

No. 81

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3rd Session, 13th Legislature, Alberta  
5 Elizabeth II, 1957

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## **BILL 81**

A Bill to amend The Municipal District Act

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HON. MR. HOOKE

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EDMONTON, ALBERTA  
Printed by A. SHNITKA, Printer to the Queen's Most Excellent Majesty,  
1957

## Explanatory Note

2. (a) This amendment would provide for a subsistence allowance to councillors attending a two or three day meeting of the council or in the alternative would permit payment to the councillors each day of mileage coming to and going from the meeting of the council,

(b) Subsection (7) now reads:

“(7) No payment shall be made under subsection (6)

“(a) for more than fifteen days in any one year, in respect of a municipal district that is not greater than fifteen full townships in area, or

“(b) for more than thirty days in any one year, in respect of a municipal district that is greater than fifteen full townships in area.”

The number of days' supervision of public works permitted by the councillors is being increased from fifteen to twenty days in municipal districts of an area not greater than fifteen full townships and from thirty to forty days in districts greater than fifteen full townships in area.

3. Subsection (4) now reads:

“(4) Where the Minister disallows any such appointment, the reeve shall immediately call a special meeting of the council for the purpose of appointing another person as secretary-treasurer.”.

4. This amendment will permit the use of mechanically reproduced signatures where now the secretary-treasurer is required to make payments. Clause (s) of subsection (1) requires that the secretary-treasurer

“(s) shall make all payments on behalf of the municipal district by cheque signed by himself and countersigned by the reeve or by the deputy reeve and drawn on the treasury branch or chartered bank in which the moneys of the municipal district are deposited.”.

# BILL

No. 81 of 1957

An Act to amend The Municipal District Act

(Assented to \_\_\_\_\_, 1957)

**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 215 of the Revised Statutes of Alberta, 1955, is hereby amended.

**2.** Section 55 is amended

(a) by adding immediately after subsection (1) the following subsection:

“(1*a*) The council may pass a resolution for paying members of the council

“(a) a subsistence allowance for each full day spent in attendance at meetings, or

“(b) twelve cents per mile for every mile necessarily travelled each day in coming to and returning from the meeting of the council, whenever a meeting of the council continues for more than one day.”.

(b) as to subsection (7)

(i) by striking out the words “fifteen days” where they occur in clause (a) and by substituting the words “twenty days”,

(ii) by striking out the word “thirty” where it occurs in clause (b) and by substituting the word “forty”.

**3.** Section 59 is amended by striking out subsection (4).

**4.** Section 61 is amended

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

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

“(2) If authorized by by-law of the council to

**5. (a) subsection (3) now reads:**

“(3) Whenever an assessor is appointed, the reeve shall forthwith advise the Minister of the appointment by mail and in the event of the Minister disallowing any such appointment, the reeve shall immediately call a special meeting of the council for the purpose of appointing another person as assessor.”.

(b) This amendment is complementary to clause 6. It will permit the Department to pay half of the cost of assessment where the assessor is not a member of the Department.

**6.** This amendment will allow the Department to bear fifty per cent of the cost of any assessment in a municipal district instead of only twenty-five per cent of the cost of a hamlet assessment as is the case at the present time.

**7. Subsections (5) and (6) read:**

“(5) The appointment of an auditor is subject to the approval of the Minister, who shall forthwith be advised thereof by letter and the Minister may confirm the appointment or disallow it.

“(6) When the Minister disallows the appointment of an auditor, the council, at a regular or special meeting held within one month after the receipt by the secretary-treasurer of notice of the disallowance, shall appoint another person, company or firm as auditor, subject to the confirmation or disallowance of the Minister under subsection (5).”.

**8.** As the Act now stands it is necessary for the auditor to examine every account, voucher, receipt and paid debenture and to stamp the same. The amendments will enable the auditor to make spot checks and conduct the audit in a way that will satisfy him as to the correctness of the records.

do so, the secretary-treasurer may print, lithograph or otherwise mechanically reproduce any signature required by subsection (1).”.

