

BILL

No. 33 of 1915.

An Act to amend The Rural Municipality Act.

(Assented to 1915.)

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

1. *The Rural Municipality Act*, being chapter 3 of the Statutes of Alberta 1911-12 is amended as follows:

(1) Section 128: By inserting after the word "last" in the eighth line of subsection 1 thereof the words "but one," and by inserting after the word "last" in the fifth line of subsection 2 thereof the words "but one".

(2) Section 196: By adding to subsection 11 thereof the following:

"Provided, however, that this rebate shall not apply to taxes levied under *The Educational Tax Act*, or to taxes levied for hail insurance or school purposes."

(3) Section 206: By striking out the word "using" in the second line of subsection 2.

(4) Section 225: By repealing same and substituting therefor the following:

"**225.** The council of any municipality may from time to time by resolution authorize the reeve and treasurer to borrow from any person, bank or corporation, such sums as the council deem necessary to meet the then current expenditure of the municipality, until such time as the taxes levied therefor can be collected, and the council shall by such resolution provide for such loan being secured by promissory note or notes of the reeve and treasurer given under the seal of the municipality and on behalf of the council, and the amount so borrowed shall be repaid out of and shall be a first charge upon the taxes which are collected for municipal purposes for the year in which such amount was borrowed; provided that in any municipal year the total amount so borrowed and outstanding shall not exceed sixty per cent (60%) of the total taxes levied by the municipality for municipal purposes for the preceding year.

"(2) The council of any municipality shall have similar borrowing powers for the purpose of meeting the estimated expenditures of any rural school district transmitted to the treasurer of the municipality under the provisions of section 296 hereof; provided that the amount so borrowed for any rural school district and outstanding under this subsection, shall not exceed seventy-five per cent. (75%) of the total taxes levied by the municipality for any such rural school district for any year in which such amount is borrowed, and that the amount so borrowed under this subsection shall be repaid out of, and shall be a first charge upon the taxes which are collected for any such rural school district for the year in which such amount is borrowed.

“(3) In every year all taxes collected by the municipality for school purposes and all moneys borrowed by the municipality under the provisions of subsection 2 of this section, shall be kept by the municipality in a separate account and deposited in a chartered bank to the credit of a trust fund to be styled ‘School Taxes Trust Fund,’ and shall only be paid thereout to the several rural school districts entitled thereto.”

(5) Section 227: By adding thereto the following:

“Provided, however, that no rural municipality in which taxes are levied on an acreage basis shall have power to pass such a by-law.”

(6) Section 249: By adding thereto the following:

“Provided, however, that in any rural municipality situated in that portion of the province which lies west of the fifth meridian and south of the northern boundary of Township fifty-two (52), taxes may by order of the Minister be levied according to acreage and in such municipalities sections 252 to 291 inclusive of this Act shall not be operative.”

(7) Section 293: By adding thereto the following:

“Provided, however, that in any rural municipality where taxes are levied according to acreage the rate of taxation shall be fixed at a uniform rate per acre.”

(8) Section 294: By adding thereto the following:

“Provided, however, that in rural municipalities where the rate of taxation is fixed on an acreage basis the total rate levied shall not exceed $7\frac{1}{2}$ c. per acre.”

(9) Section 295: By adding thereto the following:

“(6) In any rural municipality where the taxes are levied according to acreage, all demands from school districts and the levying and collection of school taxes shall be required to be dealt with on an acreage basis and the provisions of this section shall only be deemed to apply accordingly.”

(10) Section 296: By striking out clause (b) and by striking out all the words in the said section after the word “purposes” in the twelfth line thereof.

(11) Section 297, subsection 2: By repealing same and substituting therefor the following:

“(2) In the event of the tax payable on any lot in any subdivision or plan, or on any fraction of a quarter section under this section for the purposes of the municipality being less than twenty-five cents, the tax to be entered on the roll as payable for such purposes shall be twenty-five cents.”

(12) Section 297, subsection 3: By repealing same and substituting therefor the following:

“(3) In the event of the tax payable on any lot in any subdivision or plan, or on any fraction of a quarter section under this section for school purposes being less than twenty-five cents, the tax to be entered on the roll as payable for such purposes shall be twenty-five cents.”

(13) Section 301: By repealing same and substituting therefor the following:

“**301.** In the event of any taxes remaining unpaid after the thirtieth day of November of the year for which the same are levied there shall be added thereto by way of penalty a sum of ten per centum of the amount of taxes

remaining unpaid and the same additional sum shall be added thereto in the same manner upon any taxes remaining unpaid on the first day of December in each year following; such amount or amounts so added shall form a part of the taxes which by section 300 hereof are created a special lien upon the land; nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way impair the right of distress or any other remedy provided by this Act for the collection of said taxes."

(14) Section 308 as amended: By repealing same and substituting therefor the following:

"**308.** It shall be the duty of the council to pay to each rural school district the amount of the total estimate transmitted by the school board under the provisions of section 296 hereof in quarterly instalments commencing with the thirty-first day of March in each year; provided, however, that in any case where the quarterly instalment is not sufficient to meet the immediate requirements of the school board, the council shall be required to pay to the school board on demand the additional amount required.

"(2) In the event of the council failing to pay to the rural school district the amount required from time to time for school purposes, such amounts shall become a debt due, owing and payable by the municipality to each rural school district; provided, however, that such debt may not be recovered by suit at law on behalf of any person unless permission to enter such suit is granted by the Minister of Education."

(15) Section 315: By repealing same and substituting therefor the following:

"**315.** If after the date for confirmation has been fixed as provided for by section 213 hereof but before the court of confirmation has been held, any person interested in any parcel of land contained in the return presented to the judge for confirmation desires to pay the taxes due upon such land as shown by the said return, such person may do so on condition that he pays in addition thereto the amount chargeable against such parcel of land for costs of application to the judge, advertising, postage and all other expenses in connection with such proceedings, and any sum so paid shall form part of the general revenue of the municipality."

(16) Section 316: By repealing subsection 1 thereof and substituting therefor the following:

"**316.** At the time and place appointed as hereinbefore provided the judge shall hear the application and also any objecting parties and the evidence adduced before him under oath and thereupon adjudge and determine whether or not the taxes imposed respectively upon each lot or parcel of land included in the tax enforcement return were either wholly or in part in default and report the adjudication to the treasurer of the municipality and shall also confirm the said return as to those lands on which any taxes are determined to be in arrears, naming the amount of such arrears and adding thereto a reasonable amount for the expenses of advertising, postage and other work in connection with the tax enforcement return together with such amounts as he may fix for the costs of the application; and the effect of such adjudication when registered as hereinbefore provided for shall be to vest in the municipality the said lands freed from all liens, mortgages and

encumbrances of every nature and kind whatsoever subject, however, to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by payment to the treasurer of the municipality of the amounts named including expenses as aforesaid together with any taxes which may have accrued on the said lands since the date of such adjudication including any penalties imposed under the provisions of section 301 hereof.”

(17) Section 316, subsection 5: By striking out the figures “60” where they occur in the tenth line thereof and substituting therefor the figures “30”; and by striking out the figures “90” where they occur in the eleventh line thereof and substituting therefor the figures “60.”

(18) Sections 328 to 337*b* inclusive are hereby repealed.

No. 33

THIRD SESSION
THIRD LEGISLATURE
5 GEORGE V
1915

BILL

An Act to amend The Rural Municipality Act.

Received and read the

First time

Second time

Third time

HON. MR. GARIEPY.

EDMONTON:
J. W. JEFFERY, Government Printer
A. D. 1915.