Organizational Meeting - Oct 27 2025 Agenda

Monday, October 27, 2025 at 7:00 PM

in the Council Chambers, Town Hall, 10203-105th Avenue, High Level, AB

Electronic Participation via YouTube. The YouTube link for this meeting is:

https://youtube.com/live/

The Town of High Level Mayor and Council acknowledge Treaty 8 Territory - the traditional and ancestral territory of the Cree and Dene. We acknowledge that this territory is home to the Métis Settlements and the Métis Nation of Alberta, Regions 1, 4, 5 and 6 within the historical Northwest Métis Homeland.

We acknowledge the many First Nations, Métis and Inuit who have lived in and cared for these lands for generations. We are grateful for the traditional Knowledge Keepers and Elders who are still with us today and those who have gone before us. We make this acknowledgement as an act of reconciliation and gratitude to those whose territory we reside on or are visiting.

Page

1. CALL TO ORDER

CAO, Viv Thoss, calls this meeting to order at 7 p.m.

2. OATHS OF OFFICE

20 - 28

In accordance with Section 156 of the Municipal Government Act (RSA 2000, c. M-26), the Oaths of Office will be administered by the RCMP Commissioner for Oaths to the following elected officials: Mayor-Elect Josh Lambert, Councillor Belinda Forest, Councillor Boyd Langford, Councillor Mark Liboiron, Councillor Brielle Mercredi, Councillor Nickoi Scott, and Councillor Jori Zatko.

As required under Alberta's updated privacy legislation, elected officials will also complete an Oath of Confidentiality to acknowledge their obligations under Sections 9 to 13 of the Protection of Privacy Act (SA 2024, c. P-28.5) and Section 7 of the Access to Information Regulation (AR 186/2024).

These provisions require all municipal officials to protect personal and confidential

information obtained in the course of their duties, use such information only for authorized municipal purposes, and continue to uphold confidentiality after leaving office.

Together, the Oath of Office and the Oath of Confidentiality affirm each elected official's legal and ethical responsibility to act with integrity, uphold Alberta law, and safeguard the privacy of individuals and the municipality.

I, _____, do solemnly affirm and declare that I will diligently, faithfully, and to the best of my ability execute according to law the duties of the office of [Mayor/Councillor] for the Town of High Level.

I further affirm that I will uphold and comply with all applicable laws of the Province of Alberta, including the Municipal Government Act, the Protection of Privacy Act, and the Access to Information Act. I will not, without proper authorisation, disclose or make known any personal or confidential information that comes to my knowledge by reason of my position and understand that this obligation continues after my term of office ends.

I acknowledge that any breach of these duties may result in legal or administrative action in accordance with provincial legislation.

Signed at _____ on this _____ day of _____ 20____.

Signature _____
Witness _____ Title _____

Oaths of Office Act.pdf

Town of High Level_0146_ElectionResult.pdf

Mayor Lambert assumes the Chair and proceeds to preside over the Organisational Meeting at xxx PM

3. ADOPTION OF MEETING AGENDA

3.1 Adoption of Meeting Agenda

Recommendation: 297-25 THAT the Regular Open Council meeting agenda for October 27, 2025 be adopted.

4. APPOINTMENT OF DEPUTY MAYOR

At this meeting, Council must establish a rotational schedule for the positions of Deputy Mayor and Acting Mayor. The rotation schedule will outline the order and duration each Councillor will serve in these roles for the upcoming year.

Section 8(2)(a) is enacted under Bylaw 893-10, Council and Committees Procedural Bylaw.

Recommendation: 299-25 THAT Council establish a rotation schedule for the position of Acting Mayor for the Town of High Level for the period of October 2025 to October 2029, as follows:

Councillor Forest – October 2025 to June 2026
Councillor Langford – June 2026 to February 2027
Councillor Liboiron – February 2027 to October 2027
Councillor Mercedi – October 2027 to June 2028
Councillor Scott – June 2028 to February 2029
Councillor Zatko – February 2029 to October 2029

AND THAT each Councillor so appointed shall serve as Acting Mayor during their respective term and perform the duties of the Mayor in the Mayor's absence.

Recommendation: 300-25 THAT Council appoint Councillor xxx as Deputy Mayor for the Town of High Level for the period October 2025 - 2026, to act in the absence of the Mayor in accordance with Section 152 of the Municipal Government Act.

5. CONFIRMATION OF SEATING

Recommendation: 301-25 THAT Council's selected seating arrangements remain in place for the 2025- 2029 term.

6. COUNCIL APPOINTMENTS TO COMMITTEES, BOARDS, AND OTHER BODIES

29 - 34

Municipal councils establish committees to investigate specific matters of importance to the government unit and typically consist of a mix of citizens and Council members. These committees undertake work referred to them by Council and provide recommendations for consideration by Council and Administration. A committee does not carry decision-making powers, and any recommendations from those committees must be forwarded to Council for consideration

2024-2025Public Committees Councillors are Appointed to v2.docx

6.1 Assessment Review Board (LARB/CARB)

Required under *MGA* ss. 454–456 to hear property assessment complaints. A member of an assessment review board must successfully complete a training program set or approved by the

Minister before participating in a hearing. The certification is valid for 3 years from the date the training program is completed.

Certified members and clerks must complete a refresher training program every 3 years to maintain their certification.

https://www.alberta.ca/subdivision-and-development-appeal-boards-training

Recommendation: 302-25 THAT Council appoint Councillor [Name] to serve as the Town of High Level representative to the Assessment Review Board (LARB/CARB), as required under Sections 454–456 of the Municipal Government Act, to hear property assessment complaints.

6.2 **Subdivision & Development Appeal Board (SDAB)**

Required under *MGA* s. 627 to hear planning and development appeals. A member of this board must successfully complete a training program set or approved by the Minister before participating in a hearing. The certification is valid for 3 years from the date the training program is completed.

Certified members and clerks must complete a refresher training program every 3 years to maintain their certification.

https://www.alberta.ca/subdivision-and-development-appeal-boards-training

Workshop Details:

Friday, November 28th, 2025, 9:00 a.m. – 4:00 p.m.

Friday, December 12th, 2025, 9:00 a.m. – 4:00 p.m

- **Location:** Online via Zoom (call-in details will be provided closer to the date).

Recommendation: 303-25 THAT Council appoint Councillor [Name] to serve as the Town of High Level representative to the Subdivision and Development Appeal Board (SDAB), in accordance with Section 627 of the Municipal Government Act, to hear subdivision and development appeals.

6.3 **Emergency Advisory Committee (EAC)**

Required under *Emergency Management Act* s.11(1) to oversee the Town's emergency management program.

Recommendation: 304-25 THAT Council appoint Councillor [Name] to the Emergency Advisory Committee (EAC), as required under Section 11(1) of the Emergency Management Act, to oversee the Town's emergency management program.

6.4 **Intermunicipal Development Plan Committee (IDP/IMC)** 35 - 778

Required under *MGA* s.631 to manage land-use coordination with neighbouring municipalities.

It is recommended that committee members be familiar with Part 17 of the Municipal Government Act (Planning and Development), the municipality's Land Use Bylaw, and the adopted Intermunicipal Development Plan to support effective and informed decision-making.

MGA Sept 2025.pdf

661-97 Land Use Bylaw.doc

Intermunicipal Development Plan - Currently in the process of renewal.

Recommendation: 305-25 THAT Council appoint Councillor [Name] to the Intermunicipal Development Plan Committee (IDP/IMC), as required under Section 631 of the Municipal Government Act, to represent the Town in coordinating land-use planning with neighbouring municipalities.

6.5 **Municipal Library Board** 779 - 978

Required under the *Libraries Act* if the Town operates a library.

The Libraries Act allows Council to establish a municipal library board by bylaw. The board must have at least five members, with no more than two being members of Council. Members are appointed for up to three years and may serve a maximum of three consecutive terms. Appointments should be staggered so that no more than half expire in any given year. All appointments must be made by Council resolution at an organisational or regular meeting. The board must elect a chair and vice-chair each year and submit an annual budget and report to Council.

Town of High Level Municipal Library.pdf

Library Board Letter of Interest - Bill Schnarr.docx

Library Board Members.pdf

HighLevel_2024_AnnualReport.pdf

Recommendation: 306-25 THAT Council appoint the following individuals to the Town of High Level Library Board, in accordance with Section 4 of the Libraries Act (RSA 2000, c. L-11):

- Taryn McAskile – term expiring December 10, 2026
- Cheryll Welke – term expiring March 11, 2027
- Lane Connellan – term expiring March 11, 2027
- Jan Robichaud – term expiring February 24, 2026
- Bill Schnarr (recommendation) – term expiring October 27, 2028
- Jodi Botha - term expiring October 27, 2028
- Councillor xx - term expiring, October 27, 2028
- Laurie Dirsa - term expiring, October 27, 2028
- Peter Storer - term expiring, October 27, 2028

AND THAT the appointments maintain compliance with the requirement that no more than two Council members serve concurrently on the board.

6.6 **Peace Library System (PLS)**

The Peace Library System (PLS) is a regional network that supports public libraries across northwestern Alberta by providing shared resources, technology, training, and interlibrary lending services. It ensures that member communities, including the Town of High Level, have equitable access to library materials and professional support regardless of their size or location.

Recommendation: 307-25 THAT Council appoint Councillor [Name] to the Peace Library System Board, as required under the Libraries Act, to represent the Town's interest in regional library services.

6.7 **Committee of the Whole (COW)**

A Committee of the Whole is a less formal meeting where all council members meet as a single committee to discuss issues, hear public input, and review policies. It fosters open dialogue and consensus-

building. While it doesn't make final decisions, it prepares recommendations for formal council approval.

Recommendation: 308-25 THAT all members of Council be appointed to the Committee of the Whole (COW) to allow for in-depth policy discussion, strategic planning, and project review, noting that no final decisions are made while sitting as Committee of the Whole.

6.8 **Community Services and Recreation Committee**

Advises on recreation, culture, and community programming.

Previous Members or Community Promotion Task Force:

- Councillor Liboiron
- Jan Welke

Recommendation: 309 - 25 THAT Council establish the Community Services and Recreation Committee for the Town of High Level to provide advice and recommendations to Council on matters related to community programming, recreation facilities, parks development, and cultural initiatives, and to support community engagement in promoting active, inclusive, and well-being-focused opportunities for residents.

Recommendation: 310-25 THAT Council appoint Councillor [Name] to the Community Services and Recreation Committee to provide input on infrastructure, utilities, and asset management planning.

6.9 **Economic Development and Tourism Committee**

Promotes investment, local business, and tourism opportunities.

Previous Members of Movie and Film Industry Taskforce:

Jan Welke

Councillor Liboiron

Public Member: Jordan Maskell (renew November 2025)

Recommendation: 311 -25 THAT Council establish the Economic Development and Tourism Committee for the Town of High Level to provide advice and recommendations to Council on matters related to business development, investment attraction, tourism promotion, and economic diversification, supporting initiatives that strengthen the

Town’s economic growth and regional partnerships.

Recommendation: 312-25 THAT Council appoint Councillor [Name] to the Economic Development and Tourism Committee to support business development, investment attraction, and tourism promotion.

6.10 **Air Access Task Force** 979 - 984

The Air Access Task Force supports airport development, route access, and regional air service advocacy. The Terms of Reference for the Reliable Air Access for Specialist Medical Services Task Force were accepted by Council on October 14, 2025, through Resolution 286-25.

Air Access Task Force - Inaugural Meeting Minutes - 10.08.2025 (4).docx

Revised Terms of Reference for Council Consideration.docx

Recommendation: 313-25 THAT Council appoint Councillor [Name] to the Reliable Air Access for Specialist Medical Services Task Force, alongside the following members:

- Alok Sahai – Town of High Level
- Brent Anderson – Town of High Level
- Angie Mann – Alberta Health Services
- Councillor [Name] – Town of High Level
- Crystal McAteer – Community Member
- Gord Burnell – Aeromedical
- Josh Lambert – High Level & District Chamber of Commerce
- Luke Colatorti – Town of High Level

to support the Task Force’s objectives related to airport development, route access, and regional air service advocacy.

6.11 **Indigenous and Intergovernmental Relations Advisory Committee**

Strengthens partnerships and reconciliation initiatives.

Recommendation: 314-25 THAT Council appoint Councillor [Name] to the Indigenous and Intergovernmental Relations Advisory Committee to strengthen partnerships and advance reconciliation initiatives with Indigenous governments and

regional partners.

6.12 **Boreal Housing Foundation** 985 - 986

Advises on housing needs, affordability, and community supports.

Appendix - Ministerial Order H.001-2024.pdf

Recommendation: 315-25 THAT Council appoint Councillor [Name] and Crystal McAteer to the Boreal Housing and Social Well-Being Advisory Committee to advise on housing needs, affordability, and community social support initiatives.

6.13 **Recommended Committees to Dissolve or Merge**

- Community Promotion Committee – Merge with *Community Services and Recreation Committee*.
- Banners of Remembrance Committee - currently running operationally.
- Dene Tha' Partnership - Merge with Indigenous and Intergovernmental Relations Advisory Committee
- Tourism and Film Advisory Committee – Merge with *Economic Development and Tourism Committee* to reduce overlap.
- Airport Beautification and Enhancement Task Force – Functions now integrated under *Air Access Task Force*.
- Youth Advisory Committee – Low engagement across municipalities; community input can be achieved through ad hoc events or surveys.
- Seniors Advisory Committee – Similar input can be gathered through FCSS and community engagement initiatives.
- Ad Hoc Event Committees (e.g., parade, winter carnival) – Can operate as short-term working groups coordinated by the administration rather than formal Council committees.

Recommendation: 316-25 THAT Council approve the following committee dissolutions and mergers to improve efficiency, reduce overlap, and align with current operational and governance practices:

Community Promotion – be merged with the Community Services and Recreation Committee.

Banners of Remembrance – be dissolved and continue fully functioning operationally.

Dene Tha' Partnership – be merged with the Indigenous and Intergovernmental Relations Advisory Committee.

Tourism and Film Advisory Committee – be merged with the Economic Development and Tourism Committee.

Airport Beautification and Enhancement Task Force – be dissolved, with its functions and responsibilities integrated under the Air Access Task Force.

Youth Advisory Committee – be dissolved, with youth engagement to be conducted through ad hoc initiatives and community events.

Seniors Advisory Committee – be dissolved, with senior input to be gathered through FCSS programming and community engagement.

Ad Hoc Event Committees (e.g., parade, winter carnival) – be dissolved, with future event coordination to be managed as short-term administrative working groups.

FURTHER, THAT Administration update the Town of High Level's Committee Appointment List and Terms of Reference to reflect these changes and bring any required bylaw amendments forward for Council's consideration.

6.14 **Mackenzie Regional Waste Management Commission**

The Mackenzie Regional Waste Management Commission is a regional partnership responsible for the collection, management, and disposal of solid waste for member municipalities in the Mackenzie region. It oversees landfill operations, recycling programs, and environmental compliance to ensure safe, efficient, and sustainable waste management services.

Recommendation: 317-25 THAT Council appoint Councillor [Name] to the Mackenzie Regional Waste Management Commission to represent the Town on regional waste management and recycling matters

6.15 **Regional Economic Development Initiative (REDI)**

The Regional Economic Development Initiative (REDI) is a partnership of municipalities and regional stakeholders in northwestern Alberta that collaborates to promote economic growth, investment, and diversification. It focuses on attracting new businesses, supporting local enterprises, and advancing regional development projects that strengthen the area's long-term economic sustainability.

Recommendation: 318-25 THAT Council appoint Councillor [Name] to the Regional Economic Development Initiative

(REDI) to participate in regional investment attraction and economic collaboration.

6.16 **Water North Coalition (WNC)**

The Water North Coalition (WNC) is a collaborative network of northern Alberta municipalities, First Nations, and water operators that advocates for sustainable water and wastewater management. It works to address training, funding, and infrastructure challenges unique to northern communities while promoting safe, reliable, and affordable water services.

Recommendation: 319-25 THAT Council appoint Councillor [Name] to the Community Futures of Northwest Alberta Board to support small business development and regional entrepreneurship initiatives.

6.17 **High Level and District Chamber of Commerce**

The High Level and District Chamber of Commerce is a local business organization that supports economic growth and community development by representing the interests of businesses in the region. It provides networking opportunities, advocacy, and resources to strengthen the local business environment and encourage investment in the community.

Recommendation:320-25 THAT Council appoint Councillor [Name] as the Town's liaison to the High Level and District Chamber of Commerce to strengthen communication and local business collaboration.

6.18 **Northern Alberta Elected Leaders (NAEL)**

The Northern Alberta Elected Leaders (NAEL) committee is a coalition of mayors, reeves, and councillors from across northern Alberta who collaborate to advocate on regional priorities. It provides a unified voice to the provincial and federal governments on issues such as infrastructure, healthcare, transportation, and economic development that impact northern municipalities

Recommendation: 321-25 THAT Council appoint Councillor [Name] to the Northern Alberta Elected Leaders group to represent the Town in regional municipal advocacy efforts.

6.19 **Mackenzie Frontier Tourist Association (MFTA)**

The Mackenzie Frontier Tourist Association (MFTA) is a regional tourism organization that promotes travel and recreation throughout the Mackenzie Frontier region of northwestern Alberta. It works with local communities, businesses, and tourism operators to market the

area's attractions, support visitor services, and enhance regional tourism development.

Recommendation: 322-25 THAT Council appoint Councillor [Name] to the Mackenzie Frontier Tourist Association to support tourism and destination marketing initiatives.

6.20 **Community Rail Advocacy Alliance**

The Community Rail Advocacy Alliance is a regional coalition that advocates for the maintenance and enhancement of rail infrastructure and services in northern Alberta. It works to ensure reliable rail access for communities and industries, supporting economic growth, transportation efficiency, and long-term regional connectivity.

Recommendation: 323-25 THAT Council appoint Councillor [Name] to the Community Rail Advocacy Alliance to represent the Town of High Level's interests in advocating for reliable rail infrastructure, service improvements, and regional transportation connectivity in northern Alberta.

6.21 **Golden Range Society**

The Golden Range Society is a local seniors' organization that provides programs, activities, and social opportunities for older adults in the community. It supports the well-being, engagement, and inclusion of seniors while serving as a community hub for gatherings, recreation, and outreach initiatives.

Recommendation: 324-25 THAT Council appoint Councillor [Name] as the Town of High Level representative to the Golden Range Society to strengthen the Town's connection with the local senior community, support collaboration on programs and initiatives that enhance quality of life for older residents, and ensure ongoing communication between the Society and Council.

6.22 **High Level Community Policing Society**

The High Level Community Policing Society is a community-based organization that works in partnership with the RCMP, the Town, and local residents to promote public safety and crime prevention. It supports community policing initiatives, educational programs, and engagement activities aimed at building trust, reducing crime, and improving overall safety within the community.

Recommendation: 325-25 THAT Council appoint Councillor

[Name] to the High Level Community Policing Society to represent the Town of High Level and support collaborative efforts with the RCMP and community partners in promoting public safety, crime prevention, and community engagement initiatives.

6.23 **Northern Lakes College Community Education Committee (CEC)** 987 - 988

The Northern Lakes College Community Education Committee (CEC) is a local advisory group that works with Northern Lakes College to identify and support community education and training needs. The committee provides input on program delivery, promotes local learning opportunities, and strengthens partnerships between the college, the Town, and regional employers to enhance access to post-secondary and continuing education.

Council_of_Community_Education_Committees_ToR_November_13_2018.pdf

Recommendation: 326-25 THAT Council appoint Councillor [Name] as the Town of High Level representative to the Northern Lakes College Community Education Committee (CEC) to collaborate with Northern Lakes College in identifying local education and training needs, supporting community learning opportunities, and strengthening partnerships that enhance access to post-secondary education in the region.

6.24 **Upper Hay Regional Forests Public Advisory Group** 989 - 995

The Upper Hay Regional Forests Public Advisory Group is a stakeholder committee that provides input to forestry companies and government agencies on sustainable forest management practices in the Upper Hay region. It offers a forum for local governments, Indigenous communities, industry representatives, and the public to discuss forestry plans, environmental stewardship, and land-use impacts to ensure responsible resource management.

HL Public Forest Advisory Committee.pdf

Recommendation: 327-25 THAT Council appoint Councillor [Name] as the Town of High Level representative to the Upper Hay Regional Forests Public Advisory Group to participate in discussions on sustainable forest management, environmental stewardship, and regional land-use planning, ensuring the Town’s interests are represented in forestry-related decision-making.

6.25 **Northwest Regional Fetal Alcohol Spectrum Disorder Society**

The Northwest Regional Fetal Alcohol Spectrum Disorder (FASD) Society is a non-profit organization that provides education, prevention, and support services to individuals, families, and communities affected by FASD across northwestern Alberta. It works collaboratively with local governments, healthcare providers, and community agencies to increase awareness, coordinate resources, and promote inclusive practices for individuals living with FASD.

Recommendation: 328-25 THAT Council appoint Councillor [Name] as the Town of High Level representative to the Northwest Regional Fetal Alcohol Spectrum Disorder Society to support collaboration on community education, prevention, and advocacy initiatives that address the impacts of FASD and promote inclusive services for affected individuals and families across the region.

6.26 **Lower Peace Regional Stewardship Committee** 996 - 1000

The Lower Peace Region Committee represents municipalities and stakeholders working together to balance environmental protection with sustainable economic growth. The committee advocates for fair and evidence-based implementation of federal and provincial conservation policies, such as the Caribou and Grizzly Bear recovery strategies, while supporting local industry, community well-being, and environmental stewardship through collaboration, transparency, and adaptive management.

Lower Peace Regional Stewardship TOR.pdf

Recommendation: 229 - 25 THAT Council appoint Councillor [Name] as the Town of High Level representative to the Lower Peace Region Committee to participate in regional collaboration efforts that promote balanced environmental protection, sustainable economic development, and effective stakeholder engagement across the Lower Peace Region.

6.27 **Land and Stewardship Committee** 1001 - 1003

To provide recommendations to Council regarding land stewardship practices. The Committee's primary role is to learn and understand the issues and impacts of current, pending and proposed legislation as it relates to land use, deriving strategies on how to mitigate the negative impacts on the County, and provide recommendations to Council on how to best address the issues

Pages from Committee_Terms_of_Reference_Document_-

_Revised_2016-05-10.pdf

Recommendation: 230-25 THAT Council appoint Councillor [Name] and Councillor [Name] to the Land Stewardship Committee to provide recommendations to Council on land use practices, review the impacts of current and proposed legislation, and develop strategies to mitigate potential negative effects on the municipality.

6.28 **Committees for Withdrawal or Administrative Liaison**

The following external committees are recommended for withdrawal of direct Council representation. These committees have limited decision-making authority, overlap with existing regional partnerships, or can be effectively supported through administrative liaison or written updates.

Removing Council from these groups will streamline workloads, reduce meeting duplication, and allow elected officials to focus on strategic, legislated, and high-impact boards. Participation in these committees does not materially influence municipal operations or funding outcomes. Continued engagement will occur through administration or interagency reporting.

Committees recommended for withdrawal:

- High Level Transportation Society – Service-provider relationship; ongoing coordination can be maintained by administration without Council attendance.
- Mackenzie Regional Charity Golf Committee (NW Health Foundation) – Fundraising initiative; no governance or policy role requiring Council participation.

Rationale Summary:

This adjustment improves Council efficiency, supports balanced workloads, and ensures that per-meeting honoraria are allocated toward committees where Council's governance role directly benefits residents or advances Town objectives. Administration will maintain regular communication with each organization and bring forward updates or issues to Council as required.

Recommendation: 331-25 THAT Council discontinue direct Council representation on the following external committees and direct Administration to maintain liaison or information-sharing relationships as appropriate:

- High Level Transportation Society

- Mackenzie Regional Charity Golf Committee (NW Health Foundation)

AND THAT Administration provide written updates to Council as necessary or when significant matters arise.

7. APPOINTMENT OF AUDITOR, LEGAL COUNCEL AND ASSESSOR

In accordance with Sections 280–282 of the *Municipal Government Act*, Council is required to appoint an Auditor, Legal Counsel, and Assessor for the Town of High Level. These appointments ensure continued financial accountability, legal continuity, and accurate property assessment services for taxation purposes.

Recommendation: 332-25 THAT Council appoint the following for the Town of High Level for the 2025–2026 term:

- **Auditor:** Doyle & Company Chartered Professional Accountants
- **Legal Counsel:** BROWNLEE LLP
- **Assessor:** Accurate Assessment Group Ltd

AND THAT these appointments remain in effect until such time as Council makes new appointments or otherwise directs.

8. SETTING OF REGULAR COUNCIL AND COMMITTEE OF THE WHOLE MEETING DATES, TIMES AND LOCATION

1004

Proposed Council Calendar 2026.pdf

Recommendation: 333-25 THAT, in accordance with Section 193 of the MGA and as outlined in Procedural Bylaw, Council establish the following regular meeting schedules for the Town of High Level:

- **Regular Council Meetings:** To be held on the **second and fourth Monday of each month, except for July, August and December** at **7:00 p.m.** in the Town of High Level Council Chambers, unless otherwise rescheduled by Council resolution.
- **Committee of the Whole Meetings:** To be held on the **third Monday of every second month** at **7:00 p.m.** in the Town of High Level Council Chambers.

FURTHER, THAT notice of any changes to the above meeting

schedules be provided in accordance with the MGA and the Town's Procedural Bylaw.

9. REVIEW OF COUNCIL GOVERNANCE DOCUMENTS

1005 - 1049

As recommended by Alberta Municipal Affairs' *Procedure Bylaw & Agenda Guide (2017)*, Council will review or reconfirm key governance documents, including the Procedure Bylaw and Council Remuneration, Travel, and Expense Policies, to ensure they remain current and reflect the expectations of the present Council.

Procedural Bylaw.doc

230-10 Council Remuneration, Per Diem, Expense and Benefits (effective Jan 2022).pdf

Council is advised that all related governance documents, including those affected by recent legislative changes, are currently under review by Administration and will be brought forward at upcoming meetings for discussion and updating.

10. APPOINTMENT OF CHAIR FOR COUNCIL MEETINGS

Recommendation: 334-25 THAT Council confirm**Mayor Lambert** s the Chair for all meetings of Council for the Town of High Level, in accordance with the*Municipal Government Act* and the Town's Procedural Bylaw, to provide procedural clarity and consistency in meeting administration.

11. CONFIRMATION OF SIGNING AUTHORITIES

1050 - 1051

The Financial Analyst, Romer Talampas, is recommended to serve as a temporary signing authority in place of the Director of Finance, who is currently away until further notice. This ensures continuity of financial operations, timely processing of transactions, and proper oversight of the Town's financial commitments during the Director's absence.

246-13 Signing Authorities Policy.pdf

Recommendation: 335-25 THAT Council confirm the following signing authorities for the Town of High Level for the purpose of financial transactions, banking, and contractual documents:

Mayor Lambert

Councillor [Name]
Chief Administrative Officer, Viv Thoss
Financial Analyst, Romer Talampas (temporarily in place of the Director of Finance)

AND THAT any two of the above authorized signatories be required to execute all financial instruments and official documents on behalf of the Town during this temporary period.

12. MANDATORY TRAINING

In accordance with Section 201.1 of the *Municipal Government Act*, all elected officials are required to complete mandatory orientation training following a general election.

Recommendation: 336-25 THAT Council approve attendance for the following elected officials and administration at the EOEP Municipal 101 Training sessions, as part of mandatory orientation under Section 201.1 of the Municipal Government Act:

October 25 – Virtual
- Mayor Lambert
- Deputy Mayor Langford
- Councillor Liboiron
- Councillor Mercredi
- Councillor Scott

October 27 – Virtual
- Councillor Zatko

October 31 – In-person
- Chief Administrative Officer
- Councillor Forest

13. ADJOURNMENT

Recommendation: 337-25 THAT there being no further business of the Regular Open Council meeting, it be adjourned.

THE ORGANIZATIONAL MEETING ADJOURNED AT _____



Province of Alberta

OATHS OF OFFICE ACT

Revised Statutes of Alberta 2000
Chapter O-1

Current as of November 16, 2022

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

OATHS OF OFFICE ACT

Chapter O-1

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

Oath of allegiance

1(1) When by a statute of Alberta a person is required to take an oath of allegiance it shall be taken in the following form:

> I, _____ , swear that I will be faithful and bear true allegiance to His Majesty King Charles the Third, His heirs and successors, according to law.
>
> So help me God.

(2) Where the name of His Majesty King Charles the Third is expressed in the form, the name of the Sovereign at the time that the oath is taken shall be substituted therefor if different.

RSA 2000 cO-1 s1;AR 217/2022

Official oath

2 When by a statute of Alberta a person is required to take an official oath on

(a) being appointed to an office other than that of judge or justice of the peace, or

(b) being admitted to a profession or calling,

the oath shall be taken in the following form:

> I, _____ , swear that I will diligently, faithfully and to the best of my ability execute according to law the office of _____.
>
> So help me God.

RSA 1980 cO-1 s2

Judicial oath

3 When by a statute of Alberta a person is required to take a judicial oath on being appointed as a judge or as a justice of the peace, the oath shall be taken in the following form:

I, _____ , swear that I will honestly and faithfully and to the best of my ability exercise the powers and duties of a _____ _____ .

So help me God.

RSA 1980 cO-1 s3

Solemn affirmation

4(1) A person who is required by a statute of Alberta to take an oath prescribed by this Act may make a solemn affirmation instead of taking the oath.

(2) When on the administering of an oath prescribed by this Act the person about to take the oath is permitted by law to make a solemn affirmation instead of taking an oath, the person may make a solemn affirmation in the prescribed form of the oath, substituting the words "solemnly affirm" for the word "swear", and omitting the words "So help me God".

RSA 2000 cO-1 s4;2014 c13 s8





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Government of Alberta

Municipal Affairs

Elections Database

Official Election Results

Name of Municipality:	HIGH LEVEL
Election Type:	General Election
Election Date:	2025-10-20

Section 97 of the Local Authorities Election Act
Section 577 of the Municipal Government Act

Ward	Position	First Name	Last Name	Number of Votes Received (A = Acclaimed)	If declared elected check(X)	If Incumbent check(X)
	Mayor	Brent Allan	Anderson	239	[ ]	[X]
	Mayor	Joshua (Josh)	Lambert	316	[X]	[X]
	Councillor	Belinda	Forest	297	[X]	[ ]
	Councillor	Alan	Forsyth	206	[ ]	[ ]
	Councillor	Boyd Ernest	Langford	433	[X]	[X]
	Councillor	Mark	Liboiron	427	[X]	[X]
	Councillor	Brielle	Mercredi	356	[X]	[ ]
	Councillor	Mary	Mercredi	257	[ ]	[ ]
	Councillor	Nickoi	Scott	322	[X]	[ ]
	Councillor	Jori	Zatko	301	[X]	[ ]

Number of Actual Voters 556
Number of Eligible Voters 2,096

I certify that this is a true statement of the results of the election held on 2025-10-20
Date of Election

Electronically signed and submitted to Municipal Affairs on 2025-10-21.

Signature of Returning Officer

Date

The personal information on this form is being collected to to support the municipal election process and is authorized under the Local Authorities Election Act. The personal information will be managed in compliance with the privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions concerning the collection of this personal information, please contact Capacity Building at 780-427-2225 or by writing to the Director, Capacity Building, 17th Floor, Commerce Place, Edmonton, Alberta T5J 4L4. (Outside of Edmonton call 310-0000 to be connected toll free.)

COMMITTEES ON WHICH COUNCILLORS ARE APPOINTED NOV 2024 - OCT 2025			
INTERNAL COMMITTEES	**2024-2025 MEMBERS**	**PURPOSE**	**MEETINGS**
Airport Beautification / Enhancement Task Force	Councillor Anderson Councillor Welke Public member: Darlene Anderson	The taskforce provides recommendations to Council regarding short- and long-term beautification/enhancement options, funding strategies, and partnership opportunities.	As needed
Assessment Review Board (ARB)	Mark Liboiron (cert. to Jan. 2026) Deputy Mayor Langford (cert. to Feb. 2025) Public Member: Jerry Chomiak (cert. to Apr. 2025)	Established in accordance with the MGA, an assessment review board is an impartial tribunal that hears formal complaints against the assessment of properties, business, and local improvements.	As needed
Banner of Remembrance Committee	Councillor Liboiron Alternate: Councillor Welke High Level & District Chamber of Commerce: Adam Kent Hospitality Industry: Perry Felsinger Restaurant Industry:	The committee was established with the objective to focus on the direct and cohesive promotion of the Town of High Level. The scope of which includes attractions, businesses and amenities.	As needed
Community Promotion Task Force	Councillor Liboiron and Councillor Lambert		
High School Bursary Committee	Councillor Anderson, Councillor Lambert and Councillor Welke	Council supports students that want to achieve a higher level of education and return to the community to pursue their careers. This Committee selects the recipients of the Town of High Level Bursary Program.	Annually
High Level – Dene Tha' partnership (formally CEDI)	Mayor McAteer, Councillor Lambert	Established to maintain communication and cooperation for regional projects and programs.	Monthly - 1st Wednesday
Intergovernmental Negotiation Committee & Regional Sustainability Working Committee	Mayor McAteer, Deputy Mayor Langford and Councillor Lambert	The Intergovernmental Negotiation Committee carries out negotiations between the Town of High Level and surrounding local governments.	As needed
ermunicipal Planning mmission (IMPC)	Councillor Anderson and Councillor Lambert Member-at Large: Mike Morgan	The Intermunicipal Planning Commission approves all development and subdivision applications within the Intermunicipal Development Planning Area.	Monthly

Intermunicipal Subdivision and Development Appeal Board	Deputy Mayor Langford (cert to Nov 2024)) Councillor Liboiron (cert to Nov 2025) Public Members: Jerry Chomiak (cert to Nov 2024)	The Intermunicipal Subdivision Development Appeal Board hears and determines appeals on behalf of the Town and County in respect to decisions of a Subdivision Authority or Development Authority within the Intermunicipal Development Planning area.	As needed
Movie and Film Industry Task Force	Councillor Welke Councillor Liboiron Public Members: Jordan Maskell (renew November 2025)	Administration is recommending the formation of a Movie and Film Industry Taskforce. The Taskforce would recommend to Council regulations and incentives for the film industry working in High Level. The first task would be to create a term of reference for approval by Council.	As arranged
Northwest Alberta Regional Emergency Advisory Committee (per Regional Emergency Management Bylaw 962-16)	Deputy Mayor Langford, Councillor Jessiman, and Councillor Lambert	Established to guide the creation, implementation and evaluation of the Northwest Alberta Regional Emergency Plan and programs.	As arranged
Subdivision & Development Appeal Board (SDAB)	Deputy Mayor Langford (cert. to Nov 2024) Councillor Liboiron (cert. to Nov 2025) Public members: Jerry Chomiak (cert. to Nov 2024)	The Subdivision Development Appeal Board hears and determines appeals on behalf of the Town in respect to decisions of a Subdivision Authority or Development Authority.	As needed
Town of High Level Municipal Emergency Advisory Committee (per Regional Emergency Management Bylaw 962-16)	Mayor McAteer, Councillor Jessiman, and Councillor Anderson	Has the authority to declare a State of Local Emergency, ensures that emergency plans and programs are prepared to address emergencies or disasters in The Town of High Level, recommend local mitigations plans/initiatives to Council and participate in the Northwest Alberta Regional Emergency Advisory Committee.	
Intermunicipal Development Plan Joint Steering Committee	Mayor McAteer , Deputy Mayor Langford and Councillor Welke		As needed
Boreal Housing Foundation	Mayor McAteer Public Member: Sylvia Kennedy	A non-profit housing management body that provides a variety of housing options for seniors and low-income households in need throughout the Mackenzie Region. We offer services in La Crete, High Level and Fort Vermilion.	As arranged

	Councillor Welke		Monthly
Community Futures of Northwest AB	Alternate: Councillor Liboiron	Community Futures Northwest Alberta assists and encourages this region's residents to enhance their Economic, Community Development and Industry Diversification efforts.	
Community Rail Advocacy Alliance	Mayor McAteer	Northern Alberta municipalities and industry associations lobbying for better rail freight service for the region.	As arranged
Golden Range Society	Councillor Anderson	The Golden range Society was formed in 1987 by a small group of seniors interested in having social activities relating specifically to seniors so that they could continue an active lifestyle.	Quarterly
High Level Community Policing Society	Councillor Jessiman Alternate: Deputy Mayor Langford	To liaise with the High Level RCMP Detachment and deliver the programming for the Victim Services Unit, Domestic Violence Unit, and the Bison Child and Youth Advocacy Centre.	2nd Wed q/month
High Level and District Chamber of Commerce	Councillor Lambert Alternate: Councillor Anderson	To promote the economic and social well-being of High Level and District as a unified voice of free enterprise.	As arranged.
High Level Municipal Library Board	Councillor Anderson and Councillor Liboiron Lydie Watters Taryn McAskile Jane Robichaud Cheryll Welke Lane Connellan	The board helps to make decisions about how the library is to run. The Board also is involved in volunteering and fundraising endeavours.	Last Wednesday /month
	Councillor Anderson		

High Level Transportation Society	Alternate: Councillor Welke	Overseas the operation of the High Level Handi-van.	

Mackenzie Frontier Tourist Association (MFTA)	Councillor Welke Alternate: Councillor Lambert	The Mackenzie Frontier Tourist Association works to fulfill the mandate to support and grow tourism in Northwestern Alberta through the provision of strategic leadership and through active, effective partnerships with government and key stakeholders.	3rd Wed. q/month
Mackenzie Regional Charity Golf Committee (NW Health Foundation)	Deputy Mayor Langford and Councillor Jessiman	Has been turned over to the Northwest Health Foundation. Has not been held the past 2.5 years due to COVID	As arranged
Mackenzie Regional Waste Management Commission	Deputy Mayor Langford and Councillor Liboiron	Governs recycling and waste collection throughout the Mackenzie Region.	3rd Saturday q/month
Northern Alberta Elected Leaders (NAEL)	Mayor McAteer and Deputy Mayor Langford	Northern Alberta Elected Leaders (NAEL) offers a venue for northwestern municipal leaders to gather and share current practices and seek opportunities to collaborate NAEL advocates for change on numerous issues of common interest in the northwest.	As arranged
Northern Lakes College, Community Education Committee (CEC) – High Level Campus	Councillor Anderson Alternate: Councillor Welke	The CEC ensures that residents have access to education and training that is suited to their needs and goals.	Monthly
Northwest Regional Fetal Alcohol Spectrum Disorder Society	Councillor Welke Alternate: Councillor Liboiron	The NWR FASD Society is a one stop agency for anyone seeking information, supports and services on FASD in the Mackenzie Region of Alberta.	Monthly
Peace Library System (PLS)	Councillor Liboiron Alternate: Councillor Anderson	Peace Library System works to ensure that its member libraries remain the essential information centers of their communities.	Quarterly

	Deputy Mayor Langford and Councillor Lambert	The Regional Economic Development Initiative Association for	
Regional Economic Development Initiative (REDI)		Northwest Alberta (REDI) formed in 2002 exists to promote and enhance economic growth amongst its member communities and to promote the region, rather than as individual communities.	3rd Wednesday each month
Upper Hay Regional Forests Public Advisory Group	Deputy Mayor Langford and Councillor Jessiman	To obtain constructive community input, advice, and recommendations to ensure all local interests are effectively involved in forest management planning.	As arranged.
Water North Coalition (WNC)	Councillor Jessiman	The WNC seeks to ensure, through collaboration, that sustainable water systems are available to every northern community.	As arranged.



Province of Alberta

MUNICIPAL GOVERNMENT ACT

Revised Statutes of Alberta 2000
Chapter M-26

Current as of September 1, 2025

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2017 c13 s1(4) repeals Division 5 of Part 3; s1(39) repeals and substitutes Division 4 of Part 10 ss380.1 to 380.5; s1(40) amends s410(e); s1(41) amends s437(c); s1(61) (repealed by 2013 cS-19.3 s3 - effective December 31, 2023) amends s666; s1(62) (repealed by 2013 cS-19.3 s3 - effective December 31, 2023) amends s667; s1(63) (repealed by 2013 cS-19.3 s3 - effective December 31, 2023) amends s670(1); s1(64) (repealed by 2013 cS-19.3 s3 - effective December 31, 2023) adds s670.2.

2020 c35 s24 amends s596(1)(b).

2025 c10 s39 amends ss1(1)(m)(ii), 250(2) and 362(1); repeals and substitutes s366(3)(e); amends ss392(4) and 596(1)(b).

2025 c13 s2 amends ss208 and 423(1)(e.1).

Regulations

The following is a list of the regulations made under the *Municipal Government Act* that are filed as Alberta Regulations under the Regulations Act.

	Alta. Reg.	*Amendments*
Municipal Government Act		
Aeronautics Act Agreements	33/2014	*10/2016, 157/2020*

Airport Vicinity Protection Areas
Calgary International....177/2009 ..... *192/2010, 71/2014, 186/2017, 177/2018, 124/2019, 158/2020, 34/2021, 163/2021*
Edmonton International....55/2006 ..... *86/2016, 185/2017, 83/2022, 22/2024*
Business Improvement Area ....93/2016 ..... *123/2021, 91/2024*
Canmore Undermining Exemption from Liability ....113/97 ..... *221/2004*
Canmore Undermining Review....34/2020
City of Airdrie Downtown Community Revitalization Levy 253/2022
City of Calgary Charter, 2018 ....40/2018 ..... *18/2019, 56/2019, 187/2019, 216/2022, 218/2022, 99/2024*
NOTE: Certain provisions of AR 18/2019 come into force on later dates. See AR 40/2018.
City of Calgary Rivers District Community Revitalization Levy ....232/2006 ..... *181/2016, 266/2018, 85/2024*
City of Edmonton Belvedere Community Revitalization Levy ....57/2010 ..... *234/2020, 86/2024*
City of Edmonton Capital City Downtown Community Revitalization Levy ....141/2013 ..... *131/2023, 109/2025, 200/2025*
City of Edmonton Charter, 2018 ....39/2018 ..... *19/2019, 56/2019, 187/2019, 216/2022, 218/2022, 100/2024*
NOTE: Certain provisions of AR 19/2019 come into force on later dates. See AR 39/2018.
City of Edmonton the Quarters Downtown Community Revitalization Levy ....173/2010 ..... *235/2020, 87/2024*
Clean Energy Improvements....212/2018 ..... *153/2020*
Cochrane Community Revitalization Levy ....204/2012 ..... *254/2022, 88/2024*
Community Aggregate Payment Levy ....263/2005 ..... *187/2010, 175/2015, 196/2017, 205/2022, 199/2024*
Community Organization Property Tax Exemption....281/98 ..... *283/2003, 182/2008, 4/2010, 77/2010, 204/2011, 9/2015, 257/2017, 220/2018, 56/2019, 295/2020, 152/2023, 162/2025*
NOTE: AR 162/2025, except s7, comes into force Jan 1, 2026
Crown Land Area Designation....239/2003 ..... *29/2013, 204/2017*
Debt Limit....255/2000 ..... *25/2005, 100/2006, 253/2009, 5/2010, 13/2013, 171/2015, 294/2020, 61/2022*
Financial Information Return....158/2000 ..... *71/2004, 35/2007, 68/2008, 170/2009, 112/2014, 191/2018*
Joint Use and Planning Agreements....110/2025

Matters Related to Subdivision and Development ..... 84/2022 ..... *216/2022*
Matters Relating to Assessment Complaints, 2018 ..... 201/2017 ..... *218/2022, 258/2022, 142/2025*
Matters Relating to Assessment and Taxation, 2018 ..... 203/2017 ..... *185/2018, 146/2019, 256/2022, 93/2024*
Municipal Census 88/2023
Municipal Corporate Planning 192/2017
Municipal Gas Systems Core Market ..... 93/2001 ..... *354/2003, 254/2007, 129/2008, 127/2013, 183/2017, 24/2020, 128/2024*
Municipal Investment ..... 149/2022 ..... *125/2024, 199/2025, 214/2025*
NOTE: AR 199/2025 ss1 to 3, 7, 12, 14(2)(a), (3) and (4), 16, 19(2), 20 to 22, 24(3), 26, *27(2)(a), (4) and (6) to (8), 29 to 33, 40, 43(2) to (6) and 44 come into force on the coming into force of s45(15) of the Health Statutes Amendment Act, 2025*
NOTE: AR 214/2025 s26 comes into force on the coming into force of s45(17) of the Health Statutes Amendment Act, 2025
Municipally Controlled Corporations ..... 112/2018 ..... *79/2021, 204/2022*
Off-site Levies ..... 187/2017 ..... *53/2018, 101/2021*
Planning Exemption ..... 223/2000 ..... *206/2001, 251/2001, 217/2002, 234/2002, 354/2003, 365/2003, 23/2005, 299/2006, 300/2006, 236/2007, 140/2008, 176/2009, 50/2011, 34/2014, 95/2015, 184/2017, 123/2020, 173/2021, 1/2024, 54/2024, 172/2025*
Public Participation Policy 193/2017
Qualifications of Assessor ..... 233/2005 ..... *307/2006, 63/2012, 96/2017*
Social and Affordable Housing Accommodation Exemption ..... 12/2022 ..... *216/2022, 158/2025*
Supplementary Accounting Principles and Standards ..... 313/2000 ..... *62/2004, 171/2009, 108/2013, 111/2014, 191/2018*
Well Drilling Equipment Tax Rate 293/2020

MUNICIPAL GOVERNMENT ACT

Chapter M-26

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Preamble

WHEREAS Alberta's municipalities, governed by democratically elected officials, are established by the Province, and are empowered to provide responsible and accountable local governance in order to create and sustain safe and viable communities;

WHEREAS Alberta's municipalities play an important role in Alberta's economic, environmental and social prosperity today and in the future;

WHEREAS the Government of Alberta recognizes the importance of working together with Alberta's municipalities in a spirit of partnership to co-operatively and collaboratively advance the interests of Albertans generally; and

WHEREAS the Government of Alberta recognizes that Alberta's municipalities have varying interests and capacity levels that require flexible approaches to support local, intermunicipal and regional needs;

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

Interpretation

1(1) In this Act,

(a) "ALSA regional plan" means a regional plan as defined in the *Alberta Land Stewardship Act*;

(a.1) "business" means

(i) a commercial, merchandising or industrial activity or undertaking,

(ii) a profession, trade, occupation, calling or employment, or

(iii) an activity providing goods or services,

whether or not for profit and however organized or formed, including a co-operative or association of persons;

(b) "by-election" means an election to fill a vacancy on a council other than at a general election;

(c) "chief administrative officer" means a person appointed to a position under section 205;

(d) "chief elected official" means the person elected or appointed as chief elected official under section 150;

(e) "council" means

(i) the council of a city, town, village, summer village, municipal district or specialized municipality,

(ii) repealed 1995 c24 s2,

(iii) the council of a town under the *Parks Towns Act*, or

(iv) the council of a municipality incorporated by a special Act;

(f) "council committee" means a committee, board or other body established by a council under this Act but does not include an assessment review board established under section 454 or a subdivision and development appeal board established under section 627;

(g) "councillor" includes the chief elected official;

(h) "designated officer" means a person appointed to a position established under section 210(1);

(i) "elector" means a person who is eligible to vote in the election for a councillor under the *Local Authorities Election Act*;

(j) "enactment" means

(i) an Act of the Legislature of Alberta and a regulation made under an Act of the Legislature of Alberta, and

(ii) an Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada,

but does not include a bylaw made by a council;

(k) "general election" means an election held to fill vacancies on council caused by the passage of time, and includes a first election;

(k.1) "growth management board" means a growth management board established under Part 17.1;

(k.2) "Indian band" means a band within the meaning of the *Indian Act* (Canada);

(k.3) "Indian reserve" means a reserve within the meaning of the *Indian Act* (Canada);

(l) "Land and Property Rights Tribunal" means the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*;

(m) "local authority" means

(i) a municipal authority,

(ii) a provincial health agency or regional health authority under the *Provincial Health Agencies Act*,

(iii) a regional services commission, and

(iv) the board of trustees of a school division under the *Education Act*;

(n) "market value" means the amount that a property, as defined in section 284(1)(r), might be expected to realize if it is sold on the open market by a willing seller to a willing buyer;

(o) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(p) "municipal authority" means a municipality, improvement district and special area and, if the context requires, in the case of an improvement district and special area,

(i) the geographical area of the improvement district or special area, or

(ii) the Minister, where the improvement district or special area is authorized or required to act;

(q) repealed 2020 cL-2.3 s24(2);

(r) "municipal purposes" means the purposes set out in section 3;

(s) "municipality" means

(i) a city, town, village, summer village, municipal district or specialized municipality,

(ii) repealed 1995 c24 s2,

(iii) a town under the *Parks Towns Act*, or

(iv) a municipality formed by special Act,

or, if the context requires, the geographical area within the boundaries of a municipality described in subclauses (i) to (iv);

(t) "natural person powers" means the capacity, rights, powers and privileges of a natural person;

(u) "owner" means

(i) in respect of unpatented land, the Crown,

(ii) in respect of other land, the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land, and

(iii) in respect of any property other than land, the person in lawful possession of it;

(v) "parcel of land" means

(i) where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;

(ii) where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks;

(iii) a quarter section of land according to the system of surveys under the *Surveys Act* or any other area of land described on a certificate of title;

(w) "pecuniary interest" means pecuniary interest within the meaning of Part 5, Division 6;

(x) "population" means population as determined by, and specified by order of, the Minister under section 604.1;

(y) "public utility" means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

(i) water or steam;

(ii) sewage disposal;

(iii) public transportation operated by or on behalf of the municipality;

(iv) irrigation;

(v) drainage;

(vi) fuel;

(vii) electric power;

(viii) heat;

(ix) waste management;

(x) residential and commercial street lighting,

and includes the thing that is provided for public consumption, benefit, convenience or use;

(y.1) "regional services commission" means a regional services commission under Part 15.1;

(z) "road" means land

(i) shown as a road on a plan of survey that has been filed or registered in a land titles office, or

(ii) used as a public road,

and includes a bridge forming part of a public road and any structure incidental to a public road;

(z.1) "summer village residence" means a parcel of land having at least one building the whole or any part of which was designed or intended for, or is used as, a residence by one person or as a shared residence by 2 or more persons, whether on a permanent, seasonal or occasional basis;

(aa) "tax" means

(i) a property tax,

(ii) a business tax,

(iii) a business improvement area tax,

(iii.1) a community revitalization levy,

(iv) a special tax,

(v) a well drilling equipment tax,

(v.1) a clean energy improvement tax,

(vi) a local improvement tax, and

(vii) a community aggregate payment levy;

(bb) "taxpayer" means a person liable to pay a tax;

(cc) "whole council" means

(i) all of the councillors that comprise the council under section 143,

(ii) if there is a vacancy on council and the council is not required to hold a by-election under section 162 or 163, the remaining councillors, or

(iii) if there is a vacancy on council and the Minister orders that the remaining councillors constitute a quorum under section 160 or 168, the remaining councillors.

(1.1) Repealed 2019 c22 s10(2).

(1.2) In this Act, a reference to a body of water is to be interpreted as a reference to

(a) a permanent and naturally occurring water body, or

(b) a naturally occurring river, stream, watercourse or lake.

(2) For the purposes of this Act, a municipality or group of municipalities controls a corporation if

(a) the municipality or group of municipalities hold, other than by way of security only, securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation and, if exercised, are sufficient to elect a majority of the directors of the corporation, or

(b) all or a majority of its members or directors are appointed by the municipality or group of municipalities.

(2.1) For the purposes of the definition of "summer village residence" in subsection (1)(z.1), "building" includes

(a) a manufactured home, as defined in section 284(1)(m),

(b) a mobile home, as defined in section 284(1)(n.1),

(c) a modular home, as defined in section 284(1)(n.2), or

(d) a travel trailer, as defined in section 284(1)(w.1),

but does not include a tent.

(3) For the purposes of this Act, a meeting or part of a meeting is considered to be closed to the public if

(a) any members of the public are not permitted to attend the entire meeting or part of the meeting,

(b) the council, committee or other body holding the meeting instructs any member of the public to leave the meeting or part of the meeting, other than for improper conduct, or

(c) the council, committee or other body holding the meeting holds any discussions separate from the public during the meeting or part of the meeting.

RSA 2000 cM-26 s1;2005 c14 s2;2012 cE-0.3 s279;2013 c17 s2;2015 c8 s2;2016 c24 s4;2017 c13 s1(2);2017 c22 s38;2018 c6 s2;2019 c22 s10(2);2020 cL-2.3 s24(2);2022 c16 s9(2);2023 c9 s19(2);2024 c10 s31

Application of Act

2(1) This Act applies to all municipalities and improvement districts.

(2) If there is an inconsistency between this Act and

(a) repealed 1995 c24 s3,

(b) the *Parks Towns Act*, or

(c) a special Act forming a municipality,

the other Act prevails.

1994 cM-26.1 s2;1995 c24 s3

Indian reserves

2.1 No municipality, improvement district or special area constituted under the *Special Areas Act* includes land set apart as an Indian reserve.

2016 c24 s5;2017 c13 s2(2)

Part 1
Purposes, Powers and Capacity of Municipalities

Municipal purposes

3 The purposes of a municipality are

(a) to provide good government,

(a.1) to foster the well-being of the environment,

(a.2) to foster the economic development of the municipality,

(b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality,

(c) to develop and maintain safe and viable communities, and

(d) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

RSA 2000 cM-26 s3;2016 c24 s6;2017 c13 s1(3);2022 c16 s9(3)

Corporation

4 A municipality is a corporation.

1994 cM-26.1 s4

Powers, duties and functions

5 A municipality

(a) has the powers given to it by this and other enactments,

(b) has the duties that are imposed on it by this and other enactments and those that the municipality imposes on itself as a matter of policy, and

(c) has the functions that are described in this and other enactments.

1994 cM-26.1 s5

Natural person powers

6 A municipality has natural person powers, except to the extent that they are limited by this or any other enactment.

1994 cM-26.1 s6

Part 2
Bylaws

Division 1
General Jurisdiction

General jurisdiction to pass bylaws

7 Subject to section 7.1, a council may pass bylaws for municipal purposes respecting the following matters:

(a) the safety, health and welfare of people and the protection of people and property;

(b) people, activities and things in, on or near a public place or place that is open to the public;

(c) nuisances, including unsightly property;

(d) transport and transportation systems;

(e) businesses, business activities and persons engaged in business;

(f) services provided by or on behalf of the municipality;

(g) public utilities;

(h) wild and domestic animals and activities in relation to them;

(i) the enforcement of bylaws made under this or any other enactment, including any or all of the following:

(i) the creation of offences;

(ii) for each offence, imposing a fine not exceeding $10 000 or imprisonment for not more than one year, or both;

(iii) providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment so long as the penalty relates to a fee, cost, rate, toll or charge that

is associated with the conduct that gives rise to the offence;

(iv) providing that a specified penalty prescribed under section 44 of the *Provincial Offences Procedure Act* is reduced by a specified amount if the penalty is paid within a specified time;

(v) providing for imprisonment for not more than one year for non-payment of a fine or penalty;

(vi) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;

(vii) providing for inspections to determine if bylaws are being complied with;

(viii) remedying contraventions of bylaws.

RSA 2000 cM-26 s7;2022 c5 s2

Face mask and proof of COVID-19 vaccination bylaws

7.1(1) Subject to subsections (5) and (6), on the coming into force of this section, a council may not, unless approved by the Minister, bring into force a bylaw or an amendment to a bylaw that requires one or both of the following:

(a) an individual to wear a face mask or other face covering for the primary purpose of preventing or limiting the spread of COVID-19 or any other communicable disease, as defined in the *Public Health Act*;

(b) an individual to provide proof of vaccination against COVID-19 or proof of a negative COVID-19 test on entering a premises.

(2) The Minister shall consider the public interest and consult with the Chief Medical Officer of Health appointed under the *Public Health Act* in determining whether to approve a bylaw or an amendment to a bylaw referred to in subsection (1).

(3) A bylaw or any portion of a bylaw that requires an individual to wear a face mask or other face covering for the primary purpose of preventing or limiting the spread of COVID-19 or any other communicable disease, as defined in the *Public Health Act*, and that is in effect on the coming into force of this section is repealed on the coming into force of this section.

(4) A bylaw or any portion of a bylaw that requires an individual to provide proof of vaccination against COVID-19 or proof of a negative COVID-19 test on entering a premises and that is in effect on the coming into force of this section is repealed on the coming into force of this section.

(5) The repeal of a bylaw under subsection (3) or (4) does not invalidate any enforcement efforts made pursuant to the bylaw when the bylaw was in force.

(6) This section does not apply to a bylaw or a portion of a bylaw that applies only to property owned or leased and operated by a municipality.

2022 c5 s3

Powers under bylaws

8(1) Subject to section 7.1, without restricting section 7, a council may in a bylaw passed under this Division

(a) regulate or prohibit;

(b) deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways;

(c) provide for a system of licences, permits or approvals, including any or all of the following:

(i) establishing fees for licences, permits and approvals, including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;

(ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality;

(iii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted;

(iv) providing that terms and conditions may be imposed on any licence, permit or approval, the nature of the terms and conditions and who may impose them;

(v) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them;

(vi) providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw;

(c.1) establish and specify the fees, rates, fares, tariffs or charges that may be charged for the hire of taxis or limousines;

(d) provide for an appeal, the body that is to decide the appeal and related matters.

(2) Subject to section 7.1, without restricting section 7, 2 or more municipalities may, by bylaw adopted by the council of each participating municipality, establish an intermunicipal business licensing program.

(3) The Minister may make regulations respecting intermunicipal business licensing programs.

RSA 2000 cM-26 s8;2022 c5 s4;2022 c16 s9(4)

Guides to interpreting power to pass bylaws

9 The power to pass bylaws under this Division is stated in general terms to

(a) give broad authority to councils and to respect their right to govern municipalities in whatever way the councils consider appropriate, within the jurisdiction given to them under this or any other enactment, and

(b) enhance the ability of councils to respond to present and future issues in their municipalities.

1994 cM-26.1 s9

Bylaw passing powers in other enactments

10(1) In this section, "specific bylaw passing power" means a municipality's power or duty to pass a bylaw that is set out in an enactment other than this Division, but does not include a municipality's natural person powers.

(2) If a bylaw could be passed under this Division and under a specific bylaw passing power, the bylaw passed under this Division is subject to any conditions contained in the specific bylaw passing power.

(3) If there is an inconsistency between a bylaw passed under this Division and one passed under a specific bylaw passing power, the bylaw passed under this Division is of no effect to the extent that it is inconsistent with the specific bylaw passing power.

1994 cM-26.1 s10

Relationship to natural person powers

11(1) Despite section 180(2), a municipality may do something under its natural person powers even if the thing could be done under a bylaw passed under this Division.

(2) Section 7(i) does not apply to a bylaw passed under a municipality's natural person powers.

1994 cM-26.1 s11

Division 2
Scope of Bylaws

Geographic area of bylaws

12 A bylaw of a municipality applies only inside its boundaries unless

(a) one municipality agrees with another municipality that a bylaw passed by one municipality has effect inside the boundaries of the other municipality and the council of each municipality passes a bylaw approving the agreement, or

(b) this or any other enactment says that the bylaw applies outside the boundaries of the municipality.

1994 cM-26.1 s12

Relationship to Provincial law

13 If there is a conflict or inconsistency between a bylaw and this or another enactment, the bylaw is of no effect to the extent of the conflict or inconsistency.

RSA 2000 cM-26 s13;2015 c8 s3

Part 3
Special Municipal Powers and Limits on Municipal Powers

Division 1
Expropriation

Expropriation powers

14(1) In this section, "organization" means any of the following organizations in which the municipality is a member or has acquired shares:

(a) a society under the *Societies Act*;

(b) an association registered under Part 9 of the *Companies Act*;

(c) a corporation under the *Business Corporations Act* that is a charity or operates for non-profit purposes;

(d) a controlled corporation as defined in section 75.1.

(2) If a council wants to acquire an estate or interest in land, inside or outside the municipality

(a) for a purpose authorized by an enactment,

(b) to carry out an area redevelopment plan under Part 17, whether undertaken by the municipality alone or in conjunction with another person,

(c) to improve land owned by the municipality,

(d) for the purpose of selling the land as building sites,

(e) to enable an organization to carry out a development as defined in Part 17 or a redevelopment, or

(f) for any other municipal purpose,

it may acquire the estate or interest in the land by expropriation under the *Expropriation Act*.

(3) No council may expropriate an estate or interest in mines or minerals.

(4) The expropriation of an estate or interest in land that is outside the municipality is subject to section 72.

(5) When the council is of the opinion that the municipality can obtain a more reasonable price or other advantage by acquiring the whole or a larger portion of any parcel of land of which a part may be expropriated by the municipality, the municipality may expropriate the whole or the larger portion of the parcel.

RSA 2000 cM-26 s14;2016 c24 s7

Expropriating part of a parcel

15(1) If a municipality's notice of intention to expropriate proposes to expropriate a portion of a parcel of land, the owner of the parcel may apply to the Land and Property Rights Tribunal to direct the municipality to expropriate the whole of the parcel.

(2) The Tribunal may direct the municipality to expropriate the whole of the parcel of land if, in the opinion of the Tribunal, the expropriation of a part of the parcel is unfair to the owner of the parcel.

RSA 2000 cM-26 s15;2020 cL-2.3 s24(3)

Division 2
Roads

Title to roads

16(1) The title to all roads in a municipality, other than a city, is vested in the Crown in right of Alberta.

(2) The title to all roads in a city is vested in the city unless another Act or agreement provides otherwise.

(3) Nothing in this section gives a city title to mines and minerals.

1994 cM-26.1 s16

Acquiring land for roads by agreement

16.1(1) In this section, "owner" includes

(a) in the case of land that is being acquired under an agreement for sale, the owner of the fee simple estate in the land and the purchaser whose interest under the agreement is registered against the certificate of title for the land;

(b) in the case of land that is subject to a lease for which a certificate of title has been issued, the owner of the fee simple estate in the land and the lessee under that lease.

(2) When a municipality makes an agreement with the owner of land to acquire the land for the purpose of a road, culvert, ditch or drain, title to the land is vested in the city, or in the case of any other municipality, the Crown in right of Alberta, by filing with the Registrar of Land Titles

(a) plans of survey showing the land to be acquired, and

(b) a certificate of a designated officer stating that

(i) an agreement has been reached with the owner of the land to be acquired and the price to be paid,

(ii) all persons registered on certificates of title that have an interest in land that is within 40 metres of the boundary of the land to be acquired as shown on the plans of survey have been notified by registered mail, and

(iii) the person signing the certificate is a designated officer.

(3) When the title to land vests under subsection (2), it is not necessary to register a transfer for that land.

(4) A municipality is not entitled to mines and minerals in any land vested in it pursuant to this section and the title to any mines or

minerals is not affected by the filing of any plan of survey pursuant to this section.

2022 c16 s9(5)

Disposal of estate or interest in roads

17(1) Subject to any other Act or agreement, the council of a city has the power and is deemed always to have had the power to dispose of an interest in a road in the city so long as the disposition does not amount to a sale or lease or require a road closure under section 22.

(2) No interest disposed of under subsection (1) may be registered in a land titles office.

1994 cM-26.1 s17

Control of roads

18(1) Subject to this or any other Act, a municipality has the direction, control and management of all roads within the municipality.

(2) Subject to this or any other Act, a municipal district also has the direction, control and management of roads and road diversions surveyed for the purpose of opening a road allowance as a diversion from the road allowance on the south or west boundary of the district although the roads or road diversions are outside the boundaries of the municipal district.

(3) Nothing in this section gives a municipality the direction, control and management of mines and minerals.

1994 cM-26.1 s18

Rocky Mountains Forest Reserve

19 In The Municipal District of Bighorn No. 8 and Clearwater County, the Minister of Transportation and Economic Corridors has the direction, control and management of roads within the Rocky Mountains Forest Reserve constituted under the *Forest Reserves Act*.

RSA 2000 cM-26 s19;2007 c16 s5;2013 c10 s21;2022 c21 s57

Specialized municipalities

20(1) The Minister of Transportation and Economic Corridors has the direction, control and management of roads within a specialized municipality that has been formed in whole or in part from an improvement district.

(2) Despite subsection (1), the Minister of Transportation and Economic Corridors and the council of the specialized municipality may enter into an agreement providing that all or part of the

direction, control and management of roads within the specialized municipality may be exercised by the specialized municipality.

(3) If there is an agreement under subsection (2), the Minister of Transportation and Economic Corridors may require that a specialized municipality pay for the cost of fulfilling the Minister's responsibilities with respect to roads within the specialized municipality, and the specialized municipality must pay the amount of the requisition as soon as practicable after the requisition is made.

RSA 2000 cM-26 s20;2007 c16 s5;2013 c10 s21;2022 c21 s57

Land abutting roads

21 If a municipality acquires land abutting a road intending that the land will become part of the road and, before the land is incorporated into the road, the municipality grants to an adjoining land owner a licence or permit to occupy the land, the land subject to the licence or permit is deemed to be part of the road.

1994 cM-26.1 s21;1996 c30 s2

Road closure

22(1) No road in a municipality that is subject to the direction, control and management of the municipality may be closed except by bylaw.

(2) Before giving second reading to a bylaw that would close a road, a council must hold a public hearing with respect to the proposed bylaw in accordance with section 216.4 after giving notice of it in accordance with section 606.

(3) No road may be closed by bylaw of the council of a municipality that is not a city unless the bylaw is approved by the Minister of Transportation and Economic Corridors before it receives second reading.

(4) Despite this section, the council of a municipal district may, by resolution, with the approval of the Minister of Transportation and Economic Corridors, close the whole or any part of a road described in a surveyed road plan if the council determines the road is no longer required for use by the travelling public because an alternate route exists.

(5) Despite this section, a council may, by resolution, temporarily close or authorize a designated officer to temporarily close the whole or a part of a road at any time if the council considers that a construction or maintenance project on or adjacent to the road may create a hazard.

RSA 2000 cM-26 s22;2007 c16 s5;2013 c10 s21;2022 c16 s9(6);2022 c21 s57

Compensation

23(1) Any person who occupies, owns or has an interest in land that sustains damages through the closing of a road by bylaw must be compensated for the damages.

(2) If the municipality is not able to agree with the claimant on the amount of compensation, the compensation must be determined by the Land and Property Rights Tribunal.

(3) This section does not apply in respect of the removal of

(a) a roadway of a street or part of a street that provides a physical means of access to or from a controlled street, or

(b) a direct physical means of access between a controlled street and land adjacent to the controlled street

under section 28 of the *Highways Development and Protection Act.*

RSA 2000 cM-26 s23;2004 cH-8.5 s69;2020 cL-2.3 s24(40)

24 and **25** Repealed 2022 c16 s9(7).

Temporary roads and rights of way

26(1) In this section, "private land" means land that is not owned by the Crown in right of Alberta or of Canada or their agents.

(2) A council may by bylaw open a temporary road or a temporary right of way on private land for not more than 2 years.

(3) Repealed 2022 c16 s9(8).

(4) The owner and occupant of land over which the temporary road or right of way passes are entitled to compensation from the municipality for the use of the temporary road or right of way and for loss or damage caused by the temporary road or right of way.

(5) If there is no agreement on compensation, the compensation must be decided by the Land and Property Rights Tribunal.

(6) Section 22 does not apply to a temporary road or right of way established under this section.

RSA 2000 cM-26 s23;2020 cL-2.3 s24(40);2022 c16 s9(8)

Leases

27(1) This section applies to a portion of a road that is within a municipality and that is deemed to be closed because a Crown lease has been granted for the portion of the road.

(2) Subject to the rights of any lessee of any Crown lease referred to in subsection (1), the council of the municipality may by bylaw, reopen the whole or part of the portion of the road that was closed.

(3) If the whole or a part of a road is reopened, the council must send a copy of the bylaw to the Minister of Transportation and Economic Corridors.

RSA 2000 cM-26 s27;2007 c16 s5;2013 c10 s21;2022 c21 s57

Forestry roads

27.1(1) In this section and sections 27.2 to 27.5,

(a) "agreement holder" means the person who has entered into an agreement with a municipality under section 27.2;

(b) "former forestry road" means a road within a municipality that was designated as a forestry road under section 6 of the *Highways Development and Protection Act* or under section 14 of the *Public Highways Development Act*, but does not include a forestry road that has subsequently been designated as a provincial highway under the *Highways Development and Protection Act* or designated as a primary highway under the *Public Highways Development Act.*

(2) No person may use a former forestry road for commercial or industrial purposes unless the person is authorized to use the road for a commercial or industrial purpose under an agreement referred to in section 27.2.

(3) Nothing in this section prevents a person from using a former forestry road for a purpose other than a commercial or industrial purpose.

RSA 2000 cM-26 s27.1;2004 cH-8.5 s69

Forestry road agreement

27.2(1) A municipality may enter into an agreement with a person with respect to a former forestry road that

(a) authorizes the person to use the road for commercial and industrial purposes,

(b) authorizes the person

(i) to allow others to use the road for commercial or industrial purposes, and

(ii) to charge those others a fee for that use,

(c) requires the person to maintain the road according to specifications or standards referred to in the agreement and to be responsible for capital improvements to the road, and

(d) deals with any other matter concerning the road that the parties consider appropriate.

(2) If the agreement holder does not maintain the former forestry road in accordance with the agreement and the municipality incurs costs in maintaining the road, the costs incurred by the municipality are an amount owing by the agreement holder to the municipality.

(3) An agreement holder must not charge a person who uses a former forestry road for a commercial or industrial purpose an amount that exceeds a reasonable fee based on the increased maintenance and administrative costs of the agreement holder as a result of the person's use of the road.

RSA 2000 cM-26 s27.2;2022 c16 s9(9)

27.3 and 27.4 Repealed 2022 c16 s9(10).

Unauthorized commercial or industrial use

27.5(1) A person who contravenes section 27.1(2) is liable to pay to the agreement holder, for each day that the contravention occurs, 5% of the agreement holder's cost of maintaining and adding capital improvements to the former forestry road in the calendar year preceding the contravention.

(2) The agreement holder may collect the amount the agreement holder is owed under subsection (1) by civil action for debt.

1998 c24 s3

Existing agreements

27.6 Where an order designating a road as a forestry road under section 6 of the *Highways Development and Protection Act* or section 14 of the *Public Highways Development Act* is repealed, any existing agreements made by the Minister of Transportation and Economic Corridors in respect of the road are deemed to be agreements made by the municipality in which the road exists.

RSA 2000 cM-26 s27.6;2004 cH-8.5 s69;2022 c21 s57

Division 3
Public Utilities
General

Definitions

28 In this Division,

(a) "customer" has the meaning given to it in the *Electric Utilities Act;*

(a.1) "easement" means an easement, interest or right held by a municipality for the purpose of locating the system or works of a municipal public utility;

(b) "municipal public utility" means the system or works of a public utility operated by or on behalf of a municipality or a subsidiary of a municipality within the meaning of section 1(3) of the *Electric Utilities Act* other than under an agreement referred to in section 45;

(c) "municipal utility service" means a utility service provided by a municipal public utility;

(d) "non-municipal public utility" means the system or works of a public utility operated by or on behalf of a person under an agreement referred to in section 45;

(d.1) "retailer" has the meaning given to it in the *Electric Utilities Act;*

(e) "service connection" means the part of the system or works of a public utility that runs from the main lines of the public utility to a building or other place on a parcel of land for the purpose of providing the utility service to the parcel and includes those parts of the system or works described in section 29;

(f) "utility service" means the thing that is provided by the system or works of a public utility.

RSA 2000 cM-26 s28;2003 cE-5.1 s165

Interpretation

28.1(1) In this section,

(a) "municipal tariff matter" means any matter relating to a transmission tariff, a distribution tariff or a regulated rate tariff of a municipality or of a subsidiary of a municipality that is subject to the jurisdiction of the Alberta Utilities Commission under the *Electric Utilities Act;*

(b) "transmission tariff", "distribution tariff", "regulated rate tariff" and "subsidiary" have the same meaning as they have in the *Electric Utilities Act.*

(2) In the event of an inconsistency between the *Electric Utilities Act* and this Act in respect of a municipal tariff matter, the *Electric Utilities Act* prevails.

2003 cE-5.1 s165;2007 cA-37.2 s82(17)

Composition of system or works

29 When the system or works of a public utility involve pipes, wires or other things that connect to a building, the system or works include

(a) the pipes, wires or things

(i) running up to the building,

(ii) located on or within the exterior walls of the building, and

(iii) running from the exterior walls to couplings, stop-cocks, meters and other apparatus placed inside the building by the municipality or person providing the public utility,

and

(b) those couplings, stop-cocks, meters and other apparatus.

1994 cM-26.1 s29

Long-term supply agreements to public utilities

30(1) If a council proposes to make an agreement to supply water, steam or fuel to a public utility for a period that, with rights of renewal, could exceed 5 years, the agreement must be approved by the Alberta Utilities Commission before it is made.

(2) If a council or a municipal public utility proposes to make an agreement regarding the supply of electric power for a period that, with rights of renewal, could exceed 5 years, the agreement must be approved by the Alberta Utilities Commission before it is made.

(3) The approval of the Alberta Utilities Commission is not required under subsection (2) if the proposed agreement relates to or arises from the supply of electric power under

(a) a power purchase arrangement,

(b) a generation asset held or sold by the Balancing Pool, or

(c) a direct sales agreement.

(4) In subsection (3), "power purchase arrangement", "generation asset", "direct sales agreement" and "Balancing Pool" have the same meaning as they have in the *Electric Utilities Act.*

RSA 2000 cM-26 s30;2003 cE-5.1 s165;2007 cA-37.2 s82(17)

Regulation of gas supply obtained from direct sellers

31(1) In this section,

(a) "consumer" means a consumer of gas who takes delivery of the gas at its place of consumption by means of an urban gas system operated by a distributor;

(b) "direct seller" means a person, other than a distributor, who sells gas to a consumer or to another person who purchases the gas as an agent of the consumer for the purposes of this section;

(c) "distributor" means

(i) an urban municipality that operates an urban gas system, or

(ii) a rural gas co-operative association as defined in the *Gas Distribution Act*, that operates an urban gas system under an agreement referred to in section 45;

(d) "urban gas system" means the system or works of a public utility for the distribution of gas to consumers within an urban municipality;

(e) "urban municipality" means a city, town, village or summer village.

(2) The Lieutenant Governor in Council may make regulations

(a) establishing classes of consumers for the purposes of this section;

(b) respecting the conditions to which the rights of consumers under subsection (3) are subject;

(c) governing, with respect to any matters provided for in the regulations, the rights and obligations of

(i) distributors,

(ii) direct sellers,

(iii) consumers, and

(iv) agents of consumers for purposes related to this section.

(3) Subject to the regulations, a consumer has the right to obtain a supply of gas from a direct seller for delivery to the consumer by means of an urban gas system operated by a distributor, subject to the rates, charges or tolls and on the terms and conditions established by the distributor with respect to the transportation of the gas.

(4) The Alberta Utilities Commission, on the application of a consumer or direct seller aggrieved by an unreasonable refusal of the distributor to provide service for the transportation of gas to the consumer by means of the distributor's urban gas system or by any unreasonable term or condition under which the transportation service is or is sought to be provided by the distributor, may make an order

(a) directing the distributor to provide the transportation service in accordance with the provisions of the order,

(b) amending, replacing or voiding the term or condition, or

(c) settling the term or condition.

(5) Section 45 does not apply to the sale of gas by a direct seller to a consumer or to another person who purchases the gas as an agent of the consumer for the purposes of this section.

RSA 2000 cM-26 s31;2007 cA-37.2 s82(17)

Other authorizations and approvals

32 Nothing in this Division exempts a municipality or other person operating a public utility from obtaining necessary approvals or other authorizations under an enactment or bylaw.

1994 cM-26.1 s32

Municipal Public Utilities

Prohibiting other public utilities

33 When a municipality provides a municipal utility service, the council may by bylaw prohibit any person other than the municipality from providing the same or a similar type of utility service in all or part of the municipality.

1994 cM-26.1 s33

Exception

33.1 A bylaw under section 33 shall not prohibit a retailer from providing to customers in all or any part of the municipality the functions or services that retailers are permitted to provide under the *Electric Utilities Act* or the regulations under that Act.

2003 cE-5.1 s165

Duty to supply utility service

34(1) If the system or works of a municipal public utility that provide a municipal utility service are adjacent to a parcel of land, the municipality must, when it is able to do so and subject to any terms, costs or charges established by council, provide the municipal utility service to the parcel on the request of the owner of the parcel.

(2) If the system or works of a municipal public utility that provide a municipal utility service are adjacent to a parcel of land, the municipality may, when it is able to do so and subject to any terms, costs or charges established by council, provide the municipal utility service to the parcel on the request of the occupant of the parcel who is not the owner.

1994 cM-26.1 s34

Parcels adjacent to roads and easements

35(1) This section applies when the main lines of the system or works of a municipal public utility are located above, on or underneath a road or easement and the municipality provides the municipal utility service to a parcel of land adjacent to the road or easement.

(2) The municipality is responsible for the construction, maintenance and repair of the portion of the service connection from the main lines of the system or works to the boundary of the road or easement.

(3) Despite subsection (2), the council may as a term of supplying the municipal utility service to the parcel of land make the owner responsible for the costs of the construction, maintenance and repair of the portion of the service connection from the main lines of the system or works to the boundary of the road or easement.

(4) If the owner is responsible for the costs of the construction, maintenance or repair referred to in subsection (3), those costs are an amount owing to the municipality by the owner.

1994 cM-26.1 s35

Right of entry — main lines

36(1) This section applies to

(a) the main lines of the system or works of a municipal public utility located above, on or underneath a road or easement, and

(b) the portion of a service connection referred to in section 35(2).

(2) A municipality may enter on any land for the purpose of constructing, repairing or maintaining the system or works described in subsection (1).

(3) After the municipality has constructed, repaired or maintained the system or works, the municipality must, at its expense, restore any land that has been entered on under subsection (2) as soon as practicable.

(4) If the municipality does not restore the land as soon as practicable and the owner of the land restores it, the municipality is liable to the owner for the restoration costs.

1994 cM-26.1 s36

Service connections — owner

37(1) The owner of a parcel of land is responsible for the construction, maintenance and repair of a service connection of a municipal public utility located above, on or underneath the parcel.

(2) If the municipality is not satisfied with the construction, maintenance or repair of the service connection, the municipality may require the owner of the parcel of land to do something in accordance with its instructions with respect to the construction, maintenance or repair of the system or works by a specified time.

(3) If the thing has not been done to the satisfaction of the municipality within the specified time or in an emergency, the municipality may enter on any land or building to construct, maintain or repair the service connection.

1994 cM-26.1 s37

Service connections — municipality

38(1) Despite section 37, the council may as a term of providing a municipal utility service to a parcel of land give the municipality the authority to construct, maintain and repair a service connection located above, on or underneath the parcel.

(2) A municipality that has the authority to construct, maintain or repair a service connection under subsection (1) may enter on any land or building for that purpose.

1994 cM-26.1 s38

Restoration and costs

39(1) After the municipality has constructed, maintained or repaired the service connection located above, on or underneath a parcel of land under section 37 or 38, the municipality must restore any land entered on as soon as practicable.

(2) The municipality's costs relating to the construction, maintenance or repair under section 37 or 38 and restoration costs under this section are an amount owing to the municipality by the owner of the parcel.

1994 cM-26.1 s39

Buildings

40(1) When a municipal utility service is provided to a building that has more than one apartment, office or other unit, the system

or works of the municipal public utility may be installed over the different apartments, offices or other units.

(2) The system or works must be attached to the outside of the building unless consent is given to install them inside.

1994 cM-26.1 s40

Discontinue providing public utility

41 In accordance with its bylaws, a municipality may, for any lawful reason,

(a) discontinue providing a municipal utility service after giving reasonable notice of its intention to do so, and

(b) remove the system or works of the municipal public utility used to provide the utility service.

1994 cM-26.1 s41

Liability for public utilities charges

42(1) The charges for a municipal utility service provided to a parcel of land are an amount owing to the municipality by the owner of the parcel.

(2) If the municipality agrees to provide a municipal utility service to a parcel of land on the request of an occupant of the parcel who is not the owner, the charges for the municipal utility service provided to the parcel are an amount owing to the municipality by the occupant and not the owner.

1994 cM-26.1 s42

Appeal

43(1) A person who uses, receives or pays for a municipal utility service may appeal a service charge, rate or toll made in respect of it to the Alberta Utilities Commission, but may not challenge the public utility rate structure itself.

(2) If the Alberta Utilities Commission is satisfied that the person's service charge, rate or toll

(a) does not conform to the public utility rate structure established by the municipality,

(b) has been improperly imposed, or

(c) is discriminatory,

the Commission may order the charge, rate or toll to be wholly or partly varied, adjusted or disallowed.

RSA 2000 cM-26 s43;2007 cA-37.2 s82(17)

Dispute with other municipalities

44(1) If

(a) a municipality is supplying a utility service to a person outside the municipality, and

(b) there is a dispute between the municipality supplying the utility service and any other municipality in connection with the rates, tolls or charges,

the dispute may be submitted to the Alberta Utilities Commission.

(2) The Commission may make an order on any terms and conditions that it considers proper.

(3) This section applies whether or not a public utility is subject to the control and orders of the Alberta Utilities Commission pursuant to section 111 of the *Public Utilities Act* or section 4 of the *Gas Utilities Act*.

RSA 2000 cM-26 s44;2007 cA-37.2 s82(17)

Non-municipal Public Utilities

Granting rights to provide utility service

45(1) A council may, by agreement, grant a right, exclusive or otherwise, to a person to provide a utility service in all or part of the municipality, for not more than 20 years.

(2) The agreement may grant a right, exclusive or otherwise, to use the municipality's property, including property under the direction, control and management of the municipality, for the construction, operation and extension of a public utility in the municipality for not more than 20 years.

(3) Before the agreement is made, amended or renewed, the agreement, amendment or renewal must

(a) be advertised, and

(b) be approved by the Alberta Utilities Commission.

(4) Subsection (3)(b) does not apply to an agreement between a council and a regional services commission to provide a utility service unless the utility service to be provided is fuel, electric power or both.

(5) An agreement made under this section before the coming into force of this subsection, and that continues in effect after the coming into force of this subsection, between a council and a corporation controlled by the municipality or a council and a

subsidiary of the municipality within the meaning of section 1(3) of the *Electric Utilities Act* to provide fuel, electric power or both must be submitted to the Alberta Utilities Commission for approval by the Alberta Utilities Commission.

RSA 2000 cM-26 s45;2003 cE-5.1 s165;2007 cA-37.2 s82(17); 2024 c8 s5

Calculation of fees

45.01 An agreement made under section 45 shall not provide for the payment by a person of any fee the amount of which is calculated, in whole or in part, using

(a) a price per kilowatt hour of electric power that varies periodically according to the market price for electric power, or

(b) a price per gigajoule of fuel that varies periodically according to the market price for fuel.

2024 c8 s5

Exception

45.1 An agreement made under section 45 shall not grant an exclusive right to provide to customers in all or any part of the municipality the functions or services that retailers are permitted to provide under the *Electric Utilities Act* or the regulations under that Act.

2003 cE-5.1 s165

Prohibiting other non-municipal public utilities

46 When a person provides a utility service in a municipality under an agreement referred to in section 45, the council may by bylaw prohibit any other person from providing the same or a similar utility service in all or part of the municipality.

1994 cM-26.1 s46

Exception

46.1 A bylaw under section 46 shall not prohibit a retailer from providing to customers in all or any part of the municipality the functions or services that retailers are permitted to provide under the *Electric Utilities Act* or the regulations under that Act.

2003 cE-5.1 s165

Renewals

47(1) An agreement referred to in section 45 that is not renewed continues in effect until either party, with the approval of the Alberta Utilities Commission, terminates it on 6 months' notice.

(2) If notice to terminate has been given under subsection (1), the municipality has the right to purchase the rights, systems and works of the public utility.

(3) If the municipality wishes to purchase the rights, systems and works and no agreement on the purchase can be reached, either party may refer the matter to the Alberta Utilities Commission.

(4) After the matter is referred to the Alberta Utilities Commission, the Commission must by order fix the terms and price of the purchase and the order is binding on the parties.

RSA 2000 cM-26 s47;2007 cA-37.2 s82(17)

47.1 Repealed 2016 c24 s8.

Division 4 Repealed 2008 cE-6.6 s55.

Division 5
Business Improvement Areas

Purpose

50 A council may by bylaw establish a business improvement area for one or more of the following purposes:

(a) improving, beautifying and maintaining property in the business improvement area;

(b) developing, improving and maintaining public parking;

(c) promoting the business improvement area as a business or shopping area.

RSA 2000 cM-26 s50;2015 c8 s5

Board

51(1) A business improvement area is governed by a board consisting of members appointed by council under the business improvement area bylaw.

(2) The board is a corporation.

RSA 2000 cM-26 s51;2015 c8 s6

Civil liability of board members

52(1) In this section, "approved budget" means a budget of the board of a business improvement area that has been approved by council.

(2) A member of a board of a business improvement area that makes an expenditure that is not included in an approved budget is liable to the municipality for the expenditure.

(3) If more than one member is liable to the municipality under this section in respect of a particular expenditure, the members are jointly and severally liable to the municipality for the expenditure.

(4) The liability may be enforced by action by

(a) the municipality, or

(b) a person who is liable to pay the business improvement area tax imposed in the business improvement area.

RSA 2000 cM-26 s52;2015 c8 s6

Regulations

53 The Minister may make regulations

(a) respecting the establishment of a business improvement area;

(b) setting out what must be included in a business improvement area bylaw;

(c) respecting the appointment, term and renewal of members of the board of a business improvement area;

(d) respecting the powers and duties of the board and the board's annual budget;

(e) respecting the disestablishment of a business improvement area and the dissolution of a board;

(f) that operate despite Part 8, authorizing a municipality to lend money to a board and to borrow money on behalf of a board;

(g) establishing restrictions on the municipality providing money to the board.

RSA 2000 cM-26 s53;2015 c8 s7

Division 6
Miscellaneous Powers

Providing services in other areas

54(1) A municipality may provide outside its municipal boundaries any service or thing that it provides within its municipal boundaries

(a) in another municipality, but only with the agreement of the other municipality, and

(b) in any other location within or adjoining Alberta, but only with the agreement of the authority whose jurisdiction includes the provision of the service or thing at that location.

(2) Without limiting the generality of subsection (1)(b), a municipality may enter into an agreement respecting services with an Indian band or a Metis settlement.

RSA 2000 cM-26 s54;2016 c24 s9;2017 c13 s2(3)

Sharing taxes and grants

55(1) A municipality may enter into an agreement with

(a) another municipality, or

(b) a collecting board as defined in section 176 of the *Education Act*,

to share grants paid under section 366 or taxes.

(2) The agreement must include a means to settle disputes arising from the agreement.

RSA 2000 cM-26 s55;2012 cE-0.3 s279;2016 c24 s10

Civic holidays

56(1) A council may declare up to 2 days in a year as civic holidays.

(2) The minimum length of a civic holiday is a half day.

1994 cM-26.1 s56

Census

57 A council may conduct a census.

1994 cM-26.1 s57

Road names

58(1) A municipality may name roads or areas within its boundaries and may assign a number or other means of identification to buildings or parcels of land.

(2) A municipality may require an owner or occupant of a building or a parcel of land to display the identification in a certain manner.

1994 cM-26.1 s58

Hamlets

59(1) The council of a municipal district or specialized municipality may designate an unincorporated community described in subsection (2) that is within its boundaries to be a hamlet.

(2) An unincorporated community may be designated a hamlet if the community

(a) consists of 5 or more buildings used as dwellings, a majority of which are on parcels of land smaller than 1850 square metres,

(b) has a generally accepted boundary and name, and

(c) contains parcels of land that are used for non-residential purposes.

(3) The designation of a hamlet must specify the hamlet's name and boundaries.

1994 cM-26.1 s59;1995 c24 s8

Bodies of water

60(1) Subject to any other enactment, a municipality has the direction, control and management of the bodies of water within the municipality, including the air space above and the ground below.

(2) Nothing in this section gives a municipality the direction, control and management of mines and minerals.

RSA 2000 cM-26 s60;2016 c24 s11

Granting rights over property

61(1) A municipality may grant rights, exclusive or otherwise, with respect to its property, including property under the direction, control and management of the municipality.

(2) A municipality may charge fees, tolls and charges for the use of its property, including property under the direction, control and management of the municipality.

1994 cM-26.1 s61

62 Repealed 2022 c16 s9(11).

Division 7
Revision and Consolidation of Bylaws

Definitions

62.1 In this Division, "revised bylaw" means a bylaw that has been revised under section 63.

2017 c13 s1(5)

Revising bylaws

63(1) A council of a municipality may, by bylaw, revise any of its bylaws or any one or more provisions of them in accordance with this section.

(2) A bylaw under this section may

(a) omit and provide for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective;

(b) omit, without providing for its repeal, a bylaw or a provision of a bylaw that is of a transitional nature or that refers only to a particular place, person or thing or that has no general application throughout the municipality;

(c) combine 2 or more bylaws into one bylaw, divide a bylaw into 2 or more bylaws, move provisions from one bylaw to another and create a bylaw from provisions of one or more other bylaws;

(d) alter the citation and title of a bylaw and the numbering and arrangement of its provisions, and add, change or omit a note, heading, title, marginal note, diagram or example to a bylaw;

(e) omit the preamble and long title of a bylaw;

(f) omit forms or other material contained in a bylaw that can more conveniently be contained in a resolution, and add authority for the forms or other material to be prescribed by resolution;

(g) make changes, without materially affecting the bylaw in principle or substance,

(i) to correct clerical, technical, grammatical or typographical errors in a bylaw,

(ii) to bring out more clearly what is considered to be the meaning of a bylaw, or

(iii) to improve the expression of the law.

(3) The title of a revised bylaw must include the words "revised bylaw".

(4) A bylaw under this section must not be given first reading until after the chief administrative officer has certified in writing that the proposed revisions were prepared in accordance with this section.

RSA 2000 cM-26 s63;2017 c13 s1(5)

64 Repealed 2017 c13 s1(6).

Requirements relating to revised bylaws

65 A bylaw made in accordance with section 63 and the resulting revised bylaw are deemed to have been made in accordance with all the other requirements of this Act respecting the passing and approval of those bylaws, including any requirements for advertising and public hearings.

RSA 2000 cM-26 s65;2017 c13 s1(7)

Effects of revised bylaws

66(1) The provisions of a revised bylaw that replace provisions of a previous bylaw, when they have the same effect, operate retrospectively as well as prospectively and are deemed to come into force on the days on which the corresponding previous bylaws came into force.

(2) If the provisions of the revised bylaws do not have the same effect,

(a) the provisions of the revised bylaws prevail with respect to all transactions, matters and things occurring on or after the day the revised bylaws come into force, and

(b) the provisions of the previous bylaws prevail with respect to all earlier transactions, matters and things.

RSA 2000 cM-26 s66;2017 c13 s1(8)

References to repealed bylaws

67 A reference in a bylaw, enactment or document to a bylaw that has been revised under section 63 or to a provision of a bylaw that has been revised under section 63 is, in respect of any transaction, matter or thing occurring after the revised bylaw or provision, as the case may be, comes into force, to be considered as a reference to the revised bylaw or provision.

RSA 2000 cM-26 s67;2017 c13 s1(9)

68 Repealed 2017 c13 s1(10).

Consolidation of bylaws

69(1) A council may by bylaw authorize a designated officer to consolidate one or more of the bylaws of the municipality.

(2) In consolidating a bylaw, the designated officer must

(a) incorporate all amendments to it into one bylaw, and

(b) omit any provision that has been repealed or that has expired.

(3) A printed document purporting

(a) to be a copy of a bylaw consolidated under this section, and

(b) to be printed under the authority of a designated officer,

is proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it, and of the fact of the passage of the original and all amending bylaws.

1994 cM-26.1 s69

Division 8
Limits on Municipal Powers

Disposal of land

70(1) If a municipality proposes to transfer or grant an estate or interest in

(a) land for less than its market value, or

(b) a public park or recreation or exhibition grounds,

the proposal must be advertised.

(2) The proposal does not have to be advertised if the estate or interest is

(a) to be used for the purposes of supplying a public utility,

(b) transferred or granted under Division 8 of Part 10 before the period of redemption under that Division, or

(c) to be used by a non-profit organization as defined in section 241(f).

1994 cM-26.1 s70;1995 c24 s9

Proposed national urban park plan

70.1(1) In this section, a "proposed national urban park plan" means a plan, the intent of which is to establish or create a national urban park within a municipality.

(2) A council may not, except in accordance with the conditions prescribed by the Lieutenant Governor in Council, negotiate a proposed national urban park plan with the Government of Canada.

(3) The Lieutenant Governor in Council may prescribe the conditions under which a council may negotiate a proposed national urban park plan.

(4) For greater certainty, if a council passes a bylaw or resolution or enters into an agreement in respect of a proposed national urban park plan, and the council has not complied with the conditions

referred to in subsection (3) during the development of that bylaw, resolution or agreement, the bylaw, resolution or agreement is considered to be invalid.

2024 c5 s2

Mines and minerals

71 No municipality may acquire an estate or interest in mines or minerals without the approval of the Lieutenant Governor in Council.

1994 cM-26.1 s71;1996 c30 s3

Acquisition of land outside municipal boundaries

72(1) A municipality may acquire an estate or interest in land outside its boundaries only if

(a) the council of the municipal authority in whose boundaries the land is located consents in writing to the acquisition or, in the case of a municipal authority that is an improvement district or special area, the Minister consents in writing to the acquisition,

(a.1) in the case of land located in a province or territory adjoining Alberta, the local government within whose boundaries the land is located consents in writing to the acquisition, and

(b) after the written consent is given, the council that wishes to acquire the estate or interest in the land authorizes the acquisition.

(2) This section does not apply when a municipality acquires

(a) an option on land outside its boundaries, but it does apply when the municipality exercises the option, or

(b) an estate or interest in mines and minerals.

1994 cM-26.1 s72;1996 c30 s4;1999 c11 s5

73 Repealed 2016 c24 s12.

Firearms

74 A bylaw of a municipal district prohibiting in all or a part of the municipal district the shooting or use of a firearm or other device that propels a projectile does not come into force until the bylaw has been approved by the Minister responsible for the *Wildlife Act*.

1994 cM-26.1 s74;1995 c24 s10

Firearms

74.1(1) Subject to subsections (3) and (4), a council may not, unless approved by the Lieutenant Governor in Council, bring into force a bylaw respecting firearms.

(2) Subsection (1) applies to

(a) a proposed amendment respecting firearms to a bylaw that comes into force on or after the coming into force of this section, and

(b) a new bylaw respecting firearms proposed by a council after the coming into force of this section.

(3) Subsection (1) does not apply to a bylaw respecting firearms that is in force on or before the coming into force of this section.

(4) This section does not apply to a bylaw to be approved in accordance with section 74.

2021 c6 s2

Forest and Prairie Protection Act

75(1) In this section, "forest protection area" means a forest protection area designated under the *Forest and Prairie Protection Act*.

(2) The council of a municipal district may not pass a bylaw respecting fires that applies to the part of the municipal district in a forest protection area.

(3) Despite subsection (2), the council may pass a bylaw respecting fires, other than forest or running fires, that applies to the part of a hamlet that is within a forest protection area.

(4) Repealed 2016 c22 s26.

RSA 2000 cM-26 s75;2016 c22 s26

Division 9
Controlled Corporations

Control of corporations

75.1(1) In this Division,

(a) "controlled corporation" means a corporation controlled by a municipality or a group of municipalities and includes a subsidiary, within the meaning of section 2(4) of the *Business Corporations Act*, of such a corporation;

(b) "corporation" means a corporation that operates for the purpose of making a profit.

(2) A municipality, by itself or with other municipalities, may establish and control, or obtain control of, a corporation only if the council of the municipality

(a) passes a resolution authorizing the municipality to control the corporation by itself or with other municipalities, as the case may be, and

(b) is satisfied that

(i) the controlled corporation will carry on business solely for one or more of the purposes described in section 3,

(ii) the controlled corporation will provide a service or benefit to residents of the municipality or group of municipalities that controls it, and

(iii) the profits and dividends of the controlled corporation will provide a direct benefit to the residents of the municipality or group of municipalities that controls it.

(3) Before a council passes a resolution under subsection (2)(a), the council must

(a) consider a business plan that addresses the matters referred to in subsection (4), and

(b) hold a public hearing in accordance with the regulations.

(4) The matters to be addressed in a business plan referred to in subsection (3)(a) include

(a) the costs related to establishing and controlling or obtaining control of the corporation, as the case may be,

(b) the value of any assets of the municipality or group of municipalities that are to be transferred to the corporation,

(c) a cash flow projection for the next 3 years of the corporation's operation,

(d) the corporation's financial statements and operating and capital budgets for the most recent 5 years, or if the corporation has existed for less than 5 years, the financial statements and operating and capital budgets for each year it has existed, and

(e) any other information prescribed by the regulations.

2016 c24 s13

Financial statements and other reports

75.2(1) The council of each municipality that controls a corporation must ensure that the controlled corporation submits to the council the annual financial statements referred to in section 279 and any other reports prescribed by the regulations.

(2) A council must make available for public inspection the annual financial statements and any other reports that it receives from a controlled corporation under subsection (1).

2016 c24 s13

Material change

75.3 If there is a proposed material change to the business operations of a controlled corporation, the council of each municipality that controls the corporation must, in accordance with the regulations,

(a) notify the residents of the municipality of the proposed material change, and

(b) provide an opportunity to residents of the municipality to make representations.

2016 c24 s13

Utility services provided by controlled corporation

75.4(1) Part 2 of the *Public Utilities Act* does not apply in respect of a public utility that

(a) is owned or operated by a controlled corporation, and

(b) provides a utility service within the boundaries of a municipality or a group of municipalities that controls the corporation.

(2) If there is a dispute between a regional services commission and a controlled corporation that owns or operates a utility service with respect to

(a) rates, tolls or charges for a service that is a public utility,

(b) compensation for the acquisition by the commission of facilities used to provide a service that is a public utility, or

(c) the commission's use of any road, square, bridge, subway or watercourse to provide a service that is a public utility,

any party involved in the dispute may submit it to the Alberta Utilities Commission, and the Alberta Utilities Commission may issue an order on any terms and conditions that the Alberta Utilities Commission considers appropriate.

(3) Sections 43 to 47 apply to a utility service provided by a controlled corporation.

2016 c24 s13;2024 c8 s5

Regulations

75.5(1) The Minister may make regulations

(a) providing that certain types of corporations may not be controlled by a municipality or a group of municipalities without the Minister's approval;

(b) respecting terms and conditions that apply when a municipality or a group of municipalities controls a corporation;

(c) prescribing information to be included in a business plan for the purposes of section 75.1(4)(e);

(d) respecting public hearings to be held under section 75.1(3)(b), including, without limitation, the form and nature of information that must be made available to the public before a public hearing is held;

(e) prescribing reports for the purposes of section 75.2(1);

(f) respecting the manner in which a council must notify residents of the municipality of a material change to a controlled corporation;

(g) respecting the timing, scope and methods of obtaining public input from residents of a municipality regarding a material change to a controlled corporation;

(h) defining any term or expression that is used but not defined in this Division;

(i) specifying or describing by reference the provisions of this or any other enactment that do not apply, or that apply with modifications, to a controlled corporation;

(j) specifying or describing by reference any provisions that are to be added to or that are to replace the provisions of this Act or any other enactment in respect of a controlled corporation.

(2) Regulations made under subsection (1) may apply in respect of one or more controlled corporations or may apply generally.

2016 c24 s13

Part 4
Formation, Fundamental Changes and Dissolution

Division 1
General Criteria

Principles, standards and criteria

76(1) The Minister may establish and publish principles, standards and criteria that are to be taken into account in considering whether to recommend to the Lieutenant Governor in Council the formation, change of status or dissolution of municipalities, the amalgamation of municipal authorities or the annexation of land under this Part.

(1.1) Before recommending the formation, change of status or dissolution of a municipality, the amalgamation of municipal authorities or the annexation of land under this Part, the Minister must consider any applicable principles, standards and criteria established under subsection (1).

(2) The *Regulations Act* does not apply to the principles, standards and criteria.

RSA 2000 cM-26 s76;2022 c16 s9(12)

Division 2
Formation

Definition of formation order

76.1 In this Division, "formation order" means an order under section 88.

2022 c16 s9(13)

Types of municipality that may be formed

77 The following types of municipality may be formed by a formation order:

(a) municipal district;

(b) repealed 1995 c24 s11;

(c) village;

(d) town;

(e) city;

(f) specialized municipality.

RSA 2000 cM-26 s77;2022 c16 s9(14)

78 to **84** Repealed 2022 c16 s9(15).

Initiating formation

85(1) The Minister may recommend to the Lieutenant Governor in Council that a formation order be made

(a) if the Minister receives a request to form the municipality from a council of a municipality or an improvement district, or

(b) on the Minister's own initiative.

(2) A request referred to in subsection (1)(a) must specify the boundaries of the proposed municipality.

RSA 2000 cM-26 s85;2022 c16 s9(16)

86 Repealed 2022 c16 s9(17).

Public input

87(1) Before recommending to the Lieutenant Governor in Council that a formation order be made, the Minister

(a) must invite comments on the proposed municipality from

(i) those members of the public that the Minister considers would be affected by the formation of the proposed municipality, and

(ii) all local authorities that the Minister considers would be affected by the formation of the proposed municipality,

and

(b) may invite comments or seek input on the proposed municipality from any other person or body the Minister considers appropriate.

(2) The comments and input referred to in subsection (1)(a) and (b) may be sought in any manner the Minister considers appropriate, including, without limitation, by holding public meetings or conducting a vote in accordance with the *Local Authorities Election Act*, as modified by directions given by the Minister, of the people who would be electors of the proposed municipality.

RSA 2000 cM-26 s87;2022 c16 s9(18)

Specialized municipality

87.1 The Minister may recommend to the Lieutenant Governor in Council that a specialized municipality be formed for an area if the Minister is satisfied that

(a) a type of municipality referred to in section 77(a), (c), (d) or (e) would not meet the needs of the residents of the proposed municipality,

(b) forming a specialized municipality would provide for a form of local government enabling the orderly development of the municipality to a type of municipality referred to in section 77(a), (c), (d) or (e) or to another form of specialized municipality, or

(c) for any other reason it is appropriate in the circumstances to form a specialized municipality.

2022 c16 s9(18)

Formation order

88 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order form a municipality.

1994 cM-26.1 s88

Contents of order

89(1) A formation order must

(a) describe the boundaries of the municipality formed by the order,

(b) give the municipality the status of municipal district, village, town, city or specialized municipality, and

(c) give the municipality an official name.

(2) If a municipal district is formed, the order

(a) must state the number of councillors that is to comprise its council,

(b) must establish wards for it and describe their boundaries,

(c) may specify or describe by reference, the provisions of this or other enactments that do not apply to the municipal district, or that apply with or without modification, and

(d) may specify or describe by reference, any provisions that are to be added to or replace the provisions of this or other enactments.

(3) If a specialized municipality is formed, the order must state the number of councillors that is to comprise its council and apply either section 150(1) or (2) to the municipality and may

(a) establish wards for it and describe their boundaries;

(b) specify or describe by reference, the provisions of this or other enactments that do not apply to the specialized municipality, or that apply with or without modification;

(c) specify or describe by reference, any provisions that are to be added to or replace the provisions of this or other enactments;

(d) prescribe matters or conditions that govern the functions, powers and duties of the specialized municipality;

(e) if a specialized municipality is formed all or partly from an improvement district, provide that Part 15 continues to apply to the specialized municipality as if it were an improvement district.

(4) If the order provides that Part 15 continues to apply to a specialized municipality under subsection (3)(e), the Minister may at any time in respect of the specialized municipality

(a) exercise any of the powers that the Minister has in respect of an improvement district under Part 15 or any other enactment, including the power to delegate;

(b) limit the power, authority or jurisdiction of the specialized municipality;

(c) prescribe how or the conditions under which the specialized municipality may exercise any power or authority;

(d) require the specialized municipality to exercise or perform a power, right or duty of a municipality;

(e) authorize the council to pass some or all of the bylaws that the council of a municipal district may pass, subject to any conditions the Minister imposes.

(5) If a municipality is formed from an improvement district, the order may dissolve the improvement district.

1994 cM-26.1 s89;1995 c24 s14

Summer village

89.1 The fact that a summer village may not be formed under this Act does not affect any existing summer village, and this Act continues to apply to summer villages.

1995 c24 s15

Official administrator

90 When a municipality is formed and there is no council, the Minister may appoint an official administrator who has all the powers and duties of a council of the municipality until the first council of the municipality is sworn into office.

1994 cM-26.1 s90

Division 3
Change of Status

Definition of order

90.1 In this Division, "order" means an order under section 96.

2022 c16 s9(19)

Meaning of change of status

91 A reference in this Part to changing the status of a municipality means changing, by order, a municipal district, summer village, village, town, city or specialized municipality to another type of municipality within that group.

RSA 2000 cM-26 s91;2022 c16 s9(20)

Summer village

91.1 The status of a municipality may not be changed to the status of a summer village.

1995 c24 s16

92 Repealed 2022 c16 s9(21).

Initiation of change of status

93 The Minister may recommend to the Lieutenant Governor in Council an order be made changing the status of a municipality if

(a) the Minister receives a request from the municipality's council,

(b) the Minister receives a sufficient petition from the majority of the electors in the municipality requesting the change in status, or

(c) the Minister is satisfied that the municipality no longer meets the applicable principles, standards and criteria established under section 76 or, in the case of a specialized

municipality, that the reasons for its original formation as a specialized municipality no longer exist.

RSA 2000 cM-26 s93;2022 c16 s9(22)

Public input

94(1) Before recommending to the Lieutenant Governor in Council that the status of a municipality be changed, the Minister

(a) must notify the council of the municipality of the proposed change, and

(b) may invite comments or seek input on the proposed change of status from the public or any other person or body the Minister considers appropriate.

(c), (d) repealed 2022 c16 s9(23).

(2) The comments and input referred to in subsection (1)(b) may be sought in any manner the Minister considers appropriate, including, without limitation, by holding public meetings.

RSA 2000 cM-26 s94;2022 c16 s9(23)

95 Repealed 2022 c16 s9(24).

Change of status order

96 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order change the status of a municipality.

1994 cM-26.1 s96

Contents of order

97(1) An order changing the status of a municipality to a municipal district must include the provisions referred to in section 89(2).

(2) An order changing the status of a municipality to a specialized municipality must state the number of councillors that is to comprise its council and apply either section 150(1) or (2) to the municipality and may deal with any of the other matters referred to in section 89(3) and (4).

