

APPENDIX

Municipal Government Act

CITY OF _____ CHARTER REGULATION

This section contains the table of contents and describes the general intent of the regulation.

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Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Municipal Government Act*;
- (b) “City” means the City of _____;
- (c) “municipality” means a municipality as defined in the Act.

(2) A reference to a “city” in a provision of an enactment that is modified by this Regulation is to be read as a reference to the City of _____.

Enactments continue to apply

2 Except as otherwise provided by this Regulation, all enactments that apply to a municipality continue to apply to the City.

Establishment of charter



	<p>3 The City of _____ Charter is established by this Regulation.</p> <p style="text-align: center;">Municipal Government Act</p> <p>Modification of Act</p> <p>4(1) This section modifies the Act as it is to be read for the purposes of being applied to the City.</p>
Environment as it relates to land use as a matter for passing bylaws	
<p><i>MGA Section 7 addresses the ability to pass bylaws.</i></p> <p><i>This provision expands the matters for which the cities can make bylaws, to incorporate a number of environmental matters.</i></p>	<p>(2) Section 7 of the Act is to be renumbered as section 7(1), and</p> <p>(a) in subsection (1),</p> <p>(i) the following is added after clause (h):</p> <p>(h.1) the well-being of the environment, including bylaws providing for the creation, implementation and management of programs respecting any or all of the following:</p> <ul style="list-style-type: none">(i) contaminated, vacant, derelict or under-utilized sites;(ii) climate change adaptation and greenhouse gas emission reduction;(iii) environmental conservation and stewardship;(iv) the protection of biodiversity and habitat;(v) the conservation and efficient use of energy;(vi) waste reduction, diversion, recycling and management;
Bylaw fines	
<p><i>This provision increases the maximum allowable fine amount the cities can issue for serious bylaw</i></p>	<p>(ii) in clause (i),</p> <p>(A) subclause (ii) is to be read as follows:</p>

<p><i>violations.</i></p> <p><i>The increased maximum only applies to egregious offences as defined here.</i></p>	<p>(ii) for each offence, imposing imprisonment for not more than one year or a fine not exceeding</p> <p>(A) \$100 000, in the case of an offence that is designated as an egregious offence under subclause (ii.1), or</p> <p>(B) \$10 000, in the case of any other offence,</p> <p>or both;</p> <p>(B) the following is added after subclause (ii):</p> <p>(ii.1) the designation, in accordance with subsection (2), of offences that are egregious offences for the purposes of subclause (ii)(A);</p> <p>(b) the following is added after subsection (1):</p> <p>(2) The council may designate an offence as an egregious offence for the purposes of subsection (1)(i)(ii)(A) if, in the opinion of the council, a maximum fine of \$10 000 would be</p> <p>(a) insufficient to deter others from committing the offence, due to the amount of profit that could potentially be realized as a result of committing the offence,</p> <p>(b) insufficient, having regard to the magnitude or extent of harm that the offence causes or may cause to the public or any person, or</p> <p>(c) insufficient, having regard to the inherent nature of the offence.</p>
<p>Regulating licensed premises</p>	
<p><i>This provision enables the cities to reduce and/or stagger the opening and closing areas of licensed premises.</i></p>	<p>(3) In section 8 of the Act, the following is added after clause (d):</p> <p>(e) reduce or stagger the hours within the hours specified</p>

<p><i>Schedule 3 of the Gaming and Liquor Regulation sets the hours for businesses selling or providing alcohol.</i></p>	<p>under Schedule 3 of the <i>Gaming and Liquor Regulation</i> (AR 143/96) during which liquor may be sold or provided in licensed premises.</p>
<p>Bylaws and municipal purpose</p>	
<p><i>Sections 7 and 8 of the MGA identify the bylaws a municipality may pass.</i></p> <p><i>This section (8.1) allows the City to add to MGA's list of municipal bylaws.</i></p>	<p>(4) The following is added after section 8 of the Act:</p> <p>Bylaws may be passed for any municipal purpose</p> <p>8.1 Without restricting the generality of sections 7 and 8, the council may pass a bylaw for any municipal purpose set out in section 3.</p>
<p>Delegation of powers</p>	
<p><i>This section allows council to delegate responsibilities via bylaw.</i></p>	<p>(5) In section 203 of the Act</p> <p>(a) subsection (1) is to be read as follows:</p> <p>Delegation by the council</p> <p>203(1) The council may by bylaw delegate any of its powers, duties or functions under this or any other enactment or bylaw to any person or individual unless an enactment or bylaw provides otherwise.</p>
<p>Tax cancellation</p>	
<p><i>This section ensures the total amount of tax cancellation that may be delegated to administration within the tax year does not exceed \$500,000.</i></p>	<p>(b) subsection (2)(d) is to be read as follows:</p> <p>(d) its power with respect to taxes under section 347, except where the total amount to be cancelled, reduced, refunded or deferred under section 347(1)(a), (b) and (c) by the City in a taxation year does not exceed \$500 000, and</p>
<p>Financial administration (1 of 2)</p>	
<p><i>MGA Sections 242 and 243 address operating budgets and deficits.</i></p> <p><i>Section 244 ensures deficits will be managed on a 4 year cycle.</i></p>	<p>(6) Sections 242 and 243 of the Act do not apply to the City.</p> <p>(7) Section 244 of the Act is to be read as follows:</p> <p>Financial shortfall</p> <p>244 The City may project an operating deficit but the budget for the following year must provide for expenditures to cover</p>

<p><i>MGA Sections 245 and 246 address capital budgets</i></p> <p><i>Section 247 will ensure the cities conduct annual budget reviews.</i></p> <p><i>Section 248(3) addresses expenditure restrictions under a Minister-established budget.</i></p>	<p>the deficit over the next 3 years.</p> <p>(8) Sections 245 and 246 of the Act do not apply to the City.</p> <p>(9) Section 247 of the Act is to be read as follows:</p> <p>Tax bylaws</p> <p>247 The City may not pass a property tax bylaw or business tax rate bylaw in respect of a year unless the annual budget for that year has been adopted by the council.</p> <p>(10) Section 248(3) of the Act does not apply to the City.</p>
<p>Clean energy loans and affordable housing loans</p>	
<p><i>Section 2.1(a) enables the City to give loans for energy conservation and efficiency.</i></p> <p><i>Section 2.1 (b) enables the City to give loans for affordable housing purposes.</i></p>	<p>(11) In section 264 of the Act,</p> <p>(a) in subsection (1),</p> <p>(i) the reference to “A municipality” is to be read as a reference to “The City”;</p> <p>(ii) clause (a) is to be read as follows:</p> <p>(a) the loan or guarantee is made under subsection (2), (2.1) or (3),</p> <p>(b) in subsection (2), the reference to “A municipality” is to be read as a reference to “The City”;</p> <p>(c) the following is added after subsection (2):</p> <p>(2.1) The council may make bylaws respecting the giving of loans and guarantees by the City, including, without limitation,</p> <p>(a) loans and guarantees to individuals for the purposes of ensuring or improving energy conservation or energy efficiency, or both, with respect to property, and</p> <p>(b) loans and guarantees for the purposes of developing affordable housing in accordance with Part 17.</p> <p>(2.2) A bylaw under subsection (2.1) that authorizes the giving of loans</p>

Section 2.2, 2.3, and 2.4 ensure transparency regarding the policies and procedures created for the purpose of providing loans and guarantees.

Section 2.4 ensures that clean energy loans are tied to the property and passed on to future property owners.

- (a) must set out the maximum amount of money that may be loaned to a person under the bylaw,
- (b) must set out, in general terms, the purpose for which money loaned under the bylaw is to be used,
- (c) must set out the minimum rate of interest, the maximum term and the terms of repayment applicable to loans under the bylaw,
- (d) must set out the source or sources of money that may be loaned to a person under the bylaw, and
- (e) must be advertised.

(2.3) A bylaw under subsection (2.1) that authorizes the giving of guarantees

- (a) must set out the maximum amount of a loan that may be guaranteed under the bylaw,
- (b) must set out, in general terms, the purpose or purposes for which money borrowed under a loan guaranteed under the bylaw is to be used,
- (c) must set out the minimum rate of interest or the method by which the rate of interest is to be calculated, the maximum term and the terms of repayment applicable to loans guaranteed under the bylaw,
- (d) must set out the source or sources of money to be used to pay the principal and interest owing under loans guaranteed under the bylaw, if the municipality is required to pay those amounts under the guarantee, and
- (e) must be advertised.

