

# BILL

No. 43 of 1918.

An Act to amend The Rural Municipality Act.

(Assented to , 1918.)

**H**IS 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. By repealing section 1 thereof and substituting therefor the following:

“1. This Act may be cited as ‘*The Municipal District Act*’.”

2. By substituting for the expressions “rural municipality” and “rural municipalities” wherever the same appear in the said Act, the expressions “municipal district” or “municipal districts” as the case may be.

(2) The provisions of this clause shall be deemed to have come into effect on the first day of March, A.D. 1918, but notwithstanding such provisions, any reference in any Act or regulation to a rural municipality or rural municipalities or to *The Rural Municipality Act* shall be deemed to refer to a municipal district or municipal districts or to *The Municipal District Act* as the case may be, and shall for all purposes be read and interpreted as if the provisions of this clause had not been enacted.

3. By repealing clause 6 of section 2 thereof and substituting therefor the following:

“6. ‘Elector’ means—

“(a) For the purpose of any municipal or other election provided by this Act held prior to the completion of the first municipal voters’ list or the organization of a municipal district, any person, male or female, of the full age of twenty-one years who has owned or been the occupant of assessable land in the district or proposed district as provided by this Act for a period of at least two months immediately prior to the date of such election;

“(b) After the completion of the first municipal voters’ list, any person, male or female, of the full age of twenty-one years whose name appears on the municipal voters’ list otherwise than under the provisions of clause 8 of section 86 and who has paid all taxes due by him to the district up to the 31st day of December last but one preceding;

“(c) For the purposes of the election of any councillor or councillors, but not otherwise unless qualified apart from the provisions of this paragraph, the wife, husband, son and daughter of every elector as hereinbefore defined shall be deemed to be an

elector, provided such wife, husband, son or daughter, as the case may be, is a resident of the municipal district, and of the full age of twenty-one years, and provided in the case of an election held subsequently to the completion of the first municipal voters' list, that his or her name has been entered on such list in accordance with the provisions of clause 8 of section 86 of this Act."

(2) "Resident elector" means an elector as defined in paragraphs (a) or (b) of this clause, who is actually residing in the municipal district or proposed municipal district, as the case may be, or (where the context so requires) actually residing in the division or part of a district to which the context refers.

4. By striking out clause 7 of said section 2 and substituting therefor the following:

"7. 'Proprietary elector' means an elector whose name appears on the voters' list as the owner of assessable land in the municipal district."

5. By adding to section 7 thereof the following subsection:

"(3) Where in this Act a certain date is fixed on which or by which certain things are to be done or proceedings had or taken and the date so fixed is a Sunday or other holiday, such things or proceedings shall be so done, had or taken on or by the next day following the date so fixed and not being a holiday."

6. By repealing section 20 thereof and substituting therefor the following:

"20. Every small local improvement district existing on the first day of March, A.D. 1918, is hereby declared to have on that date become a municipal district.

"(2) In the case of all municipal districts coming into existence under the provisions of this section, the council of the small local improvement district shall until the election of a council for the municipal district under the provisions of *The Municipal District Act* be deemed to be the council of the municipal district, and shall have all the powers and be charged with all the duties of a municipal district council, and all officers of the small local improvement district shall be and become the officers of the municipal district and shall hold office until their successors are appointed, and the chairman of the small local improvement district shall become the reeve of the municipal district.

"(3) The first election for councillors in all municipal districts coming into existence under the provisions of this section shall be on the date fixed by section 98 of this Act."

7. By adding to section 21 thereof the following subsection:

"(2) Such order shall state whether the taxes to be first levied in such district after the date from which such order comes into force shall be levied equally upon all rateable land in the district according to the assessed value thereof, or according to the acreage of all taxable lands situate therein, and the taxes so first levied shall be levied in accordance with the provisions of such order and the provisions of sections 249 and 293 shall apply to all taxes subsequently levied."

