

No. 81

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 81

A Bill to amend The Municipal District Act

HON. MR. HOOKE

Explanatory Note

2. This reference should include a reference to subsection (4) which provides for the two-year term of office of councillors; subsections (3) and (5) provide for the one-year and three-year terms, respectively. Subsection (4) reads as follows:

"(4) The candidates whose names appear upon the number of slips next drawn, as fixed in the order, may hold office from the date of election until the third day of April in the second year following the election."

3. This amendment will authorize certain information being circulated to all proprietary electors not simply resident proprietary electors. Subsections (1) and (2) presently read:

"51. (1) The council, by by-law, may provide for publishing the minutes of its meetings and for publishing information concerning other municipal subjects and for that purpose may cause circulars to be prepared and distributed to all resident proprietary electors of the municipal district.

"(2) Where in a municipal district there is in circulation one or more weekly newspapers, the council by by-law, may provide for the publication of the matters referred to in subsection (1) in that newspaper, and for the distribution of a copy thereof to each resident proprietary elector of the municipal district."

4. This amendment will permit municipal districts to increase the councillors' per diem pay to fifteen dollars from ten dollars, to increase the per diem pay of Reeves to the same extent and to pay councillors at the same rate for days spent on the work of the municipality and on committees of the municipality.

5. The Director of Assessments is here presently mentioned several times. This officer is being replaced by the Supervisor of Assessments, and the references are therefore altered.

BILL

No. 81 of 1958

An Act to amend The Municipal District Act

(Assented to _____, 1958)

HER 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 31, subsection (6) is amended by striking out the figures and word "(3) and (5)" and by substituting the figures and word "(3) to (5)".

3. Section 51 is amended

- (a) as to subsection (1) by striking out the word "resident",
- (b) as to subsection (2) by striking out the word "resident".

4. Section 55 is amended

- (a) as to subsection (1) by striking out the word "ten" and by substituting the word "fifteen",
- (b) as to subsection (4) by striking out the word "ten" and by substituting the word "fifteen",
- (c) as to subsection (6) by striking out the word "ten" and by substituting the word "fifteen",
- (d) as to subsection (11) by striking out the word "ten" and by substituting the word "fifteen",
- (e) as to subsection (12) by striking out the word "ten" and by substituting the word "fifteen".

5. Section 65 is amended by striking out the word "Director" wherever it occurs in subsections (1) and (2) and by substituting the word "Supervisor".

6. This corrects a misprint.

7. (a) This amendment will require that the power to compel a municipal district to pass a by-law providing for the nomination of candidates by electoral divisions and for the election of councillors by a general vote may be exercised only by a petition of ten per cent of the proprietary electors rather than fifty in number as at present.

(b) This amendment will make subsection (3) apply only in respect of a by-law under subsection (1).

(c) Since this by-law is initiated by a petition of ten per cent of the proprietary electors, another petition under section 251 is not required and it may go to a vote directly. Subsections (1) to (3) presently read as follows:

"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 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."

8. British subjects are to be entitled to hold office as councillors.

9. British subjects are to be entitled to vote in municipal district elections.

10. This amendment will make the hours for annual municipal meeting as prescribed by this section and section 96 (6) correspond. Subsection (1) presently reads as follows:

"102. (1) At the hour of one o'clock in the afternoon the returning officer shall declare the annual meeting open, and shall hold an election of a chairman who shall conduct the discussion of municipal affairs."

11. See note to clause 9.

12. Self-explanatory.

6. Section 73 is amended by striking out the word "resoluton" and by substituting the word "resolution".

7. Section 83*a* is amended

(a) as to subsection (2) by striking out the words "fifty proprietary" and by substituting the words "ten per cent of the proprietary",

(b) as to subsection (3) by striking out the words "petition and by-law under this section" and by substituting the words "by-law passed under subsection (1)",

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

"(3*a*) A by-law under subsection (2) shall be submitted to a vote of the proprietary electors and shall not be finally passed until it has been approved by a majority of the proprietary electors voting thereon, and Part V applies to the taking of the vote thereon."

