as a result of the change the new parcels of land receive a benefit from the local improvement,

Council, with respect to future years, must revise the local improvement tax bylaw so that each benefitting parcel of land bears an appropriate share of the local improvement tax.

AR 232/2004 s10

510(1) If, after a local improvement tax rate has been set, Council

(a) receives financial assistance from the Crown or from other sources that is greater than the amount estimated when the local improvement tax rate was set, or

(b) refines the debt created to pay for the local improvement at an interest rate lower than the rate estimated when the local improvement tax rate was set,

Council, with respect to future years, may revise the rate so that each benefitting parcel of land bears an appropriate share of the actual cost of the local improvement.

(2) If, after a local improvement tax rate has been set, an alteration is necessary following a complaint under Part IX or an appeal
under Part X that is sufficient to reduce or increase the revenue raised by the local improvement tax bylaw in any year by more than 5%, Council, with respect to future years, may revise the rate so that the local improvement tax bylaw will raise the revenue originally anticipated for those years.

(3) If, after a local improvement tax rate has been set, it is discovered that the actual cost of the local improvement is higher than the estimated cost on which the local improvement tax rate is based, Council may revise, once only over the life of the local improvement, the rate with respect to future years so that the local improvement tax bylaw will raise sufficient revenue to pay the actual cost of the local improvement.

AR 232/2004 s10

511 If some parcels of land in respect of which a local improvement tax is to be imposed appear to call for a smaller or larger proportionate share of the tax because they are corner lots or are differently sized or shaped from other parcels, those parcels may be assigned the number of units of measurement Council considers appropriate to ensure that they will bear a fair portion of the local improvement tax.

AR 232/2004 s10

512(1) Council may by bylaw require the City to pay the cost of any part of a local improvement that Council considers to be of benefit to the whole City.

(2) A bylaw under subsection (1) must be advertised if the cost to be paid by the City exceeds 50% of the cost of the local improvement less any financial assistance provided to the City by the Crown.

(3) If financial assistance is provided to the City by the Crown for a local improvement, Council must apply the assistance to the cost of the local improvement.

AR 232/2004 s10

513(1) If a parcel of land is required before a local improvement can be proceeded with, Council may agree with the owner of the parcel that in consideration of

(a) the dedication or gift to the City of the parcel of land required, or

(b) a release of or reduction in the owner's claim for compensation for the parcel of land,
the remainder of the owner's land is exempt from all or part of the local improvement tax that would otherwise be imposed.

(2) The tax roll referred to in section 437 must be prepared in accordance with an agreement under this section, despite anything to the contrary in this Charter.

AR 232/2004 s10

514(1) If a sanitary or storm sewer or a water main is constructed along a road or constructed in addition to or as a replacement of an existing facility

(a) along which it would not have been constructed except to reach some other area of the City, or

(b) in order to provide capacity for future development and the existing sanitary and storm sewers and water mains are sufficient for the existing development in the area,

Council may exempt from taxation under the local improvement tax bylaw, to the extent Council considers fair, the parcels of land abutting the road or place.

(2) If a local improvement tax is imposed for a local improvement that replaces a similar type of local improvement,

(a) the balance owing on the existing local improvement tax must be added to the cost of the new local improvement, or

(b) Council must exempt the parcels of land in respect of which the existing local improvement tax is imposed from the tax that would be imposed for the new local improvement.

AR 232/2004 s10

515(1) The City may construct a local improvement for sewer if

(a) Council approves the construction,

(b) the construction is recommended by the Minister of Health of the Province of Saskatchewan or the medical health officer, and

(c) Council considers it to be in the public interest to do so.

(2) The owners of the parcels of land that benefit from a local improvement for sewer have no right to petition against its construction.

AR 232/2004 s10
516(1) If a local improvement for sewer or water has been constructed, the City may construct private connections from the local improvement to the street line if Council approves the construction.

(2) The cost of constructing a private connection must be imposed against the parcel of land that benefits from it and the owner of the parcel has no right to petition against its construction.

AR 232/2004 s10

Division 6
Well Drilling Equipment Tax

517(1) Council may pass a well drilling equipment tax bylaw.

(2) The well drilling equipment tax bylaw authorizes Council to impose a tax in respect of equipment used to drill a well for which a licence is required under the Oil and Gas Conservation Act (Alberta) or The Oil and Gas Conservation Act (Saskatchewan).

AR 232/2004 s10

518 A tax imposed under this Division must be paid by the person who holds the licence required under the Oil and Gas Conservation Act (Alberta) or The Oil and Gas Conservation Act (Saskatchewan) in respect of the well being drilled.

AR 232/2004 s10

519(1) The Well Drilling Equipment Tax Rate Regulation (AR 61/2002) made under the Municipal Government Act (Alberta) is hereby incorporated and shall apply to the whole City.

(2) A tax imposed under this Division must be calculated in accordance with the tax rate prescribed in the regulation referred to in subsection (1).

AR 232/2004 s10

Division 7
Amusement Tax

520(1) In this section,

(a) “owner” means a person operating a place of amusement in the City;

(b) “place of amusement” means a place where an exhibition or entertainment is given or game played and an entrance or admission fee is charged or collected;
(c) “tax” means the amusement tax set by a bylaw passed pursuant to subsection (2).

(2) Council may, by bylaw, require that every person attending a place of amusement shall pay a tax on each admission to a place of amusement.

(3) A bylaw passed pursuant to subsection (2) may direct that the tax may vary

(a) with the amount of the entrance or admission fee, or

(b) by category or place of amusement.

(4) Council may, by bylaw, make rules for the collection, proper accounting and due payment of the amusement tax, and without restricting the generality of the foregoing, may

(a) require that the tax be collected by the owner of a place of amusement by means of tickets or otherwise in a form approved by the City;

(b) allow an owner a commission on the sale of tickets or the amount of tax collected;

(c) require an owner to deface tickets sold pursuant to this section in any manner that may be approved by the City and to place at an entrance of his or her place of amusement receptacles for receiving the tickets so defaced;

(d) authorize bylaw enforcement officers to enter a place of amusement to ascertain whether the bylaw is being observed and to place in the lobby or elsewhere notices concerning the tax;

(e) exempt certain places of amusement from paying the tax;

(f) require an owner to make returns in a form approved by the City showing:

   (i) the number of admissions to his or her place of amusement,

   (ii) the entrance or admission fees paid,

   (iii) the amount of tax collected, and

   (iv) any other information that the City may consider necessary;
(g) require an owner to pay the amount collected to a designated officer
   (i) after each performance or entertainment, or
   (ii) at any time and in any manner that the City may consider appropriate.

(5) Council may
   (a) accept from an owner a sum in place of the tax, and
   (b) exempt persons attending a place of amusement from payment of the tax.

Division 8
Recovery of Taxes

521(1) The taxes due in respect of any land may be recovered from any owner or holder of a lease, licence or permit originally assessed for the taxes and from any subsequent owner of the whole or any part of the land.

(2) The taxes shall be a special lien on the land and shall be collectible by action or distraint in priority to every claim, privilege, lien or encumbrance of any person except that of the Crown.

(3) The lien referred to in subsection (2) and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the City.

(4) Nothing in this Charter shall be construed as making any business tax a charge on the land or the building on or in which a business is carried on.

522 The production of a copy of the portion of the assessment roll relating to the taxes payable by any person in the City certified as a true copy by the treasurer is proof, in the absence of evidence to the contrary, of the debt.

