

1969 Bill 26

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 26

An Act to amend The Municipal Government Act

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

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BILL 26

1969

An Act to amend The Municipal Government Act

(Assented to _____, 1969)

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

1. *The Municipal Government Act* is hereby amended.

2. Section 17 is amended by adding the following after subsection (3):

(4) The order shall provide for the inclusion in some improvement district, special area or other municipality of the area that has ceased to be a municipality.

(5) Upon a dissolution, the Minister may appoint one or more persons (hereinafter called the "liquidator") to adjust the assets and liabilities of the municipality and the liquidator may, subject to the approval of the Minister, sell or otherwise dispose of all the assets or property of the municipality and apply them or the proceeds of the sale thereof

- (a) in payment of the liabilities of the municipality, and
- (b) in payment of the liquidator's remuneration as fixed by the Minister,

and the Minister shall cause the surplus, if any, to be expended within the area of the dissolved municipality.

(6) Where the assets of the municipality are insufficient to satisfy its liabilities, including the remuneration of the liquidator, then the liquidator may impose a tax and, with a view thereto, make an assessment of property and strike such rates of taxation as may be necessary to satisfy all the liabilities and all the expenses connected with the assessment.

(7) The tax referred to in subsection (6) falls upon the same property, shall be collected, has the same priority and shall be enforced as if it were an ordinary municipal tax imposed by the council under this Act.

(8) A liquidator shall, within 30 days after his appointment, cause to be published in a newspaper circulating in the municipality in respect of which the appointment is

Explanatory Notes

1. This Bill amends chapter 68 of the Statutes of Alberta, 1968.

2. Section 17 (1) presently reads:

17. (1) The Lieutenant Governor in Council may by order dissolve a village, summer village or municipal district.

made a notice requiring every person who has a claim against the municipality (except claims under a debenture issued by the municipality) to furnish the liquidator with particulars in writing thereof within a stated period of time, which shall not be less than 40 days or more than 60 days after the date of the first publication of the notice.

(9) Upon the expiration of the period of time set out in the notice published pursuant to subsection (8),

- (a) the liquidator shall, having regard only to claims of which particulars have been delivered to him in conformity with the terms of the notice, proceed to pay the liabilities of the municipality other than those that are secured by debentures of the municipality, and
- (b) the liability of the municipality in respect of any claim of which particulars have not been delivered to the liquidator in conformity with the terms of the notice ceases and determines, except as to claims secured by debentures issued by the municipality.

3. Section 20 is amended

- (a) by striking out subsections (1), (2) and (3) and by substituting the following:

20. (1) Where a petition is presented to the Local Authorities Board

- (a) by a majority of the registered owners of any territory in or immediately adjoining a municipality, or
- (b) by the council of a municipality with respect to any territory in or immediately adjoining the municipality, or
- (c) by the Minister with respect to territory forming the whole or any part of an improvement district or special area that he desires to have annexed to a municipality,
requesting that the territory be annexed to the municipality or to another municipality, improvement district or special area, the Board by order may annex territory
- (d) from a municipality to an improvement district, special area or another municipality, or
- (e) from an improvement district or special area to a municipality.

(2) The Local Authorities Board may, without a petition and of its own motion by order and after notice, annex territory

- (a) from a municipality to an improvement district, special area or another municipality immediately adjoining thereto, or

