

Bill No. 75 of 1949.

A BILL TO AMEND THE MUNICIPAL DISTRICT ACT.

NOTE.

This Bill amends *The Municipal District Act*, being chapter 151 of the Revised Statutes of Alberta, 1942.

Section 2 (s) (i) is struck out and a new clause substituted which has the effect of broadening the definition of the term "parcel". The amendment brings within the definition a block which has not been subdivided into lots.

Section 12 is amended by the addition of a new paragraph (f). The effect of the amendment is to require the ministerial order forming a municipal district to contain a statement of the date and time when the first meeting of the council shall be held.

The Judge Report has recommended that business taxes be confined to towns and villages only. *The Assessment Act* is accordingly being amended so that business taxes will no longer be levied or collected in municipal districts. In order that this Act should conform to the amendments to *The Assessment Act* it is necessary to strike out references to the business tax in a great many sections of this Act. Sections 26, 28, 37, 133, 245, 266, 288, 289, 291, 294 and 295 are each accordingly amended to delete references to the business tax.

Section 28 is also amended by striking out references to owners of minerals. Since the passage of *The Mineral Taxation Act, 1947*, municipalities no longer tax minerals and these references should have been removed at the time of the passage of the said Act.

Section 35 is amended. The effect of the amendment is that any officer, member or employee of the corporation who is exercising a vote on behalf of a corporation must be twenty-one years of age.

Sections 45 and 46, which deal with notice of nomination meetings, have each been amended. The amended sections provide that the returning officer shall publicize the notice in one of three ways, namely, by causing it to be posted in conspicuous places or by causing it to be mailed to resident ratepayers or by causing it to be published in a newspaper circulating to the resident ratepayers.

Section 47 is amended by the addition of a new subsection (3) which provides for the reading at the annual meeting of the electors of the latest municipal inspector's report on the affairs of the municipal district.

Section 55 is struck out and a new section is substituted which provides for publication of the notice of poll in one of three alternative ways similar to the provisions made in sections 45 and 46. The Municipal District Association requested that provision be made for the giving of such notice by the issue of circulars or by publication in newspapers, which is the effect of this amendment.

Section 60 is amended by removing the necessity for the secretary-treasurer to deliver Form M twenty days before the election. Under the amended section the secretary may deliver Form M at any time prior to the election. This Form sets out the penalties for offences in connection with elections and there is no reason why it should be delivered twenty days before the election as long as it is there prior to the polling day.

Section 145 is amended by striking out the reference to a first election. The amended section will now only refer to a first meeting of the council after a general election. The date for the first meeting of the council after a first election will now be fixed by the ministerial order under section 12 as amended. A municipal district may be organized at any time during the year. The Act required the first meeting of the council of the municipal district to be held on the third day of April, which it was seldom possible to do. These amendments remedy this by enabling the first meeting of the council of a newly formed municipal district to be held on a date fixed by the Minister's order.

Section 164 is amended by increasing *per diem* payments to councillors from six dollars to eight dollars. Payments to councillors for laying out or inspecting work performed for the municipal district are increased from five dollars to eight dollars.

Section 168 is amended and a new section 168*a* is added immediately after section 168. These amendments provide that the council may by resolution request the Director of Assessments to make a reassessment of all lands, buildings and improvements in the municipal district or in any part of it. Whenever a reassessment is made by an assessor appointed by the Director of Assessments the entire cost of the reassessment of any part of the municipal district, other than a hamlet, and seventy-five per cent of the cost of the reassessment of any hamlet shall constitute a debt due to the Crown and shall be paid by the municipal district concerned upon the submission of the Department's account.

A new section 200*a* is added immediately after section 200 of the Act. Under *The Agricultural Service Board Act* any council may enter into an agreement with the Minister of Agriculture for the purpose of constructing and operating seed cleaning plants, controlling live stock diseases or for some other approved programme relating to the improvement of agriculture. This new section enables the municipality to expend municipal funds to carry out its share of any

obligation entered into under such an agreement. Expenditures of municipal funds under this section are subject to the provisions of section 200 with respect to the amounts involved and the method of obtaining the approval of the proprietary electors.

Section 220 is amended. Section 220 presently enables a council to enter into agreements with other municipal districts for the construction and maintenance of public works which will be of benefit to both. The effect of the amendment to this section is to enable the council to enter into such agreements with the board of trustees of school divisions. This will enable the construction of such things as an office building to house both the municipal district and school division offices.

