

1974 Bill 53

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 53

The Municipal Government Amendment Act, 1974

MR. STROMBERG

First Reading

Second Reading

Third Reading

Bill 53
Mr. Stromberg

BILL 53

1974

THE MUNICIPAL GOVERNMENT AMENDMENT ACT, 1974

(Assented to _____, 1974)

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 2, clause 23 is amended by striking out sub-clause (viii) and by substituting the following:*
 - (viii) sewage system,
- 3. Section 14, subsection (1) is amended*
 - (a) by adding the following clause after clause (c):*
 - (c1) form a summer village into a village
 - (i) if the summer village contains not less than 75 separate buildings each of which has been continuously occupied as a dwelling for a period of not less than six months immediately prior to the request of the council, and
 - (ii) if the council of the summer village has, by resolution, requested the change in status;
 - (b) as to clause (f) by adding after the word "village" the words "or a village into a summer village".*
- 4. The following section is added after section 14:*

14.1 (1) The Lieutenant Governor in Council may by order, upon receipt of any or all of the recommendations of a boundaries committee or commission appointed by him,

 - (a) amalgamate lands within the boundaries of one rural municipality with lands within the boundaries of another rural municipality to form a new rural municipality, or

Explanatory Notes

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

2. Section 2, clause 23, subclause (viii) presently reads:

23. "public utility" means any municipal revenue earning work or utility, and includes the municipal
(viii) sewers,
and the service or commodity supplied by any public utility;

3. To permit the Lieutenant Governor in Council to change a summer village into a village and vice versa. Section 14, subsection (1) presently reads:

14. (1) The Lieutenant Governor in Council, by order, may:
- (a) form into a municipal district any part of Alberta not included in a city, town, new town, village or summer village;
 - (b) upon receipt by the Minister of a petition
 - (i) signed by at least 50 per cent of the proprietary electors thereof, and
 - (ii) accompanied by a plan showing the proposed boundaries of the proposed summer village,
form any summer resort into a summer village if the area that would be included in the summer village contains not less than 50 separate buildings, each of which has been occupied as a dwelling at any time during the six-month period preceding the receipt of the petition;
 - (c) upon receipt by the Minister of a petition
 - (i) by at least 50 per cent of the persons who would be proprietary electors of the village, if a village were formed, and
 - (ii) accompanied by a plan showing the proposed boundaries of the proposed village,
form any part of Alberta into a village if the area that would be included in the village contains not less than 75 separate buildings each of which has been continuously occupied as a dwelling for a period of not less than six months immediately prior to the receipt of the petition;
 - (d) form a village into a town
 - (i) if the village contains over 1,000 inhabitants, and
 - (ii) if the council of the village has, by resolution, requested the change in status;
 - (e) form a town into a city
 - (i) if the town contains over 10,000 inhabitants, and
 - (ii) if the council of the town has, by resolution, requested the change in status;
 - (f) form a city into a town or a town into a village
 - (i) if the population in the municipality warrants such a change, or
 - (ii) if a majority of the proprietary electors of the municipality voting upon the question as to whether or not the status of the municipality should be changed is in favour of the change, or
 - (iii) if there has been a failure to elect a council, or
 - (iv) if the municipality has failed to carry out the requirements of this Act, The Municipal Election Act or The Municipal Taxation Act, or
 - (v) for any other reason considered adequate by the Lieutenant Governor in Council.

4. The Lieutenant Governor in Council may amalgamate rural municipalities or alter their boundaries.

(b) alter the boundaries of a rural municipality by annexing any lands thereto or excluding any lands therefrom,
without any petition, plebiscite or notice.

(2) In this section "rural municipality" means a county, municipal district, improvement district or special area.

(3) An order under this section may be made subject to such terms and conditions that the Lieutenant Governor in Council considers proper and the order may

- (a) give directions as to any matter or thing required in connection with the first election next following the making of an order under this section;
- (b) describe the boundaries of the new rural municipality;
- (c) contain directions that the amalgamated or annexed lands are or are not subject to debentures already issued by the rural municipality, with respect to the area amalgamated or annexed, or the rate levied to meet those debentures;
- (d) contain directions that the new rural municipality assess the land amalgamated or annexed upon any basis or principle of assessment specified in the order for the term of years fixed by the order;
- (e) fix a maximum rate of taxation for the lands amalgamated or annexed, for the term of years fixed in the order;
- (f) deal with and make any provision respecting any by-law for the protection of any rights of any person in the amalgamated or annexed lands.

(4) Section 18, section 20, subsection (4) and sections 21, 22 and 23 apply with the necessary changes to an order under this section.

