1987 BILL 57

Second Session, 21st Legislature, 36 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 57

MUNICIPAL DISTRICT OF BIGHORN NO. 8 INCORPORATION ACT

MR. STEVENS

First Reading ....

Second Reading ....

Committee of the Whole ....

Third Reading ....

Royal Assent ....

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MUNICIPAL DISTRICT OF BIGHORN NO. 8 INCORPORATION ACT

(Assented to   , 1987)

Table of Contents

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 Bighorn No. 8.

Creation of Municipality

2(1) The reeve and councillors and all other electors within the Municipality are a corporation with the name "The Municipal District of Bighorn No. 8".

(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) The boundaries of the Municipality are those prescribed by the Lieutenant Governor in Council.

1

(5) 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.

3(1) In subsections (2)(c), (3) and (5), "ministerial order" means an order of the Minister made pursuant to any Act or regulation that applies to or relates to Improvement District No. 8.

(2) When this Act comes into force,

(a) Improvement District No. 8 is dissolved;

(b) each employee of the Government employed in Improvement District No. 8 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 subsections (3) and (5), a ministerial order in effect in Improvement District No. 8 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. 8 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. 8 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. 8 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. 8 are vested in the Municipality and may be dealt with in its own name;

(h) a reference to Improvement District No. 8 or to the Minister or the Crown in respect of Improvement District No. 8 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) A ministerial order in effect in Improvement District No. 8 immediately before the commencement of this Act that divides Improvement District No. 8 into electoral divisions continues to be in effect in the Municipality as a ministerial order.

(6) 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 Mountains 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 and Utilities 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, 1989 or an earlier date that may be agreed to by the council and the Minister, the Minister of Transportation and Utilities has the direction, control and management of those roads, and

(b) on and after April 1, 1989, 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 and Utilities 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 1988, the council shall adopt the assessed values of the property within the Municipality as made in 1987 by the assessor for Improvement District No. 8.

(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*(1) The persons appointed to the Advisory Council for Improvement District No. 8 on the date this section comes into force shall be deemed to be the council of the Municipality until a new council is elected under the Local Authorities Election Act.*

(2) Notwithstanding any other Act, a Ministerial Order that applies to Improvement District No. 8 may provide for the election of more than 1 councillor from an electoral division.

Coming into force

9 *This Act, except section 8(2), comes into force on Proclamation.*

4