

No. 89

2nd Session, 14th Legislature, Alberta
9 Elizabeth II

BILL 89

A Bill to amend The Municipal District Act

HON. MR. HOOKE

Explanatory Note

2. Section 41, subsection (1) reads:

"41. (1) The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct."

This amendment will make the section conform to the 1960 amendment to the equivalent section in The Town and Village Act.

3. Section 51, subsections (2) and (3) read:

"(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 proprietary elector of the municipal district.

(3) Any expense incurred pursuant to subsection (1) or (2) shall be defrayed out of the general revenue of the municipal district."

Subsection (2) is amended for clarification and subsection (3) is struck out as being superfluous.

4. Section 62 reads:

"62. (1) The secretary-treasurer, if requested, shall make a search in the assessment or tax roll in respect of any assessable parcel of land and, upon receipt of a fee of twenty-five cents, shall give a certificate under his hand showing whether or not all taxes in respect of the parcel have been paid, and if not, the amount of current taxes and arrears payable against the parcel.

(2) The secretary-treasurer, on receipt of a further fee of twenty-five cents, shall include in the certificate a detailed statement of the arrears indicating the portions attributable to each year respectively.

(3) Every such fee forms part of the general revenue of the municipal district."

5. Section 97 reads:

"97. (1) Prior to nomination day, the returning officer shall cause to be issued a notice in Form 4 in Schedule A.

(2) The returning officer shall publicize the notice by causing it to be

(a) posted up in at least two widely separated conspicuous places in each electoral division of the municipal district at least seven clear days before nomination day,

(b) mailed to each resident proprietary elector of the municipal district at least ten clear days before nomination day, or

(c) published in an issue of a newspaper pursuant to the provisions of subsection (2) of section 51, if the issue is one that will be entered in the mail at least ten clear days before nomination day."

6. This new section will allow construction of texas gates on municipal roads mainly in ranching country where much of the land is unfenced along road allowances.

BILL

No. 89 of 1961

An Act to amend The Municipal District Act

(Assented to _____, 1961)

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, is hereby amended.

2. Section 41, subsection (1) is amended by striking out the word "ordinary".

3. Section 51 is amended

- (a) as to subsection (2) by striking out the words "that newspaper" and by substituting the words "one of such newspapers",
- (b) by striking out subsection (3).

4. Section 62 is amended by striking out the words "twenty-five cents" where they occur in subsections (1) and (2) and by substituting the words "fifty cents".

5. Section 97, subsection (2) is amended

- (a) by striking out clause (a) and by substituting the following:
 - (a) posted up in at least five widely separated places in each electoral division of the municipal district in which an election is required at least seven clear days before nomination day.
- (b) as to clause (b) by adding immediately after the word "district" the words "in which an election is required".

6. The following new section is added immediately after section 240:

240a. (1) Notwithstanding the provisions of this or any other Act, a council, upon request from a person who is an owner, purchaser or lessee of land, may, by by-law authorize such person to construct a texas gate across a municipal road at such place and according to such specifications and conditions as may be contained in the by-law.

(2) Such texas gates shall be constructed and kept in

7. Section 254 reads:

"254. Subject to the other provisions of this Act, a council if authorized by by-law may

- (a) co-operate with the councils of other municipalities or the board of trustees of a school division for the construction and maintenance of a public work or the performance of any matter or thing deemed by all the councils or boards of trustees concerned to be of benefit to their respective municipalities or school divisions, and
- (b) enter into an agreement with such councils or boards of trustees for the joint control and management of anything that concerns their respective municipalities or school divisions."

Authorization is given for the expenditure of funds by a board established under section 254.

8. Section 286 authorizes a council to pass by-laws for the protection of persons and property. The portion of section 286 being struck out reads as follows:

"and without restricting the generality of clause (f) may pass by-laws declaring any building, structure or erection of any kind whatsoever, or a drain, ditch or other matter or thing in or upon any private lands, streets or road or in or about any building or structure to be a nuisance and dangerous to the public welfare safety or health, and directing the removal, filling up or other abatement of the nuisance".

9. Section 286b presently reads:

"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."

10. Self-explanatory.

a reasonable state of repair by the person receiving permission to construct the texas gate.

(3) If such person does not keep the texas gates referred to in this section in repair such person and not the municipal district is liable for all damage sustained by any person by reason of the default.

7. Section 254 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following subsections:

(2) Where an agreement is entered into pursuant to subsection (1) the council may, in the by-law,

(a) appoint one or more of its members to be members of a joint committee or board with members appointed by the board of trustees of a school district or school division or by the councils of other municipalities, and

(b) delegate to such joint committee or board power to construct, maintain, control and manage such undertaking, including the power to disburse the proceeds of debentures or other funds used for the purpose of such undertaking.