A new section 220*a* is added immediately after section 220. It enables a council to expend municipal funds for publicity purposes, in order to keep ratepayers informed on municipal business. This amendment was requested by the Municipal District Association.

Section 251, which deals with indigents, is amended by making changes in subsection (3), paragraph (c); subsection (4), Rule 3; and in subsection (10). Rule 3 of the rules for determining residence found in subsection (4) has been changed so that any person who has not resided for twelve consecutive months out of the previous twenty-four consecutive months within the area controlled by a local authority shall be deemed to be a transient person. The Department of Public Welfare is assuming responsibility for transient persons as defined in the new Rule 3 and the definition of "local authority" in paragraph (c) of subsection (3), and subsection (10) are each amended accordingly. The effect of these amendments is that the Department of Public Welfare assumes responsibility for the maintenance of indigents who are transients and for their care and treatment when sick.

Section 252 (1) is struck out and a new subsection is substituted. The new subsection enables the council to pass a by-law for the purpose of granting aid for the erection and maintenance of hospitals or for the purpose of entering into an agreement with an approved hospital. The expenses incurred by the municipal district under the agreement or the by-law are required to be raised by a special tax. This will enable a definite amount to be set for the purpose of determining the minimum tax to be paid for hospital agreement purposes.

Section 266 is amended. The section presently enables a majority of the property owners in a hamlet to demand of the council that it shall spend at least eighty-five per cent of the taxes collected for municipal purposes on public works within the hamlet. The effect of the amendment is that the property owners can only demand that sixty per cent of the taxes for municipal purposes shall be expended for public works within the hamlet.

Section 289 is amended. Subsection (2) is struck out as it deals with *The Social Services Tax Act* which has now been repealed. Subsection (4) is struck out and replaced by a new subsection which includes a reference to hospital districts.

Section 299 is amended by reducing the maximum discount for prepayment of taxes from ten per cent to six per cent.

Section 305, which relates to collection of taxes, is amended to include references to personal property taxes.

Section 321 is amended by striking out subsection (3) and substituting a new subsection. This subsection has simply been reworded for purposes of clarification of its intention.

A new section 322 is added to the Act immediately after section 321. The new section provides for the levying of a minimum tax for hospital purposes similar to the minimum taxes for municipal purposes and for school purposes. This new section is very similar to the section which provided for a minimum tax for hospital purposes prior to 1944.

Section 323 is amended to include a reference to the new section 322.

Section 324 is amended by striking out references to *The Social Services Tax Act* which has been repealed and *The Wild Lands Tax Act* which is being repealed. A new subsection (2) is added which enables a municipal district to invest in Dominion or Alberta bonds any part of its revenue which exceeds its indebtedness or commitments. Municipalities had this power during the war under "*The Local Authorities Investments in War Loans Act*" and it appears desirable to continue this authority.

Section 346 is struck out and a new section is substituted. This section provides for notice of poll in the case of a debenture by-law being submitted to the proprietary electors. The amended section provides for the giving of the notice of poll by means of circulars or by publication in newspapers similar to the amendments to sections 45 and 46.

Form G in the Schedule which is the form of oath of an officer of a corporation is amended to include a clause to the effect that he is of the full age of twenty-one years. This oath is required before he may vote on behalf of the corporation.

Forms J, Q and R in the Schedule are each amended by the deletion of references to the business tax.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 75 of 1949.

An Act to amend The Municipal District Act.

(Assented to _____, 1949.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta enacts as follows:

1. *The Municipal District Act*, being chapter 151 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2 by striking out clause (i) of paragraph (s) and by substituting the following:

“(i) any unsubdivided block or any lot or any part of such block or lot in any area of land a plan of subdivision of which is registered in a land titles office;”.

2. The said Act is further amended as to section 12 by adding immediately after paragraph (e) the following new paragraph:

“(f) a statement of the time and place for the first meeting of the council.”.

3. The said Act is further amended as to section 26 by striking out the words “or has been liable to a business tax” where they occur therein.

4. The said Act is further amended as to section 28,—

- (a) by striking out the words “or minerals” wherever they occur in paragraphs (a) and (b) of subsection (1);
- (b) by striking out the words “(including therein all timber licensees and lessees or grantees of mineral rights under or from the Dominion of Canada or the Province)” where they occur in paragraph (c) of subsection (1);
- (c) by striking out paragraph (e) of subsection (1);
- (d) by striking out the words “or business” where they occur in paragraph (g) of subsection (1).

