

1972 Bill 121

~~First~~ Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 121

The Improvement Districts Amendment Act, 1972

MR. PURDY

First Reading

Second Reading

Third Reading

Bill 121
(Mr. Purdy)

BILL 121

1972

THE IMPROVEMENT DISTRICTS 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 Improvement Districts Act is hereby amended.

2. Section 11 is struck out and the following section is substituted therefor:

11. (1) In this section

- (a) "licence" means a mobile unit licence issued pursuant to this section;
- (b) "licence inspector" means a person appointed by the Minister as a licence inspector for the purpose of this section;
- (c) "licence officer" means a person appointed by the Minister as a licence officer for the purpose of this section;
- (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 for the improvement district 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 crops, livestock or poultry or in connection with fur

Explanatory Notes

1. This Bill will amend chapter 180 of the Revised Statutes of Alberta 1970.

2. Section 11 presently reads:

11. (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 an improvement district 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 an improvement district, thereupon becomes due and payable unless the Minister or his agent 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 subsection (2) and the mobile unit is moved from the improvement district 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 improvement district or is not occupied for any purpose.

(5) A licence or 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 an improvement district while it is occupied by a bona fide farmer and used for farming purposes.

(6) 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.

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

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 for the improvement district 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 Minister 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 improvement district 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 an improvement district and occupied, the owner of the mobile unit shall apply to the licence officer of the improvement district for a licence.

(8) Where a mobile unit is situated in an improvement district and occupied

- (a) at the commencement of the licence year, the licence shall be issued to the owner by the Minister 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 Minister 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 Minister 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 Minister may

- (a) recover the amount of the licence fee as a debt owing to the Crown, 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 Minister has been paid in accordance with subsection (8) and the mobile unit has been removed from the improvement district or is no longer occupied, the Minister 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 licenced pursuant to this section, the licence officer or licence inspector 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 the Minister considers it equitable to do so he may by order 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. The following section is added after section 12:

12.1 Where the Minister considers it equitable, he may settle in whole or in part, any amounts owing to the Crown or to the Minister under this Act or any other Act relating to an improvement district for rentals, fees or other charges, other than taxes levied pursuant to *The Municipal Taxation Act*.

4. The following section is added after section 24:

24.1 The Minister may provide for publication and circulation to residents of an improvement district of information pertaining to the activities of an agricultural service board under *The Agricultural Service Board Act* and of information concerning other municipal subjects.

5. The following section is added after section 36:

37. (1) The Minister may in writing delegate to any person any power, duty or function conferred upon the Minister by this Act or any other Act relating to improvement districts other than the power to make regulations.

(2) Where, pursuant to subsection (1), the Minister delegates to any person any power, duty or function, any reference in an Act to the Minister in connection with that power, duty or function shall be construed as also referring to that person.

6. This Act comes into force on January 1, 1973.

3. This amendment will give authority to the Minister to make settlements of money other than taxes, owing to the Minister on behalf of an improvement district.

4. This amendment will authorize the Minister to provide information concerning administration in the improvement district to residents of the improvement district.

5. This amendment will allow the Minister to delegate to other persons the carrying out of routine matters concerning the administration of improvement districts.