

Bill No. 40 of 1935.

A BILL TO AMEND THE MUNICIPAL DISTRICT ACT.

NOTE.

Section 2 of the Bill redefines "Hamlet", and makes other minor amendments for the sake of greater clarity in other definitions in section 2.

Section 3 makes the approval of the Minister necessary to the appointment of an assessor.

Section 4 makes an amendment to conform to the present provisions of *The Public Highways Act, 1929*, as amended by chapter 64 of 1931.

Section 5 makes a correction necessitated by a previous amendment.

Section 6 amends the section which empowers the provision of private roads by conferring upon the council the power to acquire compulsory land required for a private road.

Section 7 makes the approval of the Minister necessary for the validity of any by-law providing for the disposal of lands acquired under *The Tax Recovery Act*.

Section 8 empowers a council by by-law to license and regulate livery men, common carriers, draymen and others within the limits of a hamlet.

Section 9 corrects a reference.

Section 10 amends the section relating to the preparation of the voters' list, to make it clear that a complete list of all the voters of the district is required.

Section 11 amends the section providing for the assessment of improvements which belong to a person other than the owner by expressly including improvements which are in, over or under the land as well as surface improvements.

Section 12 provides for the inclusion upon the assessment roll of persons assessed for business tax.

Section 14 provides for the imposition of a minimum tax of four dollars in the case of an assessed person, and the imposition of an annual tax, for school purposes, of four dollars on every resident of the full age of twenty-one years who has resided in the district for one month in the year and is gainfully employed.

Sections 15 and 16 amend certain forms to bring about conformity with the Act.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 40 of 1935.

An Act to amend The Municipal District Act.

(Assented to _____, 1935.)

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

1. This Act may be cited as "*The Municipal District Act Amendment Act, 1935.*"

2. *The Municipal District Act*, being chapter 41 of the Statutes of Alberta, 1926, is hereby amended as to section 2 thereof—

(a) by striking out paragraph (g) thereof and by substituting therefor the following:

"(g) 'Hamlet' shall mean—

"(i) any area of land subdivided into lots and blocks as a townsite, a plan of which is registered in a Land Titles Office;

"(ii) any area of land as defined by clauses (i) and (ii) of paragraph (p) on which is erected improvements used for purposes other than farming purposes;

"(iii) any area declared by an Order of the Minister to be a hamlet";

(b) by striking out the words "to any person, not being a wholesale or retail dealer," where the same occur in paragraph (h) thereof, and by substituting therefor the words "to any person not being a wholesale or retail dealer"; and

(c) by adding at the end of clause (iii) of paragraph (p) thereof the words "or forming part of any railway, irrigation or drainage right of way."

3. The said Act is further amended as to section 70 thereof by adding at the end thereof the following new subsection:

"(2) Whenever an assessor is appointed, the reeve shall forthwith advise the Minister of that appointment by mail, and in the event of the Minister disallowing any such appointment, the reeve shall immediately call a special meeting of the council for the purpose of appointing another person as assessor."

4. The said Act is further amended as to section 96*a* thereof by striking out the words "five yearly instalments,"

where the same occur in subsection (1) thereof, and by substituting therefor the words "ten yearly instalments."

5. The said Act is further amended as to section 97 thereof by striking out the words "the preceding four sections," where the same occur in subsection (1) thereof, and by substituting therefor the words "the preceding five sections."

6. The said Act is further amended as to section 114 thereof by striking out the same and by substituting therefor the following:

"114.—(1) If any one or more persons petition a council for the provision of a road through any land and the council is of the opinion that the desired road is requisite for the convenience and benefit of the petitioners but is not required in the interests of the public generally, the council may by by-law require the petitioners to deposit with the secretary-treasurer such sum as the council considers sufficient to cover the cost of providing the road and paying compensation in connection therewith, and upon the deposit being made authorize the provision of the desired road or some other road as in the opinion of the council will be substantially of equal convenience to the petitioners and for the acquisition of any land required for the purpose thereof.

