

# BILL

No. 57 of 1919.

An Act to amend The Municipal District Act.

(Assented to , 1919.)

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

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

1. Section 2: By repealing clause 9 thereof, and substituting therefor the following:

"9. 'Occupant' includes the inhabitant occupier of any land exempt from taxation in a municipal district, or if there be no inhabitant occupier of such land the person entitled to the possession thereof."

Section 2, clause 15: By inserting after the word "lands" where it occurs in the first line thereof the words "gas, minerals".

Section 2: By repealing clause 20 thereof, and substituting therefor the following:

"20. 'Official administrator' means a person placed in charge of a municipal district under the provisions of section 80 hereof."

2. Section 12: By repealing same and substituting therefor the following:

"12. If the residents of any portion of the province deem it advisable to organize a municipal district in their neighbourhood, they shall make application to the Minister of Municipal Affairs and forward a plan showing the boundaries of the proposed municipal district as indicated on the map referred to in section 9 hereof."

3. Section 16: By repealing same.

4. Section 17: By adding thereto the following: "and appoint the twentieth day of February next following date of such order as the day of nomination."

5. Section 18: By repealing same and substituting therefor the following:

"18. Such order shall take effect on, from and after the twenty-seventh day of February next following the date of such order."

**6.** Section 19: By striking out the word "immediately" where it occurs in the first line thereof.

**7.** Section 40: By striking out the figures "34" where they occur in said section.

**8.** Section 55: By striking out the word "eight" where it occurs in the ninth line thereof, and substituting therefor the word "six"; and by striking out all the words in said section after the word "election".

**9.** Section 58: By repealing subsection 2 thereof.

**10.** Section 62, subsection 1: By repealing same and substituting therefor the following:

"(1) The council shall at the first meeting in each year as provided for in section 55 hereof elect from among its number a chairman, who shall be known as the reeve."

**11.** Section 63: By striking out the word "its" where it occurs in the first line thereof and substituting therefor the word "the".

**12.** Section 74: By striking out the figure "4" where it occurs in the second line thereof and substituting therefor the figure "5"; and by striking out the figure "3" where it occurs in the third line thereof and substituting therefor the figure "4".

Section 74, subsection 1: By striking out the word "ten" where it occurs in the eighth line thereof and substituting therefor the word "twelve".

Section 74, subsection 2: By striking out the figure "3" where it occurs in the fourth line thereof and substituting therefor the figure "4".

**13.** Section 77: By inserting after the word "months" in the eighth line thereof the words "or ceases to be a resident of the municipal district".

**14.** Section 78, subsection 2: By striking out the word "November" where it occurs in the sixth line thereof and substituting therefor the word "January".

**15.** Section 79: By inserting after the word "elected" where it occurs in the second line thereof the following words: "or if by resignation or otherwise has been reduced to a number less than a quorum."

**16.** Section 80: By repealing same and substituting therefor the following:

"80. The Minister may at any time dismiss any member or members of the council, and may appoint another person or persons in the place and stead of the person or persons dismissed, and every such person so appointed shall have all the powers and authorities conferred by this Act on elected members of the council. The Minister may dismiss the whole council and may appoint an official administrator who shall have and exercise all the rights and powers conferred upon an official administrator by this Act.

"(2) The official administrator appointed under the provisions of subsection 1 hereof shall hold office during the pleasure of the Minister, and may be removed at any time, and where the official administrator appointed under the provisions of the said paragraph dies after assuming office or is unable through sickness or any other cause to discharge the duties of the office, or does not discharge such duties, the Minister may appoint some other person as official administrator who shall have the like powers and authorities and be charged with the like duties and responsibilities as his predecessor in office.

"(3) The official administrator is hereby clothed with full power and authority to perform the duties of secretary-treasurer, assessor and collector of taxes, and it shall be his duty to perform the duties of each and every of said officials or to appoint one or more persons as secretary-treasurer, assessor and collector, and he shall have the right and authority to employ such assistants as he may deem advisable to assist him in the discharge of any such duties, and their salaries shall be paid out of the funds of the district.

