

The Lloydminster Charter

CONSOLIDATION

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	SHORT TITLE	
1	Short title	66 Auditor
	INTERPRETATION	67 Abstract of finances
2	Interpretation	68 Records, etc. open to inspection
3	References to Acts	69 Records, etc., evidence
4	Boundaries	70 Departments
5	Computation of time	71 Parks board
6	Extension of time	72 Recreation board
7	Declaration instead of oath	73 Parks and recreation board
8	Forms	74 Transportation system board
9	Bylaw changes	75 Air board
	PART I INCORPORATION	76 Trailer camp board
10	Corporation name	77 Boxing and wrestling board or commission
11	Annexation of territory	OATHS OF OFFICIALS AND CERTAIN EMPLOYEES
12	Joint committee	78 Declaration by officials
13	Powers under section 11	79 Declaration of holders of more than one office
14	Change of name	80 Persons before whom declarations may be taken
	PART II MUNICIPAL GOVERNMENT	81 Oaths, etc., generally re city business
15	Exercise of powers	82 Deposit of oath
16	Constitution of council	83 Oaths concerning matters before council
17	Persons eligible for council	PART III Powers and Duties of Council GENERAL PROVISIONS
18	Disqualifications	84 Extent of jurisdiction
19	Election of mayor and council	85 Resolution or bylaw and votes
20	Oath of office	86 Passing, signing and sealing of bylaw
21	Resignation	87 Evidence of bylaw or resolution
22	Declaration of vacancy	88 Proof of approval of bylaw
23	Election to fill vacancy	89 Petition for submission of bylaw
24	Vacancy in mayor's office	90 Passing bylaw
25	Compulsory resignation	91 Repeal and amendment of bylaws
	MEETINGS	92 Quashing of bylaws and resolutions
26	Quorum	93 Bylaws procured by bribery and corruption
27	Meetings of council	94 Validation of bylaws and resolutions
28	Special meetings	95 Bylaws not open to question on account of unreasonableness
29	Location of meetings	96 Doing omitted work
30	Special and standing committees of council	97 Power to impose fines and penalties
31	Deputy mayor	98 Obstruction of agents of city and destruction, etc. of works, offence
32	Mayor to preside	99 Recovery of penalty, licence fee
33	Chairman	100 Fines under bylaws to be paid to city
34	Vote	101 Liability of owner for breach of parking bylaw
35	Public meetings	102 General power to pass bylaws
36	Public meeting by petition	BUILDINGS
37	Duties of mayor	103 Restrictions as to approval of plans
38	Suspension of certain officials	104 Particular powers re buildings
39	Signing of cheques	105 Declaring and abating building nuisances
40	Cheque-signing machines	106 Repair of certain residential premises
41	Remuneration of mayor	HIGHWAYS AND PUBLIC PLACES
42	Remuneration of aldermen	107 Control, etc., of highways, etc., within city
43	Prohibited remuneration	108 Control of highways outside the city
44	Payment of certain insurance premiums	109 Temporary closing not exceeding twenty-one days
	OFFICIALS, EMPLOYEES, DEPARTMENTS, BOARDS AND COMMISSIONS	110 Closing for malls, etc.
45	Commissioner or manager – interest in contract with city prohibited	111 Permanent closing of public highways
46	Appointment of commissioners	112 Responsibility for repairs
47	Powers and duties of commissioners	113 Snow and ice
48	Salary of commissioners	114 Agreement for joint use of poles
49	Incapacity of commissioner	115 Powers in particular re highways
50	Commissioners to submit estimates to council	116 Traffic information signs
51	Appointment of manager	117 Removal and disposal of certain vehicles
52	Appointment of certain officials	118 Parkades bylaw
53	Tenure of office	LICENSING AND REGULATING
54	Liability	119 Powers incidental to licences
55	Security by officials and employees	120 Discretionary powers of council and restrictions thereon
56	Gratuities to employees	121 Licences not to exclude taxes
57	Duties of clerk	122 Production of provincial licence
58	Absence of clerk	123 Evidence of carrying on business
59	Duties of treasurer	124 Notices to persons employing contractor where licence fee unpaid
60	Deposits and cheques by treasurer	125 Information by licensees
61	Books and records	126 Power to prohibit certain business
62	Absence of treasurer	127 Particular powers
63	Collector of taxes	SHOP CLOSING
64	Solicitor	128 Definition of shop
65	Costs in action, etc.	129 Hours shops to be open or closed
		130 Business on holidays

131	Penalty for breach of closing bylaw		
132	Hours for garages, etc., and sales in emergencies		
133	Closing of premises		
134	Exemption from closing bylaw		
	CITY-OWNED PROPERTY		
135	Acquisition of land		
136	Power to take more land than required		
137	Disposal of land		
138	No sale at less than market value		
139	Decision of council not open to question		
140	Lease of park lands		
141	Power to acquire and operate camps		
142	Acquisition of property for operation of a business		
143	Airport		
144	Erection, acquisition and renovation of dwellings		
145	Relocation of rail lines		
	PUBLIC SERVICES AND MUNICIPAL UNDERTAKINGS		
146	Art gallery		
147	Civic centre		
148	Transfer of land to city		
149	Particular powers re city undertakings		
150	Assistance to company or society promoting sports event		
151	Non-application of certain provisions		
	PROTECTION OF PERSON AND PROPERTY		
152	Particular powers re protection		
	REGULATION OF PRIVATE PROPERTY AND PUBLIC HEALTH MATTERS		
153	Untidy premises		
154	Declaring and abating nuisances generally		
155	Junked vehicles		
156	Particular powers re public health		
	UTILITIES		
157	Application of <i>Municipal Public Works Act</i>		
158	Local improvements		
159	Sewer service charges		
160	Agreement for drainage of effluent		
161	Special franchise for utilities		
162	Municipal use contracts		
163	Approval of special franchise		
164	Approval purchase of public utility		
165	Particular powers		
	PUBLIC ACCOMMODATION		
166	Public hotels, etc., subject to licence		
167	Notice of municipal bylaw		
168	Application for hotel licence		
169	Issue of licence and fee		
170	Application for renewal of licence		
171	Licences framed and exhibited		
172	Penalty for misrepresentation by unlicensed person		
173	Conduct of hotels regulated		
174	Service and effect of notice of suspension or revocation		
175	Power to rent, lease or purchase		
176	Powers after securing property		
177	Provision of funds		
178	Public rest and reading rooms		
	MISCELLANEOUS		
179	Coat of arms and seal		
180	No exclusive franchise		
181	No bonusing		
182	Curfew bylaws re children		
183	Lost and unclaimed property		
184	Preservation and destruction of documents		
185	Taking security		
186	Extraordinary expenditures		
187	Grants		
188	Particular powers		
	PART IV Finance		
	ESTIMATES AND LEVY		
189	Financial year		
190	Annual budget		
191	Adoption of budget		
192	Revenue excess		
	TEMPORARY BORROWING		
193	Temporary loans		
194	Temporary loans repayment		
195	Limitation on temporary borrowing		
196	Public utilities		
197	Temporary loans on security of surplus funds investments		
	LONG-TERM BORROWING		
198	Power to borrow money		
199	Bylaw for long-term borrowing		
200	Interpretation		
201	Assent to money bylaws		
202	Compulsory borrowing		
203	Guarantee of borrowing		
204	Borrowing of finance shared expenditures		
205	Local improvement debt		
206	Limitation of debenture debt amount		
207	Utility debentures may be excluded from debenture debt		
208	Limitation of period for payment		
209	Contents of bylaw		
210	Omit local improvement debt in borrowing bylaw		
211	Security for utility debt		
212	Debenture borrowing to acquire land		
213	Redemption of debenture prior to maturity		
214	Optional modes of payment of debentures		
215	Moneys in which debentures payable		
216	Time taking effect		
217	Change in mode of issue of debentures		
218	Changing rate of interest		
219	Amendment of borrowing bylaw		
220	Approval of amending bylaw		
221	Consolidation of debenture debts		
222	Certificate of approval		
223	Certificate granted upon proof of substantial compliance with law		
224	Bylaw and debenture not open to question after approval		
225	Countersigning of debentures		
226	Form of debentures and coupons		
227	Execution of debentures		
228	Signatures on debentures and coupons		
229	Times and modes of issue		
230	Validation of debentures		
231	Duties of treasurer re debenture issue		
232	Debenture register		
233	Effect of registration		
234	Certificate of registration		
235	Debenture provision for registration of transfer		
236	Debenture transfer register		
237	Transmission of debentures, etc., by will or upon intestacy		
238	Interest and principal accounts		
239	Disposal of surplus		
240	Surplus income from municipal works		
241	Loan on debentures		
242	Sale of local improvement debentures or other securities		
243	Relief of lenders		
244	Replacement debentures		
245	Cancellation of purchased debentures		
246	Penalty for not levying for debenture instalment		
	DISPOSAL OF CAPITAL FUNDS		
247	Capital and current expense		
248	Use of proceeds from sale of lands		
249	Liability for diversion		
250	Institution of action re diversion		
251	Disposal of unexpended balances of debenture proceeds		
252	Misappropriation of unexpended balances		
	INVESTMENT AND SPECIAL FUNDS		
253	Working capital and emergency funds		
254	Superannuation or benefit fund and group insurance plans		
255	Capital trust fund		
256	Capital reserve funds		
257	Investment of funds		
	PART V Assessment and Taxation		
	ASSESSMENT		
258	Preparation of assessment roll		
259	Assessment of land and buildings, etc.		
260	Assessment of businesses		
261	No double assessment		
262	Fixed assessment of farm lands		
263	Information for assessor		
264	Person claiming to be assessed		
265	Fraudulent assessment		
	APPEALS TO COURT OF REVISION		
266	Notice of assessment by publication		
267	Assessment notice, mailing appeals, etc.		
268	Appeal		
269	Court of revision membership		
270	Notice and time of hearing		

- 271 List of appeals
- 272 Secretary of and witnesses at court of revision
- 273 Conduct of hearing
- 274 Non-appearance
- 275 Evidence
- 276 No variation of assessment in certain cases
- 277 Termination of sittings
- 278 Amendment of roll

APPEAL TO SASKATCHEWAN ASSESSMENT COMMISSION

- 279 Right of appeal
- 280 Proceedings on appeal
- 281 Filing of decisions

APPEALS AND STATED CASES TO COURT OF APPEAL

- 282 Appeal re school support
- 283 Stated case appeal
- 284 Correction of unconfirmed roll after stated case

GENERAL PROVISIONS RESPECTING ASSESSMENT ROLL

- 285 Evidence of roll
- 286 Omissions from roll
- 287 Exempt property when sold to be reassessed
- 288 Re-assessment of subdivided parcels
- 289 Frontage less than minimum
- 290 Correcting gross errors
- 291 Assessed person having no interest
- 292 Roll binding when certificate issued by minister

TAXATION

- 293 Subjects of taxation
- 294 Exemptions
- 295 Special exemptions
- 296 Exemption for current year
- 297 Exception to exemptions
- 298 Liability for local improvement taxes
- 299 Levy
- 300 Date of maturity of taxes
- 301 Certain buildings liable to taxation as improvements
- 302 Liability of building owner for business tax
- 303 Rental tax
- 304 Privy tax
- 305 Amusement tax
- 306 Dancing clubs
- 307 Placing of dust laying material
- 308 Bylaw imposing special charges in respect of certain buildings re sewers, etc.
- 309 Off-site cost levy
- 310 Areas, etc., under sidewalks, etc.

TAXES

- 311 Tax roll, contents and summary
- 312 Conversion of business tax to licence fee
- 313 Grant in lieu of taxing franchise
- 314 Tax notices, mailing, etc. and contents
- 315 Instalments and discounts
- 316 Discount on advance payments of taxes
- 317 Arrears first charge on tax payment
- 318 Penalty for non-payment of taxes

COLLECTION OF TAXES

- 319 Land tax a lien
- 320 Evidence of tax
- 321 Acquiring property in settlement of or security for lien or charge
- 322 Collection from tenant, insurance, etc.
- 323 Deduction by tenant
- 324 Insurance moneys applied on taxes
- 325 Distress for taxes
- 326 Security for business tax
- 327 Distress for licence fee
- 328 Anticipatory distress
- 329 Removal or demolition of buildings prohibited if taxes unpaid
- 330 Payment out of property under seizure
- 331 Executor, administrator, trustee or liquidator
- 332 Errors
- 333 Priority over distress by landlord
- 334 Suit for taxes

MISCELLANEOUS ASSESSMENT AND TAXATION PROVISIONS

- 335 Tax certificates, statements and searches
- 336 Adjustment of levy on commencement or discontinuance of business
- 337 Adjustment of levy where building under construction is assessed
- 338 Adjustment of levy where building removed or demolished
- 339 Compromising and abating taxes and other indebtedness
- 340 Charging back to school district
- 341 Costs of tax collections
- 342 Arrears of school taxes
- 343 Compromise of school taxes
- 344 Certain portion of licence fees to be used for school purposes
- 345 Apportionment of grants for services
- 346 Statement of account with school district
- 347 Special provision re assessment and taxation
- 348 Provisions as to assessment and taxation apply
- 349 Alternative method of assessing and taxing businesses

PART VI

Miscellaneous

ACTIONS BY AND AGAINST THE CITY

- 350 Action within three months
- 351 Failure to give notice
- 352 Actions for nuisance on highway
- 353 Joint liability for damages
- 354 No liability on officer of city
- 355 City's remedy over in action of damages
- 356 Rights as in proceedings
- 357 Power to restrain, etc., by action
- 358 Notice of action in certain cases
- 359 Tender of amends
- 360 Limitation of period of liability
- 361 No time limit for action by city
- 362 Disqualification of member not to invalidate proceedings
- 363 Liability of city for damages to land
- 364 Limitation of actions for damages to land
- 365 Reimbursement for expenses of inquiry

EXECUTIONS AGAINST THE CITY

- 366 Procedure on writs of execution in sheriff's hands

INQUIRIES AND INVESTIGATIONS

- 367 Inquiry by Government re financial affairs
- 368 Inquiry by judge
- 369 Investigation by committee of council

SCHOOLS

- 370 Public school district – construction and transfer of property
- 371 Notice from school board
- 372 Acts governing school affairs
- 373 School grants
- 374 Power to amend Public School Scheme
- 375 Separate school
- 376 School districts – change of names and transfer of property
- 377 References in Charter

POLICE

- 378 Agreement with Government of Canada to police the city
- 379 Appointment of special constables

APPLICATION OF LAW

- 380 Application of Statutes of the provinces
- 381 Powers under amalgamation Acts continued
- 382 Continuing authority
- 383 Acts of Alberta
- 384 Traffic bylaws re Alberta side
- 385 Acts of Saskatchewan

AMENDMENT OF CHARTER

- 386 Power to amend Charter

SCHEDULE

- Form 1 Declaration of Elected and Appointed Officials
- Form 2 Declaration of Auditor
- Form 3 Public Accommodation – Application for Licence
- Form 4 Public Accommodation – Licence
- Form 5 Certificate of Validity
- Form 6 Notice of Preparation of Assessment Roll
- Form 7 Notice of Appeal
- Form 8 List of Appeals
- Form 9 Oath of Police

THE LLOYDMINSTER CHARTER

SHORT TITLE

Short title

- 1 This Charter may be cited as *The Lloydminster Charter*.

INTERPRETATION

Interpretation

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

- (a) **“Alberta”** means the Province of Alberta;
- (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;
- (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 it 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

LLOYDMINSTER CHARTER

- (E) where such person is not in his own right qualified under paragraph (A), (B), (C) or (D), he is the spouse 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;
- (g) **“city commissioners”** or **“commissioners”** means the commissioners of the city;
- (h) **“city manager”** or **“manager”** means the manager of the city;
- (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”** means a person who is at least eighteen years of age, is a Canadian citizen or other British subject; and
- (i) has resided in the city or on land now in the city for a period of at least six months immediately before the date on which voting takes place; or
- (ii) has paid a business licence fee of at least \$10 or a service tax to the city and resides therein;
- (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, lane 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) **“Local Government Board”** means The Local Government Board of Saskatchewan;
- (q) **“medical health officer”** means the medical health officer of the health region in which the city is included;

LLOYDMINSTER CHARTER

- (r) “**minister**” means the Minister of Municipal Affairs for Saskatchewan;
- (s) “**ministers**” means the Minister of Municipal Affairs for Alberta and the Minister of Municipal Affairs 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;
- (x) “**pipe line**” means a line of pipe and the valves, scraper traps, fastenings and appurtenances thereto, 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;
- (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;

LLOYDMINSTER CHARTER

(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;

(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 court 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;

LLOYDMINSTER CHARTER

(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 either as an elector or Burgess at elections for council members, on bylaws or questions.

References to Acts

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.

Boundaries

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.

Computation of time

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.

LLOYDMINSTER 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 last Sunday in April and two o'clock in the forenoon of the last Sunday in October it shall mean Central Standard Time.

Extension of time

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.

Declaration instead of oath

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.

Forms

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.

Bylaw changes

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.

PART I
INCORPORATION

Corporation name

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

Annexation of territory

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.

LLOYDMINSTER CHARTER

(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.

Joint committee

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.

Powers under section 11

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.

Change of name

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.

PART II
MUNICIPAL GOVERNMENT

Exercise of powers

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.

Constitution of council

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.

LLOYDMINSTER CHARTER

(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 on the first day of November next following the election.

Persons eligible for council

17 Every person shall be eligible for election as mayor or alderman who is an elector or burgess of the city, is at least eighteen years of age, is able to read and write, is not subject to any disqualifications under this Charter or *The Controverted Municipal Elections Act*, and is resident within the city.

