

BILL

No. 39 of 1921.

An Act to amend The Municipal District Act.

(Assented to _____, 1921.)

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

1. Section 2 of *The Municipal District Act*, being chapter 3 of the Statutes of Alberta, 1911-12, is amended—

- (a) As to paragraph 8 thereof by adding thereto the words “or from any other person or authority entitled to grant such lease”;
- (b) As to paragraph 15 thereof by inserting after the word “therein” where it occurs for the second time the words “including all mineral rights”;
- (c) As to paragraph 20 thereof by striking out the same.

2. Section 9 of the said Act is hereby struck out, and the following substituted therefor:

“**9.** The Minister shall prepare a map of the province on which shall be outlined the area and boundaries, as determined by the Minister or by order in council, as the case may be, of all municipal districts and improvement districts and such boundaries shall be fixed as provided in the next preceding section, commencing at the south-eastern corner of the province. Such map shall be signed by the Deputy Minister of Municipal Affairs for the purposes of identification and shall be hung up in his office.”

3. Section 21 of the said Act is amended—

- (a) As to subsection 1 thereof by striking out the words “small local” where they occur therein;
- (b) As to subsection 2 thereof by striking out the same.

4. Section 38 of the said Act is amended as to paragraph 1 thereof by striking out the word “local” where it occurs therein.

5. Section 48 of the said Act is amended as to subsection 1 thereof by adding after the word "submitted" where it occurs in the seventh line thereof the words "at the annual election"; and by adding at the end of the subsection the words "in case such by-law receives the approval of the required number of electors, the Minister shall determine the boundaries of said divisions."

6. Section 86 of the said Act is amended—

- (a) As to paragraph 8 thereof by striking out the words, "wife, husband, son and daughter of each person assessed," and substituting therefor the words "wife, husband, son, daughter, father and mother of each person assessed"; and by striking out the words "such wife, husband, son or daughter," and substituting therefor the words "such wife, husband, son, daughter, father or mother";
- (b) By adding as subsection 2 thereof the following:
 "(2) The secretary-treasurer shall, not later than the first day of November, in each year, cause to be posted up in at least six conspicuous places within the bounds of the municipal district a notice of the provisions of paragraph 8 of section 86 of *The Municipal District Act* in the following form:

"NOTICE.

"Public notice is hereby given that during the months of November and December applications may be made under paragraph 8 of section 86 of *The Municipal District Act* for inclusion on the voters' list of the Municipal District of on the part of the wife, husband, son, daughter, father or mother of each person assessed upon the last revised assessment roll. For this purpose the office of the secretary-treasurer will be open during the usual office hours every day in the said months which is not a legal holiday."

7. Section 95 of the said Act is amended as to paragraph (e) thereof by adding the words "and in the case of the absence or disability of the returning officer or deputy returning officer, the poll clerk shall act as returning officer or deputy returning officer, as the case may be."

8. Section 103 of the said Act is amended—

- (a) By striking out the form of candidate's acceptance therein contained, and substituting therefor the following:
 "I, the said nominated in the foregoing nomination, hereby state:
 "1. That I am of the full age of twenty-one years;

"2. That I am a resident elector of the Municipal District of, No.;

"3. That all taxes due by me as shown by the assessment roll of the said municipal district are paid up to the thirty-first day of December last but one preceding;

"4. That I can read and write;

"5. That I am a British subject;

"6. That I am not otherwise disqualified;

"7. That I will accept the office if elected.

"Signed in the presence of

"(Signature of witness.) (Signature of candidate.)"

(b) By adding as subsection 2 thereof the following:

"(2) Any nominated person who signs an acceptance containing any false statement shall be liable upon summary conviction to a fine not exceeding fifty dollars (\$50.00), together with the costs of the proceedings; and in case any person so convicted has been elected a member of the council, his office shall forthwith become vacant."