"(4) Where an official administrator has been appointed the Minister may at any time appoint a returning officer to hold an election to elect a new council and give any necessary or proper directions as to such election or the consequences thereof, that may be rendered necessary by the circumstances of the case, including directions as to the periods of office of the elected persons and all matters of an analogous nature or otherwise ancillary to such elections and its consequences notwithstanding that any such direction may appear to be in conflict with the said Act; otherwise such election shall be held in the manner as nearly as may be as other elections under this Act, and the election of a new council shall *ipso facto* act as a dismissal of the official administrator."

17. Section 81: By striking out the words "second Monday of December, 1912" where they occur in the second line thereof and substituting therefor the words "twenty-seventh day of February"; and by striking out the words "at least two weeks prior to the last Monday of November" where they occur in the third and fourth lines thereof and

substituting therefor the words "not later than the first day of February"; and by striking out the words "which shall not be a licensed hotel" where they occur in clause (c).

**18.** Section 85: By repealing same and substituting therefor the following:

"**85.** The treasurer of every municipality shall on or before the tenth day of January in each year prepare a list of all persons whose names appear on the last revised assessment roll of the municipal district, and such list shall be in the form following and shall be arranged according to the polling divisions provided for in section 95 hereof, and shall be known as the Municipal Voters' List:

"Voters' List of the Municipal District of . . . . .  
No. . . . ., for the year 19.

No. on List	Name of Voter	Description of Property					Owner or Occupant	Resident or non- Resident	Taxes un- paid to Dec. 31 last preceding.
		Lot	Blk	Pt. Sec.	Sec.	Tp. Rgc. Mer.			

**19.** Section 86: By striking out the clauses 5 and 6 thereof and by adding to clause 8 thereof the following:

"Provided, however, that no name shall be entered on such addition to voters' list except on application of the person who claims to be entitled to have his or her name placed on the voters' list under the provisions of this clause, and the secretary-treasurer shall during the usual office hours from the first day of November to the thirty-first day of December, both inclusive, in each year, receive or cause to be received, the application of every such person, and on being satisfied that the applicant is duly qualified the secretary-treasurer shall place the name of such applicant with his or her place of residence on the part of the voters' list referred to therein; such application may be made either by the said person or by the person on account of whose assessment the applicant claims to be entitled to have his or her name placed on the voters' list."

**20.** Section 87: By striking out the words "first day of November" where they occur in the last line of said section and substituting therefor the words "tenth day of January".

**21.** Section 88: By inserting after the word "office" where it occurs in the second line thereof the following words: "in some central and convenient place in each polling division."

**22.** Section 92: By striking out all the words in the said section after the word "subjects" in the fourth line thereof.

**23.** Section 95, clause (c): By repealing same, and substituting therefor the following:

“(c) Divide the municipal district into polling divisions and name a polling place in each such division.”

**24.** Section 97: By repealing same, and substituting therefor the following:

“**97.** The place named as a polling place for any polling division shall be within such polling division or within the city, town or village, the area of which is within or touches at some point the limits of such polling division.”

**25.** Section 98: By striking out the words “every meeting called” where they occur in the first line thereof, and substituting therefor the words “a meeting of the electors of the entire municipal district”.

**26.** Section 101: By adding thereto the following words:

“And shall send to the secretary-treasurer of the municipal district a statement signed by him as returning officer giving the full names of the councillors elected, and indicating the terms for which they are elected.”

**27.** Section 146, subsection 3: By adding thereto the following words: “and shall send to the secretary-treasurer of the municipal district a statement signed by him as returning officer, giving the full names of the councillors elected, and indicating the terms for which they are elected.”

**28.** Section 170: By repealing subsection 2 thereof and substituting therefor the following:

“(2). Every municipal district shall have an office at a place named by the council of the district.”

**29.** Section 174: By adding after the words “by this Act” where they occur in the fourth line thereof the words “or by any other Act in force in the Province of Alberta.”

**30.** Section 175: By striking out the words “during the month of January” where they occur in the third and fourth lines thereof and substituting therefor, the words “prior to the first day of May”.