Disqualifications

18(1) Subject to subsection (2), none of the following persons are qualified to be nominated, elected or remain a member of the council or to sit or vote therein:

- (a) a judge of any court of civil jurisdiction;
- (b) a magistrate or justice of the peace;
- (c) a sheriff, deputy sheriff, sheriff's bailiff or bailiff of any court;
- (d) a constable of the city;
- (e) an auditor, paid official or employee of the city;
- (f) a person who is indebted to the city;
- (g) a paid employee of a board or commission appointed by the council;
- (h) a person who has by himself, his partner, agent or spouse an interest whether direct or indirect in a contract with or on behalf of the city;
- (i) a surety for any officer or employee of the city;
- (j) an undischarged bankrupt or undischarged authorized assignor;
- (k) a person who has been convicted of capital or non-capital murder or of treason;
- (l) a person who has been convicted of an offence punishable with imprisonment for five years or more, but such disqualification shall continue only for a period of five years after the date of the conviction or five years after the date upon which he has completed his sentence, whichever date is the later;
- (m) an agent for an insurance company which enters into a contract of insurance with the city where the agent obtains a commission by reason of such contract having been entered into.

(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;

LLOYDMINSTER CHARTER

- (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 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 having 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.
- (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 per cent 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) Where a person is indebted to the city for services, the treasurer shall on demand issue a certificate under his hand and the seal of the city setting out that the person named therein is indebted to the city for services and showing the date on which the debt arose and every such certificate shall be received in any court as *prima facie* evidence of such indebtedness and of the date when the debt arose.

LLOYDMINSTER CHARTER

Election of mayor and council

19(1) Except as otherwise provided in this Charter, the mayor and aldermen shall be elected for a term of three years commencing on the first day of November.

(2) *The Urban Municipal Elections Act, 1968*, shall be deemed to be incorporated in this Charter; and where the expression “**municipal Act**” appears in this Act it shall mean “*The Lloydminster Charter*” and elections to fill regular vacancies shall be held in accordance with this Act; and “**regular vacancies**” means vacancies arising as a result of the expiration of normal terms of office.

Oath of office

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.

Resignation

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.

Declaration of vacancy

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.

LLOYDMINSTER CHARTER

Election to fill vacancy

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.

Vacancy in mayor's office

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.

Compulsory resignation

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 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.

MEETINGS

Quorum

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.

Meetings of council

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.

LLOYDMINSTER CHARTER

(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.

Special meetings

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.

Location of meetings

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

Special and standing committees of council

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.

LLOYDMINSTER CHARTER

Deputy mayor

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 members 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.

Mayor to preside

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

Chairman

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.

Vote

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.

Public meetings

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

Public meeting by petition

36(1) If so requested by petition signed by not less than the number of burgesses 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 burgesses for the discussion of any municipal matter mentioned in the petition.

(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 any municipal matter mentioned in the petition provided the matter does not relate to a bylaw upon which only the burgesses can vote.

Duties of mayor

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;

LLOYDMINSTER CHARTER

(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.

Suspension of certain officials

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.

Signing of cheques

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.

Cheque-signing machines

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.

Remuneration of mayor

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

Remuneration of aldermen

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 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.

LLOYDMINSTER CHARTER

- (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 court 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.

Prohibited remuneration

- 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.

Payment of certain insurance premiums

- 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.

OFFICIALS, EMPLOYEES, DEPARTMENTS, BOARDS AND COMMISSIONS

Commissioner or manager – interest in contract with city prohibited

- 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.

Appointment of commissioners

- 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.

LLOYDMINSTER CHARTER

Powers and duties of commissioners

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.

Salary of commissioners

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.

Incapacity of commissioner

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.

Commissioners to submit estimates to council

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.

Appointment of manager

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.

LLOYDMINSTER CHARTER

Appointment of certain officials

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.

Tenure of 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.

Liability

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

(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.

Security by officials and employees

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.

LLOYDMINSTER CHARTER

(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).

Gratuities to employees

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.

Duties of clerk

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.

Absence of clerk

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.

LLOYDMINSTER CHARTER

Duties of treasurer

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.

Deposits and cheques by treasurer

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.

Books and records

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.

Absence of treasurer

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.

Collector of taxes

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.

Solicitor

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.

Costs in action, etc.

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.

LLOYDMINSTER CHARTER

Auditor

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.

Abstract of finances

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.

LLOYDMINSTER CHARTER

Records, etc. open to inspection

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 of 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.

Records, etc., evidence

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.

Departments

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.

Parks board

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.

Recreation board

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.

Parks and recreation board

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.

LLOYDMINSTER CHARTER

Transportation system board

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.

Air board

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.

Trailer camp board

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.

Boxing and wrestling board or commission

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.

OATHS OF OFFICIALS AND CERTAIN EMPLOYEES

Declaration by officials

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.

Declaration of holders of more than one office

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.

Persons before whom declarations may be taken

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.

LLOYDMINSTER CHARTER

(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.

Oaths, etc., generally re city business

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.

Deposit of oath

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.

Oaths concerning matters before council

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

Extent of jurisdiction

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.

Resolution or bylaw and votes

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 burgesses or voters is required before a bylaw or resolution may be passed or anything may be done, Part III of *The Urban Municipal Elections Act, 1968*, applies and the assent or approval shall be determined in accordance with the provisions of that Act.

Passing, signing and sealing of bylaw

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.

LLOYDMINSTER CHARTER

Evidence of bylaw or resolution

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.

Proof of approval of bylaw

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.

Petition for submission of bylaw

89(1) When 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:

- (a) in the case of a bylaw on which all voters may vote, by the number of resident voters equivalent to five per cent of the population; or
- (b) in the case of a bylaw on which only burgesses may vote, by the number of resident burgesses equivalent to five per cent of the population;

a bylaw in accordance with the request of the petitioners shall be introduced within four weeks and the necessary steps shall be taken to submit the bylaw to the voters or burgesses, as the case may require.

(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 or burgesses, as the case may require, before the end of that year;
- (b) after the first day of September in any year, the bylaw shall be submitted to the voters or burgesses, as the case may require, before the end of the next ensuing year.

LLOYDMINSTER CHARTER

Passing bylaw

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 nor, 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 or a scrutiny and the final disposition of it shall not be reckoned is 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.

Repeal and amendment of bylaws

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 class of persons entitled to vote on the original bylaw.

(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 setting forth the terms or substantial effect of the proposed bylaw.

Quashing of bylaws and resolutions

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.

LLOYDMINSTER CHARTER

(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 security 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 aid 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.

Bylaws procured by bribery and corruption

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.

Validation of bylaws and resolutions

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.

Bylaws not open to question on account of unreasonableness

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.

Doing omitted work

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.

Power to impose fines and penalties

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.

LLOYDMINSTER CHARTER

(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 licence therefor 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 convicting 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.

Obstruction of agents of city and destruction, etc. of works, offence

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.

Recovery of penalty, licence fee

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.

Fines under bylaws to be paid to city

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.

LLOYDMINSTER CHARTER

(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.

Liability of owner for breach of parking bylaw

101 In every prosecution for breach of a bylaw passed pursuant to paragraph 9, 10 or 11 of section 115 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 had 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.

General power to pass bylaws

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.

BUILDINGS

Restrictions as to approval of plans

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.

LLOYDMINSTER CHARTER

(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.

Particular powers re buildings

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

Building regulations

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;

Construction of buildings, etc.

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;

Distances and levels

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;

Building permits, etc.

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;

Demolition permits

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;

Contravention of bylaw

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.

LLOYDMINSTER CHARTER

(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.

Declaring and abating building nuisances

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

(2) The council may declare any building 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.

LLOYDMINSTER CHARTER

(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

LLOYDMINSTER CHARTER

(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.

Repair of certain residential premises

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

Control, etc., of highways, etc., within city

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.

Control of highways outside the city

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 direction, management and control of the council for the public use of the city.

Temporary closing not exceeding twenty-one days

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.

LLOYDMINSTER CHARTER

(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.

Closing for malls, etc.

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, repair or improvement of any building, structure, machine or other object.

(2) Subsections (3), (4) and (5) of section 109 apply *mutatis mutandis* in the case of any closing pursuant to this section.

Permanent closing of public highways

111(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

LLOYDMINSTER CHARTER

- (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.

Responsibility for repairs

- 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, shall be kept in a reasonable state of repair by the city, 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.

LLOYDMINSTER CHARTER

Snow and ice

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.

Agreement for joint use of poles

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.

Powers in particular re highways

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

Acquiring land for highway

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

Naming streets

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;

Numbering houses and buildings

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

Regulating use of streets

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;

Road improvement

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

Motor vehicles

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;

Speed of traffic

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

Weight of vehicles

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

Parking of vehicles

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;

LLOYDMINSTER CHARTER

- (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;

Parking on private property

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;

Parking at shopping centres

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;

Impounding or storing of certain vehicles

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;

Bicycles on sidewalks

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;

Cattle and horses on sidewalks

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;

LLOYDMINSTER CHARTER

Encumbering streets

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;

Hedges or shrubs at street intersections

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;

Clearing snow, etc.

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;

Safety platforms, etc.

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;

Railways

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 two-thirds of the burgesses 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;

Railway

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;

Planting trees, etc., on highways

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

LLOYDMINSTER CHARTER

Traffic information signs

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, lane or other public place other than a primary highway designate 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.

Removal and disposal of certain vehicles

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 and 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.

Parkades bylaw

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;

LLOYDMINSTER CHARTER

- (d) borrow money for the purposes of carrying out the provisions of this section and issue and sell debentures therefor, 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 assessed 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 assessed 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.

LLOYDMINSTER CHARTER

(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 *The Tax Recovery Act* of Alberta or *The Tax Enforcement Act* of Saskatchewan, 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

Powers incidental to licences

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 licences 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) Where a business tax is assessed in respect of any class of business, the city may nevertheless license, regulate and control all persons who carry on the same and who are not assessable for the purpose of business taxation in respect thereof.

(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.

Discretionary powers of council and restrictions thereon

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).

LLOYDMINSTER CHARTER

(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 health 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.

Licences not to exclude taxes

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.

Production of provincial licence

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.

Evidence of carrying on business

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.

LLOYDMINSTER CHARTER

Notices to persons employing contractor where licence fee unpaid

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.

Information by licensees

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.

Power to prohibit certain business

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.

Particular powers

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

Places of amusement

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

LLOYDMINSTER CHARTER

Automatic machines

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;

Transient barbers

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 residences of customers, and who are not assessable for the purpose of business taxation in respect of the business;

Bees

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;

Bicycles

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

Billiard tables

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;

Billboards

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 printed 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;

Billposters

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;

Clubs and associations

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;

Contractors

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;

Dogs

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;

Impounded dogs

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;

LLOYDMINSTER CHARTER

Licensing dogs

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

Dangerous 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;

Dry cleaners, etc.

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;

Transient dry cleaning, dyeing, etc.

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;

Electrical workers

17 regulating and licensing electrical workers;

Fuel dealers

18 licensing persons 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;

Gun clubs

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;

Owners of cows and dairies

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;

Herding or grazing of cattle

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;

Livestock, animals, etc.

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;

Loudspeakers

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;

LLOYDMINSTER CHARTER

Milk delivery

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;

Minors in certain places of amusement

25 subject to *The Child Welfare 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;

Nursing homes, etc.

26 licensing and supervising nursing homes and maternity homes;

Occupants of trailers, etc.

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 for such licences; but no bylaws; 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;

Operators of trailer, etc., parks or camps

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;

Pawnshops

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;

Plumbers

30 regulating and licensing plumbers;

Porters, etc.

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;

Shows, etc.

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;

LLOYDMINSTER CHARTER

Sparring, boxing and wrestling

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;

Stray animals

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;

Transient traders

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;

Mining and well-drilling contractors

36 subject to *The Mobile Equipment Licensing Act* of Alberta or *The Vehicle 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;

Wood-sawing machines, etc.

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;

Businesses not specifically provided for

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.

SHOP CLOSING

Definition of shop

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.

LLOYDMINSTER CHARTER

Hours shops to be open or closed

129 The council may by bylaw provide for all matters or things relating to the days and hours wherein shops 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 designate by type the merchandise that may be sold or exposed for sale during the hours such shops are permitted to be open.

Business on holidays

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.

Penalty for breach of closing bylaw

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.

Hours for garages, etc., and sales in emergencies

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 garages, 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:

LLOYDMINSTER CHARTER

- (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.

Closing of premises

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.

Exemption from closing bylaw

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

CITY-OWNED PROPERTY

Acquisition of land

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

LLOYDMINSTER CHARTER

(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.

Power to take more land than required

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 tile 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 section 11 of *The Tax Recovery Act* of Alberta or section 31 of *The Tax Enforcement Act* of Saskatchewan applies *mutatis mutandis*.

Disposal of land

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 burgesses.

(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.

LLOYDMINSTER CHARTER

(4) The provisions of section 11 of *The Tax Recovery Act* of Alberta and section 31 of *The Tax Enforcement Act* of Saskatchewan respecting prior notice of sale do not apply to land conveyed or disposed of under subsection (3).

No sale at less than market value

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.

Decision of council not open to question

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.

Lease of park lands

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.

Power to acquire and operate camps

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.

Acquisition of property for operation of a business

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.

Airport

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.

Erection, acquisition and renovation of dwellings

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.

LLOYDMINSTER CHARTER

(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.

Relocation of rail lines

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.

PUBLIC SERVICES AND MUNICIPAL UNDERTAKINGS

Art gallery

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.

Civic centre

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.

LLOYDMINSTER CHARTER

(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.

Transfer of land to city

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.

Particular powers re city undertakings

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

Parks, exhibition grounds, etc.

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 the number of burgesses equivalent to five per cent of the population 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 the burgesses and the assent of a majority of the burgesses voting thereon;

Museums, zoos and wild animal parks

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

Accepting land

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;

Leases of certain lands

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;

Exhibitions, theatres, civic auditoriums, etc.

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;

Company operating civic auditoriums, zoos, etc.

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;

LLOYDMINSTER CHARTER

Assistance to companies established by city

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;

Cemetery

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

Public buildings

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;

Public market

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;

Public scales

11 establishing scales for weighing or measuring, and compelling the weighing or measuring thereon of anything sold by weight or measurement, establishing or regulating the 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;

Public wells

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;

Control and regulation of city property, etc.

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

Assistance to company or society promoting sports event

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;

LLOYDMINSTER CHARTER

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.

Non-application of certain provisions

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

Particular powers re protection

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

Prevention and extinguishment of fires

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;

LLOYDMINSTER CHARTER

(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 modification, either in place of or in addition to any regulations made under clauses (a) to (e) of this paragraph, or any of them;

Fire equipment

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

Extinguishing fires outside the city

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;

Explosives

4 regulating the use of explosives in the city;

Firearms

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;

Fireworks

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;

Preventing flooding

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;

Preventing obstruction in buildings

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

Protecting trees from insects

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;

LLOYDMINSTER CHARTER

Barbed wire

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

Private swimming pools

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;

Noise

12 prohibiting, eliminating or abating noise.

REGULATION OF PRIVATE PROPERTY AND PUBLIC HEALTH MATTERS

Untidy premises

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 cause, or otherwise show cause, why the work should not be proceeded with.

(3) 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.

Declaring and abating nuisances generally

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.

LLOYDMINSTER CHARTER

(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.

Junked vehicles

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

LLOYDMINSTER CHARTER

(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 committed in connection with the removal, destruction or disposal of a junked vehicle in accordance with this section.

Particular powers re public health

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

General public health

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;

Articles of food

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

Pasteurization of milk and cream

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

Control of disposal of sewage and waste matter

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;

Scavenging

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

LLOYDMINSTER CHARTER

Ashes, garbage and refuse

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 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;

LLOYDMINSTER CHARTER

(i) requiring owners and occupants of land to dispose of all garbage and refuse, or garbage and refuse of 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;

Removal of rubbish

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;

Removal of rubbish from buildings and lots

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;

Slaughter houses, dairies, etc.

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);

Hospitals

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

Health centre

11 erecting and maintaining a health centre;

Privies, septic tanks, etc.

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;

Nuisance grounds

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

Public bathing

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

Large health districts

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.

LLOYDMINSTER CHARTER

UTILITIES

Application of *Municipal Public Works Act*

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.

Local improvements

158(1) *The Local Improvements Act* shall be deemed to be incorporated in this Charter and the city shall, with respect to works of the classes mentioned therein, possess all the powers and remedies conferred by the said Act, whether or not such works have been or shall be constructed under bylaws purporting to be passed under the authority thereof.

(2) For the purpose of subsection (1):

- 1 “**The Local Government Board**” means the minister;
- 2 “**the municipality**” means the city.

Sewer service charges

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.

Agreement for drainage of effluent

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.

Special franchise for utilities

161(1) The council, with the approval of the Public Utilities Board of Alberta, may by bylaw:

- (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

LLOYDMINSTER CHARTER

(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, then 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.

Municipal use contracts

162 The council, with the approval of The Public Utilities Board of Alberta, 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.

Approval of special franchise

163(1) An application for approval by The Public Utilities Board of Alberta 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 Board 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 Board;

(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 Board, 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 Board on the application of either of the parties.

LLOYDMINSTER CHARTER

(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 Board, 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.

Approval purchase of public utility

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.

Particular powers

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

Transportation system

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

Electric plant, waterworks, etc.

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

Payment to Saskatchewan Power Corporation

- 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;

Sewers

- 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.

LLOYDMINSTER CHARTER

PUBLIC ACCOMMODATION

Public hotels, etc., subject to licence

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.

Notice of municipal bylaw

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.

Application for hotel licence

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.

LLOYDMINSTER CHARTER

Issue of licence and fee

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.

Application for renewal of licence

170 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.

Licences framed and exhibited

171(1) 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.

(2) 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.