5. Section 115 is amended by striking out subsection (3) and by substituting the following subsection:

(3) A council may, either in a general penalty provision in a by-law or in a penalty provision applicable to a contravention of a particular provision of a by-law, provide for

- (a) a minimum fine, which shall be imposed by a court upon a conviction for a contravention of the by-law, or
- (b) minimum and maximum fines applicable to second or subsequent offences, or
- (c) a minimum daily fine not exceeding \$500 for every day that the offence continues after conviction, or
- (d) any combination of fines authorized by this subsection, or

5. Section 115, subsection (3) presently reads:

(3) A council may either in a general penalty section in a by-law or in a penalty applicable to a contravention of a particular provision of the by-law provide for a minimum fine which shall be imposed by a court upon a conviction for a contravention of the by-law and may also provide for minimum and maximum fines which shall be applicable to second and subsequent offences.

- (e) a minimum period of imprisonment in case of non-payment of the fine and costs, which period may vary for first, second and subsequent offences but shall not exceed six months in respect of one offence.

6. The following section is added after section 149:

149.1 A council may by by-law authorize the imposition of interest charges not exceeding 1 per cent per month on general accounts payable to the municipality that remain unpaid after 30 days from the date of the mailing of the account.

7. Section 161 is amended as to clause (a) by striking out the words "on any sidewalk" and by substituting the words "in any public place".

8. The following section is added after section 196:

196.1 (1) Where a notice has been issued under section 195, subsection (1) or a declaration has been affixed under section 196, subsection (1), the local board of health or the medical health officer, as the case may be, may cause to be filed with the Registrar of the proper land titles office a caveat against the registration of any person as transferee or owner of, or of any instrument affecting, the lands which are the subject of such notice or declaration, unless the instrument or certificate of title is expressed to be subject to that caveat.

(2) *The Land Titles Act* applies to a caveat under this section.

(3) Notwithstanding subsection (2), a caveat registered under this section does not lapse and shall not be cancelled or withdrawn except upon the receipt by the Registrar of a notice in writing from the local board of health or the medical health officer, as the case may be, requesting such cancellation or withdrawal.

(4) The Registrar shall, in addition to the notices required by sections 141 and 143 of *The Land Titles Act*, give like notice to caveators and mortgagees where the addresses of those persons may be ascertained from the certificate of title.

9. Section 206 is amended

- (a) *as to subsection (1) by adding after the word "by-laws" the words "or resolutions",*
- (b) *as to subsection (1.1) by adding after the word "by-laws" the words "or resolutions".*

6. Interest on general accounts.

7. Section 161, clause (a) presently reads:

161. For the purpose of regulating and controlling animals the council of any municipality may pass by-laws

(a) preventing the leading, riding and driving of cattle or horses on any sidewalk,

8. Caveat may be filed on title to unsanitary or unfit premises.

9. Section 206, subsections (1) and (1.1) presently reads:

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

(a) to any hospital,

(b) to any charitable organization,

(c) to sufferers from any calamity anywhere in Canada,

(d) to religious and educational organizations, and

(e) Repealed 1973, c. 40, s. 18.

and may make all regulations, conditions and provisions with respect thereto.

(1.1) The council may pass by-laws providing for grants to non-profit organizations which the council considers are entitled to grants to provide for activities and events which the council considers are of benefit to the municipality and may make all regulations, conditions and provisions with respect thereto.

10. *Section 226 is amended by adding the following subsection after subsection (7):*

(7.1) A municipality may by by-law require the owner or operator of every licensed mobile unit park in the municipality to notify the licence officer of the municipality in writing of

- (a) the name and address of the owner of each mobile unit in the mobile unit park within 14 days of its being occupied, and
- (b) any change of ownership or occupancy or any removal of a mobile unit from the park within 14 days of the change or removal.

11. *Section 239 is amended by adding the following subsections after subsection (7):*

(8) A council may by by-law establish a fund to provide loans to individuals whose property does not meet the minimum standards prescribed under this section.

(9) A by-law under subsection (8) shall prescribe

- (a) the maximum amount of borrowings which may be outstanding at any one time,
- (b) the maximum amount which may be loaned to any individual,
- (c) the maximum term for which a loan may be made,
- (d) the rate of interest to be chargeable on borrowings, and
- (e) the qualifications necessary for obtaining a loan.

12. *Section 263, subsection (2), clause (b) is amended by striking out the figure "13" and by substituting the figure "12".*

13. *The following section is added after section 273:*

273.1 (1) The council of a municipal district may, by by-law approved by the Minister of Telephones and Utilities, authorize the borrowing of such sums of money for such terms as are prescribed in the by-law for the purpose of constructing within the municipal district a rural gas utility as defined by *The Rural Gas Act*.

(2) The municipal district may as security for any loans made under this section, give promissory notes or other similar forms of obligation signed by the mayor and treasurer, and each promissory note or obligation is valid and binding upon the municipal district according to its tenor.

