

1970 Bill 28

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 28

An Act to amend The Municipal Government Act

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

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An Act to amend The Municipal Government Act

(Assented to _____, 1970)

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 5, subsection (2) is amended by striking out the words "the municipality acquires land" and by substituting the words "land is acquired".
3. Section 7 is amended
 - (a) as to subsection (1), clause (b) by adding before the word "address" the word "postal",
 - (b) as to subsection (2), clause (c) by adding before the word "address" the word "postal",
 - (c) as to subsection (3) by adding after the words "religious organization" wherever they occur the words "or an estate".
4. Section 14 is amended by striking out subsection (4) and by substituting the following:
 - (4) When an order is made forming a municipal district, the Lieutenant Governor in Council
 - (a) shall by that order divide the municipal districts into electoral divisions, and
 - (b) may by any subsequent order alter the boundaries of the electoral divisions or increase or decrease the number of electoral divisions.

Explanatory Notes

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

2. Section 5 (2) presently reads:

(2) Where a street, lane or roadway situated in a municipality is the boundary of the municipality and the municipality acquires land for the widening of the street, lane or roadway, the land so acquired shall be deemed to be within the boundaries of the municipality.

3. Section 7(1) (b), (2) (c) and (3) presently read:

7. (1) Where this Act provides for the doing of any thing by petition, the petition shall consist of one or more pages each of which shall contain an accurate and identical statement of the purpose and objectives of the petition and

(b) the address and occupation of each signator thereto shall be set out opposite his signature, and, in addition, in any petition restricted to proprietary electors, the legal description of the property or other qualifications entitling that person to be a proprietary elector shall be set out opposite his signature.

(2) In computing the number of petitioners on a petition there shall be excluded the name of any person

.....

(c) whose address and occupation, or either, are not set out or are incorrectly set out, or

(3) A corporation or a church or other religious organization, the name of which appears on the last revised assessment roll as the owner, conditional owner or purchaser of land that is not exempt from taxation, may in writing authorize a resident representative to sign a petition on behalf of the corporation or church or other religious organization, as the case may be, and this section applies in that case.

4. Section 14 (4) presently reads:

(4) When an order is made forming a municipal district, the Lieutenant Governor in Council shall by that or any subsequent order divide the municipal district into electoral divisions.

5. Section 25 is amended as to subsection (1)

(a) by striking out clause (a) and by substituting the following:

(a) the council of a municipal district shall consist of the same number of councillors as there are electoral divisions, one of whom shall be reeve

(b) by adding the following subsection:

(5) Notwithstanding anything in this Act, a by-law may be passed at any time reducing the number of councillors in a village from five members to three members and after the passing of the by-law the members of council then in office continue in office until the next general election except that if vacancies occur through resignation or the effluxion of time prior to the general election, the first two vacancies that occur shall not be filled.

6. Section 127, subsection (6), clause (b) is amended by striking out the word "whatsoever" and by substituting the words "other than easements, restrictive covenants or other encumbrances which do not constitute a pecuniary charge upon the lands".

7. Section 128, subsection (2), clause (b) is amended by adding after the words "time of sale," the words "except where the sale is for the purpose of providing land on which housing accommodation is to be constructed,".

8. Section 149, subsection (1) is amended by striking out clause (a) and by substituting the following:

(a) any contract approved by council or an executive committee and any by-law or account after it has been submitted to the council,

9. Section 157, subsection (1), clause (g) is amended by adding at the end thereof the words "and establishing permissible noise levels for all or varying periods of the day, in all or a designated part or location of the municipality".

5. Section 25(1) (a) and (c) presently read:

25. (1) Except as otherwise provided in this Act:

- (a) the council of a municipal district shall consist of such uneven number of councillors as the Lieutenant Governor in Council, by order, specifies, one of whom shall be reeve;

.....

- (c) the council of a village

- (i) shall consist of three councillors, or

- (ii) if the council of a village having a population of at least 500 persons so authorizes, by by-law, shall consist of five councillors,

- one of whom shall be mayor;

6. Section 127 (6) presently reads:

(6) A council may acquire by gift, either

- (a) from the Crown in right of Canada, in right of Alberta, or from the Soldiers' Settlement Board, or from the Department of Veterans' Affairs, any land situated within or without the municipality, and

- (b) from any other person lands that are situated within or without the municipality, and free at the time of transfer from all encumbrances whatsoever.