Penalty for misrepresentation by unlicensed person

172 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.

Conduct of hotels regulated

173 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.

Service and effect of notice of suspension or revocation

174(1) 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.

Power to rent, lease or purchase

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.

LLOYDMINSTER CHARTER

Powers after securing property

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.

Provision of funds

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.

Public rest and reading rooms

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.

MISCELLANEOUS

Coat of arms and seal

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.

No exclusive franchise

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.

LLOYDMINSTER CHARTER

No bonusing

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.

Curfew bylaws re children

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.

Lost and unclaimed property

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.

Preservation and destruction of documents

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.

Taking security

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.

Extraordinary expenditures

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;

LLOYDMINSTER CHARTER

- (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.

Grants

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.

Particular powers

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

Agreements with other municipalities for joint undertaking of work, etc.

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 burgesses 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;

Agreement with other authorities

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;

LLOYDMINSTER CHARTER

Census

3 taking the census of the city;

Civic holiday

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;

Co-operative association membership

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;

Submitting municipal questions

6 submitting to a vote of the burgesses or voters any municipal question but where the question deals with the contracting of a debt or the borrowing of money it shall be submitted to the burgesses only;

War memorial

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;

Representation on boards

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;

Interest on unpaid accounts

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

Financial year

189 The financial year of the city shall commence on the first day of January and close on the thirty-first day of December.

Annual budget

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.

Adoption of budget

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.

Revenue excess

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.

LLOYDMINSTER CHARTER

TEMPORARY BORROWING

Temporary loans

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.

Temporary loans repayment

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.

Limitation on temporary borrowing

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.

Public utilities

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.

Temporary loans on security of surplus funds investments

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.

LLOYDMINSTER CHARTER

LONG-TERM BORROWING

Power to borrow money

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.

Bylaw for long-term borrowing

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.

Interpretation

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.

Assent to money bylaws

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 burgesses; 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 per cent of the population, the council if it decides to proceed with the bylaw shall submit the money bylaw to a vote of the burgesses.

(4) Section 6 of *The Local Improvements Act* applies *mutatis mutandis* to the petition.

Compulsory borrowing

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.

LLOYDMINSTER CHARTER

Guarantee of borrowing

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.

Borrowing of finance shared expenditures

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.

Local improvement debt

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 no 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.

Limitation of debenture debt amount

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.

LLOYDMINSTER CHARTER

Utility debentures may be excluded from debenture debt

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 burgess or the older 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.

Limitation of period for payment

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.

Contents of bylaw

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 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.

Omit local improvement debt in borrowing bylaw

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.

LLOYDMINSTER CHARTER

Security for utility debt

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.

Debenture borrowing to acquire land

212(1) Notwithstanding anything in this Charter, a bylaw to borrow money by way of debenture or 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 all be deposited in a special trust account out of which the annual instalments or principal and interest on the debenture shall be paid.

Redemption of debenture prior to maturity

213(1) Subject to the approval of the minister, any borrowing bylaw may provide that all or any part of the debentures authorized hereby will be redeemable at the option of the city at any time or such time or times in advance of maturity, as the bylaw may prescribe.

- (2) The bylaw shall specify:
 - (a) the place of redemption;

LLOYDMINSTER CHARTER

- (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.

Optional modes of payment of debentures

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

LLOYDMINSTER CHARTER

(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 as 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 balances 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.

Moneys in which debentures payable

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.

Time taking effect

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.

Change in mode of issue of debentures

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*;

LLOYDMINSTER CHARTER

- (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;
 - (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.

LLOYDMINSTER CHARTER

Changing rate of interest

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.

Amendment of borrowing bylaw

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).

Approval of amending bylaw

220 No bylaw authorized by section 217, 218 or 219 takes effect until approved by the minister.

Consolidation of debenture debts

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.

(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.

Certificate of approval

222(1) The council may, then under the authority of this Charter or an approved Act it has passed a bylaw for contracting a debt or incurring a liability or 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.

LLOYDMINSTER CHARTER

(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.

Certificate granted upon proof of substantial compliance with law

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 minister, 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.

Bylaw and debenture not open to question after approval

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.

Countersigning of debentures

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 countersignature 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 countersignature by the minister.

Form of debentures and coupons

226 Debentures and the coupons attached thereto shall be in such form as may be prescribed by the minister.

Execution of debentures

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.

LLOYDMINSTER CHARTER

Signatures on debentures and coupons

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.

Times and modes of issue

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.
- (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 the 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.

Validation of debentures

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.

Duties of treasurer re debenture issue

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.

LLOYDMINSTER CHARTER

Debenture register

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 ____ .

Effect of registration

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.

Certificate of registration

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.

Debenture provision for registration of transfer

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.

Debenture transfer register

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.

Transmission of debentures, etc., by will or upon intestacy

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

LLOYDMINSTER CHARTER

(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 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.

Interest and principal accounts

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.

Disposal of surplus

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.

Surplus income from municipal works

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.

LLOYDMINSTER CHARTER

Loan on debentures

241(1) Pending the sale of debentures authorized by bylaws 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.

Sale of local improvement debentures or other securities

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.

Relief of lenders

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.

Replacement debentures

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.

Cancellation of purchased debentures

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 or any portion thereof required for their repayment.

Penalty for not levying for debenture instalment

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 thereupon 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.

LLOYDMINSTER CHARTER

DISPOSAL OF CAPITAL FUNDS

Capital and current expense

247 No money borrowed for capital expenditure, or in the hands of the city as capital funds, shall be applied towards current expense.

Use of proceeds from sale of lands

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 minister.

(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 minister, 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.

Liability for diversion

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.

Institution of action re diversion

250 If the council, upon the request in writing of a burgess, refuses or neglects for one month to bring an action under section 249, an action may be brought by any burgess on behalf of the city to recover the amount diverted.

Disposal of unexpanded balances of debenture proceeds

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 minister 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 minister may grant permission to use the balance for such purposes and upon such terms and conditions as may be deemed expedient.

LLOYDMINSTER CHARTER

Misappropriation of unexpended balances

252(1) If the council applies moneys included in any unexpended balance referred to in section 251 to a purpose not authorized by the minister, 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 burgess refuses or neglects for one month to bring an action under subsection (1), an action may be brought by any burgess 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.

INVESTMENT AND SPECIAL FUNDS

Working capital and emergency 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.

Superannuation or benefit fund and group insurance plans

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, or 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.

LLOYDMINSTER CHARTER

(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.

Capital trust fund

255(1) Subject to the approval of the minister, 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 minister, and may by the same or another bylaw approved by the minister:

- (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.

LLOYDMINSTER CHARTER

(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 minister 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 minister.

(4) Subject to the approval of the minister and upon such terms and conditions as he 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 minister and to such rules and regulations as he may prescribe.

Capital reserve funds

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.

Investment of funds

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 minister 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.

LLOYDMINSTER CHARTER

(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.

PART V
Assessment and Taxation
ASSESSMENT

Preparation of assessment roll

258(1) As soon as may be in each year but not later than the thirty-first day of May the assessor shall assess:

- 1 in respect of every parcel of land in the city:
 - (a) the registered owner; or
 - (b) the owner under *bona fide* agreement for sale; or
 - (c) in the case of property exempt from taxation:
 - (i) the owner under *bona fide* agreement for sale; or
 - (ii) the occupant under lease, licence or permit;
- 2 every person who is engaged in mercantile, professional or any other business in the city, save that of a farmer, stock raiser or person otherwise engaged in agricultural pursuits, a person engaged in keeping bees or extracting honey or person engaged in fur farming;
- 3 the owner of a special franchise;
- 4 the owner of a building situated on land belonging to another person, or not attached to the land on which it is placed;
- 5 the owner of the plant and equipment of a mine, gravel pit, petroleum oil well or gas well;
- 6 the owner of a gas or oil pipe line placed or affixed on or under land, whether the land is owned by the owner of the pipe line or the pipe line is placed or affixed on or under land under an easement or other agreement; and
- 7 the owner of a trailer, mobile home or portable shack except where the trailer, mobile home or portable shack is in transit or storage or is used exclusively for recreational purposes in one location for a period of less than thirty days or is licensed under the provisions of paragraph 27 of section 127;

and shall prepare an assessment roll in which he shall enter the names and addresses of the persons mentioned in this subsection.

(2) The assessment roll shall be in such form as may be prescribed by the minister and may consist of leaves held together in book form or cards held in a suitable filing device.

LLOYDMINSTER CHARTER

Assessment of land and buildings, etc.**259** Subject to the other provisions of this section:

- 1 the dominant and controlling factor in the assessment of land and buildings shall be equity;
- 2 land, excluding any buildings situated thereon, shall be assessed at its fair value;
- 3 the railway roadway owned by a railway company, or occupied by it if the roadway is owned by another person and is exempt from taxation, shall be assessed in accordance with the schedule of rates prescribed by the minister; and all other land owned or occupied by a railway company shall be assessed at its fair value but the superstructure thereon shall not be assessed;
- 4 where a person holds land which is part of the station grounds or right of way of a railway company, under lease, licence or permit, such land together with all buildings and improvements thereon, whether the same are owned by such person or not and whether affixed to the land or not, shall be assessed to such lessee, licensee or permittee as if he owned such land, buildings and improvements and every such lessee, licensee or permittee shall pay all taxes on the assessed value of such land, buildings and improvements;
- 5 where an owner or occupant of land exempt from taxation is assessed his interest shall be assessed at the fair value of the land;
- 6 buildings and improvements, except railway superstructure, upon land shall be assessed at not more than sixty per cent of their fair value;
- 7 the assessor may, in estimating the fair value of any building or improvement, take into consideration its inappropriateness of location or any other circumstances that, in his opinion, reduce its value;
- 8 the plant and equipment of a mine, petroleum oil well or gas well shall be assessed at its fair value; and for the purpose of this paragraph, “**plant and equipment**” includes buildings, fixtures, machinery, tools, railroad spur tracks and other appliances by which the mining or the operating of a petroleum oil well or gas well is accomplished but does not include tipples, general offices, general stores, rooming houses, public halls or yards; and the plant and equipment assessable under this paragraph shall not be assessed for business purposes;
- 9 where the assessment of buildings and improvements is less than sixty percent of their fair value, the council may increase the assessment by such percentage of the fair value of the buildings and improvements as the council may determine provided that the assessment shall not exceed sixty per cent of their fair value;
- 10 notwithstanding anything in this Charter, local improvement rates shall not be taken into consideration as a factor in the reduction of the general assessment of the land;
- 11 the gas or oil pipe line placed or affixed on or under land shall be assessed in accordance with the schedule of rates prescribed by the minister;
- 12 the value of land through which a pipe line runs shall not be reduced where the pipe line has been buried therein and the surface rights are not owned by the owner of the pipe line;
- 13 notwithstanding the disposal of lots or plots in a cemetery operated for gain, the owner of the cemetery shall be assessed in respect of all the lands included in the cemetery;
- 14 in determining fair value for any of the purposes of this section or any other section of this Charter the assessor may take into consideration and be guided by any applicable formula, rule or principle set forth in a manual prepared for the guidance of assessors and approved by the minister.

Assessment of businesses

260(1) Business shall be assessed on the basis of an equitable application of the schedule of rates set out in the regulations which the Lieutenant Governor in Council may make pursuant to section 321 of *The Urban Municipality Act, 1970*.

LLOYDMINSTER CHARTER

(2) No rate mentioned in clauses (a) to (f) of subsection (2) shall exceed \$20 per square foot, except in the case of banks, loan companies and other financial institutions, in which case no rate shall exceed \$30 per square foot.

(3) Notwithstanding any other provision of this section, the business assessment of a grain elevator or annex shall be determined on the basis of the storage capacity of the grain elevator or annex, excluding any portion used for commodities other than grain, and shall be calculated in accordance with a schedule of rates set out in the regulations and, for the purposes of this subsection, “**grain elevator**” does not include a building, structure or portion of a grain elevator occupied for the purpose of manufacturing the grain into some other product, or of cleaning or conditioning the grain.

(4) When two or more persons are, as business partners, joint tenants, tenants in common or by any other kind of joint interest, the owners or occupants of real property liable to taxation under this Charter the name of each of those persons shall be entered on the assessment roll in respect of his share or interest of or in such property.

(5) Notwithstanding anything herein contained, a person to whom a bylaw passed pursuant to paragraph 10 or 13 of section 127 applies and who is assessed and taxed in respect of a business may also be required to pay a licence fee to the city in respect of the same business, shall be liable to pay, in addition to the amount of the tax in respect of the business, only the amount, if any, by which the licence fee exceeds the tax.

(6) A railway company, whether its property is liable to assessment and taxation or not, is liable to assessment and taxation under this section in respect of the business carried on as a railway.

(7) Notwithstanding clause (n) of section 2 or paragraph 6 of section 259, the owner of a special franchise shall be assessed for the land, including buildings and improvements, that he uses or occupies, at the fair value; and the plant and apparatus, including machinery and fixtures, erected or placed upon, in, over, under or affixed to land or to any highway, lane or public place or water, shall be assessed at the fair value.

(8) The owner of a special franchise shall also be assessed in respect of the right, authority or permission on the basis of ten per cent of the value of the franchise under agreement.

(9) The owner of a special franchise shall not be assessed in respect of business.

No double assessment

261 No person who is assessed in respect of a business or special franchise shall be liable to pay a licence fee to the municipality in respect of the same business or special franchise.

Fixed assessment of farm lands

262(1) Subject to subsection (2), but otherwise notwithstanding anything in this Charter, where there is within the city land used exclusively for farming purposes and a person whose principal occupation is farming is assessed in respect of the land, the council may enter into an agreement with the owner thereof providing for either or both of the following:

- (a) a fixed value to be placed upon the land and any buildings thereon, for assessment purposes;

LLOYDMINSTER CHARTER

- (b) a fixed rate of taxation upon the assessed value of the land and any buildings thereon, or where the value thereof has been fixed by agreement, upon the fixed value, for all purposes or certain specified purposes.
- (2) No agreement shall be entered into under subsection (1):
- (a) unless authorized by bylaw approved by the Director of Assessments in the Department of Municipal Affairs of Saskatchewan;
 - (b) with respect to any land of an owner comprising less than twenty acres;
 - (c) with respect to any land that has been subdivided into lots.
- (3) Subject to subsection (4), an agreement entered into under subsection (1) shall remain in force for such period, not exceeding five years, as may be specified in the agreement and may, with the approval of the Director of Assessments for Saskatchewan, be renewed from time to time for periods not exceeding five years each.
- (4) Notwithstanding anything contained in an agreement entered into under subsection (1) or in an instrument renewing any such agreement, the agreement or the renewal, as the case may be, shall be deemed to have terminated and shall be void upon:
- (a) the placing, erection or construction upon the land to which the agreement or renewal applies, after the date on which the agreement or renewal became effective, of any additional building or structure; or
 - (b) the use of any part of the land for any purpose other than farming or the use of any building or structure thereon otherwise than in conjunction with the land; or
 - (c) the owner of the land ceasing to own such part thereof as to reduce his ownership to less than twenty acres; or
 - (d) the subdivision of the land, or any part thereof, into lots.
- (5) Where an agreement under subsection (1) cannot be reached or where, upon application by an owner of such land, the council does not forthwith enter into such an agreement, the owner may petition the Saskatchewan Assessment Commission to adjudicate in the matter, and the Commission may, upon being satisfied:
- (a) that the land and any buildings thereon are used exclusively for farming purposes and a person whose principal occupation is farming is assessed in respect of the land and the buildings thereon, if any; and
 - (b) that the land comprises not less than twenty acres and has not been subdivided into lots;
- order the city to assess the land and any buildings thereon at a stated sum and may also fix the maximum rate of taxation for all purposes or certain specified purposes to be imposed upon the assessed value of the land and buildings or upon the value thereof as fixed by the order for assessment purposes.
- (6) Subsections (3) and (4) apply *mutatis mutandis* to an order made under subsection (5).

LLOYDMINSTER CHARTER

Information for assessor

263(1) Every assessable person or his agent shall, upon the request of the assessor, forthwith furnish to the assessor, in writing signed by the person requested or his agent and in such form and detail as the assessor may require, true and accurate information respecting the land owned by that person and respecting all buildings, structures and fixtures on the land, including particulars as to sale price, terms and conditions of leases, covenants in leases, construction costs, costs of alterations and repairs and rents payable or paid or agreed to be paid, but no information furnished pursuant to a request under this subsection shall bind the assessor or excuse him from making inquiry as to its correctness.

(2) Where a separate school district is or may be established the assessor shall accept the statement of any person whose name is to be entered in the roll, or a statement made on behalf of any such person by his written authority, that he is a supporter of public schools or of separate schools, as the case may be, and such statement shall be sufficient *prima facie* evidence for entering opposite the name of that person in the roll the letters "PSS", indicating that he is a supporter of public schools, or the letters "SSS", indicating that he is a supporter of separate schools, and in the absence of any such statement the assessor shall make such entry in accordance with his belief.

(3) Every railway company shall, during the month of October in each year, transmit to the assessor of the city a certified statement showing:

- (a) the total number of miles of the railway roadway situated within the city;
- (b) the description and area in acres of land within the city owned or occupied by the company, other than railway roadway;
- (c) the description and location of any buildings, structures, erections and improvements within the city, except railway superstructure, owned or occupied by the company;
- (d) the address of the office of the company where assessment and tax notices are to be sent.

(4) Every owner or operator of a petroleum oil well or gas well shall on or before the first day of March in each year furnish the assessor with rendition forms containing the name and address of the owner or operator, as the case may be, and including the following information:

- (a) a list of plant and equipment as defined by paragraph 8 of section 259, used in operating a new well, battery or injection plant, and the location thereof;
- (b) a list of plant and equipment used in the operation of a well, battery or injection plant where a change in the equipment has occurred since the last rendition form was furnished to the assessor by the owner or operator;
- (c) the cost of any equipment shown in the rendition form and not covered in the schedules of values prepared by the minister.

