

1975 Bill 73
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 73

THE MUNICIPAL AFFAIRS STATUTES AMENDMENT ACT, 1975

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

BILL 73

1975

(Second Session)

THE MUNICIPAL AFFAIRS STATUTES AMENDMENT ACT, 1975

(Assented to _____, 1975)

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

The County Act

1. (1) *The County Act is amended by this section.*

(2) *Section 7 is amended by adding the following subsection after subsection (3):*

(4) No order made by the Local Authorities Board under subsection (1), clause (b) has any effect unless it is approved by the Lieutenant Governor in Council.

The Municipal Government Act

2. (1) *The Municipal Government Act is amended by this section.*

(2) *Section 10, subsection (1) is amended by striking out clause (b) and by substituting the following:*

(b) a meeting for the discussion of village affairs shall be held on the third Saturday in July in the year in which an election is to be held,

(3) *Section 14, subsection (1) is amended*

(a) *as to clause (b), subclause (i) by striking out the words "at least 50 per cent" and by substituting the words "a majority",*

(b) *as to clause (c), subclause (i) by striking out the words "by at least 50 per cent" and by substituting*

Explanatory Notes

1. (1) This section will amend chapter 71 of the Revised Statutes of Alberta 1970.

(2) This amendment is consequential to the amendment to section 20 of The Municipal Government Act. Section 7 of The County Act presently reads as follows:

7. (1) After the establishment of a county

(a) the Minister may by order change the number or areas of the electoral divisions of the county, or

(b) the Local Authorities Board may by order change the boundaries of the county in the same manner as similar changes may be made in a municipal district.

(2) By complementary orders to be made under The School Act, the Minister of Education shall transfer school districts or parts thereof into or out of the county to make the areas of school districts within the county conform to any changes made under subsection (1) in the boundaries of the county.

(3) After the establishment of a county, the Minister may by order add to or remove from the county, for school administrative purposes only, a school district situated outside the boundaries of the county.

2. (1) This section will amend chapter 246 of the Revised Statutes of Alberta 1970.

(2) To provide summer villages with the option of holding an annual meeting of electors in non-election years as is the case in other municipalities. Section 10 (1) (b) presently reads:

10. (1) All the provisions of this Act that apply to villages apply to summer villages, except that in a summer village

(b) an annual meeting for the discussion of village affairs shall be held on the third Saturday in July.

(3) Section 14 (1) (b) (i), (c) (i) presently read:

14. (1) The Lieutenant Governor in Council, by order, may:

(b) upon receipt by the Minister of a petition

(i) signed by at least 50 per cent of the proprietary electors thereof,

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,

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;

the words “signed by a majority”.

(4) Section 14.1 is amended

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

(1.1) The Lieutenant Governor in Council may by order amalgamate one or more municipalities with all or part of the lands within the boundaries of one or more rural municipalities to form a new municipality which shall have the name given in that order.

(b) as to subsection (4) by striking out the words “Section 18” and by substituting the words “Section 14, subsection (4), section 18”.

(5) Section 20 is amended

(a) by striking out subsection (4) and by substituting the following subsection:

(4) An order made pursuant to this section and approved pursuant to section 20.1 shall be published in the Gazette and becomes effective upon the date named in the order or in the absence of any date therein upon the date of the publication of the order and approval in the Gazette and such publication is conclusive proof of the fulfilment of all conditions precedent to the making and approval of the order.

(b) as to subsection (5) by adding after the words “subsequent order” the words “approved by the Lieutenant Governor in Council”.

(4) Section 14.1 (1) and (4) presently read:

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

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

(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) These changes are consequential to the addition by this Bill of new section 20.1 of the Act. Section 20 (4) and (5) read as follows:

(4) An order made pursuant to this section shall be published in the Gazette and becomes effective upon the date named in the order or in the absence of any date therein upon the date of the publication of the order in the Gazette and such publication is conclusive proof of the fulfilment of all conditions precedent to the making of the order.

(5) Any misnomer, misdescription, omission or error in any order may be corrected by subsequent order and the correction so made is effective upon such date as is specified in the correcting order and may be made effective upon the date of the original order.

(6) *The following section is added after section 20:*

20.1 (1) Notwithstanding any provision of any Act to the contrary, no order of the Local Authorities Board made under section 20, subsection (1), (2) or (5) has any effect unless it is approved by the Lieutenant Governor in Council.

(2) Where the Board makes an order referred to in subsection (1), it shall cause a copy to be delivered to the Clerk of the Executive Council.

(3) The Lieutenant Governor in Council may approve or disapprove the Board's order referred to in subsection (1).

(4) Where an order of the Board made under section 20, subsection (1) is disapproved by the Lieutenant Governor in Council, no further petition may be presented to the Board under section 20, subsection (1) in respect of the territory which was the subject matter of the first petition, until a period of not less than one year has elapsed from the date on which the Board's order was signed.