7. Section 128(2) (b) 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

.....

- (b) to sell to any person lands, buildings or portion thereof at any sum less than what is the fair actual value thereof at the time of sale, or

.....

without advertising the disposition and the provisions of section 311 relating to the requirement of submitting the matter to a vote of the proprietary electors apply mutatis mutandis to the disposition, sale or rental of land.

8. Section 149(1) (a) presently reads:

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

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

.....

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 not more than 50 cents per 100 words, each figure to be counted one word or at a rate of not more than \$1 per reproduced page or part thereof of any such documents.

9. Section 157(1) (g) presently reads:

157. (1) The council may pass by-laws

.....

- (g) for the purpose of prohibiting, eliminating or abating noise.

10. Section 175 is amended

- (a) as to subsection (2) by striking out clause (b) and by substituting the following:
 - (b) unless notice of the intention of the council to pass the by-law
 - (i) has been given to every person assessed as or registered as the owner of land abutting upon the portion of the highway proposed to be closed by
 - (A) serving it on the person, or
 - (B) sending it to the person by registered mail at the address shown by the last revised assessment roll or by the records of the land titles office, at least 14 days before the date fixed for the passing of the by-law, and
 - (ii) has been published once a week for at least two successive weeks in a newspaper circulating in the municipality, with the last of the publications being at least 14 days before the date fixed for the passing of the by-law.
- (b) as to subsection (3) by striking out the words "that the land in which he is interested as owner, occupier or otherwise" and by substituting the words "that he",
- (c) as to subsection (8) by adding at the end thereof the words "but, subject to the rights of any lessee thereof, the council, by by-law, may reopen the whole or any portion of any such street, road, lane or public highway",
- (d) by striking out subsection (7),
- (e) by adding the following subsection:
 - (9) Where the whole or a portion of a street, road, lane or public highway is reopened pursuant to subsection (8), the council shall furnish a copy of the by-law to the Minister of Highways and Transport.

11. Section 177 is amended by striking out clause (c).

12. Section 183, subsection (1) is amended by striking out the words "A council" and by substituting the words "The council of a municipal district".

10. Section 175(2) (b), (3), (7) and (8) presently read:

(2) No such by-law shall be passed

.....

(b) unless at least two weeks before the date fixed for the passing of the by-law, notice of the intention of the council to pass the by-law

(i) has been served to the persons registered or assessed as the owners of the land abutting upon the portion of the highway so proposed to be closed, or

(ii) has been mailed by registered mail to the persons assessed or registered as owners of the abutting land at the address as shown by the last revised assessment roll, or by the records of the land titles office for the registration district in which the land is situated, or

(iii) has been published once a week for at least two successive weeks in some newspaper circulating in the municipality, the last of such publication to be at least two weeks before the date fixed for the passing of the by-law.

(3) Before the passing of the by-law, a person who claims that the land in which he is interested as owner, occupier or otherwise will be affected prejudicially by the by-law, shall be afforded an opportunity to be heard by the council either by himself or by his agent.

(7) Nothing in this section shall be deemed to restrict or prevent the exercise of the Local Authorities Board in any case where the municipality makes application to that Board, of any power or jurisdiction contained in any Act conferring power or jurisdiction upon the Local Authorities Board to close the highway in whole or in part, or to alter or divert it, as incidental to dealing with a replotting scheme, cancellation of a plan of subdivision or the re-subdivision of land or otherwise, pursuant to The Local Authorities Board Act, The Planning Act or any other Act.

(8) The whole or any portion of a street, road, lane or public highwayway that was, on the 31st day of December, 1968, subject to a lease granted pursuant to Alberta Regulation 617/57 or Alberta Regulation 650/57 shall be deemed to have been closed on that date pursuant to this section.

11. Section 177 (c) reads:

177. Default under section 176 shall not be imputed to a municipality in any action

.....

(c) where any traffic control device has been defaced, removed or destroyed by someone other than a municipal official or employee, or as a result of an act of vandalism, without proof by the plaintiff that the municipality knew of the defacement, removal or destruction, and failed to restore, repair or replace the traffic control sign in a reasonable period of time.

