

No. 88]

BILL

[1957]

An Act to provide a Charter for The City of East Kildonan.

[Assented to April 5th, 1957]

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

- Short title. **1.** This Act may be cited as: "The East Kildonan Charter".
- Definitions: **2.** (1) In this Act,
- "city", (a) "city" means The City of East Kildonan;
- "corporation", (b) "corporation" means the municipal corporation
of The City of East Kildonan;
- "council", (c) "council" means the municipal council of The
City of East Kildonan;
- "mayor,
alderman
etc.", (d) "mayor", "alderman", "commissioners", "clerk",
"treasurer", "assessor", "engineer", "solicitor", "tax
collector", "medical director", "health inspector", "in-
spector of licences", "inspector of buildings", "electrician",
or "sanitary inspector"; mean respectively the mayor,
alderman, commissioners, clerk, treasurer, assessor, en-
gineer, solicitor, tax collector, medical director, health
inspector, inspector of licences, inspector of buildings,
electrician, and sanitary inspector of the city;
- "by-law", (e) "by-law" means a by-law of the city, or a sec-
tion, clause, or provisions of a by-law of the city;
- "declaration", (f) "declaration", where used as a declaration of
office or qualification, means the oath, affirmation or de-
claration as the context may require;
- "district
registrar", (g) "district registrar" means the district registrar
for the Winnipeg Land Titles Office;
- "election", (h) "election" means an election of a member of the
council and includes the nomination and also includes a

No one to
vote unless
name on
list of
electors.

15. Except in cases of persons who are entitled to vote on the certificate of the clerk under subsection (3) of section 14, no person is entitled to vote at any election for mayor, alderman, or school trustee or to vote upon any by-law or referendum, unless he is one of the persons named, or purporting to be named, on the proper list of electors; and subject to section 11, no question of qualification shall be raised at any election except to ascertain whether the person tendering his vote is the person named or purported to be named in the list of electors.

Returning
officer.

16. The clerk is the returning officer for the city, and, where he is unable to act, the council may, by by-law appoint another person to be returning officer in his place.

List of
electors.

17. The clerk shall, before the fifteenth day of August in each year, make a correct list of all persons appearing by the electors' roll to be entitled to vote at elections.

Form of list.

18. (1) The list of electors shall be prepared in geographical order by street numbers.

Idem.

(2) The list of electors shall give the names of the electors in each polling subdivision separately in geographical order by street numbers, and shall be as nearly as possible in the following form:

THE CITY OF EAST KILDONAN

LIST OF ELECTORS FOR THE

YEAR 19.....

Ward No.

Polling Subdivision No.

comprising all that portion of the city lying.....

No. on List	Street Name or Description of Property	Street No.	Name and Occupation	Resident Owner (RO) Actual Resident (AR)	By-Law (B)

ELECTIONS

First mayor
and coun-
cillors.

19. The mayor and the three councillors of the Rural Municipality of East Kildonan whose term of office expires on the thirty-first day of December, 1957, shall continue in office as mayor and aldermen of the city until that date; and the three councillors of the Rural Municipality of East Kildonan whose term of office expires on the thirty-first day of December, 1958, shall continue in office as alderman of the city until that date.

Elections of
mayor.

20. (1) In the election held in the year 1957 and biennially thereafter there shall be elected a mayor of the city who shall assume office on the first day of January next following the date of the election, and hold office for two years.

Elections of
aldermen.

(2) In the election held in the year 1957 and biennially thereafter there shall be elected one alderman for each ward in the city who shall assume office on the first day of January next following the date of the election and hold office for two years.

Idem.

(3) In the election held in the year 1958 and biennially thereafter there shall be elected one alderman for each ward in the city who shall assume office on the first day of January next following the date of the election and hold office for two years.

Time and
place of
nominations.

21. (1) A meeting of the electors of the city for the nomination of candidates shall be held annually for alderman and biennially for mayor at the last place of meeting of the council, or such other place as the council by by-law appoints, on the second Wednesday in October, or, in the case of that day being a holiday, on the next day not a holiday, from one o'clock until two o'clock in the afternoon, at which nominations for the office of mayor of the city and for aldermen for the various wards thereof shall be made as the circumstances require.

Election to
be held
annually.

(2) The electors of the city shall elect annually on the fourth Wednesday in October or, in case of that day being a holiday, on the next day not a holiday, the members of the council, except such members as have been elected at the nomination; and the persons so elected and all councils shall hold office until their successors are elected or appointed and sworn into office and the new council is organized.

By-elections.

(3) In case of a by-election to fill a vacancy or vacancies in the council of the city, as provided for by section 284 of The Municipal Act, such by-election shall, notwithstanding The Municipal Act, be held not later than six weeks following the issue of the warrant for the by-election.

Nomination meeting for by-election.

(4) The nomination meeting for the nomination of candidates for a by-election shall be held on a Wednesday and the voting for candidates to fill the vacancy or vacancies shall be held on the second Wednesday immediately succeeding nomination day.

Voting on by-laws to be on Wednesday.

(5) Where a by-law is submitted to a vote of the electors, the time of voting shall be made to fall on a Wednesday, or in case of that day being a holiday, on the next day not a holiday.

Council to make regulations.

22. The council may make such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act relating to elections and are not inconsistent with the provisions for voting set out in The Municipal Act, except only in so far as they may be altered and varied by the provisions of this Act.

Plebiscites.

23. (1) Subject to subsections (2) and (3), when the council of the city desires to ascertain the wishes of the electors in respect to any question or matter within or without the powers of the city or council, and not by this or any other act required to be submitted to a vote of the electors, it may submit the question or matter in such form as it thinks fit to the electors to be voted upon.

Where expenditure of money involved.

(2) Where the question or matter involves the expenditure of moneys to be provided by the city, it shall be submitted only to those electors who are qualified to vote on money by-laws, and as nearly as may be in the manner prescribed by The Municipal Act for the submission of by-laws requiring the assent of the ratepayers.

Voting on by-law by electors.

(3) In all other cases the question or matter shall be submitted to the electors as nearly as may be in the manner prescribed by The Municipal Act for the submission of by-laws requiring the assent of the electors, and the wish of the electors shall be deemed that indicated by a majority of the votes cast.

OFFICERS AND EMPLOYEES

Powers and duties of mayor.

24. The mayor of the city is the head of the council and chief executive officer of the corporation and has

and shall exercise all the duties and powers prescribed by The Municipal Act, and any other Act.

Acting
mayor.

25. (1) The council may appoint from its membership an acting mayor who, in the case of a vacancy in the office of mayor, or of his absence from the city, or inability from sickness or other cause to perform his duties, shall, during such vacancy, absence, or inability, perform and exercise all the duties and powers of the mayor.

Death or
resignation
of mayor.

(2) In the case of the death or resignation of the mayor, the acting mayor shall continue to perform and exercise the duties and powers and receive the emoluments of the mayor until the election of the new mayor.

Deputy act-
ing mayor.

(3) The council may, by resolution, appoint from its membership a deputy acting mayor, and in the event of the death, absence, or inability from any cause of the acting mayor to perform the duties of mayor in the event of the happening of any of the contingencies, mentioned in subsection (1), the deputy acting mayor shall, during such time as both the mayor and acting mayor are unable to act, perform and exercise the duties and powers of the mayor.

Commis-
sioners.

26. (1) The council may, by by-law, appoint one or two city commissioners for the city.

Mayor to be
ex-officio
commis-
sioner.

(2) The mayor of the city shall be ex-officio a commissioner in addition to those appointed by council, and shall be chairman of the commissioners.

Powers and
duties of com-
missioners.

(3) The council may delegate any of its administrative duty and powers to the commissioners.

Commissioners
subject to
council.

(4) The commissioners shall be subject to the legislative jurisdiction of the council and shall exercise the powers and duties as may from time to time be vested, conferred on, or delegated to, them by by-law or resolution of the council.

Alteration of
powers and
duties.

(5) The powers and duties delegated to the commissioners may be altered from time to time by by-law or resolution of the council.

Substitute
commissioner.

