

Bill No. 83 of 1955

A BILL TO AMEND THE MUNICIPAL DISTRICT ACT,  
1954

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NOTE

This Bill amends *The Municipal District Act, 1954*, being chapter 70 of the Statutes of Alberta, 1954.

Section 7a is added and provides that when residence is being determined for the purpose of fixing municipal responsibility for the maintenance of certain classes of people, residence in a military camp or area shall not be deemed to be residence within the municipal district.

Section 22 is amended. The amendments make provision for matters required to be dealt with when boundaries of municipal districts are altered and not provided for in this section or not set out clearly enough in the section.

Section 55 is amended to permit an increase in the travelling allowance of councillors from ten cents to twelve cents a mile.

Section 90 is amended for the purpose of preventing residence in a military camp in a municipal district from qualifying a person as an elector of the municipal district.

Section 245 of the Act provides that a legal action in respect of a default by a council in the performance of its duty under section 243 to drain a highway may not be brought in either of two circumstances, namely, where the aggrieved party has not made a written complaint in accordance with section 243, and where such a written complaint has been made but the council has complied with an order of the Minister under section 244 to rectify the default. The section is taken from section 191 of the previous *The Municipal District Act*, being chapter 151 of the Revised statutes of Alberta, 1942, which originally only made provision for a written complaint to be made to the Minister. Now that provision has been made for a complaint to be made first to the council and then to the Minister if the complainant is still aggrieved, section 245, subsection (1) has the effect of only barring an action when the first-mentioned complaint has not been made, and the section does not oblige the complainant to put the matter to the Minister before taking legal action. The section is therefore amended to oblige a complainant to take the matter up first with council and then with the Minister before resorting to legal action.

Section 249a is added and provides that if a council wishes to move the municipal district office it shall do so only after the passing of a by-law. The by-law shall be voted on by the proprietary electors if ten per cent of such electors request a vote.

Section 250 is amended. This section required that certain proposed expenditures of a council be authorized by a vote of the proprietary electors. All expenditures over fifteen thousand dollars for the acquisition of land or for municipal offices were compelled to be so authorized, but expenditures over five thousand dollars and less than fifteen thousand dollars were required to be so authorized only if ten per cent of the realtors requested a vote. The compulsory recourse to the vote of the realtors is being removed from this section.

Section 293 is amended to correct a reference to an Act and agreements made pursuant to that Act.

Section 333, subsections (1) and (5) are amended by removing the reference to "crop share lease lands" and referring to all lease lands. The purpose of the amendment is to make section 333 conform with section 283 of *The School Act, 1952*, which requires that nominal values of grazing leases as well as crop share leases be reported in the certificate of assessment.

Section 425 is amended to make it clear that the compensation directed to be provided by this section is to be provided from funds of the municipal district. Also, the section is amended to include structures omitted previously, although of the same type. Section 425 relates to the power of municipal districts to control the placing of structures on or parallel to district highways.

Section 426*a* is added. It provides that gravel pits of a municipal district will not be lost to a district by their inclusion within another municipal district upon an alteration of boundaries.

Section 426*b* is added. It provides that lands included in a municipal district from a special area will be subject to the same land policies and system of land tenures they were previously subject to.

Form 1 in Schedule A is amended to designate the place at which the meeting of electors to discuss municipal affairs will take place.

This Bill comes into force upon assent but section 11 applies on and after the first day of January, 1955.

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. 83 of 1955

An Act to amend The Municipal District Act, 1954

(Assented to \_\_\_\_\_, 1955)

**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, 1954*, being chapter 70 of the Statutes of Alberta, 1954, is hereby amended.

2. The following new section is added immediately after section 7: New section 7a

"7a. When determining the residence of any person for the purpose of establishing the responsibility of a municipal district Determining residence

"(a) for the provision of assistance under

"(i) *The Public Welfare Act*,

"(ii) *The Child Welfare Act*,

"(iii) *The Mothers' Allowance Act*,

"(iv) *The Hospitals Act*, or

"(v) *The Hospitalization and Treatment Services Act*,

or

"(b) for the granting of material aid or relief under this Act to an indigent person,

residence shall not be deemed to have been acquired in the municipal district by virtue merely of residence within a military area or camp under the jurisdiction of the Department of National Defence (Canada) and within the municipal district."

3. Section 22 is amended Section 22 amended

(a) as to subsection (1),

(i) as to clause (f) by adding immediately after the word "merged" the words "in whole or in part",

(ii) by striking out the word "and" where it occurs at the end of clause (f),

(iii) by relettering clause (g) as clause (k),

(iv) by adding immediately after clause (f) the following new clauses:

“(g) may, in order to provide for an orderly retirement of councillors, prescribe that a term of office of one or more councillors shall be less than three years,

“(h) where an electoral division within a municipal district is altered, may prescribe that existing representation in an electoral division shall not be affected when the incumbent continues to be a resident of the altered electoral division,

“(i) may direct that an election be held in any electoral division where because of an alteration thereof no councillor resides in the altered division,

“(j) may change the number of an electoral division, and”,

(b) by adding immediately after subsection (3) the following new subsection:

“(4) After the alteration of the boundaries of a municipal district, the Minister may order that the affairs of the altered municipal district be administered by a council consisting of such number of persons elected or appointed in such manner as the Minister may prescribe, and the council so elected or appointed shall be the council for the altered district until the Minister otherwise orders.”.