(7) *Section 29 is amended*

(a) *as to subsection (1)*

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

(a) *is convicted of*

(i) *an indictable offence punishable by death or by imprisonment for five or more years, or*

(ii) *an offence under section 112 of the Criminal Code,*

or

(ii) *in clause (g) by adding at the end thereof the words "is a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta, or",*

(b) *as to subsection (2), clause (d), subclause (ii) by striking out the word "Procedure".*

(6) Annexation order of the Local Authorities Board under section 20 will now be subject to the approval of the Lieutenant Governor in Council. Section 20 reads as follows:

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
 - (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.
- (4) An order made pursuant to this section shall be published in the Gazette and becomes effective upon the date named in the order or in the absence of any date therein upon the date of the publication of the order in the Gazette and such publication is conclusive proof of the fulfilment of all conditions precedent to the making of the order.
- (5) Any misnomer, misdescription, omission or error in any order may be corrected by subsequent order and the correction so made is effective upon such date as is specified in the correcting order and may be made effective upon the date of the original order.

(7) Section 29, subsection (1), clauses (a) and (g) and subsection (2), clause (d), subclause (ii) presently read:

29. (1) A person is not qualified to remain a member of the council if he
- (a) is convicted of an indictable offence punishable by death or by imprisonment for more than five years, or
 - (g) is a judge of a court of civil jurisdiction, or
- (2) Subsection (1) does not apply to a person by reason only
- (d) of his selling or leasing to the municipality, land or interest in land that the council has authority to expropriate, if
 - (ii) the amount of the compensation has been fixed by an award made under The Expropriation Procedure Act, or, if the amount of the compensation has been agreed upon, a judge of the district court upon an application made by and at the expense of the municipality concerned has certified in writing that the amount of the compensation is fair and reasonable,

(8) Section 30 is amended by adding the following subsection after subsection (4):

(5) This section does not apply to a member of a council by reason only that the question affects

- (a) the interests or business of a private company, of which the member is a shareholder, in a manner common with all other, or a substantial number of other, private companies which carry on business in the municipality and which have interests or business in common with the interests or business of that private company, or
- (b) the interests or business of a public company in which the member holds more than 1 per cent of the number of shares issued, in a manner common with all other, or a substantial number of other, public companies which carry on business in the municipality and which have interests or business in common with the interests or business of that public company, or
- (c) the interests or business of a partnership or firm, of which the member of council is a member, in a manner common with all other, or a substantial number of other, partnerships or firms which carry on business in the municipality and which have interests or business in common with the interests or business of that partnership or firm, or
- (d) the interests or business of a company, of which the member is a director, in a manner common with all other, or a substantial number of other, companies which carry on business in the municipality and which have interests or business in common with the interests or business of that company, or
- (e) a contract for the sale of any goods, merchandise or services which the member is entitled to buy or sell on terms common with all other, or a substantial number of other, persons in the municipality, or
- (f) any thing in respect of which the member has a direct or indirect pecuniary interest if the member's interest therein is one which is in common with all other, or a substantial number of other, persons in the municipality.

(9) Section 31 is amended as to clause (b) by striking out the words "declaring his seat vacant" and by substituting the words "declaring him to be disqualified to be a member of the council".

(8) Exceptions to subsection (2). Section 30 (1) and (2) presently read:

30. (1) A member of a council ceases to be qualified to remain a member of the council if he fails to comply with subsection (2) or (3).

(2) A member of a council shall not vote in the council

(a) on any question

(i) affecting a private company of which he is a shareholder, or

(ii) affecting a public company in which he holds more than 1 per cent of the number of shares issued, or

(iii) affecting a partnership or firm of which he is a member, or

(iv) affecting a company of which he is a director unless he is a director only by reason of being a member of the council and the council, by resolution, authorizes him to vote,

or

(b) on a contract for the sale of goods, merchandise or services to which he is a party, or

(c) on a question affecting his selling or leasing land or an interest in land to the municipality, or

(d) on any question in which he has a direct or indirect pecuniary interest.

(9) Section 31 presently reads:

31. Where a member of a council is not qualified under section 29 or 30 to be a member of the council

(a) the member shall forthwith resign his seat on the council, and

(b) if he does not so resign, the council may, by resolution, apply to a judge for an order declaring his seat vacant.

(10) Section 32 is amended by striking out subsection (3) and by substituting the following:

(3) Where a judge declares a member of a council disqualified pursuant to this Act, that member's seat on the council thereupon becomes vacant.

(11) The following sections are added after section 32:

32.1 (1) Where an application under section 31 or 32 is before a judge and the judge finds that a member is disqualified, he may nevertheless dismiss the application where he is of the opinion that the disqualification arose inadvertently or by reason of a bona fide error in judgment.

(2) This section applies to an application continued or commenced under section 32.2.

32.2 (1) An application alleging a contravention of section 29, clause (f) or (n) or of section 30 may be commenced pursuant to section 31 or 32 or continued under either of those sections, notwithstanding that an election has been held between the time when the disqualification of the member or former member of council is alleged to have arisen and the time at which the application was or is commenced and the judge may make an order under section 31 or 32 declaring that that member or former member is disqualified to be a member of the council.

(2) Subsection (1) applies whether or not the member in respect of whom the application is being brought

- (a) resigns before or after the election, or
- (b) was re-elected in the election, or
- (c) was not re-elected or did not run in the election, or
- (d) has completed a term of office.

(12) Section 41 is amended by adding the following subsection after subsection (6):

(7) Where a special meeting is requested by a majority of council, the meeting shall be held within 14 days of the date on which the request in writing was delivered to the mayor under subsection (1) or within 14 days of the date on which the request was made under subsection (2) or (3).

(13) Section 57 is amended by striking out clause (d) and by substituting the following:

- (d) authorize the treasurer alone to sign and issue cheques covering payments to persons under *The Alberta Property Tax Reduction Act*.

