

No. 138

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

BILL 138

An Act respecting Special Areas

HON. MR. HOOKE

Explanatory Note

1. General. This Act repeals and replaces The Special Areas Act, which is chapter 317 of the Revised Statutes.

2. Amends and replaces section 2 of present Act.

3. The above clauses (a) and (b) replace section 3 of present Act.

The above clause (c) replaces section 5 of present Act.

4. New section required to validate constitution of present special areas and to validate the orders and regulations presently in effect.

BILL

No. 138 of 1964

An Act respecting Special Areas

(Assented to _____, 1964)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Special Areas Act, 1964*".

2. In this Act,

- (a) "Board" means the Special Areas Board appointed pursuant to this Act;
- (b) "Department" means the Department of Municipal Affairs;
- (c) "land"
 - (i) means lands, tenements and herditaments and any estate or interest therein, and
 - (ii) without restricting the generality of subclause (i), includes growing timber, but
 - (iii) does not include minerals;
- (d) "Minister" means the Minister of Municipal Affairs;
- (e) "public lands" means and includes all real property of any kind to which *The Public Lands Act* applies;
- (f) "special area" means any special area constituted under the authority of this Act.

3. The Lieutenant Governor in Council may by order, notice of which shall be published in the *Gazette*,

- (a) constitute as a special area any portion of the Province not already contained in a city, town, village, county, municipal district, improvement district or special area,
- (b) constitute as a special area any portion of a city, town, village, county, municipal district or improvement district withdrawn therefrom by an order of the Minister or the Local Authorities Board, and
- (c) designate a special area by a distinctive number.

4. (1) Any special area constituted as such prior to the passing of this Act continues to be a special area.

5. This section replaces clause (a) of section 4 of the present Act.

6. This section replaces clauses (b) to (g) of section 4 of present Act.

7. This section replaces sections 6 to 11 and section 33 of the present Act

8. This section amends and replaces section 12 of the present Act.

(2) Any order or regulation presently in effect and passed under any previous Act dealing with special areas remains in effect as though it was passed under this Act.

5. The Minister may at any time by order, notice of which shall be published in the *Gazette*,

- (a) direct that a special area cease to be such, or
- (b) alter the boundaries of a special area by way of addition thereto or subtraction therefrom, or
- (c) amalgamate any two or more special areas, or
- (d) alter the number of a special area.

6. The Lieutenant Governor in Council has power

- (a) to appoint a board of not more than three members which shall perform such duties and exercise such powers as may from time to time be assigned by the Minister, and
- (b) to make such orders and regulations for the administration of any special area or special areas or any part thereof as are deemed proper and necessary for the rehabilitation or betterment of the special area or any part thereof and the inhabitants thereof.

7. (1) Except as expressly otherwise provided in this Act, all the provisions of *The Improvement Districts Act, 1964*, *The Local Tax Arrears Consolidation Act*, *The Tax Recovery Act*, *The Assessment Act, 1960* and *The Noxious Weeds Act* apply to every special area as if it were an improvement district constituted pursuant to *The Improvement Districts Act, 1964*.

(2) Except as is expressly otherwise provided in this Act, *The Domestic Animals (Municipalities) Act* applies to every special area.

(3) Any order passed or action taken under *The Improvement Districts Stray Animals Act* continues to apply until other orders or actions are taken pursuant to *The Domestic Animals (Municipalities) Act*.

8. The Minister is hereby empowered in respect of special areas generally or in respect of any specified special area or any part thereof,

- (a) to direct that any of the public lands, or interests therein, within a special area be dealt with in such a manner as seems to him to be for the benefit of the residents of the special area, or to prohibit the dealing therein in any manner that seems to him to be detrimental to such residents,
- (b) to lease public lands within a special area at such rentals as seem fair and equitable,

- (c) to set aside lands for community purposes such as grazing reserves, hay reserves, water reserves and irrigation, and to make such provisions for the administration thereof as he considers advisable,
- (d) to receive the money payable in respect of any lease or any interest in public lands or in respect of taxes or other revenues in a special area, to deposit the money in a treasury branch or chartered bank or other similar institution in a trust account to be called "The Special Areas Trust Account", and to expend such moneys, or any part thereof, as he considers advisable for the following purposes or any of them,
 - (i) meeting any of the expenditures required or authorized under the provisions of *The Improvement Districts Act, 1964*,
 - (ii) the costs of administration,
 - (iii) the development of natural resources,
 - (iv) the carrying out of improvements within any special area,
 - (v) the rehabilitation of settlers within any special area, or
 - (vi) in meeting the requirements of the special areas,
- (e) to order and require any owner or occupant of lands to adopt such methods of farming or grazing, or farming and grazing, that he considers necessary to prevent soil drifting, water erosion, over-grazing, or any hazard that might jeopardize the economic security of residents of the special area,
- (f) to exchange any public lands within a special area for any other lands situated within any special area,
- (g) to promote approved farm cultural practices and efficient range management and such community effort and enterprise that might contribute to greater economic security of residents of the special area,
- (h) to classify all lands within the special area for the purpose of utilizing them for the purpose of which they are considered by him to be most adaptable,
- (i) to promote measures for the development and conservation of any and all available natural resources within any special area for the purpose of giving greater stability of income to the residents of the special area,
- (j) to promote greater stability and diversity of sources of income for residents of any special area to the end that they may become self-supporting,
- (k) to acquire by purchase or otherwise any property