523(1) The City may acquire, hold and dispose of real or personal property offered or transferred to it in partial or complete settlement or payment of, or as security for, any lien or charge or any right to a lien or charge or any taxes, licence fee or other indebtedness owing to the City.
(2) If, pursuant to subsection (1), real property is acquired in settlement of taxes, the real property shall be deemed to have been acquired in accordance with the Municipal Government Act (Alberta) or The Tax Enforcement Act (Saskatchewan) and all the provisions of the applicable Act relating to the sale and distribution of proceeds of the sale of the real property apply.

(3) The Municipal Government Act (Alberta) or The Tax Enforcement Act (Saskatchewan) apply to the recovery of tax arrears in respect of a parcel of land within the City located in Alberta or Saskatchewan, respectively.

AR 232/2004 s10

Division 9
Recovery of Taxes Not Related to Land

524 In this Division,

(a) “distress warrant” means a written instruction to seize goods of the person named in the warrant;

(b) “period for payment” means

   (i) if the person liable to pay the tax is a resident of the City, the 14 days following the sending of the tax notice by the City, or

   (ii) if the person liable to pay the tax is not a resident of the City, the 30 days following the sending of the tax notice by the City;

(c) “tax” means

   (i) a business tax,

   (ii) a property tax imposed in respect of property referred to in section 411(1)(c), (f), (g), (h), (i), (j)(i) or (k), or

   (iii) a well drilling equipment tax;

(d) “tax arrears” means taxes that remain unpaid after the expiry of the period for payment.

AR 232/2004 s10

525(1) The City may attempt to recover tax arrears

(a) in accordance with this Division, and

(b) subject to subsection (2), in accordance with any other Act or common law right.
THE LLOYDMINSTER CHARTER

(2) The City may start an action under subsection (1)(b) at any time before the goods are sold at a public auction or the City becomes the owner of the goods under section 535, whichever occurs first.

526(1) If taxes for which an owner is liable are due on any property occupied by a tenant, the City may send a notice to the tenant requiring the tenant to pay the rent as it becomes due to the City until the taxes including costs have been paid.

(2) The City has the same authority as the landlord of the property to collect rent by distress or otherwise until the taxes including costs have been paid.

(3) This section does not prevent the City from exercising any other right the City has to collect the taxes from the tenant or any other person liable for their payment.

(4) The notice referred to in subsection (1) may be sent

(a) at any time, if the taxes due are in arrears, or

(b) after the tax notice has been sent, if the taxes are due but not in arrears.

(5) Not less than 14 days before the City sends a notice under subsection (1), the City must send a notice to the owner of the property advising the owner of the City’s intention to proceed under subsection (1).

(6) From the money paid to the City under this section, the City may pay any sum that it considers necessary for supplying the tenant with heat or other service that but for the notice would have been supplied by the landlord of the property.

(7) The City may, from the money paid to it under this section, pay to the insurer of the property the premium of any insurance on improvements on the property, to the extent of the insurable value of the improvements.

(8) The City may, from the money paid to it under this section, insure the interest of the City in all or any improvements on the property in respect of which rent is payable pursuant to this section against loss or damage to the extent of all taxes that may be due at the time of any loss or damage, including costs.

(9) Any amount paid by the City under subsection (6), (7) or (8) may be deducted from the money received by the City under this section, in which case only the balance of the money received is to be applied to the unpaid taxes.
(10) If a landlord has appointed an agent to collect rents for property for which a notice is sent under subsection (1), the City may send to the agent a notice in writing requiring the agent

(a) to account for all rents received by the agent from the property, and

(b) to pay to the City all the rents received by the agent from the property, less a reasonable commission for collection and any other necessary expense.

(11) On receipt of a written notice under subsection (10), the agent is personally liable to the City for all rents received and not paid to the City as required.

(12) Nothing done by the City pursuant to this section is to be construed as entry into possession of the property.

(13) The City

(a) is only accountable for the money it has actually received pursuant to this section, and

(b) is not under any liability by reason of any act done pursuant to this section.

(14) A tenant may deduct from the rent any taxes paid by the tenant to the City pursuant to this section, other than the taxes the tenant is required to pay under the terms of the tenancy.

(15) Any amount deducted by the tenant under subsection (14) is deemed to be payment on account of rent by the tenant to the landlord or any other person entitled to receive the rent.

AR 232/2004 s10

527(1) If the City wishes to recover tax arrears pursuant to this Division, it may issue a distress warrant.

(2) The City may, in writing, authorize a designated officer or appoint a person to the position of designated officer to prepare and issue distress warrants and seize goods pursuant to distress warrants on behalf of the City.

AR 232/2004 s10

528(1) When a distress warrant has been issued, a civil enforcement agency, sheriff or a person referred to in section 527(2) must place sufficient goods under seizure to satisfy the amount of the claim shown in the warrant.
(2) The person placing goods under seizure may ask the person who owns or has possession of the seized goods to sign a bailee's undertaking agreeing to hold the seized goods for the City.

(3) If a person refuses to sign a bailee's undertaking, the person placing goods under seizure may remove the goods from the premises.

(4) When a bailee's undertaking has been signed under subsection (2), the goods specified in it are deemed to have been seized.

(5) A seizure under this section continues until the City

   (a) abandons the seizure by written notice, or

   (b) sells the goods.

(6) The City is not liable for wrongful or illegal seizure or for loss of or damage to goods held under a seizure under this section if a bailee's undertaking relating to the seized goods has been signed pursuant to subsection (2).

AR 232/2004 s10

529(1) A person may seize the following goods pursuant to a distress warrant:

   (a) goods belonging to the person who is liable to pay the tax arrears or in which that person has an interest;

   (b) goods of a business that is liable to pay business tax arrears, even if the goods have been sold to a purchaser of the business;

   (c) goods of a corporation that are in the hands of

      (i) a receiver appointed for the benefit of creditors,

      (ii) an authorized trustee in bankruptcy, or

      (iii) a liquidator appointed under a winding-up order.

(2) If a person who is liable to pay tax arrears is in possession of goods belonging to others for the purpose of storing the goods, those goods must not be seized pursuant to the distress warrant.

AR 232/2004 s10

530(1) A distress warrant must not be issued until the period for payment expires, unless subsection (2) applies.
(2) If, before the period for payment expires, the City has reason to believe that a person is about to move out of the City goods that are to be seized under a distress warrant, the City may apply to a justice of the peace for an order authorizing the City to issue the distress warrant before the period for payment expires.

531(1) After goods have been seized under a distress warrant, any person may pay the tax arrears.

(2) On payment of the tax arrears under subsection (1), the City must release the goods from seizure.

(3) A person may exercise the right under subsection (1) at any time before the City sells the goods at a public auction or becomes the owner of the goods under section 535.

532(1) If a distress warrant has been issued to recover tax arrears in respect of a business and the person who is liable to pay the business tax arrears owns property that is leased to one or more tenants, the City may send a notice to each tenant requiring the tenant to pay the rent as it becomes due to the City until the business tax arrears have been paid.

(2) Not less than 14 days before the City sends a notice under subsection (1), it must send a notice to the owner of the property advising the owner of the City’s intention to proceed under subsection (1).

(3) This section does not prevent the City from exercising any other right it has to collect the tax arrears.

533(1) The City must offer for sale at a public auction goods that have been seized under a distress warrant if the tax arrears are not paid, unless the City starts an action under section 525(2) to recover the tax arrears before the date of the public auction.

(2) The City must advertise a public auction by posting a notice in at least 3 public places in the City near the goods to be sold not less than 10 days before the date of the auction.

(3) The advertisement must specify the date, time and location of the public auction, the conditions of sale, a description of the goods to be sold and the name of the person whose goods are to be sold.
(4) The advertisement must state that the City will become the owner of any goods not sold at the public auction, immediately after the public auction.