(10) Section 32 (3) presently reads:

(3) Where a judge declares a member of a council disqualified his seat on the council thereupon becomes vacant.

(11) New section to provide relief against disqualification.

To allow action for disqualification to be taken in respect of misconduct as a member of a previous council. Section 29 (1) (f) and (n) read as follows:

29. (1) A person is not qualified to remain a member of the council if he
- (f) uses information gained through his position as a member of a council to gain a pecuniary benefit either directly or indirectly, or
 - (n) is a party to a contract for the purchase or lease of real or personal property from the municipality.

(12) Section 41 (1), (2) and (3) presently read:

41. (1) In the case of a city or town, the mayor may call special meetings of the council whenever he considers it expedient to do so, and he shall do so when requested in writing by a majority of council.

(2) In the case of a village or summer village, a special meeting shall be called by the secretary when required to do so by the mayor or a majority of the members of the council.

(3) In the case of a municipal district, a special meeting shall be called by the secretary when required to do so by the reeve or a majority of the members of the council.

(13) To update a cross-reference. Section 57 (d) presently reads:

57. The council by resolution may

- (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.

(14) Section 59 is amended by striking out the words "56 and 57" and by substituting the words "56, 57, 310, 310.1, 310.2 and 318".

(15) Section 61, subsection (1) is amended by striking out the figure "15" and substituting the figure "31".

(16) Section 62 is amended

- (a) as to subsection (1) by striking out the word "first" and by substituting the word "last",
- (b) by striking out subsections (3) and (4).

(17) Section 71 is amended by striking out subsection (1) and by substituting the following:

71. (1) In the case of all municipalities, except cities, the auditor shall forward to the Deputy Minister not later than the 28th day of February in each year a copy of the financial statement.

(18) Section 126, subsection (2) is amended by adding after the words "March 31" the words ", except in a summer village where the meeting shall be held not later than August 31,".

(19) Section 127, subsection (7) is amended by striking out the words "by by-law".

(20) The following section is added after section 129:

129.1 The council may acquire, construct, equip and operate land, buildings and facilities for

- (a) recreational and similar use by senior citizens,
- (b) use as a municipal day care centre, and
- (c) a program, project or service under *The Preventive Social Services Act*.

(14) This amendment will permit lithographed signatures to be used on notes and short term borrowing securities in addition to cheques. Section 59 read as follows:

59. Any signatures required under sections 56 and 57 may be printed, lithographed or otherwise mechanically reproduced if so authorized by resolution of the council.

(15) Section 61 (1) presently reads:

61. (1) The treasurer of every municipality, other than a city, shall complete and make ready for the auditor not later than January 15 in each year the books, records and accounts of the immediately preceding year.

(16) Section 62 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.

(2) Every city shall cause to be prepared the statement referred to in subsection (1) no later than the 15th day of April.

(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 June 1, 1968, 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.

(17) Section 71 (1) presently reads:

71. (1) In the case of all municipalities, except cities, the auditor shall forward to the Minister not later than the 15th day of February in each year a copy of the financial statement.

(18) Consequential to amendment to section 10 of the Act. Section 126 (2) presently reads:

(2) If an annual meeting is held in any year, it shall be held not later than March 31 and notice of the meeting shall be given by causing it to be

(a) mailed at least 16 clear days before the date of the meeting to each resident of the municipality, or

(b) published in an issue of a newspaper circulating within the municipality once a week for two successive weeks, the last of which shall be published not less than seven clear days prior to the date of the meeting.

(19) This amendment will permit acquisition of land by resolution or by-law. Section 127 (7) presently reads:

(7) Subject to the provisions of this Act respecting the acquisition of land outside a municipality, the council may by by-law authorize the acquisition by purchase or expropriation of

(a) lands within or without the municipality for the purpose of subdivision and building sites,

(b) subdivided lands within or without the municipality for resale as building sites,

(c) lands previously used as military establishments by purchase or lease from the Government of Canada or the Government of Alberta, and

(d) lands for the purpose of exchanging with other lands required for any municipal purpose.

(20) This amendment will specifically authorize municipalities to own and operate day care centres, recreation facilities for senior citizens and programs under The Preventive Social Services Act.

(21) Section 145 is amended

- (a) as to subsection (2) by adding after the words "the council" the words "or its delegate",*
- (b) by adding the following subsection after subsection (2):*

(3) The Council may delegate to the mayor or any other member of the council or an appointed official of the municipality, the power to authorize the use of the municipal crest or coat of arms by any person or unincorporated group of persons.

(22) Section 149.1 is amended by striking out the words "1 per cent" and by substituting the words "1 and one-half per cent".

(23) Section 152, subsection (1) is amended as to clause (a) by adding after the word "drunkenness," the word "begging," and by striking out the word "offensive," and substituting the words "offensive or".

(24) Section 157, subsection (3) is amended by adding the following clauses after clause (a):

- (a1) direct the owner, agent, lessee or occupier to remove any litter causing or contributing to untidy or unsightly premises,*
- (a2) require the owner, agent, lessee or occupier to construct a fence, wall, screen or similar structure to prevent the untidy or unsightly premises from being viewed from any highway or other public place,*

(21) Section 145 presently reads:

145. (1) The council by by-law approved by the Lieutenant Governor in Council may adopt a crest or coat of arms for the municipality.