**31.** Section 176: By adding thereto the following subsection:

“(4) In lieu of the provisions of subsections 1 and 2 hereof, the Minister of Municipal Affairs may obtain such bond or policy covering any number of municipal treasurers, and in such case each municipal district shall immediately forward to the municipal district its proper proportion of the fee paid by the said minister for such bond or policy.”

**32.** Section 178, clause 8: By adding thereto the words "of the Department of Municipal Affairs."

**33.** Section 179, clause 2: By inserting after the word "deposit" where it occurs in the first line thereof the following words: "to the credit of the proper fund as provided for herein."

**34.** Section 181: By adding to subsection 1 thereof the following words: "no secretary-treasurer of a municipal district shall be appointed auditor of any other municipal district."

**35.** Section 182: By striking out the word "abstract" where it occurs in this section, and substituting therefor the word "statement".

**36.** Section 183: By repealing same.

**37.** Section 191, subsection 1: By adding thereto the following words: "and engaging a public health nurse to attend residents of the municipal district who may require her services, whether indigent or not, and to give instructions and deliver lectures on questions of public health."

**38.** Section 196, subsection 11: By adding after the word "rebate" where it occurs in the first line thereof the words "on the taxes for municipal purposes" and by adding after the word "taxes" where it occurs in the third line thereof the words "for municipal purposes"; and by striking out all the words after the words "previous years" in lines eight and nine thereof and substituting therefor the following words: "Provided, however, that this rebate shall apply only to municipal taxes."

**39.** Section 207: By repealing same, and substituting therefor the following:

"**207.** Unless in such by-law the council substitutes provisions for those contained in sections 208 to 215 inclusive of this Act, the said sections shall be deemed to be incorporated and form part of such by-law."

**40.** Section 214, subsection 2: By striking out all the words after the word "if" in the eighth line thereof and substituting therefor the following: "it receives the approval of two-thirds of the resident electors voting thereon", and by adding thereto the following subsections:

"(4) Where such by-law provides for animals being restrained for only a portion of the year the council may, by by-law, shorten or lengthen the period of time during which animals are restrained, and it will not be necessary

for such by-law to be advertised or submitted to a vote of the resident electors: provided, however, that such amending by-law shall only apply to the year in which it is passed and shall not shorten or lengthen the period of time in question by more than one month.

“(5) Any by-law passed under the provisions of section 206 of this Act must be submitted to the Minister and his approval obtained before the by-law is advertised and voted on as provided for herein.”

**41.** Section 215, clause (b): By striking out the figures “50” and “25” where they occur therein, and substituting therefor the figures “75” and “50” respectively.

**42.** Section 216: By repealing same and substituting therefor the following:

“**216.** The provisions of *The Stray Animals Ordinance*, *The Entire Animals Ordinance*, *The Herd Ordinance*, and *The Pound District Ordinance*, or any one of them, may by any by-law passed under the provisions of section 206 hereof, be declared to have ceased to be operative within the municipal district on the coming into effect of such by-law; provided, however, that in case such by-law refers only to part of a municipal district, then the ordinances mentioned herein can only be declared to have ceased to be in operation within the part of such municipal district; provided, however, that where a municipal district repeals the by-law restraining animals at large, which may have been in force, and does not pass another by-law in regard to the same matter, the provisions of the Ordinance herein mentioned shall again become operative within the municipal district.”

**43.** Section 216: By adding immediately after this section the following section:

“**216a.** The council of any municipal district may include in any by-law passed by it restraining animals from running at large, a provision under which a resident of the municipal district may allow 100 head of stock to run at large for every 160 acres of land within such municipal district owned by him.”

**44.** Section 225: By adding after the word “municipality” where it occurs in the fifth line thereof the following words: “or for any other purpose authorized by this Act,” and by repealing subsection 2 thereof and substituting therefor the following:

“(2) The council of any municipal district shall have similar borrowing powers for the purpose of meeting the estimated expenditure of any school district transmitted to the treasurer of the municipal district under the provi-

sions of section 296 hereof or under the provisions of *The School Assessment Ordinance*; provided that the amount so borrowed for any such school district and outstanding under this subsection, with the amounts paid to such school district from taxes collected for the current year, shall not exceed the amount requisitioned for by such school district for the 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 school district for the year in which such amount is borrowed."