AR 232/2004 s10

534(1) The public auction must be held not more than 60 days after the goods are seized under the distress warrant.

(2) The City may adjourn the holding of a public auction but must post a notice in accordance with section 533(2) showing the new date on which the public auction is to be held.

AR 232/2004 s10

535 The City becomes the owner of any goods offered for sale but not sold at a public auction, immediately after the public auction and may dispose of the goods by selling them.

AR 232/2004 s10

536(1) The money paid for goods at a public auction or pursuant to section 533

(a) must be deposited by the City in an account that is established solely for the purpose of depositing money from the sale of goods under this Division, and

(b) must be paid out in accordance with this section and section 537.

(2) The following must be paid first and in the following order:

(a) the tax arrears;

(b) any lawful expenses of the City in respect of the goods.

(3) If there is any money remaining after payment of the tax arrears and expenses listed in subsection (2), the City must notify the previous owner that there is money remaining and that an application may be made under section 537 to recover all or part of the money.

AR 232/2004 s10

537(1) A person may apply by originating notice to the Court for an order declaring that the person is entitled to a part of the money in the account referred to in section 536(1).

(2) An application under this section may be made within 5 years after the date of the public auction.
(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

AR 232/2004 s10

538  Part 8 of the *Civil Enforcement Act* (Alberta) does not apply to a designated manufactured home in a manufactured home community that has been seized under a distress warrant.

AR 232/2004 s10

539(1) The City may recover any licence fee that remains unpaid for 14 days after it becomes payable, with costs, by distress on the licensee’s goods or on the licensee’s interest in goods.

(2) Sections 527 to 537 apply, with all necessary modifications, to the recovery of a licence fee pursuant to subsection (1).

(3) If, before the 14-day period described in subsection (1) expires, the City has reason to believe that a person is about to move out of the City goods that are to be seized, the City may apply to a justice of the peace for an order authorizing the City to seize goods before the period for payment expires.

AR 232/2004 s10

540(1) The amount due with respect to any work or service performed by the City pursuant to an agreement with any person is a lien on any land owned by the person for whom the work or service was performed.

(2) The City may recover the amount referred to in subsection (1) from the person for whom the work or service was performed

(a) by action, or

(b) by distress of the person’s goods in accordance with sections 527 and 528.

(3) At the end of a year in which work or services were performed by the City under this section, the City may

(a) add to any arrears of taxes on land owned by a person in the City any amount in respect of work or services performed for the person that remains unpaid at the end of the year, or
(b) provide that the amount mentioned in clause (a) is to be added to and form part of the taxes owed on the land.

(4) Sections 454 to 457 apply, with all necessary modifications, to any amount that is added to unpaid taxes pursuant to subsection (3).

Division 11
Recovery of Taxes Related to Designated Manufactured Homes

541 In this Division,

(a) “financing change statement” means a financing change statement as defined in the Personal Property Security Act (Alberta) or The Personal Property Security Act, 1993 (Saskatchewan);

(b) “financing statement” means a financing statement as defined in the Personal Property Security Act (Alberta) or The Personal Property Security Act, 1993 (Saskatchewan);

(c) “register”, except where the context otherwise requires, means to register by means of a financing statement in the Registry in accordance with the Personal Property Security Act (Alberta) or The Personal Property Security Act, 1993 (Saskatchewan) and the regulations made under those Acts;

(d) “Registry” means the Personal Property Registry of Alberta or Saskatchewan;

(e) “reserve bid” means the minimum price at which the City is willing to sell a designated manufactured home at a public auction;

(f) “security interest” means a security interest as defined in the Personal Property Security Act (Alberta) or The Personal Property Security Act, 1993 (Saskatchewan);

(g) “tax” means a property tax imposed in respect of property referred to in section 411(1)(j)(i) or (k);

(h) “tax arrears list” means a tax arrears list prepared by the City under section 544;
(i) “tax recovery lien” means a charge to secure the amount of taxes owing to the City in respect of a designated manufactured home.

AR 232/2004 s10

542 This Division applies if the City has imposed a property tax in respect of a designated manufactured home pursuant to section 404 as opposed to requiring a licence in respect of a designated manufactured home situated in the City pursuant to section 405.

AR 232/2004 s10

543(1) The City may attempt to recover tax arrears in respect of a designated manufactured home

(a) in accordance with this Division, or
(b) subject to subsection (2), in accordance with Division 9 or with any other Act or common law right.

(2) The City may start an action under subsection (1)(b) at any time before

(a) the designated manufactured home is sold at a public auction under section 550, or
(b) the designated manufactured home is disposed of in accordance with section 556(a),

whichever occurs first.

AR 232/2004 s10

544(1) The City must annually, not later than March 31,

(a) prepare a tax arrears list that shows the designated manufactured homes in the City in respect of which there are tax arrears for more than one year, and that may also show the designated manufactured homes in the City in respect of which there are tax arrears for less than one year,

(b) register a tax recovery lien against each designated manufactured home shown on the tax arrears list, and

(c) post a copy of the tax arrears list in a place that is accessible to the public during regular business hours.

(2) The City must not register a tax recovery lien against a designated manufactured home in respect of which there exists a
tax recovery lien registered from previous years unless that lien has first been discharged.

(3) If a subsequent tax recovery lien is registered in error, it is deemed to be of no effect.

(4) The City must give written notice to the owner of each designated manufactured home shown on the tax arrears list that a tax recovery lien has been registered against the designated manufactured home.

(5) The City must give written notice to the owner of each manufactured home community containing one or more designated manufactured homes shown on the tax arrears list that a tax recovery lien has been registered against the designated manufactured home or homes.

AR 232/2004 s10

545(1) The City is responsible for the payment of the costs it incurs in carrying out the measures referred to in section 544, but it may add the costs to the tax roll in respect of the designated manufactured home shown on the tax arrears list.

(2) No person shall register a financing change statement to discharge the registration of a tax recovery lien against a designated manufactured home without the authorization of the City in whose favour the lien is registered.

(3) If the registration of a tax recovery lien is discharged in error and the City re-registers the tax recovery lien within 30 days after the erroneous discharge, the re-registration of the tax recovery lien has the same effect as if the original tax recovery lien had not been discharged.

(4) The re-registration of a tax recovery lien in Alberta in accordance with subsection (3) is not subject to any administration fee that would otherwise be charged by the Government of Alberta for re-registration.

AR 232/2004 s10

546 When a tax recovery lien has been registered against a designated manufactured home, no person shall remove from the site the designated manufactured home or any other improvements located on the site for which owner of the designated manufactured home is also liable to pay the taxes, unless the City consents.

AR 232/2004 s10
547(1) When a tax recovery lien has been registered against a designated manufactured home, any person may pay the tax arrears in respect of that designated manufactured home.

(2) On payment of the tax arrears under subsection (1), the City must register a financing change statement to discharge the registration of the tax recovery lien.

(3) A person may exercise the right under subsection (1) at any time before

   (a) the designated manufactured home is sold at a public auction under section 550, or

   (b) the designated manufactured home is disposed of in accordance with section 556(a).

(4) The re-registration of a tax recovery lien in Alberta in accordance with subsection (3) is not subject to any administration fee that would otherwise be charged by the Government of Alberta for re-registration.

AR 232/2004 s10

548(1) When a tax recovery lien has been registered against a designated manufactured home, the City may send a written notice to any person who rents or leases the designated manufactured home from the owner of the designated manufactured home, requiring that person to pay the rent or lease payments, as the case may be, to the City until the tax arrears have been paid.

