

1977 BILL 104

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 104

**THE MUNICIPAL GOVERNMENT
AMENDMENT ACT, 1977 (NO. 2)**

MR. BATIUK

First Reading

Second Reading

Third Reading

Bill 104
Mr. Batiuk

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THE MUNICIPAL GOVERNMENT AMENDMENT ACT, 1977 (NO. 2)

(Assented to , 1977)

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

1 The Municipal Government Act is amended by this Act.

2 Section 2 is amended in clause 22(i) and (ii) by striking out "a person" wherever it occurs and substituting "an elector".

3 Section 14(1)(b) is repealed and the following substituted:

(b) upon receipt by the Minister of a petition signed by a majority of the aggregate of

(i) the persons whose names appear on the assessment roll in respect of land that is located in a summer resort and that is liable to assessment and taxation for general municipal purposes, and

(ii) the persons who are liable for the payment of mobile unit licences in respect of mobile units located in a summer resort,

and accompanied by a plan showing the proposed boundaries of the proposed summer village, form that summer resort into a summer village if the area that will 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 6-month period preceding the receipt of the petition;

Explanatory Notes

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

2 Section 2, clause 22 presently reads:

22 “*proprietary elector*” means

(i) a person whose name appears on the assessment roll in respect of land liable to assessment and taxation for general municipal purposes, and

(ii) a person who is liable for the payment of a mobile unit licence;

3 Section 14(1)(b) presently reads:

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

(b) upon receipt by the Minister of a petition

(i) signed by a majority 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;

4 *The following is added after section 20.1:*

20.2(1) Notwithstanding any provision of this or any other Act,

(a) where land owned by the Crown in right of Alberta has a common boundary with a municipality, improvement district or special area (other than the municipality, improvement district or special area in which that land is located), the Lieutenant Governor in Council may, by order, annex all or part of that land from the municipality, improvement district or special area within which it is located to the municipality, improvement district or special area with which it has a common boundary, or

(b) where land owned by the Crown in right of Alberta is located in a municipality, improvement district or special area and is separated from another municipality, improvement district or special area by a road allowance only, the Lieutenant Governor in Council may, by order, annex all or part of that land and that portion of the road allowance that lies between that land and that other municipality, improvement district or special area, from the municipality, improvement district or special area within which the land and road allowance are located to that other municipality, improvement district or special area.

(2) An order made under subsection (1) may prescribe

(a) the terms and conditions, if any, governing the annexation, and

(b) the date the annexation takes place.

5 *Section 25(1)(b) is repealed.*

6 *The following is added after section 118.1:*

118.2 A council may pass a by-law authorizing the making of an agreement with any corporation that has as one of its objects the advancement of the interests of the municipality and its residents and that is not incorporated for the purposes of acquiring gain for its members, where in the opinion of a majority of the members of the council, the objectives of the agreement will benefit the municipality and its residents.

4 Annexation of Crown land located adjacent to another municipality.

5 Section 25(1)(b) presently reads:

25(1) Except as otherwise provided in this Act:

(b) the council of a summer village shall consist of three councillors, one of whom shall be mayor;

6 Authorizing a municipality to enter into agreement.

7 Section 284(1) is amended by striking out “the land of any person, bodies politic or corporate in the municipality or within 10 miles thereof” and substituting “any land located within or outside of the boundaries of the municipality”.

8 Section 311(2) is amended by striking out “21 days” and substituting “60 days”.

9 Section 329 is amended

(a) by repealing subsection (1) and substituting the following:

329(1) Where any debentures issued under a by-law have been sold, pledged or hypothecated, the council may, upon again acquiring one of those debentures or upon the request of a holder of one of those debentures,

(a) without passing a by-law therefor, cancel the debenture and issue one or more debentures in substitution therefor having an equal aggregate principal amount as the principal amount of the cancelled debenture, if the substituted debenture or debentures are of the same series, bear the same interest rate and have the same maturity date as the cancelled debenture, or

(b) in any other case, by by-law and without the assent of the proprietary electors, cancel the debenture and issue one or more debentures in substitution therefor.

(b) in subsection (2), by striking out “The by-law may” and substituting “A by-law under subsection (1)(b) may”.

10 Section 352 is amended by adding the following after subsection (5):

7 Section 284(1) presently reads:

284(1) The municipality, its engineers, servants and workmen, from time to time and at such times as the council considers fit, may enter into and upon, take or use by expropriation under The Expropriation Act, the land of any person, bodies politic or corporate in the municipality or within 10 miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of any public utility that the municipality is empowered to construct or operate, and may contract with the owners or occupants of the land and any person having a right or interest therein for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of the public utility, at the option of the municipality.

8 Section 311(2) presently reads:

(2) Within 21 days from the date of the issuance of an order or as otherwise authorized by the Local Authorities Board approving a by-law referred to in subsection (1), a council shall publish a notice of the proposed by-law, in a form approved by the Local Authorities Board, once a week for two consecutive weeks in at least one newspaper circulating within the limits of the municipality.

9 Section 329 presently reads:

329(1) Where any debentures issued under a by-law have been sold, pledged or hypothecated, the council, upon again acquiring them or any part of them, or at the request of any holder of them may, by by-law, without the assent of the proprietary electors, authorize the cancellation of the debentures and the issue of one or more debentures in substitution therefor.

(2) The by-law may

(a) make the new debentures payable by the same or a different mode and at the same or a different place or places, or

(b) authorize any manner of repayment approved by the Local Authorities Board, or

(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

(d) provide that they may be issued in a different currency, or

(e) provide that they may be in different amounts from those of the original debentures.

10 Payment of interest on municipal debentures.

(6) Where a debenture is registered in the name of the owner as to principal only, interest coupons shall be attached to the debenture.

(7) Where a debenture is registered in the name of the owner

(a) as to principal and interest, the interest owing in respect of the debenture shall be paid by means of a bill of exchange, or

(b) as to principal only, the interest owing in respect of the debenture shall be paid upon the interest coupons being surrendered as they mature.

11 Section 410(2) is repealed.

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

11 Section 410(2) presently reads:

(2) If not claimed within three months the municipality may dispose of the property by public auction, and any property offered for sale by public auction and not sold thereat may be otherwise disposed of as the council directs.