

## REPRINTED BILL

### BILL

No. 54 of 1939.

An Act to Amend The Municipal District Act.

(Assented to \_\_\_\_\_, 1939.)

**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, 1939.*"

2. *The Municipal District Act*, being chapter 41 of the Statutes of Alberta, 1926, is hereby amended as to section 2 by adding at the end thereof the following new paragraphs:

"(y) 'Board of Trustees of a School District' includes the divisional board of a school division.

"(z) 'School District' means every school district which is not included in a school division, and every other school division."

3. The said Act is further amended as to section 20a by striking out subsection (2) and by substituting therefor the following:

"(2) Any lands so acquired shall from the date of acquisition continue to be assessed by the municipal district, and the taxes payable to the municipal district and to any reporting authority, in respect thereof shall continue to be charged against the parcel in the manner prescribed by section 22 of *The Tax Recovery Act, 1938*, and in case the land is so sold the proceeds of sale shall be dealt with and distributed in the manner prescribed by section 24 of the said Act."

4. The said Act is further amended as to section 28,—

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

"(g) he has paid all taxes payable by him to the municipal district up to and including two years preceding the year in which the election is held or unless he has entered into an agreement for the consolidation of the arrears of taxes owing by him to the municipal district and such agreement remains in force;" and

(b) by adding at the end thereof the following new paragraph:

“(h) his name appears upon the last revised assessment roll of the municipal district as the owner, conditional owner or purchaser of land which is liable to assessment and taxation.”

5. The said Act is further amended as to section 34 by striking out subsection (2) thereof.

6. The said Act is further amended as to section 93 by adding at the end thereof the following new subsection:

“(5) The Council may pass a by-law authorizing the purchase, lease or other acquisition of land, the alteration or repair of any buildings on any land so acquired, and the erection of buildings thereon for the purpose of providing habitations for any persons who are indigent residents of the municipal district.”

7. The said Act is further amended as to section 95 by striking out the words “one thousand dollars”, where the same occur therein, and by substituting therefor the words “two thousand dollars”.

8. The said Act is further amended as to section 114 by adding at the end thereof the following new subsection:

“(4) Nothing in this section shall in any way derogate from any of the powers conferred upon a Council by sections 95 and 96 of this Act.”

9. The said Act is further amended by inserting therein immediately after section 149 the following:

“AGREEMENTS FOR SUPPLY OF ELECTRICITY, NATURAL GAS OR WATER.

“149a.—(1) The Council may by by-law authorize the chairman and the secretary-treasurer on behalf of the municipal district to enter into and execute any contract with any person (in this clause called ‘contractor’) to supply light, power, gas, natural gas or water to persons resident in the municipal district or in any specified part or parts thereof for any period not exceeding ten years, subject to the approval of the Board of Public Utility Commissioners, and the ratification of the by-law, so approved, by two-thirds of the proprietary electors voting thereon.

“(2) Application for approval shall be made to the Board of Public Utility Commissioners prior to or forthwith after the first reading of the by-law.

“(3) Any such contract shall, whether or not it contains any express provision to that effect, be subject to the following condition, namely, that at the expiration of the term thereof, the same may be renewed for a period not exceeding ten years (and so from time to time), with such

alterations, if any, as may be agreed upon by the parties and approved by the Board of Public Utility Commissioners, and that, if either party refuses to renew such contract, or if the parties fail to agree as to the conditions of such renewal, then the Council may, subject to the consent of the Board of Public Utility Commissioners, purchase all the rights of the contractor in all matters and things under such contract and in all apparatus and property used for the purposes thereof, for such price and on such terms as may be agreed upon with the contractor, or, failing such agreement, then for such price and on such terms as may be fixed and settled by the Board of Public Utility Commissioners on the application of either of the parties.

“(4) If any such contract is not renewed either on or before the expiration of the original term, or of any renewal thereof (and so from time to time), by express agreement of the parties as aforesaid, or if the Council does not complete the purchase of the subject matter thereof as hereinbefore provided, then the contract shall continue in full force and effect until such time as either party shall terminate the same on six months’ written notice given to the other with the approval of the Board of Public Utility Commissioners.

“(5) The Council shall have power to construct such pipe lines or any other thing that may be necessary to conduct light, power, natural gas, or water to the municipal district, notwithstanding that such expenditure is made upon land outside the boundaries of the municipal district.”

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

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

“(c) The expression ‘local authority’ has the same meaning as that expression has in *The Hospitals Act, 1938*.”

(b) by inserting therein immediately after subsection (3) the following new subsection:

“(3a) In order to determine whether or not any person is a resident in any area controlled by a local authority for the purposes of this and the next following three sections, the following rules of interpretation shall be applied:

“Rule 1.—Any person who on the date of application for the placing of such person in a hospital has then had his home or resided within the area controlled by a local authority for twelve consecutive months out of the twenty-four consecutive months immediately preceding the making of such application and has not during such period of twelve months received any relief, shall be deemed to be a resident of the area controlled by the local authority within whose boundaries he has so resided.

“Rule 2.—Any person who at any time during which he is in receipt of relief from a local authority which is liable for the provision thereof, or at any time within a period of twelve months after he last received any such relief moves within the area controlled by another local authority, shall be deemed to be a resident of the area controlled by the first mentioned local authority as if he had continued to reside therein until such time as he shall have thereafter become a resident of some other local authority as defined in Rule 1 hereof.

