

No. 49

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 49

A Bill to amend The Municipal District Act

HON. MR. HOOKE

Explanatory Note

2. Section 2, clause (i) presently reads:

"(i) "general election" means that election under this Act for which nominations are directed to be made upon the third Saturday of February in each year;"

3. Section 6 presently reads:

"6. Where power to make by-laws, regulations, rules or orders is conferred, it includes the power to alter or revoke the same from time to time except by-laws that have been made for the purpose of raising money, making assessments or striking rates."

4. Section 7 presently reads:

"7. When determining the residence of any person for the purpose of establishing the responsibility of a municipal district

(a) for the provision of assistance under

(i) The Public Welfare Act,

(ii) The Child Welfare Act,

(iii) The Mothers' Allowance Act,

(iv) The Hospitals Act, or

(v) The Hospitalization and Treatment Services Act,

or

(b) for the granting of material aid or relief under this Act to an indigent person,

residence shall not be deemed to have been acquired in the municipal district by virtue of residence within a military area or camp that is under the jurisdiction of the Department of National Defence (Canada) and within the municipal district."

5. The nomination and election days are being changed to November and December from February and March and other related dates such as the date of termination of terms of office are being changed accordingly.

BILL

No. 49 of 1962

An Act to amend The Municipal District Act

(Assented to _____, 1962)

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 2, clause (i) is amended by striking out the words "third Saturday of February" and by substituting the words "first Saturday of November".

3. Section 6 is amended by renumbering the section as subsection (1) and by adding immediately after the renumbered subsection (1) the following:

(2) Notwithstanding subsection (1), a by-law that has been made for the purpose of raising money, making assessments or striking rates may be amended or varied but the amending or varying by-law is not effective unless it has been passed before the date of the mailing of the tax notices and has been approved by the Local Authorities Board.

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

- (a) for the provision of assistance under
- (i) *The Public Welfare Act*,
 - (ii) *The Child Welfare Act*,
 - (iii) *The Juvenile Court Act*, or
 - (iv) *The Alberta Hospitals Act*,
- or

5. Section 31 is amended by striking out the word "April" wherever it occurs in subsections (3), (4), (5) and (6) and by substituting the word "January".

6. Section 32 presently reads:

"32. At every general election held after the first election a sufficient number of councillors shall be elected annually to fill the vacancies that have occurred on the council through effluxion of time and they may hold office for three years commencing with the third day of April."

7. See note to Clause 5 of this Bill.

8. See note to Clause 5 of this Bill.

9. Section 63, subsection (1) reads:

"63. (1) An elector under the supervision of the secretary-treasurer and during the office hours of the secretary-treasurer, may inspect

- (a) any account, contract, by-law, minutes of council meetings, report of any committee or of any official of the municipal district, after the same has been submitted to the council, other than a report of the municipal district's solicitor or any counsel engaged by the municipal district, and
- (b) the list of electors, poll books or other documents, other than marked ballot papers, relating to any election or voting."

10. Section 64, subsection (5) presently reads:

"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."

11. The title of the Supervisor of Assessments is being changed to the Chief Provincial Assessor and the references to him in the statutes are being changed accordingly. Section 65, subsection (2) presently reads:

6. Section 32 is amended by striking out the word "April" and by substituting the words "January or until such time as their successors are sworn into office".

7. Sections 34, 36 and 39 are amended by striking out the word "April" wherever it occurs and by substituting the word "January".

8. Section 56 is amended

- (a) as to subsection (4) by striking out the words "third Saturday of February" and by substituting the words "first Saturday of November",
- (b) as to subsection (6) by striking out the words "third Saturday in February and the second Saturday in March" and by substituting the words "first Saturday of November and the same day in the third following week".

9. Section 63 is amended by adding immediately after subsection (1) the following:

(1a) The secretary-treasurer shall, within a reasonable time after demand by an elector, furnish the elector with a copy of any document referred to in subsection (1) or part thereof, at the rate of twenty-five cents per hundred words.

10. Section 64 is amended by striking out subsection (5) and by substituting the following:

(5) When a reassessment of all or any part of a municipal district is made by an assessor appointed pursuant to subsection (1), the cost of the assessment shall be computed in a manner approved by the Minister and an amount not exceeding seventy-five per cent of the computed cost shall constitute a debt due to the Crown by the municipal district and shall be paid by the municipal district concerned upon submission of the account of the Department of Municipal Affairs and the remaining percentage of the cost shall 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.

