

No. 62

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1st Session, 14th Legislature, Alberta  
8 Elizabeth II

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## **BILL 62**

A Bill to amend The Municipal District Act

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HON. MR. HOOKE

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## Explanatory Note

### 2. Clause (q1) of section 2 presently reads:

"2. In this Act,

.....

- (q1) "mobile home" means any vacation trailer or house trailer that is
- (i) designed for, or intended to be equipped with, wheels whether or not it is so equipped, and
  - (ii) constructed or manufactured to provide a domicile for one or more persons,
- but does not include a trailer otherwise designed;"

### 3. Section 65 (1) presently reads:

"65. (1) The council, by resolution, may request the Supervisor of Assessments to make a reassessment of all lands, buildings and improvements in the municipal district or in any part of it, and in such case the assessor for the purposes of the reassessment shall be such assessor on the staff of the Supervisor of Assessments as may be designated by the Supervisor."

This amendment provides for departmental assessors making annual assessments and business tax assessments in municipal districts.

### 4. (a) Section 87 is amended to prevent co-operative association members from being disqualified as councillors. Section 87, subsection (1), clause (a) reads:

"87. (1) Clause (e) of section 86 does not apply to a person by reason only of the person

- (a) being a shareholder in an incorporated company having a contract or dealings with the council, unless the contract or dealings are for the building, construction or repair of a public work,".

Section 86(e) provides that a person who has an interest in a contract under which any money of the municipal district is to be paid for any service, work or matter or thing is not eligible to be a member of the council. Section 87(1) provides that a person is not so ineligible. The new clause (b1) will add to the list of exemptions the ordinary transactions under The Farm Purchase Credit Act.

(b) The section is also amended to clarify the position of councillors with respect to interest. Section 87(2) presently reads:

"(2) No councillor who is a shareholder in any company shall vote in the council on any question affecting the company, and no councillor who sells or leases to the municipal district shall vote in the council on any question effecting any sale or lease to the municipal district."

# BILL

No. 62 of 1960

An Act to amend The Municipal District Act

(Assented to \_\_\_\_\_, 1960)

**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 is hereby amended.

**2.** Section 2 is amended by striking out clause (q1) and by substituting the following:

(q1) "mobile home" means

- (i) any vacation trailer or house trailer, or
- (ii) any structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation for one or more persons;

**3.** Section 65 is amended by striking out subsection (1) and by substituting the following:

**65.** (1) A council, by resolution, may request the Supervisor of Assessments to make any assessment in the municipal district or in any part of it, and in such case the assessor for the purposes of the assessment, shall be such assessor on the staff of the Supervisor as may be designated by the Supervisor.

**4.** Section 87 is amended

(a) as to subsection (1)

(i) by adding immediately after the word "being" in clause (a) the words "a member of a co-operative association or",

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

(b1) being the vendor or purchaser or assignor or assignee thereof of land bought or sold under *The Farm Purchase Credit Act*,

(b) by striking out subsection (2) and by substituting the following:

**5.** The use of municipal machinery for private purposes in case of emergency is authorized.

**6.** Section 248, subsection (1) is amended to give a municipal district express power to acquire land for recreational and cultural facilities. Section 248(1) as relevant reads:

"248. (1) The council may pass a by-law authorizing the purchase, lease or other acquisition of land or of any interest therein within or without the municipal district".

**7.** This new section permits use of insurance moneys and certain other moneys without recourse to proprietary electors under section 251.

**8.** Self-explanatory.

(2) No reeve or councillor shall vote in the council

- (a) on any question
  - (i) affecting a private company of which he is a shareholder,
  - (ii) affecting a public company in which he holds more than one per cent of the number of shares issued, or
  - (iii) affecting a partnership or firm of which he is a member,
- (b) on any contract for the sale of goods and merchandise to which he is a party,
- (c) on any question affecting the lease of any property of which he is the leaseholder from the municipality, or
- (d) on any question affecting land of which he is the purchaser from the municipality under an agreement of sale.

(3) Subsection (2) does not apply to a person only by reason of his being a member of a co-operative association.

5. The following new section is added immediately after section 237:

**237a.** (1) A council may, in cases of emergency or where no privately owned equipment is available, authorize the use of municipal equipment for snow plowing or road building when these services are requested by a town or village or by a resident ratepayer of the municipal district.

(2) Any town or village or a ratepayer requesting such service shall pay for the use of the machinery at the same rate as is paid by the Provincial Government for the rental of similar equipment.

6. Section 248, subsection (1) is amended by adding immediately after clause (b) the following:

(b1) for recreational or cultural facilities,

7. The following section is added immediately after section 251:

**251a.** Where moneys received under an insurance policy are used to restore the property originally covered by the insurance policy, or where money received by way of gift or grant for a specific purpose is used for such purpose, the spending of such moneys shall not be deemed to be an expenditure within the meaning of section 251.

8. The following new sections are added immediately after section 286a:

**9.** Municipal districts are given authority similar to that possessed by cities with regard to the improvement or upkeep of public utilities.