8. By adding to section 48 thereof the following subsection:

“(3) Where a small local improvement district becomes a municipal district under the provisions of section 20 of this Act, the divisions existing in the small local improvement district shall continue until changed by by-law passed under this section.”

9. By striking out the words “first Monday in January” in the fourth line of section 55 thereof and substituting therefor the words “sixth day of March”.

10. By adding to section 58 thereof the following subsection:

“(2) No meeting of the council, regular or special, shall be held, in any year, after the fourth Monday of December in that year.”

11. By repealing section 73 thereof and substituting therefor the following:

“73. If so requested at any time by the written petition of twenty electors the reeve shall, by public notice conspicuously posted in at least ten widely separated places in the municipal district, call a public meeting of the electors of the district to be held on the date named in the notice thereof, for the discussion of municipal affairs or of any matter relating thereto.”

12. By inserting after section 78 thereof the following new section:

“78a. Where any elector has filed an affidavit showing that a member of the council has forfeited his seat at the council or his right thereto or has become disqualified to hold his seat or his seat has become vacant by disqualification or otherwise, and has paid into court the sum of \$25.00 as security for costs to abide the event of the application, it shall be lawful for the judge of the District Court of the judicial district within which the municipal district is wholly or partly situated to grant a summons calling upon such person to show cause why he should not be ousted from office, and where upon the return of the summons it shall appear to the judge upon affidavit or oral evidence that such member of the council has forfeited his seat at the council or his right thereto, or has become disqualified to hold his seat, or his seat has become vacant by disqualification or otherwise, the judge may adjudge such person to be ousted of the same and such person shall be ousted of the same accordingly, or the judge may discharge the summons and in either case with or without costs.”

13. By repealing clause 8 of section 86 and substituting therefor the following:

“8. As an addition to, and a separate part of such list, the treasurer shall enter, in alphabetical order, the name of the wife, husband, son and daughter of each person assessed, provided such wife, husband, son or daughter is a resident of the municipal district and of the full age of twenty-one years, and provided his or her name does not appear on the list as a person assessed.”

**14.** By striking out the first three lines of section 95 thereof and substituting therefor the following:

“**95.** The council shall, by resolution passed not later than the fourth Monday of December in each year.”

**15.** By striking out section 98 and substituting therefor the following:

“**98.** Every meeting called for the nomination of members of the council shall be called for twelve o'clock noon on the twentieth day of February, and nominations shall be received at such meeting from the hour of two o'clock until the hour of three o'clock in the afternoon.

“(2) Such meeting shall be for the discussion of municipal affairs generally as well as for the nomination of councillors.”

**16.** By striking out all that part of the first subsection of section 100 after the word “effect” in the fourth line thereof and substituting therefor the following:

“NOTICE FOR NOMINATION FOR ELECTIONS.

“Municipal District of.....No.....,  
Municipal Elections, 19.....

“Public notice is hereby given that a meeting of the electors of the Municipal District of.....  
No.....will be held at (*description of place*), at twelve o'clock noon, on....., the twentieth day of February, 19...., for the discussion of the affairs of the district, and the nomination of candidates for the office of councillors, and that such nominations will be there and then received from the hour of two o'clock until the hour of three o'clock in the afternoon.

“Given under my hand this... ..day of.... .., A.D. 19... ..

“.....  
*Returning Officer.*”

**17.** By repealing section 101 and substituting therefor the following:

“**101.** At the time and place named in the notice the returning officer shall declare the meeting open and at two o'clock in the afternoon and at any time thereafter until three o'clock in the afternoon he shall receive the nominations of persons to serve as councillors for the municipal district, and at three o'clock aforesaid, if no more than the required number of persons are nominated, the returning officer shall declare the persons so nominated duly elected as councillors.”

**18.** By striking out the words “the nomination meeting” where they appear in section 105 thereof and substituting therefor the word “nominations”.

**19.** By repealing section 125 thereof and substituting therefor the following:

“**125.** The persons entitled to vote for councillors shall be the electors of the municipal district, subject to the provisions of section 339.”