1994 cM-26.1 s97

97.1 Repealed 1999 c26 s14.

Effect of change of status

97.2(1) When the status of a municipality is changed,

(a) each councillor of the old municipality continues as a councillor of the new municipality until a successor is sworn into office;

(b) each officer and employee of the old municipality continues as an officer or employee of the new municipality with the same rights and duties until the council of the new municipality otherwise directs;

(c) all bylaws and resolutions of the old municipality that the new municipality has the authority to pass are continued as the bylaws and resolutions of the new municipality;

(d) all taxes due to the old municipality are deemed to be arrears of taxes due to the new municipality and may be collected and dealt with by the new municipality as if it had imposed the taxes;

(e) all rights of action and actions by or against the old municipality may be continued or maintained by or against the new municipality;

(f) all property vested in the old municipality becomes vested in the new municipality and may be dealt with by the new municipality in its own name subject to any trusts or other conditions applicable to the property;

(g) all other assets, liabilities, rights, duties, functions and obligations of the old municipality become vested in the new municipality, and the new municipality may deal with them in its own name.

(2) Subsection (1) is subject to the order changing the status of the municipality.

1995 c24 s17

Division 4
Change of Name

Change of name order

98 The Lieutenant Governor in Council, on the request of a municipality's council and on the recommendation of the Minister, may change the name of the municipality.

1994 cM-26.1 s98

Effect of change of name

99(1) The change of a municipality's name does not affect any obligation, right, action or property of the municipality.

(2) The use of the old name of the municipality in any proceedings, agreements, notices or documents after the name has been changed does not affect the validity of those proceedings, agreements, notices or documents.

1994 cM-26.1 s99

Division 5
Amalgamation

Interpretation where 2 or more initiating municipal authorities

99.1 Where 2 or more municipal authorities initiate an amalgamation under section 102(b),

(a) a reference in this Division to an initiating municipal authority means all of them acting jointly, and

(b) a reference in this Division to the council of the initiating municipal authority means the councils of all of them.

2022 c16 s9(25)

Application

100 This Division does not apply to the amalgamation of

(a) an improvement district with another improvement district, or

(b) a special area with another special area.

1994 cM-26.1 s100

Restriction on amalgamation

101(1) Subject to subsection (2), no order amalgamating municipal authorities may be made that would result in an area of land that is

(a) not included in any municipal authority, or

(b) part of the amalgamated municipal authority, but is not contiguous with other land in the amalgamated municipal authority.

(2) An order may amalgamate 2 or more summer villages whose boundaries are not contiguous but border on or include all or part of the same body of water.

(3) Despite section 77, an order may amalgamate 2 or more summer villages if it gives the amalgamated municipal authority the status of a summer village.

(4) Where an order gives an amalgamated municipal authority the status of a summer village as required by subsection (3), the status of the summer village may be changed in accordance with Division 3.

RSA 2000 cM-26 s101;2015 c8 s9

Initiation of amalgamation proceedings

102 The procedure for the amalgamation of 2 or more municipal authorities may be initiated

(a) by a municipal authority,

(b) by 2 or more municipal authorities in a manner satisfactory to the Minister, or

(c) by the Minister under section 107.

RSA 2000 cM-26 s102;2015 c8 s10;2022 c16 s9(26)

Initiation by municipal authority

103(1) A municipal authority initiates an amalgamation by giving written notice of the proposed amalgamation to

(a) the one or more municipal authorities with which it proposes to amalgamate,

(b) the Minister, and

(c) all local authorities having jurisdiction to operate or provide services in the initiating municipal authority or in any of the municipal authorities with which it proposes to amalgamate.

(2) If an amalgamation proposed by an initiating municipal authority would result in an area of land that is within the perimeter of the boundary of the amalgamated municipal authority, but is not part of the amalgamated municipal authority, the initiating municipal authority must give notice of its intention to annex that land when it gives notice of the proposed amalgamation.

(3) Subsection (2) does not apply if the area of land within the perimeter of the boundary of the proposed amalgamated municipal authority is the area of an existing municipal authority.

(4) The notice for an amalgamation must

(a) include the names of all the municipal authorities that are to be amalgamated and the reasons for the proposed amalgamation, and

(b) include proposals for consulting with all local authorities referred to in subsection (1)(c) and the public about the proposed amalgamation.

RSA 2000 cM-26 s103;2017 c13 s1(11)

Direct negotiations

104(1) The municipal authorities with which the initiating municipal authority proposes to amalgamate must, on receipt of the notice under section 103, meet with the initiating municipal authority to discuss the proposals included in the notice and negotiate the proposals in good faith.

(2) The initiating municipal authority must keep the Minister informed of the progress of the negotiations.

1994 cM-26.1 s104

Report on negotiations

105(1) On conclusion of the negotiations, the initiating municipal authority must prepare a report that describes the results of the negotiations and that includes

(a) a list of the relevant matters, including those referred to in sections 89(1), (2), (3) and (4) and 111, that are agreed on and a list of any of those matters on which there is no agreement between the municipal authorities,

(b) a description of the public consultation processes involved in the negotiations, and

(c) a summary of the views expressed during the public consultation processes.

(2) The report must

(a) repealed 2022 c16 s9(27);

(b) be approved by resolution of the council of the initiating municipal authority and by resolution of the councils of the other municipal authorities that agree to the amalgamation.

(3) A municipal authority whose council does not pass a resolution approving the report may include in the report its reasons for not approving.

RSA 2000 cM-26 s105;2015 c8 s11;2022 c16 s9(27)

Disposition of report

106(1) On completion of the report on the direct negotiations, the initiating municipal authority must submit the report to the Minister and send a copy of it to the municipal authorities with which it

proposes to amalgamate and any other local authority the initiating municipal authority considers would be affected.

(2) If the initiating municipal authority indicates in the report that it wishes to proceed with the amalgamation, the report becomes the initiating municipal authority's application for the amalgamation.

1994 cM-26.1 s106

106.1 Repealed 2022 c16 s9(27).

Initiation by Minister

107 The Minister may initiate an amalgamation of 2 or more municipal authorities if the Minister believes that the operation of the municipal authority to be formed by the amalgamation will be more effective or efficient than the municipal authorities to be amalgamated.

1994 cM-26.1 s107

Notice by Minister

108(1) When the Minister initiates an amalgamation, the Minister

(a) must give written notice of the proposed amalgamation to the municipal authorities proposed to be amalgamated and to any local authority that the Minister considers would be affected by the proposed amalgamation, and

(b) may invite comments or seek input on the proposed amalgamation from the public or any other person or body the Minister considers appropriate.

(2) The comments and input referred to in subsection (1)(b) may be sought in any manner the Minister considers appropriate, including, without limitation, by holding public meetings.

RSA 2000 cM-26 s108;2022 c16 s9(28)

109 Repealed 2022 c16 s9(29).

Amalgamation order

110 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order amalgamate municipal authorities to form a new municipality.

1994 cM-26.1 s110

Contents of order

111 An order to amalgamate municipal authorities may

(a) dissolve one or more of the councils of the municipal authorities that are amalgamated,

(b) provide for an interim council,

(c) require a municipal authority to pay compensation to another municipal authority set out in the order or by means determined in the order, including arbitration under the *Arbitration Act*, and

(d) deal with any of the matters referred to in section 89.

1994 cM-26.1 s111

Official administrator

112 When a municipality is formed by amalgamation and there is no council, the Minister may appoint an official administrator who has all the powers and duties of a council of the municipality until the first council of the municipality is sworn into office.

1994 cM-26.1 s112

Division 6
Annexation

Mediation

112.1 In this Division, "mediation" in respect of an annexation means a process involving a neutral person as mediator who assists the initiating municipal authority and the one or more municipal authorities from which the land is to be annexed, and any other person brought in with the agreement of those municipal authorities, to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the participants.

1999 c11 s6

Application

113 This Division does not apply to the annexation of land

(a) from an improvement district to another improvement district, or

(b) from a special area to another special area.

1994 cM-26.1 s113

Restriction on annexation

114 No order that annexes land to a municipal authority may be made if the land to be annexed is not contiguous with the boundaries of the municipal authority.

1994 cM-26.1 s114

Annexations of same land

115(1) A municipal authority may not initiate or proceed with more than one proposed annexation at any one time concerning the same land.

(2) A municipal authority may not initiate or proceed with a proposed annexation when the municipal authority is proceeding with an amalgamation, unless the annexation is of the type referred to in section 103(2).

1994 cM-26.1 s115

Initiation of annexation

116(1) A municipal authority initiates the annexation of land by giving written notice of the proposed annexation to

(a) the one or more municipal authorities from which the land is to be annexed,

(a.1) the Minister,

(b) the Land and Property Rights Tribunal, and

(c) all local authorities having jurisdiction to operate or provide services in the initiating municipal authority or in any of the municipal authorities from which the land is to be annexed.

(2) The notice for an annexation must

(a) describe the land proposed to be annexed,

(b) set out the reasons for the proposed annexation, and

(c) include proposals for

(i) consulting with the public about the proposed annexation, and

(ii) meeting with the owners of the land to be annexed, and keeping them informed about the progress of the negotiations.

RSA 2000 cM-26 s116;2017 c13 s1(12);2020 cL-2.3 s24(41)

Direct negotiations

117(1) The municipal authorities from which the land is to be annexed must, on receipt of the notice under section 116, meet with the initiating municipal authority to discuss the proposals included in the notice and negotiate the proposals in good faith.

(2) If there are matters on which there is no agreement, the initiating municipal authority and the one or more municipal

authorities from which the land is to be annexed must, during the negotiations, attempt to use mediation to resolve those matters.

1994 cM-26.1 s117;1999 c11 s7

Report on negotiations

118(1) On conclusion of the negotiations, the initiating municipal authority must prepare a report that describes the results of the negotiations and that includes

(a) a list of the matters agreed on and those on which there is no agreement between the municipal authorities,

(a.1) if there were matters on which there was no agreement, a description of the attempts to use mediation and, if mediation did not occur, the reasons for this,

(b) a description of the public consultation processes involved in the negotiations, and

(c) a summary of the views expressed during the public consultation processes.

(2) The report must be signed by the initiating municipal authority and by the municipal authorities from which the land is to be annexed that are prepared to sign and must include a certificate by the initiating municipal authority stating that the report accurately reflects the results of the negotiations.

(3) A municipal authority that does not sign the report may include in the report its reasons for not signing.

1994 cM-26.1 s118;1999 c11 s8

Disposition of report

119(1) The initiating municipal authority must submit the completed report to the Land and Property Rights Tribunal and send a copy of it to the municipal authorities from which the land is to be annexed and any other local authority the initiating municipal authority considers would be affected.

(2) If the initiating municipal authority indicates in the report that it wishes to proceed with the annexation, the report becomes the initiating municipal authority's application for the annexation.

RSA 2000 cM-26 s119;2020 cL-2.3 s24(41)

Notice of Tribunal's intent to recommend annexation

120 If the initiating municipal authority wishes the annexation to proceed and the Land and Property Rights Tribunal is satisfied that the affected municipal authorities and the public are generally in agreement with the annexation, the Tribunal must notify the

Minister, all the local authorities that the Tribunal considers would be affected by the annexation and anyone else the Tribunal considers should be notified that

(a) there appears to be general agreement with the proposed annexation, and

(b) unless objections to the annexation are filed with the Tribunal by a specified date, the Tribunal will make its recommendation to the Minister without holding a public hearing.

RSA 2000 cM-26 s120;2020 cL-2.3 s24(4);2022 c16 s9(30)

Where no objections filed

120.1 If the initiating municipal authority wishes the annexation to proceed and no objections are filed under section 120 by the date specified in a notice given under that section, the Tribunal must

(a) consider the principles, standards and criteria on annexation established under section 76, and

(b) prepare a written report with its recommendations and send it to the Minister.

2022 c16 s9(30)

Where objections filed or no general agreement

121 If the initiating municipal authority wishes the annexation to proceed but objections are filed under section 120 by the date specified in a notice given under that section, or for any other reason the Land and Property Rights Tribunal is not satisfied that the affected municipal authorities or the public are in general agreement with the annexation, the Tribunal

(a) must notify the Minister, all the local authorities that the Tribunal considers would be affected by the annexation and anyone else the Tribunal considers should be notified that there is not general agreement with the proposed annexation,

(b) may investigate, analyze and make findings of fact about the annexation, including the probable effect on local authorities and on the residents of an area, and

(c) must conduct one or more hearings in respect of the annexation and allow any affected person to appear before the Tribunal at a hearing.

RSA 2000 cM-26 s121;2020 cL-2.3 s24(5);2022 c16 s9(30)

Notice of hearing and costs

122(1) The Land and Property Rights Tribunal must publish a notice of a hearing under section 120(3) or 121 at least once a week for 2 consecutive weeks in a newspaper or other publication circulating in the affected area, the 2nd notice being not less than 6 days before the hearing.

(2) The Land and Property Rights Tribunal may determine the costs of and incidental to a hearing and decide by whom and to whom the costs are to be paid.

(3) Section 502 applies to a decision of the Tribunal relating to costs under this section.

RSA 2000 cM-26 s122;2020 cL-2.3 s24(6)

Tribunal's report

123 After one or more hearings under section 120(3) or 121 have been held and after considering the reports and representations made to it and the principles, standards and criteria on annexation established under section 76, the Tribunal must prepare a written report of its findings and recommendations and send it to the Minister.

RSA 2000 cM-26 s123;2020 cL-2.3 s24(39)

Contents of report

124(1) A report by the Land and Property Rights Tribunal to the Minister under this Division must set out

(a) a recommendation on whether land should be annexed to the initiating municipal authority or other municipal authority;

(b) if it is recommending annexation, a description of the land, whether there should be revenue sharing and any terms, conditions and other things the Tribunal considers necessary or desirable to implement the annexation.

(2) If the Tribunal does not recommend that land be annexed in its report, the Tribunal must provide the report to all local authorities that it considers would be affected by the annexation.

RSA 2000 cM-26 s124;2020 cL-2.3 s24(7)

Annexation order

125 The Lieutenant Governor in Council may,

(a) after considering a report of the Tribunal, or

(b) despite sections 116 to 124, at any time on the recommendation of the Minister,

make an order separating land from a municipal authority and annexing the land to another municipal authority.

RSA 2000 cM-26 s125;2020 cL-2.3 s24(39);2022 c16 s9(31)

126 Repealed 2022 c16 s9(31).

Contents of order

127(1) An order to annex land to a municipal authority may

(a) require a municipal authority to pay compensation to another municipal authority in an amount set out in the order or to be determined by means specified in the order, including arbitration under the *Arbitration Act*,

(b) dissolve a municipal authority as a result of the annexation, and

(c) deal with any of the matters referred to in section 89.

(1.1) Where an area of land is the subject of an exemption or deferral granted under section 364.2 by one municipal authority and an order referred to in subsection (1) annexes all or part of that land to another municipal authority, the order must require the receiving municipal authority to continue the exemption or deferral in respect of the annexed land, subject to any terms the Lieutenant Governor in Council considers appropriate.

(2) Where under section 664.2 a municipality has paid compensation to a landowner for conservation reserve that is subsequently annexed by order to another municipality, the order must require the municipality to which the land is annexed to pay compensation to the other municipality in the same amount that was paid to the landowner.

RSA 2000 cM-26 s127;2016 c24 s13.1;2017 c13 s2(4);2019 c6 s2

Public utilities

127.1(1) In this section, "utility agreement" means an agreement approved by the Alberta Utilities Commission in which a municipality grants a right to a person to provide a public utility in all or part of the municipality.

(2) An annexation of land does not affect any right under a utility agreement to provide a public utility on the annexed land unless the annexation order provides otherwise.

(3) This section does not apply to a right to provide a natural gas service if the right is subject to section 23 of the *Gas Distribution Act*.

RSA 2000 cM-26 s127.1;2007 cA-37.2 s82(17)

Annexation refused

128 If an application for an annexation of land is refused, the Minister must notify the initiating municipal authority of the refusal and the initiating municipal authority may not make another annexation application concerning the same land for a period of one year after it receives notice of the refusal.

1994 cM-26.1 s128

Regulations

128.1 The Minister may make regulations

(a) respecting procedures to be followed under this Division;

(b) defining terms used in this Division but not defined in this Act.

2015 c8 s13

Division 7
Dissolution

Application

129 This Division does not apply to the dissolution of a municipality as a result of an annexation.

1994 cM-26.1 s129

Viability review

130(1) The Minister must, before a municipality is dissolved,

(a) undertake a viability review, and

(b) after completing the viability review, hold a vote of the electors of the municipality on the proposed dissolution.

(2) The Minister may undertake a viability review in respect of a municipality if

(a) the Minister receives a request for a viability review from the council of the municipality,

(b) the Minister receives a sufficient petition requesting a viability review from electors of the municipality numbering at least 30% of the municipality's population or, in the case of a summer village, a sufficient petition requesting the review from a number of the electors of the summer village equal to at least 50% of the number of summer village residences in the summer village, or

(c) the Minister believes a viability review is warranted.

(3) A viability review must be conducted in a manner determined by the Minister.

(4) If the Minister receives a request in accordance with subsection (2)(a) or a sufficient petition in accordance with subsection (2)(b) and in the Minister's opinion a process other than a viability review is more appropriate, the Minister may require that that process be undertaken instead of undertaking a viability review.

RSA 2000 cM-26 s130;2013 c9 s2;2016 c24 s14

Completion of viability review

130.1(1) After completing a viability review, the Minister may

(a) by order direct the council or the chief administrative officer to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality, or

(b) hold a vote of the electors of the municipality on whether the municipality should

(i) be dissolved, or

(ii) not be dissolved, but be required to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality.

(2) Where a vote of the electors is held under subsection (1)(b),

(a) if the electors vote that the municipality should be dissolved, the Minister must recommend to the Lieutenant Governor in Council that the municipality be dissolved in accordance with section 133, or

(b) if the electors vote that the municipality should not be dissolved, the Minister may by order direct the council or the chief administrative officer to take the actions referred to in subsection (1)(b)(ii).

2013 c9 s2;2022 c16 s9(32)

130.2 Repealed 2022 c16 s9(33).

Further actions of Minister

130.3(1) If an order of the Minister under section 130.1(1)(a) or (2)(b) is not carried out to the satisfaction of the Minister, the Minister may do one or more of the following:

(a) make an order suspending the authority of the council to make bylaws in respect of any matter specified in the order;

(b) make an order exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);

(c) make an order removing a suspension of bylaw-making authority, with or without conditions;

(d) make an order withholding money otherwise payable by the Government to the municipality pending compliance with an order of the Minister;

(e) make an order establishing, repealing or amending policies and procedures with respect to the municipality;

(f) make an order suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;

(g) make an order requiring or prohibiting any other action as necessary to ensure compliance with the order;

(h) make an order dismissing the council or any member of it or the chief administrative officer;

(i) hold an additional electors vote on whether the municipality should be dissolved or should not be dissolved.

(2) Section 574(3) to (6) apply in respect of a dismissal under subsection (1)(h).

(3) Where an additional electors vote is held under subsection (1)(i),

(a) if the electors vote that the municipality should be dissolved, the Minister must recommend to the Lieutenant Governor in Council that the municipality be dissolved in accordance with section 133, or

(b) if the electors vote that the municipality should not be dissolved, the Minister may make any order referred to in subsection (1)(a) to (h) that the Minister considers appropriate and may order the municipality to take any other action the Minister considers appropriate.

2013 c9 s2;2022 c16 s9(33)

Vote

130.4 A vote held under section 130.1(1)(b) or 130.3(1)(i) must be conducted in accordance with the *Local Authorities Election Act* as modified by directions given by the Minister.

2022 c16 s9(33)

Transitional — application of certain sections

130.5(1) Section 130.1(1) applies to a viability review regardless of whether the viability review was commenced or completed before or after the coming into force of this section.

(2) Section 130.1(2) applies to a vote held under section 130.1(1)(b) regardless of whether

(a) the viability review to which the vote relates was commenced or completed before or after the coming into force of this section, and

(b) the vote was held before or after the coming into force of this section.

(3) Section 130.3 applies in respect of an order of the Minister under section 130.1(1)(a) or (2)(b) regardless of whether

(a) the viability review to which the order relates was commenced or completed before or after the coming into force of this section, and

(b) the vote under section 130.1(1)(b) or 130.3(1)(i) was held before or after the coming into force of this section.

(4) Section 130.4 applies in respect of a vote regardless of whether

(a) the viability review to which the vote relates was commenced or completed before or after the coming into force of this section, and

(b) the vote was held before or after the coming into force of this section.

2022 c16 s9(33)

131 and **132** Repealed 2013 c9 s3.

Dissolution order

133(1) The Lieutenant Governor in Council, on the recommendation of the Minister, may by order dissolve a municipality.

(2) A dissolution order

(a) must direct that all or part of the land in the dissolved municipality becomes part of another municipal authority,

(b) may deal with any of the matters referred to in section 89, and

(c) may appoint a liquidator and specify the liquidator's powers, duties and functions.

1994 cM-26.1 s133;1995 c24 s19

Tax

134 If the liabilities of the dissolved municipality exceed its assets, the Lieutenant Governor in Council may authorize the successor of the dissolved municipality to impose an additional tax under Part 10 on property located in the area of the dissolved municipality to pay for those excess liabilities.

1994 cM-26.1 s134;1998 c24 s5

134.1 Repealed 2022 c16 s9(34).

Division 8
General Provisions

Effect of certain orders

135(1) When an order under this Part has the effect of including or placing an area of land that was in one municipal authority, called in this section the "old municipal authority", in another municipal authority, called in this section the "new municipal authority", as a result of an annexation or the formation, amalgamation or dissolution of a municipal authority, then, unless the order provides otherwise,

(a) the new municipal authority becomes the successor of the old municipal authority with respect to that area of land and the old municipal authority ceases to have any jurisdiction with respect to that area of land,

(a.1) all taxes due to the old municipal authority are deemed to be arrears of taxes due to the new municipal authority and may be collected and dealt with by the new municipal authority as if it had imposed the taxes,

(a.2) all rights of action and actions by or against the old municipal authority that relate to that area of land become rights of action and actions by or against the new municipal

authority and cease to be rights of action and actions by or against the old municipal authority,

(b) all the assets, liabilities, rights, duties, functions and obligations of the old municipal authority that relate to that area of land automatically pass to the new municipal authority and cease to be those of the old municipal authority,

(c) in the case of an amalgamation or an annexation, if at the time of the notice under section 103 or 116 any land or any portion of it is designated or required to be provided as a public utility lot, environmental reserve, conservation reserve, municipal reserve or municipal and school reserve under Part 17 or a former Act as defined in Part 17, on the amalgamation or annexation taking effect the ownership of the land becomes vested in the new municipal authority in place of the old municipal authority, and

(d) bylaws and resolutions of the old municipal authority that apply specifically to the area of land continue to apply to it until repealed or others are made in their place by the new municipal authority.

(2) If the land referred to in subsection (1)(c) is sold or money instead of land is received by the old municipal authority after a notice of amalgamation under section 103 or a notice of annexation under section 116 is received, the proceeds of the sale or the money received must be paid to the new municipal authority.

(3) The new municipal authority may only use the proceeds of the sale or the money received for purposes for which the old municipal authority could have used it.

(4) The Lieutenant Governor in Council may

(a) authorize the council of the new municipal authority to impose an additional tax under Part 10 on the area of land to meet obligations under a borrowing made by the old municipal authority in respect of that area of land, or

(b) make any provision necessary to protect any rights that any person has in relation to the area of land.

(4.1) The Minister may direct the transfer of assets and liabilities from one municipal authority to another.

(5) This section does not abrogate or affect agreements described in section 30 or 45.

RSA 2000 cM-26 s135;2017 c13 s1(13)

Power to effectuate transfer of land and other property

136 Where an order under this Division requires the ownership of land or other property to be transferred to a municipal authority, the Minister may do whatever is necessary to give effect to section 135(1) or a direction under section 135(4.1).

1994 cM-26.1 s136

Transitional and other matters

137(1) An order of formation, change of status, amalgamation, annexation or dissolution may, in respect of any municipal authority affected by the order, contain provisions dealing with the following:

(a) assessment and taxation;

(b) property;

(c) employees;

(d) any matter required to properly effect or deal with the formation, change of status, amalgamation, annexation or dissolution, whether transitional or otherwise;

(e) the application, addition, change or substitution of one or more provisions of this or another enactment for the purposes of the order.

(2) The provisions referred to in subsection (1) may deal with rights, obligations, liabilities, assets and any other thing that the Lieutenant Governor in Council considers is appropriate to be dealt with in the order and may operate despite a collective agreement.

(3) The Lieutenant Governor in Council may amend or repeal a provision referred to in subsection (1) that is contained in an order of formation, change of status, amalgamation, annexation or dissolution without having to comply with the requirements for passing the original order.

RSA 2000 cM-26 s137;2021 c13 s8

Retroactivity of orders

138(1) An order of the Lieutenant Governor in Council under this Part may provide

(a) for the retroactive application of the order or any of its provisions, and

(b) that the order or any of its provisions come into force on different dates.

(2) An order or any of its provisions may only be made retroactive to a date in the year immediately before the calendar year in which the order is made.

(3) Any error in any order made under this Part may be corrected by subsequent order, and the correcting order may be made effective as of the date of the original order or on some other later date that is specified in the order.

1994 cM-26.1 s138

Orders published

139(1) An order of the Lieutenant Governor in Council or the Minister made under this Part must be published in The Alberta Gazette.

(2) Publication of an order of the Lieutenant Governor in Council or the Minister made under this Part is conclusive proof of the fulfilment of any conditions precedent to the order.

1994 cM-26.1 s139

Regulations Act

140 The *Regulations Act* does not apply to an order of the Lieutenant Governor in Council or the Minister made under this Part.

1994 cM-26.1 s140

Location of boundaries

141(1) In this section,

(a) "survey" means a survey made under the *Surveys Act* or the *Canada Lands Surveys Act* (Canada);

(b) "surveyed land" means land that has been surveyed under the *Surveys Act* or the *Canada Lands Surveys Act* (Canada).

(2) Where the boundary of a municipality is described by reference to the boundary of a township or section of surveyed land along which a road allowance runs, the boundary is the side of the road allowance on which monuments or posts are placed under a survey, except in the case of correction lines or where the description otherwise specifies.

(3) In the case of correction lines, the boundary is the south side of the road allowance.

(4) Where a road is the boundary of a municipality and land is acquired to widen the road, the land acquired automatically falls within that boundary.

(5) A road allowance between an Indian reserve and a municipality is in the municipality despite anything to the contrary in this section.

(6) Where a boundary of a municipality is described by reference to a river, the boundary is the right bank of the river facing downstream unless the description otherwise specifies.

1994 cM-26.1 s141

Part 4.1
City Charters

Interpretation

141.1(1) In this Part,

(a) "charter", except in sections 141.3 and 141.4, includes an amendment to a charter;

(b) "charter city" means a city for which a charter is established under section 141.3.

(2) In this Part, a reference to "this Act" includes a regulation made under this Act.

2015 c8 s14

Purpose of Part

141.2 The purpose of this Part is to authorize the establishment of charters to address the evolving needs, responsibilities and capabilities of cities in a manner that best meets the needs of their communities.

2015 c8 s14

Establishment of charter

141.3 On request by a city, the Lieutenant Governor in Council may, by regulation, establish a charter for that city.

2015 c8 s14

Proposed charter must be published on website

141.4(1) Before a charter is established or amended, the Minister must ensure the proposed charter or amendment is published on the Minister's department's website for at least 60 days.

(2) Subsection (1) does not apply to

(a) a charter or an amendment made after considering any responses to a proposed charter or amendment that was published in accordance with subsection (1),

(b) the repeal of a provision that, pursuant to section 141.5(3), makes inapplicable, modifies or replaces a provision of this

Act or another enactment or adds a provision to this Act or another enactment, if

(i) this Act or the other enactment is amended to have substantively the same effect as the charter provision being repealed, and

(ii) the repeal of the charter provision and the amendment to this Act or the other enactment take effect at the same time,

(c) the repeal of a provision that applied only during a limited time that has expired, or

(d) an amendment made solely to

(i) update terminology or references to other legislation, or

(ii) correct one or more clerical, technical, grammatical or typographical errors, if the amendment does not materially affect the charter in principle or substance.

2015 c8 s14;2019 c22 s10(3)

Elements of charter

141.5(1) Subject to this Part, a charter governs all matters related to the administration and governance of the charter city, including, without limitation, the powers, duties and functions of the charter city and any other matter that the Lieutenant Governor in Council considers desirable.

(2) In subsection (3), a reference to "this Act" does not include this Part or Part 15.1 or 17.1.

(3) A charter may do one or more of the following:

(a) provide that a provision of this Act or any other enactment does not apply to the charter city or applies to the charter city with the modifications set out in the charter;

(b) specify or set out provisions that apply in respect of the charter city in addition to, or instead of, a provision of this Act or any other enactment;

(c) authorize the charter city to modify or replace, by bylaw, a provision of this Act or any other enactment, with respect to the charter city, to the extent set out in the charter.

(4) Before giving second reading to a proposed bylaw referred to in subsection (3)(c), the council of the charter city must hold a public hearing with respect to the proposed bylaw in accordance

with section 216.4 after giving notice of it in accordance with section 606.

(5) A charter may include provisions respecting its interpretation.

(6) A charter may generally provide for any other matter necessary for the purposes of giving effect to this Part.

(7) Except to the extent that a charter or a bylaw made pursuant to subsection (3)(c) provides otherwise, this Act and any other enactment apply to the charter city.

2015 c8 s14;2022 c16 s9(83)

Charter prevails

141.6 Except to the extent that this Part provides otherwise, if there is a conflict or inconsistency between a charter or a bylaw made pursuant to section 141.5(3)(c) and a provision of this Act or any other enactment, the charter or bylaw prevails to the extent of the conflict or inconsistency.

2015 c8 s14

Retroactive operation of charter

141.7(1) A charter may provide

(a) for the retroactive application of the charter or any of its provisions, and

(b) that the charter or any of its provisions come into force on different dates.

(2) A charter or any of its provisions may be made retroactive to a date no earlier than the beginning of the year immediately preceding the calendar year in which it is made.

2015 c8 s14

No effect on status of charter city

141.8 Except to the extent that a charter provides otherwise, a charter has no effect on the status of the charter city as a city under this Act or any other enactment.

2015 c8 s14

Existing rights and obligations not affected

141.9(1) Except to the extent that a charter provides otherwise, the rights and obligations of a city are not affected by the establishment of a charter for that city.

(2) Except to the extent that a charter provides otherwise, the rights of the Crown in right of Alberta are not affected by the establishment of a charter.

2015 c8 s14

Part 5
Councils, Councillors and Council Committees

Division 1
Councils and Council Committees

Councils as governing bodies

142(1) Each municipality is governed by a council.

(2) A council is a continuing body.

1994 cM-26.1 s142

Number of councillors

143(1) The council of a city or town consists of 7 councillors unless the council passes a bylaw specifying an odd number of 3 or more.

(2) The council of a village or summer village consists of 3 councillors unless the council passes a bylaw specifying an odd number of 5 or more.

(3) The council of a municipal district or specialized municipality consists of the number of councillors specified in the order forming it unless, after its formation, the council passes a bylaw specifying an odd number of 3 or more.

RSA 2000 cM-26 s143;2022 c16 s9(35)

144 Repealed 2022 c16 s9(35).

Bylaws respecting maternity and parental leave for councillors

144.1(1) A council of a municipality may, by bylaw, having regard to the need to balance councillors' roles as parents with their responsibilities as representatives of residents, establish whether councillors are entitled to take leave prior to or after the birth or adoption of their child.

(2) If a bylaw under subsection (1) entitles councillors to take leave, the bylaw must contain provisions

(a) respecting the length of the leave and other terms and conditions of the leave entitlement, and

(b) addressing how the municipality will continue to be represented during periods of leave.

2017 c13 s1(14)

Bylaws — council and council committees

145(1) Subject to an order made under subsection (4) and to subsections (7) and (9), a council may, by bylaw, establish the procedures to be followed by the council.

(2) A council may, by bylaw, establish council committees and other bodies.

(3) Subject to an order made under subsection (4) and to subsections (7), (9) and (12), where a council establishes a council committee or other body, the council may, by bylaw, establish the functions of the committee or body and the procedures to be followed by it.

(4) The Minister may, by order,

(a) establish procedures for council and council committee meetings,

(b) amend the procedures referred to in clause (a), and

(c) specify matters relating to procedures for council and council committee meetings that may not be included in a bylaw.

(5) As soon as practicable after making an order under subsection (4), the Minister must make the order publicly available on the website of the Minister's department.

(6) The *Regulations Act* does not apply to an order made under subsection (4).

(7) If the Minister makes an order under subsection (4), a council may, by bylaw, provide for

(a) procedures for council and council committee meetings in addition to those established under that order, and

(b) matters relating to those procedures other than matters specified by that order that may not be included in a bylaw.

(8) If there is a conflict or inconsistency between an order made under subsection (4) and a bylaw referred to in subsection (7), the bylaw is of no force and effect to the extent of the conflict or inconsistency in respect of any procedures for council or committee meetings established or matters specified under that order.

(9) A council may not make a bylaw or a resolution under this Act that addresses the behaviour or conduct of councillors or of members of council committees who are not councillors.

(10) A bylaw or any portion of a bylaw or a resolution or any portion of a resolution passed by a municipality prior to the coming into force of this subsection that provides for a code of conduct for councillors or members of council committees who are not councillors or addresses the behaviour or conduct of those councillors or members and that was in effect immediately before the coming into force of this subsection is repealed on the coming into force of this subsection.

(11) A council must update its bylaws respecting procedures for council and council committee meetings, if any, within 6 months of the date of an order made under subsection (4) to accord with that order.

(12) An order made under subsection (4) does not apply to a board or other body established by a council under this Act.

RSA 2000 cM-26 s145;2015 c8 s15;2022 c16 s9(36);2025 c13 s2(2)

Composition of council committees

146 A council committee may consist entirely of councillors, entirely of persons who are not councillors or of both councillors and persons who are not councillors.

RSA 2000 cM-26 s146;2022 c16 s9(36)

Division 1.1 Repealed 2025 c13 s2(3).

Division 2
Elections, Appointments and Ward System

Election of councillors

147(1) Subject to Division 5, councillors other than a chief elected official are to be elected in accordance with the *Local Authorities Election Act*.

(2) The election is to be by a vote of the electors of the whole municipality unless the municipality is divided into wards, in which case section 148 applies.

1994 cM-26.1 s147

Division of municipality into wards

148(1) Unless otherwise provided for in a bylaw under this section, when a municipality is divided into wards,

(a) only an elector who is resident in the ward may vote for a councillor in that ward, and

(b) councillors are elected for each ward.

(2) A council may by bylaw

(a) divide the municipality into wards and establish their boundaries,

(b) in the case of wards established for a municipal district or a specialized municipality, change the number of wards and their boundaries,

(c) give each ward established or changed a name or number, or both,

(d) state the number of councillors to be elected for each ward established or changed, and

(e) in the case of any municipality, including a municipal district or specialized municipality, eliminate the wards.

(3) A council may by bylaw provide for councillors that

(a) are in addition to the councillors elected for each ward,

(b) are elected by a vote of the electors of the whole municipality, and

(c) are councillors for the whole municipality, not a ward.

(4) A council may by bylaw provide that all councillors

(a) are nominated by ward,

(b) are elected by a vote of the electors of the whole municipality, and

(c) are either councillors

(i) for the ward in which they were nominated, or

(ii) for the whole municipality rather than for a ward.

(5) Repealed 2022 c16 s9(37).

RSA 2000 cM-26 s148;2022 c16 s9(37)

149 Repealed 2022 c16 s9(38).

Election or appointment of chief elected official

150(1) The chief elected official of a city or town is to be elected by a vote of the electors of the municipality unless the council passes a bylaw

(a) requiring council to appoint the chief elected official from among the councillors,

(b) specifying when the appointment is to start, and

(c) specifying the term of the appointment.

(2) The chief elected official of a village, summer village or municipal district is to be appointed by council from among the councillors unless the council passes a bylaw providing that the official is to be elected by a vote of the electors of the municipality.

(3) The chief elected official of a specialized municipality is to be elected under subsection (1) or appointed under subsection (2) as specified in the order that forms the specialized municipality.

(4) If a chief elected official is to be elected by a vote of the electors of the municipality, the *Local Authorities Election Act* applies to the election.

1994 cM-26.1 s150

Passing bylaw

151(1) A bylaw under section 143, 148 or 150 must be passed by December 31 of the year before the general election at which it is to take effect.

(2) If a bylaw is passed in the same year a general election is held, it takes effect at the 2nd general election after the date on which it is passed.

(3) A bylaw passed under section 143, 148 or 150 must be advertised.

(4) A bylaw proposed to be made under section 143, 148 or 150 must not be given third reading until after the 60-day period provided by section 231(4) has expired.

RSA 2000 cM-26 s151;2018 c23 s58;2022 c16 s9(39)

Deputy and acting chief elected officials

152(1) A council must appoint one or more councillors as deputy chief elected official so that

(a) only one councillor will hold that office at any one time, and

(b) the office will be filled at all times.

(2) A deputy chief elected official must act as the chief elected official

(a) when the chief elected official is unable to perform the duties of the chief elected official, or

(b) if the office of chief elected official is vacant.

(3) A council may appoint a councillor as an acting chief elected official to act as the chief elected official

(a) if both the chief elected official and the deputy chief elected official are unable to perform the duties of the chief elected official, or

(b) if both the office of chief elected official and the office of deputy chief elected official are vacant.

1994 cM-26.1 s152

Division 3
Duties, Titles and Oaths of Councillors

General duties of councillors

153 Councillors have the following duties:

(a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;

(a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;

(b) to participate generally in developing and evaluating the policies and programs of the municipality;

(c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;

(d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;

(e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;

(e.1) repealed 2025 c13 s2(3);

(f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

RSA 2000 cM-26 s153;2015 c8 s17;2016 c24 s15;2025 c13 s2(3)

153.1 Repealed 2025 c13 s2(3).

General duties of chief elected official

154(1) A chief elected official, in addition to performing the duties of a councillor, must

(a) preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and

(b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.

(2) Repealed 2022 c16 s9(40).

(3) The chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in the chief elected official's personal name.

RSA 2000 cM-26 s154;2022 c16 s9(40);2023 c9 s19(3)

Titles of chief elected official and other councillors

155 A councillor is to have the title "councillor" and a chief elected official that of "chief elected official" unless the council directs that another title appropriate to the office be used.

1994 cM-26.1 s155

Taking of oath

156 A councillor, a chief elected official and a deputy and acting chief elected official may not carry out any power, duty or function until that person has taken the official oath prescribed by the *Oaths of Office Act*.

1994 cM-26.1 s156

Division 4
Term of Office

Local Authorities Election Act

157 The term of office of councillors is governed by the *Local Authorities Election Act*.

1994 cM-26.1 s157

Extension of term

158(1) If the first election of a newly formed municipality, whether formed under this or another enactment, is less than 18 months before the date set by the *Local Authorities Election Act* for the next general election, the Minister may order that the next general election not take place.

(2) If the Minister makes an order under subsection (1), the terms of the offices are to continue until immediately before the beginning of the organizational meeting following the next general election.

1994 cM-26.1 s158

Appointed chief elected officials

159(1) A chief elected official who is to be appointed under section 150 must be appointed at each organizational meeting of the council, unless otherwise provided by bylaw.

(2) The term of office of an appointed chief elected official starts immediately on appointment and ends on the appointment of the next chief elected official.

(3) The term of office of an appointed chief elected official may not extend beyond the term of office of that person as councillor.

1994 cM-26.1 s159

Division 5
Vacancies and Quorum

Positions unfilled at general election

160(1) If at a general election persons are not elected to fill all the offices on council, the Minister may

(a) fill the vacancies by appointing persons as councillors,

(b) if there is no quorum, order that the councillors who have been elected constitute a quorum,

(c) if there is no quorum, order that the remaining councillors constitute a quorum and appoint an official administrator for the purposes of supervision under section 575, or

(d) appoint an official administrator who has all the powers and duties of the council.

(2) Persons appointed under subsection (1)(a) hold office until the vacancies are filled by a by-election.

(3) If council is unable to or does not within a reasonable time hold a by-election to fill a vacancy referred to in subsection (1), the Minister may by order direct that the chief administrative officer conduct a by-election to fill the vacancy.

1994 cM-26.1 s160

Resignation

161(1) The resignation of a councillor must be in writing and given to the chief administrative officer.

(2) A chief elected official appointed by council who resigns the office of chief elected official remains on the council as a councillor.

(3) The resignation is effective on the date it is received by the chief administrative officer even if a later date is set out in the resignation.

(4) The chief administrative officer must report the resignation at the first council meeting after receiving the resignation.

1994 cM-26.1 s161

Vacancy in position of councillor

162 A council must hold a by-election to fill a vacancy on council unless

(a) the vacancy occurs after January 1 in the year of a general election,

(a.1) the vacancy is due to a declaration under section 175.1(1) and

(i) the application period under section 175.1(3) has not expired, or

(ii) less than 60 days have passed since an application under section 175.1(2) has been filed,

or

(b) the council consists of 6 or more councillors and the vacancy occurs

(i) in the 18 months before a general election and there is only one vacancy, or

(ii) in the 12 months before a general election and the number of councillors remaining is at least one more than the majority of the number of councillors comprising the council under section 143.

RSA 2000 cM-26 s162;2022 c16 s9(41);2024 c11 s2(2)

Chief elected official (elected) vacancy

163 If the chief elected official is elected by a vote of the electors of the whole municipality and the office becomes vacant, the vacancy must be filled

(a) if on the date the vacancy occurs there are 12 months or more before a general election, by a by-election, or

(b) if on the date the vacancy occurs there are less than 12 months before a general election, either by a by-election or by council appointing at the next council meeting one or more councillors as chief elected official so that

(i) only one councillor holds that office at any one time, and

(ii) the office is filled all the time.

1994 cM-26.1 s163

Chief elected official (appointed) vacancy

164 If, under section 150, the chief elected official is appointed by council from among the councillors and the office becomes vacant, council must at the next council meeting appoint one or more councillors as chief elected official so that

(a) only one councillor holds that office at any one time, and

(b) the office is filled all the time.

1994 cM-26.1 s164

Election day

165 Unless a council sets an earlier date, election day for a by-election under section 162 or 163 is 120 days after the vacancy occurs.

RSA 2000 cM-26 s165;2019 c22 s10(4)

Minister orders by-election

166 If a vacancy must be filled by by-election under section 162 or 163 and a by-election is not held within 120 days after the vacancy occurs, the Minister may by order

(a) set another date for the by-election;

(b) extend the time for filling that vacancy to the next general election;

(c) reduce the quorum for council;

(d) direct the chief administrative officer to conduct the by-election;

(e) take any other action the Minister considers necessary.

RSA 2000 cM-26 s166;2019 c22 s10(4)

Quorum

167(1) Except as provided in this or another enactment, the quorum of a council is

(a) the majority of all the councillors that comprise the council under section 143, or

(b) if there is a vacancy on the council and the council is not required to hold a by-election under section 162 or 163, the majority of the remaining councillors that comprise the council under section 143.

(2) For the purposes of quorum, a councillor is deemed to be absent for a vote if, under this or any other enactment,

(a) the councillor is required to abstain from the vote, or

(b) the councillor is permitted to abstain from the vote and does abstain.

1994 cM-26.1 s167

No quorum

168(1) The Minister may make an order described in subsection (2) in the following situations:

(a) vacancies on council through resignations, disqualifications or recall petitions declared to be sufficient in accordance with section 240.91(1) have reduced the number of councillors to less than a quorum;

(b) the number of councillors able to attend a council meeting is less than a quorum;

(c) councillors are required to abstain from voting on a matter or are permitted to abstain from voting on a matter and have decided to abstain and the number of remaining councillors able to vote is less than a quorum.

(2) If subsection (1) applies, the Minister may

(a) order that the remaining councillors constitute a quorum,

(b) order that the remaining councillors constitute a quorum and appoint an official administrator for the purposes of supervision under section 575, or

(c) appoint an official administrator who has all the powers and duties of the council.

(3) In a situation described in subsection (1)(c), the Minister may, as an alternative to the options in subsection (2),

(a) order that all councillors may vote on the matter if otherwise eligible, or

(b) direct the chief administrative officer to conduct a vote of the electors on the matter with directions respecting the date of the vote of the electors, the question to be voted on by the electors and procedural matters.

(4) The council must comply with the result of the vote of the electors held under subsection (3)(b).

(5) A councillor is not disqualified for having voted on a matter

(a) in accordance with the Minister's order under subsection (3)(a), or

(b) for the purpose of complying with the results of a vote conducted under subsection (3)(b).

RSA 2000 cM-26 s168;2021 cR-5.7 s71;2024 c11 s2(3)

Division 6
Pecuniary Interest and Conflict of Interest of Councillors

Definitions

169 In this Division,

(a) "corporation", "director", "distributing corporation", "officer", "shareholder", "voting rights" and "voting shares" have the meanings given to them in the *Business Corporations Act*;

(b) "councillor's family" means the councillor's spouse or adult interdependent partner, the councillor's children, the parents of the councillor and the parents of the councillor's spouse or adult interdependent partner;

(b.1) "private interest" does not include the following:

(i) an interest in a matter that

(A) is of general application,

(B) affects a councillor as one of a broad class of the public, or

(C) concerns the remuneration and benefits of a councillor;

(ii) an interest that is trivial;

(c) "spouse" means the spouse of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

RSA 2000 cM-26 s169;2002 cA-4.5 s60;2014 c8 s17;2024 c11 s2(5)

Pecuniary interest and conflict of interest

170(1) Subject to subsection (3), a councillor has

(a) a pecuniary interest in a matter if

(i) the matter could monetarily affect the councillor or an employer of the councillor, or

(ii) the councillor knows or should know that the matter could monetarily affect the councillor's family,

and

(b) a conflict of interest in a matter if

(i) the matter could affect a private interest of the councillor or an employer of the councillor, or

(ii) the councillor knows or should know that the matter could affect a private interest of the councillor's family.

(2) For the purposes of

(a) subsection (1)(a), a person is monetarily affected by a matter if the matter monetarily affects

(i) the person directly,

(ii) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,

(iii) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or

(iv) a partnership or firm of which the person is a member,

and

(b) subsection (1)(b), a person's private interest is affected by a matter if the matter affects

(i) the person directly,

(ii) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,

(iii) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or

(iv) a partnership or firm of which the person is a member.

(3) A councillor does not have a pecuniary interest or a conflict of interest by reason only of any interest

(a) that the councillor, an employer of the councillor or a member of the councillor's family may have as an elector, taxpayer or utility customer of the municipality,

(b) that the councillor or a member of the councillor's family may have by reason of being appointed by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the municipality or by reason of being appointed as the representative of the council on another body,

(c) that the councillor or member of the councillor's family may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor or member of the councillor's family may be entitled by being appointed by the council to a position described in clause (b),

(d) that the councillor may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor,

(e) that the councillor or a member of the councillor's family may have by being employed by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which the councillor or family member is an employee,

(f) that a member of the councillor's family may have by having an employer, other than the municipality, that is

monetarily affected or whose private interest is affected, as the case may be, by a decision of the municipality,

(g) that the councillor or a member of the councillor's family may have by being a member or director of a non-profit organization as defined in section 241(f) or a service club,

(h) that the councillor or member of the councillor's family may have

(i) by being appointed as the volunteer chief or other volunteer officer of a fire or ambulance service or emergency measures organization or other volunteer organization or service, or

(ii) by reason of remuneration received as a volunteer member of any of those voluntary organizations or services,

(i) of the councillor, an employer of the councillor or a member of the councillor's family that is held in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part,

(j) that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor, or

(k) that a councillor may have by discussing or voting on a bylaw that applies to businesses or business activities when the councillor, an employer of the councillor or a member of the councillor's family has an interest in a business, unless the only business affected by the bylaw is the business of the councillor, employer of the councillor or the councillor's family.

(4) Subsection (3)(g) and (h) do not apply to a councillor who is an employee of an organization, club or service referred to in those clauses.

RSA 2000 cM-26 s170;2024 c11 s2(6)

Bylaw requiring statement of disclosure

171 A council may by bylaw

(a) require that each councillor file with a designated officer a statement of the name or names of

(i) the councillor's family,

(ii) the employers of the councillor,

(iii) each corporation, other than a distributing corporation, in which the councillor is a shareholder, director or officer,

(iv) each distributing corporation in which the councillor beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the councillor is a director or officer, and

(v) each partnership or firm of which the councillor is a member,

and

(b) require the designated officer to compile a list of all the names reported on the statements filed with the officer and give a copy of the list to the employees of the municipality indicated in the bylaw.

1994 cM-26.1 s171;1996 c30 s10

Disclosure of pecuniary interest

172(1) When a councillor has a pecuniary interest in a matter before the council, a council committee or any other body to which the councillor is appointed as a representative of the council, the councillor must, if present,

(a) disclose the general nature of the pecuniary interest prior to any discussion of the matter,

(b) abstain from voting on any question relating to the matter,

(c) subject to subsection (3), abstain from any discussion of the matter, and

(d) subject to subsections (2) and (3), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

(2) If the matter with respect to which the councillor has a pecuniary interest is the payment of an account for which funds have previously been committed, it is not necessary for the councillor to leave the room.

(3) If the matter with respect to which the councillor has a pecuniary interest is a question on which, under this Act or another enactment, the councillor as a taxpayer, an elector or an owner has a right to be heard by the council,

(a) it is not necessary for the councillor to leave the room, and

(b) the councillor may exercise a right to be heard in the same manner as a person who is not a councillor.

(4) If a councillor is temporarily absent from a meeting when a matter in which the councillor has a pecuniary interest arises, the councillor must immediately on returning to the meeting, or as soon as the councillor becomes aware that the matter has been considered, disclose the general nature of the councillor's interest in the matter.

(5) The abstention of a councillor under subsection (1) and the disclosure of a councillor's interest under subsection (1) or (4) must be recorded in the minutes of the meeting.

(6) If a councillor has disclosed a pecuniary interest at a council committee meeting and council considers a report of the committee in respect of which the councillor disclosed a pecuniary interest, the councillor must disclose the pecuniary interest at the council meeting and subsection (1) applies to the councillor.

1994 cM-26.1 s172

Disclosure of conflict of interest or perceived conflict of interest

172.1(1) When a councillor believes the councillor may have a conflict of interest or perceived conflict of interest in a matter before the council, a council committee or any other body to which the councillor is appointed as a representative of the council, the councillor may disclose the general nature of the conflict of interest or perceived conflict of interest prior to or during any discussion of the matter.

(2) If a councillor discloses a conflict of interest or perceived conflict of interest under subsection (1), the councillor may, if present, do any one or more of the following:

(a) abstain from voting on any question relating to the matter;

(b) abstain from any discussion of the matter;

(c) leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

(3) The disclosure of a councillor's conflict of interest or perceived conflict of interest under subsection (1) and the abstention of a councillor under subsection (2) must be recorded in the minutes of the meeting.

2024 c11 s2(7)

No review of councillor's decision

172.2 If a councillor decides to take or not to take any or all of the actions in section 172.1(2), that decision is not to be considered during any hearing respecting the potential disqualification of the councillor.

2024 c11 s2(7);2025 c13 s2(4)

Effect of pecuniary interest on agreements

173 No agreement with a municipality under which a councillor of the municipality has a pecuniary interest is binding on the municipality unless

(a) the agreement is for work in an emergency,

(b) the agreement is

(i) for the sale of goods, or

(ii) for the provision of services to the municipality or to persons contracting with the municipality

at competitive prices by a dealer in those goods or services that is incidental to or in the ordinary course of the business,

(c) the proposed agreement is approved by council before the agreement is signed by the municipality, or

(d) the agreement was entered into before the term of the councillor started.

1994 cM-26.1 s173;1996 c30 s11

Division 7
Disqualification of Councillors

Reasons for disqualification

174(1) A councillor is disqualified from council if

(a) when the councillor was nominated, the councillor was not eligible for nomination as a candidate under the *Local Authorities Election Act*;

(b) the councillor ceases to be eligible for nomination as a candidate under the *Local Authorities Election Act*;

(b.1) the councillor

(i) fails to file a disclosure statement as required under section 147.4 of the *Local Authorities Election Act* before the end of the time period referred to in section 147.7 of the *Local Authorities Election Act*, and

(ii) has not been relieved from the obligation to file a disclosure statement by a court order under section 147.8 of the *Local Authorities Election Act*;

(c) the councillor becomes a judge of a court or a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;

(d) the councillor is absent from all regular council meetings held during any period of 60 consecutive days, starting with the date that the first meeting is missed, unless subsection (2) applies;

(e) the councillor is convicted

(i) of an offence punishable by imprisonment for 5 or more years, or

(ii) of an offence under section 123, 124 or 125 of the *Criminal Code* (Canada);

(f) the councillor does not vote on a matter at a council meeting at which the councillor is present, unless the councillor is required or is permitted to abstain from voting under this or any other enactment;

(g) the councillor contravenes section 172;

(h) the councillor has a pecuniary interest in an agreement that is not binding on the municipality under section 173;

(i) the councillor uses information obtained through being on council to gain a pecuniary benefit in respect of any matter;

(j) the councillor becomes an employee of the municipality;

(k) the councillor is liable to the municipality under section 249.

(2) A councillor is not disqualified by being absent from regular council meetings under subsection (1)(d) if

(a) the absence is authorized by a resolution of council passed at any time

(i) before the end of the last regular meeting of the council in the 60-day period, or

(ii) if there is no other regular meeting of the council during the 60-day period, before the end of the next regular meeting of the council,

or

(b) the absence is in accordance with a bylaw under section 144.1.

(3) For the purposes of this section, a councillor is not considered to be absent from a council meeting if the councillor is absent on council business at the direction of council.

(4) A councillor who is disqualified under this section is eligible to be elected at the next general election in the municipality if the person is eligible for nomination under the *Local Authorities Election Act*.

RSA 2000 cM-26 s174;2009 c10 s3.1;2010 c9 s2;
2017 c13 s1(15);2018 c23 s58;2023 c9 s19(4)

Division 8
Enforcement of Disqualification

Resignation on disqualification

175(1) A councillor that is disqualified must resign immediately.

(2) If a councillor does not resign immediately,

(a) the council may apply to a judge of the Court of King's Bench for

(i) an order determining whether the person was never qualified to be or has ceased to be qualified to remain a councillor, or

(ii) an order declaring the person to be disqualified from council,

or

(b) an elector who

(i) files an affidavit showing reasonable grounds for believing that a person never was or has ceased to be qualified as a councillor, and

(ii) pays into court the sum of $500 as security for costs,

may apply to a judge of the Court of King's Bench for an order declaring the person to be disqualified from council.

(3) An application under this section may only be made within 3 years from the date the disqualification is alleged to have occurred.

(4) An application under this section may be started or continued whether or not an election has been held between the time the disqualification is alleged to have occurred and the time the application is or was commenced and whether or not the person in respect of whom the application is being brought

(a) resigns before or after the election,

(b) was re-elected in the election,

(c) was not re-elected or did not run in the election, or

(d) has completed a term of office.

(5) Notwithstanding subsections (3) and (4), an application may not be made under this section if a declaration has been made under section 175.1(1) respecting the same councillor and the same reason and facts for disqualification.

RSA 2000 cM-26 s175;2009 c53 s119;AR 217/2022;2024 c11 s2(8)

Declaration of disqualification by council

175.1(1) If a councillor is disqualified under section 174(1)(b.1), (c), (d), (e) or (j) and does not resign immediately, a council may declare the person to be disqualified and a position on council to be vacant from the date of the declaration.

(2) If a person is declared to be disqualified under subsection (1), the person may apply to a judge of the Court of King's Bench for an order determining whether the person is qualified to be or has ceased to be qualified to remain a councillor.

(3) An application made under subsection (2) may be made only within 30 days of the declaration by council.

2024 c11 s2(9)

Decision on disqualification application

176(1) After hearing an application under this Division and any evidence, either oral or by affidavit, that is required, the judge may

(a) declare the person to be disqualified and a position on council to be vacant,

(b) declare the person able to remain a councillor, or

(c) dismiss the application.

(2) If a judge declares a person disqualified because information obtained through being on council was used to gain a pecuniary benefit, the judge may order the person to pay to the municipality a sum of damages determined by the Court.

1994 cM-26.1 s176

Inadvertence or genuine error

177 A judge who hears an application under this Division and finds that the person is disqualified under section 174(1)(f), (h) or (i) may still dismiss the application if the judge is of the opinion that the disqualification arose inadvertently or by reason of a genuine error in judgment.

1994 cM-26.1 s177

Appeal

178(1) The decision of a judge under this Division may be appealed to the Court of Appeal.

(2) A person who is declared disqualified under this Division and appeals that declaration remains disqualified until the appeal is finally determined.

(3) If, on the final determination of the appeal, the disqualification is set aside,

(a) the Court must reinstate the person as a councillor for any unexpired portion of the term of office for which the person was elected and require any person who has been elected to fill the balance of that term to vacate the office, and

(b) the Court may order that any money paid to the municipality under section 176(2) be repaid.

(4) If, on the final disposition of the appeal, the disqualification is set aside but the term of office for which the person was elected has expired, the person must not be reinstated but is eligible to be elected at the next election in the municipality if otherwise qualified.

1994 cM-26.1 s178

Reimbursement of costs and expenses

179 The council may reimburse the person in respect of whom an application under this Division was made for any costs and expenses that the council considers reasonable, other than costs that have already been awarded to the person by the judge, if

(a) the application is dismissed, or

(b) an order is issued declaring the person able to remain a councillor.

1994 cM-26.1 s179

Division 8.1
Vote to Dismiss a Councillor

Vote to dismiss a councillor

179.1(1) The Lieutenant Governor in Council may by order direct the chief administrative officer of a municipality to conduct a vote of the electors respecting the dismissal of a councillor if the Lieutenant Governor in Council is of the opinion that

(a) the councillor is unable, unwilling or refusing to perform the duties of a councillor, or

(b) it is in the public interest to do so.

(2) In determining the public interest referred to in subsection (1)(b), the Lieutenant Governor in Council may take into account illegal or unethical behaviour by that councillor.

(3) An order under subsection (1) may provide directions respecting the date of the vote of the electors and related procedural matters.

(4) If the electors vote to dismiss the councillor, the councillor is dismissed and a position on council is deemed to be vacant as of the date of the vote of the electors.

(5) If a councillor is dismissed and a position on council is deemed to be vacant under this section, the council must hold a by-election in accordance with section 162 or 163 as applicable.

2024 c11 s2(10)

Regulations

179.2 The Lieutenant Governor in Council may make regulations defining "public interest" for the purposes of this Division.

2025 c13 s2(5)

Division 9
Council Proceedings
Requirements for Valid Action

Methods in which council may act

180(1) A council may act only by resolution or bylaw.

(2) Where a council or municipality is required or authorized under this or any other enactment or bylaw to do something by bylaw, it may only be done by bylaw.

(3) Where a council is required or authorized under this or any other enactment or bylaw to do something by resolution or to do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution.

1994 cM-26.1 s180

Requirements for valid bylaw or resolution

181(1) A bylaw or resolution of council is not valid unless passed at a council meeting held in public at which there is a quorum present.

(2) A resolution of a council committee is not valid unless passed at a meeting of that committee held in public at which there is a quorum present.

1994 cM-26.1 s181

Voting

Restriction to one vote per person

182 A councillor has one vote each time a vote is held at a council meeting at which the councillor is present.

1994 cM-26.1 s182

Requirement to vote and abstentions

183(1) A councillor attending a council meeting must vote on a matter put to a vote at the meeting unless the councillor is required or permitted to abstain from voting under this or any other enactment.

(2) The council must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.

1994 cM-26.1 s183

Abstention from voting on matter discussed at public hearing

184 When a public hearing on a proposed bylaw or resolution is held, a councillor

(a) must abstain from voting on the bylaw or resolution if the councillor was absent from all of the public hearing, and

(b) may abstain from voting on the bylaw or resolution if the councillor was only absent from a part of the public hearing.

1994 cM-26.1 s184

Recording of votes

185(1) Before a vote is taken by council, a councillor may request that the vote be recorded.

(2) When a vote is recorded, the minutes must show the names of the councillors present and whether each councillor voted for or against the proposal or abstained.

1994 cM-26.1 s185

Secret ballot

185.1(1) Subject to an order made under section 145(4) and despite sections 185 and 197, at a meeting at which a council

(a) establishes a council committee or other body under section 145, or

(b) appoints a chief elected official under section 150,

a secret ballot must be held if requested by any councillor present at the meeting.

(2) A vote by secret ballot under subsection (1) must be confirmed by a resolution of council.

RSA 2000 cM-26 s185.1;2025 c13 s2(6)

Tied vote

186 If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

1994 cM-26.1 s186

Passing a Bylaw

Bylaw readings

187(1) Every proposed bylaw must have 3 distinct and separate readings.

(2) Each councillor present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.

(3) Each councillor present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had the opportunity to review the full text of the proposed bylaw and of any amendments that were passed after first reading.

(4) A proposed bylaw must not have more than 2 readings at a council meeting unless the councillors present unanimously agree to consider third reading.

(5) Only the title or identifying number has to be read at each reading of the bylaw.

1994 cM-26.1 s187

Rescission of previous bylaw readings

188 The previous readings of a proposed bylaw are rescinded if the proposed bylaw

(a) does not receive third reading within 2 years after first reading, or

(b) is defeated on second or third reading.

1994 cM-26.1 s188

Passing of bylaw

189 A bylaw is passed when it receives third reading and it is signed in accordance with section 213.

1994 cM-26.1 s189

Coming into force

190(1) A bylaw comes into force at the beginning of the day that it is passed unless otherwise provided in this or any other enactment or in the bylaw.

(2) If this or any other enactment requires a bylaw to be approved, the bylaw does not come into force until the approval is given.

(3) No bylaw may come into force on a day before it is passed unless the enactment authorizing the passing of the bylaw specifically allows for the bylaw to come into force on a day before it is passed.

1994 cM-26.1 s190

Amendment and repeal

191(1) The power to pass a bylaw under this or any other enactment includes a power to amend or repeal the bylaw.

(2) The amendment or repeal must be made in the same way as the original bylaw and is subject to the same consents or conditions or advertising requirements that apply to the passing of the original bylaw, unless this or any other enactment provides otherwise.

(3) Subsection (2) does not apply to a revision or repeal under section 63.

RSA 2000 cM-26 s191;2017 c13 s1(16)

Meetings

Organizational meetings

192(1) Except in a summer village, a council must hold an organizational meeting annually not later than 14 days after the 3rd Monday in October.

(2) The council of a summer village must hold an organizational meeting annually not later than August 31.

RSA 2000 cM-26 s192;2023 c9 s19(5)

Regular council meetings

193(1) A council may decide at a council meeting at which all the councillors are present to hold regularly scheduled council meetings on specified dates, times and places.

(2) Notice of regularly scheduled meetings need not be given.

(3) If council changes the date, time or place of a regularly scheduled meeting, the municipality must give at least 24 hours' notice of the change

(a) to any councillors not present at the meeting at which the change was made, and

(b) to the public.

1994 cM-26.1 s193

Special council meetings

194(1) The chief elected official

(a) may call a special council meeting whenever the official considers it appropriate to do so, and

(b) must call a special council meeting if the official receives a written request for the meeting, stating its purpose, from a majority of the councillors.

(2) A special council meeting called under subsection (1)(b) must be held within 14 days after the date that the chief elected official receives the request or any shorter period provided for by bylaw.

(3) The chief elected official calls a special council meeting by giving at least 24 hours' notice in writing to each councillor and the public stating the purpose of the meeting and the date, time and place at which it is to be held.

(4) A special council meeting may be held with less than 24 hours' notice to all councillors and without notice to the public if at least 2/3 of the whole council agrees to this in writing before the beginning of the meeting.

(5) No matter other than that stated in the notice calling the special council meeting may be transacted at the meeting unless the whole council is present at the meeting and the council agrees to deal with the matter in question.

1994 cM-26.1 s194

Council committee meetings

195 The municipality must give at least 24 hours' notice of a council committee meeting

(a) to the members of the council committee, and

(b) to the public.

1994 cM-26.1 s195

Notice of meeting

196(1) A councillor or member of a council committee is deemed to have received sufficient notice of a council or council committee meeting if the notice was given by a method approved by the council.

(2) The public is deemed to have received sufficient notice of a council or council committee meeting if the notice was given by a method approved by the council.

RSA 2000 cM-26 s196;2022 c16 s9(42)

Public presence at meetings

197(1) Councils and council committees must conduct their meetings in public unless subsection (2) or (2.1) applies.

(2) Councils and council committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Access to Information Act*.

(2.01) Repealed 2019 c22 s10(5).

(2.1) A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decisions in meetings closed to the public.

(3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting of a council or council committee held in public.

(4) Before closing all or any part of a meeting to the public, a council or council committee must by resolution approve

(a) the part of the meeting that is to be closed, and

(b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the *Access to Information Act*, the part of the meeting is to be closed.

(5) After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues.

(6) Where a council or council committee closes all or part of a meeting to the public, the council or council committee may allow one or more other persons to attend, as it considers appropriate.

(7) Repealed 2019 c22 s10(5).

RSA 2000 cM-26 s197;2015 c8 s19;2019 c22 s10(5);AR 141/2025

Right of public to be present

198 Everyone has a right to be present at council meetings and council committee meetings conducted in public unless the person chairing the meeting expels a person for improper conduct.

1994 cM-26.1 s198

Meetings by electronic means

199(1) In this section,

(a) "electronic means" means an electronic or telephonic communication method that enables all persons attending a meeting to hear and communicate with each other during the course of the meeting;

(b) "meeting" includes a hearing.

(2) A council may by bylaw provide for council meetings or council committee meetings to be conducted by electronic means.

(2.1) Every council must by bylaw provide for public hearings under Part 17 to be conducted by electronic means.

(3) A bylaw under subsection (2) or (2.1) must

(a) specify the type or types of electronic means by which meetings are authorized to be held,

(b) require the identity of each councillor attending the meeting to be confirmed by a method authorized by the bylaw,

(c) except in the case of a meeting that is closed to the public in accordance with section 197, specify

(i) a method by which members of the public may access the meeting and make submissions,

(ii) if a provision of this Act requires information in respect of the meeting to be made publicly available, a method for making the information publicly available before and during the meeting, and

(iii) a method for giving the public notice of the meeting, of the method by which the public may access the meeting and, where subclause (ii) applies, of the method by

which the public may access the information referred to in that subclause,

and

(d) contain any other provisions required by the regulations under subsection (5).

(3.1) A bylaw under subsection (2.1) must be passed within 6 months from the coming into force of this subsection.

(4) Where a meeting is held by electronic means in compliance with a bylaw under subsection (2) or (2.1) or a regulation under subsection (5),

(a) electronic access to the meeting may be restricted or suspended in order to close all or part of the meeting to the public under section 197, and, for the purposes of section 197(5), any members of the public whose access to the meeting is restricted or suspended are considered to be present outside the meeting room during the restriction or suspension,

(b) the meeting is deemed to be conducted in public for the purposes of section 198,

(c) the council is deemed to have met its obligations under section 216.4(4),

(d) the reference in section 216.4(5) to representations made at the public hearing is to be interpreted as a reference to the submissions received by the council in accordance with the bylaw or regulation, as the case may be, and

(e) the term “address” in section 606(6)(b) and the expression “place where it will be held” in section 606(6)(d) are to be interpreted as meaning a website address, telephone number or other information identifying where the meeting can be accessed electronically.

(5) The Minister may make regulations authorizing and respecting the use of electronic, telephonic or other communication methods to conduct meetings of a council or council committee.

(6) Regulations under subsection (5) may apply generally or specifically, and may modify the requirements in this Division to any extent the Minister considers necessary or appropriate to give effect to the regulations.

RSA 2000 cM-26 s199;2022 c16 s9(43);2024 c11 s2(11)

Power to require taking of oath

200 A council or council committee may require a person appearing before it or making any claim or submission to it to do so under oath.

1994 cM-26.1 s200

Part 6
Municipal Organization and Administration

Council's principal role in municipal organization

201(1) A council is responsible for

(a) developing and evaluating the policies and programs of the municipality;

(b) repealed 2015 c8 s20;

(c) carrying out the powers, duties and functions expressly given to it under this or any other enactment.

(2) A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

RSA 2000 cM-26 s201;2015 c8 s20

Orientation training

201.1(1) A municipality, in accordance with the regulations, must offer, and each councillor must attend, orientation training

(a) on the following topics, to be held prior to or on the same day as the first organizational meeting following a general election required by section 192, or in the case of a councillor elected at a by-election, on or before the day that councillor takes the oath of office:

(i) role of municipalities in Alberta;

(ii) municipal organization and function;

(iii) roles and responsibilities of council and councillors;

(iv) repealed 2025 c13 s2(7);

(v) roles and responsibilities of the chief administrative officer and staff,

and

(b) on the following topics, to be held prior to or on the same day as the first regularly scheduled council meeting, or in the case of a councillor elected at a by-election, within 90 days after that councillor takes the oath of office:

(i) key municipal plans, policies and projects;

(ii) budgeting and financial administration;

(iii) public participation;

(iv) any other topic prescribed by the regulations.

(2) A council may by resolution extend the time for orientation training under subsection (1)(b) by up to 90 days.

(3) The Minister may make regulations respecting orientation training, including, without limitation, regulations

(a) respecting the delivery of orientation training;

(b) prescribing topics to be addressed in orientation training.

2016 c24 s16;2024 c11 s2(12);2025 c13 s2(7)

Exercise of certain powers and duties

202(1) Where

(a) this or any other enactment or bylaw requires or authorizes a municipality to do something, but does not specify who in the municipality may do it, or

(b) the municipality wishes to exercise its natural person powers,

the thing may be done or the natural person powers may be exercised by council or by the chief administrative officer, unless council specifies otherwise.

(2) Only a council may pass bylaws.

1994 cM-26.1 s202

Delegation by council

203(1) A council may by bylaw delegate any of its powers, duties or functions under this or any other enactment or a bylaw to a

council committee or any person unless an enactment or bylaw provides otherwise.

(2) A council may not delegate

(a) its power or duty to pass bylaws,

(b) its power to make, suspend or revoke the appointment of a person to the position of chief administrative officer,

(c) its power to adopt budgets under Part 8,

(d) its power with respect to taxes under section 347, and

(e) a duty to decide appeals imposed on it by this or another enactment or bylaw, whether generally or on a case by case basis, unless the delegation is to a council committee and authorized by bylaw.

(3) The council when delegating a matter to a council committee, the chief administrative officer or a designated officer may authorize the committee or officer to further delegate the matter.

RSA 2000 cM-26 s203;2019 c22 s10(6)

Municipal office

204 A council must name a place as its municipal office.

1994 cM-26.1 s204

Establishment of chief administrative officer

205(1) Every council must establish by bylaw a position of chief administrative officer.

(2) Every council must appoint one person to carry out the powers, duties and functions of the position of chief administrative officer.

(3) Repealed 2025 c13 s2(8).

(4) Council may give the position of chief administrative officer any title the council considers appropriate.

(5) Council must ensure that the chief administrative officer appropriately performs the duties and functions and exercises the powers assigned to the chief administrative officer by this or any other enactment or by council.

RSA 2000 cM-26 s205;2015 c8 s21;2025 c13 s2(8)

Performance evaluation

205.1 A council must provide the chief administrative officer with an annual written performance evaluation of the results the

chief administrative officer has achieved with respect to fulfilling the chief administrative officer's responsibilities under section 207.

1998 c24 s9

Appointment, suspension and revocation

206(1) The appointment of a person to the position of chief administrative officer may be made, suspended or revoked only if the majority of the whole council vote to do so.

(1.1) A council may not pass a bylaw that varies the requirement of a majority referred to in subsection (1).

(1.2) Any provision in a bylaw that varies the requirement of a majority referred to in subsection (1) is repealed on the coming into force of subsection (1.1).

(2) The appointment of a person to the position of chief administrative officer may not be revoked or suspended unless the council notifies the officer, in accordance with subsection (3), that it is proposing to revoke or suspend the appointment and provides the officer with its reasons.

(3) The notification and reasons must be in writing and be served personally on the officer or sent by regular mail to the last known address of the officer.

(4) If requested by the officer, council must give the officer or the officer's representative a reasonable opportunity to be heard before council.

(5) A chief administrative officer whose appointment is revoked without cause is, subject to any written agreement between council and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.

(6) A chief administrative officer whose appointment is revoked with cause is, subject to any written agreement between council and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

RSA 2000 cM-26 s206;2025 c13 s2(9)

Chief administrative officer's responsibilities

207 The chief administrative officer

(a) is the administrative head of the municipality;

(b) ensures that the policies and programs of the municipality are implemented;

(c) advises and informs the council on the operation and affairs of the municipality;

(d) performs the duties and functions and exercises the powers assigned to a chief administrative officer by this and other enactments or assigned by council.

1994 cM-26.1 s207

Performance of major administrative duties

208(1) The chief administrative officer must ensure that

(a) minutes of each council meeting

(i) are recorded in the English language,

(ii) include the names of the councillors present at the council meeting,

(iii) are given to council for adoption at a subsequent council meeting, and

(iv) are recorded in the manner and to the extent required under section 216.4(6) when a public hearing is held;

(b) all bylaws, minutes of council meetings and other records and documents of the municipality are kept safe;

(c) the Minister is sent a list of all the councillors and any other information the Minister requires within 5 days after the term of the councillors begins;

(d) the council is advised in writing of its legislative responsibilities under this Act.

(2) Subsection (1) applies to the chief administrative officer in respect of council committees that are carrying out the powers, duties and functions delegated to them by the council.

RSA 2000 cM-26 s208;2015 c8 s22;2019 c22 s10(7);2022 c16 s(83)

Duty to provide information to councillor

208.1(1) Subject to subsection (2) and the regulations, if any, where a councillor requests information referred to in section 153(d) from the chief administrative officer or a person designated by the chief administrative officer, the chief administrative officer or a person designated by the chief administrative officer must provide the information as soon as is practicable.

(2) Where the requested information is personal or confidential information, the chief administrative officer or a person designated

by the chief administrative officer may refuse to provide the information after considering the following factors:

(a) whether the information is required by the councillor to perform the councillor's duties under this Act;

(b) whether a public body would be authorized or required to disclose the information if it were contained in a record requested under section 7(1) of the *Freedom of Information and Protection of Privacy Act*;

(c) if the information is personal information, whether the use or disclosure of the information is authorized by the *Freedom of Information and Protection of Privacy Act*;

(d) any other relevant factor;

(e) any additional factors set out in the regulations.

(3) Where the chief administrative officer or a person designated by the chief administrative officer provides information referred to in section 153(d) to a councillor, the chief administrative officer or a person designated by the chief administrative officer must provide the information to all other councillors within 72 hours of the information being provided to the councillor.

(4) The chief administrative officer or a person designated by the chief administrative officer must provide reasons to all councillors for refusing to provide the information requested under subsection (1).

(5) The Minister may make regulations respecting

(a) procedures for the provision of information referred to in section 153(d) to a councillor under this section;

(b) additional factors for the purposes of subsection (2)(e).

2025 c13 s2(11)

Delegation by chief administrative officer

209 A chief administrative officer may delegate any of the chief administrative officer's powers, duties or functions under this Act, including the chief administrative officer's duties referred to in section 208(1), or under any other enactment or bylaw to a designated officer or an employee of the municipality.

RSA 2000 cM-26 s209;2015 c8 s23

Designated officers

210(1) A council may

(a) by bylaw establish one or more designated officer positions, give each of the positions a different title and specify which powers, duties and functions of a designated officer under this or any other enactment or bylaw are to be carried out by which positions, and

(b) appoint individuals to the designated officer positions.

(2), (3) Repealed 2022 c16 s9(44).

(4) Unless otherwise provided by bylaw, all designated officers are subject to the supervision of and accountable to the chief administrative officer.

(5) A chief administrative officer may exercise all of the powers, duties and functions of a designated officer under this or any other enactment or bylaw if

(a) no position of designated officer has been established by council,

(b) the position of designated officer is vacant, or

(c) this or any other enactment or bylaw refers to a designated officer and the power, duty, function or other thing relating to the designated officer has not been assigned to any designated officer by council.

RSA 2000 cM-26 s210;2022 c16 s9(44)

Revocation

211(1) A municipality may revoke with or without cause the appointment of a person to the position of a designated officer.

(2) A designated officer whose appointment is revoked without cause is, subject to any written agreement between the municipality and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.

(3) A designated officer whose appointment is revoked with cause is, subject to any written agreement between the municipality and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

1994 cM-26.1 s211;1995 c24 s25

Delegation by designated officer

212 A designated officer may delegate any of the officer's powers, duties or functions under this or any other enactment or bylaw to an employee of the municipality.

1994 cM-26.1 s212

Fidelity bond

212.1(1) Starting with the 1998 financial year, the council of each municipality must annually obtain a fidelity bond, or equivalent insurance, in an amount the council considers appropriate.

(2) The fidelity bond or equivalent insurance must cover

(a) the chief administrative officer of the municipality,

(b) the designated officers of the municipality, and

(c) other employees of the municipality

while carrying out duties relating to any money or security belonging to or held by the municipality.

1997 c19 s3

Signing or authorization of municipal documents

213(1) Minutes of council meetings, and minutes of council committee meetings dealing with a power, duty or function delegated by council to the council committee, must be signed by

(a) the person presiding at the meeting, and

(b) a designated officer.

(2) Repealed 2022 c16 s9(45).

(3) Bylaws must be signed by

(a) the chief elected official, and

(b) a designated officer.

(4) Agreements and cheques and other negotiable instruments must be signed or authorized

(a) by the chief elected official or by another person authorized by council to sign them, and

(b) by a designated officer,

or by a designated officer acting alone if so authorized by council.

(5) A signature may be reproduced by any method if so authorized by council.

RSA 2000 cM-26 s213;2022 c16 s9(45)

Destruction of records

214(1) A council may authorize the destruction of the original bylaws and minutes of council meetings if the originals have been recorded by a method that will enable copies of the originals to be made.

(2) A council may pass a bylaw respecting the destruction of other records and documents of the municipality.

(3) A bylaw under subsection (2) must provide that if an individual's personal information will be used by the municipality to make a decision that directly affects the individual, the municipality must retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

RSA 2000 cM-26 s214;2022 c16 s9(46)

Prohibition of certain agreements with employees

215(1) An agreement made on or after January 1, 1995 between a municipality and an employee of a municipality in which the municipality is to provide a service or commodity to the employee is void.

(2) This section does not apply to an agreement

(a) in which the municipality provides a service or commodity that the municipality supplies to the public generally, or

(b) respecting the employee's employment.

1994 cM-26.1 s215

Part 7
Public Participation

216 Repealed 1994 cM-26.1 s738.

Public participation policy

216.1(1) Every council of a municipality must establish a public participation policy for the municipality.

(2) A council may amend its public participation policy from time to time.

(3) The Minister may make regulations

(a) respecting the contents of public participation policies;

(b) respecting the considerations to be taken into account by a council in establishing its public participation policy;

(c) setting a date by which every municipality must have its first public participation policy in place;

(d) respecting requirements for a council to review its public participation policy periodically and consider whether any amendments should be made;

(e) respecting requirements to make publicly available a public participation policy and any amendments made to it.

(4) Nothing in a public participation policy established under this section affects any right or obligation that a municipal authority or any person has under any other provision of this Act.

(5) No resolution or bylaw of a council may be challenged on the ground that it was made without complying with a public participation policy established by a resolution of the council.

2015 c8 s24

Meetings with the Public

Advertising

216.2 If council calls a meeting with the public, notice of it must be advertised and everyone is entitled to attend it.

2022 c16 s9(47)

Improper conduct

216.3 The person chairing a meeting with the public may expel a person from the meeting for improper conduct.

2022 c16 s9(47)

Public Hearings

When to hold public hearing

216.4(1) When this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution, the public hearing must be held, unless another enactment specifies otherwise,

(a) before second reading of the bylaw, or

(b) before council votes on the resolution.

(2) When this or another enactment requires a public hearing to be held on a proposed bylaw or resolution, council must

(a) give notice of the public hearing in accordance with section 606, and

(b) conduct the public hearing during a regular or special council meeting.

(3) A council may, by bylaw, establish procedures for public hearings.

(4) In the public hearing, council

(a) must hear any person, group of persons or person representing them who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and

(b) may hear any other person who wishes to make representations and who the council agrees to hear.

(5) After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council may

(a) pass the bylaw or resolution,

(b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or

(c) defeat the bylaw or resolution.

(5.1) Unless this Act or another enactment specifies otherwise, a council may hold only one public hearing on each proposed bylaw or resolution, or any part thereof, that considers residential developments or developments with residential and non-residential developments under Part 17.

(6) The minutes of the council meeting during which the public hearing is held must record the public hearing to the extent directed by the council.

2022 c16 s9(47);2024 c11 s2(13)

What information must a municipality provide

217(1), **(2)** Repealed 1994 cM-26.1 s738.

(3) Despite Division 2 of Part 1 of the *Access to Information Act*, the chief administrative officer must provide information on the salaries of councillors, the chief administrative officer and designated officers of the municipality.

(4), **(5)** Repealed 1994 cM-26.1 s738.

RSA 2000 cM-26 s217;AR 141/2025

218 Repealed 1994 cM-26.1 s738.

Petitions

Rules for petitions

219(1) Subject to subsection (2), sections 220 to 226.1 apply to all petitions to a council and the Minister under this Act, any other enactment or bylaw except to the extent that they are modified by this Act or any other enactment or, in respect of petitions to a council, by a bylaw under section 226.1.

(2) This section and sections 220 to 226.1 do not apply in respect of a recall petition under Part 7.1 or any other enactment in respect of a recall petition.

RSA 2000 cM-26 s219;2015 c8 s25;2021 cR-5.7 s71

CAO duties

220 When the Minister receives a petition, the Minister must designate a person to carry out the duties of a chief administrative officer under sections 225, 226 and 226.2 with respect to the petition.

RSA 2000 cM-26 s220;2022 c16 s9(48)

Petition sufficiency requirements

221 A petition is sufficient if it meets the requirements of sections 222 to 226 or, where those requirements are modified by bylaw under section 226.1, if it meets the requirements as modified.

RSA 2000 cM-26 s221;2015 c8 s26

Petition requesting public meeting

221.1 If a council receives a sufficient petition requesting that council call a meeting with the public, the council must call a meeting with the public to discuss the matters stated in the petition and the meeting must be held no later than 30 days after the chief administrative officer declares the petition to be sufficient.

2022 c16 s9(49)

Who can petition

222 Unless otherwise provided in this or any other enactment, only electors of a municipality are eligible to be petitioners.

1994 cM-26.1 s222

Number of petitioners

223(1) A petition must be signed by the required number of petitioners.

(2) If requirements for the minimum number of petitioners are not set out under other provisions of this or any other enactment then, to be sufficient, the petition must be signed,

(a) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 10% of the population, and

(b) in the case of a summer village, by a number of the electors of the summer village equal to at least 20% of the number of summer village residences in the summer village.

RSA 2000 cM-26 s223;2016 c24 s17

Other requirements for a petition

224(1) A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition.

(2) The petition must include, for each petitioner,

(a) the printed surname and printed given names or initials of the petitioner,

(b) the petitioner's signature,

(c) the street address of the petitioner or the legal description of the land on which the petitioner lives,

(c.1) the petitioner's telephone number or e-mail address, if any, and

(d) the date on which the petitioner signs the petition.

(3) Each signature must be witnessed by an adult person who must

(a) sign opposite the signature of the petitioner, and

(b) take an affidavit that to the best of the person's knowledge the signatures witnessed are those of persons entitled to sign the petition.

(3.1) The petition must have attached to it the affidavits referred to in subsection (3).

(4) The petition must have attached to it a signed statement of a person stating that

(a) the person is the representative of the petitioners, and

(b) the municipality or the Minister, as the case may be, may direct any inquiries about the petition to the representative.

RSA 2000 cM-26 s224;2015 c8 s27;2017 c13 s1(17); 2022 c16 s9(50)

Counting petitioners

225(1) A petition must be filed with the chief administrative officer and the chief administrative officer is responsible for determining if the petition is sufficient.

(2) No name may be added to or removed from a petition after it has been filed with the chief administrative officer.

(3) In counting the number of petitioners on a petition there must be excluded the name of a person

(a) whose signature is not witnessed,

(a.1) whose signature is witnessed but for which no affidavit is attached to the petition,

(b) whose signature appears on a page of the petition that does not have the same purpose statement that is contained on all the other pages of the petition,

(c) whose printed name is not included or is incorrect,

(d) whose street address or legal description of land is not included or is incorrect,

(e) if the date when the person signed the petition is not stated,

(f) when a petition is restricted to certain persons,

(i) who is not one of those persons, or

(ii) whose qualification as one of those persons is not, or is incorrectly, described or set out,

or

(g) who signed the petition more than 60 days before the date on which the petition was filed with the chief administrative officer, unless a bylaw under section 226.1(1)(e) provides otherwise.

(4) If 5000 or more petitioners are necessary to make a petition sufficient, a chief administrative officer may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.

RSA 2000 cM-26 s225;2015 c8 s28;2017 c13 s1(18)

Report on sufficiency of petition

226(1) Within 45 days after the date on which a petition is filed, the chief administrative officer must make a declaration to the council or the Minister on whether the petition is sufficient or insufficient.

(2) Repealed 1995 c24 s26.

(3) If a petition is not sufficient, the council or the Minister is not required to take any notice of it.

RSA 2000 cM-26 s226;2015 c8 s29

Bylaws modifying petition requirements

226.1(1) Despite sections 219 to 226 and 233(2), a council of a municipality may by bylaw do any or all of the following:

(a) reduce the percentage required under section 223(2)(a) or (b), whichever is applicable, for petitions to the council;

(b) allow petitioners to remove their names from petitions to the council by filing a statutory declaration with the chief administrative officer no later than 14 days after the petition is filed with the chief administrative officer;

(c) provide for petitions to the council to be signed electronically and modify the requirements in sections 224(2) and (3) and 225(3) to the extent the council considers necessary or appropriate for that purpose;

(d) provide for petitions to the council to be filed with the chief administrative officer electronically;

(e) extend the time provided in section 233(2) for filing petitions to the council with the chief administrative officer.

(2) A bylaw made or proposed to be made under subsection (1)(a) cannot be the subject of a petition.

(3) A bylaw made under this section must not take effect earlier than 90 days after it is passed.

2015 c8 s30

Protection of personal information in petitions

226.2(1) Personal information contained in a petition

(a) must not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, if any, and

(b) must not be used for any purpose other than validating the petition.

(2) Minimal disclosure that occurs inadvertently in the course of collecting signatures to the petition is not a breach of subsection (1).

(3) Every page of a petition must contain a statement that the personal information contained in the petition

(a) will not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, if any, and

(b) will not be used for any purpose other than validating the petition.

(4) This section prevails despite the *Access to Information Act*.

2015 c8 s30;AR 141/2025

227 to **230** Repealed 2022 c16 s9(51).

Petitions for Vote of the Electors - Advertised Bylaws and Resolutions

Petition for vote on advertised bylaws and resolutions

231(1) Except for a bylaw under section 22, a resolution under Part 15.1 or a bylaw or resolution under Part 17, after a proposed bylaw or resolution that is required to be advertised under this or another enactment has been advertised, the electors may submit a petition for a vote of the electors to determine whether the proposed bylaw or resolution should be passed.

(2) A separate petition must be filed with respect to each advertised bylaw or resolution even if a council advertises 2 or more bylaws or resolutions in a single advertisement.

(3) A petition under this section for a vote of the electors on a proposed bylaw required to be advertised by Part 8 is not sufficient unless it is filed with the chief administrative officer within 15 days after the last date on which the proposed bylaw or resolution is advertised.

(4) A petition under this section for a vote of the electors on a proposed bylaw or resolution required to be advertised by another Part of this Act or another enactment is not sufficient unless it is filed with the chief administrative officer within 60 days after the last date on which the proposed bylaw is advertised.

(5) If a sufficient petition is received under this section, the council must either

(a) decide not to proceed with the proposed bylaw or resolution, or

(b) decide to proceed with the proposed bylaw or resolution and submit the bylaw or resolution to a vote of the electors within 90 days after the chief administrative officer declares the petition to be sufficient.

(6) If a vote of the electors approves the proposed bylaw or resolution, the council must proceed to pass it.

(7) If a vote of the electors does not approve the proposed bylaw, the council must not give the bylaw any further readings and any previous readings are rescinded.

(8) If a vote of the electors does not approve the proposed resolution, the motion for the resolution is rescinded.

(9) If a sufficient petition is not received, the council may pass the proposed bylaw or resolution.

RSA 2000 cM-26 s231;2020 c25 s11

Petitions for Vote of the Electors - New Bylaws

Petition for bylaw

232(1) Electors may petition for

(a) a new bylaw, or

(b) a bylaw to amend or repeal a bylaw or resolution

on any matter within the jurisdiction of the council under this or another enactment.

(2) A petition requesting a new bylaw under Part 8, 9, 10, 17 or 17.2 or an amendment or repeal of a bylaw or resolution made under Part 8, 9, 10, 17 or 17.2 has no effect.

RSA 2000 cM-26 s232;2016 c24 s18

Council's duty on receiving certain petition

233(1) Except to the extent provided for in section 234, this section does not apply to a petition under section 232 requesting an amendment or repeal of a bylaw that council was required to pass as a result of a vote of the electors.

(2) A petition under section 232 requesting an amendment or repeal of a bylaw or resolution is not sufficient unless it is filed with the chief administrative officer within 60 days after the day on which that bylaw or resolution was passed or, where a bylaw under section 226.1(1)(e) extends that period, within the extended period.

(3) Within 30 days after the day on which the chief administrative officer declares a petition submitted under section 232 to be sufficient, the council must give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary.

(4) If the bylaw is not required to be advertised under this or another enactment, the council must

(a) within 30 days after the bylaw receiving first reading pass the bylaw, or

(b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.

(5) If the bylaw is required to be advertised under this or another enactment, the council must

(a) ensure that the bylaw is advertised, or

(b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.

(6) If the bylaw is advertised and a sufficient petition is not received under section 231, the council must

(a) pass the bylaw within 30 days after the relevant time period set out in section 231(3) or (4), or

(b) fix a date that is within 90 days after the relevant time period set out in section 231(3) or (4) for a vote of the electors on the bylaw.

(7) If the bylaw is advertised and a sufficient petition is received under section 231, the council must either

(a) decide not to proceed with the proposed bylaw, or

(b) decide to proceed with the proposed bylaw and submit the bylaw to a vote of the electors within 90 days after the chief administrative officer declares the petition to be sufficient.

RSA 2000 cM-26 s233;2015 c8 s32

Petitions respecting public vote bylaws

234(1) In this section, "public vote bylaw" means a bylaw that council was required to pass as a result of a vote of the electors.

(2) A petition under section 232 requesting an amendment or repeal of a public vote bylaw has no effect unless one year has passed from the date that the public vote bylaw was passed.

(3) If a council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and only one to 3 years have passed from the date that the public vote bylaw was passed, the council must, within 30 days after the day on which the chief administrative officer declares the petition to be sufficient,

(a) give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary, and

(b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.

(4) If council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and more than 3 years but less than 10 years have passed from the date that the public vote bylaw was passed,

(a) the amendment or repeal must be treated as a bylaw that is required to be advertised, and

(b) section 233(3), (5), (6) and (7) apply.

(5) If council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and 10 or more years have passed from the date that the public vote bylaw was passed, section 233(3) to (7) apply.

1994 cM-26.1 s234;1995 c24 s31

Result of a vote on a question

235(1) If a majority of electors voting on a bylaw under section 233 or 234 vote in favour of a proposed bylaw, the bylaw as submitted to the vote must be passed by council within 30 days after the date of the vote, without any alteration affecting its substance.

(2) If a majority of electors voting oppose the proposed bylaw, council must not give the bylaw any further readings and all previous readings are rescinded.

1994 cM-26.1 s235

Vote of the Electors - General Provisions

Electors to vote on a question

236(1) A council may provide for the submission of a question to be voted on by the electors on any matter over which the municipality has jurisdiction.

(2) A vote of the electors under subsection (1) does not bind council.

1994 cM-26.1 s236

Local Authorities Election Act

237 A vote of the electors under this Part must be conducted in accordance with the *Local Authorities Election Act*.

1994 cM-26.1 s237

Delaying votes

238(1) If a petition for a vote of the electors is filed with the chief administrative officer within 12 months before a general election and a vote of electors is to be conducted because of the petition, the council may direct that the vote be conducted at the general election.

(2) A vote under subsection (1) must be conducted on the date of the general election whether or not a general election is conducted.

1994 cM-26.1 s238;1995 c24 s32

One year moratorium on similar subject-matter

239 If a vote of the electors is conducted on a bylaw or resolution, the council may refuse to receive any further petition on the same or a similar subject filed within one year after the date of the vote.

1994 cM-26.1 s239

Amendments or repeal of bylaws or resolutions voted on by electors

240(1) A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended or repealed only if

(a) a vote of the electors is held on the proposed amendment or repeal and the majority of the electors voting vote in favour of the proposed amendment or repeal,

(b) three years have passed from the date that the bylaw or resolution was passed and the proposed amendment or repeal is advertised, or

(c) ten years have passed from the date that the bylaw or resolution was passed.

(2) A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended if the amendment does not affect the substance of the bylaw or resolution.

1994 cM-26.1 s240

Part 7.1
Recall Petitions

Interpretation

240.1(1) In this Part,

(a) "notice of recall petition" means a notice of recall petition referred to in section 240.2(2);

(b) "recall petition" means a recall petition commenced by a notice of recall petition that has been published on a municipality's website under section 240.2(8)(a);

(c) "recall petition signature period" means the 60-day period commencing on the date of publication of a notice of recall petition on a municipality's website under section 240.2(8)(a);

(d) "representative recall petitioner" means the individual identified as the representative recall petitioner in a notice of recall petition in accordance with section 240.2(2)(b).

(2) For the purposes of this Part, a document that is required to be filed with or submitted to the Minister or the chief administrative officer of a municipality is filed or submitted when it is actually received by the Minister or the chief administrative officer.

2021 cR-5.7 s71;2024 c11 s2(14)

Notice of recall petition

240.2(1) An individual may commence a recall petition by submitting a notice of recall petition in accordance with this section and the regulations, if any, and any direction and orders referred to in section 240.96, to the chief administrative officer of the municipality to which the recall petition relates.

(2) A notice of recall petition must

(a) identify the councillor to whom the recall petition relates by name,

(b) identify the representative recall petitioner by name, and

(c) confirm that the municipality may direct any inquiries about the petition to the representative recall petitioner, and indicate the contact information to be used for this purpose.

(3) A notice of recall petition must be accompanied by

(a) a statement signed by the representative recall petitioner that

(i) provides

(A) the street address of the representative recall petitioner or the legal description of the land on which the representative recall petitioner lives,

(B) the representative recall petitioner's mailing address, if different, and

(C) the representative recall petitioner's telephone number or email address, if any,

and

(ii) confirms that the representative recall petitioner is an individual eligible to sign the recall petition under section 240.4 and consents to the responsibilities of leading the recall petition, gathering signatures and otherwise undertaking the role and discharging the duties of a representative recall petitioner under this Part and any other applicable enactment,

(b) the application fee of $500, and

(c) any other information prescribed.

(4) The personal information referred to in subsection (3)(a) must not be disclosed, except

(a) to the Minister, the chief administrative officer and the chief administrative officer's delegates, if any, for the purposes of confirming the eligibility of the representative recall petitioner and validating the recall petition,

(b) as necessary for the administration or enforcement of this Part and the regulations, and

(c) for the purposes of judicial review.

(5) If the chief administrative officer publishes a recall petition under subsection (8) in respect of a councillor, the chief administrative officer must not publish any further recall petition in relation to the same councillor during the same term of office.

(6) A representative recall petitioner may not submit a notice of recall petition

(a) within the 18-month period immediately following the day on which the councillor named in the notice of recall petition was elected, or

(b) within the period commencing on January 1 of the year of a general election.

(7) A councillor may not submit a notice of recall petition in respect of another councillor in the same municipality.

(8) If a representative recall petitioner is confirmed to be a person eligible to sign the recall petition under section 240.4 and the notice of recall petition meets the requirements of this section, the chief administrative officer of the municipality must

(a) within 7 days from the date when the notice of recall petition was submitted, publish the notice of recall petition on the municipality's website, and

(b) provide the notice of recall petition to the following:

(i) the Minister;

(ii) the representative recall petitioner;

(iii) the councillor named in the notice of recall petition.

2021 cR-5.7 s71;2024 c11 s2(15)

Recall petition time and sufficiency

240.3 A recall petition is sufficient if

(a) it is submitted to the Minister before the expiry of the recall petition signature period, and

(b) it meets the requirements of sections 240.4 to 240.7 and the regulations, if any.

2021 cR-5.7 s71;2024 c11 s2(16)

Eligibility to sign a recall petition

240.4(1) Only an elector who is eligible to vote in an election for a councillor under the *Local Authorities Election Act* may sign a recall petition with respect to that councillor.

(2) An individual shall only sign any one recall petition once.

2021 cR-5.7 s71

Number of petitioners

240.5 A recall petition must be signed

(a) in the case of a municipality other than a summer village, by electors of the municipality or ward, as determined under section 240.4, equal in number to at least 40% of the population, and

(b) in the case of a summer village, by electors of the summer village equal in number to at least 50% of the number of summer village residences in the summer village.

2021 cR-5.7 s71

Other requirements for a recall petition

240.6(1) A recall petition must

(a) consist of one or more pages, each of which must contain the notice of recall petition referred to in section 240.2(2), and

(b) conform to the regulations, if any.

(2) The recall petition must include the following in legible print, where applicable, and within reasonable proximity to the signature to which it relates, for each petitioner:

(a) the printed surname and printed given names or initials of the petitioner;

(b) the petitioner's signature;

(c) the street address of the petitioner or the legal description of the land on which the petitioner lives;

(d) the petitioner's telephone number or email address, if any;

(e) the date on which the petitioner signed the petition.

(3) Each signature must be witnessed by an adult person who must

(a) sign opposite the signature of the petitioner, and

(b) make an affidavit that to the best of the person's knowledge the signatures witnessed are those of persons entitled to sign the petition.

(4) The recall petition must have attached to it the affidavits referred to in subsection (3).

(5) A recall petition may not be signed in digital form.

2021 cR-5.7 s71

Counting petitioners

240.7(1) A recall petition must be filed with the Minister and the chief administrative officer of the municipality, and the Minister is responsible for determining if the recall petition is sufficient.

(2) No name may be added to or removed from a recall petition after it has been filed with the Minister.

(3) In counting the number of petitioners on a recall petition, the Minister must exclude the name of a person

(a) whose signature is not witnessed,

(b) whose signature is witnessed but for which no affidavit is attached to the petition,

(c) whose signature appears on any page or form that does not contain the notice of recall petition referred to in section 240.2(2),

(d) whose printed name is not included or is incorrect,

(e) whose street address or legal description of land is not included or is incorrect,

(f) if the date when the person signed the recall petition is not stated,

(g) when a recall petition is restricted to certain persons,

(i) who is not one of those persons, or

(ii) whose qualification as one of those persons is not, or is incorrectly, described or set out,

or

(h) who signed the recall petition after the expiry of the recall petition signature period.

(4) If 5000 or more petitioners are necessary to make a petition sufficient, the Minister may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.

2021 cR-5.7 s71;2024 c11 s2(17)

Report on sufficiency of recall petition

240.8(1) The Minister must, within 45 days after the date on which a recall petition is filed, determine whether the recall petition

is sufficient or insufficient in accordance with the regulations, if any, and any direction and orders referred to in section 240.96.

(2) Repealed 2024 c11 s2(18).

2021 cR-5.7 s71;2024 c11 s2(18)

Insufficient recall petition

240.9 If a recall petition is insufficient or if no recall petition is submitted to the Minister before the end of the recall petition signature period, the Minister must

(a) declare that the recall petition is insufficient,

(b) provide the declaration to

(i) the chief administrative officer of the municipality,

(ii) the representative recall petitioner, and

(iii) the councillor named in the notice of recall petition,

and

(c) direct the chief administrative officer to publish the declaration of insufficiency on the municipality's website no later than 7 days after the declaration is provided.

2021 cR-5.7 s71;2024 c11 s2(19)

Sufficient recall petition

240.91(1) If the Minister determines that a recall petition is sufficient, the Minister must declare that the recall petition is sufficient, and on the making of the declaration,

(a) the individual named as the councillor in the notice of recall petition is recalled,

(b) the individual is no longer a member of the council or of any council committee, and

(c) the position to which the individual was elected as a councillor is vacant.

(2) On declaring that a recall petition is sufficient, the Minister must

(a) provide the declaration to

(i) the chief administrative officer of the municipality,

(ii) the representative recall petitioner, and

(iii) the councillor named in the notice of recall petition,

and

(b) direct the chief administrative officer of the municipality to publish the declaration of sufficiency on the municipality's website no later than 7 days after the declaration is provided.

(3) Following the receipt of a declaration that a recall petition is sufficient, the council must hold a by-election in accordance with section 162 or 163 as applicable.

(4) An individual recalled in accordance with this Part is eligible to be elected at the by-election referred to in subsection (3), a subsequent by-election or a subsequent general election in the municipality if the person is eligible for nomination under the *Local Authorities Election Act*.

2021 cR-5.7 s71;2024 c11 s2(20)

Required return of recall petition and destruction of copies

240.92(1) Within 2 days of the day on which a chief administrative officer publishes a declaration in accordance with section 240.9(c) or 240.91(2)(b), the representative recall petitioner shall

(a) return the recall petition referred to in section 240.6 to the chief administrative officer, and

(b) destroy all additional copies of the recall petition that the representative recall petitioner, or any person acting on behalf of the representative recall petitioner, made.

(2) Section 101 of the *Local Authorities Election Act* applies, with all necessary modifications, to the retention and disposition by the chief administrative officer of the recall petition referred to in subsection (1)(a).

2021 cR-5.7 s71;2024 c11 s2(21)

Protection of personal information in petitions

240.93 For greater certainty, section 226.2 applies to personal information contained in a recall petition.

2021 cR-5.7 s71

Recall process regulations

240.94(1) The Lieutenant Governor in Council may make regulations for the purposes of this Part modifying provisions of the *Local Authorities Election Act* and the regulations under that Act to make them applicable in respect of a recall petition, including specifying or setting out provisions applicable to a recall

petition in addition to, or instead of, any provision of that Act and regulations, and without limiting the general powers conferred by this subsection, the Lieutenant Governor in Council may, for the purposes of this Part, make regulations in relation to recall petitions and the recall process

(a) providing with respect to any provision of the regulations under this subsection that its contravention constitutes an offence;

(b) prescribing penalties, including imprisonment, in respect of offences created under clause (a).

(2) Subject to subsection (1), the Minister may make regulations in relation to recall petitions and the recall process

(a) respecting a notice of recall petition for the purposes of section 240.2;

(b) prescribing the information referred to in section 240.2(3)(c);

(c) respecting the determination of the number of eligible electors for the purposes of section 240.5;

(d) respecting the requirements for a recall petition for the purposes of section 240.6;

(e) respecting any other matter the Minister considers necessary or advisable to carry out the intent and purpose of this Part.

2021 cR-5.7 s71

Transitional

240.941 Sections 168(1)(a), 240.1 to 240.3, 240.7 to 240.92 and 540(d.1) as they read immediately before January 1, 2025, apply to a recall petition commenced before January 1, 2025.

2024 c11 s2(22)

Recall Petition Finances and Advertising

Regulations — recall petition finances and advertising

240.95(1) The Lieutenant Governor in Council may make regulations for the purposes of this Part modifying provisions of the *Local Authorities Election Act* and the regulations under that Act to make them applicable in respect of a recall petition, including specifying or setting out provisions applicable to a recall petition in addition to, or instead of, any provision of that Act and regulations and without limiting the general powers conferred by this subsection, the Lieutenant Governor in Council may, for the

purposes of this Part, make regulations in relation to recall petition finances and advertising

(a) providing with respect to any provision of the regulations under this subsection that its contravention constitutes an offence;

(b) prescribing penalties, including imprisonment, in respect of offences created under clause (a).

(2) Subject to subsection (1), the Minister may make regulations for the purposes of this Part modifying provisions of the *Local Authorities Election Act* and the regulations under that Act to make them applicable in respect of a recall petition, including specifying or setting out provisions applicable to a recall petition in addition to, or instead of, any provision of that Act and regulations, and without limiting the general powers conferred by this subsection, the Minister may, for the purposes of this Part, make regulations in relation to recall petition finances and advertising

(a) defining words or expressions, including a word or expression used in this Part;

(b) respecting the duties and powers of a chief administrative officer with respect to a recall petition;

(c) respecting any other matters relating to finances and advertising during the recall petition process that the Minister considers appropriate for the purposes of this Part.

2021 cR-5.7 s71

General

Ministerial powers

240.96(1) The Minister may at any time, by order,

(a) repealed 2023 c9 s19(6),

(b) give directions to a council, a councillor named in a recall petition, a chief administrative officer, a representative recall petitioner or any other person or classes of persons identified by the regulations,

(c) decide any question arising from

(i) extraordinary circumstances in respect of a recall petition, including the death or incapacity of a representative recall petitioner, and the continuation of that petition in appropriate circumstances, or

(ii) any confusion, difficulty, inconsistency or impossibility of applying this Part,

and

(d) give directions that the Minister considers appropriate concerning any matter to carry out the purpose of this Part, including an order that alters a date prescribed by this Act for the doing of any matter or thing.

(2) The *Regulations Act* does not apply to an order under subsection (1).

2021 cR-5.7 s71;2023 c9 s19(6)

Part 8
Financial Administration

Definitions

241 In this Part,

(a) "accounting standards" means the Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook;

(a.01) "amortization" and "tangible capital assets" have the same meaning as in the CPA Canada Public Sector Accounting Handbook;

(a.02) "annual budget" means a combined operating budget and capital budget for the calendar year determined on a basis consistent with accounting standards and the requirements of this Part;

(a.1) "borrowing" means

(i) the borrowing of money, including, without limitation, money borrowed to refinance, redeem or restructure existing debt;

(ii) a lease of capital property, including leased tangible capital assets as defined in the CPA Canada Public Sector Accounting Handbook;

(iii) an agreement to purchase capital property that creates an interest in the capital property to secure payment of the capital property's purchase price, if payment of the purchase price under the agreement exceeds 5 years;

(iv) the amount available to be borrowed on a credit card or under any other revolving credit arrangement;

(b) "borrowing bylaw" means a bylaw referred to in section 251;

(c) "capital property" means property that

(i) is used in the production or supply of goods and services or is used for a municipal purpose,

(ii) has a useful life extending beyond 12 months and is intended to be used on a continuing basis, and

(iii) is not intended for sale in the ordinary course of operations;

(d) "controlled corporation" means a controlled corporation as defined in section 75.1;

(d.1) "CPA Canada Public Sector Accounting Handbook" means the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time;

(e) "debt limit" means the debt limit for a municipality determined in accordance with the regulations under section 271;

(f) "non-profit organization" means

(i) a society, credit union or co-operative established under a law of Canada or Alberta,

(ii) a corporation that is prohibited from paying dividends to its members and distributing the assets to its members on a winding-up, or

(iii) any other entity established under a law of Canada or Alberta for a purpose other than to make a profit.

RSA 2000 cM-26 s241;2015 c8 s33;2016 c24 s19; 2022 c16 s9(52)

Budgets

Adoption of operating budget

242(1) Each council must adopt an operating budget for each calendar year by January 1 of that calendar year.