(3) A board or committee established pursuant to subsection (2) may in each year requisition the the council of each municipality or the board of trustees of a school district or school division for its proportionate share of the cost of operating the undertaking and expend any sums so requisitioned for the control, management, upkeep and operational expenses of the undertaking.

(4) A board or committee established pursuant to subsection (2) shall in each year furnish the council of each municipality or board of trustees of a school district or school division concerned, with an audited statement of its receipts and payments for the preceding year and shall also supply each council or board of trustees of a school district or school division with such information regarding its management and operation as is deemed necessary.

8. Section 286 is amended by striking out all the words following clause (j).

9. Section 286b is amended by adding at the end thereof the words "or four thousand dollars, whichever is greater".

10. The following section is added immediately after section 286c:

286d. (1) In this section "highway" has the same meaning given to it by *The Public Highways Act*.

11. Section 294 gives a right of recovery for any assistance given for food, clothing, shelter, etc. The period within which action for recovery may be commenced is specified as 20 years.

12. (a) Section 296, subsection (1) reads:

"296. (1) The council by by-law may authorize the reeve and the secretary-treasurer on behalf of the municipal district to enter into and execute a contract with a person, hereinafter called the "contractor", to supply light, power, gas, natural gas or water to persons resident in the municipal district or in any specified part or parts thereof for a period not exceeding ten years, subject to

- (a) the approval of the Board, and
- (b) the ratification of the by-law so approved by two-thirds of the proprietary electors voting thereon."

(b) Subsections (5) and (6) of section 296 presently read:

"(5) A contract under this section whether or not it contains an express provision as to renewal is subject to the conditions

- (a) that at the expiration of the term thereof the contract may be renewed for a period not exceeding ten years and so from time to time with such alterations, if any, as may be agreed upon by the parties and approved by the Board, and
- (b) that if either party refuses to renew the contract or the parties fail to agree as to the conditions of the renewal, then the council, subject to the consent of the Board, may purchase all the rights of the contractor in all matters and things under the contract and in all apparatus and property used for the purposes thereof for such price and on such terms as are agreed upon with the contractor or failing such agreement then for such price and on such terms as may be fixed and settled by the Board on the application of either of the parties.

(6) Where

- (a) a contract referred to in subsection (5) is not renewed either on or before the expiration of the original term or of any renewal thereof by express agreement of the parties as aforesaid, or
- (b) the council does not complete the purchase of the subject matter thereof as provided in clause (b) of subsection (5),

the contract continues in full force and effect until such time as either party terminates it on six months' written notice given to the other with the approval of the Board."

The new subsections will be made retroactive to July 1, 1958, to validate certain contracts renewed after they expired.

(2) A council may, by by-law, prohibit the discharging of a ball cartridge or single bullet from a shotgun or other firearm, from across or along any highway or designated part of a highway.

(3) A person who contravenes a by-law passed under this section is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and in default of payment to imprisonment for not more than sixty days.

11. Section 294 is amended by adding immediately after subsection (18) the following new subsection:

(19) Proceedings under this section to recover the value of any assistance given may be commenced within twenty years after the right of recovery accrued to the municipal district, but not afterward.

12. Section 296 is amended

(a) as to subsection (1) by striking out the word "ten" and by substituting the word "twenty",

(b) by striking out subsections (5) and (6) and by substituting the following:

(5) A contract under this section, whether or not it contains an express provision to that effect, is subject to the condition

(a) that at or before the expiration of the term thereof, and after the expiration of the term if the contract has been continued in force under subsection (6), the contract may be renewed for a period not exceeding ten years from the date of the renewal and so from time to time, with such alterations, if any, as may be agreed upon by the parties and approved by the Public Utilities Board, and

(b) that if either party refuses to renew the contract, or if the parties fail to agree as to the conditions of the renewal, then the council, subject to the consent of the Public Utilities Board, may purchase all the rights of the contractor in all matters and things under the contract and in all apparatus and property used for the purposes thereof, for such price and on such terms as may be agreed upon with the contractor, or failing such agreement, then for such price and on such terms as may be fixed and settled by the Public Utilities Board on the application of either of the parties.

(6) If any such contract is not renewed either on or before the expiration of the original term or of any renewal thereof, by express agreement of the parties, or if the council does not complete the purchase of the subject matter thereof as hereinbefore provided, then the contract continues in

13. In connection with section 296 (see clause 12 of this Bill) provision is made respecting the renewal of an agreement where a town or village has reverted to the status of a hamlet.