(2) A person who, without the authority of the council, assumes or uses the crest and coat of arms of the municipality, or any heraldic emblem so nearly resembling it as to be calculated to deceive, is guilty of an offence and liable on summary conviction to a fine of not more than \$50 for every day during which the offence continues.

(22) Section 149.1 presently reads:

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.

(23) Section 152 (1) presently reads:

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

- (a) for preventing drunkenness, swearing, obscene, offensive, insulting language, fighting or disorderly conduct on or near any street or in or near any public place or building within the municipality, or in any place to which the public has access,
- (b) prohibiting the sale of firecrackers or fireworks to persons under the age of 18 years,
- (c) regulating the firing off of firecrackers or fireworks, and
- (d) prohibiting the discharge of guns or other firearms in any specified part or parts of the municipality.

(24) Council may require litter to be removed or a fence put up.
Section 157 (1) (a) and (3) read as follows:

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

- (a) preventing, and compelling the abatement, of nuisances generally, and regulating untidy and unsightly premises,
- (3) In any by-law passed under subsection (1) the council may
- (a) require the owner, agent, lessee or occupier to remedy in such manner as the council may direct any condition on his land that constitutes the nuisance or that contravenes or fails to comply with the by-law and impose appropriate fines and penalties in case of failure to do so,
 - (b) provide that if the owner, agent, lessee or occupier fails, neglects or refuses to remedy the condition, the council may cause such work to be done as the council considers necessary to remedy it,
 - (c) charge the cost of the work done to remedy the condition to the owner, agent, lessee or occupier, and in default of payment
 - (i) recover the cost as a debt due to the municipality, or
 - (ii) charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such,and
 - (d) make any other provisions that the council considers necessary to carry out the purposes of the by-law.

(25) Section 214 is amended by adding the following subsection after subsection (6):

(7) The council may, in a by-law under this section or section 213,

- (a) provide for the classification of businesses and industries for the purposes of the by-law;
- (b) prescribe different licence fees for different classes of businesses and industries;
- (c) make any provision of the by-law applicable to one or more businesses or industries or one or more classes thereof.

(26) Section 231 is struck out and the following section is substituted:

231. The council may by by-law provide for all matters or things relating to the days and hours wherein shops or one or more classes of shops shall be permitted to remain open or shall be required to close, and for such purposes may

- (a) exempt shops or one or more classes of shops, designated as to size or type, from any of the provisions of such by-law;
- (b) designate by type the merchandise that may be sold or exposed for sale during the hours that any shops or one or more classes of shops are permitted to remain open;
- (c) impose conditions which must be met by any shops or one or more classes of shops that are permitted to remain open, including a condition that a specified minimum number of employees shall be on the shop premises at such times as are specified.

(27) Section 248 is amended by striking out subsection (1) and by substituting the following:

248. (1) A grant in such amount and on such terms as council may determine may be made to encourage a veterinarian to practice in a municipal district.

(28) Section 310, subsection (5) is amended by adding after the word "borrowed" the words "and outstanding at any one time".

(25) This amendment makes it clear that a municipality may change different licence fees for different classes of business or industry. Section 214 reads as follows:

214. (1) The council may by by-law do all things with respect to the regulation of any business or industry including the licensing thereof, the restriction and limitation of its operations and any other matter considered necessary with respect to such businesses or industry including the right to impose a penalty and to prohibit the carrying on of any business or industry without a licence.

(2) Such power extends within the municipality to persons who carry on any business or industry partly within and partly outside the municipality.

(3) A licence fee may be in the nature of a reasonable tax for the privilege conferred by the licence or for the purpose of raising revenue and may be computed in any manner accepted by the council.

(4) In fixing a licence fee the council shall, where applicable, have regard for the business tax payable by similar businesses in the municipality.

(5) In establishing licence fees the council may charge a greater licence fee to a person who does not maintain a place of business within the municipality or reside in the municipality or both.

(6) The power to licence a business or industry includes the power to specify the qualifications of the persons carrying on the business or industry and the conditions upon which such licences shall be granted.

(26) To regulate the operation of businesses, in particular to ensure that "all night" businesses must have at least two employees on the premises during certain hours. Section 231 reads as follows:

231. The council may by by-law provide for all matters or things relating to the days and hours wherein shops or any class of shops shall be permitted to remain open or shall be required to close and for such purpose may exempt shops or any class of shops or one or more classes of shops designated as to size or type from any of the provisions of such by-law and may designate by type the merchandise that may be sold or exposed for sale during the hours such shops are permitted to be open.

(27) Section 248 (1) presently reads:

248. (1) To encourage a veterinarian to practise in a municipal district, the council may annually, by by-law, authorize the payment to the veterinarian of a grant not exceeding a sum equal to $\frac{1}{4}$ mill on the total net assessment upon which taxes are levied in the municipal district, or \$4,000, whichever is greater.

(28) Section 310 (5) reads as follows:

(5) The amount so borrowed shall not exceed the amount of the taxes levied or estimated to be levied for the current year.

(29) Section 310.1 is amended by striking out subsection (4) and by substituting the following subsection:

(4) The amount so borrowed in any year shall not exceed the aggregate amount of the estimated cost of the program of capital works and expenditures of that year, or any prior year, for which debentures have not been issued after deducting therefrom any revenues accruing to the program by way of grants or contributions.