9. Section 125 of the said Act is amended by adding as subsection 2 thereof the following:

"(2) The chief resident officer of any corporation which has a place of business within the bounds of the municipal district and is assessed on the last revised assessment roll as the owner of rateable land in the district and has paid all taxes due to the district up to the thirty-first day of December last but one preceding shall, if not otherwise qualified to vote, be entitled to vote upon producing a certificate from the head office of the corporation in question authorizing him to represent them, and upon making and subscribing the following oath or affirmation:

"Canada
"Province of Alberta }

"I,, of the, of, do solemnly and sincerely swear:

"1. That I am the chief resident officer of a corporation known as having a place of business within the Municipal District of, No.;

"2. That the said corporation is assessed on the last revised assessment roll as the owner of rateable land within the said municipal district, and has paid all taxes due to the said district up to the thirty-first day of December last but one preceding the date hereof;

"3. That I am, according to law, entitled to vote at this election as chief resident officer of the said corporation.

"Sworn before me at
in the
 Province of Alberta }
 this.....day of
A.D. 19.. }

.....
A Commissioner, etc."

10. Section 126 of the said Act is amended by striking out the first subsection thereof, and substituting therefor the following:

"**126.** At every general election of councillors every elector shall vote for the total number of councillors to be elected and not for any less number, except where divisions have been established in the municipal district, in which case he shall vote only in the division in which he resides, or if a non-resident elector in some one division chosen by him."

11. Section 136 of the said Act is amended by striking out the word "resident" where it occurs in the first line thereof.

12. Section 176 of the said Act is amended as to subsection 4 thereof by striking out the words "municipal district" where they occur for the second time therein, and substituting therefor the words "Department of Municipal Affairs"; and by inserting the words "if payable" after the word "paid."

13. Section 179a of the said Act is amended—

- (a) By striking out the first two lines thereof and inserting in lieu thereof the following: "The treasurer shall, if requested, make a search in the assessment or tax roll in respect of any assessable lot or parcel of land and shall for each such search charge a fee of twenty-five cents";
- (b) By inserting after the word "lot" wherever it occurs in the said section the words "or parcel."

14. Section 181 of the said Act is amended as to subsection 2 thereof by adding thereto the following:

"and he shall verify the cash balance as shown by the secretary-treasurer's books by counting the cash and in no case shall he certify to the correctness of the books until he shall have checked up the deposits entered in the cash book with the deposits shown in the bank book."

15. Section 191 of the said Act is amended—

- (a) By adding as paragraph 1a thereof the following:
 “1a. Providing for the employment of one or more public health nurses to inspect the schools, to conduct child welfare stations, and to give instruction and advice on all matters of public health, and authorizing arrangements with the Department of Public Health and with any city, town, village or other municipal district as to the sharing of expenses in connection with the employment of such nurses”;
- (b) As to paragraph 12 thereof by striking out the same, and inserting in lieu thereof the following:
 “12. Licensing, regulating and governing auctioneers, hawkers or pedlars and transient traders:
 Provided always that no license shall be granted by a municipal district unless the applicant is the holder of a provincial licence for auctioneers, hawkers or pedlars and provided further that no licence shall be granted by a municipal district to a transient trader unless the applicant enters into a bond with the municipal district with two sufficient sureties or executed by a guarantee company in the sum of one thousand dollars conditioned to be void upon the applicant carrying on in the municipal district for a period of at least six months business of the same nature as that in respect of which he made application for a licence”;
- (c) By adding as paragraph 17a thereof the following:
 “17a. Providing for the prevention of loose wire, open wells or other excavations of sufficient area and depth to be dangerous to stock which may come or stray upon the premises, and to regulate the storage of threshed grain upon any premises accessible to stock which may come or stray upon the premises”;
- (d) As to paragraphs 23 and 24 thereof by striking out the same.

