

1991 BILL 27

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

RURAL DISTRICTS ACT

MR. CLEGG

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 27
Mr. Clegg

BILL 27

1991

RURAL DISTRICTS ACT

(Assented to , 1991)

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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) "advisory council" means the advisory council of an improvement district appointed under the *Improvement Districts Act*;
- (b) "council" means the council of a rural district;
- (c) "Minister" means the Minister of Municipal Affairs;
- (d) "rural district" means a rural district formed under this Act.

- Incorporation study** **2(1)** The Minister or the Minister and the advisory council acting together may authorize an incorporation study to determine the feasibility of incorporating all or part of an improvement district as a rural district.
- (2)** The incorporation study may include an examination of the boundaries of adjacent municipalities.
- Consultation re incorporation study** **3** If an incorporation study for a proposed rural district is conducted, the Minister or the advisory committee shall
- (a) advise and consult with municipalities and school and other local authorities affected by the proposed incorporation about the study, and
- (b) advise the public in a manner considered suitable by the Minister about the general nature of the study.
- Corporate strategy** **4(1)** The Minister, after consultation with the advisory council and any other person the Minister considers appropriate, may authorize the development of a corporate strategy that may lead to the incorporation of the rural district if the incorporation study
- (a) shows that all or part of an improvement district is appropriate for incorporation as a rural district, and
- (b) is otherwise satisfactory to the Minister.
- (2)** The Minister may approve the corporate strategy and amend it from time to time.
- Public consultation** **5(1)** After a corporate strategy is approved, the Minister or the advisory council shall seek public comment on the strategy.
- (2)** The Minister, in accordance with the regulations, may cause a plebiscite to be conducted on the proposed incorporation of a rural district or on any matter related to the proposed incorporation.
- Incorporation of rural district** **6(1)** At any time after a corporate strategy is approved, the Minister may recommend to the Lieutenant Governor in Council that a rural district be established.
- (2)** The Lieutenant Governor in Council, by order, may form as a rural district all or part of one or more improvement districts.
- (3)** The order forming a rural district

- (a) must describe the boundaries of the rural district,
 - (b) must give a name to the rural district in the following form:
 “Rural District of ...”, and
 - (c) must state the date on which it becomes effective.
- (4) The Lieutenant Governor in Council may make any order required to effect the formation of a rural district under this Act, including but not limited to the following:
- (a) establishing an interim council and providing for the election of the first councillors under the *Local Authorities Election Act*;
 - (b) providing for the transfer of assets, liabilities, rights and interests to the rural district from the Crown or other municipalities, as the case requires;
 - (c) providing for any matter required to properly effect or deal with the incorporation or matters resulting from the incorporation of the rural district;
 - (d) respecting the retroactive or prospective application of all or any provision of the order, despite this Act or other Acts or regulations;
 - (e) designating ministerial orders made under the *Improvement Districts Act* as the first by-laws of the rural district;
 - (f) respecting the modification of any provision of this Act or of other Acts, orders or regulations to give effect to an order or to deal with anything arising from an order or the application of this Act or other Acts, orders or regulations to the incorporation of the rural district or matters resulting from the incorporation.
- (5) Any misnomer, misdescription, omission or other error in any order forming a rural district may be corrected by a subsequent order, and the correcting order may be made effective as of the effective date of the original order or on some other date subsequent to the effective date of the original order.

Council of
 Rural district

7(1) Subject to an order under section 6(4)(a), a rural district shall have a council, the members of which are elected in accordance with the *Local Authorities Election Act*.

(2) The council is a continuing body notwithstanding any general or other election.

(3) The council is a corporation that may, on behalf of the rural district, exercise the powers and responsibilities and perform the duties given to a rural district by or under this Act.

(4) The Lieutenant Governor in Council shall establish the number of members of a council by order.

Effect of incorporation

8(1) On the formation of a rural district, the *Improvement Districts Act* continues to apply to the rural district as if it were an improvement district.

(2) Subject to an order under section 6 or 9, the Minister may, in respect of a rural district, exercise any of the powers that the Minister has in respect of an improvement district under the *Improvement Districts Act* or any other Act.