LLOYDMINSTER CHARTER

- (5) Every owner of a pipe line shall, on or before the first day of March in each year, transmit to the assessor of the city a certified statement showing:
- (a) the total number of miles of the pipe line right of way situated within the city;
 - (b) the total number of miles, and the diameter, of main and additional pipe line laid upon or under the right of way within the city;
 - (c) the description and area in acres of land within the city owned or occupied by the owner, other than right of way;
 - (d) the description and location of any buildings, structures, erections and improvements within the city owned or occupied by the owner;
 - (e) the address of the office of the owner where assessment and tax notices are to be sent.
- (6) A person who fails to furnish within a reasonable time any information required by the assessor is guilty of an offence and liable on summary conviction to a fine not exceeding \$5 for every day during which the default continues.
- (7) A person who wilfully furnishes the assessor with false information is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.
- (8) Where any land or business is sold the vendor and the purchaser shall forthwith notify the assessor in writing of the change of ownership.

Person claiming to be assessed

- 264(1)** Where a person claims to be assessed, or claims that another person should be assessed or named in the assessment roll, so as to be entitled to be a burgess, and the assessor has reason to suspect that the person so claiming or on whose behalf the claim is made has not a just right to be so assessed or to be named in the roll so as to be entitled to be a burgess, the assessor shall make reasonable inquiries before assessing or naming any such person in the assessment roll.
- (2) A person entitled to be assessed or to have his name inserted in the assessment roll shall be so assessed or shall have his name so inserted without any request in that behalf; and a person entitled to have his name so inserted in the assessment roll shall have the same right to apply to have the name of any other person inserted in the assessment roll as the other person would or could have had personally, unless the other person actually dissents therefrom.
- (3) A person who wilfully and improperly:
- (a) inserts or procures the insertion of the name of a person or a fictitious name in the assessment roll;
 - (b) omits or procures the omission of the name of a person from the assessment roll; or
 - (c) assesses or procures the assessment of a person at too low an amount;
- is guilty of an offence and liable on summary conviction to a fine of \$25 and to imprisonment for a period not exceeding thirty days.

LLOYDMINSTER CHARTER

Fraudulent assessment

265 If an assessor makes a fraudulent assessment, or wilfully or fraudulently inserts in the assessment roll the name of a person who should not be entered therein, or wilfully or fraudulently omits the name of a person who should be entered therein, or wilfully neglects any duty required of him by this Charter, he is guilty of an offence and liable on summary conviction to a fine of \$100 for each offence.

APPEALS TO COURT OF REVISION

Notice of assessment by publication

266 Within fifteen days after completing the roll the assessor shall post in three conspicuous places or publish in a newspaper published or circulating in the city a notice in form 6.

Assessment notice, mailing appeals, etc.

267(1) Subject to subsection (5), the assessor shall also, within fifteen days after the completion by him of the assessment roll, transmit by post to every person named therein an assessment notice containing the particulars appearing in the roll with respect to such person.

(2) Subject to subsection (5), the assessor shall, upon completion of the mailing of all notices, prepare a statement in a form approved by the minister, setting forth the notices that have been mailed by him and the date of mailing, and he shall sign the statement and attach it to the page of the assessment roll containing the last assessment or to the last assessment card or leaf, as the case may require, and the statement shall thereupon be *prima facie* evidence of the mailing of the notices on the date stated without proof of the appointment or signature of the assessor.

(3) There shall be appended to or endorsed on every assessment notice:

(a) a notice of the last date upon which appeals may be lodged as fixed by the notice under section 266; and

(b) a written or printed notice of appeal in form 7.

(4) No assessment shall be invalidated by any error in the assessment notice so transmitted or by reason of the non-transmission thereof or non-receipt thereof by the person to whom it was addressed.

(5) The council may, by bylaw to be passed on or before the first day of June in any year, dispense with the mailing of assessment notices except in cases where the assessed value in respect of land or business or special franchise is new or altered, but this shall not affect the right of appeal to the court of revision and the Saskatchewan Assessment Commission; and a bylaw passed under this subsection shall continue in force and have effect until repealed.

(6) Where a bylaw is passed under subsection (5), a notice in form 6 shall be published in *The Saskatchewan Gazette* and *The Alberta Gazette* within fifteen days after the completion of the assessment roll.

LLOYDMINSTER CHARTER

Appeal

268 If a person thinks that he or any other person has been wrongly assessed or has been assessed too high, or too low, or that his name or the name of any other person has been wrongly inserted in or omitted from the roll, or that a person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa*, or that any person who should be assessed as a high school supporter has been assessed as a separate high school supporter or *vice versa*, or that a building has been wrongly classified for the purpose of business assessment or that the rate per square foot of floor space fixed by the assessor for such purpose is too high or too low, he may within the time limited by the notice under section 266 give notice in writing to the assessor that he appeals to the court of revision to correct the error, and in the notice he shall give a name and address where notices may be served upon him.

Court of revision membership

269(1) If one or more commissioners have been appointed, the council shall by resolution establish the court of revision by appointing the commissioners, or not less than three or more than five of its own members, or one or more commissioners and such of its own members as may be required to constitute a court of revision of not less than three or more than five members; and a majority of the members of the court of revision constitutes a quorum.

(2) Where the court of revision is composed of members of the council and a majority of the members of the court of revision are unable to attend a sitting of the court, the mayor may appoint other members of the council to the court of revision to act in the place and stead and exercise all the powers of the absent members for that sitting.

(3) Notwithstanding subsections (1) and (2), the council may by resolution appoint persons other than members of council or commissioners to be members of the court of revision in the place and stead of the number of members of council or commissioners that may be appointed.

(4) No person who is directly or indirectly interested in any property or business in connection with the assessment of which an appeal is filed shall act as a member of the court of revision on that appeal.

(5) The council may pay members of the court of revision appointed pursuant to subsection (3) such remuneration as council may consider reasonable.

Notice and time of hearing

270(1) The assessor shall forthwith notify every appellant, and every other person whose assessment is or may be affected, of the time and place of the sitting of the court of revision to hear the appeal.

(2) The notice shall:

(a) be personally served upon such appellant or person at least six days before the sitting of the court; or

(b) be posted by registered mail to the post office address of such appellant or person as given in the notice of appeal, or, if no address is there given, to the address entered on the assessment roll, at least fifteen days before the sitting of the court of revision; or

LLOYDMINSTER CHARTER

(c) if the appellant or person has a place of business within the city, be posted by registered mail addressed to him at his place of business or be served thereat, at least six days before the sitting of the court;

and such posting or service shall in all such cases be sufficient.

List of appeals

271 Before the sitting of the court of revision the assessor shall prepare a list of the appeals in form 8 which list shall be posted on a notice board at the office of the city clerk and shall continue so posted during the sittings of the court.

Secretary of and witnesses at court of revision

272(1) The assessor or such other person as the council may appoint for the purpose shall be the clerk and secretary of the court of revision in connection with assessment appeals.

(2) The clerk of the court of revision may, when required to do so, issue a summons to any person to attend as a witness at the court of revision; and if a person so summoned, having first been tendered compensation for his time at the rate of \$10 per day, and mileage at the rate of ten cents per mile, both ways, or the cost of public transportation fare both ways, whichever is the lesser, fails to attend at the time and place mentioned, or having attended or being present in court refuses to be sworn, if required to give evidence, he is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 and costs; but the court hearing the appeal may for good and sufficient reasons excuse such person from attending, and in that event no fine shall be incurred by reason of non-attendance.

Conduct of hearing

273 The appeals shall be heard, as far as possible, in the order in which they stand upon the list, but the court may adjourn or expedite the hearing of any appeal as deemed advisable.

Non-appearance

274 If the appellant, or any other person whose assessment is affected or may be affected by the result of the appeal, fails to appear in person or by an agent, the court of revision may proceed in the absence of the appellant, person or agent and, unless the appellant or other person has submitted to the court of revision a statement in writing giving in detail his reasons for appealing, its decision shall be final and not subject to review by the Saskatchewan Assessment Commission.

Evidence

275(1) It shall not be necessary to hear upon oath the complainant or assessor or the person complained against, except where the court deems it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

(2) All oaths necessary to be administered to witnesses may be administered by any member of the court hearing the appeal.

No variation of assessment in certain cases

276 Where the value at which any specified land or building has been assessed appears to be more or less than its fair value the amount of the assessment of the land or building, as the case may require, shall nevertheless not be varied on appeal if:

(a) the value at which the land is assessed bears a fair and just proportion to the value at which other lands in the city are assessed; or

LLOYDMINSTER CHARTER

(b) the value at which the building is assessed bears a fair and just proportion to the value at which other buildings in the city are assessed.

Termination of sittings

277 All the duties of the court of revision under the foregoing sections shall be completed by the tenth day of August and no appeal shall be heard after that date.

Amendment of roll

278 Forthwith after the conclusion of the sittings, the assessor shall amend the assessment roll in accordance with the decisions of the court; and every amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the assessor.

APPEAL TO SASKATCHEWAN ASSESSMENT COMMISSION

Right of appeal

279(1) There shall be a right of appeal from the decision of the court of revision to the Saskatchewan Assessment Commission according to the procedure prescribed herein.

(2) An appeal to the Saskatchewan Assessment Commission lies at the instance of the assessor or of any appellant to the court of revision or of any other person, not only against the decision of the court of revision on an appeal, but also against the omission, neglect or refusal of that court to hear or decide an appeal to it.

Proceedings on appeal

280 In all appeals under section 279 the proceedings shall be as follows:

Notice of appeal

1 where the decision of the court of revision is given at the time of the hearing, the appellant, shall in person or by agent serve upon the assessor within fourteen days after the decision of the court a written notice of his intention to appeal to the Commission; or where the decision is not given at the time of the hearing, the assessor shall forward a notice of the decision to the appellant by registered letter, and the appellant shall serve his notice of intention to appeal within fourteen days after the date of the registration of the letter; or in case of the omission, neglect or refusal of the court to hear or decide an appeal the appellant shall serve his notice of intention to appeal within fourteen days after completion of the sittings of the court; and the appellant shall in any case forward a copy of the notice to the Commission;

List of appeals

2 the assessor shall immediately after the time limited for service of such notice forward a list of all appeals to the secretary of the Commission and the Commission shall fix a day and place for hearing the appeals;

Assessor notifies parties interested

3 the assessor shall immediately upon being notified by the Commission give notice in writing to all parties interested in the appeals respectively of the time and place fixed by the Commission for hearing the appeals;

Time of notice

4 the notice shall:

- (a) be personally served upon the appellant at his place of residence at least six days before the day fixed for hearing the appeals; or
- (b) be posted by registered mail to the post office address of the appellant as entered on the assessment roll at least fifteen days before the day fixed for hearing the appeals; but if the assessor fails to have the required service of the notice made or to have it made as required by this Charter, the Commission may direct the service to be made for a subsequent day then to be fixed by it for the hearing of the appeal;

LLOYDMINSTER CHARTER

Assessor posts notice

5 the assessor shall immediately upon being notified of the day fixed for hearing the appeals cause a conspicuous notice to be posted in his office and in the place where the council holds its meetings, containing the names of the appellants and parties against whose assessments appeals have been taken, and a brief statement showing the grounds or causes of appeal and the time and place fixed by the Commission for hearing the appeals;

Discovery and inspection

6 where the value of the property according to the assessment appealed from exceeds \$10,000, the provisions of the rules of the Court of Queen's Bench regarding the discovery and inspection of documents and for examination on discovery shall apply in like manner as if the assessment appeal were an action in the said Court;

Parties and witnesses served

7 every person served with notice shall attend pursuant to the notice, and the notice shall be of the same force and effect as a subpoena;

Hearing and determination of appeals

8 at the time appointed the Commission shall hear the appeal and it may adjourn the hearing from time to time and defer decision thereon at pleasure; and all deferred decisions shall be in writing and when given shall be filed with the city clerk;

Production of roll

9 at the hearing the person having charge of the assessment roll passed by the court of revision shall if requested by the Commission appear and produce the roll and all papers and writings in his custody connected with the matter of appeal, and where the roll has not been confirmed by the minister:

(a) it shall be confirmed, altered or amended according to the decision of the Commission if then given, and the chairman, or in his absence another member of the Commission, shall write his initials opposite any part of the roll in which any mistake, error or omission is corrected or supplied; or

(b) if the Commission reserves its decision, the city clerk shall, when the decision is given, forthwith alter and amend the roll according to the terms of the decision and shall write his own name or initials opposite the alteration or correction;

Powers of Commission

10 in appeal proceedings the Commission shall possess all such powers for compelling the attendance of any persons and for their examination on oath, for the production of books, papers, rolls and documents and for the enforcement of its orders and decisions, as belong to or might be exercised by a judge of the district court in respect of any civil proceeding in that court;

Title of proceedings

11 all process or other proceedings in, about or by way of appeal may be entitled as follows:

In the matter of appeal from the court of revision of The City of Lloydminster

A.B.,
Appellant,

— and —

C.D.,
Respondent.;

Inspection by Commission

12 the Commission may inspect property the assessed value of which is in dispute and any other properties in the city with a view to arriving at the value for assessment purposes, and may base its decision wholly or in part upon the inspection;

Cost of proceedings

13 the costs of any proceeding before the Commission shall be paid by or apportioned between the parties in such manner as the Commission thinks proper; and, where costs are ordered to be paid by any party, they shall be enforceable by execution, to be issued as the Commission may direct from the district court or in the same manner as upon an ordinary judgment for costs recovered in that court;

LLOYDMINSTER CHARTER

Taxation

14 the costs chargeable or to be awarded in any case may be the cost of witnesses and of procuring their attendance and the costs of a stenographer or of a transcript of evidence, or any of them, and none other, the same to be taxed according to the allowance in the court of such costs; and where execution issues the costs thereof as in the like court and of enforcing them may also be collected thereunder;

Decision final

15 subject to section 282, the decision of the Commission shall be final and conclusive in every case adjudicated upon.

Filing of decisions

281 The local clerk of the district court shall, at the request of the Saskatchewan Assessment Commission, the city or any party interested, file the orders and decisions of the Commission in the same manner as if they were orders or decisions of the court.

APPEALS AND STATED CASES TO COURT OF APPEAL

Appeal re school support

282(1) Where the ground of appeal was that the appellant or some other person was wrongly assessed as a public or separate school supporter, an appeal lies from the Saskatchewan Assessment Commission to the Court of Appeal.

(2) The procedure on the appeal shall be the same as is or may be provided on an appeal from the final order, judgment or decision of the district court in a civil action.

Stated case appeal

283(1) At any stage of the proceedings before the Saskatchewan Assessment Commission, the Commission may submit in the form of a stated case for the opinion of the Court of Appeal a question of law arising in connection with any appeal and shall reserve its decision until the opinion of the Court has been given, when it shall decide the appeal in accordance with the opinion.

(2) Any party to the proceedings before the Commission, including the city acting on the resolution of its council, may, within thirty days after the decision of the Commission, by writing addressed to the secretary of the commission, request the Commission to submit a case for the opinion of the Court of Appeal on a question of law only, not involving a question of valuation, and a party making such request shall at the same time deposit with the secretary of the Commission the sum of \$10 as security for costs.

(3) A judge of the Court of appeal may, before or after the expiration of the time allowed by subsection (2) for requesting a stated case, enlarge the time for making the request.

(4) Within fifteen days after the receipt of the request and deposit, the Commission shall submit in writing a stated case for the opinion of the Court.

(5) The costs of and incidental to a stated case shall be in the discretion of the Court.

(6) Where a case is stated, the secretary of the Commission shall forthwith file the case with the registrar of the Court, who shall enter the case for argument before the Court.

LLOYDMINSTER CHARTER

(7) The Court shall hear and determine the question and within thirty days give its opinion and cause it to be forwarded to the Commission; but the Court may if it thinks fit cause any case to be remitted to the Commission for amendment, and thereupon the Commission shall amend the case accordingly and the opinion of the Court shall be delivered after the amendment.

Correction of unconfirmed roll after stated case

284 After receipt of the opinion of the Court of Appeal on a stated case, the Commission shall:

- (a) where the assessment roll has not been confirmed by the minister; and
- (b) where the opinion is at variance with the conclusion arrived at by the Commission;

direct the city clerk to make and the clerk shall forthwith make the necessary amendment to the roll in accordance with the opinion.

GENERAL PROVISIONS RESPECTING ASSESSMENT ROLL

Evidence of roll

285 A copy of the assessment roll or any portion thereof written or printed without erasure or interlineation, under the seal of the city and certified to be a true copy by the assessor, shall be received as *prima facie* evidence in any court without the production of the original.

Omissions from roll

286(1) Subject to subsection (2), if before the first day of December it is discovered that a person liable to assessment is not assessed or that a person has commenced business after the assessment roll was completed or has commenced construction of a building before or after the roll was completed, the assessor shall enter the name of the person on the roll and every such entry shall be dated and initialed by the assessor.

(2) Where a building was assessed while under construction the assessor shall not make any addition to the roll in respect of the building in the year for which the assessment is made unless the building is occupied or is reasonably fit for occupancy, in which case he shall add to the roll a sum representing the increase in value of the building.

(3) Where an addition is made to the roll pursuant to subsection (1) or (2) an assessment notice shall be sent by the assessor to the person or persons affected, and every such person shall be given every reasonable opportunity to appeal against the assessment and all appeals so made shall be heard and determined as nearly as may be in the manner provided by this Charter.