**20.** By striking out the paragraphs numbered “2” and “3” in the form of declaration set out in section 127 and by substituting therefor the following:

"2. That during the whole of the two months immediately prior to this election he has been the owner or occupant of assessable land in this polling division, being Division No. . . . of the said municipal district, a description of which land is set opposite his name."

**21.** By adding to the first paragraph of section 128 thereof the following:

"In the case of a person whose name appears on such list by reason only of the provisions of clause 8 of section 86, the deputy returning officer shall satisfy himself that all taxes due to the district up to the thirty-first day of December last but one preceding by the person as whose wife, husband, son or daughter the applicant claims the right to vote have been paid."

**22.** By repealing subsection 2 of the said section 128 and substituting therefor the following:

"(2) The deputy returning officer shall not permit any person to vote whose name does not appear on the said list, nor shall he permit any person whose name does appear thereon to vote unless all taxes due to the district up to the thirty-first day of December last but one preceding, by such person or by the person as whose wife, husband, son or daughter, and not otherwise, such person is entitled to vote, are shown by the said list or by a receipt from the treasurer, produced by such or any other person tendering a vote, to have been paid."

**23.** By striking out of the form of oath set out in section 129 the following words where they appear consecutively in and after the fifth line thereof: "that you are actually residing within the municipality, or if not actually residing therein or residing in a village, town or municipality adjoining this municipality at some point, or in a village or town within this municipality, and have during the current year actually cultivated eighty acres of the land owned by you in the municipality", and by substituting therefor the following: "*(if the applicant is a person claiming the right to vote by virtue of paragraph (c) of clause 6 of section 2 of this Act, then the returning officer shall here add: 'that you are actually residing within this municipal district')*".

**24.** By adding to section 136 thereof the following: "or if he does not reside in the municipal district, then in any one polling division in which any land in respect of which he is assessed is situate."

**25.** By inserting after the word "To" in clause 1 of section 179 thereof the word "collect".

**26.** By renumbering clauses 10, 11 and 12 of section 179 thereof as clauses 11, 12 and 13 respectively of the said section, and inserting immediately after clause 9 of the said section the following as clause 10 thereof:

"10. To complete and make ready for the auditor not later than the tenth day of January in each and every year, all books and accounts for the last preceding year."

**27.** By adding to section 181 thereof the following subsections:

"(2) The auditor so appointed shall audit and report upon all books and accounts affecting the municipal district or relating to any matter under its control or within its

jurisdiction, and after the examination of every account, voucher, receipt and paid debenture, shall stamp or write thereon in indelible letters the word 'audited' and initial the same.

"(3) The auditor shall in every case write a special report respecting all expenditure made contrary to law, by-law or resolution and shall deliver the said report to the reeve who shall lay the same before the council at its next regular meeting.

"(4) Such appointment shall be subject to the approval of the Minister, who shall forthwith be advised by letter, and the said Minister may confirm the appointment or disallow the same, in which case the council shall at its regular meeting, or if there be no regular meeting within one month after receipt by the secretary of notice of such disallowance then at a special meeting called for that purpose and held within the said period of one month, appoint another person, company or firm as auditor, subject to the Minister's approval as aforesaid."

28. By repealing sections 182 and 183 and substituting therefor the following:

"182. Not later than the 30th day of January in each year the auditor shall prepare in such form as the Minister may direct, an abstract of all receipts, expenditures, assets, and liabilities of the municipal district, for the financial year ending the 31st day of December of the preceding year, showing the amounts collected and expended in each hamlet and including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold, or otherwise, and how disposed of, and those remaining on hand; he shall make a special report of receipts and expenditures made contrary to law; he shall make the said abstract and report in duplicate, and shall forward one copy thereof to the Minister and deliver the other to the secretary of the municipal district, who on or before the 10th day of February following shall cause a printed copy of the said abstract and report to be mailed to every elector in the municipal district.