27. If a commissioner is incapable, through illness, absence from the city, or other cause, of performing the duties of his office, the council may appoint a substitute who during such illness, absence or other incapacity shall have and exercise all the powers of the said commissioner.

Estimates.

28. The commissioners shall submit to the council before the last day of February in each year, recommendations and estimates for expenditures which in their opinion should be made by the city during the year; and the council shall deal with the same and shall, before the fifteenth day of April of that year provide for such expenditures as it may determine to make.

Manager.

29. (1) The council may, by by-law, provide for the appointment of a manager for the city, and the by-law shall specify the duties and powers of the manager.

Effect of
appointment
of manager.

(2) From and after the date of the appointment of a manager for the city under the authority of a by-law passed under this section, the offices of the commissioners, if any, and the offices held by any other persons whose duties have by the by-law been delegated to the manager, shall be abolished, and so long as the by-law remains in force, the provisions of sections 26 to 28 shall have no effect and any reference in this Act, or in any other 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 city manager.

Officials and
employees.

30. (1) The council shall appoint a clerk, a treasurer, an assessor, a tax collector, a solicitor, and an engineer or superintendent of works, and may also appoint such other officials and employees as are deemed necessary for carrying into effect the provisions of this Act or of any other Act affecting the city or any by-law of the city.

Employees
holding more
than one
office.

(2) The same person may be appointed to more than one office, except that the office of assessor shall not be held by the same person as holds the office of clerk or treasurer.

Duties of
office.

31. All officers and employees appointed by the city shall, in addition to the duties assigned to them in this Act or The Municipal Act, perform all other duties required of them by any other statute or by the by-laws of the city.

Superannua-
tion fund for
employees.

32. (1) The city may enter into a contract with an insurer licensed to do business in Manitoba or the Annuities Branch of the Department of Labour of the Government of Canada or the Manitoba Urban Association for the payment of superannuation allowances for its employees; and may make regulations providing for contributions to the fund by

the corporation and by its employees, and for the terms and conditions upon which any superannuation or other allowance shall be payable, and the persons to whom it may be paid, and the costs of maintaining and administering the fund shall be deemed part of the cost of the administration of the corporation.

Group life insurance.

(2) The city may enter into a contract with an insurer licensed to do business in Manitoba, or with the Manitoba Urban Association to provide a group life insurance plan for its employees or for the benefit of employees who after twenty years continuous service with the city, retire.

Group hospital accident and sickness insurance.

(3) The city may enter into a contract with Manitoba Hospital Service Association or Manitoba Medical Service or with an insurer licensed to do business in Manitoba to provide a plan of hospital or accident or sickness insurance for its employees and their dependants.

BOARD OF POLICE AND FIRE COMMISSIONERS

Board of police and fire commissioners.

33. (1) The council may, by by-law or resolution, establish a Board of Police and Fire Commissioners for the city (hereinafter called "the board"), and the board shall consist of the mayor, two other members of the council, and one resident ratepayer of the city, appointed annually by resolution of the council, and the magistrate or justice of the peace in and for the city, and in case the office of magistrate or justice of the peace is vacant, the council shall appoint a person resident in the city to be a member of the board during the vacancy.

City commissioner on board.

(2) In case the city has appointed a commissioner or commissioners as provided by section 26, one of the appointed commissioners shall be a member of the board in addition to the persons appointed pursuant to subsection (1) hereof.

Control of police and fire department, with power to pass by-laws.

(3) The board shall have the sole charge and control of the police and fire departments of the city, the persons therein employed and, generally, of all matters connected therewith; and for that purpose, and for all other purposes connected with the good government of the police force and fire fighting force of the city, may pass by-laws relating thereto.

Meetings and remuneration of members of board.

(4) The board shall meet at least once each month, and the council may, by resolution, fix the remuneration to be paid to each member of the board who is not a member of the coun-

cil or official of the city for attendance at such meetings in an amount not exceeding five dollars for each meeting attended.

Quorum.

(5) A majority of the board shall constitute a quorum for the transaction of business at any meeting and the acts of the majority shall be considered acts of the board.

Police and fire department.

34. The council shall provide for the appointment of police constables and firemen for the city, and may provide that the police department and the fire department of the city shall be operated as a combined department to be known as the public safety department of the city.

Public safety force.

35. The public safety force of the city shall consist of a chief constable and as many constables and other officers and assistants as the council or the board from time to time deem necessary.

Duties of constables.

36. (1) The constables shall obey all lawful directions, and be subject to the government, of the chief constable, and shall be charged with the special duty of preserving the peace, preventing robberies and other felonies and misdemeanours, apprehending offenders, and for preventing and suppressing fires.

Powers of constables.

(2) All constables shall have the same powers and privileges, and be subject to the same liability and to the performance of the same duties, and may act within the same limits, as a constable appointed by the Lieutenant-Governor-in-Council.

LOCAL IMPROVEMENTS

Local improvement sewer districts.

37. (1) The council may, by by-law, establish local improvement sewer districts within the city, and may include therein such real property as is intended to be served by sewers constructed or to be constructed in districts so established; and any by-law or by-laws passed for such purpose shall clearly specify the property intended to be included therein.

Land served by existing sewers.

(2) The lands served by the sewers at present constructed in the city, and such other lands as the council may deem proper, may, by by-law of the council, be formed into a local improvement sewer district.

Sewer levy.

(3) Respecting the sewers already constructed in the district so formed, the council may, by by-law, provide that a sum sufficient to provide for outstanding debts and interest

thereon for sewers in the district, be levied each year from the passing of the by-law until the retirement of the debt against the real property in the district abutting on the sewers, according to the assessed value thereof, by a special rate to be called "sewer rate", and may authorize such rate to be levied in each year by the treasurer of the city without the necessity of an annual by-law for levying such rate.

Trunk sewers.

(4) The council may, by by-law, provide that a proportion of the cost of trunk sewers, which proportion shall be fixed by the by-law, may be levied against those lands in the local improvement sewer district abutting on the trunk sewers, and that a proportion thereof may be levied against all the lands in the local improvement sewer district or such portion thereof as the council determines, and the proportions in which the cost shall be levied shall be fixed by the by-law.

Future
sewers and
extensions.

(5) The council shall have the same powers in respect to the extension of sewers in a local improvement sewer district as are hereafter prescribed for the installation of sewers and providing for the cost thereof in other local improvement sewer districts.

Where new
district
established.

(6) Where the council establishes a local improvement sewer district in any portion of the city where sewers have not been constructed before the first day of January, A.D. 1957, the council may, by by-law:

(a) provide for the laying of sewers throughout the whole or any portion of the district;

(b) as they are required (when a portion only of the district has been provided with sewers), provide for the laying of sewers in other parts of the district, and determine what lands in the district shall be chargeable with the cost of the sewers to be laid; and

(c) as such work is decided upon, provide for the cost thereof by the issue of debentures of the corporation to the requisite amount, in sums of not less than one hundred dollars each, and payable, with interest at the rate of not more than six per centum per annum, within such term as the council may by by-law decide not exceeding thirty years.

By-laws and
rates for
sewers.

(7) The cost of sewers constructed after the coming into force of this Act in any such local improvement district shall be uniform throughout the city and shall be imposed

and paid as follows: each owner of land fronting on the street wherein the sewer is constructed or otherwise served by the sewer shall pay to the city a sum to be fixed by by-law but not exceeding eight dollars for each foot of frontage of such land; and if the assessment is paid by special assessment extending over a term of years, interest not exceeding six per centum per annum may be charged; and the remaining expense, if any, shall be borne as provided by the by-law either by the city or local improvement district as a whole or by any part or parts thereof that, in the opinion of the council, are especially benefitted thereby.

Contents
of by-law.

(8) Every by-law authorizing the issue of debentures for sewers in any such district shall specify the amount to be raised annually to provide for the debentures and interest thereon, and may authorize the treasurer to levy in each year during the currency of the debentures a special rate or rates, sufficient to provide that amount, which rate or rates shall be levied annually upon the assessed value of the lands chargeable with the cost of the sewers in respect of which the debentures have been issued.

Apportioning
cost of trunk
sewers.