(30) Section 311 is amended by adding the following subsection after subsection (4):

- (5) Where a by-law referred to in subsection (1)
 - (a) is approved by the Local Authorities Board,
 - (b) is advertised as required by subsection (2),
 - (c) is not required to be submitted to a vote of the proprietary electors as a result of a petition, and
 - (d) is passed by the council,

and because of an increase in the cost of the project for which the debt is to be incurred, as determined by public tender or otherwise, the authorized debenture borrowing in the by-law is insufficient to finance the project, and there is no increase in the standards, plans, specifications or size of the project, a council without publishing a notice as required by subsection (2) may, subject to the prior approval of the Local Authorities Board, pass a by-law to amend the original by-law by increasing the authorized debenture borrowing to an amount sufficient to finance the project.

(31) Section 333 is amended as to clause (b) by striking out the words "the money by-law" and by substituting the words "one or more money by-laws".

(32) The following section is added after section 384:

384.1 A municipality may reimburse or indemnify any member of council, municipal employee, official or agent

(29) Present wording restricts such borrowings to present year costs. Section 310.1 (1) and (4) presently read:

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.

(4) The amount so borrowed in any year shall not exceed the aggregate amount of the estimated cost of the annual program of capital works and expenditures of that year adopted by the council after deducting therefrom any revenues accruing to the program by way of grants or contributions.

(30) This will permit an increase in an authorized debenture borrowing to cover extra costs of a project, without reference to the proprietary electors but with the approval of the Local Authorities Board. Section 311(1) presently reads:

311. (1) Subject to the exception set out in this or any other Act, no by-law for creating a debt not payable within the current year has any effect until it has received the approval of the Local Authorities Board and the assent of the proprietary electors when such assent is required by this Act.

(31) The amendment will permit the amendment of more than one debenture by-law with a single by-law. Section 333 presently reads:

333. When

- (a) owing to a decline or advance in the rate of interest between the passing of a money by-law and the sale or other disposal of the debentures they or any of them cannot be sold or disposed of except at a heavy premium or at a discount involving a substantial reduction in the amount required to be provided, or
- (b) in the opinion of the council, with a view to the better marketing of the municipal securities, it is desirable
 - (i) that the whole or any part of the debentures authorized by such a by-law bear a rate or rates of interest differing from the rate or rates specified in the by-law, or
 - (ii) that the period over which the indebtedness was originally spread or the term at the end of which it was made payable should be changed or extended,

the council, with the approval of the Local Authorities Board, and without submitting the matter to the proprietary electors, may pass a by-law to amend the money by-law providing for a different rate or rates of interest, or a different period over which the indebtedness will spread, or a different term at the end of which the indebtedness will be made payable, upon all or any of the debentures and for a corresponding change in the amount to be raised annually with respect thereto.

(32) To permit municipality to indemnify members of council, employees and officials.

against any losses or expenses which he incurs as a result of any inquiry relating to, or any action brought or judgment obtained against him arising out of, his duties as a member of council, municipal official, employee or agent.

The Municipal and School Administration Amendment Act

3. (1) *The Municipal and School Administration Act is amended by this section.*

(2) *Section 18 is struck out and the following section is substituted:*

18. (1) Where the majority of the electors voting pursuant to section 17 vote against the continuation of the merged form of municipal and school administration, the Lieutenant Governor in Council shall rescind the order made under section 5.

(2) Where the functions of a board of administrators and the functions of a board of trustees of a school district have been merged under section 2, subsection (3), the Lieutenant Governor in Council may at any time thereafter rescind the order.

(3) An order of the Lieutenant Governor in Council made under subsection (1) or (2) has the effect

- (a) in the case of an order under subsection (1), of re-establishing the municipal administration of the city or town and the school administration of the corresponding city or town school district as those respective administrations existed immediately before the order made under section 5, and
- (b) in the case of an order under subsection (2), of re-establishing the board of administrators of the new town and the board of trustees of the school district as those respective boards existed immediately before the order made under section 2, subsection (3).

(4) Where an order of the Lieutenant Governor in Council is made under subsection (1) or (2), the Minister of Municipal Affairs or the Minister of Education by separate or joint orders may

- (a) direct the vesting of any real or personal property and specify the person required to comply with the order and the manner and time within which it is to be done;
- (b) direct the division of any other assets or any liabilities;
- (c) appoint one or more persons as the board of trustees of the school district and specify his or their terms of office subject to whatever conditions may be required;

3. (1) This section will amend chapter 249 of the Revised Statutes of Alberta 1970.

(2) Section 18 presently reads:

18. If a majority of the electors voting vote against the continuation of the merged form of municipal and school administration, the Lieutenant Governor in Council shall make such orders and regulations and do all things necessary to re-establish the forms of local government existing in the city or town before the merger, including the re-vesting of property and the division of assets and liabilities.

- (d) provide for the calling of an election of trustees, and for any matter connected therewith;
 - (e) make any other order considered necessary to effect the re-establishment of the forms of local government existing prior to the merger and for any matter connected with their future operation for which no specific provision is contained in *The School Act, The Department of Education Act, The Municipal Government Act, The School Election Act* or *The Municipal Election Act*.
- (5) *The Regulations Act* does not apply to an order of the Lieutenant Governor in Council, the Minister of Municipal Affairs or the Minister of Education under this section but any order shall be published in the Alberta Gazette within one month of the date of the order.