9. This is the same as section 12a of present Act.

10. Same as section 13 of present Act.

whether real or personal that is requisite or incidental to the exercise of any powers conferred by this Act,

- (l) to carry out and execute any scheme or plans for the rehabilitation or betterment of any special area and the inhabitants thereof,
- (m) to dispose of, by public tender or otherwise, any real or personal property acquired by the Minister and no longer required for the purpose of or incidental to the exercise of any powers of administration in the special area,
- (n) to enter into agreements with medical practitioners for the supplying of medical care and attention to the residents of a special area, and
- (o) to do all such things that are requisite or incidental to the exercise of any power conferred by this Act.

9. (1) A copy of any order made under clause (e) of section 8

- (a) shall be published in the *Gazette*,
- (b) shall be filed in the land titles office of the land registration district in which the land affected by the order is situated, and
- (c) shall be served upon the owner and occupant of any land affected by the order.

(2) Upon the filing of a copy of the order the Registrar of Land Titles shall endorse a notification of the order upon the certificate of title of every parcel of land that is affected by the order.

(3) Where the owner or occupant of any land affected by the order fails to comply with the terms of the order the Minister may carry out the terms of the order and the cost of so doing is payable on demand by the owner or occupant as the case may be.

(4) Any sum owing to the Crown by an owner or an occupant pursuant to subsection (3).

- (a) is recoverable by action, or
- (b) is recoverable by distress on the goods and chattels of the person or persons liable,

and any sum or part thereof that is not recovered by the fifteenth day of December next following the date the costs were incurred shall be added to and form part of the ordinary taxes levied against the parcel of land.

10. Notwithstanding the provisions of any other Act, any lands within a special area, the title to which for the time being is registered in the name of any municipality in the proper land titles office, are hereby transferred to, and the title thereto vested in the Minister on behalf of the Crown.

11. Same as section 14 of present Act.

12. Same as section 15 of present Act.

13. Same as section 16 of present Act.

14. Replaces section 17 of present Act.

11. (1) Any surveyors, engineers, agents and workmen employed by the Province may enter upon and occupy any land in a special area for the purpose of making examinations and surveys,

(a) to carry out any work or undertaking approved by the Lieutenant Governor in Council as a work or undertaking for the rehabilitation or betterment of the special area, and

(b) to construct thereon dams, ditches, weirs, spillways, roads and such other buildings, structures or erections as are necessary or incidental to the carrying out of any such work or undertaking or the maintenance thereof.

(2) Any land forming the site of any such work or undertaking, or that is used or occupied in connection therewith, shall be deemed to be the property of the Crown so long as it is required for the purpose of the work or undertaking.

(3) Where it is made to appear to the Minister that any right or property of any person has been detrimentally affected,

(a) by reason of any act or thing done pursuant to this section, or

(b) by the use or occupation of any land used or occupied in the exercise of any power conferred by this section,

the Minister may, after making such inquiries as he deems necessary, allow the person such compensation that he in his discretion thinks proper, and any compensation so allowed shall be paid out of any moneys appropriated by the Legislature for the administration of this Act.

12. Every public road, highway, street and lane in a special area is subject to the direction, control and management of the Minister.

13. (1) Notwithstanding anything to the contrary contained in any other Act, the Minister by order may declare that all or any roads, trails and bridges in any special area be closed for the purpose of travel or use for such time as is specified in the order.

(2) Upon the making of an order under subsection (1) and so long as it remains in force, no action lies against anyone for damages arising out of the use of any road, trail, or bridge specified in the order.

14. (1) The Minister by order may provide for the constitution in any special area of an advisory committee consisting of such persons elected in such manner and by such persons and in such localities as he prescribes, who hold office for such term as he prescribes,

15. Replaces section 18 of present Act.

16. Same as section 28 of present Act.

17. Replaces and amends section 29 of ~~present~~ Act.

(2) The functions of any such committee are to confer with and advise the Board as to matters affecting the special area for which it is constituted, and it shall meet when called by the Board.

(3) The members of the committee shall be paid such remuneration and expenses as may be determined by the Minister.

15. No public lands situated in a special area shall be sold, leased or otherwise disposed of without the consent of the Minister.

16. (1) For the purpose of controlling and regulating any part of an area set aside for a community grazing area, the Minister with the approval of the Lieutenant Governor in Council

(a) may make such provision for the administration thereof as he considers proper, and

(b) may prescribe

(i) the persons who may have animals thereon,

(ii) the number, kind and description of animals that any person may place thereon,

(iii) the fees payable in respect of any animals permitted to graze thereon,

(iv) the times at which and the manner in which round-ups are to be made, and

(v) the rules relating to the impounding and dealing with stray animals thereon.