**45.** Section 225: By adding immediately after this section the following:

"**225a.** In every year all taxes collected by the municipal district under *The Educational Tax Act*, *The Supplementary Revenue Act*, *The Wild Lands Tax Act*, *The Municipal Hail Insurance Act*, and *The Municipal Hospitals Act*, shall be kept by the municipal district in separate accounts and deposited in a chartered bank to the credit of trust funds to be styled Educational Tax Trust Fund, Supplementary Revenue Tax Trust Fund, Wild Lands Tax Trust Fund, Municipal Hail Insurance Trust Fund, and the Municipal Hospitals Trust Fund, respectively, and shall be paid there-out according to the provisions of the respective Acts."

**46.** Section 249: By inserting immediately after this section the following:

"**249a.** All taxes imposed by the provisions of *The Supplementary Revenue Act*, *The Wild Lands Tax Act*, *The Educational Tax Act*, *The Municipal Hail Insurance Act*, and *The Municipal Hospitals Act*, shall be levied and collected by the municipal districts as in said Acts provided, and all such taxes shall be in addition to the tax levied for ordinary municipal purposes and shall not be computed in estimating the amount which the municipal district is authorized to levy to meet the current expenditure for the year.

"(2) Every municipal district shall be entitled to receive a commission of five per cent. of the amount of wild lands tax actually collected by it, and a commission of two and one-half per cent. of the amounts actually collected under *The Supplementary Revenue Act* and *The Educational Tax Act* by it.

"(3) On or before the tenth day of January in each and every year every municipal district shall forward to the Minister of Municipal Affairs a report respecting the taxes levied under the provisions of this section showing—

"(a) Arrears of taxes at the beginning of the preceding year;

"(b) The amount of the assessment for the preceding year;



- “(c) The amount collected and forwarded to the Minister of Municipal Affairs during the preceding year;
- “(d) The amount of arrears at the close of the preceding year.”

**47.** Section 251: By striking out the word “each” where it occurs in the first line thereof, and substituting therefor the words “every fifth”; and by adding thereto the following subsections:

“(3) In the case of a municipal district organized after the date of the passing of this Act, the Minister shall by order direct when the assessments in such municipal district shall be made.

“(4) If any of the land in a municipal district becomes liable to taxation prior to June first in any one of the years in which a general assessment is not being made such land shall be assessed for that year and assessment notice issued, and subject to the revision of such assessment as herein provided the assessable value so fixed shall be the assessable value until the next general assessment is made.”

**48.** Section 256: By adding immediately after this section the following sections:

“**256a.** For the purpose of equalization of any taxes that may be levied and collected by municipal districts for the province the assessor in every municipal district, upon completion of the assessment roll and before the mailing of the notices of assessment, shall notify the tax commissioner of the fact, and the tax commissioner may, upon such information and after such inquiries as he may deem suitable, direct the assessor to raise or lower in and for the purposes of the municipal assessment the general scale of assessment of all lands within the district as shown on the assessment roll, and the values so determined shall be the values for the purposes of the taxation of all lands subject to taxation by the municipal district for any purpose under any Act whatsoever requiring the taxation of land according to value.

“(2) The values as determined under the preceding subsection shall be the values until another equalization is made, and shall not be the subject of appeal save as provided for in sections 261 to 291 inclusive of this Act.

“**256b.** When as provided for in this Act a judge has fixed a date and place for hearing appeals from the decision of the council of the municipal district sitting as a court of revision, the secretary-treasurer of the municipal district shall immediately in addition to the notices required to be given under this Act forward a notice to the tax commissioner of such date and place, accompanying same with a list of all appeals.

**"256c.** The officials of any municipal district to whom the tax commissioner shall make application for statements, reports, copies of documents or information of any kind, shall furnish same free of charge."