The Municipal Taxation Act

4. (1) *The Municipal Taxation Act* is amended by this section.

(2) *Section 8.1* is amended

- (a) as to subsection (2), clause (a) by adding after the word "year" the words "or was completed in the preceding year",
- (b) as to subsection (3), clause (a) by adding after the words "completed in the taxation year" the words "or was completed in the preceding taxation year".

(3) *Section 24* is struck out and the following section is substituted:

24. Where a lease, licence or permit which has a term commencing on or after January 1st in any year is issued in respect of any land or improvement which is exempt from assessment and the land or improvement becomes liable to assessment and taxation pursuant to section 3, a municipality may, in the year in which the term of the lease, licence or permit commences,

- (a) enter the assessment in the assessment roll,

4. (1) This section will amend chapter 251 of the Revised Statutes of Alberta 1970.

(2) This amendment will prevent the problem caused where an improvement is completed after the annual assessment and is not included in the supplementary assessment for that year. The present wording prevents its inclusion by way of supplementary assessment for the subsequent taxation year. Section 8.1 (2) (a) and (3) (a) read as follows:

(2) Where a supplementary assessment by-law is in force in a municipality, a supplementary assessment of an improvement may be made during a taxation year only where the improvement, or part thereof,

(a) is completed in that year, whether or not the improvement appears on the assessment roll at the time the supplementary assessment is made.

(3) Where a supplementary assessment by-law is in force in a municipality, then

(a) where the improvement is completed in the taxation year or is wholly occupied during all or any part of the taxation year, the supplementary assessment shall relate to

(i) the value of the improvement, if the improvement does not appear on the assessment roll at the time the supplementary assessment is made, or

(ii) the increase in the value of the improvement, where the improvement appears in the assessment roll at the time the supplementary assessment is made,

(3) To allow assessment and taxation in the current year of land and improvements which are the subject of leases, licences or permits and not just grazing permits. Section 24 presently reads:

24. Where any land is held under a grazing permit from the Crown then, notwithstanding anything in this or any other Act, the municipality may, in the year for which the permit is issued,

(a) assess the interest of the permittee in the land as if he were the owner thereof.

(b) enter the assessment upon the assessment roll,

(c) mail an assessment slip to the permittee, and

(d) levy the full tax for the year on the assessment, unless the permittee is himself exempt from taxation.

- (b) mail an assessment slip to the person to whom the lease, licence or permit was issued, and
- (c) levy a tax on the land or improvement for the year equal to that portion of the full tax for the year that the number of full calendar months of the year occurring after the commencement of the term of the lease, licence or permit bears to 12.

(4) Section 25 is amended

(a) as to subsection (1)

- (i) in clause 5, subclauses (i) and (ii) by adding after the word "land" the words "in each case",*
- (ii) as to clause 9 by striking out that part of the clause after the word "therewith",*
- (iii) in clause 29, subclause (ii) by striking out the words "an urban community" and by substituting the words "a hamlet, village, summer village, town, new town or a school district empowered under The School Act to levy taxes, with a population of less than 500",*

(b) by adding the following subsection after subsection (1):

(1.1) Where the land held by or for the use of any religious body and on which is situated a building chiefly used for divine service, public worship or religious education is not exempt from assessment under subsection (1), clause 5 by reason only of the fact that the area of the land exceeds the maximum area prescribed by that clause or by by-law, as the case may be, the amount of the assessment of that land shall be that proportion of the amount that would be the assessment in the absence of this subsection that

- (a) the area of the land in excess of the maximum area prescribed by clause 5 or the by-law, as the case may be,

bears to

- (b) the total area of the land.

(4) (a) (i). This amendment relates to the addition of new section 25, subsection (1.1) as provided in this Bill. Section 25, subsection (1), clause 5 presently reads:

25. (1) The following property is exempt from assessment by a municipality, namely:

5. a parcel of land held by or for the use of any religious body and on which is situated a building chiefly used for divine service, public worship or religious education, if
 - (i) when situated in a city, town, new town, village or summer village, the land does not exceed one-half acre, and
 - (ii) when situated in any other municipality, the land does not exceed four acres,or such greater area as may be exempted by by-law;

(4) (a) (ii). Acreage restriction on exemption for hospital land is removed. Section 25, subsection (1), clause 9 presently reads:

25. (1) The following property is exempt from assessment by a municipality, namely:

9. land owned and used in connection with and for the purposes of a hospital receiving aid from the Province under any Act and on which is situated a building used as a hospital or in connection therewith, if
 - (i) when situated in a city, town, new town, village or summer village, the land does not exceed four acres, and
 - (ii) when situated in any other municipality, the land does not exceed 25 acres,or such greater area as may be exempted by by-law;

(4) (a) (iii). Consequential to a 1974 amendment to The Electric Power and Pipeline Assessment Act wherein these types of municipalities with populations in excess of 500 are not exempt. Section 25, subsection (1), clause 29, subclause (ii) presently reads:

25. (1) The following property is exempt from assessment by a municipality, namely:

29. the inlet valve and outlet valve and any installations, materials, devices, fittings, apparatus, appliances, pipe equipment and plant machinery between such valves in any regulating or metering station
 - (ii) that is part of a system that serves an urban community or a system where the majority of customers are rural gas consumers, as defined by the regulations.