16. Section 196 of the said Act is amended—

- (a) As to paragraph 1 thereof by adding after the word “exhibition” where it occurs therein the words “or recreation”;
- (b) As to paragraph 3 thereof by adding after the word “culverts” the words “ditches, drains”;
- (c) As to paragraph 10, clause (a) thereof by adding before the words “within or without the municipality” the words “ditch, drain.”

17. Section 196a of the said Act is amended by changing the number thereof to "196b."

18. Section 196a is added to the said Act as follows:

"196a. If by reason of the construction by a municipal district of any ditch or drain, land other than and in addition to roads or highways is benefited, the land so benefited may be assessed and charged with its proper proportion of the cost of such ditch or drain, and the manner of assessment shall be as hereinafter set out.

"(2) Forthwith upon completion of the ditch or drain the council shall appoint a board of three assessors to make an estimate of the amount of benefit to each parcel of land affected by the ditch, including any roads or highways benefited thereby.

"(3) The board of assessors shall cause to be prepared a special assessment roll to be called 'The Municipal Drainage Assessment Roll' in which shall be set down in the first column thereof the name of the owner or occupant of each parcel of land in the district benefited by the ditch or drain, and in the second column thereof a description of the parcel of land benefited and in the third column the amount of the estimated benefit to the said parcel of land.

"(4) Immediately after the preparation of a municipal drainage assessment roll the secretary and the board of assessors shall take all necessary steps to serve notices and hear complaints and amend the said roll in the manner provided in *The Drainage Districts Act, 1921*, and with the same powers as though they were the secretary and board of trustees respectively of a drainage district formed under the said Act.

"(5) All the provisions of *The Drainage Districts Act, 1921*, with regard to appeals from the court of revision to the District Court shall apply to appeals against the assessment shown on the revised municipal drainage assessment roll as fully and completely as though the said provisions were part of this Act and as though the secretary and board of assessors were respectively the secretary and board of trustees of a drainage district formed or continued under *The Drainage Districts Act, 1921*.

"(6) The amount required in each year to pay the cost of construction of the ditch or drain or to pay the instalments of interest and principal payable under the terms of any debentures issued under the provisions of this Act in connection with such ditch or drain shall be charged against the various

parcels of land benefited, including highways or roads, in proportion to the benefit to each such parcel of land as shown by the revised municipal drainage assessment roll as finally amended.

“(7) The secretary shall enter upon the assessment roll of the municipal district for the current year in a separate column the amount to be charged against each parcel of land benefited as by the preceding subsection provided and shall collect the same as taxes and with regard to the amount to be charged against highways or roads the same shall be included in the estimated expenditure provided for under section 292 of this Act.

“(8) Any such ditch or drain shall be maintained by the municipal district by which it is constructed and at the expense of the various parcels of land benefited, in proportion to the benefit as shown by the municipal drainage assessment roll for the said ditch or drain, and the cost of maintenance shall be assessed against each such parcel annually in the same manner as the cost of construction of the ditch or drain.

“(9) In the event of such ditch or drain becoming obstructed by dams, bridges, fences, washouts or other obstruction caused by the owner or person in possession of the land where such obstruction occurs so that the free flow of water is impeded thereby the person or persons occupying or owning such land shall, upon reasonable notice in writing given by the council or the secretary, remove such obstructions in any manner caused as aforesaid and if not so removed within the time specified in the notice the council shall forthwith cause the same to be removed and if the cost of removing is not paid by such owner or occupant to the municipal district forthwith after the completion of the work the council may pay the same and the secretary of the municipal district shall place or cause to be placed such amount upon the assessment roll against the said lands with ten per cent. added thereto and the same shall be collected in the same manner as other taxes.

“(10) In constructing any such ditch or drain, the council may, for the purpose of carrying water by a proper channel to a sufficient outlet continue the work outside the boundaries of the municipal district and the cost of any such work so done outside the limits of the municipal district shall be considered to be a part of the cost of the ditch or drain.