(2) Not less than 14 days before the City sends a notice under subsection (1), it must send a notice to the owner of the designated manufactured home advising the owner of the City's intention to proceed under subsection (1).

(3) The City must send a copy of the notice under subsection (2) to the owner of the manufactured home community where the designated manufactured home is located.

(4) This section does not prevent the City from exercising any other right it has to collect the tax arrears.

AR 232/2004 s10

549(1) Not later than August 1 following preparation of the tax arrears list, the City must, in respect of each designated manufactured home shown on the tax arrears list, send a written notice to

   (a) the owner of the designated manufactured home,
(b) the owner of the manufactured home community where the designated manufactured home is located, and

c) each person who has a security interest in or a lien, writ, charge or other encumbrance against the designated manufactured home as disclosed by a search of the Registry using the serial number of the designated manufactured home.

(2) The notice must state that if the tax arrears in respect of the designated manufactured home are not paid before March 31 in the next year, the City will offer the designated manufactured home for sale at a public auction.

(3) The notice under subsection (1) must be sent to the address shown on the records of the Registry for each person referred to in subsection (1)(c).

AR 232/2004 s10

550(1) The City must offer for sale at a public auction any designated manufactured home shown on its tax arrears list if the tax arrears are not paid.

(2) Unless subsection (4) applies, the public auction must be held in the period beginning on the date referred to in section 549(2) and ending on March 31 of the year immediately following that date.

(3) Subsection (1) does not apply to a designated manufactured home in respect of which the City has started an action under section 543(2) to recover the tax arrears before the date of the public auction.

(4) The City may enter into an agreement with the owner of a designated manufactured home shown on its tax arrears list providing for the payment of the tax arrears over a period not exceeding 3 years, and in that event the designated manufactured home need not be offered for sale under subsection (1) until

(a) the agreement has expired, or

(b) the owner of the designated manufactured home breaches the agreement,

whichever occurs first.

AR 232/2004 s10

551 Council must set for each designated manufactured home to be offered for sale at a public auction,
(a) a reserve bid that is as close as reasonably possible to the market value of the designated manufactured home, and

(b) any conditions that apply to the sale.

552(1) From the date on which a designated manufactured home is offered for sale at a public auction, the City is entitled to possession of the designated manufactured home.

(2) For the purpose of obtaining possession of a designated manufactured home, a designated officer may enter the designated manufactured home and take possession of it for and in the name of the City, and if in so doing the designated officer encounters resistance, the City may apply by originating notice to the Court for an order for possession of the designated manufactured home.

553(1) The City must advertise the public auction in at least one issue of a newspaper having general circulation in the City, not less than 10 days and not more than 30 days before the date on which the public auction is to be held.

(2) The advertisement must specify the date, time and location of the public auction, the conditions of sale and a description of each designated manufactured home to be offered for sale.

(3) Not less than 4 weeks before the date of the public auction, the City must send a copy of the advertisement referred to in subsection (1) to each person referred to in section 549(1).

554(1) The City may adjourn the holding of a public auction to any date within 2 months after the advertised date.

(2) If a public auction is adjourned, the City must

(a) post a notice in a place that is accessible to the public during regular business hours, showing the new date on which the public auction is to be held, and

(b) send a copy of the notice to each person referred to in section 549(1).

(3) If a public auction is cancelled as a result of the payment of the tax arrears, the City must
(a) post a notice in a place that is accessible to the public during regular business hours stating that the auction is cancelled, and 

(b) send a copy of the notice to each person referred to in section 549(1).

AR 232/2004 s10

555(1) A person who purchases a designated manufactured home at a public auction or pursuant to section 556(a) acquires the designated manufactured home free of all security interests, liens, writs, charges and other encumbrances, except encumbrances arising from claims of the Crown in right of Canada, and all obligations secured by the security interests, liens, writs, charges and other encumbrances are, as regards the purchaser, deemed performed.

(2) When a person purchases a designated manufactured home at a public auction or pursuant to section 556(a), the City must, in respect of any security interest in or lien, writ, charge or other encumbrance against the designated manufactured home that exists on the date of sale as disclosed by a search of the Registry using the serial number of the designated manufactured home, register a financing change statement

(a) to amend the collateral description in the registration to exclude the designated manufactured home, or

(b) if the designated manufactured home is the only collateral described in the registration, to discharge the registration.

(3) Subsection (2) does not apply to a registration for which the purchaser is named as a debtor in a registered financing statement.

(4) Subsection (2) operates despite the Personal Property Security Act (Alberta) or The Personal Property Security Act, 1993 (Saskatchewan).

(5) A designated manufactured home is sold at a public auction when the person who is acting as the auctioneer declares the designated manufactured home sold.

AR 232/2004 s10

556 If a designated manufactured home is not sold at a public auction under section 550, the City may

(a) dispose of it

AR 232/2004 s10
Section 557  THE LLOYDMINSTER CHARTER

(i) by selling it at a price that is as close as reasonably possible to the market value of the designated manufactured home, or

(ii) by depositing in the account referred to in section 558(1)(a) an amount of money equal to the price at which the City would be willing to sell the designated manufactured home under subclause (i),

(b) grant a lease in respect of it.

557(1) If the tax arrears in respect of a designated manufactured home are paid before the City disposes of it under section 556(a) or while the designated manufactured home is being leased under section 556(b), the City must return the designated manufactured home to its owner.

(2) Before returning the designated manufactured home to its owner under subsection (1), the City must send a written notice

   (a) to each person referred to in section 549(1), and

   (b) if the City has leased the designated manufactured home under section 556(b), to the person leasing it.

(3) The notice referred to in subsection (2) must state that

   (a) the designated manufactured home will be returned to the owner after 30 days from the date of the notice, and

   (b) despite any provision to the contrary in a lease agreement in respect of the designated manufactured home, the lease expires 30 days after the date of the notice.

(4) Subsection (3) applies despite anything contained in the Residential Tenancies Act (Alberta) or The Residential Tenancies Act (Saskatchewan).

558(1) The money paid for a designated manufactured home at a public auction or pursuant to section 556(a)

   (a) must be deposited by the City in an account that is established solely for the purpose of depositing money from the sale or disposition of designated manufactured homes under this Division, and
(b) must be paid out in accordance with this section and section 559.

(2) Money paid to the City as rent under a lease granted under section 556(b) must be placed in the account referred to in subsection (1) and distributed in accordance with this section and section 559.

(3) The following must be paid first and in the following order:

(a) the tax arrears in respect of the designated manufactured home;

(b) any lawful expenses of the City in respect of the designated manufactured home;

(c) an administration fee of 5% of the amount deposited in respect of the designated manufactured home pursuant to subsection (1), payable to the City.

(4) If there is any money remaining after payment of the tax arrears and costs listed in subsection (3), the City must notify the previous owner of the designated manufactured home that there is money remaining.

(5) If the City is satisfied after a search of the Registry using the serial number of the designated manufactured home that there are no security interests in or liens, writs, charges or other encumbrances against the designated manufactured home, the City may pay the money remaining after the payments under subsection (3) to the previous owner of the designated manufactured home.

(6) If the City is not satisfied after a search of the Registry using the serial number of the designated manufactured home that there are no security interests in or liens, writs, charges or other encumbrances against the designated manufactured home, the City must notify the previous owner that an application may be made under section 559 to recover all or part of the money.

Section 559 A person may apply by originating notice to the Court for an order declaring that the person is entitled to a part of the money in the account referred to in section 558.