12. Section 183(1) presently reads:

183. (1) A council shall make adequate provision for

(a) the drainage of all highways constructed or maintained by the council, and

(b) the disposition of any water collected in a drainage ditch or other artificial depression created by the council on or contiguous to the road forming the site of the highway, in such a manner as to prevent the flooding of other land.

13. Section 186 is amended

- (a) by adding the following subsections after subsection (1) :

(1*a*) No person is entitled to rent in respect of an entry or occupation effected under this section.

(1*b*) A snow fence erected pursuant to this section continues to be the property of the municipality that erected it.

- (b) as to subsection (3) by striking out the words "in any year" and by substituting the words "in the year following its erection",

- (c) by adding the following subsection :

(4) Unless he is authorized to do so by the municipality that erected it and unless subsection (3) applies, a person who knocks down, moves, removes, injures or interferes with a snow fence erected pursuant to this section is guilty of an offence.

14. Section 199 is amended

- (a) as to subsection (1), clause (a) by striking out the words "dental surgeons" and by substituting the word "dentists",

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

(2) a council may pass a by-law

- (a) to make an annual grant

(i) to a medical practitioner or dentist who resides and practices his profession in the municipality, or

(ii) to a medical practitioner or dentist as an inducement for him to reside or practise his profession in the municipality,

or

- (b) to guarantee the income or a portion of the income of a medical practitioner or dentist in consideration of his residing and practising his profession in the municipality, or

- (c) to construct, purchase or lease and maintain living or office accommodation or both, for the use of a medical practitioner or dentist practising his profession in the municipality and whose services are available to the residents of the municipality and surrounding area, on such terms as the council determines but subject to the provisions of this Act relating to expenditures.

13. Section 186 (1) and (3) presently read:

186. (1) The council by agents, workmen and servants

(a) may enter upon any land abutting on a road in the district for the purpose of erecting snow fences on that land to prevent the road from becoming blocked by snow drifts,

(b) may erect fences upon that land, and

(c) may from time to time enter upon that land to maintain, repair, replace or remove the snow fences.

(3) If a snow fence erected pursuant to subsection (1) is not removed from the land by the council on or before the 15th day of April in any year, the person in occupation of the land may remove the snow fence, and may recover from the council the cost of the removal.

14. Section 199(1) (a) and subsection (2) presently read:

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

(a) engaging the services of medical practitioners, dental surgeons, nurses and such other persons as may be required to carry out the medical inspection of schools, to conduct child welfare stations and to give instructions and advice on all matters of public health, and authorizing arrangements with the Department of Health and with any municipality, school district or school division as to the sharing of expenses in connection with the employment of such persons, and

(2) A council may pass a by-law to

(a) make an annual grant to a duly licensed medical practitioner who resides and practises his profession in the municipality or to a duly licensed medical practitioner as an inducement for him to reside or practise his profession in the municipality, or

(b) guarantee the income or a portion of the income of a medical practitioner in consideration of his residing and practising his profession in the municipality, or

(c) construct, purchase or lease and maintain living or office accommodation, or both, for the use of a duly qualified medical practitioner residing and practising in the municipality, on such terms as the council determines, but subject to the other provisions of this Act relating to expenditures.

(3) In a municipal district, a by-law passed pursuant to subsection (2) may apply to all or part of the municipal district.

(4) In a municipal district, an expenditure made pursuant to subsection (2) may be recovered by the levy of a special tax on all assessed property appearing on the assessment roll of all or part of the municipal district to which the by-law is applicable.

15. Section 200 is struck out.

16. Section 215 is amended by striking out subsection (1) and by substituting the following:

215. (1) The council may delegate to a municipal officer on such terms and conditions as the council by by-law may determine the power to refuse to grant or revoke any licence if in his opinion there are just and reasonable grounds for the refusal of the application or for revocation of the licence subject to the right of the applicant to appeal the refusal or revocation to the council.

17. Section 226, subsection (5a) is amended by striking out the word "resident" and by substituting the word "residence".

18. The following section is added after section 238:

238a. (1) A council may by by-law establish and enforce minimum standards for existing property in the municipality.