(2.4) The City must not give a loan referred to in subsection (2.1)(a) to an individual unless the individual has executed a mortgage under section 102 of the *Land Titles Act* in respect of the loan, and the City must register the mortgage against the certificate of title for the

	<p>property in respect of which the loan is given.</p> <p>(d) subsection (3) is to be read as follows:</p> <p>(3) Where the City intends to purchase gas from and become a shareholder of the designated seller within the meaning of section 30(1) of the <i>Gas Distribution Act, SA 1994 cG-1.5</i> as it read on June 30, 1988, the City may make a loan to the designated seller as part of the capitalization of the designated seller by its shareholders.</p>
Financial Administration (2 of 2)	
<p><i>This section enables City Council to designate a financial year other than the calendar year.</i></p>	<p>(12) Section 269 of the Act is to be read as follows:</p> <p>Financial year</p> <p>269 The financial year of the City is the calendar year unless the council by resolution determines otherwise.</p>
Improvements for manufacturing and processing operations	
<p><i>This section gives direction to Assessment Review Boards on how manufacturing or processing operations are considered during an appeal.</i></p>	<p>(13) In section 291 of the Act, the following is added after subsection (2):</p> <p>(2.1) Subsection (2)(b) does not apply to any portion of a new improvement not required to carry on a manufacturing or processing operation.</p>
Use of information from property owner where incorrect (1 of 2)	
<p><i>MGA Section 294 addresses information gathering to help an assessor prepare property assessments and to help determine if the property is to be assessed.</i></p> <p><i>This provision enables assessors more effectively gather correct information about a property.</i></p>	<p>(14) Section 294 of the Act is to be read as follows:</p> <p>Right to enter on and inspect property</p> <p>294(1) After giving reasonable notice to the owner or occupier of any property, an assessor may at any reasonable time, for the purposes of carrying out the duties and responsibilities of an assessor under Parts 9 to 12 and the regulations,</p> <ul style="list-style-type: none"> (a) enter on and inspect the property, (b) request anything to be produced, and (c) make copies of anything necessary to the inspection.

Technology and assessments	
<p><i>These sections will enable the use of technology (e.g. digital photos) to collect assessment information.</i></p>	<p>(2) An inspection includes the use of technology, such as aerial photographs and any other method of collecting data in respect of a property as provided for by bylaw.</p> <p>(3) A bylaw referred to in subsection (2) must include a method of notifying owners and occupiers of property of the use of technology to inspect property.</p> <p>(4) Information about a property’s physical characteristics collected under this section and section 295 after the date referred to in section 289(2)(a) is admissible at an assessment complaint hearing.</p>
Use of information from property owner where incorrect (2 of 2)	
<p><i>This section will ensure the assessor can verify information after a complaint has been filed.</i></p>	<p>(15) The following is added after section 295 of the Act:</p> <p>Assessor not bound by information received</p> <p>295.1 An assessor is not bound by the information received under section 294 or 295 if the assessor has reasonable grounds to believe that the information is inaccurate.</p>
Define derelict and contaminated property	
<p><i>MGA Section 297 addresses property assessment and tax subclasses.</i></p> <p><i>Section 2.2 gives the cities authority to define subclasses for contaminated and derelict properties.</i></p>	<p>(16) In section 297 of the Act,</p> <p>(a) subsection (2.1) is to be read as follows:</p> <p>(2.1) Subject to subsection (2.4), the assessor must assign the sub-classes prescribed by the regulations to property in class 2.</p> <p>(b) the following is added after subsection (2.1):</p> <p>(2.2) The council may by bylaw</p> <p>(a) establish a sub-class for derelict property within class 2 and define “derelict” for the purposes of the bylaw, or</p> <p>(b) establish a sub-class for contaminated property within class 2 and establish</p>

<p><i>Section 2.3 ensures the definitions are applied equitably across the City</i></p> <p><i>Sections 2.5 and 2.6 outline requirements for applying a derelict or contaminated sub-class to a property.</i></p> <p><i>Section 2.7 limits the application of contaminated and derelict subclasses to municipally assessed lands.</i></p>	<ul style="list-style-type: none"> (i) the characteristics or effects that amount to contamination for the purposes of the bylaw, and (ii) the levels of contamination above which a property is to be considered as contaminated for the purposes of the bylaw, <p>or both.</p> <p>(2.3) A definition of “derelict” under subsection (2.2)(a) and any characteristics, effects or levels established by bylaw under subsection (2.2)(b) must apply generally across the City and must not be specific to sites or areas within the City.</p> <p>(2.4) If the council establishes a sub-class under subsection (2.2)(a) or (b), the assessor may, subject to subsections (2.5) to (2.7), assign that sub-class to a property in addition to or instead of assigning one or more of the sub-classes prescribed by the regulations to the property.</p> <p>(2.5) A sub-class for derelict property must not be assigned to a property unless the property meets the definition of “derelict” in the bylaw and has been unoccupied for at least one year.</p> <p>(2.6) A sub-class for contaminated property must not be assigned to a property unless there is evidence of contamination at or exceeding the level at which the property is to be considered as contaminated for the purposes of the bylaw.</p> <p>(2.7) A sub-class for derelict or contaminated property must not be assigned to designated industrial property or machinery and equipment.</p>
Catch-all assessment class (1 of 3)	
<p><i>This provision amends definitions for “residential” and “non-residential” assessment classes for the cities.</i></p>	<p>(c) subsection (4)(b) and (c) are to be read as follows, except for the purposes of section 359 and Division 5 of Part 9 of the Act:</p> <p>(b) “non-residential”, in respect of property, means</p>

Section (b) will make non-residential property class types the default property assessment class.

Section (c) defines residential property class types based on actual use, characteristics and the property's assessment condition date.

property that is not classed by the assessor as farm land, machinery and equipment or residential;

- (c) "residential", in respect of property, means
- (i) a parcel of land or a portion of a parcel of land currently used for permanent living accommodation,
 - (ii) a vacant parcel of land where permanent living accommodations is the primary permitted use for that land assigned as a land use designation under a land use bylaw passed by a municipal council, or
 - (iii) a parcel of land or a portion of a parcel of land where permanent living accommodations is a permitted or discretionary use assigned as a land use designation for that land under a land use bylaw passed by a municipal council if a development permit has been issued by the municipality and construction has commenced to build permanent living accommodations on the land,
- but does not include
- (iv) a parcel of land or a portion of a parcel land on which industry, commerce or farming use currently takes place, or
 - (v) a vacant parcel of land that has more than one primary permitted use assigned as a land use designation under a land use bylaw passed by the council.

(d) the following is added after subsection (4):

- (5) Where a property has been assigned as
- (a) class 1- residential for purposes of section 353(2)(a), and
 - (b) class 2- non-residential for purposes of section 353(2)(b),

	<p>the assessment roll for that property must show both assessment classifications.</p>
Supplementary assessments on land	
<p><i>MGA Section 316.1 addresses 'contents of assessment notices'</i></p> <p><i>MGA Part 10 deals with Taxation</i></p> <p><i>Sections 316.3, 316.4 and 316.5 will allow supplementary assessments to be charged when a farm property or portion of property changes to a non-farm assessment class.</i></p>	<p>(17) The following is added after section 316.1 of the Act:</p> <p style="text-align: center;">Division 4.1 Preparation of Supplementary Assessment for Previous Farm Land</p> <p>Bylaw</p> <p>316.2(1) If the City wishes to require the preparation of supplementary assessments for all or a part of a parcel of land that has ceased to be used for farming operations, the council must pass a supplementary assessment bylaw authorizing the assessments to be prepared for the purpose of imposing a tax under Part 10 in the same year.</p> <p>(2) A bylaw under subsection (1) must apply to all parcels of land or parts of parcels of land that have ceased to be used for farming operations.</p> <p>Supplementary assessment</p> <p>316.3(1) A supplementary assessment for all or a part of a parcel of land that has ceased to be used for farming operations must reflect the market value of that parcel of land or part of the parcel of land, as the case may be, minus the agricultural use value of the same area, multiplied by the pro rata factor.</p> <p>(2) For the purposes of subsection (1),</p> <ul style="list-style-type: none">(a) the market value of the parcel of land or the part of the parcel of land as of the valuation date is to be determined in accordance with the regulations,(b) the agricultural use value is the assessment of the parcel of land or the part of the parcel of land that is used for farming operations as determined in accordance with the regulations, and(c) the pro rata factor is equal to the number of months in a year after the date on which the parcel of land or the part of the parcel of land ceased to be used for farming operations, and includes the whole of the first month in

	<p>which the parcel or part of the parcel ceased to be used for farming operations, divided by 12.</p> <p>Supplementary assessment roll</p> <p>316.4(1) Before the end of the year in which supplementary assessments are prepared under section 316.3, the City must prepare a supplementary assessment roll.</p> <p>(2) A supplementary assessment roll must show, for each assessed parcel of land, the following:</p> <ul style="list-style-type: none">(a) the same information that is required to be shown on the assessment roll;(b) the date on which the parcel of land or part of the parcel of land ceased to be used for farming operations. <p>Supplementary assessment notices</p> <p>316.5(1) Before the end of the year in which supplementary assessments are prepared under section 316.3, the City must</p> <ul style="list-style-type: none">(a) prepare a supplementary assessment notice for every assessed parcel of land shown on a supplementary assessment roll under section 316.4, and(b) send the supplementary assessment notices to the assessed persons. <p>(2) A supplementary assessment notice must show, for each assessed parcel of land, the following:</p> <ul style="list-style-type: none">(a) the same information that is required to be shown on the supplementary assessment roll;(b) the notice of assessment date;(c) a statement that the assessed person may file a complaint not later than the complaint deadline;(d) information respecting filing a complaint in accordance with the regulations.
Catch-all assessment class (2 of 3)	
<p><i>These sections ensure that the</i></p>	<p>(18) Section 318 of the Act is to be read as follows:</p> <p>Preparation of equalized assessments</p>

