

No. 18

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 18

A Bill to amend The Municipal District Act

HON. MR. HOOKE

Explanatory Note

1. This Bill will amend chapter 215 of the Revised Statutes.
2. Section 59, subsection (2) presently reads:

(2) Where a vacancy occurs in the office of secretary-treasurer, a successor shall be appointed as soon as is practicable.
3. Section 61, subsection (1), clause (y) presently reads:

61. (1) The secretary-treasurer
.....
(y) shall faithfully perform all other duties imposed upon him by this Act and generally carry out such instructions as the council issues to him from time to time.
4. Section 76 presently reads:

76. An official appointed by the council may hold office during the pleasure of the council or as expressed in his appointment.
5. Section 78 presently reads:

78. (1) The reeve may suspend any municipal district official or employee and he shall forthwith report the suspension and the reasons therefor to the council, which may either dismiss or reinstate the suspended official or employee.
(2) If an official or employee is dismissed by the council, the official or employee shall not receive any salary or remuneration from the date of his suspension by the reeve unless the council, by a resolution, otherwise determines.

BILL

No. 18 of 1966

An Act to amend The Municipal District Act

(Assented to _____, 1966)

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* is hereby amended.
2. Section 59, subsection (2) is amended by adding after the words "shall be appointed" the words "by by-law".
3. Section 61 is amended
 - (a) as to subsection (1) by striking out clause (y) and by substituting the following:
 - (y) shall faithfully perform all other administrative duties imposed upon him by this Act and generally carry out such administrative instructions as may be issued to him from time to time by resolution of the council.
 - (b) by adding the following subsection:
 - (3) Where any thing is directed to be done by the secretary pursuant to this section, it shall also include his successor in the office and his assistant.
4. Section 76 is amended by adding after the words "appointed by" the words "a resolution of".
5. Section 78 is struck out and the following is substituted:
 78. (1) The reeve may suspend any municipal district official or employee and he shall forthwith report the suspension and the reasons therefor to the council.
 - (2) The council may reinstate the official or employee suspended in accordance with subsection (1) or may, for just cause, dismiss the official or employee.
 - (3) No secretary-treasurer shall be dismissed
 - (a) without being given a reasonable opportunity to be heard before the council, in person or through his solicitor, and

6. A new provision is added to permit the sale or lease of property to a councillor without disqualifying him from retaining his seat on council providing the sale or lease is awarded by tender, is sold or leased to the highest tenderer and the sale or lease is approved by the Local Authorities Board.

7. Section 116, subsection (1), clause (d) presently reads:

116. (1) The secretary-treasurer shall arrange the list of electors according to electoral divisions, and subject to the provisions of section 91, shall enter in the appropriate columns of the prescribed form
.....

(d) the name of every lessee of land that is agricultural land as defined in The Public Lands Act, who is in actual occupation of such land as lessee under the provisions of section 11 of the said Act, if the lessee is of the full age of twenty-one years,
.....

and the particulars, when possible, shall be taken from the assessment roll of the municipal district.

8. Section 132 presently reads:

132. A deputy returning officer shall ensure that his poll is furnished with a compartment in which the voter can mark his ballot while screened from observation.

9. Section 157, subsection (1), clause (b) presently reads:

157. (1) When a voter has received a ballot paper he shall
.....

(b) mark his ballot paper by placing a cross on the right hand side opposite the name of the candidate for whom he desires to vote or at any other place within the marked off space that contains the name of the candidate.

(b) without being given, in writing, the true reasons for his dismissal.

(4) When the suspended official or employee is dismissed by the council, the official or employee shall not receive any salary or remuneration from the date of his suspension by the reeve unless the council, by a resolution, otherwise determines.

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

(d1) purchasing or leasing 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,

or

7. Section 116, subsection (1) is amended by striking out clause (d) and by substituting the following:

(d) the name of every person who is the holder of a homestead lease granted under *The Public Lands Act*, if he is in actual occupation of the land held under that lease and is twenty-one years of age or over,

8. Section 132 is struck out and the following is substituted:

132. (1) The deputy returning officer shall ensure that the polling place is furnished with one or more compartments so arranged that each voter may be screened from observation and may mark his ballot paper without interference or interruption.

(2) In each compartment there shall be provided for the use of voters in marking their ballot papers a table, desk or shelf with a hard surface and a suitable black lead pencil which shall be kept properly sharpened throughout the hours of voting.