(2) The by-law may

- (a) prescribe standards for the maintenance and occupancy of property and prohibit the use of property that does not conform to the prescribed standards, and
- (b) require property that does not conform to the prescribed standards to be repaired and maintained to comply with the standards or the land thereof to be cleared of all buildings and structures and left in a graded and level condition.

(3) The by-law may provide that the municipal planning commission or the development control officer of the municipality may be authorized to act on behalf of the municipality in the administration of the by-law.

(4) The by-law is not enforceable with respect to property until notice has been sent by registered mail to or

15. Section 200 reads:

200. (1) Where an agreement in conjunction with another municipality has been made to provide medical, nursing, clinical or isolation care and attention for the residents of the whole or part or parts of each such municipality the proportionate share of the moneys payable by each municipality shall be determined according to the assessment of all property in each municipality comprised in the area covered in the agreement compared to the total assessment in the total area covered in the agreement.

(2) In any municipality other than a city no by-law providing for the entering into an agreement with another municipality for the providing of medical, hospital or other medical care shall be finally passed until it has been approved in writing by the Minister of Health.

(3) Where any municipal council has passed a by-law fixing a minimum tax for medical service, the council, by by-law, may provide that a resident of the municipality who is not assessed upon the assessment and tax roll may enter into a contract with the council for the purpose of enjoying the benefits of the medical service upon voluntary payment of the amount fixed by by-law as a minimum tax for the medical service and the by-law may provide that only a non-assessed person who has entered into such a contract is to be entitled to the benefits of the medical services.

16. Section 215(1) presently reads:

215. (1) The council may refuse to grant or may revoke any licence if in its opinion there are just and reasonable grounds for the refusal of the application or for revocation of the licence.

17. Section 226 (5a) presently reads:

(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.

18. Authority is given to enact minimum standard by-laws for buildings.

served on the assessed owner and all persons shown by the records of the land titles office to have an interest in the property and upon the occupant thereof, if any,

- (a) stating that the property does not comply with the standards prescribed in the by-law and
 - (i) that repairs are required to be made thereto, giving reasonable particulars of the repairs required to be made, or
 - (ii) that the land must be cleared and left in a graded and level condition,
 - (b) stating the time within which the repairs are to be made or the clearing is to be done, which shall not be less than three months, and
 - (c) stating that if the repair or clearance is not so done within the time specified, the municipality may carry out the repair or clearance and the cost of the work done may be levied against the property as a debt due to the municipality or charged against the land concerned as taxes due and owing in respect of that land and recover the costs as such.
- (5) A person entitled to notice under subsection (4) may, within 14 days of the receipt of the notice, appeal
- (a) to the development appeal board of the municipality, or
 - (b) where no development appeal board is established, to the council.
- (6) The development appeal board or the council, as the case may be, shall hold a hearing of each appeal and in determining the appeal it may
- (a) confirm, reverse or vary the decision appealed from, and
 - (b) grant an extension of not more than one year from the end of the time specified in the notice given under subsection (2) within which the repairs are to be made or the clearing is to be done,
- but no extension shall be granted unless the development appeal board or the council is of the opinion that a refusal of the appeal would result in undue hardship and not more than two extensions may be granted in respect of any property.
- (7) Sections 130 and 137 of *The Planning Act* apply *mutatis mutandis* to a by-law passed pursuant to this section.

19. The following section is added after section 245:

245a. (1) In this section "owner" and "occupant" have the same meaning as in *The Drainage Districts Act*.

(2) Where the construction by a municipal district of a ditch or drain benefits land in addition to the road or highway for which that ditch or drain was built,

- (a) the land so benefited may be assessed and charged with its proper proportion of the cost of the ditch or drain, and
- (b) the manner of assessment shall be set out in this section.

(3) Upon completion of the ditch or drain the council shall appoint forthwith a board of three assessors to make an estimate of the amount of the benefit occasioned by the ditch or drain to each parcel of land and to any roads or highways.

(4) The board of assessors shall cause to be prepared a special assessment roll to be called "The Municipal Drainage Assessment Roll" in which shall be set down

- (a) in the first column thereof, the name of the owner or occupant of each parcel of land in the district benefited by the ditch or drain,
- (b) in the second column thereof, a description of the parcel of land benefited, and
- (c) in the third column, the amount of the net estimated benefit or damage to the parcel of land.