5. The said Act is further amended as to section 35 by adding immediately after the words “employee of the corporation” where they occur in subsection (1), the words “who is of the full age of twenty-one years”.

6. The said Act is further amended as to section 37 by striking out the words "or business" wherever they occur in subsections (1), (2), (3) and (5).

7. The said Act is further amended by striking out section 45 and by substituting the following:

"**45.** Prior to nomination day, the returning officer shall cause to be issued a notice in Form H of the Schedule."

8. The said Act is further amended by striking out section 46 and by substituting the following:

"**46.** The returning officer shall publicize the notice in one of the following ways:

- "(a) by causing it to be posted up in at least two widely separated conspicuous places in each polling division of the municipal district at least seven clear days before nomination day; or
- "(b) by causing it to be mailed to each resident ratepayer of the municipal district at least ten clear days before nomination day; or
- "(c) by causing it to be published in an issue of a newspaper pursuant to the provisions of subsection (2) of section 220a, provided that such issue shall be one that is entered in the mail at least ten clear days prior to nomination day."

9. The said Act is further amended as to section 47 by adding immediately after subsection (2) the following new subsection:

"(3) Prior to the hour of three o'clock p.m. the reeve shall cause to be read to the meeting the latest municipal inspector's report on the affairs of the municipal district."

10. The said Act is further amended by striking out section 55 and by substituting the following:

"**55.**—(1) After the expiry of forty-eight hours from the close of nominations, and prior to polling day, the returning officer shall cause to be issued a notice of the poll in Form K of the Schedule.

"(2) The returning officer shall publicize the notice in one of the following ways:

- "(a) by causing it to be posted up in at least two widely separated conspicuous places in each polling division of each electoral division in which a poll is to be held, at least fourteen clear days before polling day; or
- "(b) by causing it to be mailed to each resident ratepayer of each electoral division in which a poll is to be held, at least sixteen clear days before polling day; or
- "(c) by causing it to be published in an issue of a newspaper pursuant to the provisions of subsection (2) of section 220a, and which is required to be mailed to each resident ratepayer of each electoral division

in which a poll is to be held, provided that such issue shall be one that is entered in the mail at least sixteen clear days before polling day.”.

11. The said Act is further amended as to section 60 by striking out the words “at least twenty days before the election” where they occur in subsection (1), and by substituting the words “prior to each election”.

12. The said Act is further amended as to section 133 by striking out the words “or he has been liable to a business tax in respect of a business carried on in the electoral division for a period of at least two months immediately prior to the date of his nomination” where they occur in paragraph (f).

13. The said Act is further amended as to section 145 by striking out the words “first or” where they occur in subsection (1).

- 14.** The said Act is further amended as to section 164,—
- (a) by striking out the words “six dollars” where they occur in subsections (1) and (4), and by substituting the words “eight dollars”;
 - (b) by striking out the words “five dollars” where they occur in subsection (5), and by substituting the words “eight dollars”.

15. The said Act is further amended as to section 168 by adding immediately after subsection (2) the following new subsection:

“(3) The assessor appointed pursuant to subsections (1) and (2) shall be the assessor for the municipal district for all purposes other than the reassessment of all or any part of the municipal district in accordance with the provisions of section 168a.”.

16. The said Act is further amended by adding immediately after section 168 the following new section:

“**168a.**—(1) The council may by resolution request the Director of Assessments to make a reassessment of all lands, buildings and improvements in the municipal district or in any part of it, and in such case the assessor for purposes of the reassessment shall be such assessor on the staff of the Director of Assessments as may be designated by the Director.

“(2) Whenever a reassessment is made by an assessor appointed by the Director of Assessments pursuant to subsection (1), twenty-five per cent of the cost of the reassessment of any hamlet shall be absorbed by the Department of Municipal Affairs and seventy-five per cent of the cost of the reassessment of any hamlet together with the entire cost of the reassessment of any part of a municipal district other

than a hamlet shall constitute a debt due to the Crown and shall be paid by the municipal district concerned upon submission of the account of the Department of Municipal Affairs.”.

17. The said Act is further amended by adding immediately after section 200 the following new section :

“**200a.**—(1) Any council may pass a by-law authorizing the expenditure of municipal funds for the purpose of implementing any agreement for the construction and operation of a seed cleaning plant or for such other approved programme as may be entered into under the provisions of *The Agricultural Service Board Act*.

“(2) Any by-law authorizing the expenditure of municipal funds under subsection (1) shall be subject to all the provisions of section 200 with respect to the amounts involved and the method of obtaining the approval of the proprietary electors if required.”.

