

1992 BILL 43

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Fourth Session, 22nd Legislature, 41 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 43

**MUNICIPAL STATUTES AMENDMENT ACT, 1992**

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MR. LUND

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 43

1992

### MUNICIPAL STATUTES AMENDMENT ACT, 1992

(Assented to \_\_\_\_\_, 1992)

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

#### Local Authorities Election Act

*1(1) The Local Authorities Election Act is amended by this section.*

*(2) Section 27 is amended*

*(a) in subsection (1) by striking out "Subject to subsection (2), every" and substituting "Every";*

*(b) by adding the following after subsection (1):*

**(1.1)** Notwithstanding subsection (1), a city, by a by-law passed prior to June 30 of a year in which a general election is to be held, may specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be more than 5 and not more than 25.

**(1.2)** Notwithstanding subsection (1.1), for the purposes of the general election in 1992, a by-law passed under subsection (1) is valid if it is passed prior to July 31, 1992.

*(c) in subsection (2) by striking out "If a system" and substituting "Notwithstanding subsection (1), if a system".*

*(3) Section 74 is repealed and the following is substituted:*

## Explanatory Notes

### Local Authorities Election Act

1(1) This section will amend chapter L-27.5 of the Statutes of Alberta, 1983.

(2) Section 27(1) and (2) presently read:

*27(1) Subject to subsection (2), every nomination of a candidate shall be in the prescribed form and signed by at least 5 electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination, and shall be accompanied by a written acceptance signed in the prescribed form by the person nominated, stating*

*(a) that he is eligible to be elected to the office, and*

*(b) that he will accept the office if elected,*

*and if required by by-law, it shall be accompanied by a deposit in the required amount.*

*(2) If a system of wards is in effect, only an elector who is a resident of the ward for which a candidate for election is being nominated may sign the nomination of the candidate.*

(3) Section 74 presently reads:

Notice of  
advance vote

**74(1)** Notice of the days, the locations of the voting stations and the hours fixed for an advance vote shall be given in the form prescribed for use under section 35 by publishing a notice at least one week before the date set for the advance vote in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before the date set for the advance vote.

(2) On complying with subsection (1), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

### **Municipal Government Act**

*2(1) The Municipal Government Act is amended by this section.*

*(2) The following is added after section 22:*

Compensation

**22.1** In an order made under section 21 or 22, the Lieutenant Governor in Council may require a municipality to pay compensation to another municipality and prescribe the amount of the compensation or the means to determine the amount, including arbitration under the *Arbitration Act*.

*(3) Order in Council numbered O.C. 861/91 is validated, effective as of December 19, 1991.*

### **Municipal Taxation Act**

*3(1) The Municipal Taxation Act is amended by this section.*

*(2) Section 1 is amended by adding the following after clause (x):*

(x.1) “regional airports authority” means a regional airports authority created under section 5(2) of the *Regional Airports Authorities Act*;

*(3) Section 3 is amended*

(a) *in subsection (6)(a) by striking out “and (i.1)” and substituting “, (i.1) and (aa)”;*

*74 Notice of the days, the locations of the voting stations and the hours fixed for an advance vote shall be given in the form prescribed for use under section 35*

- (a) by publishing the notice at least 1 week before the date set for the advance vote in a newspaper circulating in the area, or*
- (b) by posting the notice in at least 4 widely separated and conspicuous places in the voting subdivision at least 1 week before the date set for the advance vote*

*or by both publishing and posting the notice and the notice may be published and posted as many additional times as the returning officer considers desirable.*

### **Municipal Government Act**

**2(1)** This section will amend chapter M-26 of the Revised Statutes of Alberta 1980.

(2) Compensation for annexation of territory.

(3) Validation of Order in Council numbered O.C. 861/91.

### **Municipal Taxation Act**

**3(1)** This section will amend chapter M-31 of the Revised Statutes of Alberta 1980.

(2) Adding a definition.

(3) Section 3(6) presently reads:

*(6) The Minister may make regulations prescribing rules and procedures*

(b) *by adding the following after subsection (6):*

(7) The Minister may make regulations prescribing additional improvements that are exempt from assessment under section 24(1)(bb).

