

No. 25

2nd Session, 13th Legislature, Alberta
4 Elizabeth II, 1956

BILL 25

A Bill to amend The Municipal District Act, 1954

HON. MR. HOOKE

EDMONTON, ALBERTA
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1956

Explanatory Note

2. The amendment is to enable the assessor appointed by council to carry out a general reassessment.

Subsection (4) presently reads:

"(4) The assessor appointed pursuant to this section 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 65."

3. The purpose of this amendment is to prevent the service of a municipal employee being interrupted by reason of a merger of a municipal district or by transfer from one municipality to another. Subsection (2) presently reads:

"(2) Notwithstanding the provisions of subsection (1), the council, by by-law, may grant any employee who has been in the service of the municipal district for at least fifteen years, and who while in such service has become incapable through age or illness or otherwise of efficiently discharging his duties, or who has attained an age to be specified in the by-law, a sum not exceeding the total of his aggregate salary for the last two years of his service as a gratuity upon his dismissal or resignation, which gratuity may, in the discretion of the council, be instead of or in addition to any annuity that might be paid to him under the provisions of subsection (1)."

4. Municipal districts would be provided with an alternate mode of electing councillors by this amendment.

BILL

No. 25 of 1956

An Act to amend The Municipal District Act, 1954

(Assented to _____, 1956)

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

PART I

1. *The Municipal District Act, 1954*, being chapter 70 of the Statutes of Alberta, 1954, is hereby amended.

2. Section 64 is amended by striking out subsection (4) and by substituting the following:

“(4) The assessor appointed pursuant to this section shall be the assessor for the municipal district for all purposes including the reassessment of all or any part of the municipal district unless an assessor has been appointed in accordance with the provisions of section 65.”.

3. Section 82, subsection (2) is amended by striking out the words “the municipal district” and by substituting the words “a municipality or municipalities”.

4. The following section is added immediately after section 83:

“**83a.** (1) Where electoral divisions have been established in a municipal district, the council by by-law, may at any time provide for the nomination of candidates by electoral divisions and for the election of candidates by the general vote of the electors.

“(2) If a petition signed by at least fifty proprietary electors is presented to the council, requesting that the council pass a by-law as provided for in subsection (1), the council shall proceed to pass the by-law.

“(3) The provisions of section 250 apply to a petition and by-law under this section as though the by-law were one referred to in subsection (1) of section 250.

5. Section 426b reads at present:

"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."

Having two systems of land policies and tenures in the one municipal district is inconvenient, and the special areas system would be abolished by the amendment. The section substituted deals with another matter and is self-explanatory.

Part II will relate the amendments to the revision and consolidation.

“(4) The by-law shall not be given effect until the year following the year in which it was finally passed.

“(5) The Minister, by order,

“(a) may prescribe the method of preparation of the list of electors and the nominating of candidates, and

“(b) may give directions as to any other matter or thing requisite for the proper conduct of an election.”.

5. Section 426*b* is struck out and the following is substituted:

“~~426*b*~~. (1) The council may pass a by-law for the purpose of entering into an agreement with any person for the provision of weather modification services to the municipal district or to a part or parts of the municipal district.

“(2) No agreement made pursuant to subsection (1) is operative until it has received the assent of two-thirds of the proprietary electors of the municipal district or part thereof voting thereon in the manner provided in Part V.

“(3) The expenses incurred under the agreement pursuant to subsection (1) shall be met by the levy and collection of a mill rate tax upon the real property liable to assessment and taxation in that part or parts of the municipal district covered by the agreement.

“(4) The rates shall be levied in addition to and together with the rate authorized for ordinary municipal purposes and they shall be a lien upon the property subject to the same penalties and collectible in the same manner as taxes.”.

PART II

6. *The Municipal District Act*, being chapter 215 of the Revised Statutes of Alberta, 1955, is hereby amended.

7. Section 64 is amended by striking out subsection (4) and by substituting the following:

“(4) The assessor appointed pursuant to this section shall be the assessor for the municipal district for all purposes including the reassessment of all or any part of the municipal district unless an assessor has been appointed in accordance with the provisions of section 65.”.

8. Section 82, subsection (2) is amended by striking out the words “the municipal district” and by substituting the words “a municipality or municipalities”.

9. The following section is added immediately after section 83:

“~~83*a*~~. (1) Where electoral divisions have been established in a municipal district, the council by by-law, may at any time provide for the nomination of candidates by electoral divisions and for the election of candidates by the general vote of the electors.

“(2) If a petition signed by at least fifty proprietary electors is presented to the council, requesting that the council pass a by-law as provided for in subsection (1), the council shall proceed to pass the by-law.

“(3) The provisions of section 251 apply to a petition and by-law under this section as though the by-law were one referred to in subsection (1) of section 251.

“(4) The by-law shall not be given effect until the year following the year in which it was finally passed.

“(5) The Minister, by order,

“(a) may prescribe the method of preparation of the list of electors and the nominating of candidates, and

“(b) may give directions as to any other matter or thing requisite for the proper conduct of an election.”.

10. Section 428 is struck out and the following is substituted:

“~~428.~~ (1) The council may pass a by-law for the purpose of entering into an agreement with any person for the provision of weather modification services to the municipal district or to a part or parts of the municipal district.

“(2) No agreement made pursuant to subsection (1) is operative until it has received the assent of two-thirds of the proprietary electors of the municipal district or part thereof voting thereon in the manner provided in Part V.

“(3) The expenses incurred under the agreement pursuant to subsection (1) shall be met by the levy and collection of a mill rate tax upon the real property liable to assessment and taxation in that part or parts of the municipal district covered by the agreement.

“(4) The rates shall be levied in addition to and together with the rate authorized for ordinary municipal purposes and they shall be a lien upon the property subject to the same penalties and collectible in the same manner as taxes.”.

11. Part I and this section come into force on the day upon which this Act is assented to, and Part II, except this section, comes into force and Part I is repealed on the day the Revised Statutes of Alberta, 1955, come into force.

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act to amend The Municipal
District Act, 1954

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