(9) The council may, by by-law, provide that a proportion of the cost of trunk sewers, which proportion shall be fixed by the by-law, may be levied against those lands in the local improvement sewer district, or such portion thereof as the council shall determine; and the proportion in which the cost shall be so levied shall be fixed by the by-law.

WATER WORKS

Purchase, construction and management of water works.

38. The city may design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct water works and all buildings, matters, machinery and appliances therewith connected or necessary thereto, in the city and parts adjacent as hereinafter provided.

Powers incidental to water works.

39. The city shall have all the powers necessary to enable it to build the water works hereinafter mentioned; and to improve, secure, maintain and enlarge any of those works from time to time, as to the city may seem necessary or expedient, and to carry out all the other powers conferred upon it by this Act.

Duty to make adequate water works.

40. The corporation shall examine, consider and decide upon all the matters relative to supplying the city by the means contemplated by this Act, with a sufficient quantity of

pure and wholesome water for the use of its inhabitants; and it shall provide, build or construct, the necessary water works, buildings, machinery, and other appliances requisite for that purpose.

Appointment
of engineers,
etc.

41. The corporation may employ and appoint engineers, surveyors, officers and other persons, and rent or purchase such lands, works, buildings, privileges and yards as in its opinion may be necessary to enable it to fulfill its duties under this Act.

Powers re-
lating to
water works.

42. (1) For the purposes of building, improving, securing, maintaining or enlarging water works, the corporation, its agents, servants, and workmen may, at such times as the corporation deems fit,

(a) enter into and upon the lands of any person or corporation, municipal or otherwise, in the city or within one hundred miles of the city;

(b) survey, set out, and ascertain, such parts thereof as the corporation may require for the purposes of the water works;

(c) subject to the provisions of The Water Rights Act, divert and appropriate any well, spring, or stream of water thereon as the corporation deems suitable and proper; and

(d) contract with the owners or occupiers of those lands, and with persons having an interest or right in the said water, for the purchase thereof or of any part thereof, or of any privilege that may be required for the purposes of the water works.

Arbitration
as to damages
of value of
property.

(2) In case of disagreement between the corporation and the owner or occupier of any such lands or any persons having an interest in the water or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of the purchase price or the value thereof, or as to the damages such appropriation shall cause to them or otherwise, the disagreement shall be determined by arbitration under The Expropriation Act.

Lands
acquired
vested in
the city.

43. (1) The lands, privileges, and water that are surveyed, set out, and ascertained or appropriated, by the corporation for the purposes hereinbefore mentioned shall thereupon and forever be vested in the corporation and its successors.

vote upon any by-law or referendum submitted by the council to the electors qualified to vote thereon;

"elector
or voter",

(i) "elector" or "voter" means a person entitled for the time being to vote at an election held in the city or in respect of any by-law in any ward of the city;

"land,
lands, etc.",

(j) "land", "lands", "real estate" and "real property", respectively, include lands, tenements, and hereditaments and all rights or easements affecting the same, and interests therein, and include all buildings thereon;

"land titles
office",

(k) "land titles office", means the land titles office for the district of Winnipeg;

"member of
council",

(l) "member of council" means the mayor or an alderman of the city;

"minister",

(m) "minister" means the Minister of Municipal Affairs or such other member of the Executive Council as from time to time is designated by the Lieutenant-Governor-in-Council to administer The Municipal Act;

"next day",

(n) "next day" means the next succeeding day that is not a holiday;

"owner",

(o) "owner" means an owner of a freehold estate in land within the city;

"property",

(p) "property" includes both real and personal property;

"ratepayer",

(q) "ratepayer" means any person entitled to vote on a by-law of the city under section 543 of The Municipal Act;

"resolution",

(r) "resolution" includes any report or part thereof adopted by the council;

"street"

(s) "street" includes highway, road, lane, avenue, thoroughfare, drive, bridge, sidewalk, boulevard, park, public square and any other public place, unless the contrary is expressed or unless such a construction would be inconsistent with the context or manifest intention of this Act;

"to vote",

(t) "to vote" means to vote at an election;

"voters".

(u) "voters" has the same meaning as "electors".

Words in
singular or
plural.

(2) Unless the contrary is clearly indicated by the context, words used in the singular or plural shall have also a plural or singular meaning respectively.

Power to
erect works.

(2) The corporation may construct, erect, and maintain in and upon those lands all such wells, reservoirs, dams, conduits, water works and machinery as are requisite for the undertaking, and may convey the waters thereto and therefrom in, upon, or through, any of the lands lying intermediate between the reservoirs and water works and wells, springs, streams, rivers or lakes from which the waters are procured, and the city, by one or more lines of pipes or conduits, as may from time to time be found necessary.

Power to
enter upon
lands and lay
pipes, etc.

(3) For better effecting the purposes hereinbefore mentioned the corporation, its successors, servants, and agents may enter and pass upon and over the intermediate lands hereinbefore mentioned, and repair and cut them and dig them up if necessary, and lay down pipes through the lands, and in, upon, over, under and through the highways, railways, and roads, and in, through, over and under the public ways, streets, street railways, lanes or other passages of the city, and in, upon, through, over or under the lands and premises of any person or corporation.

Use and
occupation
of lands.

(4) The corporation may ascertain, use, and occupy such part or parts of any of such lands as the corporation thinks necessary and proper

(a) for the making and maintaining of the water works; or

(b) for the opening of new streets, required for that purpose; or

(c) for the purchasing of any land required for the protection of the water works; or

(d) for preserving the purity of the water supply;
or

(e) for taking up, removing, altering, or repairing the water works; or

(f) for distributing water to the inhabitants of the city or for the uses of the city or to the proprietors or occupiers of the lands through or near which the water works may pass.

Construction
of wells, etc.,
and compensation there-
for.

(5) For any of the purposes hereinbefore mentioned the corporation may lay down wells, pipes, watermains, reservoirs, and other conveniences, and from time to time alter all or any of those works, as well in the position as in the construction thereof, as to the corporation shall seem meet, doing

as little damage as may be in the execution of the powers hereby granted to it, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid.

Water works
vested in
city.

(6) All such water works, pipes, erections, and machinery requisite for any of the undertakings hereinbefore mentioned shall likewise be vested in and be the property of the corporation.

Penalty for
interfering
with exercise
of powers,
etc.

44. (1) Any person who wilfully or maliciously hinders or interrupts the corporation or its servants, agents, contractors, workmen or any of them in the exercise of any of the powers and authorities granted in this Act as to water works or water supply, and any person who wilfully or maliciously lets off or discharges any water so that it runs waste or useless out of the water works, and any person who throws or deposits any injurious, noisome, or offensive matter into the water or water works or upon the ice or in any way fouls it or commits any wilful damage or injury to the water works, pipes, or water or encourages that to be done, is guilty of an offence and liable, on summary conviction before the mayor, a police magistrate, or any justice of the peace having jurisdiction within the locality where the offence is committed, for every such offence to a fine of not more than fifty dollars and costs or to be confined in the common gaol of the Eastern Judicial District for a period not exceeding thirty days or to both such fine and such confinement.

Action at law
for damages.

(2) Notwithstanding that the person so offending has been convicted of an offence under subsection (1), any person who wilfully, maliciously or negligently hinders or interrupts the corporation or its servants, agents, contractors, workmen, or any of them in the exercise of any of the powers and authorities granted in this Act as to water works or water supply, and any person who wilfully or maliciously lets off or discharges any water so that it runs waste or useless out of the water works, and any person who throws or deposits any injurious, noisome, or offensive matter into the water or water works or upon the ice or in any way fouls it or commits any wilful damage or injury to the water works, pipes, or water or encourages that to be done, is liable to an action at law at the suit of the corporation to make good any damage done by him.

Separate
books and
accounts for
water works.

45. The corporation shall keep separate books and accounts of the receipts and disbursements for, or on account of,

the water works, distinct from the books and accounts relating to other property, funds, or assets belonging to the corporation; and the books, accounts, receipts and disbursements shall be audited by the auditor of the corporation in regular course.

Regulation of
the distribu-
tion, use and
price of water.

