

# BILL

No. 43 of 1916.

An Act to amend The Rural Municipality Act.

(Assented to \_\_\_\_\_, 1916.)

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

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

1. Section 2, subsection 6, subclause (b): By inserting the word "city" after the word "town" wherever it occurs in the said subclause.

2. Section 47: By adding thereto the following:  
"Provided that the Minister may by order vary the number of councillors making up the council of any municipality."

3. Section 95, subclause (b): By adding thereto the words, "but a secretary-treasurer of any rural municipality shall be ineligible to act as returning officer."

4. Section 125: By inserting the word "city" after the word "town" wherever the same appears in said section.

5. Section 128, subsection 2: By inserting after the word "last" in the tenth line of said subsection the words "but one".

6. Section 182: By inserting after the word "expenditures" in the third line thereof the word "assets".

7. Section 191: By adding thereto the following:  
"31. Subject to the approval of the Minister compromising upon such terms as may be agreed upon for payment of arrears of taxes on lands which have been subdivided under a plan registered at the land titles office."

8. Section 196, clause 10: By inserting after the word "cemetery" in the third line thereof the words "nuisance ground", and by striking out the word "in" where it occurs in the third line of said clause and substituting therefor the words "within or without".

9. Section 223: By repealing the same and substituting therefor the following:

"223. Any sum thus paid by the municipality to the hospital and any expenses incurred for medical care and treatment under the provisions of this Act may be recovered from the patient by action or by distraint by the treasurer of the municipality and in the event of the death of the patient the council may recover from his administrators and executors the said sum.

“(2) The municipality shall have a charge upon the lands of the patient for the expenses incurred under this section and may lodge a caveat for the protection of such charge in the proper land titles office.”

**10.** Section 225, subsection 2: By adding after the word “district” wherever the same appears in the said subsection the words “or districts”.

**11.** Section 228: By adding thereto the following:

“Debentures shall not be issued by a municipality within three years after the organization thereof where the assessment is made upon an acreage basis under the provisions of section 252, subsection 2; nor where the Minister has ordered that the financing of any school district shall be provided for under the provisions of section 295, subsection 6, of this Act.”

**12.** Section 252: By adding thereto the following subsections:

“(2) Notwithstanding anything hereinbefore contained, land may be assessed during the first three years after the organization of the rural municipality on an acreage basis instead of on the value; provided, however, that no such assessment shall be made unless at a meeting of the council four members shall vote in favour of such assessment.

“(3) Where the assessment is made on an acreage basis the rate of taxation shall be fixed by resolution of the council at a certain rate per acre, and it shall not be necessary for an assessment to be made or assessment notice issued as provided for by sections 251, 253, 254, 255, 256 and 257 hereof, but all provisions in regard to an appeal shall *mutatis mutandis* apply in connection with tax notice issued by the secretary-treasurer of the municipality.

“(4) If taxes are levied on an acreage basis as provided for herein, the tax roll shall be completed not later than the first day of June in each year and tax notices issued forthwith.”

**13.** Section 253: By repealing subclauses (1) and (2) and substituting therefor the following:

“1. The name of the owner of every lot or parcel of land in the hamlet which is liable to assessment and the name of the occupant of any lot or parcel of land within the hamlet whose interest is liable to assessment, and the post office address, if known, of every such owner or occupant.

“2. A brief description of each such lot or parcel of land, the number of acres which it contains and the assessed value thereof.”

**14.** Section 295: By striking out the words “and other property” wherever the same appear in subsection (1) of the said section, and by striking out subsection (2) thereof and substituting therefor the following:

“(2) If any rural school district is situated partly within two or more rural municipalities the board of trustees of such school district shall prepare a detailed estimate of the probable amount of the expenditure for the year and shall allocate the amount of such estimated expenditure in proportion to the area of the district lying within the respective municipalities and shall, before the first day of

March in each year, forward a requisition to the secretary-treasurer of each municipality for the amount so allocated to such municipality."