**49.** Section 257: By adding thereto the following:

"(3) Assessment notices as herein provided shall only be issued in the years in which an assessment is made."

**50.** Section 258: By inserting after the word "for" where it occurs in the fourth line of the form of notice contained therein the words "the assessment made in".

**51.** Section 290: By inserting after the word "be" where it occurs in the sixth line thereof the words "the assessment roll for the municipal district until another assessment is made as provided for by section 251 hereof".

**52.** Section 297: By repealing clauses (b) to (g), inclusive, of subsection 1, and substituting therefor the following:

- "(b) The rates to be levied by the treasurer on the land of school districts situated in the municipal district;
- "(c) The rates to be levied by the treasurer under the provisions of *The Supplementary Revenue Act* ;
- "(d) The rates to be levied by the treasurer under the provisions of *The Wild Lands Tax Act*;
- "(e) The rates to be levied by the treasurer under the provisions of *The Educational Tax Act* on lands outside of organized school districts;
- "(f) The rates to be levied by the treasurer under the provisions of *The Municipal Hospitals Act*;
- "(g) The total taxes due for the current year on each lot or parcel of land or other property;
- "(h) The arrears of taxes levied under any authority due on each lot or parcel of land;
- "(i) The sum total of taxes due on each lot or parcel of land."

And by adding thereto the following:

"(6) The rates to be levied by the treasurer under the provisions of *The Municipal Hail Insurance Act* shall be entered on the tax roll on receipt of notification from the Hail Insurance Board of Alberta as to the rate to be levied and tax notices shall forthwith be issued to the owners of the land on which such taxes are levied by virtue of *The Municipal Hail Insurance Act*, and all the provisions of this Act in regard to the issue of tax notices and the collection and enforcement of taxes shall *mutatis mutandis* apply."

**53.** Section 301: By adding thereto the following subsection:

"(2) Where a penalty of five per cent. is added under the provisions of this section it shall be five per cent. of the arrears of taxes and of the penalties, if any, already added."

**54.** Section 313: By striking out the words "every issue of The Alberta Gazette for two months" and substituting therefor the words "in four regular consecutive issues of The Alberta Gazette".

And by adding thereto the following subsection:

"(3) Where heretofore a notice of the time and place of such sittings has been published in four regular consecutive issues of The Alberta Gazette, such publication is hereby declared to be for two months, and notwithstanding any decision heretofore rendered by a judge of the district court such judge shall thus interpret the law in case of any re-application for the confirmation of a tax enforcement return."

**55.** Section 314: By inserting after the word "court" in the fifth line of the formal notice the word "at.....," and by inserting the word "number ....." after the words "district of.....", where they appear.

**56.** Section 316, subsection 4: By striking out the words "a copy" in the first line thereof and substituting therefor the word "notice".

**57.** Section 318, subsection 2: By inserting after the words "District of.. . . . ." where they appear the word "Number.....".

Section 318, subsection 3: By inserting after the words "District of....." the word "Number.....".

**58.** Section 320a: By repealing subsection 2 thereof and substituting therefor the following:

"(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 Wild Lands Tax Act*, *The Supplementary Revenue Tax Act*, or *The Municipal Hospitals Act*, or any Act whereby a tax is or may hereafter be imposed for the purposes of the province at large, and likewise not later than the first day of July in each year the secretary-treasurer of every school district and of every city and town shall, if there be any arrears of school taxes assessed

in any previous year and payable to such school district or to such city or town, for school purposes in respect of land situated in such school district, forward a statement with full particulars thereof to the said treasurer."

And by striking out the words "less an amount equal to five per cent. of the arrears so realized or collected, which amount shall be retained and belong to the municipal district" where they occur after the word "thereto" in the fifth line of subsection 4, and substituting therefor the following: "and a commission of five per cent. of the arrears so realized or collected shall be paid to the municipal district."

No. 57.

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SECOND SESSION  
FOURTH LEGISLATURE  
9 GEORGE V  
1919

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BILL

An Act to amend The Municipal  
District Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MACKAY.

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EDMOTON:  
J. W. JEFFERY, KING'S PRINTER  
A. D. 1919