46. (1) The corporation shall regulate the distribution and use of the water in all places and for all purposes, where it may be required and shall fix the prices for the use thereof, and the times of payment; and it may erect public hydrants to such numbers and in such places, as it may see fit, and direct in what manner, and for what purpose, they shall be used.

Establishment
of meters.

(2) The corporation may at proper hours of the day, and upon reasonable notice given, and request made by it for that purpose, place meters upon any services as it deems expedient, and for that purpose or for the purpose of protecting or regulating the use of any such meter, may set or alter the position thereof, or of any pipe connection or tap, and may fix the price to be paid for the use of any such meter and the time when, and the manner in which the price shall be payable, and also may charge for, and recover, the expenses of such alterations; and the price and the expense of such alteration may be collected in the same manner as water rates.

Assessment of
water rates.

47. (1) The corporation shall fix the price, rate, or rent which any owner or occupant of any house, tenement, lot or part of a lot, or both, in, through or past which the water pipes run, shall pay as water rate or rent, whether the owner or occupant uses the water or not, having due regard to the assessment and to any special benefit and advantage derived by the owner or occupant, or conferred upon him or his property, by the water works and the locality in which the property is situated.

Water rate
a lien.

(2) The water rate or rent assessed by the corporation upon the owner or occupant shall until paid be a lien or charge upon the real estate.

Water rate
for hydrants,
etc.

(3) The corporation may fix the rate or rent to be paid for the use of the water hydrants, fire plugs, and public buildings.

Amount of
rates.

(4) In fixing the water rates the council may determine, by resolution or by by-law, the amount thereof and the amount need not necessarily be uniform.

Annual levy
on property
not taking
water.

48. The corporation may levy one-half of the domestic or house rate annually upon all properties on which buildings or houses stand, and that do not take water for domestic purposes, if the watermains are laid past their properties.

Payment of
water rates.

49. (1) All water rents and water rates when collected shall be paid over to the treasurer and by him be placed to the credit of the water works account.

By-laws for

(2) The corporation may make and enforce all necessary by-laws, rules, and regulations not inconsistent with this Act

management
of water
works

(a) for the general maintenance and management of the water works, and the conduct of the officers and others employed by it;

collection of
rates, fixing
time of
payment,
allowing
discounts,

(b) for the collection of the water rents and water rates;

(c) for fixing the time and times when, and the place where, the rates and rents shall be payable;

enforcing
payment.

(d) for allowing a discount for prepayment of, and increase in case of default in payment of, the rates and rents; and

(e) for enforcing payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupant, or of any goods or chattels in his possession wherever they are found within the city, or of any goods or chattels found on the premises the property of, or in the possession of, any other occupant of the premises.

Distress
and sale.

(3) Any such distress and sale shall be conducted in the same manner as sales are conducted for arrears of city taxes, and the costs chargeable shall be those payable to bailiffs under The County Courts Act, but the attempt to collect such rates by any process hereinbefore mentioned does not in any way invalidate the lien upon the premises.

Use of officials
to carry out
this act.

50. (1) The corporation may employ the tax collector, assessor, and such other persons as in its opinion may be necessary, to carry out the object of this Act and may specify the duties of persons so employed and fix their compensation.

Terms of
employment
and powers.

(2) All such persons shall hold their offices at the pleasure of the corporation or as it shall determine by by-law or

resolution in that behalf, and shall give such security as the corporation shall from time to time require.

Powers of
tax collector,
etc.

(3) The tax collector, assessor, and other persons shall have as full power in the performance and enforcement of the matters to them committed, as the tax collector and assessor possesses and enjoys on the coming into force of this Act.

Penalty for
obtaining
water with-
out consent.

51. Any person who lays or causes to be laid any pipe or main to communicate with any pipe or main of the water works, or in any way obtains or uses any water therefrom without the consent of the corporation shall forfeit and pay to the corporation, for water works purposes, the sum of one hundred dollars, and also a further sum of five dollars for each day the pipe or main so remains, which sum, together with cost of suit in that behalf, may be recovered by civil action in any court of competent jurisdiction.

By-laws res-
pecting the
use of water.

52. The council may pass such by-laws as it deems advisable and necessary,

(a) for prohibiting, on penalty of a fine not exceeding twenty dollars or imprisonment not exceeding one month, on conviction by a justice of the peace, any person who is an occupant, tenant, or inmate, of any building supplied with water from the water works from

(i) selling or disposing of the water therefrom;
or

(ii) giving it away or permitting it to be taken or carried away; or

(iii) using or applying it to the use or benefit of others or to any other than to his own use or benefit; or

(iv) increasing the supply of water respecting which an agreement has been made with the city; or

(v) wrongfully neglecting or improperly wasting the water;

(b) for regulating, directing, or determining

(i) the time, manner, extent, and nature of the supply of water from the water works; or

(ii) the buildings to which, or parties to whom, water shall be furnished; or

(iii) the price to be paid therefor; or

(iv) any other matter or thing relating thereto or connected therewith that the council may deem it necessary or advisable to regulate, direct, or determine;

(c) for providing to the inhabitants of the city continuous and abundant supply of pure and wholesome water; and

(d) for preventing the practising of frauds upon the corporation with regard to the water so supplied.

Laying pipes between street and building.

53. (1) Where a vacant property intervenes between the outer line of the street and the wall of a building into which water is to be taken, the corporation may with the consent of the owner, lay the service pipes across the vacant property, and charge the cost thereof to the owner of the premises supplied; or the owner may himself lay the service pipes if the work is done to the satisfaction of the city engineer.

Payment of cost.

(2) The expense incidental to the laying of such service pipes, if laid by the corporation or of superintending the laying thereof, if laid by any other person, shall be payable on demand to the corporation, or if not so paid may be collected forthwith in the same manner as water rates.

Cost of superintendence.

(3) In any one case, the expenses of superintending the laying of service pipes, if laid by any other person as aforesaid, shall not exceed one dollar.

Approval of taps by city.

54. Any person supplied with water by the corporation may be required to place only such taps for the drawing and shutting off of the water as may be approved by the corporation.

No liability for damages from breaking of service pipes, etc.

55. The corporation shall not be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water, to repair mains or to tap the pipes.

Powers of entry upon premises receiving water.

56. The officers of the corporation, and every person authorized by them for that purpose, shall have free access, at proper hours of the day and upon reasonable notice given and request made for that purpose, to all parts of every building to which water is delivered and also, at the same hours and with the like notice, may enter into and upon the lands and houses of any person or corporation, for the purpose of erecting water meters therein and for the purpose of inspecting or altering them.

Penalty for unlawfully interfering with hydrants, etc.

57. Any person not in the employment of the corporation, or not being a member of the fire brigade of the corporation and duly authorized in that behalf, who wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stop-cock, chamber, or hydrant chamber by placing on it any building material, rubbish, or otherwise, is guilty of an offence and liable, on summary conviction before a justice of the peace, to a fine for each offence not exceeding twenty dollars or in default of payment to imprisonment for a term not exceeding thirty days; and each time a hydrant is so interfered with, and each day such an obstruction continues is a separate offence.

Construction of service pipes.

58. (1) All service pipes that may be required shall be constructed and laid down, up to the outer line of the street, by the corporation which shall be solely responsible for keeping them in repair.

Cost of maintenance.

(2) The owners of the premises to which the service pipes may extend, shall pay to the corporation the cost of constructing and laying down the service pipes; and that cost shall be a charge on the premises and shall be payable on demand by the corporation, and if not so paid may be collected in the same manner as water rents or rates.

Repairs to service pipes may be done by city at owner's expense.

59. (1) A service pipe (including its fittings), from the control valve to the point within the building where the consumption of water is measured by the city, shall not be interfered with by the owner of the building or his tenant or agent excepting to make necessary repairs thereto, and if any damage is done to this portion of the service pipe or its fittings, either by neglect or otherwise, and the owner fails to make the necessary repairs, the city, in addition to its other remedies, may repair the same and charge the cost to the occupant or owner of the premises.

Work on owner's premises.

(2) The city may also do any other work on the owner's premises necessary to safely and efficiently maintain a supply of water thereto and therein and may charge the cost of such work to the owner.

