

1982 BILL 23

Fourth Session, 19th Legislature, 31 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 23

WATER RESOURCES AMENDMENT ACT, 1982

MR. HYLAND

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 23
Mr. Hyland

BILL 23

1982

WATER RESOURCES AMENDMENT ACT, 1982

(Assented to _____ *, 1982)*

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

1 The Water Resources Act is amended by this Act.

2 The following is added after section 5(3):

(4) A prosecution for a contravention of subsection (1) may be commenced within 3 years after the commission of the offence, but not afterwards.

Explanatory Notes

1 This Bill will amend chapter W-5 of the Revised Statutes of Alberta 1980.

2 Section 5 presently reads:

5(1) No person shall

(a) divert or use any water,

(b) construct or cause to be constructed any works for the diversion of water or which are or may be or may become capable of diverting water,

(c) operate or use any works for the diversion of water,

(d) lay, place, build or erect in, over, under, on or adjacent to any water any structure, device, contrivance or thing, or any earth, sand, gravel or other material, which interferes with or is capable of interfering with the present or future development, conservation or management of water, or

(e) remove or disturb any earth, sand, gravel or other material forming part of the bed, shore or banks of any water, if the removal or disturbance interferes with or is capable of interfering with the present or future development, conservation or management of water,

except under the authority of this Act, the regulations or a licence, interim licence or permit issued under this Act.

(2) A person who contravenes subsection (1) is guilty of an offence.

(3) Each day or portion thereof that a person contravenes subsection (1) shall be deemed to be a separate offence.

3 Section 35(3) is amended by striking out “or to take” and substituting “or take”.

4 Section 90 is amended

(a) in subsection (1)

(i) in clause (a) by adding “summer village,” after “village,”;

(ii) in clause (b) by adding “or an association falling under the administration of that Minister” after “area”;

(b) in subsection (4)

(i) in clause (a) by striking out “cost of construction” and substituting “project cost”;

(ii) in clause (d) by striking out “for the construction,” and substituting “on account of the project cost or for the”.

5 Section 91 is repealed and the following is substituted:

91(1) For the purpose of paying its share of the project cost of and the cost of operating, maintaining or repairing a works or undertaking pursuant to an agreement under section 90, a local authority as defined in section 90(1) may impose an assessment called a “water management assessment” against each parcel of land benefiting from the works or undertaking.

(2) The amount assessed against each parcel shall be sufficient to raise a fair, just and equitable proportion of the total sum to be raised by the water management assessment having regard to the benefit to all parcels of land benefited by the works or undertaking.

3 Section 35(3) presently reads:

(3) If, on the inquiry, the officer finds that there is ground for the complaint, he shall cause the head-gates or other works of the licensee who is receiving the undue supply of water to be closed, or to take any other action that is necessary to ensure that the supply to which the other licensee is entitled passes and flows to his works.

4 Section 90(1) to (4) presently read:

90(1) In this section "local authority" means

(a) a city, town, new town, village, municipal district or county,

(b) the Minister of Municipal Affairs, in the case of an improvement district or special area,

(c) the board of directors of an irrigation district, or

(d) the board of trustees of a drainage district.

(2) Notwithstanding any other Act, the Minister may enter into an agreement with a local authority or other person, or with 2 or more local authorities jointly, to provide for any works or undertakings.

(3) When a local authority is a party to an agreement under this section, the works or undertaking may be inside or outside its boundaries.

(4) An agreement entered into pursuant to this section shall

(a) fix the total cost of construction,

(b) fix the period of construction,

(c) fix the proportion of the cost to be provided by the Government and by the other party or each of the other parties to the agreement, and

(d) fix the terms on which and the time or times when payments are to be made by the Government for the construction, operation, maintenance or repair of the works or undertakings.

5 Section 91 presently reads:

91(1) In this section "water control project" means any works or undertaking constructed, operated and maintained for the purpose of controlling a lake or stream or stabilizing the water level of a lake or stream.

(2) For the purpose of paying for its share of the cost of a water control project fixed in an agreement under section 90, a local authority described in section 90(1)(a) or (b) may impose an assessment called a "special local water control benefit assessment" which shall be assessed against each parcel of land in the vicinity of the lake or stream that is to be or is controlled or stabilized by the water control project.

(3) Each parcel referred to in subsection (2) shall be assessed whether or not the parcel abuts on the lake or stream that is or is to be controlled or stabilized or whether or not the parcel is increased in market value or is otherwise specially benefited by reason of the water control project.

(3) The manner of and procedures for assessing and charging the water management assessment, including, but not limited to,

- (a) notices,
- (b) the hearing of complaints,
- (c) the amendment and status of the assessment roll,
- (d) the powers, duties and liabilities of boards of revision, officers of the local authority and complainants,
- (e) appeals,
- (f) the payment and collection of annual instalments, and
- (g) the imposition of penalties for default of payment,

shall be the same as if the water management assessment formed part of the general taxes or rates imposed by or on behalf of the particular local authority.

*In accordance with section 4(1) of the Interpretation Act,
this Bill comes into force on the date it receives Royal
Assent.*

(4) The amount assessed against each parcel shall be sufficient to raise a fair, just and equitable proportion of the total sum to be raised by the special local water control benefit assessment having regard to the benefit to other parcels of land specially benefited by the water control project.

(5) The special local water control benefit assessment may be made on the basis of a rate per foot frontage of the parcel of land so benefited or on a fixed sum per parcel of land benefited and, if the latter, the fixed sum need not be converted into a rate per foot frontage of the parcel of the land so benefited.

(6) Sections 170 and 185 to 189 of the Municipal Taxation Act apply, with all necessary modifications, to an assessment under this section.