

No. 105

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1st Session, 15th Legislature, Alberta  
12 Elizabeth II

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## **BILL 105**

A Bill to amend The Municipal District Act

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HON. MR. HOOKE

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## **Explanatory Note**

**1.** Chapter 215 of the Revised Statutes is amended.

**2.** Section 68 requires an abstract of the financial affairs of a municipal district to be prepared by Feb. 1st each year. Subsection (6) states:

“(6) The secretary-treasurer, on or before the tenth day of February, shall cause a printed copy of the abstract and report referred to in subsections (1), (2) and (3) to be mailed to every person whose name appears upon the assessment roll.”.

**3.** Self-explanatory.

**4.** Under sections 57 and 85 one of the qualifications required by every member of the council of a municipal district is residence in the municipal district.

# BILL

No. 105 of 1964

An Act to amend The Municipal District Act

(Assented to \_\_\_\_\_, 1964)

**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* is hereby amended.

2. Section 68, subsection (6) is amended by striking out the word "tenth" and by substituting the word "twentieth".

3. The following section is added after section 82:

**82a.** (1) The council, by by-law may set up, contract for or otherwise institute a scheme of insurance for the purpose of insuring all or any employees against sickness, accident or death, as the case may be.

(2) Any such scheme of insurance may require such contributions on the part of the members or employees and on the part of the municipal district as the council in its discretion may provide in the by-law, and the council may deduct the contributions of the members or employees from their salaries.

(3) A by-law passed under this section shall not be deemed to be a money by-law.

4. The following section is added after section 85:

**85a.** For the purposes of sections 57 and 85 the place of residence is governed by the following rules so far as they are applicable:

- (a) the residence of a person is his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning;
- (b) a person does not lose his residence by leaving his home for temporary purposes;
- (c) if a person leaves the municipal district with the intention of making his residence elsewhere, he loses his residence in the municipal district;

**5. Section 96, subsections (3) and (6) presently read:**

"(3) Notwithstanding subsections (1) and (6), if it appears to the council that it is desirable to hold the nomination meeting or the annual 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 first Saturday of November or the third Saturday of February, as the case may be.

(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."

**6. Section 248, subsection (4) presently reads:**

"(4) For the purpose of establishing industry or other commercial enterprises, the council by by-law may authorize the purchase, lease or other acquisition from the Government of Canada of lands previously used as military establishments."

**7. Section 250, which restricted the moving of the office of the municipal district is repealed.**

**8. Section 255 is amended to remove some duplication with the provisions of The Expropriation Procedure Act.**

**9. Section 274a, subsection (1) presently reads:**

"274a. (1) The council may pass by-laws

- (a) establishing and determining the boundaries of a rural fire protection area,
- (b) authorizing the purchase of apparatus and equipment for extinguishing fires and preserving life and property from injury or destruction by fire in the rural fire protection area,
- (c) providing for recovering the cost of the apparatus and equipment so purchased by a levy of a special tax on all property in the rural fire protection area and appearing on the assessment roll of the municipal district, and
- (d) authorizing agreements with other municipalities for the joint use, control and management of the apparatus and equipment."

**10. Section 286e, subsections (1), (2) and (5) presently read:**

"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.

- (d) the place where a person's family resides shall be deemed to be his place of residence unless he takes up or continues his abode at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place;
- (e) the residence of a single person is the place where he occupies a room as a regular lodger or to which he habitually returns not having any other permanent lodging place.

**5. Section 96 is amended**

- (a) as to subsection (3) by striking out the words "third Saturday of February" and by substituting the words "first Saturday in March",
- (b) as to subsection (6) by striking out the words "third Saturday of February" and by substituting the words "first Saturday in March".

**6. Section 248, subsection (4) is amended by adding after the words "Government of Canada" the words "or the Government of Alberta".**

**7. Section 250 is repealed.**

**8. Section 255 is amended by striking out subsections (1), (2) and (4) and by substituting the following:**

**255. (1) A council may expropriate land that the council is authorized to acquire or that is necessary for the use, construction, maintenance or repair of any municipal works authorized by this Act or that is necessary for obtaining better access thereto.**

**(2) The land to be acquired shall be surveyed and marked on the ground by a qualified surveyor who shall prepare proper plans in triplicate of the land.**

**9. Section 274a is amended**

- (a) as to subsection (1) by striking out clause (c),
- (b) by adding the following subsection:
  - (3) An expenditure made pursuant to this section may be recovered by a levy of a special tax on all assessed property in the rural fire protection area and appearing on the assessment roll of the municipal district.

**10. Section 286e is amended**

- (a) as to subsection (2) by striking out the words "three months" and by substituting the words "one month",
- (b) by adding the following subsection after subsection (4):

(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."

**11.** Section 331 is amended to permit the budgeting for and the levy of a special reserve trust fund for future capital purposes.

**12.** Section 335 is revised to bring it into conformity with The Town and Village Act, section 368.

(4a) If the proceeds from the sale of the building, structure or erection, after the deduction of any taxes owing thereon, are insufficient to meet the cost of demolition or clearance of the site, or if no proceeds are realized from the demolition and removal of the building, structure or erection, the council may charge the cost of the work done against the owner of the land on which the building, structure or erection was located and recover the cost as a debt due to the municipal district or charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

- (c) as to subsection (5) by striking out the words "one month's" and by substituting the words "two weeks'".

**11. Section 331 is amended**

- (a) as to subsection (1) by adding the following clause:  
(g) such sums as may be required to meet the contributions to a special reserve trust fund.
- (b) as to subsection (3) by adding at the end thereof the words "but the estimates shall not be adopted until the council has transmitted to the Department a copy of the estimates and the advice of the Department has been received in respect thereof",
- (c) as to subsection (4) by adding the following clause after clause (a):  
(a1) the contributions to a special reserve fund,
- (d) as to subsection (11) by adding after the words "sinking fund" the words "or special reserve trust fund".