Power to collect cost of work.

(3) The city shall have the same rights in enforcing payment of the cost of any work done by it hereunder as it has in collecting rates for water supplied.

Work must satisfy city engineer.

(4) Any work done by the owner as herein provided shall be done to the satisfaction of the city engineer.

Meters.

60. The corporation may set up in any building or place, and use, a meter for the purpose of gauging the quantity of water used in the building or place.

Arrangements touching extension of water service into suburbs.

61. (1) The corporation may arrange with any person for the extension of pipes in suburbs or partially built portions of the city, by allowing a deduction from the price charged for the water, to such extent as the corporation sees fit, on the cost of the pipes when laid by that person under the direction of the corporation and subject to approval.

Power to lay pipes and charge interest on cost.

(2) The corporation may lay the pipes charging the persons concerned, in addition to the water rate, a yearly interest upon the cost of the extension, which interest or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner, as the water rates.

By-laws for extension of water service and for levy for cost.

62. (1) The corporation may provide, by by-law of the council, for the supplying of water from the water works to the residents of any specified locality within the city, where the watermains are not laid, and may levy the cost of all works and appliances made, constructed, or supplied, for the purpose of supplying water as aforesaid to the residents of the locality, by special rate upon the lands situated within the locality, in such manner, and in such proportions, as the council may by by-law determine.

Water rates payable.

(2) The council may also by by-law determine what water rates shall be payable by each user of the water in such a locality for the use thereof.

Replacement or repair of water works.

63. (1) The corporation may, by by-law of the council, provide for the replacement or repair of any portion of the water works and raise the necessary moneys therefor by way of debentures; and such a by-law does not require approval by vote of the ratepayers of the city.

Levy on part or whole of locality.

(2) The corporation may, by by-law of the council, provide that the cost of such replacements or repairs shall be levied by a frontage tax on any specified locality within the city, or generally on the whole locality within the city served by the water works.

Disposal of revenues.

64. The revenues arising from or out of the supplying of water or from the real or personal property connected with the water works, after providing for the expenses of opera-

tion and maintenance and for the depreciation, obsolescence, and replacement of the water works, shall be paid over to the treasurer as hereinbefore provided and shall be part of the general funds of the corporation.

Limitation
of actions
arising under
this Act.

65. Where an action or suit is brought against any person for anything done under sections 38 to 56, it shall not be brought after the six months next after the Act is committed have expired; or in case there is a continuation of damages, after one year from the time the original cause of such action arose.

MUNICIPAL REGULATIONS

Regulation of
of gasoline
systems, oil
furnaces, etc.

66. The council may pass by-laws

(a) prohibiting, regulating, and governing the installation, inspection, and operation, of oil burning furnaces or of gasoline system for light, heat, power or other purposes and of all overhead, underground, exterior, and interior works and the apparatus connected therewith;

(b) for prescribing the appliances, devices and conditions deemed necessary for the safety of the operators of such systems of property, and of the public;

(c) for prohibiting the use of materials, methods of installation, storage, conduction, and operation deemed injurious to health or safety;

(d) for prescribing methods and appliances;

(e) for making such general regulations respecting gasoline systems and appliances as are deemed necessary for the safety of persons and property;

(f) for enforcing any and all such regulations;

(g) for appointing one or more inspectors, who shall have the right to enter upon the premises of persons, firms, or corporations using such systems at all reasonable times;

(h) providing for the removal or disconnection of, or prohibiting the use of, unsafe or dangerous appliances connected with any such system; and

(i) for assessing the costs of such inspection upon the users of any such system.

By-laws
regulating
excavations.

67. The council may, by by-law

(a) regulate the making of excavations in or upon vacant lots within the city;

(b) require persons intending to make any such excavations before doing so, to obtain a permit from such official of the city as may be named in the by-law;

(c) require any lot in or upon which any excavation is made to be fenced or barricaded in such manner as the council by by-law may determine;

(d) prohibit any person from making any such excavation or doing any work upon any such excavation, unless a permit is first obtained as hereinbefore provided and any conditions imposed in regard thereto fulfilled.

Gravel pits
and refuse
disposal.

68. The council may by by-law provide for the purchase of land outside the city on which to open up and operate a gravel pit, and for disposal of refuse and garbage, and may make regulations for the operation and maintenance thereof.

Protecting
streets and
highways.

69. The council may, by by-law, prohibit the use of any street or highway, or portion thereof, within the city, by traction engines, circus or carnival wagons, motor trucks or buses, or vehicles so constructed as to be likely to damage the street or highway, and may provide for the enforcement thereof in accordance with the provisions of The Municipal Act respecting enforcement of by-laws.

By-laws re
parking
meters.

70. (1) The council may pass by-laws for installing, maintaining, regulating and charging fees for the use of parking meters in any or all of the streets of the city.

Disposal of
revenue from
meters.

(2) All fees obtained by the corporation through parking meters, over and above the sum used for the retirement of the purchase price of the meters and their maintenance from time to time, shall be kept in a separate fund to be expended for the improvement of motor traffic and parking facilities within the city and no withdrawals from that fund may be made for any purpose other than as specified in this section.

Local im-
provements
levied over
whole city.

71. The council, without advertisement or submission thereof to the electors, may pass by-laws providing that railway trackage and local improvements, including the con-

Holidays.

(3) In reckoning time for the purpose of this Act, a holiday as defined by The Interpretation Act, shall be excluded from the computation when the time is eight days or any shorter period, and shall be included in the computation when the time is any longer than eight days.

Computing time.

(4) In computing the time from or after the happening of an event within which according to this Act something may or shall be done, or the converse, the day on which the event happened shall be excluded.

Power of appointment includes power to terminate.

(5) The power to appoint an officer or employee of the city or a member of a committee, commission or other body, includes the power

(a) of removing or suspending him;

(b) of reappointing or reinstating him;

(c) of appointing another in his stead or to act in his stead; and

(d) of fixing and authorizing the payment of his remuneration and varying or terminating it;

in the discretion of the council, subject to any provision of this act or The Municipal Act requiring notice.

Conflict of by-law with statute.

3. A by-law passed under this Act that conflicts with any statute of the province or any regulation passed thereunder shall be invalid to the extent that it so conflicts.

INCORPORATION

City of Kildonan incorporated.

4. (1) The inhabitants of the area heretofore incorporated as the Rural Municipality of East Kildonan, shall continue to be a body corporate and shall be a city with the name: "The City of East Kildonan"; and shall have all rights, and be subject to all the liabilities of a corporation, and especially may acquire, hold, and alienate both real and personal estate for all municipal purposes; and by the same name it and its successors shall have perpetual succession; and it may sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law, and in equity whatsoever; and it shall have a common seal, with power to alter and modify it at its will and pleasure.

Seal.

Powers as to property and contracts.

(2) The corporation shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or personal, for the use of the corporation,

struction of sidewalks, roads, sewer and water systems, may be installed for the purpose of serving any manufacturing industry to be established in the city, and the cost thereof levied over the whole of the city for such period as council by the by-law may provide.

Procedure for
taking lands
for public
works.

72. (1) Where the council desires to enter upon any public work or undertaking or to implement the provisions of a town planning scheme in the pursuance of which any real property may be entered upon, taken or used by the corporation in the exercise of any of its powers, or may be injuriously affected by the exercise of its powers, the council may file plans and specifications of the work or undertaking, or certified copies thereof, with the clerk, who shall, on receiving them, issue a notice setting out the council's intention to proceed with the work or undertaking, and to enter upon, take or use the lands necessary therefor, and that the plans and specifications have been filed with him and may be inspected at his office, and that all claims for damages by reason of the proposed work or undertaking must be filed with him within sixty days from the service of the notice, and that the owners, occupiers, or other persons, must file with the said clerk, within that period of sixty days, their claims for damages for any of the causes aforesaid, showing the amount thereof, or that in default thereof any claim for such damages will be barred.

Service of
notice.

(2) The clerk shall cause the notice to be served upon the owners and occupiers of, or other persons interested in the real property to be so taken, entered upon, or used as aforesaid, or which may be injuriously affected as aforesaid.