(4) (b). At present, where a parcel exceeds the minimum acreage set out in section 25, subsection (1), clause 5, no part of the parcel is exempt without a by-law. This amendment relates to the amendment to section 25, subsection (1), clause 5 as provided in this Bill. Section 25, subsection (1), clause 5 presently reads:

25. (1) The following property is exempt from assessment by a municipality, namely:

5. a parcel of land held by or for the use of any religious body and on which is situated a building chiefly used for divine service, public worship or religious education, if
 - (i) when situated in a city, town, new town, village or summer village, the land does not exceed one-half acre, and
 - (ii) when situated in any other municipality, the land does not exceed four acres.

or such greater area as may be exempted by by-law;

(5) Section 28, subsection (1) is amended by striking out the words "31st day of August" and by substituting the words "30th day of November".

(6) Section 30, subsection (1) is amended by striking out the words "31st day of August" and by substituting the words "30th day of November".

(7) Section 78 is amended by striking out subsections (3) and (4) and by substituting the following subsection:

(3) When an assessment of all or any part of a municipality is made by an assessor hired by the municipality or under contract to the municipality, an amount not exceeding 25 per cent of the cost of the assessment computed in a manner approved by the Minister may be borne by the Department of Municipal Affairs if

- (a)** the qualifications of the assessor are acceptable to the Minister, and
- (b)** the work completed by the assessor has been carried out in accordance with the applicable legislation and regulations and is acceptable to the municipality and the Minister.

(8) Section 93 is amended by striking out subsections (1.1) and (1.2).

(5) This amendment will extend the deadline for authorizing a reassessment. At present the assessor has to decide by July 31 as to whether to use last year's value or to reassess. Section 28, subsection (1) presently reads:

28. (1) Notwithstanding section 27, the council of a city, town, village, new town or summer village may by by-law, passed not later than the 31st day of August authorize the assessor to use the assessed value of any property as shown on the assessment roll of the current year as the assessed value of that property for the next following year.

(6) Consequential to amendment to section 28. Section 30, subsection (1) presently reads:

30. (1) Notwithstanding section 27, the council of a county or municipal district may, by by-law, passed not later than the 31st day of August authorize the assessor to use the assessed value of any property as shown on the assessment roll of the current year as the assessed value of that property for the next following year.

(7) Province to assist all municipalities undertaking general or annual assessments by subsidizing 25 per cent of the cost. Section 78 presently reads:

78. (1) The Chief Provincial Assessor may, upon receipt of a request from a municipality designate one or more assessors of the Chief Provincial Assessor's staff as the assessor or to assist the assessor of that municipality in carrying out his assessment program.

(2) Whenever an assessment is made pursuant to subsection (1) the cost of the assessment shall be computed in a manner approved by the Minister and an amount not exceeding 75 per cent of the computed costs shall constitute a debt due to the Crown by the municipality and shall be paid by the municipality concerned upon submission of the account of the Department of Municipal Affairs and the remaining percentage of the cost shall be borne by the Department of Municipal Affairs.

(3) In the case of a general assessment of all or any part of a city made pursuant to subsection (1), the cost of any assistance given pursuant to that subsection shall be computed in a manner approved by the Minister and an amount not exceeding 75 per cent of the computed cost shall constitute a debt due to the Crown by the city and shall be paid by the city concerned upon submission of the account of the Department of Municipal Affairs and the remaining percentage of the costs shall be borne by the Department of Municipal Affairs.

(4) When a reassessment of all or any part of a municipality, other than a city, is made by an assessor appointed by the municipality, an amount not exceeding 25 per cent of the cost of the assessment computed in a manner approved by the Minister may be borne by the Department of Municipal Affairs, if

- (a) the qualifications of the assessor are acceptable to the Minister,
- (b) a performance bond acceptable to the Minister has been posted, and
- (c) the work completed by the assessor has been carried out in accordance with the recommendations contained in the Assessment Manual and is acceptable to the municipality and the Minister.

(9) *The following section is added after section 93.1:*

93.2 (1) Subject to subsections (2), (3) and (4), a council, by by-law,

- (a) may provide for the classification of assessed property as residential property and non-residential property, and
- (b) may, if it so wishes, provide for the further classification of the residential property into two or more different classes on such basis as it considers proper.

(2) Where a council passes a by-law under subsection (1), the council, notwithstanding section 93, subsection (1), may in authorizing the levy under that subsection, establish one rate of tax applicable to the non-residential property and

- (a) establish a lesser rate applicable to residential property, or
- (b) where more than one class of residential property is provided for, establish different rates applicable to the different classes of residential property each of which or any one or more of which rates may be less than the rate established for non-residential property but none of which shall be more than the rate established for non-residential property.

(3) Where a council passes a by-law under subsection (1), the council, notwithstanding any provision of this Act to the contrary, shall in authorizing the levy under section 93, subsection (1), establish a separate component rate for each sum required for an expenditure specified in clauses (a) to (h) of that subsection.

(4) No component rate under subsection (3) for any sum required for any expenditure specified in section 93, subsection (1), clauses (a) to (h) applicable to residential property, or any class thereof, shall be greater than the component rate for that expenditure applicable to non-residential property.

