

Bill No. 88 of 1953

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.

Sections 97*a*, 99, 100, 102 and 103 are amended. The purpose of these amendments is to remove an ambiguity in the Act. The Act provides for the placing of the poll book with the other material in the ballot box and the sealing of the ballot box. Eventually the ballot box reaches the secretary-treasurer who is not permitted to open it, yet an elector is entitled to scrutinize the poll book. The amendments remove the ambiguity by requiring only the ballot papers to be placed in the sealed ballot box; the poll book and other documents are separately sealed.

Section 191 is amended. The new section deals with the matter of a complaint respecting the drainage of highways constructed or maintained by the municipality. The section previously required that the complaint be made to the Minister, and after an investigation the Minister could order the council to take remedial action. No action could be brought by a complainant unless he complained to the Minister and the council failed to comply with the Ministerial order. The section now provides for a means of bringing the complaint in the first instance to the council, appealing therefrom to the Minister who will then cause an investigation to be made and who may order the council to remedy the situation giving rise to the complaint, or where indicated, notify the complainant that no order will issue. The complainant is not barred from seeking redress in the courts if he complies with the procedure set out in this section and the council fails to comply with an order of the Minister, or the Minister refrains from making an order.

Section 200 is amended to extend the limitation on expenditures which may be undertaken by the council without being compelled to submit the matter to a vote of the electors and is made necessary by the increased cost of labour and materials.

Section 219 is amended. The amendment permits a municipal district to buy machinery on time by giving a note if the indebtedness so incurred does not exceed an amount equal to five mills levied on the total assessed value of land, buildings and improvements in the municipality.

Section 227 is amended to permit a municipal district to regulate the speed of vehicles in the municipal district and repeats the provision relating thereto in *The Vehicles and Highway Traffic Act*.

Section 252 is amended. The purpose of this amendment is to clarify the situation arising out of the reduced rates hospitalization scheme. Where there is a purchaser of property, he only is entitled to the hospital benefits for which the property is taxed; where ownership of land changes after the taxes for the year have been paid the new owner is entitled to the benefits of the hospitalization scheme. Both results are clarifications of the present provisions.

Section 279 is amended. The amendment removes the present practice of apportioning road work expenditures according to electoral divisions. By this amendment the council will determine the road work expenditures without regard to electoral divisions and in regard to the district as a whole.

Section 298 is amended. It sets forward one month the date that penalties are imposed in order that there will be a month intervening before the tax recovery notification list is filed with the Registrar of Land Titles. A person subject to the penalty will have an opportunity of paying the arrears before the notification is filed; previously the penalty began on the same date notification was to be filed.

Section 339 is amended. The amendment provides that all debts contracted and not payable in the current year shall be recovered by the issuing of debentures. In the past it had been the practice of some municipalities to purchase machinery over and beyond their ability to pay within a reasonable time and thus incur a debt which was not sufficiently protected and in connection with which the municipality quite often neglected to levy taxes. The amendment cures this situation and also limits the amount of any such debts to five per cent of the assessed value of the land, buildings and improvements in the municipality.

This Bill comes into force upon assent.

J. W. RYAN,  
*Acting Legislative Counsel.*

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

# BILL

No. 88 of 1953

An Act to amend The Municipal District Act

(Assented to \_\_\_\_\_, 1953)

**H**ER 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.** The following new section is added immediately after section 97: New section  
97a

“**97a.** The deputy returning officer shall then place all the packets referred to in section 97 in the ballot box and the box shall be locked and sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals.”. Locking and  
sealing of  
ballot box

**3.** Sections 99 and 100 are struck out and the following are substituted: Sections 99  
and 100  
amended

“**99.** (1) After having entered his certificate in the poll book, and before leaving the polling place, the deputy returning officer shall enclose in separate packets Making up  
and sealing  
of packet  
of election  
material

“(a) the duplicate of the statement entered in the poll book of the number of votes given,

“(b) the voters’ list, poll book and declarations.

“(2) The packet containing the voters’ list, poll book and declarations shall be sealed with the seal of the deputy returning officer and with the seals of such candidates or agents of candidates as may desire to affix their seals and shall be marked on the outside with

“(a) a short statement of the contents of the packet,

“(b) the date of the election,

“(c) the name of the deputy returning officer,

“(d) the name or number of the polling place,

“(e) the number of the electoral division,

“(f) the name and number of the municipal district.

“**100.** The deputy returning officer of each polling place shall forthwith deliver to the returning officer Delivery  
of election  
material

“(a) the duplicate of the statement entered in the poll book of the number of votes given,

“(b) the sealed ballot box containing the packets of ballots,

“(c) the sealed packet containing the voters’ list, poll book and declarations,  
and upon receipt of the same the returning officer shall give the deputy returning officer a receipt therefor.”.