<p><i>Charter definitions for “residential” and “non-residential” are not used for the purposes of equalized assessment.</i></p>	<p>318(1) The Minister must prepare annually, in accordance with the regulation, an equalized assessment for each municipality.</p> <p>(2) For the purposes of determining the equalized assessment of property that is taxable under section 317(a), only the assessment class for purposes of section 353(2)(b) is to be reflected in the assessment of property that is taxable.</p>
<p>Continuous bylaw (1 of 2)</p>	
<p><i>This provision enables cities to make the identified bylaws continuous rather than creating these bylaws annually.</i></p> <p><i>MGA section 297 addresses ‘Assigning assessment classes to property’. MGA section 313 addresses ‘supplementary assessment and tax bylaws’</i></p>	<p>(19) The following is added after section 325 of the Act:</p> <p>Continuous bylaws</p> <p>325.1 Bylaws enacted by the council under section 297 or 313 remain in force after the year in which they are enacted and apply in respect of subsequent years, until they are repealed by the council.</p>
<p>Catch-all assessment class (3 of 3)</p>	
<p><i>These sections ensure that the Charter definitions for “residential” and “non-residential” are not to be used for the purposes of equalized assessment.</i></p>	<p>(20) Section 329 of the Act is to be renumbered as section 329(1) and the following is added after subsection (1)</p> <p>(2) Where a property has been assigned as</p> <ul style="list-style-type: none"> (a) class 1- residential for purposes of section 353(2)(a) and (b) class 2- non-residential for purposes of section 353(2)(b), <p>the tax roll for that property must show both assessment classifications.</p> <p>(21) In section 359 of the Act, subsection (2) is to be read as follows:</p> <p>(2) In calculating the tax rate required to raise sufficient revenue to pay the requisitions, the City</p>

	<p>(a) must use the assessment classes in section 297(4), as if that section had not been modified by the <i>City of _____ Charter Regulation</i>, to determine the total assessment of all property on which that tax rate is to be imposed, and</p> <p>(b) may include an allowance for non-collection of taxes at a rate not exceeding the actual rate of taxes uncollected from the previous year's tax levy as determined at the end of that year.</p>
Continuous bylaw (2 of 2)	
<p><i>This provision enables cities to make the identified bylaws continuous rather than creating these bylaws annually.</i></p> <p><i>Sections 371 and 379 address business tax and supplementary business tax bylaws</i></p>	<p>(22) The following is added after section 369 of the Act:</p> <p>Continuous bylaws</p> <p>369.1 Bylaws enacted by the council under section 369(1), 371 or 379 remain in force after the year in which they are enacted and apply in respect of subsequent years, until they are repealed by the council.</p>
Local Assessment Review Boards to award costs (delay business tax complaints being heard by Composite Assessment Review Boards)	
<p><i>This provision allows for business tax complaints to be heard by Local Assessment Review Boards.</i></p> <p><i>Section 460.1 outlines the powers granted to assessment review boards.</i></p> <p><i>These sections remove references to 'business tax' so that Cities have time to make operational changes prior to 2019.</i></p>	<p>(23) Section 460.1 of the Act is to be read as follows:</p> <p>Jurisdiction of assessment review boards</p> <p>460.1(1) A local assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on</p> <p>(a) an assessment notice for</p> <p>(i) residential property with 3 or fewer dwelling units, or</p> <p>(ii) farm land,</p> <p>or</p> <p>(b) a tax notice other than a property tax notice.</p> <p>(2) Subject to section 460(14), a composite assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on an assessment notice for property other than property described in subsection</p>

	(1)(a).
Evidence and property inspections	
<p><i>These sections will ensure the assessor can verify information after a complaint has been filed.</i></p>	<p>(24) In section 465 of the Act, the following is added after subsection (3):</p> <p>(4) A document or thing produced pursuant to this section is admissible as evidence in the hearing of the complaint.</p> <p>(25) The following is added after section 465 of the Act:</p> <p>Order to allow entry and inspection</p> <p>465.1(1) Where, in the opinion of a panel hearing a complaint in respect of property lying within the municipal boundaries of the City, a person has unreasonably refused to allow or has interfered with an assessor's entry on or inspection of the property, the panel may order the owner or occupier of the property to allow the assessor to enter and inspect the property and may suspend the hearing until the entry has been allowed and the inspection is complete.</p> <p>(2) Information gathered during an inspection under subsection (1) is admissible as evidence in the hearing of the complaint.</p> <p>(3) Where an order under subsection (1) is not complied with within 30 days after being made, the panel may dismiss the complaint.</p>
Increasing and decreasing assessments	
<p><i>Section 1.1 allows ARBs to increase or decrease property assessments based on the information presented at a hearing.</i></p> <p><i>Section (5) prevents and ARB from altering an assessment if they consider it to be a reasonable approximation of market value.</i></p>	<p>(26) In section 467 of the Act,</p> <p>(a) the following is added after subsection (1):</p> <p>(1.1) For greater certainty, the power to make a change under subsection (1) includes the power to increase or decrease an assessed value shown on an assessment roll or tax roll.</p> <p>(b) the following is added after subsection (4):</p> <p>(5) An assessment review board must not alter any assessment that the board considers to be a reasonable approximation of market value.</p>

Assessment complaint period for non-residential and residential with more than 3 dwelling units	
<p><i>This provision allows the Cities to decide if they would like to use a 30 day consultation period plus a 30 day complaint period instead of the 60 day complaint period specified in the MGA, for non-residential and residential with more than 3 dwelling units only.</i></p> <p><i>These sections require that property owners are notified and have access to applicable assessment information</i></p>	<p>(27) The following is added before section 476.1 of the Act:</p> <p>Consultation process regarding assessment complaints</p> <p>476.01(1) This section applies only to assessments of</p> <ul style="list-style-type: none"> (a) non-residential property, and (b) residential property with more than 3 dwelling units. <p>(2) The council may by bylaw establish</p> <ul style="list-style-type: none"> (a) an assessment consultation period of 30 days between the valuation date and the date the assessment notice is sent, and (b) a complaint period of 30 days after the notice of assessment date. <p>(3) A bylaw made under subsection (2) must specify the notification process for the assessment consultation period and the information that an assessor may share with the assessed person during the consultation process, including, without limitation, information about the property.</p> <p>(4) An assessment notice sent in respect of a property must stipulate the date by which a complaint must be made, which must be 30 days after the notice of assessment date.</p> <p>(5) This section applies despite anything to the contrary in section 284(4), 309 or 316.1(1).</p>
Affidavit evidence (1 of 2)	
<p><i>This provision enables the use of affidavit evidence for bylaw offences to reduce the time an officer is removed from duty to present evidence in person.</i></p>	<p>(28) The following is added after section 557 of the Act:</p> <p>Affidavit evidence</p> <p>557.1(1) In this section,</p> <ul style="list-style-type: none"> (a) “parking enforcement system” means a system that is used to photograph a vehicle and identify the location of the vehicle using a global positioning system and record that data according to the date on which the photograph was taken;

<p><i>Section 4 ensures someone charged with a bylaw offence can review the bylaw officer's written statement before their appeal</i></p>	<p>(b) "photograph" means a photograph taken by a bylaw enforcement officer, but does not include a photograph taken as part of a parking enforcement system.</p> <p>(2) In any proceedings under which a person is charged with failing to comply with a provision of this Act, the <i>Traffic Safety Act</i> or a bylaw made under this Act or the <i>Traffic Safety Act</i>,</p> <p>(a) the evidence of a bylaw enforcement officer in respect of photographs taken for the purposes of establishing facts relating to that contravention may be given by affidavit,</p> <p>(b) an affidavit referred to in clause (a) must be sworn by the bylaw enforcement officer who took the photographs, and</p> <p>(c) an affidavit referred to in clause (a) is proof, in the absence of evidence to the contrary, as to the facts stated in the affidavit.</p> <p>(3) In any proceedings in respect of a charge in respect of a vehicle that has been parked in a manner that does not comply with a parking bylaw made under the <i>Traffic Safety Act</i>,</p> <p>(a) the evidence of a bylaw enforcement officer involved in the installation, operation, use or testing of a parking enforcement system and the issuance of a violation ticket in respect of that failure to comply may be given by affidavit, and</p> <p>(b) an affidavit referred to in clause (a) is proof, in the absence of evidence to the contrary, of the facts stated in the affidavit.</p> <p>(4) A copy of an affidavit made under this section must</p> <p>(a) be served on the defendant at that person's address for documents at least 30 days before the trial date, and</p> <p>(b) contain the City's address for documents,</p> <p>and the affidavit is deemed to have been received on the day it was sent.</p>
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<p><i>Sections 6 and 7 give someone charged with a bylaw offence the ability to request the bylaw officer attend the hearing and answer questions.</i></p> <p><i>Sections 8 and 9 outline how the written statements are shared with someone charged with a bylaw offence and how they are shared with the courts.</i></p>	<p>(5) An affidavit made under this section is not admissible in court unless the applicable requirements of this section have been met.</p> <p>(6) The defendant may notify the City of the defendant's intent to cross-examine the bylaw enforcement officer who made the affidavit.</p> <p>(7) A notice under subsection (6)</p> <p>(a) must be sent to the City's address for documents as indicated on the copy of the affidavit sent by the City under subsection (4), and</p> <p>(b) must be received by the City no later than 14 days before the trial date.</p> <p>(8) When the defendant makes an initial appearance to answer the summons or offence notice, the defendant must provide an address for documents, which must be</p> <p>(a) an Alberta mailing address, or</p> <p>(b) an electronic mailing address.</p> <p>(9) If the defendant fails to provide an address for documents, or if the defendant provides no notice to the City under subsection (6), a justice shall</p> <p>(a) on application by a prosecutor, admit the affidavit referred to in this section in evidence,</p> <p>(b) prohibit the defendant from cross-examining the bylaw enforcement officer who made the affidavit, and</p> <p>(c) proceed to conduct the trial.</p>
Electronic notices (1 of 2)	
<p><i>This provision enables the cities to send documents, disclose evidence, and receive evidence and information electronically.</i></p> <p><i>MGA section 608 addresses sending</i></p>	<p>(29) The following is added after section 608 of the Act:</p> <p>Bylaws for sending certain documents electronically</p> <p>608.1(1) Despite section 608, the council may by bylaw establish a process for sending assessment notices, tax notices and other notices, documents and information under Part 9, 10 or 11 or the regulations under Part 9, 10 or 11 by electronic</p>