(2) An application under this section must be made within 5 years after

(a) the date of the public auction, if the designated manufactured home was sold at a public auction, or
(b) the date of a sale under section 556(a), if the designated manufactured home was sold under that section.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

AR 232/2004 s10

560 If no application is made under section 559 within the 5-year period referred to in section 559, the City may, for any purpose, use the money deposited in accordance with section 558 that remains undistributed.

AR 232/2004 s10

561(1) Despite anything in this Division, where a designated manufactured home has been offered for sale but not sold at a public auction and the City has not disposed of it under section 556(a) within 10 years following the date of the public auction,

(a) sections 557, 558 and 559 cease to apply with respect to that designated manufactured home, and

(b) the City becomes the owner of the designated manufactured home free of all security interests, liens, writs, charges and other encumbrances, except encumbrances arising from claims of the Crown in right of Canada, and all obligations secured by the security interests, liens, writs, charges or encumbrances are, as regards the City, deemed performed.

(2) When the City becomes the owner of a designated manufactured home under subsection (1), the City may, in respect of any security interest in or lien, writ, charge or other encumbrance against the designated manufactured home as disclosed by a search of the Registry using the serial number of the designated manufactured home, register a financing change statement

(a) to amend the collateral description in the registration to exclude the designated manufactured home, or

(b) if the designated manufactured home is the only collateral described in the registration, to discharge the registration.

(3) Subsection (2) operates despite the Personal Property Security Act (Alberta) or The Personal Property Security Act, 1993 (Saskatchewan).

AR 232/2004 s10
562(1) When the City holds a public auction under section 550 or a sale under section 556(a), the auctioneer, the councillors, the commissioner and the designated officers and employees of the City must not bid for or buy, or act as an agent in buying, any designated manufactured home offered for sale, unless subsection (2) applies.

(2) The City may direct a designated officer or employee of the City to bid for or buy a designated manufactured home of which the City wishes to become the owner.

AR 232/2004 s10

563 If, after tax recovery proceedings affecting a designated manufactured home are started under this Division, the designated manufactured home is moved to another municipality or its site becomes part of another municipality,

(a) the proceedings must be continued by that other municipality as if the designated manufactured home had always been included in it, and

(b) the other municipality must pay to the City, to the extent that the other municipality receives sufficient money to do so, the costs incurred by the City in connection with the tax recovery proceedings.

AR 232/2004 s10

564(1) Unless the City passes a bylaw to the contrary, the owner of a manufactured home community must provide monthly reports to a designated officer of the City regarding

(a) the ownership of all designated manufactured homes in the manufactured home community, including the serial numbers of the designated manufactured homes, and

(b) the movement of all designated manufactured homes in and out of the manufactured home community.

(2) Despite subsection (1), the City may pass a bylaw requiring the owner of the manufactured home community to provide the reports required under subsection (1) to the City on the dates specified by the City, but not more than once a month.

AR 232/2004 s10

565(1) Where property is damaged or destroyed by fire, lightning or explosion and taxes in respect of the property or the land upon which it is or was situated are unpaid, the amount payable to any person under a policy of insurance on the property shall, to the extent of the unpaid taxes, be paid, on demand, by the insurer to the
Section 566  THE LLOYDMINSTER CHARTER  AR 43/79

City, and in default the City may start an action against the insurer to recover the amount of the unpaid taxes.

(2) Subsection (1) applies only to the extent of the amount payable under the policy of insurance and only to the portion not used or to be used in or toward rebuilding, reinstating or repairing the property damaged or destroyed or in or toward acquiring, setting up and repairing another building to take the place of a building totally or substantially destroyed by fire, lightning or explosion.

AR 232/2004 s10

566(1) No person shall demolish or remove, or engage, employ or give permission to any person to demolish or remove any building in respect of which there are taxes outstanding or that is situated on land in respect of which taxes are outstanding, without the prior written consent of the City.

(2) A person who commits a breach of subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than $500 and not more than $10 000.

(3) If a person is found guilty under subsection (2), damages may be assessed against that person in an amount not exceeding the amount of outstanding taxes.

(4) If a building is removed contrary to subsection (1), the building may within three months from the date of removal be seized in its new location by a person authorized by the City to do so, and that person shall have free right of entry on the land to which the building has been removed for the purpose of severing it from the soil, if necessary, and removing it, in which case it must be restored to its former position.

(5) All expenses reasonably incurred in seizing and restoring a building under subsection (4) may be added to the tax roll and collected in the same manner as taxes.

(6) If a building is demolished or removed contrary to subsection (1) or, if so demolished, if any material taken from the building is removed, the City by its authorized bailiff may within 3 months from the date of removal, distrain on the building or material for the unpaid taxes and costs and may sell the building or material in the same manner as goods and chattels distrained for taxes may be sold.

AR 232/2004 s10
567 No defect, error or omission in the form or substance of the notice or statement required by section 443 or in the service, transmission or receipt of the notice or statement shall invalidate any subsequent proceedings for the recovery of the taxes.

AR 232/2004 s10

568 A distress for taxes that are not a lien on land or for a licence fee shall have priority over a distress for rent by the landlord of the premises occupied by the person taxed or licensed, notwithstanding that the landlord's seizure may be prior in time.

AR 232/2004 s10

569(1) Overdue taxes may be recovered by action as a debt due to the City, in which case the tax roll is proof, in the absence of evidence to the contrary, of the debt.

(2) For the purposes of this section, all taxes shall be deemed to be due on the day on which the tax notices referred to in section 443 were mailed or delivered as shown on the tax roll.

AR 232/2004 s10

Part IX
Assessment Review Boards

Division 1
Establishment and Function of Assessment Review Boards

570 In this Part,

(a) “assessment notice” includes an amended assessment notice and a supplementary assessment notice;

(b) “assessment roll” includes a supplementary assessment roll;

(c) “tax notice” includes a supplementary tax notice;

(d) “tax roll” includes a supplementary tax roll.

AR 232/2004 s10

571(1) Council may by bylaw at any time, but must on receiving a complaint under section 577, establish one or more assessment review boards.

(2) Council must
(a) appoint a minimum of 3 members to each assessment review board unless subsection (3) applies,

(b) prescribe the term of office of each member and the manner in which vacancies are to be filled, and

(c) prescribe the remuneration and expenses, if any, payable to each member.

(3) Subject to the conditions prescribed in the Assessment Complaints and Appeals Regulation (AR 238/2000) made under the Municipal Government Act (Alberta), Council may appoint an assessment review board consisting of only one member.

(4) The members of each assessment review board must choose a presiding officer from among themselves.

AR 232/2004 s10

572(1) Council shall appoint a person to act as the secretary of the assessment review boards having jurisdiction in the City and prescribe the term of office, remuneration and duties of that person.

(2) The secretary must not be an assessor.

AR 232/2004 s10

573 The City and one or more councils may agree to establish jointly the assessment review boards to have jurisdiction in their municipalities.

AR 232/2004 s10

574 The Mayor may appoint a person as an acting member of an assessment review board if any member is unable for any reason to attend a hearing of the board.

AR 232/2004 s10

575 A majority of the members of an assessment review board constitutes a quorum.

AR 232/2004 s10

576 A decision of a majority of the members of an assessment review board is the decision of the assessment review board.

AR 232/2004 s10

577(1) A person wishing to make a complaint about any assessment or tax must do so in accordance with this section.
(2) A complaint must be in writing and must be accompanied with the fee set by Council under section 594(1), if any.

(3) A complaint may be made only by an assessed person or a taxpayer.

(4) A complaint may relate to any assessed property or business.