“(11) Any other municipal district, or any drainage district or company or individual desiring to use any such ditch or drain as an outlet for water

may do so with the permission of the council and may be charged for the use of such ditch or drain as an outlet such amount as may be approved by the Minister."

19. Section 200 of the said Act is amended by adding thereto the following: "and the council shall, upon being satisfied that such return is correct, pay the said amount to the said inspector."

20. Section 201 of the said Act is struck out, and the following substituted therefor:

"**201.** The amount expended on the work performed under the preceding section may be recovered from the owner or occupant of the land entered upon by action by the municipal district, or by distress of any chattels on the said land by the reeve or his agent."

21. Sections 206 to 216a of the said Act, inclusive, are hereby struck out, as from a date to be fixed by order in council.

22. Sections 221, 222 and 223 of the said Act are hereby struck out, and the following substituted therefor:

"**221.** The council of every municipal district shall make due provision for the relief of any indigent person resident within the municipal district and for the care and treatment of any resident sick person, who for financial reason or other good cause is unable to procure such care and treatment, and may make similar provision in the case of a person who is temporarily within the municipal district but is not a resident therein.

"(2) For the purposes of this section 'resident' means any person who has had his home in the municipal district for at least three successive months immediately prior to the date he receives assistance from the council.

"(3) Where the council, under the provisions of this section, assists any sick or indigent person who is not a resident of the municipal district, then the city, town, village, other municipal district or improvement district of which the person so assisted was a resident at the time of such assistance being given, shall, upon demand, repay the actual expenses incurred by the council.

"**222.** Where any person is placed by a municipal district in a hospital, or when any resident of a municipal district is placed under circumstances necessitating such a course, in a hospital, then the municipal district within which such person is

resident shall pay to the board of the hospital for the care and treatment of that person the public ward charge per day of that hospital.

“(2) Such public ward charge may include all proper items of charge in respect of ordinary operating room expenses, drugs, dressings and other necessities and conveniences supplied by the hospital, but shall not include any fee to a medical practitioner, and such charge may be fixed from time to time by the Minister of Health for all hospitals, or for any class of hospitals, or for any hospital.

“(3) Notwithstanding any other provision of this Act, where any municipal district has failed to recover within a reasonable time from any of its residents the or any part of the public ward charge made by a hospital with regard to such resident, such municipal district shall pay to the hospital not more than two hundred dollars, but shall endeavour to collect such charge or the uncollected portion thereof, as the case may be, and out of any money so collected shall pay the amount of the balance due to the hospital before repaying itself the amount already paid by it to such hospital.

“(4) No municipal district shall be responsible for any charge made by any hospital under the provisions of this section with regard to any of its residents unless notice is sent to it within a reasonable time that such resident has been placed in the hospital.

“(5) In the event of the death of any person so placed in an approved hospital and his interment at the expense of the hospital the municipal district within which such person was resident at the time of his death shall repay to the hospital the said expense, but not to an amount exceeding that fixed from time to time by the Minister of Health.

“(6) Any municipal district may enter into an agreement with any hospital for the care and treatment of its residents for such annual sum and subject to such conditions as may be agreed upon; and upon any such agreement being entered into subsections 1 and 2 of this section shall not apply to any such hospital.

“(7) Notwithstanding any other provisions of this Act, the Minister of Health may make regulations regarding the admission to hospitals of patients suffering from incurable diseases or any disease necessitating a prolonged stay in hospital and the amount or amounts to be payable to any hospital in respect of any such patient.

“(8) For the purpose of this section a resident of a municipal district is a person who has had his home within such municipal district for at least three successive months immediately prior to the date upon which he is placed in hospital; and a hospital is a hospital approved by the Minister of Health under the provisions of *The Hospitals Ordinance*.