(2) A council may adopt an interim operating budget for part of a calendar year.

(3) An interim operating budget for a part of a calendar year ceases to have any effect when the operating budget for that calendar year is adopted.

RSA 2000 cM-26 s242;2022 c16 s9(53)

Contents of operating budget

243(1) An operating budget must include the estimated amount of each of the following expenditures and transfers:

(a) the amount needed to provide for the council's policies and programs;

(b) the amount needed to pay the debt obligations in respect of borrowings made to acquire, construct, remove or improve capital property;

(b.1) the amount of expenditures and transfers needed to meet the municipality's obligations as a member of a growth management board;

(c) the amount needed to meet the requisitions or other amounts that the municipality is required to pay under an enactment;

(c.1) the amount of expenditures and transfers needed to meet the municipality's obligations for services funded under an intermunicipal collaboration framework;

(d) if necessary, the amount needed to provide for a depreciation or depletion allowance, or both, for its municipal public utilities as defined in section 28;

(e) repealed 2022 c16 s9(54);

(f) the amount to be transferred to the capital budget;

(g) the amount needed to recover any shortfall as required under section 244.

(2) An operating budget must include the estimated amount of each of the following sources of revenue and transfers:

(a) property tax;

(b) business tax;

(c) business improvement area tax;

(c.1) community revitalization levy;

(d) special tax;

(e) well drilling equipment tax;

(e.1) clean energy improvement tax;

(f) local improvement tax;

(f.1) community aggregate payment levy;

(g) grants;

(h) transfers from the municipality's accumulated surplus funds or reserves;

(i) any other source.

(3) The estimated revenue and transfers under subsection (2) must be at least sufficient to pay the estimated expenditures and transfers under subsection (1).

(3.1) For the purposes of subsection (3), the estimated expenditures referred to in that subsection do not include any amortization of tangible capital assets unless the amortization is an amount required to provide for amortization of the tangible capital assets of a municipality's municipal public utilities as defined in section 28.

(4) The Minister may make regulations respecting budgets and that define terms used in this section that are not defined in section 241.

RSA 2000 cM-26 s243;2005 c14 s3;2015 c8 s34;
2016 c24 s19.1;2017 c13 ss1(19),2(5);2018 c6 s3;
2022 c16 s9(54)

Financial shortfall

244(1) If the accumulated surplus, net of equity in tangible capital assets, is less than zero, the municipality must include a budgeted expenditure in the next calendar year that is sufficient to recover the shortfall.

(2) If a municipality has a shortfall referred to in subsection (1), the municipality may, with the Minister's approval, allocate the expenditures to cover the shortfall over more than one calendar year.

(3) If for any given year a municipality has a shortfall referred to in subsection (1), the Minister may, if the Minister considers it

necessary to do so, establish that municipality's annual budget for the next calendar year, and that annual budget

(a) is for all purposes the municipality's annual budget for that calendar year, and

(b) may not be amended or replaced by council.

RSA 2000 cM-26 s244;2015 c8 s35

Adoption of capital budget

245 Each council must adopt a capital budget for each calendar year by January 1 of that calendar year.

RSA 2000 cM-26 s245;2022 c16 s9(55)

Contents of capital budget

246 A capital budget must include the estimated amount for the following:

(a) the amount needed to acquire, construct, remove or improve capital property;

(b) the anticipated sources and amounts of money to pay the costs referred to in clause (a);

(c) the amount to be transferred from the operating budget.

1994 cM-26.1 s246

Tax bylaws

247 No municipality may pass a property tax bylaw or business tax rate bylaw in respect of a year unless the operating and capital budget for that year have been adopted by council or established by the Minister under section 244.

1994 cM-26.1 s247

Expenditure of money

248(1) A municipality may only make an expenditure that is

(a) included in an operating budget, interim operating budget or capital budget or otherwise authorized by the council,

(b) for an emergency, or

(c) legally required to be paid.

(2) Each council must establish procedures to authorize and verify expenditures that are not included in a budget.

(3) If the Minister establishes a budget for a municipality under section 244, the municipality may not make an expenditure that is not included in the budget unless the expenditure is

(a) authorized by the Minister,

(b) for an emergency, or

(c) legally required to be paid.

1994 cM-26.1 s248

Annual budget

248.1(1) A council may adopt an annual budget in a format that is consistent with its financial statements.

(2) For the purposes of sections 247 and 248, the adoption of an annual budget is equivalent to the adoption of an operating budget under section 242 or the adoption of a capital budget under section 245.

2015 c8 s36

Civil liability of councillors

249(1) A councillor who

(a) makes an expenditure that is not authorized under section 248,

(b) votes to spend money that has been obtained under a borrowing on something that is not within the purpose for which the money was borrowed, or

(c) votes to spend money that has been obtained under a grant on something that is not within the purpose for which the grant was given

is liable to the municipality for the expenditure or amount spent.

(2) A councillor is not liable under subsection (1)(b) if spending the money is allowed under section 253(2).

(3) If more than one councillor is liable to the municipality under this section in respect of a particular expenditure or vote, the councillors are jointly and severally liable to the municipality for the expenditure or amount spent.

(4) The liability may be enforced by action by

(a) the municipality,

(b) an elector or taxpayer of the municipality, or

(c) a person who holds a security under a borrowing made by the municipality.

1994 cM-26.1 s249

Investments

Authorized investments

250(1) In this section, "securities" includes bonds, debentures, trust certificates, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real estate or leaseholds and rights or interests in respect of a security.

(2) A municipality may only invest its money in the following:

(a) securities issued or guaranteed by

(i) the Crown in right of Canada or an agent of the Crown, or

(ii) the Crown in right of a province or territory or an agent of a province or territory;

(b) securities of a municipality, a school division, an approved hospital under the *Hospitals Act*, a provincial health agency or a regional health authority under the *Provincial Health Agencies Act* or a regional services commission in Alberta;

(c) securities that are issued or guaranteed by a bank, treasury branch, credit union or trust corporation;

(d) units in pooled funds of all or any of the investments described in clauses (a) to (c);

(e) shares of a corporation incorporated or continued under the *Canada Business Corporations Act* (Canada) or incorporated, continued or registered under the *Business Corporations Act* if the investment is approved by the Minister.

(2.1) Subsection (2) does not apply to a municipality's investment in a controlled corporation.

(3) The approval of the Minister under subsection (2)(e) may contain conditions.

(4) In addition to the investments referred to in subsection (2), the Minister may by regulation allow one or more municipalities to invest their money in other investments described in the regulation.

(5) Nothing in this section prevents a municipality from acquiring a share or membership in a non-profit organization.

RSA 2000 cM-26 s250;2012 cE-0.3 s279;2016 c24 s20;2024 c10 s31

Borrowing

Borrowing bylaw

251(1) A municipality may only make a borrowing if the borrowing is authorized by a borrowing bylaw.

(2) A borrowing bylaw must set out

(a) the amount of money to be borrowed and, in general terms, the purpose for which the money is borrowed;

(b) the maximum rate of interest, expressed as a percentage, the term and the terms of repayment of the borrowing;

(c) the source or sources of money to be used to pay the principal and interest owing under the borrowing.

(3) A borrowing bylaw must be advertised.

RSA 2000 cM-26 s251;2022 c16 s9(56)

Debt limit

252(1) No municipality may make a borrowing if the borrowing will cause the municipality to exceed its debt limit, unless the borrowing is approved by the Minister.

(2) For the purposes of subsection (1), a borrowing made by a municipality to pay for costs associated with clean energy improvements as defined in Part 10, Division 6.1 does not count against the debt limit or debt service limit of the municipality.

RSA 2000 cM-26 s252;2018 c6 s4

Use of borrowed money

253(1) Money obtained by a municipality under a borrowing must be used for the purpose for which it is borrowed.

(2) Money obtained by a municipality under a borrowing for the purpose of financing a capital property may be used for an operating purpose if the amount spent is available when it is needed for the capital property.

1994 cM-26.1 s253

Capital property

254 No municipality may acquire, remove or start the construction or improvement of a capital property that is to be financed in whole or in part through a borrowing unless the borrowing bylaw that authorizes the borrowing is passed.

1994 cM-26.1 s254

Exemption from borrowing conditions

255(1) The Minister may, in respect of a particular borrowing, exempt a municipality from any requirement in sections 256 to 263.

(2) The *Regulations Act* does not apply to an exemption made under this section.

1994 cM-26.1 s255

Operating expenditures

256(1) This section applies to a borrowing made for the purpose of financing operating expenditures.

(2) The amount to be borrowed, together with the unpaid principal of other borrowings made for the purpose of financing operating expenditures, must not exceed the amount the municipality estimates will be raised in taxes in the year the borrowing is made.

(3) A borrowing bylaw that authorizes the borrowing does not have to be advertised if the term of the borrowing does not exceed 3 years.

1994 cM-26.1 s256

Capital property — short-term borrowing

257(1) This section applies to a borrowing made for the purpose of financing a capital property when the term of the borrowing is 5 years or less.

(2) The expenditure for the capital property must be included in a budget.

(3) Repealed 1998 c24 s13.

(4) A borrowing bylaw that authorizes the borrowing does not have to be advertised.

1994 cM-26.1 s257;1996 c30 s14;1998 c24 s13

Capital property — long-term borrowing

258(1) This section applies to a borrowing made for the purpose of financing a capital property when the term of the borrowing exceeds 5 years.

(2) This section does not apply to a borrowing referred to in section 263.

(3) The expenditure for the capital property must be included in a budget.

(4) The term of the borrowing must not exceed the probable lifetime of the capital property.

(5) If

(a) a borrowing bylaw that authorizes the borrowing has been passed,

(b) the money to be borrowed is insufficient because the cost of the capital property has increased, and

(c) the increased cost does not exceed 15% of the original cost of the capital property,

the borrowing bylaw that authorizes the borrowing of the increased cost does not have to be advertised.

1994 cM-26.1 s258;1996 c30 s15

Capital property — interim financing

259(1) This section applies to a borrowing made for the purpose of temporarily financing a capital property for which a borrowing bylaw has been passed under section 258.

(2) The term of the borrowing must not exceed 5 years.

(3) The amount borrowed must not exceed the

(a) amount of the expenditures in the budget for that and previous calendar years to acquire, construct or improve the capital property,

minus

(b) any money received for the capital property from any other source, including previous borrowings under this Part.

(4) A borrowing bylaw that authorizes the borrowing referred to in subsection (1) does not have to be advertised.

(5) Section 257 does not apply to a borrowing referred to in subsection (1).

1994 cM-26.1 s259;1996 c30 s16

Special works

260 If the purpose of a borrowing is to finance the acquisition, construction, removal or improvement of capital property ordered under an enactment, the borrowing bylaw for that borrowing does not have to be advertised.

1994 cM-26.1 s260

Refinancing

261 If the purpose of a proposed borrowing is to refinance, redeem or restructure the unpaid principal of one or more existing

borrowings and the amount and term of the proposed borrowing do not exceed the unpaid principal of the existing borrowings and the longest remaining term of the existing borrowings, the borrowing bylaw for the proposed borrowing does not have to be advertised.

1994 cM-26.1 s261

Services or activities that are funded by agreement

262(1) This section applies to a borrowing made for the purpose of financing a service or activity that the municipality will provide under an agreement

(a) between the municipality and another local authority or the Crown in right of Alberta or Canada or an agent of either Crown, and

(b) that provides that the municipality is to receive payments for providing the service or activity.

(2) The amount borrowed must not exceed the amount that will be paid to the municipality under the agreement.

(3) The term of the borrowing must not continue beyond the date on which the final payment under the agreement is received by the municipality.

(4) A borrowing bylaw that authorizes the borrowing does not have to be advertised.

(5) Payments received by the municipality under the agreement must be applied first to reducing the amount borrowed.

(6) Sections 256 to 259 do not apply to a borrowing referred to in subsection (1).

1994 cM-26.1 s262

Local improvements

263(1) This section applies to a borrowing made for the purpose of financing the cost of a local improvement to be funded in whole or in part by a local improvement tax.

(2) The borrowing bylaw that authorizes the borrowing does not have to be advertised if the amount to be financed by the local improvement tax to pay for the local improvement is equal to or greater than the amount that the municipality will contribute to pay for the local improvement other than through the local improvement tax.

(3) For the purpose of calculating the amount that the municipality will contribute referred to in subsection (2), the amount does not include any financial assistance the municipality receives for the

local improvement from a government, government agency, corporation or individual.

1994 cM-26.1 s263

Loans and Guarantees

Purpose of loans and guarantees

264(1) A municipality may only lend money or guarantee the repayment of a loan if

(a) the loan or guarantee is made under subsection (2) or (3),

(b) the loan is made to one of its controlled corporations, or

(c) the guarantee is made in respect of a loan between a lender and one of its controlled corporations.

(2) A municipality may

(a) lend money to a non-profit organization, or

(b) guarantee the repayment of a loan between a lender and a non-profit organization

if the council considers that the money loaned or money obtained under the loan that is guaranteed will be used for a purpose that will benefit the municipality.

(3) A municipality that intends to purchase gas from and become a shareholder of the designated seller within the meaning of section 30(1) of the *Gas Distribution Act*, SA 1994 cG-1.5 as it read on June 30, 1998, may make a loan to the designated seller as part of the capitalization of the designated seller by its shareholders.

1994 cM-26.1 s264;1998 c26 s13

Loan bylaws

265(1) A municipality may only lend money to a non-profit organization, one of its controlled corporations or the designated seller within the meaning of section 30(1) of the *Gas Distribution Act*, SA 1994 cG-1.5 as it read on June 30, 1998, if the loan is authorized by bylaw.

(2) The bylaw authorizing the loan must set out

(a) the amount of money to be loaned and, in general terms, the purpose for which the money that is loaned is to be used;

(b) the minimum rate of interest, the term and the terms of repayment of the loan;

(c) the source or sources of the money to be loaned.

(3) The bylaw that authorizes the loan must be advertised.

1994 cM-26.1 s265;1998 c26 s13

Guarantee bylaw

266(1) A municipality may only guarantee the repayment of a loan between a lender and a non-profit organization or one of its controlled corporations if the guarantee is authorized by bylaw.

(2) The bylaw authorizing the guarantee must set out

(a) the amount of money to be borrowed under the loan to be guaranteed and, in general terms, the purpose for which the money is borrowed;

(b) the rate of interest under the loan or how the rate of interest is calculated, the term and the terms of repayment of the loan;

(c) the source or sources of the money to be used to pay the principal and interest owing under the loan if the municipality is required to do so under the guarantee.

(3) The bylaw that authorizes the guarantee must be advertised.

1994 cM-26.1 s266

267 Repealed 1998 c24 s14.

Debt limit

268 No municipality may lend money or guarantee the repayment of a loan referred to in section 264 if making the loan or guarantee will cause the municipality to exceed its debt limit, unless the loan or guarantee is approved by the Minister.

1994 cM-26.1 s268

Financial records and receipts

268.1 A municipality must ensure that

(a) accurate records and accounts are kept of the municipality's financial affairs, including the things on which a municipality's debt limit is based and the things included in the definition of debt for that municipality;

(b) the actual revenues and expenditures of the municipality compared with the estimates in the operating or capital budget approved by council are reported to council as often as council directs;

(c) the revenues of the municipality are collected and controlled and receipts issued in the manner directed by council.

2015 c8 s37

General Matters

Financial year

269 The financial year of a municipality is the calendar year.

1994 cM-26.1 s269

Municipal accounts

270(1) Only a designated officer or a person authorized by bylaw may open or close the accounts that hold the money of a municipality.

(2) A municipality must ensure that all money belonging to or held by the municipality is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation designated by council.

RSA 2000 cM-26 s270;2015 c8 s38

Regulations

271(1) The Minister may make regulations

(a) respecting the financial administration of specialized municipalities;

(b) establishing limits and restrictions on a municipality's power to make grants;

(c) respecting how a debt limit for a municipality is determined;

(d) defining debt for the purposes of determining if a municipality has exceeded its debt limit and the definition may include anything related to a municipality's finances, including things relating to the finances of a controlled corporation;

(e) exempting a municipality from the requirement of this Part respecting debt limits.

(2) The regulations may establish different methods of determining debt limits and different definitions of debt for different municipalities.

1994 cM-26.1 s271

Seal and signatures

272(1) After a legal instrument issued under a borrowing has been signed and sealed by the municipality, the signatures and seal may

be reproduced and the reproduction has the same effect as if the signatures or seal had been personally signed or affixed.

(2) A municipality must ensure that its corporate seal, if any, is kept safe.

RSA 2000 cM-26 s272;2015 c8 s39

Validity of borrowings, loans and guarantees

273(1) A borrowing made by a municipality and a loan or guarantee of a loan made by a municipality under section 264 and any legal instrument issued under the borrowing, loan or guarantee is valid and binding on the municipality and is not open to question in any court if the borrowing is authorized by a borrowing bylaw or the loan or guarantee is authorized by bylaw.

(2) A borrowing bylaw or a bylaw authorizing a loan or guarantee is, for the purposes of this section, a valid bylaw if

(a) no application has been made to the Court of King's Bench to have the bylaw declared invalid within 30 days after the bylaw has been passed, or

(b) an application has been made to the Court of King's Bench to have the bylaw declared invalid within 30 days after the bylaw has been passed and, on the final disposition of the application and any appeal, the application is dismissed.

RSA 2000 cM-26 s273;AR 217/2022

Application of money borrowed

274 A person lending money to a municipality under a borrowing does not have to verify that the money is applied to the purpose for which it is borrowed.

1994 cM-26.1 s274

Civil liability of councillors

275(1) When a municipality makes a borrowing, loan or guarantees the repayment of a loan that causes the municipality to exceed its debt limit, a councillor who voted for the bylaw authorizing the borrowing, loan or guarantee is liable to the municipality for the amount borrowed, loaned or guaranteed, unless the borrowing, loan or guarantee has been approved by the Minister.

(2) If subsection (1) applies to more than one councillor in respect of a bylaw, the councillors are jointly and severally liable to the municipality for the amount borrowed, loaned or guaranteed under the bylaw.

(3) The liability may be enforced by action by

(a) the municipality,

(b) an elector or taxpayer of the municipality, or

(c) a person who holds a security under a borrowing made by the municipality.

1994 cM-26.1 s275

275.1 Repealed 2020 c25 s11.

Annual Financial Statements and Auditor's Report

Annual financial statements

276(1) Each municipality must prepare annual financial statements of the municipality for the immediately preceding year in accordance with

(a) Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook, and

(b) any modification of the principles or any supplementary accounting standards or principles established by the Minister by regulation.

(2) The municipality's financial statements must include

(a) the municipality's debt limit, and

(b) the amount of the municipality's debt as defined in the regulations under section 271.

(3) Each municipality must make its financial statements, or a summary of them, and the auditor's report of the financial statements available to the public in the manner the council considers appropriate by May 1 of the year following the year for which the financial statements have been prepared.

RSA 2000 cM-26 s276;2014 cC-10.2 s181;2022 c16 s9(57)

Financial information return

277(1) Each municipality must prepare a financial information return respecting the financial affairs of the municipality for the immediately preceding calendar year.

(2) The Minister may establish requirements respecting the financial information return, including requirements respecting the accounting principles and standards to be used in preparing the return.

1994 cM-26.1 s277;1995 c24 s34

Returns and reports to Minister

278 Each municipality must submit

(a) its financial information return and the auditor's report on the financial information return, and

(b) its financial statements and the auditor's report on the financial statements

to the Minister by May 1 of the year following the year for which the financial information return and statements have been prepared.

1994 cM-26.1 s278

Financial statements for controlled corporations

279 Each controlled corporation must prepare annual financial statements in accordance with

(a) the requirements of the legislation under which the corporation was formed, and

(b) if there are no requirements, Canadian generally accepted accounting principles, which are the accounting standards set out in the CPA Canada Handbook.

RSA 2000 cM-26 s279;2014 cC-10.2 s181;2022 c16 s9(58)

Auditors

280(1) Each council must appoint one or more auditors for the municipality.

(2) Each council must appoint one or more auditors for each of its controlled corporations if there is no statutory requirement for an audit of the accounts of the controlled corporation.

(3) A council may not appoint a councillor, an employee of the municipality or an employee of one of its controlled corporations to be an auditor.

(4) The council of the City of Edmonton or of the City of Calgary may, on the approval of the Minister, appoint by bylaw an employee of the municipality to be the auditor for the municipality if the person is a chartered professional accountant and reports directly to the council.

RSA 2000 cM-26 s280;2014 cC-10.2 s181

Auditor's reports

281(1) The auditor for the municipality must report to the council on the annual financial statements and financial information return of the municipality.

(2) The reports on the annual financial statements and financial information return must be in accordance with

(a) Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook, and

(b) any modifications of the principles referred to in clause (a) or any supplementary principles established by the Minister by regulation.

(3) The auditor must separately report to the council any improper or unauthorized transaction or non-compliance with this or another enactment or a bylaw that is noted during the course of an audit.

(4) The council or the Minister may require any further examination and report from the auditor.

RSA 2000 cM-26 s281;2014 cC-10.2 s181;2022 c16 s9(59)

282 Repealed 2022 c16 s9(60).

Access to information by auditors

283(1) An auditor appointed by the council is at all reasonable times and for any purpose related to an audit entitled to access to

(a) the records of the municipality, and

(b) data processing equipment owned or leased by the municipality.

(2) A councillor, chief administrative officer, designated officer, employee or agent of, or a consultant to, a municipality must give the auditor any information, reports or explanations the auditor considers necessary.

(3) An auditor who receives information from a person whose right to disclose that information is restricted by law holds that information under the same restrictions respecting disclosure that govern the person from whom the information was obtained.

RSA 2000 cM-26 s283;2022 c16 s9(61)

Financial Plans and Capital Plans

Required plans

283.1(1) In this section,

(a) "capital plan" means a plan referred to in subsection (3);

(b) "financial plan" means a plan referred to in subsection (2).

(2) Each municipality must prepare a written plan respecting its anticipated financial operations over a period of at least the next 3 financial years.

(3) Each municipality must prepare a written plan respecting its anticipated capital property additions over a period of at least the next 5 financial years.

(4) The 3 financial years referred to in subsection (2) and the 5 financial years referred to in subsection (3) do not include the financial year in which the financial plan or capital plan is prepared.

(5) Council may elect to include more than 3 financial years in a financial plan or more than 5 financial years in a capital plan.

(6) Council must annually review and update its financial plan and capital plan.

(7) The Minister may make regulations respecting financial plans and capital plans, including, without limitation, regulations

(a) respecting the form and contents of financial plans and capital plans;

(b) specifying the first financial year required to be reflected in a financial plan;

(c) specifying the first financial year required to be reflected in a capital plan.

2015 c8 s40

Part 9
Assessment of Property

Interpretation provisions for Parts 9 to 12

284(1) In this Part and Parts 10, 11 and 12,

(a) "assessed person" means a person who is named on an assessment roll in accordance with section 304;

(b) "assessed property" means property in respect of which an assessment has been prepared;

(c) "assessment" means a value of property determined in accordance with this Part and the regulations;

(d) "assessor" means

(i) the provincial assessor, or

(ii) a municipal assessor,

and includes any person to whom those duties and responsibilities are delegated by the person referred to in subclause (i) or (ii);

(e) "council" includes

(i) a collecting board that is authorized under section 177 of the *Education Act* to impose and collect taxes in a school division as defined in that Act, and

(ii) the Minister, in respect of an improvement district or special area;

(f) "Crown" means the Crown in right of Alberta, and includes a Provincial agency as defined in the *Financial Administration Act* and an agent of the Crown in right of Alberta;

(f.01) "designated industrial property" means

(i) facilities regulated by the Alberta Energy Regulator, the Alberta Utilities Commission or the Canadian Energy Regulator,

(ii) linear property,

(iii) property designated as a major plant by the regulations,

(iv) land and improvements in respect of a parcel of land where that parcel of land contains property described in subclause (i) or (iii), and

(v) land and improvements in respect of land in which a leasehold interest is held where the land is not registered in a land titles office and contains property described in subclause (i) or (iii);

(f.1) "designated manufactured home" means a manufactured home, mobile home, modular home or travel trailer;

(g) repealed 2016 c24 s21;

(g.1) "extended area network" has the meaning given to it in the regulations;

(h) "farm building" has the meaning given to it in the regulations;

(i) "farming operations" has the meaning given to it in the regulations;

(j) "improvement" means

(i) a structure,

(ii) any thing attached or secured to a structure, that would be transferred without special mention by a transfer or sale of the structure,

(iii) a designated manufactured home,

(iii.1) linear property, and

(iv) machinery and equipment;

(k) "linear property" means

(i) electric power systems, which has the meaning given to that term in the regulations,

(ii) street lighting systems, which has the meaning given to that term in the regulations,

(iii) telecommunication systems, which has the meaning given to that term in the regulations,

(iv) pipelines, which has the meaning given to that term in the regulations,

(v) railway property, which has the meaning given to that term in the regulations, and

(vi) wells, which has the meaning given to that term in the regulations;

(l) "machinery and equipment" has the meaning given to it in the regulations;

(m) "manufactured home" means any structure, whether ordinarily equipped with wheels or not, that is manufactured to meet or exceed the Canadian Standards Association standard CSA Z240 and that is used as a residence or for any other purpose;

(n) "manufactured home community" means a parcel of land that

(i) is designated in the land use bylaw of a municipality as a manufactured home community, and

(ii) includes at least 3 designated manufactured home sites that are rented or available for rent;

(n.1) "mobile home" means a structure that is designed to be towed or carried from place to place and that is used as a residence or for any other purpose, but that does not meet Canadian Standards Association standard CSA Z240;

(n.2) "modular home" means a home that is constructed from a number of pre-assembled units that are intended for delivery to and assembly at a residential site;

(n.3) "municipal assessment roll" means the assessment roll prepared by a municipality under section 302(1);

(n.4) "municipal assessor" means a designated officer appointed under section 284.2 to carry out the functions, duties and powers of a municipal assessor under this Act;

(o) "municipality" includes

(i) a school division, as defined in the *Education Act*, in which a collecting board is authorized under section 177 of that Act to impose and collect taxes or, where the school division is authorized or required to act, the collecting board, and

(ii) an improvement district and a special area or, where the improvement district or special area is authorized or required to act, the Minister;

(o.1) "operational" has the meaning given to it in the regulations;

(p) "operator" has the meaning given to it in the regulations;

(q) "owner", in respect of a designated manufactured home, means the owner of the designated manufactured home and not the person in lawful possession of it;

(r) "property" means

(i) a parcel of land,

(ii) an improvement, or

(iii) a parcel of land and the improvements to it;

(r.1) "provincial assessment roll" means the assessment roll prepared by the provincial assessor under section 302(2);

(r.2) "provincial assessor" means the provincial assessor designated under section 284.1;

(s), (t) repealed 2016 c24 s21;

(u) "structure" means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land;

(u.1) "SuperNet" has the meaning given to it in the regulations;

(v), (w) repealed 2016 c24 s21;

(w.1) "travel trailer" means a trailer intended to provide accommodation for vacation use and licensed and equipped to travel on a road;

(x) "year" means a 12-month period beginning on January 1 and ending on the next December 31.

(2) In this Part and Parts 10, 11 and 12, a reference to a parcel of land that is held under a lease, licence or permit from the Crown in right of Alberta or Canada includes a part of the parcel.

(2.1) For the purposes of subsection (1)(f.01)(i), a facility regulated by the Alberta Energy Regulator, the Alberta Utilities Commission or the Canadian Energy Regulator includes all components of the facility, including any machinery and equipment, buildings and structures servicing or related to the facility and land on which the facility is located.

(3) For the purposes of this Part and Parts 10, 11 and 12, any document, including an assessment notice and a tax notice, that is required to be sent to a person is deemed to be sent on the day the document is mailed or otherwise delivered to that person.

(4) In this Part and Parts 11 and 12, "complaint deadline" means 60 days after the notice of assessment date set under section 308.1 or 324(2)(a.1).

RSA 2000 cM-26 s284;2007 cA-37.2 s82(17);2007 c42 s3;2009 c29 s2;2012 cE-0.3 s279;2015 c8 s41;2016 c24 ss21,140;2017 c13 s1(20);2021 c22 s2;2022 c16 s9(62)

Provincial assessor

284.1(1) The Minister must designate a person having the qualifications set out in the regulations as the provincial assessor to carry out the functions, duties and powers of the provincial assessor under this Act.

(2) Subject to the regulations, the provincial assessor may delegate to any person any power or duty conferred or imposed on the provincial assessor by this Act.

(3) The provincial assessor is not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of the provincial assessor's functions, duties or powers under this Act or any other enactment.

2016 c24 s22

Municipal assessor

284.2(1) A municipality must appoint a person having the qualifications set out in the regulations to the position of designated officer to carry out the functions, duties and powers of a municipal assessor under this Act.

(2) Subject to the regulations, a municipal assessor may delegate to any person any power or duty conferred or imposed on the municipal assessor by this Act.

(3) A municipal assessor is not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of the municipal assessor's functions, duties or powers under this Act or any other enactment.

2016 c24 s22

Division 1
Preparation of Assessments

Preparing annual assessments

285 Each municipality must prepare annually an assessment for each property in the municipality, except designated industrial property and the property listed in section 298.

RSA 2000 cM-26 s285;2002 c19 s2;2016 c24 s135

286 Repealed 1994 cM-26.1 s286.

287 Repealed 1994 cM-26.1 s287.

288 Repealed 1994 cM-26.1 s288.

Assessments for property other than designated industrial property

289(1) Assessments for all property in a municipality, other than designated industrial property, must be prepared by the municipal assessor.

(2) Each assessment must reflect

(a) the characteristics and physical condition of the property on December 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the property, and

(b) the valuation and other standards set out in the regulations for that property.

(2.1) If the provincial assessor and a municipal assessor assess the same property, the municipality in which the property is situated must rescind the municipal assessment and notify the assessed person.

(3), (4) Repealed 2016 c24 s23.

RSA 2000 cM-26 s289;2009 c29 s3;2016 c24 s23

Land to be assessed as a parcel

290(1) If a parcel of land is located in more than one municipality, the assessor must prepare an assessment for the part of the parcel that is located in the municipality in which the assessor has the authority to act, as if that part of the parcel is a separate parcel of land.

(2) Any area of land forming part of a right of way for a railway, irrigation works as defined in the *Irrigation Districts Act* or drainage works as defined in the *Drainage Districts Act* but used for purposes other than the operation of the railway, irrigation works or drainage works must be assessed as if it is a parcel of land.

(3) Any area of land that is owned by the Crown in right of Alberta or Canada and is the subject of a grazing lease or grazing permit granted by either Crown must be assessed as if it is a parcel of land.

(4) Repealed 1995 c24 s37.

1994 cM-26.1 s290;1995 c24 s37;1999 cI-11.7 s214

Assessment of condominium unit

290.1(1) Each unit and the share in the common property that is assigned to the unit must be assessed

(a) in the case of a bare land condominium, as if it is a parcel of land, or

(b) in any other case, as if it is a parcel of land and the improvements to it.

(2) In this section, "unit" and "share in the common property" have the meanings given to them in the *Condominium Property Act*.

1995 c24 s38

Assessment of strata space

290.2 Each strata space as defined in section 86 of the *Land Titles Act* must be assessed as if it is a parcel of land and the improvements to it.

1995 c24 s38

Rules for assessing improvements

291(1) Unless subsection (2) applies, an assessment must be prepared for an improvement whether or not it is complete or capable of being used for its intended purpose.

(2) No assessment is to be prepared

(a) for new linear property that is not operational on or before October 31,

(b) for new improvements, other than designated industrial property improvements, that are intended to be used for or in connection with a manufacturing or processing operation and that are not operational on or before December 31,

(c) for new designated industrial property improvements, other than linear property, that are intended to be used for or in connection with a manufacturing or processing operation and that are not operational on or before October 31,

(d) for new improvements, other than designated industrial property improvements, that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (b), if the improvements referred to in clause (b) are not operational on or before December 31, or

(e) for new designated industrial property improvements, other than linear property, that are intended to be used for the

storage of materials manufactured or processed by the improvements referred to in clause (c), if the improvements referred to in clause (c) are not operational on or before October 31.

(2.1) Notwithstanding subsection (2), an assessment must be prepared for new improvements, whether complete or not, on a property or a portion of a property where the improvements do not contain machinery and equipment intended to be used in connection with the manufacturing and processing operation even if another portion of the property contains a manufacturing or processing operation.

(3) to **(5)** Repealed 2016 c24 s24.

RSA 2000 cM-26 s291;2008 c24 s2;2016 c24 s24; 2019 c22 s10(8)

Assessments for designated industrial property

292(1) Assessments for designated industrial property must be prepared by the provincial assessor.

(2) Each assessment must reflect

(a) the valuation standard set out in the regulations for designated industrial property, and

(b) the specifications and characteristics of the designated industrial property as specified in the regulations.

(2.1) The specifications and characteristics of the designated industrial property referred to in subsection (2)(b) must reflect

(a) the records of the Alberta Energy Regulator, the Alberta Utilities Commission or the Canadian Energy Regulator, as the case may be, on October 31 of the year prior to the year in which the tax is imposed under Part 10 in respect of the designated industrial property, and

(b) any other source of information that the provincial assessor considers relevant, as at October 31 of the year prior to the year in which the tax is imposed under Part 10 in respect of the designated industrial property.

(2.2) Information received by the provincial assessor from the Alberta Energy Regulator, the Alberta Utilities Commission or the Canadian Energy Regulator is deemed to be correct for the purposes of preparing assessments.

(3) to **(5)** Repealed 2016 c24 s25.

RSA 2000 cM-26 s292;2007 cA-37.2 s82(17);
2008 c37 s2;2012 cR-17.3 s95;2016 c24 s25;
2022 c16 s9(62)

Duties of assessors

293(1) In preparing an assessment, an assessor must, in a fair and equitable manner,

(a) apply the valuation and other standards set out in the regulations, and

(b) follow the procedures set out in the regulations.

(2) If there are no procedures set out in the regulations for preparing assessments, the assessor must take into consideration assessments of similar property in the same municipality in which the property that is being assessed is located.

(3) The municipal assessor must, in accordance with the regulations, provide the Minister or the provincial assessor with information that the Minister or the provincial assessor requires about property in the municipality.

RSA 2000 cM-26 s293;2002 c19 s3;2009 c29 s4;
2016 c24 s26

Right to enter on and inspect property

294(1) After giving reasonable notice to the owner or occupier of any property, an assessor may at any reasonable time, for the purpose of carrying out the duties and responsibilities of the assessor under Parts 9 to 12 and the regulations,

(a) enter on and inspect the property,

(b) request anything to be produced, and

(c) make copies of anything necessary to the inspection.

(2) When carrying out duties under subsection (1), an assessor must produce identification on request.

(3) An assessor must, in accordance with the regulations, inform the owner or occupier of any property of the purpose for which information is being collected under this section and section 295.

RSA 2000 cM-26 s294;2002 c19 s4;2017 c13 s1(21)

Duty to provide information

295(1) A person must provide, on request by an assessor, any information necessary for the assessor to carry out the duties and

responsibilities of an assessor under Parts 9 to 12 and the regulations.

(2) The Alberta Safety Codes Authority or an agency accredited under the *Safety Codes Act* must release, on request by an assessor, information or documents respecting a permit issued under the *Safety Codes Act*.

(3) An assessor may request information or documents under subsection (2) only in respect of a property within the municipality for which the assessor is preparing an assessment.

(4) No person may make a complaint in the year following the assessment year under section 460 or, in the case of designated industrial property, under section 492(1) about an assessment if the person has failed to provide any information requested under subsection (1) within 60 days from the date of the request.

(5) Information collected under this section must be reported to the Minister on the Minister's request.

(6) Despite section 294(1) and subsection (1) of this section, where an assessment of property is the subject of a complaint under Part 11 or 12 by the person assessed in respect of that property,

(a) the assessed person is not obligated to provide information or produce anything to an assessor in respect of that assessment, and

(b) the assessor has no authority under section 294(1)(c) to make copies of anything the assessed person refuses to provide or produce relating to that assessment

until after the complaint has been heard and decided by the assessment review board or the Land and Property Rights Tribunal, as the case may be.

RSA 2000 cM-26 s295;2002 c19 s5;2016 c24 s27;
2017 c13 s2(6);2020 cL-2.3 24(41)

Assessor not bound by information received

295.1 An assessor is not bound by the information received under section 294 or 295 if the assessor has reasonable grounds to believe that the information is inaccurate.

2019 c22 s10(9)

Court authorized inspection and enforcement

296(1) The provincial assessor or a municipality may apply to the Court of King's Bench for an order under subsection (2) if any person

(a) refuses to allow or interferes with an entry or inspection by an assessor, or

(b) refuses to produce anything requested by an assessor to assist the assessor in preparing an assessment or determining if property is to be assessed.

(2) The Court may make an order

(a) restraining a person from preventing or interfering with an assessor's entry or inspection, or

(b) requiring a person to produce anything requested by an assessor under section 294 or 295.

(3) A copy of the application and each affidavit in support must be served at least 3 days before the day named in the application for the hearing.

RSA 2000 cM-26 s296;2009 c53 s119;2016 c24 s28;AR 217/2022

Assigning assessment classes to property

297(1) When preparing an assessment of property, the assessor must assign one or more of the following assessment classes to the property:

(a) class 1 - residential;

(b) class 2 - non-residential;

(c) class 3 - farm land;

(d) class 4 - machinery and equipment.

(2) A council may by bylaw divide class 1 into sub-classes on any basis it considers appropriate, and if the council does so, the assessor may assign one or more sub-classes to property in class 1.

(2.1) A council may by bylaw divide class 2 into the sub-classes prescribed by subsection (3.1), and if the council does so, the assessor must assign one or more of the prescribed sub-classes to a property in class 2.

(3) If more than one assessment class or sub-class is assigned to a property, the assessor must provide a breakdown of the assessment, showing each assessment class or sub-class assigned and the portion of the assessment attributable to each assessment class or sub-class.

(3.1) For the purposes of subsection (2.1), the following sub-classes are prescribed for property in class 2:

(a) vacant non-residential property;

(b) small business property;

(c) other non-residential property.

(3.2) The sub-classes referred to in subsection (3.1)(a), (b) and (c) may be applied to both the Urban and Rural Service Areas for Lac La Biche County and the Regional Municipality of Wood Buffalo as if the service areas were separate entities.

(3.3) For the purposes of subsection (3.1)(b), property in a municipality is small business property of a business if

(a) the property

(i) is owned or leased by the business, and

(ii) is not designated industrial property,

(b) the business is operating under a business licence or a municipal bylaw that identifies the business, and

(c) the business has, on December 31 of the relevant assessment year or on an alternative date specified in a municipal bylaw, a number of full-time employees across Canada that

(i) is less than 50, or

(ii) is less than any number less than 50 that is specified in a municipal bylaw,

whichever is lower.

(3.4) Despite subsection (3.3)(a)(i), a property that is leased by a business is not a small business property of a business if the business has subleased the property to someone else.

(3.5) A municipality may by bylaw prescribe procedures to allow for the effective administration of the small business property sub-class tax rate, including, without limitations, a method for determining and counting full-time employees and the frequency of that count.

(4) In this section,

(a) "farm land" means land used for farming operations as defined in the regulations;

(a.1) "machinery and equipment" does not include

(i) any thing that falls within the definition of linear property as set out in section 284(1)(k), or

(ii) any component of a manufacturing or processing facility that is used for the cogeneration of power;

(b) "non-residential", in respect of property, means linear property, components of manufacturing or processing facilities that are used for the cogeneration of power or other property on which industry, commerce or another use takes place or is permitted to take place under a land use bylaw passed by a council, but does not include farm land or land that is used or intended to be used for permanent living accommodation;

(c) "residential", in respect of property, means property that is not classed by the assessor as farm land, machinery and equipment or non-residential.

RSA 2000 cM-26 s297;2002 c19 s6; 2016 c24 s29; 2017 c13 s2(7);2022 c16 s9(63)

Non-assessable property

298(1) No assessment is to be prepared for the following property:

(a) a facility, works or system for

(i) the collection, treatment, conveyance or disposal of sanitary sewage, or

(ii) storm sewer drainage,

that is owned by the Crown in right of Alberta or Canada, a municipality or a regional services commission;

(b) a facility, works or system for the storage, conveyance, treatment, distribution or supply of water that is owned by the Crown in right of Alberta or Canada, a municipality or a regional services commission;

(b.1) a water supply and distribution system, including metering facilities, that is owned or operated by an individual or a corporation and used primarily to provide a domestic water supply service;

(c) irrigation works as defined in the *Irrigation Districts Act* and the land on which they are located when they are held by an irrigation district, but not including any residence or the land attributable to the residence;

(d) canals, dams, dikes, weirs, breakwaters, ditches, basins, reservoirs, cribs and embankments;

(e) flood-gates, drains, tunnels, bridges, culverts, headworks, flumes, penstocks and aqueducts

(i) located at a dam,

(ii) used in the operation of a dam, and

(iii) used for water conservation or flood control, but not for the generation of electric power;

(f) land on which any property listed in clause (d) or (e) is located

(i) if the land is a dam site, and

(ii) whether or not the property located on the land is used for water conservation, flood control or the generation of electric power;

(g) a water conveyance system operated in connection with a manufacturing or processing plant, including any facilities designed and used to treat water to meet municipal standards, but not including any improvement designed and used for

(i) the further treatment of the water supply to meet specific water standards for a manufacturing or processing operation,

(ii) water reuse,

(iii) fire protection, or

(iv) the production or transmission of a natural resource;

(h) a sewage conveyance system operated in connection with a manufacturing or processing plant, including any facilities designed and used to treat and dispose of domestic sewage, but not including any improvement designed and used for the treatment of other effluent from the manufacturing or processing plant;

(i) roads, but not including a road right of way that is held under a lease, licence or permit from the Crown in right of Alberta or Canada or from a municipality and that is used for a purpose other than as a road;

(i.1) weigh scales, inspection stations and other improvements necessary to maintain the roads referred to in clause (i) and to keep those roads and users safe, but not including a street lighting system owned by a corporation, a municipality or a corporation controlled by a municipality;

(j) property held by the Crown in right of Alberta or Canada in a municipal district, improvement district, special area or specialized municipality that

(i) is not used or actively occupied by the Crown, or

(ii) is not occupied under an interest or right granted by the Crown,

unless the property is located in a hamlet or in an urban service area as defined in an order creating a specialized municipality;

(k) any provincial park or recreation area, including any campground, day use area or administration and maintenance facility held by the Crown in right of Alberta or operated under a facility operation contract or service contract with the Crown in right of Alberta, but not including the following:

(i) a residence and the land attributable to it;

(ii) property that is the subject of a disposition under the *Provincial Parks Act* or the *Public Lands Act*;

(iii) a downhill ski hill, golf course, food concession, store or restaurant, and the land attributable to it, operated under a facility operation contract or a service contract with the Crown in right of Alberta;

(k.1) any national park held by the Crown in right of Canada, but not including a parcel of land, an improvement, or a parcel of land and the improvements to it held under a lease, licence or permit from the Crown in right of Canada;

(l) property held by the Crown in right of Alberta or Canada and forming part of an undertaking in respect of the conservation, reclamation, rehabilitation or reforestation of land, but not including any residence or the land attributable to the residence;

(m) property used for or in connection with a forestry tower that is not accessible by road;

(n) any interest under a timber disposition under the *Forests Act* and the timber harvest or cut authorized by the disposition;

(o) any interest under a permit or authorization for the grazing of stock under the *Forests Act* or the *Forest Reserves Act*;

(p) wheel loaders, wheel trucks and haulers, crawler type shovels, hoes and dozers;

(q) linear property used exclusively for farming operations;

(r) linear property forming part of a rural gas distribution system and gas conveyance pipelines situated in a rural municipality where that linear property is owned by a municipality or a rural gas co-operative association organized under the *Rural Utilities Act*, but not including gas conveyance pipelines owned by rural gas co-operative associations,

(i) from the regulating and metering station to an industrial customer consuming more than 10 000 gigajoules of gas during any period that starts on November 1 in one year and ends on October 31 in the next year and that precedes the year in which the assessment for those pipelines is to be used for the purpose of imposing a tax under Part 10, or

(ii) that serve or deliver gas to

(A) a city, town, village, summer village or hamlet, or

(B) an urban service area as defined in an order creating a specialized municipality

that has a population of more than 500 people;

(r.1) linear property forming part of a rural gas distribution system where that gas distribution system is subject to a franchise area approval under the *Gas Distribution Act*;

(s) cairns and monuments;

(t) property in Indian reserves;

(u) property in Metis settlements;

(v) minerals;

(w) growing crops;

(x) the following improvements owned or leased by a regional airports authority created under section 5(2) of the *Regional Airports Authorities Act*:

(i) runways;

(ii) paving;

(iii) roads and sidewalks;

(iv) reservoirs;

(v) water and sewer lines;

(vi) fencing;

(vii) conveyor belts, cranes, weigh scales, loading bridges and machinery and equipment;

(viii) pole lines, transmission lines, light standards and unenclosed communications towers;

(y) farm buildings;

(z) machinery and equipment, except to the extent prescribed in the regulations;

(aa) designated manufactured homes held in storage and forming part of the inventory of a manufacturer of or dealer in designated manufactured homes;

(bb) travel trailers that are

(i) not connected to any utility services provided by a public utility, and

(ii) not attached or connected to any structure;

(cc) linear property in the extended area network that is used for SuperNet purposes.

(2) In subsection (1)(r)(i), "industrial customer" means a customer that operates a factory, plant, works or industrial process related to manufacturing and processing.

(3) Despite subsection (1)(cc), where linear property referred to in that provision is used for business, the linear property is, subject to the regulations, assessable to the extent the linear property is used for business.

RSA 2000 cM-26 s298;2005 c14 s4;2015 c8 s42;2022 c16 s9(64)

Access to municipal assessment record

299(1) An assessed person may ask the municipality, in the manner required by the municipality, to let the assessed person see or receive information prescribed by the regulations that is in the municipal assessor's possession at the time of the request, showing how the municipal assessor prepared the assessment of that person's property.

(2) Subject to subsection (3) and the regulations, the municipality must comply with a request under subsection (1).

(3) Where a complaint is filed under section 461 by the person assessed in respect of property, a municipality is not obligated to respond to a request by that person for information under this section in respect of an assessment of that property until the complaint has been heard and decided by an assessment review board.

(4) Subsection (3) does not apply if the request for information is in respect of an amended assessment and the amended assessment notice was issued during the complaint period.

RSA 2000 cM-26 s299;2009 c29 s5;2016 c24 s30;2017 c13 s2(8)

Access to provincial assessment record

299.1(1) An assessed person may ask the provincial assessor, in the manner required by the provincial assessor, to let the assessed person see or receive information prescribed by the regulations in the provincial assessor's possession at the time of the request, showing how the provincial assessor prepared the assessment of that person's designated industrial property.

(2) Subject to subsection (3) and the regulations, the provincial assessor must comply with a request under subsection (1).

(3) Where a complaint described in section 492(1) is filed under section 491(1) by the person assessed in respect of designated industrial property, the provincial assessor is not obligated to respond to a request by that person for information under this section in respect of an assessment of that designated industrial property until the complaint has been heard and decided by the Land and Property Rights Tribunal.

(4) Subsection (3) does not apply if the request for information is in respect of an amended assessment and the amended assessment notice was issued during the complaint period.

2016 c24 s30;2017 c13 s2(8);2020 cL-2.3 s24(41)

Municipal access to provincial assessment record

299.2(1) A municipality may ask the provincial assessor, in the manner required by the provincial assessor, to let the municipality see or receive information in the provincial assessor's possession at the time of the request, showing how the provincial assessor prepared the assessment of designated industrial property in the municipality.

(2) Subject to subsection (3) and the regulations, the provincial assessor must comply with a request under subsection (1).

(3) Where a complaint described in section 492(1) is filed under section 491(1) by a municipality in respect of designated industrial property, the provincial assessor is not obligated to respond to a request by that municipality for information under this section in respect of an assessment of that designated industrial property until the complaint has been heard and decided by the Land and Property Rights Tribunal.

(4) Subsection (3) does not apply if the request for information is in respect of an amended assessment and the amended assessment notice was issued during the complaint period.

(5) Information obtained by a municipality under this section must be used only for assessment purposes and must not be disclosed except at the hearing of a complaint before the Land and Property Rights Tribunal.

2016 c24 s30;2017 c13 s2(8);2020 cL-2.3 s24(41)

Access to summary of municipal assessment

300(1) An assessed person may ask the municipality, in the manner required by the municipality, to let the assessed person see or receive a summary of the most recent assessment of any assessed property in the municipality of which the assessed person is not the owner.

(2) For the purposes of subsection (1), a summary of the most recent assessment must include the following information that is in the municipal assessor's possession or under the municipal assessor's control at the time of the request:

(a) a description of the parcel of land and any improvements, to identify the type and use of the property;

(b) the size and measurements of the parcel of land;

(c) the age and size or measurement of any improvements;

(d) the key attributes of any improvements to the parcel of land;

(e) the assessed value and any adjustments to the assessed value of the parcel of land;

(f) any other information prescribed or otherwise described in the regulations.

(3) The municipality must, in accordance with the regulations, comply with a request under subsection (1) if it is satisfied that necessary confidentiality will not be breached.

RSA 2000 cM-26 s300;2009 c29 s6;2016 c24 s31

Access to summary of provincial assessment

300.1(1) An assessed person may ask the provincial assessor, in the manner required by the provincial assessor, to let the assessed person see or receive a summary of the most recent assessment of any assessed designated industrial property of which the assessed person is not the owner or operator.

(2) For the purposes of subsection (1), a summary of the most recent assessment must include the following information that is in the provincial assessor's possession or under the provincial assessor's control at the time of the request:

(a) a description of the designated industrial property;

(b) the assessed value associated with the designated industrial property;

(c) any other information prescribed or otherwise described in the regulations.

(3) The provincial assessor must, in accordance with the regulations, comply with a request under subsection (1) if the provincial assessor is satisfied that necessary confidentiality will not be breached.

2016 c24 s31

Right to release assessment information

301(1) A municipality may provide information in its possession about assessments if it is satisfied that necessary confidentiality will not be breached.

(2) The provincial assessor may provide information that is in the provincial assessor's possession about assessments if the provincial assessor is satisfied that necessary confidentiality will not be breached.

RSA 2000 cM-26 s301;2016 c24 s32

Relationship to Access to Information Act

301.1 Sections 299 to 301 prevail despite the *Access to Information Act*.

RSA 2000 cM-26 s301.1;AR 141/2025

Division 2
Assessment Roll

Preparation of roll

302(1) Each municipality must prepare annually, not later than February 28, an assessment roll for assessed property in the municipality other than designated industrial property.

(2) The provincial assessor must prepare annually, not later than February 28, an assessment roll for assessed designated industrial property.

(3) The provincial assessor must provide to each municipality a copy of that portion of the provincial assessment roll that relates to the designated industrial property situated in the municipality.

RSA 2000 cM-26 s302;2005 c14 s5;2016 c24 s33

Contents of roll

303 The assessment roll prepared by a municipality must show, for each assessed property, the following:

(a) a description sufficient to identify the location of the property;

(b) the name and mailing address of the assessed person;

(c) whether the property is a parcel of land, an improvement or a parcel of land and the improvements to it;

(d) if the property is an improvement, a description showing the type of improvement;

(e) the assessment;

(f) the assessment class or classes;

(f.1) repealed 2017 c13 s1(22);

(g) whether the property is assessable for public school purposes or separate school purposes, if notice has been given to the municipality under section 147 or 148 of the *Education Act*;

(g.1) repealed 2016 c24 s34;

(h) if the property is fully or partially exempt from taxation under Part 10, a notation of that fact;

(h.1) if a deferral of the collection of tax under section 364.1 or 364.2 is in effect for the property, a notation of that fact;

(i) any other information considered appropriate by the municipality or required by the Minister, as the case may be.

RSA 2000 cM-26 s303;2002 c19 s7;2005 c14 s6;2012 cE-0.3 s279;2016 c24 s34;2017 c13 s1(22);2019 c6 s3

Contents of provincial assessment roll

303.1 The provincial assessment roll must show, for each assessed designated industrial property, the following:

(a) a description of the type of designated industrial property;

(b) a description sufficient to identify the location of the designated industrial property;

(c) the name and mailing address of the assessed person;

(d) the assessment;

(e) the assessment class or classes;

(f) repealed 2017 c13 s2(9);

(g) whether the designated industrial property is assessable for public school purposes or separate school purposes, if notice has been given to the municipality under section 147 or 148 of the *Education Act*;

(h) if the designated industrial property is exempt from taxation under Part 10, a notation of that fact;

(h.1) if a deferral of the collection of tax under section 364.2 is in effect for the property, a notation of that fact;

(i) any other information considered appropriate by the provincial assessor.

2012 cE-0.3 s279;2016 c24 s35;2017 c13 s2(9);2019 c6 s4

Recording assessed persons

304(1) The name of the person described in column 2 must be recorded on the assessment roll as the assessed person in respect of the assessed property described in column 1.

	Column 1 Assessed property		Column 2 Assessed person
(a)	a parcel of land, unless otherwise dealt with in this subsection;	(a)	the owner of the parcel of land;
(b)	a parcel of land and the improvements to it, unless otherwise dealt with in this subsection;	(b)	the owner of the parcel of land;
(c)	a parcel of land, an improvement or a parcel of land and the improvements to it held under a lease, licence or permit from the Crown in right of Alberta or Canada or a municipality;	(c)	the holder of the lease, licence or permit or, in the case of a parcel of land or a parcel of land and the improvements to it, the person who occupies the land with the consent of that holder or, if the land that was the subject of a lease, licence or permit has been sold under an agreement for sale, the purchaser under that agreement;
(d)	a parcel of land forming part of the station grounds of, or of a right of way for, a railway other than railway property, or a right of way for, irrigation works as defined in the *Irrigation Districts Act* or drainage works as defined in the *Drainage Districts Act*, that is held under a lease, licence or permit from the person who operates the railway, or from the irrigation district or the board of trustees of the drainage district;	(d)	the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder;
(d.1)	railway property;	(d.1)	the owner of the railway property;

	Column 1 Assessed property		Column 2 Assessed person
(e)	a parcel of land and the improvements to it held under a lease, licence or permit from a regional airports authority, where the land and improvements are used in connection with the operation of an airport;	(e)	the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder;
(f)	a parcel of land, or a part of a parcel of land, and the improvements to it held under a lease, licence or permit from the owner of the land where the land and the improvements are used for (i) drilling, treating, separating, refining or processing of natural gas, oil, coal, salt, brine or any combination, product or by-product of any of them, (ii) pipeline pumping or compressing, or (iii) working, excavating, transporting or storing any minerals in or under the land referred to in the lease, licence or permit or under land in the vicinity of that land.	(f)	the holder of the lease, licence or permit;
(g)	machinery and equipment used in the excavation or transportation of coal or oil sands as defined in the *Oil Sands Conservation Act*;	(g)	the owner of the machinery and equipment;

	Column 1 Assessed property		Column 2 Assessed person
(h)	improvements to a parcel of land listed in section 298 for which no assessment is to be prepared;	(h)	the person who owns or has exclusive use of the improvements;
(i)	linear property;	(i)	the operator of the linear property;
(j)	a designated manufactured home on a site in a manufactured home community and any other improvements located on the site and owned or occupied by the person occupying the designated manufactured home;	(j)	the owner of (i) the designated manufactured home, or (ii) the manufactured home community if the municipality passes a bylaw to that effect;
(k)	a designated manufactured home located on a parcel of land that is not owned by the owner of the designated manufactured home together with any other improvements located on the site that are owned or occupied by the person occupying the designated manufactured home;	(k)	the owner of the designated manufactured home if the municipality passes a bylaw to that effect;
(l)	a parcel of land, or a part of a parcel of land, and the improvements to it held under a lease, licence or permit from the owner of the land where the land and improvements are used in connection with an electric generation system as defined in the regulations.	(l)	the holder of the lease, licence or permit.

(2) When land is occupied under the authority of a right of entry order as defined in the *Surface Rights Act* or an order made under any other Act, it is, for the purposes of subsection (1), considered to be occupied under a lease or licence from the owner of the land.

(3) A person who purchases property or in any other manner becomes liable to be shown on the assessment roll as an assessed person

(a) must provide to the provincial assessor, in the case of designated industrial property, or

(b) must provide to the municipality, in the case of property other than designated industrial property,

written notice of a mailing address to which notices under this Part and Part 10 may be sent.

(4) Despite subsection (1)(c), no individual who occupies housing accommodation under a lease, licence or permit from a management body under the *Alberta Housing Act* is to be recorded as an assessed person if the sole purpose of the lease, licence or permit is to provide housing accommodation for that individual.

(5) Repealed 2016 c24 s36.

(6) A bylaw passed under subsection (1)(j)(ii)

(a) must be advertised,

(b) has no effect until the beginning of the year commencing at least 12 months after the bylaw is passed,

(c) must indicate the criteria used to designate the assessed person, and

(d) may apply to one or more manufactured home communities.

(7) When a bylaw is passed under subsection (1)(j)(ii), the owner of the designated manufactured home is the assessed person for the purpose of making a complaint under section 460(1) relating to the designated manufactured home.

RSA 2000 cM-26 s304;2005 c14 s7;2008 c37 s3;
2016 c24 s36;2017 c13 s1(23);2024 c11 s2(23)

Correction of roll

305(1) If it is discovered that there is an error, omission or misdescription in any of the information shown on the assessment roll,

(a) the assessor may correct the assessment roll for the current year only, and

(b) on correcting the roll, an amended assessment notice must be prepared and sent to the assessed person.

(1.1) Where an assessor corrects the assessment roll in respect of an assessment about which a complaint has been made, the assessor must send to the assessment review board or the Land and Property Rights Tribunal, as the case may be, no later than the time required by the regulations,

(a) a copy of the amended assessment notice, and

(b) a statement containing the following information:

(i) the reason for which the assessment roll was corrected;

(ii) what correction was made;

(iii) how the correction affected the amount of the assessment.

(1.2) Where the assessor sends a copy of an amended assessment notice under subsection (1.1) before the date of the hearing in respect of the complaint,

(a) the complaint is cancelled,

(b) the complainant's complaint fees must be returned, and

(c) the complainant has a new right of complaint in respect of the amended assessment notice.

(2) If it is discovered that no assessment has been prepared for a property and the property is not listed in section 298, an assessment for the current year only must be prepared and an assessment notice must be prepared and sent to the assessed person.

(3) If exempt property becomes taxable or taxable property becomes exempt under section 364.1, 364.2 or 368, the assessment roll must be corrected for the current year only and an amended assessment notice must be prepared and sent to the assessed person.

(3.1) If the collection of tax on property is deferred under section 364.1 or 364.2 or a deferral under one of those sections is cancelled, the assessment roll must be corrected and an amended assessment notice must be prepared and sent to the assessed person.

(4) The date of every entry made on the assessment roll under this section or section 477 or 517 must be shown on the roll.

(5), **(6)** Repealed 2016 c24 s37.

RSA 2000 cM-26 s305;2002 c19 s8;2009 c29 s7;2015 c8 s43; 2016 c24 s37;2017 c13 s1(24);2019 c6 s5;2020 cL-2.3 s24(41)

Report to Minister

305.1 If an assessment roll is corrected under section 305 or changed under section 477 or 517, the municipality must, in the form and within the time prescribed by the regulations, report the correction or change, as the case may be, to the Minister.

2002 c19 s9

Severability of roll

306 The fact that any information shown on the assessment roll contains an error, omission or misdescription does not invalidate any other information on the roll or the roll itself.

1994 cM-26.1 s306

Inspection of roll

307 Any person may inspect the municipal assessment roll during regular business hours on payment of the fee set by the council.

RSA 2000 cM-26 s307;2016 c24 s38

Division 3
Assessment Notices

Assessment notices

308(1) Each municipality must annually

(a) prepare assessment notices for all assessed property, other than designated industrial property, shown on the assessment roll referred to in section 302(1), and

(b) send the assessment notices to the assessed persons in accordance with the regulations.

(2) The provincial assessor must annually

(a) prepare assessment notices for all assessed designated industrial property shown on the provincial assessment roll,

(b) send the assessment notices to the assessed persons in accordance with the regulations, and

(c) send the municipality copies of the assessment notices.

(3) Repealed 2016 c24 s39.

(4) The assessment notice and the tax notice relating to the same property may be sent together or may be combined on one notice.

(5) Repealed 2016 c24 s39.

RSA 2000 cM-26 s308;2005 c14 s8;2016 c24 s39

Notice of assessment date

308.1(1) An assessor must annually set a notice of assessment date, which must be no earlier than January 1 and no later than July 1.

(2) An assessor must set additional notice of assessment dates for amended and supplementary assessment notices, but none of those notice of assessment dates may be later than the date that tax notices are required to be sent under Part 10.

2017 c13 s1(25)

Contents of assessment notice

309(1) An assessment notice or an amended assessment notice must show the following:

(a) the same information that is required to be shown on the assessment roll;

(b) the notice of assessment date;

(c) a statement that the assessed person may file a complaint not later than the complaint deadline;

(d) information respecting filing a complaint in accordance with the regulations.

(2) An assessment notice may be in respect of a number of assessed properties if the same person is the assessed person for all of them.

RSA 2000 cM-26 s309;2009 c29 s8; 2016 c24 s40;2017 c13 s2(10)

Sending assessment notices

310(1) Subject to subsections (1.1) and (3), assessment notices must be sent no later than July 1 of each year.

(1.1) An amended assessment notice must be sent no later than the date the tax notices are required to be sent under Part 10.

(2) If the mailing address of an assessed person is unknown,

(a) a copy of the assessment notice must be sent to the mailing address of the assessed property, and

(b) if the mailing address of the property is also unknown, the assessment notice must be retained by the municipality or the provincial assessor, as the case may be, and is deemed to have been sent to the assessed person.

(3) An assessment notice must be sent at least 7 days prior to the notice of assessment date.

(4) A designated officer must certify the date on which the assessment notice is sent.

(5) The certification of the date referred to in subsection (4) is evidence that the assessment notice has been sent.

RSA 2000 cM-26 s310;2009 c29 s9;
2016 c24 s41;2017 c13 s1(26)

Publication of notice

311(1) Each municipality must publish in one issue of a newspaper having general circulation in the municipality, or in any other manner considered appropriate by the municipality, a notice that the assessment notices have been sent.

(2) All assessed persons are deemed as a result of the publication referred to in subsection (1) to have received their assessment notices.

(3) The provincial assessor must publish in The Alberta Gazette a notice that the assessment notices in respect of designated industrial property have been sent.

(4) All assessed persons are deemed as a result of the publication referred to in subsection (3) to have received their assessment notices in respect of designated industrial property.

RSA 2000 cM-26 s311;2005 c14 s9;2016 c24 s42

Correction of notice

312 If it is discovered that there is an error, omission or misdescription in any of the information shown on an assessment notice, an amended assessment notice may be prepared and sent to the assessed person.

1994 cM-26.1 s312

Division 4
Preparation of Supplementary Assessments

Bylaw

313(1) If a municipality wishes to require the preparation of supplementary assessments for improvements, the council must pass a supplementary assessment bylaw authorizing the

assessments to be prepared for the purpose of imposing a tax under Part 10 in the same year.

(2) A bylaw under subsection (1) must refer

(a) to all improvements, or

(b) to all designated manufactured homes in the municipality.

(3) A supplementary assessment bylaw or any amendment to it applies to the year in which it is passed, only if it is passed before May 1 of that year.

(4) A supplementary assessment bylaw must not authorize assessments to be prepared by the municipal assessor for designated industrial property.

RSA 2000 cM-26 s313;2016 c24 s135;2018 c11 s13

Supplementary assessment

314(1) The municipal assessor must prepare supplementary assessments for machinery and equipment used in manufacturing and processing if those improvements are operational in the year in which they are to be taxed under Part 10.

(2) The municipal assessor must prepare supplementary assessments for other improvements if

(a) they are completed in the year in which they are to be taxed under Part 10,

(b) they are occupied during all or any part of the year in which they are to be taxed under Part 10, or

(c) they are moved into the municipality during the year in which they are to be taxed under Part 10 and they will not be taxed in that year by another municipality.

(2.1) The municipal assessor may prepare a supplementary assessment for a designated manufactured home that is moved into the municipality during the year in which it is to be taxed under Part 10 despite that the designated manufactured home will be taxed in that year by another municipality.

(3) A supplementary assessment must reflect

(a) the value of an improvement that has not been previously assessed, or

(b) the increase in the value of an improvement since it was last assessed.

(4) Supplementary assessments must be prepared in the same manner as assessments are prepared under Division 1, but must be prorated to reflect only the number of months during which the improvement is complete, occupied, located in the municipality or in operation, including the whole of the first month in which the improvement was completed, was occupied, was moved into the municipality or began to operate.

RSA 2000 cM-26 s314;2016 c24 s43

Supplementary assessment re designated industrial property

314.1(1) Subject to the regulations, the provincial assessor must prepare supplementary assessments for new designated industrial property that becomes operational after October 31 of the year prior to the year in which the designated industrial property is to be taxed under Part 10.

(2) Supplementary assessments must reflect the valuation standard set out in the regulations for designated industrial property.

(3) Subject to the regulations, supplementary assessments for designated industrial property must be prorated to reflect only the number of months, including the whole of the first month, during which the property is operational.

(4) Despite subsections (1) to (3),

(a) a supplementary assessment must be prepared only for designated industrial property that has not been previously assessed, and only when it becomes operational;

(b) a supplementary assessment must not be prepared in respect of designated industrial property that ceases to operate during the tax year.

2016 c24 s44

Supplementary assessment roll

315(1) Before the end of the year in which supplementary assessments are prepared, the municipality must prepare a supplementary assessment roll.

(2) Before the end of the year in which supplementary assessments are prepared, the provincial assessor must prepare a supplementary assessment roll for designated industrial property.

(3) A supplementary assessment roll must show, for each assessed improvement or designated industrial property, the following:

(a) the same information that is required to be shown on the assessment roll;

(b) in the case of an improvement, the date that the improvement

(i) was completed, occupied or moved into the municipality, or

(ii) became operational.

(4) Sections 304, 305, 306 and 307 apply in respect of a supplementary assessment roll.

(5) The provincial assessor must provide a copy of the supplementary assessment roll for designated industrial property to the municipality.

RSA 2000 cM-26 s315;2016 c24 s45

Supplementary assessment notices

316(1) Before the end of the year in which supplementary assessments are prepared other than for designated industrial property, the municipality must

(a) prepare a supplementary assessment notice for every assessed improvement shown on the supplementary assessment roll referred to in section 315(1), and

(b) send the supplementary assessment notices to the assessed persons.

(2) Before the end of the year in which supplementary assessments for designated industrial property are prepared, the provincial assessor must

(a) prepare supplementary assessment notices for all assessed designated industrial property shown on the supplementary assessment roll referred to in section 315(2),

(b) send the supplementary assessment notices to the assessed persons in accordance with the regulations, and

(c) send the municipality copies of the supplementary assessment notices.

RSA 2000 cM-26 s316;2009 c29 s10;2016 c24 s45

Contents of supplementary assessment notice

316.1(1) A supplementary assessment notice must show, for each assessed improvement, the following:

(a) the same information that is required to be shown on the supplementary assessment roll;

(b) the notice of assessment date;

(c) a statement that the assessed person may file a complaint not later than the complaint deadline;

(d) information respecting filing a complaint in accordance with the regulations.

(2) Sections 308(2), 309(2), 310(1.1) and (3) and 312 apply in respect of supplementary assessment notices.

2016 c24 s45;2017 c13 s2(11)

Division 5
Equalized Assessments

Definition

317 In this Division, "equalized assessment" means an assessment that is prepared by the Minister in accordance with this Division for an entire municipality and reflects

(a) assessments of property in the municipality that is taxable under Part 10,

(b) repealed 2016 c24 s46,

(c) assessments of property in the municipality in respect of which a grant may be paid by the Crown in right of Canada under the *Payments in Lieu of Taxes Act* (Canada),

(d) assessments of property in the municipality made taxable or exempt as a result of a council passing a bylaw under Part 10, except any property made taxable under section 363(3), and

(e) assessments of property in the municipality that is the subject of a tax agreement under section 333.1, 360 or 364.1,

from the year preceding the year in which the equalized assessment is effective.

RSA 2000 cM-26 s317;2015 c8 s44;2016 c24 s46; 2024 c19 s12

Supplementary assessments

317.1 Despite section 317, supplementary assessments prepared under a supplementary assessment bylaw under section 313 must not be included in the equalized assessment for a municipality.

1995 c24 s44

Preparation of equalized assessments

318 The Minister must prepare annually, in accordance with the regulations, an equalized assessment for each municipality.

1994 cM-26.1 s318

Duty to provide information

319(1) Each municipality must provide to the Minister annually, not later than the date required by regulations made under section 322(1) or guidelines made under section 322(2), a return containing the information requested by the Minister in the form required by the Minister.

(2) If a municipality does not provide the information requested by the Minister, the Minister must prepare the equalized assessment using whatever information is available about the municipality.

RSA 2000 cM-26 s319;2015 c8 s45

Sending equalized assessments to municipalities

320 The Minister must send to each municipality annually, not later than November 1, a report of all the equalized assessments prepared.

1994 cM-26.1 s320

Appeal of equalized assessment

321 A municipality may make a complaint regarding the amount of an equalized assessment to the Land and Property Rights Tribunal not later than 30 days from the date the Minister sends the municipality the report described in section 320.

RSA 2000 cM-26 s321;2002 c19 s12;2009 c29 s11;2015 c8 s46; 2020 cL-2.3 s24(41)

Division 6
General Powers of the Minister Relating to Assessments and Equalized Assessments

Regulations

322(1) The Minister may make regulations

(a) respecting qualifications to be met by persons authorized to carry out the duties and responsibilities of an assessor under this Act;

(b) defining "electric power systems", "facilities", "farming operations", "farm building", "machinery and equipment", "operator", "pipelines", "railway property", "street lighting systems", "telecommunication systems" and "wells";

(b.01) respecting when property is to be considered operational for the purposes of one or more provisions of this Part;

(b.1) defining "extended area network" and "SuperNet";

(c) respecting the extent to which farm buildings and machinery and equipment may be assessed under section 298;

(c.1) respecting the assessment of linear property referred to in section 298(3), including, without limitation, respecting information to be provided, and by whom it is to be provided, for preparing the assessment;

(d) establishing valuation standards for property;

(d.1) respecting the delegation of the powers, duties and functions of the provincial assessor under section 284.1 or of a municipal assessor under section 284.2;

(d.2) designating major plants and other property as designated industrial property;

(d.3) respecting designated industrial property, including, without limitation, regulations respecting the specifications and characteristics of designated industrial property;

(e) respecting processes and procedures for preparing assessments;

(e.1) respecting the manner in which an assessor must inform an owner or occupier of any property of the purpose for which information is being collected under sections 294 and 295;

(e.11) respecting the providing of information by the provincial assessor to a municipality under section 299.2, including, without limitation, regulations

(i) requiring the provincial assessor and the municipality to enter into a confidentiality agreement with respect to that information, and

(ii) respecting the terms and conditions of a confidentiality agreement;

(e.2) respecting assessment rolls and assessment notices including, without limitation, regulations

(i) respecting the information to be shown on an assessment roll and on an assessment notice;

(ii) providing for the method of determining the assessed person for the purposes of section 304(1);

(iii) respecting the sending of assessment notices;

(f) respecting the allowance of depreciation on machinery and equipment;

(g) prescribing standards to be met by assessors in the preparation of assessments;

(g.01) prescribing sub-classes for the purposes of section 297(2.1);

(g.1) prescribing or otherwise describing information for the purposes of sections 299(1), 299.1(1), 300(2)(f) and 300.1(2)(c);

(g.2) respecting procedures and time-lines to be followed by a municipality in dealing with a request for information under section 299 or a request for a summary of an assessment under section 300;

(g.3) respecting the imposition of penalties or other sanctions against a municipality for failing to comply with a request for information under section 299 or a request for a summary of an assessment under section 300;

(g.4) respecting the dates by which returns referred to in section 319(1) must be provided to the Minister;

(h) respecting equalized assessments;

(h.1) respecting the audit of any matters relating to assessments;

(h.2) respecting the providing of information to an assessor under section 295(1);

(h.3) respecting procedures and time-lines to be followed by a provincial assessor in dealing with a request for information under section 299.1 or 299.2 or a request for a summary of an assessment under section 300.1;

(h.4) respecting supplementary assessments;

(h.5) defining any term or expression that is used but not defined in this Part;

(i) respecting any other matter considered necessary to carry out the intent of this Act.

(2) Where the Minister considers it advisable to do so, the Minister may by order establish guidelines respecting any matter for which the Minister may make a regulation under subsection (1).

(3) A guideline established under subsection (2) is a regulation for the purposes of this Act, but is exempted from the application of the *Regulations Act*.

(4) The Minister must

(a) publish in The Alberta Gazette a notice of any guideline established under subsection (2) and information about where copies of the guideline may be obtained or are available to the public;

(b) ensure that any guideline established under subsection (2) is published in a form and manner that the Minister considers appropriate.

(5) Subsection (4) applies only to guidelines established under subsection (2) on or after July 1, 2007.

(6) In designating by regulation a major plant as designated industrial property, the Minister may include as a major plant any parcel of land, improvements or other property.

(7) The inclusion of property pursuant to subsection (6) is not invalid even if the property is used for residential or agricultural purposes, or is vacant.

(8) If an application is made to a court in respect of the validity of a regulation designating a major plant as designated industrial property,

(a) the application shall be limited to whether a specific parcel of land, improvement or other property for which the applicant is the assessed person is or is not all or a part of a major plant;

(b) evidence of the inclusion of property pursuant to subsection (6) or of property not designated as a major plant pursuant to subsection (6) is not admissible to demonstrate the invalidity of the regulation or any part of it.

RSA 2000 cM-26 s322;2002 c19 s14;2005 c14 s10;
2007 c16 s2;2009 c29 s12;2015 c8 s47;
2016 c24 s47;2017 c13 ss1(27), 2(12)

Validation of Minister's Guidelines

322.1(1) In this section,

(a) "Minister's Guidelines" means

(i) the following guidelines referred to in the *Matters Relating to Assessment and Taxation Regulation* (AR 220/2004):

(A) Alberta Assessment Quality Minister's Guidelines;

(B) Alberta Farm Land Assessment Minister's Guidelines;

(C) Alberta Linear Property Assessment Minister's Guidelines;

(D) Alberta Machinery and Equipment Assessment Minister's Guidelines;

(E) Alberta Railway Assessment Minister's Guidelines,

(ii) any previous versions of the guidelines named in subclause (i) that are referred to in the previous regulations, and

(iii) the 2005 Construction Cost Reporting Guide established by the Minister and any previous versions of the Construction Cost Reporting Guide established by the Minister,

and includes any manuals, guides and handbooks referred to or incorporated into any of the guidelines or guides referred to in subclauses (i) to (iii);

(b) "previous regulations" means

(i) the *Matters Relating to Assessment and Taxation Regulation* (AR 289/99), and

(ii) the *Standards of Assessment Regulation* (AR 365/94).

(2) The Minister's Guidelines are declared valid as of the dates on which they were established, and no assessment prepared pursuant to the Minister's Guidelines shall be challenged on the basis of the validity of the Minister's Guidelines

(a) in any existing or future proceeding under this or any other Act, or

(b) in any existing or future action, matter or proceeding before a court.

(3) The Minister's Guidelines are deemed to be guidelines established under section 322(2).

2007 c16 s3

Minister's power to prepare assessments

323 If it appears to the Minister that in any year a council will be unable to carry out its obligation under section 285, the Minister may cause any or all of the assessments in the municipality to be prepared and the council is responsible for the costs.

1994 cM-26.1 s323

Minister's power to quash assessments

324(1) If, after an inspection under section 571 or an audit under the regulations is completed, the Minister is of the opinion that an assessment

(a) has not been prepared in accordance with the rules and procedures set out in this Part and the regulations,

(b) is not fair and equitable, taking into consideration assessments of similar property, or

(c) does not meet the standards required by the regulations,

the Minister may quash the assessment and direct that a new assessment be prepared.

(2) On quashing an assessment, the Minister must provide directions as to the manner and times in which

(a) the new assessment is to be prepared,

(a.1) a new notice of assessment date is to be established,

(b) the new assessment is to be placed on the assessment roll, and

(c) amended assessment notices are to be sent to the assessed persons.

(3) The Minister must specify the effective date of a new assessment prepared under this section.

RSA 2000 cM-26 s324;2002 c19 s15;2017 c13 s1(28)

Minister's power to alter an equalized assessment

325 Despite anything in this Act, the Minister may adjust an equalized assessment at any time.

Continuous bylaws — assessment

325.1 Bylaws enacted under section 297 or 313 remain in force after the year in which they are enacted and apply in respect of subsequent years until they are repealed.

2019 c22 s10(10)

Part 10
Taxation

Division 1
General Provisions

Definitions

326(1) In this Part,

(a) "requisition" means

(i) repealed 1995 c24 s45,

(ii) any part of the amount required to be paid into the Alberta School Foundation Fund under section 167 of the *Education Act* that is raised by imposing a rate referred to in section 167 of the *Education Act*,

(iii) any part of the requisition of school boards under Part 6, Division 3 of the *Education Act*,

(iv) repealed 2008 cE-6.6 s55,

(v) the amount required to be paid to a management body under section 7 of the *Alberta Housing Act*, or

(vi) the amount required to recover the costs incurred for matters related to

(A) the assessment of designated industrial property, and

(B) any other matters related to the provincial assessor's operations;

(b) "student dormitory" means a housing unit

(i) that is used in connection with a purpose referred to in section 362(1)(c), (d) or (e) or with a college incorporated under a private Act of the Legislature, and

(ii) the residents of which are students of a facility used in connection with a purpose referred to in section 362(1)(c), (d) or (e) or with a college incorporated under a private Act of the Legislature,

but does not include a single family residence and the land attributable to that residence;

(c) "tax arrears" means taxes that remain unpaid after December 31 of the year in which they are imposed.

(2) For purposes of Divisions 3 and 4, "business" does not include a constituency office of a Member of the Legislative Assembly or any other office used by one or more Members of the Legislative Assembly to carry out their duties and functions as Members.

RSA 2000 cM-26 s326;2008 cE-6.6 s55;2012 cE-0.3 s279; 2015 c8 s48;2016 c24 s48

Tax roll

327(1) Each municipality must prepare a tax roll annually.

(2) The tax roll may consist of one roll for all taxes imposed under this Part or a separate roll for each tax imposed under this Part.

(3) The tax roll for property tax may be a continuation of the assessment roll prepared under Part 9 or may be separate from the assessment roll.

(4) The fact that any information shown on the tax roll contains an error, omission or misdescription does not invalidate any other information on the roll or the roll itself.

1994 cM-26.1 s327

Duty to provide information

328 Taxpayers must provide, on request by the municipality, any information necessary for the municipality to prepare its tax roll.

1994 cM-26.1 s328

Contents of tax roll

329 The tax roll must show, for each taxable property or business, the following:

(a) a description sufficient to identify the location of the property or business;

(b) the name and mailing address of the taxpayer;

(c) the assessment;

(d) the name, tax rate and amount of each tax imposed in respect of the property or business;

(e) the total amount of all taxes imposed in respect of the property or business;

(f) the amount of tax arrears, if any;

(g) if any property in the municipality is the subject of an agreement between the taxpayer and the municipality under section 347(1) relating to tax arrears, a notation of that fact;

(g.1) if any property in the municipality is the subject of a bylaw or agreement under section 364.1 to defer the collection of tax, a notation of the amount deferred and the taxation year or years to which the amount relates;

(g.2) if any property in the municipality is the subject of a deferral granted under section 364.2, a notation of the amount deferred and the taxation year or years to which the amount relates;

(h) any other information considered appropriate by the municipality.

RSA 2000 cM-26 s329;2016 c24 s49;2019 c6 s6

Correction of roll

330(1) If it is discovered that there is an error, omission or misdescription in any of the information shown on the tax roll, the municipality may correct the tax roll for the current year only and on correcting the roll, it must prepare and send an amended tax notice to the taxpayer.

(2) If it is discovered that no tax has been imposed on a taxable property or business, the municipality may impose the tax for the current year only and prepare and send a tax notice to the taxpayer.

(3) If exempt property becomes taxable or taxable property becomes exempt under section 368, the municipality must correct the tax roll and on correcting the roll, it must send an amended tax notice to the taxpayer.

(4) The date of every entry made on the tax roll under this section must be shown on the roll.

1994 cM-26.1 s330

Person liable to pay taxes

331(1) Subject to subsection (3) and the regulations, the person liable to pay a property tax imposed under this Part is the person who

(a) at the time the assessment is prepared under Part 9, is the assessed person, or

(b) subsequently becomes the assessed person.

(2) The person liable to pay any other tax imposed under this Part is the person who

(a) at the time the tax is imposed, is liable in accordance with this Part or a regulation made under this Part to pay the tax, or

(b) subsequently becomes liable in accordance with this Part or a regulation made under this Part to pay it.

(3) If a tax on linear property or on machinery and equipment remains unpaid after the due date shown on the tax notice, the owner of the linear property or the machinery and equipment becomes liable, jointly and severally with the person who is the assessed person in respect of the linear property or machinery and equipment, to pay the tax debt.

RSA 2000 cM-26 s331;2005 c14 s11;2021 c22 s3

Taxes imposed on January 1

332 Taxes imposed under this Part, other than a supplementary property tax and a supplementary business tax, are deemed to have been imposed on January 1.

1994 cM-26.1 s332

Tax notices

333(1) Each municipality must annually

(a) prepare tax notices for all taxable property and businesses shown on the tax roll of the municipality, and

(b) send the tax notices to the taxpayers.

(2) A tax notice may include a number of taxable properties and taxable businesses if the same person is the taxpayer for all of them.

(3) A tax notice may consist of one notice for all taxes imposed under this Part, a separate notice for each tax or several notices showing one or more taxes.

(4) The assessment notice and the tax notice relating to the same property may be sent together or may be combined on one notice.

1994 cM-26.1 s333

Tax agreements

333.1(1) The council of a municipality may make a tax agreement with an assessed person who occupies or manages

(a) the municipality's property, including property under the direction, control and management of

(i) the municipality, or

(ii) a non-profit organization that holds the property on behalf of the municipality,

or

(b) property for the purpose of operating a professional sports franchise.

(2) A tax agreement may provide that, instead of paying the taxes imposed under this Part and any other fees or charges payable to the municipality, the assessed person may make an annual payment to the municipality calculated under the agreement.

(3) A tax agreement under this section must provide that the municipality accepts payment of the amount calculated under the agreement in place of the taxes and other fees or charges specified in the agreement.

1998 c24 s24

Contents of tax notice

334(1) A tax notice must show the following:

(a) the same information that is required to be shown on the tax roll;

(b) the date the tax notice is sent to the taxpayer;

(c) the amount of the requisitions, any one or more of which may be shown separately or as part of a combined total;

(d) except when the tax is a property tax, the date by which a complaint must be made, which date must not be less than 30 days after the tax notice is sent to the taxpayer;

(e) the name and address of the designated officer with whom a complaint must be filed;

(f) the dates on which penalties may be imposed if the taxes are not paid;

(f.1) information on how to request a receipt for taxes paid;

(g) any other information considered appropriate by the municipality.

(2) A tax notice may show

(a) one tax rate that combines all of the tax rates set by the property tax bylaw, or

(b) each of the tax rates set by the property tax bylaw.

(3) Despite subsection (2), a tax notice must show, separately from all other tax rates shown on the notice, the tax rates set by the property tax bylaw to raise the revenue to pay the requisitions referred to in section 326(1)(a)(ii) or (vi).

RSA 2000 cM-26 s334;2016 c24 s50;2017 c13 s1(29)

Sending tax notices

335(1) The tax notices must be sent before the end of the year in which the taxes are imposed.

(2) If the mailing address of a taxpayer is unknown

(a) a copy of the tax notice must be sent to the mailing address of the taxable property or business, and

(b) if the mailing address of the taxable property or business is also unknown, the tax notice must be retained by the municipality and is deemed to have been sent to the taxpayer.

1994 cM-26.1 s335

Certification of date of sending tax notice

336(1) A designated officer must certify the date the tax notices are sent under section 335.

(2) The certification of the date referred to in subsection (1) is evidence that the tax notices have been sent and that the taxes have been imposed.

1994 cM-26.1 s336

Deemed receipt of tax notice

337 A tax notice is deemed to have been received 7 days after it is sent.

1994 cM-26.1 s337

Correction of tax notice

338 If it is discovered that there is an error, omission or misdescription in any of the information shown on a tax notice, the municipality may prepare and send an amended tax notice to the taxpayer.

1994 cM-26.1 s338

Incentives

339 A council may by bylaw provide incentives for payment of taxes by the dates set out in the bylaw.

1994 cM-26.1 s339

Instalments

340(1) A council may by bylaw permit taxes to be paid by instalments, at the option of the taxpayer.

(2) A person who wishes to pay taxes by instalments must make an agreement with the council authorizing that method of payment.

(3) When an agreement under subsection (2) is made, the tax notice, or a separate notice enclosed with the tax notice, must state

(a) the amount and due dates of the instalments to be paid in the remainder of the year, and

(b) what happens if an instalment is not paid.

1994 cM-26.1 s340

Deemed receipt of tax payment

341 A tax payment that is sent by mail to a municipality is deemed to have been received by the municipality on the date of the postmark stamped on the envelope.

1994 cM-26.1 s341

Receipt for payment of taxes

342 When taxes are paid to a municipality and the person who paid the tax requests a receipt, the municipality must provide a receipt.

RSA 2000 cM-26 s342;2017 c13 s1(30);2021 c22 s4

Application of tax payment

343(1) A tax payment must be applied first to tax arrears.

(2) If a person does not indicate to which taxable property or business a tax payment is to be applied, a designated officer must decide to which taxable property or business owned by the taxpayer the payment is to be applied.

1994 cM-26.1 s343

Penalty for non-payment in current year

344(1) A council may by bylaw impose penalties in the year in which a tax is imposed if the tax remains unpaid after the date shown on the tax notice.

(2) A penalty under this section is imposed at the rate set out in the bylaw.

(3) The penalty must not be imposed sooner than 30 days after the tax notice is sent out.

1994 cM-26.1 s344

Penalty for non-payment in other years

345(1) A council may by bylaw impose penalties in any year following the year in which a tax is imposed if the tax remains unpaid after December 31 of the year in which it is imposed.

(2) A penalty under this section is imposed at the rate set out in the bylaw.

(3) The penalty must not be imposed sooner than January 1 of the year following the year in which the tax was imposed or any later date specified in the bylaw.

1994 cM-26.1 s345

Penalties

346 A penalty imposed under section 344 or 345 is part of the tax in respect of which it is imposed.

1994 cM-26.1 s346

Cancellation, reduction, refund or deferral of taxes

347(1) If a council considers it equitable to do so, it may, generally or with respect to a particular taxable property or business or a class of taxable property or business, do one or more of the following, with or without conditions:

(a) cancel or reduce tax arrears;

(b) cancel or refund all or part of a tax;

(c) defer the collection of a tax.

(2) A council may phase in a tax increase or decrease resulting from the preparation of any new assessment.

1994 cM-26.1 s347

Tax becomes debt to municipality

348 Taxes due to a municipality

(a) are an amount owing to the municipality,

(b) are recoverable as a debt due to the municipality,

(c) take priority over the claims of every person except the Crown, and

(d) are a special lien

(i) on land and any improvements to the land, if the tax is a property tax, a community revitalization levy, a special tax, a clean energy improvement tax, a local improvement tax or a community aggregate payment levy, or

(ii) on goods, if the tax is a business tax, a community revitalization levy, a well drilling equipment tax, a community aggregate payment levy or a property tax imposed in respect of a designated manufactured home in a manufactured home community.

RSA 2000 cM-26 s348;2005 c14 s12;2018 c6 s5

Special priority lien for tax debt on linear property or machinery and equipment

348.1(1) In this section,

(a) "assessable", in respect of property or improvements, means property or improvements that have been or are subject to being assessed under Part 9;

(b) "debtor" means a person who owes a debt to a municipality for tax on linear property or on machinery and equipment.

(2) Notwithstanding section 348(c) and (d), taxes due to a municipality on linear property or on machinery and equipment

(a) take priority over the claims of every person except the Crown, and

(b) are a special lien on all the debtor's assessable property located within the municipality, including any assessable improvements to that property.

(3) A lien referred to in subsection (2)(b)

(a) arises when the debtor fails to satisfy the debt when due, and

(b) expires on full satisfaction of the debt.

(4) This section applies to a debt for taxes referred to in subsection (2) regardless of whether the debt became due before or after the coming into force of this section.

2021 c22 s5

Fire insurance proceeds

349(1) Taxes that have been imposed in respect of improvements are a first charge on any money payable under a fire insurance policy for loss or damage to those improvements.

(2) Taxes that have been imposed in respect of a business are a first charge on any money payable under a fire insurance policy for loss or damage to any personal property

(a) that is located on the premises occupied for the purposes of the business, and

(b) that is used in connection with the business and belongs to the taxpayer.

1994 cM-26.1 s349

Tax certificates

350 On request, a designated officer must issue a tax certificate showing

(a) the amount of taxes imposed in the year in respect of the property or business specified on the certificate and the amount of taxes owing,

(b) the total amount of tax arrears, if any, and

(c) the total amount of tax, if any, in respect of which collection is deferred under this Part.

RSA 2000 cM-26 s350;2016 c24 s51

Non-taxable property

351(1) The following are exempt from taxation under this Part:

(a) property listed in section 298;

(b) any property or business in respect of which an exemption from assessment or taxation, or both, was granted before January 1, 1995

(i) by a private Act, or

(ii) by an order of the Lieutenant Governor in Council based on an order of the Local Authorities Board.

(2) A council may by bylaw cancel an exemption referred to in subsection (1)(b), with respect to any property or business.

(3) A council proposing to pass a bylaw under subsection (2) must notify the person or group that will be affected of the proposed bylaw.

(4) A bylaw under subsection (2) has no effect until the expiration of one year after it is passed.

(5) A copy of a bylaw under subsection (2) must be sent to the Minister and if the bylaw amends a private Act the Minister must send a copy to the clerk of the Legislative Assembly.

1994 cM-26.1 s351

Limitation on time for starting proceedings

352(1) An action, suit or other proceedings for the return by a municipality of any money paid to the municipality, whether under protest or otherwise, as a result of a claim by the municipality, whether valid or invalid, for payment of taxes or tax arrears must be started within 6 months after the payment of the money to the municipality.

(2) If no action, suit or other proceeding is started within the period referred to in subsection (1), the payment made to the municipality is deemed to have been a voluntary payment.

1994 cM-26.1 s352

Division 2
Property Tax

Property tax bylaw

353(1) Each council must pass a property tax bylaw annually.

(2) The property tax bylaw authorizes the council to impose a tax in respect of property in the municipality to raise revenue to be used toward the payment of

(a) the expenditures and transfers set out in the budget of the municipality, and

(b) the requisitions.

(3) The tax must not be imposed in respect of property

(a) that is exempt under section 351, 361, 362 or 364, or

(b) that is exempt under section 363, unless the bylaw passed under that section makes the property taxable.

RSA 2000 cM-26 s353;2024 c19 s12

Tax rates

354(1) The property tax bylaw must set and show separately all of the tax rates that must be imposed under this Division to raise the revenue required under section 353(2).

(2) A tax rate must be set for each assessment class or sub-class referred to in section 297.

(3) The tax rate may be different for each assessment class or sub-class referred to in section 297.

(3.1) Despite subsection (3),

(a) the tax rate set for the class referred to in section 297(1)(d) to raise the revenue required under section 353(2)(a) must be equal to the tax rate set for property referred to in section 297(3.1)(c) to raise revenue for that purpose, and

(b) the tax rate set for property referred to in section 297(3.1)(b)

(i) must not be less than 75% of the tax rate for property referred to in section 297(3.1)(c), and

(ii) must not be greater than the tax rate for property referred to in section 297(3.1)(c).

(4) The tax rates set by the property tax bylaw must not be amended after the municipality sends the tax notices to the taxpayers unless subsection (5) applies.

(5) If after sending out the tax notices the municipality discovers an error or omission that relates to the tax rates set by the property tax bylaw, the municipality may

(a) amend the property tax bylaw to the extent necessary to correct the error or omission, and

(b) send out amended tax notices, if required as a result of the corrections to the property tax bylaw.

(6) A municipality must, within 30 days after passing a property tax bylaw amendment under subsection (5), provide the Minister with a copy of the amended bylaw.

RSA 2000 cM-26 s354;2016 c24 s52;2019 c22 s10(11);2022 c16 s9(65)

Calculating tax rates

355 A tax rate is calculated by dividing the amount of revenue required by the total assessment of all property on which that tax rate is to be imposed.

1994 cM-26.1 s355;1995 c24 s47

Calculating amount of tax

356 The amount of tax to be imposed under this Division in respect of a property is calculated by multiplying the assessment for the property by the tax rate to be imposed on that property.

1994 cM-26.1 s356

Special provision of property tax bylaw

357(1) Despite anything in this Division, the property tax bylaw may specify a minimum amount payable as property tax.

(1.1) Despite section 353, a council may pass a bylaw separate from the property tax bylaw that provides for compulsory tax instalment payments for designated manufactured homes.

(2) If the property tax bylaw specifies a minimum amount payable as property tax, the tax notice must indicate the tax rates set by the property tax bylaw that raise the revenue required to pay the requisition referred to in section 326(1)(a)(ii).

RSA 2000 cM-26 s357;2016 c24 s53

Tax rate for residential property

357.1 The tax rate to be imposed by a municipality on residential property or on any sub-class of residential property must be greater than zero.

2016 c24 s54

358 Repealed 2016 c24 s55.

Maximum tax ratio

358.1(1) In this section,

(a) "non-conforming municipality" means a municipality that has a tax ratio greater than 5:1 as calculated using the property tax rates set out in its most recently enacted property tax bylaw as at May 31, 2016;

(b) "non-residential" means non-residential as defined in section 297(4);

(c) "tax ratio", in respect of a municipality, means the ratio of the highest non-residential tax rate set out in the municipality's property tax bylaw for a year to the lowest residential tax rate set out in the municipality's property tax bylaw for the same year.

(2) No municipality other than a non-conforming municipality shall in any year have a tax ratio greater than 5:1.

(3) A non-conforming municipality shall not in any year have a tax ratio that is greater than the tax ratio as calculated using the property tax rates set out in its most recently enacted property tax bylaw as at May 31, 2016.

(3.1) If in any year after 2016 a non-conforming municipality has a tax ratio that is greater than 5:1, the non-conforming municipality shall reduce its tax ratio for subsequent years in accordance with the regulations.

(4) If in any year after 2016 a non-conforming municipality has a tax ratio that is less than the tax ratio it had in the previous year but greater than 5:1, the non-conforming municipality shall not in any subsequent year have a tax ratio that is greater than that new tax ratio.

(5) If in any year after 2016 a non-conforming municipality has a tax ratio that is equal to or less than 5:1, the non-conforming municipality shall not in any subsequent year have a tax ratio greater than 5:1.

(6) Where an order to annex land to a municipality contains provisions respecting the tax rate or rates that apply to the annexed land, the tax rate or rates shall not be considered for the purposes of determining the municipality's tax ratio.

(7) For the purposes of this section,

(a) the tax set out in a municipality's property tax bylaw to raise revenue to be used toward the payment of

(i) the expenditures and transfers set out in the budget of the municipality, and

(ii) the requisitions,

shall be considered to be separate tax rates, and

(b) the tax rate for the requisitions shall not be considered for the purposes of determining the municipality's tax ratio.

(8) The Lieutenant Governor in Council may, for the purposes of subsection (3.1), make regulations establishing one or more ranges of tax ratios that must be reduced to 5:1 within a specified period.

2016 c24 s56;2017 c13 s1(31)

Requisitions

359(1) When a requisition applies to only part of a municipality, the revenue needed to pay it must be raised by imposing a tax under this Division in respect of property in that part of the municipality.

(2) In calculating the tax rate required to raise sufficient revenue to pay the requisitions, a municipality may include an allowance for non-collection of taxes at a rate not exceeding the actual rate of

taxes uncollected from the previous year's tax levy as determined at the end of that year.

(3) If in any year the property tax imposed to pay the requisitions results in too much or too little revenue being raised for that purpose, the council must accordingly reduce or increase the amount of revenue to be raised for that purpose in the next year.

1994 cM-26.1 s359;1995 c24 s49

Alberta School Foundation Fund requisitions

359.1(1) In this section, "Alberta School Foundation Fund requisition" means a requisition referred to in section 326(1)(a)(ii).

(2) In 1995 and subsequent years, when an Alberta School Foundation Fund requisition applies only to

(a) one of the assessment classes referred to in section 297,

(b) a combination of the assessment classes referred to in section 297, or

(c) designated industrial property,

the revenue needed to pay it must be raised by imposing a tax under this Division only in respect of property to which that one assessment class has been assigned, property to which any assessment class in that combination has been assigned or designated industrial property, as the case may be.

(3) Despite subsection (2), if a council has passed bylaws under sections 364(1.1) and 371, the council may apply an appropriate amount received under the business tax to the payment of the Alberta School Foundation Fund requisition on the non-residential assessment class referred to in section 297 to offset the increase in the tax rate applicable to that class that would otherwise result.

(4) The tax rate required to raise the revenue needed to pay the Alberta School Foundation Fund requisition

(a) must be the same within the assessment class to which the requisition applies if it applies to only one class,

(b) must be the same for all assessment classes that are to be combined if the requisition applies to a combination of assessment classes, and

(c) must be the same for all designated industrial property.

(5), **(6)** Repealed by Revision.

(7) In calculating the tax rate required to raise sufficient revenue to pay an Alberta School Foundation Fund requisition, a municipality

(a) must not include the allowances referred to in section 359(2),

(b) may impose a separate tax to raise the revenue to pay for the allowances referred to in section 359(2), and

(c) may include the amounts referred to in section 359(3).

(8) Section 354 does not apply to tax rates required to raise revenue needed to pay an Alberta School Foundation Fund requisition.

RSA 2000 cM-26 s359.1;2016 c24 s135;2017 c13 s1(32)

School board requisitions

359.2(1) In this section, "school board requisition" means a requisition referred to in section 326(1)(a)(iii).

(2) In 1995 and subsequent years, when a school board requisition applies only to

(a) one of the assessment classes referred to in section 297,

(b) a combination of the assessment classes referred to in section 297, or

(c) designated industrial property,

the revenue needed to pay it must be raised by imposing a tax under this Division only in respect of property to which that one assessment class has been assigned, property to which any assessment class in that combination has been assigned or designated industrial property, as the case may be.

(3) Despite subsection (2), if a council has passed bylaws under sections 364(1.1) and 371, the council may apply an appropriate amount received under the business tax to the payment of the school board requisition on the non-residential assessment class referred to in section 297 to offset the increase in the tax rate applicable to that class that would otherwise result.

(4) The tax rate required to raise the revenue needed to pay the school board requisitions

(a) must be the same within the assessment class to which the requisition applies if it applies to only one class,

(b) must be the same for all assessment classes that are to be combined if the requisition applies to a combination of assessment classes, and

(c) must be the same for all designated industrial property.

(5), (6) Repealed by Revision.

(7) In calculating the tax rate required to raise sufficient revenue to pay a school board requisition, a municipality

(a) may include the allowances referred to in section 359(2), and

(b) may include the amounts referred to in section 359(3).

(8) Section 354 does not apply to tax rates required to raise revenue needed to pay school board requisitions.

RSA 2000 cM-26 s359.2;2016 c24 s135;2017 c13 s1(33)

Designated industrial property assessment requisitions

359.3(1) In this section, "designated industrial property requisition" means a requisition referred to in section 326(1)(a)(vi).

(2) The Minister must set the property tax rate for the designated industrial property requisition.

(3) The property tax rate for the designated industrial property requisition must be the same for all designated industrial property.

2016 c24 s57

Cancellation, reduction, refund or deferral of taxes

359.4 If the Minister considers it equitable to do so, the Minister may, generally or with respect to a particular municipality, cancel or reduce the amount of a requisition payable under section 326(1)(a)(vi).

2016 c24 s57

Tax agreement

360(1) In this section, "electric distribution system", "electricity" and "transmission system" have the meanings given to them in the *Electric Utilities Act*.

(1.1) A council may make a tax agreement with an operator of a public utility or of linear property who occupies the municipality's property, including property under the direction, control and management of the municipality.

(2) Instead of paying the tax imposed under this Division and any other fees or charges payable to the municipality, the tax agreement may provide for an annual payment to the municipality by the operator calculated as provided in the agreement.

(3) A tax agreement must provide that the municipality accepts payment of the amount calculated under the agreement in place of the tax and other fees or charges specified in the agreement.

(4) If a tax agreement with the operator of a public utility that supplies fuel provides for the calculation of the payment as a percentage of the gross revenue of the public utility, that gross revenue is the gross revenue of the public utility for the year.

(4.01) No tax agreement with an operator referred to in subsection (4) may provide for the use, in calculating the whole or part of the payment, of a price per gigajoule of fuel that varies periodically according to the market price for fuel.

(4.1) If a tax agreement with the operator of a public utility that transports electricity by way of a transmission system, an electric distribution system or both provides for the calculation of the payment as a percentage of the gross revenue of the public utility, that gross revenue is the gross revenue received by the public utility under its distribution tariff for the year.

(4.2) No tax agreement with an operator referred to in subsection (4.1) may provide for the use, in calculating the whole or part of the payment, of a price per kilowatt hour of electricity that varies periodically according to the market price for electricity.

(5) An agreement under this section with an operator who is subject to regulation by the Alberta Utilities Commission is of no effect unless it is approved by the Alberta Utilities Commission.

(6) An agreement made under this section before the coming into force of this subsection, and that continues in effect after the coming into force of this subsection, with an operator referred to in subsection (4) or (4.1) who was not, before the coming into force of this subsection, subject to regulation by the Alberta Utilities Commission must be submitted to the Alberta Utilities Commission for approval by the Alberta Utilities Commission.

RSA 2000 cM-26 s360;2007 cA-37.2 s82(17);2024 c8 s5

Exemptions based on use of property

361 The following are exempt from taxation under this Division:

(a) repealed 1996 c30 s27;

(b) residences and farm buildings to the extent prescribed in the regulations;

(c) environmental reserves, conservation reserves, municipal reserves, school reserves, municipal and school reserves and other undeveloped property reserved for public utilities.

RSA 2000 cM-26 s361;2017 c13 s1(34)

Exemptions for Government, churches and other bodies

362(1) The following are exempt from taxation under this Division:

(a) any interest held by the Crown in right of Alberta or Canada in property other than property that is held by a Provincial corporation as defined in the *Financial Administration Act*;

(b) property held by a municipality, except the following:

(i) property from which the municipality earns revenue and which is not operated as a public benefit;

(ii) property that is operated as a public benefit but that has annual revenue that exceeds the annual operating costs;

(iii) an electric power system;

(iv) a telecommunications system;

(v) a natural gas or propane system located in a hamlet, village, summer village, town or city or in a school division that is authorized under the *Education Act* to impose taxes and has a population in excess of 500 people;

(c) property, other than a student dormitory, used in connection with school purposes and held by

(i) the board of trustees of a school division,

(i.1) the Francophone regional authority of a Francophone education region established under the *Education Act*,

(i.2) the operator of a charter school established under the *Education Act*, or

(ii) the person responsible for the operation of an independent school registered under the *Education Act*;

(d) property, other than a student dormitory, used in connection with educational purposes and held by any of the following:

(i) the board of governors of a university, polytechnic institution or comprehensive community college under the *Post-secondary Learning Act*;

(ii) the governing body of an educational institution affiliated with a university under the *Post-secondary Learning Act*;

(iii) a students association or graduate students association of a university under the *Post-secondary Learning Act*;

(iv) a students association of a polytechnic institution or comprehensive community college under the *Post-secondary Learning Act*;

(v) the board of governors of the Banff Centre under the *Post-secondary Learning Act*;

(e) property, other than a student dormitory, used in connection with hospital purposes and held by a hospital board that receives financial assistance from the Crown;

(f) property held by a regional services commission;

(g) repealed by RSA 2000;

(g.1) property used in connection with the purposes of a provincial health agency, regional health authority or provincial health corporation and held by a provincial health agency, regional health authority or provincial health corporation under the *Provincial Health Agencies Act* that receives financial assistance from the Crown under any Act;

(h) property

(i) used in connection with the purposes of a continuing care home in respect of which a type A continuing care home licence has been issued under the *Continuing Care Act*, and

(ii) held by the owner or under a lease from the owner of a continuing care home referred to in subclause (i);

(i) repealed 1998 c24 s29;

(j) property used in connection with library purposes and held by a library board established under the *Libraries Act*;

(k) property held by a religious body and used chiefly for divine service, public worship or religious education and any

parcel of land that is held by the religious body and used only as a parking area in connection with those purposes;

(l) property consisting of any of the following:

(i) a parcel of land, to a maximum of 10 hectares, that is used as a cemetery as defined in the *Cemeteries Act*;

(ii) any additional land that has been conveyed by the owner of the cemetery to individuals to be used as burial sites;

(iii) any improvement on land described in subclause (i) or (ii) that is used for burial purposes;

(m) property held by

(i) a foundation constituted under the *Senior Citizens Housing Act*, RSA 1980 cS-13, before July 1, 1994, or

(ii) a management body established under the *Alberta Housing Act*,

and used to provide senior citizens with lodge accommodation as defined in the *Alberta Housing Act*;

(n) property that is

(i) owned by a municipality and held by a non-profit organization in an official capacity on behalf of the municipality,

(ii) held by a non-profit organization and used solely for community games, sports, athletics or recreation for the benefit of the general public,

(iii) used for a charitable or benevolent purpose that is for the benefit of the general public, and owned by

(A) the Crown in right of Alberta or Canada, a municipality or any other body that is exempt from taxation under this Division and held by a non-profit organization, or

(B) by a non-profit organization,

(iv) held by a non-profit organization and used to provide senior citizens with lodge accommodation as defined in the *Alberta Housing Act*, or

(v) held by and used in connection with a society as defined in the *Agricultural Societies Act* or with a community association as defined in the regulations,

and that meets the qualifications and conditions in the regulations and any other property that is described and that meets the qualifications and conditions in the regulations;

(o) property

(i) owned by a municipality and used solely for the operation of an airport by the municipality, or

(ii) held under a lease, licence or permit from a municipality and used solely for the operation of an airport by the lessee, licensee or permittee;

(p) a municipal seed cleaning plant constructed under an agreement authorized by section 7 of the *Agricultural Service Board Act*, to the extent of 2/3 of the assessment prepared under Part 9 for the plant, but not including the land attributable to the plant.

(2) Except for properties described in subsection (1)(n)(i), (ii) or (iv), a council may by bylaw make any property that is exempt from taxation under subsection (1)(n) subject to taxation under this Division to any extent the council considers appropriate.

(3) A council proposing to pass a bylaw under subsection (2) must notify, in writing, any person or group that will be affected of the proposed bylaw.

(4) A bylaw under subsection (2) has no effect until one year after it is passed.