LLOYDMINSTER CHARTER

(4) Immediately after an assessment is made pursuant to this section, the assessor shall place the assessment on the roll at the end thereof and shall levy taxes thereon at the same rates as the rest of the roll and the amount levied shall be adjusted in the manner provided in section 336 or 337, and the rates shall be collectable in the same manner as other taxes; but if the assessment in respect of a building is increased pursuant to subsection (2) the said rates shall apply to the assessment first made under subsection (1) up to the date of occupancy of the building or the date upon which the building is deemed to be reasonably fit for occupancy, whichever is the earlier, and thereafter shall apply to the full assessment of the building.

(5) If land exempt from taxation under section 294 ceases to be so exempt on or before the first day of December in any year, the assessor shall assess the owner or occupant and enter his name upon the assessment roll, making allowance for the portion of the year during which the land was exempt from taxation.

Exempt property when sold to be reassessed

287(1) If the city has passed a bylaw under section 347 and property exempt from taxation under section 294 is sold and disposed of before the first day of October in the year for which the assessment is made, so as to become liable to assessment and taxation, the assessor shall assess the property and amend the assessment roll accordingly and he shall forthwith transmit by registered mail to the owner or other taxable person particulars of the assessment.

(2) The taxable person may thereupon appeal to the court of revision against the assessment and in such case the proceedings upon appeal and the duties and powers of the court of revision, assessor and clerk shall be the same, as nearly as may be, as in the case of other appeals against assessments.

(3) Immediately after an assessment is made pursuant to this section the assessor shall place the assessment on the roll at the end thereof and shall levy taxes thereon at the same rates as the rest of the roll, making allowance for the portion of the year during which the property was exempt from taxation; and the rates shall be collectable in the same manner as other taxes.

Re-assessment of subdivided parcels

288(1) Subject to subsection (5), where a parcel of land has been subdivided after the assessment roll has been confirmed, the assessor may on the application of the owner of any of the parts into which the parcel has been divided, cancel the assessment of the parcel and reassess the property, apportioning the assessed value and the taxes among the different parcels according to the new subdivision, but the reassessment shall not exceed in the whole the amount of the previous assessment.

(2) Notices of the apportionment shall be given in the same manner as notice of a new assessment and any of the parties interested may appeal to the court of revision against the decision of the assessor.

(3) The proceedings upon an appeal and the duties and powers of the court of revision, assessor and clerk shall be the same, as nearly as may be, as in the case of appeals against assessments.

(4) There shall be no appeal from the decision of the court of revision.

LLOYDMINSTER CHARTER

(5) No assessment of a parcel of land shall be cancelled for the purpose of reassessment as provided in subsection (1) where the parcel has been subdivided into parts any of which has a frontage or area less than the minimum frontage or area prescribed for building lots under a bylaw of the city.

Frontage less than minimum

289 Where the council has by bylaw prescribed a minimum frontage or area for building lots, the assessor shall not separately assess any parcel of land having a frontage or area less than the minimum.

Correcting gross errors

290 The council, or the commissioners where any have been appointed, may at any time correct any gross or palpable error in the roll, and any correction so made shall be initialed by the assessor.

Assessed person having no interest

291 When a person assessed has no interest in the land in respect of which he is assessed, the assessment shall bind the land but not the person assessed.

Roll binding when certificate issued by minister

292(1) When the time for appealing to the court of revision has elapsed and its decisions have been rendered on all appeals before it, the assessor shall make a return to the minister in such form as he may prescribe, showing particulars of any alterations that have been made in the assessment by the court of revision.

(2) Notwithstanding that there may be appeals pending to the Saskatchewan Assessment Commission or the Court of Appeal by way of stated case, the minister may, upon receipt of the return and upon such inquiries as he deems advisable, confirm the assessments in the roll by a certificate issued under his seal as the assessment of the city for the current year.

(3) Where the assessment roll has been confirmed before all appeals from the court of revision have been disposed of, no amendment or alteration to the roll shall be made except as provided for in section 286 or 290; but where a decision on appeal would result in a change or alteration in the assessment of property in the roll if the roll had not been confirmed, the city shall adjust the taxes on that property in accordance with the appeal decision and where:

(a) the appeal decision cancels or reduces the assessment on the property the city shall refund all or part of the taxes paid, as the case may be, in excess of those required to be paid as a result of the appeal decision; or

(b) the appeal decision establishes or increases the assessment on the property the city shall collect, and the property shall be liable for, the amount of taxes that would be payable if the original assessment was that set by the appeal decision.

(4) Upon receipt of the certificate the assessor shall immediately attach it to the last page or card of the assessment roll and the roll as thus finally completed and certified shall be valid and binding on all parties concerned notwithstanding any defect or error committed in or with regard thereof or any defect, error or misstatement in any notice required by this Charter or any omission to deliver or to transmit such notice.

LLOYDMINSTER CHARTER

(5) Where, after the roll for any year is finally completed and a return as required by subsection (1) has been made, additional assessments for the year are made pursuant to section 286, the assessor shall, after the time during which appeals against the additional assessments may be made has elapsed or, where there are appeals, after they have been disposed of, make a further return to the minister showing particulars of the additional assessments.

(6) Upon receipt of the further return the minister shall, if satisfied that the additional assessments should be confirmed, confirm them by a supplementary certificate issued under his seal, and thereupon subsection (4) shall apply.

(7) Where assessments are made in any year, or where assessments are added to the roll pursuant to section 286 and taxes are imposed thereon in the year in which the assessments are made or added to the roll or in a subsequent year, the taxes so imposed shall, after the assessments have been confirmed, be deemed to be properly levied in respect of the year in which the assessments were made or added to the roll and shall be collectable in the same manner as other taxes.

(8) Upon the issue of a certificate the minister shall cause to be published in the next issue of *The Saskatchewan Gazette* a notice to the effect that the assessment of the city has been confirmed.

(9) No assessment that has not been confirmed by the minister shall have any force or effect and taxes levied thereon shall be deemed to be improperly levied and shall not be recoverable under this Charter or *The Tax Recovery Act* of Alberta or *The Tax Enforcement Act* of Saskatchewan.

TAXATION

Subjects of taxation

293(1) Subject to the other provisions of this Charter, taxes shall be levied upon land, buildings, businesses, special franchises, pipe lines and the plant and equipment of mines, gravel pits, petroleum oil wells and gas wells.

(2) Minerals, within the meaning of *The Mineral Taxation Act*, shall not be subject to taxation under this Charter.

Exemptions

294 The following property shall be exempt from taxation:

- 1 the interest of the Crown in any property, including property held by any person in trust for the Crown;
- 2 property specially exempted by law;
- 3 all lands held by or in trust for the use of a tribe of Indians;
- 4 every place of public worship and the land used in connection therewith, not exceeding two acres, of which a religious organization is the owner, except such part as may have any other building thereon and where the land exceeds two 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 therewith shall be subject to taxation;
- 5 every cemetery other than a cemetery operated for gain;

LLOYDMINSTER CHARTER

6 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:

- (a) an office building and the land used in connection therewith not exceeding one-half acre;
- (b) building used for storage and maintenance purposes and the land used in connection therewith not exceeding two acres;
- (c) buildings used for the purposes of a school and the land, not exceeding ten acres, used in connection with each school;

except any part of such buildings used as a dwelling and the land used in connection therewith;

7 the buildings and grounds, not exceeding ten acres, of and attached to or otherwise *bona fide* used in connection with and for the purpose of every hospital which receives public aid under and by virtue of any Act, so long as the buildings and grounds are actually used and occupied by the hospital but not if otherwise occupied or occupied as a dwelling;

8 the buildings and grounds, not exceeding four acres, of and attached to or otherwise *bona fide* used in connection with and for the purpose of the association known as "The Young Men's Christian Association", the association known as "The Young Women's Christian Association", so long as the buildings and grounds are actually used and occupied by the institution but not if otherwise occupied;

9 all property belonging to the city;

10 every highway, lane and other public way, and every public square and park;

11 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;

12 the buildings 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 buildings and grounds are actually used and occupied by a branch thereof but not if otherwise occupied;

13 every monument erected as a war memorial and the land used in connection therewith;

14 the property of any children's aid society, incorporated under the provisions of any Act of Alberta or Saskatchewan, or approved by a Lieutenant Governor in Council for the purposes of such Act, if used exclusively for the purposes of and in connection with the society;

15 the grounds and buildings of every agricultural society established under the provisions of any Act of Alberta or Saskatchewan;

16 the buildings owned by a rural municipality or county and used for municipal purposes, and the land used in connection therewith not exceeding one-half acre; but where a portion of any such building 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 building is situated shall also be subject to taxation.

Special exemptions

295(1) Notwithstanding anything in this Charter or any Act, where the property of a person, society or organization:

- (a) is exempt from taxation pursuant to this Charter or any Act; and
- (b) is occupied by another person, society or organization whose property is exempt from taxation pursuant to this Charter or any Act;

the property shall, if it would be exempt from taxation under this Charter, or any Act while owned, occupied or used by the person, society or organization mentioned in clause (b), be exempt from taxation, and that person, society or organization is not taxable in respect of the property.

LLOYDMINSTER CHARTER

(2) Property exempt from taxation pursuant to subsection (1) shall nevertheless be liable to taxation for local improvements.

(3) Where property that was specially exempted by law from taxation while used by a person for the purposes specified in the Act that conferred the exemption:

(a) has ceased to be used for those purposes by the person; and

(b) is leased and used, in whole or in part, by a person who would not be taxable in respect of the property if he was the owner of the property;

the property that is leased and used by the person mentioned in clause (b) of this subsection shall, while so leased and used, be exempt from taxation under this Charter and the owner and the lessee shall not be liable to taxation in respect of the property except for local improvements.

Exemption for current year

296 The council may by bylaw exempt from taxation for the current year any property or business designated in the bylaw.

Exception to exemptions

297(1) If any property exempt from taxation, or any portion of such property, is occupied by a person other than the owner that person shall be assessed and taxed in respect of the property or portion in accordance with this Charter, but the property itself shall not be liable.

(2) Where a building exempt from taxation, or any portion of such building, is set aside by the owner as living quarters or as a dwelling for a person in his pay or employ or for the family of the person or for that person and his family, then, notwithstanding subsection (1) or that the building, or portion, is used by that person in an official capacity, or as a servant, or otherwise, the person for whom the building or portion is so set aside who lives therein or whose family lives therein shall be assessed and taxed in accordance with this Charter, in respect of the building or portion so set aside and lived in as well as for any land used in connection therewith, but the property itself shall not be liable.

(3) If any land exempt from taxation under section 294, ceases to be so exempt on or before the first day of December in any year the owner or occupant assessed shall be taxed in respect of that portion of the year during which it is not exempt.

Liability for local improvement taxes

298 Lands exempt from taxation under paragraphs 4, 6, 7, 8, 9, 11, 12, 14, 15 and 16 of section 294 shall nevertheless be liable to taxation for local improvements.

Levy

299 The council shall authorize a levy upon all taxable assessments within the city:

(a) of a uniform rate deemed sufficient to raise the amount of taxes required pursuant to section 191; and

(b) of any other rates required by law.

Date of maturity of taxes

300 The rates imposed for any year shall be considered to have been imposed and to be due on and from the first day of January of that year.

LLOYDMINSTER CHARTER

Certain buildings liable to taxation as improvements

301(1) Where the owner of a building situated on land belonging to another person, whether or not the land is exempt from taxation, or of a building that is not attached to the land upon which it is placed, is assessed, the building:

- (a) is liable to taxation as an improvement upon the land and is subject to a lien for the taxes;
- (b) in case of removal, may be distrained upon for the taxes within three months from the date of removal, notwithstanding that it has been attached to the soil in its new situation;
- (c) may be sold and disposed of for the taxes in the same manner as chattels distrained for taxes may be sold and disposed of;

and the purchaser of a building so sold and disposed of shall have free right of entry upon the land on which the building stands for the purpose of severing it from the soil, if necessary, and of removing it.

(2) Notwithstanding anything in this Charter or any Act, where:

- (a) Crown land in the city is held pursuant to agreement for sale thereof heretofore or hereafter entered into; and
- (b) buildings have heretofore been or are hereafter erected or placed on the land by the purchaser or any person claiming through or under him; and
- (c) taxes heretofore or hereafter levied by the city in respect of occupancy of the land pursuant to the agreement remain unpaid;

the buildings may be sold and disposed of for those taxes at such time and in the same manner as chattels distrained for taxes may be sold and disposed of and section 325 shall apply *mutatis mutandis*; and the purchaser of a building so sold and disposed of shall have free right of entry upon the land on which that building stands for the purpose of severing it from the soil, if necessary, and of removing it.

(3) The city through its duly appointed representative may bid at such sale up to an amount not exceeding the taxes outstanding and may thereby become the purchaser of the building.

Liability of building owner for business tax

302 The owner of a building who is liable to assessment in respect of business carried on therein shall, in addition to his liability for taxes levied in respect of the land and building, be liable for the business tax levied in respect of the business.

Rental tax

303(1) The council may by bylaw require that each householder in the city shall pay a tax not exceeding ten per cent of the annual rental value of the premises occupied by the householder and may in the same bylaw prescribe the mode or manner of assessment, the procedure on appeal to the council in respect of the assessment, the time within which the assessment shall be made, the time or times of payment of the tax either by monthly instalments or otherwise and the minimum amount of any instalment.

(2) For the purposes of this section “**householder**” means the tenant of a dwelling house or part thereof and includes a tenant occupying a room or rooms for residential purposes in any apartment or business block.

LLOYDMINSTER CHARTER

(3) The tax shall be collectable by action or distraint, and during the period of default in payment the treasurer may disconnect or discontinue the water, gas or electricity service to the premises occupied by any person in default.

Privy tax

304 The council may by bylaw charge to all assessed owners or occupants of land, whether otherwise exempt from taxation or not, upon which privies or septic tanks or other similar devices exist for the disposal of wastes, whether used or not, a fixed sum per privy or tank or other device per annum to cover the cost of removing the contents thereof, such charge to be added to the tax roll as a special assessment:

- (a) against the land of those owners; or
- (b) where the land is exempt from taxation, against the occupants, in which case the charge is recoverable in like manner as other taxes that are not a lien upon land.

Amusement tax

305(1) In this section:

- (a) **“owner”** means an individual, firm, company, or corporation operating a place of amusement in the city;
 - (b) **“place of amusement”** means a theatre, moving picture theatre, open air theatre, amusement hall, concert hall, music hall, dance hall or pavilion, circus, menagerie, side-show, carnival or collection of sideshows, race course, race track, baseball park or grounds, athletic park or grounds, amusement park or grounds, football grounds, skating rink or other place where an exhibition or entertainment is given or game played and an entrance fee is charged or collected through the sale of tickets or otherwise;
 - (c) **“entrance fee”** includes every charge made for seating accommodation, whether or not payment is required before entrance.
- (2) The council may by bylaw require that every person attending a place of amusement shall pay a tax upon each admission thereto, which tax may vary with the amount of the entrance fee.
- (3) The council may, by the bylaw imposing the tax, make rules and regulations for the collection, proper accounting and due payment thereof and for preventing evasion; and, without restricting the generality of the foregoing provision, may exercise all or any of the following powers:

- (a) require that the tax shall be collected by the owners of places of amusement by means of tickets in a form prescribed or approved by a city official named for the purpose, or otherwise;
- (b) allow the owners such commission upon the sale of tickets or the amount of tax collected as may be deemed reasonable;
- (c) require the owners to deface tickets sold under this section and to place at the entrance of their respective places of amusement receptacles for receiving the tickets so defaced of such pattern as may be approved by a city official named for the purpose;

LLOYDMINSTER CHARTER

- (d) prescribe the manner in which the tickets shall be defaced, and their reissue prevented;
 - (e) authorize inspectors or police constables to enter places of amusement when on duty to ascertain whether the bylaw is being observed, and to place in the lobby or elsewhere notices concerning the tax;
 - (f) exempt certain persons and the persons attending certain classes of entertainment from paying the tax;
 - (g) require the owners to make returns under oath in a prescribed form, showing the number of admissions to their respective places of amusement, the entrance fees paid, and the amount of tax collected, with such other information as may be deemed necessary or convenient and require the owners to pay over the amount collected to the treasurer after each performance or entertainment, or at such times and in such manner as may be deemed advisable.
- (4) The council may agree with the owner for payment by the owner of a sum or sums in lieu of the tax and for the exemption of persons attending the place of amusement from payment of the tax during the period covered by the agreement.

Dancing clubs

306 The council may by bylaw require that every member of a dancing club that does not charge entrance or admission fees for each dance but charges a membership fee for the year or season shall pay a tax, which may vary with the amount of the membership fee, and may prescribe conditions and make regulations for the levy and collection of the tax.

Placing of dust laying material

307 The council may by bylaws charge to all assessed owners of lands fronting or abutting on any street or streets the cost, as estimated by the engineer, or such portion of the cost as the council may decide, of placing and maintaining a dustless surface or partially dustless surface by means of calcium chloride, petroleum oils or any other substance used as a dust palliative, or of placing and maintaining gravel, or both gravel and a dustless or partially dustless surface, such charge to be assessed on a foot frontage or acreage basis irrespective of the width of the street or in any other manner that the council deems just, and exempting any property from such charge; such charge to be added to the tax roll as a special assessment against the land and to be recoverable in like manner as other taxes that are a lien upon land.

Bylaw imposing special charges in respect of certain buildings re sewers, etc.