"(2) Each copy of the said abstract and report mailed to the electors under this section shall have printed thereon or attached thereto a notice in the following form:

"Take notice that a meeting of the electors of the Municipal District of . . . . . No. . . . . will be held at . . . . ., at twelve o'clock noon on . . . . ., the twentieth day of February, 19. . ., for the discussion of the affairs of the district and the nomination of candidates for the office of councillors, and that such nominations will be there and then received between the hours of two o'clock and three o'clock in the afternoon.

" . . . . .  
Secretary-Treasurer."

"183. Any elector may inspect the said abstracts and reports, or any of them, and may by himself or his agent, but at his own expense, take a copy thereof or abstract therefrom."

29. By substituting for the figures "(31)" at the beginning of the last clause of section 191 (as enacted by clause 13 of section 1 of chapter 26 of the Statutes of Alberta, 1917), the figures "32" and by adding to the said section 191 the following new clause:

"33. The granting of any sum or sums to the Red Cross Fund or to any association established under chapter 18 of the Statutes of 1917, being *An Act to incorporate War Veterans' Association.*"

30. By striking out the word "the" where it appears after the words "assent of" in the fifth line of subsection 9 of section 194, and by inserting after the word "electors" in the sixth line of the said subsection the words "entitled to vote thereon".

31. By inserting in clause 1 of section 196 thereof, immediately before the word "exhibition" the words "a gravel pit to be worked by and for the purposes of the municipal district or for".

32. By inserting immediately before section 197 thereof the following new section:

"196a. In case proper steps have not been taken by the owner or occupant of land to exterminate gophers on such land pursuant to any by-law passed in that behalf on or before a day to be fixed in the by-law, any person or persons duly authorized thereunto by the council may enter upon the said land and take such steps as may be necessary to exterminate the gophers thereon.

"(2) The amount expended in the work performed under this section may be recovered from the owner or occupant of the land in the same manner as municipal taxes and rates may be recovered under this Act:

"Provided that the amount so expended annually shall not exceed two and one-half cents per acre.

"(3) Any such amount which has not been satisfied on or before the thirty-first day of December next following its expenditure shall be added to and form part of the assessment for municipal purposes of such lands in all respects as if it were an original tax; and it shall have the same effect on the land and may be recovered in any of the modes available for the recovery of such taxes, and the amount so recovered shall form part of the general revenue of the municipality.

"(4) The secretary-treasurer of every municipal district in which any expenditure has been made for the extermination of gophers shall, at least one month before the thirty-first day of December in the year in which the expenditure is made, notify every owner or occupant of land in respect of which such expenditure has been made of the amount chargeable against such land on account of the said expenditure.

"(5) Not later than the tenth day of January of each year a special report shall be made to the Minister, setting forth the amount spent by the municipal district during the previous year for the destruction of gophers, under the provisions of this section and also under the provisions of clause 20 of section 191 hereof. Such report shall be in the form prescribed by the Minister."

33. By adding to section 214 thereof the following subsection:

"(3) Where such by-law is made applicable to a portion or portions only of the municipal district, the resident electors of that portion or portions shall alone be entitled to petition the council under this section and to vote on such by-law, and copies of such by-law shall, in the manner set out in this section, be posted in such portion or portions

only (except that the copy required to be posted in the office of the secretary-treasurer shall be posted therein wherever the same is situated) and inserted in a newspaper published in such portion or in one of such portions, or having a circulation therein as the case may be, and all the provisions of this Act respecting such vote and all matters connected therewith shall in such case apply *mutatis mutandis* to such portion or portions."

**34.** By striking out the first two lines of clause (b) of section 215 thereof and substituting therefor the following:

"(b) To the poundkeeper for the care and sustenance of each animal for each period of twenty-four hours after the impounding thereof (any lesser period last before such animal's removal from the pound being deemed a full period of twenty-four hours)."

**35.** By striking out section 236 thereof and substituting therefor the following:

"**236.** Every proprietary elector of the municipal district shall be entitled to vote once only on the by-law and such vote shall be recorded at the polling booth in the polling division in which he resides, or in case he is not a resident of the district then in the polling division or one of the polling divisions of the district in which his name appears on the municipal voters' list."