10. Authority to require mobile unit park operator to provide information for licensing purposes.

11. Authority to establish a fund to assist persons whose property does not meet minimum standards.

12. To correct a cross-reference.

13. Authority for municipal district to finance a rural gas utility.

(3) A by-law passed under this section may make the debt

- (a) a lien and first charge on the revenues of the rural gas utility only and not on the taxes, rates or other revenues of the municipal district, or
- (b) a lien and first charge on the revenues of the rural gas utility in priority to a charge on the taxes, rates or other revenues of the municipal district.

(4) The powers given by this section are in addition to the powers given in section 310.1 and any amounts borrowed under this section shall not be taken into account in determining the maximum amount that may be borrowed under section 310.1, subsection (4).

(5) A by-law passed under this section does not require the assent of the proprietary electors but does require the approval of the Local Authorities Board which approval shall be obtained before or immediately after the first reading of the by-law.

14. Section 275 is amended by striking out subsections (1) and (2) and by substituting the following subsections:

275. (1) A municipal district may, under section 270, confer a special franchise with respect to a specified part or parts only of the municipal district, and

- (a) the by-law and contract may specifically provide that all or any specified part or parts of the municipal district will be under no liability or obligation to do any thing in relation to the privileges granted thereby that will cause any increase in the tax rate or any other levy that is made annually by the council, and
- (b) if the by-law and contract contain a provision under clause (a), only the proprietary electors of the specified part or parts of the municipal district are entitled to petition for a vote or to vote on the by-law.

(1.1) A municipal district may, under section 271, enter into a contract for the supply of any of the commodities listed therein to the municipality for the use of a municipal public utility that serves a specified part or parts only of the municipal district.

(2) A municipal district may, under section 273, purchase, lease or construct a public utility to serve a specified part or parts only of the municipal district and, if the cost of the purchase, lease or construction is by the by-law made a lien and first charge on the revenues of the public utility in priority to a charge on the taxes, rates and other revenues of the municipal district, then only the

14. Section 275 presently reads:

275. (1) A municipal district may exercise the powers provided in section 270, 271 or 273, in a specified part or parts of the municipal district only, in which event only the proprietary electors of the specified part or parts of the municipal district are entitled to petition for a vote or to vote on the by-law.

(2) The by-law and contract shall provide specifically that the municipal district will be under no liability or obligation to do any act or thing whatsoever in relation to the privileges granted thereby that will cause any increase in the tax rate or any other levy which is made annually by the council.

(3) When pursuant to this or any other Act, a new town or village has reverted to the status of a hamlet, a special franchise with respect to the area, or a contract for the supply of light, power, natural gas or water to persons in the area, that has been conferred or entered into by the governing authority previously having jurisdiction in the area and that has become operative therein shall be deemed to have been conferred on and entered into on its original date by the council of the municipal district in which the hamlet is situated and to have become operative therein, and section 272 applies, the necessary changes being made, to the special franchise or contract.

proprietary electors of the specified part or parts of the municipal district are entitled to petition for a vote or to vote on the by-law.

15. The following section is added after section 276:

276.1 (1) A rural gas co-operative association may own or operate in a municipality a rural gas utility in a franchise area under *The Rural Gas Act* but, notwithstanding *The Rural Gas Act*, if the franchise area extends outside the municipality into another municipality, no pipes, wires, poles or equipment shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within the other municipality without the consent of the council of that municipality.

(2) Section 270, subsections (1) and (3) do not apply to the consent of a council under subsection (1).

16. Section 280 is amended by striking out the words "in part" and by substituting the words "any part".

17. Section 310.1 is amended by striking out subsection (1) and by substituting the following:

310.1 (1) When a council has adopted its program of capital works and expenditures to be undertaken in any year, the council may by by-law authorize the mayor and treasurer to borrow, from time to time, such sums as the council considers necessary to provide for the temporary financing of the works and expenditures at any time pending the issuance of all or any part of the debentures therefor.

18. The following section is added after section 310.1:

310.2 (1) Where a municipality has entered into an agreement with the Government of Alberta, the Government of Canada or any of their agencies for the joint financing of the construction, maintenance, operation or use of a public work, building or structure, the council at any time, pending receipt of all or any part of the funds to be provided under the agreement, may by by-law authorize the mayor and treasurer to borrow from time to time such sums as may be required to finance the construction, maintenance, operation or use.

(2) The aggregate of the principal of all sums borrowed under this section shall not exceed the total of the sums that the Government of Alberta, the Government of Canada or their agencies will contribute pursuant to the agreement.

15. Authority required before rural gas co-operative associations in a municipality can enter another municipality.

16. Section 280 presently reads:

280. Any user of a public utility being aggrieved respecting service charges, rates and tolls made to such user may by application appeal to the Public Utilities Board and the Board, if satisfied that such service charge

(a) does not conform to the public utility rate structure established by the municipality, or

(b) has been improperly imposed, or

(c) is discriminatory,

may make an order varying, adjusting or disallowing the whole or in part of such charge.

