

Bill 46

BILL 46

2003

MUNICIPAL GOVERNMENT AMENDMENT ACT, 2003

(Assented to , 2003)

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

Amends RSA 2000 cM-26

1 The *Municipal Government Act* is amended by this Act.

2 Section 535.1 is amended

(a) by repealing subsection (1) and substituting the following:

Protection of sporting commissions

535.1(1) In this section, “commission” means a commission established by bylaw for controlling and regulating any of the following:

- (a) boxing;
- (b) wrestling;
- (c) full contact karate;
- (d) kickboxing;
- (e) any other sport that holds contests where opponents strike each other with a hand, foot, knee, elbow or other part of the body.

- (b) in subsection (2) by adding “and officials” after “volunteers”.

3 Section 648 is amended

(a) in subsection (2)

(i) by adding the following after clause (c):

(c.1) new or expanded roads required for or impacted by a subdivision or development;

(ii) in clause (d) by striking out “clauses (a) to (c)” and substituting “clauses (a) to (c.1)”;

(b) by adding the following after subsection (4):

(5) An off-site levy collected under this section, and any interest earned from the investment of the levy,

- (a) must be accounted for separately from other levies collected under this section, and
- (b) must be used only for the specific purpose described in subsection (2)(a) to (c.1) for which it is collected or for the land required for or in connection with that purpose.

(6) A bylaw under subsection (1) must be advertised in accordance with section 606 unless

- (a) the bylaw is passed before January 1, 2004, or
- (b) the bylaw is passed on or after January 1, 2004 but at least one reading was given to the proposed bylaw before that date.

(7) Where after March 1, 1978 and before January 1, 2004 a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for the purpose described in subsection (2)(c.1), that fee or charge is deemed

- (a) to have been imposed pursuant to a bylaw under this section, and

(b) to have been validly imposed and collected
effective from the date the fee or charge was imposed.

4 Section 694 is amended by repealing subsection (4) and substituting the following:

- (4) The Lieutenant Governor in Council may make regulations
- (a) governing the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically;
 - (b) governing the principles and criteria that must be applied by a municipality when establishing an off-site levy.

Amends SA 2002 c19

5 The *Municipal Government Amendment Act, 2002* is amended

- (a) in section 13 in the new section 321.1(2) by striking out “by January 1, 2004” and substituting “by the date this section comes into force”;
- (b) in section 21 by repealing subsection (2) and substituting the following:
 - (2) Sections 9, 12 and 18 come into force on January 1, 2004.
 - (3) Sections 10, 11, 13, 16, 17 and 20 come into force on Proclamation.

Explanatory Notes

¹ Amends chapter M-26 of the Revised Statutes of Alberta 2000.

2 Section 535.1 presently reads:

535.1(1) In this section, “commission” means a commission established by bylaw for controlling and regulating boxing matches or wrestling matches, or both.

(2) A commission and its members, officers, employees and any volunteers performing duties under the direction of any of them are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.

(3) Subsection (2) is not a defence if the cause of action is defamation.

3 Section 648 presently reads:

648(1) For the purposes referred to in subsection (2), a council may by bylaw

(a) provide for the imposition and payment of a levy, to be known as an “off-site levy”, in respect of land that is to be developed or subdivided, and

(b) authorize an agreement to be entered into in respect of the payment of the levy.

(2) An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:

(a) new or expanded facilities for the storage, transmission, treatment or supplying of water;

(b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;

(c) new or expanded storm sewer drainage facilities;

(d) land required for or in connection with any facilities described in clauses (a) to (c).

(3) On September 1, 1995 an off-site levy under the former Act continues as an off-site levy under this Part.

(4) An off-site levy imposed under this Part or the former Act may be collected only once in respect of land that is the subject of a development or a subdivision.

4 Section 694(4) presently reads:

(4) The Lieutenant Governor in Council may make regulations governing the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically.

5 Amends chapter 19 of the Statutes of Alberta, 2002.
Sections 13 and 21 presently read:

13 The following is added after section 321:

321.1(1) In this section, "previous Act" means the Municipal Government Act as it read immediately before it was amended by the Municipal Government Amendment Act, 2002.

(2) Where a municipality has appealed the amount of an equalized assessment to the Municipal Government Board and the appeal is not concluded by January 1, 2004, the appeal must continue to be dealt with under the previous Act.

21(1) Sections 4, 5, 7, 14 and 15 come into force on January 1, 2003.

(2) Sections 9, 10, 11, 12, 13, 16, 17, 18 and 20 come into force on January 1, 2004..