<p><i>of documents</i></p> <p><i>Part 9, 10 and 11 of the MGA deal with property assessment and taxation.</i></p>	<p>means.</p>
<p>Online school support declarations (1 of 3)</p>	
<p><i>This section allows the cities to establish a process for sending school support notices electronically.</i></p>	<p>(2) The council may by bylaw establish a process for sending forms of notice under section 156(8) of the <i>School Act</i> by electronic means.</p>
<p>Electronic notices (2 of 2) AND Online school support declarations (2 of 3)</p>	
<p><i>These changes will allow the sending and receiving of documents via an electronic means such as an e-portal.</i></p> <p><i>Specifically, these provisions outline confidentiality and security requirements, notification requirements, and opt-in requirements.</i></p>	<p>(3) Before making a bylaw under this section, the council must be satisfied that the proposed bylaw includes appropriate measures to ensure the security and confidentiality of the documents and information being sent.</p> <p>(4) Before making a bylaw under this section, the council must give notice of the proposed bylaw in a manner council considers is likely to bring the proposed bylaw to the attention of substantially all persons that would be affected by it.</p> <p>(5) A bylaw under subsection (1) or (2) must provide for a method by which persons may opt to receive the notice, document or information by electronic means.</p> <p>(6) The sending by electronic means of any notice, document or information referred to in subsection (1) or (2) is valid only if the person has opted under the bylaw to receive it by those means.</p>
<p>Climate change mitigation and adaptation plans</p>	

These provisions require the cities to develop climate change mitigation and adaptation plans.

Section 615.4 outlines the items a climate change mitigation plan must address.

(30) The following is added after Part 16 of the Act:

**Part 16.1
Climate Change Mitigation and
Adaptation Plans**

Definitions

615.3 In this Part,

- (a) “climate change adaptation plan” means a plan under section 615.4;
- (b) “climate change mitigation plan” means a plan under section 615.5;

Climate change mitigation plan

615.4(1) The City must, in accordance with this section, establish a plan for the purpose of addressing and mitigating the effects of climate change.

(2) A climate change mitigation plan must establish requirements for regular public reporting respecting

- (a) initiatives undertaken by the City for the purpose of
 - (i) improving the energy efficiency of City-owned buildings, facilities and fleets of vehicles,
 - (ii) developing and encouraging the development of renewable electricity, and
 - (iii) mitigating the effects of climate change,
- (b) the greenhouse gas emission levels of City owned buildings, facilities and fleets of vehicles,
- (c) any actions taken
 - (i) for a purpose referred to in clause (a), or
 - (ii) to reduce the emission levels referred to in clause (b),during the period to which the report relates, and any progress made during that period, and
- (d) the manner in which the City has taken matters referred to in clauses (a), (b) and (c) into account in making

Section 3 allows the cities to include additional items in their plans.

Section 5 requires regular plan reviews and updates.

decisions during the period to which the report relates.

(3) A climate change mitigation plan may contain any provisions or address any matters that the City considers necessary or desirable for a purpose referred to in subsection (1).

(4) A climate change mitigation plan must be adopted by a resolution of the council.

(5) A climate change mitigation plan must be reviewed no later than 5 years after it is established and at least once every 5 years thereafter.

(6) The results of a review must be advertised and public participation must be provided for in accordance with the City's public participation policy.

(7) On completion of a review, and after taking the public response into consideration, a climate change mitigation plan may be updated as the council considers appropriate.

(8) A climate change mitigation plan that is established or updated under this section must be published on the City's website or made publicly available in another manner that the City considers likely to bring it to the attention of substantially all residents of the City.

(9) The City must establish its first climate change mitigation plan on or before December 31, 2020.

Climate change adaptation plan

615.5(1) In this section,

- (a) "exposure" means the extent to which a system is exposed to significant climatic variations or other effects of climate change;
- (b) "risk" means the combination of the probability of an effect of climate change and the severity of its possible consequences;
- (c) "systems" includes human, animal and plant life, environmental ecosystems and resources, roadways, buildings and other infrastructure, human livelihoods, services and economic, social and cultural activities;

Section 3 outlines what a climate change adaptation plan must contain.

Section 4 outlines optional items for a climate change adaptation plan.

(d) “vulnerability” means the degree to which a system is susceptible to, and would be unable to cope with, climatic variations or other effects of climate change.

(2) The City must, in accordance with this section, establish a plan for adapting to effects of climate change.

(3) A climate change adaptation plan must

(a) be based on an assessment of the exposure, risk, and vulnerability of systems within the City to effects of climate change over the short, medium and long term,

(b) set out or summarize the assessment referred to in clause (a), and

(c) identify actions that will be taken to address the effects referred to in clause (a).

(4) Actions identified under subsection (3)(c) may include actions to be taken respecting

(a) asset management,

(b) use of climate resilient infrastructure,

(c) stormwater management,

(d) flood preparedness,

(e) City-owned and City-operated energy and utility cables,

(f) water and sanitation,

(g) public safety,

(h) health and social resilience,

(i) biodiversity management,

(j) invasive species, or

(k) any other matter the council considers appropriate.

(5) In addition to the matters referred to in subsection (3), a climate change adaptation plan may address any other matters as the council considers appropriate.

Section 7 requires regular plan reviews and updates.

(6) A climate change adaptation plan must be adopted by a resolution of the council.

(7) A climate change adaptation plan must be reviewed no later than 5 years after it is established and at least once every 5 years thereafter.

(8) The results of a review must be advertised and public participation must be provided for in accordance with the City's public participation policy.

(9) On completion of a review, and after taking the public response into consideration, the council may update the climate change adaptation plan as the council considers appropriate.

(10) A climate change adaptation plan that is established or updated under this section must be published on the City's website or made publicly available in another manner that the City considers likely to bring it to the attention of substantially all residents of the City.

(11) The City must establish its first climate change adaptation plan on or before December 31, 2020.

Statutory plans (1 of 3)	
<p><i>This section adds to the existing definition of a statutory plan to include additional statutory plans made by the cities via Charter authority.</i></p>	<p>(31) In section 616 of the Act, clause (dd) is to be read as follows:</p> <p style="padding-left: 40px;">(dd) “statutory plan” means</p> <ul style="list-style-type: none"><li style="padding-left: 80px;">(i) an intermunicipal development plan,<li style="padding-left: 80px;">(ii) a municipal development plan,<li style="padding-left: 80px;">(iii) an area structure plan,<li style="padding-left: 80px;">(iv) an area redevelopment plan, and<li style="padding-left: 80px;">(v) an additional statutory plan under section 635.1 <p style="padding-left: 40px;">adopted by the City under Division 4;</p>
Environment in planning and development section of MGA	
<p><i>This section extends the planning and development part of the MGA to include environment.</i></p>	<p>(32) Section 617(b) of the Act is to be read as follows:</p> <p style="padding-left: 40px;">(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated within the boundaries of the City, including by promoting environmental sustainability and stewardship,</p>
Statutory plans (2 of 3)	
<p><i>These sections allow the cities to create new statutory plans as required and ensure the processes outlined in the MGA apply once a new type of statutory plan is created.</i></p>	<p>(33) The following is added after section 635 of the Act:</p> <p>Additional statutory plans</p> <p>635.1(1) The City may by bylaw adopt one or more additional statutory plans.</p> <p>(2) An additional statutory plan referred to in subsection (1) must</p> <ul style="list-style-type: none"><li style="padding-left: 40px;">(a) indicate the name of the statutory plan,<li style="padding-left: 40px;">(b) describe the contents of the statutory plan, and<li style="padding-left: 40px;">(c) indicate how the statutory plan is consistent with the City’s other statutory plans.