RSA 2000 cM-26 s362;2003 cP-19.5 s142;2012 cE-0.3 s279;2017 c13 s1(35); 2018 c19 s71;2022 cC-26.7 s74.1;2024 c10 s31;2025 c6 s38;2025 c10 s39

Electric energy generation systems exemptions

362.1 Despite sections 359.1(4) and 359.2(4), the Minister may by order exempt, in respect of a taxation year, to any extent the Minister considers appropriate, one or more electric power systems used or intended for use in the generation or gathering of electricity from taxation for the purpose of raising the revenue needed to pay the requisitions referred to in section 326(1)(a)(ii) and (iii).

2017 c13 s1(36)

Exempt property that can be made taxable

363(1) The following are exempt from taxation under this Division:

(a) property held by and used in connection with Ducks Unlimited (Canada) under a lease, licence or permit from the Crown in right of Alberta or Canada;

(b) property held by and used in connection with

(i) the Canadian Hostelling Association -- Northern Alberta District,

(ii) the Southern Alberta Hostelling Association,

(iii) Hostelling International -- Canada -- Northern Alberta, or

(iv) Hostelling International -- Canada -- Southern Alberta,

unless the property is operated for profit or gain;

(c) property held by and used in connection with a branch or local unit of the Royal Canadian Legion, the Army, Navy and Air Force Veterans in Canada or other organization of former members of any allied forces;

(d) student dormitories;

(e) affordable housing accommodation as defined in the *Alberta Housing Act* that is not exempt under section 361 of this Act.

(2) A council may by bylaw make any property listed in subsection (1)(a), (b) or (c) subject to taxation under this Division to any extent the council considers appropriate.

(3) A council may by bylaw make any property referred to in subsection (1)(d) or (e) subject to taxation to any extent the council considers appropriate other than for the purpose of raising revenue needed to pay the requisitions referred to in section 326(1)(a).

(4) A council proposing to pass a bylaw under subsection (2) must notify, in writing, the person or group that will be affected of the proposed bylaw.

(5) A bylaw under subsection (2) has no effect until the expiration of one year after it is passed.

RSA 2000 cM-26 s363;2017 c13 s1(37);2024 c11 s2(25)

Exemptions granted by bylaw

364(1) A council may by bylaw exempt from taxation under this Division property held by a non-profit organization.

(1.1) A council may by bylaw exempt from taxation under this Division machinery and equipment used for manufacturing or processing.

(2) Property is exempt under this section to any extent the council considers appropriate.

1994 cM-26.1 s364;1995 c24 s53

Brownfield tax incentives

364.1(1) In this section, "brownfield property" means property, other than designated industrial property, that

(a) is a commercial or industrial property when a bylaw under subsection (2) is made or an agreement under subsection (11) is entered into in respect of the property, or was a commercial or industrial property at any earlier time, and

(b) in the opinion of the council making the bylaw,

(i) is, or possibly is, contaminated,

(ii) is vacant, derelict or under-utilized, and

(iii) is suitable for development or redevelopment for the general benefit of the municipality when a bylaw under subsection (2) is made or an agreement under subsection (11) is entered into in respect of the property.

(2) A council may by bylaw, for the purpose of encouraging development or redevelopment for the general benefit of the municipality, provide for

(a) full or partial exemptions from taxation under this Division for brownfield properties, or

(b) deferrals of the collection of tax under this Division on brownfield properties.

(3) A bylaw under subsection (2)

(a) must identify the brownfield properties in respect of which an application may be made for a full or partial exemption or for a deferral,

(b) may set criteria to be met for a brownfield property to qualify for an exemption or deferral,

(c) must specify the taxation year or years for which the identified brownfield properties may qualify for an exemption or deferral, and

(d) must specify any conditions the breach of which cancels an exemption or deferral and the taxation year or years to which the condition applies.

(4) Before giving second reading to a bylaw proposed to be made under subsection (2), a council must hold a public hearing with respect to the proposed bylaw in accordance with section 216.4 after giving notice of it in accordance with section 606.

(5) An owner of brownfield property identified in a bylaw under subsection (2) may apply in the form and manner required by the municipality for an exemption or deferral in respect of the property.

(6) If after reviewing the application a designated officer of the municipality determines that the brownfield property meets the requirements of the bylaw for a full or partial exemption or for a deferral of the collection of tax under this Division, the designated officer may issue a certificate granting the exemption or deferral.

(7) The certificate must set out

(a) the taxation years to which the exemption or deferral applies, which must not include any tax year earlier than the tax year in which the certificate is issued,

(b) in the case of a partial exemption, the extent of the exemption, and

(c) all criteria, conditions and taxation years specified in the bylaw in accordance with subsection (3).

(8) If at any time after an exemption or deferral is granted under a bylaw under this section a designated officer of the municipality determines that the property did not meet or has ceased to meet a criterion referred to in subsection (3)(b) or that a condition referred to in subsection (3)(d) has been breached, the designated officer must cancel the exemption or deferral for the taxation year or years in which the criterion was not met or to which the condition applies.

(9) Where a designated officer refuses to grant an exemption or deferral, a written notice of the refusal must be sent to the applicant stating the reasons for the refusal and the date by which any complaint must be made, which date must be 60 days after the written notice of refusal is sent.

(10) An exemption or deferral granted under a bylaw under this section remains valid, subject to subsection (8) and the criteria and conditions on which it was granted, regardless of whether the

bylaw is subsequently amended or repealed or otherwise ceases to have effect.

(11) Despite subsections (2) to (10), a council may enter into an agreement with the owner of a brownfield property

(a) exempting, either fully or partially, the brownfield property from taxation under this Division, or

(b) deferring the collection of tax under this Division on the brownfield property.

(12) The agreement must specify

(a) the taxation years to which the exemption or deferral applies, which must not include any tax year earlier than the one in which the agreement is entered into,

(b) the conditions on which the exemption or deferral is granted, and

(c) the consequences, rights and remedies arising in the event of any breach.

(13) Before voting on a resolution to enter into an agreement referred to in subsection (11), a council must hold a public hearing with respect to the proposed agreement in accordance with section 216.4 after giving notice of it in accordance with section 606.

2016 c24 s58;2022 c16 s9(83)

Tax incentives for property

364.2(1) In this section,

(a) "deferral" means a deferral under this section;

(b) "exemption" means an exemption under this section.

(c) repealed 2019 c21 s2.

(1.1) A council may, by bylaw, for the purpose of encouraging residential development and the provision of housing in an assessment class specified in section 297(1)(a) for the general benefit of the municipality, provide for

(a) full or partial exemptions from taxation under this Division for property in that assessment class, or

(b) deferrals of the collection of tax under this Division on property referred to in clause (a).

(2) A council may, by bylaw, for the purpose of encouraging the development or revitalization of properties in an assessment class specified in section 297(1)(b) or (d) for the general benefit of the municipality, provide for

(a) full or partial exemptions from taxation under this Division for property in one or both of those assessment classes, or

(b) deferrals of the collection of tax under this Division on property referred to in clause (a).

(3) A bylaw under subsection (1.1) or (2)

(a) must set criteria to be met for property to qualify for an exemption or deferral,

(b) must establish a process for the submission and consideration of applications for an exemption or deferral,

(c) must not provide for an exemption or deferral to have effect in respect of a property for more than 15 consecutive taxation years, but may, if the council considers it appropriate, provide for subsequent exemptions or deferrals of 15 consecutive taxation years or less to be applied for and granted in respect of the property, and

(d) if the bylaw provides for any person other than the council, including a designated officer, to refuse to grant an exemption or deferral or to cancel an exemption or deferral, must establish a process for applications to the council for the review of those decisions and must specify the period of time within which the application must be made.

(4) If after reviewing an application the municipality determines that the property meets the requirements for a full or partial exemption or for a deferral, the municipality may grant the exemption or deferral.

(5) An exemption or deferral must be granted in a written form that specifies

(a) the taxation years to which the exemption or deferral applies, which must not include any taxation year earlier than the taxation year in which the exemption or deferral is granted,

(b) in the case of a partial exemption, the extent of the exemption, and

(c) any condition the breach of which will result in cancellation under subsection (6) and the taxation year or years to which the condition applies.

(6) If at any time after an exemption or deferral is granted under a bylaw under this section the municipality determines that the property did not meet or has ceased to meet a criterion referred to in subsection (3)(a) or that a condition referred to in subsection (5)(c) has been breached, the municipality may cancel the exemption or deferral for the taxation year or years in which the criterion was not met or to which the condition applies.

(7) Where a municipality refuses to grant or cancels an exemption or deferral, the municipality must send a written notice to the applicant stating the reasons for the refusal or cancellation and, if a review of the decision is available under subsection (3)(d), the date by which any application for that review must be made.

(8) Where a municipality grants or cancels an exemption or deferral in respect of designated industrial property, the municipality must notify the provincial assessor and provide any other information requested by the provincial assessor respecting the exemption, deferral or cancellation.

(9) Subject to subsection (6), any order referred to in section 127(1.1) and the criteria and conditions on which an exemption or deferral was granted, the exemption or deferral remains valid regardless of whether the bylaw under which it was granted is subsequently amended or repealed or otherwise ceases to have effect.

2019 c6 s7;2019 c21 s2;2024 c11 s2(26)

Judicial review of decision under section 364.2

364.3(1) Where a decision made under a bylaw under section 364.2 in respect of an exemption or deferral is the subject of an application for judicial review, the application must be filed with the Court of King's Bench and served not more than 60 days after the date of the decision.

(2) No councillor, designated officer or other person who makes a decision under a bylaw under section 364.2 is liable for costs by reason of or in respect of a judicial review of the decision.

2019 c6 s7;AR 217/2022

Licensed premises

365(1) Property that is licensed under the *Gaming, Liquor and Cannabis Act* is not exempt from taxation under this Division, despite sections 351(1)(b) and 361 to 364.1 and any other Act.

(2) Despite subsection (1), property listed in section 362(1)(n) in respect of which a licence that is specified in the regulations has been issued is exempt from taxation under this Division.

RSA 2000 cM-26 s365;2016 c24 s59;2017 c21 s28

Grants in place of taxes

366(1) Each year a municipality may apply to the Crown for a grant if there is property in the municipality that the Crown has an interest in.

(2) The Crown may pay to the municipality a grant not exceeding the amount that would be recoverable by the municipality if the property that the Crown has an interest in were not exempt from taxation under this Division.

(3) When calculating a grant under this section, the following must not be considered as Crown property unless subsection (4) applies:

(a) property listed in section 298;

(b) museums and historical sites;

(c) public works reserves;

(d) property used in connection with academic, trade, forestry or agricultural schools, colleges or universities, including student dormitories;

(e) property used in connection with hospitals and institutions for mentally disabled persons;

(f) property owned by an agent of the Crown in respect of which another enactment provides for payment of a grant in place of a property tax;

(g) property in respect of which the Crown is not the assessed person.

(4) If any of the property listed in subsection (3) is a single family residence, the property must be considered as Crown property when calculating a grant under this section.

(5) The Crown may pay a grant under this section in respect of property referred to in subsection (3)(g) if in the Crown's opinion it is appropriate to do so.

1994 cM-26.1 s366;1996 c30 s31

Property that is partly exempt and partly taxable

367 A property may contain one or more parts that are exempt from taxation under this Division, but the taxes that are imposed

against the taxable part of the property under this Division are recoverable against the entire property.

1994 cM-26.1 s367

Changes in taxable status of property

368(1) An exempt property or part of an exempt property becomes taxable if

(a) the use of the property changes to one that does not qualify for the exemption, or

(b) the occupant of the property changes to one who does not qualify for the exemption.

(2) A taxable property or part of a taxable property becomes exempt if

(a) the use of the property changes to one that qualifies for the exemption, or

(b) the occupant of the property changes to one who qualifies for the exemption.

(3) If the taxable status of property changes, a tax imposed in respect of it must be prorated so that the tax is payable only for the part of the year in which the property, or part of it, is not exempt.

(4) When a designated manufactured home is moved out of a municipality,

(a) it becomes exempt from taxation by that municipality when it is moved, and

(b) it becomes taxable by another municipality when it is located in that other municipality.

1994 cM-26.1 s368;1996 c30 s32;1998 c24 s31

Supplementary property tax bylaw

369(1) If in any year a council passes a bylaw authorizing supplementary assessments to be prepared in respect of property, the council must, in the same year, pass a bylaw authorizing it to impose a supplementary tax in respect of that property.

(2) A council that passes a bylaw referred to in subsection (1) must use the tax rates set by its property tax bylaw as the supplementary tax rates to be imposed.

(2.01) A council may pass a bylaw authorizing it to impose a supplementary tax for designated industrial property only if it

passes a bylaw authorizing it to impose a supplementary tax in respect of all other property in the municipality.

(2.1) Despite subsection (2), the tax rates required to raise the revenue to pay requisitions referred to in section 175 of the *Education Act* must not be applied as supplementary tax rates.

(3) The municipality must prepare a supplementary property tax roll, which may be a continuation of the supplementary property assessment roll prepared under Part 9 or may be separate from that roll.

(4) A supplementary property tax roll must show

(a) the same information that is required to be shown on the property tax roll, and

(b) the date for determining the tax that may be imposed under the supplementary property tax bylaw.

(5) Sections 327(4), 328, 330 and 331 apply in respect of a supplementary property tax roll.

(6) The municipality must

(a) prepare supplementary property tax notices for all taxable property shown on the supplementary property tax roll of the municipality, and

(b) send the supplementary property tax notices to the persons liable to pay the taxes.

(7) Sections 333(4), 334, 335, 336, 337 and 338 apply in respect of supplementary property tax notices.

RSA 2000 cM-26 s369;2012 cE-0.3 s279;2016 c24 s60

Continuous tax bylaws — tax

369.1 Bylaws enacted under section 369(1), 371 or 379 remain in force after the year in which they are enacted and apply in respect of subsequent years until they are repealed.

2019 c22 s10(12)

Regulations

370 The Minister may make regulations

(a) prescribing the extent to which residences and farm buildings are exempt from taxation under this Division;

(b) respecting the calculation of a tax rate to be imposed on linear property;

(b.1) respecting the setting of tax rates referred to in section 354(3.1);

(c) describing other property that is exempt from taxation pursuant to section 362(1)(n), and respecting the qualifications and conditions required for the purposes of section 362(1)(n);

(c.1) respecting tax rolls and tax notices including, without limitation, regulations

(i) respecting the information to be shown on a tax roll and a tax notice;

(ii) providing for the method of determining the person liable to pay a property or other tax imposed under this Part;

(iii) respecting the sending of tax notices;

(c.2) respecting designated industrial property assessment requisitions and designated industrial property requisition tax bylaws, including, without limitation, regulations respecting the application of any provision of this Act, with or without modification, to a designated industrial property assessment requisition or a designated industrial property requisition tax bylaw, or both;

(c.3) respecting tax exemptions and deferrals under section 364.1;

(d) specifying licences for the purposes of section 365(2);

(e) defining a community association for the purposes of this Act;

(f) respecting the circumstances in which property is to be considered to be used in connection with a purpose, activity or other thing for the purposes of one or more provisions of this Part;

(g) respecting the circumstances in which property is to be considered to be held by a person or entity for the purposes of one or more provisions of this Part.

RSA 2000 cM-26 s370;2005 c14 s13;
2016 c24 s61;2017 c13 s1(38)

Division 3
Business Tax

Business tax bylaw

371(1) Each council may pass a business tax bylaw.

(2) A business tax bylaw or any amendment to it applies to the year in which it is passed, only if it is passed before May 1 of that year.

1994 cM-26.1 s371

Taxable business

372(1) The business tax bylaw authorizes the council to impose a tax in respect of all businesses operating in the municipality except businesses that are exempt in accordance with that bylaw.

(2) The tax must not be imposed in respect of a business that is exempt under section 351, 375 or 376.

1994 cM-26.1 s372

Person liable to pay business tax

373(1) A tax imposed under this Division must be paid by the person who operates the business.

(2) A person who purchases a business or in any other manner becomes liable to be shown on the tax roll as a taxpayer must give the municipality written notice of a mailing address to which notices under this Division may be sent.

1994 cM-26.1 s373

Contents of business tax bylaw

374(1) The business tax bylaw must

(a) require assessments of businesses operating in the municipality to be prepared and recorded on a business assessment roll;

(b) specify one or more of the following methods of assessment as the method or methods to be used to prepare the assessments:

(i) assessment based on a percentage of the gross annual rental value of the premises;

(i.1) assessment based on a percentage of the net annual rental value of the premises;

(ii) assessment based on storage capacity of the premises occupied for the purposes of the business;

(iii) assessment based on floor space, being the area of all of the floors in a building and the area outside the building that are occupied for the purposes of that business;

(iv) assessment based on a percentage of the assessment prepared under Part 9 for the premises occupied for the purposes of the business;

(c) specify the basis on which a business tax may be imposed by prescribing the following:

(i) for the assessment method referred to in clause (b)(i), the percentage of the gross annual rental value;

(i.1) for the assessment method referred to in clause (b)(i.1), the percentage of the net annual rental value;

(ii) for the assessment method referred to in clause (b)(ii), the dollar rate per unit of storage capacity;

(iii) for the assessment method referred to in clause (b)(iii), the dollar rate per unit of floor space;

(iv) for the assessment method referred to in clause (b)(iv), the percentage of the assessment;

(d) establish a procedure for prorating and rebating business taxes.

(2) A business tax bylaw may

(a) establish classes of business for the purpose of grouping businesses,

(b) specify classes of business that are exempt from taxation under this Division,

(c) require that taxes imposed under this Division be paid by instalments, or

(d) include any other information considered appropriate by the municipality.

(3) A business tax bylaw may provide that when a lessee who is liable to pay the tax imposed under this Division in respect of any leased premises sublets the whole or part of the premises, the municipality may require the lessee or the sub-lessee to pay the tax in respect of the whole or part of the premises.

1994 cM-26.1 s374;1999 c11 s19

Assessment not required

374.1 Despite section 374(1)(a), a municipality is not required to prepare an assessment for any business in a class of business that is exempt from taxation under the business tax bylaw.

1998 c24 s33

Exempt businesses

375 The following are exempt from taxation under this Division:

(a) a business operated by the Crown;

(b) an airport operated by a regional airports authority created under section 5(2) of the *Regional Airports Authorities Act*;

(c) property

(i) owned by a municipality and used solely for the operation of an airport by the municipality, or

(ii) held under a lease, licence or permit from a municipality and used solely for the operation of an airport by the lessee, licensee or permittee;

(d) a business operated by a non-profit organization on property that is exempt from taxation under section 362(1)(n).

1994 cM-26.1 s375;1995 c24 s57;1998 c24 s34

Exemption when tax is payable under Division 2

376(1) When machinery and equipment or linear property is located on premises occupied for the purposes of a business and a property tax has been imposed in respect of the machinery and equipment or linear property under Division 2 of this Part in any year, the premises on which that property is located are exempt from taxation under this Division in that year.

(2) If in any year the activities that result from the operation of the machinery and equipment or linear property are not the chief business carried on at the premises, the premises on which that property is located are not exempt from taxation under this Division in that year.

1994 cM-26.1 s376

Business tax rate bylaw

377(1) Each council that has passed a business tax bylaw must pass a business tax rate bylaw annually.

(2) The business tax rate bylaw must set a business tax rate.

(3) If the business tax bylaw establishes classes of business, the business tax rate bylaw must set a business tax rate for each class.

(4) The business tax rate may be different for each class of business established by the business tax bylaw.

(5) The tax rates set by the business tax rate bylaw must not be amended after the municipality sends the tax notices to the taxpayers.

1994 cM-26.1 s377

Calculating amount of tax

378 The amount of tax to be imposed under this Division in respect of a business is calculated by multiplying the assessment for the business by the tax rate to be imposed on that business.

1994 cM-26.1 s378

Supplementary business tax bylaw

379(1) If in any year a council passes a bylaw authorizing supplementary assessments to be prepared in respect of businesses, the council must, in the same year, pass a bylaw authorizing it to impose a supplementary tax in respect of those businesses.

(2) A council that passes a bylaw referred to in subsection (1) must use the tax rates set by its business tax rate bylaw as the supplementary tax rates to be imposed.

(3) The supplementary business tax must be imposed

(a) on each person who operates a business for a temporary period and whose name is not entered on the business tax roll,

(b) on each person who moves into new premises or opens new premises or branches of an existing business, although the person's name is entered on the business tax roll,

(c) on each person who begins operating a business and whose name is not entered on the business tax roll, and

(d) on each person who increases the storage capacity or floor space of the premises occupied for the purposes of a business after the business tax roll has been prepared.

(4) The municipality must prepare a supplementary business tax roll, which may be a continuation of the supplementary business assessment roll or may be separate from that roll.

(5) A supplementary business tax roll must show

(a) the same information that is required to be shown on the business tax roll, and

(b) the date for determining the tax that may be imposed under the supplementary business tax bylaw.

(6) Sections 327(4), 328, 330 and 331 apply in respect of a supplementary business tax roll.

(7) The municipality must

(a) prepare supplementary business tax notices for all taxable businesses shown on the supplementary business tax roll of the municipality, and

(b) send the supplementary business tax notices to the persons liable to pay the taxes.

(8) Sections 333(4), 334, 335, 336, 337 and 338 apply in respect of supplementary business tax notices.

1994 cM-26.1 s379

Grants in place of taxes

380(1) Each year a municipality may apply to the Crown for a grant if there is a business in the municipality operated by the Crown.

(2) The Crown may pay to the municipality a grant not exceeding the amount that would be recoverable by the municipality if the business operated by the Crown were not exempt from taxation under this Division.

1994 cM-26.1 s380

Division 4
Business Improvement Area Tax

Regulations

381 The Minister may make regulations respecting a business improvement area tax.

RSA 2000 cM-26 s381;2015 c8 s50

Division 4.1
Community Revitalization Levy

Definitions

381.1 In this Division,

(a) "incremental assessed value" means the increase in the assessed value of property located in a community revitalization levy area after the date the community revitalization levy bylaw is approved by the Minister under section 381.2(3);

(b) "levy" means a community revitalization levy imposed under section 381.2(2).

2005 c14 s14;2022 c16 s9(66)

Community revitalization levy bylaw

381.2(1) Each council may pass a community revitalization levy bylaw.

(2) A community revitalization levy bylaw authorizes the council to impose a levy in respect of the incremental assessed value of property in a community revitalization levy area to raise revenue to be used toward the payment of infrastructure and other costs associated with the redevelopment of property in the community revitalization levy area.

(3) A community revitalization levy bylaw, or any amendment to it, has no effect unless it is approved by the Minister.

(4) The Minister may approve a community revitalization levy bylaw in whole or in part or with variations and subject to conditions.

2005 c14 s14;2022 c16 s9(67)

Person liable to pay levy

381.3 A levy imposed under this Division must be paid by the assessed persons of the property in the community revitalization levy area.

2005 c14 s14

Incremental assessed value not subject to equalized assessment or requisition

381.4(1) Subject to subsection (2), the incremental assessed value of property in a community revitalization levy area shall not be included for the purpose of calculating

(a) an equalized assessment under Part 9, or

(b) the amount of a requisition under Part 10.

(2) Subsection (1) applies in respect of property in a community revitalization levy area

(a) for a period of 20 years, or

(b) for such other period as determined by the Lieutenant Governor in Council under section 381.5(1)(e.1), which period may not exceed 40 years,

from the year in which the community revitalization levy bylaw is made.

2005 c14 s14;2018 c20 s12

Regulations

381.5(1) The Lieutenant Governor in Council may make regulations

(a) establishing any area in Alberta as a community revitalization levy area;

(b) respecting a levy including, without limitation, regulations respecting the minimum and maximum levy that may be imposed and the application of the levy;

(c) respecting the assessment of property, including identifying or otherwise describing the assessed person in respect of the property, in a community revitalization levy area;

(d) respecting assessment rolls, assessment notices, tax rolls and tax notices in respect of property in a community revitalization levy area;

(e) respecting the application of any provision of this Act, with or without modification, to a community revitalization levy bylaw or a community revitalization levy, or both;

(e.1) determining the period for which section 381.4(1) applies to a community revitalization levy area;

(f) respecting any other matter necessary or advisable to carry out the intent and purpose of this Division.

(2) A regulation under subsection (1) may be specific to a municipality or general in its application.

2005 c14 s14;2018 c20 s12

Division 5
Special Tax

Special tax bylaw

382(1) Each council may pass a special tax bylaw to raise revenue to pay for a specific service or purpose by imposing one or more of the following special taxes:

(a) a waterworks tax;

(b) a sewer tax;

(c) a boulevard tax;

(d) a dust treatment tax;

(e) a paving tax;

(f) a tax to cover the cost of repair and maintenance of roads, boulevards, sewer facilities and water facilities;

(g) repealed 2008 cE-6.6 s55;

(h) a tax to enable the municipality to provide incentives to health professionals to reside and practice their professions in the municipality;

(i) a fire protection area tax;

(j) a drainage ditch tax;

(k) a tax to provide a supply of water for the residents of a hamlet;

(l) a recreational services tax.

(2) A special tax bylaw must be passed annually.

RSA 2000 cM-26 s382;2008 cE-6.6 s55

Taxable property

383(1) The special tax bylaw authorizes the council to impose the tax in respect of property in any area of the municipality that will benefit from the specific service or purpose stated in the bylaw.

(2) The tax must not be imposed in respect of property that is exempt under section 351.

1994 cM-26.1 s383

Contents of special tax bylaw

384 The special tax bylaw must

(a) state the specific service or purpose for which the bylaw is passed,

(b) describe the area of the municipality that will benefit from the service or purpose and in which the special tax is to be imposed,

(c) state the estimated cost of the service or purpose, and

(d) state whether the tax rate is to be based on

(i) the assessment prepared in accordance with Part 9,

(ii) each parcel of land,

(iii) each unit of frontage, or

(iv) each unit of area,

and set the tax rate to be imposed in each case.

1994 cM-26.1 s384

Condition

385 A special tax bylaw must not be passed unless the estimated cost of the specific service or purpose for which the tax is imposed is included in the budget of the municipality as an estimated expenditure.

1994 cM-26.1 s385

Use of revenue

386(1) The revenue raised by a special tax bylaw must be applied to the specific service or purpose stated in the bylaw.

(2) If there is any excess revenue, the municipality must advertise the use to which it proposes to put the excess revenue.

1994 cM-26.1 s386

Person liable to pay special tax

387 The person liable to pay the tax imposed in accordance with a special tax bylaw is the owner of the property in respect of which the tax is imposed.

1994 cM-26.1 s387;1999 c11 s20

Division 6
Well Drilling Equipment Tax

Well drilling equipment tax bylaw

388(1) Each council may pass a well drilling equipment tax bylaw.

(2) The well drilling equipment tax bylaw authorizes the council to impose a tax in respect of equipment used to drill a well for which a licence is required under the *Oil and Gas Conservation Act*.

1994 cM-26.1 s388

Person liable to pay the tax

389 A tax imposed under this Division must be paid by the person who holds the licence required under the *Oil and Gas Conservation Act* in respect of the well being drilled.

1994 cM-26.1 s389

Calculation of the tax

390(1) The Minister may make regulations prescribing the well drilling equipment tax rate.

(2) A tax imposed under this Division must be calculated in accordance with the tax rate prescribed under subsection (1).

1994 cM-26.1 s390

Division 6.1
Clean Energy Improvement Tax

Interpretation

390.1(1) In this Division, "clean energy improvement" means, subject to the regulations, a renovation, adaptation or installation on eligible private property that

(a) will increase energy efficiency or the use of renewable energy on that property, and

(b) will be paid for in whole or in part by a tax imposed under this Division,

but does not include improvements referred to in section 284(1)(j)(iii), (iii.1) or (iv).

(2) For the purposes of this Division, the amount required to recover the costs of a clean energy improvement may include

(a) the capital cost of undertaking the clean energy improvement,

(b) the cost of professional services needed for the clean energy improvement,

(c) a proportionate share of the costs associated with the administration of a clean energy improvement program,

(d) the cost of financing the clean energy improvement, and

(e) other expenses incidental to the undertaking of the clean energy improvement and to the raising of revenue to pay for it.

2018 c6 s6;2021 c22 s6

Eligibility of properties for clean energy improvements

390.2 Subject to section 390.3(4)(a), property is eligible for a clean energy improvement if the property is

(a) located in a municipality that has passed a clean energy improvement tax bylaw,

(b) one of the following types of private property:

(i) residential;

(ii) non-residential;

(iii) farm land,

and

(c) not designated industrial property.

2018 c6 s6

Clean energy improvement tax bylaw

390.3(1) Each council may pass a clean energy improvement tax bylaw

(a) to establish a clean energy improvement program,

(b) notwithstanding section 251, to authorize the municipality to make a borrowing for the purpose of financing clean energy improvements, and

(c) to enable clean energy improvements to be made to eligible properties.

(2) Before a clean energy improvement is made to any property, a council must pass a clean energy improvement tax bylaw.

(3) A clean energy improvement tax bylaw authorizes the council to impose a clean energy improvement tax in respect of each clean energy improvement made to a property to raise revenue to pay the amount required to recover the costs of those clean energy improvements.

(4) A clean energy improvement tax bylaw must, subject to the regulations,

(a) set out

(i) the types of private property that are eligible for a clean energy improvement, and

(ii) eligible clean energy improvements,

(b) set out

(i) the amount of money to be borrowed for the purpose of financing clean energy improvements,

(ii) the maximum rate of interest, the term and the terms of repayment of the borrowing, and

(iii) the source or sources of money to be used to pay the principal and interest owing under the borrowing,

(c) indicate that, where a municipality has entered into a clean energy improvement agreement with the owner of a property, a clean energy improvement tax will be charged based on the clean energy improvement agreement,

(d) identify the period over which the cost of each eligible clean energy improvement will be spread, which period may vary from improvement to improvement, but the period shall not exceed the probable lifetime of the improvement,

(e) indicate the process by which the owner of a property can apply to the municipality for a clean energy improvement,

(f) include any other information the council considers necessary or advisable, and

(g) include any requirements imposed by the regulations.

(5) Before giving second reading to a proposed clean energy improvement tax bylaw, the council must hold a public hearing with respect to the proposed bylaw in accordance with section 216.4 after giving notice of it in accordance with section 606.

2018 c6 s6;2022 c16 s9(83)

Clean energy improvement agreement

390.4(1) A municipality and the owner of a property shall enter into a clean energy improvement agreement before a clean energy improvement is made to that property.

(2) A clean energy improvement agreement must, subject to the regulations,

(a) describe the proposed clean energy improvement,

(b) identify the property in respect of which the clean energy improvement tax will be imposed,

(c) indicate that the owner of the property will be liable to pay the clean energy improvement tax,

(d) include the amount required to recover the costs of the clean energy improvement and the method of calculation used to determine that amount,

(e) state the period over which the amount required to recover the costs of the clean energy improvement will be paid,

(f) state the portion of the amount required to recover the costs of the clean energy improvement to be paid

(i) by the municipality,

(ii) from revenue raised by the clean energy improvement tax, and

(iii) from other sources of revenue,

(g) describe how the clean energy improvement tax will be revised in the event of a subdivision of the property or a consolidation of the property with any other property, and

(h) include any other information the municipality considers necessary or advisable.

2018 c6 s6

Person liable to pay clean energy improvement tax

390.5(1) The person liable to pay a tax imposed in accordance with a clean energy improvement tax bylaw is the owner of the property in respect of which the tax is imposed.

(2) Repealed 2023 c9 s19(6).

2018 c6 s6;2023 c9 s19(6)

Paying off a clean energy improvement tax

390.6 The owner of a property in respect of which a clean energy improvement tax is imposed may pay the tax at any time.

2018 c6 s6

Refinancing of debt by council

390.7 If, after a clean energy improvement agreement has been made, the council refinances the debt created to pay for the clean energy improvement that is the subject of that agreement at an interest rate other than the rate estimated when the clean energy improvement agreement was made, the council, with respect to future years, may revise the amount required to recover the costs of the clean energy improvement included in that agreement to reflect the change in the interest rate.

2018 c6 s6

Petitions

390.8(1) Notwithstanding section 232(2), electors of a municipality may petition the municipality to

(a) pass a clean energy improvement tax bylaw, or

(b) amend or repeal a clean energy improvement tax bylaw.

(2) For greater certainty, the amendment or repeal of a clean energy improvement tax bylaw does not affect clean energy improvement agreements entered into prior to the passage of that bylaw or the imposition of a clean energy improvement tax in relation to a property where a clean energy improvement has been made.

2018 c6 s6

Regulations

390.9 The Minister may make regulations respecting clean energy improvements, including, without limitation, regulations

(a) respecting eligibility requirements for clean energy improvements;

(b) respecting clean energy improvement agreements;

(c) respecting clean energy improvement tax bylaws;

(d) respecting types of renovations, adaptations or installations for which clean energy improvement agreements may be made and types of renovations, adaptations or installations for which clean energy improvement agreements may not be made;

(e) respecting the disclosure of clean energy improvement agreements to prospective purchasers of property;

(f) respecting limits on the number of improvements to a single property or a type of eligible property for which a tax may be imposed under this Division;

(g) respecting limits on the capital costs of undertaking clean energy improvements on a single property or a type of eligible property under this Division;

(h) respecting clean energy improvement programs, including the administration of clean energy improvement programs.

2018 c6 s6

Division 7
Local Improvement Tax

Definition

391 In this Division, "local improvement" means a project

(a) that the council considers to be of greater benefit to an area of the municipality than to the whole municipality, and

(b) that is to be paid for in whole or in part by a tax imposed under this Division.

1994 cM-26.1 s391

Petitioning rules

392(1) Sections 222 to 226 apply to petitions under this Division, except as they are modified by this section.

(2) A petition is not a sufficient petition unless

(a) it is signed by 2/3 of the owners who would be liable to pay the local improvement tax, and

(b) the owners who sign the petition represent at least 1/2 of the value of the assessments prepared under Part 9 for the parcels of land in respect of which the tax will be imposed.

(3) If a parcel of land is owned by more than one owner, the owners are considered as one owner for the purpose of subsection (2).

(4) If a municipality, school division or provincial health agency or regional health authority under the *Provincial Health Agencies Act* is entitled to sign a petition under this Division, it may give notice to the council prior to or at the time the petition is presented to the council that its name and the assessment prepared for its land under Part 9 are not to be counted in determining the sufficiency of a petition under subsection (2), and the council must comply with the notice.

(5) If a corporation, church, organization, estate or other entity is entitled to sign a petition under this Division, the petition may be signed on its behalf by a person who

(a) is at least 18 years old, and

(b) produces on request a certificate authorizing the person to sign the petition.

RSA 2000 cM-26 s392;2012 cE-0.3 s279;2024 c10 s31

Proposal of local improvement

393(1) A council may on its own initiative propose a local improvement.

(2) A group of owners in a municipality may petition the council for a local improvement.

1994 cM-26.1 s393

Local improvement plan

394 If a local improvement is proposed, the municipality must prepare a local improvement plan.

1994 cM-26.1 s394

Contents of plan

395(1) A local improvement plan must

(a) describe the proposed local improvement and its location,

(b) identify

(i) the parcels of land in respect of which the local improvement tax will be imposed, and

(ii) the person who will be liable to pay the local improvement tax,

(c) state whether the tax rate is to be based on

(i) the assessment prepared in accordance with Part 9,

(ii) each parcel of land,

(iii) each unit of frontage, or

(iv) each unit of area,

(d) include the estimated cost of the local improvement,

(e) state the period over which the cost of the local improvement will be spread,

(f) state the portion of the estimated cost of the local improvement proposed to be paid

(i) by the municipality,

(ii) from revenue raised by the local improvement tax, and

(iii) from other sources of revenue,

and

(g) include any other information the proponents of the local improvement consider necessary.

(2) The estimated cost of a local improvement may include

(a) the actual cost of buying land necessary for the local improvement,

(b) the capital cost of undertaking the local improvement,

(c) the cost of professional services needed for the local improvement,

(d) the cost of repaying any existing debt on a facility that is to be replaced or rehabilitated, and

(e) other expenses incidental to the undertaking of the local improvement and to the raising of revenue to pay for it.

1994 cM-26.1 s395

Procedure after plan is prepared

396(1) When a local improvement plan has been prepared, the municipality must send a notice to the persons who will be liable to pay the local improvement tax.

(2) A notice under subsection (1) must include a summary of the information included in the local improvement plan.

(3) Subject to subsection (3.1), if a petition objecting to the local improvement is filed with the chief administrative officer within 30 days from the notices' being sent under subsection (1) and the chief administrative officer declares the petition to be sufficient, the council must not proceed with the local improvement.

(3.1) The council may, after the expiry of one year after the petition is declared to be sufficient, re-notify in accordance with subsections (1) and (2) the persons who would be liable to pay the local improvement tax.

(4) If a sufficient petition objecting to the local improvement is not filed with the chief administrative officer within 30 days from sending the notices under subsection (1), the council may undertake the local improvement and impose the local improvement tax at any time in the 3 years following the sending of the notices.

(5) When a council is authorized under subsection (4) to undertake a local improvement and

(a) the project has not been started, or

(b) the project has been started but is not complete,

the council may impose the local improvement tax for one year, after which the tax must not be imposed until the local improvement has been completed or is operational.

1994 cM-26.1 s396;1995 c24 s58

Local improvement tax bylaw

397(1) A council must pass a local improvement tax bylaw in respect of each local improvement.

(2) A local improvement tax bylaw authorizes the council to impose a local improvement tax in respect of all land in a particular area of the municipality to raise revenue to pay for the local improvement that benefits that area of the municipality.

(2.1) Despite subsection (2), where the local improvement that is the subject of a local improvement tax bylaw of a council of a municipality is a road to benefit Crown land within an area of the municipality, the local improvement tax bylaw does not authorize the council to impose a local improvement tax to raise revenue to pay for the local improvement unless, before it receives second reading, the bylaw is approved by the Minister responsible for the administration of the Crown land.

(3) Despite section 351(1), no land is exempt from taxation under this section.

RSA 2000 cM-26 s397;2015 c8 s51

Contents of bylaw

398(1) A local improvement tax bylaw must

(a) include all of the information required to be included in the local improvement plan,

(b) provide for equal payments during each year in the period over which the cost of the local improvement will be spread,

(c) set a uniform tax rate to be imposed on

(i) the assessment prepared in accordance with Part 9,

(ii) each parcel of land,

(iii) each unit of frontage, or

(iv) each unit of area,

based on the cost of the local improvement less any financial assistance provided to the municipality by the Crown in right of Canada or Alberta, and

(d) include any other information the council considers necessary.

(2) The local improvement tax bylaw may set the uniform tax rate based on estimated average costs throughout the municipality for a

similar type of local improvement and that rate applies whether the actual cost of the local improvement is greater or less than the uniform tax rate.

1994 cM-26.1 s398

Start-up of a local improvement

399 The undertaking of a local improvement may be started, the local improvement tax bylaw may be passed and debentures may be issued before or after the actual cost of the local improvement has been determined.

1994 cM-26.1 s399

Person liable to pay local improvement tax

400 The person liable to pay the tax imposed in accordance with a local improvement tax bylaw is the owner of the parcel of land in respect of which the tax is imposed.

1994 cM-26.1 s400

Paying off a local improvement tax

401(1) The owner of a parcel of land in respect of which a local improvement tax is imposed may pay the tax at any time.

(2) If the local improvement tax rate is subsequently reduced under section 402 or 403, the council must refund to the owner the appropriate portion of the tax paid.

1994 cM-26.1 s401

Variation of local improvement tax bylaw

402(1) If, after a local improvement tax has been imposed, there is

(a) a subdivision affecting a parcel of land, or

(b) a consolidation of 2 or more parcels of land,

in respect of which a local improvement tax is payable, the council, with respect to future years, must revise the local improvement tax bylaw so that each of the new parcels of land bears an appropriate share of the local improvement tax.

(2) If, after a local improvement tax has been imposed,

(a) there is a change in a plan of subdivision affecting an area that had not previously been subject to a local improvement tax, and

(b) the council is of the opinion that as a result of the change the new parcels of land receive a benefit from the local improvement,

the council, with respect to future years, must revise the local improvement tax bylaw so that each benefitting parcel of land bears an appropriate share of the local improvement tax.

1994 cM-26.1 s402

Variation of local improvement tax rate

403(1) If, after a local improvement tax rate has been set, the council

(a) receives financial assistance from the Crown in right of Canada or Alberta or from other sources that is greater than the amount estimated when the local improvement tax rate was set, or

(b) refinances the debt created to pay for the local improvement at an interest rate lower than the rate estimated when the local improvement tax rate was set,

the council, with respect to future years, may revise the rate so that each benefitting parcel of land bears an appropriate share of the actual cost of the local improvement.

(2) If, after a local improvement tax rate has been set, an alteration is necessary following a complaint under Part 11 or an appeal under Part 12 that is sufficient to reduce or increase the revenue raised by the local improvement tax bylaw in any year by more than 5%, the council, with respect to future years, may revise the rate so that the local improvement tax bylaw will raise the revenue originally anticipated for those years.

(3) If, after a local improvement tax rate has been set, it is discovered that the actual cost of the local improvement is higher than the estimated cost on which the local improvement tax rate is based, the council may revise, once only over the life of the local improvement, the rate with respect to future years so that the local improvement tax bylaw will raise sufficient revenue to pay the actual cost of the local improvement.

1994 cM-26.1 s403;1999 c11 s21

Unusual parcels

404 If some parcels of land in respect of which a local improvement tax is to be imposed appear to call for a smaller or larger proportionate share of the tax because they are corner lots or are differently sized or shaped from other parcels, those parcels may be assigned the number of units of measurement the council considers appropriate to ensure that they will bear a fair portion of the local improvement tax.

1994 cM-26.1 s404

Municipality's share of the cost

405(1) A council may by bylaw require the municipality to pay the cost of any part of a local improvement that the council considers to be of benefit to the whole municipality.

(2) A bylaw under subsection (1) must be advertised if the cost to be paid by the municipality exceeds 50% of the cost of the local improvement less any financial assistance provided to the municipality by the Crown in right of Canada or Alberta.

(3) If financial assistance is provided to the municipality by the Crown in right of Canada or Alberta for a local improvement, the council must apply the assistance to the cost of the local improvement.

1994 cM-26.1 s405

Land required for local improvement

406(1) If a parcel of land is required before a local improvement can be proceeded with, the council may agree with the owner of the parcel that in consideration of

(a) the dedication or gift to the municipality of the parcel of land required, or

(b) a release of or reduction in the owner's claim for compensation for the parcel of land,

the remainder of the owner's land is exempt from all or part of the local improvement tax that would otherwise be imposed.

(2) The tax roll referred to in section 327 must be prepared in accordance with an agreement under this section, despite anything to the contrary in this Act.

1994 cM-26.1 s406

Exemption from local improvement tax

407(1) If a sanitary or storm sewer or a water main is constructed along a road or constructed in addition to or as a replacement of an existing facility

(a) along which it would not have been constructed except to reach some other area of the municipality, or

(b) in order to provide capacity for future development and the existing sanitary and storm sewers and water mains are sufficient for the existing development in the area,

the council may exempt from taxation under the local improvement tax bylaw, to the extent the council considers fair, the parcels of land abutting the road or place.

(2) If a local improvement tax is imposed for a local improvement that replaces a similar type of local improvement,

(a) the balance owing on the existing local improvement tax must be added to the cost of the new local improvement, or

(b) the council must exempt the parcels of land in respect of which the existing local improvement tax is imposed from the tax that would be imposed for the new local improvement.

1994 cM-26.1 s407

Sewers

408(1) A municipality may construct a local improvement for sewer if

(a) the council approves the construction,

(b) the construction is recommended by the Minister of Health or the medical health officer, and

(c) the council considers it to be in the public interest to do so.

(2) The owners of the parcels of land that benefit from a local improvement for sewer have no right to petition against its construction.

RSA 2000 cM-26 s408;2013 c10 s37

Private connection to a local improvement

409(1) If a local improvement for sewer or water has been constructed, the municipality may construct private connections from the local improvement to the street line if the council approves the construction.

(2) The cost of constructing a private connection must be imposed against the parcel of land that benefits from it and the owner of the parcel has no right to petition against its construction.

1994 cM-26.1 s409

Division 7.1
Community Aggregate Payment Levy

Community aggregate payment levy bylaw

409.1(1) Each council may pass a community aggregate payment levy bylaw.

(2) A community aggregate payment levy bylaw authorizes the council to impose a levy in respect of all sand and gravel businesses operating in the municipality to raise revenue to be used

toward the payment of infrastructure and other costs in the municipality.

2005 c14 s15

Person liable to pay levy

409.2 A levy imposed under this Division must be paid by the persons who operate sand and gravel operations in the municipality.

2005 c14 s15

Regulations

409.3(1) The Minister may make regulations

(a) respecting a levy referred to in section 409.1(2), including, without limitation, regulations respecting the maximum levy that may be imposed and the application of the levy;

(b) respecting the application of any provision of this Act, with or without modification, to a community aggregate payment levy bylaw or a community aggregate payment levy, or both;

(c) respecting any other matter necessary or advisable to carry out the intent and purpose of this Division.

(2) A regulation under subsection (1) may be specific to a municipality or general in its application.

2005 c14 s15

Division 8
Recovery of Taxes Related to Land

Definitions

410 In this Division,

(a) "encumbrance" means an encumbrance as defined in the *Land Titles Act*;

(b) "encumbrancee" means the owner of an encumbrance;

(b.1) "parcel of land" means a parcel of land and the improvements on it;

(c) "Registrar" means the Registrar, as defined in the *Land Titles Act*, of the appropriate Land Titles Office;

(c.1) "remedial costs" means all expenses incurred by the Government of Alberta to perform work under an environmental protection order or an enforcement order

issued under the *Environmental Protection and Enhancement Act*;

(d) "reserve bid" means the minimum price at which a municipality is willing to sell a parcel of land at a public auction;

(e) "tax" means a property tax, a community revitalization levy, a special tax, a clean energy improvement tax, a local improvement tax or a community aggregate payment levy;

(f) "tax recovery notification" means a notice, in writing, that part or all of the taxes imposed in respect of a parcel of land by a municipality are in arrears.

RSA 2000 cM-26 s410;2005 c14 s16;2018 c6 s7

Methods of recovering taxes in arrears

411(1) A municipality may attempt to recover tax arrears in respect of a parcel of land

(a) in accordance with this Division, and

(b) subject to subsection (2), in accordance with any other Act or common law right.

(2) A municipality may start an action under subsection (1)(b) at any time before

(a) the parcel is sold at a public auction under section 418, or

(b) the parcel is disposed of in accordance with section 425,

whichever occurs first.

1994 cM-26.1 s411

Tax arrears list

412(1) A municipality must annually, not later than March 31,

(a) prepare a tax arrears list showing the parcels of land in the municipality in respect of which there are tax arrears for more than one year,

(b) send 2 copies of the tax arrears list to the Registrar,

(b.1) send a copy of the tax arrears list to the Minister responsible for the *Unclaimed Personal Property and Vested Property Act*, and

(c) post a copy of the tax arrears list in a place that is accessible to the public during regular business hours.

(2) A tax arrears list must not include a parcel of land in respect of which there is in existence a tax recovery notification from previous years, unless that notification has been removed from the certificate of title for that parcel.

(3) The municipality must notify the persons who are liable to pay the tax arrears that a tax arrears list has been prepared and sent to the Registrar.

RSA 2000 cM-26 s412;2007 cU-1.5 s73

Tax recovery notification

413(1) The Registrar must endorse on the certificate of title for each parcel of land shown on the tax arrears list a tax recovery notification.

(2) The Registrar must certify, on a copy of the tax arrears list, that tax recovery notifications have been endorsed in accordance with subsection (1) and return the certified copy of the tax arrears list to the municipality with a statement of the costs payable to the Land Titles Office by the municipality.

(3) The municipality is responsible for the payment of the costs referred to in subsection (2) but may add the costs to the taxes owing in respect of the parcels of land shown on the tax arrears list.

(4) The Registrar must not remove a tax recovery notification from a certificate of title until the municipality at whose request it was endorsed on the certificate of title requests its removal.

1994 cM-26.1 s413

Removal of improvements

414 When a tax recovery notification has been endorsed on a certificate of title for a parcel of land, the person who is liable to pay the taxes must not remove from the parcel, unless the municipality at whose request the notification was endorsed on the certificate of title consents, any improvements for which that person is also liable to pay the taxes.

1994 cM-26.1 s414

Right to pay tax arrears

415(1) After a tax recovery notification has been endorsed on the certificate of title for a parcel of land, any person may pay the tax arrears in respect of the parcel.

(2) On payment of the tax arrears under subsection (1), the municipality must ask the Registrar to remove the tax recovery notification.

(3) Subject to section 423(3), a person may exercise the right under subsection (1) at any time before the municipality disposes of the parcel in accordance with section 425.

1994 cM-26.1 s415

Right to collect rent to pay tax arrears

416(1) After a tax recovery notification has been endorsed on the certificate of title for a parcel of land, the municipality may send a notice to any person who holds the parcel under a lease from the owner, requiring that person to pay the rent as it becomes due to the municipality until the tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the parcel of land advising the owner of the municipality's intention to proceed under subsection (1).

(2.1) When a parcel of land shown on a tax arrears list is land described in section 304(1)(c) in respect of another municipality, or in section 304(1)(d) or (e), the municipality may send a notice to any person who holds the parcel or a portion of it under a lease, licence or permit from the assessed person to pay the rent, licence fees or permit fees, as the case may be, to the municipality as they become due until the tax arrears have been paid.

(2.2) Not less than 14 days before a municipality sends a notice under subsection (2.1), it must send a notice to the assessed person advising the person of the municipality's intention to proceed under subsection (2.1).

(2.3) Where a parcel of land described in section 304(1)(c) is held under a lease, licence or permit from the Crown in right of Alberta,

(a) the Crown must, on a quarterly basis, notify the municipality in which the parcel is located of any changes in the status of the lease, licence or permit, as the case may be, and

(b) the municipality must send to the Crown that portion of the tax arrears list showing the parcels of land described in section 304(1)(c) that are held by the Crown.

(3) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

RSA 2000 cM-26 s416;2015 c8 s52

Warning of sale

417(1) Not later than the August 1 following receipt of a copy of the tax arrears list, the Registrar must, in respect of each parcel of land shown on the tax arrears list, send a notice to

(a) the owner of the parcel of land,

(b) any person who has an interest in the parcel that is evidenced by a caveat registered by the Registrar, and

(c) each encumbrancee shown on the certificate of title for the parcel.

(2) The notice must state

(a) that if the tax arrears in respect of the parcel of land are not paid before March 31 in the next year, the municipality will offer the parcel for sale at a public auction, and

(b) that the municipality may become the owner of the parcel after the public auction if the parcel is not sold at the public auction.

(3) The notice must be sent to the address shown on the records of the Land Titles Office for each person referred to in subsection (1).

1994 cM-26.1 s417;1995 c24 s61

Offer of parcel for sale

418(1) Each municipality must offer for sale at a public auction any parcel of land shown on its tax arrears list if the tax arrears are not paid.

(2) Unless subsection (4) applies, the public auction must be held in the period beginning on the date referred to in section 417(2)(a) and ending on March 31 of the year immediately following that date.

(3) Subsection (1) does not apply to a parcel in respect of which the municipality has started an action under section 411(2) to recover the tax arrears before the date of the public auction.

(4) The municipality may enter into an agreement with the owner of a parcel of land shown on its tax arrears list providing for the payment of the tax arrears over a period not exceeding 3 years, and in that event the parcel need not be offered for sale under subsection (1) until

(a) the agreement has expired, or

(b) the owner of the parcel breaches the agreement,

whichever occurs first.

1994 cM-26.1 s418;1995 c24 s62;1996 c30 s35

Reserve bid and conditions of sale

419 The council must set

(a) for each parcel of land to be offered for sale at a public auction, a reserve bid that is as close as reasonably possible to the market value of the parcel, and

(b) any conditions that apply to the sale.

1994 cM-26.1 s419

Right to possession

420(1) From the date on which a parcel of land is offered for sale at a public auction, the municipality is entitled to possession of the parcel.

(2) For the purposes of obtaining possession of a parcel of land, a designated officer may enter the parcel and take possession of it for and in the name of the municipality and, if in so doing resistance is encountered, the municipality may apply to the Court of King's Bench for an order for the possession of the parcel.

RSA 2000 cM-26 s420;2009 c53 s119;AR 217/2022

Advertisement of public auction

421(1) The municipality must advertise the public auction

(a) in one issue of The Alberta Gazette, not less than 40 days and not more than 90 days before the date on which the public auction is to be held, and

(b) in one issue of a newspaper having general circulation in the municipality, not less than 10 days and not more than 20 days before the date on which the public auction is to be held.

(2) The advertisement must specify the date, time and location of the public auction, the conditions of sale and a description of each parcel of land to be offered for sale.

(3) The advertisement must state that the municipality may, after the public auction, become the owner of any parcel of land not sold at the public auction.

(4) Not less than 30 days before the date of the public auction, the municipality must send a copy of the advertisement referred to in subsection (1)(a) to

(a) the owner of each parcel of land to be offered for sale,

(b) each person who has an interest in any parcel to be offered for sale that is evidenced by a caveat registered by the Registrar, and

(c) each encumbrancee shown on the certificate of title for each parcel to be offered for sale.

RSA 2000 cM-26 s421;2023 c9 s19(7)

Adjournment of auction

422(1) The municipality may adjourn the holding of a public auction to any date within 60 days after the advertised date.

(2) If a public auction is adjourned, the municipality must post a notice in a place that is accessible to the public during regular business hours, showing the new date on which the public auction is to be held.

(3) If a public auction is cancelled as a result of the tax arrears being paid, the municipality must post a notice in a place that is accessible to the public during regular business hours stating that the auction is cancelled.

RSA 2000 cM-26 s422;2023 c9 s19(8)

Right to a clear title

423(1) A person who purchases a parcel of land at a public auction acquires the land free of all encumbrances, except

(a) encumbrances arising from claims of the Crown in right of Canada,

(b) irrigation or drainage debentures,

(c) caveats referred to in section 39.2(11) of the *Condominium Property Act*,

(d) registered easements and instruments registered pursuant to section 69 of the *Land Titles Act*,

(e) right of entry orders as defined in the *Surface Rights Act* registered under the *Land Titles Act*,

(e.1) a caveat that, pursuant to section 3.1(6)(f)(iv) of the *New Home Buyer Protection Act*, remains registered against the certificate of title to the land,

(f) a notice of lien filed pursuant to section 38 of the *Rural Utilities Act*,

(g) a notice of lien filed pursuant to section 20 of the *Rural Electrification Loan Act*, and

(h) liens registered pursuant to section 21 of the *Rural Electrification Long-term Financing Act*.

(2) A parcel of land is sold at a public auction when the person who is acting as the auctioneer declares the parcel sold.

(3) There is no right under section 415 to pay the tax arrears in respect of a parcel after it is declared sold.

RSA 2000 cM-26 s423;2014 c10 s59;2015 c8 s53

Transfer of parcel to municipality

424(1) The municipality at whose request a tax recovery notification was endorsed on the certificate of title for a parcel of land may become the owner of the parcel after the public auction, if the parcel is not sold at the public auction.

(2) If the municipality wishes to become the owner of the parcel of land, it must request the Registrar to cancel the existing certificate of title for the parcel of land and issue a certificate of title in the name of the municipality.

(3) A municipality that becomes the owner of a parcel of land pursuant to subsection (1) acquires the land free of all encumbrances, except

(a) encumbrances arising from claims of the Crown in right of Canada,

(b) irrigation or drainage debentures,

(c) registered easements and instruments registered pursuant to section 69 of the *Land Titles Act*,

(d) right of entry orders as defined in the *Surface Rights Act* registered under the *Land Titles Act*,

(e) a notice of lien filed pursuant to section 38 of the *Rural Utilities Act*,

(f) a notice of lien filed pursuant to section 20 of the *Rural Electrification Loan Act*, and

(g) liens registered pursuant to section 21 of the *Rural Electrification Long-term Financing Act*.

(4) A certificate of title issued to the municipality under this section must be marked "Tax Forfeiture" by the Registrar.

1994 cM-26.1 s424;1995 c24 s64;1996 c30 s36;1998 c24 s38; 1999 c11 s23

Right to dispose of parcel

425(1) A municipality that becomes the owner of a parcel of land pursuant to section 424 may dispose of the parcel

(a) by selling it at a price that is as close as reasonably possible to the market value of the parcel, or

(b) by depositing in the account referred to in section 427(1)(a) an amount of money equal to the price at which the municipality would be willing to sell the parcel under clause (a).

(2) The municipality may grant a lease, licence or permit in respect of the parcel.

(3) Repealed 1995 c24 s65.

(4) If a parcel of land is disposed of under subsection (1), the municipality must request the Registrar to delete the words "Tax Forfeiture" from the certificate of title issued in the name of the municipality for the parcel.

1994 cM-26.1 s425;1995 c24 s65

Minister's authority to transfer parcel

425.1(1) The Minister may administer, transfer to another Minister, transfer to the municipality in which the land is situated or, subject to section 425, dispose of any parcel of land acquired by the Minister under this Part or a predecessor of this Part.

(2) The Minister may cancel the tax arrears on any land referred to in subsection (1) and require the Registrar to remove the tax recovery notification caveat respecting those tax arrears.

1995 c24 s66

Revival of title on payment of arrears

426(1) If the tax arrears in respect of a parcel of land are paid after the municipality becomes the owner of the parcel under section 424 but before the municipality disposes of the parcel under section 425(1), the municipality must notify the Registrar.

(2) The Registrar must cancel the certificate of title issued under section 424(2) and revive the certificate of title that was cancelled under section 424(2).

(3) A certificate of title revived by the Registrar is subject

(a) to the same notifications, charges and encumbrances to which it would have been subject if it had not been cancelled under section 424(2), and

(b) to any estate, interest or encumbrance created while the parcel was registered in the name of the municipality.

1994 cM-26.1 s426;1996 c30 s37

Separate account for sale proceeds

427(1) The money paid for a parcel of land at a public auction or pursuant to section 425

(a) must be deposited by the municipality in an account that is established solely for the purpose of depositing money from the sale or disposition of land under this Division, and

(b) must be paid out in accordance with this section and section 428.

(2) The following must be paid first and in the following order:

(a) any remedial costs relating to the parcel;

(a.1) the tax arrears in respect of the parcel;

(b) any lawful expenses of the municipality in respect of the parcel;

(c) any expenses owing to the Crown that have been charged against the parcel of land under section 553;

(d) an administration fee of 5% of the amount paid for the parcel, payable to the municipality.

(3) If there is any money remaining after payment of the tax arrears and costs listed in subsection (2), the municipality must notify the previous owner that there is money remaining.

(3.1) Subject to subsection (3.3), if the municipality is satisfied that there are no debts that are secured by an encumbrance on the certificate of title for the parcel of land, the municipality may pay the money remaining to the previous owner.

(3.2) If the municipality is not satisfied that there are no debts that are secured by an encumbrance on the certificate of title for the parcel of land, the municipality must notify the previous owner that an application may be made under section 428(1) to recover all or part of the money.

(3.3) For the purposes of this Division, "previous owner" includes the Crown in right of Alberta if the municipality has been notified by the Minister responsible for the *Unclaimed Personal Property and Vested Property Act* that the land has vested in the Crown, and any money remaining after payment of the tax arrears and costs set

out in subsection (2) must be paid to the Minister responsible for the *Unclaimed Personal Property and Vested Property Act*.

(4) Money paid to a municipality under a lease, licence or permit granted under section 425(2) must be placed in the account referred to in subsection (1) and distributed in accordance with this section and section 428.

RSA 2000 cM-26 s427;2007 cU-1.5 s73

Distribution of surplus sale proceeds

428(1) A person may apply to the Court of King's Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 427(1).

(2) An application under this section must be made within 10 years after

(a) the date of the public auction, if the parcel was sold at a public auction, or

(b) the date of a sale under section 425, if the parcel was sold at a sale under that section.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

(4) In making an order, the Court must have regard to the priorities in which sale proceeds are distributed in a foreclosure action.

RSA 2000 cM-26 s428;2009 c53 s119;AR 217/2022

Payment of undistributed money to municipality

428.1 If no application is made under section 428 within the 10-year period referred to in section 428(2), the municipality may, for any purpose, use the money deposited in accordance with section 427 that remains undistributed.

1995 c24 s68

Transfer to municipality after 15 years

428.2(1) Despite anything in this Division, where a parcel of land has been offered for sale but not sold at a public auction and the certificate of title for the parcel has been marked "Tax Forfeiture" by the Registrar, the municipality may request the Registrar to cancel the existing certificate of title for the parcel of land and issue a certificate of title in the name of the municipality on the expiry of 15 years following the date of the public auction.

(1.1) This section does not apply to land respecting which the Minister responsible for the *Unclaimed Personal Property and*

Vested Property Act has notified the municipality that the land has vested in the Crown.

(2) On the issuance of a certificate of title in the name of the municipality, all responsibilities of the municipality under this Division to the previous owner of the parcel of land cease.

(3) Where a certificate of title is issued to a municipality under subsection (1) and there are remedial costs owing in respect of the parcel of land, the municipality must reimburse the Crown in right of Alberta the lesser of

(a) the fair market value of the parcel of land, and

(b) the amount of the remedial costs.

(4) A municipality that becomes the owner of a parcel of land pursuant to subsection (1) acquires the land free of all encumbrances, except

(a) encumbrances arising from claims of the Crown in right of Canada,

(b) irrigation or drainage debentures,

(c) registered easements and instruments registered pursuant to section 69 of the *Land Titles Act*,

(d) right of entry orders as defined in the *Surface Rights Act* registered under the *Land Titles Act*,

(e) a notice of lien filed pursuant to section 38 of the *Rural Utilities Act*,

(f) a notice of lien filed pursuant to section 20 of the *Rural Electrification Loan Act*, and

(g) liens registered pursuant to section 21 of the *Rural Electrification Long-term Financing Act*.

RSA 2000 cM-26 s428.2;2007 cU-1.5 s73;2019 c20 s23

Prohibited bidding and buying

429(1) When a municipality holds a public auction or another sale under section 425, the auctioneer, the councillors, the chief administrative officer and the designated officers and employees of the municipality must not bid for or buy, or act as an agent in buying, any parcel of land offered for sale, unless subsection (2) applies.

(2) A municipality may direct a designated officer or employee of the municipality to bid for or buy a parcel of land that the municipality wishes to become the owner of.

1994 cM-26.1 s429

Right to place tax arrears on new parcels of land

429.1 When there are tax arrears in respect of a parcel of land that is to be subdivided, the municipality may distribute the tax arrears and any taxes that may be imposed in respect of the parcel among the parcels of land that are created by the subdivision in a manner the municipality considers appropriate.

1995 c24 s69

Minerals

430 If, as a result of proceedings under this Act or any other Act providing for the forfeiture of land or minerals, or both, for arrears of taxes, minerals are vested in the Minister or in a municipality that later passed or passes to the control of the Minister, the minerals are the property of the Crown and no person has any claim to or interest in them, despite anything in this Act or the Act under which the minerals were forfeited.

1994 cM-26.1 s430

Acquisition of minerals

431(1) In respect of any parcel of land or minerals

(a) acquired by a municipality before or after March 5, 1948, pursuant to a tax recovery notification or caveat endorsed on the certificate of title by the Registrar, and

(b) subsequently registered in the name of the municipality,

the municipality is deemed to have taken or to take title only to those minerals that the municipality was authorized and empowered to assess at the time of the issuance of the certificate of title in the name of the municipality, and any corrections to the records of any Land Titles Office made before March 5, 1948 to effect this purpose are hereby confirmed and validated.

(2) A municipality must not transfer, lease, mortgage or otherwise dispose of or deal in any minerals or any interest in minerals without first obtaining the written consent of the Minister, and any disposition or dealing made without the consent of the Minister has no effect.

(3) Any certificate of title issued in the name of a municipality before or after March 5, 1948 to or including any minerals, other than minerals that the municipality was authorized and empowered to assess at the time of the acquisition, may be corrected under the

Land Titles Act to limit the certificate of title to the minerals the municipality was authorized and empowered to acquire, and all other necessary corrections may be made under the *Land Titles Act* on other certificates of title.

(4) This section does not affect an interest in minerals acquired by any person from a municipality before March 5, 1948.

1994 cM-26.1 s431

Right of way

432 After the date on which a municipality becomes the owner of a parcel of land under section 424, if an application is made to a municipality

(a) for a right of entry by an operator entitled to apply for a right of entry order under the *Surface Rights Act*, or

(b) for a right of way for a railway, pipeline, transmission line, pole line, conduit, irrigation or drainage ditch or other similar purpose, by an applicant entitled to expropriate for that purpose under any Act,

the municipality may grant the right of entry or right of way.

1994 cM-26.1 s432

When parcel becomes part of another municipality

433(1) If proceedings affecting a parcel of land have been started under this Division and the parcel of land later becomes part of another municipality, the proceedings must be continued by that municipality as if the parcel had always been included in it, and that municipality must pay to the municipality that started the proceedings, to the extent that municipality receives sufficient money to do so, the costs incurred by the original municipality in connection with the parcel.

(2) When a parcel of land becomes part of another municipality, the Registrar must, on receipt of an order of the Minister, issue a new certificate of title showing the parcel to be registered in the name of that municipality.

1994 cM-26.1 s433

Non-liability for condition of land

434 If the Minister becomes the owner of a parcel of land pursuant to this Division, the Minister is not liable in respect of the state and condition of the parcel or any improvements to it.

1994 cM-26.1 s434

Action for condition of land prohibited

434.1(1) No action for damages may be commenced against a municipality with respect to the state and condition of a parcel of land, or any improvements to it, shown on the tax arrears list of the municipality unless

(a) after the date on which the municipality is entitled to possession of the parcel under section 420, or

(b) after the date on which the municipality becomes the owner of the parcel under section 424,

the municipality releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or the municipality aggravates the adverse effect of the release of a substance into the environment on that parcel.

(2) Subsection (1) does not relieve a municipality of liability respecting a parcel of land, or any improvement to it, that was owned by the municipality before the parcel was placed on the municipality's tax arrears list.

1996 c30 s40

Continuation of proceedings

435(1) With respect to Edmonton, Calgary and Medicine Hat, all proceedings taken or that were required to be taken under any predecessor of this Act, as modified or varied by any special provisions of the charters of the respective cities, must be continued or taken, as the case may be, under this Division wherever possible.

(2) The Minister may make regulations or orders for the purpose of overcoming any procedural or other difficulty occasioned by the differences between this Division and the charters of Edmonton, Calgary and Medicine Hat.

1994 cM-26.1 s435

Deemed compliance with Act

436 Any municipality that acquired land under a predecessor of this Act is deemed to have complied with the requirements of that Act.

1994 cM-26.1 s436

Division 8.1
Recovery of Taxes Related to Designated Manufactured Homes

Definitions

436.01 In this Division,

(a) "financing change statement" means a financing change statement as defined in the *Personal Property Security Act*;

(b) "financing statement" means a financing statement as defined in the *Personal Property Security Act*;

(c) "register", except where the context otherwise requires, means to register by means of a financing statement in the Registry in accordance with the *Personal Property Security Act* and the regulations made under that Act;

(d) "Registry" means the Personal Property Registry;

(e) "reserve bid" means the minimum price at which a municipality is willing to sell a designated manufactured home at a public auction;

(f) "security interest" means a security interest as defined in the *Personal Property Security Act*;

(g) "tax" means a property tax or a community revitalization levy imposed in respect of property referred to in section 304(1)(j)(i) or (k);

(h) "tax arrears list" means a tax arrears list prepared by a municipality under section 436.03(1)(a);

(i) "tax recovery lien" means a charge to secure the amount of taxes owing to a municipality in respect of a designated manufactured home.

RSA 2000 cM-26 s436.01;2005 c14 s17

Methods of recovering taxes in arrears

436.02(1) A municipality may attempt to recover tax arrears in respect of a designated manufactured home

(a) in accordance with this Division, or

(b) subject to subsection (2), in accordance with Division 9 or with any other Act or common law right.

(2) A municipality may start an action under subsection (1)(b) at any time before

(a) the designated manufactured home is sold at a public auction under section 436.09, or

(b) the designated manufactured home is disposed of in accordance with section 436.15(a),

whichever occurs first.

1998 c24 s40

Tax arrears list

436.03(1) A municipality must annually, not later than March 31,

(a) prepare a tax arrears list that shows the designated manufactured homes in the municipality in respect of which there are tax arrears for more than one year, and that may also show the designated manufactured homes in the municipality in respect of which there are tax arrears for less than one year,

(b) register a tax recovery lien against each designated manufactured home shown on the tax arrears list, and

(c) post a copy of the tax arrears list in a place that is accessible to the public during regular business hours.

(2) A municipality must not register a tax recovery lien against a designated manufactured home in respect of which there exists a tax recovery lien registered from previous years unless that lien has first been discharged.

(3) If a subsequent tax recovery lien is registered in error, it is deemed to be of no effect.

(4) The municipality must give written notice to the owner of each designated manufactured home shown on the tax arrears list that a tax recovery lien has been registered against the designated manufactured home.

(5) The municipality must give written notice to the owner of each manufactured home community containing one or more designated manufactured homes shown on the tax arrears list that a tax recovery lien has been registered against the designated manufactured home or homes.

1998 c24 s40

Costs of recovery

436.04(1) A municipality is responsible for the payment of the costs it incurs in carrying out the measures referred to in section 436.03, but it may add the costs to the tax roll in respect of the designated manufactured home shown on the tax arrears list.

(2) No person shall register a financing change statement to discharge the registration of a tax recovery lien against a designated manufactured home without the authorization of the municipality in whose favour the lien is registered.

(3) If a tax recovery lien is discharged in error, the municipality may, within 30 days after the discharge and without any administration fee charged by the Government of Alberta, re-register the tax recovery lien, which has the same effect as if the original tax recovery lien had not been discharged.

1998 c24 s40

Removal of designated manufactured home or improvements

436.05 When a tax recovery lien has been registered against a designated manufactured home, no person shall remove from the site the designated manufactured home or any other improvements located on the site for which the owner of the designated manufactured home is also liable to pay the taxes, unless the municipality that registered the lien consents.

1998 c24 s40

Right to pay tax arrears

436.06(1) When a tax recovery lien has been registered against a designated manufactured home, any person may pay the tax arrears in respect of that designated manufactured home.

(2) On payment of the tax arrears under subsection (1), the municipality must register a financing change statement to discharge the registration of the tax recovery lien.

(3) A person may exercise the right under subsection (1) at any time before

(a) the designated manufactured home is sold at a public auction under section 436.09, or

(b) the designated manufactured home is disposed of in accordance with section 436.15(a).

1998 c24 s40

Right to collect rent to pay tax arrears

436.07(1) When a tax recovery lien has been registered against a designated manufactured home, the municipality may send a written notice to any person who rents or leases the designated manufactured home from the owner of the designated manufactured home, requiring that person to pay the rent or lease payments, as the case may be, to the municipality until the tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the designated manufactured home advising the owner of the municipality's intention to proceed under subsection (1).

(3) The municipality must send a copy of the notice under subsection (2) to the owner of the manufactured home community where the designated manufactured home is located.

(4) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

1998 c24 s40

Warning of sale

436.08(1) Not later than August 1 following preparation of the tax arrears list, the municipality must, in respect of each designated manufactured home shown on the tax arrears list, send a written notice to

(a) the owner of the designated manufactured home,

(b) the owner of the manufactured home community where the designated manufactured home is located, and

(c) each person who has a security interest in or a lien, writ, charge or other encumbrance against the designated manufactured home as disclosed by a search of the Registry using the serial number of the designated manufactured home.

(2) The notice must state that if the tax arrears in respect of the designated manufactured home are not paid before March 31 in the next year, the municipality will offer the designated manufactured home for sale at a public auction.

(3) The notice under subsection (1) must be sent to the address shown on the records of the Registry for each person referred to in subsection (1)(c).

1998 c24 s40;1999 c11 s25

Offer of designated manufactured home for sale

436.09(1) Each municipality must offer for sale at a public auction any designated manufactured home shown on its tax arrears list if the tax arrears are not paid.

(2) Unless subsection (4) applies, the public auction must be held in the period beginning on the date referred to in section 436.08(2) and ending on March 31 of the year immediately following that date.

(3) Subsection (1) does not apply to a designated manufactured home in respect of which the municipality has started an action under section 436.02(2) to recover the tax arrears before the date of the public auction.

(4) The municipality may enter into an agreement with the owner of a designated manufactured home shown on its tax arrears list providing for the payment of the tax arrears over a period not exceeding 3 years, and in that event the designated manufactured home need not be offered for sale under subsection (1) until

(a) the agreement has expired, or

(b) the owner of the designated manufactured home breaches the agreement,

whichever occurs first.

1998 c24 s40

Reserve bid and conditions for sale

436.1 The council must set for each designated manufactured home to be offered for sale at a public auction,

(a) a reserve bid that is as close as reasonably possible to the market value of the designated manufactured home, and

(b) any conditions that apply to the sale.

1998 c24 s40

Right to possession

436.11(1) From the date on which a designated manufactured home is offered for sale at a public auction, the municipality is entitled to possession of the designated manufactured home.

(2) For the purpose of obtaining possession of a designated manufactured home, a designated officer may enter the designated manufactured home and take possession of it for and in the name of the municipality, and if in so doing the designated officer encounters resistance, the municipality may apply to the Court of King's Bench for an order for possession of the designated manufactured home.

RSA 2000 cM-26 s436.11;2009 c53 s119;AR 217/2022

Advertisement of public auction

436.12(1) The municipality must advertise the public auction in at least one issue of a newspaper having general circulation in the municipality, not less than 10 days and not more than 30 days before the date on which the public auction is to be held.

(2) The advertisement must specify the date, time and location of the public auction, the conditions of sale and a description of each designated manufactured home to be offered for sale.

(3) Not less than 30 days before the date of the public auction, the municipality must send a copy of the advertisement referred to in subsection (1) to each person referred to in section 436.08(1).

RSA 2000 cM-26 s436.12;2023 c9 s19(9)

Adjournment of auction

436.13(1) The municipality may adjourn the holding of a public auction to any date within 60 days after the advertised date.

(2) If a public auction is adjourned, the municipality must

(a) post a notice in a place that is accessible to the public during regular business hours, showing the new date on which the public auction is to be held, and

(b) send a copy of the notice to each person referred to in section 436.08(1).

(3) If a public auction is cancelled as a result of the payment of the tax arrears, the municipality must

(a) post a notice in a place that is accessible to the public during regular business hours stating that the auction is cancelled, and

(b) send a copy of the notice to each person referred to in section 436.08(1).

RSA 2000 cM-26 s436.13;2023 c9 s19(10)

Unencumbered ownership

436.14(1) A person who purchases a designated manufactured home at a public auction or pursuant to section 436.15(a) acquires the designated manufactured home free of all security interests, liens, writs, charges and other encumbrances, except encumbrances arising from claims of the Crown in right of Canada, and all obligations secured by the security interests, liens, writs, charges and other encumbrances are, as regards the purchaser, deemed performed.

(2) When a person purchases a designated manufactured home at a public auction or pursuant to section 436.15(a), the municipality must, in respect of any security interest in or lien, writ, charge or other encumbrance against the designated manufactured home that exists on the date of sale as disclosed by a search of the Registry using the serial number of the designated manufactured home, register a financing change statement

(a) to amend the collateral description in the registration to exclude the designated manufactured home, or

(b) if the designated manufactured home is the only collateral described in the registration, to discharge the registration.

(3) Subsection (2) does not apply to a registration for which the purchaser is named as a debtor in a registered financing statement.

(4) Subsection (2) operates despite section 68 of the *Personal Property Security Act*.

(5) A designated manufactured home is sold at a public auction when the person who is acting as the auctioneer declares the designated manufactured home sold.

1998 c24 s40

Right to sell or dispose of designated manufactured home

436.15 If a designated manufactured home is not sold at a public auction under section 436.09, the municipality may

(a) dispose of it

(i) by selling it at a price that is as close as reasonably possible to the market value of the designated manufactured home, or

(ii) by depositing in the account referred to in section 436.17(1)(a) an amount of money equal to the price at which the municipality would be willing to sell the designated manufactured home under subclause (i),

or

(b) grant a lease in respect of it.

1998 c24 s40

Payment of tax arrears

436.16(1) If the tax arrears in respect of a designated manufactured home are paid before the municipality disposes of it under section 436.15(a) or while the designated manufactured home is being leased under section 436.15(b), the municipality must return the designated manufactured home to its owner.

(2) Before returning the designated manufactured home to its owner under subsection (1), the municipality must send a written notice

(a) to each person referred to in section 436.08(1), and

(b) if the municipality has leased the designated manufactured home under section 436.15(b), to the person leasing it.

(3) The notice must state that

(a) the designated manufactured home will be returned to the owner after 30 days from the date of the notice, and

(b) despite any provision to the contrary in a lease agreement in respect of the designated manufactured home, the lease expires 30 days after the date of the notice.

(4) Subsection (3) applies despite anything contained in the *Residential Tenancies Act*.

1998 c24 s40

Separate account for sale proceeds

436.17(1) The money paid for a designated manufactured home at a public auction or pursuant to section 436.15(a)

(a) must be deposited by the municipality in an account that is established solely for the purpose of depositing money from the sale or disposition of designated manufactured homes under this Division, and

(b) must be paid out in accordance with this section and section 436.18.

(2) Money paid to a municipality as rent under a lease granted under section 436.15(b) must be placed in the account referred to in subsection (1) and distributed in accordance with this section and section 436.18.

(3) The following must be paid first and in the following order:

(a) the tax arrears in respect of the designated manufactured home;

(b) any lawful expenses of the municipality in respect of the designated manufactured home;

(c) an administration fee of 5% of the amount deposited in respect of the designated manufactured home pursuant to subsection (1), payable to the municipality.

(4) If there is any money remaining after payment of the tax arrears and costs listed in subsection (3), the municipality must notify the previous owner of the designated manufactured home that there is money remaining.

(5) If the municipality is satisfied after a search of the Registry using the serial number of the designated manufactured home that there are no security interests in or liens, writs, charges or other encumbrances against the designated manufactured home, the municipality may pay the money remaining after the payments under subsection (3) to the previous owner of the designated manufactured home.

(6) If the municipality is not satisfied after a search of the Registry using the serial number of the designated manufactured home that there are no security interests in or liens, writs, charges or other encumbrances against the designated manufactured home, the municipality must notify the previous owner that an application may be made under section 436.18 to recover all or part of the money.

1998 c24 s40

Distribution of surplus sale proceeds

436.18(1) A person may apply to the Court of King's Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 436.17(1).

(2) An application under this section must be made within 5 years after

(a) the date of the public auction, if the designated manufactured home was sold at a public auction, or

(b) the date of a sale under section 436.15(a), if the designated manufactured home was sold under that section.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

RSA 2000 cM-26 s436.18;2009 c53 s119;AR 217/2022

Payment of undistributed money to municipality

436.19 If no application is made under section 436.18 within the 5-year period referred to in section 436.18, the municipality may, for any purpose, use the money deposited in accordance with section 436.17 that remains undistributed.

1998 c24 s40

Transfer to municipality after 10 years

436.2(1) Despite anything in this Division, where a designated manufactured home has been offered for sale but not sold at a public auction and the municipality has not disposed of it under section 436.15(a) within 10 years following the date of the public auction,

(a) sections 436.16, 436.17 and 436.18 cease to apply with respect to that designated manufactured home, and

(b) the municipality becomes the owner of the designated manufactured home free of all security interests, liens, writs, charges and other encumbrances, except encumbrances arising from claims of the Crown in right of Canada, and all obligations secured by the security interests, liens, writs, charges or encumbrances are, as regards the municipality, deemed performed.

(2) When the municipality becomes the owner of a designated manufactured home under subsection (1), the municipality may, in respect of any security interest in or lien, writ, charge or other encumbrance against the designated manufactured home as disclosed by a search of the Registry using the serial number of the designated manufactured home, register a financing change statement

(a) to amend the collateral description in the registration to exclude the designated manufactured home, or

(b) if the designated manufactured home is the only collateral described in the registration, to discharge the registration.

(3) Subsection (2) operates despite section 68 of the *Personal Property Security Act*.

1998 c24 s40

Prohibited bidding and buying

436.21(1) When a municipality holds a public auction under section 436.09 or a sale under section 436.15(a), the auctioneer, the councillors, the chief administrative officer and the designated officers and employees of the municipality must not bid for or buy, or act as an agent in buying, any designated manufactured home offered for sale, unless subsection (2) applies.

(2) A municipality may direct a designated officer or employee of the municipality to bid for or buy a designated manufactured home of which the municipality wishes to become the owner.

1998 c24 s40

Manufactured home moved to another municipality

436.22 If, after tax recovery proceedings affecting a designated manufactured home are started under this Division, the designated manufactured home is moved to another municipality or its site becomes part of another municipality,

(a) the proceedings must be continued by that other municipality as if the designated manufactured home had always been included in it, and

(b) the other municipality must pay to the municipality that commenced the proceedings, to the extent that the other municipality receives sufficient money to do so, the costs incurred by the original municipality in connection with the tax recovery proceedings.

1998 c24 s40

Regulations

436.23 The Minister may make regulations

(a) respecting the rights and obligations of a municipality in relation to its possession of a designated manufactured home under this Division;

(b) respecting any other matter related to the recovery of taxes under this Division that the Minister considers necessary to carry out the intent of this Division.

1998 c24 s40

Reporting requirements

436.24(1) Unless a municipality passes a bylaw to the contrary, the owner of a manufactured home community must provide monthly reports to the chief administrative officer or a designated officer of the municipality regarding

(a) the ownership of all designated manufactured homes in the manufactured home community, including the serial numbers of the designated manufactured homes, and

(b) the movement of all designated manufactured homes in and out of the manufactured home community.

(2) Despite subsection (1), a municipality may pass a bylaw requiring the owner of the manufactured home community to provide the reports required under subsection (1) to the municipality on the dates specified by the municipality, but not more than once a month.

1998 c24 s40

Division 9
Recovery of Taxes Not Related to Land

Definitions

437 In this Division,

(a) "distress warrant" means a written instruction to seize goods of the person named in the warrant;

(b) "period for payment" means,

(i) in respect of tax imposed on linear property, machinery and equipment or property referred to in section 304(1)(f), the 120 days following the sending of the tax notice by the municipality, or

(ii) in respect of tax imposed on any other property,

(A) if the person liable to pay the tax is a resident of the municipality, the 14 days following the sending of the tax notice by the municipality, or

(B) if the person liable to pay the tax is not a resident of the municipality, the 30 days following the sending of the tax notice by the municipality;

(c) "tax" means

(i) a business tax,

(ii) a well drilling equipment tax,

(ii.1) a community aggregate payment levy, or

(iii) a property tax or community revitalization levy imposed in respect of property referred to in section 304(1)(c), (f), (g), (h), (i), (j)(i), (k) or (l);

(d) "tax arrears" means taxes that remain unpaid after the expiry of the period for payment.

RSA 2000 cM-26 s437;2005 c14 s18;2021 c22 s7;2024 c11 s2(27)

Methods of recovering taxes in arrears

438(1) A municipality may attempt to recover tax arrears

(a) in accordance with this Division, and

(b) subject to subsection (2), in accordance with any other Act or common law right.

(2) A municipality may start an action under subsection (1)(b) at any time before the goods are sold at a public auction or the municipality becomes the owner of the goods under section 448, whichever occurs first.

1994 cM-26.1 s438

Right to issue distress warrant

439(1) A municipality wishing to recover tax arrears pursuant to this Division may issue a distress warrant.

(2) Each municipality may, in writing, authorize a designated officer or appoint a person to the position of designated officer to prepare and issue distress warrants and seize goods pursuant to distress warrants on behalf of the municipality.

1994 cM-26.1 s439

Seizure of goods

440(1) When a distress warrant has been issued, a civil enforcement agency or a person referred to in section 439(2) must place sufficient goods under seizure to satisfy the amount of the claim shown in the warrant.

(2) The person placing goods under seizure may ask the person who owns or has possession of the seized goods to sign a bailee's undertaking agreeing to hold the seized goods for the municipality.

(3) If a person refuses to sign a bailee's undertaking, the person placing goods under seizure may remove the goods from the premises.

(4) When a bailee's undertaking has been signed under subsection (2), the goods specified in it are deemed to have been seized.

(5) A seizure under this section continues until the municipality

(a) abandons the seizure by written notice, or

(b) sells the goods.

(6) The municipality is not liable for wrongful or illegal seizure or for loss of or damage to goods held under a seizure under this section if a bailee's undertaking relating to the seized goods has been signed pursuant to subsection (2).

1994 cM-26.1 s440;1994 cC-10.5 s146;1997 c19 s3

Goods affected by distress warrant

441(1) A person may seize the following goods pursuant to a distress warrant:

(a) goods belonging to the person who is liable to pay the tax arrears or in which that person has an interest;

(b) goods of a business that is liable to pay business tax arrears, even if the goods have been sold to a purchaser of the business;

(c) goods of a corporation that are in the hands of

(i) a receiver appointed for the benefit of creditors,

(ii) an authorized trustee in bankruptcy, or

(iii) a liquidator appointed under a winding-up order.

(2) If a person who is liable to pay tax arrears is in possession of goods belonging to others for the purpose of storing the goods, those goods must not be seized pursuant to the distress warrant.

1994 cM-26.1 s441

Date for issuing distress warrant

442(1) A distress warrant must not be issued until the period for payment expires, unless subsection (2) applies.

(2) If, before the period for payment expires, a municipality has reason to believe that a person is about to move out of the municipality goods that are to be seized under a distress warrant, the municipality may apply to a justice of the peace for an order authorizing the municipality to issue the distress warrant before the period for payment expires.

1994 cM-26.1 s442

Right to pay tax arrears

443(1) After goods have been seized under a distress warrant, any person may pay the tax arrears.

(2) On payment of the tax arrears under subsection (1), the municipality must release the goods from seizure.

(3) A person may exercise the right under subsection (1) at any time before the municipality sells the goods at a public auction or becomes the owner of the goods under section 448.

1994 cM-26.1 s443

Right to collect rent to pay tax arrears

444(1) If a distress warrant has been issued to recover tax arrears in respect of a business and the person who is liable to pay the business tax arrears owns property that is leased to one or more tenants, the municipality may send a notice to each tenant requiring the tenant to pay the rent as it becomes due to the municipality until the business tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the property advising the owner of the municipality's intention to proceed under subsection (1).

(3) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

1994 cM-26.1 s444

Sale of property

445(1) The municipality must offer for sale at a public auction goods that have been seized under a distress warrant if the tax arrears are not paid, unless the municipality starts an action under section 438(2) to recover the tax arrears before the date of the public auction.

(2) The municipality must advertise a public auction by posting a notice in at least 3 public places in the municipality near the goods to be sold not less than 10 days before the date of the auction.

(3) The advertisement must specify the date, time and location of the public auction, the conditions of sale, a description of the goods to be sold and the name of the person whose goods are to be sold.

(4) The advertisement must state that the municipality will become the owner of any goods not sold at the public auction, immediately after the public auction.

1994 cM-26.1 s445

Date of public auction

446(1) The public auction must be held not more than 60 days after the goods are seized under the distress warrant.

(2) The municipality may adjourn the holding of a public auction but must post a notice in accordance with section 445(2) showing the new date on which the public auction is to be held.

1994 cM-26.1 s446

Exception to sale at auction

447 Despite section 445(1), a municipality may have grain seized under a distress warrant hauled to the nearest elevator or other convenient place of storage and may dispose of the grain at the current market price.

1994 cM-26.1 s447

Transfer to municipality

448 The municipality becomes the owner of any goods offered for sale but not sold at a public auction, immediately after the public auction and may dispose of the goods by selling them.

1994 cM-26.1 s448

Separate account for sale proceeds

449(1) The money paid for goods at a public auction or pursuant to section 448

(a) must be deposited by the municipality in an account that is established solely for the purpose of depositing money from the sale of goods under this Division, and

(b) must be paid out in accordance with this section and section 450.

(2) The following must be paid first and in the following order:

(a) the tax arrears;

(b) any lawful expenses of the municipality in respect of the goods.

(3) If there is any money remaining after payment of the tax arrears and expenses listed in subsection (2), the municipality must notify the previous owner that there is money remaining and that an application may be made under section 450 to recover all or part of the money.

1994 cM-26.1 s449

Distribution of surplus sale proceeds

450(1) A person may apply to the Court of King's Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 449(1).

(2) An application under this section may be made within 5 years after the date of the public auction.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

RSA 2000 cM-26 s450;2009 c53 s119;AR 217/2022

Seizure of designated manufactured home

451 Part 10 of the *Civil Enforcement Act* does not apply to a designated manufactured home in a manufactured home community that has been seized under a distress warrant.

1994 cM-26.1 s451;1994 cC-10.5 s146;1998 c24 s41

Regulations

452 The Minister may make regulations respecting any other matter related to the recovery of taxes under this Division that is considered necessary to carry out the intent of this Division.

1994 cM-26.1 s452

Part 11
Assessment Review Boards

Division 1
Establishment and Function of Assessment Review Boards

Interpretation

453(1) In this Part,

(a) "assessment notice" includes an amended assessment notice and a supplementary assessment notice;

(b) "assessment roll" includes a supplementary assessment roll;

(c) "chair" means the member of an assessment review board designated as chair under section 454.1(2), 454.2(2) or 455(2);

(d) "clerk", in respect of a local assessment review board or composite assessment review board having jurisdiction in one or more municipalities, means the clerk appointed under section 456;

(e) "composite assessment review board" means a composite assessment review board established by a council under section 454(b) or jointly established by 2 or more councils under section 455;

(f) "local assessment review board" means a local assessment review board established by a council under section 454(a) or jointly established by 2 or more councils under section 455;

(g) "provincial member" means a person appointed by the Minister under section 454.21(2);

(h) "tax notice" includes a supplementary tax notice;

(i) "tax roll" includes a supplementary tax roll.

(2) In this Part, a reference to an assessment review board

(a) means a local assessment review board or a composite assessment review board, as the case requires, and

(b) includes a panel of the board convened under section 454.11 or 454.21.

2016 c24 s62;2019 c22 s10(13)

Assessment review boards to be established

454 A council must by bylaw establish

(a) a local assessment review board to hear complaints referred to in section 460.1(1), and

(b) a composite assessment review board to hear complaints referred to in section 460.1(2).

2016 c24 s62

Appointment of members to local assessment review board

454.1(1) A council must

(a) appoint at least 3 persons as members of the local assessment review board,

(b) prescribe the term of office of each member appointed under clause (a), and

(c) prescribe the remuneration and expenses, if any, payable to each member appointed under clause (a).

(2) The council must designate one of the members appointed under subsection (1) as the chair of the local assessment review board and must prescribe the chair's term of office and the remuneration and expenses, if any, payable to the chair.

(3) The chair may delegate to any other member appointed under subsection (1) any of the powers, duties or functions of the chair.

2016 c24 s62

Panels of local assessment review board

454.11(1) Where a hearing is to be held in respect of a complaint referred to in section 460.1(1), the chair of the local assessment review board must convene a panel of 3 of its members to hear the complaint.

(2) Despite subsection (1) but subject to subsection (3)(b) and any conditions prescribed by the regulations under section 484.1(c), a panel of a local assessment review board may consist of only one member appointed by the chair.

(3) Unless an order of the Minister authorizes otherwise, the chair must not appoint

(a) more than one councillor to a 3-member panel, or

(b) a councillor as the only member of a one-member panel.

(4) Where a panel consists of 3 members, the panel members must choose a presiding officer from among themselves.

(5) Where a panel has only one member, that member is the presiding officer.

2016 c24 s62;2018 c11 s13

Appointment of members to composite assessment review board

454.2(1) A council must

(a) appoint at least 2 persons as members of the composite assessment review board,

(b) prescribe the term of office of each member appointed under clause (a), and

(c) prescribe the remuneration and expenses, if any, payable to each member appointed under clause (a).

(2) The council must designate one of the members appointed under subsection (1) as the chair of the composite assessment review board and must prescribe the chair's term of office and the remuneration and expenses, if any, payable to the chair.

(3) The chair may delegate to another member appointed under subsection (1) any of the powers, duties or functions of the chair.

2016 c24 s62

Panels of composite assessment review board

454.21(1) Where a hearing is to be held in respect of a complaint referred to in section 460.1(2), the chair of the composite assessment review board must convene a panel to hear the complaint.

(2) The panel must consist of 2 members of the composite assessment review board appointed by the chair and one provincial member appointed by the Minister in accordance with the regulations.

(3) Unless an order of the Minister authorizes otherwise, the chair must not appoint more than one councillor to a panel.

(4) Despite subsection (2) but subject to any conditions prescribed by the regulations under section 484.1(d), a panel of a composite assessment review board may consist of only the provincial member.

(5) The provincial member is the presiding officer of every panel of a composite assessment review board.

2016 c24 s62

Qualifications of members

454.3 A member of an assessment review board may not participate in a hearing of the board unless the member is qualified as provided for in the regulations.

2016 c24 s62

Joint establishment of assessment review boards

455(1) Two or more councils may agree to jointly establish the local assessment review board or the composite assessment review board, or both, to have jurisdiction in their municipalities.

(2) Where an assessment review board is jointly established,

(a) the councils must jointly designate one of the board members as chair and must jointly prescribe the chair's term of office and the remuneration and expenses, if any, payable to the chair, and

(b) the chair may delegate any of the powers, duties or functions of the chair to another board member but not to the provincial member of a panel of the board.

2016 c24 s62

Clerk

456(1) The council of a municipality must appoint a person as the clerk of the assessment review boards having jurisdiction in the municipality.

(2) Where an assessment review board is jointly established, the councils must jointly appoint the clerk.

(3) The clerk must not be an assessor or a designated officer having authority to grant or cancel tax exemptions or deferrals under section 364.1.

(4) The council or councils appointing the clerk must prescribe the clerk's remuneration and duties.

2016 c24 s62;2019 c22 s10(14)

Replacement of panel members

457 In circumstances provided for by the regulations, the chair of an assessment review board may replace a member of a panel.

2016 c24 s62

Quorum

458(1) Where a panel of a local assessment review board consists of 3 members, a quorum is 2 members.

(2) Where a panel of a composite assessment review board consists of 3 members, a quorum is 2 members, one of whom must be the provincial member.

2016 c24 s62

Decision

459 A decision of a panel of an assessment review board is the decision of the assessment review board.

2016 c24 s62

Complaints

460(1) A person wishing to make a complaint about any assessment or tax must do so in accordance with this section.

(2) A complaint must be in the form prescribed in the regulations and must be accompanied with the fee set by the council under section 481(1), if any.

(3) A complaint may be made only by an assessed person or a taxpayer.

(4) A complaint may relate to any assessed property or business.

(5) A complaint may be about any of the following matters, as shown on an assessment or tax notice:

(a) the description of a property or business;

(b) the name and mailing address of an assessed person or taxpayer;

(c) an assessment;

(d) an assessment class;

(e) an assessment sub-class;

(f) the type of property;

(g) the type of improvement;

(h) school support;

(i) whether the property is assessable;

(j) whether the property or business is exempt from taxation under Part 10;

(k) any extent to which the property is exempt from taxation under a bylaw under section 364.1;

(l) whether the collection of tax on the property is deferred under a bylaw under section 364.1.

(6) A complaint may be made about a designated officer's refusal to grant an exemption or deferral under a bylaw under section 364.1.

(7) Despite subsection (5)(j),

(a) there is no right to make a complaint about an exemption or deferral given by agreement under section 364.1(11) unless the agreement expressly provides for that right, and

(b) there is no right to make a complaint about a decision made under a bylaw under section 364.2 in respect of an exemption or deferral.

(8) There is no right to make a complaint about any tax rate.

(9) A complaint under subsection (5) must

(a) indicate what information shown on an assessment notice or tax notice is incorrect,

(b) explain in what respect that information is incorrect,

(c) indicate what the correct information is, and

(d) identify the requested assessed value, if the complaint relates to an assessment.

(9.1) A complaint about a tax imposed in accordance with a clean energy improvement tax bylaw must be made within one year after the tax is first imposed.

(10) A complaint about a local improvement tax must be made within one year after it is first imposed.

(11) Despite subsection (10), where a local improvement tax rate has been revised under section 403(3), a complaint may be made about the revised local improvement tax whether or not a complaint was made about the tax within the year after it was first imposed.

(12) A complaint under subsection (11) must be made within one year after the local improvement tax rate is revised.

(13) A complaint must include the mailing address of the complainant except where, in the case of a complaint under subsection (5), the correct mailing address of the complainant is shown on the assessment notice or tax notice.

(14) An assessment review board has no jurisdiction to deal with a complaint about designated industrial property or an amount prepared by the Minister under Part 9 as the equalized assessment for a municipality.

(15) An assessment review board has no jurisdiction to deal with a complaint about any matter relating to an exemption or deferral under section 364.2, including a refusal to grant an exemption or deferral or a cancellation of an exemption or deferral under that section.

2016 c24 s62;2019 c6 s8;2023 c9 s19(11)

Jurisdiction of assessment review boards

460.1(1) A local assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on

(a) an assessment notice for

(i) residential property with 3 or fewer dwelling units, or

(ii) farm land,

or

(b) a tax notice other than a property tax notice, business tax notice or improvement tax notice.

(2) Subject to section 460(14) and (15), a composite assessment review board has jurisdiction to hear complaints about

(a) any matter referred to in section 460(5) that is shown on

(i) an assessment notice for property other than property described in subsection (1)(a), or

(ii) a business tax notice or an improvement tax notice,

or

(b) a designated officer's decision to refuse to grant an exemption or deferral under section 364.1.

(3) In this section, a reference to "improvement tax" includes a business improvement area tax in Part 10, Division 4 and a local improvement tax in Part 10, Division 7.

2016 c24 s62;2017 c22 s37;2019 c6 s9

Address to which a complaint is sent

461(1) A complaint must be filed with the assessment review board at the address shown on the assessment or tax notice for the property

(a) in the case of a complaint about a designated officer's decision to refuse to grant an exemption or deferral under section 364.1, not later than the date stated on the written notice of refusal under section 364.1(9), or

(b) in any other case, not later than the complaint deadline.

(1.1) A complaint filed after the complaint deadline is invalid.

(2) The applicable filing fee must be paid when a complaint is filed.

(3) On receiving a complaint, the clerk must set a date, time and location for a hearing before an assessment review board in accordance with the regulations.

2016 c24 s62;2017 c13 s2(13)

Notice of assessment review board hearing

462(1) If a complaint is to be heard by a local assessment review board, the clerk must

(a) within 30 days after receiving the complaint, provide the municipality with a copy of the complaint, and

(b) within the time prescribed by the regulations, notify the municipality, the complainant and any assessed person other than the complainant who is directly affected by the complaint of the date, time and location of the hearing.

(2) If a complaint is to be heard by a composite assessment review board, the clerk must

(a) within 30 days after receiving the complaint, provide the municipality with a copy of the complaint, and

(b) within the time prescribed by the regulations, notify the Minister, the municipality, the complainant and any assessed person other than the complainant who is directly affected by the complaint of the date, time and location of the hearing.

2016 c24 s62

Absence from hearing

463 If any person who is given notice of the hearing does not attend, the assessment review board must proceed to deal with the complaint if

(a) all persons required to be notified were given notice of the hearing, and

(b) no request for a postponement or an adjournment was received by the board or, if a request was received, no postponement or adjournment was granted by the board.

2016 c24 s62

Proceedings before assessment review board

464(1) Assessment review boards are not bound by the rules of evidence or any other law applicable to court proceedings and have power to determine the admissibility, relevance and weight of any evidence.

(2) Assessment review boards may require any person giving evidence before them to do so under oath.

(3) Members of assessment review boards, including provincial members of panels of composite assessment review boards, are commissioners for oaths while acting in their official capacities.

2016 c24 s62

Hearings open to public

464.1(1) Subject to subsections (2) and (3), all hearings by an assessment review board are open to the public.

(2) If an assessment review board considers it necessary to prevent the disclosure of intimate personal, financial or commercial matters or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open hearing, the assessment review board may conduct all or part of the hearing in private.

(3) If all or any part of a hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

(4) Subject to subsection (5), all documents filed in respect of a matter before an assessment review board must be placed on the public record.

(5) An assessment review board may exclude a document from the public record

(a) if the assessment review board is of the opinion that disclosure of the document could reasonably be expected to disclose intimate personal, financial or commercial matters or other matters, and

(b) the assessment review board considers that a person's interest in confidentiality outweighs the public interest in the disclosure of the document.

(6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

2016 c24 s62

Notice to attend or produce

465(1) If, in the opinion of an assessment review board hearing a complaint,

(a) the attendance of a person, or

(b) the production of a document or thing,

is required for the purpose of the hearing, the board may, on application, cause a notice to be served on a person requiring a person to attend or to attend and produce the document or thing.

(2) An application under subsection (1) must be made in accordance with the regulations made under section 484.1(n.1).

(3) If a person fails or refuses to comply with a notice served under subsection (1), the assessment review board may apply to the Court of King's Bench and the Court may issue a warrant requiring the attendance of the person or the attendance of the person to produce a document or thing.

2016 c24 s62;AR 217/2022

Protection of witnesses

466 A witness may be examined under oath on anything relevant to a matter that is before an assessment review board and is not excused from answering any question on the ground that the answer might tend to

(a) incriminate the witness,

(b) subject the witness to punishment under this or any other Act, or

(c) establish liability of the witness

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act,

but if the answer so given tends to incriminate the witness, subject the witness to punishment or establish liability of the witness, it must not be used or received against the witness in any civil proceedings or in any other proceedings under this or any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

2016 c24 s62

Division 2
Decisions of Assessment Review Boards

Decisions of assessment review board

467(1) An assessment review board may, with respect to any matter referred to in section 460(5), make a change to an assessment roll or tax roll or decide that no change is required.

(1.1) For greater certainty, the power to make a change under subsection (1) includes the power to increase or decrease an assessed value shown on an assessment roll or tax roll.

(2) An assessment review board must dismiss a complaint that was not made within the proper time or that does not comply with section 460(9).

(3) An assessment review board must not alter any assessment that is fair and equitable, taking into consideration

(a) the valuation and other standards set out in the regulations,

(b) the procedures set out in the regulations, and

(c) the assessments of similar property or businesses in the same municipality.

(4) An assessment review board must not alter any assessment of farm land, machinery and equipment or railway property that has been prepared correctly in accordance with the regulations.

RSA 2000 cM-26 s467;2009 c29 s24;2018 c11 s13; 2019 c22 s10(15)

Appeal to composite assessment review board

467.1 A complaint about a designated officer's decision to refuse to grant an exemption or deferral under section 364.1 is an appeal of the decision and a composite assessment review board may, after hearing the complaint, confirm the designated officer's decision or replace it with the board's decision.

2016 c24 s63

Assessment review board decisions

468(1) Subject to the regulations, an assessment review board must, in writing, render a decision and provide reasons, including any dissenting reasons,

(a) within 30 days from the last day of the hearing, or

(b) before the end of the taxation year to which the complaint that is the subject of the hearing applies,

whichever is earlier.

(2) Despite subsection (1), in the case of a complaint about a supplementary assessment notice, an amended assessment notice or any tax notice other than a property tax notice, an assessment review board must render its decision in writing in accordance with the regulations.

RSA 2000 cM-26 s468;2009 c29 s25

Costs of proceedings

468.1 A composite assessment review board may, or in the circumstances set out in the regulations must, order that costs of and incidental to any hearing before it be paid by one or more of the parties in the amount specified in the regulations.

2009 c29 s26

Effect of order relating to costs

468.2 An order of the composite assessment review board under section 468.1 may be registered in the Personal Property Registry and at any land titles office and, on registration, has the same effect as if it were a registered writ of enforcement issued after judgment has been entered in an action by the Court of King's Bench.

2009 c29 s26;AR 217/2022

Notice of decision

469 The clerk must, within 7 days after an assessment review board renders a decision, send the board's written decision and reasons, including any dissenting reasons, to the persons notified of the hearing under section 462(1)(b) or (2)(b), as the case may be.

RSA 2000 cM-26 s469;2009 c29 s27;2016 c24 s64

Judicial review

470(1) Where a decision of an assessment review board is the subject of an application for judicial review, the application must be filed with the Court of King's Bench and served not more than 60 days after the date of the decision.

(2) Notice of an application for judicial review must be given to

(a) the assessment review board that made the decision,

(b) the complainant, other than an applicant for the judicial review,

(c) an assessed person who is directly affected by the decision, other than the complainant,

(d) a municipality, if the decision that is the subject of the judicial review relates to property that is within the boundaries of that municipality, and

(e) the Minister.

(3) If an applicant for judicial review of an assessment review board decision makes a written request for materials to the assessment review board for the purposes of the application, the assessment review board must provide the materials requested within 14 days from the date on which the written request is served.

(4) An assessment review board whose decision is the subject of an application for judicial review must, within 30 days from the date on which the board is served with the application, forward to the clerk of the Court of King's Bench the certified record of proceedings prepared under Part 3 of the Alberta Rules of Court.

(5) Documents excluded from the public record of a hearing by an assessment review board remain excluded from the public record on judicial review unless otherwise ordered by the Court of King's Bench.

(6) No member of an assessment review board, including a provincial member appointed to a panel of a composite assessment review board, is liable for costs by reason of or in respect of a judicial review under this Act.

RSA 2000 cM-26 s470;2009 c29 s28;2014 c13 s35;2016 c24 s65; AR 217/2022

470.1 Repealed 2016 c24 s65.

Technical irregularities

471(1) If there has been substantial compliance with this Part, the decision of an assessment review board is not invalid because of a defect in form, a technical irregularity or informality.

(2) An assessment review board may correct any error or omission in its decision.

1994 cM-26.1 s471;1996 c30 s44

472 to **476** Repealed 1995 c24 s73.

Division 4
General Matters

Referral of unfair assessment to Minister

476.1 An assessment review board may refer any assessment that it considers unfair and inequitable to the Minister and the Minister may deal with it under sections 324 and 571.

2009 c29 s29

Required changes to rolls

477 The municipality must make any changes to its assessment roll or tax roll, or both, that are necessary to reflect the decision of an assessment review board.

1994 cM-26.1 s477;1995 c24 s74

Right to continue proceedings

478 A person who becomes an assessed person or taxpayer in respect of a property or business when a complaint about the property or business is being dealt with under this Part may become a party to any proceedings started by the previous assessed person or taxpayer.

1994 cM-26.1 s478

Obligation to pay taxes

479 Making a complaint under this Part does not relieve any person from the obligation to pay any taxes owing on any property or business or any penalties imposed for late payment of taxes.

1994 cM-26.1 s479

Prohibition

480(1) A member of an assessment review board must not hear or vote on any decision that relates to a matter in respect of which the member has a pecuniary interest.

(2) For the purposes of subsection (1), a member of an assessment review board has a pecuniary interest in a matter to the same extent

that a councillor would have a pecuniary interest in the matter as determined in accordance with section 170.

RSA 2000 cM-26 s480;2009 c29 s30

Fees

481(1) Subject to the regulations made pursuant to section 484.1(q), the council may set fees payable by persons wishing to make complaints or to be involved as a party or intervenor in a hearing before an assessment review board and for obtaining copies of an assessment review board's decisions and other documents.

(2) If the assessment review board makes a decision in favour of the complainant, the fees paid by the complainant under subsection (1) must be refunded.