Power to take
security for
land sold.

73. The corporation may acquire and hold mortgages, hypothecs, liens and charges to secure the payment of the purchase price of any land sold by the corporation or of any money due to it from the purchasers of any such land or any advance made by it to the purchasers of any such land.

Application
of The Town
Planning Act.

74. (1) The Town Planning Act applies to the city; and the corporation may inaugurate a town planning scheme under that Act within the city and may appoint a responsible authority under that Act.

Former town
planning
scheme.

(2) The responsible authority under the East Kildonan Town Planning Scheme 1924 shall continue to have authority and jurisdiction under that scheme in the city; and that scheme applies to the city.

Liability
under con-
tracts of rural
municipality.

75. All existing contracts entered into by the Rural Municipality of East Kildonan before the coming into force of this Act, are hereby declared to be valid and subsisting, and The City of Kildonan shall assume the obligations under all of those contracts as if The City of Kildonan were one of the original parties to the contracts.

BUSINESS ASSESSMENT AND TAX

Business
assessment.

76. (1) The council may by by-law provide that a business assessment shall be made and thereupon the by-law shall apply to the assessment and taxation of persons carrying on business in the city and to the assessment and taxation of oil, natural gas and salt production equipment and gas transmission lines and to personal property of the nature or kind described in the by-law, of such persons carrying on such a business.

Exemption of
personal
property.

(2) When such by-law has been passed, no personal property within the city owned and used by any such person in carrying on any such business except as in this Act mentioned and except as specifically provided in the by-law, shall be liable to taxation or be assessable for taxation purposes.

Trades and
business
places on
which busi-
ness tax
imposed.

77. (1) On the passing of a by-law under section 76, the council shall forthwith impose and levy, by by-law, a tax to be called a "business tax" on

(a) traders and manufacturers and fuel dealers;

(b) all financial and commercial institutions including banks, chartered or private, loan companies, insurance companies and all persons whose business consists in dealing in money;

(c) all warehousemen and persons operating storage houses;

(d) all persons or corporations carrying on or operating a railway, telegraph, express or railway trucking business;

(e) all persons engaged in any occupation, art, profession or means of profit or livelihood.

Assessment
of business
tax.

(2) For the purpose of levying the business tax authorized under section 76 the assessor shall classify, in accordance with the classifications hereinafter set forth, the business of

each person carrying on business in any premises in the city, according to the principal business carried on by him therein; and every such person shall in each year pay to the city a business tax based on the assessed annual rental value of the premises occupied or used by him for the purpose of such business and at such rate per centum of said value as is applicable to the class in which such business falls, as shewn on the business assessment roll, the rates within such class varying according to the assessment where hereinafter indicated.

Classes
and rates.

(3) The classes mentioned in subsection (1) and the respective rates applicable thereto shall be as follows:

CLASSES

- A. Art Teacher, Auto Wrecker,
Baker (no daily delivery), Barber, Boat Builder, Bottle Washer,
Cabinet Maker, Carpenter, Caterer,
Dancing Teacher, Dramatic Teacher, Dressmaker,
Electrician, Elocution Teacher,
Floor Finisher, Furnace Installer,
Glass Grinder, Glazier,
Hairdresser,
Iron Worker,
Jeweller, Junk Dealer,
Landscape Gardener, Linotyper, Locksmith,
Machinist, Manicurist, Masseur, Music Teacher,
Painter, Paper Ruler, Pawnbroker, Photo Engraver, Photographer,
Picture Frammer, Plasterer, Plumber,
Repairer of any article, Rug and Carpet Cleaner,
Sausage Maker,
Tailor, Tilesetter, Tinsmith, Tool Sharpener, Transferman,
Upholsterer,
Vulcanizer,
Watchmaker, Welder, Window Cleaner, Woodworker,

and all Retail Merchants, including, without limiting the generality of the foregoing, Retail Dealer in

- Auto Accessories, Automobiles and trucks, Aeroplanes, Antiques,
Beekeepers' Supplies, Books and Paintings, Boots and Shoes,
Builders' Supplies,
Candies, Carpets, Cigars, Clothing, Coffee, Costumes,
Drugs, Dry Goods,
Electrical Supplies, Eggs,
Fish, Flowers, Fruit, Fuel, Furs,
Gramophones, Groceries,

Hardware, Hats, Herbs,
Ice Cream,
Lumber,
Machinery (new or second hand), Magazines, Meats, Millinery,
Musical Instruments,
Office Supplies,
Paints, Pastries, Poultry,
Radios, Rugs,
Second Hand Goods, Second Hand Material, Seeds, Soap, Soft Drinks,
Sporting Goods, Stationery, Surgical Supplies,
Tea, Television, Tires, Tobacco,
Wall Paper

Proprietor or Conductor of a Restaurant (which term wherever used herein includes cafe and tea room) but not including any person, firm, partnership, corporation, or company described in any of the classes B to J, both inclusive.

Proprietor, Conductor or Producer of

Auto Storage,
Baths, Beauty Parlour, Beauty Parlour School, Box Lunches,
Cartage, Chicken Hatchery,
Dog Kennel, Dressmaking School,
Greenhouse,
Kindergarten,
Lending Library, Light Delivery and Messenger Service,
Parking Lot,
Service Garage, Storage Garage, Storage Yard,
Taxi Stand.

(1) Assessment		to	\$ 720.	5 %
(2) Assessment	\$ 721.	to	1,500.	5½%
(3) Assessment	1,501.	to	3,000.	6 %
(4) Assessment	3,001.	to	5,000.	6½%
(5) Assessment	5,001.	to	10,000.	7 %
(6) Assessment	10,001.	to	20,000.	7½%
(7) Assessment	20,001. and over			8 %

Provided that notwithstanding anything contained herein and the assessments and rates hereinbefore set out, there shall be a minimum tax of \$25.00 under this classification "A".

B. Accountant, Advertising Agent, Analytical Chemist, Appraiser,
Architect, Auctioneer, Auditor,
Bailliff, Barrister, Builder (General), Building Mover, Building
Wrecker,
Chiropracist, Chiropractor, Consulting Engineer,
Dental Mechanic, Dentist,

Electrical Engineer, Electro-Therapeutist,
Insurance Agent,
Mining Engineer, Multigrapher,
Physician, Physiotherapist,
Real Estate Agent, Rental Agent,
Sign Writer, Solicitor, Surgeon, Surveyor,
Veterinary,

(1)	Assessment		to	\$ 720.	5½%
(2)	Assessment	\$ 721.	to	1,500.	6 %
(3)	Assessment	1,501.	to	3,000.	6½%
(4)	Assessment	3,001.	to	5,000.	7 %
(5)	Assessment	5,001.	to	10,000.	7½%
(6)	Assessment	10,001. and over			8 %

Provided that notwithstanding anything contained herein and the assessments and rates hereinbefore set forth, there shall be a minimum tax of \$25.00 under this classification "B".

C. Proprietor or Conductor of

Hotel (including any premises where rooms are rented by the day and there is accommodation for ten or more roomers or guests),
Tourist Camp,

D. Assembler, Auto Body Builder,

Cleaner,

Dyer,

Exporter,

Fur Dealer,

Grocery Broker,

Importer,

Jobber,

Manufacturer, Manufacturers' Agent carrying complete Stock,

Manufacturing Chemist,

Wholesale Dealer in any Commodity, except oil and gasoline,

Undertaker,

Proprietor or Conductor of

Cold Storage Plant,

Dry Cleaning,

Foundry,

Gasoline Filling Station,

Laundry,

Manufacturers' Branch carrying complete stock,

Public Utility (offices and salesroom only).