308(1) With the approval of the minister, the council may, by bylaw, define the class or classes of buildings that may be erected or enlarged after the effective date of the bylaw and that impose or may impose a heavy load on one or more of the sanitary or storm sewer systems or the water system of the city by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity that in the opinion of the council would not otherwise be required; and the bylaw may impose a special charge on each building within the class or classes over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

LLOYDMINSTER CHARTER

- (2) The special charge imposed under a bylaw passed pursuant to subsection (1) shall refer specially to sanitary sewers, storm sewers or water supply facilities, as the case may be.
- (3) The enactment of a bylaw under this section shall be deemed to create a capital trust fund under section 255 into which shall be paid the amounts received from the special charges and out of which may be paid all or part of the cost of providing the additional capacity.
- (4) The special charges imposed by a bylaw passed under this section shall be a lien upon the land on which the building is erected and may be collected in the same manner and with the same remedies as provided by this Charter and *The Tax Recovery Act* of Alberta or *The Tax Enforcement Act* of Saskatchewan for the collection of taxes which form a charge on land.
- (5) The council may:
- (a) prescribe the time when and the manner in which a special charge shall be paid; and
 - (b) provide that the provisions of section 315 apply with respect to collection of special charges.
- (6) The special charge imposed pursuant to a bylaw passed pursuant to subsection (1) does not apply to:
- (a) a building on land not liable to taxation for local improvements;
 - (b) a residential building having not more than two dwelling units;
 - (c) a building, other than a residential building, with a gross floor area of not more than three thousand square feet; or
 - (d) a proportionate part of a building not exempt under clause (b) or (c) determined by reference to dwelling units or floor area as may be approved by the minister.
- (7) There shall be a right of appeal against every special charge imposed under this section to the court of revision established under section 269 and therefrom to the Saskatchewan Assessment Commission whose decision shall be final and conclusive in every case adjudicated upon and the procedure contained in this Charter respecting appeals against assessments shall so far as possible apply to such appeals.

Off-site cost levy

309(1) In this section:

- (a) “**municipal services**” means all or any of the works that may be undertaken as a local improvement pursuant to section 158 which provide service directly or indirectly to the land being developed;
- (b) “**off-site cost levy**” means a levy imposed to provide for expansion of water supply, treatment and storage facilities, sewage treatment and disposal facilities, storm drainage facilities or any or all of them.

LLOYDMINSTER CHARTER

- (2) The council may pass bylaws:
 - (a) providing for the imposition of an off-site cost levy on undeveloped land that is to be developed for residential, commercial, industrial or other purposes; and
 - (b) authorizing the entering into agreements with the owners or purchasers of that land for the provision of municipal service to the land and for the payment of the off-site cost levy imposed on that land.
- (3) The agreement shall contain the terms and conditions of development and shall provide the details of the off-site cost levy.
- (4) The city shall provide to the owner or purchaser a notice of the off-site cost levy prior to entering into any agreement.
- (5) Any person whose property is affected by an off-site cost levy may, within fourteen days of receipt of notice of the levy, appeal in writing to the council.
- (6) The council shall hold a hearing of each appeal and in determining the appeal it may confirm, reverse or vary the off-site cost levy.
- (7) Where the owner or purchaser fails, neglects or refuses to pay the off-site cost levy imposed on his land, the council:
 - (a) may cause the levy to be added to the tax roll as a charge against the lands of the owner or purchaser concerned in the same manner as taxes and with the same priority as to lien and to payment thereof as is the case of ordinary municipal taxes; or
 - (b) may refuse to issue development or building permits until the owner or purchaser has entered into the agreement or paid the levy.

Areas, etc., under sidewalks, etc.

- 310(1)** Notwithstanding anything in this Charter, the council may permit areas, openings or pipe lines for the purpose of conducting steam or heat and other structures or any encroachment to be made, constructed or placed in or under or over the sidewalks or streets of the city and may prescribe the terms and conditions upon which the areas, openings, pipe lines, other structures or encroachments shall be made, constructed, placed, maintained and used, and may make an annual or other charge for the privilege conferred, and for the use of the areas, openings, pipe lines, other structures or encroachments, of such sums as the council may deem reasonable.
- (2) The sums may be added to the tax roll as a special assessment against the lands in connection with which the areas, openings or encroachments are made or constructed, or against the lands owned by the owners of the pipe lines, other structures or encroachments and in such cases those sums shall be recoverable in like manner as other taxes that are a lien upon land.

LLOYDMINSTER CHARTER

(3) The owners of the lands abutting the areas, openings, structures or encroachments whether heretofore or hereafter made or constructed, and the owners and users of the pipe lines, whether heretofore or hereafter constructed or placed, shall be directly responsible to any person or corporation, including the city, sustaining damages through any cause on account of the construction, erection or placing, or the covering or lack of covering or protection of the areas, openings, pipe lines, other structures or encroachments and the owners and users shall indemnify and save harmless the city of and from all damages and costs caused by or on account of the erection, construction, maintenance or use or by reason of any failure on the part of any person to maintain, protect or cover the areas, openings, pipe lines, structures or encroachments.

(4) Neither this section nor any permission or privilege in respect of such areas, openings, pipe lines, structures or encroachments granted by the city under this section shall interfere with any liability created or existing under this Charter, or with the remedies over provided by this Charter, nor shall this section or the permission or privilege create any vested right in any such area, opening, pipe line, structure or encroachment.

TAXES

Tax roll, contents and summary

311(1) On or before the first day of October in each year the assessor shall prepare a tax roll and the treasurer shall proceed to collect the taxes specified therein.

(2) The tax roll may be a continuation of the assessment roll and shall in that way or independently contain:

- (a) the name of every person assessed;
- (b) his residence address;
- (c) the nature and description of the property in respect of which he is assessed;
- (d) the total amount for which he is assessed;

and there shall be calculated and set down therein opposite to or under appropriate headings the sums for which that person is chargeable by way of taxes on account of any rate that may be imposed under this Charter or any Act and arrears and the total thereof.

(3) Notwithstanding subsection (2), the council may by bylaw provide that, in addition to the information mentioned in clauses (a), (b), (c) and (d) of that subsection, it shall be sufficient for the assessor to set down, in a column provided for that purpose, the amount with which each taxable person is chargeable for all sums ordered to be levied by the council, in which case it shall not be necessary to state the particular sums mentioned in the said subsection.

(4) A person whose business tax would be less than \$15 for any business shall be taxed \$15 for that business; and the council may by bylaw require that a person whose taxes, other than business taxes, would be less than \$3 shall be taxed \$3.

LLOYDMINSTER CHARTER

(5) Appended to every roll made up under subsection (1) there shall also be a table setting forth:

- (a) the total amount of taxes to be collected under and by virtue of the roll; and
- (b) the name and amount of each rate levied by the city that is required to be kept distinct and accounted for separately, and specifying the aggregate proceeds of each rate.

Conversion of business tax to licence fee

312(1) Notwithstanding anything in this Charter or in any Act, the council may by bylaw provide that the tax determined pursuant to section 311 or a bylaw passed under section 349 in respect of the assessment of any or all classes of businesses, shall be deemed to be a licence fee and where such a bylaw is passed:

- (a) the licence fee payable in any year in respect of a business to which the bylaw applies shall be an amount equal to the tax determined in respect of that business for that year whether or not the tax has been determined on the day the licence is applied for; and
- (b) the licence fee is payable in lieu of the tax so determined.

(2) The council shall issue a licence in respect of a business upon receipt of an application and upon payment of:

- (a) the licence fee mentioned in clause (a) of subsection (1), if it has been determined for that year, or such portion thereof as may be determined by the council; or
- (b) if the tax has not been determined for the year, an amount equal to the tax determined for the business in the next preceding year or such portion thereof as may be determined by the council; or
- (c) if the tax has not been determined and if no tax in respect of that business was determined in the next preceding year such amount as may be determined by the council not however exceeding an amount equal to the highest licence fee payable in respect of any similar business.

(3) Where, upon the determination of the tax payable in respect of a business:

- (a) the amount determined is greater than the amount paid pursuant to subsection (2) for the licence, the licensee shall pay to the city an amount equal to the difference between the amount of the tax determined and the amount paid by him at such time and in such manner as the council may determine;
- (b) the amount determined is less than the amount paid pursuant to subsection (2) for the licence the city shall forthwith refund to the licensee an amount equal to the difference between the amount of the tax determined and the amount paid by the licensee for the licence.

(4) The council may exercise all of the powers mentioned in subsection (1) of section 119 except the power to fix the fee to be paid for licences, with respect to any business to which a bylaw passed pursuant to subsection (1) applies.

LLOYDMINSTER CHARTER

(5) A person whose business tax has been constituted a licence fee as provided in subsection (1) shall forthwith after publication by the city in one issue of a newspaper published or circulating in the city, of a notice of the adoption of the bylaw apply to the city for a licence in respect of the business carried on or engaged in by him.

(6) Unless a bylaw passed under subsection (1) otherwise provides, it shall not be necessary to pass another bylaw with respect to any subsequent year, and the provisions of this section governing the procedure subsequent to the passing of the bylaw shall apply.

(7) In each subsequent year in respect of which the bylaw is in force, applications for licences shall be made within thirty days after publication, in one issue of a newspaper published or circulating in the city, of a notice calling for such applications.

(8) A business tax constituted a licence fee under this section shall remain distributed in the tax roll according to the various purposes in respect of which the business tax was imposed, and when the licence fee is collected it shall be deemed to have been collected on account of such purposes.

(9) The provisions of this Charter that are applicable to a business tax determined pursuant to section 311 apply *mutatis mutandis* to a licence fee constituted under this section in the same manner and to the same extent as if it were a business tax.

(10) Notwithstanding anything in this section, where a licence fee has been paid the licence shall continue in force until midnight of the thirty-first day of December of the year for which the licence is issued but the licence may be revoked at any time pursuant to subsection (7) of section 120 and thereupon subsection (10) of section 120 shall apply.

(11) Where a license is required under this section, sections 122 to 125 apply.

(12) Section 261 does not apply to a business in respect of which the business tax has been constituted a licence fee under this section.

(13) Save to the extent to which this section may be adopted, nothing in this section shall be deemed to impair or affect any licensing powers of the council under any other provision of this Charter, and the council may exercise the powers conferred by paragraph 38 of section 127 as if this section had not been passed.

Grant in lieu of taxing franchise

313 Notwithstanding subsection (1) of section 293, the council may with the approval of The Public Utilities Board of Alberta enter into an agreement with the holder of a special franchise whereby the city accepts payment, of an amount equal to a fixed percentage of the gross revenue of the special franchise, from the holder in lieu of taxing the special franchise, lands, improvements, pipe lines, works and transmission lines, machinery, equipment and apparatus belonging to and used by the special franchise holder in the exercise of the franchise in which case section 345 applies *mutatis mutandis*.

Tax notices, mailing, etc. and contents

314(1) The treasurer shall mail or deliver to each person whose name appears on the tax roll, and to the address shown therein, notice of the amount of taxes due by such person.

LLOYDMINSTER CHARTER

- (2) The notice shall contain a schedule specifying:
- (a) the different rates and the amounts on the dollar to be levied for each rate, making up the aggregate of the taxes referred to in the notice;
 - (b) the information required to be entered in the tax roll under section 311; and
 - (c) the amount of all taxes other than the business tax with which the person taxed is chargeable in respect of the assessment;

and the amount of the business tax shall be shown either in the same or in a separate notice.

(3) If a tax lien has been filed under *The Tax Recovery Act* of Alberta or *The Tax Enforcement Act* of Saskatchewan against the land in respect of which any portion of the taxes shown in the notice is due, the notice shall contain a statement to that effect.

(4) Upon completion of the mailing or delivering of all notices, the treasurer shall prepare a statement in a form approved by the minister setting forth the notices that have been mailed or delivered by him and the date of mailing or delivering and he shall sign the statement and attach it to the page of the tax roll containing the last assessment or to the last assessment card or leaf, as the case may require, and the statement shall thereupon be *prima facie* evidence of the mailing or delivering of the notices on the date stated without proof of the appointment or signature of the treasurer.

Instalments and discounts

315(1) The council may by bylaw require payment of taxes including local improvement rates, school rates and all other rates, to be made by the taxable person at the office of the treasurer on any day or days, and in bulk or by instalments; and may provide that on punctual payment of any instalment the time of payment of the remainder may be extended to a day or days to be named in the bylaw; or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

(2) Where a bylaw passed under subsection (1) requires payment of taxes or any instalment thereof to be made on or before any day or days specified therein, the council may also provide for the imposition of an additional percentage charge for default in payment.

(3) No additional percentage charge proportionately greater than one per cent per month shall be imposed on any taxes, or on any instalment of taxes or on the aggregate amount thereof, and such charge may by bylaw be based upon a sliding scale corresponding with the length of time default is made.

(4) The additional percentage charge shall be added to the unpaid taxes or instalment thereof, and collected in like manner as if it had been originally imposed and formed part of the unpaid taxes or instalment.

(5) Where a bylaw passed under subsection (1) provides for payment of taxes by instalments, any instalment payable prior to the completion of the tax roll shall be estimated by dividing the amount of the taxes assessed against the property in question for the preceding year by the number of the instalments in which the taxes for the current year are payable.

LLOYDMINSTER CHARTER

(6) The council may by bylaw allow a discount not exceeding six per cent for the prompt payment of taxes, or any class of taxes, or any instalment thereof, if paid before the day or days specified in the bylaw and prior to the thirty-first day of December of the year in which the taxes are imposed, and may also provide that the discount may be varied to apply at different rates to any class or classes of taxes, or any instalment thereof, or in respect of any period or periods of time prior to the said thirty-first day of December during which any taxes, or any class of taxes, or any instalment thereof are required to be paid, and may restrict the discounts to any classification with respect to which there are no arrears of taxes; and for the purpose of this subsection “**class of taxes**” means the taxes imposed on property, on business or on special franchises, subject to assessment, or the taxes imposed thereon for municipal, school or any other purposes, or service taxes or rental taxes.

(7) No discount shall be allowed on local improvement rates unless a bylaw under subsection (6) expressly provides for a discount on those rates.

(8) If a bylaw is passed providing for payment by instalments or allowing a discount or imposing an additional percentage charge, a notice shall be given in accordance with section 314 on which shall be written or printed a concise statement of the time and manner of payment and of the discount allowed or the percentage charge imposed, if any.

Discount on advance payments of taxes

316 The council may by bylaw authorize the treasurer or collector of taxes to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by bylaw for the payment of those taxes or any instalment thereof, and to allow a discount on such payments at a rate not exceeding five per cent per annum, and to issue prepayment receipts of such denominations as may be fixed by the bylaw, notwithstanding that the taxes for that year have not been levied, or that the assessment roll has not been adopted by the council when the advance payment is made.

Arrears first charge on tax payment

317 If a person pays only a portion of the taxes owing by him in respect of any property, the treasurer shall first apply the amount in payment of any arrears of taxes due from the person in respect of the property.

Penalty for non-payment of taxes

318(1) Where taxes remain unpaid after the thirty-first day of December of the year in which they are imposed they shall be deemed to be arrears of taxes and there shall be added thereto by way of a penalty an amount, subject to subsection (3), equal to five per cent of the arrears.

(2) Where the whole or any portion of the combined amount of taxes and penalty remains unpaid on the expiry of any year succeeding the year in which the taxes were imposed, there shall be added thereto by way of an additional penalty to the penalty imposed pursuant to subsection (1), upon the expiry of each such year, an amount, subject to subsection (3) equal to five per cent of the combined amount.

(3) The council may by bylaw provide that the penalty mentioned in subsection (1) or (2) or both shall be an amount equal to more than five per cent but not more than ten percent of the arrears or combined amount, as the case may be.

LLOYDMINSTER CHARTER

(4) An amount added pursuant to this section shall form part of the taxes except that where arrears or any portion thereof are paid before the first day of July in any year, one-half of the penalty added in that year on the arrears or portion thereof so paid shall, unless a bylaw under subsection (5) is in force, be rebated.

(5) Where a council passes a bylaw under subsection (3) to increase the rate of penalty mentioned in subsections (1) and (2) the council may, in lieu of the rebate provided for in subsection (4), by the same or another bylaw, allow a discount for payment of the arrears of taxes and penalty or portion thereof calculated on the combined arrears and penalties so paid, at the rate of five per cent where payment is made in January, four per cent where payment is made in February, three per cent where payment is made in March, two per cent where payment is made in April and one per cent where payment is made in May.

(6) Nothing in this section shall be construed to extend the time for payment of taxes or in any way impair the right of distress or any other remedy provided by this Charter for the collection thereof.

COLLECTION OF TAXES

Land tax a lien

319(1) The taxes due upon any land may be recovered from any owner or tenant originally assessed therefor, and from any subsequent owner of the whole or any part thereof; and the taxes shall be a special lien upon the land and shall be collectable by action or distraint in priority to every claim, privilege, lien or encumbrance of any person except that of the Crown, and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the city.

(2) Nothing in this Charter shall be construed as making any business tax a charge upon the land or the building on or in which the business is carried on.

Evidence of tax

320 The production of a copy of so much of the roll as relates to the taxes payable by any person in the city certified as a true copy by the treasurer shall be *prima facie* evidence of the debt.

Acquiring property in settlement of or security for lien or charge

321 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; but where real property is acquired in settlement of taxes, the real property shall be deemed to have been acquired in accordance with *The Tax Recovery Act* of Alberta or *The Tax Enforcement Act* of 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.

LLOYDMINSTER CHARTER

Collection from tenant, insurance, etc.

322(1) When taxes are due upon any land occupied by a tenant the treasurer may give the tenant notice in writing requiring him to pay to the treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid, including costs; and the treasurer shall have the same authority as the landlord of the premises would have had to collect the rent by distress, or otherwise, to the amount of the unpaid taxes and costs; but nothing in this section prevents or impairs any other remedy for the recovery of the taxes or any portion thereof from the tenant or from any other person liable therefor.

(2) The notice mentioned in subsection (1) may be given:

(a) at any time, where the taxes due are in arrears; or

(b) after the notice required by section 314 has been mailed in respect of the land occupied by the tenant, where taxes are due but not in arrears.