**5.** Section 64 is amended

- (a) as to subsection (3) by striking out the words “and in the event of the Minister disallowing any such appointment, the reeve shall immediately call a special meeting of the council for the purpose of appointing another person as assessor”,
- (b) by adding immediately after subsection (4) the following subsection:

“(5) When a reassessment of all or any part of a municipal district is made by an assessor appointed pursuant to subsection (1), fifty per cent of the cost thereof, which shall be computed on a basis to be determined by the Minister, may be borne by the Department of Municipal Affairs, if

- “(a) the qualifications of the assessor are acceptable to the Minister,
- “(b) a performance bond acceptable to the Minister has been posted, and
- “(c) the work completed by the assessor has been carried out in accordance with the recommendations contained in the Assessment Manual and is acceptable to the municipal district and the Minister.”.

**6.** Section 65 is amended by striking out subsections (2) and (3) and by substituting the following:

“(2) When an assessment is made by an assessor appointed by the Director of Assessments pursuant to subsection (1)

- “(a) fifty per cent of the cost of the assessment shall be borne by the Department of Municipal Affairs, and
- “(b) fifty per cent of the cost constitutes a debt due to the Crown and shall be paid by the municipal district concerned upon submission to it of the account of the Department of Municipal Affairs.”.

**7.** Section 66 is amended by striking out subsections (5) and (6) and by substituting the following:

“(5) When an auditor is appointed by the council, the secretary-treasurer shall forthwith advise the Minister by letter of the appointment.”.

**8.** Section 67 is amended

- (a) by striking out subsection (1) and by substituting the following:

“**67.** (1) At least once in each year, the auditor shall

**9.** This amendment will enable a person to be appointed to a position authorized by The Civil Defence and Disaster Act without jeopardizing his privilege of being nominated and elected as a councillor. See note clause 30.

**10.** The meeting time for annual meeting specified as to its beginning to require more time to be given for the discussion of municipal affairs. Subsection (6) presently reads:

“(6) The council shall also provide for holding an annual meeting for the discussion of municipal affairs at one o'clock in the afternoon on the same day and at the same place as the nomination meeting.”

**11.** The Act presently makes no provision to hold another nomination day and election day in the event of death or sudden non-residence.

**12.** Section 218 now reads:

“218. (1) A proprietary elector resident in an electoral division and qualified in respect of land therein may vote only in that division.

“(2) A proprietary elector not within the terms of subsection (1) and whether resident in the municipal district or not may vote in the electoral division in which the land is situated in respect of which he is qualified as a proprietary elector.

“(3) If a proprietary elector is qualified in respect of land in more than one electoral division then he may vote only in that electoral division in which his assessment is higher than in any other electoral division in which he holds land.

“(4) In the case of equality of assessment the proprietary elector referred to in subsection (3) may vote only in the electoral division that bears the lower or lowest number and in which he holds land.”.

- “(a) conduct a general review of the accounting procedures of the municipal district, and
  - “(b) make such tests of the accounting records and other records as he considers necessary to be able to certify that the books and accounts of the municipal district are properly kept in accordance with standard municipal accounting practices.”,
- (b) as to subsection (2)
- (i) by striking out the words “stamp in indelible letters the word “Audited” and initial the same” and by substituting the words “indicate by the use of an indelible stamp that he has examined the same”,
  - (ii) by adding immediately after the word “debenture” where it occurs in clause (e) the words “so examined”.

**9.** Section 87, subsection (1) is amended

- (a) by adding at the end of clause (d) the word “, or”,
- (b) by adding immediately after clause (d) the following clause:
  - “(e) being appointed to a position under *The Civil Defence and Disaster Act.*”.

**10.** Section 96 is amended by striking out subsection (6) and by substituting the following:

“(6) The council shall also provide for holding an annual meeting for the discussion of municipal affairs, which shall be held, not earlier than ten o’clock in the forenoon nor later than one o’clock in the afternoon, on the same day and at the same place as the nomination meeting.”.

**11.** The following new section is added immediately after section 108 :

“**108a.** (1) When after being nominated and before the close of the poll a candidate ceases to be a resident of the municipal district or dies, the returning officer shall fix new days for the nomination of candidates and for polling.