<p><i>Section (h) requires the cities to notify nearby First Nation reserves and Metis Settlements about any new types of statutory plans.</i></p>	<p>(3) An additional statutory plan referred to in subsection (1) must be consistent with</p> <ul style="list-style-type: none">(a) any intermunicipal development plan in respect of land that is identified in both the statutory plan and the intermunicipal development plan,(b) any municipal development plan,(c) any area structure plan in respect of land that is identified in both the statutory plan and the area structure plan, and(d) any area development plan in respect of land that is identified in both the statutory plan and the area development plan. <p>(34) Section 636(1)(h) is to be read as follows:</p> <ul style="list-style-type: none">(h) in the case of an area structure plan or an additional statutory plan adopted by the City under section 635.1, where the land that is the subject of the plan is adjacent to an Indian reserve or Metis settlement, notify the Indian band or Metis settlement of the plan preparation and provide opportunities for that Indian band or Metis settlement to make suggestions and representations.
Land use bylaws	
<p><i>These sections enable the cities to prescribe permitted uses across multiple districts.</i></p>	<p>(35) In section 640 of the Act,</p> <p>(a) subsections (1) and (2) are to be read as follows:</p> <p>Land use bylaw</p> <p>640(1) A City land use bylaw may prohibit or regulate and control the use and development of land and buildings in the City in any manner the council considers necessary.</p> <p>(2) A City land use bylaw</p> <ul style="list-style-type: none">(a) must divide the City into districts of the number and area the council considers appropriate;(b) must prescribe, except in respect of any direct

<p><i>Section 693 of the MGA is airport</i></p>	<p>control districts designated pursuant to section 641,</p> <ul style="list-style-type: none">(i) the use or uses of land or buildings that are permitted in one or more districts as specified in the bylaw, with or without conditions, or(ii) the use or uses of land or buildings that may, at the discretion of the development authority, be permitted in one or more districts as specified in the bylaw, with or without conditions, <p>or both;</p> <p>(c) must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provision for</p> <ul style="list-style-type: none">(i) the types of development permit that may be issued,(ii) applying for a development permit,(iii) processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit,(iv) the conditions that are to be attached, or that the development authority may attach, to a development permit, either generally or with respect to a specific type of permit,(v) how long any type of development permit remains in effect,(vi) the discretion that the development authority may exercise with respect to development permits, and(vii) any other matters necessary to regulate and control the issue of development permits that to the council appear necessary. <p>(b) the following is added after subsection (2):</p>
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<p><i>vicinity regulations and 694 refers to other regulations made by the Lieutenant Governor in Council. Section 2.1 ensures that regulations under 693 and 694 prevail in the case of conflict or inconsistency.</i></p>	<p>(2.1) Despite subsections (1) and (2), in the event of a conflict or inconsistency between a land use bylaw respecting the development of buildings within a specified area around an airport and a regulation made under section 693, or between a land use bylaw and a regulation made under section 694 of the Act, the regulation prevails to the extent of the conflict or inconsistency.</p>
<p>Definitions for schools, hospitals, and food establishments</p>	
<p><i>This provision enables the cities to modify the definition of food establishment in the Subdivision and Development Regulation, and add definitions for “school” and “hospital”.</i></p> <p><i>The Subdivision and Development Regulation does not contain definitions for schools or hospitals, and uses the broad food establishment definition from the Food Regulation (“a place where food is handled”).</i></p>	<p>(2.2) The City may, in its land use bylaw, make any or all of the following modifications to the <i>Subdivision and Development Regulation</i> (AR 43/2002) for the purposes of applying that Regulation to the City:</p> <ul style="list-style-type: none"> (a) a modification to the definition of “food establishment” in the Regulation; (b) a modification adding a definition of “hospital” to the Regulation; (c) a modification adding a definition of “school” to the Regulation.
<p>Housing agreements to follow title</p>	
<p><i>This provision establishes that housing agreements are an interest in the land, and is binding on future owners of the property.</i></p> <p><i>These sections give general details and rules that apply to Affordable Housing Agreements.</i></p>	<p>(36) The following is added after section 651.2 of the Act:</p> <p>Affordable housing agreements</p> <p>651.3(1) The City may enter into an agreement with the registered owner of a parcel of land respecting one or more of the following:</p> <ul style="list-style-type: none"> (a) subject to subsection (3), the use and occupancy of residential housing units that are or will be located on the land; (b) the form of tenure of the residential housing units;

<p><i>These sections ensure the Affordable Housing Agreement will continue on the property after the land is sold.</i></p>	<ul style="list-style-type: none">(c) the availability of the residential housing units to classes of persons described in the agreement;(d) the administration and management of the residential housing units, including, without limitation, the manner in which the units are to be made available to persons within the classes referred to in clause (c);(e) amounts of rents, lease payments and sale prices that may be charged in respect of the residential housing units and the rates at which these may be increased over time. <p>(2) Subject to this section, the agreement may contain any other terms and conditions the parties consider necessary or appropriate.</p> <p>(3) An agreement under this section is unenforceable to the extent of any conflict with applicable use or density provisions of the City's land use bylaw.</p> <p>(4) The term of an agreement under this section must not exceed the expected lifespan of the building, as agreed on by the parties and specified in the agreement at the time it is first entered into, or 40 years, whichever is shorter.</p> <p>(5) Any amendment to an agreement under this section must be agreed to in writing by the City and the person who, at the time of the amendment, is the registered owner of the parcel of land.</p> <p>(6) An agreement under this section creates an interest in favor of the City in the land that is the subject of the agreement, and the interest is deemed to be a condition running with and capable of being legally annexed to the land.</p> <p>(7) Despite the <i>Land Titles Act</i> or any other enactment, the City may register a caveat under the <i>Land Titles Act</i> in respect of an agreement under this section.</p> <p>(8) A caveat registered pursuant to subsection (7)</p> <ul style="list-style-type: none">(a) shall be registered against the certificate of title to the parcel of land<ul style="list-style-type: none">(i) that is the subject of the agreement, and
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	<p>(ii) that was issued to the person who entered into the agreement with the City, and</p> <p>(b) may be discharged only by the City or an order of a court.</p> <p>(9) Despite the <i>Land Titles Act</i> or any other enactment, after registration of a caveat under subsection (7) the agreement, including any amendments made in accordance with subsection (5), is binding according to its terms on all persons subsequently acquiring an interest in the parcel of land that is the subject of the agreement.</p>
Environmental reserve assessment	
<p><i>This provision clarified that environmental reserve is assessed on a vacant parcel at the time of subdivision.</i></p> <p><i>MGA Section 665(2)(c) addresses the creation of environmental reserve lands.</i></p>	<p>(37) In section 665 of the Act, the following is added after subsection (3):</p> <p>(4) For greater certainty, where a bylaw of the council requires that land be designated as environmental reserve, the designation becomes effective on the day the Registrar issues a new certificate of title for the land under subsection (2)(c).</p>
Statutory plans (3 of 3)	
<p><i>This provision includes additional statutory plans created via Charter authority in the list of planning bylaws requiring a public hearing prior to second reading.</i></p>	<p>(38) In section 692 of the Act, in subsection (1) the following is added after clause (d):</p> <p>(d.1) a proposed bylaw to adopt an additional statutory plan under section 635.1,</p>
Municipal tribunals (1 of 2)	
<p><i>This provision enables the cities to establish administrative tribunal systems to manage transit and parking bylaw offences.</i></p> <p><i>Section 708.53 gives the cities the</i></p>	<p>(39) The following is added after section 708.52 of the Act:</p> <p style="text-align: center;">Part 17.3 Administrative Penalties</p> <p>Purpose</p> <p>708.53 The purpose of this Part is to give the City the authority to process and resolve parking and transit</p>

power to issue administrative penalties for transit and parking offences.

Section 708.55 defines the items a municipality must address when creating a transit and parking enforcement framework.

contraventions of its bylaws using an administrative penalty system.

Definitions

708.54 In this Part,

- (a) “administrative penalties bylaw” means a bylaw establishing a system of administrative penalties as described in section 708.56;
- (b) “appellant” means a person who files an appeal;
- (c) “hearing officer” means a hearing officer appointed under the administrative penalties bylaw as a hearing officer;
- (d) “notice” means a notice of administrative penalty under section 708.57;
- (e) “tribunal” means the administrative tribunal established by bylaw made under this Part.

**Division 1
Administrative Penalties**

Authority to impose administrative penalties

708.55 The City may, in accordance with this Part, issue notices and require administrative penalties to be paid in respect of

- (a) a contravention of a bylaw made by the City pursuant to section 708.56(1),
 - (b) riding a transit vehicle without
 - (i) valid proof of payment, or
 - (ii) tendering payment,
- or
- (c) entering or remaining in a restricted fare area without valid proof of payment.

Bylaw must be passed

708.56(1) The City may issue notices and require administrative penalties to be paid only if it first passes an administrative penalties bylaw that

	<ul style="list-style-type: none">(a) establishes contraventions in respect of the parking of vehicles,(b) designates transit vehicles and restricted fare areas for the purposes of section 708.55,(c) establishes administrative penalty amounts for each contravention, which must not exceed \$1000, either<ul style="list-style-type: none">(i) as a combination of a base amount and an additional amount for one or more factors set out in the bylaw, or(ii) as a total amount,(d) designates the employees or a class of employees of the City who may issue notices subject to any conditions determined by the council, and provide for the means of identification of those employees,(e) sets the period within which a person may pay the administrative penalty or file an appeal, subject to section 708.61(2),(f) establishes an appeal tribunal consisting of hearing officers for the purposes of hearing appeals of administrative penalties,(g) provides for the appointment of hearing officers, including their qualifications,(h) provides for the manner and form for the filing of appeals,(i) establishes rules of procedure for the hearing of appeals, including procedures to allow the appellant<ul style="list-style-type: none">(i) to obtain all of the City's evidence with respect to the administrative penalty,(ii) to respond to the City's evidence,(iii) to answer all allegations made against the appellant,(iv) to attend the appeal in person if the appellant so
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Sub-section (2) outlines a number of optional items a city could include in their transit and parking enforcement framework.