8. Section 85, clause (b) is amended by adding immediately after the word "citizen" the words "or a British subject".

9. Section 90, subsection (1), clause (b) is amended by adding immediately after the word "citizens" the words "or British subjects".

10. Section 102, subsection (1) is amended by striking out the words "the hour of one o'clock in the afternoon" and by substituting the words "an hour not earlier than ten o'clock in the forenoon nor later than one o'clock in the afternoon".

11. Section 113, clause (b) is amended by adding immediately after the word "citizens" the words "or British subjects".

12. The following new section is added immediately after section 286:

"**286*a*.** On such terms, at such prices and for such payment as the council may by by-law determine, the council may act as agent or dealer to provide to farmers resident in the municipal district any formula, chemical preparation or commodity used for the destruction of brush or noxious weeds or for the destruction of animal, insect or other pests."

13. (a) By this amendment the debt and lien arising upon the granting of municipal relief is to apply only to the municipal district's share of such relief. It will not apply in respect of provincial contributions thereto.

(b) (17) This amendment will refer such disputes to the district court rather than to the Minister.

(b) (18) This amendment will leave the determination of burial costs in such cases to the Minister of Public Welfare. Subsections (17) to (19) read as follows:

"(17) Where a dispute arises under subsection (16) as to the identity of the city, town, village, municipal district, improvement district or special area of which the deceased indigent person was at the time of his death a resident the dispute shall be referred to the Minister.

"(18) The Minister shall determine the question referred to him under subsection (17) in such manner as he thinks fit and his decision is final.

"(19) The cost of the burial recoverable under subsection (16) shall not exceed such sum as the Minister may prescribe."

14. (a) (i) This will permit councils to make by-laws granting aid to such Associations. Subsection (1) (b) reads:

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

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

(a) (ii) This amendment would empower municipal districts to make grants of this kind, where at present the authority for this practice is doubtful.

(b) The limit on the grants that may be made in any one year is to be based on the net total assessment as here provided. Subsection (2) presently reads as follows:

"(2) Subject to subsection (3), a council may make grants for any or all of the purposes mentioned in this section but in any one year the aggregate of all such grants shall not exceed the sum of two thousand five hundred dollars."

15. Self-explanatory.

13. Section 294 is amended

- (a) by adding immediately after subsection (13) the following subsection:

“(13a) Notwithstanding subsections (11) to (13), the charge and debt thereby created applies only for the value of the contribution made by the municipal district to the indigent assistance given and to only the municipal district’s share of any moneys expended toward the assistance and does not apply in respect of any moneys contributed by the government toward such assistance.”,

- (b) by striking out subsections (17) to (19) and by substituting the following:

“(17) Where a dispute arises under subsection (16) as to the city, town, village, county, municipal district, improvement district or special area of which the deceased indigent person was a resident at the time of his death, the dispute shall be referred to a judge of the district court whose decision thereon is final.

“(18) The cost of the burial that is recoverable under subsection (16) shall not exceed such sum as the Minister of Public Welfare may prescribe.”.

14. Section 295 is amended

- (a) as to subsection (1),

(i) by adding immediately after the word “Association” where it occurs in clause (b) the words “Pioneer and Old Timers’ Associations,”,

(ii) by adding immediately after clause (c) the following:

“(c1) to grant aid to religious schools, church manses or halls, bible colleges, convents, monasteries or private schools,”,

- (b) as to subsection (2) by striking out the words “the sum of two thousand five hundred dollars” and by substituting the words “a sum equal to one-half a mill on the net total assessment of land, buildings and improvements of the municipal district”.

15. The following new section is added immediately after section 326:

“**326a.** A council may by by-law provide authority for the council to enter into agreements with farmers’ organizations providing for the collection of dues on a voluntary basis by the municipal district from members of the organizations and for the remittance of the dues so collected to the organizations.”.