“(2) The polling day to be fixed by the returning officer under this section shall be the nearest practicable day after six days from the date fixed for the new nomination day.

“(3) The returning officer shall notify the secretary-treasurer of the municipal district of the reason for the postponement of the election.”.

**12.** Section 218 is struck out and the following is substituted:

“**218.** When voting upon a by-law, a proprietary elector may vote at the poll of his choice in the municipal district.”.

**13.** This subsection is amended for the purpose of having the limitation upon actions under this section apply also when a council does road work in an improper manner as well as where it fails to keep a road in repair. Subsection (1) presently reads:

"242. (1) No action shall be brought under the provisions of section 240 except within six months from the date on which the cause of action arose and unless notice in writing of the cause of the action has been mailed to or served upon the secretary-treasurer of the municipal district within one month after the date on which the cause of action arose."

**14.** This amendment will require a complainant to give notice to a council within sixty days after the cause of complaint arises, so that a council may investigate a flooding at a time when an investigation would be most fruitful. Subsection (9) presently reads:

"(9) No complaint that a default has been made by a council in performing a duty imposed upon the council by subsection (1) shall be lodged after the expiration of two years from the date the alleged default occurred."

**15.** This section provides for a complaint to be made to the Minister of Municipal Affairs when a council has defaulted upon a duty to make adequate provision for the drainage of highways under the control of the council and the disposal of water therefrom or has made an unfair and unwarranted order upon a complaint to it. This amendment and the amendment proposed by clause 16 are complementary, and will change the present procedure so that a complaint under section 244 would be heard by a district court judge instead of the Minister. Otherwise the sections concerned remain almost unchanged. Section 244 presently reads:

"244. (1) An owner or occupier of land who has complied with the provisions of subsections (2) and (3) of section 243 may make a complaint in writing to the Minister

"(a) that a default has been made by the council in performing the duty cast upon it by section 243, or

"(b) that the decision of the council on a complaint under section 243 is unfair and unwarranted.

"(2) Upon receipt of the complaint the Minister shall refer the same to the Director of Water Resources.

"(3) 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 of Water Resources or the person appointed by him

"(a) shall examine the site of the complaint, and

"(b) shall have access to the records of the secretary-treasurer with respect to all matters concerning the complaint for the purpose of the inquiry.

"(4) The Director of Water Resources shall report to the Minister

"(a) whether or not there are grounds for the complaint, and

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

"(5) The Minister in his discretion by order may require the council to carry out any such measures as he deems proper, and may state a time for the completion of the measures.

"(6) If the Minister does not issue an order respecting the disposal of the complaint he shall notify the council and the complainant

"(a) that no order will issue, and

"(b) that the complainant is entitled upon receipt of the notification to bring an action in any court of competent jurisdiction."



**13.** Section 242, subsection (1) is amended by striking out the word "No" and by substituting the words "Whether the want of repair was the result of non-feasance or misfeasance, no".

**14.** Section 243, subsection (9) is amended by adding immediately after the word "occurred" the words "and unless notice in writing of the default has been mailed to or served upon the secretary-treasurer of the municipal district within sixty days after the day on which the cause of complaint arose".

**15.** Section 244 is struck out and the following is substituted:

**"244.** (1) An owner or occupier of land who has complied with the requirements of subsections (2) and (3) of section 243 may make a complaint in writing to a judge of the district court within which the land is situate, that

"(a) a default has been made by the council in performing a duty laid upon it by section 243, or

"(b) the decision of the council on a complaint under section 243 is unjust and unwarranted.

"(2) When an owner or occupier of land makes a complaint under subsection (1), he shall pay into court the sum of twenty-five dollars as security for costs to abide the event, and the judge on a complaint may direct that notice of the complaint be served upon the municipal district.

"(3) The judge shall hold an inquiry to ascertain whether or not there are grounds for the complaint and, if there are grounds, shall on inquiry determine the measures that should be taken by the council to remedy the default that contributed to the cause of complaint.

"(4) The judge in his discretion may order the council to carry out any measures that he deems proper to remedy the default and may fix a time for the completion of any measure so ordered to be carried out.