3. Section 20 (1) to (3) presently read:

20. (1) Where a petition is presented to the Local Authorities Board,
- (a) by a majority of the registered owners of any territory adjacent to a municipality, or
 - (b) by the council of a municipality with respect to any territory adjacent to the municipality, or
 - (c) by the Minister in respect of any part or parts of an improvement district that he desires to have annexed to a municipality,
- requesting that the territory be annexed to the municipality, the Board by order may annex the territory, or any part thereof, to and make it a part of the municipality.
- (2) The Local Authorities Board may, without a petition and of its own motion, by order and after notice,
- (a) annex to any municipality, any territory adjacent thereto, and
 - (b) annex any portion of a municipality to an adjoining municipality.
- (3) The order may be made subject to such terms and conditions as to the Board seem proper, and in particular the order may
- (a) contain directions that the annexed territory be or be not subject to debentures already issued by the municipality, with respect to the area annexed, or the rate levied to meet such debentures,
 - (b) contain directions that the annexing municipality assess the land in such territory upon any basis or principle of assessment that seems proper to the Board, and that the municipality continue to do so for a fixed term of years,
 - (c) fix a maximum rate of taxation for the land in the territory for a fixed term, and
 - (d) deal with and make any order respecting any by-laws for the protection of any rights of any person in the annexed area.

(b) from an improvement district or special area to a municipality immediately adjoining thereto.

(3) The order may be made subject to such terms and conditions as to the Board seem proper and, in particular, the order may

(a) contain directions that the annexed territory be or be not subject to debentures already issued by the municipality, with respect to the area annexed, or the rate levied to meet those debentures,

(b) contain directions that the annexing municipality, improvement district or special area assess the land in the territory upon any basis or principle of assessment that seems proper to the Board and, if the order contains directions, the municipality, improvement district or special area shall comply with the directions for the fixed term of years specified in the order,

(c) fix a maximum rate of taxation for the land in the territory and if a maximum rate of taxation is set, that rate shall be for the fixed term of years specified in the order, and

(d) deal with and make any order respecting any by-law for the protection of any rights of any person in the annexed area.

(b) as to subsection (6) by adding after the words "municipality" the words ", improvement district or special area".

4. Section 29 is amended

(a) as to subsection (1), clause (k) by adding the word "and" at the end of subclause (ii) and by adding the following after subclause (ii) :

(iii) any indebtedness for arrears of taxes for the immediately preceding year,

(b) as to subsection (2) by adding the word "or" at the end of clause (l) and by adding the following after clause (l) :

(m) of his being a party to a contract for the purchase from the municipality of property acquired under *The Tax Recovery Act* or of other property if

(i) the property is, following application for its purchase by a member of the council, advertised for sale by public tender at least once a week for two successive weeks in a newspaper circulated within the municipality,

4. Section 29 (1) (k) and (2) (l) presently read:

29. (1) A person is not qualified to remain a member of the council if he

-
- (k) is indebted to the municipality for taxes or any other debt in default exceeding \$50, excluding therefrom
 - (i) any indebtedness for current taxes, and
 - (ii) any indebtedness for arrears of taxes for which he has entered into a consolidation agreement with the municipality, if he is not in default in the payment of any sum payable under the agreement.

or

.....

(2) Subsection (1) does not apply to a person by reason only

-
- (l) of his being a party to a contract for the purchase or lease of real or personal property from the municipality entered into before he became a member of the council.

- (ii) a notice of the sale by public tender is posted in the municipal office,
- (iii) the highest tender is accepted,
- (iv) the sale to a member of the council is approved by a two-third majority of the council, and
- (v) not more than one sale of residential property and one sale of commercial property is made to the member of council during any one term of office of the member.

5. The following is added after section 31:

31a. Notwithstanding anything in this Act or *The Municipal Election Act*, a member of a council who is charged with an offence which would, under section 29, disqualify him if convicted from retaining his seat on council ceases to be qualified to remain a member of the council until the charge has been withdrawn or he has been acquitted.

6. Section 34 is amended

- (a) as to subsection (1), clauses (a) and (b) by striking out the word "first" and by substituting the word "organizational",
- (b) as to subsection (3) by striking out the words "first meeting" and by substituting the words "organizational meeting".

7. Section 41 is amended by striking out subsection (5) and by substituting the following:

(5) The major may call a special meeting of the council upon such shorter notice, either oral or written, as he considers sufficient, however no such special meeting may be held until at least two-thirds of the members of the council give their consent in writing to the holding of the meeting.

8. The following is added after section 43:

43a. Unless the council otherwise directs, every order, agreement or document made or executed on behalf of a municipality shall be signed by the mayor and the municipal secretary or their designated alternates.