Section 55  
amended

**4.** Section 55, subsections (1), (4), (6) and (12) are amended by striking out the words “ten cents” and by substituting the words “twelve cents”.

Section 90  
amended

**5.** Section 90 is amended

(a) by renumbering the section as subsection (1),

(b) by adding immediately after subsection (1) the following new subsection:

“(2) Clause (b) of subsection (1) does not apply to a person who resides within a military area or camp under the jurisdiction of the Department of National Defence (Canada) and partly or wholly within the area of an electoral division.”.

Section 245  
amended

**6.** Section 245 is struck out and the following is substituted:

Right of  
action

“**245.** No action for an omission or default by a council to perform its duties under section 243 lies at the suit of a person to whom subsection (2) of section 243 applies, unless he has made a complaint in accordance with that section and the Minister

“(a) has, under subsection (5) of section 244, made an order that has not been complied with by the council, or

“(b) has, in accordance with subsection (6) of section 244, declined to make an order.”.

7. The following new section is added immediately after section 249: New section 249a

**“249a.** (1) Notwithstanding sections 248 and 249, where a council wishes to move the office of the municipal district to another community, the council shall first pass a by-law authorizing the same. By-law re moving office

“(2) Notice of the proposed by-law shall be posted up for a period of not less than thirty days in not less than fifteen conspicuous places in the municipal district, one of which shall be the office of the secretary-treasurer, and there shall also be inserted in a newspaper of general circulation in the municipal district a notice in Form 31 in Schedule A or in a notice to the like effect.

“(3) Subject to subsection (5) if the petition mentioned in Form 31 in Schedule A is not received by the council or by the secretary-treasurer within thirty days of the publication of the notice of the by-law the council may proceed to pass the by-law.

“(4) If within a period of thirty days a petition is received from ten per cent of the proprietary electors of the municipal district asking that the by-law be submitted to a vote of the proprietary electors of the district Petition to vote on by-law

“(a) the by-law shall be submitted to a vote of the proprietary electors and Part V applies to the taking of the vote, and

“(b) the by-law shall not be finally passed by the council until it has been approved by a majority of the proprietary electors voting thereon.

“(5) When the moving of the office of the municipal district will involve an expenditure in excess of five thousand dollars, or the assumption of a liability in excess of five thousand dollars, the by-law under this section shall be combined with the by-law required under section 250 and shall be dealt with as a by-law under that section.”.

8. Section 250 is amended Section 250 amended

- (a) by striking out subsections (1) and (2),
- (b) by renumbering subsections (3) to (5) as subsections (1) to (3) respectively,
- (c) by striking out the words “If the proposed expenditure or liability to be assumed under either section 248 or 249 in any one year does not exceed fifteen thousand dollars but does exceed five thousand dollars”, where they occur in the renumbered subsection (1), and by substituting the words “If it is proposed by by-law that an expenditure or liability be made or incurred in any one year under sections 248, 249 or 249a and the expenditure or liability under any of these sections is to be in excess of five thousand dollars, then before the by-law is finally voted on by the council,”.

Section 293  
amended

**9.** Section 293, subsection (1) is amended

- (a) by striking out the words "*The Hospitals Act*" and by substituting the words "*The Hospitalization and Treatment Services Act*",
- (b) by striking out the words "an agreement under the circumstances set out in section 3c of *The Hospitals Act*", where they occur in clause (b) and by substituting the words "a hospitalization agreement pursuant to *The Hospitalization and Treatment Services Act*".

Section 333  
amended

**10.** Section 333 is amended

- (a) as to subsection (1), clause (a) by striking out the words "crop share",
- (b) as to subsection (5) by striking out the words "crop share".

Section 425  
amended

**11.** Section 425 is amended

- (a) as to subsection (2)
  - (i) by adding immediately after the word "poles," where it occurs in clause (b) the words "telephone poles,"
  - (ii) by adding immediately after the word "buildings" where it occurs in clause (c) the words ", shelter belts",
- (b) as to subsection (4) by striking out the words "for funds for the payment of compensation" where they occur in clause (a) and by substituting the words "from municipal funds for the payment of compensation by the municipal district".

New  
sections 426a  
and 426b

**12.** (1) The following new sections are added immediately after section 426:

Right to  
use of  
gravel pit

"**426a.** Where, by reason of the alteration of the boundaries of a municipal district, a gravel pit owned by the municipal district becomes located within the area of another municipal district, the ownership of the gravel pit and the right to work it remains with the municipal district in which it was formerly located and the municipal district in which the gravel pit becomes located obtains no rights thereto.

Land in  
special area

"**426b.** Where as a result of the alteration of the boundaries of a municipal district for the purpose of attaining a co-terminous boundary, land previously within a special area under *The Special Areas Act* is transferred to the municipal district, the land policies and system of land tenure applied in the special area in respect of that land shall be maintained and applied to that land by the municipal district."

(2) This section is applicable on and after the first day of January, 1955.

**13.** Form 1 in the Schedule is amended by adding immediately after the figures "19.....," the word "at .....",<sup>Schedule amended</sup>

**14.** This Act comes into force on the day upon which it is assented to.<sup>Coming into force</sup>

THIRD SESSION  
TWELFTH LEGISLATURE  
4 ELIZABETH II  
1955

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**BILL**

An Act to amend The Municipal  
District Act, 1954

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. HINMAN

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