(5) A complaint may be about any of the following matters, as shown on an assessment or tax notice:

   (a) the description of a property or business;
   (b) the name and mailing address of an assessed person or taxpayer;
   (c) an assessment;
   (d) an assessment class;
   (e) an assessment sub-class;
   (f) the type of property;
   (g) the type of improvement;
   (h) school support;
   (i) whether the property is assessable;
   (j) whether the property or business is exempt from taxation under Part VIII.

(6) There is no right to make a complaint about any tax rate.

(7) A complaint must explain why the complainant thinks that information shown on an assessment or tax notice is incorrect.

(8) A complaint about a local improvement tax must be made within one year after it is first imposed.

(9) Despite subsection (8), where a local improvement tax rate has been revised under section 510(3), a complaint may be made about the revised local improvement tax whether or not a complaint was made about the tax within the year after it was first imposed.

(10) A complaint under subsection (9) must be made within one year after the local improvement tax rate is revised.

(11) The complaint must include the mailing address of the complainant.
(12) An assessment review board has no jurisdiction to deal with a complaint about linear property.

AR 232/2004 s10

578(1) A complaint must be filed with the secretary of the assessment review board at the address shown on the assessment or tax notice, not later than the date shown on that notice.

(2) On receiving a complaint, the secretary of the assessment review board referred to in section 572 must set a date, time and location for a hearing before an assessment review board.

AR 232/2004 s10

579(1) If the complaint is to be heard by an assessment review board, the secretary of the assessment review board must

(a) within 30 days after receiving the complaint, provide the City with a copy of the complaint, and

(b) at least 14 days before the hearing, notify the City, the complainant and any assessed person other than the complainant who is affected by the complaint of the date, time and location of the hearing.

(2) The notice period required under subsection (1)(b) may be reduced with the consent of all the persons who are to be notified under that subsection.

AR 232/2004 s10

580 If any person who is given notice of the hearing does not attend, the assessment review board may proceed to deal with the complaint if it is satisfied that all persons required to be notified were given notice of it.

AR 232/2004 s10

581(1) Assessment review boards are not bound by the rules of evidence or any other law applicable to court proceedings and have power to determine the admissibility, relevance and weight of any evidence.

(2) Assessment review boards may require any person giving evidence before them to do so under oath.

(3) Members of assessment review boards are commissioners for oaths while acting in their official capacities.

AR 232/2004 s10
Section 582  THE LLOYDMINSTER CHARTER

582(1) When, in the opinion of an assessment review board,

(a) the attendance of a person is required, or

(b) the production of a document or thing is required,

the assessment review board may cause to be served on a person a notice to attend or a notice to attend and produce a document or thing.

(2) If a person fails or refuses to comply with a notice served under subsection (1), the assessment review board may apply by originating notice to the Court and the Court may issue a warrant requiring the attendance of the person or the attendance of the person to produce a document or thing.

AR 232/2004 s10

583 A witness may be examined under oath on anything relevant to a matter that is before an assessment review board and is not excused from answering any question on the ground that the answer might tend to

(a) incriminate the witness,

(b) subject the witness to punishment under this or any other Act, or

(c) establish liability of the witness

(i) to a civil proceeding at the instance of the Crown in right of Alberta or Saskatchewan or of any other person, or

(ii) to prosecution under any Act,

but if the answer so given tends to incriminate the witness, subject the witness to punishment or establish liability of the witness, it must not be used or received against the witness in any civil proceedings or in any other proceedings under this Charter or any Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

AR 232/2004 s10

Division 2
Decisions of Assessment Review Boards

584(1) An assessment review board may make any of the following decisions:
(a) dismiss a complaint that was not made within the proper time or that does not comply with section 577(7);

(b) make a change with respect to any matter referred to in section 577(5);

(c) decide that no change to an assessment roll or tax roll is required.

(2) An assessment review board must not alter any assessment that is fair and equitable, taking into consideration assessments of similar property or businesses in the same municipality.

AR 232/2004 s10

585 The assessment review board established by Council must make all decisions

(a) on complaints relating to property tax, within 150 days after the assessment notices are sent out by the City, and

(b) on complaints relating to any tax other than property tax, within 150 days after the tax notices are sent out by the City.

AR 232/2004 s10

586(1) The secretary of the assessment review board referred to in section 572 must send the decision of the assessment review board, and the board's reasons if requested, to the persons notified of the hearing under section 579(1)(b).

(2) A request for the board's reasons must be made at the time of the hearing and any request made after the hearing need not be complied with.

AR 232/2004 s10

587(1) The decision of an assessment review board including the omission, neglect or refusal of an assessment review board to hear or decide on a complaint may be appealed to the Municipal Government Board.

(2) Any of the following may appeal the decision of an assessment review board:

(a) an assessed person;

(b) a taxpayer;

(c) an assessor;
(d) the City.

588(1) If there has been substantial compliance with this Part, the decision of an assessment review board is not invalid because of a defect in form, a technical irregularity or informality.

(2) An assessment review board may correct any error or omission in its decision.

Division 3
General Matters

589 The Assessment Complaints and Appeals Regulation (AR 238/2000) made under the Municipal Government Act (Alberta) is hereby incorporated and shall apply to the whole City.

590 The City must make any changes to its assessment roll or tax roll, or both, that are necessary to reflect the decision of an assessment review board.

591 A person who becomes an assessed person or taxpayer in respect of a property or business when a complaint about the property or business is being dealt with under this Part may become a party to any proceedings started by the previous assessed person or taxpayer.

592 Making a complaint under this Part does not relieve any person from the obligation to pay any taxes owing on any property or business or any penalties imposed for late payment of taxes.

593 A member of an assessment review board must not hear or vote on any decision that relates to a matter in respect of which the member has a pecuniary interest.

594(1) Council may set fees payable by persons wishing to make complaints or to be involved as a party or intervenor in a hearing before an assessment review board and for obtaining copies of an assessment review board's decisions and other documents.

233
(2) If a complainant fails to pay the fees required under subsection (1) on or before the date shown on the assessment or tax notice by which a complaint must be filed, the complaint shall be deemed to be dismissed.

(3) If the assessment review board makes a decision in favour of the complainant, the fees paid by the complainant under subsection (1) must be refunded.

(4) If

(a) the assessment review board makes a decision that is not in favour of the complainant, and

(b) on appeal, the Municipal Government Board makes a decision in favour of the complainant,

the fees paid by the complainant under subsection (1) must be refunded.

595(1) A copy of

(a) an assessment roll or tax roll or part of it, or

(b) an assessment notice or tax notice,

that is certified by the treasurer as being a true copy of the original roll, part of the roll or notice is proof, in the absence of evidence to the contrary, of the existence and validity of the roll, part of the roll or notice and is admissible in evidence without proof of the appointment or signature of the treasurer.

(2) A statutory declaration signed by the treasurer is admissible in evidence as proof, in the absence of evidence to the contrary, that

(a) an assessment notice was sent on the date shown on the assessment notice, or

(b) a tax notice was sent on the date shown on the tax notice.

596 A copy of a decision of an assessment review board that is certified by the secretary as being a true copy of the original decision is proof, in the absence of evidence to the contrary, of the decision and is admissible in evidence without proof of the appointment or signature of the secretary.
Section 597  THE LLOYDMINSTER CHARTER  AR 43/79

597 The members of an assessment review board are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.

AR 232/2004 s10

Part X  Municipal Government Board

598 In this Part,

(a) “administrator” means the Deputy Minister of Municipal Affairs for Alberta;

(b) “Board” means the Municipal Government Board and includes any panel of the Municipal Government Board.

AR 232/2004 s10

599(1) A person may appeal the decision of an assessment review board to the Board in accordance with the procedures set out in this Part.

(2) The Board has jurisdiction to hear complaints about assessments for linear property.

