

# BILL

No. 97 of 1938.

An Act to amend The Municipal District Act.

(Assented to \_\_\_\_\_, 1938.)

**H**IS 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, 1938.*"

**2.** *The Municipal District Act*, being chapter 41 of the Statutes of Alberta, 1926, is hereby amended by inserting therein immediately after section 17 the following new section:

"**17a.** The Minister may, by order, direct that any two or more municipal districts shall be merged into one municipal district and assign thereto a name and number and thereupon the then existing councils of each included municipal district shall be dissolved and the affairs of each municipal district included in the new district shall be administered by one council consisting of such number of persons elected or appointed in such manner as the Minister may prescribe and the council so elected or appointed shall be the council for the new district."

**3.** The said Act is further amended as to section 28 by adding at the end thereof the following new paragraph:

"(g) he has paid all taxes payable by him to the municipal district up to and including the year preceding the year in which the election is held."

**4.** The said Act is further amended as to section 29 by adding at the end thereof the following new paragraph:

"(h) any person who having been elected as a member of the council has resigned his seat thereon on account of any matter or thing which would disqualify him for election as a member of the council or to sit or vote therein or for the purpose of avoiding the making of restitution for any money received by him in contravention of any of the provisions of this Act, until the expiration of three years from the date of such resignation."

**5.** The said Act is further amended as to section 67 by striking out the words "*The Supplementary Revenue Act*"

where the same occur in subsection (1) and by substituting therefor the words "*The School Act, 1931, The Social Services Tax Act*".

6. The said Act is further amended by inserting therein immediately after section 92 the following new section:

"92a.—(1) It shall be the duty of every council to make adequate provision for the drainage of all highways constructed or maintained by the council and to make adequate provision for the disposition of any water collected in any drainage ditch or other artificial depression on or contiguous to the road allowance forming the site of such highway, in such a manner as to prevent the flooding of other land, and in case complaint is made to the Minister by any person who is the owner or occupier of land in the vicinity of any such highway that default has been made by the council in performing the duty cast upon it by this section, the Minister shall refer the same to the Director of Water Resources who shall make, or cause to be made by such person as he may appoint, an inquiry into the complaint and report thereon to the Minister as to whether or not there are grounds for complaint and if there are, as to the measures which ought to be taken for the purpose of remedying the same, and the Minister may, by order, require the council to take and carry out any such measures as he may in his uncontrolled discretion deem proper and may fix a time for the completion thereof.

"(2) No action shall be brought in respect of any omission on the part of a council to perform any duty imposed upon it by this section by any person who has not made a complaint in the manner set out herein; nor shall any action be brought by such person in respect of any such default if the council complies with any order made by the Minister in respect of such default within the time fixed by the Minister for that purpose."

7. The said Act is further amended as to section 145 by striking out subsection (1) and by substituting therefor the following:

"145.—(1) The council may pass by-laws for all or any of the following purposes, namely,—

- "(a) the provision for the health of the municipal district and the prevention of the spread of infectious and contagious diseases;
- "(b) the provision for the supplying of medical care and attention to residents of a municipal district by means of a contract or agreement either alone or in conjunction with the council of any other municipal districts or municipal district, either by way of guarantee or upon any other basis;
- "(c) for engaging such nurses as may be deemed necessary at any time to provide for the care of the indigent sick;

“(d) for engaging a physician or a public health nurse or clinic to attend residents of the municipal district who may require such services whether indigent or not, and to give instructions and deliver lectures on questions of public health.”

8. The said Act is further amended as to section 150,—

(a) by striking out paragraph (b) of subsection (3) and by substituting therefor the following:

“(b) ‘Indigent person’ means a person who is actually destitute of means from his own resources of obtaining the food, clothing, shelter and medical attendance necessary for the immediate wants of himself and his dependents;”;

(b) by striking out paragraph (c) of subsection (3) and by substituting therefor the following:

“(c) ‘Resident’ means,—

“(i) any person who has resided within the boundaries of the area controlled by the local authority for a period of at least twelve consecutive months out of the twenty-four months immediately preceding the date of application for placing such person in a hospital, without receiving relief; and every such person shall be deemed to be a resident of the area controlled by the local authority within whose boundaries he has last so resided; or

“(ii) any person who has failed to reside for twelve consecutive months within the boundaries of the area controlled by a local authority, as aforesaid, but has resided or has been a sojourner within the boundaries of the area controlled by a local authority for at least three consecutive months out of the six months immediately preceding the date of application for placing such person in a hospital without receiving relief; and every such person shall be deemed to be a resident of the area controlled by the local authority within whose boundaries he has last so resided:

“Provided always that any such person has not at the date of such application, a permanent home elsewhere than in the Province.”

(c) by striking out subsection (5) and by substituting therefor the following:

“(5) When an indigent resident receives medical advice, attendance, medicine or other treatment given by a medical practitioner at a first visit or during the first twenty-four hours, the municipal

district shall be liable to pay to the medical practitioner any reasonable charges in respect of such services notwithstanding the absence of a written order, if the medical practitioner concerned certifies that the case was, or that he was informed the case was, one of sudden and urgent necessity:

“Provided however that the municipal district shall not be liable for any charges other than for the services rendered during the first twenty-four hours after the medical practitioner sees the indigent resident, unless the medical practitioner is authorized to continue to treat the said indigent resident by a written order from a proper officer of the municipal district.”;

- (d) by adding at the end thereof the following new subsection:

“(12) The council shall be under the duty to provide for the burial of the body of every indigent person whose death takes place within the municipal district and in case such indigent was not at the time of his death a resident of the municipal district, the council shall be entitled to recover the reasonable expenses of such burial from the city, town, village, municipal district or improvement district of which the indigent was at the time of his death a resident within the meaning of this section, and in case any dispute arises as to which city, town, village, municipal district or improvement district of which such person was a resident, the same shall be referred to the Minister of Municipal Affairs, who shall determine the question in such manner as he may think fit and whose decision shall be final:

“Provided always that the cost of the burial so recovered shall not exceed such sum as may be from time to time prescribed by the Minister.”

