

1984 BILL 74

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 74

MUNICIPAL DISTRICT OF CLEARWATER NO. 99
INCORPORATION ACT

MR. CAMPBELL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 74
Mr. Campbell

BILL 74

1984

MUNICIPAL DISTRICT OF CLEARWATER NO. 99 INCORPORATION ACT

(Assented to _____, 1984)

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

- Definitions **1** In this Act,
- (a) "council" means the council of the Municipality;
 - (b) "Minister" means the Minister of Municipal Affairs;
 - (c) "Municipality" means The Municipal District of Clearwater No. 99.
- Creation of Municipality **2(1)** The reeve and councillors and all other electors within that part of Alberta described in the Schedule are a corporation with the name "The Municipal District of Clearwater No. 99".
- (2) Except as provided in this Act, the Municipality is a municipal district for all purposes as though it had been formed by an order of the Lieutenant Governor in Council under the *Municipal Government Act*.
- (3) This Act applies to the Municipality notwithstanding anything in the *Local Authorities Election Act*, *Municipal Government Act*, *Municipal Taxation Act* or any other Act or law relating to municipalities.

(4) Nothing in this Act shall be construed as precluding the annexation of land to, or the removal of land from, the Municipality, or a change of corporate status of the Municipality.

Change in status

3(1) In subsections (2)(c) and (3), “ministerial order” means an order of the Minister made pursuant to any Act or regulation that applies to or relates to Improvement District No. 10.

(2) When this Act comes into force,

(a) Improvement District No. 10 is dissolved;

(b) each employee of the Government employed in Improvement District No. 10 whose salary is paid from money referred to in section 10(1) of the *Improvement Districts Act* continues as an employee of the Municipality until the council otherwise directs;

(c) subject to subsection (3), a ministerial order in effect in Improvement District No. 10 immediately before the commencement of this Act continues to be in effect in the Municipality as though it were a by-law of the council, until the council, by by-law, provides that the ministerial order ceases to be in effect in the Municipality;

(d) subject to subsection (3), any agreement entered into by the Minister that relates to Improvement District No. 10 is binding on the Municipality, as far as practicable, as though the Municipality had replaced the Minister as a party to the agreement;

(e) all taxes due to the Minister in respect of Improvement District No. 10 shall be deemed to be arrears of taxes due to the Municipality and may be collected and dealt with by the Municipality as if it had imposed the taxes;

(f) subject to the *Limitation of Actions Act*, all rights of action and actions by or against the Crown in right of Alberta may be continued or maintained by or against the Municipality if the cause of action arose in Improvement District No. 10 and relates to the administration by the Minister of any municipal matter relating solely to the improvement district;

(g) all assets, liabilities, whether arising under a debenture or otherwise, rights, duties, functions and obligations of the Minister in respect of Improvement District No. 10 are vested in the Municipality and may be dealt with in its own name;

(h) a reference to Improvement District No. 10 or to the Minister or the Crown in respect of Improvement District No. 10 in any order, regulation, by-law, certificate of title, agreement or other instrument shall be deemed to be a reference to the Municipality.

(3) The Minister may, by order, exempt any ministerial order from the operation of subsection (2)(c) or any agreement from the operation of subsection (2)(d).

(4) If a question arises as to whether

(a) a right of action or action is one to which subsection (2)(f) applies, or

(b) an asset, liability, right, duty, function or obligation is one to which subsection (2)(g) applies,

the Minister shall decide the question.

(5) The Lieutenant Governor in Council may direct that any land in the Municipality under the administration of the Minister and owned by the Crown in right of Alberta be transferred by way of gift to the Municipality.

Forest fire protection

4(1) In this section, “forest protection area” means the forest protection area designated under section 39 of the *Forest and Prairie Protection Act*.

(2) Subject to subsection (3), the council may not make by-laws with respect to fires in the part of the Municipality that is within the forest protection area.

(3) The council may make by-laws with respect to fires other than forest or running fires in hamlet areas within the forest protection area.

(4) Sections 4(2) and (3), 7 and 19(2) of the *Forest and Prairie Protection Act* do not apply to the council with respect to that part of the Municipality that is within the forest protection area.

Public highways

5(1) In this section, “forest reserve” means the Rocky Mountain Forest Reserve constituted as a forest reserve under the *Forest Reserves Act*.

(2) For the purpose of the *Public Highways Development Act*, the Minister of Transportation is the road authority for and has the direction, control and management over all roads within the part of the Municipality that is within the forest reserve.

(3) With respect to roads that are in a part of the Municipality outside the forest reserve,

(a) from the commencement of this Act until April 1, 1986 or an earlier date that may be agreed to by the council and the Minister, the Minister of Transportation has the direction, control and management of those roads, and

(b) on and after April 1, 1986, or the date agreed to by the council and the Minister under clause (a), as the case may be, the council has the direction, control and management of those roads, other than primary highways as defined in the *Public Highways Development Act*.

(4) The council and the Minister of Transportation may enter into agreements in relation to construction and maintenance of any roads within the Municipality.

Land use

6(1) Notwithstanding section 3(2)(c) and the *Planning Act*, the *Planning Act* does not apply to the use of Crown land located in that portion of the Municipality within the area described in a regulation under subsection (2).

(2) The Lieutenant Governor in Council may make regulations describing the area referred to in subsection (1).

Assessment
and taxation

7(1) Notwithstanding section 27 of the *Municipal Taxation Act*, for the purpose of taxation in 1985, the council shall adopt the assessed values of the property within the Municipality as made in 1984 by the assessor for Improvement District No. 10.