9. Section 157, subsection (1), clause (b) is amended by adding after the words "ballot paper" the words "with the pencil provided".

10. Section 228, clause (a) presently reads:

228. Except as otherwise provided in this Act, no by-law for raising money by way of debentures has any effect until it has received
(a) the assent of two-thirds of the proprietary electors of the municipal district voting thereon, and

11. Section 237a presently reads:

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.

12. A new section is added authorizing the provision of ambulance services.

13. Self-explanatory.

14. Section 274a, subsection (1), clause (d) reads:

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

.....

(d) authorizing agreements with other municipalities for the joint use, control and management of the apparatus and equipment.

10. Section 228 is amended by striking out clause (a) and by substituting the following:

(a) the assent of

(i) two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or

(ii) a majority of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon,

and

11. Section 237a is amended

(a) as to subsection (1) by adding after the words "road building" the words "or road maintenance",

(b) by adding the following subsection:

(3) Notwithstanding subsections (1) and (2), a council may authorize the use of municipal equipment for snow plowing, road building or road maintenance on an Indian reserve situated within the boundaries of the municipal district on such terms and conditions as may be mutually agreed upon between the council and the governing authority of the reserve.

12. The following section is added after section 253:

253a. (1) The council by by-law may acquire and equip a motor vehicle for the purpose of providing an ambulance service in the municipal district.

(2) For the purpose of encouraging the establishment and maintenance of an ambulance service in the municipal district, the council may annually by by-law authorize the payment to the owner of an ambulance 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, or four thousand dollars, whichever is the greater.

13. Section 255 is amended by adding the following subsection after subsection (1):

(1a) Where the council is of the opinion that the municipal district can obtain, at a more reasonable price or to greater advantage than by acquiring a part only, the whole or a portion of any parcel of land of which a part may be expropriated by the municipal district, the municipal district may take the whole or the portion of the parcel.

14. Section 247a, subsection (1) is amended by adding the word "and" at the end of clause (d) and by adding the following clause after clause (d):

15. Self-explanatory.

16. Section 54 of The Child Welfare Act is moved to the municipal Acts where it more properly belongs.

17. Section 296, subsection (1), clause (b) and subsection (2) presently read:

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 twenty years, subject to

.....
(b) the ratification of the by-law so approved by two-thirds of the proprietary electors voting thereon.

(2) If the by-law authorizes the reeve and secretary-treasurer to execute a contract on behalf of the municipal district for the supply of light, power, gas, natural gas and water, or any of them, to persons resident in a part or parts only of the municipal district as specified therein, the by-law is subject to ratification by two-thirds of the proprietary electors of the specified part or parts only of the municipal district voting thereon.

- (e) authorizing agreements with associations for the joint use of the apparatus and equipment.

15. The following section is added after section 274a:

274b. Where charges have been incurred with respect to extinguishing fires and preserving life and property from injury or destruction by fire on lands in the municipal district and situated outside the boundaries of a rural fire protection area, the council may pass a by-law to charge the costs to the owner or occupant of the land, and in default of payment

- (a) recover the costs as a debt to the municipal district, or
- (b) charge the costs against the land concerned as taxes due and owing in respect of that land and recover the costs as such.

16. The following section is added after section 286e:

286f. (1) The council may pass a by-law

- (a) regulating the time after which children shall not be in a public place at night without proper guardianship, and
- (b) designate the age or apparent age of boys and girls respectively to whom the by-law applies.

(2) A child to whom the by-law applies and found in a public place after the time so fixed may be warned to go home by an inspector, constable or peace officer and if after the warning the child refuses or fails to go home he may be taken to his home or to a shelter by the inspector, constable or peace officer.

(3) A parent who permits his child to contravene the by-law is guilty of an offence and liable upon summary conviction for a first offence to a fine of five dollars, and for a second offence to a fine of ten dollars, and for a third or a subsequent offence to a fine of twenty dollars, and in each case in default of payment to a term of imprisonment of not more than three months.

17. Section 296 is amended

- (a) as to subsection (1) by striking out clause (b) and by substituting the following:
 - (b) the ratification of the by-law so approved by
 - (i) two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or

18. Section 297, subsection (1), clause (a) presently reads:

297. (1) The council by by-law

(a) may authorize the acquisition, purchase, leasing, construction, extension, reconstruction, holding, maintaining and operating within or partly within and partly without the boundaries of the municipal district of an electric light, heat, power, water supply, sewerage system, natural gas or gas plant, and

19. Self-explanatory.

20. This amendment will remove the authority of council to exempt from taxation all or such percentage of that class of improvements designated as machinery and equipment forming an integral part of an operational unit designed for or used in processing or manufacturing or the production or transmission of natural resources.