“223. The amount of the public ward charge and the value of any assistance given under the provisions of the two preceding sections shall constitute a debt due from the person for whose relief, care or treatment it was paid and may be recovered by the treasurer from him by action or by distraint upon any of his goods found within the province, or, if deemed advisable, it may be added to the taxes levied by the municipal district against any land of which the said patient is the owner, and shall be collected and enforced as part of such taxes.

“(2) The council shall have a charge upon the lands owned by any such person and situate within the province for the expenses incurred under this Act and may lodge a caveat for the protection of such charge in the proper land titles office.”

23. Section 224 of the said Act is amended by changing the word “two” into “three.”

24. Section 249 of the said Act is amended—

- (a) By striking out the parentheses and all the words contained therein;
- (b) By adding as subsection 2 thereof the following:
 “(2) Where any minerals on or beneath the surface of any land are leased or are otherwise in the possession of any person other than the owner of such minerals, or are worked by the owner thereof for sale or use in his business, or otherwise for profit, then such minerals shall be assessed separately.”

25. Section 249a of the said Act is amended—

- (a) As to subsection 1 thereof—
 - (i) By striking out the words “*The Municipal Hail Insurance Act* and *The Municipal Hospitals Act*,” and substituting therefor the words “*The Municipal Hail Insurance Act*, *The Municipal Hospitals Act*, and *The Drainage Districts Act*, 1921”;
 - (ii) By adding after the word “tax” the words “and of the amount of the drainage rate”;

- (b) As to subsection 2 thereof by striking out the words "two and one-half" and substituting therefor the word "five."

26. Section 251 of the said Act is amended by adding after the word "year," where it occurs in the first line thereof the words "beginning with the year 1920."

27. Section 252 of the said Act is amended—

- (a) By striking out subsections 2, 3 and 4 thereof;
- (b) By adding as subsections 2 and 3 the following:

"(2) The council may by by-law passed at the regular meeting of the council held prior to the first day of May in each year provide for the levying of a tax to be known as a business tax on all persons carrying on any trade, business or profession within the limits of the municipal district, but if the provisions of this section are made to apply to any trade, business or profession, licensed under the provisions of this Act, the fee paid for such license shall be deducted from the amount of the business tax.

"(3) The assessment of any such trade, business or profession shall be made upon a basis to be fixed by the council in said by-law, and the council may classify such trades, businesses and professions and may either levy a heavier assessment upon the members of one class than that of another or others, or instead may impose a different rate upon each class, and where such tax is levied, the form of the assessment roll herein provided shall be varied accordingly and all the provisions of this Act in regard to assessment notices, appeal from assessment and enforcement of payment of taxes shall *mutatis mutandis* apply."

28. Section 256a of the said Act is struck out, and the following substituted therefor:

"**256a.** In the year 1925 and every fifth year thereafter the assessor of every municipal district shall, upon the completion of the assessment roll and after the determination of all appeals and complaints in reference thereto other than appeals to a judge, forward to the Department of Municipal Affairs a statement showing the land assessable by value in the municipal district and the total value thereof as fixed by him and the land assessed by acreage and the acreage thereof.

"(2) Such statement shall be made out with such particularity and in such form as the Minister may from time to time prescribe.

“(3) Whenever any appeal from the assessment to a judge has been decided by him, the assessor shall immediately thereafter forward to the Department of Municipal Affairs a report of such decision.

“(4) Whenever any municipal district fails to forward the statement hereinbefore mentioned to the Department of Municipal Affairs before the first day of October of the year in which the assessment should be made, the Minister shall at once appoint an assessor to make or complete the assessment at the expense of the defaulting municipal district.”

29. Sections 256*b* and 256*c* are added to the said Act as follows:

“**256*b*.** The total value of the land within the municipal district, as fixed by the Assessment Equalization Board, shall be accepted by the council of any municipal district as the assessment of lands for the purposes of municipal taxation.