(3) The Minister may at any time by order

- (a) limit the power, authority or jurisdiction of the rural district, and
- (b) prescribe how or the conditions under which a rural district may exercise any power or authority.

(4) An order under this section applies notwithstanding anything in any other Act or regulation to the contrary.

Exercise of powers

9 In addition to any powers, duties and responsibilities given to the rural district by or under an order of the Lieutenant Governor in Council, the Minister may, by order,

- (a) delegate to the council the power to exercise in respect of the rural district, subject to any conditions the Minister imposes, any of the powers, rights or duties of the Minister under the *Improvement Districts Act*, including the power to impose, levy and collect taxes;
- (b) authorize the council to make by-laws in respect of any matter, subject to sections 10, 11 and 12 and to any conditions the Minister imposes;
- (c) specify that a provision in any other Act or regulation does or does not apply to the rural district;

- (d) specify that a power, right or duty of a municipality must be exercised or performed by the rural district.

Road
authority in
rural districts

10(1) The Minister of Transportation and Utilities has the direction, control and management of roads within the rural district.

(2) Notwithstanding subsection (1), the Minister of Transportation and Utilities and the council may enter into an agreement providing that all or part of the direction, control and management of roads within the rural district may be exercised by the rural district.

(3) If there is an agreement under subsection (2), the Minister of Transportation and Utilities may require that a rural district pay for the cost of fulfilling that Minister's responsibilities with respect to roads within the rural district, and the rural district shall pay the amount of the requisition as soon as practicable after the requisition is made.

Green areas

11(1) In this section,

- (a) "green area" means a part of Alberta shown outlined in green on the map annexed to a ministerial order dated May 7, 1985 made under section 10 of the *Public Lands Act*;
- (b) "land use by-law" has the meaning given to it in the *Planning Act*;
- (c) "statutory plan" has the meaning given to it in the *Planning Act*.

(2) A land use by-law or statutory plan of a rural district does not apply, without the approval of the Minister of Forestry, Lands and Wildlife, to a part of a rural district that is included in a green area.

Forest fire
protection

12(1) In this section, "forest protection area" means a forest protection area designated under section 39 of the *Forest and Prairie Protection Act*.

(2) Subject to subsection (3), a council may not make by-laws respecting fire protection in the part of the rural district that is within a forest protection area.

(3) The council may make by-laws respecting fire protection that apply to fires other than forest or running fires in hamlets, as

defined in the *Municipal Government Act*, within a 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 the part of the rural district that is within the forest protection area.

Formation
into municipal
district

13(1) On the recommendation of the Minister, the Lieutenant Governor in Council, by order, may form a rural district into a municipal district.

(2) Part 2, except sections 13 and 14, of the *Municipal Government Act* applies to an order under this section as if it were an order under that Part.

(3) When an order is made under this section, the rural district is a municipal district for all purposes and this Act no longer applies to it.

Publication of
orders

14(1) The *Regulations Act* does not apply to an order made under section 6, 7, 8, 9 or 13.

(2) An order made under section 6, 7, 8 or 9 must be published in *The Alberta Gazette*.

(3) An order made under section 6, 7, 8, 9 or 13 may come into force on a date before, at the time or after the order is made, as specified in the order, despite any other Act, order or regulation to the contrary.

Regulations

15(1) The Minister may make regulations

- (a) respecting incorporation studies;
- (b) respecting corporate strategies;
- (c) respecting the financial administration of rural districts;
- (d) respecting the administration, operation and management of rural districts;
- (e) respecting the calling and conducting of a plebiscite on the proposed incorporation of a rural district or any matter relating to the plebiscite;
- (f) respecting who may vote on a plebiscite and adopting, with or without modifications, provisions of the

Municipal Government Act or the *Local Authorities Election Act*, or both, for the purpose of the plebiscite or matters relating to the plebiscite;

- (g) respecting the way in which persons affected by a proposed rural district may petition for a plebiscite and adopting provisions of the *Municipal Government Act*, with or without modifications, for that purpose.

(2) A regulation under this section may apply to all rural districts or to one or more specified rural districts.

coming into
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16 *This Act comes into force on Proclamation.*