18. The said Act is further amended as to section 220,—

- (a) by adding immediately after the words “other municipalities” where they occur therein, the words “or the board of trustees of any school division”;
- (b) by adding immediately after the words “their respective municipalities” wherever they occur therein, the words “or school divisions”.

19. The said Act is further amended by adding immediately after section 220 the following new section :

“**220a.**—(1) The council may by by-law provide for publishing the minutes of its meetings and for publishing information concerning other municipal subjects, and for that purpose may cause circulars to be prepared and distributed to all resident ratepayers of the municipal district.

“(2) Where in any municipal district there is in circulation one or more weekly newspapers, the council may by by-law provide for the publication of the matters referred to in subsection (1) in such a newspaper, and for the distribution of a copy thereof to each resident ratepayer of the municipal district.

“(3) Any expense incurred under subsections (1) and (2) shall be defrayed out of the general revenue of the municipal district.”.

20. The said Act is further amended as to section 245 by striking out the words “in, or business carried on” where they occur in subsection (6).

21. The said Act is further amended as to section 251,—

- (a) by striking out paragraph (c) of subsection (3) and by substituting the following :

“(c) ‘Local authority’ means the council of any city, town, village or municipal district and with

respect to any improvement district or any transient person means the Minister of Public Welfare and with respect to any special area means the Minister of Municipal Affairs.”;

- (b) by striking out Rule 3 of subsection (4), and by substituting the following:

“Rule 3. Any person who, on the date of the application of such person for food, fuel, clothing, shelter, medical advice or attention, hospitalization or any of them, has not resided for twelve consecutive months out of the twenty-four consecutive months immediately preceding the date of the application, within the area controlled by a local authority and who has not a permanent home elsewhere than in the Province, shall be deemed to be a transient person.”;

- (c) by adding immediately after the words “if the said person is a resident at such time of an improvement district,” where they occur in subsection (10), the words “or is a transient person within the meaning of Rule 3 of subsection (4),”.

22. The said Act is further amended as to section 252 by striking out subsection (1), and by substituting the following:

“**252.**—(1) The council may pass a by-law for the purpose of granting aid for the erection and maintenance of hospitals within or without the municipal district, or for the purpose of entering into an agreement with an approved hospital for the care and treatment of residents or indigent residents of the municipal district or of any part thereof in accordance with the provisions of *The Hospitals Act*, and of section 245 of this Act, and such by-law shall provide that the expenses incurred by the municipal district under the by-law or the agreement shall be raised by a special tax imposed and levied upon all property liable to assessment and taxation for municipal purposes in the municipal district, or in any part thereof covered by the agreement, as the case may be.”.

23. The said Act is further amended as to section 266,—

- (a) by striking out the words “eighty-five per cent”, and by substituting the words “sixty per cent”;
- (b) by striking out the words “and persons liable to pay a business tax in respect of a business carried on therein”.

24. The said Act is further amended as to section 288,—

- (a) by striking out the words “business taxes and” wherever they occur therein;
- (b) by striking out the words “and for the offset of business or improvement tax as hereinafter provided for”.

25. The said Act is further amended as to section 289,—

- (a) by striking out subsection (2);

- (b) by striking out subsection (4) and by substituting the following:

“(4) In acting under the provisions of this section, due allowance shall be made in respect of school divisions, school districts or municipal hospital districts for taxes which may reasonably be expected to remain unpaid.”.

26. The said Act is further amended as to section 291 by striking out subsections (2) and (3).

27. The said Act is further amended by striking out section 294.

28. The said Act is further amended as to section 295 by striking out the words “or business” wherever they occur in subsections (1) and (2).

29. The said Act is further amended as to section 299 by striking out the word “ten”, where it occurs in subsection (1), and by substituting the word “six”.

30. The said Act is further amended as to section 305 by adding immediately after the word “land” wherever it occurs in subsection (1), the words “personal property,”.

31. The said Act is further amended as to section 321 by striking out subsection (3), and by substituting the following:

“(3) Where any person in any year has paid a tax of the nature of that provided in subsection (2) for school purposes of at least four dollars to any city, town, village, improvement district, school district, special area or other municipal district, and such person was not assessed upon the assessment roll of such city, town, village, improvement district, school district, special area or other municipal district for that year, he shall not be liable in that year to the tax imposed by subsection (2).”.