9. Section 53 is amended by adding the following after subsection (1):

(1a) Where the number of members of a council is reduced to less than a quorum by death, resignation or for any other reason and notwithstanding section 35, the Minister

5. Self-explanatory.

6. Section 34 (1) and (3) presently read:

34. (1) At a general election in a municipality, other than a summer village, the mayor and councillors shall be elected for a three year term to hold office

(a) commencing at the first meeting of the council following that general election, and

(b) unless their office is sooner vacated, continuing to the first meeting of the council following the next ensuing general election.

(3) The terms of office of persons elected to the council at the first election in a newly formed municipal district, village or summer village expire at the first meeting of the council following the first general election in the municipal district, village or summer village.

7. Section 41 (5) presently reads:

(5) The mayor may call a special meeting of the council upon such shorter notice, either verbal or written, as he considers sufficient, if at least two-thirds of the members of the council give their consent in writing to such notice before the commencement of the meeting.

8. Self-explanatory.

9. Section 53 (1) presently reads:

53. (1) When the number of members of the council required by this Act is for any reason not nominated or elected, the Minister

(a) may appoint some person or persons to fill the vacancies caused thereby, or

(b) may, for the purpose of filling the vacancies, direct that an election be held under The Municipal Election Act, and appoint a returning officer for that purpose.

may order that the remaining members of council shall be deemed to be a quorum until elections are held to fill the vacancies.

10. Section 55 is amended

(a) by adding the following after clause (b) :

(b1) insure

(i) that the minutes of each meeting are confirmed at a subsequent meeting of the council,

(ii) that the last page of the minutes of each meeting is signed by the mayor or presiding officer, and

(iii) that each of the other pages of the minutes are signed or initialled by the mayor or presiding officer,

(b) as to clause (h) by striking out the words "holding of any general or special election" and by substituting the words "date upon which the oath of office was taken".

11. Section 57 is amended by adding the word "and" at the end of clause (c) and by adding the following after clause (c) :

(d) authorize the treasurer alone to sign and issue cheques covering discounts payable to persons under *The Homeowners Tax Discount Act* after payment for discounts has been returned to the municipality by the Government.

12. Section 62 is amended by adding the following after subsection (2) :

(3) Notwithstanding subsection (1), the Minister, by order, may grant permission to a municipality to omit a statement of the receipts and payments.

(4) Where a municipality has been granted permission to omit the statement of receipts and payments previous to the coming into force of this Act, the permission shall be deemed to have continued in effect and shall remain in effect until such time as the permission is altered or annulled.

13. Section 78 is amended by adding at the end thereof the words "and prescribe their duties".

14. Section 90 is amended by adding the following after subsection (3) :

10. Section 55 (h) presently reads:

(h) advise the Minister of the names and addresses of the persons elected as councillor and mayor within five days of the holding of any general or special election, and

11. Section 57 (c) presently reads:

57. The council by resolution may
.....

(c) authorize the treasurer alone to sign and issue cheques covering disbursements authorized under any plan of social welfare in force in the municipality.

12. Section 62 (1) presently reads:

62. (1) Every municipality, other than a city, shall cause to be prepared by the first day of February an annual financial statement

(a) in the form prescribed by the Minister, or

(b) if no form is prescribed in a form acceptable to the council, of the financial transactions of the municipality of the immediately preceding year.

13. Section 78 presently reads:

78. The council may provide for the appointment of such other officials as it considers necessary for carrying into effect this Act or any other Act affecting municipalities or any municipal by-law.

14. Section 90 (1) presently reads:

90. (1) No person having an interest in a contract with the municipality shall be appointed a municipal commissioner or municipal manager, and neither the municipal manager or a municipal commissioner shall, during his term of office, have an interest, direct or indirect, in such a contract.

(4) This section does not apply to a person by reason only of his being a member or shareholder in a recreational or social organization that is operating upon real property in which the municipality has an interest.

