

2013 Bill 27

First Session, 28th Legislature, 62 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

FLOOD RECOVERY AND RECONSTRUCTION ACT

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 27

2013

FLOOD RECOVERY AND RECONSTRUCTION ACT

(Assented to _____, 2013)

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

Emergency Management Act

Amends RSA 2000 cE-6.8

1(1) The *Emergency Management Act* is amended by this section.

(2) Section 6 is amended by adding the following after clause (c):

- (c.1) respecting the providing of funding for the reimbursement of costs incurred by local authorities and individuals in connection with measures taken to reduce or mitigate potential flood hazards, including, without limitation, regulations
 - (i) prescribing or describing the measures to be taken to reduce or mitigate potential flood hazards that are eligible for the reimbursement of costs, and
 - (ii) governing the procedures applicable to and the proof required for the reimbursement of costs;
- (c.2) respecting the filing and removal of caveats against titles to land in a flood fringe or floodway, as those terms are defined in the regulations, for which funding has been provided pursuant to a disaster recovery program administered under the regulations;

Explanatory Notes

Emergency Management Act

- 1**(1) Amends chapter E-6.8 of the Revised Statutes of Alberta 2000.
- (2) Additional regulation-making authority added.

(3) Section 18(4)(a) is amended by striking out “14 days” and substituting “28 days”.

Municipal Government Act

Amends RSA 2000 cM-26

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

(2) The following is added after section 615:

Municipal emergency exemption

615.1(1) In this section,

- (a) “disaster” means a disaster as defined in section 1(e) of the *Emergency Management Act*;
- (b) “emergency” means an emergency as defined in section 1(f) of the *Emergency Management Act*.

(2) Where it appears to the Minister that a disaster or an emergency exists in a municipal authority, the Minister may by order, with respect to that municipal authority or an adjacent municipal authority,

- (a) modify one or more provisions of this Act as they apply to the municipal authority,
- (b) exempt the municipal authority from one or more provisions of this Act or bylaws made pursuant to this Act, or
- (c) provide the municipal authority with specified authority in addition to that set out in this Act.

(3) The Minister may, in an order made under subsection (2),

(3) Section 18(4) presently reads:

(4) Unless continued by a resolution of the Legislative Assembly, an order under subsection (1) expires at the earlier of the following:

(a) at the end of 14 days, but if the order is in respect of a pandemic influenza, at the end of 90 days;

(b) when the order is terminated by the Lieutenant Governor in Council.

Municipal Government Act

2(1) Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Municipal emergency exemption.

- (a) impose terms, conditions and timelines on the modification or exemption of a provision of this Act or a bylaw or the exercise of additional authority, and
- (b) specify a date on which the order or any provision of it expires.

(4) The *Regulations Act* does not apply to an order made under subsection (2).

(3) The following is added after section 693:

Development in floodways

693.1(1) The Lieutenant Governor in Council may make regulations

- (a) controlling, regulating or prohibiting any use or development of land that is located in a floodway within a municipal authority, including, without limitation, regulations specifying the types of developments that are authorized in a floodway;
- (b) exempting a municipal authority or class of municipal authorities from the application of all or part of this section or the regulations made under this subsection, or both;
- (c) modifying or suspending the application or operation of any provision of this Act for the purposes of giving effect to this section;
- (d) defining, or respecting the meaning of, “floodway” for the purposes of this section and the regulations made under this subsection.

(2) Unless the contrary is expressed in regulations made under subsection (1), those regulations

- (a) operate despite any statutory plan, land use bylaw or other regulations under this Part, and
- (b) are binding on any subdivision authority, development authority and subdivision and development appeal board and the Municipal Government Board.

(3) Development in floodways.

(3) If a municipal authority is affected by a regulation made under subsection (1), the municipal authority must amend any relevant statutory plan and its land use bylaw to conform with the regulation.

(4) Section 692 does not apply to an amendment pursuant to subsection (3).