"(5) If the judge does not issue an order respecting the disposal of the complaint, he shall notify the council and the complainant

"(a) that no order will issue, and

"(b) that the complainant is entitled upon receipt of the notification to bring an action in any court of competent jurisdiction.",

**16.** See note to clause 15. Section 245 presently reads:

"245. No action for an omission or default by a council to perform its duties under section 243 lies at the suit of any 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."

**17.** This amendment and the amendment in clause 18 are complementary. The amendment recognizes the increased cost involved in providing facilities needed by a municipal district in its administration, and it recognizes the difference in size of districts and the consequent difference in facilities required. Section 250, subsection (1) reads at present:

"250. (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."

**18.** The words to be changed read as follows:

"251. (1) When it is proposed by by-law that an expenditure or liability be made or incurred in any one year under section 248, 249 or 250 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,".

**19.** This subsection empowers the municipal district to dispose of lands acquired for specific purposes by the municipal district. At the present time this may only be done with the approval of the Minister of Municipal Affairs. The amendment will remove that restriction.

**20.** Clause (b) of subsection (1), of section 295 reads:

"295. (1) A council may pass by-laws

.....  
"(b) to grant aid to agricultural societies, farmers' organizations approved by the Minister, boards of trade or similar bodies, school fairs and boy scout and girl guide organizations,".

**21.** Subsection (1) now provides that a municipal district may pass a by-law for a hamlet that a village may pass, but the power is made subject to the approval of the Minister. That restriction on the power given by this section is removed by this amendment.

**22.** Subsection (1) of section 336 now reads:

"336. (1) An owner, purchaser and conditional owner of assessed land, whether his name appears on the assessment roll or not, shall pay taxes upon the assessed value thereof at the rates lawfully imposed thereon, irrespective of the amount or nature of his interest in the property."

**16.** Section 245 is amended

- (a) by striking out the word "Minister" and by substituting the word "judge",
- (b) as to clause (a) by striking out the figure "(5)" and by substituting the figure "(4)",
- (c) as to clause (b) by striking out the figure "(6)" and by substituting the figure "(5)".

**17.** Section 250 is amended by striking out subsection (5) and by substituting the following:

"(5) When the moving of the office of the municipal district will involve an expenditure or the assumption of a liability in excess of ten thousand dollars, or five mills on the net total assessment of land, buildings and improvements of the municipal district, whichever is the greater, the by-law under this section shall be combined with the by-law required under section 251 and shall be dealt with as a by-law under that section."

**18.** Section 251, subsection (1) is amended by striking out all the words preceding clause (a) and by substituting the following:

"**251.** (1) When it is proposed by by-law that an expenditure or a liability be made or incurred under section 248, 249, or 250 and the expenditure or assumption of a liability under any of these sections is to be in excess of ten thousand dollars or five mills on the net total assessment of land, buildings and improvements of the municipal district, whichever is the greater, then before the by-law is finally voted on by the council".

**19.** Section 269, subsection (1) is amended by striking out the words "Subject to the approval of the Minister a" and by substituting the word "A".**20.** Section 295, subsection (1), clause (b) is amended by striking out the words "approved by the Minister" and by substituting the words "the Hudson Bay Route Association".**21.** Section 320 is amended by striking out subsection (1) and by substituting the following:

"**320.** (1) In the case of a hamlet a council may pass any by-law that a village council may pass under *The Town and Village Act*."

**22.** Section 336, subsection (1) is amended by adding immediately after the words "assessed land," the words "or personal property,".

**23.** This subsection will permit a non-resident joint owner of property to avoid the payment of the minimum hospital tax.

**24.** This new section will permit the Minister to require that information concerning provincial grants and other assistance to municipalities be circulated to the taxpayers thereof.

**25.** Subsection (2) of section 358 begins: "The distress with costs may be levied".

The amendment is intended to permit the seizure of personal property subject to a tax lien in settlement of the taxes levied in respect of the personal property regardless of the new ownership thereof.

**26.** The proposed amendment would permit the council to borrow up to the limit of seventy-five per cent of the latest tax levy after each repayment providing that at no time must the total borrowings outstanding exceed seventy-five per cent of the current levy. Section 379 presently reads:

"379. When any borrowing takes place to meet the current ordinary expenditure of the municipal district the total amount borrowed and outstanding shall not exceed seventy-five per cent of the total taxes levied in the current year by the municipal district to meet the expenditure."