**36.** By repealing section 249 thereof and substituting therefor the following:

"**249.** All municipal taxes shall be levied equally upon all rateable land in the district, according to the assessed value of such land (unless the council by by-law as hereinafter provided shall require such assessment to be made according to acreage), and it shall be the duty of the assessor to make the assessment of such land in the district in the manner hereinafter provided."

**37.** By striking out subsection 2 of section 252 thereof and substituting therefor the following:

"(2) Notwithstanding anything hereinbefore contained, the Minister may by order require that land shall be assessed on an acreage basis instead of according to value."

**38.** By adding to section 293 thereof the following:

"(2) The council of any municipal district may by by-law require the assessment to be made according to acreage, in which case all the foregoing provisions regarding assessment, notice of assessment, appeals, and all other matters incidental thereto, shall be deemed to be varied accordingly. Such by-law before coming into force shall at the next regular election for municipal councillors held after the date of the passing thereof be submitted to a vote of the electors of the municipal district qualified to vote thereon and shall receive the approval of two-thirds of the electors so voting thereon according to the procedure herein prescribed for voting on money by-laws:

"Provided that the council of any municipal district may at any time after the expiration of three years from the date of a change in the method of levying taxes revert to the former method of levying taxes by a by-law passed in the same manner and approved by the same majority as provided for in this subsection.

"(3) The assessment in municipal districts established under the provisions of section 20 of this Act shall be made according to acreage until changed by by-law under this section."



**39.** By repealing the first four lines of section 294 thereof and substituting therefor the following:

“**294.** The uniform rate of taxation to be authorized by the council as provided in the last preceding section shall not, in the case of a rate levied according to value, exceed in any one year one per cent. of the assessed value, and in the case of a rate levied according to acreage such rate shall not in any one year exceed ten cents per acre according to the assessment roll.”

**40.** By striking out the words “for a period not exceeding three years” where they occur in the fourth line of subsection 6 of section 295 thereof.

(2) By adding to section 295 thereof the following:

“(7) The provisions of this section and any other provisions relating to the imposition or collection of school taxes by a municipal district (in this Act or in *The School Assessment Ordinance* contained), shall not, except in municipal districts in which the said provisions are in force on the fifteenth day of March, 1918, apply unless the council by by-law declares in favour of the said provisions so applying. Such by-law before coming into force shall at the next regular election for municipal councillors after the date of the passing thereof be submitted to a vote of the electors of the municipal district qualified to vote thereon, and shall receive the approval of two-thirds of the electors voting thereon, according to the procedure herein prescribed for voting on money by-laws:

“Provided that the council of any municipal district may at any time after the expiration of three years from the date of a change in the method of levying and collecting school taxes revert to the former method of levying and collecting such taxes by a by-law passed in the same manner and approved by the same majority as provided for in this subsection.

“(a) Where by reason of a by-law passed under this subsection taxes have been imposed by a municipal district for school purposes, the taxes so imposed shall, in the event of a subsequent contrary by-law being passed as aforesaid, become and be payable to and collectable by the school district; and all taxes imposed by the school directly, whether before or after the establishment of the municipal district, shall during the time for which the municipal district shall have undertaken by resolution as aforesaid the imposition or collection of the school taxes of such school district, be payable to and collectable by the municipal district.”

**41.** By inserting the word “assessable” immediately before the word “area” in the sixth line of subsection 2 of section 295 thereof.

**42.** By inserting after the word “particular” where it appears in section 310 thereof the following: “and sets forth all of the taxes due as provided for in the last preceding section.”

**43.** By inserting after the word “Minister” in the third line of section 320 thereof the words “and shall on his so directing”, and by striking out the words “it may fix” in the fifth line of the said section and substituting therefor the words “the Minister may direct or approve”.

44. By striking out subsection 2 of section 320 and by substituting therefor the following:

"(2) Where any land has been sold under the provisions of this section and there is a balance remaining after payment of all taxes, costs, charges and expenses up to and including the date of such sale, the municipal district shall pay over such balance to the person or persons declared to be entitled thereto by an order of the Minister or of a judge of a District Court."

