

Bill No. 102 of 1951.

A BILL TO AMEND THE MUNICIPAL DISTRICT ACT.

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NOTE.

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

Section 28 is amended by changing the reference to "polling division" to a reference to "electoral division" and by changing the reference to *The Provincial Lands Act* to *The Public Lands Act*. The section is further amended by correcting the reference to section 15 to refer to section 11.

The heading immediately preceding section 35 is amended as tenants are no longer permitted to vote under this Part of the Act.

Section 35 is amended by deleting all references to tenants.

Section 101 is amended. The returning officer, under the amended section, is required to declare the result of the poll immediately he has summed up the result of the poll as shown by the statements from the polling divisions.

Section 125 is repealed as the provisions contained in this section are now contained in *The Controverted Municipal Elections Act*.

Section 134 is amended. A new clause (i) prohibits any person whose seat in the council has been declared vacant by reason of clauses (a), (f) or (g) of section 161 from being eligible for re-election for a period of three years.

Section 161 is amended so that the council may declare a seat on the council vacant when a person comes within the provisions of this section.

Section 164 is amended to authorize increased payments to councillors of a municipality while acting on a committee or attending a meeting of a divisional school board.

Section 166 is amended so that a meeting held pursuant thereto must be held within thirty days from the date of receipt of the petition for a meeting.

A new section 181a is added. It confers upon any elector the right to examine, at reasonable times, municipal documents of the nature described in the section.

A new section 181b provides that a certified copy of any document of a municipal district, under the hand of the

secretary-treasurer and bearing the seal of the district shall be received as evidence without further proof of its authenticity.

Section 197 is amended so that the consent of the Minister of Public Works must be obtained before a municipality closes a public street or highway.

The reference in section 224 to *The Forest and Prairie Fires Prevention Act* is changed to *The Forests Act*.

Section 234 is amended to extend the power of the council to arrange for the destruction of pests dangerous to grain to provide for the destruction of pests dangerous to live stock, poultry and other property as well.

The amendments to section 245 authorize the municipal district to enter into agreements for hospitalization for the entire municipality and authorize the granting of aid for the erection and maintenance of hospitals within the district.

Section 248 is struck out. Its provisions are already covered by regulations made pursuant to *The Public Health Act*.

The power of a council to construct pipe lines is deleted by striking out subsection (5) of section 250.

Section 250a is amended to extend its provisions to the acquisition of water and water supply systems.

Section 252 is struck out and replaced by section 252 as enacted by O.C. 801-50. This provision is in force from June 1st, 1950 to the date on which this Bill is assented to. Section 252 as enacted by this order in council is struck out effective on the date this Bill is assented to and a new section 252 is substituted. The new section authorizes entry into agreements with approved hospitals for the care and treatment of persons within the municipality.

Section 322 is struck out and a new section 322 as enacted by O.C. 801-50 is substituted which remains in force from the 1st of June, 1950, until this Bill is assented to. Section 322 as enacted by O.C. 801-50 is struck out effective on the date this Bill is assented to and a new section 322 is substituted. The new section 322 authorizes the imposition of a minimum hospital tax within the municipality.

Section 323 is amended to change the reference therein contained to sections 320 and 321.

Section 352 is amended. Under the amended section the returning officer will be required to certify to the council the percentage of proprietary electors voting who have approved a by-law. At present he is required to certify whether or not two-thirds of the proprietary electors have approved the by-law.

Section 383 is amended to require the council to declare a seat vacant where any member of the council has been convicted of signing an acceptance or nomination containing a false statement.

Form C in the Schedule is amended by striking out the reference to a person who is liable to a business tax.

Form R in the Schedule is amended by substituting a reference to *The Public Lands Act* for the present reference to *The Provincial Lands Act* which has been repealed. The last paragraph in the Form is also struck out.

This Bill comes into force upon assent except for clause (b) of section 15 and sections 19, 21 and 23, being the amendments authorized by O.C. 801-50, which shall be deemed to have been in force since June 1st, 1950, until the coming into force of this Bill.

KENNETH A. MCKENZIE,  
*Legislative Counsel.*

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

# BILL

No. 102 of 1951.

An Act to amend The Municipal District Act.

(Assented to \_\_\_\_\_, 1951.)

**H**IS 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.
2. Section 28, subsection (1) is amended,— Section 28  
amended
  - (a) by striking out the word “polling” and by substituting the word “electoral”;
  - (b) by striking out the words “*The Provincial Lands Act*” where they occur in clause (d) and by substituting the words “*The Public Lands Act*”;
  - (c) by striking out the word and figure “section 15” where they occur in clause (d) and by substituting the word and figure “section 11”.
3. The heading immediately preceding section 35 is amended by striking out the words “and Tenants”. Heading  
amended
4. Section 35, subsection (4) is amended by striking out the words “or other person”. Section 35  
amended
5. Section 101, subsection (5) is amended by striking out the words “has counted the ballots” and by substituting the words “has summed up the result of the poll as shown by the duplicate statements”. Section 101  
amended
6. Section 125 is repealed. Section 125  
repealed
7. Section 134 is amended by adding immediately after clause (h) the following new clause: Section 134  
amended
  - “(i) any person whose seat on the council has been declared vacant by reason of clauses (a), (f) or (g) of section 161, until the expiration of three years from the date upon which his seat was so declared vacant.”.
8. Section 161 is amended by adding at the end the words “and the council shall forthwith so declare it”. Section 161  
amended