**12. Section 335 is struck out and the following is substituted:**

**335.** (1) The secretary-treasurer shall prepare a tax roll

- (a) on or before the fifteenth day of September in each year, or
- (b) at any time during the year with respect to property assessed pursuant to section 55 of *The Assessment Act, 1960*,

and shall proceed to collect the taxes specified therein.

(2) 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 thereon and proceed to collect the taxes specified therein.

(3) The tax roll may be a continuation of the assessment roll and may combine all classes of taxes or there may be a separate roll for each distinct class of taxes, and shall in that way, or independently, contain.

**13. Section 369, subsection (1) reads:**

~~“369. (1) Where taxes are due in respect of any land occupied by a tenant the secretary-treasurer or a person authorized by him for the purpose may give the tenant notice in writing requiring him to pay to the secretary-treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid, and costs.”.~~

**14. Section 382, subsection (2) is amended to remove an uncertainty of meaning. Subsections (2) and (3) presently read:**

~~“(2) Except as otherwise provided in this Act, a by-law for borrowing money or contracting debts and not payable out of the revenues of the current year~~

- ~~(a) shall provide for the issue of debentures,~~
- ~~(b) shall provide for the levy of annual taxes for the payment of the borrowings or the debts contracted, and~~
- ~~(c) shall be governed by section 251, except that~~
  - ~~(i) the ten thousand dollar or five mill limit referred to in subsection (1) of section 251 does not apply, and~~
  - ~~(ii) when a vote of the proprietary electors is required the by-law shall not be finally passed by the council until it has been approved by two-thirds of the proprietary electors voting thereon.~~

~~(3) No municipal district has power to pass by-laws to contract general debts to a greater extent than five per cent of the assessed value of the lands, buildings and improvements in the municipal district.”.~~

**15. Section 382a, subsection (2) presently reads:**

~~“(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.”.~~

**16. Self-explanatory.**



- (a) the name of every person liable to taxation,
- (b) the residence of every person liable to taxation,
- (c) the assessed value of land, buildings and improvements,
- (d) the business tax assessment,
- (e) the assessed value of a special franchise,
- (f) the assessed value of property assessed under *The Electric Power and Pipe Line Assessment Act*,
- (g) the assessment of property valued pursuant to *The Municipal and Provincial Properties Valuation Act*,
- (h) the total amount for which the person liable to taxation is liable, and
- (i) the several rates of taxation levied for the current year,

and there shall be calculated and set down opposite each such entry in appropriately headed columns, the sums for which that person is chargeable by way of taxes.

**13.** Section 369 is amended by adding the following subsection after subsection (1) :

(1a) The secretary-treasurer shall notify the owner of the land by registered mail of the intention of the municipal district to proceed under authority of this section not less than fourteen days prior to the date on which such action is proposed to be taken.

**14.** Section 382 is amended

- (a) as to subsection (2), clause (c) by striking out the words "governed by" and by substituting the words "proceeded with in the same manner as set out in",
- (b) as to subsection (3) by striking out the words "general debts to a greater extent than five" and by substituting the words "debenture debts to a greater extent than twenty".

**15.** Section 382a, subsection (2) is amended by adding at the end thereof the words "if such a vote is required".

**16.** The following section is added after section 404 :

**404a.** (1) Subject to section 251, the council may pass a by-law to provide for the formation and maintenance of a special reserve trust fund for the purpose of a specific future capital expenditure.

(2) To obtain funds for a special reserve trust fund the council may in each or any year include in the estimates such sums as it considers necessary for this purpose.

**17. Section 425, subsection (2) presently reads:**

"(2) A council by by-law may prohibit the construction or placing of  
(a) buildings and shelter belts,  
(b) farm dugouts, and  
(c) cesspools or disposal fields,  
closer than one hundred feet to the centre line of any public road,  
highway or street."

**18. Section 429, subsection (2) presently reads:**

"(2) No agreement made pursuant to subsection (1) is operative  
until it has received the assent of two-thirds of the proprietary  
electors of the municipal district or part thereof voting thereon in the  
manner provided in Part V."

**19. Form A is amended to conform with the amendment to  
section 96.**

**20. Commencement of Act.**

(3) All money collected for a special reserve trust fund shall be paid into the special reserve fund trust account.

(4) The council may expend the special reserve trust fund at any time for the capital expenditure for which the reserve was established.

(5) Subject to subsection (6), the council may pass a by-law authorizing the use of the special reserve trust fund for a purpose other than that for which the reserve trust fund was established.

(6) A by-law under subsection (5) shall be proceeded with in the same manner as a by-law to which section 251 applies.

(7) The money in a special reserve trust fund may be invested in bonds either of Canada or the Province of Alberta or in guaranteed term certificates of a chartered bank or treasury branch.

**17.** Section 425, subsection (2) is amended by adding after the words "one hundred" the words "and twenty-five".

**18.** Section 429, subsection (2) is amended by striking out the word "it" and by substituting the words "the by-law authorizing the agreement".

**19.** Schedule A is amended as to Form 4*a* by striking out the word "February" and by substituting the word "March".

**20.** This Act comes into force on the day upon which it is assented to and upon so coming into force clauses (a), (c) and (d) of section 11, section 16 and section 18 shall be deemed to have been in force at all times on and after the first day of January, 1964.

No. 105

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FIRST SESSION

**FIFTEENTH LEGISLATURE**

12 ELIZABETH II

1964

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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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