11. Section 65 is amended

- (a) as to subsection (1) by striking out the words "Supervisor of Assessments" and "Supervisor" wherever they occur and by substituting the words "Chief Provincial Assessor",

"(2) When an assessment is made by an assessor appointed by the Supervisor 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."

12. Section 85, clause (g) presently reads:

"85. No person is qualified to be elected a member of the council of a municipal district unless at the date of his nomination

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- (g) he is not indebted to the municipal district for taxes for more than two calendar years immediately preceding the year in which the election is held or if he is so indebted, then unless he has entered into an agreement for the consolidation of the arrears of taxes owing by him to the municipal district and the agreement remains in force."

13. The amendment would permit a councillor to buy or lease land from the municipal district without disqualifying him from holding his seat, providing the sale or lease was awarded by tender and approved by the Local Authorities Board.

14. Section 90, subsection (1), clause (a) presently reads:

"90. (1) The persons entitled to vote at an election held subsequent to the completion of the first municipal list of electors are

- (a) persons of the full age of twenty-one years whose names appear on the municipal list of electors by virtue of being on the assessment roll, whether the names are placed upon the list prior to the second Saturday in March or are placed thereon upon election day, and"

15. Section 96, subsections (1), (3), (4), (5) and (6) presently read:

"96. (1) Prior to the thirty-first day of December in each year the council, by resolution, shall provide for holding a nomination meeting upon the third Saturday of February in the next following year for the purpose of nominating candidates to fill the vacancies occurring in the council on the third day of April in the next following year.

(3) Notwithstanding subsection (1), if it appears to the council that it is desirable to hold the nomination meeting upon some other day it may provide by resolution for holding the meeting upon any other day within three days before or after the third Saturday of February.

"(4) If at any time prior to the first day of December a petition is delivered to the secretary-treasurer, signed by at least fifteen per cent of the proprietary electors of the district, requesting that the nomination meeting be held on another day within three days before or after the third Saturday of February, the council by resolution shall provide for holding the meeting upon the day named in the petition.

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

(2) When an assessment is made by an assessor appointed pursuant to subsection (1) the cost of the assessment shall be computed in a manner approved by the Minister and an amount not exceeding seventy-five per cent of the computed cost shall constitute a debt due to the Crown by the municipal district and shall be paid by the municipal district concerned upon submission of the account of the Department of Municipal Affairs and the remaining percentage of the cost shall be borne by the Department of Municipal Affairs.

12. Section 85, clause (g) is amended by striking out the word "two" and by substituting the word "one".

13. Section 87, subsection (1) is amended by adding immediately after clause (d) the following new clause:

(d1) of the purchase or lease of land or other property that the municipal district has authority to sell or lease either under this Act or *The Tax Recovery Act* if

- (i) an advertisement is made in one issue of a newspaper circulating in the municipal district for two successive weeks to the effect that sealed tenders will be accepted for the sale or lease of the land or property at a specified time, place and date, which shall not be earlier than two weeks after the final publication of the notice,
- (ii) the land or property is sold or leased to the highest bidder, and
- (iii) the sale or lease is approved by the Local Authorities Board,

14. Section 90, subsection (1), clause (a) is amended by striking out the words "second Saturday in March" and by substituting the words "fourth Saturday in November".

15. Section 96 is amended

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

96. (1) Prior to the fifteenth day of September in each year the council, by resolution, shall provide for holding a nomination meeting upon the first Saturday of November for the purpose of nominating candidates to fill the vacancies occurring in the council on the third day of January in the next following year.

- (b) as to subsection (3) by striking out the words "third Saturday of February" and by substituting the words "first Saturday of November",

(5) When a resolution is passed pursuant to subsection (3) or (4), the references in this Act to the third Saturday in February and the second Saturday in March, and to the fourth Saturday following nomination day, shall be construed to be references to the day so fixed and the same day in the third following week and to the same day in the fourth following week.

(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".

16. Section 97, subsection (2), clause (b) presently reads:

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

(b) mailed to each resident proprietary elector of the municipal district in which an election is required at least ten clear days before nomination day, or".

17. Section 103 presently reads:

"103. From three o'clock to four o'clock in the afternoon on the day of the annual meeting and nomination meeting, the returning officer shall receive nominations."

18. Section 110, subsection (1) presently reads:

"110. (1) For the purpose of a general election, the council, by resolution, not later than the second Saturday in February in each year, shall appoint an enumerator or enumerators for each electoral division in which the term of office of the councillor expires in that year, and for each division in which a vacancy has occurred for reasons other than effluxion of time."

19. Section 114 presently reads:

"114. An enumerator shall complete the list referred to in section 113 and shall deliver it into the hands of the secretary-treasurer not later than three days prior to the second Saturday in March."