17. Section 310.1, subsection (1) presently reads:

310.1 (1) When a council has adopted its program of capital works and expenditures to be undertaken in any year, the council by by-law may authorize the mayor and treasurer to borrow such sums as the council considers necessary to provide for the temporary financing of the works and expenditures pending the issuance of debentures.

18. To permit municipalities to borrow funds to finance senior Government's portion of shared expenditures pending receipt of contributions.

(3) When contributions are received pursuant to the agreement, payments in amounts equal thereto shall be made on the borrowings obtained under this section in respect of that agreement.

(4) The term of any borrowing under this section shall not continue beyond the date upon which the final contribution under the agreement is received.

(5) A by-law passed under this section does not require the assent of the proprietary electors or the approval of the Local Authorities Board.

19. Section 324 is amended as to subsection (2.1) by adding after the word "borrowing" the words "at the interest rates then available".

20. Section 329, subsection (2) is amended by striking out clause (c) and by substituting the following clause:

(c) change the interest rate from an annual to a semi-annual rate or vice versa and issue the debentures at the interest rates then available, or

21. Section 381, subsection (2) is amended by striking out the words "or any operating surpluses of the municipality".

22. The following section is added after section 382:

382.1 The council may authorize the municipal treasurer to invest any operating surpluses of the municipality or other moneys of the municipality that are not required for immediate disbursement in any of the securities referred to in section 362 or in notes or deposit receipts of chartered banks or in term deposit certificates of treasury branches and to dispose of any investment so made whenever necessary to meet expenditures.

23. Section 410 is amended by striking out subsection (1) and by substituting the following subsections:

410. (1) Except as otherwise provided in this section, all lost or unclaimed property in the possession of the municipality or any department thereof shall be retained for three months.

(1.1) All lost or unclaimed bicycles in the possession of a municipality or any department thereof shall be retained for 45 days.

(1.2) In subsection (1.1), "bicycle" includes any cycle, propelled by human power, upon which a person may ride regardless of the number of wheels it may have.

19. To clarify that replacing debentures may provide for current interest rates. Section 324, subsection (2.1) presently reads:

(2.1) Notwithstanding anything in this section, a by-law creating a debt to be financed by the issuing of debentures, the term of which is not less than 10 years, may provide for the issuing of debentures for successive five year periods during the life of the borrowing and retiring the issue of the previous five year period.

20. To allow a change of interest rates on any substituted debentures. Section 329, subsection (2), clause (c) presently reads:

(2) The by-law may

(c) change the interest from annual to semi-annual or vice versa, or

21. Consequential to section 22 of this Bill. Section 381, subsection (2) presently reads:

(2) Any reserve funds formed in accordance with subsection (1) or any operating surpluses of the municipality may be invested in any of the securities referred to in section 362.

22. Authority to invest moneys not presently required for disbursement.

23. To shorten the time for retention of lost or unclaimed bicycles.

(1.3) If property is not claimed within the time limited by this section, it becomes the property of the municipality and the municipality may dispose of the property by public auction and any property offered for sale at a public auction and not sold thereat may be otherwise disposed of as the council directs.

24. The Municipal Election Act is amended by striking out section 16 and by substituting the following section:

16. When the status of

- (a) a summer village is changed to that of a village, or
- (b) a village is changed to that of a town, or
- (c) a town is changed to that of a city, or
- (d) a village is changed to that of a summer village, or
- (e) a town is changed to that of a village, or
- (f) a city is changed to that of a town,

the term of office of the mayor and councillors holding office at the time the change in status becomes effective shall be determined by the Minister.

25. The Municipal Taxation Act is amended as to section 145, subsection (1), clause 6, by striking out the words "sanitary sewer" and by substituting the words "sanitary sewage system".

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

24. Consequential to amendment to section 14 of The Municipal Government Act. Section 16 of The Municipal Election Act presently reads:

16. When the status of

- (a) a village is raised to that of a town, or
- (b) a town is raised to that of a city, or
- (c) a town is reduced to that of a village, or
- (d) a city is reduced to that of a town,

the term of office of the mayor and councillors holding office at the time the change in status becomes effective shall be determined by the Minister.

25. Consequential to amendment to section 2 of The Municipal Government Act to clarify that public utility includes the whole sewage system and not sewers only. Section 45, subsection (1), clause 6 presently reads:

145. (1) The council may authorize a work of any of the following types to be undertaken as a local improvement:

- 6. making, deepening, enlarging or extending of a sanitary sewer, storm sewer or combined sanitary and storm sewer system and making sewer service connections thereto;