Section 708.57 (2) outlines the information that must be shared when a transit or parking fine is issued.

requests and pays the requisite fee, and

(v) to be represented by a lawyer or other agent;

and

(j) establishes procedures to return the appeal fee, if any, to the appellant if the appellant's appeal is successful.

(2) An administrative penalties bylaw may also provide for the following:

- (a) factors that provide for additional amounts of administrative penalties under subsection (1)(c)(i);
- (b) an early payment discount for administrative penalties;
- (c) compassionate grounds on which a hearing officer is authorized to cancel a notice under section 708.71;
- (d) further information to be contained on a notice in addition to the information required under section 708.57(2);
- (e) alternative methods of service for the purposes of section 708.6(1)(d);
- (f) the charging of a single fee as may be required under section 708.66;
- (g) alternative administrative measures that a hearing officer may require in lieu of payment of an administrative penalty.

Notice of administrative penalty

708.57(1) A designated employee may complete and issue a notice of administrative penalty to a person against whom a designated bylaw contravention is alleged.

(2) A notice must set out the following information:

- (a) the provision of the bylaw the person has contravened;
- (b) a brief description of the nature of the contravention identified under clause (a);
- (c) the amount of the administrative penalty imposed;

<p><i>Section 708.59 requires the City to issue a fine within 2 years of the offence occurring.</i></p>	<ul style="list-style-type: none">(d) the date the notice is issued;(e) the date by which the administrative penalty must be paid or appealed;(f) a statement describing the right of a person on whom the administrative penalty is imposed to appeal the administrative penalty, how the appeal is to be made and the date by which the appeal must be filed;(g) any further information required by bylaw. <p>(3) A notice must be issued to a named person unless it is issued for a bylaw respecting the parking of a vehicle, in which case the notice must set out the vehicle's licence plate if it has one or, if it does not, the vehicle's identification number.</p> <p>(4) Where a designated employee serves a notice by personal delivery, the designated employee must, on request by the person served with the notice, produce identification provided by the City.</p> <p>Vehicle owner liable</p> <p>708.58 When a notice respecting the parking of a vehicle is delivered in accordance with section 708.6, the owner of the vehicle indicated in the records of the Registrar of Motor Vehicle Services under the <i>Traffic Safety Act</i> is liable to pay the administrative penalty set out in the notice.</p> <p>Limitation period</p> <p>708.59 A notice must not be issued more than 2 years from the date on which the contravention for which it is issued is alleged to have occurred.</p> <p>Delivery of notice of administrative penalty</p> <p>708.6(1) A notice must be delivered in one of the following ways:</p> <ul style="list-style-type: none">(a) by personal delivery;(b) if the notice is in respect of the parking of a vehicle, by leaving the notice on the vehicle;(c) by mailing a copy of the notice by regular mail to the person's address as shown on the records of the Registrar of Motor Vehicle Services under the <i>Traffic</i>
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Section 708.61 outlines how to pay or appeal a fine.

Section 708.63 sets rules for appointing hearing officers.

Safety Act or as shown in the records of an official of a jurisdiction other than Alberta who is registrar of motor vehicles or performs a function for that jurisdiction similar to the function that the Registrar of Motor Vehicle Services performs for Alberta;

(d) any other method of delivery provided for in the administrative penalties bylaw.

(2) Where a notice is left on a vehicle in accordance with subsection (1)(b), the notice is deemed to have been delivered to the vehicle owner of the vehicle on the day it is left.

(3) Where a notice is mailed to a person in accordance with subsection (1), that notice is, in the absence of evidence to the contrary, deemed to have been served on the person on the 7th day from the date of mailing, except that if the notice is mailed to an address outside Alberta, that notice is, in the absence of evidence to the contrary, deemed to have been served on the person on the 14th day from the date of mailing.

Responding to penalty notice

708.61(1) A person to whom a notice is delivered may, within the period set by the administrative penalties bylaw and in accordance with the instructions on the notice,

- (a) pay the administrative penalty, or
- (b) file an appeal.

(2) The period to respond to a notice under subsection (1) must not be less than 21 days after the date the notice is delivered in accordance with section 708.6.

Protection from prosecution

708.62 A person who pays an administrative penalty in respect of a contravention shall not be charged with an offence in respect of the same act or omission that is described in the notice.

Division 2 Administrative Tribunal

Establishment of tribunal

708.63(1) Where an administrative tribunal is established by an administrative penalties bylaw, the council shall appoint an

	<p>appropriate number of hearing officers.</p> <p>(2) A hearing officer appointment must</p> <ul style="list-style-type: none">(a) be for a term of not less than 3 years, and(b) establish the remuneration and benefits to be paid to the hearing officer for the duration of the term. <p>(3) A hearing officer is eligible to be reappointed.</p> <p>(4) Where the council is appointing hearing officers, it must consider appointments that</p> <ul style="list-style-type: none">(a) avoid perception of patronage or conflicts of interest or bias,(b) encourage diversity and competency, and(c) are likely to result in consistency in decision-making. <p>(5) The council shall not appoint a former City employee at any time before the expiry of one year after the person ceases to be employed by the City.</p> <p>(6) One hearing officer must be designated by the council as the chief hearing officer, for a term determined by the council.</p> <p>(7) The chief hearing officer may designate another hearing officer to be the deputy chief hearing officer to act during the chief hearing officer's absence or incapacity, and the deputy chief hearing officer has all of the powers of the chief hearing officer.</p> <p>(8) The chief hearing officer may</p> <ul style="list-style-type: none">(a) designate hearing officers to hear cases,(b) administer the tribunal, including supervising any staff allocated to the tribunal by the City,(c) appoint a clerk to assist with the chief hearing officer's administrative duties, and(d) report to the council on the activities of the tribunal. <p>(9) A hearing officer may resign from being a hearing officer by giving a written notice signed by the hearing officer that</p>
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	<p>includes the effective date of the resignation to</p> <ul style="list-style-type: none">(a) the chief hearing officer, in the case of a hearing officer other than the chief hearing officer, or(b) the chief administrative officer of the City, in the case of the chief hearing officer. <p>(10) Subject to subsection (12), where a hearing officer's term ends and the hearing office has not made a decision or an order in a matter fully heard by the hearing officer, the former hearing officer may, within 3 months after the end of the term, continue to make decisions and orders as if the former hearing officer were still a hearing officer, and such decisions and orders have the same effect as if made by a hearing officer.</p> <p>(11) Hearing officers are independent of the chief administrative officer and may not exercise any of the powers of hearing officers until they take the oath set out in section 2 of the <i>Oaths of Office Act</i>.</p> <p>(12) Hearing officers may not be dismissed except</p> <ul style="list-style-type: none">(a) by the chief hearing officer, in the case of a hearing officer other than the chief hearing officer, or(b) by the council, in the case of the chief hearing officer, <p>for conduct unbecoming a hearing officer.</p> <p>(13) It is conduct unbecoming a hearing officer for a hearing officer</p> <ul style="list-style-type: none">(a) to hear an appeal filed by an appellant to which the hearing officer has a familial or close personal relationship,(b) to perform work for the City as an employee or contractor other than as a hearing officer,(c) to receive any compensation from the City other than remuneration and benefits as a hearing officer,(d) to work in any other field or receive compensation that conflicts or appears to conflict with the responsibility to be an impartial hearing officer, or
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These sections define how the cities must structure their appeals.

- (e) to otherwise act, or fail to act, in a way such that public confidence in the tribunal would be undermined if the person continued to hold the position of a hearing officer.

Staff

708.64 The City may designate staff to work for the tribunal.

Filing appeal

708.65 Where an appeal is filed, an appellant must ensure

- (a) the appeal is in the form and contains the content required by the administrative penalties bylaw,
 - (b) the appellant provides an address for service, which must be either
 - (i) a municipal mailing address in Alberta, or
 - (ii) an electronic mailing address,
- and
- (c) if required by the administrative penalties bylaw, the required fee is paid.

(2) Where an appeal does not meet the requirements of subsection (1), a hearing officer may, without a hearing, dismiss the appeal, or require the appellant to complete the appeal in accordance with the requirements of subsection (1) within a period of time set by the hearing officer.

(3) A hearing officer may dismiss an appeal without a hearing where

- (a) the notice of appeal is not substantially complete, including instances where the appellant has not provided an address for service,
- (b) the notice of appeal is not filed in time,
- (c) the filing fee is not paid, if it is required by the administrative penalties bylaw, or
- (d) the subject matter of the appeal is not properly before the tribunal.