(5) Immediately after the preparation of a municipal drainage assessment roll the secretary-treasurer and the board of assessors shall take all necessary steps to serve notices, hear complaints and amend the roll in the manner provided in *The Drainage Districts Act*.

(6) For the purposes of subsection (5), the secretary-treasurer and the board of assessors have the same powers as if they were the secretary and the board of trustees, respectively, of a drainage district formed under *The Drainage Districts Act*.

(7) All the provisions of *The Drainage Districts Act* with regard to appeals from the court of revision to the district court apply to appeals against the assessment shown on the revised municipal drainage assessment roll as fully and completely as though those provisions were part of this Act, and the secretary-treasurer and the board of assessors were, respectively, the secretary or board of trustees of a drainage district formed or continued under *The Drainage Districts Act*.

(8) The amount required in each year to pay

- (a) the costs of construction of the ditch or drain, or

19. Construction of drainage ditches in municipal districts.

(b) the instalments of interest and principal payable under the terms of any debentures issued under this Act in connection with the ditch or drain, shall be charged against the various parcels of land benefited, including highways or roads, in proportion to the benefit to each such parcel of land or highway or road as shown by the municipal drainage assessment roll as finally amended.

(9) The secretary-treasurer shall enter upon the assessment roll of the municipal district for the current year in a separate column the amount to be charged against each parcel of land benefited as provided by subsection (8) and shall collect the amount as taxes.

(10) The amount to be charged against highways or roads under subsection (9) shall be included in the annual estimate of expenditure.

(11) A ditch or drain referred to in this section shall be maintained by the municipal district by which it is constructed and at the expense of the various parcels of land benefited in proportion to the benefit to each as shown by the municipal drainage assessment roll.

(12) The costs of maintenance referred to in subsection (11) shall be assessed against each parcel annually in the same manner as the cost of construction of the ditch or drain.

(13) Where a ditch or drain becomes obstructed by dams, bridges, fences, washouts or other obstruction caused by the owner or person in possession of the land where the obstruction occurs so that the free flow of water is impeded thereby, the person owning or occupying the land, upon reasonable notice in writing given by the council or the secretary-treasurer, shall remove the obstruction.

(14) If the obstruction referred to in subsection (13) is not removed within the time specified in the notice, the council shall forthwith cause the obstruction to be removed and the cost of removing it shall be paid by the owner or occupant to the municipal district after the completion of the work.

(15) If the owner or occupant does not pay the cost of removal of the obstruction the council may pay the cost.

(16) Where the cost of removal of the obstruction is paid by the council, the secretary of the municipal district shall place or cause to be placed upon the assessment roll against the lands upon which the obstruction occurred the amount of the costs of removal together with an additional charge of 10 per cent added thereto.

(17) The cost of removal of the obstruction plus the 10 per cent added thereto shall be collected in the same manner as other taxes.

(18) In constructing a ditch or drain mentioned in this section the council for the purpose of carrying water by a proper channel to a sufficient outlet may continue the work outside the boundaries of the municipal district.

(19) The costs of any work referred to in subsection (18) and done outside the limits of the municipal district shall be deemed to be a part of the cost of the ditch or drain.

(20) Any other municipal district or any drainage district or person desiring to use a ditch or drain referred to in this section as an outlet for water

- (a) may do so with the permission of the council, and
- (b) may be charged for the use of the ditch or drain as an outlet such amount as the Minister may approve.

(21) Before constructing a ditch or drain under this section, the council shall obtain the approval of the Minister charged with the administration of *The Water Resources Act* as provided in section 67 of that Act.

20. The following section is added after section 247:

247a. (1) The council of a municipal district may enter into an agreement with the owner of land adjacent to the intersection of a highway, road, street or lane for the removal or partial removal of any or all things from the land that may obstruct the vision of pedestrians or drivers of vehicles so as to create a hazard to traffic on the highway, road, street or lane.

(2) Any costs incurred under this section shall be paid by the municipal district.