14. A new section is added to provide that a share of the municipal taxes levied in a hamlet be spent for the benefit of that hamlet.

15. Section 331 is revised for the purpose of clarification and to provide uniformity with the equivalent provisions in the other municipal Acts. Sections 331 to 334 presently read:

- “331. A council as soon as practicable in each year
- (a) shall prepare in the prescribed form a detailed estimate of the probable expenditure of the municipal district for the year for ordinary municipal purposes, and
 - (b) shall cause a copy of the estimate to be incorporated in the minutes of the council.

full force and effect until such time as either party terminates it on six months' written notice given to the other with the approval of the Public Utilities Board.

13. The following new section is added immediately after section 296:

296a. When, pursuant to this or any other Act, a town or village has reverted to the status of a hamlet, a special franchise with respect to the area, or a contract for the supply of light, power, natural gas or water to persons resident in the area, that has been conferred or entered into by the governing authority previously having jurisdiction in the area and that has become operative therein shall be deemed to have been conferred or entered into on its original date by the council of the municipal district and to have become operative therein, and section 296 applies, the necessary changes being made, to the special franchise or contract.

14. The following new section is added immediately after section 320:

320a. (1) The council shall in each year cause at least fifty per cent of the taxes collected for municipal purposes in the previous year in a hamlet to be expended on public works within the hamlet if a petition to that effect and signed by a majority of the owners, conditional owners and purchasers of land therein is received by the council prior to the first day of April, but if the petition is received after the first day of April the council may postpone the expenditure of such sums until the following year.

(2) The council by agreement with the petitioners may postpone the expenditure of such moneys until such agreed upon time as a fund has been accumulated to undertake a public work of major proportions.

(3) This section applies only to a hamlet in which there are at least ten dwellings.

(4) In this section the words "public works" include any system of street lighting.

15. Sections 331 to 334 are struck out and the following section is substituted:

331. (1) The council shall, as soon as practicable in each year, prepare a detailed estimate in the prescribed form of the probable expenditures of the municipal district for the year, and the estimate shall include the following:

(a) the sums necessary to meet debenture instalments, interest or sinking fund payments falling due during the year;

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

- (a) shall make an estimate of the probable revenue of the municipal district for the year to be derived from sources of revenue other than taxation, and
- (b) shall by by-law authorize the secretary-treasurer to levy for ordinary municipal purposes upon the assessed value of all lands, improvements and businesses 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.

333. (1) Upon receipt of the annual requisition from the board of a school division, school district or municipal hospital district

- (a) the secretary-treasurer shall deduct the proportionate amount of the requisition that is attributable to the estimated nominal value of lease lands, if any, shown on the certificate required pursuant to The School Act or The Municipal Hospitals Act, and
- (b) the council by by-law shall authorize the secretary-treasurer to levy, at such uniform rate on the dollar as is sufficient to produce
 - (i) after the deduction, the amount of the balance of the requisition, or
 - (ii) if no such deduction is necessary, the full amount of the requisition,
 a tax upon the assessed value of all lands and improvements set out in the assessment roll and situated in the part of the municipal district within the school division, school district or municipal hospital district, as the case may be.

(2) Such rates shall be levied in addition to and together with the rate authorized for ordinary municipal purposes.

(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.

(3) In acting under subsection (1) in respect of school divisions, school districts or municipal hospital districts, due allowance shall be made for taxes reasonably expected to remain unpaid.

(4) An allowance made under the provisions of subsection (3) in respect of school divisions for non-collection of taxes or discount on taxes shall not exceed ten per cent of the amount of the requisition.

(5) Where the requisition received from the board of a school division, school district or municipal hospital district contains an amount attributable to the estimated nominal value of lease lands, the proportionate amount of the requisition so attributable shall be paid out of the general revenue fund of the municipal district.

(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.

334. (1) When the council of a municipal district owes a debt to the Crown under The Agricultural Pests Act it may by resolution authorize the secretary-treasurer to levy for the purpose of paying the debt a tax upon the assessed value of all lands within the municipal district at such uniform rate on the dollar as the council deems sufficient to produce the amount of the debt, and due allowance shall be made for the amount of taxes reasonably expected to remain unpaid.

(2) The tax referred to in subsection (1) shall not be levied upon timber when the timber is assessed separately."

