

1975 Bill 92
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 92

THE RECREATION DEVELOPMENT AMENDMENT ACT, 1975

THE MINISTER OF RECREATION, PARKS AND WILDLIFE

First Reading

Second Reading

Third Reading

BILL 92

1975

(Second Session)

THE RECREATION DEVELOPMENT AMENDMENT ACT, 1975

(Assented to _____, 1975)

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

1. *The Recreation Development Act is hereby amended.*

2. *Section 8 is struck out and the following section substituted therefor:*

- 8.** (1) The council of a municipality may, by by-law,
- (a) establish recreation areas in the municipality;
 - (b) provide recreation services in the municipality or in a recreation area within the municipality, or both;
 - (c) authorize agreements with other municipalities or school authorities, or both, to provide for shared recreation services;
 - (d) expend moneys to defray the cost of recreation services provided under clauses (b) and (c).

(2) For the purposes of subsection (1), the cost of a recreation service may include

- (a) the cost of the construction of a capital work,
 - (b) any expenses of engineering, surveying, advertising and issuing of debentures incurred in the construction of a capital work,
 - (c) any expense incidental to the planning, design, entering on, carrying out and completing of a capital work and raising the money to pay the costs thereof, including discount and interest,
 - (d) the cost of maintaining staff, equipment, capital works and land,
 - (e) the rental of equipment and land, and
 - (f) all operating expenses,
- in connection with the recreation service.

Explanatory Notes

1. This Bill will amend chapter 314 of the Revised Statutes of Alberta 1970.

2. Section 8 presently reads:

8. (1) The council of a municipality may, by by-law,
- (a) provide a recreation service in such manner and on such conditions as it considers advisable,
 - (b) expend such sums as may be required to provide for the recreation services,
 - (c) establish recreation areas in municipalities,
 - (d) authorize agreements with other municipalities or school authorities, or both, to provide for shared recreation services,
 - (e) appropriate moneys for shared recreation services, and
 - (f) expend moneys for capital works related to a recreation service within the municipality or to recreation services shared with one or more municipalities or school authorities.
- (2) The council of a municipality may by by-law levy a special tax on all property within a recreation area established by by-law or included in a joint program that appears on the assessment roll of the municipality.
- (3) Notice of a proposed by-law to be passed pursuant to subsection (2) shall be advertised
- (a) in the case of a city, by publishing a notice of the proposed by-law once each week for two successive weeks in a newspaper circulated within the city,
 - (b) in the case of a town, new town, or village, by posting within its boundaries notice of the proposed by-law in at least five conspicuous places for at least 30 days and by publishing a like notice in one issue of a newspaper having general circulation within the town, new town or village, and
 - (c) in the case of a county, municipal district or school district, by posting notices in at least 15 conspicuous places for at least 30 days and by publishing a like notice in one issue of a newspaper having general circulation in the county, municipal district or school district.
- (4) The council may pass the by-law unless a petition is received by the council within 30 days of the date when the notice of the by-law was published in the newspaper from 10 per cent of the proprietary electors who reside in the recreation area asking that the by-law be submitted to a vote of the proprietary electors who reside in the recreation area.
- (5) If a petition is received asking that the by-law be submitted to a vote, the by-law shall be submitted to a vote of the proprietary electors who reside in the recreation area and shall not be passed by the council until it has been approved by a majority of the proprietary electors voting thereon.
- (6) Subsections (4) and (5) do not apply in the case of an improvement district or special area.

3. The following section is added after section 8:

9. Notwithstanding section 93, subsection (1) of *The Municipal Taxation Act*, where a by-law under section 8 provides for recreation services in a recreation area within a municipality, the tax levied to meet the cost thereof may be levied either upon the assessed property in that recreation area only or upon all assessed property in the municipality.

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

3. This section provides for taxation of property within a recreation area without taxing the whole municipality.