16. It is intended to abolish the personal property tax in municipal districts and to permit the levy of a business tax. Section 332 (b) presently reads:

"332. When the estimate of probable expenditure has been completed the council

"(b) shall by by-law authorize the secretary-treasurer to levy for ordinary municipal purposes upon the assessed value of all lands, improvements and personal property set out in the assessment roll a tax at such uniform rate on the dollar as the council deems sufficient to produce the amount of the expenditures as estimated by the council less the amount of the estimated probable revenue from sources other than taxation, and due allowance shall be made for the amount of taxes reasonably expected to remain unpaid."

17. (a) See note to clause 16 above.

(b) See note to clause 16 above.

18. See note to clause 16 above. Section 335 (1) reads as follows:

"335. (1) On or before the fifteenth day of September in each year the secretary-treasurer of each municipal district shall enter in the assessment and tax roll for the year a statement of all taxes against each parcel or the personal property assessed upon the roll."

19. See note to clause 16 above. Section 336 (1) reads as follows:

"336. (1) An owner, purchaser and conditional owner of assessed land or personal property 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."

20. See note to clause 19. supra. A minimum parcel tax is here provided.

16. Section 332, clause (b) is amended by striking out the words “personal property” and by substituting the word “businesses”.

17. Section 333 is amended

- (a) as to clause (b) of subsection (1) by striking out the words “improvements and personal property” and by substituting the words “and improvements”,
- (b) by adding immediately after subsection (2) the following new subsection:

“(2a) Where pursuant to *The Assessment Act* a by-law providing for a business tax is passed by a council, the council shall, by by-law authorize the secretary-treasurer to levy at such uniform rates on the dollar as the council deems sufficient, a business tax for municipal, school and municipal hospital purposes or any one or more of them as specified in the business tax by-law, but in no case shall the rates levied for any purpose set out in the business tax by-law be greater than the rates levied for the same purpose on the assessed value of land in the assessment roll.”.

18. Section 335, subsection (1) is amended by striking out the words “the personal property” and by substituting the word “business”.

19. Section 336, subsection (1) is amended by striking out the words “personal property” and by substituting the words “an assessed business”.

20. The following new section is added immediately after section 336:

“**336a.** (1) When the taxes payable for the purposes of the municipal district on any lot in any subdivision or plan or on any fraction of a quarter section are less than fifty cents, the amount which shall be payable for such purposes to the municipal district on the lot or on the fraction shall be fifty cents.

“(2) When the amount payable for school purposes on any lot in any subdivision or plan or on any fraction of a quarter section is less than fifty cents, the amount which shall be payable for such purposes to the municipal district on the lot or on the fraction shall be fifty cents.”.

21. Sections 341 to 344 provide the minimum taxes, i.e., the minimum municipal tax, the minimum school tax and the minimum hospital tax. All are being abolished. The new section makes provision for the provincial requisition under the new Act mentioned, which comes into force by proclamation.

22. This amendment will permit the addition of penalties to arrears of business tax. Subsection (2) of section 349 presently reads:

"(2) An amount so added forms a part of the taxes that are made a special lien upon land or real or personal property under the provisions of this Act."

23. With the abolition of minimum personal taxes, these words and clauses are unnecessary. Subsection (2) of section 350 presently reads as follows:

"(2) The discount allowed under the provisions of subsection (1) shall include discounts on minimum taxes appearing on the tax roll but shall not include

"(a) payments made on taxes payable pursuant to subsection (2) of section 341, or

"(b) payments made on taxes payable pursuant to subsection (2) of section 342."

24. (a) This amendment is for the purpose of making it possible to recover business taxes by suit or distress. Section 354, subsection (1) presently reads as follows:

"354. (1) The taxes due in respect of land, personal property, mineral or timber may be recovered with costs and with interest as a debt due to the municipal district, from a person

"(a) who was the owner, conditional owner or purchaser of the land, personal property or the mineral or who was the timber licensee of the timber at the time of its assessment, or

"(b) who subsequently became the owner, conditional owner, purchaser or timber licensee of the whole or any part thereof, saving his recourse against any other person."