	<p>Appeal fee</p> <p>708.66(1) The City may, by bylaw, establish a fee for filing an appeal, holding a hearing, or any other service related to an appeal.</p> <p>(2) The City must establish only one fee for any or all services provided under subsection (1).</p> <p>(3) The amount of the fee may not exceed \$50.</p> <p>Procedure on appeal</p> <p>708.67 Subject to this Part, an appeal must proceed in accordance with the procedures set out in the administrative penalties bylaw.</p>
Affidavit evidence (2 of 2) -- affidavit evidence as it relates to municipal tribunals	
<p><i>This provision enables the use of affidavit evidence for transit and bylaw infractions for the purpose of municipal tribunals.</i></p>	<p>Affidavit evidence</p> <p>708.68(1) In this section,</p> <p>(a) “parking enforcement system” means a system that is used to photograph a vehicle and identify the location of the vehicle using a global positioning system and record that data according to the date on which the photograph was taken;</p> <p>(b) “photograph” means a photograph taken by a bylaw enforcement officer, but does not include a photograph taken as part of a parking enforcement system.</p> <p>(2) Where permitted by bylaw under section 708.56(1), in a hearing of an appeal of an administrative penalty issued under section 708.55, the evidence of a designated employee</p> <p>(a) in respect of photographs taken, or</p> <p>(b) involved in the installation, operation, use or testing of a parking enforcement system,</p> <p>for the purposes of establishing facts relating to the contravention for which the administrative penalty was issued, may be given by affidavit.</p> <p>(3) An affidavit referred to in subsection (2) must be sworn by the designated employee who took the photographs.</p>

Section (5) ensures someone charged with a bylaw offence can review the bylaw officer's written statement before their appeal

Sections (7) and (8) allow the someone charged with a bylaw offence the ability to request the bylaw officer attend the hearing and answer questions

(4) An affidavit referred to in subsection (2) is, in the absence of evidence to the contrary, proof, in the absence of evidence to the contrary, as to the facts stated in the affidavit.

(5) A copy of an affidavit made for use under this section must

- (a) be served on the appellant at that person's address for service at least 30 days before the hearing date, and
- (b) contain the City's address for service,

and the affidavit is deemed to have been received on the day it was sent.

(6) An affidavit made under this section is not admissible in a hearing unless the applicable requirements of this section have been met.

(7) The appellant may notify the municipality of the appellant's intent to cross-examine the designated employee who made the affidavit.

(8) A notice under subsection (7) must be

- (a) sent to the municipality's address for service as indicated on the copy of the affidavit sent by the municipality under subsection (5), and

- (b) received no later than 14 days before the hearing date.

(9) If the appellant does not provide a notice to the municipality under subsection (8), and the hearing officer has not otherwise dismissed the appeal under section 708.65(3), a hearing officer shall

- (a) on application by a the city, admit the affidavit referred to in this section in evidence,
- (b) prohibit the appellant from cross-examining the designated employee who made the affidavit, and
- (c) proceed to conduct the hearing.

<p><i>Section 708.71 defines the types of decisions that can be made in relation to an appeal.</i></p>	<p>Failure to decide</p> <p>708.69 If an appeal is filed and not heard within 6 months and the delay is not caused by the appellant, the administrative penalty must be cancelled.</p> <p>Jurisdiction</p> <p>708.7(1) The tribunal may hear and decide all matters respecting procedure and jurisdiction relating to an appeal.</p> <p>(2) For greater certainty, the tribunal may not hear any matter relating to</p> <ul style="list-style-type: none">(a) an appeal filed after the deadline for filing an appeal,(b) the registration of a vehicle, or(c) the issuance of an operator’s licence. <p>(3) The tribunal is a “decision maker” for the purposes of section 11 of the <i>Administrative Procedures and Jurisdiction Act</i>.</p> <p>Decision re penalty</p> <p>708.71(1) After an appeal, the hearing officer must</p> <ul style="list-style-type: none">(a) order that the administrative penalty set out in the notice is due and payable to the municipality within the time determined by the hearing officer,(b) order that a reduced penalty is immediately due and payable to the municipality within the time determined by the hearing officer, if there are grounds for doing so in accordance with the administrative penalties bylaw,(c) cancel the penalty notice if, in the hearing officer’s opinion,<ul style="list-style-type: none">(i) the contravention did not occur as alleged,(ii) the notice does not comply with section 708.57 or any other requirement under this Part,(iii) a compassionate ground for cancellation authorized under the administrative penalties bylaw exists, <p>or</p>
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Sections 708.72 and 708.73 give the cities the power to collect and enforce fines.

(d) order that an alternative administrative remedy is to be performed by a particular date, if the bylaw provides for an alternative remedy, failing which the administrative penalty must be paid by the date set by the hearing officer.

(2) The decisions and orders of the tribunal must be issued in writing, and a copy must be given to the appellant and to the municipality.

(3) Reasons of the tribunal may be issued orally or in writing.

(4) A party to an appeal may ask the tribunal for written reasons at the time of the decision.

(5) The chief hearing officer may publish decisions, orders and reasons of the tribunal in any manner the chief hearing officer considers appropriate.

(6) No costs may be awarded against any person in respect of an appeal.

Fee if appeal successful

708.72(1) If the administrative penalties bylaw requires a person filing an appeal to pay a fee, the hearing officer must order the fee to be refunded if the appellant is successful in the appeal.

(2) An appellant is successful in an appeal when

(a) the circumstances in section 708.71(1)(c) or (d) have occurred, or

(b) the administrative penalty is cancelled pursuant to section 708.69.

Enforcement

708.73(1) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to the City, the City has the right to enforce payment of the amount in default in accordance with this section.

(2) The City may file a certificate of default in a court of competent jurisdiction and, once filed, the certificate is deemed to be an order of the court and may be enforced in the same manner as an order of the court.

<p><i>Section 708.75 ensures citizens have the right to challenge the parking and transit appeal body's decision in court.</i></p>	<p>(3) One certificate of default may be filed with the court in respect of 2 or more administrative penalties imposed on the same person.</p> <p>(4) If, after a certificate of default has been filed with the court, every penalty to which the certificate relates is paid in full, the City must</p> <ul style="list-style-type: none">(a) notify the court in writing, and(b) if a writ of enforcement has been filed with a sheriff, notify the sheriff in writing. <p>Restriction of services</p> <p>708.74 Notwithstanding anything in this Act, where a person has not paid an administrative penalty levied against that person, the Registrar of Motor Vehicle Services under the <i>Traffic Safety Act</i> may, in respect of that person, refuse to perform that function or service or to issue, renew or otherwise deal with any motor vehicle document or other document until the administrative penalty is paid.</p> <p>Judicial review</p> <p>708.75(1) An application for judicial review of a hearing officer's decision, act or order must be filed and served not later than 60 days from the date of the decision, act or order.</p> <p>(2) If an application for judicial review is made under subsection (1), the Court of Queen's Bench may stay the hearing officer's decision, act or order until the Court makes a decision on the application.</p> <p>(3) Notice of an application for judicial review of a decision referred to in subsection (1) must be given to</p> <ul style="list-style-type: none">(a) the tribunal, and(b) all parties to the hearing before the tribunal other than an applicant for the judicial review. <p>(4) If a potential applicant for judicial review of a tribunal decision makes a written request for materials to the tribunal for the purposes of the application, the tribunal must provide the materials requested within 21 days from the date on which the written request is served.</p>
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	<p>(5) Where a tribunal decision is the subject of an application for judicial review, the tribunal must, within 30 days from the date on which the tribunal is served with the application, forward to the clerk of the Court of Queen’s Bench the certified record of proceedings prepared under Part 3 of the <i>Alberta Rules of Court</i>.</p> <p>(6) All decisions of the Court of Queen’s Bench arising from judicial review proceedings relating to the tribunal’s decisions, acts and orders, including transcripts of oral decisions of the Court, must be served on the Minister by the applicant for judicial review.</p> <p>(7) No hearing officer is liable for costs by reason of or in respect of a judicial review under this Part.</p> <p>Funds collected from administrative penalties</p> <p>708.76 All funds collected from administrative penalties must be deposited in the City’s general revenue fund.</p> <p>Collection and use of information</p> <p>708.77 Any information that is collected by the City under this Part may be used by the City for any purpose referred to in section 3.</p>
Community Organization Property Tax Exemption Regulation timelines	
<p><i>This provision provides the cities the ability to extend the property tax exemption time limit specified in COPTER to a five-year period.</i></p>	<p>Modification of regulations</p> <p>5(1) This section modifies regulations under the Act as they are to be read for the purposes of being applied to the City.</p> <p>(2) In the <i>Community Organization Property Tax Exemption Regulation (AR 281/98)</i>, in section 17, the following is added after subsection (3):</p> <p>(4) Despite subsection (3), the council may by bylaw waive the application requirement under subsection (1) in respect of a property for the number of consecutive taxation years specified in the bylaw, which must not exceed 5 consecutive taxation years.</p>
Assessment Review Board information disclosure timelines	
	<p>(3) In the <i>Matters Relating to Assessment Complaints</i></p>

<p><i>These sections ensure the complainant and the assessor have the same amount of time to prepare evidence for a hearing in cases where more than the minimum amount of time specified under the MGA is available.</i></p>	<p>Regulation (AR 310/2009),</p> <p>(a) the following is added before section 2:</p> <p>Disclosure period</p> <p>1.1(1) For the purposes of section 4(2)(a), the disclosure period is the period commencing on the day the clerk gives the notifications under section 3(c) and ending on the day that is 7 days before the hearing date.</p> <p>(2) Where the application of subsection (1) would result in a disclosure period consisting of an uneven number of days, the first half of the disclosure period, as referred to in section 4(2)(a), is to be lengthened by one day.</p> <p>(3) For the purposes of section 8(2)(a), the disclosure period is the period commencing on the day the clerk gives the notifications under section 7(d) and ending on the day that is 14 days before the hearing date.</p> <p>(4) Where the application of subsection (3) would result in a disclosure period consisting of an uneven number of days, the first half of the disclosure period, as referred to in section 8(2)(b), is to be lengthened by one day.</p> <p>(b) in section 4(2)(a), the portion preceding subclause (i) is to be read as follows:</p> <p>(a) the complainant must, before the first half of the disclosure period elapses,</p> <p>(c) in section 8(2)(a), the portion preceding subclause (i) is to be read as follows:</p> <p>(a) the complainant must, before the first half of the disclosure period elapses,</p>
Subdivision processes	
<p><i>Currently, the Subdivision and Development Regulation outlines the requirements to be contained in an application.</i></p> <p><i>This section allows the cities to vary</i></p>	<p>(4) In the <i>Subdivision and Development Regulation</i> (AR 43/2002),</p> <p>(a) the following is added after section 4(5):</p> <p>(6) Despite anything in this section, the City may, in its land use bylaw, vary or add to the subdivision application requirements set out in this section.</p>