Section 102  
amended

**4.** Section 102, subsection (2) is amended by striking out the words “the corrected statement together with all the documents” and by substituting the words “all the packets of ballots”.

Section 103  
amended

**5.** Section 103 is struck out and the following is substituted:

Preservation  
of election  
material

**“103.** (1) Forthwith after declaring the result of the election the returning officer shall deliver to the secretary-treasurer

“(a) the duplicates of the statements entered in the poll book of the number of votes given, together with the correction made by the returning officer on the statements, if any,

“(b) the sealed ballot box,

“(c) the sealed packets containing the voters’ lists, poll book and declarations,

“(d) the votes or ballot papers, if any, which have been cast by the returning officer pursuant to subsection (2) of section 101.

“(2) The secretary-treasurer shall preserve the ballot boxes and all papers used in connection with the election and received by him and shall be responsible for their safe-keeping and for their delivery when needed.”.

Section 191  
amended

**6.** Section 191 is struck out and the following is substituted:

Flood  
prevention

**“191.** (1) It shall be the duty of every council

“(a) to make adequate provision for the drainage of all highways constructed or maintained by the council, and

“(b) to make adequate provision for the disposition of any water collected in any drainage ditch or other artificial depression created by the council on or contiguous to the road allowance forming the site of the highway,

in such a manner as to prevent the flooding of other land.

Lodging of  
complaint

“(2) Any person who is the owner or occupant of land in the vicinity of a highway constructed or maintained by the council who claims that default has been made by the council in performing a duty imposed upon it by subsection (1) may lodge his complaint before the council.

“(3) the complaint

“(a) shall be in writing, and

“(b) shall be forwarded by registered mail to the secretary-treasurer of the municipal district, and

- “(c) shall contain a description of the land in respect of which default is claimed, and
- “(d) contain a statement of the nature of the alleged default.
- “(4) Upon receipt of the complaint the secretary-treasurer shall,
- “(a) by registered mail, advise the complainant that his complaint has been received and that he may appear before the council personally, or through an accredited agent for the purpose of speaking in support of the complaint, and shall advise him as to the time and place of the next meeting of the council, and
- “(b) lay the complaint before the council for its consideration at its next meeting.
- “(5) The council shall make or cause to be made by a committee consisting of not less than three members of the council an inquiry as to whether or not there are grounds for the complaint and shall report the results of such inquiry to the council and, if there are grounds the council shall determine the measures to be taken to remedy the same, and shall order the measures to be taken, by a resolution of the council, a copy of which shall be forwarded to the complainant by registered mail. Inquiry re complaint
- “(6) The order of the council shall fix a time for completion of the measures to be taken which time shall not be later than sixty days from the date of the receipt of the complaint, unless the complainant agrees in writing to a later time, in which case the agreed time shall be fixed. Time for completion of remedy
- “(7) If the council considers that there are no grounds for the complaint it shall notify the complainant to that effect within thirty days after the meeting at which the complaint was considered. Notice that no grounds for complaint
- “(8) An owner or occupier of land who has complied with the provisions of subsections (2) and (3) may make complaint in writing to the Minister that default has been made by the council in performing a duty imposed upon it by this section, or that the decision of the council is unfair and unwarranted. Objection to rejection of complaint
- “(9) Upon receipt of such complaint the Minister shall refer the same to the Director of Water Resources. Reference of complaint to Director of Water Resources
- “(10) The Director of Water Resources shall make or cause to be made by such person as he may appoint, an inquiry into the complaint and the Director or the person appointed by him shall examine the site of the complaint and shall have access to the records of the secretary-treasurer with respect to all matters concerning the complaint for the purpose of his inquiry.
- “(11) The Director of Water Resources shall report to the Minister Report of Director of Water Resources
- “(a) as to whether or not there are grounds for the complaint, and

“(b) if there are grounds for the complaint, the measures which should be taken by the council to remedy any default of the council which has contributed to the cause of the complaint.

“(12) The Minister, in his discretion by order, may require the council to carry out any such measures as he may deem proper and in the order, in his discretion, may fix a time for the completion thereof.

Right of  
action

“(13) No action shall be brought in respect of any omission on the part of a council to perform any duty imposed upon it by this section by a person who has not made a complaint in the manner set out in this section.

“(14) No action shall be brought by a person who has made a complaint in the manner set out in this section if the council complies with an order made by the Minister in respect of the default of the council respecting the cause of the complaint.

“(15) The Minister, in his discretion, may refrain from issuing an order respecting the disposal of the complaint, in which case he shall notify the council and the complainant that no order will issue and the complainant, upon receipt of such notification, is entitled to bring an action in any court of competent jurisdiction.”.