(b) See note to (a) above. Subsection (2) presently reads as follows:

"(2) The taxes, costs and interest referred to in subsection (1) are a special lien on

"(a) the land,

"(b) personal property, or

"(c) mineral or timber that is not exempt from taxation by the Province,

in priority to a claim, privilege, lien or encumbrance of any person except the Crown and the lien and its priority are not lost or impaired by any neglect, omission or error."

25. Subsection (1) of section 355 presently reads as follows:

"355. (1) All taxes due in respect of a parcel of land, whether or not proceedings are pending for the recovery thereof under an Act relating to the recovery of taxes, are a first charge upon any money payable under a policy of fire insurance in respect of an assessed building or erection on the said parcel except only where the policy has been effected and is maintained by a mortgagee of the land for his own protection."

This amendment is for the purpose of removing an inconsistency with subsections (3) and (4), wherein it is indicated that the fire insurance is to be paid to the municipal district for buildings on lands on which taxes are owing, even though the building is not assessable.

21. (1) The heading "Minimum Taxes" and sections 341 to 344 are repealed.

(2) The following section is added immediately after section 340:

"341. A council shall levy for and collect the requisition of the Province pursuant to *The Hospitalization Benefits Act* and shall include this requisition in the expenditures as estimated pursuant to clause (b) of section 332."

(3) Subsection (2) applies on and after the commencement of *The Hospitalization Benefits Act*.

22. Section 349, subsection (2) is amended by adding immediately after the word "property" the words "or business".

23. Section 350, subsection (2) is amended

- (a) by striking out the words "but shall not include",
- (b) by striking out clauses (a) and (b).

24. Section 354 is amended

- (a) as to subsection (1) by adding immediately preceding the words "personal property" wherever they occur the word "businesses,"

- (b) as to subsection (2) by adding immediately after clause (a) the following new clause:

"(a1) the business,"

25. Section 355, subsection (1) is amended by striking out the words "an assessed" and by substituting the word "any".

26. This corrects a misprint.

27. This amendment is for the purpose of making the money by-law approval procedure in municipal districts correspond with the procedure in the other municipalities.

28. Section 428 presently 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."

By this proposed amendment the land would be dealt with in the same manner as other land in the municipal district after the present tenant's interest in the land is terminated.

29. (a) See note to clause 10.

(b) See note to clause 8.

(c) See note to clause 9.

30. Commencement of amendments.

26. Section 357, subsection (1) is amended by striking out the word "maling" and by substituting the word "mailing".

27. The following new section is added immediately after section 382:

"382a. (1) In the case of a by-law to borrow money by the issue of debentures for any purpose, application shall be made to the Board of Public Utility Commissioners for its permission to borrow the money by the issue of debentures.

"(2) The application shall be made as required by *The Public Utilities Act* and shall be made before or immediately after the first reading of the by-law and before the by-law is submitted to a vote of the proprietary electors."

28. Section 428 is amended by adding immediately at the end the words "until such time as the existing tenancy is determined".

29. Schedule A is amended

- (a) as to Form 4 by striking out the words "at one o'clock in the afternoon" and by substituting the words "at o'clock in the noon",
- (b) as to Form 6 by adding immediately after the word "citizen" in paragraph 2 the words "or a British subject",
- (c) as to Form 16 by adding immediately after the word "citizen" the words "or a British subject".

30. (1) Except as otherwise provided this Act comes into force on the day upon which it is assented to.

(2) Section 20 and subsection (1) of section 21 shall be deemed to have been in force at all times on and after the first day of January, 1958.

(3) Sections 16, 17, 18 and 19 come into force on the first day of January, 1959.

No. 81

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to amend The Municipal
District Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