(3) If

(a) the assessment review board makes a decision that is not in favour of the complainant, and

(b) on judicial review, the Court of King's Bench makes a decision in favour of the complainant,

the fees paid by the complainant under subsection (1) must be refunded.

RSA 2000 cM-26 s481;2009 c29 s31;2016 c24 s66;AR 217/2022

Admissible evidence at hearing

482(1) A copy of

(a) an assessment roll or tax roll or part of it, or

(b) an assessment notice or tax notice,

that is certified by a designated officer as being a true copy of the original roll, part of the roll or notice is proof, in the absence of evidence to the contrary, of the existence and validity of the roll, part of the roll or notice and is admissible in evidence without proof of the appointment or signature of the designated officer.

(2) A statutory declaration signed by a designated officer is admissible in evidence as proof, in the absence of evidence to the contrary, that

(a) an assessment notice was sent at least 7 days prior to the notice of assessment date, or

(b) a tax notice was sent on the date shown on the tax notice.

RSA 2000 cM-26 s482;2017 c13 s1(42)

Decision admissible on judicial review

483 A copy of a decision of an assessment review board that is certified by the clerk as being a true copy of the original decision is proof, in the absence of evidence to the contrary, of the decision and is admissible in evidence without proof of the appointment or signature of the clerk.

RSA 2000 cM-26 s483;2016 c24 s67

Immunity

484 The members of an assessment review board, including a provincial member appointed to a panel of a composite assessment review board, are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.

RSA 2000 cM-26 s484; 2016 c24 s68

Regulations

484.1 The Minister may make regulations

(a) respecting the eligibility of persons to be provincial members;

(b) respecting the appointment of provincial members to panels of composite assessment review boards;

(c) prescribing the conditions under which a chair may convene a panel of a local assessment review board consisting of only one member;

(d) prescribing the conditions under which a chair may convene a panel of a composite assessment review board consisting of only a provincial member;

(e) respecting the training and qualifications of members of assessment review boards and clerks;

(f) respecting the setting by the clerk of the date, time and location of a hearing before an assessment review board;

(g) prescribing the period of time for purposes of section 462(1)(b) and (2)(b);

(h) respecting the procedures and functions of assessment review boards;

(h.1) respecting the replacement of members of a panel of an assessment review board;

(i) governing the disclosure of evidence in a hearing before an assessment review board;

(i.1) governing hearings held in private before an assessment review board;

(i.2) governing the excluding of documents from the public record by an assessment review board;

(j) respecting the jurisdiction of assessment review boards;

(k) respecting the authority of assessment review boards to hear complaints and the manner in which the boards are to hear complaints;

(l) respecting costs that may or must be imposed by a composite assessment review board in respect of a hearing, including, without limitation, regulations respecting

(i) the circumstances in which costs must be imposed, and

(ii) the amount of costs;

(m) respecting the rendering of decisions by assessment review boards;

(n) respecting the circumstances under which a person may act as an agent for an assessed person or taxpayer at a hearing before an assessment review board;

(n.1) respecting applications referred to in section 465(1);

(o) respecting any other matter relating to assessment review boards;

(p) respecting applications for judicial review referred to in section 470;

(q) setting amounts for any fees that a council may set pursuant to section 481(1).

RSA 2000 cM-26 s484.1;2009 c29 s32;2016 c24 s69

Part 12
Land and Property Rights Tribunal

Definitions

485 In this Part,

(a) "chair" means the chair of the Tribunal;

(b) "Tribunal" means the Land and Property Rights Tribunal.

RSA 2000 cM-26 s485;2016 c24 s70;2020 cL-2.3 s24(9)

Division 1
Jurisdiction of the Land and Property Rights Tribunal

486 and **487** Repealed 2020 cL-2.3 s24(11).

Hearing related to assessment

487.1 A member or a panel of the Tribunal may not participate in a hearing related to assessment matters unless the member is or the members of the panel are qualified to do so in accordance with the regulations.

2009 c29 s33;2020 cL-2.3 s24(12)

487.2 Repealed 2020 cL-2.3 s24(13).

Jurisdiction of the Tribunal

488(1) The Tribunal has jurisdiction

(a) to hear complaints about assessments for designated industrial property,

(b) to hear any complaint relating to the amount set by the Minister under Part 9 as the equalized assessment for a municipality,

(c) repealed 2009 c29 s34,

(d) to decide disputes between a management body and a municipality or between 2 or more management bodies, referred to it by the Minister under the *Alberta Housing Act*,

(e) to inquire into and make recommendations about any matter referred to it by the Lieutenant Governor in Council or the Minister,

(e.1) to perform any duties assigned to it by the Minister or the Lieutenant Governor in Council,

(f) to deal with annexations in accordance with Part 4,

(g) to decide disputes involving regional services commissions under section 602.2,

(h) to hear appeals pursuant to section 619,

(i) to hear appeals from subdivision decisions pursuant to section 678(2)(a),

(i.1) to hear appeals from development permit decisions pursuant to section 685(2.1)(a),

(j) to decide intermunicipal disputes pursuant to section 690,

(k) to hear appeals pursuant to section 648.1, and

(l) to hear appeals from decisions made under an appeal mechanism or dispute resolution mechanism established by a growth management board under section 708.08.

(2) The Tribunal must hold a hearing under Division 2 of this Part in respect of the matters set out in subsection (1)(a) and (b).

(3) Sections 495 to 498, 501 to 504 and 507 apply when the Tribunal holds a hearing to decide a dispute, or to hear an appeal, referred to in subsection (1).

RSA 2000 cM-26 s488;2009 c29 s34;2015 c8 s54;2016 c24 s74;2020 c25 s11;2020 cL-2.3 s24(14);2020 c39 s10(2);2022 c16 s9(68)

ALSA regional plans

488.01 In carrying out its functions and in exercising its jurisdiction under this Act and other enactments, the Tribunal must act in accordance with any applicable ALSA regional plan.

2009 cA-26.8 s83;2020 cL-2.3 s24(39)

Limit on Tribunal's jurisdiction

488.1(1) The Tribunal has no jurisdiction under section 488(1) to hear a complaint relating to an equalized assessment set by the Minister under Part 9 if the reason for the complaint is

(a) that the equalized assessment fails to reflect a loss in value where the loss in value has not been reflected in the assessments referred to in section 317,

(b) that information provided to the Minister by a municipality in accordance with section 319(1) does not properly reflect the relationship between assessments and the value of property in the municipality for the year preceding the year in which the assessments were used for the purpose of imposing a tax under Part 10, or

(c) that information relied on by the Minister pursuant to section 319(2) is incorrect.

(2) The Tribunal must not hear a complaint about any issue regarding the validity of a regulation or guideline under this Act as it relates to property.

RSA 2000 cM-26 s488.1;2009 c29 s35;2016 c24 s75; 2020 cL-2.3 s24(39)

489 and **490** Repealed 2020 cL-2.3 s24(15).

Division 2
Hearings Before the Tribunal

Form of complaint

491(1) A complaint about an assessment for designated industrial property or relating to the amount of an equalized assessment that is to be dealt with by a hearing before the Tribunal must be in the form prescribed by the regulations and must be filed with the chair within the following periods:

(a) for a complaint about an assessment for designated industrial property, not later than the complaint deadline;

(b) for a complaint relating to the amount of an equalized assessment, not later than 30 days from the date the Minister sends the municipality the report described in section 320.

(1.1) The form referred to in subsection (1) must be accompanied with the fee, if any, set by regulation under section 527.1.

(2) The form referred to in subsection (1) must include

(a) the reason the matter is being referred to the Tribunal,

(b) a brief explanation of the issues to be decided by the Tribunal, and

(c) an address to which any notice or decision of the Tribunal is to be sent.

(3) In addition to the information described in subsection (2), in respect of a complaint about an assessment for designated industrial property, the form referred to in subsection (1) must

(a) indicate what information on an assessment notice is incorrect,

(b) explain in what respect that information is incorrect,

(c) indicate what the correct information is, and

(d) identify the requested assessed value, if the complaint relates to an assessment.

(4) In addition to the information described in subsection (2), in respect of a complaint about an amount of an equalized assessment, the form referred to in subsection (1) must

(a) explain in what respect the amount is incorrect, and

(b) indicate what the correct amount should be.

RSA 2000 cM-26 s491;2009 c29 s36;2016 c24 s76;2017 c13 s1(43);2020 cL-2.3 s24(17)

Complaints about designated industrial property

492(1) A complaint about an assessment for designated industrial property may be about any of the following matters, as shown on the assessment notice:

(a) the description of any designated industrial property;

(b) the name and mailing address of an assessed person;

(c) an assessment;

(c.1) an assessment class;

(d) the type of improvement;

(e) school support;

(f) whether the designated industrial property is assessable;

(g) whether the designated industrial property is exempt from taxation under Part 10.

(1.1) Any of the following may make a complaint about an assessment for designated industrial property:

(a) an assessed person;

(b) a municipality, if the complaint relates to property that is within the boundaries of that municipality.

(2) Repealed 1995 c24 s76.

RSA 2000 cM-26 s492;2016 c24 s77

Duty of chair on receiving a form

493(1) On receiving a form referred to in section 491(1), the chair must set a date, time and location for a hearing before the Tribunal in accordance with the regulations.

(2) If the form relates to a complaint about an assessment for designated industrial property, the chair must advise the provincial assessor that the form has been received.

RSA 2000 cM-26 s493;2009 c29 s37;2016 c24 s78; 2017 c13 ss1(44),2(14);2020 cL-2.3 s24(39)

Notice of hearing before the Tribunal

494(1) If a matter is to be heard by the Tribunal, the chair must

(a) within 30 days after receiving a form under section 491(1), provide the municipality with a copy of the form, and

(b) within the time prescribed by the regulations, notify

(i) the municipality,

(ii) the person who sent the form to the chair,

(iii) the provincial assessor, and

(iv) any assessed person who is directly affected by the matter

of the date, time and location of the hearing.

(2) Repealed 2009 c29 s38.

RSA 2000 cM-26 s494;2009 c29 s38;2016 c24 s79; 2017 c13 ss1(45),2(15);2020 cL-2.3 s24(39)

Absence from hearing

495(1) If any person who is given notice of the hearing does not attend, the Tribunal must proceed to deal with the matter if

(a) all persons required to be notified were given notice of the hearing, and

(b) no request for a postponement or an adjournment was received by the Tribunal or, if a request was received, no postponement or adjournment was granted by the Tribunal.

RSA 2000 cM-26 s495;2009 c29 s39;2020 cL-2.3 s24(18)

496 to **498** Repealed 2020 cL-2.3 s24(19).

Decisions of the Tribunal

499(1) On concluding a hearing, the Tribunal may make any of the following decisions:

(a) make a change with respect to any matter referred to in section 492(1), if the hearing relates to a complaint about an assessment for designated industrial property;

(b) make a change to any equalized assessment, if the hearing relates to an equalized assessment;

(c) decide that no change to an equalized assessment or an assessment roll is required;

(d) decide that a property is not designated industrial property and direct the municipality to appoint an assessor to assess the property.

(2) The Tribunal must dismiss a complaint that was not made within the proper time or that does not comply with section 491(1), (2) or (3).

(3) The Tribunal must not alter

(a) any assessment of designated industrial property that has been prepared correctly in accordance with the regulations, and

(b) any equalized assessment that is fair and equitable, taking into consideration equalized assessments in similar municipalities.

(4) The Tribunal may, in its decision,

(a) include terms and conditions, and

(b) make the decision effective on a future date or for a limited time.

RSA 2000 cM-26 s499;2009 c29 s40;2016 c24 s80; 2020 cL-2.3 s24(39)

Tribunal decisions

500(1) Subject to the regulations, if the hearing relates to a complaint about an assessment for designated industrial property, the Tribunal must, in writing, render a decision and provide reasons, including any dissenting reasons,

(a) within 30 days from the last day of the hearing, or

(b) before the end of the taxation year to which the assessment that is the subject of the hearing applies,

whichever is earlier.

(2) Subject to the regulations, if the hearing relates to a complaint about the amount of an equalized assessment, the Tribunal must, in writing, render a decision and provide reasons, including any dissenting reasons,

(a) within 30 days from the last day of the hearing, or

(b) within 150 days from the date the Minister sends the municipality the report described in section 320,

whichever is earlier.

RSA 2000 cM-26 s500;2002 c19 s18;2009 c29 s41; 2016 c24 s135;2020 cL-2.3 s24(39)

Costs of proceedings

501 The Tribunal may, or in the circumstances set out in the regulations must, order that costs of and incidental to any hearing before it be paid by one or more of the parties in the amount specified in the regulations.

RSA 2000 cM-26 s501;2009 c29 s42;2020 cL-2.3 s24(39)

Effect of decision relating to costs

502 An order of the Tribunal under section 501 may be registered in the Personal Property Registry and at any land titles office and, on registration, has the same effect as if it were a registered writ of enforcement issued after judgment has been entered in an action by the Court of King's Bench.

RSA 2000 cM-26 s502;2009 c29 s43;2020 cL-2.3 s24(39);AR 217/2022

503 Repealed 2020 cL-2.3 s24(19).

Rehearing

504 The Tribunal may rehear any matter before making its decision, and may review, rescind or vary any decision made by it.

RSA 2000 cM-26 s504;2020 cL-2.3 s24(39)

Notice of decision

505 The Tribunal must, within 7 days after it renders a decision, send its written decision and reasons, including any dissenting reasons, to the persons notified of the hearing under section 494(1)(b).

RSA 2000 cM-26 s505;2009 c29 s44;2020 cL-2.3 s24(39)

506 and **506.1** Repealed 2016 c24 s81.

507 Repealed 2020 cL-2.3 s24(19).

Intervention by municipality

508(1) When the council of a municipality considers that the interests of the public in the municipality or in a major part of the municipality are sufficiently concerned, the council may authorize

the municipality to become a complainant or intervenor in a hearing before the Tribunal.

(2) For the purposes of subsection (1), a council may take any steps, incur any expense and take any proceedings necessary to place the question in dispute before the Tribunal for a decision.

RSA 2000 cM-26 s508;2020 cL-2.3 s24(39)

Division 3 Repealed 2020 cL-2.3 s24(20).

Division 4
Inquiries by the Tribunal

Referrals to the Tribunal

514(1) The Lieutenant Governor in Council may refer any matter to the Tribunal for its recommendations.

(2) The Minister may by order refer any question or other matter to the Tribunal for its recommendations.

RSA 2000 cM-26 s514;2020 cL-2.3 s24(39)

Report

515(1) On concluding an inquiry, the Tribunal must prepare a report that includes its recommendations.

(2) The Tribunal may make any recommendations it considers appropriate.

(3) The report must be delivered to the Minister.

RSA 2000 cM-26 s515;2020 cL-2.3 s24(39)

Division 5
General Matters

Referral of unfair assessment to Minister

516 The Tribunal may refer any assessment that it considers unfair and inequitable to the Minister and the Minister may deal with it under sections 571 and 324.

RSA 2000 cM-26 s516;2020 cL-2.3 s24(39)

Required changes to rolls

517(1) The municipality must make any changes to its assessment roll or tax roll, or both, that are necessary to reflect the decision of the Tribunal.

(2) The Minister must make any changes to the Minister's assessment roll for designated industrial property that are necessary to reflect the decision of the Tribunal.

RSA 2000 cM-26 s517;2009 c29 s46;2016 c24 s135; 2020 cL-2.3 s24(39)

Right to continue proceedings

518 A person who becomes an assessed person or taxpayer in respect of a property or business when a complaint or an appeal about the property or business is being dealt with under this Part may become a party to any proceedings started by the previous assessed person or taxpayer.

1994 cM-26.1 s518

Obligation to pay taxes

519 Sending a form to the Tribunal under section 491(1) does not relieve any person from the obligation to pay any taxes owing on the property or business or any penalties imposed for late payment of taxes.

RSA 2000 cM-26 s519;2017 c13 s1(46);2020 cL-2.3 s24(39)

520 and **521** Repealed 2020 cL-2.3 s24(22).

522 Repealed 2009 c29 s48.

523 Repealed 2020 cL-2.3 s24(22).

Powers of the Tribunal

524(1) The Tribunal may request copies of statements, reports, documents or information of any kind from the designated officers of any local authority.

(2) The Tribunal may request, in writing, copies of any certificates or certified copies of documents from the Registrars of Titles in the different land registration districts, the Minister responsible for this Act or the Minister of Transportation and Economic Corridors.

(3) The Tribunal or any member of the Tribunal may at any time search the public records of the Land Titles Offices.

RSA 2000 cM-26 s524;2007 c16 s5;2013 c10 s21;2020 cL-2.3 s24(23); 2022 c21 s57

Admissible evidence at hearing

525(1) A document purporting to have been issued by a corporation or any officer, agent or employee of a corporation, or by any other person for or on its behalf, may be considered by the Tribunal as proof, in the absence of evidence to the contrary, that the document was issued by the corporation.

(2) A copy of

(a) an assessment roll or tax roll or part of it, or

(b) an assessment notice or tax notice,

that is certified by a designated officer as being a true copy of the original roll, part of the roll or notice is proof, in the absence of evidence to the contrary, of the existence and validity of the roll, part of the roll or notice and is admissible in evidence without proof of the appointment or signature of the designated officer.

(3) A statutory declaration signed by a designated officer is admissible in evidence as proof, in the absence of evidence to the contrary, that

(a) an assessment notice was sent at least 7 days prior to the notice of assessment date, or

(b) a tax notice was sent on the date shown on the tax notice.

RSA 2000 cM-26 s525;2017 c13 s1(47);2020 cL-2.3 s24(39)

Hearings open to public

525.1(1) Subject to subsections (2) and (3), all hearings are open to the public.

(2) If the Tribunal considers it necessary to prevent the disclosure of intimate personal, financial or commercial matters or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open hearing, the Tribunal may conduct all or part of the hearing in private.

(3) If all or any part of a hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

(4) Subject to subsection (5), all documents filed in respect of a matter before the Tribunal must be placed on the public record.

(5) The Tribunal may exclude a document from the public record

(a) if the Tribunal is of the opinion that disclosure of the document could reasonably be expected to disclose intimate personal, financial or commercial matters or other matters, and

(b) the Tribunal considers that a person's interest in confidentiality outweighs the public interest in the disclosure of the document.

(6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

2016 c24 s83;2020 cL-2.3 s24(24)

526 and **527** Repealed 2020 cL-2.3 s24(25).

Regulations

527.1 The Minister may make regulations

(a) prescribing the period of time for the purposes of section 494(1)(b);

(b) respecting costs that may or must be imposed by the Tribunal in respect of a hearing, including, without limitation, regulations respecting

(i) the circumstances in which costs must be imposed, and

(ii) the amount of costs;

(c) respecting the circumstances under which a person may act as an agent for an assessed person or taxpayer at a hearing before the Tribunal;

(d) setting fees payable by complainants, or by parties, intervenors or others who appear at hearings before the Tribunal or at inquiries conducted by the Tribunal, and for obtaining copies of the Tribunal's decisions and other documents.

RSA 2000 cM-26 s527.1;2009 c29 s49;2016 c24 s84; 2020 cL-2.3 s24(26)

Part 13
Liability of Municipalities, Enforcement of Municipal Law and Other Legal Matters

Division 1
Liability of Municipalities

Acting in accordance with statutory authority

527.2 Subject to this and any other enactment, a municipality is not liable for damage caused by any thing done or not done by the municipality in accordance with the authority of this or any other enactment unless the cause of action is negligence or any other tort.

1999 c11 s29

Non-negligence actions

528 A municipality is not liable in an action based on nuisance, or on any other tort that does not require a finding of intention or negligence, if the damage arises, directly or indirectly, from roads or from the operation or non-operation of

(a) a public utility, or

(b) a dike, ditch or dam.

1994 cM-26.1 s528

Exercise of discretion

529 A municipality that has the discretion to do something is not liable for deciding not to do that thing in good faith or for not doing that thing.

1994 cM-26.1 s529

Inspections and maintenance

530(1) A municipality is not liable for damage caused by

(a) a system of inspection, or the manner in which inspections are to be performed, or the frequency, infrequency or absence of inspections, and

(b) a system of maintenance, or the manner in which maintenance is to be performed, or the frequency, infrequency or absence of maintenance.

(2) Repealed 1995 c24 s80.

1994 cM-26.1 s530;1995 c24 s80

Snow on roads

531(1) A municipality is only liable for an injury to a person or damage to property caused by snow, ice or slush on roads or sidewalks in the municipality if the municipality is grossly negligent.

(2) A person who brings an action claiming gross negligence described in subsection (1) must notify the municipality of the event that gives rise to the action within 21 days after the occurrence of the event.

(3) Failure to notify the municipality bars the action unless

(a) there is a reasonable excuse for the lack of notice, and the municipality is not prejudiced by the lack of notice,

(b) death is the result of the event complained of, or

(c) the municipality waives in writing the requirement for notice.

1994 cM-26.1 s531;1996 c30 s49

Repair of roads, public places and public works

532(1) Every road or other public place that is subject to the direction, control and management of the municipality, including all public works in, on or above the roads or public place put there by the municipality or by any other person with the permission of the municipality, must be kept in a reasonable state of repair by the municipality, having regard to

(a) the character of the road, public place or public work, and

(b) the area of the municipality in which it is located.

(2) The municipality is liable for damage caused by the municipality failing to perform its duty under subsection (1).

(3) This section does not apply to any road made or laid out by a private person or any work made or done on a road or place by a private person until the road or work is subject to the direction, control and management of the municipality.

(4) A municipality is not liable under this section unless the claimant has suffered by reason of the default of the municipality a particular loss or damage beyond what is suffered by the claimant in common with all other persons affected by the state of repair.

(5) A municipality is not liable under this section in respect of acts done or omitted to be done by persons exercising powers or authorities conferred on them by law, and over which the municipality has no control, if the municipality is not a party to those acts or omissions.

(6) A municipality is liable under this section only if the municipality knew or should have known of the state of repair.

(7) A municipality is not liable under this section if the municipality proves that it took reasonable steps to prevent the disrepair from arising.

(8) When a traffic control device has been defaced, removed or destroyed by someone other than a designated officer or employee or agent of the municipality, the municipality is liable under this section only if the municipality

(a) had actual notice of the defacement, removal or destruction, and

(b) failed to restore, repair or replace the traffic control device in a reasonable period of time.

(9) A person who brings an action under this section must notify the municipality of the event that gives rise to the action within 30 days after the occurrence of the event.

(10) Failure to notify the municipality bars the action unless

(a) there is a reasonable excuse for the lack of notice, and the municipality is not prejudiced by the lack of notice,

(b) death is the result of the event complained of, or

(c) the municipality waives in writing the requirement for notice.

1994 cM-26.1 s532

Things on or adjacent to roads

533 A municipality is not liable for damage caused

(a) by the presence, absence or type of any wall, fence, guardrail, railing, curb, pavement markings, traffic control device, illumination device or barrier adjacent to or in, along or on a road, or

(b) by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or on a road that is not on the travelled portion of the road.

1994 cM-26.1 s533

Public works affecting land

534(1) In this section, "injurious affection" means, in respect of land, the permanent reduction in the appraised value of land as a result of the existence, but not the construction, erection or use, of a public work or structure for which the municipality would be liable if the existence of the public work or structure were not under the authority of an enactment.

(2) Within one year after the construction or erection of a public work or structure is completed, as signified by the construction completion certificate, the municipality must deliver or mail to every owner of land that abuts land on which the public work or structure is situated, and place in a newspaper circulating in the municipality, a notice that

(a) identifies the public work or structure,

(b) gives the date of completion, and

(c) states that claims for compensation under this section must be received within 60 days after the notice is published in the newspaper.

(3) Subject to subsection (4), an owner of land that abuts land on which a public work or structure is situated is entitled to compensation from the municipality for injurious affection to the owner's land.

(4) An owner of land described in subsection (3) is entitled to compensation under this section only if the owner files with the municipality a claim within 60 days after notice of the completion of the public work or structure is published in the newspaper.

(5) A claim must state the amount claimed and the particulars of the claim to prove the claim.

(6) The value of any advantage to a claimant's land derived from the existence of the public work or structure must be set off against the amount otherwise payable as compensation for injurious affection.

(7) No compensation is payable for injurious affection caused by

(a) the existence of boulevards or dividers on a road for the purpose of channelling traffic, or

(b) the restriction of traffic to one direction only on any road.

(8) No action or claim for injurious affection may be made except under this section.

(9) If the claimant and the municipality are not able to agree on the amount of compensation for injurious affection, the claimant and the municipality may agree to have the amount determined by binding arbitration under the *Arbitration Act*.

(10) If the claimant and the municipality do not agree to have the amount of compensation for injurious affection determined by binding arbitration, the amount of compensation for injurious affection must be determined by the Land and Property Rights Tribunal.

(11) Subject to the regulations made under subsection (15), the Land and Property Rights Tribunal may follow the practices and procedures used under the *Expropriation Act*.

(12) Except in exceptional circumstances, the Land and Property Rights Tribunal may not award legal costs on a solicitor-client basis in respect of a proceeding under this section.

(13) An appeal lies to the Court of Appeal from any determination or order of the Land and Property Rights Tribunal under this section.

(14) Section 37 of the *Expropriation Act* applies to an appeal under subsection (13).

(15) The Minister may make regulations

(a) respecting the practice and procedure of a proceeding before the Land and Property Rights Tribunal under this section;

(b) subject to subsection (12), respecting costs that may be awarded by the Land and Property Rights Tribunal in respect of a proceeding under this section.

(16) This section applies only in respect of public works and structures for which a construction completion certificate is issued after this section comes into force.

RSA 2000 cM-26 s534;2007 c16 s4;2020 cL-2.3 s24(40)

Division 2
Liability of Councillors and Others

Protection of councillors and municipal officers

535(1) In this section,

(a) "municipal officers" means

(i) the chief administrative officer and designated officers, and

(ii) employees of the municipality;

(b) "volunteer worker" means a volunteer member of a fire or ambulance service or emergency measures organization established by a municipality, or any other volunteer performing duties under the direction of a municipality.

(2) Councillors, council committee members, municipal officers and volunteer workers are not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.

(3) Subsection (2) is not a defence if the cause of action is defamation.

(4) This section does not affect the legal liability of a municipality.

RSA 2000 cM-26 s535;2002 c19 s19

Protection of sporting commissions

535.1(1) In this section, "commission" means a commission established by bylaw for controlling and regulating any of the following:

(a) boxing;

(b) wrestling;

(c) full contact karate;

(d) kickboxing;

(e) any other sport that holds contests where opponents strike each other with a hand, foot, knee, elbow or other part of the body.

(2) A commission and its members, officers, employees and any volunteers and officials performing duties under the direction of any of them are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.

(3) Subsection (2) is not a defence if the cause of action is defamation.

2002 c19 s19;2003 c43 s2

Protection of fire service organizations

535.2(1) In this section,

(a) "fire service organization" means

(i) a municipality that provides, through a department, branch or other part of the municipality, fire services for that municipality or on behalf of one or more municipal authorities;

(ii) a regional services commission that provides fire services within its service area;

(iii) a special areas board or the Minister, in the case of a special area or an improvement district, who provides fire services for the special area or improvement district or on behalf of one or more municipal authorities;

(iv) a corporation or other entity, other than a municipal authority or regional services commission, that provides fire services in one or more municipal authorities in

accordance with an agreement with, or at the request of, the municipal authority or municipal authorities;

(b) "firefighter" means a member, including a volunteer, of a fire service organization whose functions, duties or powers are to carry out fire services, notwithstanding that the member may carry out other functions, duties or powers for the fire service organization;

(c) "fire services" means services related to the suppression or prevention of fires, rescue and emergency services and other activities of a firefighter.

(2) Fire service organizations, members of a regional services commission and firefighters are not liable for loss or damage caused by anything done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers in providing or carrying out fire services.

(3) Subsection (2) does not apply in the case of an accident involving a motor vehicle.

2009 c49 s2

Division 3
Challenging Bylaws and Resolutions

Application to the Court of King's Bench

536(1) A person may apply to the Court of King's Bench for

(a) a declaration that a bylaw or resolution is invalid, or

(b) an order requiring a council to amend or repeal a bylaw as a result of a vote by the electors on the amendment or repeal.

(2) A judge may require an applicant to provide security for costs in an amount and manner established by the judge.

RSA 2000 cM-26 s536;2009 c53 s119;AR 217/2022

Procedure

537 A person who wishes to have a bylaw or resolution declared invalid on the basis that

(a) the proceedings prior to the passing of the bylaw or resolution, or

(b) the manner of passing the bylaw or resolution

does not comply with this or any other enactment must make an application within 60 days after the bylaw or resolution is passed.

1994 cM-26.1 s537

Validity relating to public participation

538 Despite section 537, a person may apply at any time

(a) for a declaration that a bylaw is invalid if

(i) the bylaw is required to be put to a vote of electors and the vote has not been conducted or if the bylaw was not given the required approval in such a vote,

(ii) the bylaw is required to be advertised and it was not advertised, or

(iii) a public hearing is required to be held in respect of the bylaw and the public hearing was not held,

or

(b) for an order requiring a council to pass a bylaw as a result of a vote by the electors.

1994 cM-26.1 s538

Reasonableness

539 No bylaw or resolution may be challenged on the ground that it is unreasonable.

1994 cM-26.1 s539

Effect of councillor being disqualified

540 No bylaw, resolution or proceeding of a council and no resolution or proceeding of a council committee may be challenged on the ground that

(a) a person sitting or voting as a councillor

(i) is not qualified to be on council,

(ii) was not qualified when the person was elected, or

(iii) after the election, ceased to be qualified, or became disqualified,

(b) the election of one or more councillors is invalid,

(c) a councillor has resigned because of disqualification,

(d) a person has been declared disqualified from being a councillor,

(d.1) a councillor is no longer a member of the council as the result of a recall petition declared to be sufficient in accordance with section 240.91(1),

(e) a councillor did not take the oath of office,

(f) a person sitting or voting as a member of a council committee

(i) is not qualified to be on the committee,

(ii) was not qualified when the person was appointed, or

(iii) after being appointed, ceased to be qualified, or became disqualified,

or

(g) there was a defect in the appointment of a councillor or other person to a council committee.

RSA 2000 cM-26 s540;2021 cR-5.7 s71;2024 c11 s2(28)

Division 4
Enforcement of Municipal Law

Definitions

541 In this Division,

(a) "emergency" includes a situation in which there is imminent danger to public safety or of serious harm to property;

(b) "structure" means a structure as defined in section 284;

(c) "unsightly condition",

(i) in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and

(ii) in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.

RSA 2000 cM-26 s541;2023 c9 s19(12)

Municipal inspections and enforcement

542(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action,

(a) enter on that land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,

(b) request anything to be produced to assist in the inspection, remedy, enforcement or action, and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

(1.1) A consent signed under section 653 is deemed to be a reasonable notice for the purposes of subsection (1).

(2) The designated officer must display or produce on request identification showing that the person is authorized to make the entry.

(3) In an emergency or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things in subsection (1)(a) and (c) without the consent of the owner or occupant.

(4) Nothing in this section authorizes the municipality to remedy the contravention of an enactment or bylaw.

1994 cM-26.1 s542;1995 c24 s81

Court authorized inspections and enforcement

543(1) If a person

(a) refuses to allow or interferes with the entry, inspection, enforcement or action referred to in section 542, or

(b) refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542,

the municipality may apply to the Court of King's Bench for an order under subsection (2).

(2) The Court may issue an order

(a) restraining a person from preventing or interfering with the entry, inspection, enforcement or action, or

(b) requiring the production of anything to assist in the inspection, remedy, enforcement or action.

(3) A copy of the application and a copy of each affidavit in support must be served at least 3 days before the day named in the application for the hearing.

(4) In an emergency or in extraordinary circumstances, the Court may hear the application without notice to any person.

RSA 2000 cM-26 s543;2009 c53 s119;AR 217/2022

Inspecting meters

544(1) If a designated officer of a municipality believes that a meter that measures a public utility has been tampered with, the designated officer may apply to a judge of the Court of Justice for an order authorizing one or more employees of the municipality

(a) to enter on any land or structure in which the meter is located, and

(b) to inspect and test the meter.

(2) The judge of the Court of Justice may issue the order on being satisfied by evidence of the designated officer under oath that there are reasonable grounds to believe the meter has been tampered with.

(3) The judge of the Court of Justice may hear the application without notice to any person.

RSA 2000 cM-26 s544;2008 c32 s21;AR 75/2023

Order to remedy contraventions

545(1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

(2) The order may

(a) direct a person to stop doing something, or to change the way in which the person is doing it;

(b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;

(c) state a time within which the person must comply with the directions;

(d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

1994 cM-26.1 s545

Order to remedy dangers and unsightly property

546(0.1) In this section, "detrimental to the surrounding area" includes causing the decline of the market value of property in the surrounding area.

(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order

(a) require the owner of the structure to

(i) eliminate the danger to public safety in the manner specified, or

(ii) remove or demolish the structure and level the site;

(b) require the owner of the land that contains the excavation or hole to

(i) eliminate the danger to public safety in the manner specified, or

(ii) fill in the excavation or hole and level the site;

(c) require the owner of the property that is in an unsightly condition to

(i) improve the appearance of the property in the manner specified, or

(ii) if the property is a structure, remove or demolish the structure and level the site.

(2) The order may

(a) state a time within which the person must comply with the order;

(b) state that if the person does not comply with the order within a specified time, the municipality will take the action or measure at the expense of the person.

RSA 2000 cM-26 s546;2023 c9 s19(13)

Caveat

546.1(1) A municipality may register a caveat under the *Land Titles Act* in respect of an order made under section 545 or 546 dealing with a dangerous structure, excavation or hole or unsightly property against the certificate of title for the land that is the subject of the order.

(2) If a municipality registers a caveat under subsection (1), the municipality must discharge the caveat when the order has been complied with or when the municipality has performed the actions or measures referred to in the order.

1999 c11 s32

Review by council

547(1) A person who receives a written order under section 545 or 546 may by written notice request council to review the order within

(a) 14 days after the date the order is received, in the case of an order under section 545, and

(b) 7 days after the date the order is received, in the case of an order under section 546,

or any longer period as specified by bylaw.

(2) After reviewing the order, the council may confirm, vary, substitute or cancel the order.

1994 cM-26.1 s547;1999 c11 s33

Appeal to Court of King's Bench

548(1) A person affected by the decision of a council under section 547 may appeal to the Court of King's Bench if

(a) the procedure required to be followed by this Act is not followed, or

(b) the decision is patently unreasonable.

(1.1) The appeal must be made,

(a) in the case of an appeal of an order under section 545, within 30 days after the date the decision under section 547 is served on the person affected by the decision, and

(b) in the case of an appeal of an order under section 546, within 15 days after the date the decision under section 547 is served on the person affected by the decision.

(2) The application for the appeal must state the reasons for the appeal.

(3) The Court may

(a) confirm the decision, or

(b) declare the decision invalid and send the matter back to the council with directions.

RSA 2000 cM-26 s548;AR 217/2022

Municipality remedying contraventions, dangers and unsightly property

549(1) Subject to subsection (2), a municipality may take whatever actions or measures are necessary to

(a) remedy a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw or to prevent a reoccurrence of the contravention, or

(b) eliminate the danger to public safety caused by a structure, excavation or hole or to deal with the unsightly condition of property.

(2) No action or measure shall be taken under subsection (1) unless

(a) the municipality has first given a written order under section 545 or 546 that contains a statement referred to in section 545(2)(d) or 546(2)(b), as the case may be,

(b) the person to whom the order is directed has not complied with the order within the time specified in the order, and

(c) the appeal periods respecting the order have expired or, if an appeal has been made, the appeal has been decided and the decision allows the municipality to take the action or measures.

(3) If an order under section 545(1) directed that premises be put and maintained in a sanitary condition, the municipality may, under this section, close the premises and use reasonable force to remove any occupants.

(4) If a structure is being removed or demolished by a municipality under subsection (1)(b), the municipality may use reasonable force to remove any occupants.

(5) The expenses and costs of an action or measure taken by a municipality under this section are an amount owing to the municipality

(a) in the case of an action or measure taken under subsection (1)(a), by the person who contravened the enactment or bylaw, or

(b) in the case of an action or measure taken under subsection (1)(b), by the person who did not comply with the order under section 546(1) within the time specified in the order.

(6) If the municipality sells all or a part of a structure that has been removed under subsection (1)(b), the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the person entitled to them.

RSA 2000 cM-26 s549;2022 c16 s9(69)

550 Repealed 2022 c16 s9(70).

Emergencies

551(1) Despite section 549, in an emergency a municipality may take whatever actions or measures are necessary to eliminate the emergency.

(2) This section applies whether or not the emergency involves a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw.

(3) A person who receives an oral or written order under this section requiring the person to provide labour, services, equipment or materials must comply with the order.

(4) Any person who provides labour, services, equipment or materials under this section who did not cause the emergency is entitled to reasonable remuneration from the municipality.

(5) The expenses and costs of the actions or measures, including the remuneration referred to in subsection (4), are an amount owing to the municipality by the person who caused the emergency.

RSA 2000 cM-26 s551;2022 c16 s9(71)

Recovery of amounts owing by civil action

552 Except as provided in this or any other enactment, an amount owing to a municipality may be collected by civil action for debt in a court of competent jurisdiction.

1994 cM-26.1 s552

Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

(a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;

(b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;

(c) unpaid expenses and costs referred to in section 549(5)(a), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;

(d), (e) repealed 1999 c11 s35;

(f) costs associated with tax recovery proceedings related to the parcel;

(g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;

(g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;

(h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Land and Property Rights Tribunal under section 501, if the composite assessment review board or the Land and Property Rights Tribunal has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Land and Property Rights Tribunal was related to the parcel;

(h.1) the expenses and costs of carrying out an order under section 646;

(i) any other amount that may be added to the tax roll under an enactment.

(2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount

(a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and

(b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

RSA 2000 cM-26 s553;2009 c29 s50;2020 cL-2.3 s24(27); 2022 c16 s9(72)

Adding amounts owing to property tax roll

553.1(1) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the tax roll of any property for which the person is the assessed person:

(a) a person who was a licensee under a licence of occupation granted by the municipality and who, under the licence, owes the municipality for the costs incurred by the municipality in restoring the land used under the licence;

(b) an agreement holder referred to in section 27.2(2) who owes money to the municipality under section 27.2(2);

(c) a person who owes money to the municipality under section 549(5)(b) or 551(5).

(2) Subject to section 659, when an amount is added to the tax roll of property under subsection (1), the amount

(a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and

(b) forms a special lien against the property in favour of the municipality from the date it was added to the tax roll.

RSA 2000 cM-26 s553.1;2022 c16 s9(73);2023 c5 s8

Adding amounts owing to business tax roll

553.2(1) In this section, "business tax roll" means the portion of a municipality's tax roll for taxable businesses.

(2) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the business tax roll against any business operated by the person:

(a) a person who was a licensee under a licence of occupation granted by the municipality and who, under the licence, owes the municipality for the costs incurred by the municipality in restoring the land used under the licence;

(b) a person who owes money to the municipality under section 549(5)(b) or 551(5).

(3) Subject to section 659, when an amount is added to the business tax roll under subsection (2) against a business, the

amount is deemed for all purposes to be a tax imposed under Division 3 of Part 10 from the date it was added to the tax roll.

RSA 2000 cM-26 s553.2;2022 c16 s9(74)

Injunction

554(1) When

(a) a structure is being constructed in contravention of an enactment that a municipality is authorized to enforce or a bylaw,

(b) a contravention of this Act, another enactment that a municipality is authorized to enforce or a bylaw is of a continuing nature, or

(c) any person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by a bylaw,

in addition to any other remedy and penalty imposed by this or any other enactment or a bylaw, the municipality may apply to the Court of King's Bench for an injunction or other order.

(2) The Court may grant or refuse the injunction or other order or may make any other order that in its opinion the justice of the case requires.

RSA 2000 cM-26 s554;2009 c53 s119;AR 217/2022

Municipality's costs in actions

554.1(1) A municipality is entitled to collect lawful costs in all actions and proceedings to which the municipality is a party.

(2) The costs of a municipality in an action or proceeding in which the municipality is a party are not to be disallowed or reduced because the municipality's lawyer in the action or proceeding is an employee of the municipality.

RSA 2000 cM-26 s554.1;2009 c53 s119

Bylaw enforcement officers

555(1) A person who is appointed as a bylaw enforcement officer is, in the execution of enforcement duties, responsible for the preservation and maintenance of the public peace.

(2) Bylaw enforcement officers must take the official oath prescribed by the *Oaths of Office Act* before starting their duties.

1994 cM-26.1 s555

Powers and duties of bylaw enforcement officers

556 Every council must by bylaw

(a) specify the powers and duties of bylaw enforcement officers, and

(b) establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers.

1994 cM-26.1 s556

Division 5
Offences and Penalties

General offences

557 A person who contravenes or does not comply with

(a) a provision of this Division,

(a.1) a provision of Part 17 or the regulations under Part 17,

(a.2) a land use bylaw as defined in Part 17,

(a.3) an order under section 645,

(a.4) a development permit or subdivision approval or a condition of a permit or approval under Part 17,

(a.5) a decision of a subdivision and development appeal board or the Land and Property Rights Tribunal under Part 17,

(a.6) section 436.24,

(b) a direction or order of the Minister,

(c) an order under section 545, 546, 551 or 567, or

(d) section 436.05,

or who obstructs or hinders any person in the exercise or performance of the person's powers under Part 17 or the regulations under Part 17, is guilty of an offence.

RSA 2000 cM-26 s557;2020 cL-2.3 s24(41)

Offences applicable to officials

558 No chief administrative officer or designated officer may

(a) fail to discharge the duties of office imposed by this or any other enactment or bylaw,

(b) sign any statement, report or return required by this or any other enactment or bylaw knowing that it contains a false statement, or

(c) fail to hand over to a successor in office, or to the persons designated in writing by the council or the Minister, all money, books, papers and other property of a municipality.

1994 cM-26.1 s558

Unauthorized use of heraldic emblems

559 No person may use the heraldic emblem of the municipality or anything that is intended to resemble the heraldic emblem without the permission of council.

1994 cM-26.1 s559

Documents used to enforce bylaws

560(1) No person may issue a form that a municipality uses to enforce its bylaws unless the person has the authority to enforce those bylaws.

(2) No person may use a form that resembles a form that a municipality uses to enforce its bylaws with the intent of making others think that the form was issued by the municipality.

1994 cM-26.1 s560

561 Repealed 1994 cM-26.1 s738.

Obstructing construction of public work or utilities

562 No person may interfere with the construction, maintenance, operation or repair of a public work or public utility.

1994 cM-26.1 s562

Stop-cock

563 If a municipality has placed a stop-cock in a building as part of a municipal public utility, no owner or occupant of the building may use the stop-cock except to prevent damage to the building or the system or works of the public utility or to prevent or stop the flooding of the building.

1994 cM-26.1 s563

Operating a business without a licence

564 In a prosecution for contravention of a bylaw against engaging in or operating a business without a licence, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.

1994 cM-26.1 s564

Prosecutions

565 A prosecution under this Act or a bylaw may be commenced within 2 years after the date of the alleged offence, but not afterwards.

1994 cM-26.1 s565

Penalty

566(1) Subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than $10 000 or to imprisonment for not more than one year, or to both fine and imprisonment.

(2) The minimum fine for a person who is found guilty of contravening or not complying with an order under section 546 or 551 is $300.

1994 cM-26.1 s566

Order for compliance

567 If a person is found guilty of an offence under this Act or a bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this Act or bylaw or a licence, permit or other authorization issued under the bylaw, or a condition of any of them.

1994 cM-26.1 s567

Fines and penalties

568 Fines and penalties imposed on a conviction for an offence under this Act or a bylaw are an amount owing to the municipality in which the offence occurred.

1994 cM-26.1 s568

Civil liability not affected

569 A person who is guilty of an offence under this Act may also be liable in a civil proceeding.

1994 cM-26.1 s569

Part 14
General Ministerial Powers

Intermunicipal disagreements

570 If a disagreement between municipalities is referred to the Minister by a council of a municipality or if the Minister is satisfied that it is desirable for the Minister to become involved in a disagreement between municipalities, the Minister may do one or more of the following:

(a) conduct any investigation or inquiry that the Minister considers to be appropriate;

(b) appoint a mediator to assist the municipalities in resolving the disagreement;

(c) make a decision to settle the disagreement and order the municipalities to implement the decision.

1994 cM-26.1 s570;1996 c30 s50

Measures to ensure compliance with ALSA regional plans

570.01(1) If the Minister considers that a municipal authority, regional services commission or growth management board has not complied with an ALSA regional plan, the Minister may take any necessary measures to ensure that the municipal authority, regional services commission or growth management board, as the case may be, complies with the ALSA regional plan.

(2) In subsection (1), all necessary measures includes, without limitation, an order by the Minister

(a) suspending the authority of a council to make bylaws in respect of any matter specified in the order;

(b) exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);

(c) removing a suspension of bylaw-making authority, with or without conditions;

(d) withholding money otherwise payable by the Government to the municipal authority, regional services commission or growth management board pending compliance with an order of the Minister;

(e) repealing, amending and making policies and procedures with respect to the municipal authority, regional services commission or growth management board;

(f) suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;

(g) requiring or prohibiting any other action as necessary to ensure an ALSA regional plan is complied with.

2009 cA-26.8 s83;2013 c17 s3

Information

570.1 The Minister may provide a municipality with any information on the assessment of property the Minister may have whether the property is located in the municipality or elsewhere.

1995 c24 s85

Inspection

571(1) The Minister may require any matter connected with the management, administration or operation of any municipality or any assessment prepared under Part 9 to be inspected

(a) on the Minister's initiative,

(b) on the request of the council of the municipality, or

(c) if the Minister receives a sufficient petition requesting the inspection that is signed,

(i) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 20% of the population, and

(ii) in the case of a summer village, by a number of electors of the summer village equal to at least 30% of the number of summer village residences in the summer village.

(1.1) For the purposes of subsection (1), the management, administration or operation of a municipality includes

(a) the affairs of the municipality,

(b) the conduct of a councillor or of an employee or agent of the municipality, and

(c) the conduct of a person who has an agreement with the municipality relating to the duties or obligations of the municipality or the person under the agreement.

(2) The Minister may appoint one or more persons as inspectors for the purpose of carrying out inspections under this section.

(3) An inspector

(a) may require the attendance of any officer of the municipality or of any other person whose presence the inspector considers necessary during the course of the inspection, and

(b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

(4) When required to do so by an inspector, the chief administrative officer of the municipality must produce for examination and inspection all books and records of the municipality.

(5) After the completion of the inspection, the inspector must make a report to the Minister and, if the inspection was made at the request of a council, to the council.

RSA 2000 cM-26 s571;2016 c24 s85

Inquiry

572(1) The Minister may, on the Minister's initiative, order an inquiry described in subsection (2).

(2) An inquiry may be conducted into

(a) the affairs of the municipality,

(b) the conduct of a councillor, or an employee or agent of the municipality, or

(c) the conduct of a person who has an agreement with the municipality relating to the duties or obligations of the municipality or a person under the agreement.

(3) The Minister may appoint one or more persons to conduct an inquiry under this section.

(4) The person or persons appointed to conduct an inquiry are entitled to the fees and expenses specified by the Minister and the Minister may direct who is to pay for the inquiry.

(5) The person or persons appointed to conduct an inquiry have all the powers and duties of a commissioner appointed under the *Public Inquiries Act*.

(6) The person or persons appointed to conduct an inquiry must report to the Minister and the council.

RSA 2000 cM-26 s572;2016 c24 s86

Bank accounts

573 A bank, an agency of a bank or any other financial institution carrying on business in Alberta must, on request of the Minister, furnish the Minister with a statement showing the balance or condition of the accounts of any municipality having an account with the bank, agency or institution, together with any particulars of the accounts that may be required.

1994 cM-26.1 s573

Directions and dismissal

574(1) If, because of an inspection under section 571, a report of an official administrator under section 575.1, an inquiry under section 572 or an investigation by the Ombudsman, the Minister considers that a municipality is managed in an irregular, improper or improvident manner, the Minister may by order direct the council, the chief administrative officer or a designated officer of the municipality to take any action that the Minister considers proper in the circumstances.

(2) If an order of the Minister under subsection (1) is not carried out to the satisfaction of the Minister and the Minister considers that the municipality continues to be managed in an irregular, improper or improvident manner or if an order of the Minister under section 570(c) is not carried out to the satisfaction of the Minister, and all reasonable efforts to resolve the situation have been attempted and have been unsuccessful, the Minister may make one or more of the following orders:

(a) an order suspending the authority of the council to make bylaws in respect of any matter specified in the order;

(b) an order exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);

(c) an order removing a suspension of bylaw-making authority, with or without conditions;

(d) an order withholding money otherwise payable by the Government to the municipal authority pending compliance with an order of the Minister;

(e) an order repealing, amending and making policies and procedures with respect to the municipal authority;

(f) an order suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;

(g) an order requiring or prohibiting any other action as necessary to ensure an order is complied with;

(h) an order dismissing the council or any member of it or the chief administrative officer.

(2.1) Before making an order under subsection (2), the Minister must give the municipal authority notice of the intended order and at least 14 days in which to respond.

(3) On the dismissal of the council or of any member of it, the Minister may direct the election of a new council or of a member of council to take the place of any member that has been dismissed.

(4) On the dismissal of the chief administrative officer, the Minister may appoint another officer and specify the remuneration that is payable to the officer by the municipality.

(5) The Minister may appoint an official administrator

(a) on the dismissal of a council, or

(b) on the dismissal of one or more councillors if the remaining councillors do not constitute a quorum.

(6) An official administrator appointed under subsection (5) has all the powers and duties of the council.

RSA 2000 cM-26 s574;2016 c24 s87;2017 c13 s1(48); 2022 c16 s9(75)

Official administrator as supervisor

575(1) The Minister may at any time appoint an official administrator to supervise a municipality and its council.

(2) So long as the appointment of an official administrator under this section continues,

(a) no bylaw or resolution that authorizes the municipality to incur a liability or to dispose of its money or property has any effect until the bylaw or resolution has been approved in writing by the official administrator,

(b) the official administrator may at any time within 30 days after the passing of any bylaw or resolution disallow it, and the bylaw or resolution so disallowed becomes and is deemed to have always been void,

(c) the official administrator

(i) must be notified by council of any regularly scheduled or special council meetings,

(ii) may be present during all meetings of council that are closed to the public except where matters subject to legal privilege are being discussed,

(iii) may direct the municipality to provide a copy of any records, except records subject to legal privilege, in the municipality's possession to the official administrator within the time specified by the official administrator, and

(iv) must sign or authorize agreements, cheques and other negotiable instruments of the municipality or council in addition to the person signing or authorizing those agreements, cheques and other negotiable instruments under section 213(4).

RSA 2000 cM-26 s575;2025 c13 s2(13)

Reports of official administrators

575.1 An official administrator appointed under this Part shall on request of the Minister, and may at any other time, report to the Minister on any matter respecting the municipality or its council or administration or any intermunicipal matter.

2017 c13 s1(49)

Enforcement where municipality under supervision

575.2(1) If the Minister considers that a municipality has, while under the supervision of an official administrator,

(a) incurred a liability or disposed of money or property without the written approval of the official administrator required by section 575(2)(a), or

(b) acted on a bylaw or resolution that has been disallowed by the official administrator under section 575(2)(b),

the Minister may take any necessary measures to address the situation, including, without limitation, making one or more orders referred to in section 574(2)(a) to (h).

(2) Before making an order under subsection (1), the Minister must give the municipal authority notice of the intended order and at least 14 days in which to respond.

2017 c13 s1(49)

Remuneration for official administrator

576 When an official administrator is appointed for a municipality by the Minister under this Act, the remuneration and expenses of the official administrator as set by the Minister must, if required by the Minister, be paid by the municipality.

1994 cM-26.1 s576

Providing Minister with copies and information

577(1) The Minister may direct a municipality to provide a copy of any document in the possession of the municipality to the Minister within the time specified by the Minister.

(2) The Minister may direct a municipality to provide information or statistics respecting the municipality to the Minister within the time specified by the Minister.

(3) A municipality must comply with a direction of the Minister under this section and provide the copy, information or statistics to the Minister without charge.

(4) This section does not apply to documents that have been prepared or information acquired by a municipality that is subject to any type of legal privilege, including solicitor-client privilege.

1994 cM-26.1 s577

Delegation

578(1) The Minister may delegate in writing to any person any power, duty or function of the Minister under this Act, including any power, duty or function that involves the Minister forming an opinion or belief.

(2) Subsection (1) does not apply to any power or duty to make regulations.

1994 cM-26.1 s578

Fees

579(1) The Minister may charge fees in connection with any service, program or other thing done by or under the authority of the Minister under this Act or the regulations.

(2) A person who receives a service, program or other thing done by or under the authority of the Minister is liable to pay the fee established under subsection (1) to the Government of Alberta and the fee may be collected by civil action for debt in a court of competent jurisdiction.

1994 cM-26.1 s579

Minister's decisions

579.1(1) An applicant seeking injunctive relief from a court against any order, decision or direction of the Minister under this Part must give the Minister at least 10 days' notice of the application.

(2) An order, decision or direction of the Minister under this Part is not stayed by an application for judicial review but remains in effect pending the court's decision on the judicial review application.

2017 c13 s1(50)

Regulations

580 The Minister may make regulations requiring a municipality to publish in a specified manner any information respecting the municipality that is specified in the regulations.

1994 cM-26.1 s580

Part 15
Improvement Districts

Formation order

581 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order form an improvement district.

1994 cM-26.1 s581

Contents of order

582 The formation order must

(a) describe the boundaries of the improvement district, and

(b) give the improvement district an official name.

1994 cM-26.1 s582

Changes to improvement districts

583(1) The Minister may by order

(a) amalgamate 2 or more improvement districts;

(b) divide an improvement district into 2 or more improvement districts;

(c) annex land from an improvement district to another improvement district;

(d) change the name of an improvement district;

(e) establish industrial improvement areas within improvement districts;

(f) dissolve an improvement district.

(2) An order under this section may contain terms and conditions and provisions dealing with transitional matters that the Minister considers to be appropriate that operate despite this or any other enactment.

1994 cM-26.1 s583

Orders published

584 An order of the Lieutenant Governor in Council under section 581 and the Minister under section 583 must be published in The Alberta Gazette.

1994 cM-26.1 s584

Regulations Act

585 The *Regulations Act* does not apply to an order of the Lieutenant Governor in Council under section 581 or to an order of the Minister under this Part.

1994 cM-26.1 s585

Application of other enactments

586 The Minister may by order

(a) provide that provisions of this or any other enactment do not apply to an improvement district,

(b) provide that provisions of this or any other enactment apply to an improvement district with or without modifications, and

(c) specify provisions that are to be added to or replace the provisions of this or any other enactment in respect of an improvement district.

1994 cM-26.1 s586

General power of Minister

587 The Minister may by order do anything in respect of an improvement district that a council of a municipality may do under this or another enactment.

1994 cM-26.1 s587

Council

588(1) The Minister may establish a council for an improvement district.

(2) Unless subsection (3) applies, a council is composed of one or more councillors appointed by the Minister.

(3) The Minister may by order

(a) direct that some or all of the councillors are to be elected,

(b) establish wards for the elected councillors, and

(c) provide for any matter dealing with the transition from an appointed council to a council with some or all elected members.

(4) If the Minister orders that some or all of the councillors are to be elected, the *Local Authorities Election Act* applies to the election as modified by directions given by the Minister.

1994 cM-26.1 s588

588.1 Repealed 2020 c25 s11.

Delegation by Minister

589(1) The Minister may, in writing, delegate to any person or to a council of an improvement district any of the powers, duties and functions of the Minister under this or any other enactment relating to an improvement district, including the powers, duties and functions of being a trustee under section 595.

(2) The Minister may not delegate the power or duty to make a regulation as defined in the *Regulations Act*.

1994 cM-26.1 s589

Hamlets

590(1) The Minister may designate an unincorporated community that is within the boundaries of an improvement district to be a hamlet.

(2) The designation of a hamlet must specify the hamlet's name and boundaries.

1994 cM-26.1 s590

Employees

591 In accordance with the *Public Service Act*, there may be appointed any person necessary for the administration of an improvement district.

1994 cM-26.1 s591

Roads

592(1) The Minister of Transportation and Economic Corridors and the Minister responsible for this Act may enter into an agreement providing that all or part of the direction, control and management of roads within an improvement district is transferred to the Minister responsible for this Act.

(2) An agreement under subsection (1) may provide for the payment of costs with respect to roads within the improvement district.

RSA 2000 cM-26 s592;2013 c10 s21;2022 c21 s57

Estimate of expenditures

593 Before January 1 in each year, every Minister charged with the duty of expending any part of the taxes collected in an improvement district must send to the Minister responsible for this Act a statement, with reference to each improvement district, of the estimated amount required to be expended by the expending Minister in each improvement district during the current year.

1994 cM-26.1 s593

Machinery and equipment and designated industrial property

594(1) The definitions of "designated industrial property" and "machinery and equipment" in Part 9 apply to this section.

(2) The Minister may by order impose, in addition to any other taxes imposed under Part 10, an additional tax on machinery and equipment and designated industrial property located in an industrial improvement area.

(3) The provisions in Parts 9 to 12 relating to machinery and equipment and designated industrial property apply to the additional tax imposed under this section.

RSA 2000 cM-26 s594;2016 c24 s135

Trust account for revenue

595 The taxes and all other revenues collected on behalf of an improvement district must be deposited in a treasury branch, bank or other similar institution to be held in trust by the Minister.

1994 cM-26.1 s595

Expenditures

596(1) The taxes and all other revenues collected on behalf of an improvement district may be expended under the direction of the Minister

(a) to meet the requirements of the improvement district,

(b) to pay requisitions made under the *Education Act*, the *Hospitals Act* and the *Provincial Health Agencies Act*,

(c) to pay the estimated amounts referred to in section 593 or an equally proportionate part of those amounts if the taxes and revenues collected on behalf of the improvement district are not sufficient to cover all of the improvement district's expenditures, or

(d) to pay to other municipalities any portion of the taxes levied and collected that the Minister may by order determine.

(2) The expenses incidental to the assessment and collection of taxes on behalf of an improvement district and any other necessary expenses in connection with the administration of affairs in an improvement district are a first charge on the taxes and other revenue collected on behalf of the district.

RSA 2000 cM-26 s596;2012 cE-0.3 s279;2017 c13 s1(51); 2024 c10 s31

Public accounts

597 The details of expenditures for an improvement district must be published in the public accounts annually submitted to the Legislative Assembly.

1994 cM-26.1 s597

Settlement of accounts

598 If the Minister considers it equitable, the Minister may settle in whole or in part any amounts owing to the Crown or to the Minister under this Act or any other Act relating to an improvement district for rentals, fees or other charges, other than taxes imposed under Part 10.

1994 cM-26.1 s598

Investments

599 With the consent of the President of Treasury Board and Minister of Finance, the Minister may invest any taxes or revenue collected on behalf of an improvement district in investments that the President of Treasury Board and Minister of Finance is authorized to invest in under section 43(1) of the *Financial Administration Act*.

RSA 2000 cM-26 s599;2006 c23 s57;2013 c10 s21

Borrowing

600 The Minister may borrow on the security of the taxes and other revenues of an improvement district any sums required to meet the requirements of the district under this or any other enactment.

1994 cM-26.1 s600

Acquisition of land

601 The Minister may purchase, expropriate or otherwise acquire land required for or in connection with the administration of an improvement district or for the purposes of an agreement entered into under section 602 and the Minister may encumber, lease or otherwise dispose of the land as the circumstances require.

1994 cM-26.1 s601

Agreements for services

602 The Minister may enter into agreements with the Government of Canada or its agencies or with any other public body or person for the purpose of obtaining any service, benefit or other advantages for the whole or part of an improvement district or for its residents.

1994 cM-26.1 s602

Part 15.1
Regional Services Commissions

Interpretation

602.01(1) In this Part,

(a) "board" means the board of directors of a commission;

(b) "borrowing" means a borrowing as defined in section 241(a.1);

(c) "bylaws" means the bylaws of a commission;

(d) "capital property" means capital property as defined in section 241(c);

(e) "commission" means a regional services commission;

(e.1) "debt limit" means the debt limit for a commission determined in accordance with the regulations under section 602.32;

(f) "member" means, in respect of a commission, a municipal authority that is a member of the commission;

(g) "municipal authority" means a municipal authority as defined in section 1(1)(p), and includes a Metis settlement, an Indian reserve and an armed forces base;

(h) "public utility" means a public utility as defined in section 1(1)(y), excluding public transportation operated by or on behalf of a municipality;

(i) "resolution" means a resolution passed by a municipal authority or commission under this Part;

(j) "service" means, in respect of a commission, a service that the bylaws authorize the commission to provide;

(k) "transportation service" means a service to transport people or goods by vehicle, including a vehicle that runs on rails.

(2) A reference to a bylaw or resolution in this Act outside this Part does not include a bylaw or resolution passed by a commission.

RSA 2000 cM-26 s602.1;2020 c25 s11;2023 c9 s19(14)

Division 1
Establishment and Operation

Establishing commissions

602.02(1) Two or more municipal authorities may agree to jointly establish a commission by passing resolutions.

(2) Before being passed under subsection (1), the proposed resolutions must be advertised in accordance with section 606.

(3) Within 60 days of the resolutions being passed under subsection (1), the Minister must be notified of the resolutions.

(4) A notification under subsection (3) must include copies of all the resolutions passed under subsection (1) and provide the commission's office location and contact information.

(5) A commission is not established until an order listing the commission is issued by the Minister under section 602.04.

RSA 2000 cM-26 s602.02;2016 c24 s88;2020 c25 s11

Resolution and notification

602.03(1) A resolution establishing a commission must specify

(a) the name of the commission, and

(b) the names of the members, the first board of directors and the first chair of the commission.

(2) The commission must notify the Minister within 60 days of any change to any of the information provided under section 602.02(4).

(3) If a commission is to be disestablished under section 602.09(1)(g), the commission must notify the Minister within 60 days of the commission's being disestablished.

2020 c25 s11

List of commissions

602.04 The Minister may issue an order listing or updating the list of the names of all the commissions established or disestablished each time the Minister receives a notification under section 602.02(3) or 602.03(2) or (3), as the case may be.

2020 c25 s11

Corporation

602.05 A commission is a corporation.

RSA 2000 cM-26 s602.03;2020 c25 s11

Board of directors

602.06(1) A commission is governed by a board.

(2) Subject to sections 602.03(1)(b) and 602.07, the directors of the board are to be appointed and the chair of the commission designated in accordance with the commission's bylaws.

RSA 2000 cM-26 s602.04;2020 c25 s11

Directors representing Province

602.07(1) If, in the Minister's opinion, a service that a commission is authorized to provide is a service that is provided by the Government of Alberta or that may affect a service provided by the Government of Alberta, the Minister may, despite the bylaws, appoint as many directors of the commission as the Minister considers necessary.

(2) A director appointed under this section has the powers, duties and functions of a director appointed in accordance with the commission's bylaws.

RSA 2000 cM-26 s602.05;2020 c25 s11

Delegation

602.08(1) Subject to subsection (2), a board may delegate any of its or the commission's powers, duties or functions under this Act or any other enactment.

(2) A board may not delegate

(a) the power or duty to pass bylaws,

(b) the power to expropriate,

(c) the power to authorize a borrowing,

(d) the power to adopt budgets, and

(e) the power to approve financial statements.

RSA 2000 cM-26 s602.06;2020 c25 s11

Bylaws

602.09(1) Each board must pass bylaws

(a) respecting the provision of the commission's services;

(b) respecting the administration of the commission;

(c) respecting the process for changing the directors of the board and the chair of the commission and for setting the terms of office of the board and the chair;

(d) respecting the process for adding or removing members;

(e) respecting the fees to be charged by the commission for services provided to its customers or to any class of its customers;

(f) respecting the disposal of assets by the commission;

(g) respecting the process for disestablishment of the commission, including the treatment of assets and liabilities on disestablishment.

(2) The *Regulations Act* does not apply to the bylaws passed under subsection (1).

RSA 2000 cM-26 s602.07;2020 c25 s11

Meetings

602.1(1) Subject to subsection (2), sections 197 and 199 apply to the meetings of a commission.

(2) Notwithstanding sections 197 and 199, for the purposes of this Part, a reference in sections 197 and 199 to a council, councils and council committees shall be read as a reference to a board, boards and board committees, respectively.

RSA 2000 cM-26 s602.08;2015 c8 s55;2019 c22 s10(16);2020 c25 s11

Compliance with growth plan and ALSA regional plan

602.11 In carrying out its functions and in exercising its jurisdiction under this Act and other enactments, a commission must act in accordance with any applicable growth plan under Part 17.1 and any applicable ALSA regional plan.

RSA 2000 cM-26 s602.021;2020 c25 s11

Control of profit corporations

602.12 Division 9 of Part 3 does not apply to a commission.

RSA 2000 cM-26 s602.09;2016 c24 s89;2020 c25 s11

Division 2
Powers and Duties

Natural person powers

602.13 A commission has natural person powers, except to the extent that they are limited by this Act or any other enactment.

RSA 2000 cM-26 s602.1;2020 c25 s11

Service area

602.14 A commission may, as authorized by its bylaws, provide services

(a) within the boundaries of its members, and

(b) outside the boundaries of its members with approval

(i) from the other municipal authority within whose boundaries the services are to be provided, and

(ii) in the case of services to be provided in a part of a province or territory adjoining Alberta, the authority from that province or territory whose jurisdiction includes the provision of the services in that part of the province or territory.

RSA 2000 cM-26 s602.11;2020 c25 s11

Profit and surpluses

602.15 A commission may not

(a) operate for the purposes of making a profit, or

(b) distribute any of its surpluses to its members.

2020 c25 s11

Traffic Safety Act

602.16 A commission that is authorized by its bylaws to provide transportation services is subject to the *Traffic Safety Act*.

RSA 2000 cM-26 s602.12;RSA 2000 cT-6 s205;2020 c25 s11

Acquisition of land

602.17(1) A commission may acquire an estate or interest in land in a province or territory adjoining Alberta if the local government within whose boundaries the land is located consents in writing to the acquisition.

(2) This section does not apply until the commission exercises the right of acquisition under subsection (1).

RSA 2000 cM-26 s602.125;2020 c25 s11

Expropriation

602.18(1) A commission may acquire by expropriation under the *Expropriation Act* an estate or interest in land for the purpose of providing a public utility or a transportation service.

(2) A commission may acquire by expropriation an estate or interest under subsection (1) in land that is outside the boundaries of its members only if the municipal authority in whose boundaries the land is located consents in writing to the acquisition.

RSA 2000 cM-26 s602.13;2020 c25 s11

Public utility disputes

602.19 If there is a dispute between a commission and another commission or a commission and any municipal authority with respect to

(a) rates, tolls or charges for a service that is a public utility,

(b) compensation for the acquisition by the commission of facilities used to provide a service that is a public utility, or

(c) the use of any road, square, bridge, subway or watercourse by the commission to provide a service that is a public utility,

any party involved in the dispute may submit the dispute to the Alberta Utilities Commission, and the Alberta Utilities Commission may issue an order on any terms and conditions that the Alberta Utilities Commission considers appropriate.

RSA 2000 cM-26 s602.14;2007 cA-37.2 s82(17);2020 c25 s11

Other disputes

602.2(1) If

(a) there is a dispute between a commission and another commission or a commission and any municipal authority and the matter in dispute is not under the jurisdiction of the Alberta Utilities Commission or any other board or tribunal created by an enactment, or

(b) there is a dispute between a commission and a municipal authority, other than an improvement district or special area, in respect of an expropriation that requires the consent of the municipal authority under section 602.18(2),

any party involved in the dispute may submit the dispute to the Land and Property Rights Tribunal.

(2) If a dispute is submitted to the Land and Property Rights Tribunal, each party involved in the dispute must submit a written statement to the Tribunal and to the other parties involved in the dispute that sets out

(a) a summary of the facts and its position in the dispute, and

(b) an address to which any notice or decision of the Tribunal is to be sent.

(3) The Land and Property Rights Tribunal must hold a hearing after the written statements have been submitted, or after the expiry of a time period established by the Tribunal for submission of the statements, whichever occurs first.

RSA 2000 cM-26 s602.15;RSA 2000 cT-6 s205;2007 cA-37.2 s82(17);2020 cL-2.3 s24(28);2020 c25 s11;2023 c9 s19(15)

Order of Land and Property Rights Tribunal

602.21(1) After hearing a dispute under section 602.2(3), the Land and Property Rights Tribunal may make any order it considers appropriate.

(2) The order under subsection (1) may

(a) include terms and conditions, and

(b) be effective on a future date or for a limited time.

(3) The Land and Property Rights Tribunal must send its order, and its reasons if requested, to the parties involved in the dispute.

(4) An order of the Land and Property Rights Tribunal under this section is binding on the parties involved in the dispute.

RSA 2000 cM-26 s602.16;2020 cL-2.3 s24(41);2020 c25 s11

Division 3
Financial Matters

Financial year

602.22 The financial year of a commission is the calendar year.

RSA 2000 cM-26 s602.18;2020 c25 s11

Operating budget

602.23(1) A commission must adopt an operating budget for each calendar year.

(2) An operating budget must include the estimated amount of each of the following expenditures and transfers:

(a) the amount needed to enable the commission to provide its services;

(b) the amount needed to pay the debt obligations in respect of borrowings made to acquire, construct, remove or improve capital property;

(c) if necessary, the amount needed to provide for a depreciation or depletion allowance, or both, for any public utility the commission is authorized to provide;

(d) the amount to be transferred to reserves;

(e) the amount to be transferred to the capital budget;

(f) the amount needed to recover any shortfall as required under section 602.24.

(3) An operating budget must include the estimated amount of each of the following sources of revenue and transfers:

(a) fees for services provided;

(b) grants;

(c) transfers from the commission's accumulated surplus funds or reserves;

(d) any other source of revenue.

(4) The estimated revenue and transfers under subsection (3) must be at least sufficient to pay the estimated expenditures and transfers under subsection (2).

(5) The Minister may make regulations respecting budgets and that define terms used in this section that are not defined in section 602.01.

RSA 2000 cM-26 ss602.19,602.2;2020 c25 s11

Financial shortfall

602.24(1) Subject to subsection (2), section 244 applies to a commission.

(2) Notwithstanding section 244, for the purposes of this Part, a reference in section 244 to a municipality shall be read as a reference to a commission.

RSA 2000 cM-26 s602.21;2020 c25 s11

Capital budget

602.25(1) Subject to subsection (2), sections 245 and 246 apply to a commission.

(2) Notwithstanding sections 245 and 246, for the purposes of this Part, a reference in section 245 to each council shall be read as a reference to each board.

RSA 2000 cM-26 s602.22;2020 c25 s11

Expenditure of money

602.26(1) A commission may make an expenditure only if it is

(a) included in the commission's operating budget or capital budget or otherwise authorized by its board,

(b) for an emergency, or

(c) legally required to be paid.

(2) Each board must establish procedures to authorize and verify expenditures that are not included in a budget.

(3) If the Minister establishes a budget for a commission by virtue of section 244(3), the commission may not make an expenditure that is not included in the budget unless the expenditure is

(a) authorized by the Minister,

(b) for an emergency, or

(c) legally required to be paid.

RSA 2000 cM-26 s602.24;2020 c25 s11

Annual budget

602.27(1) For the purpose of this section, "annual budget" means an annual budget as defined in section 241(a.02).

(2) A commission may adopt an annual budget in a format that is consistent with its financial statements.

(3) For the purpose of section 602.26, the adoption of an annual budget is equivalent to the adoption of an operating budget under section 602.23 or the adoption of a capital budget under section 602.25.

2020 c25 s11

Civil liability of directors re expenditure

602.28(1) Subject to subsection (2), a director of a board who

(a) makes an expenditure that is not authorized under section 602.26,

(b) votes to spend money that has been obtained under a borrowing on something that is not within the purpose for which the money was borrowed, or

(c) votes to spend money that has been obtained under a grant on something that is not within the purpose for which the grant was given

is liable to the commission for the expenditure or amount spent.

(2) A director is not liable under subsection (1)(b) if spending the money is allowed under section 602.3.

(3) If more than one director of the board is liable to the commission under this section in respect of a particular expenditure or amount spent, the directors are jointly and severally liable to the commission for the expenditure or amount spent.

(4) The liability under this section may be enforced by action by

(a) the commission,

(b) a member of the commission,

(c) a taxpayer of a member of the commission, or

(d) a person who holds a security under a borrowing made by the commission.

RSA 2000 cM-26 s602.3;2020 c25 s11

Authorized investments

602.29 A commission may invest its money only in the investments referred to in section 250(2)(a) to (d).

RSA 2000 cM-26 s602.26;2020 c25 s11

Use of borrowed money

602.3(1) Subject to subsection (2), section 253 applies to a commission.

(2) Notwithstanding section 253, for the purposes of this Part, a reference in section 253 to a municipality shall be read as a reference to a commission.

RSA 2000 cM-26 s602.27;2020 c25 s11

Borrowing

602.31 No commission may make a borrowing if the borrowing will cause the commission to exceed its debt limit, unless the borrowing is approved by the Minister.

RSA 2000 cM-26 s602.28;2020 c25 s11

Debt limit regulations

602.32(1) The Minister may make regulations

(a) respecting how a debt limit for a commission is determined;

(b) defining debt for the purposes of determining whether a commission has exceeded its debt limit, and the definition may include anything related to a commission's finances.

(2) The regulations made under this section may establish different methods of determining debt limits and different definitions of debt for different commissions.

RSA 2000 cM-26 s602.29;2020 c25 s11

Civil liability of directors re borrowing

602.33(1) When a commission makes a borrowing that causes the commission to exceed its debt limit, a director of the board who voted to authorize the borrowing is liable to the commission for the

amount borrowed, unless the borrowing has been approved by the Minister.

(2) If subsection (1) applies to more than one director of the board, the directors are jointly and severally liable to the commission for the amount borrowed.

(3) The liability under this section may be enforced by action by

(a) the commission,

(b) a member of the commission,

(c) a taxpayer of a member of the commission, or

(d) a person who holds a security under a borrowing made by the commission.

RSA 2000 cM-26 s602.3;2020 c25 s11

Loans and guarantees

602.34 A commission may not lend money or guarantee the repayment of a loan.

RSA 2000 cM-26 s602.31;2020 c25 s11

Financial information return

602.35(1) Each commission must prepare a financial information return respecting the financial affairs of the commission for the immediately preceding calendar year.

(2) The Minister may establish requirements respecting the financial information return, including requirements respecting the accounting principles and standards to be used in preparing the return.

RSA 2000 cM-26 s602.32;2020 c25 s11

Audited financial statements

602.36 Each commission must prepare audited annual financial statements for the immediately preceding calendar year.

RSA 2000 cM-26 s602.33;2020 c25 s11

Distribution of returns and statements

602.37 Each commission must submit its financial information return and audited annual financial statements to the Minister and each member of the commission by May 1 of the year following the year for which the return and statements have been prepared.

RSA 2000 cM-26 s602.34;2020 c25 s11

Division 4
Minister's Powers

Inspection

602.38(1) The Minister may require any matter connected with the management, administration or operation of any commission to be inspected

(a) on the Minister's initiative, or

(b) on the request of a member of the commission.

(2) For the purposes of subsection (1), the management, administration or operation of a commission includes

(a) the affairs of the commission,

(b) the conduct of a director of the board or of an employee or agent of the commission, and

(c) the conduct of a person who has an agreement with the commission relating to the duties or obligations of the commission or the person under the agreement.

(3) The Minister may appoint one or more persons as inspectors for the purposes of carrying out inspections under this section.

(4) An inspector

(a) may require the attendance of any director of the board, any officer of the commission or any other person whose presence the inspector considers necessary during the course of an inspection, and

(b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

(5) When required to do so by an inspector, a commission must produce for examination and inspection all the books and records of the commission.

(6) After the completion of an inspection, the inspector must make a report to the Minister and, if the inspection was made at the request of a member of the commission, to the member and the commission.

RSA 2000 cM-26 s602.35;2020 c25 s11

Directions and dismissal

602.39(1) If because of an inspection under section 602.38 or a report of an official administrator under section 602.41 the Minister considers that a commission is managed in an irregular, improper or improvident manner, the Minister may by order direct the board

to take any action that the Minister considers proper in the circumstances.

(2) If an order of the Minister under this section is not carried out to the satisfaction of the Minister and the Minister considers that the commission continues to be managed in an irregular, improper or improvident manner, and all reasonable efforts to resolve the situation have been attempted and have been unsuccessful, the Minister may make one or more of the following orders:

(a) an order suspending the authority of the board to make bylaws in respect of any matter specified in the order;

(b) an order exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);

(c) an order removing a suspension of bylaw-making authority, with or without conditions;

(d) an order withholding money otherwise payable by the Government to the commission pending compliance with an order of the Minister;

(e) an order repealing, amending and making policies and procedures with respect to the commission;

(f) an order requiring or prohibiting any other action as necessary to ensure an order is complied with;

(g) an order dismissing the board or any director of the board.

(3) Before making an order under subsection (2), the Minister must give the commission notice of the intended order and at least 14 days in which to respond.

(4) If an order of the Minister under this section is not carried out to the satisfaction of the Minister, the Minister may dismiss the board or any director of the board.

(5) On the dismissal of the board or of any director of the board, the Minister may direct that a new board or director be appointed or may appoint a new board or director.

(6) The Minister may appoint an official administrator

(a) on the dismissal of a board, or

(b) on the dismissal of one or more directors of the board if the remaining directors do not constitute a quorum.

(7) An official administrator appointed under subsection (6) has all the powers and duties of the board.

RSA 2000 cM-26 s602.36;2017 c13 s1(52);2020 c25 s11

Official administrator as supervisor

602.4(1) The Minister may at any time appoint an official administrator to supervise a commission and the board.

(2) As long as the appointment of an official administrator under this section continues,

(a) no bylaw or resolution that authorizes the commission to incur a liability or to dispose of the money or property of the commission has any effect until the bylaw or resolution has been approved in writing by the official administrator, and

(b) the official administrator may at any time within 30 days after the passing of any bylaw or resolution disallow it, and the bylaw or resolution so disallowed becomes and is deemed to have always been void.

RSA 2000 cM-26 s602.37;2020 c25 s11

Reports of official administrators

602.41 An official administrator appointed under section 602.39(6) or 602.4 shall on request of the Minister, and may at any other time, report to the Minister on

(a) any matter respecting the commission, or the board or the administration of the commission,

(b) any matter respecting the provision of services by the commission, or

(c) any other matter that the Minister may consider necessary.

2017 c13 s1(53);2020 c25 s11

Enforcement when commission under supervision

602.42(1) If the Minister considers that a commission has, while under the supervision of an official administrator,

(a) incurred a liability or disposed of money or property without the written approval of the official administrator required by section 602.4(2)(a), or

(b) acted on a bylaw or resolution that has been disallowed by the official administrator under section 602.4(2)(b),

the Minister may take any necessary measures to address the situation, including, without limitation, making one or more orders referred to in section 602.39(2)(a) to (g).

(2) Before making an order under subsection (1), the Minister must give the commission notice of the intended order and at least 14 days in which to respond.

2017 c13 s1(53);2020 c25 s11

Remuneration for official administrator

602.43 When an official administrator is appointed for a commission by the Minister under this Part, the remuneration and expenses of the official administrator as set by the Minister must, if required by the Minister, be paid by the commission.

RSA 2000 cM-26 s602.38;2020 c25 s11

Providing Minister with copies and information

602.44(1) The Minister may direct a commission to provide

(a) a copy of any document in its possession, or

(b) any information or statistics respecting the commission

to the Minister within the time specified by the Minister.

(2) A commission must comply with a direction of the Minister under this section and provide any copy, information or statistics to the Minister without charge.

(3) This section does not apply to documents prepared or information acquired by a commission that is subject to any type of legal privilege, including solicitor-client privilege.

RSA 2000 cM-26 s602.381;2020 c25 s11

Ministerial orders

602.45(1) In addition to any other orders that the Minister may make under this Part, the Minister may

(a) by order take any action that a commission or a board may or must take under this Part, or

(b) make an order providing for any other matter that the Minister considers necessary for carrying out the purposes of this Part.

(2) If there is a conflict or inconsistency between an order made by the Minister under subsection (1) and an action taken by a commission or a board, the Minister's order prevails to the extent of the conflict or inconsistency.

(3) The *Regulations Act* does not apply to an order made by the Minister under this Part.

2020 c25 s11

Ministerial regulations

602.46(1) The Minister may make regulations

(a) authorizing and respecting the use of electronic, telephonic or other communication methods to conduct meetings of a regional services commission;

(b) to remedy any confusion or inconsistency in applying the provisions of this Part.

(2) Regulations under subsection (1)(a) may apply generally or specifically and may modify the requirements in this Part to any extent the Minister considers necessary or appropriate to give effect to the regulations.

2020 c25 s11;2022 c16 s9(76)

Division 5
Transitional Provisions and Ministerial Regulations

Transitional provisions

602.47(1) In this Division,

(a) "continued commissions" means the regional services commissions established and existing under the former provisions before this Part comes into force;

(b) "former provisions" means the provisions in Part 15.1 of this Act in force immediately before the coming into force of this Division.

(2) Continued commissions continue as regional services commissions as if the continued commissions are established under this Part.

(3) The bylaws and resolutions of the continued commissions continue until repealed, amended or replaced by the boards of the continued commissions.

(4) The members, the boards and the chairs of the continued commissions continue until changed according to the bylaws amended or replaced under subsection (3).

(5) On the coming into force of this Part, all liabilities, assets, rights, duties, functions and obligations of continued commissions continue to have effect until expired or amended under this Part or any other enactment.

(6) A reference to commissions in any enactment, regulation, order, bylaw, certificate of title, agreement or any other instrument is continued.

(7) Within one year after the coming into force of this Part, all continued commissions must ensure that the bylaws of the continued commissions conform to the requirements in section 602.09.

(8) The Minister may issue an order listing all the continued commissions continued under this section.

2020 c25 s11

Ministerial regulations

602.48 The Minister may make regulations to deal with any difficulty or impossibility resulting from transitioning to this Part from the former provisions.

2020 c25 s11

Part 16
Miscellaneous

Lieutenant Governor in Council regulations

603(1) The Lieutenant Governor in Council may make regulations

(a) for any matter that the Minister considers is not provided for or is insufficiently provided for in this Act;

(b) restricting the power or duty of a council to pass bylaws.

(2) A regulation made under subsection (1) is repealed on the earliest of

(a) the coming into force of an amendment that adds the matter to this Act;

(b) the coming into force of a regulation that repeals the regulation made under subsection (1);

(c) two years after the regulation comes into force.

(3) The repeal of a regulation under subsection (2)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

1994 cM-26.1 s603

Direction to amend or repeal bylaws

603.01 The Lieutenant Governor in Council may by order direct a municipality, with or without conditions, to amend or repeal a bylaw that in the opinion of the Lieutenant Governor in Council

(a) exceeds the scope of the purposes of a municipality set out in section 3,

(b) exceeds the authority of the municipality to pass a bylaw under this or any other Act,

(c) contravenes the Constitution of Canada,

(d) conflicts or is inconsistent with this Act or another enactment of Alberta, or

(e) is contrary to a policy of the Government, unless the municipality obtains the prior consent of the Government to pass that bylaw.

2024 c11 s2(29)

Regulations

603.02 The Lieutenant Governor in Council may make regulations defining "policy of the Government" for the purposes of section 603.01(e).

2025 c13 s2(14)

Validation of regulations

603.1(1) Despite any decision of a court to the contrary made before or after the coming into force of this section,

(a) a regulation made under section 603(1) before the coming into force of this section, including a new regulation described in clause (c), is validated and declared for all purposes to have been validly made as of the date on which the regulation was made,

(b) everything done under a regulation referred to in clause (a) is validated and declared for all purposes to have been validly done, and

(c) where a regulation made under section 603(1) before the coming into force of this section (in this clause called the "former regulation") is repealed and another regulation made under section 603(1) (in this clause called the "new regulation") was substituted for it, the new regulation operates as a continuation of the former regulation except to the extent that the provisions of the new regulation are not in substance the same as those of the former regulation.

(2) For greater certainty and without limiting the generality of subsection (1)(b) and (c),

(a) the Minister's approval of the Capital Region Growth Plan under section 13(1) of the *Capital Region Board Regulation* (AR 49/2008)

(i) is validated and declared for all purposes to have been validly approved, and

(ii) continues to be valid as if it had been approved under section 13(1) of the *Capital Region Board Regulation* (AR 38/2012),

(b) the Minister's establishment of the Transitional Regional Evaluation Framework under section 20 of the *Capital Region Board Regulation* (AR 49/2008) is validated and declared for all purposes to have been validly established, and

(c) the Minister's establishment of the Regional Evaluation Framework under section 21 of the *Capital Region Board Regulation* (AR 17/2010)

(i) is validated and declared for all purposes to have been validly established, and

(ii) continues to be valid as if it had been established under section 21 of the *Capital Region Board Regulation* (AR 38/2012).

(3) Despite section 603(2), a regulation referred to in subsection (1) of this section that is in force on the coming into force of this section is repealed on the earliest of

(a) the coming into force of an amendment that adds the matter to this Act;

(b) the coming into force of a regulation that repeals the regulation;

(c) subject to subsection (3.1), June 30, 2017.

(3.1) For the purposes of the following regulations, subsection (3)(c) shall be read as June 30, 2018:

(a) *Alberta Central East Water Corporation Regulation* (AR 137/2013);

(b) *Aquatera Utilities Inc. Regulation* (AR 205/2013);

(c) *Aqueduct Utilities Corporation Regulation* (AR 92/2012);

(d) *Chestermere Utilities Incorporated Regulation* (AR 163/2013);

(e) *Extension of Linear Property Regulation* (AR 207/2012);

(f) *NEW water Ltd. Regulation* (AR 159/2012);

(g) *Newell Regional Services Corporation Regulation* (AR 153/2012);

(h) *Peace Regional Waste Management Company Regulation* (AR 41/2011).

(4) Subsection (3) does not apply to the following regulations:

(a) *Proceedings Before the Board Clarification Regulation* (AR 176/2011);

(b) *Equalized Assessment Variance Regulation, 2012* (AR 195/2011);

(c) *Capital Region Board Regulation* (AR 38/2012);

(d) *Municipal Emergency Exemption Regulation* (AR 142/2013).

2013 c17 s4;2017 c13 s1(54)

Ministerial regulations

604 The Minister may make regulations

(a) repealed 2022 c16 s9(77);

(b) respecting the determination of the population of a municipality or other geographic area and establishing requirements for a municipality to conduct a census and provide information concerning population to the Minister;

(c) respecting the administration, operation and management of specialized municipalities;

(d) prescribing forms for the purposes of this Act;

(e) respecting the content or form of anything required to be done by a municipality under this Act.

RSA 2000 cM-26 s604;2022 c16 s9(77)

Determining population

604.1(1) The Minister may determine and by order specify the population of a municipal authority or other geographic area for any purpose under this Act.

(2) Where the Minister considers it appropriate to do so, the Minister may adopt a determination of the population of a municipal authority or other geographic area made by another person or entity, and where the Minister does so the adoption of that determination is to be considered the Minister's determination of that population for the purposes of subsection (1).

2022 c16 s9(78)

Altering dates and time periods

605(1) When this Act, the regulations or a bylaw specifies a certain number of days or a day on or by which

(a) something is to be done, or

(b) certain proceedings are to be taken,

and the day that the thing is to be done or proceedings are to be taken is a holiday, the thing or proceedings must be done or taken on or by the next day that is not a holiday.

(2) When this Act or the regulations specify a certain number of days or a day on or by which

(a) something is to be done, or

(b) proceedings are to be taken,

the Minister may by order specify another number of days or another day for doing it or taking proceedings.

(3) An order under subsection (2) may be made at any time before or after the day that the thing is to be done or proceedings are to be taken and the time for doing any other thing that is determined in relation to that day is subject to a like delay.

(4) Anything done or proceedings taken within the number of days or by the day specified in an order under subsection (2) is as valid as if it had been done or taken within the number of days or by the day specified in this Act or the regulations.

1994 cM-26.1 s605

Requirements for advertising

606(1) The requirements of this section apply when this or another enactment requires a bylaw, resolution, meeting, public hearing or something else to be advertised by a municipality, unless this or another enactment specifies otherwise.

(2) Notice of the bylaw, resolution, meeting, public hearing or other thing must be

(a) published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held,

(b) mailed or delivered to every residence in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held, or

(c) given by a method provided for in a bylaw under section 606.1.

(3) A notice of a proposed bylaw must be advertised under subsection (2) before second reading.

(4) A notice of a proposed resolution must be advertised under subsection (2) before it is voted on by council.

(5) A notice of a meeting, public hearing or other thing must be advertised under subsection (2) at least 5 days before the meeting, public hearing or thing occurs.

(6) A notice must contain

(a) a statement of the general purpose of the proposed bylaw, resolution, meeting, public hearing or other thing,

(b) the address where a copy of the proposed bylaw, resolution or other thing, and any document relating to it or to the meeting or public hearing may be inspected,

(c) in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and

(d) in the case of a meeting or public hearing, the date, time and place where it will be held.

(7) A certificate of a designated officer certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in the certificate.

(8) The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

RSA 2000 cM-26 s606;2015 c8 s56;2017 c13 s3

Advertisement bylaw

606.1(1) A council may by bylaw provide for one or more methods, which may include electronic means, for advertising

proposed bylaws, resolutions, meetings, public hearings and other things referred to in section 606.

(2) Before making a bylaw under subsection (1), council must be satisfied that the method the bylaw would provide for is likely to bring proposed bylaws, resolutions, meetings, public hearings and other things advertised by that method to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates or in which the meeting or hearing is to be held.

(3) Council must conduct a public hearing before making a bylaw under subsection (1).

(4) A notice of a bylaw proposed to be made under subsection (1) must be advertised in a manner described in section 606(2)(a) or (b) or by a method provided for in a bylaw made under this section.

(5) A notice of a bylaw proposed to be made under subsection (1) must contain

(a) a statement of the general purpose of the proposed bylaw,

(b) the address or website where a copy of the proposed bylaw may be examined, and

(c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw.

(6) A bylaw passed under this section must be made available for public inspection.

2015 c8 s57;2017 c13 s3

Service of documents

607 The service of a document on a municipality is sufficient if

(a) the document is served personally on the chief administrative officer or a person working for the municipality in the office of the chief administrative officer,

(b) the document is sent by certified or registered mail to the chief administrative officer at the municipality's office and the document is delivered to the municipality's office, or

(c) the document is sent to the municipality by electronic means in accordance with a bylaw made by the municipality.

RSA 2000 cM-26 s607;2015 c8 s58

Sending documents

608(1) Where this Act or a regulation or bylaw made under this Act requires a document to be sent to a person, the document may be sent by electronic means if

(a) the recipient has consented to receive documents from the sender by those electronic means and has provided an e-mail address, website or other electronic address to the sender for that purpose, and

(b) it is possible to make a copy of the document from the electronic transmission.

(2) In the absence of evidence to the contrary, a document sent by electronic means in accordance with subsection (1) is presumed to have been received 7 days after it was sent unless the regulations under subsection (4) provide otherwise.

(3) For greater certainty, a reference in this Act to a mailing address is to be interpreted as including an electronic address referred to in subsection (1)(a) if the requirements of subsection (1) are met.

(4) The Minister may make regulations respecting the circumstances in which the presumption in subsection (2) does not apply.

RSA 2000 cM-26 s608;2016 c24 s90

Bylaws for sending certain documents electronically

608.1(1) Despite section 608, a council may by bylaw establish a process for sending assessment notices, tax notices and other notices, documents and information under Part 9, 10 or 11 or the regulations under Part 9, 10 or 11 by electronic means.

(2) A council may by bylaw establish a process for sending forms of notice under section 149(2) or (3) of the *Education Act* by electronic means.

(3) Before making a bylaw under this section, the council must be satisfied that the proposed bylaw includes appropriate measures to ensure the security and confidentiality of the notices, documents and information being sent.

(4) Before making a bylaw under this section, the council must give notice of the proposed bylaw in a manner the council considers is likely to bring the proposed bylaw to the attention of substantially all persons that would be affected by it.

(5) A bylaw under subsection (1) or (2) must provide for a method by which persons may opt to receive the notice, document or information by electronic means.

(6) The sending by electronic means of any notice, document or information referred to in subsection (1) or (2) is valid only if the person to whom it is sent has opted under the bylaw to receive it by those means.

2019 c22 s10(17)

Adverse possession of land

609 No person can acquire an estate or interest in land owned by a municipality by adverse or unauthorized possession, occupation, enjoyment or use of the land.

1994 cM-26.1 s609

Lost or unclaimed property

610(1) Lost or unclaimed property coming into the possession of a municipality must be retained for at least 30 days from the date it comes into possession of the municipality unless it is unsafe, unsanitary or perishable, in which case it may be disposed of at any time.

(2) If property is not claimed within 30 days, it becomes the property of the municipality and the municipality may dispose of the property by public auction or as the council directs.

(3) The purchaser of lost or unclaimed property is the absolute owner of it.

(4) A prior owner of lost or unclaimed property is entitled to the proceeds of the sale less all expenses incurred by the municipality if the prior owner makes a claim to the municipality within 90 days after the date of the sale.

(5) If the sale proceeds are not claimed within 90 days from the date of sale, the rights of any prior owner to the sale proceeds are extinguished and the sale proceeds belong to the municipality.

1994 cM-26.1 s610

Unclaimed utility deposits

611(1) If money is deposited with a municipality as a deposit for the payment of an account for a service or product and remains unclaimed for one year after the depositor's account is discontinued, the amount of the deposit may be transferred to the general revenue of the municipality.

(2) The municipality is liable to repay the amount of the deposit to the person lawfully entitled to it for a period of 7 years following the discontinuance of the account.

1994 cM-26.1 s611

Certified copies

612(1) A copy of a bylaw, resolution or record of a municipality certified by a designated officer as a true copy of the original is proof, in the absence of evidence to the contrary, of the bylaw, resolution or record.

(2) The certificate of the designated officer is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

(3) When a copy of a bylaw or resolution certified in accordance with this section is filed with the clerk of a court, the court must take judicial notice of it when an action is brought in the court.

1994 cM-26.1 s612

Calgary Charter

613 The provisions of the Calgary Charter relating to the land, buildings, plants and equipment of the water supply and distribution system commonly known as the Glenmore Dam, and the provisions of the Calgary Charter relating in particular to the assessment and taxation of it by the Municipal District of Springbank, continue to apply.

1994 cM-26.1 s613

614 Repealed 1994 cR-9.07 s25(24).

615 Repealed 2023 c9 s19(16).

Municipal emergency exemption

615.1(1) In this section,

(a) "disaster" means a disaster as defined in section 1(e) of the *Emergency Management Act*;

(b) "emergency" means an emergency as defined in section 1(f) of the *Emergency Management Act*.

(2) Where it appears to the Minister that a disaster or an emergency exists in a municipal authority, the Minister may by order, with respect to that municipal authority or an adjacent municipal authority,

(a) modify one or more provisions of this Act as they apply to the municipal authority,

(b) exempt the municipal authority from one or more provisions of this Act or bylaws made pursuant to this Act, or

(c) provide the municipal authority with specified authority in addition to that set out in this Act.

(3) The Minister may, in an order made under subsection (2),

(a) impose terms, conditions and timelines on the modification or exemption of a provision of this Act or a bylaw or the exercise of additional authority, and

(b) specify a date on which the order or any provision of it expires.

(4) The *Regulations Act* does not apply to an order made under subsection (2).

2013 c21 s2

Requirement to take action

615.11(1) The Lieutenant Governor in Council, by order, may require a council to take any action that the Lieutenant Governor in Council considers necessary in the circumstances to protect public safety or health.

(2) If a council does not carry out an order under subsection (1) to the satisfaction of the Lieutenant Governor in Council, the Lieutenant Governor in Council may direct the Minister to make

(a) one or more orders referred to in section 574(2)(a) to (g), and

(b) an order dismissing the council or any member of it.

(3) Before making an order under subsection (2), the Minister must give the municipal authority notice of the intended order and at least 14 days in which to respond.

(4) Section 574(3), (5) and (6) apply to a dismissal under subsection (2)(b).

2024 c11 s2(30)

Agreements under Aeronautics Act (Canada)

615.2(1) A municipality may, if authorized by regulation, enter into an agreement under section 5.81 of the *Aeronautics Act* (Canada).

(2) The Lieutenant Governor in Council may make regulations

(a) authorizing a municipality to enter into an agreement under section 5.81 of the *Aeronautics Act* (Canada);

(b) specifying the terms and conditions under which a municipality may enter into the agreement.

(3) The *Aeronautics Act Agreements (City of Medicine Hat and Cypress County) Regulation* (AR 33/2014) is deemed to have been made under this section.

2015 c8 s60

Part 17
Planning and Development

Definitions

616 In this Part,

(a) "adjacent land" means land that is contiguous to a parcel of land that is being subdivided or redesignated and includes

(i) land that would be contiguous if not for a highway, road, river or stream, and

(ii) any other land identified in a land use bylaw as adjacent land for the purpose of notification under sections 653, 679, 680 and 692;

(a.01) "agricultural operation" means an agricultural operation as defined in the *Agricultural Operation Practices Act*;

(a.1) "building" includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road;

(a.11) "community recreation facilities" means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities;

(a.2) "community services reserve" means the land designated as community services reserve under Division 9;

(a.3) "conservation reserve" means the land designated as conservation reserve under Division 8;

(b) "development" means

(i) an excavation or stockpile and the creation of either of them,

(ii) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land,

(iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or

(iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

(c) "development authority" means a development authority established pursuant to Division 3;

(d) "development permit" means a document that is issued under a land use bylaw and authorizes a development;

(e) "environmental reserve" means the land designated as environmental reserve under Division 8;

(f) "environmental reserve easement" means an easement created under Division 8;

(g) "former Act" means the *Planning Act*, RSA 1980 cP-9, *The Planning Act, 1977*, SA 1977 c89, *The Planning Act*, RSA 1970 c276 or *The Planning Act*, SA 1963 c43;

(h) "highway" means a provincial highway under the *Highways Development and Protection Act*;

(i) "instrument" means a plan of subdivision and an instrument as defined in the *Land Titles Act*;

(j) "intermunicipal service agency" means an intermunicipal service agency established under Division 3;

(j.1) "joint use and planning agreement" means an agreement under section 670.1;

(k) "land use bylaw" means a bylaw made under Division 5 and a bylaw made under section 27 of the *Historical Resources Act*;

(l) "land use policies" means the policies referred to in section 618.4;

(m) "lot" means

(i) a quarter section,

(ii) a river lot shown on an official plan, as defined in the *Surveys Act,* that is filed or lodged in a land titles office,

(iii) a settlement lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office,

(iv) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or

(v) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

(m.1) "mediation" means a process involving a neutral person as a mediator who assists the parties to a matter that may be appealed under this Part and any other person brought in with the agreement of the parties to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the parties;

(n) "municipal planning commission" means a municipal planning commission established under Division 3;

(o) "municipal reserve" means the land designated as municipal reserve under Division 8;

(p) "municipal and school reserve" means the land designated as municipal and school reserve under Division 8;

(q) "non-conforming building" means a building

(i) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and

(ii) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;

(r) "non-conforming use" means a lawful specific use

(i) being made of land or a building or intended to be made of a building lawfully under construction at the date a

land use bylaw affecting the land or building becomes effective, and

(ii) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;

(r.1) "non-profit", in respect of a day care, senior citizens or special needs facility, means that the facility is owned or operated by a corporation or other entity established under a law of Canada or Alberta for a purpose other than to make a profit;

(r.2) "off-site levy" means a levy referred to in subsection 648(1.1)(a);

(s) "parcel of land" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

(t) "*Planning Act*" means the *Planning Act*, RSA 1980 cP-9;

(u) "plan of subdivision" means a plan of survey prepared in accordance with the *Land Titles Act* for the purpose of effecting a subdivision;

(v) "public utility" means a public utility as defined in section 1(1)(y), excluding residential and commercial street lighting, and includes telecommunications;

(w) "public utility lot" means land required to be given under Division 8 for public utilities;

(x) "redevelopment area" means an area of land that is the subject of an area redevelopment plan;

(y) "Registrar" means Registrar as defined in the *Land Titles Act*;

(z) "reserve land" means environmental reserve, conservation reserve, municipal reserve, community services reserve, school reserve or municipal and school reserve;

(aa) "road" means road as defined in section 1(1), but does not include highway as defined in this Part;

(bb) "school board" means the board of trustees of a school division;

(bb.1) "school building project" has the same meaning as in the *Education Act*;

(bb.2) "school division" has the same meaning as in the *Education Act*;

(cc) "school reserve" means the land designated as school reserve under Division 8;

(dd) "statutory plan" means an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4;

(ee) "subdivision" means the division of a parcel of land by an instrument and "subdivide" has a corresponding meaning;

(ff) "subdivision authority" means a subdivision authority established under Division 3;

(gg) "subdivision and development appeal board" means a subdivision and development appeal board established under Division 3;

(hh) "subdivision and development regulations" mean regulations made under section 694(1).

RSA 2000 cM-26 s616;RSA 2000 c21(Supp) s3;2004 cH-8.5 s69;2008 c37 s4;2012 cE-0.3 s279;2016 c24 s91;2019 c22 s10;2020 c39 s10(3);2023 c9 s19(17);2025 c13 s2(15)

Purpose of this Part

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and

(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

1995 c24 s95

Non-application of this Part

618(1) This Part and the regulations and bylaws under this Part do not apply when a development or a subdivision is effected only for the purpose of

(a) a highway or road,

(b) a well or battery within the meaning of the *Oil and Gas Conservation Act*, or

(c) a pipeline or an installation or structure incidental to the operation of a pipeline.

(2) This Part and the regulations and bylaws under this Part do not apply to

(a) the geographic area of a Metis settlement, or

(b) a designated area of Crown land in a municipal district or specialized municipality.

(2.1) This Part and the regulations and bylaws under this Part respecting development permits do not apply to a confined feeding operation or manure storage facility within the meaning of the *Agricultural Operation Practices Act* if the confined feeding operation or manure storage facility is the subject of an approval, registration or authorization under Part 2 of the *Agricultural Operation Practices Act*.

(3) The Minister responsible for the *Public Lands Act* may make regulations designating one or more areas of Crown land under that Minister's administration for the purposes of subsection (2)(b).

(4) The Lieutenant Governor in Council may, by regulation, exempt an action, person or thing from the application of all of or any provision of this Part or of the regulations or bylaws under this Part.

(5) The Lieutenant Governor in Council may include terms and conditions in a regulation under subsection (4).

RSA 2000 cM-26 s618;2020 c39 s10(4)

618.1 Repealed 2020 c39 s10(5).

Bylaws binding

618.2 No bylaw is binding in respect of a matter governed by this Part unless that bylaw is passed in accordance with this Part.

2016 c24 s92

ALSA regional plans

618.3(1) Anything done by any of the following under a provision in this Part or a regulation under this Part must be done in accordance with any applicable ALSA regional plan:

(a) a municipality;

(b) a council;

(c) a municipal planning commission;

(d) a subdivision authority;

(e) a development authority;

(f) a subdivision and development appeal board;

(g) the Land and Property Rights Tribunal;

(h) an entity to which authority is delegated under section 625(4).

(2) If there is a conflict or an inconsistency between anything that is done under a provision of this Part or a regulation under this Part and an applicable ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or the inconsistency.

2020 cL-2.3 s24(41);2020 c39 s10(6)

Land use policies

618.4(1) Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Land and Property Rights Tribunal must be consistent with the land use policies established under subsection (2).

(2) The Lieutenant Governor in Council, on the recommendation of the Minister, may by regulation establish land use policies.

2020 cL-2.3 s24(41);2020 c39 s10(6)

Division 1
Other Authorizations, Compensation

NRCB, ERCB, AER, AEUB or AUC authorizations

619(1) A licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails, in accordance with this section, over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Land and Property Rights Tribunal or any other authorization under this Part.

(2) When an application is received by a municipality for a statutory plan amendment, land use bylaw amendment, subdivision approval, development permit or other authorization under this Part and the application is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, the municipality must approve the application to the extent that it complies with the licence, permit, approval or other authorization granted under subsection (1).

(3) An approval of a statutory plan amendment or land use bylaw amendment under subsection (2)

(a) must be granted within 90 days after the application or a longer time agreed on by the applicant and the municipality, and

(b) is not subject to the requirements of section 692 unless, in the opinion of the municipality, the statutory plan amendment or land use bylaw amendment relates to matters not included in the licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC.

(4) If a municipality that is considering an application under subsection (2) holds a hearing, the hearing may not address matters already decided by the NRCB, ERCB, AER, AEUB or AUC except as necessary to determine whether an amendment to a statutory plan or land use bylaw is required.

(5) If a municipality does not approve an application under subsection (2) to amend a statutory plan or land use bylaw or the municipality does not comply with subsection (3), the applicant may appeal to the Land and Property Rights Tribunal by filing with the Tribunal

(a) a notice of appeal, and

(b) a statutory declaration stating why mediation was unsuccessful or why the applicant believes that the municipality was unwilling to attempt to use mediation.

(6) The Land and Property Rights Tribunal, on receiving a notice of appeal and statutory declaration under subsection (5),

(a) must commence a hearing within 60 days after receiving the notice of appeal and statutory declaration and give a written decision within 30 days after concluding the hearing, and

(b) is not required to notify or hear from any person other than the applicant and the municipality against whom the appeal is launched.

(7) The Land and Property Rights Tribunal, in hearing an appeal under subsection (6), may only hear matters relating to whether the proposed statutory plan or land use bylaw amendment is consistent with the licence, permit, approval or other authorization granted under subsection (1).

(8) In an appeal under this section, the Land and Property Rights Tribunal may

(a) order the municipality to amend the statutory plan or land use bylaw in order to comply with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, or

(b) dismiss the appeal.

(9) Section 692 does not apply when the statutory plan or land use bylaw is amended pursuant to a decision of the Land and Property Rights Tribunal under subsection (8)(a).

(10) A decision under subsection (8) is final but may be appealed by the applicant or the municipality in accordance with section 688.

(11) In this section, "NRCB, ERCB, AER, AEUB or AUC" means the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission.

(12) Repealed 2020 c39 s10(7).

RSA 2000 cM-26 s619;2007 cA-37.2 s82(14);2009 cA-26.8 s83;2012 cR-17.3 s95;2020 cL-2.3 s24(29);2020 c39 s10(7)

Conditions prevail

620 A condition of a licence, permit, approval or other authorization granted pursuant to an enactment by the Lieutenant Governor in Council, a Minister, a Provincial agency or Crown-controlled organization as defined in the *Financial Administration Act* or a delegated person as defined in Schedule 10 to the *Government Organization Act* prevails over any condition of a development permit that conflicts with it.

1995 c24 s95

Compensation

621(1) Except as provided in this Part and in section 28 of the *Historical Resources Act*, nothing in this Part or the regulations or bylaws under this Part gives a person a right to compensation.

(2) Subsection (1) applies only to this Part and does not create, extinguish or affect rights created, extinguished or affected by the rest of this Act.