By striking out subsection 3 thereof and substituting therefor the following:

"(3) If any rural school district is situated partly within the boundaries of one or more municipalities and partly outside the boundaries of any rural municipality the board of trustees of such district shall prepare a detailed estimate of the probable expenditure for the year and shall allocate the amount of such estimated expenditure in proportion to the assessable area of the portions of the district lying within the municipality or respective municipalities and that portion lying outside the boundaries of any municipality and shall, before the first day of March in each year, forward to the secretary-treasurer of such municipality or municipalities a requisition for the amount so allocated to such municipality or municipalities respectively."

By striking out subsection 4 thereof and substituting therefor the following:

"(4) If any rural school district is situated partly within the boundaries of one or more rural municipalities and partly outside the boundaries of any rural municipality the board of trustees shall levy and collect upon that portion of the school district situated outside the boundaries of any rural municipality the amount of money allocated thereto as provided in the previous subsection in the same manner as is provided for assessment in rural districts in *The School Assessment Ordinance*."

By adding thereto the following subsection:

"(6) The Minister may by order withdraw all rural school districts situated wholly or partly within a rural municipality from the jurisdiction of the said municipality for a period not exceeding three years, and where such order is made the school taxes in such school districts will be levied and collected by such school districts under the provisions of *The School Assessment Ordinance*.

"(a) In case such order is made where there are school taxes outstanding from assessments levied by the municipality, such taxes will become due and payable to the said school districts in the same way as if they had been levied by such districts under the provisions of *The School Assessment Ordinance*, and the said order shall make provision for the necessary returns showing all such taxes, and for an adjustment of all liabilities of such school districts."

**15.** Section 301: By striking out the words "first day of January and July" where the same appear in the eleventh line of the said section and by substituting therefor the words "the first day of July and the sixteenth day of December."

**16.** Section 313, subsection 1: By repealing the same and substituting therefor the following:

"Such return shall be brought up for confirmation before the District Court of the district in which the municipality is wholly or partly situated, or a judge thereof at a sittings of the said court, and a notice of the time and place of such sittings shall be published in every issue of *The Alberta Gazette* for two months and once each week for at least eight weeks in a newspaper published in the municipality, or if there be no newspaper published in the municipality in a newspaper circulating therein."

17. Section 314: By striking out the form of notice set forth therein and substituting therefor the following:

“Such notice shall be in the following form:

“In the matter of the court of confirmation of the tax enforcement return of the Rural Municipality of..... No.....

“Take notice that His Honour Judge..... Judge of the District Court of the District of..... will at the sittings of the court on..... the..... day of.....19..., confirm the tax enforcement return of the Rural Municipality of.....

“And further take notice that you appear to be interested in (*here insert full description of the land mentioned in the said tax enforcement return and give particulars as to taxes outstanding*).

“Dated the.....day of.....19.....

.....  
“Secretary-Treasurer of the Rural  
Municipality of.....”

18. Section 318: By striking out the word “village” where it occurs in said section and substituting therefor the words “rural municipality”.

19. Section 320: By adding thereto the following sub-section:

“(3) Where any land is sold under the provisions of this section the rural municipality shall pay out of the proceeds of such sale any amount that may be due a town municipality, village school district or a consolidated school district, for school taxes and if the amount received for the land is not sufficient to pay in full all taxes, costs and penalties, the municipality shall, after deducting all expenses incurred in connection with the tax enforcement proceedings, apply the balance of the payment on the different taxes outstanding, rateably, to the amount of the taxes due each municipality, town or school district.”

No. 43.

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FOURTH SESSION  
THIRD LEGISLATURE  
6 GEORGE V  
1916

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BILL

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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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HON. MR. GARIEPY.

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EDMONTON:  
J. W. JEFFERY, GOVERNMENT PRINTER,  
A.D. 1916