- Section 164 amended
- 9.** Section 164 is amended,—
- (a) by striking out the word “five” where it occurs in subsection (9) and by substituting the word “eight”;
  - (b) by striking out the word “six” where it occurs in subsection (10) and by substituting the word “eight”.
- Section 166 amended
- 10.** Section 166 is amended,—
- (a) by renumbering the section as subsection (1);
  - (b) by adding immediately after the word “twenty” where it occurs in subsection (1) the word “proprietary”;
  - (c) by adding immediately after subsection (1) the following new subsections:
- Date of meeting
- “(2) The date for the meeting named in the notice shall be not more than thirty day from the date of receipt of the petition.
- Posting notices
- “(3) The notices shall be posted at least seven clear days prior to the date for the meeting named in the notice.”.
- New sections 181a and 181b  
Inspection of records by elector
- 11.** The following new sections 181a and 181b are added immediately after section 181:
- “**181a.** (1) Any elector under the supervision of the secretary-treasurer and during his office hours may inspect,—
- “(a) any account, contract, by-law, minutes of council meetings, report of any committee or of any official of the municipal district, other than the municipal district solicitor or any counsel engaged by the municipal district after the same has been submitted to the council;
  - “(b) the voters’ lists, poll books or other documents other than marked ballots relating to any election or voting.
- “(2) The secretary-treasurer within a reasonable time after demand by an elector shall furnish him with a copy of any such document or part thereof at the rate of twenty-five cents per one hundred words.
- Copy of document received as evidence
- “**181b.** A copy of any book, record, document or account certified under the hand of the secretary-treasurer and the municipal district seal shall be received in evidence without proof of the seal of the municipal district or of the signature or official character of the person appearing to have signed the same, unless the court or a judge thereof otherwise orders.”.
- Section 197 amended
- 12.** Section 197, subsection (1) is amended,—
- (a) by adding immediately after the word “Minister” the words “of Public Works”;
  - (b) by striking out the words “, the subsoil of which is not vested in the Crown”.

**13.** Section 224 is amended by striking out the words *"The Forest and Prairie Fires Prevention Act"* and by substituting the words *"The Forests Act"*. Section 224  
amended

**14.** Section 234 is amended by adding immediately after the word "grain" the words "live stock, poultry or other property". Section 234  
amended

**15.** Section 245 is amended,—

(a) by striking out the words "provided that the agreement will not be applicable to any part of the municipal district which is within a municipal hospital district" where they occur in subsection (2);

(b) by striking out subsection (3) and by substituting the following:

"(3) The council may pass a by-law for granting aid for the erection and maintenance of hospitals within or without the municipal district." Section 245  
amended  
  
Aid for  
hospitals

**16.** Section 248 is repealed.

Section 248  
repealed

**17.** Section 250 is amended by striking out subsection (5).

Section 250  
amended

**18.** Section 250*a* is amended,—

(a) by adding immediately after the word "power" where it firstly occurs in subsection (1) the words "water supply";

(b) by adding immediately after the word "power" where it secondly occurs in subsection (1) the word "water";

(c) by adding immediately after the words "boundaries of the municipal district", where they occur in subsection (2), the words "or any part thereof";

(d) by adding immediately after the word "power" where it occurs in subsection (2) the word "water". Section 250*a*  
amended

**19.** Section 252 is struck out and the following is substituted:

**"252.** (1) The council of any municipal district may pass by-laws applicable to the whole or any part of the municipal district which is not included within a municipal hospital district and in accordance with *The Hospitals Act* for the purposes of,— Section 252  
amended  
  
Hospital  
agreements

"(a) entering into an agreement with an approved hospital,—

"(i) for the care and treatment of any person liable to pay taxes in respect of real property in the municipal district or part thereof, or liable to deliver a share of the crop as rental on provincial government lands in the municipal district or part thereof, including the spouse, dependent family and domestic female help of such person; and

“(ii) for the care and treatment on a voluntary contract basis of persons who are residents of the municipal district or part thereof, and who are not liable to pay taxes in respect of real property in the municipal district or part thereof, or liable to deliver a share of the crop as rental on provincial government lands in the municipal district or part thereof, including the spouse, dependent family and domestic female help of such person;

“(b) providing for the admission and care and treatment of the persons mentioned in clause (a) as an emergency admission or medically referred admission in an approved hospital, other than the approved hospital with which the municipal district has entered into an agreement, under the circumstances set out in section 3c of *The Hospitals Act*.

“(2) The expenses incurred to provide hospital facilities pursuant to subsection (1) shall be met by the levy and collection of a mill rate tax upon real property liable to assessment and taxation and by the collection of the amounts payable by those persons who have entered voluntary contracts pursuant to subclause (ii) of clause (a) of subsection (1) in such amount as the council may determine.