(1)	Assessment		to	\$ 2,500.	5½%
(2)	Assessment	\$ 2,501.	to	5,000.	6 %
(3)	Assessment	5,001.	to	10,000.	6½%

(4)	Assessment	\$10,001.	to	\$20,000.	7 %
(5)	Assessment	20,001.	to	50,000.	7½ %
(6)	Assessment	50,001.	and over		8½ %

E. Publisher, Printer, Bookbinder,

(1)	Assessment		to	\$ 1,500.	5 %
(2)	Assessment	\$ 1,501.	to	3,500.	5½ %
(3)	Assessment	3,001.	to	5,000.	6 %
(4)	Assessment	5,001.	to	10,000.	6½ %
(5)	Assessment	10,001.	to	20,000.	7 %
(6)	Assessment	20,001.	and over		8 %

F. Manufacturer's Agent not carrying complete stock,
 Manufacturer (branch only) not carrying complete stock, 8 %

G. Bank or banker, finance company, insurance company, investor,
 investment company, land company, loan company, money lender,
 money changer, or trust company 10 %

H. Wholesale Dealer in Oil and Gasoline 9 %

I. Billiard Rooms, Bowling Alleys,
 Places of Public Amusement 5 %
 Theatres

(1)	Assessment		to	\$ 5,000.	5 %
(2)	Assessment	\$ 5,001.	to	10,000.	5½ %
(3)	Assessment	10,001.	and over		6 %

J. Operators of any premises licensed to sell, beer, wine, or liquor
 under the provisions of The Liquor Control Act. Provided that,
 notwithstanding anything hereinbefore contained, this rate shall
 apply whether or not such sale is the principal business carried on
 in the premises. 15 %

K. Owner, Proprietor, or Conductor of any business not included
 in other classes. 10 %

Exemptions
 from business
 tax.

(4) Subject to subsection (5), a business tax based on the
 rental value of property shall not be imposed and levied on
 any person owning or operating

(a) oil, natural gas, or salt production equipment;
 or

(b) a gas transmission line; or

(c) the personal property described in the by-law
 passed under section 76;

but the property shall be assessed and taxed as personal prop-
 erty.

Personal
 property tax.

(5) Notwithstanding subsection (4), the council may
 provide for a business assessment and business tax on

(a) any building, plant, warehouse, or storage yard and used and operated for the purpose of obtaining and producing oil, natural gas, or salt underlying the surface of land; or

(b) any building, plant, warehouse, or storage yard used for the refining or marketing of oil or oil products; or

(c) any building, plant, warehouse, or storage yard used for the manufacturing, refining or marketing of gas or salt; and personal property stored in such a building, plant, warehouse or storage yard.

Annual rental value and assessment.

78. (1) Annual rental value for the purposes of this Act includes the cost of providing heat and other services necessary for comfortable use or occupancy, whether they are provided by the occupant or owner.

Factors to be considered.

(2) In assessing 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.

Intention of section.

(3) The intent and purpose of this section is that all persons subject to business tax shall be assessed at a fair rental value of the premises occupied or used, based in general upon rents being actually paid for similar premises.

Filling stations.

79. The business assessment in respect of gasoline filling stations may be against either the occupant thereof or the firm, partnership, association, corporation or company, the sale of whose products is the principal business carried on by the occupant.

Tax on businesses not otherwise liable.

80. (1) The council, in lieu of business tax, may pass by-laws for imposing upon, and collecting from, persons carrying on business within the city who are not otherwise liable for the business tax, a fee or tax not exceeding fifty dollars in respect of each business so carried on; and such a fee or tax shall be deemed to be and shall be collected as, business taxes.

Personal property tax in lieu of business tax.

(2) The council in lieu of business taxes may by by-law provide that oil, natural gas and salt production equipment, gas transmission lines or personal property of the nature or kind described in the by-law, shall be assessed and taxed as personal property; but the rate of taxation imposed against

personal property assessed and taxed under this section shall not exceed the rate of taxation imposed by the city against real estate or personal property assessed and taxed under this Act or The Municipal Act.

Payment
of taxes.

81. The treasurer or tax collector may receive payment of business and special taxes for which provision is made by this Act.

Revision of
business
assessment.

82. In each year the court of revision shall sit for the hearing of complaints from the business assessment at the same time as that fixed for hearing complaints from the general assessment; and in all other respects the preparation, revision and the coming into force of the business assessment roll shall be the same as in the case of a general assessment.

DANGEROUS BUILDINGS

Dangerous
buildings,
city may order
demolition.

83. (1) The city may pass by-laws providing

(a) that any building which is in a dangerous condition in that it is liable to fall, or be set on fire, or to cause an explosion, or to cause damage or injury to any person or property, or which, in the case of a well, excavation or opening, is not properly covered or guarded, or which, in the opinion of the inspector of buildings, is so dilapidated, out of repair, or otherwise in such condition that it is a trap for persons or animals or an unduly depressing factor in the value of property in the neighborhood shall not be allowed to remain in such condition but shall be demolished, guarded or put in a safe condition, to the satisfaction of the said inspector;

(b) that if, in the opinion of such inspector, a building is in a dangerous condition as set out in clause (a) or is not properly covered or guarded, the inspector may give notice as prescribed by by-law to the owner, occupier, agent or person in charge of such building, requiring him to at once have the same demolished, guarded, covered or put in a safe condition to his satisfaction;

(c) that, without affecting any other remedy which the city may have, on default of compliance with such notice, the inspector of buildings may cause the building to be demolished, removed, and whether demolished or otherwise, covered, guarded or put in a safe condition,

as may by him be deemed expedient or necessary, and that the cost of such work may be recovered by the city by summary process of law, and shall also be a lien upon the building and the materials thereof and upon the lot or parcel of land occupied thereby, and the cost, when certified by the inspector, may be added to the taxes on the land or building, and collected in the same manner as the ordinary municipal rates of the city.

Sale of
materials
from
demolition.

(2) If upon non-compliance with any such notice the inspector shall cause the building to be demolished, the city may sell the material, fixtures and other salvage therefrom and apply the price received therefor toward paying the cost of the demolition, and the balance, if any, toward paying any taxes owing in respect of the property, and any balance then remaining shall be paid to the mortgagees, encumbrancees and lienors, if any, in the order of their priority, and the surplus, if any, shall be paid to the owner of the property.

Demolition
subject to
regulations.

(3) All work of repair, demolition or removal or otherwise, required by any by-law passed hereunder, or by any notice issued pursuant thereto, shall be subject to all regulations of the city applicable to such work.

Appeals from
inspector.

84. The city may appoint a committee of members of the council to hear and determine appeals from the decisions of the inspector of buildings or other officer performing like duties, as to the issue of permits, the prevention of the construction or occupation of buildings and the pulling down or removal of buildings and the decisions of such committee, upon all such appeals, as to matters within the jurisdiction or authority of a by-law, shall be final.

GENERAL

The Municipal
Act to apply.

85. All the provisions of The Municipal Act apply to the city to the same extent as if those provisions were incorporated in, and formed part of, this Act, except in so far as they are repealed, amended, or varied by this Act, or are inconsistent with this Act.

Repeal of
section 54 of
The Municipal
Boundaries
Act.

86. Section 54 of The Municipal Boundaries Act, being chapter 176 of the Revised Statutes of Manitoba, 1954, is repealed.

Commence-
ment of Act.

87. This Act comes into force on the first day of July, 1957.

WINNIPEG

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and of becoming a party to any contracts or agreements in the management of the affairs of the corporation.

Disposal of
land when
no longer
required.

(3) Any land or building owned by the city may be leased, or if found to be unnecessary for public purposes, may be sold by private sale or auction for cash or on terms or in exchange for other land or other consideration, and the city may accept and register mortgages on land so disposed of as security for the whole or part of the consideration therefor, and may specify by by-law how a lease, transfer, agreement for sale, notice of cancellation, or other document required in the exercise of the powers herein granted, shall be executed, and may specify in what cases a by-law shall or shall not be required as authority therefor.

When street
closed land
may be dis-
posed of.

(4) Except as provided in subsection (5), land occupied by a street may, when the street is closed by the city, be dealt with in the same way as other land owned by the city.

After offering
same to
adjoining
owners.

(5) The city shall not sell, at any stated price, the land previously occupied by a street, to persons other than the owner of the adjoining land, without first offering it to such owners at the same or a less price.

Lands of R.M.
of East
Kildonan.