(5) For the purposes of this section "residential property" includes

- (a) any building used for residential purposes only,
- (b) where there is a mixed use of a particular building, such portion of the building as is used for residential purposes,
- (c) the parcel of land forming the site of any such building or buildings or, where there is a mixed use of any such building or buildings, a proportionate amount of the parcel forming the site thereof (such proportionate amount to be calculated as the

(8) and (9). These amendments will clarify that in splitting a mill rate, a council must provide that each rate, or the total rate, for any residential property must be lower than the corresponding rate for non-residential property. Section 93 (1), (1.1) and (1.2) presently read:

93. (1) The council shall in each year, by by-law, authorize the municipal secretary to levy upon the assessed value of all assessed property shown on the assessment roll, a tax at such uniform rate on the dollar as the council considers sufficient to produce the amount of the expenditures as are estimated by the council or as are annually requisitioned upon the council, to produce the sums necessary to meet

- (a) debenture instalments, interest or sinking fund payments falling due during the year,
- (b) the contributions to a special reserve trust fund,
- (c) ordinary municipal expenses,
- (d) the requisition by the board of any school division or school district,
- (e) moneys appropriated for recreation services and capital works expenditures in connection therewith pursuant to section 8 of The Recreation Development Act and section 207, subsection (3) of The Municipal Government Act,
- (f) the requisition by the board of any hospital district,
- (g) subject to The Alberta Property Tax Reduction Act, the requisition of the Province pursuant to The School Act, and
- (h) any other sums for which the municipality becomes liable to pay by virtue of any other Act.

(1.1) A council, by by-law,

- (a) may provide for the classification of assessed property as residential property and non-residential property, and
- (b) may, if it so wishes, provide for the further classification of the residential property into two or more different classes on such basis as it considers proper,

and where it does so the council, notwithstanding subsection (1), may in authorizing the levy under that subsection, establish one rate of tax applicable to non-residential property and

- (c) establish a lesser rate applicable to residential property, or
- (d) where more than one class of residential property is provided for, establish different rates applicable to the different classes of residential property each of which or any one or more of which rates may be less than the rate established for non-residential property but none of which shall be more than the rate established for non-residential property.

(1.2) For the purpose of subsection (1.1) "residential property" includes

- (a) any building used for residential purposes only,
- (b) where there is a mixed use of a particular building, such portion of the building as is used for residential purposes,
- (c) the parcel of land forming the site of any such building or buildings or, where there is a mixed use of any such building or buildings, a proportionate amount of the parcel forming the site thereof (such proportionate amount to be calculated as the same percentage of the assessed value of the entire parcel as the assessed value of that portion of the building used for residential purposes is of the assessed value of the entire building), and
- (d) any other building situated on the same parcel of land, the use of which is directly ancillary to such residential use.

same percentage of the assessed value of the entire parcel as the assessed value of that portion of the building used for residential purposes is of the assessed value of the entire building), and

- (d) any other building situated on the same parcel of land, the use of which is directly ancillary to such residential use.

(10) Section 104.1 is struck out and the following section is substituted:

104.1 A council may with respect to a licence fee payable under *The Municipal Government Act*, or taxes payable under this Act, in respect of a mobile unit, pass a resolution, in any case where the council considers it equitable to do so, to cancel or refund all or any part of the licence fee or taxes.

(11) Section 114 is amended

- (a) as to subsection (1) by striking out the figure "8" and by substituting the figure "12", and*
- (b) as to subsection (3) by striking out the figure "8" and by substituting the figure "12".*

(12) Section 115, subsection (1) is amended by striking out the figure "10" and by substituting the figure "12".

(13) Section 145, subsection (1) is amended by adding the following clause after clause 21:

- 22. carrying out soil conservation and slope stabilization works including constructing retaining walls and related works.

Commencement

5. (1) This Act, except section 4, subsection (7), comes into force on the day upon which it is assented to.

(2) Section 4, subsection (7) comes into force on a date to be fixed by Proclamation.

(10) This amendment will permit reduction of all or part of taxes for mobile homes to permit flexibility. Section 104.1 presently reads:

104.1 A council may with respect to a licence fee payable under The Municipal Government Act with respect to a mobile unit, pass a resolution in any case where the council considers it equitable to do so to cancel or refund all or any part of the licence fee.

(11) To increase the allowable percentage of a penalty for unpaid current taxes. Section 114 (1) and (3) presently read:

114. (1) The council, by by-law, may require any or all taxes or any instalment thereof to be payable on a certain day or days and may by way of penalty impose such additional percentage charge, not exceeding 8 per cent, as is considered expedient, for the non-payment of the taxes or any instalment thereof on any day or days named, and may make such percentage charge on a sliding scale according to the time the taxes or any instalment thereof may remain unpaid.

(3) The council may from time time by by-law change, alter or vary the percentage charge and the dates upon which it is imposed but the aggregate of all percentage charges imposed in any year shall not exceed a total of 8 per cent.

(12) To increase the allowable percentage of penalty for unpaid arrears of taxes. Section 115 (1) presently reads:

115. (1) The council, by by-law, may provide that in the event of any taxes remaining unpaid after the 31st day of December of the year for which they are levied there shall be added thereto by way of penalty an amount or amounts not exceeding an aggregate rate of 10 per cent in the next succeeding year and in each succeeding year thereafter so long as the taxes remain unpaid.

(13) To enable soil conservation and stabilization works to be done as local improvements. Section 145, subsection (1) presently reads in part:

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