“(3) The council may fix the amount payable for hospitalization pursuant to subclause (ii) of clause (a) of subsection (1),—

“(a) by a single resident;

“(b) by a resident for himself and his dependent family, who wishes to enter a voluntary contract with the council pursuant to the provisions of this section.”.

Section 252  
amended

Hospital  
agreements

**20.** Section 252 is struck out and the following is substituted,—

“**252.** (1) The council of any municipal district may pass by-laws applicable to the whole or any part of the municipal district which is not included within a municipal hospital district and in accordance with *The Hospitals Act* for the purposes of,—

“(a) entering into an agreement with an approved hospital,—

“(i) for the care and treatment of any person liable to pay taxes in respect of real property in the municipal district or part thereof, or liable to deliver a share of the crop as rental on provincial government lands in the municipal district or part thereof, including the spouse, dependent family and domestic female help of such person, and the surviving spouse, dependent family and domestic female help of such a person after his decease so long as the estate is liable to pay the taxes or deliver the share of crop for which the deceased person was liable; and

“(ii) for the care and treatment on a voluntary contract basis of any person who is a resident of

the municipal district or part thereof, and who is not liable to pay taxes in respect of real property in the municipal district or part thereof or to deliver a share of the crop as rental on provincial government lands in the municipal district or part thereof, including the spouse and dependent family of such person;

“(b) providing for the admission and care and treatment of the persons mentioned in clause (a) as an emergency admission or medically referred admission in an approved hospital, other than the approved hospital with which the municipal district has entered into an agreement, under the circumstances set out in section 3c of *The Hospitals Act*.

“(2) The council may fix the amount payable for hospitalization pursuant to subclause (ii) of clause (a) of subsection (1),—

Amount payable for contracts

“(a) by a single resident; and

“(b) by a resident for himself and his dependent family, who wishes to enter a voluntary contract with the council pursuant to the provisions of this section.

“(3) The amount fixed under subsection (2) may be sufficient to pay for part or all of the expenses incurred in respect of such persons.

“(4) The expenses incurred to provide hospital facilities pursuant to subsection (1) shall be met,—

Payment of expenses

“(a) by the levy and collection of a mill rate tax upon real property liable to assessment and taxation; and

“(b) by the fixing and collection of the amounts payable by those persons who have entered voluntary contracts pursuant to subclause (ii) of clause (a) of subsection (1).”.

**21.** Section 322 is struck out and the following is substituted:

Section 322 amended

“**322.** (1) In case the council has entered into an agreement with an approved hospital and has levied a mill rate tax for purposes of the agreement the council may by by-law fix a minimum hospital tax to be paid by every person assessed upon the assessment and tax roll for such hospital agreement purposes.

Minimum hospital tax

“(2) Where any council has passed a by-law under subsection (1), the amount fixed as payable for hospitalization under a voluntary contract pursuant to section 252 (3) shall not be less than the amount fixed by the by-law passed pursuant to subsection (1).”.

**22.** Section 322 is struck out and the following is substituted:

Section 322 amended

“**322.** In case the council has entered into an agreement with an approved hospital and has levied a mill rate tax for purposes of the agreement the council may by by-law fix a minimum hospital tax in an amount not in excess of eight

Minimum hospital tax



dollars to be paid by every person assessed upon the assessment and tax roll for such hospital agreement purposes.”.

Section 323 amended

**23.** Section 323, subsection (1) is amended by striking out the word and figures “321 or 322” and by substituting the word and figures “or 321”.

Section 352 amended

**24.** Section 352 is amended by striking out the words “whether or not two-thirds of the proprietary electors who have voted on the by-law, approved of the same” and by substituting the words “the percentage of the proprietary electors voting on the by-law who have approved of the same”.

Section 383 amended

**25.** Section 383 is amended by adding at the end the words “and the council shall forthwith so declare it”.

Schedule amended

**26.** Form G in the Schedule is amended by striking out the words “or as being liable to a business tax”.

Schedule amended

**27.** Form R in the Schedule is amended,—  
(a) by striking out the words “*The Provincial Lands Act*” and by substituting the words “*The Public Lands Act*”;  
(b) by striking out the words,—

“Or

“You do swear (or solemnly affirm) that you are a British subject of the full age of twenty-one years; that you are or were (as the case may be) a member of His Majesty’s Forces in the war just concluded; that at the time of joining the said Forces you were a resident of Division No..... in the Municipal District of..... No.....and that you are now a resident of the said Division.

SWORN (or affirmed) before me at the ..... of ..... in the Province of Alberta, this ..... day of ..... 19.....

.....  
*A Commissioner for Oaths, J.P. or N.P.*”

**28.** This Act shall come into force on the day upon which it is assented to and upon so coming into force clause (b) of section 15 and sections 19, 21 and 23 shall be deemed to have been in force at all times on and after the first day of June, 1950, until the date of the coming into force of this Act.

No. 102.

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FOURTH SESSION  
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

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**BILL**

An Act to amend The Municipal  
District Act.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. GERHART.

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