“Rule 3.—Any person who on the date of any application for placing such person in a hospital has not resided for twelve consecutive months out of the previous twenty-four consecutive months within the area controlled by a local authority and has not a permanent home elsewhere than in the Province, but has resided or has been a sojourner, within the area controlled by a local authority for at least three consecutive months out of the twenty-four months immediately preceding the date of such application and has not during such period of three months received relief, shall be deemed to be a resident of the area controlled by the local authority within whose boundaries he has last so resided.

“Rule 4.—Any person who receives any relief from a local authority for the provision of which relief that local authority is liable, shall be deemed to be a resident of the area controlled by that local authority until such time as he shall have had his home or resided within the boundaries of another local authority for twelve consecutive months out of the twenty-four consecutive months immediately preceding the date of application for the placing of such person in a hospital, without having received any relief during such period of twelve months.”

- (c) by striking out the words “Land Titles Office”, where the same occur in subsection (10a) and by substituting therefor the following: “Land Titles Office, and shall also be entitled in case such body is a corporate body to recover the amount of such expenses in an action brought for that purpose from such corporate body; and it is further provided that for the purpose of this subsection, any person who having previously been a member of any such body shall be deemed to continue to be a member thereof until the expiration of the tenth year after the last day on which he was a member thereof.”

**11.** The said Act is further amended as to section 160,—

- (a) by striking out the words “provided that no such by-law shall have any force or effect until the same has been approved by the Minister” where the same occur in subsection (1); and

(b) by adding at the end of the section the following new subsection:

“(5) No by-law made pursuant to any of the provisions of this section shall have any force or effect unless the same has been approved by the Minister.”

**12.** The said Act is further amended as to section 167 by striking out the words “on lands which have been subdivided under a plan registered at the Land Titles Office or of taxes payable in respect of grazing leases or permits” where the same occur therein.

**13.** The said Act is further amended as to section 170 by striking out the word “October”, where the same occurs in subsection (12), and by substituting therefor the word “September”.

**14.** The said Act is further amended as to section 197 by striking out subsection (1) thereof and by substituting therefor the following:

“**197.**—(1) The Council of any municipal district by by-law, or the Minister by order relating to any municipal district designated therein, may at any time alter the manner in which councillors are nominated or the manner in which they are elected, or both so as to provide,—

“(a) for the election of one councillor from each division of the municipal district;

“(b) for the election of all councillors by the general vote of the electors; or

“(c) for the nomination of candidates by the electors of each division and the election of candidates by the general vote of the electors.”

**15.** The said Act is further amended as to sections 340, 373 and 376 by striking out the word “resolution”, where the same occurs therein, and by substituting therefor the word “by-law”.

**16.** The said Act is further amended as to section 344 by striking out the same and by substituting therefor the following:

“**344.** The amount of the tax for municipal purposes payable in the year 1938 and in any subsequent year by any person whose name appears upon the assessment roll in respect of any property set out thereon shall be the sum of four dollars in case the taxes payable by such person in respect of such property in any such year amount to a sum of less than four dollars.”

**17.** The said Act is further amended as to section 355 by striking out the words “the secretary-treasurer”,

wherever the same occur therein, and by substituting therefor the words "the secretary-treasurer or any person authorized by him for the purpose".

**18.** The said Act is further amended by inserting therein immediately after section 357 the following new section:

**"357a.** In any case in which a distress warrant has been issued pursuant to section 357, a seizure shall be deemed to have been validly made thereunder if and when the person who is the owner, or who is in possession of any of the goods liable to seizure under such distress warrant or any other person as his agent whether or not any seizure has then been made signs an undertaking or other agreement in writing undertaking or agreeing to hold and keep the goods described therein as bailee for or on behalf of the secretary-treasurer or other person authorized to make the distress and thereupon and thereafter the said goods shall be deemed to be continuously under seizure until such time as the secretary-treasurer or other person making the levy by notice in writing abandons the seizure or until the goods have been sold under distress; and on and after the signing of such undertaking or agreement by the owner or possessor of the goods, neither the municipal district nor any person acting on behalf thereof shall be liable for damage in an action for wrongful or illegal seizure or for loss or damage to the said goods while in the possession of the owner or possessor thereof as bailee aforesaid."

**19.** The said Act is further amended as to section 359 by striking out the words "the secretary-treasurer", wherever the same occur therein, and by substituting therefor the words "the secretary-treasurer or any person authorized by him for the purpose".

**20.** The said Act is further amended as to section 367b by striking out the same and by substituting therefor the following:

**"367b.—**(1) Subject to the approval of the Minister, any Council may by by-law fix a minimum tax for municipal purposes 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 municipal 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.

"(2) Where any person has in any year paid a tax for municipal purposes of at least four dollars to any city,

town, municipal district, improvement district, or school district, he shall not be liable in that year to the tax imposed by this section."

**21.** The said Act is further amended as to section 373,—

- (a) by striking out the words "may be required to pay to school districts under section 372 hereof", where the same occur in subsection (1), and by substituting therefor the words "is liable to pay to any school district or school division"; and
- (b) by striking out subsection (2) and by substituting therefor the following:

"(2) All interest paid or payable by the municipal district in respect of any money so borrowed and paid to a school district or a school division shall be a debt due from such school district or school division to the municipal district."

**22.** This Act shall come into force on the day upon which it is assented to, and upon it so coming into force paragraph (a) of section 3 of the Act shall be deemed to have been in force at all times from and after the thirty-first day of December, 1938, and section 18 shall be deemed to have been in force at all times from and after the thirty-first day of December, 1937.

EIGHTH SESSION  
EIGHTH LEGISLATURE  
3 GEORGE VI  
1939

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First time.....

Second time.....

Third time.....

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