20. Section 117 presently reads:

"117. On the second Saturday of March in each year, the secretary-treasurer, immediately after the last name on the list of electors for each electoral division shall write the words "certified correct" followed by his signature."

21. Self-explanatory.

- (c) as to subsection (4)
 - (i) by striking out the words "first day of December" and by substituting the words "fifteenth day of August",
 - (ii) by striking out the words "third Saturday of February" and by substituting the words "first Saturday of November",
- (d) as to subsection (5) by striking out the words "third Saturday in February and the second Saturday in March" and by substituting the words "first Saturday in November and to the same day in the third following week",
- (e) by striking out subsection (6) and by substituting the following:
 - (6) Prior to the thirty-first day of December in each year the council shall provide for holding an annual meeting upon the third Saturday of February in the next following year for the discussion of municipal affairs, which shall commence not earlier than ten o'clock in the forenoon nor later than one o'clock in the afternoon.

16. Section 97, subsection (2) is amended by striking out clause (b) and by substituting the following:

- (b) mailed to each resident proprietary elector of the electoral division in which an election is required at least ten clear days before nomination day, or

17. Section 103 is amended by striking out the words "annual meeting and".

18. Section 110, subsection (1) is amended by striking out the words "the second Saturday in February" and by substituting the words "one week before nomination day".

19. Section 114 is amended by striking out the words "the second Saturday in March" and by substituting the words "Saturday of the third week following nomination day".

20. Section 117 is amended by striking out the words "the second Saturday of March" and by substituting the words "Saturday of the third week following nomination day".

21. The following new section is added immediately after section 240a:

240b. The council by resolution may

- (a) grant permits to applicants for the cutting of hay on the right of way of any public road, a highway or part thereof which is subject to the direction, control and management of the council, and

22. Section 271 presently reads:

"271. The council of a municipal district by by-law may impose a maximum speed limit of not less than twenty-five miles per hour for all vehicles travelling upon a designated highway within the limits of a specified hamlet forming part of the municipal district."

23. Self-explanatory.

- (b) determine the manner, terms and conditions upon which the permit may be granted.

22. Section 271 is struck out and the following section is substituted:

271. The council, by by-law, may impose a maximum speed limit on any highway, street, avenue, lane or public or private road within the limits of a specified hamlet forming part of the municipal district, applicable to all vehicles travelling thereupon or upon any portion thereof designated in the by-law, but in the case of a main highway or secondary highway within the meaning the *The Public Highways Act* a maximum speed limit thereupon within the hamlet shall not be less than twenty-five miles per hour, except where the Minister of Highways, by order, approves a lesser speed limit.

23. The following new section is added immediately after section 286*d*:

286e. (1) If in the opinion of the council, an unoccupied building, structure or erection is, by reason of its ruinous or dilapidated condition, dangerous to the public safety or health, the council may make an order respecting such building, structure or erection.

(2) Any such order may require the owner, within a period of time which shall not be less than three months from the date of the making of the order,

(a) to remedy the condition in the manner and to the extent directed in the order, or

(b) to demolish and remove the unoccupied building, structure or erection and clear the site thereof.

(3) If the owner does not remedy the condition within the period specified in the order or the unoccupied building, structure or erection has not been demolished and removed at the expiration of the period specified in the order, the building inspector shall remedy the condition to the extent directed in the order or cause the unoccupied building, structure or erection to be demolished or removed and the site thereof cleared.

(4) The removal may be done by way of selling the unoccupied building, structure or erection, in which case the net proceeds realized from such sale shall be paid to the owner, mortgagee or other person entitled thereto unless there are any taxes owing in respect of the unoccupied building, structure or erection or the land on which the same is situated, in which case the amount of such taxes shall be set off against the net proceeds of the sale of the unoccupied building, structure or erection and any amount in excess thereof shall be paid to the owner, mortgagee or other person entitled thereto.

24. Section 323a which provides for the licensing of mobile homes is amended.

25. A new section permits the council to authorize the taking of a plebiscite of either the electors or the proprietary electors.

26. Section 331, subsection (1), clause (c), and subsection (4), clause (d) presently read:

"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:

.....
(c) such sums as may be required to meet the requisitions of any municipal hospital district, school district or school division, pursuant to The Alberta Hospitals Act, or The School Act, as the case may be;

(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 sum necessary to meet

.....
(d) the requisition by the board of any municipal hospital district,".