<p><i>and/or add additional requirements.</i></p> <p><i>The Subdivision and Development Regulation also contains a list of considerations for subdivision approvals. This section allows the cities to add any other matter as a consideration.</i></p>	<p>(b) section 7 is to be read as section 7(1), and the following is added after subsection (1):</p> <p>(2) In addition to the considerations described in subsection (1)(a) to (i), the subdivision authority must consider any other matter provided for in the City’s land-use bylaw, for purposes of this section.</p>
<p>Facility setbacks</p>	
<p><i>These sections enable the Cities to determine the uses within setbacks from landfills, waste storage sites, and wastewater treatment plants without Ministerial approval.</i></p> <p><i>These provisions do not exempt the cities from liability regarding these decisions.</i></p>	<p>(c) section 12(5) is to be read as follows:</p> <p>(5) The City may by bylaw authorize a subdivision authority or a development authority to vary the requirements contained in subsections (2) to (4).</p> <p>(d) section 13(5) is to be read as follows:</p> <p>(5) The City may by bylaw authorize a subdivision authority or a development authority to vary the requirements contained in subsections (1) to (4).</p>
<p>Variations to the <i>Traffic Safety Act</i> (1 of 3)</p>	
<p><i>This provision enables the cities to tailor local operating rules and regulations.</i></p> <p><i>Any City street qualifies as a Highway under the <i>Traffic Safety Act</i></i></p> <p><i>Section 3 will allow the cities to adjust speed limits as road conditions change.</i></p>	<p style="text-align: center;">Traffic Safety Act</p> <p>Modification of Traffic Safety Act</p> <p>6(1) This section modifies the <i>Traffic Safety Act</i> as it is to be read for the purposes of being applied to the City.</p> <p>(2) In section 13 of the <i>Traffic Safety Act</i>, the following is added after subsection (2):</p> <p>(3) Nothing in this Act prohibits the council from making a bylaw allowing for variable speed limit signage, as defined in the bylaw, with respect to a highway under its direction, control and management.</p> <p>(3) The following is added after section 13 of the <i>Traffic Safety Act</i>:</p> <p>Specific powers of the City</p> <p>13.1(1) Despite anything to the contrary in this Act or the</p>

<p><i>This provision enables the cities to supplement existing safety code requirements in order to help achieve environmental objectives.</i></p>	<p>added after subsection (3):</p> <p>(4) Notwithstanding subsection (1), the City may make bylaws relating to environmental matters, including, without limitation, matters relating to energy consumption and heat retention, but only to the extent those bylaws are consistent with all regulations made under this section and section 65.01 and all codes declared in force by those regulations.</p>
<p>Online school support declarations (3 of 3)</p>	
<p><i>This provision enables the cities to deliver and collect school support declarations electronically.</i></p> <p><i>The School Act section 156 allows property to be taxed for school purposes if notice is given.</i></p> <p><i>MGA section 608.1 allows for electronic notice.</i></p>	<p>(3) In the <i>School Act</i>, in section 156, the following is added after subsection (8):</p> <p>(8.1) A form of notice required to be sent under subsection (8)(a) or (b) may be sent in accordance with a bylaw under section 608.1(2) of the <i>Municipal Government Act</i>.</p>
<p>Weed Control authority</p>	
<p><i>This provision allows the Cities to undertake weed control activities without the requirement of Ministerial approval.</i></p>	<p>(4) Section 26(3) of the <i>Weed Control Act</i> does not apply to the City.</p>
<p>Variations to the Traffic Safety Act (2 of 3)</p>	
<p><i>This provision enables the cities to tailor local operating rules and regulations.</i></p> <p><i>Section 42.1 will ensure city transit busses have the</i></p>	<p>Modification of other regulations</p> <p>8(1) This section modifies those regulations referred to in this section as they are to read for the purposes of being applied to the City.</p> <p>(2) In the <i>Use of Highway and Rules of the Road Regulation</i> (AR 304/2002),</p> <p>(a) the following is added after section 42:</p> <p>Yielding to transit buses</p> <p>42.1(1) A person driving a vehicle on a roadway shall, on overtaking a municipal transit bus, yield the right of</p>

right of way when changing lanes.

Section 46 ensures greater vehicle safety by having cars leave angled parking stall in the same direction as traffic flow.

way to the municipal transit bus if

- (a) the municipal transit bus displays a sign requiring the driver of a vehicle to yield to the municipal transit bus,
- (b) the municipal transit bus driver has signalled an intention to move left into the roadway by turning on the bus's left turn signal, and
- (c) it is reasonably safe for the person driving the vehicle to yield the right of way.

(2) Subsection (1) applies if, at the point on the roadway where the driver of the vehicle overtakes the municipal transit bus, the applicable speed limit is not more than 60 kilometres per hour.

(3) Despite subsection (1), a municipal transit bus driver must not move a bus into the roadway unless it is reasonably safe to do so.

(b) section 46(1) and (2) are to be read as follows:

Angle parking

46(1) When

- (a) a sign indicates that angle parking is permitted or required, and
- (b) parking guidelines are visible on the roadway, a person may only park a vehicle with the vehicle's sides between and parallel to any 2 of the guidelines and
- (c) a wheel of the vehicle not more than 500 millimetres from the curb or edge of the roadway, and
- (d) the vehicle angled in the direction of travel authorized for the traffic lane that is adjacent to the lane on which the vehicle is parked.

(2) When

- (a) a sign indicates that angle parking is permitted or

	<p>required, and</p> <p>(b) no parking guidelines are visible on the roadway, a person may only park a vehicle with the vehicle's sides at an angle of between 30 and 60 degrees to the curb or edge of the roadway and</p> <p>(c) a wheel of the vehicle not more than 500 millimetres from the curb or edge of the roadway, and</p> <p>(d) the vehicle angled in the direction of travel authorized for the traffic lane that is adjacent to the lane on which the vehicle is parked.</p>
Weed designation authority	
<i>This provision allows the cities to elevate the status of or add weeds to the noxious and prohibited list without Ministerial approval.</i>	<p>(3) Section 9(4) of the <i>Weed Control Regulation</i> (AR 19/2010) does not apply to the City.</p>
Publication requirements	

<p><i>These sections will ensure the Cities inform their citizens when using a new power under the City Charters Regulation.</i></p>	<p style="text-align: center;">General</p> <p>Publication requirement</p> <p>9(1) All bylaws made under authority provided by this Charter must be published on the City’s website within 30 days after being passed.</p> <p>(2) A bylaw referred to in subsection (1) has no effect until after it is published.</p> <p>(3) When publishing a bylaw under subsection (1), the City must state on its website the date on which the bylaw is being published, and in the absence of evidence to the contrary that date is deemed to be the date the bylaw was published.</p> <p>(4) The title of a bylaw referred to in subsection (1) must include the words “Charter Bylaw”.</p> <p>(5) For greater certainty, this section does not apply in respect of a consolidation of bylaws under section 69 of the Act.</p>
Coming into force	

This provision specifies the coming into force date of this Regulation.

Coming into force

10(1) Subject to this section, this Regulation comes into force on January 1, 2018.

(2) Section 4(13) of this Regulation comes into force on the coming into force of section 24 of the *Modernized Municipal Government Act*.

(3) Section 4(16) of this Regulation comes into force on the coming into force of section 29 of the *Modernized Municipal Government Act*.

(4) Section 4(17) of this Regulation comes into force on the coming into force of section 45 of the *Modernized Municipal Government Act*.

(5) Section 4(18) of this Regulation comes into force on the coming into force of section 29 of the *Modernized Municipal Government Act*.

(6) Section 4(20) of this Regulation comes into force on the coming into force of section 29 of the *Modernized Municipal Government Act*.

(7) Section 4(22) to (25) of this Regulation comes into force on the coming into force of section 61 of the *Modernized Municipal Government Act*.

(8) Section 4(27) of this Regulation comes into force on the coming into force of section 1(25) of *An Act to Strengthen Municipal Government*.

(9) Section 4(29) of this Regulation comes into force on the coming into force of section 87 of the *Modernized Municipal Government Act*.

(10) Section 4(34) of this Regulation comes into force on the coming into force of section 1(56) of *An Act to Strengthen Municipal Government*.

(11) Section 7(3) of this Regulation comes into force on the

	<p>coming into force of section 87 of the <i>Modernized Municipal Government Act</i>.</p> <p>(12) Section 8(2)(b) of this Regulation does not come into force until the day specified in a bylaw of the City.</p>
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