1995 c24 s95

622 Repealed 2020 c39 s10(8).

Division 3
Planning Authorities

Subdivision authority and development authority

623 A council must, by bylaw, provide for

(a) a subdivision authority to exercise subdivision powers and duties on behalf of the municipality, and

(b) subject to section 641, a development authority to exercise development powers and perform duties on behalf of the municipality.

RSA 2000 cM-26 s623;2020 c39 s10(9)

624 Repealed 2020 c39 s10(10).

Planning authorities

625(1) The council of a municipality may, by bylaw,

(a) establish a municipal planning commission, or

(b) authorize the municipality to enter into an agreement with one or more municipalities to establish

(i) an intermunicipal planning commission, or

(ii) an intermunicipal service agency.

(2) An intermunicipal planning commission is deemed to be a municipal planning commission for the purposes of this Part.

(3) Subject to subsection (3.1), the bylaw establishing a municipal planning commission and the agreement establishing an intermunicipal planning commission must

(a) provide for the applicable matters described in section 145(3),

(b) prescribe the functions and duties of the commission, including but not limited to subdivision and development powers and duties, and

(c) in the case of an intermunicipal planning commission, provide for its dissolution.

(3.1) Neither an order made under section 145(4) nor section 145(7) apply in respect of the requirement in subsection (3)(a) to provide for meeting procedures as an applicable matter described in section 145(3).

(4) The council of a municipality may make a bylaw authorizing a municipality to delegate, by agreement, any of its subdivision authority or development authority powers, duties or functions to

(a) a municipal planning commission,

(b) a regional services commission, or

(c) an intermunicipal service agency.

RSA 2000 cM-26 s625;2020 c39 s10(11);2023 c9 s19(19); 2025 c13 s2(16)

626 Repealed 2020 c39 s10(12).

Appeal board established

627(1) A council must by bylaw

(a) establish a subdivision and development appeal board, or

(b) authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board,

or both.

(2) An intermunicipal subdivision and development appeal board is a subdivision and development appeal board for the purposes of this Part.

(3) Unless an order of the Minister authorizes otherwise, a panel of a subdivision and development appeal board hearing an appeal must not have more than one councillor as a member.

(4) The following persons may not be appointed as members of a subdivision and development appeal board:

(a) an employee of the municipality;

(b) a person who carries out subdivision or development powers, duties and functions on behalf of the municipality;

(c) a member of a municipal planning commission.

(5) A member of a subdivision and development appeal board may not participate in a hearing of the subdivision and development appeal board unless the member is qualified to do so in accordance with the regulations made under section 627.3(b).

RSA 2000 cM-26 s627;2016 c24 s94;2020 c39 s10(13)

Clerks

627.1(1) A council that establishes or authorizes the establishment of a subdivision and development appeal board, including an intermunicipal subdivision and development appeal board, must appoint or authorize the appointment of one or more clerks of the subdivision and development appeal board.

(2) A person appointed as a clerk of a subdivision and development appeal board may also hold an appointment under section 456 as a clerk of an assessment review board.

(3) No person is eligible for appointment as a clerk of a subdivision and development appeal board unless that person has successfully completed a training program in accordance with the regulations made under section 627.3(a).

(4) No subdivision authority or development authority is eligible for appointment under this section.

2015 c8 s61;2017 c13 s3;2019 c22 s10(19);2020 c39 s10(14)

627.2 Repealed 2020 c39 s10(15).

Regulations

627.3(1) The Minister may make regulations

(a) respecting training programs for the purposes of section 627.1(3);

(b) respecting qualifications for the purposes of section 627(5);

(c) authorizing and respecting the use of electronic, telephonic or other communication methods to conduct hearings of a subdivision and development appeal board.

(2) Regulations under subsection (1)(c) may apply generally or specifically and may modify the requirements in this Division to any extent the Minister considers necessary or appropriate to give effect to the regulations.

2015 c8 s61;2020 c39 s10(16);2022 c16 s9(79)

628 Repealed 2020 c39 s10(17).

Immunity

628.1(1) The members of a subdivision and development appeal board are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.

(2) No member of a subdivision and development appeal board is liable for costs by reason of or in respect of an application for permission to appeal or an appeal under this Part.

2016 c24 s96

Appeal board evidence

629 A subdivision and development appeal board

(a) may, while carrying out its powers, duties and responsibilities, accept any oral or written evidence that it considers proper, whether admissible in a court of law or not, and is not bound by the laws of evidence applicable to judicial proceedings, and

(b) must make and keep a record of its proceedings, which may be in the form of a summary of the evidence presented at a hearing.

1995 c24 s95

Signature evidence

630(1) An order, decision, approval, notice or other thing made or given by a subdivision authority, development authority or subdivision and development appeal board may be signed on its behalf by a designated officer.

(2) An order, decision, approval, notice or other thing purporting to be signed by a designated officer pursuant to subsection (1) may be admitted in evidence as proof

(a) of the order, decision, approval, notice or other thing, and

(b) that the designated officer signing it was authorized to do so,

without proof of the signature or of the designation.

1995 c24 s95

Fees

630.1 A council may establish and charge fees for matters under this Part.

1996 c30 s55

630.2 Repealed 2020 c39 s10(18).

Division 4
Statutory Plans

Intermunicipal Development Plans

Intermunicipal development plans

631(1) Subject to subsections (2) and (3), 2 or more councils of municipalities that have common boundaries and that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

(2) Subsection (1) does not require municipalities to adopt an intermunicipal development plan with each other if they agree that they do not require one, but any of the municipalities may revoke its agreement at any time by giving written notice to the other or others, and where that notice is given the municipalities must comply with subsection (1) within one year from the date of the notice unless an exemption is ordered under subsection (3).

(3) The Minister may, by order, exempt one or more councils from the requirement to adopt an intermunicipal development plan, and the order may contain any terms and conditions that the Minister considers necessary.

(4) Municipalities that are required under subsection (1) to adopt an intermunicipal development plan must have an intermunicipal development plan providing for all of the matters referred to in subsection (8) in place by April 1, 2020.

(5) If 2 or more councils that are required to adopt an intermunicipal development plan under subsection (1) do not have an intermunicipal development plan in place by April 1, 2020 because they have been unable to agree on a plan, they must immediately notify the Minister and the Minister must, by order, refer the matter to the Land and Property Rights Tribunal for its recommendations in accordance with Part 12.

(6) Where the Minister refers a matter to the Land and Property Rights Tribunal under this section, Part 12 applies as if the matter had been referred to the Tribunal under section 514(2).

(7) Two or more councils of municipalities that are not otherwise required to adopt an intermunicipal development plan under subsection (1) may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land

lying within the boundaries of the municipalities as they consider necessary.

(8) An intermunicipal development plan

(a) must address

(i) the future land use within the area,

(ii) the manner of and the proposals for future development in the area,

(iii) the provision of transportation systems for the area, either generally or specifically,

(iv) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,

(v) environmental matters within the area, either generally or specifically, and

(vi) any other matter related to the physical, social or economic development of the area that the councils consider necessary,

and

(b) must include

(i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,

(ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and

(iii) provisions relating to the administration of the plan.

(9) Despite subsection (8), to the extent that a matter is dealt with in a framework under Part 17.2, the matter does not need to be included in an intermunicipal development plan.

(10) In creating an intermunicipal development plan, municipalities must negotiate in good faith.

RSA 2000 cM-26 s631;2016 c24 s97;2019 c22 s10(20); 2020 cL-2.3 s24(30)

Order for intermunicipal development plan

631.1(1) The Minister may make regulations

(a) repealed 2019 c22 s10(21);

(b) respecting the matters to be included in an intermunicipal development plan.

(c) repealed 2019 c22 s10(21).

(1.1) After considering the recommendations of the Land and Property Rights Tribunal respecting a matter referred to the Tribunal under section 631(5), the Minister may, by order, require 2 or more municipal authorities to establish an intermunicipal development plan in accordance with the order by a date specified in the order.

(1.2) If the municipal authorities to whom an order under subsection (1.1) applies do not comply with the order, the Minister may make a further order establishing an intermunicipal development plan that is binding on the municipal authorities.

(2) Repealed 2019 c22 s10(21).

2009 cA-26.8 s83;2019 c22 s10(21);2020 cL-2.3 s24(31)

Municipal Development Plans

Municipal development plans

632(1) Every council of a municipality must by bylaw adopt a municipal development plan.

(2) Repealed 2016 c24 s98.

(2.1) Within 3 years after the coming into force of this subsection, a council of a municipality that does not have a municipal development plan must by bylaw adopt a municipal development plan.

(3) A municipal development plan

(a) must address

(i) the future land use within the municipality,

(ii) the manner of and the proposals for future development in the municipality,

(iii) the co-ordination of land use, future growth patterns and other infrastructure with adjacent municipalities if there is no intermunicipal development plan with respect to those matters in those municipalities,

(iv) the provision of the required transportation systems either generally or specifically within the municipality and in relation to adjacent municipalities, and

(v) the provision of municipal services and facilities either generally or specifically,

(b) may address

(i) proposals for the financing and programming of municipal infrastructure,

(ii) the co-ordination of municipal programs relating to the physical, social and economic development of the municipality,

(iii) environmental matters within the municipality,

(iv) the financial resources of the municipality,

(v) the economic development of the municipality, and

(vi) any other matter relating to the physical, social or economic development of the municipality,

(c) may contain statements regarding the municipality's development constraints, including the results of any development studies and impact analysis, and goals, objectives, targets, planning policies and corporate strategies,

(d) must contain policies compatible with the subdivision and development regulations to provide guidance on the type and location of land uses adjacent to sour gas facilities,

(e) must contain policies respecting the provision of municipal, school or municipal and school reserves, including but not limited to the need for, amount of and allocation of those reserves and the identification of school requirements in consultation with affected school boards,

(f) must contain policies respecting the protection of agricultural operations, and

(g) may contain policies respecting the provision of conservation reserve in accordance with section 664.2(1)(a) to (d).

(4) Repealed 2020 c39 s10(19).

RSA 2000 cM-26 s632;RSA 2000 c21(Supp) s4;2008 c37 s11; 2015 c8 s62;2016 c24 s98;2017 c13 s2(16);2020 c39 s10(19)

Area Structure Plans

Area structure plan

633(1) For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may by bylaw adopt an area structure plan.

(2) An area structure plan

(a) must describe

(i) the sequence of development proposed for the area,

(ii) the land uses proposed for the area, either generally or with respect to specific parts of the area,

(iii) the density of population proposed for the area either generally or with respect to specific parts of the area, and

(iv) the general location of major transportation routes and public utilities,

and

(b) may contain any other matters, including matters relating to reserves, as the council considers necessary.

(3) Repealed 2020 c39 s10(20).

RSA 2000 cM-26 s633;2015 c8 s63;2017 c13 s1(56); 2020 c39 s10(20)

Area Redevelopment Plans

Area redevelopment plans

634(1) A council may

(a) designate an area of the municipality as a redevelopment area for the purpose of any or all of the following:

(i) preserving or improving land and buildings in the area;

(ii) rehabilitating buildings in the area;

(iii) removing buildings from the area;

(iv) constructing or replacing buildings in the area;

(v) establishing, improving or relocating roads, public utilities or other services in the area;

(vi) facilitating any other development in the area,

(b) adopt, by bylaw, an area redevelopment plan,

(c) in accordance with this section and Division 6, provide for the imposition and collection of a levy to be known as a "redevelopment levy", and

(d) authorize a designated officer, with or without conditions, to perform any function with respect to the imposition and collection of that redevelopment levy.

(2) Repealed 2020 c39 s10(21).

RSA 2000 cM-26 s634;2015 c8 s64;2020 c39 s10(21)

Plan contents

635 An area redevelopment plan

(a) must describe

(i) the objectives of the plan and how they are proposed to be achieved,

(ii) the proposed land uses for the redevelopment area,

(iii) if a redevelopment levy is to be imposed, the reasons for imposing it, and

(iv) any proposals for the acquisition of land for any municipal use, school facilities, parks and recreation facilities or any other purposes the council considers necessary,

and

(b) may contain any other proposals that the council considers necessary.

1995 c24 s95

General Provisions

Statutory plan preparation

636(1) While preparing a statutory plan, a municipality must notify the following and provide a means for suggestions and representations to be made:

(a) any members of the public who may be affected by the plan;

(b) the school boards with jurisdiction in the area to which the plan preparation applies;

(c) in the case of a municipal development plan,

(i) any adjacent municipalities,

(ii) the Indian band of any adjacent Indian reserve, and

(iii) any adjacent Metis settlement;

(d) in the case of an area structure plan,

(i) where the land that is the subject of the plan is adjacent to another municipality, that municipality,

(ii) where the land that is the subject of the plan is within 1.6 kilometres of a provincial highway, the Minister responsible for the *Highways Development and Protection Act*, and

(iii) where the land that is the subject of the plan is adjacent to an Indian reserve or Metis settlement, the Indian band or Metis settlement.

(2) Subsection (1) does not apply to amendments to statutory plans.

RSA 2000 cM-26 s636;2008 c37 s11;2017 c13 s1(57);2020 c39 s10(22)

Effect of plans

637 The adoption by a council of a statutory plan does not require the municipality to undertake any of the projects referred to in it.

1995 c24 s95

Consistency of plans

638(1) A municipal development plan must be consistent with any intermunicipal development plan in respect of land that is identified in both the municipal development plan and the intermunicipal development plan.

(2) An area structure plan and an area redevelopment plan must be consistent with

(a) any intermunicipal development plan in respect of land that is identified in both the area structure plan or area redevelopment plan, as applicable, and the intermunicipal development plan, and

(b) any municipal development plan.

(3) An intermunicipal development plan prevails to the extent of any conflict or inconsistency between

(a) a municipal development plan, an area structure plan or an area redevelopment plan, and

(b) the intermunicipal development plan

in respect of the development of the land to which the conflicting or inconsistent plans apply.

(4) A municipal development plan prevails to the extent of any conflict or inconsistency between

(a) an area structure plan or an area redevelopment plan, and

(b) the municipal development plan.

RSA 2000 cM-26 s638;2015 c8 s65;2020 c39 s10(23)

638.1 Repealed 2020 c39 s10(24).

Listing and publishing of policies

638.2(1) Every municipality must compile and keep updated a list of any policies that may be considered in making decisions under this Part

(a) that have been approved by council by resolution or bylaw, or

(b) that have been made by a body or person to whom powers, duties or functions are delegated under section 203 or 209,

and that do not form part of a bylaw made under this Part.

(2) The municipality must publish the following on the municipality's website:

(a) the list of the policies referred to in subsection (1);

(b) the policies described in subsection (1);

(c) a summary of the policies described in subsection (1) and of how they relate to each other and how they relate to any statutory plans and bylaws passed in accordance with this Part;

(d) any documents incorporated by reference in any bylaws passed in accordance with this Part.

(3) A development authority, subdivision authority, subdivision and development appeal board, the Land and Property Rights Tribunal or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2).

(4) Repealed 2020 c39 s10(25).

2016 c24 s99;2020 cL-2.3 s24(41);2020 c39 s10(25)

Division 5
Land Use

639 Repealed 2020 c39 s10(26).

639.1 Repealed 2020 c39 s10(27).

Land use bylaw

640(1) Every municipality must pass a land use bylaw.

(1.1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality, including, without limitation, by

(a) imposing design standards,

(b) determining population density,

(c) regulating the development of buildings,

(d) providing for the protection of agricultural land, and

(e) providing for any other matter council considers necessary to regulate land use within the municipality.

(2) A land use bylaw

(a) must divide the municipality into districts of the number and area the council considers appropriate;

(b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,

(i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or

(ii) the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions,

or both;

(c) must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provision for

(i) the types of development permit that may be issued,

(ii) applying for a development permit,

(iii) processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit,

(iv) the conditions that are to be attached, or that the development authority may attach, to a development permit, either generally or with respect to a specific type of permit,

(v) how long any type of development permit remains in effect,

(vi) the discretion that the development authority may exercise with respect to development permits, and

(vii) any other matters necessary to regulate and control the issue of development permits that to the council appear necessary;

(d) must provide for how and to whom notice of the issuance of a development permit is to be given;

(e) must establish the number of dwelling units permitted on a parcel of land.

(3) A land use bylaw may identify additional land as adjacent land for the purpose of notification under sections 653, 679, 680 and 692.

(4) Repealed 2020 c39 s10(28).

(5) A land use bylaw may provide that when an application for a development permit or change in land use designation is refused another application with respect to the same lot

(a) for a development permit for the same or a similar use, or

(b) for a change in land use designation

may not be made by the same or any other applicant until the time stated in the land use bylaw has expired.

(6) A land use bylaw may authorize a development authority to decide on an application for a development permit even though the proposed development does not comply with the land use bylaw or is a non-conforming building if, in the opinion of the development authority,

(a) the proposed development would not

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(b) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

(7) A land use bylaw must be consistent with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

(8) Despite this section or any other provision of this Act, the authority to pass a land use bylaw does not include the authority to pass a bylaw in respect of the use of a building or part of a building for residential purposes that has the effect of distinguishing between any individuals on the basis of whether they are related or unrelated to each other.

(9) The Minister may by order direct a municipality to amend its land use bylaw in respect of the use of a building or part of a building for residential purposes if the land use bylaw has the effect of distinguishing between senior citizens on the basis of whether they are related or unrelated to each other.

RSA 2000 cM-26 s640;2016 c24 s100;2017 c21 s28;2020 c39 s10(28)

640.1 Repealed 2020 c39 s10(29).

Transitional — alternative time period in land use bylaw

640.2(1) In this section, "alternative time period" means an alternative time period authorized by section 640.1 of this Act as it read immediately before the coming into force of this section.

(2) Where, on the coming into force of this section, a land use bylaw providing for an alternative time period is in force, the provisions of the bylaw providing for the alternative time period continue to have effect for a period of 6 months beginning on the day this section comes into force.

2020 c39 s10(30)

Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Repealed 2015 c8 s66.

RSA 2000 cM-26 s641;2015 c8 s66

Permitted and discretionary uses

642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may, if the application is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(3) A decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.

(4) If a development authority refuses an application for a development permit, the development authority must issue to the applicant a notice, in the form and manner provided for in the land use bylaw, that the application has been refused and provide the reasons for the refusal.

(5) Despite subsections (1) and (2), a development authority must not issue a development permit if the proposed development does not comply with the applicable requirements of regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

RSA 2000 cM-26 s642;2016 cs24 s102;2017 c13 s1(58) ; 2017 c21 s28;2018 c11 s13;2020 c39 s10(31)

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

(a) to make it a conforming building,

(b) for routine maintenance of the building, if the development authority considers it necessary, or

(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

1995 c24 s95

Acquisition of land designated for public use

644(1) If land is designated under a land use bylaw for use or intended use as a municipal public building, school facility, park or recreation facility and the municipality does not own the land, the municipality must within 6 months from the date the land is designated do one of the following:

(a) acquire the land or require the land to be provided as reserve land;

(b) commence proceedings to acquire the land or to require the land to be provided as reserve land and then acquire that land within a reasonable time;

(c) amend the land use bylaw to designate the land for another use or intended use.

(2) Subsection (1) does not apply if the Crown in right of Canada, the Crown in right of Alberta, an irrigation district, a board of a drainage district or a local authority, within 6 months from the date the land is designated under that subsection,

(a) acquires that land, or

(b) commences proceedings to acquire that land or requires that land to be provided as reserve land and then acquires it within a reasonable time.

(3) Subsection (1) does not apply to land designated by the municipality as conservation reserve.

RSA 2000 cM-26 s644;2016 cs24 s103

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with section 685.

RSA 2000 cM-26 s645;2017 c13 s1(59);2022 c16 s9(80)

Enforcement of stop order

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

1995 c24 s95

Division 6
Development Levies and Conditions

Redevelopment levies

647(1) If a person applies for a development permit in respect of development in a redevelopment area and the area redevelopment plan contains proposals for residential, commercial or industrial development, a redevelopment levy may be imposed on the applicant in accordance with the bylaw adopting the area redevelopment plan.

(2) A redevelopment levy imposed and collected must be used to provide, in respect of the redevelopment area,

(a) land for a park or land for school buildings designed for the instruction or accommodation of students, or

(b) land for new or expanded recreation facilities,

or both.

(3) On September 1, 1995 a redevelopment levy under the former Act continues as a redevelopment levy under this Part.

(4) A redevelopment levy imposed and collected under this Part or the former Act may be imposed and collected only once in respect of a development.

(5) A redevelopment levy imposed pursuant to this Part may vary between one class of development and another in a redevelopment area.

(6) If a redevelopment levy is collected, the municipality must pay that portion of the levy imposed to provide land for school buildings designed for the instruction or accommodation of students to the one or more school boards.

RSA 2000 cM-26 s647;2008 c37 s11

Off-site levy

648(1) In this section and sections 648.01 to 648.4,

(a) "facility" includes the facility, the associated infrastructure, the land necessary for the facility and related appurtenances referred to in subsection (2.1);

(b) "infrastructure" means the infrastructure, facilities and land required for the purposes referred to in subsection (2)(a) to (c.1);

(c) "stakeholder" means any person that will be required to pay an off-site levy when the bylaw is passed, or any other person the municipality considers is affected.

(1.1) For the purposes referred to in subsections (2) and (2.1), a council may by bylaw

(a) provide for the imposition and payment of a levy in respect of land that is to be developed or subdivided, and

(b) authorize an agreement to be entered into in respect of the payment of the levy.

(1.2) A bylaw may not impose an off-site levy on land required for a school building project that is

(a) owned by a school board, or

(b) leased to a school board in accordance with section 187.1(4)(b) of the *Education Act*.

(2) An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:

(a) new or expanded facilities for the storage, transmission, treatment or supplying of water;

(b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;

(c) new or expanded storm sewer drainage facilities;

(c.1) new or expanded roads required for or impacted by a subdivision or development;

(c.2) subject to the regulations, new or expanded transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development;

(d) land required for or in connection with any facilities described in clauses (a) to (c.2).

(2.1) In addition to the capital cost of facilities described in subsection (2), an off-site levy may be used to pay for all or part of the capital cost for any of the following purposes, including the

cost of any related appurtenances and any land required for or in connection with the purpose:

(a) new or expanded community recreation facilities;

(b) new or expanded fire hall facilities;

(c) new or expanded police station facilities;

(d) new or expanded libraries.

(2.2) Subject to an appeal under section 648.1, an off-site levy may be imposed and collected for a purpose referred to in subsection (2.1) only if no off-site levy has been previously imposed under subsection (1) for the same purpose with respect to the land on which the off-site levy is being imposed.

(3) On September 1, 1995 an off-site levy under the former Act continues as an off-site levy under this Part.

(4) An off-site levy imposed under this section or the former Act may be collected once for each purpose described in subsection (2) or (2.1), in respect of land that is the subject of a development or subdivision, if

(a) the purpose of the off-site levy is authorized in the bylaw referred to in subsection (1), and

(b) the collection of the off-site levy for the purpose authorized in the bylaw is specified in the agreement referred to in subsection (1).

(4.1) Nothing in subsection (4) prohibits the collection of an off-site levy by instalments or otherwise over time.

(5) An off-site levy collected under this section, and any interest earned from the investment of the levy,

(a) must be accounted for separately from other levies collected under this section, and

(b) must be used only for the specific purpose described in subsection (2)(a) to (c.2) or (2.1)(a) to (d) for which it is collected or for the land required for or in connection with that purpose.

(6) A bylaw under subsection (1) must be advertised in accordance with section 606 unless

(a) the bylaw is passed before January 1, 2004, or

(b) the bylaw is passed on or after January 1, 2004 but at least one reading was given to the proposed bylaw before that date.

(7) Where after March 1, 1978 and before January 1, 2004 a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for the purpose described in subsection (2)(c.1), that fee or charge is deemed

(a) to have been imposed pursuant to a bylaw under this section, and

(b) to have been validly imposed and collected

effective from the date the fee or charge was imposed.

(8) If, before the coming into force of this subsection, a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for one or more purposes described in subsection (2) or (2.1), that fee or charge is deemed

(a) to have been imposed pursuant to a bylaw under this section, and

(b) to have been validly imposed and collected effective from the date the fee or charge was imposed.

(9) If, before the coming into force of this subsection, a bylaw was made that purported to impose a fee or other charge on a developer for a purpose described in subsection (2) or (2.1),

(a) that bylaw is deemed to have been valid and enforceable to the extent that it imposed a fee or charge for a purpose described in subsection (2) or (2.1) before the coming into force of this subsection, and

(b) any fee or charge imposed pursuant to the bylaw before the coming into force of this subsection is deemed to have been validly imposed and collected effective from the date the fee or charge was imposed.

RSA 2000 cM-26 s648;2003 c43 s3;2012 cE-0.3 s279;2015 c8 s67;
2016 c24 s104;2017 c13 ss1(60),2(17);2020 c39 s10(32);
2025 c13 s2(17)

Intermunicipal off-site levy

648.01(1) For the purpose of section 648(1) and subject to the requirements of section 12, 2 or more municipalities may provide for an off-site levy to be imposed on an intermunicipal basis.

(2) Where 2 or more municipalities provide for an off-site levy to be imposed on an intermunicipal basis, the municipalities shall enter into such agreements as are necessary to attain the purposes described in section 648(2) or (2.1) that are to be funded by an off-site levy under section 648(1), by a framework made under Part 17.2 or by any other agreement.

(3) Repealed 2020 c39 s10(33).

(4) If a bylaw providing for an off-site levy to be imposed on an intermunicipal basis is appealed under section 648.1, the corresponding bylaws of the other participating municipalities are deemed to also be appealed.

2016 c24 s105;2020 c39 s10(33)

Appeal of off-site levy

648.1(1) Any person may, subject to and in accordance with the regulations, appeal any of the provisions of an off-site levy bylaw relating to an off-site levy for a purpose referred to in section 648(2) or (2.1) to the Land and Property Rights Tribunal on any of the following grounds:

(a) that the purpose for which the off-site levy is to be imposed is unlikely to benefit future occupants of the land who may be subject to the off-site levy to the extent required by the regulations;

(b) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a municipality when passing the off-site levy bylaw have not been complied with;

(c) that the determination of the benefitting area was not determined in accordance with regulations made under section 694(4)(c);

(d) that the off-site levy or any portion of it is not for the payment of the capital costs of the purposes set out in section 648(2) or (2.1), as applicable;

(e) that the calculation of the off-site levy is inconsistent with regulations made under section 694(4) or is incorrect;

(f) that an off-site levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision.

(2) After hearing the appeal, the Land and Property Rights Tribunal may

(a) dismiss the appeal in whole or in part, or

(b) declare the off-site levy bylaw or a portion of the bylaw to be invalid and provide that the bylaw may be repassed or amended in a manner determined by the Tribunal.

(3) Where an off-site levy bylaw amends the amount of an off-site levy referred to in subsection (1), an appeal under this section may only be brought with respect to that amendment.

2016 c24 s105;2017 c13 s2(18);2020 cL-2.3 s24(32);2020 c39 s10(34)

Calculation of off-site levy

648.2(1) Subject to subsection (2), a municipality may determine the methodology on which to base the calculation of an off-site levy.

(2) Subject to subsection (7), the methodology on which a municipality bases its calculation of an off-site levy must

(a) take into account criteria such as area, density or intensity of use,

(b) recognize variation among infrastructure, facility and transportation infrastructure types,

(c) be consistent across the municipality for that type of infrastructure, facility or transportation infrastructure, and

(d) be clear and reasonable.

(3) Notwithstanding subsection (2)(c), the methodology used in determining the calculation of an off-site levy may be different for each specific type of infrastructure, facility or transportation infrastructure.

(4) The information that a municipality uses in the calculation of an off-site levy must be current.

(5) A bylaw imposing an off-site levy must include a requirement for a periodic review of the calculation of the off-site levy.

(6) A municipality that imposes an off-site levy must make the following publicly available:

(a) any information or data the municipality relied upon and any assumptions the municipality made in calculating the levy, including, without limitation, any information, data or assumptions the municipality used in models to complete calculations;

(b) the calculations that were performed in order to determine the amount of the levy;

(c) anything else that would be required in order to replicate the determination of the levy.

(7) Subsection (2) does not apply to the City of Calgary or the City of Edmonton.

2020 c39 s10(35)

Consultation with stakeholders

648.3(1) A municipality must consult, in good faith, with stakeholders

(a) before making a final determination on defining and addressing existing and future infrastructure, transportation infrastructure and facility requirements, and

(b) when determining the methodology on which to base an off-site levy.

(2) Before passing or amending a bylaw imposing an off-site levy, a municipality must consult, in good faith, on the calculation of the levy with stakeholders in the benefitting area where the off-site levy will apply.

(3) A consultation referred to in this section must begin at the earliest opportunity and must provide stakeholders with the ability to provide input on an ongoing basis.

(4) During a consultation referred to in this section, a municipality must make publicly available any calculations the municipality has made and any information the municipality has relied upon including, without limitation, any assumptions and data the municipality has used in models to complete calculations.

2020 c39 s10(35)

Annual report

648.4(1) A municipality must provide full and open disclosure of all off-site levy costs and payments.

(2) A municipality must, on an annual basis, make a report on an off-site levy publicly available and include in the report

(a) the details of all off-site levies received by each contributor for each type of facility and infrastructure within each benefitting area,

(b) the uses for each type of facility and infrastructure within each benefitting area for each capital project, and

(c) the balances retained for each type of facility and infrastructure within each benefitting area.

2020 c39 s10(35)

Levy bylaws

649 A bylaw that authorizes a redevelopment levy or an off-site levy must set out the purpose of each levy and indicate how the amount of the levy was determined.

RSA 2000 cM-26 s649;2015 c8 s68

Condition of issuing development permit

650(1) A council may in a land use bylaw require that, as a condition of a development permit's being issued, the applicant enter into an agreement with the municipality to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of

(i) a pedestrian walkway system to serve the development, or

(ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,

or both;

(c) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;

(d) to construct or pay for the construction of

(i) off-street or other parking facilities, and

(ii) loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy imposed by bylaw;

(f) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an agreement under this section against the certificate of title for the land that is the subject of the development.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

(4) Where, prior to the coming into force of this subsection, an agreement referred to in subsection (1) required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(c), that requirement is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the development.

RSA 2000 cM-26 s650;2015 c8 s69

Agreements re oversize improvements

651(1) An agreement referred to in section 648, 650 or 655 may require the applicant for a development permit or subdivision approval

(a) to pay for all or a portion of the cost of an improvement constructed or paid for in whole or in part by a municipality at any time prior to the date of approval of the development permit or subdivision approval application, or

(b) to construct or pay for all or a portion of an improvement with an excess capacity.

(2) An agreement referred to in subsection (1)(b) or (3) that obliges an applicant for a development permit or subdivision approval to construct or pay for an improvement with an excess capacity may also provide for the reimbursement of the cost incurred or payment made in respect of the excess capacity together with interest calculated at the rate fixed pursuant to subsection (4) on the amount of the cost until the land that benefits from the excess capacity is developed or subdivided.

(3) If a municipality has at any time, either before or after this section comes into force, or before or after section 77.1 of the *Planning Act* was deemed to come into force, entered into an agreement providing for reimbursement of payments made or costs incurred in respect of the excess capacity of an improvement by an

applicant for a development permit or subdivision approval, the municipality must, when other land that benefits from the improvement is developed or subdivided, enter into an agreement with the applicant for a development permit or subdivision approval for the other land, and that agreement may require the applicant to pay an amount in respect of the improvement, as determined by the municipality, which may be in excess of the cost of the improvement required for the proposed development or subdivision.

(4) An agreement made in accordance with subsection (1)(a) or (3) may require that, in addition to paying for all or part of the cost of an improvement, an applicant for a development permit or subdivision approval must pay reasonable interest on the cost in an amount to be fixed by the municipality.

(5) In this section,

(a) "excess capacity" means any capacity in excess of that required for a proposed development or subdivision;

(b) "improvement" means

(i) a facility or land referred to in section 648(2), or

(ii) a road, pedestrian walkway, utility or facility referred to in section 650(1) or 655(1)(b),

whether or not located on the land to be developed or subdivided and whether or not constructed at the time of development or subdivision approval.

1995 c24 s95

Restrictive covenant

651.1(1) In this section, "restrictive covenant" means a condition or covenant under which land, or any specified portion of land, is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

(2) Despite the *Land Titles Act* or any other enactment, a municipality may register a caveat under the *Land Titles Act* in respect of any restrictive covenant granted by the registered owner of a parcel of land to the municipality for the benefit of land that is under the direction, control and management of the municipality whether or not the municipality has been issued a certificate of title to that land.

(3) A caveat registered pursuant to subsection (2)

(a) shall be registered against the certificate of title to the parcel of land

(i) that is subject to the restrictive covenant, and

(ii) that was issued to the person who granted the restrictive covenant,

(b) has the same force and effect as if it had been a condition or covenant registered under section 48 of the *Land Titles Act*,

(c) may be discharged only by the municipality or an order of a court, and

(d) does not lapse pursuant to the provisions of the *Land Titles Act* governing the lapsing of caveats.

1999 c11 s43

Encroachment agreements

651.2(1) In this section, "encroachment agreement" means an agreement under which a municipality permits the encroachment onto a road that is under the direction, control and management of the municipality of improvements made on land that is adjoining that road.

(2) Despite the *Land Titles Act* or any other enactment, a municipality may register a caveat under the *Land Titles Act* in respect of any encroachment agreement entered into by the municipality with the registered owner of a parcel of land that adjoins a road that is under the direction, control and management of the municipality.

(3) A caveat registered pursuant to subsection (2)

(a) shall be registered against the certificate of title to the parcel of land

(i) that is adjoining the road, and

(ii) that was issued to the person who entered into the encroachment agreement with the municipality,

(b) has the same force and effect as if it had been an encroachment agreement registered under section 72 of the *Land Titles Act*,

(c) may be discharged only by the municipality or an order of a court, and

(d) does not lapse pursuant to the provisions of the *Land Titles Act* governing the lapsing of caveats.

1999 c11 s43

Division 7
Subdivision of Land

Subdivision approval required

652(1) A Registrar may not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land unless the subdivision has been approved by a subdivision authority.

(2) Despite subsection (1) and subject to subsection (4), a Registrar may accept for registration without subdivision approval an instrument that has the effect or may have the effect of subdividing a parcel of land described in a certificate of title if registration of the instrument results in the issuing of one or more certificates of title and the parcel of land described in each certificate of title so issued would consist only of any or all of the following:

(a) a quarter section;

(b) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

(c) a lake lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

(d) a settlement lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

(e) a part of the parcel of land described in the existing title if the boundaries of the part are shown and delineated on a plan of subdivision;

(f) a parcel of land created pursuant to a bylaw passed by a municipality under section 665.

(3) For the purpose of subsection (2), a parcel of land is deemed to be a quarter section, river lot, lake lot or settlement lot if the parcel of land would consist of a quarter section, river lot, lake lot or settlement lot except that land has been removed from the parcel of land by a subdivision effected only for a purpose referred to in section 618(1) or by a plan of subdivision or any other instrument that effected a subdivision.

(4) Unless the subdivision of the parcel of land has been approved by a subdivision authority, the Registrar may not accept for

registration an instrument that has the effect or may have the effect of subdividing a parcel of land

(a) if the parcel of land is described in a plan of subdivision that was registered in a land titles office before July 1, 1950, and

(b) if the parcel of land contains 2 or more lots one or more of which is less than 8.0 hectares in area.

(5) A Registrar may not accept a caveat for registration that relates to an instrument that has the effect or may have the effect of subdividing a parcel of land unless

(a) subdivision approval is not required in respect of that subdivision pursuant to subsection (2), or

(b) subdivision approval has been granted in respect of that subdivision.

1995 c24 s95

Application for subdivision approval

653(1) An application to a subdivision authority for subdivision approval

(a) must be in accordance with the subdivision and development regulations, and

(b) must include a proposed plan of subdivision or other instrument that describes the subdivision.

(2) If a subdivision application includes the signed consent of the applicant to the municipality or its delegate carrying out an inspection, at a reasonable time, of the land that is the subject of the application, a notice of inspection is not required to be given under section 542(1).

(2.1) On receipt of an application, the subdivision authority must, in accordance with section 653.1, determine whether the application is complete.

(3) On receipt of an acknowledgment under section 653.1(5) or (7) that the application for subdivision approval is complete, or if the application is deemed to be complete under section 653.1(4), the subdivision authority must

(a) give a copy of the application to the Government departments, persons and local authorities required by the subdivision and development regulations, and

(b) give notice of the application to owners of adjacent land.

(4) Repealed 2016 c24 s107.

(4.1) Despite subsection (3)(b), a subdivision authority is not required to give notice to owners of adjacent lands if the land that is the subject of the application is contained within an area structure plan or a conceptual scheme and a public hearing has been held with respect to that plan or scheme.

(4.2) A notice under subsection (3)(b) must be given by at least one of the following methods:

(a) mailing the notice to each owner of adjacent land;

(b) posting the notice on the land that is the subject of the application;

(c) publishing a notice in a newspaper that has general circulation in the municipality that contains the land that is the subject of the application.

(4.3) A notice under subsection (3)(b) must include

(a) the municipal address, if any, and the legal address of the parcel of land, and

(b) a map showing the location of the parcel of land.

(4.4) Repealed 2020 c39 s10(36).

(5) A notice under subsection (3)(b) must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made for the consideration of the subdivision authority.

(6) When considering an application under this section, a subdivision authority is not required to hold a hearing.

(6.1) For the purposes of this section,

(a) "conceptual scheme" means a conceptual scheme adopted by the municipality that

(i) relates a subdivision application to the future subdivision and development of adjacent areas, and

(ii) has been referred to the persons to whom the subdivision authority must send a copy of the complete application for subdivision pursuant to the subdivision and development regulations;

(b) "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

(7) Repealed 1996 c30 s60.

RSA 2000 cM-26 s653;2016 c24 s107;2020 c39 s10(36)

Subdivision applications

653.1(1) A subdivision authority must, within 20 days after the receipt of an application for subdivision approval under section 653(1), determine whether the application is complete.

(2) An application is complete if, in the opinion of the subdivision authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the subdivision authority.

(4) If the subdivision authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a subdivision authority determines that the application is complete, the subdivision authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the subdivision authority determines that the application is incomplete, the subdivision authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the subdivision authority in order for the application to be considered complete.

(7) If the subdivision authority determines that the information and documents submitted under subsection (6) are complete, the subdivision authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the subdivision authority must issue to the applicant a notice in the

form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the subdivision authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the subdivision authority may request additional information or documentation from the applicant that the subdivision authority considers necessary to review the application.

(11) Repealed 2020 c39 s10(37).

2016 c24 s108;2020 c39 s10(37)

Approval of application

654(1) A subdivision authority must not approve an application for subdivision approval unless

(a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,

(b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,

(c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and

(d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(1.1) Repealed 2018 c11 s13.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

(a) the proposed subdivision would not

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

RSA 2000 cM-26 s654;2016 c24 s109;2018 c11 s13

Conditions of subdivision approval

655(1) A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:

(a) any conditions to ensure that this Part, including section 618.3(1), and the statutory plans and land use bylaws and the regulations under this Part affecting the land proposed to be subdivided are complied with;

(b) a condition that the applicant enter into an agreement with the municipality to do any or all of the following:

(i) to construct or pay for the construction of a road required to give access to the subdivision;

(ii) to construct or pay for the construction of

(A) a pedestrian walkway system to serve the subdivision, or

(B) pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent subdivision,

or both;

(iii) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the subdivision, whether or not the public utility is, or will be, located on the land that is the subject of the subdivision approval;

(iv) to construct or pay for the construction of

(A) off-street or other parking facilities, and

(B) loading and unloading facilities;

(v) to pay an off-site levy or redevelopment levy imposed by bylaw;

(vi) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an agreement under subsection (1)(b) against the certificate of title for the parcel of land that is the subject of the subdivision.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

(4) Where a condition on a subdivision approval has, prior to the coming into force of this subsection, required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(b)(iii), that condition is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the subdivision approval.

RSA 2000 cM-26 s655;2009 cA-26.8 s83;2015 c8 s71; 2020 c39 s10(38)

Decision

656(1) A decision of a subdivision authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the subdivision authority is required by the subdivision and development regulations to give a copy of the application.

(2) A decision of a subdivision authority must state

(a) whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal, and

(b) if an application for subdivision approval is refused, the reasons for the refusal.

(3) If an application for subdivision approval is refused, the subdivision authority may refuse to accept for consideration, with respect to the same land or part of the same land, a further application for subdivision approval submitted to it within the 6-month period after the date of the subdivision authority's decision to refuse the application.

(4) Subsection (3) does not apply in the case of an application that was deemed to be refused under section 653.1(8).

RSA 2000 cM-26 s656;2016 c24 s111;2018 c11 s13; 2020 cL-2.3 s24(41)

Subdivision registration

657(1) An applicant for subdivision approval must submit to the subdivision authority the plan of subdivision or other instrument that effects the subdivision within one year from the latest of the following dates:

(a) the date on which the subdivision approval is given to the application;

(b) if there is an appeal to the subdivision and development appeal board or the Land and Property Rights Tribunal, the date of the decision of the appeal board or the Tribunal, as the case may be, or the date on which the appeal is discontinued;

(c) if there is an appeal to the Court of Appeal under section 688, the date on which the judgment of the Court is entered or the date on which the appeal is discontinued.

(2) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions imposed have been met, the subdivision authority must endorse the plan or other instrument in accordance with the subdivision and development regulations.

(3) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval but conditions to which the approval is subject have not been met, a subdivision authority may endorse the plan or other instrument in accordance with the subdivision and development regulations if the subdivision authority is satisfied that the conditions will be met.

(4) If the plan of subdivision or other instrument is not submitted to the subdivision authority within the time prescribed by subsection (1) or any longer period authorized by the council, the subdivision approval is void.

(5) If the plan of subdivision or other instrument is not registered in a land titles office within one year after the date on which it is endorsed pursuant to this section or within the extended period prescribed under subsection (6), the subdivision approval of the plan or instrument and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.

(6) The council may grant one or more extensions of

(a) the one-year period referred to in subsection (1), or

(b) the one-year period referred to in subsection (5),

whether or not the time period under those subsections has expired.

RSA 2000 cM-26 s657;2020 cL-2.3 s24(33);2020 c39 s10(39)

Cancellation of plan of subdivision

658(1) On the application of one or more owners of a parcel of land in a plan of subdivision, a council may by bylaw order the plan cancelled, in whole or in part.

(2) A council may pass a bylaw under subsection (1) only with the consent of

(a) the owners of the parcel of land in the plan of subdivision,

(b) every person shown on the certificate of title of the land in the plan of subdivision as having an estate or interest in it, and

(c) the Crown in right of Alberta, if the plan of subdivision shows a highway or road or other right of way vested in the Crown for which no certificate of title has been issued.

(3) A plan cancellation may not be effected only or primarily for the purpose of disposing of reserves.

(3.1) If all of a plan is cancelled, deferred reserve caveats and environmental reserve easements are also cancelled.

(4) If all reserve land has been cancelled from a plan of subdivision, the resulting parcel of land, if it is subsequently subdivided, is subject to Division 8.

(5) If a plan is cancelled in part, a deferred reserve caveat may be placed against the consolidated certificate of title reflecting any reserve land that was cancelled and that will be owing if the parcel is subsequently subdivided.

RSA 2000 cM-26 s658;2016 c24 s112

Collection of taxes

659 When a plan of subdivision or part of it has been cancelled, all taxes, assessments or rates in arrears or due on the separate lots or blocks within the area of which the plan has been cancelled become taxes, assessments or rates on or in respect of the area, and all the remedies for the enforcement and collection of taxes, assessments and rates formerly applicable for the recovery of the taxes, assessments or rates on the separate lots or blocks apply as if

the taxes, assessments or rates had been levied against the whole area of the cancelled plan.

1995 c24 s95

Cancellation registered

660 On receipt of a copy of a bylaw under section 658 and on payment of the applicable fees, the Registrar must

(a) cancel the plan of subdivision in whole or in part in accordance with the bylaw,

(b) cancel the certificate of title issued according to the original plan and issue any new certificates of title required by the bylaw, and

(c) make any other cancellations and registrations and do all things necessary to give effect to the bylaw.

1995 c24 s95

Division 8
Reserve Land, Land for Roads and Utilities

Land dedication

661 The owner of a parcel of land that is the subject of a proposed subdivision must provide, without compensation,

(a) to the Crown in right of Alberta or a municipality, land for roads and public utilities,

(a.1) subject to section 663, to the Crown in right of Alberta or a municipality, land for environmental reserve, and

(b) subject to section 663, to the Crown in right of Alberta, a municipality, one or more school boards or a municipality and one or more school boards, land for municipal reserve, school reserve, municipal and school reserve, money in place of any or all of those reserves or a combination of reserves and money,

as required by the subdivision authority pursuant to this Division.

RSA 2000 cM-26 s661;2008 c37 s11;2016 c24 s113

Land for conservation reserve

661.1 The owner of a parcel of land that is the subject of a proposed subdivision must provide to a municipality land for conservation reserve as required by the subdivision authority pursuant to this Division.

2016 c24 s114

Roads, utilities, etc.

662(1) A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land for the purpose of roads, public utilities or both.

(2) The land to be provided under subsection (1) may not exceed 30% of the area of the parcel of land less the land taken as environmental reserve or as an environmental reserve easement.

(3) If the owner has provided sufficient land for the purposes referred to in subsection (1) but the land is less than the maximum amount authorized by subsection (2), the subdivision authority may not require the owner to provide any more land for those purposes.

1995 c24 s95

Reserves not required

663 A subdivision authority may not require the owner of a parcel of land that is the subject of a proposed subdivision to provide reserve land or money in place of reserve land if

(a) one lot is to be created from a quarter section of land,

(b) land is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes,

(c) the land to be subdivided is 0.8 hectares or less, or

(d) reserve land, environmental reserve easement or money in place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.

1995 c24 s95;1996 c30 s62

Environmental reserve

664(1) Subject to section 663 and subsection (2), a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of

(a) a swamp, gully, ravine, coulee or natural drainage course,

(b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or

(c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any body of water.

(1.1) A subdivision authority may require land to be provided as environmental reserve only for one or more of the following purposes:

(a) to preserve the natural features of land referred to in subsection (1)(a), (b) or (c) where, in the opinion of the subdivision authority, those features should be preserved;

(b) to prevent pollution of the land or of the bed and shore of an adjacent body of water;

(c) to ensure public access to and beside the bed and shore of a body of water lying on or adjacent to the land;

(d) to prevent development of the land where, in the opinion of the subdivision authority, the natural features of the land would present a significant risk of personal injury or property damage occurring during development or use of the land.

(1.2) For the purposes of subsections (1)(c) and (1.1)(b) and (c), "bed and shore" means the natural bed and shore as determined under the *Surveys Act*.

(2) If the owner of a parcel of land that is the subject of a proposed subdivision and the municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement for the protection and enhancement of the environment, an easement may be registered against the land in favour of the municipality at a land titles office.

(3) The environmental reserve easement

(a) must identify which part of the parcel of land the easement applies to,

(b) must require that land that is subject to the easement remain in a natural state as if it were owned by the municipality, whether or not the municipality has an interest in land that would be benefitted by the easement,

(c) runs with the land on any disposition of the land,

(d) constitutes an interest in land in the municipality, and

(e) may be enforced by the municipality.

(4) An environmental reserve easement does not lapse by reason only of

(a) non-enforcement of it,

(b) the use of the land that is the subject of the easement for a purpose that is inconsistent with the purposes of the easement, or

(c) a change in the use of land that surrounds or is adjacent to the land that is the subject of the easement.

(5) When an easement is presented for registration under subsection (2), the Registrar must endorse a memorandum of the environmental reserve easement on any certificate of title relating to the land.

(6) Despite section 48(4) of the *Land Titles Act*, an easement registered under subsection (2) may be removed only pursuant to section 658(3.1).

(7) An environmental reserve easement is deemed to be a condition or covenant for the purposes of section 48(4) and (6) of the *Land Titles Act*.

(8) Subject to subsection (7), this section applies despite section 48 of the *Land Titles Act*.

(9) A caveat registered under this section prior to April 30, 1998 is deemed to be an environmental reserve easement registered under this section.

RSA 2000 cM-26 s664;2016 c24 s115;2023 c9 s19(20)

Agreement respecting environmental reserve

664.1(1) In this section, "subdivision approval application" means an application under section 653 for approval to subdivide a parcel of land referred to in subsection (2).

(2) A municipality and an owner of a parcel of land may, before a subdivision approval application is made or after it is made but before it is decided, enter into a written agreement

(a) providing that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, or

(b) providing that the owner will be required to provide part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, and specifying the boundaries of that part.

(3) Where the agreement provides that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any part of the parcel as environmental reserve as a condition of approving a subdivision approval application.

(4) Where the agreement specifies the boundaries of the part of the parcel of land that the owner will be required to provide to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any other part of the parcel as environmental reserve as a condition of approving a subdivision approval application.

(5) Subsections (3) and (4) do not apply on a subdivision approval application where either party to the agreement demonstrates that a material change affecting the parcel of land occurred after the agreement was made.

2016 c24 s116

Conservation reserve

664.2(1) A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land to the municipality as conservation reserve if

(a) in the opinion of the subdivision authority, the land has environmentally significant features,

(b) the land is not land that could be required to be provided as environmental reserve,

(c) the purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land, and

(d) the taking of the land as conservation reserve is consistent with the municipality's municipal development plan and area structure plan.

(2) Within 30 days after the Registrar issues a new certificate of title under section 665(2) for a conservation reserve, the municipality must pay compensation to the landowner in an amount equal to the market value of the land at the time the application for subdivision approval was received by the subdivision authority.

(3) If the municipality and the landowner disagree on the market value of the land, the matter must be determined by the Land and Property Rights Tribunal.

2016 c24 s116;2017 c13 s2(19);2020 cL-2.3 s24(40)

Designation of municipal land

665(1) A council may by bylaw require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot.

(2) Subject to subsection (3), on receipt of a copy of a bylaw under this section and the applicable fees, the Registrar must do all things necessary to give effect to the order, including cancelling the existing certificate of title and issuing a new certificate of title for each newly created parcel of land with the designation of

(a) municipal reserve, which must be identified by a number suffixed by the letters "MR",

(b) public utility lot, which must be identified by a number suffixed by the letters "PUL",

(c) environmental reserve, which must be identified by a number suffixed by the letters "ER",

(c.1) conservation reserve, which must be identified by a number suffixed by the letters "CR",

(d) school reserve, which must be identified by a number suffixed by the letters "SR",

(e) municipal and school reserve, which must be identified by a number suffixed by the letters "MSR", or

(f) a lot, which must be identified by a number.

(3) The certificate of title for a municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot under this section must be free of all encumbrances, as defined in the *Land Titles Act*.

(4) For greater certainty, where a bylaw of the council requires that land be designated as environmental reserve, the designation becomes effective on the day the Registrar issues a new certificate of title for the land under subsection (2)(c).

RSA 2000 cM-26 s665;2016 c24 s117;2019 c22 s10(22)

Municipal and school reserves

666(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision

(a) to provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve,

(b) to provide money in place of municipal reserve, school reserve or municipal and school reserve, or

(c) to provide any combination of land or money referred to in clauses (a) and (b).

(2) The aggregate amount of land that may be required under subsection (1) may not exceed the percentage set out in the municipal development plan, which may not exceed 10% of the parcel of land less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.

(3) The total amount of money that may be required to be provided under subsection (1) may not exceed 10% of the appraised market value, determined in accordance with section 667, of the parcel of land less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.

(3.1) For greater certainty, for the purposes of calculating the 10% under subsection (2) or (3), the parcel of land includes any land required to be provided under section 662.

(4) When a combination of land and money is required to be provided, the sum of

(a) the percentage of land required under subsection (2), and

(b) the percentage of the appraised market value of the land required under subsection (3)

may not exceed 10% or a lesser percentage set out in the municipal development plan.

RSA 2000 cM-26 s666;2016 c24 s118

Money in place of municipal, school reserve

667(1) If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the applicant must provide

(a) a market value appraisal of the existing parcel of land as of a specified date occurring within the 35-day period following the date on which the application for subdivision approval is made

(i) as if the use proposed for the land that is the subject of the proposed subdivision conforms with any use prescribed in a statutory plan or land use bylaw for that land, and

(ii) on the basis of what might be expected to be realized if the land were in an unsubdivided state and sold in the open market by a willing seller to a willing buyer on the date on which the appraisal is made,

or

(b) if the applicant and the subdivision authority agree, a land value based on a method other than that described in clause (a).

(2) If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the subdivision authority must specify the amount of money required to be provided at the same time that subdivision approval is given.

1995 c24 s95

668 Repealed 2020 c39 s10(40).

Deferment of municipal and school reserves

669(1) Despite sections 661(b) and 666, instead of requiring municipal reserve, school reserve or municipal and school reserve or money in place of any of them, a subdivision authority may direct that the requirement to provide all or part of those reserves be deferred against

(a) the remainder of the parcel that is the subject of the proposed subdivision approval, or

(b) other land of the person applying for subdivision approval that is within the same municipality as that parcel of land,

or both.

(2) If a deferment is directed under subsection (1), the subdivision authority must file a caveat in a land titles office against the title of the land to which the direction relates.

(3) The direction for a deferment under subsection (1) must

(a) state the name of the applicant for subdivision approval,

(b) describe the land that is the subject of the application for subdivision approval,

(c) describe the land to which the deferment relates,

(d) state the area of the land referred to in clause (b), and

(e) state whether the deferment is in respect of municipal reserve, school reserve or municipal and school reserve.

(4) If an application for subdivision approval is made in respect of land against the title of which is filed a deferred reserve caveat under this section or a former Act, the subdivision authority may, in addition to requiring municipal reserve, school reserve or municipal and school reserve to be provided in accordance with this Division or a former Act, require to be provided all or part of the reserve land in respect of which a deferment was directed or required under this section or a former Act.

(5) If deferred reserve is provided in accordance with subsection (4), the caveat must be discharged or amended accordingly.

(6) If a deferred reserve caveat was registered in a land titles office under a former Act in respect of land in respect of which under section 663 no reserve land could be required to be provided, the registered owner may apply to the Registrar to endorse the certificate of title with a memorandum cancelling the registration of the caveat.

(7) On being satisfied that subsection (6) applies to the deferred reserve caveat, the Registrar must endorse a memorandum on the certificate of title cancelling the registration of the caveat.

1995 c24 s95;1996 c30 s64

Allocation of municipal and school reserve

670(1) When reserve land is required to be provided, the subdivision authority must specify the amount, type and location of reserve land that is to be provided, regardless of whether money is also required to be provided, and allocate the municipal reserve, school reserve and municipal and school reserve between the municipality and each school board concerned as joint owners or as separate owners

(a) in accordance with an agreement made between the municipality and the school boards, or

(b) in the absence of an agreement, in accordance with the needs of each of them as those needs are determined by the subdivision authority.

(2) When money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the

subdivision authority must allocate the money between the municipality and each school board concerned either jointly or separately

(a) in accordance with an agreement made between the municipality and the school boards, or

(b) in the absence of an agreement, in accordance with the needs of each of them as determined by the subdivision authority.

(3) When a combination of land and money is required to be provided, the subdivision authority must

(a) specify the amount, type and location of reserve land that is to be provided, and

(b) allocate the municipal reserve, school reserve or municipal and school reserve or money in place of any or all of them between the municipality and each school board concerned

in accordance with an agreement made between the municipality and the school boards, or in the absence of an agreement, in accordance with the needs of the municipality and the school boards as determined by the subdivision authority.

(4) A decision concerning the allocation of municipal reserve, school reserve, municipal and school reserve or money in place of any or all of them must be made before an application for subdivision approval is granted.

RSA 2000 cM-26 s670;2008 c37 ss10,11

Joint use and planning agreements

670.1(1) Where on the coming into force of this section a school board is operating within the municipal boundaries of a municipality, the municipality must, within 3 years after this section comes into force, enter into an agreement under this section with the school board.

(2) Where after the coming into force of this section a school board commences operating within the municipal boundaries of a municipality, the municipality must, within 3 years after the school board commences operating in the municipality, enter into an agreement under this section with the school board.

(3) An agreement under this section must contain provisions

(a) establishing a process for discussing matters relating to

(i) the planning, development and use of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality,

(ii) transfers under section 672 or 673 of municipal reserves, school reserves and municipal and school reserves in the municipality,

(iii) disposal of school sites,

(iv) the servicing of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality, and

(v) the use of school facilities, municipal facilities and playing fields on municipal reserves, school reserves and municipal and school reserves in the municipality, including matters relating to the maintenance of the facilities and fields and the payment of fees and other liabilities associated with them,

(b) respecting how the municipality and the school board will work collaboratively,

(c) establishing a process for resolving disputes, and

(d) establishing a time frame for regular review of the agreement,

and may, subject to this Act, the regulations, the *Education Act* and the regulations under that Act, contain any other provisions the parties consider necessary or advisable.

(4) More than one municipality may be a party to a joint use and planning agreement.

(5) A joint use and planning agreement may be amended from time to time as the parties consider necessary or advisable.

(6) The Minister may make regulations respecting joint use and planning agreement criteria, requirements and exemptions and any other matters respecting joint use and planning agreements.

2019 c22 s10;2024 c11 s2(31)

Division 9
Use and Disposal of Reserve Land

Use of reserve land, money

671(1) Subject to section 676(1), environmental reserve must be left in its natural state or be used as a public park.

(2) Municipal reserve, school reserve or municipal and school reserve may be used by a municipality or school board or by them jointly only for any or all of the following purposes:

(a) a public park;

(b) a public recreation area;

(c) school board purposes;

(d) to separate areas of land that are used for different purposes.

(2.1) Community services reserve may be used by a municipality for any or all of the following purposes:

(a) a public library;

(b) a police station, a fire station or an ambulance services facility, or a combination of them;

(c) a non-profit day care facility;

(d) a non-profit senior citizens facility;

(e) a non-profit special needs facility;

(f) a municipal facility providing service directly to the public;

(g) affordable housing.

(3) Despite that land is designated as municipal reserve, school reserve or municipal and school reserve, the municipality and one or more school boards may enter into any agreement they consider necessary with respect to a use referred to in subsection (2) or for any matter related to the use.

(4) Money provided in place of municipal reserve, school reserve or municipal and school reserve and the interest earned on that money

(a) must be accounted for separately, and

(b) may be used only for any or all of the purposes referred to in subsection (2).

(5) For the purposes of subsection (2)(c), "school board purposes" means those purposes as determined by the Minister of Education under subsection (6).

(6) The Minister of Education may, by order, determine school board purposes for the purposes of subsection (5).

(7) An order made under subsection (6) is exempt from the application of the *Regulations Act*.

(8) The Minister of Education must publish in The Alberta Gazette a notice of any order made under subsection (6) and information about where copies of the order may be obtained or are available to the public.

RSA 2000 cM-26 s671;2008 c37 ss5,10,11

Transfer of school and other reserves to municipality

672(1) If a school board holds an interest in a school reserve, municipal and school reserve or municipal reserve under this Part or the former Act and declares that the reserve is surplus to the school board's needs, the school board must transfer its interest in the land to the municipality where the reserve is located, for the consideration agreed on between them.

(2) On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as municipal reserve.

(3) Despite subsection (2), the council of a municipality may by bylaw require the school building footprint of the school reserve, municipal and school reserve or municipal reserve referred to in subsection (1) to be designated as community services reserve, in which case the Registrar, on receipt of a copy of the bylaw and a survey plan on which the school building footprint is outlined, must

(a) issue a new certificate of title for the school building footprint with the designation of community services reserve, which must be identified by a number suffixed by the letters "CSR", and

(b) issue a new certificate of title for the remaining land with the designation of municipal reserve, which must be identified in accordance with section 665(2)(a).

(4) The certificate of title for a community services reserve or a municipal reserve under this section must be free of all encumbrances as defined in the *Land Titles Act*.

(5) In subsection (3), "school building footprint" means

(a) the portion of the reserve on which a school building and accompanying parking lot is situated, or

(b) if no school building is situated on the reserve, the area of land on which a school and accompanying parking lot would be located if they had been built as determined by the municipality.

RSA 2000 cM-26 s672;2008 c37 s6;2016 c24 s119

Transfer to school authority

673(1) A municipality may transfer municipal reserve or its interest in municipal and school reserve to a school board.

(2) On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as school reserve.

(3) If a transfer of land or an interest in land is effected pursuant to this section, the requirements of sections 674 and 675 do not apply to the transfer.

RSA 2000 cM-26 s673;2008 c37 s10

Requirement for hearing

674(1) Subject to subsection (1.1), before any of the following occurs, a public hearing must be held in accordance with section 216.4 and advertised in accordance with section 606:

(a) the sale, lease or other disposal of

(i) municipal reserve, community services reserve or municipal and school reserve by a council, or

(ii) municipal and school reserve by a council and a school board;

(b) the making of a bylaw requiring the school building footprint of a school reserve, municipal and school reserve or municipal reserve referred to in section 672(1) to be designated as community services reserve;

(c) the disposal of conservation reserve by a municipality as permitted by section 674.1.

(1.1) Subsection (1)(a) does not apply in respect of a parcel of land that is the subject of a transfer of ownership to the Crown under section 187.1(1) of the *Education Act*.

(2) Section 70 does not apply to a sale, lease or other disposal referred to in subsection (1)(a).

(3) In addition to the advertising requirement in subsection (1), notices containing the information required under section 606 must be posted on or near the municipal reserve, school reserve,

municipal and school reserve or community services reserve that is the subject of the hearing.

RSA 2000 cM-26 s674;2008 c37 ss7,10;2020 c39 s10(41);2022 c16 s9(83);2025 c13 s2(18)

Disposal of conservation reserve

674.1(1) Subject to this section, a municipality must not sell, lease or otherwise dispose of conservation reserve and must ensure that the land remains in its natural state.

(2) A municipality may dispose of conservation reserve if all of the features referred to in section 664.2(1)(a) are wholly or substantially destroyed by fire, flood or another event beyond the municipality's control with the result that, in the opinion of council, there is no remaining purpose in protecting or conserving the land.

(3) Repealed 2020 c39 s10(42).

(4) Despite subsection (2),

(a) if a municipality receives a notice under section 103 of a proposed amalgamation, the municipality must not dispose of conservation reserve lying within the municipality until after the report under section 106 is submitted to the Minister and the amalgamation proceedings, if any, are complete, and

(b) if a municipality receives a notice under section 116 of a proposed annexation of land, the municipality must not dispose of conservation reserve lying within the proposed annexation area until after the report under section 118 is submitted to the Land and Property Rights Tribunal and the annexation proceedings, if any, are complete.

2016 c24 s120;2020 cL-2.3 24(41);2020 c39 s10(42)

674.2 Repealed 2020 c39 s10(43).

Removal of designation

675(1) After taking into consideration the representations made at a public hearing under section 674(1),

(a) a council may direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove a designation of

(i) municipal reserve,

(ii) community services reserve, or

(ii) conservation reserve,

and

(b) a council and a school board may direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove a designation of municipal and school reserve.

(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).

(3) On removal of the designation, the municipality, or the municipality and the school board, may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may only be used

(a) in the case of a municipal reserve or a municipal and school reserve, for any or all of the purposes referred to in section 671(2) or for any matter connected to those purposes,

(b) in the case of a community services reserve, for any or all of the purposes referred to in section 671(2.1) or for any matter connected to those purposes, and

(c) in the case of a conservation reserve, for the purpose of enabling the municipality to protect and conserve land that, in the opinion of council, has environmentally significant features or for a matter connected to that purpose.

RSA 2000 cM-26 s675;2008 c37 ss8,10;2020 c39 s10(44)

Changes to environmental reserve's use or boundaries

676(1) A council may by bylaw, after giving notice in accordance with section 606 and holding a public hearing in accordance with section 216.4,

(a) use an environmental reserve for a purpose not specified in section 671(1),

(b) transfer an environmental reserve to the Crown or an agent of the Crown for consideration, as agreed,

(c) lease or dispose of an environmental reserve other than by a sale for a term of not more than 3 years, and

(d) change the boundaries of an environmental reserve or environmental reserve easement in order to correct an omission, error or other defect in the certificate of title, or to rectify an encroachment problem or other concern.

(2) A council may include terms and conditions in a bylaw under subsection (1).

(3) Any proceeds from a lease or other disposition under subsection (1) may be used only to provide land for any or all of the purposes referred to in section 671(2).

(4) On receipt of a bylaw under subsection (1)(b) or (d), the Registrar must cancel the existing certificates of title or amend an environmental reserve easement affected by the bylaw and issue any new certificates of title required by the bylaw.

RSA 2000 cM-26 s676;2022 c16 s9(83)

Road, etc., over reserve land

677 Despite section 671, a municipality or a municipality and a school board may authorize

(a) the construction, installation and maintenance, or any of them, of a roadway, public utility, pipeline as defined in the *Oil and Gas Conservation Act* or transmission line as defined in the *Hydro and Electric Energy Act* on, in, over or under reserve land, or

(b) the maintenance and protection of reserve land,

if the interests of the public will not be adversely affected.

RSA 2000 cM-26 s677;2008 c37 s10

Division 10
Subdivision and Development Appeals

Appeal board bylaw

677.1(1) A bylaw or agreement under section 627 establishing a subdivision and development appeal board must

(a) provide for the applicable matters described in section 145(3), and

(b) prescribe the functions and duties of the subdivision and development appeal board.

(2) A bylaw or agreement referred to in subsection (1) may provide

(a) for the members of the subdivision and development appeal board to meet in panels,

(b) for 2 or more panels to meet simultaneously,

(c) that the panels have any or all the powers, duties and responsibilities of the subdivision and development appeal board, and

(d) that a decision of a panel is a decision of the subdivision and development appeal board.

2020 c39 s10(45);2023 c9 s19(21)

Subdivision Appeals

Appeals

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

(a) by the applicant for the approval,

(b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,

(c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or

(d) by a school board with respect to

(i) the allocation of municipal reserve and school reserve or money in place of the reserve,

(ii) the location of school reserve allocated to it, or

(iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

(a) with the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(A) is within the Green Area as classified by the Minister responsible for the *Public Lands Act*,

(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage

treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Protected Areas or the Minister of Forestry, Parks and Tourism,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii),

or

(b) in all other cases, with the subdivision and development appeal board.

(2.1) Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

(3) For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

(4) A notice of appeal under this section must contain

(a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and

(b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

(5) If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice

of appeal from the applicant on the date it receives the notice of appeal from the first board.

RSA 2000 cM-26 s678;2008 c37 s10;2016 c24 s121;2020 cL-2.3 s24(41);2020 c39 s10(46);2022 c21 s57

Notice of hearing

679(1) The board hearing an appeal under section 678 must give at least 5 days' written notice of the hearing to

(a) the applicant for subdivision approval,

(b) the subdivision authority that made the decision,

(c) if land that is the subject of the application is adjacent to the boundaries of another municipality, that municipality,

(d) any school board to whom the application was referred, and

(e) repealed 1996 c30 s66,

(f) every Government department that was given a copy of the application pursuant to the subdivision and development regulations.

(2) The board hearing an appeal under section 678 must give at least 5 days' notice of the hearing in accordance with subsection (3) to owners of adjacent land.

(3) A notice under subsection (2) must be given in accordance with section 653(4.2).

(3.1) Subsections (1)(c), (d) and (f) and (2) do not apply to an appeal of the deemed refusal of an application under section 653.1(8).

(4) For the purposes of this section, "owner" has the same meaning as in section 653.

RSA 2000 cM-26 s679;2008 c37 s10;2016 c24 s122;2020 c39 s10(47)

Hearing and decision

680(1) The board hearing an appeal under section 678 is not required to hear from any person or entity other than

(a) a person or entity that was notified pursuant to section 679(1), and

(b) each owner of adjacent land to the land that is the subject of the appeal,

or a person acting on any of those persons' behalf.

(1.1) For the purposes of subsection (1), "owner" has the same meaning as in section 653.

(2) In determining an appeal, the board hearing the appeal

(a) repealed 2020 c39 s10(48);

(a.1) must have regard to any statutory plan;

(b) must conform with the uses of land referred to in a land use bylaw;

(c) must be consistent with the land use policies;

(d) must have regard to but is not bound by the subdivision and development regulations;

(e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;

(f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

(2.1) In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

(2.2) Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

(3) A subdivision and development appeal board hearing an appeal under section 678 must hold the hearing within 30 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.

(4) The Land and Property Rights Tribunal hearing an appeal under section 678 must hold the hearing within 60 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.

RSA 2000 cM-26 s680;2009 cA-26.8 s83;2016 c24 s123;
2020 cL-2.3 s24(41);2020 c39 s10(48)

Failure to make decision

681(1) If a subdivision authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the subdivision and development regulations, the applicant may, within 14 days after the expiration of the time prescribed,

(a) treat the application as refused and appeal it in accordance with section 678, or

(b) enter into a written agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations.

(2) If an agreement to extend is entered into pursuant to subsection (1)(b) and the subdivision authority fails or refuses to make a decision within the time prescribed in the agreement, the applicant may, within 14 days after the expiration of the extended period, treat the application as refused and appeal it in accordance with section 678.

(3) A subdivision authority may not deal with an application for subdivision approval after the expiration of the period of time prescribed in the subdivision and development regulations for making the decision unless an agreement is entered into pursuant to subsection (1)(b).

RSA 2000 cM-26 s681;2015 c8 s72

Endorsement of subdivision plan

682(1) When on an appeal the Land and Property Rights Tribunal or the subdivision and development appeal board approves an application for subdivision approval, the applicant must submit the plan of subdivision or other instrument to the subdivision authority from whom the appeal was made for endorsement by it.

(2) If a subdivision authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it pursuant to subsection (1), the member of the subdivision and development appeal board or Land and Property Rights Tribunal, as the case may be, that heard the appeal who is authorized to endorse the instrument may do so.

RSA 2000 cM-26 s682;2020 cL-2.3 s24(34)

Development Permits

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been

issued a development permit in respect of it pursuant to the land use bylaw.

1995 c24 s95

Development applications

683.1(1) A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

(2) An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a).

(4) If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in

the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

(11) Repealed 2020 c39 s10(49).

2016 c24 s125;2020 c39 s10(49)

Development Appeals

Permit deemed refused

684(1) The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).

(2) A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority.

(3) If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused.

(4) Section 640(5) does not apply in the case of an application that was deemed to be refused under section 683.1(8).

RSA 2000 cM-26 s684;2016 c24 s126;2018 c11 s13

Grounds for appeal

685(1) If a development authority

(a) fails or refuses to issue a development permit to a person,

(b) issues a development permit subject to conditions, or

(c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(2.1) An appeal referred to in subsection (1) or (2) may be made

(a) to the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(A) is within the Green Area as classified by the Minister responsible for the *Public Lands Act*,

(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Protected Areas or the Minister of Forestry, Parks and Tourism,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii),

or

(b) in all other cases, to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or

misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

(4) Despite subsections (1), (2), (2.1) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal may only be made to the subdivision and development appeal board and is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

RSA 2000 cM-26 s685;2015 c8 s73;2016 c24 s127;2020 cL-2.3 s24(41);2022 c16 s9(81);2022 c21 s57;2020 c39 s10(50)

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the board hearing the appeal considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or

(b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

RSA 2000 cM-26 s686;2016 c24 s128;2017 c13 s1(65);
2018 c11 s13;2020 c39 s10(51);2024 c19 s12

Hearing and decision

687(1) At a hearing under section 686, the board hearing the appeal must hear

(a) the appellant or any person acting on behalf of the appellant,

(b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,

(c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and

(d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The board hearing the appeal referred to in subsection (1) must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

(a) repealed 2020 c39 s10(52);

(a.1) must comply with any applicable land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

(b) must have regard to but is not bound by the subdivision and development regulations;

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

(4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

RSA 2000 cM-26 s687;2009 cA-26.8 s83;2015 c8 s74;2017 c21 s28;2018 c11 s13;2020 c39 s10(52)

Court of Appeal

Law, jurisdiction appeals

688(1) An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to

(a) a decision of the subdivision and development appeal board, and

(b) a decision made by the Land and Property Rights Tribunal

(i) under section 619 respecting whether a proposed statutory plan or land use bylaw amendment is consistent with a licence, permit, approval or other authorization granted under that section,

(ii) under section 648.1 respecting the imposition of an off-site levy or the amount of the levy,

(iii) under section 678(2)(a) respecting a decision of a subdivision authority,

(iii.1) under section 685(2.1)(a) respecting a decision of a development authority, or

(iv) under section 690 respecting an intermunicipal dispute.

(2) An application for permission to appeal must be filed and served within 30 days after the issue of the decision sought to be appealed, and notice of the application for permission to appeal must be given to

(a) the Land and Property Rights Tribunal or the subdivision and development appeal board, as the case may be, and

(b) any other persons that the judge directs.

(2.1) If an applicant makes a written request for materials to the Land and Property Rights Tribunal or the subdivision and development appeal board, as the case may be, for the purposes of the application for permission to appeal under subsection (2), the Land and Property Rights Tribunal or the subdivision and development appeal board, as the case may be, must provide the materials requested within 14 days from the date on which the written request is served.

(2.2) An applicant's written request under subsection (2.1) must not include a request for a transcript of the hearing, but if a transcript is available and the Court of Appeal is satisfied that the transcript is necessary for the purpose of determining the application, the Court may, on application or on its own motion, direct that the Land and Property Rights Tribunal or the subdivision and development appeal board provide the transcript within the time provided by the Court.

(3) On hearing the application and the representations of those persons who are, in the opinion of the judge, affected by the application, the judge may grant permission to appeal if the judge is of the opinion that the appeal involves a question of law of sufficient importance to merit a further appeal and has a reasonable chance of success.

(4) If a judge grants permission to appeal, the judge may

(a) direct which persons or other bodies must be named as respondents to the appeal,

(b) specify the questions of law or the questions of jurisdiction to be appealed, and

(c) make any order as to the costs of the application that the judge considers appropriate.

(4.1) On permission to appeal being granted by a judge of the Court of Appeal, the appeal must proceed in accordance with the practice and procedure of the Court of Appeal.

(4.2) The notice of appeal must be given to the parties affected by the appeal and to the Land and Property Rights Tribunal or the subdivision and development appeal board, as the case may be.

(4.3) Repealed 2020 c39 s10(53).

(4.4) Within 30 days from the date that permission is granted to appeal a decision of the Land and Property Rights Tribunal or the subdivision and development appeal board, the Land and Property Rights Tribunal or subdivision and development appeal board, as applicable, must forward to the Registrar of the Court of Appeal the transcript, if any, and record of the hearing, its findings and reasons for the decision.

(5) If an appeal is from a decision of a subdivision and development appeal board, the municipality must be given notice of the application for permission to appeal and the board and the municipality

(a) are respondents in the application and, if permission to appeal is granted, in the appeal, and

(b) are entitled to be represented by counsel at the application and, if permission to appeal is granted, at the appeal.

(6) The Land and Property Rights Tribunal

(a) is a respondent in any application for permission to appeal a decision of the Tribunal and, if permission to appeal is granted, in the appeal, and

(b) is entitled to be represented by counsel at any application for permission to appeal a decision of the Tribunal and, if permission to appeal is granted, at the appeal.

RSA 2000 cM-26 s688;2007 c3 s5;2014 c13 s35;2016 c24 s130;2020 cL-2.3 s24(35);2020 c25 s11;2020 c39 s10(53)

Decision on appeal

689(1) On the hearing of the appeal,

(a) no evidence other than the evidence that was submitted to the Land and Property Rights Tribunal or the subdivision and development appeal board may be admitted, but the Court may draw any inferences

(i) that are not inconsistent with the facts expressly found by the Land and Property Rights Tribunal or the subdivision and development appeal board, and

(ii) that are necessary for determining the question of law or the question of jurisdiction,

and

(b) the Court may confirm, vary, reverse or cancel the decision.

(2) In the event that the Court cancels a decision, the Court must refer the matter back to the Land and Property Rights Tribunal or the subdivision and development appeal board, and the relevant board must rehear the matter and deal with it in accordance with the opinion of or any direction given by the Court on the question of law or the question of jurisdiction.

(3) No member of the Land and Property Rights Tribunal or a subdivision and development appeal board is liable to costs by reason or in respect of an application for permission to appeal or an appeal under this Act.

(4) If the Court finds that the only ground for appeal established is a defect in form or technical irregularity and that no substantial wrong or miscarriage of justice has occurred, the Court may deny the appeal, confirm the decision of the Land and Property Rights Tribunal or a subdivision and development appeal board despite the defect and order that the decision takes effect from the time and on the terms that the Court considers proper.

RSA 2000 cM-26 s689;2014 c13 s35;2020 cL-2.3 s24(36)

Division 11
Intermunicipal Disputes

Intermunicipal disputes

690(1) A municipality that

(a) is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it,

(b) has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, and

(c) has, as soon as practicable after second reading of the bylaw, attempted to use mediation to resolve the matter,

may appeal the matter to the Land and Property Rights Tribunal.

(1.1) An appeal under subsection (1) is to be brought by

(a) filing a notice of appeal and statutory declaration described in subsection (2) with the Land and Property Rights Tribunal, and

(b) giving a copy of the notice of appeal and statutory declaration to the adjacent municipality

within 30 days after the passing of the bylaw to adopt or amend the statutory plan or land use bylaw.

(2) When appealing a matter to the Land and Property Rights Tribunal, the municipality must state the reasons in the notice of appeal why a provision of the statutory plan or amendment or land use bylaw or amendment has a detrimental effect and provide a statutory declaration stating

(a) the reasons why mediation was not possible,

(b) that mediation was undertaken and the reasons why it was not successful, or

(c) that mediation is ongoing and that the appeal is being filed to preserve the right of appeal.

(3) A municipality, on receipt of a notice of appeal and statutory declaration under subsection (1.1)(b), must, within 30 days, submit to the Land and Property Rights Tribunal and the municipality that filed the notice of appeal a statutory declaration stating

(a) the reasons why mediation was not possible,

(b) that mediation was undertaken and the reasons why it was not successful, or

(c) that mediation is ongoing and that if the mediation is not successful a further response will be provided within 30 days of its completion.

(4) When a notice of appeal and statutory declaration are filed under subsection (1.1)(a) with the Land and Property Rights Tribunal, the provision of the statutory plan or amendment or land use bylaw or amendment that is the subject of the appeal is deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date the notice of appeal and statutory declaration are filed with the Tribunal under subsection (1.1)(a) until the date the Tribunal makes a decision under subsection (5).

(5) If the Land and Property Rights Tribunal receives a notice of appeal and statutory declaration under subsection (1.1)(a), it must, in accordance with subsection (5.1), decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may

(a) dismiss the appeal if it decides that the provision is not detrimental, or

(b) order the adjacent municipality to amend or repeal the provision, if it is of the opinion that the provision is detrimental.

(5.1) In determining under subsection (5) whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal, the Land and Property Rights Tribunal must disregard section 638.

(6) A provision with respect to which the Land and Property Rights Tribunal has made a decision under subsection (5) is,

(a) if the Tribunal has decided that the provision is to be amended, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date of the decision until the date on which the plan or bylaw is amended in accordance with the decision, and

(b) if the Tribunal has decided that the provision is to be repealed, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from and after the date of the decision.

(6.1) Any decision made by the Land and Property Rights Tribunal under this section in respect of a statutory plan or amendment or a land use bylaw or amendment adopted by a municipality must be consistent with any growth plan under Part 17.1 pertaining to that municipality.

(7) Section 692 does not apply when a statutory plan or a land use bylaw is amended or repealed according to a decision of the Tribunal under this section.

(8) The Land and Property Rights Tribunal's decision under this section is binding, subject to the rights of either municipality to appeal under section 688.

RSA 2000 cM-26 s690;2009 cA-26.8 s83;2013 c17 s5;
2015 c8 s75;2020 cL-2.3 s24(37);2020 c39 s10(54)

Tribunal hearing

691(1) The Land and Property Rights Tribunal, on receiving a notice of appeal and statutory declaration under section 690(1)(a), must

(a) commence a hearing within 60 days after receiving the notice of appeal or a later time to which all parties agree, and

(b) give a written decision within 30 days after concluding the hearing.

(2) The Land and Property Rights Tribunal is not required to give notice to or hear from any person other than the municipality making the appeal, the municipality against whom the appeal is launched and the owner of the land that is the subject of the appeal.

RSA 2000 cM-26 s691;2020 cL-2.3 s24(41)

Division 12
Bylaws, Regulations

Planning bylaws

692(1) Before giving second reading to

(a) a proposed bylaw to adopt an intermunicipal development plan,

(b) a proposed bylaw to adopt a municipal development plan,

(c) a proposed bylaw to adopt an area structure plan,

(d) a proposed bylaw to adopt an area redevelopment plan,

(e) a proposed land use bylaw, or

(f) a proposed bylaw amending a statutory plan or land use bylaw referred to in clauses (a) to (e),

a council must hold a public hearing with respect to the proposed bylaw in accordance with section 216.4 after giving notice of it in accordance with section 606.

(2) Despite subsection (1), if a proposed development relates to more than one proposed bylaw referred to in subsection (1), the council may hold a single public hearing.

(3) Despite subsection (1), in the case of a public hearing for a proposed bylaw adopting or amending an intermunicipal development plan,

(a) councils may hold a joint public hearing to which section 184 does not apply, and

(b) municipalities may act jointly to satisfy the advertising requirements of section 606.

(4) In the case of an amendment to a land use bylaw to change the district designation of a parcel of land, the municipality must, in addition to the requirements of subsection (1),

(a) include in the notice described in section 606(2)

(i) the municipal address, if any, and the legal address of the parcel of land, and

(ii) a map showing the location of the parcel of land,

(b) give written notice containing the information described in clause (a) and in section 606(6) to the assessed owner of that parcel of land at the name and address shown on the assessment roll of the municipality, and

(c) give a written notice containing the information described in clause (a) and in section 606(6) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.

(5) If the land referred to in subsection (4)(c) is in another municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.

(6) Despite subsection (1), a bylaw referred to in subsection (1) may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the bylaw in principle or substance.

(6.1) Subsection (1)(f) does not apply in respect of a proposed bylaw amending a statutory plan or land use bylaw to specify the purposes of a community services reserve.

(7) In this section,

(a) "adjacent land" means land that is contiguous to the parcel of land that is being redesignated and includes

(i) land that would be contiguous if not for a highway, road, river or stream, and

(ii) any other land identified in the land use bylaw as adjacent land for the purpose of notifications under this section;

(b) "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

(8) If an ALSA regional plan requires a council to pass a bylaw referred to in this section, the council must

(a) consider whether, in view of the requirement in the ALSA regional plan, consultation is necessary, desirable or beneficial, and

(b) decide whether or not to proceed with consultation.

(9) If a council decides under subsection (8) that consultation is neither necessary nor desirable or would not be beneficial, subsections (1) to (7) do not apply to the council in respect of the bylaw concerned.

RSA 2000 cM-26 s692;2008 c37 s9;2009 cA-26.8 s83; 2022 c16 s9(83)

Airport vicinity regulations

693(1) The Minister may make regulations

(a) establishing airport vicinity protection areas surrounding airports;

(b) controlling, regulating or prohibiting any use and development of land within an airport vicinity protection area.

(2) Unless the contrary is expressed in regulations made under subsection (1), those regulations

(a) operate despite any statutory plan, land use bylaw or other regulations under this Part, and

(b) are binding on any subdivision authority, development authority and subdivision and development appeal board and the Land and Property Rights Tribunal.

(3) If a municipality is affected by a regulation under subsection (1), the municipality must amend the statutory plan relating to that area and its land use bylaw to conform with the regulation.

(4) Section 692 does not apply to an amendment pursuant to subsection (3).

(5) A regulation under subsection (1) may apply generally or specifically in Alberta.

RSA 2000 cM-26 s693;2020 cL-2.3 s24(41);2020 c39 s10(55)

Development in floodways

693.1(1) The Lieutenant Governor in Council may make regulations

(a) controlling, regulating or prohibiting any use or development of land that is located in a floodway within a municipal authority, including, without limitation, regulations specifying the types of developments that are authorized in a floodway;

(b) exempting a municipal authority or class of municipal authorities from the application of all or part of this section or the regulations made under this subsection, or both;

(c) modifying or suspending the application or operation of any provision of this Act for the purposes of giving effect to this section;

(d) defining, or respecting the meaning of, "floodway" for the purposes of this section and the regulations made under this subsection.

(2) Unless the contrary is expressed in regulations made under subsection (1), those regulations

(a) operate despite any statutory plan, land use bylaw or other regulations under this Part, and

(b) are binding on any subdivision authority, development authority and subdivision and development appeal board and the Land and Property Rights Tribunal.

(3) If a municipal authority is affected by a regulation made under subsection (1), the municipal authority must amend any relevant statutory plan and its land use bylaw to conform with the regulation.

(4) Section 692 does not apply to an amendment pursuant to subsection (3).

2013 c21 s2;2020 cL-2.3 s24(41)

Regulations

694(1) The Minister may make regulations

(a) respecting applications for the subdivision and development of land;

(a.1) providing for an alternative period of time for the subdivision authority or the development authority to review the completeness of an application or make a decision on an application under this Part or under the regulations;

(b) respecting subdivision and development standards and requirements;

(b.1) repealed 2019 c22 s10(24);

(c) respecting the information to be contained in a subdivision authority's and a development authority's notice of a decision;

(c.1) repealed 2020 c39 s10(56);

(d) respecting the additional municipal reserve, school reserve or municipal and school reserve that a subdivision authority may require to be provided under this Part;

(e) respecting the records to be kept by a subdivision authority and a development authority;

(f) prescribing the conditions that a subdivision authority and a development authority are permitted to impose when granting subdivision or development approval in addition to those conditions permitted to be imposed under this Part;

(f.1) prescribing the types of studies that a development authority is permitted to request prior to development approval;

(g) conferring or imposing, with or without conditions, any power or duty under the regulations on the Land and Property Rights Tribunal, a subdivision authority or a development authority;

(h) prescribing distances for the purpose of sections 678(2)(a)(i)(B) and 685(2.1)(a)(i)(B);

(h.1) defining "historical site" for the purpose of sections 678(2)(a)(i)(B) and 685(2.1)(a)(i)(B);

(h.2) for the purpose of sections 678(2)(a) and 685(2.1)(a),

(i) removing or modifying the circumstances listed in section 678(2)(a)(i) or 685(2.1)(a)(i) where a notice of appeal may be filed with the Land and Property Rights Tribunal, and

(ii) setting out additional circumstances where a notice of appeal may be filed with the Land and Property Rights Tribunal for the purpose of section 678(2)(a)(ii) or 685(2.1)(a)(ii);

(i) providing, either generally or specifically, that all or part of the regulations under this subsection do not apply to all or part of Alberta.

(2) A regulation under subsection (1)

(a) repealed 2020 c39 s10(56),

(b) may apply generally or specifically in Alberta, and

(c) operates despite any other regulation or bylaw pursuant to this Part.

(3) The *Regulations Act* does not apply to orders under subsection (1)(i).

(4) The Lieutenant Governor in Council may make regulations

(a) respecting additional requirements for the calculation of an off-site levy in a bylaw for a purpose referred to in section 648(2.1) and the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically;

(b) respecting additional principles and criteria that must be applied by a municipality when passing an off-site levy bylaw;

(c) respecting the determination of the benefitting area for a purpose under section 648(2) or 648(2.1) and the extent of the anticipated benefit to the future occupants of the land on which the off-site levy is being imposed;

(d) respecting appeals to the Land and Property Rights Tribunal under section 648.1, including, without limitation,

(i) the filing of a notice of an appeal,

(ii) the time within which an appeal may be brought, and

(iii) the process and procedures of an appeal;

(e) respecting transportation infrastructure to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development;

(f) respecting intermunicipal off-site levies.

(5) The Lieutenant Governor in Council may make regulations directing a municipality, with or without conditions, to amend its statutory plans and land use bylaw.

(5.1) If the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator or Alberta Utilities Commission grants a licence, permit, approval or other authorization that refers to environmental or physical limitations with respect to the development of land, and regulations are made under section 618(4) with respect to the development of that land, the Lieutenant Governor in Council may make regulations

(a) requiring the developer to apply to the Registrar to register a caveat against the land subject to the limitation referred to in the licence, permit, approval or other authorization, and

(b) respecting the contents of the caveat.

(5.2) When a caveat is presented for registration under subsection (5.1), the Registrar must endorse a memorandum referring to the licence, permit, approval or other authorization on any certificate of title for land to which the limitations described in subsection (5.1) apply.

(5.3) A caveat that is registered pursuant to a regulation under subsection (5.1)(a) runs with the land.

(5.4) Sections 137 and 138 of the *Land Titles Act* do not apply to a caveat referred to in subsections (5.1), (5.2), (5.3) and (5.5).

(5.5) Repealed 2020 c39 s10(56).

(5.6) The Lieutenant Governor in Council may make regulations respecting the exemption of The Town of Canmore, its councillors, officers and employees and volunteers performing duties under the direction of The Town of Canmore or performing duties for organizations established by The Town of Canmore from liability with respect to the development of designated land, as defined in the *Canmore Undermining Review Regulation* (AR 114/97), by persons other than The Town of Canmore, its councillors, officers and employees and volunteers performing duties under the direction of The Town of Canmore or performing duties for organizations established by The Town of Canmore.

(5.7) The *Canmore Undermining Exemption from Liability Regulation* (AR 113/97) is validated, is not repealed in accordance

with section 603(2) and is deemed to have been made under this section.

(6), (7) Repealed 2020 c39 s10(56).

RSA 2000 cM-26 s694;2003 c43 s4;2007 cA-37.2 s82(17);
2012 cR-17.3 s95;2016 c24 s131;2017 c13 ss1(66),2(21);
2019 c22 s10(24);2020 cL-2.3 s24(41);2020 c39 s10(56);
2024 c11 s2(32)

Division 13
Transitional

695 and **696** Repealed by Revision.

Zoning caveat

697(1) On September 1, 1995 a zoning caveat prepared and signed by the Director of Town and Rural Planning or the Provincial Planning Director and registered in a land titles office under a former Act ceases to have effect.

(2) On and after September 1, 1995, the owner of a parcel of land that is affected by a caveat referred to in subsection (1) may apply to the Registrar to endorse the certificate of title with a memorandum cancelling the registration of the zoning caveat.

(3) On receipt of an application under subsection (2) and on being satisfied that the caveat is a zoning caveat, the Registrar must cancel the registration of the caveat.

AR 49/2002 s6;2002 c30 s23

698 to **708** Repealed by Revision.

Part 17.1
Growth Management Boards

Interpretation

708.01(1) In this Part and Part 17.2,

(a) "growth management board" means a growth management board established by regulation under section 708.02;

(b) "growth plan" means a plan, if any, required by a regulation under section 708.02;

(c) "growth region" means all or part of the land lying within the boundaries of the participating municipalities of a growth management board that is designated by regulation

under section 708.02 as the growth region for that growth management board;

(d) "municipal agreement" means an agreement entered into by a participating municipality;

(e) "participating municipality" means a municipality that is designated by regulation under section 708.02 as a member of the growth management board;

(f) "representative" means a person appointed by a participating municipality under section 708.04 to represent the participating municipality on a growth management board;

(g) "statutory plan" means

(i) a statutory plan as defined in section 616(dd), or

(ii) an amendment to a statutory plan referred to in subclause (i).

(2) A reference in any other Part of this Act to a resolution or bylaw does not include a resolution passed or bylaw made by a growth management board.

2013 c17 s6;2019 c22 s10(25);2020 c39 s10(57)

Purpose

708.011 The purpose of this Part is to provide for integrated and strategic planning for future growth in municipalities.

2013 c17 s6;2016 c24 s132;2020 c39 s10(58)

Division 1
Establishment and Operation of Growth Management Boards

Establishing a growth management board

708.02(1) The Lieutenant Governor in Council may, by regulation

(a) on the recommendation of the Minister on the request of 2 or more municipalities, establish a growth management board in respect of those municipalities, or

(b) on the Lieutenant Governor in Council's own initiative, establish a growth management board and determine the membership of that board.

(1.1) Repealed 2020 c39 s10(59).

(1.2) For the purposes of subsection (1.1), the growth management board established under the *Capital Region Board Regulation* (AR 38/2012) is deemed to be a growth management board for the Edmonton region.

(2) The Lieutenant Governor in Council may make regulations

(a) respecting the mandate of a growth management board;

(b) respecting the membership of a growth management board and the voting rights of the participating municipalities;

(c) respecting the land lying within the boundaries of the participating municipalities that is included in the growth region for the growth management board;

(d) respecting the operations, management and administration of the growth management board;

(e) respecting the appointment of

(i) persons to represent the participating municipalities on the growth management board, and

(ii) a chair of the growth management board and, if necessary, the appointment of an interim chair;

(f) respecting the powers, duties and functions of

(i) the growth management board, and

(ii) the representatives on the growth management board;

(g) respecting the consistency of statutory plans and bylaws with a growth plan including, without limitation, respecting any requirements for the council of a participating municipality to amend statutory plans or bylaws to conform with a growth plan;

(h) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this Part.

2013 c17 s6;2016 c24 s133;2020 c39 s10(59)

Corporation

708.03(1) A growth management board is a corporation consisting of

(a) the participating municipalities, as represented by the representatives, and

(b) the persons appointed by the Lieutenant Governor in Council under subsection (2).

(2) The Lieutenant Governor in Council may appoint one or more persons to a growth management board to represent the Government of Alberta, but those persons do not have voting rights.

2013 c17 s6

Appointment of representative

708.04 Each participating municipality must, in accordance with the regulation establishing the growth management board of which the participating municipality is a member, appoint a person to represent the participating municipality on the growth management board.

2013 c17 s6

Meetings of growth management board

708.041(1) Subject to subsection (2), sections 197 and 199 apply to the meetings of a growth management board.

(2) Notwithstanding sections 197 and 199, for the purposes of this Part, a reference in sections 197 and 199 to a council, councils and council committees shall be read as a reference to a growth management board, growth management boards and growth management board committees, respectively.

(3) The Minister may make regulations authorizing and respecting the use of electronic, telephonic or other communication methods to conduct meetings of a growth management board.

(4) Regulations under subsection (3) may apply generally or specifically and may modify the requirements in this Part to any extent the Minister considers necessary or appropriate to give effect to the regulations.

2015 c8 s76;2019 c22 s10(26);2020 c39 s10(60); 2022 c16 s9(82)

Powers and duties of growth management board

708.05(1) Except as provided for in the regulations under subsection (3), Divisions 3 and 4 of Part 15.1 and any regulations made under those Divisions apply with any necessary modifications in respect of a growth management board as if it were a regional services commission.

(2) Except as provided for in the regulations under subsection (3), Divisions 3 and 4 of Part 15.1 and any regulations made under those Divisions apply with any necessary modifications in respect of the representatives on a growth management board as if those representatives were directors of a regional services commission.

(3) The Lieutenant Governor in Council may make regulations modifying any provision of Division 3 or 4 of Part 15.1 for the purpose of applying the provision to a growth management board or to the representatives on a growth management board.

2013 c17 s6;2015 c8 s77

Consistency with ALSA regional plans

708.06(1) In carrying out its functions and in exercising its jurisdiction under this Part and other enactments, a growth management board must act in accordance with any applicable ALSA regional plans.

(2) In the event of a conflict or inconsistency between a growth plan prepared by a growth management board and an ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or inconsistency.

2013 c17 s6;2020 c39 s10(61)

Conformity with growth plan

708.061(1) Despite any other enactment, but subject to this section, a growth plan prevails in the event of a conflict or inconsistency between the growth plan and a statutory plan, bylaw, resolution or municipal agreement of a participating municipality.

(2) The council of a participating municipality must amend every statutory plan and bylaw as necessary to conform with a growth plan no later than the date specified by the growth management board.

(3) If the council of a participating municipality fails to amend a statutory plan or bylaw in accordance with subsection (2), the statutory plan or bylaw is deemed to be invalid to the extent that it conflicts or is inconsistent with a growth plan.

(4) The Minister may, in respect of a municipal agreement entered into by a participating municipality that conflicts or is inconsistent with a growth plan, require the council of the participating municipality, to the extent possible under the terms of the municipal agreement,

(a) to amend the municipal agreement so that it conforms to the growth plan, or

(b) to terminate the municipal agreement.

(5) If the council of a participating municipality fails to amend or terminate a municipal agreement when required to do so by the Minister under subsection (4), the municipal agreement is deemed

to be invalid to the extent that it conflicts or is inconsistent with the growth plan.

(6) Except as otherwise provided in the regulation establishing the growth management board of which the participating municipality is a member, this section applies to statutory plans adopted, bylaws made, resolutions passed and municipal agreements entered into before or after the coming into force of that regulation.

2013 c17 s6;2020 c39 s10(61)

Delegation

708.07(1) Subject to subsection (2), a growth management board may delegate any of its powers, duties or functions under this Part or any other enactment to a committee, official or employee of the growth management board.

(2) A growth management board may not delegate

(a) the power to make bylaws;

(b) the power to borrow money;

(c) the power to adopt budgets;

(d) the power to approve financial statements;

(e) the power to appoint an auditor;

(f) the power to recommend the approval of a growth plan.

2013 c17 s6

Bylaws

708.08(1) A growth management board must, at its inception, establish by bylaw an appeal mechanism or dispute resolution mechanism, or both, for the purposes of resolving disputes arising from actions taken or decisions made by the growth management board.

(1.1) A growth management board may make bylaws respecting its conduct and affairs, including, without limitation, rules and procedures for dealing with matters before the growth management board.

(2) Unless the Minister directs otherwise, a bylaw made under this section does not come into force until it has been approved by the Minister.

(3) The *Regulations Act* does not apply to a bylaw made under this section.

2013 c17 s6;2020 c39 s10(62)

708.09 Repealed 2020 c39 s10(63).

Division 2
Approval and Effective Date of Growth Plan

708.1 to **708.16** Repealed 2020 c39 s10(64).

Information must be provided

708.17(1) A participating municipality must, when required in writing by the growth management board to do so, provide the growth management board with information about the participating municipality that the growth management board requires.

(2) A participating municipality that contravenes subsection (1) is guilty of an offence and liable to a fine of not more than $10 000.

(3) This section does not apply to information acquired by a participating municipality that is subject to any type of legal privilege, including solicitor-client privilege.

2013 c17 s6

Matters before the Land and Property Rights Tribunal

708.18(1) If

(a) a matter relating to land within a growth region is appealed to the Land and Property Rights Tribunal, or

(b) the Land and Property Rights Tribunal is considering an application for an annexation of land involving 2 or more participating municipalities,

the Minister may by order direct the Land and Property Rights Tribunal to defer its consideration of the matter or application.

(2) When the Minister makes an order under subsection (1), all steps in the appeal or application, as the case may be, are stayed as of the date of the order until the Minister gives notice to the Land and Property Rights Tribunal that the appeal or application may be continued.

(3) This section applies to an appeal or application commenced after the coming into force of the regulation establishing the growth management board

(a) in respect of which the land referred to in subsection (1)(a) is part of the growth region, or

(b) of which the participating municipalities referred to in subsection (1)(b) are members.

2013 c17 s6;2020 cL-2.3 s24(38)

Limitation of actions

708.19 No cause of action arises as a result of

(a) the enactment of this Part,

(b) the making of a regulation, bylaw or order under this Part, or

(c) anything done or omitted to be done in accordance with this Part or a regulation, bylaw or order made under this Part.

2013 c17 s6

No remedy

708.2 No costs, compensation or damages are owing or payable to any person, and no remedy, including in contract, restitution or trust, is available to any person in connection with anything referred to in section 708.19.

2013 c17 s6

Proceedings barred

708.21 No proceedings, including any proceedings in contract, restitution or trust, that are based on anything referred to in section 708.19, may be brought or maintained against any person.

2013 c17 s6

No expropriation or injurious affection

708.22 Nothing done or omitted to be done in accordance with this Part or a regulation, bylaw or order made under this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriation Act* or otherwise.

2013 c17 s6

708.23 Repealed 2020 c39 s10(65).

Ministerial orders

708.24(1) In addition to any other orders that the Minister may make under this Part, the Minister may make any one or more of the following orders:

(a) an order providing for transitional matters related to the coming into force of this Part;

(b) an order respecting the requisition of operating and capital costs of a growth management board;

(c) subject to the regulations, an order respecting the management, duties and functions of a growth management board;

(d) an order respecting the records to be kept by a growth management board and the manner in which they are to be kept and respecting which reports are to be submitted to the Minister;

(e) an order providing for any other matter that the Minister considers necessary for carrying out the purposes of this Part.

(2) In addition to the orders the Minister may make under subsection (1), the Minister may by order take any action that a growth management board may or must take under this Part or a regulation under this Part.

(3) If there is a conflict or inconsistency between an order made by the Minister under subsection (2) and an action taken by a growth management board, the Minister's order prevails to the extent of the conflict or inconsistency.

(4) The *Regulations Act* does not apply to an order made under subsection (1)(c) or (d) or (2).

2013 c17 s6

708.25 Repealed 2020 c39 s10(66).

Part 17.2
Intermunicipal Collaboration

Definitions

708.26(1) In this Part,

(a) "arbitrator" means a person who is chosen as an arbitrator under section 708.35;

(b) "framework" means an intermunicipal collaboration framework entered into between 2 or more municipalities in accordance with this Part, and includes any amendments to a framework;

(b.1) "mandatory service" means a mandatory service referred to in section 708.29(1.1).

(c) repealed 2020 c39 s10(67).

(2) A reference in this Part to a municipality includes an improvement district.

2016 c24 s134;2019 c22 s10(27);2020 c39 s10(67);2025 c13 s2(19)

Purpose

708.27 The purpose of this Part is to provide for intermunicipal collaboration frameworks among 2 or more municipalities

(a) to provide for the integrated and strategic planning, delivery and funding of intermunicipal services,

(b) to steward scarce resources efficiently in providing local services, and

(c) to ensure municipalities contribute funding to services that benefit their residents.

2016 c24 s134;2019 c22 s10(28)

Division 1
Intermunicipal Collaboration Framework

Requirements for framework

708.28(1) Municipalities that have common boundaries must create a framework with each other by April 1, 2020 unless they are members of the same growth management board.

(1.1) Subject to subsections (1.2) and (1.3), subsection (1) does not apply to municipal districts with common boundaries if they determine and agree that they do not require a framework.

(1.2) A municipal district referred to in subsection (1.1) may revoke its agreement at any time by giving written notice to the other municipal district or municipal districts, and where that notice is given, the municipal districts must comply with subsection (1) within one year from the date of the notice.

(1.3) The municipal districts referred to in subsection (1.1) must review all existing agreements between them prior to determining and agreeing that a framework is not required.

(1.4) A municipal district that under subsection (1.1) does not enter into a framework must

(a) adopt a resolution that intermunicipal services have been and will continue to be adequately provided by other means,

(b) notify the Minister of its decision not to enter into a framework by sending a copy of the resolution to the Minister, and

(c) publish, on the municipal district's website, the reasons for not having a framework.

(2) Municipalities that are members of the same growth management board may create a framework with other members of the same growth management board in respect of matters that are not addressed in a growth plan.

(3) Municipalities that do not have common boundaries may be parties to a framework.

(4) A municipality may be a party to more than one framework.

(5) Despite subsection (1), the Minister may by order exempt, on any terms and conditions the Minister considers necessary, one or more municipalities from the requirement to create a framework.

(6) For greater certainty, a municipality that is a member of a growth management board must create a framework with a municipality that is not a member of the same growth management board if they have common boundaries.

2016 c24 s134;2018 c11 s13;2019 c22 s10(29);
2020 c39 s10(68);2025 c13 s2(20)

Contents of framework

708.29(0.1) In this section,

(a) "costs for intermunicipal services" means operating, capital and other non-operating costs required to deliver the services;

(b) "third-party services" means services provided by a third party that is

(i) a corporation independent from the municipalities to whom the services are provided, and

(ii) the only services provider authorized under an enactment to provide the services it provides in or to the municipalities that are parties to a framework.

(1) A framework must describe the services to be provided under it that benefit residents in more than one of the municipalities that are parties to the framework.

(1.1) The content of the framework required under subsection (1) must address the provision of the following mandatory services:

(a) transportation;

(b) water and wastewater;

(c) solid waste;

(d) emergency services;

(e) recreation.

(1.2) Municipalities may include additional services in the framework, other than third-party services.

(1.3) Where section 708.34(a) or (b) applies to municipalities because of a matter other than a matter regarding a mandatory service, the municipalities must create a framework in accordance with this Part that addresses mandatory services.

(1.4) Municipalities may establish in a framework a cost calculation model respecting the costs for intermunicipal services.

(1.5) Each municipality in a framework must disclose to the others any information, data or assumptions it is relying on in arriving at its proposal for a cost calculation model.

(1.6) Subject to the regulations and subsection (1.7), capital costs may be included in a framework.

(1.7) The capital costs for a new facility providing mandatory services may only be included in a framework if, by a prior agreement, all municipalities that are party to the framework have participated in the design of and decision to construct the facility.

(1.8) The prior agreement referred to in subsection (1.7) must contain provisions reflecting that the municipalities have addressed and agreed to the nature of the participation of each municipality in the decision to design and construct the facility.

(1.9) Subsection (1.7) applies to frameworks entered into after the coming into force of that subsection.

(1.91) The Minister may make regulations relating to the inclusion of capital costs in a framework.

(2) In developing the content of the framework required by subsection (1), the municipalities must identify which municipality is responsible for providing which services and outline how the services will be delivered and funded.

(3) Nothing in this Part prevents a framework from enabling an intermunicipal service to be provided in only part of a municipality.

(3.1) Every framework must contain provisions establishing a process for resolving disputes that occur while the framework is in effect, other than during a review under section 708.32, with respect to

(a) the interpretation, implementation or application of the framework, and

(b) any contravention or alleged contravention of the framework.

(4) No framework may contain a provision that conflicts or is inconsistent with a growth plan established under Part 17.1 or with an ALSA regional plan.

(5) The existence of a framework relating to a service constitutes agreement among the municipalities that are parties to the framework for the purposes of section 54.

2016 c24 s134;2019 c22 s10(30);2025 c13 s2(21)

Court order to comply

708.291 If a municipality that is a party to an intermunicipal collaboration framework fails to participate in the dispute resolution process set out in the framework or fails to comply with an agreement reached by the parties as a result of that process, any other party to the framework may apply to the Court of King's Bench for an order directing the municipality to comply with the process or agreement.

2019 c22 s10(31);AR 217/2022

708.3 Repealed 2019 c22 s10(32).

Conflict or inconsistency

708.31 If there is a conflict or inconsistency between a framework and an existing agreement between 2 or more municipalities that are parties to that framework, the framework must address the conflict or inconsistency and, if necessary, alter or rescind the agreement.

2016 c24 s134

Term and review

708.32(1) The municipalities that are parties to a framework must review the framework at least every 5 years after the framework is created, or within a shorter period of time as provided for in the framework.

(1.1) Unless a framework provides otherwise, it may be reviewed at any time by agreement of all the municipalities that are parties to it.

(2) Where, during a review, the municipalities do not agree that the framework continues to serve the interests of the municipalities, the municipalities must create a replacement framework in accordance with this Part.