15. The following is added after section 101:

Special Constables

101a. (1) The mayor may, by writing, appoint one or more special constables for such time as shall be stated in the appointment, and shall report the appointment with the reasons therefor to the council at its next regular meeting.

(2) The authority of a special constable ceases if his appointment is not confirmed at the next regular meeting of the council.

16. The following is added after section 103:

103a. A motion submitted to a council does not require a seconder.

17. Section 119 is amended by adding after the word "Province" wherever it occurs the words "or the Government of Canada, or its agents".

18. Section 127, subsection (1) is amended by striking out the words "purpose authorized by this Act" and by substituting the words "municipal purpose".

19. Section 128 is amended by adding the following after subsection (5):

(6) Notwithstanding subsection (2), a council may provide for the leasing of a utility lot, utility right of way or utility easement under such terms and conditions as the council may determine.

20. Section 142 is amended by striking out subsection (4).

21. Section 148, subsection (2) is amended by striking out the word "published" and by substituting the words "in circulation".

22. Section 149, subsection (1) is amended by adding after the words "rate of" wherever they occur the words "not more than".

15. Special constables.

16. Self-explanatory.

17. Section 119 presently reads:

119. Subject to this Act, a council may pass a by-law authorizing the making of an agreement with the Province for the maintenance, operation and use of a public work, building or campsite or for the performance of any matter or thing considered by the council and the Province to be a benefit to both parties.

18. Section 127 (1) presently reads:

127. (1) A council may acquire lands or any interest therein either within or without the municipality for any purpose authorized by this Act.

19. Section 128 (2) (c) presently reads:

(2) The disposal of any land or estate or interest in land as authorized by subsection (1) does not require the assent of the electors except that the council does not have power

.....
(c) to rent or lease to any person any lands, buildings or portion thereof at a rent less than a fair rental value except where the leasing is to a school, welfare organization, community service club or other organization if, in the opinion of the council, the school, welfare organization, community service club or other organization is carrying out or proposes to carry out activities beneficial to the municipality, or

20. Section 142 (1) and (4) presently read:

142. (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 referred to in section 138 against sickness, accident or death, as the case may be.

(4) For the purpose of such a scheme of insurance the council may with the consent of the Local Authorities Board exercise the corporate powers of an insurance company pursuant to The Alberta Insurance Act which will enable the insurance to be provided without being subject to the limitations provided by Part XIV of that Act.

21. Section 148 (2) presently reads:

(2) Where one or more weekly newspapers are published in a municipality the council by by-law may provide for the publication of the matters referred to in subsection (1) in such newspapers, and for the distribution of a copy thereof to each proprietary elector.

22. Section 149 (1) presently reads:

149. (1) Any elector may at all reasonable times inspect

(a) any contract, account or by-law,

(b) any report of the commissioners or of any committee or of any official of the municipality after it has been submitted to the council, other than an opinion or report of the municipal solicitor or of any counsel engaged by the municipality, and

(c) the minutes of council, after they have been adopted by the council,

and the municipal secretary shall within a reasonable time after demand by an elector furnish him with copies of any such documents or parts thereof at the rate of 50 cents per 100 words, each figure to be counted one word or at a rate of \$1 per reproduced page or part thereof of any such documents.

23. Section 157, subsection (1), clause (f) is amended by striking out subclauses (ii) and (iii) and by substituting the following:

- (ii) animal, insect or other pests and diseases likely to be destructive or dangerous to grain, livestock, poultry, trees, shrubs, vegetable or plant life or other property,

24. Section 166 is struck out and the following is substituted:

166. (1) A council, by by-law, may acquire and equip motor vehicles for the purpose of providing an ambulance service in the municipality, or any part thereof.

(2) The council of a municipal district may pass by-laws to establish and determine the boundaries of an ambulance service area and for that purpose may recover any expenditure made pursuant to this section or section 167 by the levy of a special tax on all assessed property in the ambulance service area and appearing on the assessment roll of the municipal district.