(4) *The following is added after section 19:*

Lessee from  
regional  
airports  
authority

**19.1(1)** Land or improvements or any part of land or improvements that is the subject of a lease, licence or permit from a regional airports authority shall be assessed to the lessee, licensee or permittee as if that person were the owner of the land or improvements or that part of the land or improvements.

(2) A lessee, licensee or permittee referred to in subsection (1) shall pay taxes on the assessed value of the land or improvements or the part of the land or improvements.

(5) *Section 24(1) is amended by adding the following after clause (z):*

(aa) the following improvements owned or leased by a regional airports authority:

- (i) runways;
- (ii) paving;
- (iii) roads, streets and sidewalks;
- (iv) reservoirs;
- (v) water and sewer lines;
- (vi) fencing;
- (vii) conveyor belts, cranes, weigh scales, loading bridges and machinery and equipment;
- (viii) pole lines, transmission lines, light standards and unenclosed communications towers;

- (a) *for establishing the extent to which any property is or is not subject to assessment under subsection (4) or section 24(1)(h.1), (i) and (i.1),*
- (b) *for establishing or selecting the parts of any property that are and are not subject to assessment as mentioned in subsection (5), and*
- (c) *concerning any other matter he considers necessary for carrying out the intent and purpose of this section.*

(4) Section 19 presently reads:

*19 When improvements used exclusively for holiday or recreational purposes are erected or placed on land that forms part of an irrigation district and, if the land on which the improvements are situated is leased from the board of directors of the irrigation district, the improvements together with the land forming the site on it and occupied with it shall be assessed to the lessee as if he were the owner of the land.*

(5) Section 24(1)(z) presently reads:

*24(1) The following property is exempt from assessment by a municipality:*

- (z) *the inlet valve and outlet valve and any installations, materials, devices, fittings, apparatus, appliances, pipe equipment and plant machinery between those valves in any regulating or metering station*
  - (i) *that is owned or operated by a municipality, or a rural gas co-operative association organized under the Co-operative Associations Act, or*
  - (ii) *that is part of a system that serves a hamlet, village, summer village, town, new town or a school district empowered under the School Act to levy taxes, with a population of less than 500, or a system where the majority of customers are rural gas consumers, as defined by the regulations.*

(bb) any other improvements owned or leased by a regional airports authority that are prescribed in the regulations.

(6) *Section 80 is amended by adding the following after subsection (4):*

(5) No business assessment shall be made and no business tax shall be levied in respect of the business operated as an airport by a regional airports authority.

### **Regional Municipal Services Act**

4(1) *The Regional Municipal Services Act is amended by this section.*

(2) *Section 1(c) is amended by adding “Metis Settlement,” after “area.”*

(3) *Section 5 is amended by adding the following after subsection (5):*

(5.1) The Minister may, on the request of a regional services commission, appoint one or more other persons



(6) Section 80 presently reads:

*80(1) A council may, by by-law passed not later than May 1 in any year, provide for the assessment of any business, and for the payment by any person carrying on the business of a tax on the assessment thereof, to be known as a business tax.*

*(2) When machinery, equipment, appliances or other things used for or in manufacturing or processing or for the production of natural resources or for the transmission of natural resources or for transmitting or receiving communication signals for public resale are subject to a property tax in any year no business tax shall be levied in that year against the owner or occupier of the premises on which any such property is situated.*

*(3) Notwithstanding subsection (2), if the manufacturing, processing, production or transmission described therein is not the chief or preponderating business of the owner or occupier of the premises on which the machinery, equipment, appliances or other things described in subsection (2) are situated, then the person carrying on business on those premises shall be assessed for business tax with respect to the kind of business that is the chief or preponderating business carried on by him in or on those premises.*

*(4) Except in a city, town, new town or village, no business assessment shall be made nor business tax levied in respect of the business of the raising or production of crops, livestock or poultry or in connection with fur production or beekeeping.*

#### **Regional Municipal Services Act**

**4(1)** This section will amend chapter R-9.1 of the Statutes of Alberta, 1981.

(2) Section 1(c) presently reads:

*1 In this Act,*

*(c) "municipality" means a city, town, new town, village, summer village, municipal district, county, improvement district, special area, Indian reserve or armed forces base;*

(3) Appointment of additional members.

to be members of the board of the regional services  
commission.