“(2) Where the equalized assessment as fixed by the Assessment Equalization Board differs from the assessment of lands assessed by value as fixed by the assessor of the municipal district, the secretary-treasurer of the municipal district shall divide the difference amongst all parcels of land separately assessed within the municipal district in proportion to their assessments, and where special directions are given by the Assessment Equalization Board as to the allocation of such difference or any part thereof to any special class of lands within the municipal district, the secretary-treasurer shall, if there is more than one member of such class, similarly divide the difference or any part thereof that has been allocated to such special class of lands amongst all parcels of lands separately assessed which are included in the said special class, and thereupon the assessed of each parcel so determined shall be the value of such parcel for all purposes.

“(3) Whenever the assessed value of any parcel of land is changed under the provisions of this section, then notice of such change shall be sent to each person assessed in respect of such parcel of land and no appeal or complaint from the assessment so varied shall be heard; but the secretary-treasurer shall, in the event of any error in calculation, alter the roll to correct the same upon his attention being called thereto.

“(4) If the total assessment in any municipal district is varied in any year in which a general assessment is not made by the assessor by the inclusion or exclusion of lands in accordance with the provisions of this Act, then the secretary-treasurer shall add or subtract, as the case may be, the assessed value of the included or excluded lands from the total value of the lands within the municipal district and the value so obtained shall for that year be treated as the total value as fixed by the Assessment Equalization Board.

“(5) Any change in the total assessment of a municipal district under the provisions of the immediately preceding subsection shall at once be reported to the Department of Municipal Affairs.

“**256c.** Every municipal district shall afford to the Assessment Equalization Board access to all books, papers, documents or other information in the possession or power of such municipal district and the officials of the municipal district to whom the board makes application for any statement, report, copies of documents or any other information shall furnish the same free of charge.

“(2) Any municipal district not complying with the requirements of this section, whether wilfully or not, shall be liable to a penalty of one dollar per day of the existence of such default; and any secretary-treasurer or other officer who refuses, neglects or fails to observe the provisions of this section, whether such failure be wilful or not, shall be liable upon summary conviction to a penalty not exceeding fifty dollars.”

30. Section 257a is added to the said Act as follows:

“**257a.** Notwithstanding anything in this Act contained the council may instruct the assessor in the year 1921, at any time prior to the first day of June thereof, to send out assessment notices under the provisions of this Act, if none such were sent out in the year 1920.

“(2) For the purposes of this section, the date upon which any such instructions are given to the assessor shall be deemed to be the date of the completion of the assessment roll and otherwise

the provisions of this Act as to complaints and appeals shall apply as if the same were authorized by the Act to be made in the year 1921."

31. Section 272 of the said Act is amended by striking out the word and figures "section 289", and substituting therefor the word and figures "section 275."

32. Section 293 of the said Act is amended by striking out subsections 2 and 3 thereof.

33. Section 294 of the said Act is amended as to the first paragraph thereof—

- (a) By striking out the words "one per cent. of the assessed value," and inserting in lieu thereof "two per cent. of the assessed value";
- (b) By striking out all words after such inserted words.

34. Section 295 is amended by striking out subsections 6 and 7 thereof.

35. Section 297 of the said Act is amended by adding as paragraph (j) thereof the following:

"(j) The amount of any drainage rate levied under the provisions of *The Drainage Districts Act*, 1921, or *The Reclamation Act*."

36. Section 309 of the said Act is amended by changing the number thereof to "309a."

37. Section 309 is added to the said Act as follows:

"**309.** The provisions of *The Tax Recovery Act*, being chapter 20, Alberta Statutes and amendments thereto, shall take the place of sections 309a to 320a, inclusive, except as provided for in section 49 of *The Tax Recovery Act*."

38. Section 320a is amended as to subsection 1 thereof by striking out the word and figures "section 309," and substituting therefor the word and figures "section 309a."

No. 39.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act to amend the Municipal
District Act.

Received and read the

First time

Second time

Third time

HON. MR. MITCHELL.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.D. 1921