**10.** Section 323a relating to the licensing of mobile homes is amended to make it clearer that where a mobile home becomes subject to licence part way through the year, the owner is only liable for the licence fee for the remainder of the year and not for the whole year. Subsection (3) presently reads:

"(3) Where a mobile home licence fee is imposed pursuant to a by-law under this section, the full amount of the annual licence fee is due and payable as soon as a mobile home is used as a residence in the municipal district but where an agreement has been entered into between the municipal district and the owner of the mobile home the licence fee may be made payable on a monthly basis as agreed upon."

**11.** To provide uniformity with the town and village, authority is given to combine the municipal, school and hospital rates into one rate.

**12.** Section 335 relating to the preparation of the assessment roll is amended to enable a business tax assessment roll to be prepared later than September 15th. Section 335 (1) presently reads:

"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 business assessed upon the roll."

**286b.** To encourage a veterinarian to practise in the municipal district, the council may annually by by-law authorize the payment to the veterinarian of a grant not exceeding a sum equal to one-quarter mill on the net total assessment of land and improvements in the municipal district.

**286c.** A council may purchase membership or buy shares in a co-operative association organized under *The Co-operative Associations Act* and may accept patronage dividends from such co-operative.

**9.** Section 297 is amended by adding immediately after subsection (5) the following new subsection:

(6) An extension, rehabilitation, re-equipment or improvement to a public utility acquired under this section may be proceeded with without the consent of the proprietary electors if the extension, rehabilitation, re-equipment or improvement is approved by a by-law passed by two-thirds of the members of the council and is approved by the Board of Public Utility Commissioners.

**10.** Section 323a is amended by striking out subsection (3) and by substituting the following:

(3) Where the council of a municipal district has passed a by-law for the licensing of mobile homes, then as soon as a mobile home is used as a residence in the municipal district the full amount of the licence fee for that portion of the licensing year then unexpired thereupon becomes due and payable unless the municipal district and the owner of the mobile home have entered into an agreement whereby the licence fee is made payable on a monthly basis.

**11.** Section 333 is amended by adding immediately after subsection (5) the following new subsection:

(6) The council may by resolution provide for the combination into one rate of the different rates levied pursuant to any by-laws passed pursuant to section 332 and this section and payable by a ratepayer who is a public school supporter and may likewise provide for the combination into one rate of the different rates levied and payable by a ratepayer who is a separate school supporter.

**12.** Section 335 is amended

- (a) as to subsection (1) by striking out the words "or business",
- (b) by adding immediately after subsection (1) the following new subsection:

(1a) Where the council has passed a by-law authorizing the levy of a business tax the secretary-treasurer shall prepare a business tax roll and may enter therein, at any time during the year, a business tax assessment and the amount of the levy

**13. (a) Section 345a, subsection (1) presently reads:**

"345a. (1) The council by by-law may provide for the imposition of a tax on persons who are in legal possession of equipment when the equipment is engaged in the drilling of any well for which a licence is required under The Oil and Gas Conservation Act."

**(b) Section 345a, subsection (4) presently reads:**

"(4) The tax may be imposed at any time during a calendar year and becomes due and payable upon cessation of the drilling operation and may be recovered with costs and with interest as a debt due to the municipal district from the owners, conditional owners or lessees of the equipment."

**(c) Section 345a, subsection (5) presently reads:**

"(5) When taxes imposed by a by-law passed under this section remain unpaid for a period of thirty days after the cessation of the drilling operation the secretary-treasurer or any person appointed by him in writing may levy the same with costs by distress under section 358."

**(d) References to repealed Acts are changed to refer to the new Act. Section 345a, subsection (6) presently reads:**

"(6) This section does not apply in respect of any equipment licensed under The Mobile Construction Equipment Licensing Act or The Seismographic Recording and Drilling Equipment Licensing Act."

**14. The present wording of section 374b may be interpreted as authorizing the cancellation or refunding of the whole only and not a part of a levy. Section 347b presently reads:**

"374b. The council may, subject to the approval of the Minister, pass a by-law for the purpose of cancelling or refunding a tax levy in any case where the council considers it equitable to do so."

**15. Certain provisions relating to licences are made retroactive to the beginning of the licensing year.**



thereon and proceed to collect the taxes specified therein.

**13.** Section 345a is amended

- (a) as to subsection (1) by adding immediately at the end thereof the words "or in legal possession of equipment capable of or designed for drilling a gas or oil well when the equipment is engaged in servicing a gas or oil well",
- (b) as to subsection (4) by adding immediately after the word "drilling" the words "or servicing",
- (c) as to subsection (5) by adding immediately after the word "drilling" the words "or servicing",
- (d) by striking out subsection (6) and by substituting the following:
  - (6) This section does not apply in respect of any equipment licensed under *The Mobile Equipment Licensing Act*.

**14.** Section 374b is amended by adding immediately after the words "cancelling or refunding" the words "all or any part of".

**15.** This Act comes into force on the day upon which it is assented to and upon so coming into force sections 2, 5, 10 and 13 shall be deemed to have been in force at all times on and after the first day of January, 1960.

No. 62

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FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

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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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