(2) Subject to section 34 of the *Municipal Taxation Act*, the council shall continue to use the values adopted under subsection (1) until a general assessment is carried out in the Municipality.

Transitional

8 *The persons appointed to the Advisory Council for Improvement District No. 10 by order of the Minister dated November 19, 1983 shall be deemed to be the council of the Municipality until a new council is elected under the Local Authorities Election Act.*

Coming
into force

9 *This Act comes into force on January 1, 1985.*

SCHEDULE
THE MUNICIPAL DISTRICT OF CLEARWATER NO. 99
Area as of January 1, 1985

Commencing at the southeast corner of township 31, range 8, west of the 5th Meridian; then westerly along the southern boundary of township 31 to the intersection of the east boundary of the Banff National Park; then northerly along the east boundary of the Banff National Park to the intersection of the southern boundary of the Jasper National Park; then northerly along the southern boundary of the Jasper National Park to the intersection of the south bank of the Brazeau River; then northerly along the Brazeau River to the intersection of the north boundary of township 43, range 20; then easterly along the north boundary of township 43 to the intersection of the west boundary of range 18; then northerly along the west boundary of range 18 to the intersection of the north boundary of township 44; then easterly along the north boundary of township 44 to the intersection of the east bank of the North Saskatchewan River; then northerly along the North Saskatchewan River to the intersection of the east boundary of range 8; then southerly along the east boundary of range 8 to the intersection of the north boundary of township 44; then easterly along the north boundary of township 44 to the intersection of the east boundary of range 5; then southerly along the east boundary of range 5 to the intersection of the southeast corner of section 24 of township 43; then westerly along the southeast corner of section 24 and its production to the intersection of the southeast corner of section 21; then southerly from the southeast corner of section 21 and its production to the intersection of the northwest corner of section 3 of township 42; then easterly along the northwest corner of section 3 and its production to the intersection of the east boundary of range 5; then southerly along the east boundary of range 5 to the intersection of the north boundary of township 41, range 4; then easterly along the north boundary of township 41 to the northeast corner of section 33; then southerly to the southeast corner of section 33; then easterly to the northeast corner of the northwest quarter of section 26; then southerly from the northeast corner of the northwest quarter of section 26 and its production to the southeast corner of the southwest quarter of section 11 of township 41; then westerly from the southeast corner of the southwest quarter of section 11 and its production to the southeast corner of section 8; then southerly from the southeast corner of section 8 and its production to the intersection of the northwest corner of section 16 of township 40; then easterly to the northeast corner of section 16; then southerly to the southeast corner of section 16; then easterly to the northeast corner of the northwest quarter of section 10; then southerly to the northeast corner of the southwest quarter of section 34 of township 39; then easterly to the northeast corner of the southeast quarter of section 34; then southerly to the northwest corner of section 23; then easterly to the northeast corner of section 23; then southerly from the northeast corner of section 23 and its production to the north boundary of township 38; then easterly along the north boundary of township 38 to the northeast corner of the northwest quarter of section 36 of township 38; then southerly from the northeast corner of

the northwest quarter of section 36 and its production to the northeast corner of the northwest quarter of section 13; then easterly to the east boundary of range 4, township 38; then southerly along the east boundary of range 4 and its production to the intersection of the southeast corner of section 36 of township 36; then westerly from the southeast corner of section 36 and its production to the intersection of the west boundary of range 4; then southerly along the west boundary of range 4 to the intersection of the northwest corner of section 6 of township 36; then easterly from the northwest corner of section 6 and its production to the northeast corner of section 4; then southerly from the northeast corner of section 4 and its production to the intersection of the east bank of the Red Deer River; then southerly along the east bank of the Red Deer River to the intersection of the east boundary of range 5, township 34; then northerly along the east boundary of range 5 to the southeast corner of the northeast quarter of section 13 of township 34, range 5; then westerly from the southeast corner of the northeast quarter of section 13 and its production to the intersection of the southwest corner of the northeast quarter of section 17; then northerly to the northwest corner of the northeast quarter of section 17; then westerly from the northwest corner of the northwest quarter of section 17 and its production to the intersection of the northeast corner of section 15 of township 34, range 6; then southerly to the southeast corner of the northeast quarter of section 15; then westerly to the southeast corner of the northwest quarter of section 15; then southerly to the southeast corner of the southwest quarter of section 15; then westerly to the southwest corner of section 15 of township 34, range 6; then southerly to the southeast corner of the northeast quarter of section 9; then westerly to the southeast corner of the northwest quarter of section 9; then southerly to the southeast corner of the southwest quarter of section 9; then westerly from the southeast corner of the southwest quarter of section 9 and its production to the southeast corner of the southwest quarter of section 12 of township 34, range 7; then southerly to the southeast corner of the northwest quarter of section 1; then westerly from the southeast corner of the northwest quarter of section 1 and its production to the intersection of the west boundary of range 7; then southerly along the west boundary of range 7 to the northwest corner of section 30 of township 33; then easterly to the northeast corner of section 30; then southerly from the northeast corner of section 30 and its production to the northwest corner of section 5; then easterly to the northeast corner of section 5; then southerly to the intersection of the north boundary of township 32; then easterly along the north boundary of township 32 to the northeast corner of section 33 of township 32; then southerly to the northeast corner of section 21; then easterly to the intersection of the east boundary of range 7; then southerly along the east boundary of range 7 to the intersection of the east bank of the Red Deer River; then westerly along the east bank of the Red Deer River to the intersection of the east boundary of range 8; then southerly along the east boundary of range 8 to the point of commencement.