(3) In conducting the hearing of an appeal or a complaint about assessments for linear property, the Board may exercise the powers that are vested in it under the Municipal Government Act (Alberta).

AR 232/2004 s10

Division 1  Hearings Before the Board

600(1) Any matter that is to be dealt with by a hearing before the Board must be in the form of a written statement and must be filed with the administrator within the following periods:

(a) for a complaint about an assessment for linear property, not later than the date shown on the assessment notice;

(b) for an appeal relating to the amount of an equalized assessment, not later than December 1 of the year in which the equalized assessment is prepared;

(c) for an appeal from the decision of an assessment review board, not later than 30 days after the decision is sent to the complainant.

(2) The statement referred to in subsection (1) must include
Section 601  THE LLOYDMINSTER CHARTER  AR 43/79

(a) the reason for the matter being referred to the Board,

(b) a brief explanation of the issues to be decided by the Board, and

(c) an address to which any notice or decision of the Board is to be sent.

AR 232/2004 s10

601(1) A complaint about an assessment for linear property may be about any of the following matters, as shown on the assessment notice:

(a) the description of any linear property;

(b) the name and mailing address of an assessed person;

(c) an assessment;

(d) the type of improvement;

(e) school support;

(f) whether the linear property is assessable;

(g) whether the linear property is exempt from taxation under Part VIII.

(2) Any of the following may make a complaint about an assessment for linear property:

(a) an assessed person;

(b) the City.

AR 232/2004 s10

602(1) On receiving a written statement referred to in section 600(1), the administrator must set a date, time and location for a hearing before the Board.

(2) If the written statement relates to a complaint about an assessment for linear property, the administrator must advise the Minister that the statement has been received.

AR 232/2004 s10

603(1) If a matter is to be heard by the Board, the administrator must
(a) within 30 days after receiving a written statement under section 600(1), provide the City with a copy of the statement, and

(b) at least 14 days before the hearing, notify the City, the person who sent the written statement to the administrator and any assessed person who is affected by the matter to be heard of the date, time and location of the hearing.

(2) The notice period required under subsection (1)(b) may be reduced with the consent of all of the persons who are to be notified under that subsection.

AR 232/2004 s10

604 If any person who is given notice of the hearing does not attend, the Board may proceed to deal with the matter if it is satisfied that all persons required to be notified were given notice of it.

AR 232/2004 s10

605(1) The Board is not bound by the rules of evidence or any other law applicable to court proceedings and has power to determine the admissibility, relevance and weight of any evidence.

(2) The Board may require any person giving evidence before it to do so under oath.

(3) Members of the Board are commissioners for oaths while acting in their official capacities.

AR 232/2004 s10

606(1) When, in the opinion of the Board,

(a) the attendance of a person is required, or

(b) the production of a document or thing is required,

the Board may cause to be served on a person a notice to attend or a notice to attend and produce a document or thing.

(2) If a person fails or refuses to comply with a notice served under subsection (1), the Board may apply by originating notice to the Court and the Court may issue a warrant requiring the attendance of the person or the attendance of the person to produce a document or thing.

AR 232/2004 s10
607 A witness may be examined under oath on anything relevant to a matter that is before the Board and is not excused from answering any question on the ground that the answer might tend to

(a) incriminate the witness,

(b) subject the witness to punishment under this or any other Act, or

(c) establish liability of the witness

(i) to a civil proceeding at the instance of the Crown in right of Alberta or Saskatchewan or of any other person, or

(ii) to prosecution under any Act,

but if the answer so given tends to incriminate the witness, subject the witness to punishment or establish liability of the witness, it must not be used or received against the witness in any civil proceedings or in any other proceedings under this Charter or any Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

AR 232/2004 s10

608(1) On concluding a hearing, the Board may make any of the following decisions:

(a) dismiss a complaint or an appeal that was not made within the proper time;

(b) make a change with respect to any matter referred to in section 601(1), if the hearing relates to a complaint about an assessment for linear property;

(c) make a change to any equalized assessment, if the hearing relates to an equalized assessment;

(d) make any decision that the assessment review board could have made, if the hearing relates to the decision of an assessment review board;

(e) decide that no change to an equalized assessment or an assessment or tax roll is required.

(2) The Board must not alter

(a) any assessment that is fair and equitable, taking into consideration assessments of similar property in the City, and
(b) any equalized assessment that is fair and equitable, taking into consideration equalized assessments in similar municipalities.

(3) The Board may, in its decision,

(a) include terms and conditions, and

(b) make the decision effective on a future date or for a limited time.

AR 232/2004 s10

609(1) If the hearing relates to a complaint about an assessment for linear property, the Board must make its decision within 150 days after the assessment notices relating to linear property are sent out.

(2) If the hearing relates to an equalized assessment, the Board must make its decision before March 1 of the year following the year in which the equalized assessment is prepared.

(3) If the hearing relates to the decision of an assessment review board, the Board must make its decision within 150 days after receiving the written statement under section 600(1).

AR 232/2004 s10

610 The Board may determine the costs of and incidental to any hearing before it and decide by whom and to whom the costs are to be paid.

AR 232/2004 s10

611(1) A decision of the Board under section 610 relating to costs may be registered in

(a) the Personal Property Registry of Alberta or Saskatchewan, and

(b) any Land Titles Office of Alberta or the Saskatchewan Writ Registry.

(2) On registration pursuant to subsection (1), the decision of the Board has the same effect as if it were a registered writ of enforcement issued after judgment has been entered in an action by the Court.

AR 232/2004 s10

612 When a decision of the Board requires something to be done within a specified time, the Board may extend the time.

AR 232/2004 s10
613 The Board may rehear any matter before making its decision, and may review, rescind or vary any decision made by it.

AR 232/2004 s10

614 The Board must send its decision, and its reasons if requested, to the persons notified of the hearing under section 603(1)(b).

AR 232/2004 s10

615 There is no appeal from a decision of the Board.

AR 232/2004 s10

616(1) If there has been substantial compliance with this Part, a decision of the Board is not invalid because of a defect in form, a technical irregularity or informality.

(2) The Board may correct any error or omission in its decision.

AR 232/2004 s10

617(1) When Council of the City considers that the interests of the public in the City or in a major part of the City are sufficiently concerned, Council may authorize the City to become a complainant or intervenor in a hearing before the Board.

(2) For the purposes of subsection (1), Council may take any steps, incur any expense and take any proceedings necessary to place the question in dispute before the Board for a decision.

AR 232/2004 s10

Division 2
Inquiries by the Board

618(1) The Lieutenant Governor in Council of Alberta or Saskatchewan may refer any matter to the Board for its recommendations.

(2) The Minister for Alberta or the Minister for Saskatchewan may by order refer any question or other matter to the Board for its recommendations.

(3) On receipt of a reference under subsection (1) or (2), the Board shall conduct an inquiry and prepare a report in accordance with section 619.

AR 232/2004 s10

619(1) On concluding an inquiry, the Board must prepare a report that includes its recommendations.
(2) The Board may make any recommendations it considers appropriate.

(3) The report must be delivered to the Minister for Alberta or the Minister for Saskatchewan, as the case may be.

620 The Board may refer any assessment that it considers unfair and inequitable to the Minister and the Minister may deal with it under sections 631 and 431.

621 The City must make any changes to its assessment roll or tax roll, or both, that are necessary to reflect the decision of the Board.

622 A person who becomes an assessed person or taxpayer in respect of a property or business when a complaint or an appeal about the property or business is being dealt with under this Part may become a party to any proceedings started by the previous assessed person or taxpayer.