- (b) such sums as may be required to meet such expenditure for ordinary municipal purposes as may be set by the council;
 - (c) such sums as may be required to meet the requisitions of any municipal hospital district, school district or school division, pursuant to *The Municipal Hospitals Act*, or *The School Act*, as the case may be;
 - (d) such sums as may be required to meet the requisition of the Province pursuant to *The Hospitalization Benefits Act, 1959*;
 - (e) such sums as may be required to meet the requisition of the Province pursuant to *The School Act*;
 - (f) such sums as the municipal district may become liable to pay by virtue of the provisions of any statute of the Province.
- (2) The council shall make an estimate of the probable revenue of the municipal district for the year to be derived from business taxes, grants in lieu of taxes and sources of revenue other than taxation.
- (3) A copy of the estimates so prepared shall be incorporated in the minutes of the meeting of the council at which the estimates are adopted.
- (4) The council shall, by by-law, authorize the secretary-treasurer to levy upon the assessed value of all lands and improvements shown on 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 are estimated by the council or as are annually requisitioned upon the council, to produce the sums necessary to meet
- (a) debenture instalments, interest or sinking fund payments falling due during the year,
 - (b) ordinary municipal expenses,
 - (c) the requisition by the board of any school division or school district,
 - (d) the requisition by the board of any municipal hospital district,
 - (e) the requisition of the Province pursuant to *The Hospitalization Benefits Act, 1959*,
 - (f) the requisition of the Province pursuant to *The School Act*, and
 - (g) any other sums for which the municipal district may become liable to pay by virtue of the provisions of any statute of the Province.
- (5) In acting under the provisions of clause (b) of subsection (4) due allowance shall be made for the estimated probable revenue for municipal purposes of business tax, grants in lieu of taxes and sources other than taxation, for discounts and for taxes that may reasonably be expected to remain unpaid.
- (6) In acting under clauses (c), (d), (e) and (f) of subsection (4)

16. A new section is added to provide for a municipal district having the option of either levying property taxes against machinery and equipment or levying a business tax, but not both.

17. Section 335, subsection (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 assessed upon the roll."

- (a) due allowance shall be made for the estimated probable revenue from business taxes and grants in lieu of taxes, and
- (b) an allowance made for non-collection of taxes or discount on taxes shall not exceed ten per cent of the amount of the requisition.

(7) When a by-law has been passed providing for a business tax in accordance with *The Assessment Act, 1960*, the council shall by by-law authorize the secretary-treasurer to levy a business tax at such uniform rate on the dollar as the council deems sufficient, but in no case shall the rate be greater than the combined rates levied on the assessed value of the land forming the site of the business.

(8) The council may by resolution provide for the combination into one rate of the different rates levied pursuant to any by-law passed pursuant to 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.

(9) The rates so combined shall be levied and are payable as if each rate included therein were levied separately.

(10) The total amount of all rates levied pursuant to this section and collected in any year shall be credited to the general revenue of the municipal district and shall be available for the payment of the general expenditures of the municipal district and also for the payment of any amount payable by the municipal district in that year to any municipal hospital district, school district, school division or the Province.

(11) So much of the taxes levied pursuant to this section as are for the purposes of a sinking fund shall be dealt with in accordance with the provisions of this Act relating thereto.

(12) A by-law passed pursuant to subsection (4) shall show the separate mill rates levied for each purpose.

16. The following new section is added immediately after section 331:

332. Notwithstanding the provisions of this or any other Act the council, by by-law, may exempt from taxation, all or such percentage of the assessment of improvements as described in subclause (iii) of clause (i) of section 2 of *The Assessment Act, 1960*, as it deems advisable.

17. Section 335, subsection (1) is amended by adding immediately after the word "parcel" the words "or property".

18. Section 336, subsection (1) presently reads:

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

19. Sections 339 to 341 relating to municipal hospital requisitions are repealed as the subject matter is now covered by the new section 331. See clause 15 of this Bill.

20. Section 345a providing authority for a municipal tax on persons engaged in oil or gas well drilling is amended. Subsection (6) presently reads:

"(6) This section does not apply in respect of any equipment licensed under The Mobile Equipment Licensing Act."

21. Section 429 authorizing the entering into of weather modification agreements and the imposition of a tax on real property to cover the cost is amended to make the tax leviable only in respect of the physical land value and not in respect of the buildings thereon.

22. Commencement of Act.

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

19. Sections 339 to 341 are repealed.

20. Section 345*a*, subsection (6) is amended by striking out the word "licensed" and by substituting the word "licensable".

21. Section 429, subsection (3) is amended by striking out the words "real property" and by substituting the words "physical land".

22. (1) This Act, except section 16, comes into force on the day upon which it is assented to and upon so coming into force

(a) clause (b) of section 12 shall be deemed to have been in force at all times on and after the first day of July, 1958, and

(b) section 20 shall be deemed to have been in force at all times on and after the first day of January, 1961.

(2) Section 16 comes into force on the first day of January, 1962.

No. 89

SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

BILL

An Act to amend The Municipal
District Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