**9.** The said Act is further amended by inserting therein immediately after section 151 the following new section:

“**151a.**—(1) No license shall be required under any of the provisions of this Act for hawking, peddling or selling any goods, wares or merchandise, which is grown, produced or manufactured in the Province of Alberta, provided that the same are hawked, peddled or sold by the person who is the grower, producer or manufacturer thereof or by any employee or servant of such person who is authorized by such person so to do in writing.

“(2) Every such employee or servant shall produce on demand to any officer of the town or village or to any peace officer his authority in writing.

“(3) In any prosecution for hawking or peddling without a license in contravention of any by-law passed pursuant to this Act, the onus of proof that the defendant is exempted

under subsection (1) of this section shall be upon the defendant.”

**10.** The said Act is further amended as to section 157 by striking out the words “indigent residents in accordance with the provisions of *The Hospitals Act*” where the same occur in subsection (1) and by substituting therefor the following: “indigent residents of the municipal district or of any part thereof in accordance with the provisions of *The Hospitals Act* and where the by-law relates to a part of the municipal district, providing that the expenses incurred by the municipal district under the agreement in respect of the residents of such part of the municipal district shall be raised by a special tax imposed and levied upon all property, businesses, trades and callings situate or carried on in such part of the municipal district”.

**11.** The said Act is further amended as to section 191,—

- (a) by striking out the words “subject to section 189” where the same occur therein; and
- (b) by striking out paragraph (b) thereof and by substituting therefor the following:
  - “(b) the wife, husband, unmarried son, unmarried daughter, father or mother of any person whose name appears upon the voters’ list otherwise than merely by virtue of relationship to some other person upon the said list,—
    - “(i) if such wife, husband, unmarried son, unmarried daughter, father or mother is resident within the municipal district or assists him in any business which is subject to taxation pursuant to any by-law passed under section 294 of this Act and is carried on by him; and
    - “(ii) if he or she is of the full age of twenty-one years; and
    - “(iii) if his or her name does not already appear on the list as a voter; and
    - “(iv) if he or she duly takes the oath or affirmation in the proper form set out in Form U in the Schedule hereto.”

**12.** The said Act is further amended as to section 194a by striking out the same.

**13.** The said Act is further amended as to section 344 by striking out the words “twenty-five cents” wherever the same occur therein and by substituting therefor the words “four dollars”.

**14.** The said Act is further amended by inserting therein immediately after section 349 the following new section:

**"349a.** The council may, by resolution, allow a rebate at a rate not exceeding ten per cent upon all current taxes paid within a period which shall not exceed sixty days after the date of mailing of the tax notice."

**15.** The said Act is further amended as to section 357 by striking out the words "the secretary-treasurer may levy" where the same occur in subsection (1) thereof and by substituting therefor the words "the secretary-treasurer or any person appointed by him in writing may levy".

**16.** The said Act is further amended as to section 367a by striking out the words "or school district" where the same occur in subsection (2) thereof and by substituting therefor the words "improvement district or school district".

**17.** The said Act is further amended by inserting therein immediately after section 367a the following new sections:

**"367b.** Subject to the approval of the Minister, the council may by by-law, fix the minimum tax in the sum of four dollars, to be paid by any person assessed upon the assessment roll, and may require that any person who is gainfully employed who has resided therein for a period of one month or over and has not been assessed on the assessment roll, shall pay an annual tax of four dollars for municipal purposes, to be collected at any time after the first day of January in each and every year, and such municipal tax shall be payable by such resident whether he has resided in the district before the date of the completing of the last revised assessment 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 assessment roll.

**"367c.—(1)** Any person liable to pay any tax pursuant to section 367a or section 367b shall pay the same to the secretary-treasurer or to such person as is appointed by the council to collect the same, within three days after demand is made therefor, but in case of neglect or refusal to pay, levy may be made by distress and sale of goods and chattels of the person in default, as provided in this Act.

**"(2)** Every employer shall furnish from month to month, upon request of the secretary-treasurer, the names of all persons in his employment, and the secretary-treasurer by a notice in writing may require the employer or employers to deduct from the next payment made to any employee who is named in the notice and has not paid any tax for the payment of which the employee is liable under the said sections, the amount of the tax, and to forward the same to the secretary-treasurer immediately after making the deduction hereinbefore directed.

**"(3)** Any employer who fails to furnish the information requested or to make the deductions hereinbefore directed to be made, and to forward the amount of such deduction as hereinbefore directed, shall be liable upon summary conviction to a fine not exceeding fifty dollars, and the amount of

the fine shall be paid to the secretary-treasurer who, in the event of the same not being paid within two weeks of its imposition, may levy the amount of the same by distress and sale of the goods and chattels of the employer in default, as provided under this Act, and of all costs incurred by reason of the proceedings leading to the imposition, or of enforcing the payment thereof, and all sums paid or recovered in respect of any fine so imposed, shall form part of the general funds of the municipal district."

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

SIXTH SESSION  
EIGHTH LEGISLATURE  
1 GEORGE VI  
1938

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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. MAYNARD.

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EDMONTON:  
A. Shnitka, King's Printer  
1938