(5) The council shall cause not less than one month's notice to be sent by registered mail to the registered and assessed owner of the land upon which the unoccupied building, structure or erection stands, specifying the date, time and place at which the making of such an order will be considered and that such owner will be given an opportunity of appearing and being heard by the council at such meeting before the making of the order.

(6) Any person who thinks himself aggrieved by an order of the council made under this section may apply to a Supreme or district court judge in chambers within thirty days from the date of the making of the order, and the judge, if satisfied

(a) that the proper procedure set forth in this section has not been followed, or

(b) that the council has acted in a manner contrary to the intent and meaning of this section,

may set aside, vary or modify the order of the council as he deems just.

24. Section 323a is amended by adding the following new subsection:

(7) A licence fee payable pursuant to this section is collectible in the same manner as taxes levied by the municipal district.

25. The following new section is added immediately after section 326b:

326c. The council by by-law may provide for the taking of a plebiscite of the electors or of the proprietary electors upon any matter, question or thing.

26. Section 331 is amended

(a) as to subsection (1), clause (c) by striking out the word "municipal",

(b) as to subsection (4)

(i) by striking out the words "lands and improvements" and by substituting the words "assessed property",

(ii) by striking out the word "municipal" in clause (d),

(c) by adding immediately after subsection (4) the following:

(4a) Notwithstanding subsections (4) and (4b), property assessed under *The Electric Power and Pipe Line Assessment Act* is not liable to any tax levied to meet a requisition pursuant to clauses (c) and (d) of subsection (4).

(4b) Notwithstanding subsection (4), where a requisition applies to only part of a municipal district, the tax to be levied to meet the requisition,

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

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

28. Section 350, subsection (1) presently reads:

"350. (1) Subject to the provisions of subsection (2) a council by by-law may authorize

- (a) a discount of not more than six per cent on all payments of taxes that are made before a date or dates to be fixed in the by-law and that become due and payable in the year in which the payment is made, and
- (b) different rates of discount for payments on such taxes before different specified dates."

29. Forms 1 and 4 are amended as nomination day and the date of the annual meeting are now on separate days instead of both being on the same day. Form 16 is amended because of the change in the date of the first meeting.

shall only be levied upon assessed property in that part of the municipal district to which the requisition applies.

27. Section 336 is amended by striking out subsection (1) and by substituting the following:

336. (1) A person who is the owner, purchaser or conditional owner of any assessed land or improvements, or property assessed under *The Electric Power and Pipe Line Assessment Act*, or any person carrying on business shall pay taxes upon the assessed value thereof at the rates lawfully imposed thereon irrespective of the nature or amount of his interest in such land, improvements, business or property assessed under *The Electric Power and Pipe Line Assessment Act*.

28. Section 350, subsection (1) is amended

- (a) by striking out the word "and" at the end of clause (a) and by adding the word "and" at the end of clause (b),
- (b) by adding immediately after clause (b) the following:
- (c) such allowance, discount or rebate, not in excess of six per cent of the amount tendered, for prepayments on account of taxes in such manner and subject to such conditions as may be set out in the by-law.

29. Schedule A is amended

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

FORM 1

(Section 68)

NOTICE TO ACCOMPANY AUDITOR'S REPORT

Take notice that the annual meeting of the electors of the Municipal District of _____, No. _____ will be held at _____ o'clock in the _____ noon on Saturday the _____ day of February, 19 _____ at _____, for the discussion of municipal affairs.

.....
Secretary-treasurer

- (b) by striking out Form 4 and by substituting the following:

30. Commencement of Act.

FORM 4

(Section 97)

NOMINATION NOTICE

Municipal District of..... No.....
Public notice is hereby given that I will attend at
..... on..... the..... day of
.....19....., from three o'clock in the
afternoon to four o'clock in the afternoon for the
purpose of receiving nominations for the office
of councillor.

..... councillors are to be elected.

Councillors are to be elected for the following
electoral divisions:

.....
.....
.....
.....

Dated this..... day of..... 19.....

.....
Returning Officer

(c) as to Form 16

- (i) by striking out the words "the second Saturday in March last" and by substituting the words "Saturday of the third week following nomination day",
- (ii) by striking out the words "third Saturday of February" and by substituting the words "first Saturday in November".

30. (1) Sections 1, 3, 4, 9 to 13, 16, 21 to 28, and this section come into force on the day upon which this Act is assented to and upon so coming into force sections 26 and 27 shall be deemed to have been in force at all times on and after the first day of January, 1962.

(2) Sections 2, 5 to 8, 14, 15, 17 to 20, and 29 come into force on the first day of January, 1963.

No. 49

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

BILL

An Act to amend The Municipal
District Act

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