(6) This Act is, and shall in all respects be treated, for the purposes of the Winnipeg Land Titles Office and of any and all transactions therein and of the officers administering it, as a legal and valid grant, conveyance, transfer and assignment to The City of East Kildonan, of any and all lands or interests in lands and of any and all liens, charges and encumbrances whether under The Real Property Act or any system of registration now or hereafter standing in the name of or vested in the Rural Municipality of East Kildonan; and it is not necessary to register or file or issue any further or other instrument, document or certificate or to make any entry showing the transmission or assignment of title from the Rural Municipality of East Kildonan to The City of East Kildonan of any such property or in the case of lands under The Real Property Act, to have certificates of title issued in, or to have any lien, charge or encumbrance transmitted to the name of The City of East Kildonan, nor is it necessary in any instrument or document whereby The City of East Kildonan 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.

Boundaries
of the city.

5. The city shall comprise those portions of Lots 66 to 84, both inclusive, of the parish of Kildonan lying to the west of the eastern boundary of the right-of-way of the Canadian Pacific Railway (Main Line) according to Plan No. 78, Winnipeg Land Titles Office, Selkirk Division; and all of Lots 85 to 97, both inclusive in the said parish, excepting out of said Lot 97 all that portion thereof which lies to the west of the western limit of the main highway (Henderson Highway) as shown on a plan filed in the Winnipeg Land Titles Office as No. 1226.

Sec. 6
repealed and
substituted.

1. Section 6 of The East Kildonan Charter, being chapter 80 of The Statutes of Manitoba, 1957, is repealed and the following is substituted therefor:

Wards.

6. The city is divided into three wards numbered respectively, "1", "2" and "3", and consisting respectively 10 of the following lands:

Ward 1:

All those portions of River Lots 86 to 90 both inclusive of the Parish of Kildonan, in Manitoba, lying between the eastern limit of the right-of-way of the Canadian Pacific 15 Railway as said right-of-way is shown on a plan registered in the Winnipeg Land Titles Office as Plan No. 78 and the Red River; and all those portions of River Lots 91 to 97 both inclusive of the said Parish lying between the eastern limit of Roch Street and the Red River, excepting out of 20 said River Lot 97 all that portion thereof which lies to the west of the western limit of the main highway (Henderson Highway) as shown on a plan filed in the Winnipeg Land Titles Office as No. 1226.

Ward 2:

25

All those portions of River Lots 66 to 85 both inclusive of the Parish of Kildonan, in Manitoba, lying between the eastern limit of the right-of-way of the Canadian Pacific Railway as said right-of-way is shown on a plan registered in the Winnipeg Land Titles Office as No. 78 and the Red 30 River.

Ward 3:

All those portions of River Lots 85 to 90 both inclusive of the Parish of Kildonan, in Manitoba, lying between the eastern limit of the right-of-way of the Canadian Pacific 35 Railway as said right-of-way is shown on a plan registered in the Winnipeg Land Titles Office as No. 78 and the west-

ern limit of the Birds Hill Road; and all those portions of River Lots 91 to 97 both inclusive of said Parish lying between the eastern limit of Roch Street and the western limit of the Birds Hill Road.

*Amended
at 1961
session*

office for two years and the other elected under subsection (2), for one year.

Polling sub-
divisions.

(4) The city may by by-law duly passed, in any year prior to the first day of March, divide any ward territorially into two or more polling subdivisions, and the council shall, from time to time, by by-law, appoint a polling place for each such polling subdivision.

Polling sub-
divisions of
R.M. of East
Kildonan
continued.

(5) Until changed by by-law of the council, the polling subdivisions for election purposes as constituted for the various wards of the Rural Municipality of East Kildonan shall, on the coming into force of this Act, remain the polling subdivisions for the various wards of the city.

THE CITY COUNCIL

Exercise
of powers.

8. The powers of the city under this Act shall be exercised by the council.

Members of
council.

9. The council shall consist of the mayor, to be elected from the city at large, and six or more aldermen, two of whom shall be elected from each of the wards of the city.

Members,
officers, by-
laws, con-
tracts, etc.,
continued.

10. The mayor and members of the council and the officers, by-laws, contracts, property, assets and liabilities of the Rural Municipality of East Kildonan when this Act comes into force, shall be the mayor and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the corporation as continued under or altered by this Act, subject to this Act.

Qualification
of members
of council.

11. (1) The only persons eligible for election as mayor or aldermen are those who are

(a) natural born or naturalized subjects of Her Majesty and of the full age of twenty-one years;

(b) able to read and write the English language;

(c) not subject to any disqualification under The Municipal Act;

and

(d) owners respectively, at the time of the election, of a freehold estate in land, rated as such at the time of the election, in their own names respectively, on the latest revised assessment roll of the city to the value of at least five hundred dollars, and including persons who are joint owners of real property if the real property

Idem.

Form of
electors' roll.

Idem.

(2) The electors' roll shall be in the following form or to the like effect:

RESIDENT ELECTORS' ROLL

for the year 19.....

Ward No.

Polling Subdivision No.

Sheet No.

Post Office	Address of Premises	Description and Value of Real Property				
Avenue Street	House No.	Lot	Block	D.G.S.	Plan	Last Revised Assessment \$

POPULATION

(a) Total No. of persons in residence on the premises at this date-----	(b) If a public institution—No. of students, patients, or prisoners included in (a) who are not bona-fide East Kil-donan citizens-----
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LIST OF PERSONS ENTITLED TO HAVE THEIR NAMES PUT ON
THE LIST OF ELECTORS FOR THE YEAR 19-----

Name	Occupation or Other Identification	Owner	Wife or Husband of Owner	Other Qualified Electors	M—Married S —Single W—Widow or Widower

Persons now under 21 years of age who will be entitled to
have their names put on the list for the next ensuing year

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Appointment
of enumer-
ators.

(3) For the purpose of making the electors' roll, the asses-
sor shall engage one or more enumerators for each ward, as
he may by by-law be directed, and they may be paid such
remuneration as may be provided by by-law.

Duties of
enumerators.

(4) The enumerators shall, commencing on a day to be
fixed by by-law, visit each residence within the ward for
which they are appointed, for the purpose of obtaining the
names and addresses of every man and woman who is quali-
fied under this Act to have his or her name placed on the list
of electors and such other particulars as are required by the
form set out in subsection (2).

Information
to be
furnished
enumerators.

(5) Every person shall furnish to the enumerators any
information in his possession necessary to enable the enumera-
tors to perform their duties; and if a person fails to do so
within one week after being required in writing by the
assessor to do so, or if he furnishes false information, he is
guilty of an offence and liable, on summary conviction, to a
fine not exceeding fifty dollars.

Qualification
of electors.

13. Every person, male or female, who

(a) is a natural born or naturalized subject of Her Majesty;

(b) is, or will be on or before the day of the next election, of the age of at least twenty-one years, and

(c) on the date of the next election will have resided in the city for at least six months, or if a non-resident, owns real property in the city to the value of at least one hundred dollars;

is entitled to have his or her name placed on the list of electors.

Non-resident
electors.

14. (1) The assessor shall not include in the electors' roll the names of persons who do not reside within the city but who would otherwise be entitled to vote at an election.

Certificate
for non-
resident
voter.

(2) Any such person who appears by the assessment roll to have the right to vote at an election may apply to the clerk for a certificate, which certificate shall be in the words following, or to the like effect as the circumstances require:

CERTIFICATE OF CLERK

NON-RESIDENT VOTER

I, _____ Clerk of The City of East Kildonan, hereby certify that I have examined the assessment roll for the year 19..... and find that appears by the assessment roll to be entitled to vote at this election as an elector or ratepayer.

Dated this..... day of..... 19.....

Signature of Clerk

Voting on
certificate.

(3) Upon a person claiming to vote presenting a certificate issued under subsection (2), and, if requested at an election, taking the oath of an elector, or if voting on a by-law, the oath of a ratepayer, the returning officer or deputy returning officer shall, upon the request of the person named in the certificate and claiming to vote, permit him to vote at the polling place named in the certificate; but if the person refuses or neglects to deliver the certificate to the returning officer or deputy returning officer, or upon request refuses to take the required oath, he shall not be entitled to vote at the election or on the by-law.