45. By adding immediately after section 320 thereof the following section:

"320a. For the purpose of the twelve last preceding sections all arrears shown on any of the statements forwarded to the treasurer under the second subsection of this section shall be treated in like manner as arrears of taxes owing to the municipal district, and the lands in respect of which such arrears are shown as aforesaid to be due shall be included by the treasurer in the tax enforcement return to be prepared by him under the provisions of section 309, whether or not there be any arrears payable to the municipal district in respect of such lands.

"(2) Not later than the first day of March in each year the Minister of Municipal Affairs shall forward or cause to be forwarded to the treasurer a statement showing all arrears of taxes assessed in any previous year in respect of lands situated in such municipal district, under *The Educational Tax Act*, *The Municipal Hospitals Act*, *The Wild Lands Tax Act*, or *The Supplementary Revenue Tax Act*, or any Act whereby a tax is or may hereafter be imposed for the purposes of the province at large; and likewise, within the said period, the secretary of every school district or hospital district and of every city and town shall, if there be any arrears of taxes assessed in any previous year and payable to such school district or hospital district, or to such city or town for the purposes of any school district in respect of land situate in such municipal district, forward a statement with full particulars thereof to the said treasurer.

"(3) The treasurer shall be forthwith advised by the Minister, or by the secretary of such school district, hospital district, city or town of any payments made in respect of such arrears after the forwarding of such statement.

"(4) The amount of all such arrears shall, when realized or collected by the municipal district, be forwarded forthwith by the treasurer to the Minister or to the secretary of the school district, hospital district, city or town entitled thereto, less an amount equal to five per cent. of the arrears so realized or collected, which amount shall be retained by and belong to the municipal district:

"Provided that all sums paid in respect of such arrears on any such land after the date of the first publication in *The Alberta Gazette* of the notice of the sitting of the court of confirmation as required by section 313, and all sums paid for the redemption of such land, shall be deemed to have been collected by the municipal district, and out of any such sums so paid directly to the Minister or to such school district, hospital district, city or town an amount equal to five per cent. thereof shall be forthwith remitted to the treasurer for the municipal district.

"(5) When any such land is sold under the provisions of section 320, all taxes owing under any of the Acts mentioned in the second subsection of this section, under *The School Assessment Ordinance*, or any other Act or Ordinance

under which taxes are imposed for school purposes, shall with all costs, charges and expenses, be deducted in the same manner as taxes owing to the municipal district, from the amount to be paid to the person as against whom such land was forfeited, and the moneys received on such sale shall, if not sufficient to pay all taxes required by this subsection, or by the third subsection of section 320, to be paid, be applied first in payment of all expenses incurred in connection with the tax enforcement proceedings, and then in payment *pro rata* of all taxes outstanding, according to the amount of each of such taxes so outstanding. From the amount so payable to the Minister or to such school district, hospital district, city or town as aforesaid, the treasurer shall retain and pay to the municipal district an amount equal to five per cent. thereof.

“(6) The provisions of this section shall supersede all provisions inconsistent therewith in any Act or Ordinance contained.”

46. By striking out the word “resident” wherever it appears in sections 47, 48, 102, 126 and 134, and in clause 8 of section 196.

47. By inserting the word “proprietary” before the word “elector” or “electors” wherever it appears in sections 188, 231 and 237, and clause 2 of section 196.

48. The amendments passed to *The Rural Municipality Act* by chapter 16 of the Statutes of Alberta, 1915, are hereby declared to be and to have been and remained of the same force and effect as if clause 15 of section 1 of chapter 24 of the Statutes of Alberta, 1917, had not been enacted.

No. 43.

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FIRST SESSION  
FOURTH LEGISLATURE  
8 GEORGE V  
1918

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BILL  
An Act to amend The Rural  
Municipality Act.

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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, KING'S PRINTER  
A.D. 1918