

1989 BILL 9

First Session, 22nd Legislature, 38 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 9

PARKS TOWNS ACT

MR. EVANS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 9
Mr. Evans

BILL 9

1989

PARKS TOWNS ACT

(Assented to , 1989)

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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) “agreement” means an agreement entered into between the federal Minister and the Minister pursuant to section 9.1 of the *National Parks Act* (Canada);
- (b) “area” means a community located in a National Park that would qualify to be formed as a town under the *Municipal Government Act* if that community were located outside of a National Park;
- (c) “federal Minister” means the Minister of the Government of Canada who is responsible for the administration of the *National Parks Act* (Canada);
- (d) “laws of Alberta” means any statute enacted by the Legislature of Alberta and includes any regulation or order made under a statute enacted by the Legislature of Alberta;
- (e) “Minister” means the Minister of Municipal Affairs;
- (f) “National Park” means a National Park under the *National Parks Act* (Canada);
- (g) “school board” means a board as defined in the *School Act* that administers a school district that is located in a National Park;
- (h) “school district” means a district as defined in the *School Act*;

(i) “town”, except in clause (b), means a town formed under this Act.

Agreement to
form town

2(1) When the Minister is satisfied that the majority of the electors of an area are in favour of forming a town, the Minister may enter into an agreement with respect to the formation of a town.

(2) For the purpose of subsection (1), “elector” means a person who

(a) resides in an area, and

(b) is an elector of the school district within which the area is included.

Formation of
town

3(1) On an agreement being entered into with respect to an area’s being formed into a town, the Lieutenant Governor in Council may make an order forming that area into a town.

(2) The order forming a town shall

(a) describe the boundaries of the town as set out in the agreement;

(b) give a name to the town as “The Town of”;

(c) state the effective date of the order.

(3) The order made under this section may be made effective on a date or dates as the Lieutenant Governor in Council may determine, which may be in the year that is prior to the year within which the order is made.

(4) When a town is formed under this Act, the mayor, councillors and other electors of the town become a corporation with the name given to the town in the order forming it.

(5) The Minister may make regulations

(a) governing the transfer from a school board to a town of any municipal function or service that is being provided by the school board pursuant to Division 5 of Part 6 of the *School Act*;

(b) governing, in accordance with an agreement, the dissolution of a town;

(c) providing for any matter with respect to a town that is necessary to achieve the purposes and intent of

(i) this Act or an agreement, or

(ii) an order made under subsection (1).

Limitation on
powers of town

4 Neither a town nor its council is empowered to exercise any power under the laws of Alberta except as permitted by an agreement.

Status of town
under provincial
law

5 Except as provided for in this Act and the agreement entered into with respect to an area’s being formed into a town, a town is a town for all purposes as though it had been formed by an order of the Lieutenant Governor in Council under the *Municipal Government Act*.

Assistance of
school board re
own

6(1) Notwithstanding the *School Act*, the Minister may by order empower a school board, subject to any terms or conditions that the Minister considers appropriate in the circumstances,

(a) to take any action or perform any function with respect to an area that the Minister considers necessary to prepare for the formation of a town, and

(b) to make any by-law relating to the operation of a town or the conduct of a town's affairs that a council of a municipality may make under the laws of Alberta.

(2) An order may be made under this section in respect of an area prior to an agreement's being entered into with respect to that area's being formed into a town.

(3) On the day that a town is formed, a by-law made pursuant to subsection (1)(b) with respect to that town becomes a by-law of the town.

(4) Subject to subsections (5) and (6), where a by-law is made pursuant to subsection (1)(b), that by-law does not come into force until the day that the town is formed.

(5) Where a by-law is made pursuant to subsection (1)(b), that by-law does not come into force until it satisfies all the terms and conditions, if any, that apply to it as set out in the agreement entered into with respect to the area's being formed into a town.

(6) Where a by-law is made pursuant to subsection (1)(b) with respect to any subject matter that is governed by regulations enacted pursuant to a statute of the Parliament of Canada, that by-law does not come into force until those regulations no longer apply to the town.

School board
functions

7 Notwithstanding the *School Act* or this Act, a school board may

(a) continue to act pursuant to Division 5 of Part 6 of the *School Act* within that portion of the school district that is located outside the boundaries of a town, and

(b) enter into arrangements with a town that is located within the school district under which the town may exercise those powers referred to in section 165(1)(a) of the *School Act* in any portion of the school district that is located outside the boundaries of the town in the same manner as if the town were the school board.

Transitional

8(1) *An order under section 6 respecting the board of trustees of the Banff School District No. 102 may be made effective on any date after June 13, 1988.*

(2) *An election shall be conducted on October 16, 1989 for the purposes of electing for the first time a mayor and councillors for the Town of Banff notwithstanding that the order forming the Town of Banff may not be in effect at the time of the election.*

(3) The Local Authorities Election Act, subject to any modifications that the Minister may make under section 5 of that Act, applies to the election referred to in subsection (2) and if an order forming the Town of Banff is not in effect at the time of the election, section 7 of that Act shall apply as if the area that is to become the Town of Banff constituted a newly formed local jurisdiction as referred to in that section.

(4) Those persons elected as mayor and councillors pursuant to the election referred to in subsection (2) shall form the council of the Town of Banff effective on the date that the order forming the Town of Banff comes into effect.

(5) Notwithstanding section 36(1) of the Municipal Government Act, the term of office of a person elected pursuant to an election referred to in subsection (2) of this section shall, unless the office is sooner vacated, continue to the organizational meeting of the council following the next ensuing general election.