Section 200  
amended

**7. Section 200 is amended**

- (a) by striking out the words “Ten Thousand”, where they occur in subsection (1), and by substituting the words “Fifteen Thousand”;
- (b) by striking out the words “Ten Thousand”, where they occur in subsection (2), and by substituting the words “Fifteen Thousand”.

Section 219  
amended

**8. Section 219 is amended**

- (a) by renumbering the section as subsection (1);
- (b) by striking out the proviso to subsection (1);
- (c) by adding immediately after subsection (1) the following new subsections:

“(2) Notwithstanding the provisions of sections 339 and 341, where a by-law passed under the provisions of subsection (1) requires that a debt not payable out of the revenue of the current year be incurred, the by-law need not require the issue of debentures nor the approval of the proprietary electors if

- “(a) the debt does not exceed an amount equal to five mills levied on the total assessed value of land, buildings and improvements in the municipal district, and
- “(b) the debt is made payable within a period of not more than two years.

“(3) No by-law is necessary for the purposes of subsection (1) where the proposed expenditure is less than one thousand dollars.”.

**9.** Section 227 is struck out and the following is substituted: Section 227 amended

**"227.** The council of a municipal district, in respect of a designated highway within the limits of a hamlet within the municipal district, by by-law, may fix a maximum speed limit of not less than twenty-five miles per hour applicable to all vehicles travelling over a highway or a portion of a highway designated in the by-law." Maximum speed limit

**10.** Section 252 is amended by adding immediately after subsection (4) the following new subsections: Section 252 amended

**"(5)** For the purpose of a hospital agreement entered into under the provisions of this section, where there is an owner or owners and a purchaser or purchasers of real property, or of any share or interest therein, the only person or persons entitled to the benefits of the agreement by reason of being liable to pay taxes in respect of such real property Persons entitled to hospital benefits

**"(a)** shall be the purchaser or purchasers, if any, entitled to the possession of the property or of any share or interest therein, or

**"(b)** shall be the owner or owners thereof if there is no such purchaser or purchasers.

**"(6)** Where the assessment and tax roll shows that any real property has been assessed in the name of a person who was the owner or purchaser of the property and that his name has been struck off and replaced on the roll by the name of another person who subsequently became the owner or purchaser of the property,

**"(a)** the person whose name has been struck off the roll shall be deemed not to be the person liable to pay taxes under subclause (i) of clause (a) of subsection (1) in respect of that property from the date his name is replaced on the roll by the name of another,

**"(b)** the person whose name has been entered on the roll shall be deemed to be the person liable to pay taxes under subclause (i) of clause (a) of subsection (1) in respect of that property from the date his name is entered on the roll to replace the name of the previous owner or purchaser."

**11.** Section 279 is amended Section 279 amended

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

**"(3)** In determining the work to be undertaken and the amounts to be expended thereon, the council shall consider the municipal district as a single unit, and shall not consider electoral divisions as a basis for the distribution of expenditures on public works." Basis for distribution of expenditures

(b) by adding immediately after subsection (5) the following new subsections:

Grant of  
funds

"(6) No grant of funds by the Province to a municipal district to be expended on public works therein shall be distributed for expenditure on the basis of electoral divisions, but the funds shall be deposited in the general revenue fund of the municipal district and shall form a part of the funds estimated to be expended as provided by subsections (2) and (3).

Adjustment  
of accounting  
records

"(7) Where in a municipal district allocations of public works expenditures have been made and charged in the municipal accounting system against individual electoral divisions, upon the coming into force of this subsection all such allocations and all such over-expenditures and under-expenditures shall be cancelled from the accounting records.

"(8) Upon the coming into force of this subsection the allocation of public works estimates and the allotment of expenditure thereon according to electoral divisions shall neither be instituted nor maintained."

Section 298  
amended

**12.** Section 298, subsection (1) is amended

- (a) by striking out the words "thirty-first day of March" and by substituting the words "last day of February";
- (b) by striking out the word "April" and by substituting the word "March".

Section 339  
amended

**13.** Section 339 is struck out and the following is substituted:

Debenture  
by-law

**"339.** (1) If the council desires to borrow money or contract a debt for any lawful or authorized purpose and the repayment of the money borrowed or the debt contracted is not provided for out of the revenues of the current year, it shall pass a by-law for that purpose.

"(2) Except as otherwise provided in this Act, a by-law for borrowing money or contracting debts not payable out of the revenues of the current year shall provide for the issue of debentures and the levy of annual rates for the payment of such borrowings or debts contracted.

Borrowing  
limited

"(3) No municipal district shall pass by-laws under subsection (1) for borrowing money or contracting general debts totalling an amount in excess of five per cent of the assessed value of lands, buildings and improvements in the municipal district."

Coming into  
force

**14.** This Act comes into force on the day upon which it is assented to.



No. 88

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FIRST SESSION  
TWELFTH LEGISLATURE  
2 ELIZABETH II  
1953

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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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