25. Section 167 is amended

- (a) as to subsection (1) by adding after the word "municipality" the words "or a part thereof",
- (b) as to subsection (2) by adding after the word "municipality" wherever it occurs the words "or a part thereof".

26. Section 169 is amended

- (a) as to subsection (3) by adding at the end thereof the words ", including the air space above and the ground below",
- (b) by striking out subsection (4) and by substituting the following:
 - (4) Nothing in this section gives a municipality title to or control and management of mines and minerals.

27. Section 172, subsection (3) is amended by adding after the words "subsections (1) and (2)" the words ", or his successors or assigns,".

28. Section 181 is amended

- (a) as to clause (a) by striking out the words "adjoining the premises" and by substituting the words "situated on land adjoining the property",

23. Section 157 (1)(f)(ii) and (iii) presently read:

- (f) for the purpose of eliminating or mitigating within the municipality
.....
- (ii) insect pests harmful to the growth or development of trees and shrubs or any vegetable or plant life,
- (iii) blight or disease to trees and shrubs or vegetable or plant life, and
.....

24. Section 166 presently reads:

166. The council by by-law may acquire and equip a motor vehicle or vehicles for the purpose of providing an ambulance service in the municipality.

25. Section 167 presently reads:

- 167. (1) For the purpose of encouraging the establishment and maintenance of an ambulance service in the municipality, the council may annually by by-law authorize the payment to the owner of an ambulance of a grant.
- (2) A council may enter into an agreement with one or more owners of ambulances to furnish certain ambulance services and to keep available such numbers of ambulances as shall be specified in the agreement both for the purposes of serving employees of the municipality and serving other inhabitants of the municipality.

26. Section 169 presently reads:

- 169. (1) The title to all public highways, roads, streets, lanes, alleys and bridges in a municipality, other than a city, is vested in the Crown in right of Alberta.
- (2) The title to all public highways, roads, streets, lanes, alleys and bridges in a city is, except as far as is excluded by a special Act or an agreement, vested in the city.
- (3) Subject to every other Act, a council has the control and management of the public highways, roads, streets, lanes, alleys, bridges, rivers, streams, watercourses, lakes and other bodies of water within the municipality.
- (4) Subsections (2) and (3) only apply with respect to
 - (a) the surface of, and
 - (b) so much of the ground below and the air above the surface of a public highway, road, street, lane and alley as is reasonably required for the control, protection and maintenance thereof for the use of the public.

27. Section 172 (3) presently reads:

- (3) A person who has been granted a privilege under subsections (1) and (2) shall indemnify the municipality in full against any claim for damage sustained by reason of the existence of the privilege.

28. Section 181 (a) and (b) presently read:

- 181. The council may pass by-laws:
 - (a) compelling all persons, or all persons within specified areas of the municipality, to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them;
 - (b) providing for the clearing of sidewalks, adjoining property of non-residents and all other persons who for 24 hours neglect to clear them, and in case of non-payment of the expenses thereof by the owner or occupant, the charging of the expenses against the property as a special assessment to be recovered in like manner as and with other taxes;.....

- (b) as to clause (b) by striking out the words “sidewalks, adjoining property” and by substituting the words “sidewalks on land adjoining the property”.

29. Section 198 is amended by adding the word “and” at the end of clause (k) and by adding the following:

- (l) providing for the inspecting and approving or condemning and destroying at the time of or subsequent to slaughter of all animals or parts of animals, the meat of which is to be or is offered for sale within the municipality and providing for the marking of such meat as “approved” or “condemned” by an inspector appointed by the municipality.

30. Section 206, subsection (1) is amended by striking out clause (d) and by substituting the following:

- (d) to religious and educational organizations, and
- (e) to other organizations which the council considers entitled to such grants,

31. Section 207, subsection (1) is amended by adding after the word “parks,” the words “trailer courts, mobile home parks, campgrounds,”.