(3) Out of the moneys received by the treasurer pursuant to the notice mentioned in subsection (1) the council may authorize the expenditure of such sums as it deems fit for the purpose of supplying the tenant with heat or providing any other service that, but for the notice, should have been supplied by the landlord of the premises

(4) The treasurer may, and upon receipt of a written request of the assessed owner of the land the treasurer shall, from moneys received by him pursuant to subsection (1), pay to the insurer the amount of the premium in respect of any insurance on buildings on the land, to the extent of the insurable value of the buildings.

(5) The council may authorize the treasurer to insure the interest of the city in all or any buildings upon land in respect of which rent is payable to the city pursuant to subsection (1), against loss of or damage to the property by fire or windstorm or both, to the amount of all taxes that may be due at the time of such loss or damage, including costs, and the treasurer may pay the premium in respect of the insurance out of moneys received pursuant to the said subsection; and the insurance shall inure solely to the benefit of the city and shall be subject to the following provisions:

1 the insurance shall not be construed as "other insurance" on the property or interest described in the contract or be brought into contribution with any other insurance insuring the city;

2 the insurer shall have the right of entry and control as against all persons, including the tenant, for the purposes enumerated in the statutory conditions of fire contracts respecting entry, control and abandonment;

3 the insurer shall have the right of subrogation conferred by the statutory conditions of fire contracts.

(6) Sums expended by the treasurer with the authority of the council or upon the request of the assessed owner of the land for any of the purposes mentioned in subsections (3), (4) and (5) may be deducted by him from moneys received pursuant to subsection (1), in which case only the balance of moneys so received shall be applicable on the taxes.

LLOYDMINSTER CHARTER

(7) Where a landlord has appointed an agent to receive or collect the rent of premises in respect of which a notice has been given by the treasurer to the tenant pursuant to subsection (1), the treasurer may give the agent notice in writing requiring him to account to the treasurer for all rents received by him in respect of the premises and to pay to the treasurer all those rents less a reasonable charge for commission on collection and other necessary expenses, and after receipt of the notice the agent shall be personally liable to the city for all rents received by him and not paid to the treasurer as hereby required.

(8) Nothing done by the treasurer pursuant to this section shall be construed as entry into possession of the premises by the city, and the city shall not be accountable for any moneys except those actually received by it and shall not be under any liability by reason of any act done pursuant to those subsections.

Deduction by tenant

323 A tenant may deduct from his rent any taxes paid by him to the treasurer pursuant to section 322 other than taxes that he is required to pay under the terms of his tenancy and any amount so deducted shall be deemed to be a payment on account of rent by the tenant to the landlord or any other person entitled to receive the rent.

Insurance moneys applied on taxes

324(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 city, and in default the city may sue for and recover from the insurer 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 thereof 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.

Distress for taxes

325(1) If a person fails to pay his taxes for thirty days after the mailing to or service upon him or his agent of the notice required by section 314, the treasurer may, by himself or his agent, levy the taxes with costs, by distress:

- (a) upon the goods and chattels of the person who ought to pay the taxes, wherever found within the city;
- (b) upon any goods and chattels in his possession wherever found within the city;
- (c) subject to subsection (1) of section 322, upon any goods and chattels found on the premises in respect of which the taxes have been levied, the property of or in the possession of any occupant of the premises except a tenant;

LLOYDMINSTER CHARTER

(d) in case of a business tax, upon the goods and chattels or interest therein, as the case may be, falling within any of the classes mentioned in clause (a), (b) or (c), of any person who occupies the premises in respect of which the business tax was assessed and is the purchaser of any of the goods and chattels of the person taxed;

and the costs chargeable shall be the same as those allowed in the schedule to *The Distress Act*.

(2) Notwithstanding anything herein contained, no distress or sale shall be made of goods or chattels that are the subject of a valid and subsisting lien in favour of a vendor for the price or a part of the price thereof, but the interest only of the defaulter, or of any other occupant of the premises of any person other than the vendor, in the goods and chattels shall be liable to distress and sale.

(3) Notwithstanding anything herein contained, no goods that are in the possession of the person liable to pay such taxes for the purposes only of storing and warehousing the goods, or of selling them upon commission, or as agent, shall be levied upon or sold for the taxes.

(4) The goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress for taxes unless they are the property of the person taxed.

(5) The person who claims such exemption shall select and point out the goods and chattels as to which he claims exemption.

(6) The treasurer may release goods and chattels held under seizure whether or not any part of the claim in respect of which seizure was made has been satisfied, without prejudice to the city's right to recover, by distress or otherwise, for the claim or the balance of the claim as the case may be.

(7) Where goods or chattels are released by the treasurer pursuant to subsection (6) he shall forthwith post a notice, signed by him, of the release in a conspicuous place in his office and on the premises where the goods or chattels were seized.

(8) The treasurer shall, by advertisement posted in at least three public places in the city near to the distrained property, give at least seven days' notice of the time and place of sale and of the name, if known, of the person whose property is to be sold; and at the time stated in the notice the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes due with all lawful costs, including \$1 for posting notices.

(9) Notwithstanding anything contained in *The Auctioneers Act*, no person selling goods or chattels under subsection (8) shall be required to obtain an auctioneer's licence for the purpose of the sale.

(10) Where any of the goods and chattels distrained are of a perishable nature it shall not be necessary to give seven days' notice of the sale thereof, and in such case the treasurer shall, in the manner mentioned in subsection (8), give such notice of the sale as he deems expedient, having regard to the circumstances.

LLOYDMINSTER CHARTER

(11) The city may bid at the sale up to the amount due for taxes and costs and may, through any member of the council or other person duly authorized by the council so to bid, become the purchaser of the goods and chattels distrained or of any portion thereof.

(12) If the property distrained is sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property belonged to him or that he is entitled by lien or other right to the surplus, the surplus shall be returned to the person in whose possession the property was when the distress was made.

(13) If a claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

(14) If the claim is contested, the surplus money shall be paid over by the treasurer to the local clerk of the district court who shall retain the money until the respective rights of the parties have been determined by action at law or otherwise.

Security for business tax

326 Instead of proceeding under section 325 the treasurer may, in the case of a business tax, give to the person taxed an extension of time for payment of the tax on receiving from that person satisfactory security for payment.

Distress for licence fee

327(1) Where a licence fee remains unpaid for fourteen days after it becomes payable the treasurer or his agent may levy the fee, with costs, by distress upon the goods and chattels or interest therein of the licensee and the provisions of section 325 as to procedure shall thereupon apply.

(2) Notwithstanding subsection (1), where the treasurer has reason to believe that any person is about to move out of the city goods and chattels that, but for their removal, would in the hands of that person become subject to distress for a licence fee, the treasurer may make an affidavit to that effect before the mayor or a justice of the peace and the mayor or justice may issue a warrant to the treasurer authorizing him to levy for the licence fee, costs and expenses notwithstanding that the said period of fourteen days may not have expired, and the treasurer may levy accordingly.

Anticipatory distress

328(1) If at any time after demand has been made or notice given pursuant to section 314 and before the expiration of the time for payment of the taxes, the treasurer has reason to believe that a person in whose hands goods and chattels are subject to distress is about to move the goods and chattels from the premises in which they are situated, and makes an affidavit to that effect before the mayor or a justice of the peace, the mayor or justice may issue a warrant to the treasurer authorizing him to levy for the taxes, costs and expenses in the manner provided by this Charter, although the time for payment thereof may not have expired, and the treasurer may levy accordingly.

LLOYDMINSTER CHARTER

(2) If at any time after the first day of January in any year and before demand has been made or notice given pursuant to section 314 the treasurer has reason to believe that a person is about to move out of the city goods and chattels that, but for their removal, would in the hands of that person become subject to distress for taxes, the treasurer may make an affidavit to that effect before the mayor or a justice of the peace and the mayor or justice may issue a warrant to the treasurer authorizing him to levy for the estimated amount of the taxes for the current year, or for any less amount, and for costs and expenses, in the manner provided by this Charter, and the treasurer may levy accordingly; but the estimated amount shall not exceed the amount of the taxes levied for the preceding year as shown on the tax roll for that year.

Removal or demolition of buildings prohibited if taxes unpaid

329(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 there are taxes 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 \$1 or more than \$100, and in addition thereto the convicting magistrate may assess damages against the person so convicted to an amount not exceeding the outstanding taxes and may adjudge payment thereof by that person.

(3) If a building is removed contrary to subsection (1) it may within three months from the date of removal be seized in its new situation by a person authorized by the city to do so, and that person shall have free right of entry upon the land to which it has been removed for the purpose of severing it from the soil, if necessary, and removing it, in which case it shall be restored to its former position.

(4) The expenses necessarily incurred in seizing and restoring the building may be added to the tax roll and collected in the same manner as taxes.

(5) 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 three months from the date of removal distant upon the building or material for the unpaid taxes and costs, and may sell the building or material in the same manner as chattels distrained for taxes may be sold.

Payment out of property under seizure

330 Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff, or is claimed by or in possession of any assignee for the benefit of creditors or a liquidator or any trustee or authorized trustee in bankruptcy, or where such property has been converted into cash and is undistributed, it shall be sufficient for the treasurer to, and he shall, give to the sheriff, bailiff, assignee, liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due for taxes and in such case the sheriff, bailiff, assignee, liquidator or trustee or authorized trustee in bankruptcy shall pay the amount of the taxes to the treasurer in preference and priority to all other fees, charges, liens or claims whatever; but subject, where there has been a seizure, to payment of the fees of the sheriff or bailiff making the seizure.

LLOYDMINSTER CHARTER

Executor, administrator, trustee or liquidator

331 Goods in the hands of an executor, an administrator or a trustee in bankruptcy, or in the hands of a liquidator under a winding-up order, shall be liable only for the taxes that were assessed against the deceased owner, the bankrupt or the company that is being wound up, prior to the date of the death of the owner or the date of the authorized assignment, receiving order or winding-up order, and thereafter while the executor, administrator, trustee or liquidator occupies the premises, or while the goods remain thereon; and all such taxes shall be a preferential lien and charge on the goods, and upon the proceeds of sale thereof, having priority over every claim, privilege, lien or encumbrance except that of the Crown.

Errors

332 No defect, error or omission in the form or substance of the notice or statement required by section 314 or in the service, transmission or receipt thereof shall invalidate any subsequent proceedings for the recovery of the taxes.

Priority over distress by landlord

333 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 point of time.

Suit for taxes

334(1) Overdue taxes may be recovered by suit as a debt due to the city, in which case the tax roll shall be *prima facie* evidence 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 provided for by section 314 were mailed or delivered, as shown by the tax roll.

MISCELLANEOUS ASSESSMENT AND TAXATION PROVISIONS

Tax certificates, statements and searches

335(1) The treasurer or assessor shall on demand furnish a certificate under his hand and the seal of the city showing the taxes due in respect of any parcel of land and the amount required to redeem the land from any tax lien.

(2) A certificate furnished pursuant to subsection (1) shall not relate to more than five lots or five parcels of consecutive lots in the same block and under the same assessment and the fee for furnishing the certificate shall be specified by bylaw.

(3) A certificate issued under this section shall be deemed to have been properly executed and shall be binding upon the city.

(4) The council may, by bylaw, require the treasurer or assessor to collect a specified fee per lot or parcel:

(a) for every statement of taxes furnished to a person other than the owner of the property; or

(b) for every search made in the assessment or tax rolls by any person other than the owner of the property searched or his agent.

(5) Fees received by the treasurer or assessor under this section shall form a part of the revenues of the city.

LLOYDMINSTER CHARTER

Adjustment of levy on commencement or discontinuance of business

336 If any business is commenced after the thirty-first day of January or is discontinued before the first day of December, the council or the commissioners where any have been appointed shall upon written request, if the request is made before the expiration of one year following the year in respect of which the amount levied is to be adjusted, adjust the amount levied in respect of the business to correspond with the portion of the year during which the business is or was carried on.

Adjustment of levy where building under construction is assessed

337 Where construction of a building is commenced in any year and the building is assessed in that year the amount levied on the assessment in that year shall be adjusted to correspond with the portion of the year following the date on which construction of the building was commenced.

Adjustment of levy where building removed or demolished

338 Where a building has been assessed and is removed or demolished the amount levied on the assessment in that year shall be adjusted to correspond with that portion of the year that elapsed before the removal or demolition.

Compromising and abating taxes and other indebtedness

339 The council may compromise or abate the claim of the city for taxes or other indebtedness owing by any person to the city, and may enter into an agreement for payment of the balance owing, if any, on such terms as may be agreed upon, or may refund any amount already paid.

Charging back to school district

340 Where taxes are levied for school purposes and the city compromises, abates or remits a portion of those taxes, or allows a discount thereon, the amount so compromised, abated, remitted or allowed shall be charged back to the school district on whose behalf the taxes were levied.

Costs of tax collections

341 Where the city has incurred legal costs to enforce the payment of taxes, other than under *The Tax Recovery Act* of Alberta or *The Tax Enforcement Act* of Saskatchewan, and such costs are in the opinion of the minister not recoverable from the person who owed the taxes, the costs may, with the consent of the minister, be apportioned between the city and the other taxing authorities on whose behalf the city levied the taxes in shares corresponding to the respective amounts of taxes collected on behalf of the city and the taxing authorities; but this section does not apply to any remuneration paid to an employee of the city.

Arrears of school taxes

342 All school taxes or moneys due by the city, remaining unpaid to the trustees of any school district after the dates fixed by *The School Assessment Act, 1973*, or by mutual agreement for the payment thereof, shall be a debt due by the city to the school district, and may be recovered by suit in the name of the board of trustees of the school district.

Compromise of school taxes

343(1) The council and the board of trustees of any school district wholly or partly situated within the limits of the city may agree upon a compromise of the claim of the district for school taxes in respect of which the city has a liability.

LLOYDMINSTER CHARTER

(2) The council and the board of trustees may agree that any taxes due to the school district, or any sum agreed upon under subsection (1), may be paid by instalments, such instalments to extend over a period not exceeding ten years.

(3) Where an agreement providing for a compromise of school taxes under this section has been entered into between the council and the board of trustees of a school district, the council may authorize the mayor and treasurer to borrow from any person or bank on the credit of the school taxes due to the city such sum as may be necessary to make the required payment to the school district under the agreement.

Certain portion of licence fees to be used for school purposes

344 Where a bylaw passed under paragraph 27 of section 127 is in force, such portion of the revenue consisting of licence fees paid by the occupants of trailers, mobile homes or portable shacks as bears the same relation to the total of such revenue as the tax rate levied for school taxes bears to the total of the tax rates levied by the city for school and municipal purposes shall be paid by the council to the school district, organized under *The School Act*, in which the trailers, mobile homes or portable shacks are located; and where a separate school district is established in a school district in which trailers, mobile homes or portable shacks are located, the proportionate share of the revenue for school purposes shall be divided in the proportions and manner prescribed by subsection (4) of section 20 of *The School Assessment Act, 1973*, which subsection shall apply *mutatis mutandis*, and the appropriate amounts shall be paid by the council to each school district entitled to receive school taxes, and section 16 of *The School Assessment Act, 1973*, shall apply *mutatis mutandis* to the payments.

Apportionment of grants for services

345(1) Where grants are received:

- (a) from a corporation whose property is exempt from taxation; or
- (b) from the Government of Canada, Alberta or Saskatchewan or any agency of those governments;

in respect of services to property exempt from taxation and the grants are calculated on the basis of taxes which would be payable if such property were not exempt, the grants shall, unless otherwise agreed by the council and the boards of the local governing bodies, be apportioned between the city and the local governing bodies on whose behalf the city levies taxes in shares corresponding to their respective tax rates.

(2) Where a separate school district is established in a school district the portion of grants for elementary school purposes shall be calculated at the public school rate and that portion shall be divided in the proportions and manner prescribed by subsection (4) of section 20 of *The School Assessment Act, 1973*, which subsection applies *mutatis mutandis*, and the respective proportionate amount shall be paid by the council to each school district entitled to receive school taxes, and section 16 of *The School Assessment Act, 1973*, applies *mutatis mutandis* to those payments.

LLOYDMINSTER CHARTER

Statement of account with school district

346 On or before the fifteenth day of January in each year the treasurer shall transmit to the board of trustees of each school district situated wholly or partly within the city a statement, in such form as the minister may prescribe, of the account of the city with the district as at the thirty-first day of December in the preceding year, showing in detail any amounts to be charged back under section 340.

Special provision re assessment and taxation

347(1) Notwithstanding anything in this Charter the council may by bylaw to be passed on or before the first day of October in any year adopt either:

- (a) the provisions of the first eight paragraphs of this subsection; or
- (b) all the provisions hereinafter contained in this subsection;

with regard to assessment and taxation, which provisions shall remain in force until the bylaw is repealed:

Assessment completed by December 31st

1 the assessment, upon which the taxes for any year are to be based, shall be made and the assessment roll completed on or before the thirty-first day of December in the previous year;

Publication

2 the assessor shall, within twenty days after completing the roll insert in a newspaper published or circulating in the city a notice in form 6;

Assessment notices

3 the assessor shall, on or before the twentieth day of January, transmit by post to every person named on the assessment roll an assessment notice containing the particulars appearing in the roll with respect to such person; but where a bylaw has been passed under subsection (5) of section 267 the assessment notices shall be so transmitted only to the persons required to be served under the provisions adopted by the bylaw, and a notice in form 6 shall be published in *The Saskatchewan Gazette* and *The Alberta Gazette* within twenty days after the completion of the assessment roll;

Court of revision

4 the court of revision shall sit to hear appeals from the assessment on or before the tenth day of March;

Adoption of roll

5 the assessment roll with any amendments made shall be adopted by the council on or before the fifteenth day of March, and shall thereupon become and be the revised assessment roll of the city;

Striking the rate

6 the council shall in each year fix and levy the annual rate or rates as provided in section 299 on or before the fifteenth day of April;

Appeals to Saskatchewan Assessment Commission

7 all appeals from the court of revision to the Saskatchewan Assessment Commission shall be determined before the tenth day of April or before such later date as may be fixed by the minister;

Tax roll

8 the assessor shall prepare the tax roll as provided in section 312 on or before the fifteenth day of May;

Taxes payable in instalments

9 taxes shall be payable twice a year in equal instalments, the first of the instalments to be paid on or before the thirty-first day of July and the second on or before the thirty-first day of December, provided that local improvement taxes levied under bylaws passed in the current year may be added to the tax roll prepared pursuant to paragraph 8 at any time up to the first day of December, and shall be payable in one instalment on or before the thirty-first day of December.