(3) Subsection (2) applies only to municipalities that are required under section 708.28(1) to create a framework.

2016 c24 s134;2019 c22 s10(33)

Participation by Indian bands and Metis settlements

708.321 Municipalities that are parties to a framework may invite an Indian band or Metis settlement to participate in the delivery and funding of services to be provided under the framework.

2016 c24 s134;2017 c13 s2(22)

Method of creating framework

708.33(0.1) In this section, "act in good faith" means to

(a) act honestly, respectfully and reasonably,

(b) communicate appropriately,

(c) share necessary information,

(d) meet through authorized representatives, and

(e) be willing and prepared to discuss all issues and explain all rationale.

(1) In order to create a framework, the municipalities that are to be parties to the framework must each adopt a bylaw or resolution that contains the framework.

(2) Repealed 2019 c22 s10(35).

(3) In creating or reviewing a framework, the municipalities must act in good faith.

(4) Once the municipalities have created a framework, the municipalities must notify the Minister of the framework within 90 days of its creation.

2016 c24 s134;2019 c22 s10(35);2025 c13 s2(22)

Division 2
Arbitration

Application

708.34 This Division applies to municipalities that are required under section 708.28(1) to create a framework where

(a) because of a matter to be resolved regarding a mandatory service, the municipalities are not able to create the framework within the time required under section 708.28,

(b) when reviewing a framework under section 708.32, because of a matter to be resolved regarding a mandatory service, the municipalities do not agree that the framework continues to serve the interests of the municipalities and one of the municipalities provides written notice to the other municipalities and the Minister stating that the municipalities are not able to agree on the creation of a replacement framework, or

(c) the municipalities

(i) have an intermunicipal framework,

(ii) have attempted to resolve a dispute referred to in section 708.29(3.1) using the dispute resolution process under the framework, and

(iii) because of a matter to be resolved regarding a mandatory service, have been unsuccessful in resolving the dispute within one year after starting the dispute resolution process.

2016 c24 s134;2019 c22 s10(37);2025 c13 s2(23)

Arbitration

708.35(1) Where section 708.34(a), (b) or (c) applies because of a matter to be resolved regarding a mandatory service, the municipalities must refer the matter to an arbitrator.

(2) The arbitrator must be chosen by the municipalities or, if they cannot agree, by the Minister.

(3) Any mediator who has assisted the municipalities in attempting to create a framework is eligible to be an arbitrator under this Division.

(4) In a case referred to in section 708.34(a) or (b), the arbitration process ends where the municipalities create a framework by agreement or the Minister terminates the arbitration and makes an order under section 708.412.

(5) In a case referred to in section 708.34(c), the arbitration process ends where the municipalities resolve their dispute by agreement, the arbitrator makes an award under section 708.36 or the Minister terminates the arbitration and makes an order under section 708.412.

(6) The *Arbitration Act* applies to an arbitration under this Division except to the extent of any conflict or inconsistency with this Division, in which case this Division prevails.

(7) No municipality may, by means of an intermunicipal collaboration framework or any other means, vary or exclude any provision of the *Arbitration Act* and, for greater certainty, section 3 of the *Arbitration Act* does not apply in respect of an arbitration under this Division.

(8) An arbitrator chosen by the Minister is not subject to challenge or removal under the *Arbitration Act* by the parties or any court, but any party may request the Minister to remove and replace the arbitrator and the Minister may do so if the Minister considers it appropriate after considering the reasons for the request and any response by the other parties and the arbitrator.

(9) Section 42(2)(b) of the *Arbitration Act* does not apply in respect of an arbitration under this Division but the Minister may, at the Minister's discretion or at the request of any party or the arbitrator, terminate the arbitration and make an order under section 708.412.

(10) For greater certainty, nothing in this Division applies to an arbitration that occurs under the dispute resolution terms of a framework before the expiry of the year referred to in section 708.34(c)(iii).

2016 c24 s134;2019 c22 s10(38);2025 c13 s2(24)

Role of arbitrator

708.36(1) Where a dispute is referred to an arbitrator under section 708.35, the arbitrator must make an award that resolves the issues in dispute among the municipalities

(a) in the case of a framework that is required under section 708.28(1) to be created by April 1, 2020, within one year after that date, or

(b) in the case of a replacement framework, within one year from the date the arbitrator is chosen.

(2) Despite subsection (1), an arbitrator may, as part of the arbitration process,

(a) attempt mediation with the municipalities in an effort to resolve the issues in dispute, and

(b) if the mediation is successful, require the municipalities to complete the framework to reflect their resolution of the dispute within a specified time.

(3) An arbitrator's award may include provisions respecting the responsibility for parties to pay or to share in paying costs, fees and disbursements incurred in the arbitration process.

(4) An arbitrator may require a municipality to provide or to make available for the arbitrator's examination and inspection any books, records or other materials of the municipality, but nothing in this subsection requires the arbitrator to examine or inspect any books, records or other materials before making an award.

(5) Unless the arbitrator rules otherwise, hearings in the arbitration are open to the public.

(6) An arbitrator may solicit written submissions from the public and, if the arbitrator does so, the arbitrator must take into account any written submissions received.

(7) An arbitrator must not make an award

(a) that has the effect of granting, varying or otherwise affecting any licence, permit or approval that is subject to this Act or any other enactment,

(b) on any matter that is subject to the exclusive jurisdiction of the Land and Property Rights Tribunal,

(c) that is contrary to the *Alberta Land Stewardship Act* or an ALSA regional plan,

(d) that is contrary to an intermunicipal development plan under Part 17 or a growth plan,

(d.1) that negates a matter, in relation to the award, that the municipalities have agreed to, unless that matter is beyond the municipalities' jurisdiction,

(d.2) that addresses a matter not previously discussed by the municipalities,

(e) that directs a municipality to raise revenue by imposing a specific tax rate, off-site levy or other rate, fee or charge, or

(f) that directs a municipality to transfer revenue to another municipality, unless

(i) the revenue transfer is directly related to services provided by a municipality that the revenue-transferring municipality derives benefit from, and

(ii) the arbitrator considers it equitable to do so.

2016 c24 s134;2019 c22 s10(39);2020 cL-2.3 s24(41);2020 c39 s10(69);2025 c13 s2(25)

708.37 Repealed 2019 c22 s10(40).

Matters to be considered by arbitrator

708.38(1) In resolving a dispute, an arbitrator may have regard to

(a) the services and infrastructure provided for in other frameworks to which the municipalities are also parties,

(b) consistency of services provided to residents in the municipalities,

(c) equitable sharing of costs among municipalities,

(d) environmental concerns within the municipalities,

(e) the public interest, and

(f) any other matters that the arbitrator considers relevant.

(2) Repealed 2019 c22 s10(41).

2016 c24 s134;2019 c22 s10(41)

708.39 Repealed 2019 c22 s10(42).

Municipalities must adopt framework and amend bylaws

708.4(1) Where an arbitrator makes an award respecting a framework,

(a) the arbitrator must ensure the preparation of the framework that reflects or incorporates the award and submit it to the municipalities within 30 days after the award is finalized, and

(b) the municipalities are bound by the award and must, within 60 days after the date the arbitrator submits the framework to the municipalities, adopt the framework in accordance with the award.

(1.01) The arbitrator must provide a copy of the award and the framework to the Minister within 30 days after the award is finalized.

(1.1) A municipality must amend its bylaws, other than its land use bylaw, as necessary to reflect the framework within 2 years after adopting the framework.

(1.2) If there is a conflict or inconsistency between a bylaw and the framework, the framework prevails to the extent of the conflict or inconsistency.

(2) A municipality must not amend, repeal or revise its land use bylaw in a manner that is inconsistent with an intermunicipal development plan under section 631 to which the municipality is a party.

(3) A municipality must not amend, repeal or revise its bylaws to be inconsistent with a framework to which it is a party or an award of an arbitrator applicable to it.

2016 c24 s134;2019 c22 s10(43);2025 c13 s2(26)

Costs of arbitrator

708.41(1) Subject to an award of the arbitrator or an agreement by the parties, the costs of an arbitrator under this Part must be paid on a proportional basis by the municipalities that are to be parties to the framework as set out in subsection (2).

(2) Each municipality's proportion of the costs must be determined by dividing the amount of that municipality's equalized assessment by the sum of the equalized assessments of all of the municipalities as set out in the most recent equalized assessment.

(3) If a municipality fails to pay its proportion of the arbitrator's costs, the Minister may order the municipality to pay its proportion of the costs.

(4) If the municipality fails to comply with the Minister's order under subsection (3), the Minister may take any measure set out in section 708.43(3) and shall provide reasons to the municipality for taking any of the measures.

2016 c24 s134;2017 c13 s2(22);2019 c22 s10(44);2025 c13 s2(27)

Remuneration of experts

708.411 Where an arbitrator appoints an expert, the expert must be paid on a proportional basis by the municipalities that are or will be parties to the framework, with each municipality's proportion of the costs to be determined in the same manner as is required under section 708.41(2) for an arbitrator.

2019 c22 s10(45)

Minister may make orders

708.412(1) Despite this Division or any arbitration occurring under this Division, the Minister may at any time make any order the Minister considers appropriate to further the development of a framework among 2 or more municipalities to carry out the purpose of this Part, including, without limitation, an order establishing a framework that is binding on the municipalities.

(2) If there is a conflict or inconsistency between an order made by the Minister under this section and an action taken by a municipality or a growth management board, the Minister's order prevails to the extent of the conflict or inconsistency.

2019 c22 s10(45)

708.42 Repealed 2019 c22 s10(46).

Measures to ensure compliance with award

708.43(1) If a municipality fails to comply with section 708.4(1), any other municipality that is or will be a party to the framework may apply to the Court of King's Bench for an order requiring that municipality to comply with section 708.4(1).

(2) If the Minister considers that a municipality has not complied with a framework or award or has not adopted a framework that reflects an arbitrator's award that is binding on the municipality, the Minister may take any necessary measure to ensure that the municipality complies with the framework or award or adopts the framework.

(3) In subsection (2), necessary measures include an order by the Minister

(a) suspending the authority of a council to make bylaws in respect of any matter specified in the order;

(b) exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);

(c) removing a suspension of bylaw-making authority, with or without conditions;

(d) withholding money otherwise payable by the Government to the municipality pending compliance with an order of the Minister;

(d.1) imposing a framework on the municipality reflecting the arbitrator's award;

(e) repealing, amending and making policies and procedures with respect to the municipality;

(f) suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;

(g) requiring or prohibiting any other action as necessary to ensure that the municipality complies with the framework.

(4) The Minister shall provide reasons to the municipality for any measures taken by the Minister under subsection (2).

2016 c24 s134;2019 c22 s10(47);AR 217/2022;2025 c13 s2(28)

708.44 to **708.46** Repealed 2019 c22 s10(48).

Division 3
General

Regulations Act does not apply

708.47 The *Regulations Act* does not apply to a framework or order made under this Part.

2016 c24 s134

Obligations continue during dispute

708.471 During a dispute in respect of a framework, the parties must continue to perform their obligations under the framework.

2019 c22 s10(50)

Jurisdiction of arbitrator

708.48(1) Repealed 2019 c22 s10(51).

(2) An arbitrator acting under this Part may make a determination

(a) on a matter of process,

(b) on the arbitrator's jurisdiction,

(c) on a matter of law, and

(d) on any other matter ancillary to a matter referred to the arbitrator.

(3) The arbitrator must make the findings and determinations the arbitrator determines to be necessary to decide the matters referred to the arbitrator.

(4) Except as provided in this Part, every award of an arbitrator is final and binding on all parties to the award and shall not be

questioned, reviewed or restrained by any proceeding in the nature of an application for judicial review or otherwise in any court.

(5) An award of an arbitrator may be reviewed by the Court of King's Bench on a question of jurisdiction only and the application for judicial review must be made within 60 days after the award is made.

(6) For the purposes of a judicial review, the arbitrator is considered to be an expert in relation to all matters over which the arbitrator has jurisdiction.

(7) A person making an application to the Court of King's Bench under this section must give the arbitrator notice of the application.

2016 c24 s134;2019 c22 s10(51);AR 217/2022

Limitation period

708.49 A person who wishes to have an order of the Minister under this Part declared invalid on any basis must make an application for judicial review within 60 days after the order is made.

2016 c24 s134;2019 c22 s10(52)

708.5 Repealed 2019 c22 s10(53).

Paramountcy of Part 17.2

708.51 In the event of a conflict or inconsistency between this Part and Parts 1, 2, 3, 5, 6, 7, 8 or 17, this Part prevails.

2016 c24 s134

Regulations

708.52 The Lieutenant Governor in Council may make regulations

(a) respecting a subsequent action before a court following a decision of an arbitrator;

(a.1) respecting the implementation of a framework adopted as a result of arbitration under Division 2;

(b) defining any term or expression that is used in this Part but not defined in this Act;

(c) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Part.

2016 c24 s134;2019 c22 s10(54);2025 c13 s2(29)

Ministerial orders

708.53(1) Subject to any regulations made under section 708.52(c), the Minister may make an order providing for any other matter that the Minister considers necessary or advisable for carrying out the intent of this Part, including for the implementation of a framework.

(2) If the Minister makes an order to a municipality under subsection (1) and the municipality does not comply with that order, the Minister may take any necessary measure set out in section 708.43(3) to ensure that a municipality complies with the order.

(3) If the Minister takes any necessary measure set out in section 708.43(3), the Minister shall provide reasons to the municipality for taking the measure.

2025 c13 s2(30)

Part 18
Transitional Provisions

709 Repealed by Revision.

Transitional regulations

710(1) The Minister may make regulations

(a) respecting the conversion to this Act of anything from the former Acts or from any other Act repealed by this Act;

(b) to deal with any difficulty or impossibility resulting from this Act or the transition to this Act from the former Acts or from any other Act repealed by this Act.

(2) In this section, "former Acts" means

(a) the *Assessment Appeal Board Act*, RSA 1980 cA-46;

(b) the *County Act*, RSA 1980 cC-27;

(c) the *Improvement Districts Act*, RSA 1980 cI-1;

(d) the *Municipal Government Act*, RSA 1980 cM-26;

(e) the *Municipal Taxation Act*, RSA 1980 cM-31;

(f) the *Municipalities Assessment and Equalization Act*, RSA 1980 cM-32.

1994 cM-26.1 s617;1995 c24 ss94,96

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SECTION 1 GENERAL

1.1 Short title

1.1.1 This bylaw may be cited as “The Town of High Level Land Use Bylaw”.

1.2 Purpose of bylaw

1.2.1 The purpose of this bylaw is to ensure development is established in an orderly, efficient, and compatible manner in keeping with the Municipal Development Plan of the Town of High Level and the Land Use Policies of the Province of Alberta.

1.3 Application of bylaw

1.3.1 The provisions of this bylaw apply to all lands and buildings within the corporate boundaries of the Town of High Level.

1.4 Repeal

1.4.1 This bylaw comes into force on receiving third and final reading by Council and repeals Land Use Bylaw No. 465 and any amendments made by bylaw thereto, which will cease to have effect on the day this bylaw comes into force.

1.5 Nomenclature

1.5.1 In the numbering system used in this bylaw the first number indicates the Section, the second number indicates the Subsection of the Section, and the third number indicates the Article of the Subsection.

1.5.2 An Article in this bylaw may be divided into Clauses, which are indicated by lower case letters in parentheses, and the Clauses may be divided into Subclauses, which are indicated by roman numerals in parentheses.

SECTION 2 DEFINITIONS

In this Bylaw

"abattoir" means a commercial development where animals are slaughtered and meat is cut,
wrapped, frozen, cured, smoked or aged;

"access" means an area that serves as the physical connection between a site and a public roadway;

"accessory" means subordinate, incidental to and exclusively devoted to a principal use or principal building;

"Act" means the Municipal Government Act being Chapter M-26.1 of the Statutes of Alberta, 1994;

"adult entertainment facility" means

(a) a development or part thereof where, for any consideration, live performances are held, the central feature of which is any specified act or specified body area;

(b) any cinema where motion pictures, videotapes, video disks, computer disks, or similar electronic, photographic, or computer software reproductions are shown or displayed, the central feature of which is any specified act; or

(c) any development where the main feature of more than 50% of the inventory of the business is used to display, for sale or rent, any items the central feature of which is:

(i) any specified act or specified body area; or

(ii) items which simulate or are reproductions of any specified body area.

"agriculture" means the cultivation of the soil for the growing of a crop or the raising of livestock;

"amusement arcade" means a development where 5 or more mechanical or electronic games are provided for public entertainment for any consideration, but does not include adult entertainment, casino or bingo;

"animal service" means a development for the purpose of accommodation, boarding, breeding, grooming, impoundment, training and sale of small domestic animals including, but not limited to, cats and dogs;

"apartment building" means a single building containing 3 or more dwelling units with a common entrance from the exterior, but does not include any other type of multiple dwelling unit defined in this bylaw;

“art gallery” means a development used for the public display and sales of art;

“auction facility” means a development used for the auctioning of goods, motor vehicles and equipment and including the temporary storage of such goods and equipment;

“automotive body and paint service” means a development used for the service and repair of motor vehicle bodies, but does not include automotive wrecker;

“automotive sales and service” means a development used for the sale, service and rental of motor vehicles, but does not include recreation vehicle sales or automotive body and paint service;

“automotive service” means a development used for the service and repair of motor vehicles, the sale of gasoline, lubricating oils and other automotive fluids or any combination of such, but does not include an automotive body and paint service, automotive sales or automotive specialty;

“automotive specialty” means a development solely used for the service and repair of components of motor vehicles, but does not include an automotive body and paint service or an automotive service. Typical developments are a service shop for the following automotive components: brake, lubrication, muffler, rust proofing, transmission, wheel alignment and windshield;

“automotive wrecker” means a development used for the storing, junking, dismantling or wrecking of 3 or more motor vehicles, not in running condition or parts of them;

“balcony” means an exterior platform projecting from a wall and located adjacent to a doorway, and 4 m or greater in height from finished grade;

“bed and breakfast” means a commercial development that forms an accessory use to a single detached house, semi-detached house or duplex and provides temporary sleeping accommodation and meals to persons who are not residents of the Town but are visitors, but does not include a boarding house;

“berm” means a elongated mound of earth a minimum of 1 m in height above the adjoining average finished grade designed to provide screening or noise attenuation within a development or between adjoining developments;

“bingo hall” means a development used for the playing of bingo;

“boarding or rooming house” means a commercial development located in a dwelling unit with common washroom facilities and used to provide sleeping accommodation or sleeping accommodation and meals to residents of the Town;

“buffer” means a row of trees, or shrubs, or berming to provide visual screening and separation between sites or districts;

"building" includes anything constructed or placed on, in, over or under land including supporting structures of any type but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

"bulk oil, fuel and chemical storage" means a development where refined or crude oil or liquid or solid chemical is stored outdoors and may include the sale of such;

"business support service" means a development used to provide any of the following services: printing, duplicating, binding or photographic processing, office maintenance services, secretarial services, security services, sales or rental of business equipment, service and repairs to office equipment and advertising;

"campground" means a development used to provide outdoor spaces to the public for temporary accommodation in tents or recreation vehicles and may include day use areas;

"carport" means a roof structure, with a minimum 40% of its perimeter open and unobstructed, used to provide overhead shelter for a motor vehicle;

"car wash" means a development used for the cleaning of motor vehicles;

"catering service" means a development where foods and beverages, to be served off the premises, are prepared for sale to the public;

"church" means a building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of religious services and accessory uses associated therewith;

"cluster housing" means a development of multiple dwellings other than apartment buildings and may include duplex and semi-detached dwellings
located on a site or several such developments located on adjoining lots, which are designed to be architecturally integrated;

"college" means a development used for providing continuing, higher or professional education;

"commercial school" means a commercial development used for the training and instruction in a trade, skill or service but does not include a "school". Typical developments are trade, secretarial, business, hairdressing, driver training, dancing, music or academic tutoring schools;

"community hall" means a development that provides auditorium, banquet, exhibition, gymnasium, meeting or seminar facilities and may include a bingo but does not include an adult entertainment facility;

"compliance certificate" means a document that may be issued by the Development Authority indicating that a building, as shown on documentation provided to the Town, is located in accordance with the building setback requirements in this Bylaw at the time the certificate is issued;

"construction service" means a development used to provide landscaping, electrical, plumbing, heating, painting, woodworking or similar services to households or to general contractors, but does not include equipment rental;

"convenience store" means a development for the retail sales of a variety of small goods required on a day-to-day basis by people living or working near the store. Typical uses include small food stores, milk stores and variety stores that sell confectioneries, foodstuffs, newspapers, magazines, non-alcoholic beverages and similar items;

"corner lot" means a lot located at the intersection of two or more public roadways;

"Council" means the Council of the Town of High Level;

"covered deck" means a deck that has a roof over it and has more than 50% of its perimeter open to the outside;

"day care facility" means a development used to provide care and supervision, but not overnight accommodation, to children in accordance to the Social Care Facilities Licensing Act. Typical uses are day care centers and nursery schools but does not include a private babysitting facility;

"deck" means a raised platform, normally attached to a dwelling unit, which projects beyond the principal building but does not include a balcony;

"development" means

(a) an excavation or stockpile and the creation of either of them;

(b) a building or an addition to, or replacement or repair of a building and construction or placing in, on, over or under land of any of them;

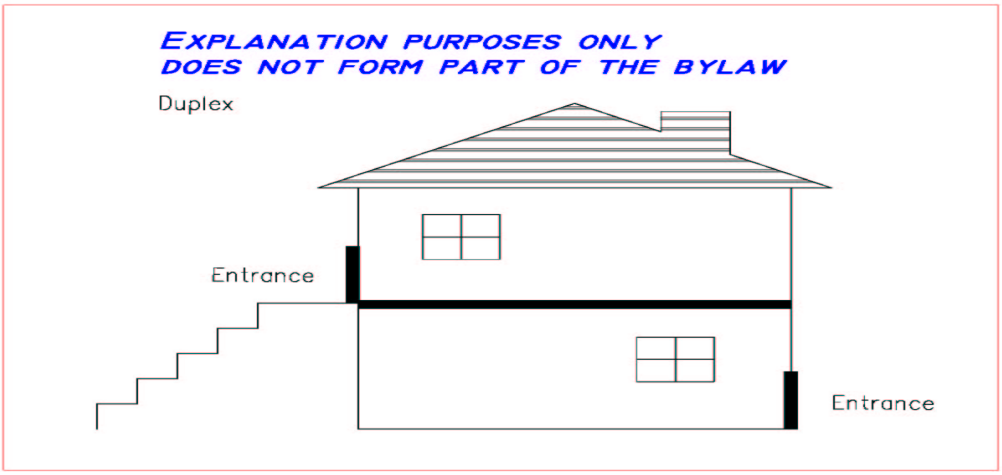
(c) a change in the intensity of the use of land or a building or any act done in relation to land or building that results in or is likely to result in a change in the use of the land or building; or

(d) a change in the intensity of use of land or a building or any act done in relation to land or a building or any act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

"drinking establishment" means a development licensed to serve alcoholic beverages for consumption on the premises and may include video lottery terminals, as per Alberta Statutes and regulations, as an accessory use;

"drive-through business" means a development, or part of a development, designed to serve customers remaining in their vehicles;

"duplex" means a single building containing two dwelling units, located one above the other, each having a separate direct entrance from the exterior;



"dwelling unit" means a self-contained residence comprising kitchen, washroom, living, and sleeping facilities with a separate private entrance from the exterior of a building or from a common hall, lobby or stairway inside a building, but does not include any part of a hospital, hotel, motel or recreational vehicle;
"emergency protective service" means a development used as a firehall, police station or similar facility;

"enclosed deck" means a deck that has a roof over it and has less than 50% of its perimeter open to the outside;

"equipment rental" means a development used to rent household or light equipment, but not motor vehicles, to the public;

"exhibition grounds" means an outdoor facility used to host public events including rodeos, horse shows and exhibitions and any accessory structure used for spectator seating or viewing;

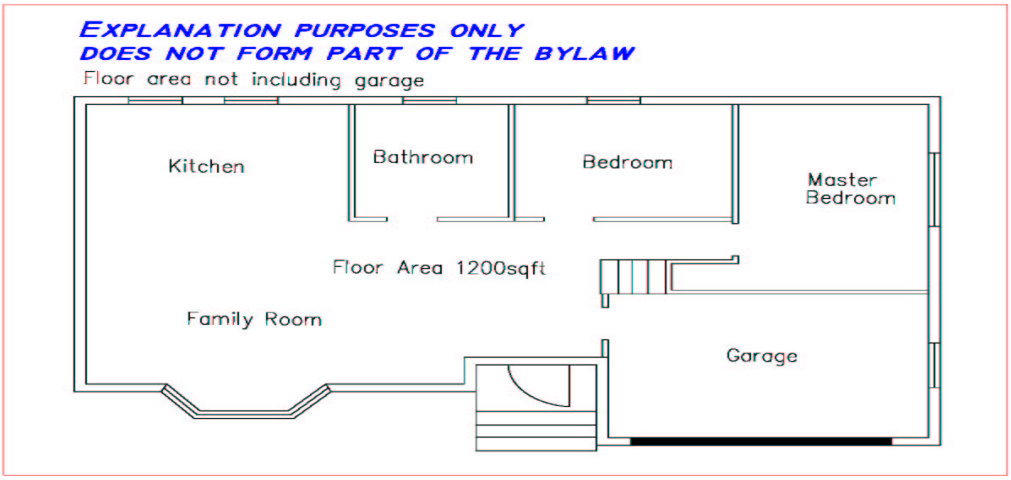
"family day home" means an accessory development within a dwelling unit or part thereof used to provide care and supervision, but not overnight accommodation, for adults or children as per Alberta Statutes and regulations;

"farm implement sales and services" means a development used for the sale and service of farm machinery and equipment;

"financial institution" means a bank, brokerage company, treasury branch, trust company, credit union, finance company or similar institution;
"finished grade" means the elevation of the ground at the exterior of a building when the construction of the building and landscaping are complete and as may be shown in an approved plan;

"fleet service" means a development from which motor vehicles are operated for the transportation of passengers or goods;

“floor area” means the total area of all floors in a building that are located mostly, or entirely, above finished grade. Floor area shall be measured to the outside surface of the exterior walls or the centre of common fire walls;



“fourplex” means a single building comprised or four dwelling units, side-by-side and back-to-back, each having a separate direct entrance from the exterior;

“frontage” means the property line of a site along any public roadway except a lane;

“funeral home” means a development used for the arrangement of funerals, the preparation of the deceased for burial and the holding of funeral services, but does not include a church;

“garage” means a building that provides parking for motor vehicles, is enclosed on all sides, and may either be attached to or detached from the principal building;

“garden shed” means an accessory building used for the storage of gardening equipment, material and tools in a residential development and includes a storage shed;

“gas bar” means a development used for the sale of gasoline, lubricating oils and other automotive fluids and incidental goods;

“general retail store” means a development used for the retail sale of a wide range of consumer goods but does not include a grocery store or a specialty store. Typical uses include plumbing and hardware stores, clothing stores, shoe stores, sporting good stores, furniture stores, appliance stores, jewelry stores, second hand stores or pharmacies;
“general service” means a development used to provide services related to the care and appearance of an individual, including the cleaning and repair of clothing, but does not include health service. Typical uses are dry cleaner, hair salon, tanning salon, laundromat, tailor, dressmaker, shoe repair and facilities used to provide pedicures, manicures, massages and electrolysis;

“government service” means a development used by a municipal, provincial or federal government agency to provide government services directly to the public, and includes a

school district office or transit service, but does not include a public use, emergency protective service or school;

"grocery store" means a development used for the retail sale of raw or prepared foods;

"gross vehicle weight" means the aggregate weight of a vehicle and the load which the vehicle is permitted to carry on highways and public roadways in Alberta;

"group home" means a facility which provides special care for individuals that are handicapped; aged; disabled; or in need of adult supervision in accordance with their individual needs and are licensed, if necessary, by the federal or provincial authority having jurisdiction over the group homes activities;

"hard-surfaced" means a durable, dust free, all weather surface constructed of concrete, asphalt or similar pavement;

"health service" means a development used for the provision of out-patient health care and social or counselling services, but does not include a hospital. Typical uses are a medical clinic, dental clinic, chiropractic clinic, therapeutic massage clinic and a physical therapy clinic;

"home occupation" means an accessory development in a dwelling unit, or its garage for a business that is operated by a permanent resident of the dwelling unit. The business being incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building;

"home office" means an accessory development contained within 1 room in a dwelling unit, for a business that involves office functions only and is operated by a permanent resident of the dwelling unit;

"hospital" means an institutional development used to provide in-patient and out-patient health care to the public;

"hotel" means a commercial development, including a motel, used to provide temporary sleeping accommodation to the public, and which may also contain a restaurant, drinking establishment or convention hall;

"household repair service" means a development that provides repair services for household goods, equipment and appliances, but does not include general service. Typical uses are radio, television and appliance repair shops and furniture refinishing and upholstery shops;

"indoor recreation service" means a development used for sports or recreation within an enclosed building and any related accessory development for the users of the principal facilities, but does not include adult entertainment facility, pool hall, bingo or casino. Typical uses are an athletic club, health and fitness club, curling, skating or hockey rink, swimming pool, bowling alley and racquet courts. Typical accessory uses are a cafeteria and pro-shop;

"landscaped area" means that portion of a site which is required to be landscaped;

"landscaping" means preserving, enhancing or incorporating vegetative and other materials in a development and includes combining new and existing vegetative materials with architectural elements, existing site features or other development features including fences or walls;

"lane" means a public roadway, not exceeding 9.1 metres in right of way width, which provides a secondary means of access to a lot;

"light industrial" means a development used for the manufacturing and warehousing where any actual or potential nuisance factor is contained within an enclosed building but excludes bulk oil and chemical storage and chemical processing;

"loading space" means a space that accommodates a vehicle while it is being loaded or unloaded;

"logging service" means a development used to provide services for the harvesting of timber for the forest product industry;

"lot" means

(a) a quarter section;

(b) a river lot as shown on an official plan, as defined in the Surveys Act, RSA 1987 c S-29.1, that is filed or lodged in a land titles office;

(c) a settlement lot shown on an official plan, as defined in the Surveys Act, RSA 1987 c S-29.1, that is filed or lodged in a land titles office;

(d) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or

(e) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

"lot area" means the area of a lot including any area dedicated to an easement or a right-of-way as shown on a plan of subdivision or described in a certified copy of a certificate of title;

"lot coverage" means percentage of lot area covered by buildings;

"lot depth" means the distance between the front and rear property lines of the lot as measured perpendicularly or radially from the mid-point of the front property line of the lot;

"lot frontage" means the width of a lot, parcel, or site at the front property line adjoining a public roadway;

“lot, park” means that leasable or rentable portion of land within a mobile home park which has been reserved for the placement of a mobile home.

“lot, through” means any lot other than a corner lot having access on two streets;

“lot width” means the distance between the side property lines as measured along the minimum front yard building setback, unless otherwise specified in this Bylaw;

“lumber yard” means a development for the storage and the wholesale or retail sales of forest building products and may include the sales of associated building products, hardware and tools;

“mini-storage” means a development that provides cubicles for rent to the public for the storage of goods and may include an office building containing eating and sleeping facilities for security personnel but may not be used for a residence;

“mobile home" means a factory constructed detached dwelling unit that is designed to be relocatable and may be installed on a permanent or temporary foundation but is connected to utility lines;

“mobile home, double wide” means a mobile home composed of two sections, separately towable, but designed to be joined together into one integral unit at the site and is relocatable;

“mobile home pad” means that portion on an individual mobile home park lot which has been reserved for the placement of the mobile home;

“mobile home sales” means a development for the sale of mobile homes and/or modular homes in which may include the storage and display of such units.

“modular home” means a factory-fabricated dwelling unit, designed to be transported and permanently assembled on a permanent foundation. These units are typically referred to as modular homes or ready to move (RTM) homes;

“motor vehicle” has the same meaning as defined in the Motor Vehicles Administration Act, RSA 1980 c M-22;

“moved-in building” means any residential, commercial, industrial or accessory building that was built on a site that is to be relocated from that site. This definition does not include mobile homes.

“multiple dwelling” means a development containing 2 or more dwelling units;

“net floor area” means the gross floor area of a building, less the area of stairways, elevators, mechanical floors or rooms, vertical service shafts, common corridors, lobbies, public washrooms, internal garbage storage and internal vehicular areas;

“off-site” means a location other than the site which is the subject of a development;

“oil field service” means a development used to provide services for field operations in the exploration and ground extraction of fossil fuels. Typical uses are power tongs and anchor services;

“on-site” means a location on the site which is the subject of a development;

“outdoor recreation service” means a development used for outdoor sports or leisure and any related accessory developments for the use and convenience of the users of the principal outdoor facilities. Typical outdoor recreation developments are athletic field, picnic area, playground, pedestrian and bicycle trail, skating rink and tennis courts;

“outdoor storage” means a outdoor area forming part of a development used for the storage of equipment, goods, materials, motor vehicles, recreation vehicles, or products;

“parcel” means the aggregate of the 1 or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in the Land Titles Office;

“parking” means leaving a motor vehicle temporarily on a lot, parcel or site;

“parking lot” means a development or part thereof which provides for access, maneuvering and parking of motor vehicles;

“parking stall” means a space within a building or a public or private parking lot, exclusive of driveway, aisles, ramps and columns for the parking of one vehicle;

“pool hall” means a commercial development used for pool, billiards, snooker or similar table games;

“principal building” means a building that accommodates the principal use of a site;

“principal use” means the primary or main purpose for which a building or land is used;

“private amenity area” means a balcony, patio, deck, or similar structure which is attached to, and has a private entrance from the interior of a dwelling unit;

“private babysitting facility” means a facility in a private residence of the person operating the facility at which care is provided for children, some or all of whom are children of persons other than the person operating the facility and does not require a license under the Social Care Facilities Licensing Act;

“professional service” means a development used to provide professional services, but does not include health service or government service. Typical uses are offices providing accounting, architectural, employment, engineering, insurance, investment, legal, real estate, secretarial and travel agent services;

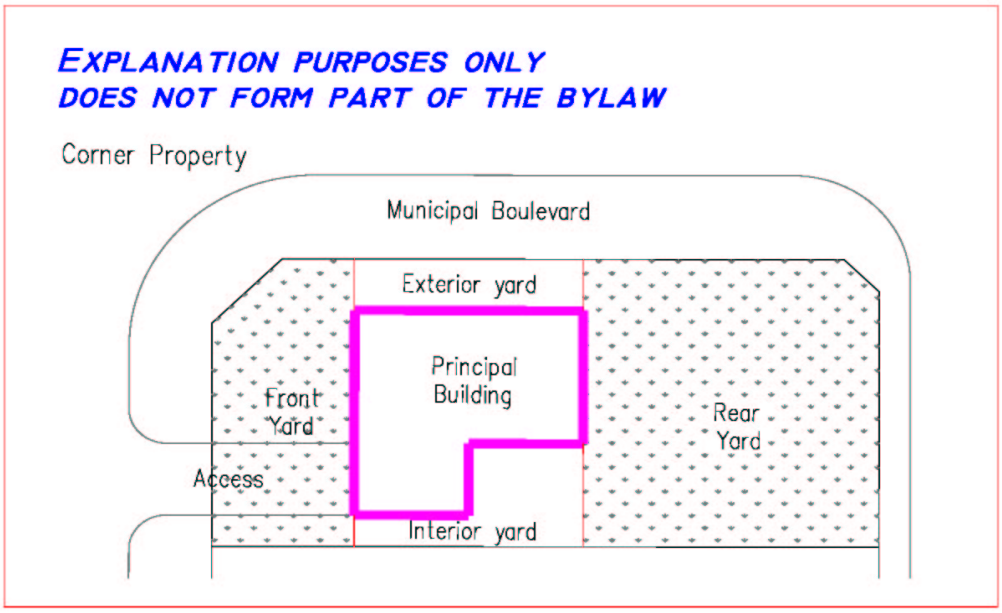
“propane facility” means a development used for the storage of bulk propane and may include the sale of such;

“property line” means a legally defined limit of any lot;

"property line, front" means the property line that adjoins a public roadway other than a lane, or on a corner lot the shortest property line that adjoins a public roadway other than a lane;

"property line, rear" means the property line opposite the front property line;

"property line, side" means the property line that connects the front and rear property lines;



"public roadway" means the right-of-way of the following:

(a) a local road;

(b) a service road;

(c) a street;

(d) an avenue;

(e) a lane; or

(f) an undeveloped registered road plan that is publicly used or intended for public use;

"public use" means a use, building, structure or lot used for public services which may be 1 or more of the following:

(a) a telecommunications system;

(b) a waterworks system;

(c) an irrigation or drainage system;

(d) a system for the distribution of gas, whether natural or artificial;
(e) a system for the distribution of artificial light or electric power;

(f) a heating system; or

(g) a sewage system;

"real property report" means a document showing building location and other site data prepared by a Registered Alberta Land Surveyor according to the standards of the Alberta Land Surveyors Association;

"recreation equipment" means equipment as defined as an off-highway vehicle in the Off-highway Vehicle Act and includes boats, but does not include a recreation vehicle;

"recreation vehicle" means a portable structure with seating and sleeping capacity to provide temporary living accommodation that is either carried on or pulled by another vehicle, or transported under its own power;

"recreation vehicle sales and service" means a development used for the sales, rental and service of recreation vehicles;

"recycling depot" means a development for collecting, sorting and temporary storage of recyclable materials such as bottles, cans, paper, boxes, and small household goods, but does not include auto wrecker;

"relocatable industrial accommodation" means a temporary development greater than 80 sq. m in building area that is designed to be relocatable and usable without permanent foundations for the provision of sleeping, sanitary and eating facilities for a work force;

"resident" means a person that permanently resides and normally eats and sleeps within the dwelling unit, and when absent, intends to return;

"restaurant" means a commercial development where foods and beverages are prepared and served for consumption on-site by the public and may include a take-out component as an accessory development;

"retaining wall" means a structure which supports and contains the ground on a site;

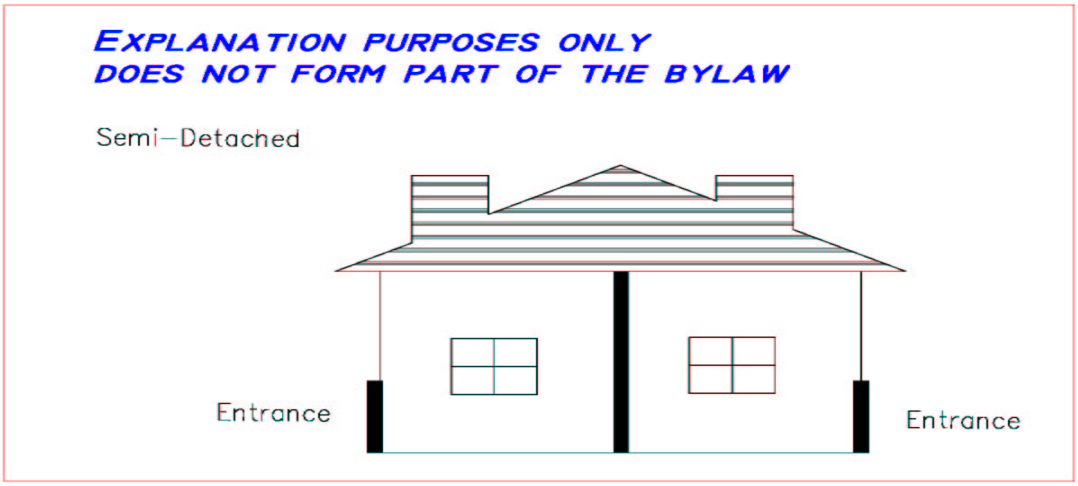
"satellite dish antenna" means a parabolic device and its support structure designed to receive or transmit frequencies transmitted by satellites;

"school" means a publicly or privately supported or subsidized development used for education and includes its administrative offices. Typical developments are elementary and secondary schools, but do not include commercial schools;

"screening" means the total or partial concealment of a development by a fence, wall, berm, or landscaping;

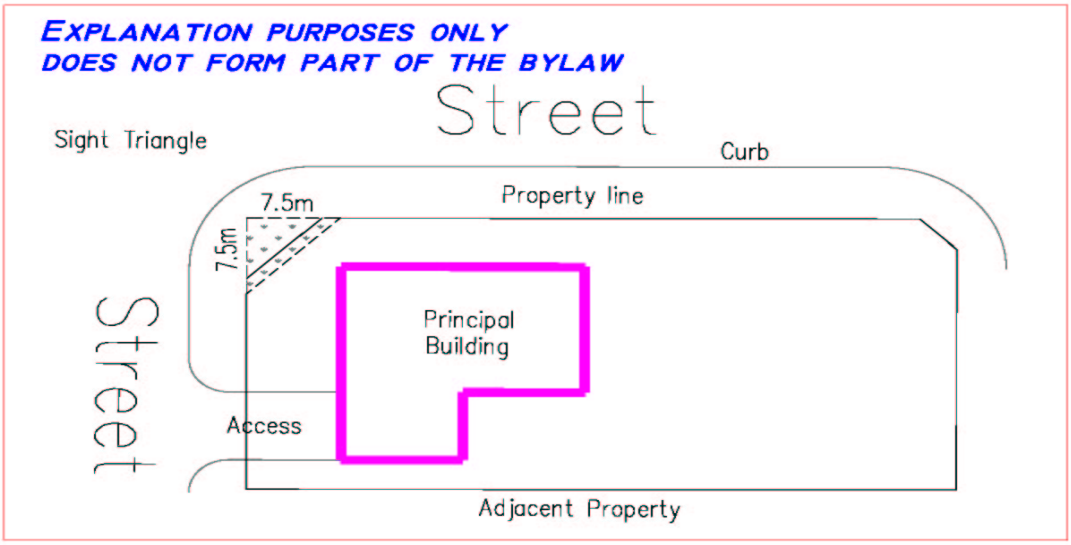
"secondary suite" means a second self-contained dwelling unit that is located within a primary dwelling unit, where both dwelling units are registered under the same land title;

"semi-detached housing" means a single building containing two side-by-side dwelling units each with its own title and direct connection to finished grade and separated from each other by a party wall extending from foundation to roof;



"shopping centre" means a development comprising 3 or more separate commercial use facilities that operate as a unit and share a common parking area;

"sight triangle" means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 7.5 metres from the point where they intersect;



"single-detached house" means a development comprised of 1 dwelling unit on a site separated by open space from any development on a adjoining site and that is constructed on site and may include an attached garage;

"site" means a lot or parcel on which a development exists or occurs or for which an application for a development permit is made;

"specialty store" means a book store, florist, craft studio, art gallery, photographic shop, delicatessen, butcher shop, bakery or specialty food store;

"specified acts" means actual or simulated acts of bestiality, buggery, cunnilingus, defecation, fellatio, masturbation, sexual bondage, sexual intercourse, urination, or the sexual bonding, sexual flagellation, sexual mutilation, sexual maiming, sexual murder or sexual torture of one or more human beings or animals;

"specified body area" means

(a) in the case of a female human being, the breasts; and

(b) in the case of all human beings, the pubic pereneal and perianal areas and the buttocks;

"stacked town housing" means town housing constructed such that at least 1 dwelling unit is located totally or partially above another dwelling unit, and each dwelling unit has a separate, direct entrance from the exterior;

"storey" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of the building included between the upper surface of the topmost floor and the

ceiling above. If the finished floor level directly above grade is more than 2 metres above such grade then the portion of the building below finished floor level shall be considered a storey;

"temporary bunkhouse" means a temporary development, 80 sq. m or less, that is designed to be relocatable and usable without permanent foundations for the provision of sleeping and sanitary facilities, and may include eating facilities;

"temporary shelter services" means development sponsored or supervised by a public authority or non-profit agency for the purpose of providing temporary accommodation for persons requiring immediate shelter and assistance for a short period of time. Typical uses include hostels and overnight shelters;

"theatre" means a commercial development where live entertainment, theatre or motion pictures is provided to the public, but does not include a bingo hall, casino, restaurant or adult entertainment;

"town housing" means a single building comprised of 3 or more dwelling units, each having a separate , direct entrance from the exterior and includes stacked townhousing;

"transmitting station" means a development used for the rebroadcast of radio or television signals;

"triplex" means a single building comprised of 3 dwelling units with each having a separate direct entrance from finished grade from the exterior;
"veterinary clinic" means a development used for the medical care and treatment of small domestic animals and incidental overnight accommodation, but does not include animal service;

"video outlet" means a development where pre-recorded video cassettes or computer disks are rented to the public for any consideration for use off-site, but does not include adult entertainment facility;

"wall mural" means a graphic painted or affixed to an exterior wall for decorative purposes only;

"warehouse" means a commercial development for the indoor storage or equipment, goods, motor vehicles, recreation vehicles, materials or products;

"yard building setback, front" means the horizontal dimension measured from the front property line of a lot at a right angle, or radially to it, to the nearest point of a wall of any building on the lot;

"yard building setback, side" means the horizontal dimension measured from a side property line at a right angle, or radially to it, to the nearest point of a wall of any building on the lot;

"**yard, exterior side"** is the yard of a lot that immediately adjoins a pubic roadway and is neither a front yard nor a rear yard;

"yard, front" means the part of a lot located between the side property lines of the lot in width and from the front property line of the lot to the nearest point of a wall of any building on the lot in depth;

"yard, interior side" means the yard that is neither a front, rear or exterior side yard;

"yard, rear" means the part of a lot located between the side property lines of the lot in width and from the rear property line to the nearest point of a wall of the principal building on the lot in depth;

SECTION 3 ADMINISTRATIVE AGENCIES

3.1 Development Authority

3.1.1 The Development Authority shall be as established by the Development Authority Bylaw.

3.2 Subdivision Authority

3.2.1 The Subdivision Authority shall be as established by the Subdivision Authority Bylaw.

3.3 Subdivision and Development Appeal Board

3.3.1 The Subdivision and Development Appeal Board shall be established and perform duties in accordance with the Subdivision and Development Appeal Board Bylaw.

SECTION 4 DEVELOPMENT CONTROL

4.1 Control of development

4.1.1 Subject to Subsection 4.2, no development shall be undertaken within the Town corporate limits unless an application has been approved and a development permit has been issued for it.

4.2 Development not requiring a development permits

4.2.1 The following developments do not require a development permit:

(a) a development that is subject to valid development agreement for:

(i) constructing, widening, altering, redesigning or maintaining a public roadway;

(ii) traffic management projects and devices;

(iii) water reservoirs, water lines, storm and sanitary sewer installations;

(iv) street furniture, tennis courts, playgrounds, public park landscaping, municipal recreation equipment and civic buildings with a gross floor area under 75 sq. m. and;

(v) constructing and maintaining public utilities;

(b) a project listed in subsection (i) to (v) above undertaken by the Town;

(c) construction and maintenance of that part of a public utility located in, on, over or under a public roadway, a public utility right-of-way or public utility lot;

(d) the use of a building or a part of it in connection with a federal, provincial, municipal, or school election, referendum or census;

(e) routine maintenance of and repairs to a building not involving any structural changes;

(f) in a residential district, construction of a garden shed or playhouse less than 13 sq. m in floor area if the development complies with this Bylaw;

(g) in a residential district, construction of

(i) an unenclosed deck to a maximum of 0.6 m above finished grade;
(ii) a patio;
(iii) a firepit;
(iv) a barbecue;

(h) installation of a satellite dish antenna if the development complies with this Bylaw and it is not located in a front yard or exterior side yard and not more than 4 m above finished grade;

(i) in a residential district, one radio antenna less than 12 m above finished grade at its highest point and otherwise complies with this Bylaw;

(j) construction of a fence less than 2 m in height above finished grade in rear and side yards and no more than 1 m in front yards;

(k) in a residential district, hard surfacing of any yard for the purposes of providing vehicular access from a public roadway to a garage or carport, provided that such hard surfacing does not exceed 7.5 m in width;

(l) in a residential district, holding a garage sale;

(m) a home occupation that involves catalogue sales or product presentation at "home parties" other than at the vendor's residence, and that employs no other person than the resident and does not increase traffic generation;

(n) a home office, provided that:

(i) no individual other than the permanent resident of the dwelling unit operates the home office;

(ii) no client or customer is received in the dwelling unit for business purposes;

(iii) the home office does not generate any vehicular traffic;

(iv) there are no on-site exterior displays or advertisements of the home office;

(v) no equipment, materials, goods or finished products for business purposes are stored on-site;

(vi) the home office is operated as an accessory use only and must not change the residential character or external appearance of the dwelling unit;

(o) in a residential district, the habitation within a dwelling unit of a family, plus the maximum of two lodgers;

(p) signs posted or exhibited inside a building;

(q) window signs, provided they are not for the purpose of advertising a home occupation or home office;

(r) municipal signs;

(s) garage sale signs;

(t) signs located on a community notice board;

(u) signs identifying a construction or demolition project;

(v) private babysitting facility.

4.2.2 Developments listed in Article 4.2.1 must otherwise comply with the requirements of this Bylaw.

4.3 Application for a development permit

4.3.1 An application for a development permit shall be made by the registered owner of the land on which the development is proposed, by a person having a registered interest in the land on which the development is proposed, or by some other person with the written consent of the owner, to the Development Authority by submitting the following;

(a) the prescribed form completed and signed;

(b) the fee as set by Council from time to time;

(c) the information required in Section 4.3.2.

4.3.2 Unless the Development Authority or this Bylaw specify otherwise, the following information must be submitted when an application for a development permit is made:

(a) site plans, in duplicate, showing;

(i) the legal description and municipal address of the property;

(ii) property lines with dimensions and setback requirements in accordance to this Bylaw;

(iii) location and height of proposed and any existing buildings or structures including signs, retaining walls and fencing;

(iv) utilities, site drainage, grade elevations, existing and finished lot grades, the grade of streets and location of proposed water and sewer lines;

(v) loading and parking provisions;

(vi) access locations from the site;

(vii) garbage and storage areas and the fencing and screening proposed for the same;

(viii) location and dimensions of existing and proposed culverts and crossings;

(ix) location and provision for amenity areas and landscaped areas.

(b) building plans, in duplicate, showing;

(i) floor plans;

(ii) building elevations;

(iii) exterior finishing materials.

(c) a statement of ownership of and interest of applicant therein;

(d) the estimated commencement and completion dates;

(e) such additional information deemed necessary by the Development Authority to ensure the provisions of this Bylaw are met.

4.4 Home occupations

4.4.1 Home occupation applications shall include detailed information regarding the scope and nature of the proposed home occupation.

4.5 Decision process

4.5.1 The Development Authority shall receive all applications for development permits and shall determine whether or not the submitted applications are complete.

4.5.2 The Development Authority shall review each application for a development permit to determine if the development is a permitted or a discretionary use.

4.5.3 Subject to Subsection 4.11 and any other variance provision contained in this Bylaw, the Development Authority shall refuse an application, which does not conform to this Bylaw.

4.5.4 The Development Authority shall issue a development permit for a permitted use with or without conditions if the application conforms to this Bylaw.

4.5.5 The Development Authority may issue a development permit for a discretionary use, with or without conditions, if the application conforms to this Bylaw.

4.5.6 The Development Authority may refuse a development permit application for a discretionary use on its merits even though it conforms to this Bylaw.

4.5.7 A decision on an application for a development permit for a permitted or discretionary use shall be in writing and a copy shall be sent to the applicant.

4.5.8 If the Development Authority refuses an application for a development permit, the decision shall contain the reasons for refusal.

4.5.9 An application for a development permit shall, at the option of the applicant, be deemed refused when a decision is not made within 40 days of receipt of the

complete application unless the applicant has entered into an agreement with the Development Authority to extend beyond the 40 day period.

4.5.10 The Development Authority may issue a temporary Development Permit, for a time period at the discretion of the Development Authority, for a permitted or discretionary use contained in this Bylaw if the use is identified as temporary, or it is deemed appropriate.

4.5.11 The Development Authority may approve an application for a development permit even though the proposed development does not comply to this bylaw or is a non-conforming building if, in the opinion of the Development Authority,
(a) the proposed development would not

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

(b) the proposed development conforms with the use prescribed for that land or building.

4.6 Direct control

4.6.1 Council may issue a development permit for any use in a Direct Control District and impose such conditions as it considers appropriate

4.6.2 Council may delegate the decision on a development application in a Direct Control District with directions it considers appropriate to the Development Authority.

4.7 Notification

4.7.1 The Development Authority shall post all decisions on development permit applications for public viewing at the Town Office.

4.7.2 Notwithstanding Article 4.7.1, upon approval for a development permit application; the Development Authority shall post in a newspaper circulating in the Town stating the development and its location within 15 days of the decision.

4.7.3 Notwithstanding Article 4.7.1, upon refusing a development permit application; the Development Authority shall deliver a notice of the decision by registered mail or by personal service to the applicant, stating the development and the decision.

4.7.4 The decision of Council on a development application for a Direct Control District shall be posted in a newspaper circulating in the Town stating the development and the decision.

4.8 Development permit conditions

4.8.1 The Development Authority may, with the respect to any use require the applicant to make satisfactory arrangements for the supply of utilities including, but not limited to, natural gas, cable, water, electric power, sewer service, vehicular and

pedestrian access, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant.

4.8.2 The Development Authority may, with respect to any use, require that an applicant enter into an agreement or interim agreement, which shall form part of such development permit, to do any or all of the following:

(a) construct, or pay for the construction of, a public roadway required to give access to the development;

(b) construct, or pay for the construction of;

(i) a pedestrian walkway to serve the development;

(ii) pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,

(iii) or both;

(c) install, or pay for the installation of, utilities that are necessary to serve the development;

(d) pay an off-site levy, redevelopment levy or both, imposed by the Off-site Levy Bylaw;

(e) specify the number and location of vehicular and pedestrian access points to the development from public roadways;

(f) construct or pay for the construction of off-street or off-site parking facilities or loading or unloading facilities;

(g) repair, reinstate or pay for the repair or reinstatement to original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site;

(h) install, construct or pay for the installation or construction of landscaping berming and fencing on the development, public roadways and public lands adjacent to the development;

(i) to give security to ensure that the terms of the agreement under this section are carried out.

4.8.3 The Development Authority may require that an agreement under articles 4.8.1 and 4.8.2 be registered by caveat against title to the land at the Land Titles Office.

4.8.4 The agreement under articles 4.8.1 and 4.8.2 may include provisions contemplated by Section 651 of the Act in respect of oversize improvements.

4.8.5 In addition to subsections 4.8.1 and 4.8.2, the Development Authority may, with respect to a permitted use, impose such conditions as are required to ensure compliance with this Bylaw or the Act.

4.8.6 The applicant shall be responsible for compliance with all federal, provincial and municipal enactment's and any other law applicable to the use and development of the land and buildings. It is hereby deemed a condition of every development permit, whether or not expressly stated therein that the applicant is responsible for ascertaining and shall comply with all applicable federal, provincial and municipal enactment's and any other law with respect to the use and development of the land and buildings and shall as when required thereunder obtain any and all permits, licenses and approvals.

4.8.7 In addition to subsections 4.8.1 and 4.8.2, the Development Authority, in respect to a discretionary use, or Council in respect to a Direct Control District, impose such conditions as deemed appropriate, having regard to the regulations of this Bylaw and the provisions of any statutory plan including, but not limited to the following conditions:

(a) limiting the hours of operation;

(b) limiting the number of patrons;

(c) establishing landscaping requirements;

(d) requiring noise attenuation;

(e) requiring special provisions be made for parking;

(f) regarding the location, character and appearance of a building;

(g) regarding the grading of a site or such other procedures as are necessary to protect the site from other developments or to protect other developments from the site;

(h) establishing the period of time which a development may continue;

(i) ensuring the development is compatible with surrounding development; and

(j) ensuring the development complies and is compatible with the general development regulations or the land use district regulations of this bylaw.

4.9 Development permit rules

4.9.1 Unless otherwise provided by this Bylaw, a development permit remains in effect unless:

(a) the development permit is suspended or canceled; or

(b) the development for which the permit is issued has not commenced within 12 months of the date the permit is issued.

4.9.2 Notwithstanding clause 4.9.1(b), if a building permit is issued for the development within the 12 month period, the development permit shall not lapse unless and until the building permit so issued is canceled or lapses.

4.9.3 The validity of a development permit may be extended once for a period not exceeding 12 months by the authority that approved it.

4.9.4 When a development permit is refused, another application for a development permit for a development on the same lot for the same or similar use may not be made by the same or any other applicant for a 3 month period from the date of refusal of the previous development permit.

4.9.5 If after the issue of a development permit, it becomes known to the Development Authority that;

(a) the application for the development permit contains a misrepresentation;

(b) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the development permit; or

(c) the development permit was issued in error,

the development permit may be suspended or canceled by notice in writing, issued by the Development Authority, to the applicant at the address given in the development permit application.

4.9.6 If a permitted or discretionary use to which a building, or a portion of a building, is put ceases for 6 months or less, the re-establishment of the same or similar use in the premises does not require a development permit, unless structural changes are made in the space. If structural changes are made in the space, a new development permit is required.

4.9.7 If a permitted or discretionary use to which a building, or a portion of a building, is put ceases operation for more than six months, the re-establishment of a use in the building requires a new development permit.

4.9.8 Subsections 4.9.6 and 4.9.7 do not apply to the use of dwelling units for residential purposes.

4.9.9 The development shall not be altered, changed, or modified from the approved plans or specifications without written authorization from the Development Authority.

4.10 Compliance certificates

4.10.1 The registered owner, or a person with a legal or equitable interest in a site, may apply, upon payment of such fee as may be prescribed by Council from time to time, to the Development Authority for a Compliance Certificate.

4.10.2 The applicant for a Compliance Certificate shall submit an original Real Property Report for the site. Any Real Property Report that is dated for a period of more than 90 days from the date of application must be submitted with a Statutory Declaration.

4.10.3 The Development Authority may issue a Compliance Certificate, when in the opinion, the buildings as shown on the Real Property Report provided by the applicant are located on the site in accordance with the separation distance and yard and building setback regulations of this Bylaw or the yard or building setbacks specified in any development permit which may have been issued for the site.

4.10.4 The Compliance Certificate shall only cover those buildings, or parts thereof, shown on the Real Property Report as provide by the applicant.

4.10.5 The Development Authority may refuse to issue a Compliance Certificate when the Real Property Report does not contain sufficient information to determine if the buildings as shown are located in accordance with the yard and building setback regulations of this Bylaw or the yard or building setbacks specified in any development permit which may have been issued for the site.

4.10.6 The Development Authority may refuse to issue a Compliance Certificate when;

(a) the Real Property Report does not indicate all developments that are located on the lot;

(b) developments on the lot were constructed without a required development permit; or

(c) there is outstanding infractions with this or any other Town of High Level bylaw.

4.10.7 A Compliance Certificate is not a development permit.

4.11 Variances

4.11.1 Notwithstanding any other provision of this Bylaw, the Development Authority may exercise discretion as follows:

(a) developments which existed prior to January 23, 1984 are subject to the following:

	Variance in Residential Districts	Variance Other Districts
Front Yard Setback	At Development Authorities discretion	20% Relaxation
Side Yard Setback	At Development Authorities discretion	15% Relaxation
Rear Yard Setback	At Development Authorities discretion	20% Relaxation

Building Height	10% Increase	10% Increase
Lot Coverage	10% Increase	10% Increase

(b) developments that came into existence between the dates of January 23, 1984 and the coming into force of this Bylaw are subject to the following:

	Variance in Residential Districts	Variance in Other Districts
Front Yard Setback	20% Relaxation	10% Relaxation
Side Yard Setback	10% Relaxation	10% Relaxation
Rear Yard Setback	10% Relaxation	10% Relaxation
Building Height	0% Increase	0% Increase
Lot Coverage	0% Increase	0% Increase

(c) developments which come into existence after the coming into force of this Bylaw shall be subject to the following:

	Variance in Residential Districts	Variance in Other Districts
Front Yard Setback	10% Relaxation	10% Relaxation
Side Yard Setback	10% Relaxation	10% Relaxation
Rear Yard Setback	10% Relaxation	10% Relaxation
Building Height	0% Increase	10% Increase
Lot Coverage	0% Increase	0% Increase

4.11.2 In exercising discretion pursuant to this section, a variance shall only be permitted if, in the opinion of the Development Authority,

(a) the development would not

i) unduly interfere with amenities of the neighbourhood: or
ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and

(b) the development conforms with the use prescribed for that land or building in this Bylaw.

4.11.3 Requests for variances for non-complying or non-conforming buildings shall be made to the Development Authority by submitting the following:

(a) the prescribed form completed and signed;

(b) the fee as set by Council from time to time; and

(c) a Real Property Report or Surveyors Certificate stamped and signed by a registered Alberta Land Surveyor.

4.11.4 Requests for variances for proposed developments shall be made with the development application and required information as required in subsection 4.3.

4.12 Appeal process

4.12.1 If the Development Authority

(a) refuses or fails to issue a development permit to a person:

(b) issues a development permit subject to conditions; or
(c) issues an order under Section 645 of the Act,

the person applying for the permit or affected by the order under Section 645 of the Act may appeal upon payment of such fee as may be prescribed by Council from time to time to the Subdivision and Development Appeal Board.

4.12.2 A person affected by an order, decision or development permit made or issued by the Development Authority, other than a person having a right of appeal under subsection 4.12.1, may appeal upon payment of such fee as may be prescribed by Council from time to time to the Subdivision and Development Appeal Board in accordance to this Bylaw and the Act.

4.12.3 An appeal shall be conducted by the Subdivision and Development Appeal Board in accordance with the Subdivision and Development Appeal Board Bylaw and the Act.

4.12.4 Written notice of an appeal with the required fee shall be filed with the Secretary of the Subdivision and Development Appeal Board within 14 days of notification of the decision, conditions or order.

4.13 Non-conforming development

4.13.1 When

(a) on or before the day which this Bylaw or any bylaw for the amendment thereof comes into force, a development permit has been issued; and

(b) the enactment of this Bylaw or any bylaw for the amendment thereof would render the development, in respect of which the permit was issued, a non-conforming use or non-conforming building,

the development permit continues in effect, notwithstanding the enactment of this Bylaw or any amending bylaw.

4.13.2 A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with this Bylaw.

4.13.3 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

4.13.4 A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

4.13.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
(a) to make it a conforming building,
(b) for routine maintenance of the building, if the Development Authority considers it necessary, or

(c) the Development Authority approves a development permit application pursuant to Article 4.5.11.

4.13.6 If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.

4.13.7 The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

4.14 Enforcement

4.14.1 If the Development authority finds that a development, land use or use of a building is not in accordance with this Bylaw, a development permit or subdivision approval, the Development Authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Bylaw, a development permit or a subdivision approval,

within the time set out in the notice.

4.14.2 A person who receives a notice referred to in clause 4.13.1 may appeal to the Subdivision and Development Appeal Board in accordance to subsection 4.12.

4.14.3 If a person fails or refuses to comply with an order directed to him under this Section or an order of the Subdivision and Development Appeal Board, the Town may enter on the land or building and take any action necessary to carry out the order.

4.14.4 The Town may register a caveat under the Land Titles Act in respect of an order against the certificate of title for the land that is the subject of the order.

4.15 Penalties

4.15.1 Violation Penalties:

a) Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine for each offence of not more than:

i) $500 for a first offence;
ii) $2500 for a second and/or subsequent offence.

b) The Development Authority is hereby appointed as a By-law Enforcement Officer, pursuant to the Municipal Government Act, for the purpose of enforcing this By-law, and is empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act.

c) Where a contravention of this By-law is of a continuing nature, further violation tickets may be issued for each day that the contravention continues.

d) The person to whom the violation ticket is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation ticket and pay the fine to the Clerk of the Court at the location indicated on the violation ticket.

e) Where a contravention of this By-law still continues fourteen days after a conviction has been entered as a result of such contravention, then the person against whom the conviction has been entered is guilty of a new and separate offence for each day as long as the offence continues.

Where a person is found guilty of an offence pursuant to this Land Use Bylaw, the Alberta Court of Queen's Bench may, in addition to any other penalty imposed, order the person to comply with the Act and any regulations, a development permit, a subdivision approval, an order or decision of the Subdivision and Development Appeal Board, or this Land Use Bylaw.

4.16 Compliance with other legislation

4.16.1 A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out and shall ascertain, comply or carry out development in accordance with:

(a) the requirements of the Safety Codes Act, SA 1991 c S0.5, Environmental Protection and Enhancement Act SA 1992 c E 13.3 and the Natural Resources Conservation Board Act SA 1990 c N5.5;

(b) the Building Permit Bylaw

(c) the requirements of any other federal, provincial or municipal enactment or any other law; and

(d) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

4.16.2 The Town is not responsible for nor does the Town have any obligation whatsoever to determine what other legislation may apply to a development, nor to monitor or enforce compliance with such legislation.

SECTION 5 GENERAL LAND USE PROVISIONS

5.0 Land use regulations

5.0.1 Notwithstanding any other land use regulations contained in this Bylaw the following regulations shall apply to all development.

5.1 Design, character and appearance of buildings and structures

5.1.1 The design, character and appearance of all buildings and structures must be compatible with any other building or structure existing on the site and in the vicinity, unless the building or structure, in the opinion of the Development Authority, sets a higher standard of design, character and appearance for a land use district or part of it.

5.1.2 The design, character and appearance of all buildings and structures must be consistent with the purpose and regulations of the land use district in which the building is located.

5.1.3 The exterior finish of a building must be completed within two years of the date the development permit is issued unless otherwise stipulated by the development permit.

5.2 Site dimensions

5.2.1 No permit shall be issued for any development on a site in which the area or width is less than the minimum prescribed for the district in which the site is located, except that a lot of separate record in the Land Titles Office containing less than the minimum area or width specified for the district may be used subject to the discretion of the Development Authority if all other requirements of the Bylaw and amendments thereto are observed.

5.3 Yard setbacks

5.3.1 On each side there shall be established and maintained front, side and rear yards of such dimensions as will meet the minimum requirements of this Bylaw.

5.3.2 Notwithstanding any special provisions, yards in excess of the minimum requirements may be required when deemed necessary by the Development Authority.

5.4 Lot coverage

5.4.1 The maximum area of a site that may be covered with either principal or accessory buildings or structures, or both, shall not be greater than the maximum limits prescribed for the district in which the site is located.

5.4.2 The Development Authority shall include the area of the principal building and accessory buildings including covered or enclosed decks, porches and verandahs in the calculation of lot coverage.

5.5 Building height

5.5.1 No building shall be erected to greater height than the maximum height prescribed for buildings in the district in which the building is proposed to be located.

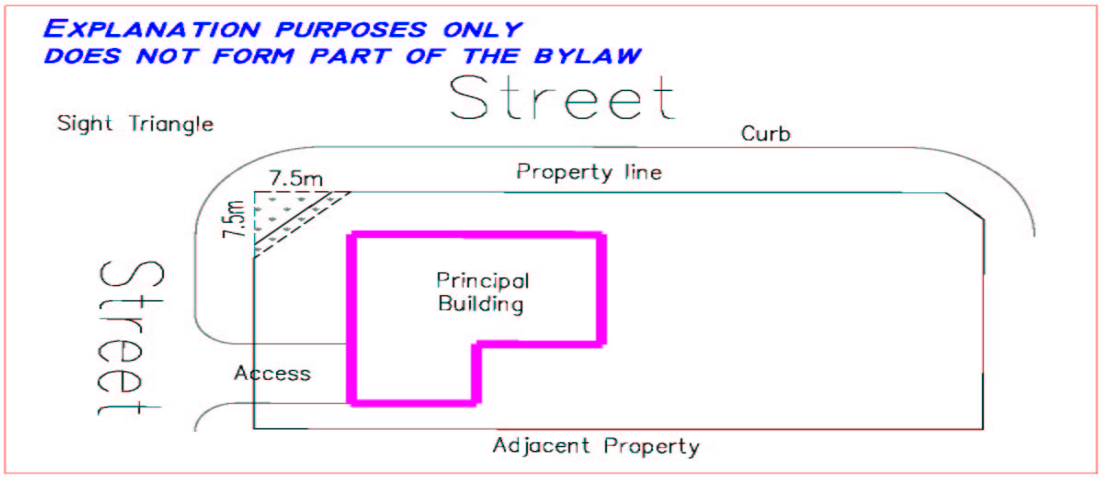
5.5.2 Subject to clause 5.5.3, building height is the greatest vertical distance between the average finished grade on any side of a building and the point of highest elevation of the building.

5.5.3 The following are not considered part of the building for the purpose of measuring building height: mechanical housing, ventilation fan, skylight, steeple, chimney, smokestack, parapet wall, flagpole or similar feature not essential to the building.

5.5.4 The following are considered part of the building for the purpose of measuring building height: signs, satellite dish antenna or radio antenna.

5.6 Corner lots - traffic sight lines

5.6.1 On a corner lot, there shall be no development greater than 1 m in height measured from the general elevation of the street line, within the triangular area created by the property lines that form the corner and a straight line connecting the two points 7.5 m back along these property lines measured from their intersection.



5.6.2 If a corner cut has been taken, the area in clause 5.6.1 shall be determined 7.5 m back from what would have been the intersection of property lines if the corner cut had not been taken.

5.6.3 Notwithstanding any other provision contained in this Bylaw, no person shall place an object, hedge, shrub or tree in or on that part of the sight triangle, if in the opinion of the Development Authority, traffic safety is interfered with.

5.7 Application - Projections into yard setbacks

5.7.1 Except as allowed in subsections 5.8 to 5.11, no portion of the principal building on a lot shall project over or onto a required front, side or rear yard building setback.

5.8 Projections into yard setbacks in commercial and industrial districts

5.8.1 A minor projection into required building setbacks may be approved by the Development Authority if it would not adversely affect traffic circulation or adjoining properties.

5.9 Projections into front yard setbacks in residential districts

5.9.1 The parts of and attachments to a principal building that may project over or onto a required front yard setback are:

(a) an eave, canopy, balcony, unenclosed verandah or porch, that does not project more than 1.5 m over the required front yard setback;

(b) a cantilevered wall section or chimney that does not project more than 600 mm over the required front yard setback:

(c) unenclosed steps, not more than 3 m above finished grade that do not project more than 1.5 m over or onto the required front yard setback

5.10 Projections into side yard setbacks in residential districts

5.10.1 The parts of and attachments to a principal building that may project over or onto a required side yard setback are:

(a) a balcony, sill, cornice, canopy, cantilevered wall section, chimney, or eave that does not project more than 600 mm over the required side yard setback;

(b) on a corner lot, an eave that extends beyond a cantilevered wall section may extend an additional 600 mm into the side yard that flanks the public roadway.

5.11 Projections into rear yard setbacks in residential districts

5.11.1 The parts of and the attachments to a principal building that may project over or onto a required rear yard setback are:

(a) a cantilevered wall section, eave or chimney or combination of such that does not project more than 1.2 m over the required rear yard setback;

(b) unenclosed steps, not more than 3 m above finished grade, that do not project more than 1.5 m into the required rear yard setback.

5.12 Projections of accessory buildings

5.12.1 Notwithstanding any other section of this Bylaw, the eaves of a detached garage or accessory building must not project more than 600 mm into any required yard setback.

5.13 Development of wetlands, environmentally sensitive lands and lands subject to flooding and subsidence

5.13.1 Development on or near wetlands, environmentally sensitive lands and land that is subject to flooding or subsidence or that is marshy or unstable shall be discouraged.

5.13.2 The Development Authority may submit any development permit application for developments on or near environmentally sensitive lands or wetlands to Alberta Environmental Protection for comments and recommendations.

5.13.3 When reviewing a development permit application for developments on or near environmentally sensitive lands and wetlands the Development Authority shall consider:

(a) the effect of the proposed development on the subject lands and the surrounding area;

(b) the soil and slope conditions of the subject property and surrounding areas;

(c) any information on the past history of the subject property from a geo-technical perspective; and

(d) comments and recommendations from Alberta Environmental Protection.

5.13.4 On lands near, or identified as, environmentally sensitive or wetlands, or lands subject to flooding and subsidence the Development Authority may require the following information to be submitted as part of a development permit application, an application to amend this Bylaw, an application for subdivision approval or an application to amend a statutory plan:
(a) a geo-technical study, prepared by a qualified professional geo-technical engineer, addressing the proposed development. The geo-technical study will establish building setbacks from the property lines or wetlands based on the land characteristics of the subject property;

(b) a certificate from a qualified professional geo-technical engineer certifying that the design of the proposed development was undertaken with full knowledge of the soil and slope conditions of the subject property; and

(c) a certificate from a qualified professional geo-technical engineer when the proposed development includes cut and/or fill sections on slopes, including the addition of fill to the subject property.

5.13.5 The Development Authority may require that the property owner and/or the applicant to register a restrictive covenant against the certificate of title for the subject property related to the development approved for the subject property.

5.14 Landscaping and screening

5.14.1 Unless otherwise required by a development agreement or by the Development Authority, landscaping of a site subject to a development permit, including but not limited to a single-detached house, shall be completed within 2 years of approval of the building permit.

5.14.2 Developments in commercial and industrial districts that are required in this Bylaw to be screened from residential uses must include trees that in the opinion of the Development Authority would be sufficient to screen the development.

5.14.3 An area that is to be landscaped may be required to be left in its natural state if in the opinion of the Development Authority, the natural state would enhance the appearance of the area or site and complement the development thereon.

5.14.4 Any area requiring landscaping or topographic reconstruction shall be landscaped so that the finished surface contours do not direct surface drainage onto an adjoining site.

5.14.5 Multi-family, institutional and commercial developments where the parking area is situated in the front yard shall have a landscaped area between the parking area and the municipal road right-of-way to the satisfaction of the Development Authority. The landscaped area shall be a minimum of 2 m wide and contain trees spaced no more than 6 m apart.

5.14.6 All trees required to be planted in accordance to Articles 5.14.2 and 5.14.5 shall meet or exceed the following criteria:

(a) a minimum of 50% of the required trees shall be coniferous with a minimum height of 1.8 m at the time of planting;
(b) deciduous trees must have a minimum caliper width of 5 cm measured 10 cm above the root ball at the time of planting; and

c) any trees that do not survive the planting or perish in the future must be replaced with a tree of a similar type and size no later than the next planting season at the discretion of the Development Authority.

5.15 Illumination

5.15.1 Outdoor lighting must be located and arranged so that rays of light are not directed at an adjacent site and indirect rays of light do not adversely affect an adjacent site.

5.15.2 Outdoor lighting must be located and arranged so that traffic safety is not adversely affected.

5.16 Parking and loading requirements

5.16.1 On site parking shall be provided as follows:

Land Use	Minimum On-site Parking Requirement
Residential	
Single detached house, mobile home and modular homes.	2 stalls
Semi-detached house	4 stalls
Duplex	4 stalls
Triplex, Fourplex	1 stall per 1 bedroom unit, 1.5 stalls per two bedroom unit and 2 stalls per 3 bedroom unit
Townhouse	2 stalls per dwelling unit plus 1 stall per 3 dwelling units for visitor parking
Apartment	1 stall per one bedroom unit, 1.5 stalls per two bedroom unit , 2 stalls per 3 bedroom unit, 1 stall per 3 dwelling units for visitors
Bed and Breakfast	As required by Development Authority
Commercial	
Automotive services, Gas Bar	1 stall per 35 sq metres of public net area and 1 stall per employee during maximum work shift. See Subsection 5.37 for additional requirements.
Amusement Arcade, Adult Entertainment Facility and Pool Hall	3 stalls per 10 sq. metres of public net area plus 1 stall per employee during the maximum work shift.
Art Gallery, Professional Services and Financial Institutions	1 stall per 35 sq metres of public net area and 1 stall per employee during maximum work shift. See also Subsection 5.37 for drive through financial institutions.

Banquet/convention rooms, Community Halls	1 stall per 4 seats based on maximum design capacity.
Bingo hall	1 stall per 4 seats
Business Support Services	1 stall per 35 sq metres of public net area and 1 stall per employee during the maximum work shift.
Carwash	4 stalls for employee and public parking plus the requirements of Subsection 5.37 for queuing.
Construction Service, Equipment Rental	1 stall per 35 sq. metres of public net area plus 1 stall per employee during the maximum work shift.
Convenience Store, General Retail Stores, General Services, Grocery Store, Household Repair Service, Liquor Stores, Specialty Stores and Video Outlet.	1 stall per 35 sq metres of public net area plus 1.5 stalls per 2 employees during maximum work shift plus a loading facility.
Daycare	1 stall per staff on duty during the maximum work shift plus 0.2 stall per child based on design capacity.
Drinking establishment	1 stall per 4 seats, plus 1 stall per employee during the maximum work shift plus a loading facility.
Hotels and motels	1 stall per guest room plus 1.5 stalls per employee during the maximum work shift
Hotels and motels with Convention/Banquet rooms and/or Restaurants and/or Drinking Establishments	75% of the total of 1 stall per guest room plus all areas designated for other uses in accordance to the parking provision plus 1.5 stalls per employee during the maximum work shift plus a loading facility.
Restaurant	1 stall per 4 seats, plus 1 stall per employee during the maximum work shift plus a loading facility. See also Subsection 5.37 for drive-through restaurants.
Shopping centre/ Strip Mall / Multiple Commercial Development	As required by the Development Authority
Theatre and cinemas	1 stall per 4 seats
Veterinary Clinic, Animal Services	1 stall per 35 sq. metres of net public area plus 1 stall per staff during the maximum working shift.
Public and Private Services	
Churches	1 stall per 5 seating spaces
College, Commercial School	1 stall per daytime employee and 1 stall per every 5 full time students based on design capacity.
Funeral Home	1 stall per 5 seats, 1 stall per funeral home vehicle plus 1 stall per employee during the maximum working shift.
Government Service	1 stall per 35 sq meter of public net area and 1 stall per employee during maximum work shift
Health Services	3 stalls per examining room plus 1 stall per employee during maximum work shift
Hospital	1 stall per 4 patients or resident beds plus, 1 stall per employee required during the maximum work shift plus a loading facility.
Library	1 stall per 35 sq. metres of net public area plus 1 stall per staff during the maximum working shift.
Police Station, Fire Hall	1 stall per employee/volunteer during the maximum working shift plus 5 stalls for the public. 1 stall per emergency vehicle is to be provided if provisions are not provided in the principle building.

Post Office	1 stall per 10 sq meter of public net area and 1 stall per employee during maximum work shift plus a loading facility.
Recreation service	As required by the Development Authority
School - Elementary and junior high	1 stall per classroom plus 1 stall per admin staff and 1 stall per 5 sq metres of gymnasium.
School - Senior high	1 stall per classroom plus 1 stall per admin staff and 1 stall per 5 sq metres of gymnasium.
Treatment Centre	1 stall per 6 patients or resident beds plus, 1 stall per employee required during the maximum work shift.
Industrial	
Industrial Uses, Manufacturing Plants, Processing Plants and Industrial Support Services.	1 stall per employee during the maximum work shift plus 1 stall per 35sq metres of public area
Loading Facilities	Loading facilities must be onsite of any development to the satisfaction of the Development Authority and in accordance to 5.16.10

5.16.2 Where a development falls within 2 or more of the categories listed in clause 5.16.1, it shall comply with all parking regulations applicable to all of the categories.

5.16.3 If a calculation under clause 5.16.1 results in a fractional number, the number shall be rounded upwards to the next whole number.

5.16.4 The required parking shall be located on the same site as the building or use in respect of which it is required and shall be designed, located and constructed so that:

(a) it has a legal means of motor vehicle access;

(b) a turning space on the lot is provided so that motor vehicles leaving the lot do not back into a major arterial roadway;

(c) it can be properly maintained;

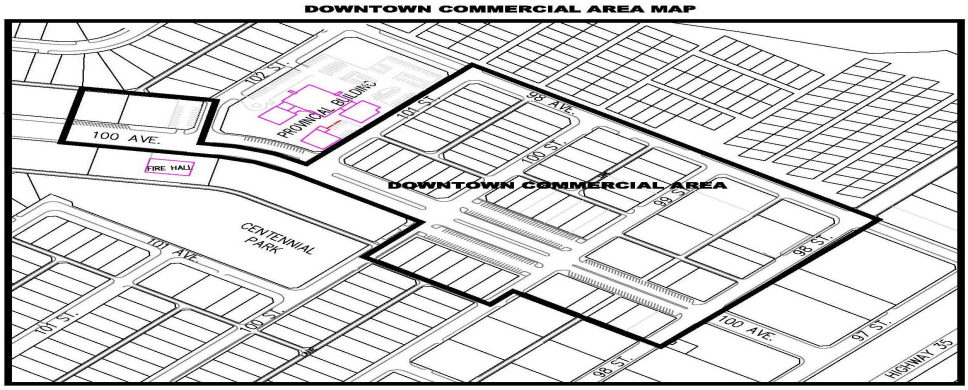
(d) it is satisfactory to the Development Authority in size, shape location and construction.

5.16.5 Any additional parking requirements necessitated by a change in use of an existing building may be waived by the Development Authority if deemed the lack of required stalls would not adversely affect traffic or surrounding properties in the area.

5.16.6 Notwithstanding Article 5.16.4 and 5.16.5, developments in the Downtown Commercial Area as shown in Article 5.16.7, shall pay a fee as established by Council from time to time in lieu of providing on-site parking or the absence of the required parking for a change of use. Despite this provision, all residential uses and employee parking in the Downtown Commercial Area shall have on-site parking in accordance to Article 5.16.1.

5.16.7 That Article 5.16.7 be amended in its entirety as follows:

For the purposes of Article 5.16.6, the Downtown Commercial Area is the area as shown on the following map.



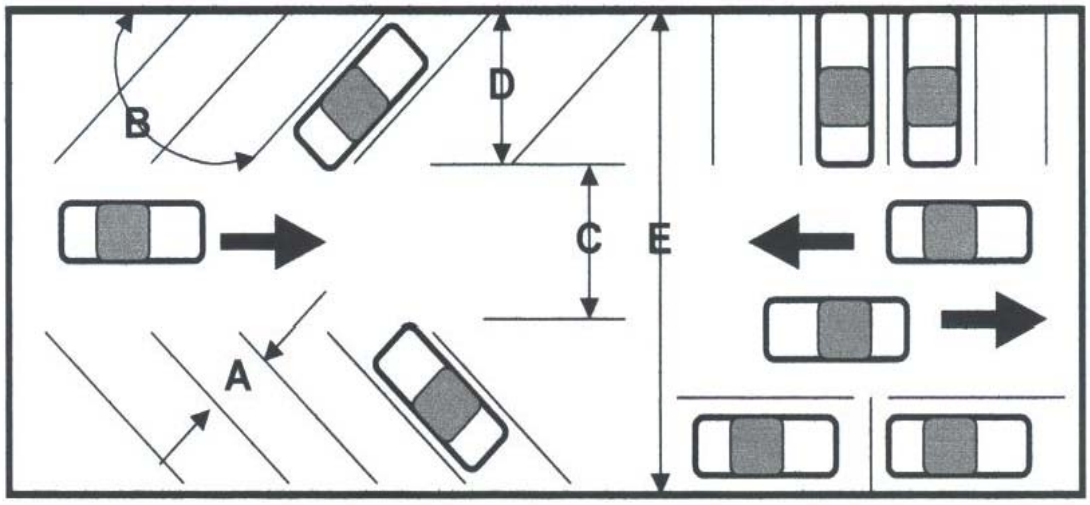
5.16.8 That Article 5.16.8 be amended in its entirety as follows:

The minimum dimensions for parking facilities shall be as set out in Table 5.16.8 – Parking Stall Design Standards

Table 5.16.8 - Parking Stall Design Standards

Stall Width (A)	Parking Angle (in Degrees) (B)	Aisle Width (C)	Stall Depth Perpendicular to Aisle (D)	Parking Unit Depth (E)
7.0m	0° (Parallel)	3.5m (One Way) or	2.9 m	6.4m (One Way)
		7.0m (Two Way)		12.8m (Two Way)
2.8m	45°	4.0m	6.10m	16.0m
3.0m		3.8m		15.8m
3.15m		3.65m		15.7m
2.8m	60°	5.5m	6.4m	18.3m
3.0m		5.3m		18.1m
3.15m		5.2m		18.0m
2.8m	90°	7.32m	5.8m	18.92m
3.0m		7.01m		18.61m
3.15m		6.70m		18.3m

Parking Standard Dimensions (relate to column headings in above table)



5.16.9 Deleted by Bylaw 822-05

5.16.10 A loading facility shall be designed and located so that all vehicles using that space can be parked and maneuvered entirely within the bounds of the site before moving onto adjacent streets. The Development Authority, having regard to the types of vehicles that are likely to use the loading space, may change the loading space dimensions. A loading space shall be a minimum width of 3 m and a minimum depth of 9 m with a minimum overhead clearance of 4.3 m.

5.16.11 Notwithstanding clause 5.16.1, provision for additional space for school bus and parent parking on a school property may be required and suitably designed at the discretion of the Development Authority.

5.16.12 Parking spaces shall not be located in the front yard in a R-3 district for multiple family uses unless, in the opinion of the Development Authority,

(a) site conditions do not permit rear parking, or

(b) parking in the front yard is compatible with adjacent properties.

5.16.13 Every on-site parking space provided or required in any residential district and access thereto, including the whole area contained within the municipal land to which the curb crossing applies, shall be hardsurfaced within two years of the date of issuance of the Building Permit for the development.

5.16.14 Every on-site parking space provided in any commercial district and access thereto, including the whole area contained within the municipal land to which the curb crossing applies, shall be hardsurfaced if the access thereto is from a street or land, which is hardsurfaced.

5.16.15 Every on-site parking space provided or required in an industrial district and access thereto, including the whole area contained within the municipal land to which the curb crossing applies, shall be hardsurfaced if such areas lies in front of the principal building if the access thereto is from a street or land which is hardsurfaced. Any area at the rear or side of the principal building provided or required for on-site parking need not be hardsurfaced, but shall be of such a surface that will minimize the carrying of dirt or foreign matter upon the highway or street.

5.16.16 When a building is enlarged, altered, or changed in use, in such a manner as to cause intensification of the use of that building, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The required parking shall be based only on the number of additional parking spaces required because of the enlargement, change in use, or intensification of the use of the building.

5.16.17 On-site parking shall be provided in the manner shown on the approved site plan with the entire area to be graded so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Authority.

5.16.18 Adequate curbs or concrete bumpers or fences shall be provided to the satisfaction of the Development Authority, if the opinion of the Development Authority, it is or becomes necessary to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site, or an abutting site, from contact with the vehicles using such parking space or area.

5.16.19 Parking for disabled persons shall be provided in accordance to the Safety Codes Act.

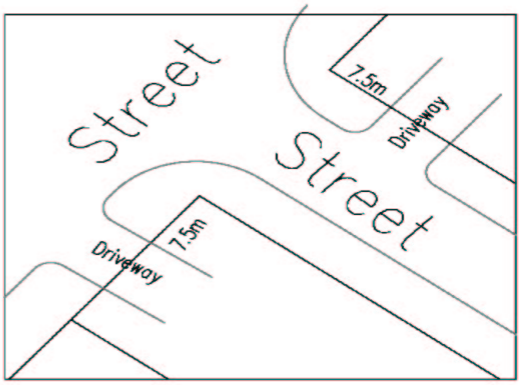
5.16.20 All emergency access routes and fire lanes shall be provided in accordance to the Safety Codes Act and shall be appropriately signed to prohibit obstruction to the satisfaction of the Town of High Level Fire Chief.

5.16.21 All curbs and/or sidewalks cut or removed for the purpose of a crossing shall be replaced or reconstructed with concrete to standard civil engineering specifications for commercial, lane and private crossings.

5.16.22 Curb cuts shall be set back a minimum distance of 7.5 m from the intersection of site boundaries on corner lots.

EXPLANATION PURPOSES ONLY
DOES NOT FORM PART OF THE BYLAW

Curb cut setback

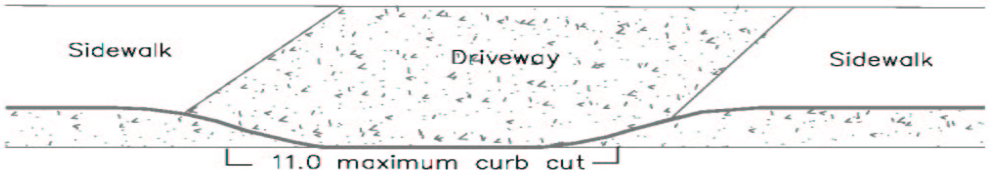


5.16.23 Notwithstanding clause 5.16.22, the setback distance for curb cuts may be increased where, in the opinion of the Development Authority, such increase is necessary for reasons of public safety and convenience.

5.16.24 The maximum width of curb cutting shall not exceed 11 m unless otherwise approved by the Development Authority on reasons of public or traffic safety.

EXPLANATION PURPOSES ONLY
DOES NOT FORM PART OF THE BYLAW

Curb Cut

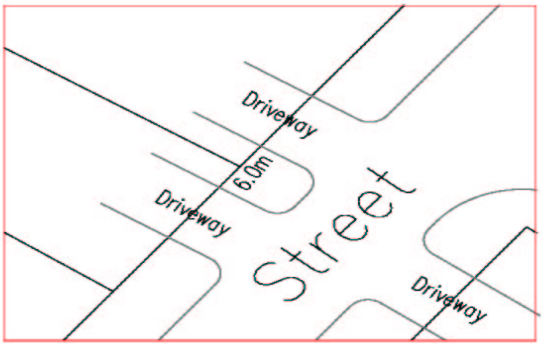


5.16.25 The sides of driveway approaches crossing sidewalks or boulevards may be constructed on an angle with the curb line, but in no case the angle between the curb and the driveway shall be less than 30 degrees.

5.16.26 The minimum distance between adjacent curb cuttings on the same property line of a lot shall be not less than a distance of 6 m from each other, measured at the property line. The Development Authority may increase the minimum clear distance in any cases where, because of width of adjacent sidewalks or boulevards or traffic condition such increase is necessary for reasons of public safety or convenience.

EXPLANATION PURPOSES ONLY
DOES NOT FORM PART OF THE BYLAW

Adjacent Curb Cut



5.16.27 The Development Authority may reduce, or eliminate, the required on-site parking specified in Article 5.16.1, for a use in a Commercial District if it is deemed appropriate to permit;

(a) street parking on the frontage or flankage of a lot;

(b) parking in a Municipal or private parking lot within the vicinity of the proposed development.

5.17 Moved-in Buildings

5.17.1 All buildings proposed to be moved into, within or out of the Town of High Level shall require a development permit.

5.17.2 Prior to processing the development application, floor plans and coloured photographs of the proposed building, accurately depicting the style and general condition, shall be submitted with the normally required information under this Bylaw.

5.17.3 Public notification of the approval of a moved-in building will be done in accordance to subsection 4.7 and all adjacent landowners within a 100 m radius of the proposed site, shall be notified in writing.

5.17.4 Any building receiving approval to be relocated shall be brought up to all existing federal, provincial, and municipal standards, ordinances, rules, regulations, and bylaws.

5.17.5 No building will be relocated to the Town of High Level, which is known to be substandard or has defects which would not have been known defects at the time of construction (such as urea-formaldehyde insulation, sprayed asbestos insulation, etceteras).

5.17.6 If deemed necessary by the Development Authority, a moved-in building shall be inspected, at the applicant's expense, by a professional engineer who will provide the Town with written certification of the building's structural condition and that all codes, ordinances and regulations have been complied with.

5.17.7 All renovations and any conditions imposed by the Development Authority to a moved-in building shall be completed by the time stipulated by the Development Authority, but in no case, that time is to be no more than one year.

5.17.8 Moved-in buildings shall be deemed discretionary uses in all land use districts, which allow such structure types as either permitted or discretionary.

5.18 Sign control

5.18.1 No sign of advertising, directional or information nature that is attached to the ground or to any exterior surface of a building or structure shall be installed unless a development application for this purpose has been approved by the Development Authority.

5.18.2 Temporary signs that are not attached to the ground, a building, or structure, and are portable, such as A-board signs, construction site identification signs, changeable copy portable signs and real estate signs, do not require development permits but must conform to the requirements of this Bylaw.

5.18.3 Signs shall only be approved when, in the opinion of the Development Authority, the sign or signs;

(a) do not obstruct the orderly and safe flow of vehicular and pedestrian traffic or the sight lines required under this Bylaw;

(b) do not unduly interfere with the amenities of the district in which they are located;

(c) do not materially interfere with or affect the use, enjoyment or value of neighbouring properties; and;

(d) do not create visual or aesthetic blight.

5.18.4 A sign height must not exceed the maximum building height allowed in the district.

5.18.5 No sign shall be illuminated unless the source of light is suitably shielded and must not negatively affect, nor pose a safety hazard to, an adjacent site or road.

5.18.6 Wiring and conduits for electrified signs must be concealed from view.

5.18.7 Where the Development Authority finds a sign that contravenes the provisions of this Bylaw, is abandoned, or in bad repair he may, by notice in writing, served personally or by registered mail, order the registered owner, the person in possession of the land or building or the person responsible for the sign to:

(a) remove the sign within 10 days after receipt of the notice; or

(b) take such measures as are specified in the notice to alter the sign so it complies with the provisions of this Bylaw; or

(c) take such measures as are specified in the notice to refurbish or alter the sign.

5.19 Outside and garbage storage

5.19.1 In a Residential District there shall be no outside storage of inoperable, dilapidated, wrecked or dismantled:

(a) motor vehicles;

(b) recreation equipment;

(c) recreation vehicles; or

(d) other equipment of any kind.

5.19.2 In a Residential District there shall be no outdoor storage of materials or goods that are associated with a business or home occupation.

5.19.3 Outside storage in the Highway Commercial District and the Commercial District shall be screened from view of public roads, highways and residential districts by a solid fence or wall, or on-site landscaping that provides a year-round screen.

5.19.4 Garbage storage in an R-3, commercial or industrial area must be located in a storage bay within, or attached to, the principal building, or a freestanding enclosure designed to the satisfaction of the Development Authority.

5.19.5 Garbage storage in R-1A, R-1B, R-1C, R-2A or R-2B Districts shall be in the interior yard or rear yard unless being placed for garbage pickup, in which it may be placed in the location of pickup on that day only.

5.20 Accessory buildings, commercial and industrial districts

5.20.1 Unless otherwise specified in this Bylaw, accessory building setbacks and heights of accessory buildings or structures shall be determined by the Development Authority.

5.21 Accessory buildings, residential districts

5.21.1 Any accessory building shall be located at least 2 m from any principal building.

5.21.2 Any accessory building erected on a site in any residential area shall not be used as a dwelling.

5.21.3 The total combined area of all accessory buildings shall not exceed 15 percent of the site area.

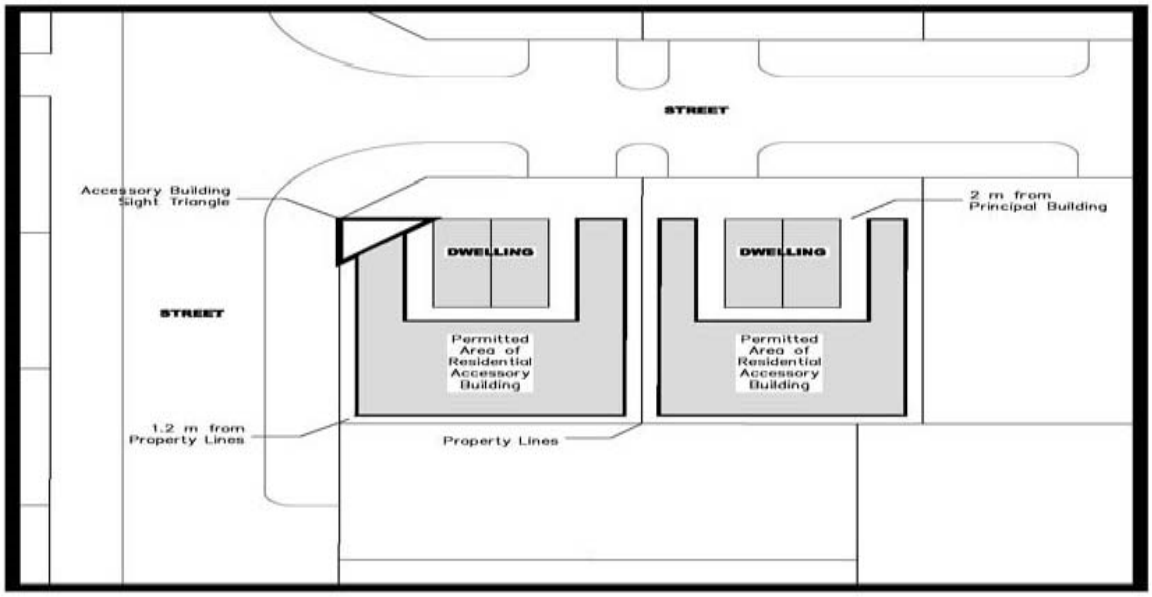
5.21.4 An accessory building shall not exceed 3 m in height.

5.21.5 An accessory building shall be:

(a) located in a rear yard, interior yard or exterior yard. If located in an exterior yard, the accessory building shall not be located in the sight triangle formed by the exterior side property line, a line perpendicular from the exterior property line to the front of the principle building and a line drawn at 45 degrees from the front of the principle building to the exterior property line;

(b) located no closer than 1.2 m from any side or rear lot line with no portion of the structure being closer than 0.6 m from the side or rear lot line.

DIAGRAM 5.21 - RESIDENTIAL ACCESSORY BUILDINGS



5.22 Detached garages and detached carports

5.22.1 A detached garage or detached carport must not be

(a) located less than 1.2 m from the side or rear property lines of the lot;

(b) located less than 2 m from the principal building on the lot;

(c) more than 4.5 m in height; or

(d) encroach onto a required front yard.

5.22.2 In addition to the requirements in clause 5.22.1, on a corner lot, a detached garage or carport must be located at least 4.5 m from the side property line adjoining the public roadway where there is no sidewalk or 6 m from the edge of the sidewalk nearest the property line, whichever is greater; and the face of the garage must be located at least 6 m from the edge of the sidewalk closest to the development.

5.22.3 A lane facing detached garage shall be located either a minimum distance of 6 m or a distance of 1.2m from the property line adjoining the lane.

5.23 Decks

5.23.1 A deck shall

(a) meet the required front yard setback of the principal building;

(b) be located at least 1 m from the side property line;

(c) be located at least 3 m from the rear property line.

5.23.2 If a deck is more than 1.5 m above finished grade, it must be located at least 5 m from all property lines, unless:

(a) the Development Authority determines that a 5 m separation from all property lines is not required due to site conditions;

(b) the Development Authority determines that privacy screening of at least 1.8 m in height is required to protect the privacy of any existing or future adjacent development; and

(c) the deck complies with the setback of the principal building.

5.24 Fences, residential districts

5.24.1 A fence in or around a front yard must not exceed 1 m in height.

5.24.2 A fence in or around side or rear yards must not exceed 2 m in height.

5.24.3 For the purposes of clause 5.24.1 only, the depth of a front yard shall be the distance from the front property line to the foremost portion of the on-site principal building.

5.24.4 Notwithstanding anything in this section, no fence is permitted in the front or side yard of a corner lot if, in the opinion of the Development Authority, the fence will block or impede traffic sight lines.

5.25 Fences, industrial, institutional and commercial districts

5.25.1 Fences in industrial districts shall not exceed 2 m unless otherwise approved by the Development Authority.

5.25.2 Fences in institutional and commercial districts shall comply with subsection 5.24 unless otherwise approved by the Development Authority.

5.25.3 Any fences incorporating barbed wire or any device for security measures that may cause bodily harm shall be approved by the Development Authority.

5.25.4 Notwithstanding anything in this section, no fence is permitted in the front or side yard of a corner lot if, in the opinion of the Development Authority,
the fence will block or impede traffic sight lines.

5.26 Satellite dish and radio antennas, residential districts

5.26.1 A satellite dish antenna must not be:

(a) located in a front or side yard;

(b) less than 1m from side and rear property lines;

(c) roof-top mounted, if it has a diameter greater than 0.5 m;

(d) more than 4 m in height from finished grade unless it is rooftop mounted;

(e) greater than 3.5 m in diameter.

5.26.2 There shall be no more than 1 satellite dish antenna on a lot.

5.26.3 A radio antenna must not be:

5.26.4 (a) located in a front yard;

(b) located less than 1.5 m from side and rear property lines; or

(c) more than 12 m in height above finished grade.

5.26.5 There shall be no more than 1 freestanding radio antenna on a lot.

5.26.6 There shall be no more than 2 roof top radio antennas on a lot.

5.27 Satellite dish and radio antennas, industrial, institutional and commercial districts.

5.27.1 No satellite dish antenna or radio antenna shall exceed the maximum building height allowed in the district either alone or attached.

5.27.2 At the discretion of the Development Authority, satellite dish antennas may be required to be screened in institutional and commercial districts.

5.28 Air conditioners

5.28.1 A freestanding exterior air conditioner must not be:

(a) located in a front yard; or

(b) located less than 1 m from side and rear property lines.

5.29 Fire pits and barbecues

5.29.1 A fixed outdoor fire pit, barbecue, fireplace or stove shall not be:

(a) located in a front or side yard;

(b) located less than 3 m from side and rear property lines; or

(c) located less than 3 m from any building.

5.30 Fire hydrants

5.30.1 No fence, object, structure or building shall be located within a 1.2 m radius of a fire hydrant.

5.31 Home occupations

5.31.1 A person conducting a home occupation shall not:

(a) store materials, commodities or finished products associated with the home occupation outside the dwelling unit or garage; and

(b) use mechanical equipment in connection with the occupation, unless the equipment is commonly used in a home.

5.31.2 If a person provides instruction as a home occupation, no more than 5 students or customers shall be in attendance at the site at any one time.

5.31.3 No person, other than a resident of the dwelling unit, shall be employed in a home occupation.

5.31.4 Notwithstanding article 5.31.3, a replacement worker for a home occupation resident worker may be allowed during vacation, periods of illness or other similar circumstances deemed appropriate by the Development Authority, but under no circumstances for a period of more than 21 days.

5.31.5 The home occupation shall be operated as a secondary use only and shall not change the principal character or external appearance of the dwelling unit or garage involved.

5.31.6 A home occupation shall not be permitted if

(a) it produces offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance; and

(b) the Development Authority determines that such use would be more appropriately located in a commercial or industrial district having regard for, among other matters, potential traffic generation and potential interference with the residential character of the area.

5.31.7 An unlighted sign to identify the home occupation may be placed in a window or attached to the exterior of the residence and the size of the sign shall be limited to .2 sq. m.

5.31.8 In addition of the requirements of Subsection 4.7, the Development Authority shall notify all adjacent property owners, within 100 metres measured linearly along abutting streets, of an approved decision.

5.32 Bed and breakfast

5.32.1 Bed and breakfast establishments shall:

(a) have no cooking facilities in a guest room;

(b) have a minimum guest room size of 7 sq. m per single occupant and 4.6 sq. m per person for multiple occupants;

(c) have a window for each guest room; and

(d) have sanitation facilities and potable water as required by relevant authorities.

5.32.2 Prior to approval, the Development Authority may require that the following inspections are performed and associated fees paid;

(a) a building inspection; and

(b) an inspection by a Public Health Inspector.

5.33 Mobile homes

5.33.1 Mobile homes shall be of sound construction and appearance to the satisfaction of the Development Authority.

5.33.2 The undercarriage of a mobile home shall be completely screened from view by skirting or by the foundation.

5.33.3 Axles, wheels, running gear and towing tongues shall be removed upon the placing of the mobile home on the foundation.

5.33.4 All accessory structures, additions, porches and skirting shall be of a quality and appearance equivalent to the mobile home.

5.34 Churches

5.34.1 Churches shall not exceed the maximum height permitted in the district in which it is proposed, or located, unless permitted by the Development Authority having due regard to the amenities of the area.

5.34.2 The site upon which a church is situated shall have a frontage of not less than 30 m and an area of not less than 900 sq. m.

5.34.3 In the case where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same site as the church, the combined area of the site shall not be less than 1200 sq. m.

5.35 Temporary bunkhouses

5.35.1 Temporary bunkhouses shall be located in the industrial districts and for a maximum period of five months.

5.35.2 There shall be no more than one residence per lot and must contain adequate water and sewer service satisfactory to the Development Authority and the Public Health Inspector.

5.35.3 The development application shall be subject to the approval by the Public Health Inspector.

5.36 Deleted. Bylaw No. 669-97

5.37 Drive-through businesses

5.37.1 A drive-through business shall have entrances and exits approved by the Development Authority that provides means for circulation within the lot and are adequately signed.

5.37.2 The minimum site area is:

(a) 930 sq. m. for a drive-in restaurant or drive-through restaurant;

(b) 1200 sq. m for a drive-through automotive service or car wash;

(c) 360 sq. m for a gas bar with up to 3 gas pumps, plus 65 sq. m per additional gas pump;

(d) 1000 sq. m for a drive-through financial institution;

(e) to be determined by the Development Authority for all other drive-through businesses taking into account the site constraints and nature of the business.

5.37.3 Queuing space and traffic circulation shall be provided in accordance with the following:

(a) a drive-through business with a drive-up service window must provide a minimum of 3 in-bound and 1 out-bound queuing spaces per window;

(b) a drive-through automotive service or car wash must provide a minimum of 3 in-bound and 1 out-bound queuing spaces per service bay;

(c) queuing spaces must be 6 m long and 3 m wide;

(d) queuing spaces must allow for vehicle turning and maneuvering; and

(e) pump islands must be located to allow a minimum 6 m wide through traffic lane.

5.37.4 In addition to any other landscaping requirements under this Bylaw, a berm, of a height to be determined by the Development Authority taking site conditions into account, and a fence or wall, of at least 1 m in height and located on top of or along side the berm, shall be erected and maintained to separate the drive-through business from any adjacent residential use or district.

5.38 Shopping Centers

5.38.1 Notwithstanding any other provision in this Bylaw, a shopping centre shall satisfy the Development Authority as to:

(a) orientation, exterior design and architectural appearance of buildings or structures; and

(b) location of development in relation to adjacent land uses; and

(c) vehicular traffic flow patterns within and access to and from public roadway; and

(d) safe pedestrian access and egress within the site and from any public sidewalk; and

(e) location of exterior signs (information, directional, advertising).

5.38.2 A shopping centre shall contain those commercial establishments listed under the "Permitted or Discretionary Uses" column in the Primary Commercial (C) District.

5.38.3 The Development Authority may decide on such other requirements as are necessary having regard to the nature of the proposed shopping centre development and the intent of the district.

5.39 Health services in Residential Districts

5.39.1 Health services in a residential district shall be limited to one health professional and two support staff working at any given time.

5.39.2 There shall be a minimum of two on-site parking stalls.

5.39.3 The exterior of the building shall retain a residential character comparable to surrounding properties. In the case of new construction, the building must be of a residential character equal or exceeding the appearance of surrounding properties and keeping with the intent of the district.

5.39.4 That the use is limited to that which does not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood, and in consideration of other residents, the Development Authority may restrict the hours of operation.

5.39.5 An unlighted sign to identify the health service may be placed in a window or attached to the exterior of the building and the size of the sign shall be limited to .2 sq. m.

5.39.6 A health service shall be refused by the Development Authority if at the time of application the same health service exists in a commercial district.