32. The said Act is further amended by adding immediately after section 321 the following new section:

“**322.**—(1) In case the council has entered into an agreement with an approved hospital, and has levied a special tax for purposes of the agreement respecting the whole or any part of the municipal district, the council may by by-law, subject to the approval of the Minister, fix a minimum annual hospital tax to be paid by any resident of the municipal district assessed upon the assessment and tax roll for such hospital agreement purposes.

“(2) Subject to the approval of the Minister, the council may also by by-law impose a tax for hospital purposes in the amount fixed by by-law under subsection (1) upon every resident of the municipal district or part thereof of the full

age of twenty-one years who has not been assessed upon the assessment and tax roll and who has resided therein for a period of six months or more during any calendar year and is gainfully employed, whether he has resided in the municipal district or part thereof before the completion of the roll or not, but in the case of the collection of the tax the name of the resident so paying shall be added to the roll for that calendar year.

“(3) Where any person in any year has paid a tax of the nature of that provided in subsection (2) for hospital purposes, equivalent to the amount imposed by by-law under subsection (2), to any city, town, village, improvement district, special area, or other municipal district, and such person was not assessed upon the assessment roll of such city, town, village, improvement district, special area, or other municipal district for that year, he shall not be liable in that year to the tax imposed by subsection (2).

“(4) Where any council has passed a by-law under subsection (1) and has not passed a by-law under subsection (2), such council may by by-law provide that any resident of the municipal district or part thereof who is not assessed upon the assessment and tax roll may enter into a contract with the council for hospital purposes upon voluntary payment of the amount fixed by the by-law under subsection (1), and any person so entering any such contract with a municipal district shall for the purpose of subsection (3) be considered to have paid a tax for hospital purposes in the amount so paid in respect of the contract.”.

33. The said Act is further amended as to section 323 by striking out the figures and word “320 or 321” where they occur in subsection (1), and by substituting the figures and word “320, 321 or 322”.

34. The said Act is further amended as to section 324,—

- (a) by renumbering the same as subsection (1) ;
- (b) by striking out the words “*The Social Services Tax Act*,” where they occur in subsection (1) ;
- (c) by striking out the words “, *The Wild Lands Tax Act*” where they occur in subsection (1) ;
- (d) by adding immediately after subsection (1) the following new subsection:

“(2) In case the general revenue of the municipal district on deposit exceeds the indebtedness or commitments of the municipal district, the council may from time to time by by-law approved by the Minister, appropriate any part of the excess for the purpose of investing in bonds of the Dominion of Canada or of the Province of Alberta, but for no other investment purpose.”.

35. The said Act is further amended by striking out section 346 and by substituting the following:

“346.—(1) The returning officer shall, prior to the date of voting, cause to be issued a notice of the poll in the form prescribed by the Minister.

“(2) The returning officer shall publicize the notice in one of the following ways:

- “(a)** by causing it to be posted up in at least two widely separated conspicuous places in each polling division of the municipal district, at least fourteen clear days before the date of voting; or
- “(b)** by causing it to be mailed to each resident ratepayer of the municipal district at least sixteen clear days before the date of voting; or
- “(c)** by causing it to be published in an issue of a newspaper pursuant to the provisions of subsection (2) of section 220*a*, provided that such issue shall be one that is entered in the mail at least sixteen clear days before the date of voting.”.

36. The said Act is further amended as to Form G in the Schedule,—

- (a) by adding immediately after clause 1 the following new clause:

“2. That I am of the full age of twenty-one years.”.

- (b) by renumbering clauses 2 and 3 as clauses 3 and 4 respectively.

37. The said Act is further amended as to Form J in the Schedule by striking out paragraph 7, and by substituting the following:

“7. That my name appears upon the last revised assessment roll of the municipal district as the owner, conditional owner or purchaser or land which is not exempted from taxation;

“(or in the case of a first election)

“That I have been the owner, conditional owner or purchaser of assessable land in the municipal district for a period of at least two months prior to the date of my nomination; and”.

38. The said Act is further amended as to Form Q in the Schedule,—

- (a) by striking out the words “(or has been liable to a business tax as the case may be)” where they occur therein;
- (b) by striking out the words “or business” where they occur therein.

39. The said Act is further amended as to Form R in the Schedule by striking out the words “, or that you are taxable in respect of a business carried on at.....” where they occur therein.

40. This Act shall come into force on the day upon which it is assented to.

No. 75

FIRST SESSION
ELEVENTH LEGISLATURE

13 GEORGE VI

1949

BILL

An Act to amend The Municipal
District Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