623 Sending a written statement to the Board under section 600(1) does not relieve any person from the obligation to pay any taxes owing on the property or business or any penalties imposed for late payment of taxes.

624 A member of the Board must not hear or vote on any decision or recommendation that relates to a matter in respect of which the member has a pecuniary interest.

625 A person who commits or does any act, matter or thing that would, if done in or in respect of a Court of Queen’s Bench, constitute a contempt of the Court is in contempt of the Board, and on an application by the Board, a Court of Queen’s Bench may commit that person for contempt of the Board, and the Court has the same power of committal in respect of contempt of the Board as it has in respect of contempt of the Court.

626 The Minister may set fees payable by parties, intervenors or others who appear at hearings before the Board or at inquiries
conducted by the Board and for obtaining copies of the Board's decisions and other documents.

AR 232/2004 s10

627 The Board may make rules regulating its procedures.

AR 232/2004 s10

628(1) The Board may request copies of statements, reports, documents or information of any kind from any local authority.

(2) The Board may request, in writing, copies of any certificates or certified copies of documents from

(a) any Land Titles Office of Alberta or from the Minister in Alberta who is responsible for the administration of the Land Titles Act (Alberta), or

(b) the Saskatchewan Land Registry or the Saskatchewan Land Surveys Directory, as the case may be.

(3) The Board or any member of the Board may at any time search the public records of any Land Titles Office of Alberta or the Saskatchewan Land Registry or the Saskatchewan Land Surveys Directory, as the case may be.

AR 232/2004 s10

629(1) A document purporting to have been issued by a corporation or any officer, agent or employee of a corporation, or by any other person for or on its behalf, may be considered by the Board as proof, in the absence of evidence to the contrary, that the document was issued by the corporation.

(2) A copy of

(a) an assessment roll or tax roll or part of it, or

(b) an assessment notice or tax notice,

that is certified by the treasurer as being a true copy of the original roll, part of the roll or notice is proof, in the absence of evidence to the contrary, of the existence and validity of the roll, part of the roll or notice and is admissible in evidence without proof of the appointment or signature of the treasurer.

(3) A statutory declaration signed by the treasurer is admissible in evidence as proof, in the absence of evidence to the contrary, that

(a) an assessment notice was sent on the date shown on the assessment notice, or
(b) a tax notice was sent on the date shown on the tax notice.
AR 232/2004 s10

630 A copy of a decision of the Board that is certified by the person who presided at the hearing as being a true copy of the original decision is proof, in the absence of evidence to the contrary, of the decision and is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.
AR 232/2004 s10

Part XI
General Ministerial Powers

631(1) The Ministers may require any matter connected with the management, administration or operation of the City or any assessment prepared under Part VII to be inspected

(a) on the Ministers’ initiative, or

(b) on the request of Council.

(2) The Ministers may appoint one or more persons as inspectors for the purpose of carrying out inspections under this section.

(3) An inspector

(a) may require the attendance of any officer of the City or of any other person whose presence the inspector considers necessary during the course of the inspection, and

(b) has the same powers, privileges and immunities as a commissioner under the Public Inquiries Act (Alberta) or The Public Inquiries Act (Saskatchewan).

(4) When required to do so by an inspector, the commissioner of the City must produce for examination and inspection all books and records of the City.

(5) After the completion of the inspection, the inspector must make a report to the Ministers and, if the inspection was made at the request of Council, to Council.
AR 232/2004 s10

632 The Ministers may

(a) give directions governing the assessment and taxation in the City if the Ministers consider the provisions of this Charter insufficient, and
(b) decide any questions arising from the difficulty or impossibility of applying parts VII to X of this Charter.

AR 232/2004 s10

Part XII
Petitions

633 Unless otherwise provided in this Charter or any other enactment, only electors of the City are eligible to be petitioners.

AR 232/2004 s10

634(1) A petition must be signed by the required number of petitioners.

(2) If requirements for the minimum number of petitioners are not set out under other provisions of this Charter or any other enactment then, to be sufficient, the petition must be signed by electors of the City equal in number to at least 10% of the population.

AR 232/2004 s10

635(1) A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition.

(2) The petition must include, for each petitioner,

(a) the printed surname and printed given names or initials of the petitioner,

(b) the petitioner's signature,

(c) the street address of the petitioner or the legal description of the land on which the petitioner lives, and

(d) the date on which the petitioner signs the petition.

(3) Each signature must be witnessed by an adult person who must

(a) sign opposite the signature of the petitioner, and

(b) take an affidavit that to the best of the person's knowledge the signatures witnessed are those of persons entitled to sign the petition.

(4) The petition must have attached to it a signed statement of a person stating that

(a) the person is the representative of the petitioners, and
Part XIII
Assessments Valid

637  No assessment and taxation of property in the City shall be deemed to be invalid because of any or all of the following:
(a) non-compliance with the provisions of this Charter with respect to the assessment and taxation of property;

(b) mistakes in the use of forms;

(c) other inadvertent errors or irregularities;

if it appears that the assessment and taxation of property was conducted in accordance with the intent of this Charter and that the non-compliance, error or irregularity did not materially affect the assessment or levying of taxes.

Schedule

Form 1
(Sections 20 and 78(1))

Declaration of Elected and Appointed Officials

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially to the best of my knowledge and ability, execute the office of (inserting the name of the office, or of the offices, in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time) to which I have been elected (or appointed) in this city; that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or undue execution of the said office (or offices); and that I am not for any other reason disqualified from holding the said office (or offices).

Form 2
(Section 78(2))

Declaration of Auditor

I, A.B., having been appointed to the office of auditor for the City of Lloydminster, do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability; and I do solemnly declare that I am not now and was not during the preceding year with respect to this city;

(a) a member of the council;

(b) the clerk or treasurer; or

(c) employed in any capacity except that of auditor.
Form 3
(Section 168)

Public Accommodation Application for Licence

I, ____________________________, hereby make application for a licence to operate a ____________ in the building occupied by me situated on lot No. __ block No. __ in The City of Lloydminster. I am the true owner of the business and I am the owner of (or have a lease of) the premises for which this licence is requested and I am of the full age of eighteen years.

Dated at _____________________________
this ____________ day of _____________________________ 19____
and signed in the presence of _____________________________

___________________________
Signature of Applicant

Form 4
(Section 169(2))

Public Accommodation Licence

The council of The City of Lloydminster hereby grants to this licence to conduct a ____________ in the premises situated on lots No. ____ in block No. ____ in The City of Lloydminster which licence shall continue in force until the thirty-first day of January, 19__, unless suspended or cancelled.

Dated at _____________________________
this ____________ day of _____________________________ 19____
and signed in the presence of _____________________________

___________________________
Signature of Clerk

___________________________
(Seal of city)
Form 5
(Section 222(3))

Certificate of Validity

In pursuance of The Lloydminster Charter the Ministers of Municipal Affairs of Alberta and Saskatchewan hereby certify that the within bylaw is valid and binding and that its validity is not open to be questioned in any court on any ground whatever.

Dated this ___ day of ________, 19__.

(Seal)

____________________________________
Minister of Municipal Affairs for Alberta

Dated this ___ day of ________, 19__.

(Seal)

____________________________________
Minister of Municipal Affairs for Saskatchewan

Forms 6, 7 and 8 Repealed AR 232/2004 s11.

Form 9
(Section 379)

Oath of Police

I, _____, do swear that I will well and truly serve Her Majesty the Queen in the office of police constable for the City of Lloydminster, with no favour or affection, malice or ill will; that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against the person and properties of all persons, and that I will to the best of my skill and knowledge discharge all the duties of my office faithfully and according to law. So help me God.