**23.** Section 344 is amended by adding immediately after subsection (2) the following subsection:

“(3) Notwithstanding the provisions of subsection (1), where the names of two or more persons appear upon the assessment and tax roll as joint owners of real property, a minimum tax shall, subject to subsection (2), be levied in respect of each owner except a joint owner not resident in the Province of Alberta who submits in writing to the secretary-treasurer of the municipal district a statement setting out that the joint owner is not a resident of the Province and does not intend or desire to receive the benefits of the hospital agreement.”.

**24.** (1) The following new section is added immediately after section 347:

“**347a.** (1) In each year a council shall, in such manner, form and detail as the Minister may require, notify every person assessed upon the assessment and tax roll of all payments that it is estimated will be made by the Province in that year to the municipal district including the amounts, which shall be computed in such manner as the Minister may require, of the estimated payments applicable to any school district, school division, municipal hospital district or health unit included in whole or in part in the municipal district.

“(2) In addition to the information mentioned in subsection (1), the Minister may require the inclusion in the notice of such other relevant information pertaining to provincial grants and their effect upon or relation to the taxes levied as he deems advisable.

“(3) When a municipal district fails to comply with any requirement of this section, the Provincial Treasurer, upon the recommendation of the Minister, may withhold any moneys payable to the municipal district, the school district, school division, municipal hospital district or health unit or all of them, until the municipal district has complied with the requirement.”.

(2) This section is applicable on and after the first day of January 1958.

**25.** Section 358, subsection (2) is amended by adding immediately after clause (a) the following new clause:

“(a1) upon the personal property that is subject to a special lien under subsection (2) of section 354,”.

**26.** Section 379 is struck out and the following is substituted:

“**379.** When any borrowing takes place to meet the current ordinary expenditures of the municipal district the total temporary loans outstanding after any borrowing is made, shall not exceed seventy-five per cent of the total of the latest tax levy by the municipal district.”.

**27.** Section 405 now reads:

"405. Where the municipal district's general revenue on deposit exceeds the indebtedness, liabilities or commitments of the municipal district the council by by-law approved by the Minister may invest any part of the excess in bonds either of Canada or of the Province of Alberta, but in no other investment."

**28.** Section 426 now reads:

"426. Subject to the approval of the Minister, the council of a municipal district that is designated by the Minister as a semi-urban municipal district may by by-law enter into a contract with any person to supply bus service in any part or parts of the municipal district."

**29.** Section 428 now reads:

"428. Where, as a result of the alteration of the boundaries of a municipal district for the purpose of attaining a co-terminous boundary, any land previously within a special area under The Special Areas Act is transferred to the municipal district, the land policies and systems 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."

This section requires a difference in the treatment of land transferred from a special area and under tax recovery proceeding in the municipal district.

**30.** This is the same amendment as the one made by clause 9 of this Bill, but applies directly to The Municipal District Act, 1954, and by clause 31 (2) made retroactive to the date that Act came into force.

**31.** This Bill comes into force with the Revised Statutes, except clause 30 which amends chapter 70 of the Statutes of Alberta, 1954.

**27.** Section 405 is amended by striking out the words "approved by the Minister".

**28.** Section 426 is amended by striking out the words "Subject to the approval of the Minister, the" and by substituting the word "The".

**29.** Section 428 is repealed.

**30.** Clause (e) of section 86 of chapter 70 of the Statutes of Alberta, 1954, does not apply to a person by reason only of the person being appointed to a position under *The Civil Defence and Disaster Act*.

**31.** (1) This Act, except section 30, comes into force on the day the Revised Statutes of Alberta, 1955, come into force.

(2) Section 28 comes into force on the day upon which this Act is assented to and upon so coming into force shall be deemed to have been in force at all times on and after the first day of July, 1954.

No. 81

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THIRD SESSION

THIRTEENTH LEGISLATURE

5 ELIZABETH II

1957

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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. HOOKE

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