"(2) For the purpose of acquiring any land required for the provision of any such road, the council shall have all the powers of acquisition and expropriation of land as are conferred upon it by section 97 of this Act.

"(3) In case the road asked for in the petition is provided or in case any other road is provided which in the opinion of the council will be substantially of equal convenience and benefit to the petitioners, the sum so deposited shall be applicable towards the expenses incurred by the council in providing the road and for any compensation payable in connection therewith, and the surplus thereof (if any), shall be repaid *pro rata* to the persons depositing the same."

7. The said Act is further amended as to section 117 thereof by adding at the end thereof the following new subsection:

"(2) Every by-law passed pursuant to this section shall be submitted to the Minister who may in his sole discretion either approve or disapprove the same, and no such by-law shall have any force or effect until it is approved by the Minister in writing."

8. The said Act is further amended by inserting therein, immediately after section 155 thereof, the following new section:

"155a. The council may pass a by-law for licensing, regulating and controlling all persons who within a hamlet are proprietors of livery, feed and sales stables, or of auto-

mobile liveries, or are porters, carriers, common carriers, draymen, hackmen or omnibus drivers, or who for reward perform work or carry passengers with horses or mules or motor vehicles, within the limits of any hamlet."

9. The said Act is further amended as to section 169*a* thereof by striking out the words and figures "*The Village Act, 1927,*" where the same occur therein, and by substituting therefor the words "*The Town and Village Act.*"

10. The said Act is further amended as to section 183 thereof by striking out the words "in the prescribed form," where the same occur therein, and by substituting therefor the words "of all the voters in the municipal district in the prescribed form."

11. The said Act is further amended as to section 286*b* thereof by striking out the words "In case there are upon any land any buildings, structures or erections," where the same first occur in subsection (1) thereof, and by substituting therefor the words "In case there are upon, in, over, under or affixed to any land any buildings, structures or erections."

12. The said Act is further amended as to section 287 thereof by inserting therein, immediately after subsection (2) thereof, the following new subsection:

"(2*a*) In case the council has passed a by-law providing for the assessment of businesses, the secretary-treasurer shall include in the assessment roll, in a separate part thereof, the names and addresses of all persons assessed in respect of a business, the nature of the business in respect of which any person is assessed, a description of the premises upon which it is carried on, and the amount at which any business is assessed."

13. The said Act is further amended as to section 294 thereof by adding at the end thereof the following new subsection:

"(6) The assessor shall make a return to the secretary-treasurer in the form prescribed by the Minister of all assessments made by him pursuant to this section as soon as possible after the completion of such assessment."

14. The said Act is further amended by inserting therein, immediately after section 367 thereof, the following new section:

"**367*a.*** Subject to the approval of the Minister, any council may by resolution fix a minimum tax to be paid by any resident of the municipal district assessed upon the assessment and tax roll, at the sum of four dollars, and also impose upon every resident of the district of the full age of twenty-one years who has resided therein for a period of one month or more during any calendar year, and is gainfully employed,

and has not been assessed on the roll, an annual tax of four dollars for school purposes, whether he has resided in the district before the date of the completion of the roll or not; but in the case of the collection of such tax the name of such resident so paying shall be added to the roll for the said calendar year."

15. The said Act is further amended as to Form U of the Schedule thereto—

- (a) by striking out the words "and that you are the purchaser," where the same occur therein, and by substituting therefor the words "and that you are of the full age of twenty-one years and that you are the purchaser";
- (b) by striking out the words "and that you reside," where the same occur therein, and by substituting therefor the words "and that you are of the full age of twenty-one years and that you reside."

16. The said Act is further amended as to Form V of the Schedule thereto by adding at the end thereof the following:
"(5) that you are of the full age of twenty-one years."

17. This Act shall come into force on the day upon which it is assented to.

FIFTH SESSION
SEVENTH LEGISLATURE
25 GEORGE V
1935

BILL

An Act to amend The Municipal
District Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ALLEN

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1935