LLOYDMINSTER CHARTER

(2) The council may, by bylaw to be passed on or before the first day of October in any year, adopt the provisions contained in subsection (1) subject to the following modifications, namely:

- (a) the substitution of the words “fifteenth day of October” for the words “thirty-first day of December” in paragraph 1;
- (b) the substitution of the words “fifth day of November” for the words “twentieth day of January” in paragraph 3;
- (c) the substitution of the words “twentieth day of December” for the words “tenth day of March” in paragraph 4;
- (d) the substitution of the words “thirty-first day of December” for the words “fifteenth day of March” in paragraph 5;

and a bylaw passed under this subsection shall remain in force until repealed.

Provisions as to assessment and taxation apply

348 Where the council has passed the necessary bylaw under section 347, the provisions of this Charter relating to assessment and taxation shall continue to apply under the procedure adopted, except insofar as they are inconsistent therewith.

Alternative method of assessing and taxing businesses

349(1) Notwithstanding anything in this Charter, the council may, for the purpose of providing an alternative to any existing method of assessing and taxing businesses, by bylaw, to be passed on or before the thirty-first day of October in the year before the year in which the bylaw is to take effect, provide for the assessment on a rental basis of any or all of the businesses in the city, in this section referred to as “business tax”.

(2) For the purposes of this section the gross annual rental value shall be deemed to include the cost of providing heat and other services necessary for comfortable use of occupancy, whether provided by the occupant or owner.

(3) A bylaw passed under subsection (1) shall:

- (a) provide for the assessment of the businesses to which the bylaw applies at a value based on the gross annual rental value of the premises occupied or rented for the purpose of the businesses
- (b) specify the date prior to which the business assessment shall be made;
- (c) specify the procedure respecting the issue of assessment notices, the publication of notice of assessment and the inspection of the assessment roll, fix the time within which complaints and appeals may be lodged and provide for all necessary incidental matters, but nothing in this section or in the bylaw shall affect any person’s right of appeal to the court of revision, the Saskatchewan Assessment Commission or the Court of Appeal.

(4) The bylaw may:

- (a) provide that any person who carried on a business in the city in any year in respect of which business a business tax is payable, shall be liable for the payment of the full annual business tax in respect thereof;

LLOYDMINSTER CHARTER

- (b) provide that where a business is commenced after the thirty-first day of January or is discontinued before the first day of December the council shall upon written request adjust the amount levied in respect of that business to correspond with the portion of the year during which the business is or was carried on.
- (5) No amendment to the bylaw shall be passed after the thirty-first day of October in the year before the year in which the amendment is to take effect.
- (6) The business tax payable in respect of a business shall be such percentage of the business assessment as may be specified in the bylaw but shall not exceed twenty-five per cent of the business assessment.
- (7) The assessor shall in every year, before the expiry of the time specified in the bylaw, assess each business to which the bylaw applies, the assessment to be based on the gross annual rental value of the premises in or on which the business is carried on.
- (8) Where a person occupies or uses premises partly for the purpose of his business and partly for the purpose of a residence, the gross annual rental value of the premises in or on which the business is carried on shall not include the rental value of that part of the premises occupied or used for the purposes of a residence.
- (9) The assessment for business pursuant to the bylaw shall be in addition to the assessment of land, buildings and improvements.
- (10) In assessing gross annual rental value the assessor shall take all factors into account so that as far as possible premises similar in size, suitability, advantage of location and the like shall be equally assessed.
- (11) The intent and purpose of this section is that all persons subject to business tax shall be assessed at a fair gross annual rental value of the premises occupied or used, based in general upon rents being actually paid for similar premises.
- (12) The business assessment may be entered in a separate assessment roll.
- (13) All the provisions respecting appeals of assessments and stated cases shall, insofar as they are not inconsistent with this section or the bylaw, apply *mutatis mutandis* with respect to assessments pursuant to the bylaw.
- (14) The business tax shall be due on the same day as general taxes or on such other day as may be fixed in the bylaw as the day on which the business tax shall be due.
- (15) All the provisions of this Charter relating to tax notices, the collection of taxes and the enforcement of payment of taxes apply *mutatis mutandis* with respect to business taxes.

LLOYDMINSTER CHARTER

PART VI
Miscellaneous
ACTIONS BY AND AGAINST THE CITY

Action within three months

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.

Failure to give notice

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.

Actions for nuisance on highway

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.

Joint liability for damages

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.

No liability on officer of city

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.

LLOYDMINSTER CHARTER

(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.

City's remedy over in action of damages

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.

Rights as in proceedings

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.

LLOYDMINSTER CHARTER

Power to restrain, etc., by action

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.

Notice of action in certain cases

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.

Tender of amends

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.

Limitation of period of liability

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.

No time limit for action by city

361 Notwithstanding anything in *The Limitation of Actions Act* of Alberta or *The Limitation 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.

Disqualification of member not to invalidate proceedings

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.

Liability of city for damages to land

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.

LLOYDMINSTER CHARTER

(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.

Limitation of actions for damages to land

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.

Reimbursement for expenses of inquiry

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.

EXECUTIONS AGAINST THE CITY

Procedure on writs of execution in sheriff's hands

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:

Copy of writ delivered to clerk

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;

Execution

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;

LLOYDMINSTER CHARTER

Sheriff's precept to treasurer

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;

Levy of special rate

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;

Surplus

5 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;

Officials officers of court

6 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.

INQUIRIES AND INVESTIGATIONS

Inquiry by Government re financial affairs

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.

Inquiry by judge

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.

LLOYDMINSTER CHARTER

(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 Inquires 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 *The Arbitration Act* of Alberta or *The Municipal Expropriation Act* of Saskatchewan, as the case may be.

(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.

Investigation by committee of council

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.

SCHOOLS

Public school district – construction and transfer of property

370(1) The Village of Lloydminster, together with that part of the Municipal District of Wellington (now known as the County of Vermilion River which on the first day of May, 1930, was included in Public School District No. 1753 of Alberta, and the Town of Lloydminster as existing on the said date, together with those parts of the Rural Municipalities of Britannia and Wilton, which on the said date were included in Public School District No. 1036 of Saskatchewan, shall be deemed to be a public school district, to be governed by a board of trustees elected under the provisions of this Charter, and shall be known as the Lloydminster Public School District.

(2) This subsection shall be and shall in all respects be treated for the purposes of the Battleford Land Registration District of Saskatchewan and of any and all transactions therein and of the officers administering the same, as a legal and valid grant, conveyance, transfer and assignment from the Lloydminster School District No. 1036 of Saskatchewan to the Lloydminster Public School District as hereby constituted, of any and all lands and interests in lands now standing in the name of or vested in the said Lloydminster School District No. 1036 of Saskatchewan, and it shall not be necessary to have certificates of title issued in the name of the said Lloydminster Public School District, nor shall it be necessary in any conveyance, instrument or document whereby the district deals with any of the said property to recite or set out such transmission or assignment of title or to pay any fees in connection with the grant hereby made of any of such property.

LLOYDMINSTER CHARTER

(3) The Lloydminster Public School District as hereby constituted shall as and from the twenty-second day of May, 1930, be deemed to be the successor of the Lloydminster School District No. 1036 of Saskatchewan and to have and to have had at all times since the said day all the powers, functions, rights and duties which are conferred upon or vested in the last mentioned school district by virtue of or pursuant to any Act of Saskatchewan or any order in council made pursuant to *The Lloydminster Municipal Amalgamation Act, 1930*.

(4) The Lloydminster Public School District as hereby constituted shall as and from the twenty-second day of May, 1930, be deemed to be the successor of the Alberta School District No. 1753 and to have and to have had at all times since the said day all the powers, functions, rights and duties which are concerned upon or vested in the Alberta School District No. 1753 by virtue of or pursuant to any Act of Alberta or any order in council made pursuant to *The Lloydminster Municipal Amalgamation Act, 1930*, of Alberta, and as and from the said date all property whatsoever of whatsoever kind, nature or tenure of Alberta School District No. 1753 shall be vested in and become the property of the Lloydminster Public School District for the purposes of that district.

Notice from school board

371(1) The Board of Trustees of the Lloydminster Public School District shall give notice to the city clerk on or before the fifteenth day of September in each year in which an election is required to fill regular vacancies, of the number of vacancies required to be filled to make the school board complete.

(2) The secretary treasurer of the County of Vermilion River No. 24 shall on or before the fifteenth day of September in each year in which an election is required to fill regular vacancies, furnish the city clerk with a list of the persons qualified under *The County Act* of Alberta to vote in the part of the county included in the Lloydminster Public School District and residing in such part, certified to be correct.

(3) The secretary treasurers of the Rural Municipality of Britannia No. 502 and the Rural Municipality of Wilton No. 472 shall each, on or before the fifteenth day of September in each year in which an election is required to fill regular vacancies, furnish the city clerk with a list of the persons qualified under *The Rural Municipality Act* to vote in the respective part of the rural municipality included in the Lloydminster Public School District and residing in such part, certified to be correct.

Acts governing school affairs

372(1) The affairs of the Lloydminster Public School District shall be conducted in accordance with the provisions of *The School Act* and *The School Assessment Act*, save insofar as such Acts may be modified by the provisions of this Charter or by complementary orders in council; but:

(a) in the case of debentures proposed to be issued by the Lloydminster Public School District, the authorization shall be given by complementary orders in council in lieu of the Local Government Board, and all other authority over debentures exercisable by the Local Government Board shall be exercisable by complementary orders in council;

LLOYDMINSTER CHARTER

(b) registration and countersignature of public school debentures shall be by the Ministers of Education for Alberta and Saskatchewan, or their deputies, and shall have the same effect in both Alberta and Saskatchewan as is accorded registration and countersignature by the Minister of Education by section 192 of *The School Act*.

(2) *The School Attendance Act* of Saskatchewan shall apply to children who reside in Saskatchewan, and Part 8 of *The School Act* of Alberta shall apply to children resident in Alberta.

(3) Notwithstanding the provisions of paragraph 2 of subsection (1) of section 135 of *The School Act*, the Board of Trustees of the Lloydminster Public School District may authorize the treasurer to deposit moneys of the district in a treasury branch of the Province of Alberta.

(4) Notwithstanding the provisions contained elsewhere in this Charter or of any Act, but subject to the approval of the Ministers of Education of the provinces, the council may enter into an agreement with the Board of Trustees to provide for a different method of collecting and remitting school taxes and other similar funds belonging to the Board of Trustees.

School grants

373 All school grants payable to any of the constituent parts of the Lloydminster Public School District or which would be so payable but for the provisions of this Charter shall be paid to the trustees of the said district.

Power to amend Public School Scheme

374 All such changes may be made by complementary orders in council in the Lloydminster Public School Scheme as may be necessitated by the amalgamation of the Town of Lloydminster and the Village of Lloydminster and, upon any such change being made, it shall have effect as if the change had been incorporated in this Charter.

Separate school

375(1) Subject to subsection (2), the affairs of the Lloydminster Roman Catholic Separate School District shall be conducted in accordance with the provisions of *The School Act* and *The School Assessment Act*, save insofar as such Acts may be modified by the provisions of this Charter or by complementary orders in council.

(2) The provisions of subsection (1) of section 370 and sections 371, 372, 373, and 374 of this Charter, insofar as they relate to the Lloydminster Public School District, apply *mutatis mutandis* to the Lloydminster Separate School District.

School districts – change of names and transfer of property

376(1) The name of the Lloydminster Public School District shall be changed to the Lloydminster Public School Division, such change to be effective as of the date that *The Education Act* becomes proclaimed as law.

(2) The name of the Lloydminster Roman Catholic Separate School District shall be changed to the Lloydminster Roman Catholic Separate School Division, such change to be effective as of the date that *The Education Act* becomes proclaimed as law.

LLOYDMINSTER CHARTER

(3) This subsection shall be and shall in all respects be treated for the purposes of the applicable land registration districts in the provinces and any and all transactions therein and of the officers administering the same, as a legal and valid grant, conveyance, transfer and assignment from the said school districts to the said school divisions as hereby constituted, of any and all lands and interests in lands now standing in the respective names of or vested in the said school districts, and it shall not be necessary to have certificates of title issued in the names of the respective school divisions, nor shall it be necessary in any conveyance, instrument or document whereby that division deals with any of the said property to recite or set out such transmission or assignment of title or to pay any fees in connection with the grant hereby made of any such property and from the said date that *The Education Act* is proclaimed as law, the Lloydminster Public School Division shall become the successor of the Lloydminster Public School District and the Lloydminster Roman Catholic Separate School Division shall become the successor of the Lloydminster Roman Catholic Separate School District, the said successors having all rights, powers, functions and duties which were conferred upon or vested in the respective school districts.

References in Charter

377 Upon *The Education Act* becoming proclaimed as law, a reference in this Charter to *The School Act*, *The School Assessment Act* and *The School Attendance Act* shall be deemed to be a reference to *The Education Act*.

POLICE

Agreement with Government of Canada to police the city

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.

Appointment of special constables

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.

APPLICATION OF LAW

Application of Statutes of the provinces

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 boundary of Alberta and the laws of Saskatchewan apply to that portion of the city lying within the boundary of Saskatchewan.

LLOYDMINSTER CHARTER

(2) Except as specifically provided for in this Charter, the provisions of *The Municipal Government Act* and *The Municipal Taxation Act* of Alberta and the provisions of *The Urban Municipality Act, 1970*, of Saskatchewan, shall not apply to any portion of the city.

Powers under amalgamation Acts continued

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.

Continuing authority

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.

Acts of Alberta

383(1) *The Agricultural Pests Act, 1974*, chapter 2, *Statutes of Alberta, 1974*, applies to the entire area of the city.

(2) The following Acts of Alberta or parts thereof apply to that part of the area of the city situated within Alberta:

(a) *The Municipalities Assessment and Equalization Act*, chapter 252, *Revised Statutes of Alberta, 1970*;

LLOYDMINSTER CHARTER

- (b) *The Electric Power and Pipeline Assessment, Act*, chapter 119, *Revised Statutes of Alberta, 1970*;
- (c) *The Crown Property Municipal Grants Act*, chapter 82, *Revised Statutes of Alberta, 1970*;
- (d) *The Municipal and Provincial Properties Valuation Act*, chapter 248, *Revised Statutes of Alberta, 1970*;
- (e) Section 41 of *The Alberta Government Telephones Act*, chapter 12, *Revised Statutes of Alberta, 1970*;
- (f) Section 129 of *The School Act*, chapter 329, *Revised Statutes of Alberta, 1970*.

Traffic bylaws re Alberta side

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.

Acts of Saskatchewan

385(1) The following Acts of Saskatchewan or parts thereof apply to the entire area of the city:

- (a) *The Gas Inspection and Licensing Act*, chapter 368, *Revised Statutes of Saskatchewan, 1965*;
 - (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 replotting 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*.
- (2) *The Pest Control Act*, chapter 243, *Revised Statutes of Saskatchewan, 1965*, does not apply to any part of the area of the city.

LLOYDMINSTER CHARTER

AMENDMENT OF CHARTER

Power to amend Charter

386 This Charter may at any time be amended by complementary orders in council.

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 18(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.

LLOYDMINSTER CHARTER

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

Signature

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 ____ .)

Signature of Clerk

(Seal of city)

LLOYDMINSTER CHARTER

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

FORM 6
[Sections 266, 267(6) and 347(1), para. 2 and 3]

NOTICE OF PREPARATION OF ASSESSMENT ROLL

City of Lloydminster

Assessment Roll, 19 _____.

Notice is hereby given that the assessment roll of the city for the year 19 _____,

has been prepared and is now open to inspection at my office, until the time for the lodging of appeals has expired, from ten o'clock in the forenoon to four o'clock in the afternoon on the following days: *(here specify the days of which the office will be open)*.

A person who desires to object to the assessment of himself or of any other person must, within twenty days after the date of this notice *(or, where the council has passed a bylaw under subsection (5) of section 267, the date of the publication of this notice as required by subsection (6) of section 267)* lodge his complaint in writing at my office.

Dated this _____ day of _____, 19 _____

A.B.,
Assessor.

LLOYDMINSTER CHARTER

FORM 7
[Section 267(3)]

NOTICE OF APPEAL

To the assessor of The City of Lloydminster

Sir – I hereby appeal against assessment No. _____ (or as the case may be)
on the following grounds (*here state grounds of appeal*).

My address for service of notice in connection with this appeal is _____

Dated this _____ day of _____, 19 _____

C.D.,
Appellant.

FORM 8
[Section 271]

LIST OF APPEALS

Appeals to be heard by the court of revision of The City of Lloydminster on the _____
day of _____, 19 _____.

Appellant	Respecting whom	Matter complained of
A.B.	Self	Wrong or unfair assessment
C.D.	E.F.	Name omitted
G.H.	J.K.	Not <i>bona fide</i> owner or tenant, etc.
etc.	etc.	etc.

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.