21. Section 374b presently reads:

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

22. Section 382, subsection (2), clause (c) presently reads:

(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

.....

(c) shall be proceeded with in the same manner as set out in 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.

- (ii) a majority of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon.
- (b) by striking out subsection (2) and by substituting the following:
 - (2) If the by-law authorizes the execution of a contract for the supply of light, power, gas, natural gas or water only to persons resident in a specified part or parts of the municipal district, then only the proprietary electors of the specified part or parts are entitled to vote on the by-law.

18. Section 297, subsection (1), clause (a) is amended by adding after the words "municipal district" the words ", in whole or in part,".

19. The following section is added after section 326c:

326d. A council may pay for or towards the reception or entertainment of guests of the municipal district or for or towards travelling or other expenses incurred in respect of matters pertaining to or affecting the interests of the municipal district.

20. (1) Section 332 is hereby repealed.

(2) Notwithstanding subsection (1), any by-law passed pursuant to section 332 shall nevertheless continue to be in force until the thirty-first day of December, 1966.

21. Section 374b is amended by adding after the words "The council may," the words "with respect to a specific property or business and".

22. Section 382 is amended

- (a) as to subsection (2) by striking out clause (c) and by substituting the following:
 - (c) shall
 - (i) be proceeded with in the same manner as set out in section 251 except that the ten thousand dollar or five mill limit referred to in subsection (1) of section 251 does not apply, or
 - (ii) be submitted for the assent of the proprietary electors voting thereon in the manner provided for by Part V.
- (b) by adding the following subsection after subsection (2):

23. Self-explanatory.

24. Section 429, subsections (1) and (2) presently read:

429. (1) The council may pass a by-law for the purpose of entering into an agreement with any person for the provision of weather modification services to the municipal district or to a part or parts of the municipal district.

(2) No agreement made pursuant to subsection (1) is operative until the by-law authorizing the agreement 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.

25. Form 16 is revised in connection with the amendment to section 116.

(2a) Where the by-law is submitted to the proprietary electors it shall not be finally passed unless it is approved by

- (a) two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or
- (b) a majority of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon.

23. The following section is added after section 417:

417a. (1) A reeve, councillor or employee of a municipal district, either in his own name or in the name of another, alone or jointly with another is prohibited from entering into a contract with the municipal district for the supplying to him of a service or commodity other than a service or commodity that the council has statutory authority to supply.

(2) A contract entered into contrary to subsection (1) is void.

(3) A person who contravenes this section is guilty of an offence and liable upon summary conviction to a fine of not more than one hundred dollars and in default of payment to imprisonment for a term not exceeding sixty days.

24. Section 429 is amended by striking out subsection (2) and by substituting the following:

(2) No agreement made pursuant to subsection (1) is operative until the by-law authorizing the agreement has received the assent of

- (a) two-thirds of the proprietary electors of the municipal district or part thereof voting thereon in the manner provided in Part V, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or
- (b) a majority of the proprietary electors of the municipal district or part thereof voting thereon in the manner provided in Part V, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon.

25. Schedule A is amended as to Form 16 by striking out the first paragraph and by substituting the following:

You do swear (*or* solemnly affirm) that on Saturday of the third week following nomination day you were entitled

26. Commencement of Act.

to be placed upon the list of electors of the Municipal District of (in Division No.) and that you are of the full age of twenty-one years and that in respect of the following land in the municipal district, namely,

(here describe the land in respect of which the

intended voter claims to be entitled to vote) you are either

(1) the purchaser of the land and entitled to possession of the land as purchaser

or

(2) the owner of land, there being no one entitled to possession of the land as purchaser

or

(3) the purchaser, lessee, licensee or permittee from the Government of Alberta or the Government of Canada, the land not being exempt from assessment by reason of *The Assessment Act, 1960*

or

(4) in actual possession of the land as the holder of a homestead lease granted under *The Public Lands Act*.

26. This Act comes into force on the day upon which it is assented to.

No. 18

THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act to amend The Municipal
District Act

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