(3) Where an agreement cannot be entered into with the owner of the land for the removal or partial removal of any or all things from the land, the municipal district shall cause to be served upon the owner a notice in writing which shall set forth

- (a) a description of the land on which the proposed removal is to apply,
- (b) the purpose for having the removal made,
- (c) the things proposed to be removed in whole or in part from the land,
- (d) the amount that the municipal district is ready to pay for the things removed from the land,
- (e) the date, time and place at which a resolution will be first presented to the council of the municipal district to authorize the removal of the things set out in clause (c),

20. Removal of things obstructing vision at road intersections
in municipal districts.

- (f) that the owner is entitled, before enactment of the resolution, to make representations to the municipality and set forth his reasons why the removal should not take place, and
 - (g) that where there is a disagreement between the council and the owner who claims to have incurred damage or loss as a result of the removal under this section, compensation shall be determined by arbitration under *The Arbitration Act*.
- (4) The notice shall be served upon the owner not less than two weeks preceding the date that the resolution authorizing the municipal district to make the removal is first presented to the council of the municipal district.
- (5) When the owner is not resident in Alberta or his present address is unknown, the notice shall be served upon him by mailing it to him at his latest known address not less than three weeks preceding the date the resolution is first presented to the council of the municipal district.
- (6) Upon the passing of the resolution authorizing the removal as provided in this section, the municipal district may enter upon the land and make the removal.

21. Section 267 is struck out and the following is substituted:

267. (1) After negotiating a proposed 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, the council of the municipal district may pass a by-law for the purpose of accepting the terms of the proposed agreement.

(2) Notwithstanding subsection (1), where a valid petition, signed by at least 10 per cent of the proprietary electors in the area of the municipal district described in the petition is received by the municipal secretary after November first in any year and prior to February first of the following year requesting the council to enter into an agreement and to pass a by-law for accepting the terms of the agreement for the provision of weather modification services to the area of the municipal district described in the petition, the council shall forthwith negotiate an agreement and pass a by-law accepting the terms of the agreement and shall submit the by-law to a vote of the proprietary electors of the area of the municipal district described in the petition.

(3) Where two or more petitions that include the same area of the municipal district, in whole or in part, are received by the municipal secretary at the same time, the petition referring to the largest area of the municipal

21. Section 267 presently reads:

267. (1) The council of a municipal district 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.

(1a) Notwithstanding subsection (1), where a petition, signed by at least

(a) 5 per cent of the proprietary electors in a municipal district having a population of 10,000 or more persons, or

(b) 10 per cent of the proprietary electors in a municipal district having a population of less than 10,000 persons,

is received by the municipal secretary prior to the first day of February requesting the council to pass a by-law for the purpose of entering into an agreement with any person for the provision of weather modification services to the area of the municipal district described in the petition, the council shall give the by-law first reading and submit it to a vote of the proprietary electors.

(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 The Municipal Election Act, when the total number of proprietary electors voting on the by-law is not more than 50 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 The Municipal Election Act, when the total number of proprietary electors voting on the by-law is more than 50 per cent of the total number of proprietary electors entitled to vote thereon.

(3) The expenses incurred under the agreement pursuant to subsection (1) shall be met by the levy and collection of a mill rate tax upon the physical land liable to assessment and taxation in that part or parts of the municipal district covered by the agreement.

(4) The rates shall be levied in addition to and together with the rate authorized for ordinary municipal purposes and they shall be a lien upon the property subject to the same penalties and collectible in the same manner as taxes.

(5) A by-law passed pursuant to this section shall be submitted to the proprietary electors not more than once in each calendar year.

(6) Notwithstanding subsection (5), in one calendar year and in that year only, two by-laws may be submitted to the propriety electors if the weather modification services specified in the second by-law are to be carried out in a different year from the year specified in the first by-law.

(7) Unless a petition signed by at least

(a) 5 per cent of the proprietary electors in a municipal district having a population of 10,000 or more persons, or

(b) 10 per cent of the proprietary electors in a municipal district having a population of less than 10,000 persons,

is received by the municipal secretary within 15 days of the last of two publications in a newspaper circulating in the municipal district of a notice to the effect that the council intends to extend the agreement entered into under subsection (1) for a further term of one year, the council may pass a by-law to extend the agreement.

(8) Where a petition is received pursuant to subsection (7) the council shall, if it decides to proceed with the extending by-law, submit such by-law to a vote of the proprietary electors.

district shall be deemed to have been first received and it shall be accepted by the council.