(2) If any provision made pursuant to subsection (1) conflicts with any provision of *The Domestic Animals (Municipalities) Act*, the provision made pursuant to subsection (1) prevails.

17. (1) Notwithstanding the provisions of any other Act, all sums payable under any grazing lease or under any permit in respect of any animals run or grazed upon any land comprised in a lease or any community pasture or any public lands constitutes a first lien in favour of the Crown upon each animal so run or grazed.

(2) The Minister may enforce the lien by the seizure and sale, in such manner and at such time as he deems proper, of such of the animals subject to the lien as are required to realize a sufficient sum to satisfy the full amount owing by the lessee or permittee.

(3) In addition to any other remedies that the Minister has, if default is made in the due payment of any sum owing by a lessee or permittee under any grazing lease or permit with respect to animals run or grazed under any grazing lease or permit or upon any community pasture, the Minister may recover the same by distress upon any goods and

18. Same as section 19 of present Act. Section 20 of present Act no longer required.

19. Same as section 21 of present Act.

20. Amends and replaces section 22 of present Act. Section 23 of present Act no longer required.

21. Same as section 24 of present Act. Section 25 of present Act no longer required.

chattels of the lessee or permittee wherever the same might be found within the Province, in the same manner and subject to the same conditions, exemptions and restrictions as if the amount so owing were taxes payable under *The Improvement Districts Act, 1964*.

(4) All the provisions of *The Improvement Districts Act, 1964*, relating to distress apply *mutatis mutandis* to a distress under this section.

18. (1) As soon as possible in each year the Provincial Auditor

- (a) shall prepare a statement of all revenues and expenditures, liabilities and assets of the special areas for the financial year ending on the immediately preceding thirty-first day of December, and
- (b) shall submit the statement to the Minister.

(2) Upon receipt of the statement referred to in subsection (1), the Minister shall forthwith cause it to be submitted to the Legislative Assembly if it is then in session, or if it is not then in session, then within fifteen days after the opening of the next session.

19. The Minister may accept a transfer on behalf of the Crown of any lands in a special area and any lands so acquired are subject to the direction of the Minister as provided by this Act.

20. Notwithstanding the provisions of any other Act, where title to any land situated in a special area has been acquired by the Minister under the provisions of any Act relating to the recovery of taxes and all rights of any person to redeem the land have expired under the provisions of the Act relating to the acquiring of the land,

- (a) the Act under which the land was acquired or *The Tax Recovery Act* shall no longer be applicable to the land as long as situated within a special area, and
- (b) shall be considered public land for the purposes of this Act, and
- (c) shall be removed from the assessment and tax rolls, and
- (d) ceases to be liable for assessment and taxation, and
- (e) any taxes owing in respect of such land shall be cancelled.

21. For the purpose of doing any act or thing authorized by this Act, the Minister may, with the consent of the Minister in charge of any department of the Government, have the benefit of the services of any officer or other employee of that department, and of the services of any member officer or employee of any board or commission established under any statute.

22. Same as section 26 of present Act. Sections 27 to 35 of present Act no longer required.

23. Same as section 36 of present Act.

24. Same as section 37 of present Act.

25. Same as section 38 of present Act.

26. Replaces section 39 of present Act.

27. Repeal of present Act.

28. Commencement of Act.

22. When an exchange of privately owned land for public land is effected by the Minister and there are no encumbrances other than arrears of taxes or municipal or Provincial liens on the privately owned land, such encumbrances or any part thereof may be transferred to the public land so exchanged, and when any transfer of arrears of taxes is made the same shall be added to, and become part of the taxes payable for the current year in respect of the land last mentioned.

23.(1) A person who is required to comply with an order made pursuant to clause (e) of section 8 and who fails to comply with the order is guilty of an offence and liable on summary conviction to a fine of not more than twenty-five dollars for every day during which the offence continues.

(2) A person who contravenes any provision of this Act or the orders or regulations hereunder for the contravention of which no penalty is specifically provided 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 a term of imprisonment for not more than two months.

(3) All moneys accruing from fines or penalties under this Act belong to and form part of the general revenue of the special areas.

24. For the purpose of carrying out the provisions of this Act according to their true intent, and of supplying any deficiency therein, the Lieutenant Governor in Council may make regulations not inconsistent with the intent and spirit of this Act.

25. All leases, licences, permits and agreements issued or made pursuant to this Act may be executed on behalf of the Crown by the Minister, or by any other person authorized for the purpose by the Minister in writing.

26. If any conflict arises between any of the provisions of this Act and any of the provisions of any other Act, the provisions of this Act prevail.

27. *The Special Areas Act*, being chapter 317 of the Revised Statutes, is hereby repealed.

28. This Act comes into force on the day upon which it is assented to and upon so coming into force section 14 shall be deemed to have been in force at all times on and after the first day of April, 1964.

No. 138

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act respecting Special Areas

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
