

1972 Bill 117

~~Second~~ ^{FIRST} Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 117

The Municipal Government Amendment Act, 1972

MR. PURDY

First Reading

Second Reading

Third Reading

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Bill 117
(Mr. Purdy)

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1972

THE MUNICIPAL GOVERNMENT AMENDMENT ACT, 1972

(Assented to _____, 1972)

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

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

2. *Section 226 is struck out and the following section is substituted:*

226. (1) In this section

- (a) "licence" means a mobile unit licence issued pursuant to this section;
- (b) "licence inspector" means a person appointed by resolution of the council as a licence inspector for the purpose of this section and in the absence of a person being appointed means a municipal official;
- (c) "licence officer" means a person appointed by resolution of the council as a licence officer for the purpose of this section and in the absence of a person being appointed means a municipal official;
- (d) "licence year" means the calendar year;
- (e) "owner" means any person who is in lawful possession of a mobile unit.

(2) The licence fee to be imposed in respect of a mobile unit for the licence year shall be in accordance with a schedule prescribed by the Minister.

(3) Except as otherwise provided in this section the owner of a mobile unit shall not occupy or suffer or permit any other person to occupy a mobile unit at any time during which he is not the holder of a subsisting licence for the mobile unit issued by the municipality in which the mobile unit is situated.

(4) The owner of a mobile unit is not required to have a licence in respect of

- (a) a mobile unit occupied by a bona fide tourist, or
- (b) a mobile unit used as a farm building or residence in connection with the raising or production of

Explanatory Notes

1. This Bill will amend chapter 246 of the Revised Statutes of Alberta 1970.

2. Section 226 presently reads:

226. (1) Every mobile unit is liable to be licensed in accordance with this section

(2) The licence fee to be imposed in respect of mobile units shall be in accordance with a schedule prescribed by the Minister.

(3) As soon as the mobile unit is occupied for any purpose in a municipality the full amount of the licence fee for the unexpired portion of the licensing year commencing with the first day of occupancy of the mobile unit in the municipality, thereupon becomes due and payable to the municipality unless the municipality and the owner of the mobile unit have entered into an agreement whereby the licence fee is made payable by installments in advance.

(4) Where the owner of a mobile unit has paid the full annual licence fee imposed pursuant to the schedule prescribed by the Minister in accordance with this section and the mobile unit is moved from the municipality or ceases to be occupied for any purpose, the owner upon application therefor shall be refunded one-twelfth of the annual licence fee for each full calendar month remaining in the year and during which the mobile unit is not within the municipality or is not occupied for any purpose.

(5) A licence fee payable pursuant to this section is collectible as a debt due to the municipality.

(6) A licence or a licence fee shall not be required in respect of

- (a) a mobile unit occupied by a bona fide tourist, or**
- (b) a mobile unit located in a county or municipal district while it is occupied by a bona fide farmer and used for farming purposes.**

(7) A licence or licence fee shall not be required in respect of a mobile unit liable to assessment as an improvement pursuant to The Municipal Taxation Act.

crops, livestock or poultry or in connection with fur production or beekeeping and situated on farm land outside a city, town, new town, village or summer village, or

- (c) a mobile unit that is subject to a tax levy pursuant to *The Municipal Taxation Act* for the year or portion thereof.

(5) Subject to subsection (4), where a mobile unit is occupied by any person and the owner does not have a subsisting licence issued by the municipality in which the mobile unit is situated, the owner is guilty of an offence and liable on summary conviction

- (a) for a first offence, to a fine of not more than \$100, and
- (b) for any subsequent offence, to a fine of not more than \$500,

and the court may order that the owner pay to the municipality the licence fee.

(6) In a prosecution for a contravention of subsection (5) a certificate purporting to be signed by the licence officer for the municipality and stating that a named person was or was not, on a specified day or during a specified period, a holder of a subsisting licence for a mobile unit or for a particular mobile unit shall be admitted in evidence as prima facie proof of the facts stated therein without proof of the licence officer's appointment or signature.

(7) Not later than 14 days after a mobile unit is situated in a municipality and occupied, the owner of the mobile unit shall apply to the licence officer of the municipality for a licence.

(8) Where a mobile unit is situated in a municipality and occupied

- (a) at the commencement of the licence year, the licence shall be issued to the owner by the municipality upon payment of the prescribed fee for the entire licence year, and
- (b) after the commencement of the licence year, a licence for the balance of the year shall be issued to the owner by the municipality upon payment of a fee equal to the amount of the prescribed fee for the entire licence year, multiplied by the number of days remaining in the licence year, and divided by the number of days in the entire licence year.

(9) Notwithstanding subsection (8), the municipality may allow the owner to pay a licence fee by prepaid instalments and upon payment of an instalment a licence will be issued to the owner which shall be valid for the period of time as set forth on the licence.

(10) Where the owner of a mobile unit has not paid the licence fee payable in accordance with this section the municipality may

- (a) recover the amount of the licence fee as a debt owing to the municipality, or
- (b) upon the licence fee remaining unpaid for 30 days after demand for payment has been made by a licence officer, distrain for the licence fee on the goods and chattels of the owner.

(11) Where the licence fee owing to the municipality has been paid in accordance with subsection (8) and the mobile unit has been removed from the municipality or is no longer occupied, the municipality, upon application by the owner, shall refund to the owner the licence fee for the balance of the licence year, calculated as a sum equal to the amount of the prescribed fee for the entire licence year, multiplied by the number of days remaining in the licence year and divided by the number of days in the entire licence year.

(12) Every person occupying a mobile unit

- (a) upon request of a licence officer or licence inspector, shall give to the licence officer or licence inspector all information necessary to enable him to carry out his duties, and
- (b) who fails to provide information requested pursuant to clause (a) within 10 days from the day that the request is made is guilty of an offence and liable on summary conviction to a fine of not more than \$5 for every day from the date the request is made that the information is not provided.

(13) Where a mobile unit is required to be licensed pursuant to this section, the municipality shall make a valuation of the mobile unit for the purpose of determining the licence fee payable and shall mail or deliver to the owner written notice of the valuation.

(14) The owner of a mobile unit

- (a) may, within 30 days of the notice being mailed or delivered to him, complain to the court of revision in respect of the valuation of his mobile unit, and
- (b) may appeal to the Appeal Board against the decision of the court of revision if
 - (i) the owner is, or the valuation of his mobile unit is affected by a decision of the court of revision, and
 - (ii) the owner appeared before the court of revision in person or by agent or sent to the licence officer a document setting out in detail the ground of his complaint,

and sections 43 to 61 of *The Municipal Taxation Act* apply to proceedings under this subsection with all necessary modifications.

(15) Where a municipality considers it equitable to do so, it may by resolution cancel or refund all or any portion of a mobile unit licence fee.

(16) The Minister may make regulations

- (a) approving forms for use pursuant to this section,
- (b) prescribing the functions and duties of licence officers and licence inspectors,
- (c) prescribing the methods for valuating mobile units,
- (d) notwithstanding subsection (14), providing for the procedure and method of making complaints to the court of revision, appeals to the Appeal Board, and the procedure to be used by a court of revision and the Appeal Board in hearing matters respecting mobile units, and
- (e) generally, for carrying out the purpose and intent of this section.

3. *This Act comes into force on January 1, 1973.*