32. Section 226 is amended

- (a) as to subsection (1) by striking out the word “may” and by substituting the word “shall”,
- (b) by adding the following after subsection (5):
 - (5a) A licence is not required in respect of a mobile home in a municipal district while it is occupied as a resident on farm lands by a *bona fide* farmer.
- (c) as to subsection (6) by striking out the word “licensed” and by substituting the words “liable to be licensed”.

33. Section 228 is amended by renumbering the section as subsection (1) and by adding the following after the renumbered subsection (1):

(2) Without restricting the generality of subsection (1), the council may pass by-laws to control and regulate, or may appoint a board or commission to control and regulate sparring exhibitions, boxing matches and wrestling matches, and may prohibit such exhibitions or matches without the written authority of the council or the board or commission.

29. Section 198 (k) presently reads:

(k) preventing or regulating the erection or continuance of slaughterhouses, gas works, tanneries, breweries, distilleries, livery, feed and sale stables and laundries on certain streets and avenues or within certain portions of the municipality.

30. Section 206 (1) (d) presently reads:

206. (1) The council may pass by-laws providing for grants

(d) to religious, educational or other organizations which the council may deem entitled to such grants,
and may make all regulations, conditions and provisions with respect thereto.

31. Section 207 (1) presently reads:

207. (1) The council may pass by-laws respecting all matters pertaining to the acquisition, establishment, construction, control and operation of parks, athletic grounds and exhibition grounds, including provision for the acquisition, construction and control of structures, equipment, machinery and fittings as may be necessarily required.

32. Section 226 (1) and (6) presently read:

226. (1) A council may pass by-laws providing for the licensing of mobile homes situated in the municipality.

(6) A mobile home licensed pursuant to a by-law under this section is not liable to assessment and taxation pursuant to The Municipal Taxation Act.

33. Self-explanatory.

34. The following is added after section 268:

268a. The council of a municipal district may, by by-law, regulate the storage of threshed grain upon any premises that are accessible to livestock.

35. Section 272 is struck out.

36. Section 298, subsection (1) is amended by adding after the words "charges imposed" the words "or loans made to him".

37. Section 311 is amended by striking out subsection (2).

38. Section 314 is amended

(a) as to subsection (1) by adding after the word "expenditure" the word "for",

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

(2) An expenditure made or a liability created pursuant to this section shall be authorized by by-law unless provision for the expenditure or liability has been made in the estimates of revenue and expenditure of the municipality, in which case a resolution of the council authorizing the expenditure or the creation of the liability will suffice.

(c) as to subsection (3) by adding after the word "expenditure" the words "made or liability created",

(d) as to subsection (4) by striking out the words "expenditures or liabilities made or" and by substituting the word "liabilities".

39. This Act comes into force on the day upon which it is assented to and upon so coming into force section 17 shall be deemed to have been in force at all times on and after January 1, 1969.

34. Storage of threshed grain.

35. Section 272 is removed as the subject matter is dealt with in The Municipal Taxation Act.

36. Section 298 (1) presently reads:

298. (1) Where the occupant is the owner or purchaser of a building or lot or part of a lot, the sum payable by him for the public utility supplied by the municipality to him or for his use and all rates, costs and charges imposed under any by-law passed under this Part are a preferential lien and charge on the building or lot or part of a lot and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable.

37. Section 311 (2) is removed as it is a duplication of section 71 of The Local Authorities Board Act.

38. Section 314 (1), (2) and (4) presently read:

314. (1) Notwithstanding anything in this Act, a council may make an expenditure or create a liability for any capital purpose authorized by this Act if

- (a) any debt created thereby is repaid within three years, and
- (b) yearly payments of principal and interest under clause (a) do not exceed an amount equivalent to 5 mills on the assessment of the municipality upon which the taxes are levied.

(2) An expenditure under this section shall be authorized by by-law unless provision for the expenditure has been made in the estimates of revenue and expenditure of the municipality in which case a resolution of the council authorizing the expenditure and the debt therefor will suffice.

(4) The aggregate of all expenditures or liabilities made or incurred under this section shall not at any time exceed the equivalent of 15 mills on the total assessment of the municipality upon which taxes are levied.