(4) An agreement under this section is not operative unless the by-law accepting the agreement receives the assent of

- (a) two-thirds of the proprietary electors of the municipal district or part thereof voting thereon in the manner provided in *The Municipal Election Act*, when the total number of proprietary electors voting on the by-law is not more than 50 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 *The Municipal Election Act*, when the total number of proprietary electors voting on the by-law is more than 50 per cent of the total number of proprietary electors entitled to vote thereon.

(5) The expenses incurred under the agreement pursuant to this section shall be met by the levy and collection of a mill rate tax upon the physical land liable to assessment and taxation in that part or parts of the municipal district covered by the agreement.

(6) The rates shall be levied in addition to and together with the rate authorized for ordinary municipal purposes and they shall be a lien upon the property subject to the same penalties and collectible in the same manner as taxes.

(7) Not more than one by-law referring to the same area, in whole or in part, of the municipal district and passed pursuant to this section, shall be submitted to the proprietary electors in any calendar year.

(8) Notwithstanding subsection (7), in one calendar year and in that year only, two by-laws may be submitted to the proprietary electors if the weather modification services specified in the second by-law are to be carried out in a different year from the year specified in the first by-law.

(9) Unless a petition signed by at least 10 per cent of the proprietary electors of the area to which an agreement under this section applies is received by the municipal secretary within 15 days of the last of two publications in a newspaper circulating in the municipal district of a notice to the effect that the council intends to extend the agreement entered into under this section for a further term of one year, the council may pass a by-law to extend the agreement.

(10) Where a petition is received pursuant to subsection (9), the council, if it decides to proceed with the extending

by-law, shall submit the by-law to a vote of the proprietary electors of the area to which the agreement applies and subsection (4) applies thereto.

22. Section 276, subsection (1) is amended by adding after the words "*The Gas Utilities Act*" the words ", *The Water Resources Act*".

23. Section 277 is amended by adding after the words "pass by-laws" the words "or resolutions".

24. Section 279 is struck out and the following is substituted:

279. A council may pass by-laws authorizing the discontinuance of a telephone service supplied by the municipality to any person while

(a) any toll or charge payable by the person to Alberta Government Telephones, or

(b) any reasonable security for the payment of the tolls and charges of Alberta Government Telephones,

remains unpaid.

25. Section 315, subsection (1) is amended by striking out clause (c).

26. Section 318, subsection (2) is amended by adding at the end thereof the words "or publication pursuant to section 311".

27. Section 385, subsection (1) is amended by adding after the words "municipal secretary" the words "or municipal solicitor".

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

22. Section 276 (1) presently reads:

276. (1) Subject to The Public Utilities Board Act, The Gas Utilities Act and The Power Commission Act, the municipality may supply any person outside the municipality with a public utility upon special terms, and may exercise all other powers necessary to the carrying out of its agreement with such person as well outside the municipality as within the municipality.

23. Section 277 reads in part:

277. A council may pass by-laws

- (a) for the general maintenance or management or conduct of any public utility constructed or maintained, and of the officers and others employed in connection with them,

24. Section 279 presently reads:

279. A council may pass by-laws authorizing the discontinuance of a telephone service supplied by the municipality to any person while any toll or charge payable by the person to the Alberta Government Telephones for long distance telephone service remains unpaid.

25. Section 315(1) (c) reads:

315. (1) The council may pass by-laws for borrowing, by the issue of debentures upon the credit of the municipality at large, the money required to meet the whole or any part of the costs or estimated costs of any local improvement, but

.....

- (c) nothing herein contained shall be construed as authorizing an extension of the general debt of the municipality beyond the limits thereof fixed by this Act.

26. Section 318(1) authorizes borrowing for utilities not exceeding the amount of accounts receivable in respect thereof. Subsection (2) presently reads:

- (2) A by-law authorized by subsection (1) does not require the assent of the proprietary electors.

27. Section 385(1) presently reads:

385. (1) Subject to sections 387 and 388, no action shall be brought against a municipality, its officials, employees, or agents by reason of death of or injury to any person, or any injury to the property of any person arising out of any accident alleged to be due to the negligence of the municipality, its officials, employees or agents acting in the course of their employment unless notice in writing of the accident and the cause thereof has been served upon the municipal secretary within six months of the happening of the accident.