5.39.7 In addition of the requirements of subsection 4.7, the Development Authority shall notify all adjacent property owners, within 100 m of the property proposed to be used for the health service, of an approved application.

5.40 Easements

5.41 Despite the fact that a development may conform to the regulations of this Bylaw, a development permit may not be issued for a development, other than a fence, that encroaches into or over a utility easement or right of way without written consent of the easement owner or the person whose utility line is found in the easement, or both.

SECTION 6 ESTABLISHMENT OF DISTRICTS

6.1. District classification

6.1.1 For the purposes of this Bylaw, all lands within the boundaries of the Town shall be divided into the following districts.

District	Symbol
Residential Type 1A	R-1A
Residential Type 1B	R-1B
Residential Type 1C	R-1C
Residential Type 2A	R-2A
Residential Type 2B	R-2B
Multiple Family Dwelling	R-3
Mobile Home Park	MHP
Mobile Home Park District 2	MHP2
Mobile Home Subdivision	MHS
Direct Control	DC
Central Commercial	C
Central Commercial District	C2
Highway Commercial	HC
General Industrial	GI
Restrictive Industrial	RI
Public and Private Service	PS
Public Recreation	PR
Agricultural Urban Reserve	A-UR
Wetland	W

6.1.2 Throughout this Bylaw and any amendments thereto, a district may be referred to either by its full name or by its symbol as set out in subsection 6.1.1

6.1.3 The District Map, as may be amended or replaced from time to time, is that map attached to and forming part of this Bylaw as Schedule “A”.

6.1.4 Where uncertainty exists as to the boundary of a land use district as shown on the Land Use District Map, the following shall apply:

(a) where a boundary is shown following a street or lane, it shall be deemed to follow the centre line of such;

(b) where a boundary is shown as approximately following a lot line, or the boundary of the Town, it shall be deemed to follow the lot or boundary line.

SECTION 7 RESIDENTIAL TYPE 1A DISTRICT (R-1A)

7.1 Application and purpose

7.1.1 This section applies to the district designated as Residential Type 1A (R-1A) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Residential Type 1A District is to provide an area for single-detached houses and other developments compatible with the low-density residential nature of the district.

7.2 Uses

7.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 7.3 and 7.4.

7.3 Permitted uses

7.3.1 The following are permitted uses:

(a) Single-detached house;

(b) park;

(c) playground;

(d) semi-detached house;

(e) modular home; and

(f) an accessory building or structure.

7.4 Discretionary uses

7.4.1 The following are discretionary uses:

(a) family day home;

(b) health service;

(c) home occupation;

(d) bed and breakfast,

(e) public use and

(f) duplex within Plan 002 2561 and Plan 002 3920 (Bylaw 742-00)

(g) secondary suite

7.5 Site provisions

7.5.1 Lot width (minimum): 11 metres

7.5.2 Lot depth (minimum): 30 metres

7.5.3 Lot area (minimum): 330 square metres

7.5.4 Front yard building setback (minimum): 6 metres unless otherwise required by the Development Authority to maintain compatibility with existing adjacent structures.

7.5.5 Rear yard building setback (minimum): 7.6 metres

7.5.6 Exterior side building setback (minimum): 3 metres

7.5.7 Interior side building setback (minimum): 1.2 metres on both sides of dwellings with an attached garage;

1.2 metres on one side and 3 metres on the other side for dwellings without an attached garage. All dwellings without an attached garage approved prior to June 1, 2007 may have a minimum interior side setback of 1.2 metres on both sides.

7.5.8 Floor area (minimum): 70 square metres

7.5.9 Building height (maximum): 10 metres

7.5.10 Coverage of site (maximum): 40 percent

7.5.11 All accessory buildings and structures shall conform to the requirements of Section 5.

7.5.12 Parking requirements shall be on-site and in accordance to the provision of Subsection 5.16.

SECTION 8 RESIDENTIAL TYPE 1B DISTRICT (R-1B)

8.1 Application and purpose

8.1.1 This section applies to the district designated as Residential Type 1B (R-1B) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Residential

Type 1B District is to provide an area for moderate sized single-detached houses and other developments compatible with the low-density residential nature of the district.

8.2 Uses

8.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 8.3 and 8.4.

8.3 Permitted uses

8.3.1 The following are permitted uses:

(a) single-detached house;

(b) park;

(c) playground; and

(d) an accessory building or structure.

8.4 Discretionary uses

8.4.1 The following are discretionary uses:

(a) modular home;

(b) church;

(c) family day home;

(d) home occupation;

(e) bed and breakfast; and

(e) public use.

(f) secondary suite

8.5 Site provisions

8.5.1 Lot width (minimum): 15.6 metres

8.5.2 Lot depth (minimum): 36 metres

8.5.3 Lot area (minimum): 540 square metres

8.5.4 Front yard building setback (minimum): 6 metres unless otherwise required by the Development Authority to maintain compatibility with existing adjacent structures.

8.5.5 Rear yard building setback (minimum): 7.6 metres

8.5.6 Exterior side building setback (minimum): 3 metres

8.5.7 Interior side building setback (minimum): 1.2 metres

8.5.8 Floor area (minimum): 110 square metres

8.5.9 Building height (maximum): 10 metres

8.5.10 Coverage of site (maximum): 35 percent

8.5.11 All accessory buildings or structures shall conform to the requirements in Section 5.

SECTION 8A RESIDENTIAL TYPE 1BC DISTRICT (R-1BC)

8A.1 Application and purpose

8A.1.1 This section applies to the district designated as Residential Type 1BC (R-1BC) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Residential Type 1BC District is to provide an area for moderate sized single-detached houses and other developments compatible with the low-density country residential nature of the district.

8A.2 Uses

8a.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 8.3a and 8.4a.

8A.3 Permitted uses

8A.3.1 The following are permitted uses:

(a) single-detached house;

(b) park;

(c) playground; and

(d) an accessory building or structure.

8A.4 Discretionary uses

8A.4.1 The following are discretionary uses:

(a) church;

(b) family day home;

(c) home occupation;

(d) bed and breakfast; and

(e) public use.

(f) secondary suite

8A.5 Site provisions

8A.5.1 Lot width (minimum): 25 metres

8A.5.2 Lot depth (minimum): 40 metres

8A.5.3 Lot area (minimum): 1000 square metres

8A.5.4 Front yard building setback (minimum): 7.6 metres

8A.5.5 Rear yard building setback (minimum): 7.6 metres

8A.5.6 Exterior side building setback (minimum): 3 metres

8A.5.7 Interior side building setback (minimum): 3 metres

8A.5.8 Floor area (minimum): 110 square metres

8A.5.9 Building height (maximum): 11 metres

8A.5.10 Coverage of site (maximum): 25 percent

8A.5.11 All accessory buildings or structures shall conform to the requirements in Section 5.

8A.6 Architectural and site requirements

8A.6.1 All buildings and structures shall be equal to, or greater than, the quality of the existing homes in the district.

8A.6.2 All sites are to be graded and landscaped to provide proper storm-water runoff that does not affect adjoining properties.

8A.6.3 All sites shall maintain, as a minimum, the ratio of 1 tree per 50 sq. m of lot size.

SECTION 9 RESIDENTIAL TYPE 1C DISTRICT (R-1C)

9.1 Application and purpose

9.1.1 This section applies to the district designated as Residential Type 1C District (R-1C) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Residential Type 1C District is to provide an area for single-detached houses and other developments compatible with the low-density country residential nature of the district.

9.2 Uses

9.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 9.3 and 9.4.

9.3 Permitted uses

9.3.1 The following are permitted uses:

(a) single-detached house;

(b) park;

(c) playground; and

(d) an accessory building or structure.

9.4 Discretionary uses

9.4.1 The following are discretionary uses:

(a) church;

(b) home occupation;

(c) bed and breakfast; and

(d) family day home.

(e) secondary suite

9.5 Site provisions

9.5.1 Lot width (minimum): 35 metres

9.5.2 Lot depth (minimum): 40 metres

9.5.3 Lot area (minimum): 1200 square metres

9.5.4 Front yard building setback (minimum): 7.6 metres

9.5.5 Rear yard building setback (minimum): 7.6 metres

9.5.6 Exterior side building setback (minimum): 3 metres

9.5.7 Interior side building setback (minimum): 3 metres

9.5.8 Floor area (minimum): 140 square metres

9.5.9 Building height (maximum): 11 metres

9.5.10 Coverage of site (maximum): 20 percent

9.5.11 All accessory buildings and structures shall conform to the requirements of Section 5.

9.6 Architectural and site requirements

9.6.1 All buildings and structures shall be equal to, or greater than, the quality of the existing developments in the district.

9.6.2 All sites are to be graded and landscaped to provide proper storm-water runoff that does not affect adjoining properties.

9.6.3 All sites shall maintain, as a minimum, the ratio of 1 tree per 50 sq. m of lot size.

SECTION 10 RESIDENTIAL TYPE 2A DISTRICT (R-2A)

10.1 Application and purpose

10.1.0 This section applies to the district designated as Residential Type 2A (R-2A) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Residential Type 2-A District is to provide an area for duplex and semi-detached housing and other developments compatible with low-density nature of the district.

10.2 Uses

10.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 10.3 and 10.4.

10.3 Permitted uses

10.3.1 The following are permitted uses:

(a) duplex;

(b) semi-detached dwelling;

(c) single-detached house;

(d) park;

(e) playground; and

(f) an accessory building or structure.

10.4 Discretionary uses

10.4.1 The following are discretionary uses:

(a) modular home;

(b) double wide mobile;

(c) mobile home;

(d) church;

(e) health service;

(f) home occupation;

(g) family day home;

(h) group home; and

(i) a public use.

10.5 Site provisions

10.5.1 Lot width (minimum): semi-detached dwelling: 8 metres per unit
other residential: 13 metres

10.5.2 Lot depth (minimum): 36 metres, unless located in Plan 5035 TR in which minimum lot depth is 30 metres.

10.5.3 Lot area (minimum): semi-detached dwelling: 550 square metres
duplex: 460 square metres
other residential: 400 square meters

10.5.4 Front yard building setback (minimum):

lots within Plan 5035 TR 4.5 metres
all other lots 7.6 metres

10.5.5 Rear yard building setback (minimum): 7.6 metres, mobile homes on lots with a depth less than 36 metres may have a minimum rear yard building setback of 1.5 metres.

10.5.6 Exterior side building setback (minimum): 3.1 metres

10.5.7 Interior side building setback (minimum): 1.2 metres

10.5.8 Floor area (minimum): semi-detached dwelling: 75 sq. m per unit
duplex: 75 sq. m per unit
single-detached house: 90 square metres
mobile home: 80 square metres

10.5.9 Building height (maximum): 10 metres

10.5.10 Coverage of site (maximum): 35 percent

10.5.11 All accessory buildings and structures shall conform to the requirements of Section 5.

SECTION 11 RESIDENTIAL TYPE 2B DISTRICT (R-2B)

11.1 Application and purpose

11.1.1 This section applies to the district designated as Residential Type 2B (R-2B) on the Land Use District Map, schedule "A", of this bylaw. The purpose of the Residential Type 2-B District is to provide an area for triplex and fourplex housing and other developments compatible with the medium density residential nature of the district.

11.2 Uses

11.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 11.3 and 11.4.

11.3 Permitted Uses

11.3.1 The following are permitted uses:

(a) semi-detached dwelling;

(b) duplex;

(c) triplex;

(d) four-plex;

(e) park;

(f) playground; and

(g) an accessory building or structure.

11.4 Discretionary uses

11.4.1 The following are discretionary uses:

(a) single-detached house;

(b) church;

(c) group home;

(d) health service;

(e) home occupation;

(f) bed and breakfast;

(g) family day home; and

(h) a public use.

11.5 Site provisions

11.5.1	Lot width (minimum):	semi-detached dwelling: 16 metres duplex: 13 metres triplex, fourplex: 16 metres
11.5.2	Lot depth (minimum):	36 metres
11.5.3	Lot area (minimum):	semi-detached dwelling: 550 square metres duplex: 460 square metres triplex, fourplex: 550 square metres

11.5.4 Front yard building setback (minimum): 7.6 metres

11.5.5 Rear yard building setback (minimum): 7.6 metres

11.5.6 Exterior side building setback (minimum): 3 metres

11.5.7 Interior side building setback (minimum): 1.2 metres

11.5.8 Floor area (minimum): 75 square metres per unit

11.5.9 Building height (maximum): 11 metres

11.5.10 Coverage of site (maximum): 40 percent

11.5.11 All accessory buildings and structures shall conform to the requirements of Section 5.

SECTION 12 MULTIPLE FAMILY DWELLING DISTRICT (R-3)

12.1 Application and purpose

12.1.1 This section applies to the district designated as Multiple Family Dwelling (R-3) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Multiple Family Dwelling District is to provide an area for high-density residential development.

12.2 Uses

12.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 12.3 and 12.4.

12.3 Permitted uses

12.3.1 The following are permitted uses:

(a) apartment building;

(b) row dwelling;

(c) cluster housing;

(d) park;

(e) playground; and

(f) an accessory building or structure.

12.4 Discretionary uses

12.4.1 The following are discretionary uses:

(a) home occupation;

(b) senior citizen home;

(c) group home;

(d) public uses; and

(e) an accessory building or structure.

12.5 Site provisions

12.5.1 Lot width (minimum): 30 metres

12.5.2 Lot depth (minimum): 35 metres

12.5.3 Lot area (minimum): 1200 sq. m. (.12 ha)

12.5.4 Front yard building setback (minimum): 7.6 metres

12.5.5 Rear yard building setback (minimum): 7.6 metres or as required for parking.

12.5.6 Exterior side building setback: (minimum): 7.6 metres

12.5.7 Interior side building setback (minimum):

(a) apartment building: 3 metres plus 1 metre for each metre over 9 metres in building height;

(b) row dwellings, cluster housing, senior citizen and group homes: 3 metres

12.5.8 Building height:

(a) apartment building: 12 metres or otherwise approved by the Development Authority.

(b) row housing, cluster housing: 11 metres.

12.5.9 Coverage of site (maximum): 40 percent

12.5.10 Density (maximum):

(a) Apartments: 100 units per hectare

(b) Row housing, cluster housing: 40 units per hectare

12.5.11 All accessory buildings and structures shall conform to the requirements of Section 5.

12.6 Architectural and site requirements

12.6.1 The minimum separation distances applicable to an apartment building are:

(a) 10 m between the exterior wall of an apartment building and any other dwelling unit;
(b) 6 m between the exterior wall of each dwelling unit in an apartment building and

(i) a common walkway, excluding an entry or exit way;

(ii) a roadway; and

(iii) a common or visitor-parking stall
located on-site.

12.6.2 The minimum separation distances for row dwellings or cluster housing are:

(a) 12 m between the exterior of the front or rear wall of each dwelling unit and the rear or front wall of any other dwelling unit;

(b) 6 m between the exterior of the front or rear wall of each of each dwelling unit and

(i) any separate wall of a residential building;

(ii) a common walkway except that portion of the walkway that provides direct access to the dwelling unit;

(iii) an on-site roadway; and

(iv) a common or visitor-parking stall
located on-site;

(c) 3 m between the exterior side wall of each dwelling unit and

(i) the sidewall of any other building unless the Development Authority requires a greater separation;

(ii) a common walkway except that portion of the walkway that provides direct access to the dwelling unit;

(iii) an on-site roadway; or

(iv) a common or visitor-parking stall
located on-site.

12.6.3 Access for fire fighting shall be in conformance to the Safety Codes Act and to the satisfaction of the Town of High Level Fire Chief.

12.6.4 Outside and garbage storage shall be in conformance of subsection 5.19 of this bylaw.

12.6.5 All off-street parking shall be surrounded by a landscaped area of not less than 1 m in width unless it adjoins a lane.

12.6.6 Parking and loading requirements shall be in accordance to subsection 5.16 of this bylaw.

12.6.7 A sidewalk allowing safe pedestrian access to and from the building to the public sidewalk fronting the building shall be installed.

12.6.8 Each dwelling unit must have a private amenity area that may be in one of the following forms:

(a) a balcony;

(b) a patio;

(c) a deck; or

(d) an area of a minimum of 6 m in depth for dwelling units that contains a main floor habitable room located at grade.

SECTION 13 MOBILE HOME SUBDIVISION DISTRICT (MHS)

13.1 Application and purpose

13.1.1 This section applies to the district designated as Mobile Home Subdivision (MHS) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Mobile Home Subdivision District is to provide an area for mobile homes and developments compatible with the low-density residential nature of the district.

13.2 Uses

13.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsection 13.3 and 13.4.

13.3 Permitted uses

13.3.1 The following are permitted uses:

(a) single wide mobile home;

(b) park;

(c) playground; and

(d) an accessory building or structure.

13.4 Discretionary uses

13.4.1 The following are discretionary uses;

(a) double wide mobile home;

(b) modular home;

(c) single-detached house;

(d) home occupation; and

(e) a public use.

13.5 Site provisions

13.5.1 Lot width (minimum): 16.5 metres

13.5.2 Lot depth (minimum): 36 metres

13.5.3 Lot area (minimum): 475 square metres

13.5.4 Front yard building setback (minimum): 7.6 metres

13.5.5 Rear yard building setback (minimum): 3 metres

13.5.6 Exterior side building setback (minimum): 3 metres

13.5.7 Interior side building setback (minimum): 1.5 metres

13.5.8 Floor area (minimum): 75 square metres

13.5.9 Building height (maximum): 7.5 metres

13.5.10 Coverage of site (maximum): 40 percent

13.5.11 All accessory buildings and structures shall conform to the requirements of Section 5.

13.6 Architectural and site requirements

13.6.1 Notwithstanding the requirements of subsection 4.3, all applications for a development permit for a mobile home must be accompanied with sufficient photographs, or other suitable documentation, to satisfy the Development Authority that the mobile home is compatible in structure and appearance with the existing mobile homes in the district.

13.6.2 All mobile homes shall be placed on a permanent foundation such as, but not limited to, steel piles or concrete piles.

13.6.3 Axles, wheels, running gear and towing tongues shall be removed upon the placing of the mobile home on the foundation.

13.6.4 The undercarriage of a mobile home shall be completely screened from view by skirting or by the foundation, within 60 days of the placement of the mobile home.

14.1 Application and purpose

14.1.1 This section applies to the district designated as Mobile Home Park (MHP) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Mobile Home Park District is to provide an area for mobile homes of a temporary nature and other development compatible with the medium density residential nature of the district.

14.2 Uses

14.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 14.3 and 14.4.

14.3 Permitted uses

14.3.1 The following are permitted uses:

(a) single wide mobile home;

(b) double wide mobile home;

(c) park;

(d) playground; and

(e) an accessory building or structure.

14.4 Discretionary uses

14.4.1 The following are discretionary uses:

(a) single-detached house for park management;

(b) laundromat;

(c) home occupation; and

(d) a public use.

14.5 Site provisions

14.5.1 Mobile Home Park site area (minimum): 2 ha

14.5.2 Lot width (minimum):a) single wide mobile home: 12 m
b) double wide mobile home: 13.5 m

14.5.3 Lot depth (minimum): 32 m

14.5.4 Lot area (minimum): 380 sq. m

14.5.5 Front yard building setback of mobile home lot (minimum): 4.5 m

14.5.6 Rear yard building setback of mobile home lot (minimum): 3 m

14.5.7 Side yard building set backs: Mobile homes shall be separated from each other by a minimum of 4.5 m, provided that the minimum side yard building set back from the lot line is 1.2 m.

14.5.8 Side yard building setbacks: Additions to mobile homes shall have a minimum side yard setback of 1.2 m.

14.5.9 Coverage of mobile home lot (maximum): 45 percent

14.6 Architectural and site requirements

14.6.1 Each lot in a Mobile Home Park shall be clearly marked off by permanent markers or other suitable means.

14.6.2 A minimum of 4.5 metres of open space must occur between the Mobile Home Park site lines and the mobile home lot lines, or in the case of the site line abutting a public road, a distance of 7.5 metre shall occur to the lot lines. These setbacks shall be treated as amenity areas or buffers strips and be suitably landscaped with vegetative materials.

14.6.3 Screen fences or walls shall be erected around garbage storage facilities, and when deemed necessary by the Development Authority, fences shall be installed around playground areas.

14.6.4 Areas not devoted to streets, parking spaces, walkways, service buildings or mobile homes shall be landscaped with vegetative materials.

14.6.5 At least 5% of the gross site area of the Mobile Home Park shall be devoted to recreational uses and shall be provided in a convenient and accessible location.

14.6.6 Mobile home pads shall be graveled or hardsurfaced.

14.6.7 A minimum of one parking space shall be provided on each mobile home site lot. This parking space shall be a minimum of 2.6 metres wide and 5.8 metres deep.

14.6.8 The undercarriage of each mobile home shall be completely screened from view by skirting within 60 days of the placement of the mobile home.

14.6.9 All additions, skirting, accessory buildings and structures shall be factory prefabricated units, or of an equivalent quality, so that the design and construction

will complement the mobile home. Additions to a mobile home shall have a foundation or skirting equivalent to that of the mobile home.

14.6.10 In development over 50 units, two separate means of access shall be provided. In developments under 100 units, this may be in the form of a boulevard road with a centre dividing strip, so that in the event of a blockage on one side, the other side is available for emergency two-way traffic.

14.6.11 A minimum right-of-way of 12 metres is required for all roads in the development.

14.6.12 All roads within the development shall be constructed of an all-weather hard compacted surface, be well drained, graded and suitable for use in all seasons.

14.6.13 Street lighting in a mobile home park shall be to the same standards as that in a conventional residential neighbourhood.

14.6.14 An identification sign for the Mobile Home Park may be erected at the entrance of the park subject to subsection 5.18 and the discretion of the Development Authority.

SECTION 14A MOBILE HOME PARK DISTRICT 2 (MHP2)

14A.1 **Application and purpose**

14A.1.1 This section applies to the district designated as Mobile Home Park District 2 (MHP2) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Mobile Home Park District 2 is to provide for zero lot line residential development in the form of mobile homes and modular homes.

14A.2 **Uses**

14A.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 14A.3 and 14A.4.

14A.3 Permitted uses

14A.3.1 The following are permitted uses:

(a) single wide mobile home;

(b) double wide mobile home;

(c) modular home;

(d) park;

(e) playground; and

(f) an accessory building or structure.

14A.4 **Discretionary uses**

14A.4.1 The following are discretionary uses:

(a) home occupation; and

(b) a public use.

14A.5 **Site provisions**

14A.5.1 Lot width (minimum): 11 metres

14A.5.2 Lot depth (minimum): 32 metres

14A.5.3 Lot area (minimum): 352 sq. metres

14A.5.4 Front yard building setback (minimum): 3 metres.

14A.5.5 Rear yard building setback (minimum): 2 metres.

14A.5.6 Side Yard building setback: a minimum of 0.0 metres on one side and a minimum of 3.8 metres on the other side and:

(a) a 2 metre private access and maintenance easement is registered against the title of the adjacent site and shown on a condominium plan or plan of survey approved by the Subdivision Authority;

(b) all roof drainage is directed from the building on to the building site by eaves-troughs and downspouts or other suitable means; and

(c) on a corner parcel the zero lot line side shall not be located on the street side of corner lots.

14A.5.7 Coverage of mobile home lot: a maximum of 45 percent.

14A.5.8 Building height (maximum): 6 metres.

14A.5.9 Floor area (minimum): the mobile home or modular home shall have a minimum floor area of 90 square metres not inclusive of any additions or decks.

14A.6 **Architectural and site requirements**

14A.6.1 Each lot in a Mobile Home Park shall be clearly marked off by permanent markers or other suitable means.

14A.6.2 Notwithstanding the requirements of subsection 4.3, all applications for a development permit for a mobile home or a modular home must be accompanied with sufficient photographs, or other suitable documentation, to satisfy the Development Authority that the home is compatible in structure and appearance with the existing homes in the district.

14A.6.3 Screen fences or walls shall be erected around garbage storage facilities, and when deemed necessary by the Development Authority, fences shall be installed around playground areas.

14A.6.4 Areas not devoted to streets, parking spaces, walkways, service buildings or mobile homes shall be landscaped with vegetative materials.

14A.6.5 At least 5% of the gross site area of the Mobile Home Park shall be devoted to recreational uses and shall be provided in a convenient and accessible location.

14A.6.6 Mobile home pads shall be gravelled or hard surfaced.

14A.6.7 A minimum of one parking space shall be provided on each mobile home site lot. This parking space shall be a minimum of 2.6 metres wide and 5.8 metres deep.

14A.6.8 The undercarriage of each mobile home shall be completely screened from view by skirting within 60 days of the placement of the mobile home.

14A.6.9 All additions, skirting, accessory buildings and structures shall be factory prefabricated units, or of an equivalent quality, so that the design and construction will complement the mobile home. Additions to a mobile home shall have a foundation or skirting equivalent to that of the mobile home.

14A.6.10 A minimum right-of-way of 12 metres is required for all roads in the development.

14A.6.11 All roads within the development shall be constructed of an all-weather hard compacted surface be well drained, graded and suitable for use in all seasons.

14A.6.12 Street lighting in a mobile home park shall be to the same standards as that in a conventional residential neighbourhood.

14A.6.13 An identification sign for the Mobile Home Park may be erected at the entrance of the park subject to subsection 5.18 and the discretion of the Development Authority.

SECTION 15 DIRECT CONTROL DISTRICT (DC)

15.1 Application and purpose

15.1.1 This Section applies to the district designated as Direct Control (DC) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Direct Control District is to enable Council to exercise particular control over the use and development of land or buildings within the areas so designated.

15.2 Uses

15.2.1 Council shall determine the land uses that may be allowed in a DC district.

15.2.2 Not withstanding 15.2.1, Council may allow a residential use in an industrial area that is zoned Direct Control District. Council shall consider the requirements of the Alberta Building Code and compatibility of adjacent uses and may impose such standards and conditions it considers appropriate.

15.3 Development provisions

15.3.1 Council may impose standards and conditions it considers appropriate to regulate a use.

15.3.2 Council may decide on a development permit application or may delegate the decision to the Development Authority with directions that it considers appropriate.

15.3.3 Council or the Development Authority may refer to a corresponding conventional land use district or any part of the Land Use Bylaw to determine land use regulations, which may be applied to a prospective direct control development permit.

SECTION 16 CENTRAL COMERCIAL DISTRICT (C)

16.1 Application and purpose

16.1.1 This section applies to the district designated as Central Commercial (C) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Central Commercial District is to provide an area for the sales of goods and services to the whole community with the possibility of low residential density on upper floors.

16.2 Uses

16.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 16.3 and 16.4.

16.3 Permitted uses

16.3.1 The following are permitted uses:

(a) art gallery;

(b) business support service;

(c) catering service;

(d) commercial school;

(e) convenience store;

(f) day care facility;

(g) drinking establishment;

(h) financial institution;

(i) general retail store;

(j) general service;

(k) government service;

(l) grocery store;

(m) health service;

(n) household repair service;

(o) park;

(p) parking lot;

(q) professional service;

(r) restaurant;

(s) specialty store; and

(t) video outlet.

16.4 Discretionary uses

16.4.1 The following are discretionary uses:

(a) amusement arcade;

(b) animal service;

(c) automotive service;

(d) car wash;

(e) community hall:

(f) dwelling unit above a commercial use;

(g) farmers market;

(h) funeral home;

(i) home occupation;

(j) hotel;

(k) indoor recreation service;

(l) liquor store;

(m) pool hall;

(n) public use;

(o) restaurant;

(p) shopping centre;
(q) theatre;

(r) veterinary clinic;

(s) wall mural; and

(t) an accessory building or structure.

16.5 Site provisions

16.5.1 Lot width (minimum): 9 metres

16.5.2 Lot depth (minimum): 25 metres

16.5.3 Lot area (minimum): 200 sq. metres

16.5.4 Front yard building setback: no front yard is required except for properties fronting the north side of 100th Avenue between 100th Street and 102nd Street in which a minimum of 6 metres is required.

16.5.5 Rear yard building setback (minimum): 6 m unless otherwise approved by the Development Authority in consideration of alternate parking facilities.

16.5.6 Exterior side building setback: no set back is required, however, corner lots must comply with subsection 5.6 of this bylaw.

16.5.7 Interior side building setback: no side yard is required.

16.5.8 Building height (maximum): 12 metres. The Development Authority may permit a maximum height of 17 metres if the design provides a roof structure that enhances the district, however no part of the building intended for occupancy shall exceed a height of 12 metres.

16.6 Architectural and site requirements

16.6.1 The exterior of buildings shall be finished with a high quality material.

16.6.2 All sites abutting a residential district shall be screened in accordance to subsection 5.14 to the satisfaction of the Development Authority.

16.6.3 All rooftop mechanical equipment shall be enclosed on all sides with a finish compatible with the approved building finish.

16.6.4 Outside storage areas shall be screened in accordance to subsection 5.19.

16.6.5 Any landscaped area provided, or is required in this bylaw, shall be installed in accordance with a plan approved by the Development Authority.

16.6.6 Any trees, shrubs, bush or plants that perish must be replaced no later then the next planting season.

16.6.7 Developments involving dwelling units above commercial uses shall comply with the following requirements:

(a) The main floor shall contain commercial uses only.

(b) deleted bylaw 772-02

(c) Parking for the residential use shall be on-site and in accordance to article 5.16.1 as per the requirements for apartments.

(d) A separate access, or an access, that does not require passage through the commercial area must be provided to the residential portion. The number of required accesses (exits) shall be in accordance to the Alberta Building Code.

SECTION 16A CENTRAL COMMERCIAL DISTRICT 2 (C2)

16A.1 Application and purpose

16A.1.1 This section applies to the district designated as Central Commercial 2 (C2) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Central Commercial District 2 is to provide an area adjacent to residential lands for the sales of goods and services to the whole community with the possibility of low residential density on upper floors.

16A.2 Uses

16A.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 16A.3 and 16A.4.

16A.3 Permitted uses

16A.3.1 The following are permitted uses:

(a) art gallery;

(b) business support service;

(c) convenience store;

(d) day care facility;

(e) financial institution;

(f) general retail store;

(g) general service;

(h) government service;

(i) health service;

(j) household repair service;

(k) park;

(l) parking lot;

(m) professional service;

(n) specialty store; and

(o) video outlet.

16A.4 Discretionary uses

16A.4.1 The following are discretionary uses:

(a) amusement arcade;

(b) dwelling unit above a commercial use;

(c) farmers market;

(d) home occupation;

(e) indoor recreation service;

(f) liquor store;

(g) public use;

(h) wall mural;

(i) a pre-manufactured home on a temporary foundation to replace an existing home damaged beyond 75% of the value as substantiated by an insurance damage report; and

(j) an accessory building or structure.

16A.5 Site provisions

16A.5.1 Lot width (minimum): 25 metres

16A.5.2 Lot depth (minimum): 40 metres

16A.5.3 Lot area (minimum): 1000 sq. metres

16A.5.4 Front yard building setback: no front yard is required.

16A.5.5 Rear yard building setback: as approved by the Development Authority in consideration of parking facilities.

16A.5.6 Exterior side building setback: no set back is required, however, corner lots must comply with subsection 5.6 of this bylaw.

16A.5.7 Interior side building setback: no side yard is required unless it is adjacent to a residential lot. In such cases a suitable distance with landscaping shall be provided to the satisfaction of the Development Authority.

16A.5.8 Building height (maximum): 10 metres.

16A.6 Architectural and site requirements

16A.6.1 The exterior of buildings shall be finished with a high quality material.

16A.6.2 All sites abutting a residential district shall be screened by a treed buffer no less than 3 metres in width to the satisfaction of the Development Authority.

16A.6.3 All rooftop mechanical equipment shall be enclosed on all sides with a finish compatible with the approved building finish.

16A.6.4 Outside storage areas shall be screened in accordance to subsection 5.19.

16A.6.5 Any landscaped area provided, or is required in this bylaw, shall be installed in accordance with a plan approved by the Development Authority.

16A.6.6 Any trees, shrubs, bush or plants that perish must be replaced no later then the next planting season.

16A.6.7 Developments involving dwelling units above commercial uses shall comply with the following requirements:

(a) The main floor shall contain commercial uses only.

(c) Parking for the residential use shall be on-site and in accordance to article 5.16.1 as per the requirements for apartments.

(d) A separate access, or accesses, that do not require passage through the commercial area must be provided to the residential portion. The number of required accesses (exits) shall be in accordance to the Alberta Building Code.

16A.6.8 All parking areas shall be to the rear of the lot behind the principle building.

16A.6.9 Notwithstanding Articles 5.16.6 and 5.16.7, all required parking shall be on-site. The location of the accesses to the parking area shall be a suitable distance from an intersection to the satisfaction of the Development Authority.

SECTION 17 HIGHWAY COMMERCIAL DISTRICT (HC)

17.1 Application and purpose

17.1.1 This Section applies to the district designated as Highway Commercial (HC) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Highway Commercial District is to provide an area for the sale of goods and services to the whole community, surrounding region and the motoring population.

17.2 Uses

17.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 17.3 and 17.4.

17.3 Permitted uses

17.3.1 The following are permitted uses:

(a) art gallery;

(b) automotive service;

(c) business support service;

(d) convenience store;

(e) drinking establishment;

(f) financial institution;

(g) funeral home;

(h) gas bar;

(i) general retail;

(j) general service;

(k) government service;

(l) grocery store;

(m) health service;

(n) hotel or motel;

(o) household repair service;

(p) indoor recreation service;

(q) professional service;

(r) restaurant;

(s) specialty store;

(t) theatre;

(u) video outlet; and

(v) an accessory building or structure.

17.4 Discretionary uses

17.4.1 The following are discretionary uses;

(a) adult entertainment facility;

(b) amusement arcade;

(c) animal service;

(d) automotive sales and service;

(e) automotive specialty;

(f) bingo hall;

(g) car wash;

(h) community hall;

(i) construction service;

(j) equipment rental;

(k) farmers market;

(l) liquor store;

(m) pool hall;

(n) public use;

(o) recreational vehicle sales and service;

(p) deleted Bylaw 726-00;

(q) shopping centre;

(r) veterinary clinic;

(s) wall mural;

(t) warehouse store;

(u) mobile home sales; and

(v) dwelling unit above a commercial use.

17.5 Site provisions

17.5.1 Lot width (minimum):

(a) hotel and motel developments: 45 metres

(b) all other uses: 20 metres

17.5.2 Lot depth (minimum): 20 metres

17.5.3 Lot area (minimum): 360 sq. metres

17.5.4 Front yard building setback: 9 metres

17.5.5 Rear yard building setback: 6 metres

17.5.6 Exterior side building setback: no set back is required, however, corner lots must comply with subsection 5.6 of this bylaw.

17.5.7 Interior side building setback: no side yard is required, however, the building must comply with the limiting distance requirements of the Alberta Building Code.

17.5.8 Building height (maximum): Building height (maximum): 15 metres except where the district is adjacent to an R-1A, R-1B, R-2B, MHS or a MHP District in which the maximum building height shall be 12 metres.

17.5.9 In areas where a property abuts Highway 35 or Highway 58 the portions of the building facing the Highway shall be of a high quality finish and appear as the principal façade.

17.6 Architectural and site requirements

17.6.1 The exterior of buildings shall be finished with a high quality material.

17.6.2 All sites abutting a residential district shall be screened in accordance to subsection 5.14 to the satisfaction of the Development Authority.

17.6.3 All rooftop mechanical equipment shall be enclosed on all sides with a finish compatible with the approved building finish.

17.6.4 Outside storage areas shall be screened in accordance to subsection 5.19.

17.6.5 Any landscaped area provided, or is required by this bylaw, shall be installed in accordance with a plan approved by the Development Authority.

17.6.6 Any trees, shrubs, bush or plants that perish must be replaced no later than the next planting season.

17.6.7 Provisions for adequate vehicular traffic circulation shall be provided on all sites to the satisfaction of the Development Authority.

SECTION 18 GENERAL INDUSTRIAL DISTRICT (GI)

18.1 Application and purpose

18.1.1 This section applies to the district designated as General Industrial (GI) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the General Industrial District is to provide an area for light industrial and commercial uses.

18.2 Uses

18.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 18.3 and 18.4.

18.3 Permitted uses

18.3.1 The following are permitted uses:

(a)6 auction facility;

(b) automotive body and paint service;

(c) automotive rental service;

(d) automotive sales and service;

(e) automotive service;

(f) automotive specialty;

(g) bottle depot;

(h) business support service;

(i) car wash;

(j) commercial school or college;

(k) construction service;

(l) farm implement sales and service;

(m) general service;

(n) government service;

(o) household repair service;

(p) light industrial;

(q) lumber yard;

(r) mini-storage;

(s) public use;

(t) taxi service;

(u) transmitting station for radio or television;

(v) veterinary clinic;

(w) warehouse; and

(x) an accessory building or structure.

18.4 Discretionary uses

18.4.1 The following are discretionary uses:

(a) abattoir;

(b) animal service;

(c) bingo hall;

(d) bulk oil, fuel and chemical storage;

(e) deleted, Bylaw 669-97;

(f) community hall;

(g) equipment rental;

(h) fleet service;

(i) grain storage facility;

(j) indoor recreation service;

(k) mobile home sales;

(l) oil field service;

(m) outdoor storage;

(n) recreational vehicle sales and service;

(o) recycling depot;

(p) temporary bunkhouse;

(q) a wall mural;

(r) relocatable industrial accommodation.

(s) pawnbroker

18.5 Site provisions

18.5.1 Lot width (minimum): 25 metres

18.5.2 Lot depth (minimum): 40 metres

18.5.3 Lot area (minimum): 950 sq. metres

18.5.4 Front yard building setback (minimum): 6 metres

18.5.5 Rear yard building setback (minimum): 4 metres unless the rear boundary abuts a railway right-of-way, in which case, no rear yard is required.

18.5.6 Exterior side building setback: no set back is required, however, corner lots must comply with subsection 5.6 of this bylaw.

18.5.7 Interior side building setback: no set back required, however, the building must comply with the limiting distance requirements of the Alberta Building Code.

18.5.8 Building height: 12 metres unless otherwise approved by the Development Authority and the Town of High Level Fire Chief.

18.5.9 Site coverage: 60 percent

18.6 Architectural and site requirements

18.6.1 The exterior of buildings shall be finished with a high quality material.

18.6.2 All industrial establishments located on a site bordering a highway shall be screened from the highway in a manner incorporating landscaping to the satisfaction of the Development Authority.

18.6.3 Any nuisance factor generated by a development, including but not limited to:

(a) dust, fly ash or other particulate matter;

(b) odorous gas or odorous matter; and

(c) toxic gas or any other toxic substance;

must be contained within an enclosed on-site building.

18.6.4 Article 18.6.3 does not relieve against any compliance with any other standards established by any federal, provincial or municipal enactments.

18.6.5 All driveways, accesses or approaches from a street to the lot shall be in a location acceptable to the Development Authority and the Director of Operations. The driveway, access and approach shall have a steel culvert to ensure proper ditch drainage and be hard surfaced in accordance to Article 5.16.15.

SECTION 19 RESTRICTIVE INDUSTRIAL DISTRICT (RI)

19.1 Application and purpose

19.1.1 This section applies to the district designated as Restrictive Industrial (RI) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Restrictive Industrial Area is to provide an area for light industrial, heavy industrial and commercial uses.

19.2 Uses

19.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsection 19.4.

19.3 reserved

19.4 Discretionary uses

19.4.1 The following are discretionary uses:

(a) abattoir;

(b) animal service;

(c) auction facility;

(d) automotive body and paint service;

(e) automotive service;

(f) automotive specialty;

(g) bottle depot;

(h) bulk oil and chemical storage;

(i) construction service;

(j) chemical processing;

(k)equipment rental;

(l) fleet service;

(m)forest product facility;

(n) grain product facility;

(o) light industrial;

(p) logging service;

(q) lumber yard;

(r) mini-storage;

(s) oil field service;

(t) outdoor storage;

(u) propane facility;

(v) public use;

(w) recycling depot;

(x) temporary bunkhouse;

(y) transmitting station for radio or television;

(z) veterinary clinic;

(aa) warehouse;

(bb) an accessory building or structure, and

(cc) relocatable industrial accommodation.

19.5 Site provisions

19.5.1 Lot width (minimum): 44 metres

19.5.2 Lot depth (minimum): 89 metres

19.5.3 Lot area (minimum): 3 900 sq. m

19.5.4 Front yard building setback (minimum): 6 metres

19.5.5 Rear yard building setback (minimum): 6 metres

19.5.6 Exterior side building setback: no setback is required, however, corner lots must comply with subsection 5.6 of this bylaw.

19.5.7 Interior side building setback: no setback required, the building must conform to the limiting distances required in the Alberta Building Code.

19.5.8 Building height: 12 metres unless otherwise approved by the Development Authority and the Town of High Level Fire Chief.

19.5.9 Site coverage (maximum): 60 percent

19.6 Architectural and site requirements

19.6.1 The exterior of buildings shall be finished with a high quality material.

19.6.2 All industrial establishments located on a site bordering a highway shall be screened from the highway in a manner incorporating landscaping to the satisfaction of the Development Authority.

19.6.3 Any nuisance factor generated by a development, including but not limited to:

(a) dust, fly ash or other particulate matter;

(b) odorous gas or odorous matter; and

(c) toxic gas or any other toxic substance;

must be contained within an enclosed on-site building.

19.6.4 Clause 19.6.3 does not relieve against compliance with any other standards established by any federal, provincial or municipal enactments.

19.6.5 All driveways, accesses or approaches from a street to the lot shall be in a location acceptable to the Development Authority and the Director of Operations. The driveway, access and approach shall have a steel culvert to ensure proper ditch drainage and be hard surfaced in accordance to Article 5.16.15.

19.6.6 Restrictive Industrial District lots that are not serviced with municipal water and sewer may only contain uses that do not require facilities requiring water and sewer such as storage yards.

19.6.7 Notwithstanding Article 19.6.6, the Development Authority may approve a use that requires water and sewer provided the landowner has entered into a development agreement with the Town of High Level for the provision of the services.

SECTION 20 PUBLIC AND PRIVATE SERVICE DISTRICT (PS)

20.1 Application and purpose

20.1.1 This section applies to the district designated as Public and Private Service District on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Public and Private Service District is to provide areas for schools and community services.

20.2 Uses

20.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsection 20.4

20.3 reserved

20.4 Discretionary uses

20.4.1 The following are discretionary uses:

(a) church;

(b) college;

(c) community hall;

(d) deleted, Bylaw No. 669-97;

(e) emergency protective service;

(f) government service;

(g) group home;

(h) health service;

(i) hospital;

(j) deleted, Bylaw No.669-97;

(k) public use;

(l) school;

(m) temporary shelter services and

(n) an accessory development to any use listed above.

20.5 Site provisions

20.5.1 Front yard building setback (minimum): 7.6 metres

20.5.2 Rear yard building setback (minimum): 7.6 metres

20.5.3 Exterior side building setback (minimum): 4 metres

20.5.4 Interior side building setback (minimum): 4 metres

20.5.5 Building height (maximum): 12 metres

20.6 Architectural and site requirements

20.6.1 The Development Authority may issue a development permit subject to such conditions necessary to ensure that the development is consistent with the purpose of this district.

SECTION 20A HOSPITAL DISTRICT (H)

20A.1 Application and purpose

20A.1.1 This section applies to the district designated as Hospital District (H) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Hospital District is to provide areas for hospitals and uses that are required for, or may compliment, the operation of hospitals.

20A.2 Uses

20A.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsection 20A.3 and 20A.4.

20A.3 Permitted Uses

20A.3.1 The following are permitted uses:

(a) hospital.

20A.4 Discretionary uses

20A.4.1 The following are discretionary uses:

(o) helicopter landing pad;

(p) an accessory development to any use listed .

20A.5 Site provisions

20A.5.1 Front yard building setback (minimum): 7.6 metres

20A.5.2 Rear yard building setback (minimum): 7.6 metres

20A.5.3 Exterior side building setback (minimum): 4 metres

20A.5.4 Interior side building setback (minimum): 4 metres

20A.5.5 Building height (maximum): 12 metres

20A.6 Architectural and site requirements

20A.6.1 The Development Authority may issue a development permit subject to such conditions necessary to ensure that the development is consistent with the purpose of this district.

20A.6.2 All developments must be of an architectural design that is equivalent in quality and appearance to the principle building.

20A.6.3 Any landscaped area provided, or is required by this bylaw, shall be installed in accordance with a plan approved by the Development Authority.

20A.6.4 Any trees, shrubs, bush or plants that perish must be replaced no later than the next planting season.

20A.6.5 Provisions for adequate vehicular traffic circulation shall be provided on all sites to the satisfaction of the Development Authority.

SECTION 21 PUBLIC RECREATION DISTRICT (PR)

21.1 Application and purpose

21.1.1 This Section applies to the district designated as Public Recreation District (PR) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Public Recreation District is to provide parks and facilities throughout the Town for the purpose of public recreation.

21.2 Uses

21.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 21.3 and 21.4.

21.3 Permitted uses

21.3.1 The following are permitted uses:

(a) park; and

(b) playground.

21.4 Discretionary uses

21.4.1 The following are discretionary uses:

(a) campground;

(b) exhibition ground;

(c) indoor recreation service;

(d) outdoor recreation service

(e) public use; and

(f) an accessory building or structure.

21.5 Site provisions

21.5.1 Front yard building setback (minimum): 7.6 metres

21.5.2 Rear yard building setback (minimum): 7.6 metres

21.5.3 Exterior side building setback (minimum): 4.5 metres

21.5.4 Interior side building setback (minimum): 4.5 metres

21.5.5 Building height (maximum): 10 meters

21.6 Architectural and site requirements

21.6.1 The Development Authority may issue a development permit subject to such conditions as are necessary to ensure that the development is consistent with the purpose of this district.

SECTION 22 AGRICULTURAL URBAN RESERVE (A-UR)

22.1 Application and purpose

22.1.1 This Section applies to the district designated as Agricultural Urban Reserve (A-UR) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Agricultural Urban Reserve District is utilize agricultural lands in the Town and to control land areas which are undeveloped or developed to low intensity and to ensure their orderly transformation to more intensive development.

22.2 Uses

22.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsections 22.3 and 22.4.

22.3 Permitted uses

22.3.1 The following are permitted uses:

(a) agriculture; and

(b) an accessory building or structure.

22.4 Discretionary uses

22.4.1 The following are discretionary uses:

(a) single-detached house;

(b) mobile home;

(c) home occupation; and

(d) a public use.

22.5 Site provisions

22.5.1 All building setback distances shall be at the discretion of the Development Authority using the requirements of a District where the development is of a permitted or discretionary use.

22.5.2 No building or structure shall be placed within 15 metres of the top of the bank of the Bushe River or any other waterbody unless the requirements of clause 5.13.1 have been complied with to the satisfaction of the Development Authority.

SECTION 23 WETLAND DISTRICT (W)

23.1 Application and purpose

23.1.1 This section applies to the district designated as Wetland (W) on the Land Use District Map, Schedule "A", of this bylaw. The purpose of the Wetland District is to identify the wetlands that may be developed after consideration of their natural value in consultation with Alberta Environmental Protection.

23.2 Uses

23.2.1 No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses listed in subsection 23.4.

23.3 reserved

23.4 Discretionary uses

23.4.1 The following are discretionary uses:

(a) park; and

(b) public use.

23.5 Site provisions

23.5.1 All building setback distances shall be at the discretion of the Development Authority and in conformance to any requirement in subsection 5.13.

23.6 Architectural and site requirements

23.6.1 All development shall comply with the requirements of subsection 5.13 to the satisfaction of the Development Authority.

SECTION 24 AMENDMENTS

24.1 Amendment procedure

24.1.1 All applications for amendment to this bylaw shall be made to Council on the form prescribed by the Development Authority and shall be accompanied by the following:

(a) the application fee as set by Council from time to time;

(b) a certificate of title for the land affected or other documents satisfactory to the Council including the applicant's interest in the said land.; and

(c) if required, drawings showing any change in district boundaries.

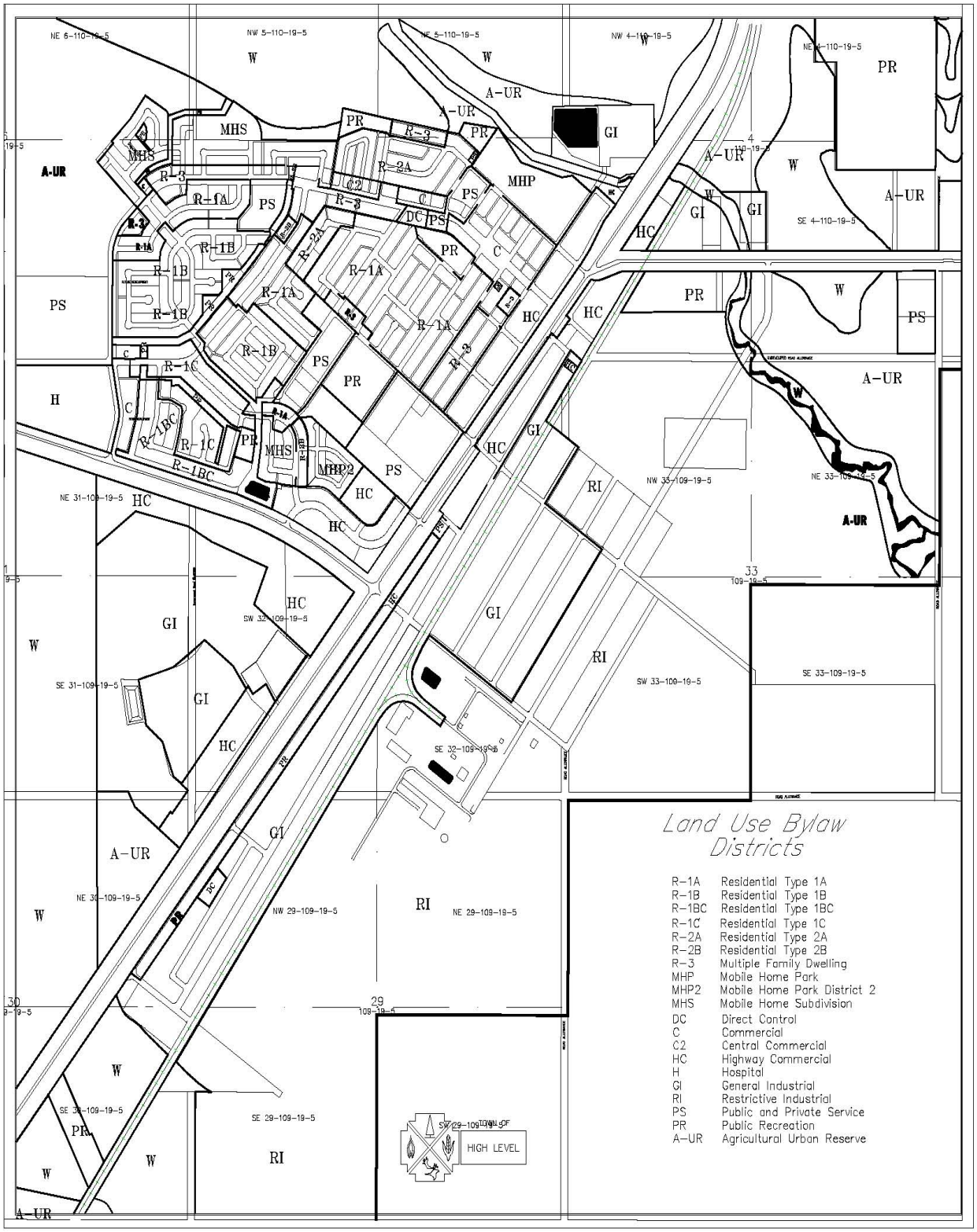
24.1.2 All amendments to this bylaw shall be made by Council in accordance to the requirements of the Municipal Government Act.

24.1.2 List of Amendments

Bylaw	Date	Amendment
Bylaw No. 664-97	July 4, 1997	
Bylaw No. 669-97	December 10, 1997	
Bylaw No. 671-97	December 8, 1997	
Bylaw No. 673-97	December 8, 1997	Offsite levies
Bylaw No. 680-98	May 25, 1998	Article 5.22.3 Garage setbacks
Bylaw No. 685-98	July 27, 1998	Addition of Section 8A and revision to Schedule A.
Bylaw No. 698-98	Sept. 14, 1998	Rezone Lot 1 Plan 972 4254 from UR-A to GI.
Bylaw No. 694-99	March 8, 1999	Technical changes.
Bylaw No. 696-99	April 12, 1999	Rezone Lots 68-73, Block 21, Plan 822 2571 from R-2B to R-1A.
Bylaw No. 707-99	June 14, 1999	Rezone Lot 19MR, Block 36, Plan 832 1075 from PR to PS.
Bylaw No. 726-00	May 8, 2000	Technical changes.

Bylaw No. 729-00	June 12, 2000	Building Heights in HC
Bylaw No. 731-00		Rezoning from R-2A to R-1A
Bylaw No. 739-00	August 14, 2000	Rezoning from A-UR to PR
Bylaw No. 742-00	December 18, 2000	Addition of duplex to R-1A
Bylaw No. 761-01	November 19, 2001	Addition of temporary shelter services
Bylaw No 768-02	April 8, 2002	Mini storage definition
Bylaw No 772-02	June 10, 2002	delete clause 16.6.7(b)
Bylaw No. 775-02		Rezone lots 11 & 11A Block 13, Plan 402NY from R-1A to DC
Bylaw No.777-02		Rezone lands from R-1B to R-1A
Bylaw No. 778-02	Dec 16, 2002	Rezoning from DC to MHP & HC
Bylaw No. 779-02	Dec 16, 2002	Rezoning from C and R-1C to R-3
Bylaw No. 783-03	Feb 24, 2003	Rezoning from R-2A to PS
Bylaw No. 785-03	March 10, 2003	Rezoning from PR to R-1C
Bylaw No. 805-04	May 2004	changes to sections 13.5.1, 15.2.2, 16.5.8, 17.5.9, 18.6.5, 19.6.5,6,7
Bylaw No. 811-04	August 16, 2004	Rezoning from R2A to C2
Bylaw No. 814-04	November 22, 2004	Rezoning from PS to H
Bylaw No. 818-05	March 1, 2005	Rezoning from MHP to MHP2
Bylaw No. 819-05	March 1, 2005	Rezoning from GI to DC
Bylaw No. 822-05	May 10, 2005	Amend Parking Bylaw
Bylaw No. 838-06	May 15, 2006	Rezoning from GI to DC
Bylaw No.843-06	October 10, 2006	Rezoning from PS to DC
Bylaw No.848-07	May 14, 2007	Rezone various zonings in Part of the SE ¼ 6-110-19-5 to R-1A.

		Change to sections7.31.1, 7.4.1, 7.5.1, 7.5.3, 7.5.7, 7.5.12 Delete sections 7.5.13, 7.5.14, 7.5.15, 7.5.16 7.5.17.
Bylaw No.852-07	June 25, 2007	Addition to GI discretionary uses


Land Use Bylaw
Districts
R-1A Residential Type 1A
R-1B Residential Type 1B
R-1BC Residential Type 1BC
R-1C Residential Type 1C
R-2A Residential Type 2A
R-2B Residential Type 2B
R-3 Multiple Family Dwelling
MHP Mobile Home Park
MHP2 Mobile Home Park District 2
MHS Mobile Home Subdivision
DC Direct Control
C Commercial
C2 Central Commercial
HC Highway Commercial
H Hospital
GI General Industrial
RI Restrictive Industrial
PS Public and Private Service
PR Public Recreation
A-UR Agricultural Urban Reserve
TOWN OF
HIGH LEVEL

BYLAW NO. 673-97

A BYLAW OF THE TOWN OF HIGH LEVEL FOR THE IMPOSITION OF OFF-SITE LEVIES.

WHEREAS, THE Municipal Government Act, being Chapter M-26.1 of the Statutes of Alberta enables Council by bylaw to provide for the imposition and payment of an off-site levy in respect of land to be developed or subdivided;

AND WHEREAS, an off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:

(a) new or expanded facilities for the storage, transmission, treatment or supplying of water;

(b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;

(c) new or expanded storm sewer drainage facilities;

(d) land required for or in connection with any facilities described in clauses (a) to (c).

NOW THEREFORE, the Council of High Level, in the Province of Alberta, DULY ASSEMBLED , HEREBY ENACTS AS FOLLOWS:

1. An off-site levy shall be imposed on all subdivided lands to be developed within the corporate limits of the Town of High Level and shall be levied on the following basis:

   (a) Residential

      (i) For each unit of a single family dwelling whether detached, semi-detached, duplex, mobile home or otherwise the sum of $1 220.00.

      (ii) For each unit of multi/high density residential housing, triplex and up, the sum of $18 300 per hectare.

      (iii) For each Mobile Home Park, the sum of $18 300 per hectare.

   (b) Commercial

      (i) For each commercial development an off-site levy of $18 300.00 per hectare.

   (c) Institutional

      (i) For each institutional development an off-site levy of $12 355.00 per hectare.

   (d) Industrial

      (i) For each industrial development with water and sewer servicing an off-site levy of $15 360.00 per hectare.

(ii) For each industrial development without water and sewer servicing an off-site levy of $7 680.00 per hectare.

2. Notwithstanding Section 1 of this bylaw, an off-site levy of $18 300.00 per hectare may be imposed upon land that is defined in an Area Structure Plan, is not subdivided and is being sold from the Town to a developer forming part of the purchase price of the said lands.

3. An off-site levy imposed under this Bylaw may be collected only once in respect of land that is the subject of a development or subdivision.

4. The Council of the Town of High Level may enter into an agreement in respect to payment of an off-site levy.

5. In the absence of an Agreement for the payment of an off-site levy, where an owner of land proposes to construct a development and the payment of an off-site levy shall be required under this Bylaw, the payment of the off-site shall be made prior to the issuance of a development permit or where a development permit is not required or is deemed approved, before the issuance of a building permit in respect of such development.
6. In the event that land is to be redeveloped or resubdivided and no previous off-site levies have been collected under this Bylaw or under any previous Bylaw, the off-site levies shall be due and payable if there is an increase in the intensity of use, such payment to be made in accordance with section 1 of this Bylaw and at the discretion of the Development Authority.

7. The levies were calculated on the basis of the unsupported cost of 7.2 million dollars for expansion of the water treatment plant and sewage lagoon for an increase of population as per the West Area of High Level when developed. Council has determined that 33% of the costs related to the expansion project is required to provide continued service to existing properties within the Town. Council has determined that 42% of the costs will be obtained from grants and general debentures and that 25% is required to be obtained from the off-site levies collected pursuant to this Bylaw. The developable area being approximately 1 million square meters, and a levy of $1.83 per square meter equals 25% of the cost of the said expansions.

8. This Bylaw repeals Bylaw No. 472 and Bylaw No. 487.

9. This Bylaw shall come into full force and effect upon receiving third and final reading.

READ A FIRST TIME this 8th day of December, 1997.

READ A SECOND TIME this 8th day of December, 1997

READ A THIRD TIME AND FINALLY PASSED this 8th day of December, 1997

Town of High Level
Regular Council Meeting
Request for Decision

Meeting Date: February 24, 2025
Prepared By: Viv Thoss, Chief Administrative Officer
Subject: High Level Municipal Library Board Appointments

Recommendation:

THAT Council appoint Jane Robichaud to the Town of High Level Municipal Library Board for a term starting February 25, 2025 and ending February 24, 2026 and this being her second consecutive term;

AND THAT Council extend the terms of current appointees Lydia Watters and Taryn McAskile on the Town of High Level Municipal Library Board from two years to three years to comply with provincial legislation.

CAO Comments:

Background:

On May 24, 1979 the Town of High Level adopted *Town of High Level Bylaw No. 369, 1979* establishing the Town of High Level Municipal Library.

Municipal library boards are corporations, established and governed under the *Libraries Act*, with a mandate to provide comprehensive and efficient public library service. Although library boards have full management and control of public library service in their jurisdiction and conduct their business independently of the municipalities that establish them, municipal councils still play an important role in enabling these boards to function.

One of council's most important responsibilities in relation to public library service is the appointment of library board members. In order for a library board to carry out its business legally, and uphold its responsibilities as a corporation, it is crucial that all board members are appointed by council in accordance with legislation. Improper appointments pose a significant legal risk to the library board, the individuals serving on the board, as well as the municipality and its council.

Individuals who have not been appointed by council but conduct themselves as board members - whether knowingly or unknowingly - may be personally at risk of liability that would otherwise be borne by the board as a corporate body.

Legislative Requirements

The requirements around appointments to library boards are defined solely by the *Libraries Act*, not the *Municipal Government Act* or any other piece of legislation. This section summarizes the appointment requirements from the *Libraries Act* and provides some additional information and context.

Board size and composition

As per the *Libraries Act*, a municipal library board shall consist of 5 to 10 members appointed by municipal council. Of those members, a maximum of 2 may be members of the municipal council that established the board; however, there is no legislative requirement to appoint any members of council to the municipal library board. Furthermore, an employee of a municipal library board is not eligible to be appointed as a member of that board.

Council must appoint all members of the board, not just those members who are also elected officials.

Council appoints individuals only, not officer (e.g., chair or treasurer) or representative positions (e.g., council or school representative). The *Libraries Act* requires a board to elect a chair from amongst its members and allows for the election of any other officer positions as deemed necessary by the board.

Board member term length and limits

All members (including those who are also elected officials) are appointed for a term of up to 3 years and an individual may be reappointed for up to 2 additional consecutive terms.

Should council wish to reappoint an individual beyond 3 consecutive terms, a special resolution passed by 2/3 of council is required to authorize the reappointment. The special resolution must state that the individual may be appointed as a member for more than 3 consecutive terms. Finally, the special resolution must be passed each time the individual is reappointed.

The *Libraries Act* does not include any provision for the extension of board member appointments. Each term has a fixed start and end date that cannot be extended. If council wishes to have an individual continue serving on the board after their current term expires, they must be reappointed to a new term.

Authority to appoint

While recruitment of board members can happen in several ways the authority to appoint members to a municipal library board rests solely with the council of the municipality that established the board.

The council of a neighbouring municipality cannot appoint to a library board they did not have a formal legislated role in establishing, regardless of any agreements that may be in place. Similarly, a library board cannot appoint members on its own. Recommendations can be put forward - and councils may establish processes for receiving and acting on such recommendations - but appointments must ultimately be made by the council of the establishing municipality.

The minimum required components of an appointment motion apply to all individuals appointed to the municipal library board, including those individuals who are also members of municipal council. While members of municipal council are often appointed to a library board at council's annual organizational meeting, it is important to note that the library boards are not committees of council and have their own appointment requirements as defined by the *Libraries Act*.

When expressing the appointment term length, it is recommended to indicate a start and end date using exact dates (e.g., a term beginning November 1, 2024 and ending October 31, 2027) rather than a simple term length (e.g., a 3 year term). Being specific with dates removes any room for interpretation and provides certainty.

Councils should avoid making appointments retroactively (i.e., with a term start date before the date the motion is passed). There is no provision for retroactive appointments in the *Libraries Act* and such appointments may not hold up to legal scrutiny.

Board turnover and renewal

When making decisions around appointments, councils should aim to achieve ongoing and controlled renewal. Boards operate most effectively when there is a regular (but gradual) infusion of new perspectives and ideas.

Councils should be careful not to overuse the provision to exceed consecutive term limits with a special resolution. While there are instances where use of this provision is necessary or even beneficial, it should be used sparingly in an effort to promote turnover. Although it may be easier in the short term to keep experienced and long-serving members, this approach can have negative long term affects as a sense of ownership can arise. Every Albertan should have an opportunity to serve on a library board and councils should strive to make this option available to all interested individuals.

In order to mitigate the challenges that come with mass turnover, councils should stagger appointment term expiry dates as much as possible. While the *Libraries Act* allows for terms up to 3 years in length, shorter terms are also appropriate and term lengths can be varied to support the gradual turnover of board membership.

Record keeping

Municipalities and library boards should maintain up-to-date information about current board members, including names, contact information, appointment motion, and term expiry date. Keeping accurate and complete records helps to proactively identify when appointments will need to be made, reduce the amount of work required to respond to information requests, and avoid situations where terms may unintentionally lapse.

It is also recommended that municipalities provide written notice when an appointment to the library board is made. Notice should be provided to the individual appointed, the board (or board chair), and the library manager where applicable.

Library Board Member Appointment Termination

Every appointment to a municipal library board must eventually end and it's important for municipal councils and administration to understand the various ways this can happen.

Board member term expiry

The most common way an individual's appointment to a library board comes to an end is through term expiry. Each appointment has a term with a fixed end date, after which appointment to a new term is required if there is a desire to have the individual continue serving on the board.

While the *Libraries Act* allows for an individual to be reappointed for 2 additional consecutive terms, reappointment does not happen automatically nor is it guaranteed. Every appointment, whether the first appointment or a reappointment, requires a decision and it is the sole authority of council to make that decision.

When an appointment term expires, council is under no obligation to reappoint even in cases where the board and/or individual have requested reappointment.

Board member resignation

An individual's time on a library board may also come to an end by way of resignation. There are a variety of reasons why resignation may be necessary; ultimately, no board member is obligated to serve the full term of their appointment and may resign at any time and for any reason.

Notice of resignation must be provided in writing. Resignation is considered effective as of the date the written notice is provided unless another date is specified. Notice is ideally provided to both the library board and municipal council but in some cases will only be provided to one or the other. Library boards and councils should follow their established communication procedures to ensure both parties are informed of the resignation.

It is recommended that written notices of resignation be maintained for record keeping purposes and to ensure accurate tracking of current board members. While no council motion is required to accept the resignation, it may be desirable to acknowledge resignations in council meeting minutes for increased transparency.

Finally, the *Libraries Act* does include provision for the automatic resignation of any board member who misses 3 consecutive meetings of the board without approval of the board. No written notice is required when resignation occurs in this way; however, library boards should communicate to council when an individual's appointment to the board is terminated in this manner.

Board member removal

While not as common as term expiry or resignation, an individual's term on a library board may also come to an end by way of removal. With the authority to appoint also comes the authority to unappoint (or remove) and this power rests solely with the council of the municipality that established the library board.

Council can remove a board member at any time and for any reason. Removal of a board member is done only by council motion. Such a motion should indicate that the individual is being removed from the board and include the individual's full name and the legal name of the board. Removal is deemed to be effective immediately unless a future date is specified.

Discussion:

Lydia Watters, Chair of the Town of High Level Municipal Library Board, has requested that Council consider appointing Jane Robichaud to the Town of High Level Municipal Library Board for a second consecutive term, starting February 25, 2025, and ending February 24, 2026.

Additionally, Lydia Watters has requested that Council extend both her term and Taryn McAskile's term on the Board from two years to three years to comply with provincial legislation.

The Town of High Level Municipal Board convenes on the last Thursday of each month, with additional special meetings scheduled as necessary. Some board meetings will include an in-camera session to discuss security, legal matters, personal issues, labor relations, or other topics pertinent to the Board's operations, as permitted under the *Freedom of Information and Protection of Privacy Act*. Meeting dates will remain unchanged unless a quorum cannot be achieved on the scheduled date. Summer meetings in July and August will be arranged as needed by the Board.

New Board members will receive an orientation, along with an orientation package containing resources and materials related to their roles and responsibilities on the Board.

Administration has presented Lydia Watters' requests to Council for consideration, along with pertinent information regarding municipal library appointments.

Alternatives:

Option 1: THAT Council direct Administration to refer this matter back to the High Level Municipal Library Board and request additional information for Council's consideration.

Option 2: THAT Council direct Administration to refer this matter back to the High Level Municipal Library Board for further consideration and input.

Option 3: THAT Council direct Administration to take any other action deemed appropriate by Council.

Respectfully submitted,



CAO Viv Thoss

Attachments:

Attachment 1 - Town of High Level Municipal Library Appointment Request
Attachment 2 - Town of High Level Bylaw No. 369, 1979 Library Establishment
Attachment 3 - Province of Alberta Municipal Councils and Library Boards
Attachment 4 - Libraries Act
Attachment 5 - Libraries Regulations
Attachment 6 - Town of High Level Municipal Library Policies

Viv Thoss

Subject: FW: Library Board Appointments

From: Lydia G. M. Watters <lgmwatters@outlook.com>
Sent: Thursday, February 13, 2025 4:27 PM
To: Viv Thoss <cao@highlevel.ca>
Cc: clark.mcaskile@telus.net; librarian@highlevellibrary.ab.ca; Mark Liboiron <mark.liboiron@telus.com>
Subject: Re: Library Board Appointments

Hi Viv,

The Board is asking to re-appoint one person, for another term. This is Jane Robichaud.
The appointments made for myself and Taryn McAskile need to be amended to state for a 3-year term, with the commencement date (upon appointment) included.

As per Section 1 of the Libraries Act:
Members 4
(1) A municipal library board shall consist of not fewer than 5 and not more than 10 members appointed by the council of the municipality. (2) A person who is an employee of a municipal library board is not eligible to be a member of that board. (3) Not more than 2 members of the council of the municipality may be members of the municipal library board at the same time. (4) A member of a municipal library board is eligible to be reappointed for only 2 additional consecutive terms of office, unless at least 2/3 of the whole council of the municipality passes a resolution stating that the member may be appointed as a member for more than 3 consecutive terms. RSA 2000 Section 5 Chapter L-11 LIBRARIES ACT 5 (5) Appointments to a municipal library board shall be for a term of up to 3 years. (6) Notwithstanding subsection (5), the term of office of a member continues until a successor is appointed or the member is reappointed in accordance with subsection (4). (7) Any vacancy on a municipal library board that reduces or will reduce the number of members of the board to a number less than 5 shall be filled by the council of the municipality as soon as reasonably possible. RSA 2000 cL-11 s4;2024 c7 s7

For the duties and roles, they are in the policy manual on page 44: Microsoft Word - high level library board policies feb 2021 .docx, this can also be found on the library's website. Please note that any changes to the Libraries Act or Regulation supersedes this policy. For example, Section 12.4 of the Act defines duties as such:

Board duties 12.4

A municipal library board or an intermunicipal library board, subject to any enactment that limits its authority, has full management and control of the municipal library established by the board and shall, in accordance with the regulations, organize, promote and maintain comprehensive and efficient library services in the municipality or municipalities it serves and may cooperate with other boards and libraries in the provision of those services. 2006 c5 s9;2024 c7 s

The Libraries Act also defines the board's record-keeping responsibilities and reporting requirements.

You will find the trustee orientation on page 50 of the library's policy manual.

The Board meets once a month, here the policy is incorrect and will need to revised as it was passed by the Board to change the monthly meetings from the last Wednesday of the month to the last Thursday.

As mentioned, governance is dictated by the Act and the Regulation, but I hope the policy manual will suit the needs of council for the purpose of re-appointing Jane Robichaud and amending the 2 two appointments that have already been made.

Please let me know if there is anything that is unclear or unanswered, I will do my best to provide all the necessary information.

Thank you,

Lydie Watters

BY-LAW NO. 369

of the

NEW TOWN OF HIGH LEVEL

A BY-LAW OF THE NEW TOWN OF HIGH LEVEL IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ESTABLISHMENT OF A MUNICIPAL LIBRARY

WHEREAS the Board of Administrators of the New Town of High Level deems it expedient to propose the establishment of a municipal library.

NOW THEREFORE with the authority and under the provisions of Part III of "The Libraries Act" and Amendments therto, being Chapter 206 of the Revised Statutes of Alberta, 1970, the Board of Administrators of the New Town of High Level, duly assembled, enacts as follows:

THAT there shall be established a municipal library for the New Town of High Level;

THAT the Municipal Library shall be managed, regulated and controlled by a Library Board;

THAT the policies of the Municipal Library Board shall be governed by Parts III and VII of "The Libraries Act" and Amendments and Regulations pertaining thereto;

THAT this By-law shall take effect on the date of the final passing thereof.

READ a first time this 24th. day of May, A.D., 1979

READ a second time this 24th. day of May, A.D., 1979

G. Roy

CHAIRMAN

MUNICIPAL ADMINISTRATOR

READ a third time and finally passed this 24 day of MAY ,A.D., 1979

G. Roy

CHAIRMAN

MUNICIPAL ADMINISTRATOR

Municipal Councils and Library Boards

Roles and Responsibilities

Public Library Service in Alberta: An Overview

In Alberta, public library service is municipally based. A municipality may choose to provide public library service at a local level by having a library board in the community, and/or having library service at a regional level by joining a library system.

A municipality makes the decision to have public library service in their community. One way to do this would be to have council pass an establishment bylaw under the *Libraries Act* (Part 1, section 3) to create a municipal library board for the provision of public library service. Upon its creation, the library board is a governing board and is a corporation with full management and control of the public library and public library service delivery in the community (section 12.4).

Alternately, up to four municipalities (or up to all municipalities in the same municipal district / county) may decide to partner by entering into an intermunicipal agreement and requesting that the Minister of Municipal Affairs form an intermunicipal library board on their behalf (section 10 of the *Libraries Act*). Upon its creation, an intermunicipal library board is a governing board and is a corporation with full management and control of the public library and public library service delivery in the municipalities that are parties to the intermunicipal agreement.

Municipalities may also join a regional library system. A library system is made up of jurisdictions working in partnership to provide regionally based centralized library system service which enhances and supports local library service. Also, residents benefit from system membership by having access to public libraries at a regional and provincial level.

Legislation: The *Libraries Act* and Libraries Regulation

In Alberta, public library service is governed by the *Libraries Act* and Libraries Regulation.

The *Libraries Act* sets the legal framework for public library service through the establishment of library boards, who manage public library service on behalf of the municipality.

The Libraries Regulation sets out sound management practices for library boards.

The *Municipal Government Act* (MGA) and the *Libraries Act* are two distinct pieces of legislation. Neither is superior to the other because the MGA and the *Libraries Act* do two separate things:

- The MGA is the law under which municipalities in Alberta operate, govern and are governed.
- The *Libraries Act* and Libraries Regulation form the legal basis for public library service in Alberta.

Public library boards in Alberta are not subject to the MGA (e.g. library board members are appointed by the terms outlined in the *Libraries Act*, not the MGA).

The Public Library Services Branch (PLSB) of Alberta Municipal Affairs is the provincial body that administers public library legislation and the provincial Public Library Network. PLSB staff are responsible for the administration of the *Libraries Act* and Libraries Regulation, delivering operating grants to municipal and system library boards, plus building and maintaining the provincial Public Library Network. PLSB staff members are available to consult with library boards, library staff and municipal councils. For more information about PLSB, visit albertalibraries.ca.

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The Public Library Network links public libraries at a provincial level and enables sharing, primarily by two means: a provincial policy framework and a technological infrastructure. The purpose of the Public Library Network is to support equitable and seamless access to public library resources and services for Albertans. This is done through things such as interlibrary loan brokering and delivery, the centralized acquisition of electronic content, and SuperNet connectivity.

The Roles and Responsibilities of Municipal and Intermunicipal Library Boards

Municipal and intermunicipal library boards are the legal entities that manage and control the library and public library service delivery. The formation of these boards is defined by the *Libraries Act*.

The library board is a governing board, not an advisory board – it has full management and control of the library and public library service delivery in the municipality. This is defined in legislation (*Libraries Act*, section 12.4).

Upon establishment, the library board is a corporation administered under the *Libraries Act* with full management and control of library service. It is a legal entity able to sue or be sued, enter into contracts, employ staff and regulate its own procedure and business. The library manager is employed by the board and reports directly to the board, while any additional library staff members are employees of the board but report to the library manager.

The library board is accountable not only to council, but to all citizens of the municipality and to the provincial government.

A library board:

- passes policies and may pass safety and use bylaws to enable the provision of public library service delivery.
- determines library service priorities and creates a plan of service based on community needs assessments.
- is responsible for acquiring sufficient library funding, requesting funds from council and applying for provincial grants.
- keeps financial records and bank accounts, undergoes an annual financial review and prepares and manages its own budget.
- can have reserve accounts and investments.
- chooses its own officers (e.g. chair, treasurer).
- may operate one or more public library service points and through regional initiatives participates in providing services beyond its local community.

The 9 Roles and Responsibilities of Municipal Councils

Unlike boards established under the *Municipal Government Act*, the *Libraries Act* sets out a specific relationship between council and the municipal/intermunicipal library board and system library board. Council's role in public library service delivery is limited to the following nine responsibilities.

ESTABLISHMENT OF A MUNICIPAL OR INTERMUNICIPAL LIBRARY BOARD

The decision of whether to have public library service in the community is made by the municipal council. If council decides that it would be beneficial to have public library service in the community, they may either pass a bylaw to establish a municipal library board or partner with up to two neighbouring municipalities to form an intermunicipal library board.

Forming a Municipal Library Board

Council must pass a bylaw under the *Libraries Act* section 3(1) to establish a municipal library board. Once established, the library board can only be dissolved by order of the Court of Queen's Bench, or if the municipality itself dissolves.

Establishment bylaws should only state that the library board is being created as per the *Libraries Act*. It should not be worded as establishing "the library" and extra information, such as how appointments are and how often the board meets, should not be included as the *Libraries Act* already sets those parameters. Sample establishment bylaws are available from PLSB.

Upon establishment, the library board has full management and control of the public library and public library service in the community. It is a corporation with all the rights and responsibilities that comes with that designation. Library boards may operate one or more public library service points (libraries) and may enter into agreements with other library boards. An agreement of this type allows the residents of each board to use library facilities and services in both communities.

Section 3(3) of the *Libraries Act* states that, on being established, the municipal library board's legal name is "(Name of municipality) Library Board". This name should be used on all legal and formal documents.

Forming an Intermunicipal Library Board

Instead of forming a municipal board, a municipality may alternatively pass a bylaw to enter into an agreement with up to three additional municipalities (or up to all municipalities in the same municipal district / county) to apply to have the Minister of Municipal Affairs form an intermunicipal library board.

Forming an intermunicipal library board is a formalized, legislated process whereby municipalities come together under a single library board to deliver public library services to residents of all the municipalities that are party to the agreement. This library board serves as the governing board for these municipalities.

Before this board can be established, the municipalities must enter into a formal agreement (the content of which is outlined in section 17.1 of the Libraries Regulation), which is then approved by the Minister of Municipal Affairs.

Once formed, the intermunicipal library board is also a corporation with full management and control of public library service in the municipalities, the same as a municipal library board.

The legal name of the intermunicipal library board is set out in the ministerial order that establishes the board. This name should be used on all legal and formal documents.

APPOINTMENTS TO MUNICIPAL AND INTERMUNICIPAL LIBRARY BOARDS

Council appoints and unappoints library board members to municipal and intermunicipal library boards under the terms set out in the *Libraries Act* (sections 4, 12 and 31), and the Libraries Regulation (section 17.1(e)(e.1)).

A municipal library board must have a minimum of 5 and a maximum of 10 board members. Intermunicipal library boards must have a minimum of 7 and a maximum of 15 board members.

Upon appointment, a board member becomes part of a legal entity (the library board) responsible for governing the delivery of public library service in the community and receiving local and provincial tax dollars to provide quality library service. Board members have a fiduciary responsibility to employ the duty of care - acting with competence and diligence - as well as the duty of loyalty – acting in the best interest of library service in the community.

Only the council of the municipality that established the board or signed the intermunicipal agreement can appoint to a library board. The council of a neighbouring municipality cannot appoint board members to a board that they did not have a role in establishing.

However, the council of the establishing municipality(ies) can appoint individuals from neighbouring municipalities to the library board, as there are no residency requirements imposed by the legislation. Having individuals from neighboring municipalities can help to strengthen relationships and bring a broader perspective to the table.

For municipal library boards, council may appoint up to two board members who are also councillors on their council (i.e. councillors of the municipality that established the library board). For intermunicipal boards, no more than 40% can be municipal councillors.

- If a councillor is appointed to the library board, they have the same role and responsibilities as the other board members and should not be referred to as a "Council Rep" or something similar.

There is no designated role for a municipal councillor on a municipal or intermunicipal library board.
- Councillors from neighbouring municipalities may be appointed to the library board and do not count against the limit of councillors as they are not from the establishing municipality(ies).
- Council may also choose to not appoint any councillors to the library board.

An employee of the library board cannot be appointed to the library board.

All appointments to the municipal or intermunicipal library board shall be for a term of up to three years.

A library board member is eligible to be reappointed for up to two additional consecutive terms. If council wishes to appoint a board member for more than three terms, at least 2/3 of the whole council must pass a resolution stating that the member may be reappointed as a member for more than 3 consecutive terms. This must be done for each time the member is reappointed beyond three consecutive terms.

A library board member is disqualified from remaining a member of a board if the person fails to attend, without being authorized by a resolution of the board to do so, three consecutive regular meetings of the board.

The term of office of a board member continues until a new board member is appointed by council in that member's place.

Any vacancy arising from any cause that puts the board below the minimum threshold of members must be filled by council as soon as reasonably possible.

Best Practices for Appointments

When appointing board members, make sure the motion lists the full name of the individual(s) and includes the day/month/year of when the term expires.

- Send the library board a list of appointments including the length of terms.
- Send a letter to each appointee with their term length and expiry date.
- Collaborate with the library board to develop a recruitment strategy that meets the needs of the council, the library board, and the community.

FUNDING LOCAL LIBRARY SERVICE

The *Libraries Act* (section 5) states that municipal library boards must prepare and submit their budget, along with an estimate of the money required during the ensuing fiscal year to operate and manage the municipal library, to municipal council by the date specified by council.

This estimate is formally known as "local appropriation," and is operational funding provided from local tax dollars to the library board for the delivery of public library service.

It is the responsibility of council to approve, in whole or in part, the estimate of local appropriation requested by the library board. Council **does not** have the authority to approve the library board's budget. If council is unable or unwilling to provide the requested amount in full, it is the responsibility of the library board to adjust their budget to reflect their funding situation.

For intermunicipal library boards, the process is very similar. The board must submit to each municipality that is party to the intermunicipal agreement a budget and estimate of the money required (local appropriation) from each municipality for the following fiscal year for operations (*Libraries Act* 12.1). The terms specifying when the budget and estimate must be submitted and how the intermunicipal library board calculates the estimate and each municipality's' share of the funding, etc. are set out in the intermunicipal agreement that the municipalities sign for the library board to be established by the Minister (Libraries Regulation 17.1(f)(g)).

Cost Share Agreements

Sometimes a municipality may enter into a cost-share agreement with another municipality to fund local library services. This is most often the case when a municipality without a library board recognizes that their residents use the services provided by a library in a neighbouring municipality.

When a cost-share is in place, it is best practice for the library board to receive the funding directly from the each of the municipalities involved, rather than from one municipality to another municipality, which then forwards it to the board. It is important that municipal funding for library boards is transparent and captured accurately.

Ideally, public library services would not be included in municipal cost-share agreements. The library board, as an autonomous corporation, has the responsibility to acquire sufficient funding for library services, and is consequently directly accountable to its funding providers. If the library board is not involved in the cost-share transaction, there is no opportunity for the board to build a relationship with the municipality that is providing funding through the cost-share agreement. This prevents the library board from being able to demonstrate value, return on investment and negotiate future funding levels.

PROVIDING FOR LIBRARY BUILDING AND EQUIPMENT

The *Libraries Act* (Section 7) states that municipal library boards may request funding from council for acquiring property for a library building, or for erecting, repairing, furnishing, and equipping a building to be used as a municipal library. The council may provide the funds, or a portion of the funds, as council considers expedient.

These capital funds may be borrowed by council under the authority of a borrowing bylaw, as outlined in the terms of the MGA.

DETERMINING THE FINANCIAL REVIEW

Section 6 of the *Libraries Act* states that the municipal library board must have a person who is not a member of the library board, and whose qualifications are satisfactory to council, review the library board's accounts each calendar year, and the financial report shall be in a form satisfactory to council. Upon completion, the library board must submit the financial report to council.

For intermunicipal library boards, the requirements are similar (*Libraries Act* 12.2). However, the terms specifying the form of the financial review and the process for the approval of the financial reviewer is set out in the intermunicipal agreement (Libraries Regulation 17.1(h)).

Because local library service is a municipal service funded in large part by local tax dollars, the library board is accountable to council for that funding. Therefore, it is up to council to decide the level of financial review (e.g. a full audit, a notice to reader) and to approve the person or company the library board wishes to have review their accounts.

If or when financial reviewers change, council must pass a motion approving the new reviewer. Councils should take care not to embed a specific term length for the reviewer in their motion. Doing so may result in council having to re-approve the reviewer repeatedly or unnecessarily.

RECEIVING LIBRARY BOARD BYLAWS

Council receives the library board's bylaws for the safety and use of the library after they have been passed by the library board. Best practice is to have council make a motion noting receipt and acceptance of the library board's bylaws.

If council feels that the library board's bylaw is not in keeping with comparable municipal bylaws, council may disallow it. Council cannot make changes to the library board's bylaws, however; the library board is responsible for amending or replacing the bylaw, taking into consideration council's feedback. Once revised, the board provides the new version to council for acceptance.

RECEIVING LIBRARY BOARD REPORTS

Required management practices under the Libraries Regulation state that library boards must have certain policies, including confidentiality of user records, finance, and personnel policies. Municipal and intermunicipal library boards must also develop a Plan of Service based on a community needs assessment, and submit an annual report to the province. Council may receive these reports and policies, as well as meeting minutes, from the library board for information purposes.

A recommended practice is to have the Chair of the library board (or a delegation) present to council about the library board's activities, instead

of relying upon a member of council appointed to the library board to provide information. This helps keep the roles of being a councillor and a library board member separate.

PARTICIPATING IN A REGIONAL LIBRARY SYSTEM

Being part of a library system means that all residents will have access to library service even if there is not a library in the municipality. It allows residents to access digital resources provided through the library system and visit public libraries located elsewhere in the system's region to access their services.

Library systems also provide professional and technical support to staff in public libraries within the system area so that even the smallest library has access to advice and assistance, along with the cost effectiveness and cooperation made possible by working through a larger unit. They also manage library resource development and sharing at the regional level. As well, library systems function as nodes within the provincial Public Library Network, connecting resources available provincewide to residents using municipal libraries in small rural communities.

Library system boards are created under the *Libraries Act* (section 13) and library systems were established by the Minister responsible for public libraries when municipalities in an area agreed to jointly provide library system services. Upon establishment, library system boards are corporations with all the rights and responsibilities that comes with that designation.

The system that a municipality is eligible to join is determined by the prescribed boundaries in section 34(1) of the Libraries Regulation. All municipalities, except for Edmonton and Calgary due to their size, are eligible to join a library system.

Municipalities that are part of a library system are required to pay an annual per capita levy. This levy is independent of any funding that goes to a local municipal or intermunicipal library board. The library system per capita levy is similar to a membership fee and supports library system operations.

APPOINTMENTS TO THE LIBRARY SYSTEM BOARD

When a municipality becomes party to the system agreement and is approved by the Minister to join the system, council may appoint an individual to the library system board. This individual is not required by legislation to be a municipal councillor.

Participating in a library system is more than just being a "member" of the system. The municipalities that sign the system agreement ***are*** the library system, with their appointed board member providing input and making governance decisions at board meetings about the direction of the system and its services.

Appointments to a library system board are different than appointments to a municipal or intermunicipal library board. When appointing to a library system board, council must adhere to the following, as set out in the Libraries Regulation (Section 32):

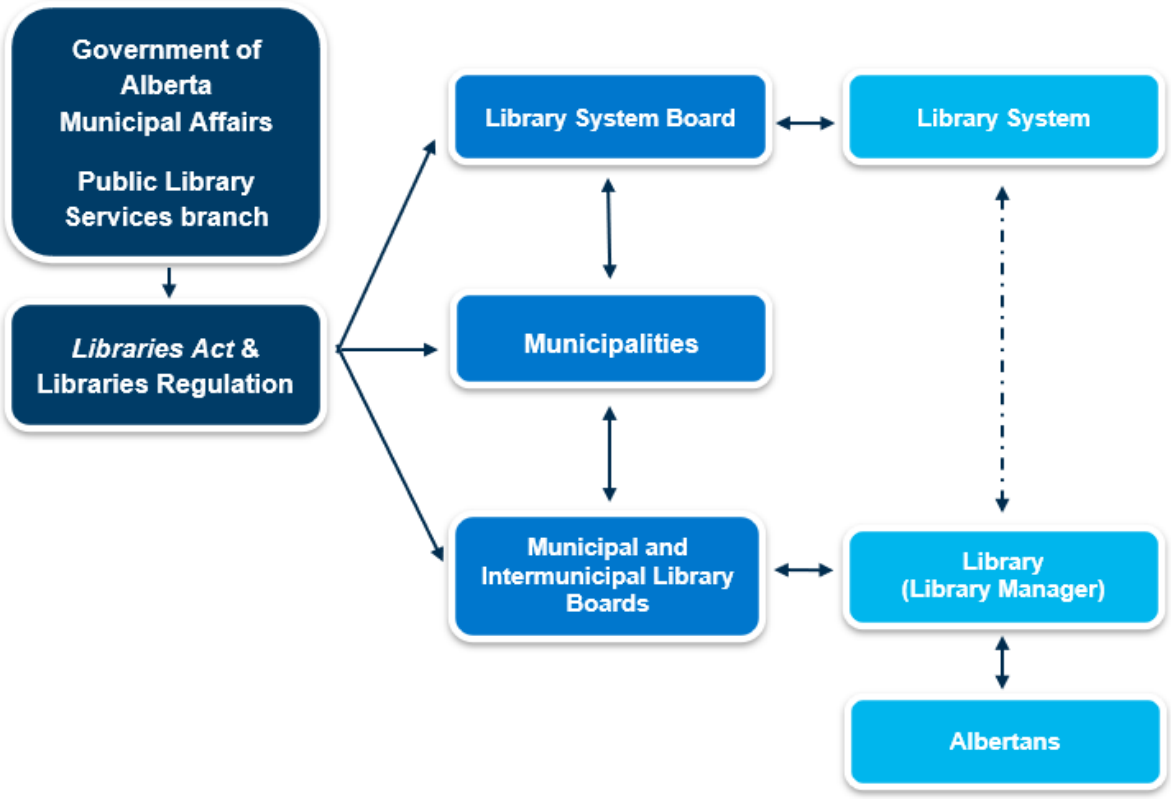
- A single term cannot exceed three years.
- Council shall not appoint a library system board member to serve for more than 9 consecutive years without the approval of 2/3rds of all the members of that council.
- Council may appoint an alternate to a library system board if the library system board member is unable to attend a library system board meeting and has given notice to the library system board that an alternate member will attend. (This is not allowed for municipal or intermunicipal library boards).

The alternate member shall not act in place of the library system board member at more than two consecutive meetings except by resolution of the library system board.

Support and Resources

If you have any questions, please contact the Public Library Services Branch by phone at 780-427-4871 (toll free by dialing 310-0000 first), or by email at libraries@gov.ab.ca. Information is also available on the PLSB website at www.albertalibraries.ca.

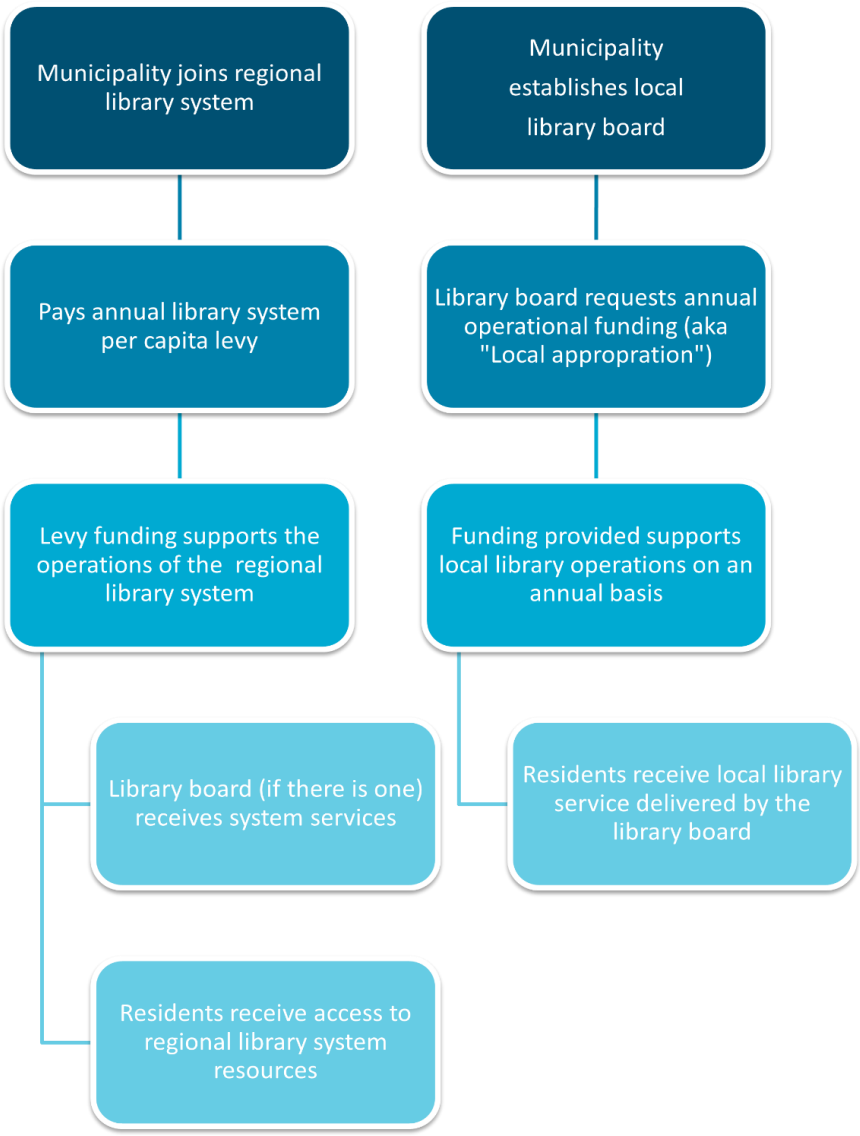
Structure of Public Library Service in Alberta



Infographic Long Description: Structure of Public Library Service in Alberta:

Public Library Services Branch, which is part of Municipal Affairs in the Government of Alberta, administers the *Libraries Act* and Libraries Regulation. The *Libraries Act* and Libraries Regulation guide the library system board and the municipal library board. Both the system and library board are in direct relationship with municipal council. The system board works in direct relationship with the library system and the municipal board works directly with the library service point. The library system works with the library service point. And the library service point is the direct point of contact for Albertans.

Municipal Funding Streams for Public Library Service



Infographic Long Description: Municipal Funding Streams for Public Library Service:

When a municipality joins a regional library system, it pays an annual system per capita levy. This levy funding supports the operations of the regional library system, including system services for the local library board (if there is one), and access to regional library system services for residents.

When a municipality establishes a local library board, that board requests annual operational funding (aka “local appropriation). This funding supports local library operations on an annual basis, and residents receive local library service delivered by the library board.



Province of Alberta

LIBRARIES ACT

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Chapter L-11

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Libraries Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	*Amendments*
Libraries Act		
Libraries	141/98	*282/99, 251/2001, 193/2003, 172/2007, 68/2008, 180/2013, 134/2018, 90/2024*

LIBRARIES ACT

Chapter L-11

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

Definitions

1 In this Act,

(a) "basic information service" means basic information service as defined in the regulations for the purposes of this Act;

(b) "board" means a municipal library board, intermunicipal library board or library system board;

(c), (d) repealed 2024 c7 s7;

(e) "council" means

(i) in the case of a city, town, municipal district, village, summer village or specialized municipality, the council;

(ii) in the case of a school authority, the board of trustees of school divisions under the *Education Act*,

(iii) in the case of a Metis settlement, the settlement council,

(iv) in the case of an improvement district, the Minister responsible for the *Municipal Government Act*, or

(v) in the case of a special area, the Minister responsible for the *Special Areas Act*;

(e.1) "intermunicipal agreement" means an agreement described in section 10;

(f) repealed 2024 c7 s7;

(f.1) "intermunicipal library board" means an intermunicipal library board established or continued under Part 1, Division 2;

(g) "library system" means a library system established, or a regional library continued, as a library system under Part 2;

(h) "library system board" means a library system board established or continued under Part 2;

(i) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(j) repealed 2024 c7 s7;

(k) "municipal library" means a library that provides public library services under the control and management of a municipal library board or an intermunicipal library board;

(k.1) "municipal library board" means a municipal library board established or continued under Part 1, Division 1;

(l) "municipality" means municipality as defined in the *Municipal Government Act*;

(m) "public library" means a municipal library or library system;

(n) repealed 2024 c7 s7;

(o) "school authority" means a school division.

RSA 2000 cL-11 s1;2006 c5 s2;2012 cE-0.3 s275;2024 c7 s7

Part 1
Municipal and Intermunicipal Library Boards

Division 1
Municipal Library Boards

Application

2 This Division applies to every municipal library board maintained in whole or in part by property taxes and

(a) established under this Division, or

(b) established or continued under section 3 as it read before the coming into force of this Division.

RSA 2000 cL-11 s2;2006 c5 s3;2024 c7 s7

Establishment and name

3(1) The council of a municipality may, by bylaw, establish a municipal library board.

(2) The council shall forward a copy of a bylaw made under subsection (1) to the Minister.

(3) On being established, the municipal library board is a corporation and shall be known as the "(Name of municipality) Library Board".

(4) A municipal library board established under this Act prior to the coming into force of this section is continued with the name "(Name of municipality) Library Board".

RSA 2000 cL-11 s3;2006 c5 s4;2024 c7 s7

Members

4(1) A municipal library board shall consist of not fewer than 5 and not more than 10 members appointed by the council of the municipality.

(2) A person who is an employee of a municipal library board is not eligible to be a member of that board.

(3) Not more than 2 members of the council of the municipality may be members of the municipal library board at the same time.

(4) A member of a municipal library board is eligible to be reappointed for only 2 additional consecutive terms of office, unless at least 2/3 of the whole council of the municipality passes a resolution stating that the member may be appointed as a member for more than 3 consecutive terms.

(5) Appointments to a municipal library board shall be for a term of up to 3 years.

(6) Notwithstanding subsection (5), the term of office of a member continues until a successor is appointed or the member is reappointed in accordance with subsection (4).

(7) Any vacancy on a municipal library board that reduces or will reduce the number of members of the board to a number less than 5 shall be filled by the council of the municipality as soon as reasonably possible.

RSA 2000 cL-11 s4;2024 c7 s7

Budget

5(1) Each year a municipal library board shall prepare a budget and an estimate of the money required during the next fiscal year to provide library services to the public.

(2) The budget and estimate shall be submitted to the council of the municipality by the date specified by the council.

(3) The council of the municipality may approve the estimate under subsection (1) in whole or in part.

RSA 2000 cL-11 s8;2006 c5 s5;2024 c7 s7

Financial records

6 A municipal library board shall

(a) create and maintain complete and accurate financial records of the board's operations,

(b) have a person who is not a member of the board and whose qualifications are satisfactory to the council of the municipality review the financial records each calendar year and prepare a financial report in a form satisfactory to the council, and

(c) submit the financial report to the council of the municipality immediately after the report is completed.

RSA 2000 cL-11 s9;2006 c5 s6;2024 c7 s7

Library building and equipment

7(1) When money is required for the purpose of acquiring real property for the purposes of a building to be used for the provision of public library services or for erecting, repairing, furnishing or equipping a building to be used for the provision of public library services, the council of the municipality may, at the request of the municipal library board, take all necessary steps to furnish the money requested or the portion of it that the council considers expedient.

(2) Money approved by the council under subsection (1) may be borrowed by the council under the authority of a bylaw and on the security of debentures.

(3) The provisions of the *Municipal Government Act* or the *Education Act*, as the case may be, governing

(a) the passing of bylaws for borrowing money,

(b) the issue and form of debentures, and

(c) the assessment, levy and collection of money necessary to meet the indebtedness incurred by the issue of debentures

apply to the borrowing of money under subsection (2).

RSA 2000 cL-11 s10;2012 cE-0.3 s275;2024 c7 s7

Dissolution

8(1) If a municipal library board fails to provide library services in accordance with the regulations for a period of 2 years, the council of the municipality may make an ex parte application to the Court of King's Bench for an order declaring the municipal library board dissolved.

(2) An order dissolving a municipal library board vests in the municipality all the property of the municipal library board, and the council through its proper officers may take possession of the vested property and dispose of it in any manner the council considers advisable.

RSA 2000 cL-11 s12;AR 217/2022;2024 c7 s7

Division 2
Intermunicipal Library Boards

Application

9 This Division applies to every intermunicipal library board maintained in whole or in part by property taxes and

(a) established under this Division, or

(b) continued under this Division.

2024 c7 s7

Establishment

10(1) The council of a municipality may, by bylaw, authorize the municipality to enter into an agreement that meets the requirements of the regulations with up to 3 other municipalities respecting the establishment of an intermunicipal library board to provide library services to the residents of the municipalities.

(2) Notwithstanding subsection (1), the number of municipalities with which a municipality may enter into an agreement may exceed 3 where each of the municipalities is located within the existing boundaries of the same municipal district.

(3) The council of each municipality that is a party to the agreement shall forward a copy of the bylaw passed by that council and the agreement described in subsection (1) to the Minister.

(4) On receipt of the bylaws and the agreement under subsection (3), the Minister may, by order, establish an intermunicipal library board.

(5) An intermunicipal library board established under subsection (4) is a corporation with the name set out in the ministerial order.

(6) An intermunicipal library board established under this Act before the coming into force of this section is continued as an intermunicipal library board under this Division.

2006 c5 s9;2024 c7 s7

Joining and withdrawing from intermunicipal agreements

11(1) After an intermunicipal library board has been established under section 10, the council of a municipality may, by bylaw, subject to the regulations and the terms of the intermunicipal agreement in respect of that board, authorize the municipality to be

(a) added as a party to the intermunicipal agreement if the agreement is between

(i) no more than 3 municipalities, or

(ii) any number of municipalities located within the existing boundaries of the same municipal district as the municipality,

or

(b) removed as a party to the intermunicipal agreement.

(2) If the Minister is satisfied that the council of a municipality has met the requirements of the regulations and the agreement, the Minister may, by order, add or remove the municipality as a party to the intermunicipal agreement.

RSA 2000 cL-11 s35;2006 c5 s12;2024 c7 s7

Members

12(1) An intermunicipal library board consists of the members appointed to the board by the council of each municipality that is a

party to the intermunicipal agreement respecting that board in accordance with the intermunicipal agreement.

(2) A person who is an employee of an intermunicipal library board is not eligible to be a member of that board.

(3) A member of the intermunicipal library board is eligible to be reappointed for only 2 additional consecutive terms of office, unless at least 2/3 of the whole council that appointed the member passes a resolution stating that the member may be appointed as a member for more than 3 consecutive terms.

(4) Appointments to an intermunicipal library board shall be for a term of up to 3 years.

(5) Notwithstanding subsection (4), the term of office of a member continues until a successor is appointed or the member is reappointed in accordance with subsection (3).

(6) Any vacancy on an intermunicipal library board that reduces or will reduce the number of members of the board to a number less than 7 shall be filled in accordance with the intermunicipal agreement as soon as reasonably possible.

2006 c5 s9;2024 c7 s7

Budget

12.1 Each year an intermunicipal library board shall, before the date specified in the intermunicipal agreement respecting that board, submit to each municipality that is a party to the agreement a budget and an estimate of the money required during the next fiscal year to provide library services to the public, including the amounts to be paid by each municipality in accordance with the agreement.

2006 c5 s9;2024 c7 s7

Financial records

12.2 An intermunicipal library board shall

(a) create and maintain complete and accurate financial records of the board's operations,

(b) have a person who is not a member of the intermunicipal library board and whose qualifications are approved in accordance with the intermunicipal agreement review the financial records each calendar year and prepare a financial report in the form required by the intermunicipal agreement, and

(c) submit the financial report to the council of each municipality that is a party to the intermunicipal agreement immediately after the report is completed.

2006 c5 s9;2024 c7 s7

Division 3
General

Validity of proceedings

12.3 No resolution, bylaw, proceeding or action of any kind of a municipal library board or intermunicipal library board may be held invalid or set aside for the reason that any person whose election to council has been judged invalid acted as a member of the board.

2006 c5 s9;2024 c7 s7

Board duties

12.4 A municipal library board or an intermunicipal library board, subject to any enactment that limits its authority, has full management and control of the municipal library established by the board and shall, in accordance with the regulations, organize, promote and maintain comprehensive and efficient library services in the municipality or municipalities it serves and may cooperate with other boards and libraries in the provision of those services.

2006 c5 s9;2024 c7 s7

Dissolution, amalgamation or annexation of municipality

12.5(1) If the Lieutenant Governor in Council makes an order under the *Municipal Government Act* dissolving a municipality, that order is deemed to dissolve any municipal library board established by that municipality and to pass to the municipality, immediately prior to the dissolution of the municipality, all the rights, assets and liabilities of the municipal library board.

(2) If the Lieutenant Governor in Council makes an order under the *Municipal Government Act* dissolving a municipality that is a party to an intermunicipal agreement respecting an intermunicipal library board, that order is deemed to remove the municipality from the agreement and, where no agreement regarding the rights, assets and liabilities of the board can be reached among the municipalities remaining party to the intermunicipal agreement, the Lieutenant Governor in Council may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the board.

(3) When under subsection (2) a municipality is removed from an intermunicipal agreement respecting an intermunicipal library board that is between no more than 2 municipalities, the Lieutenant Governor in Council may, by order, dissolve the board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the board.

(4) When an amalgamation of municipal authorities has been initiated under Part 4 of the *Municipal Government Act* and no

agreement can be reached among those municipal authorities regarding the rights, assets and liabilities of a municipal library board or an intermunicipal library board, the Lieutenant Governor in Council may, by order, dissolve the municipal library board or intermunicipal library board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the municipal library board or intermunicipal library board.

(5) When an annexation of land from one municipal authority to another municipal authority has been initiated under Part 4 of the *Municipal Government Act* and no agreement can be reached between the municipal authorities regarding the rights, assets and liabilities of

(a) a municipal library board established by the municipal authority from which the land is to be annexed, or

(b) an intermunicipal library board that is the subject of an intermunicipal agreement to which the municipal authority from which the land is to be annexed is a party,

the Lieutenant Governor in Council may, by order, dissolve the municipal library board or intermunicipal library board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the municipal library board or intermunicipal library board.

2006 c5 s7;2024 c7 s7

Part 2
Library Systems

Library system

13 Subject to this Act and the regulations, a municipality, improvement district, special area, Metis settlement or school authority,

(a) on entering into and becoming a party to an agreement that contains provisions on terms required by regulations, with one or more municipalities, improvement districts, special areas, Metis settlements or school authorities, and

(b) on complying with the regulations,

may request the Minister to establish a library system.

1983 cL-12.1 s19;1998 c19 s7

Library system board

14(1) On receipt of a request referred to in section 13, the Minister may

(a) establish a library system board, and

(b) prescribe the boundaries of the library system,

and when the Minister does so the parties to the agreement described in section 13 become members of the library system.

(2) On being established, the library system board is a corporation and shall be known as the "(Name of region) Library Board".

(2.1) A library system board established or continued under this section prior to the coming into force of this subsection is continued with the name "(Name of region) Library Board".

(3) Repealed 2024 c7 s7.

(4) The agreements referred to in section 13 that have been entered into under the *Libraries Act*, RSA 1980 cL-12, are continued under this Act, as modified by this Act.

RSA 2000 cL-11 s14;2024 c7 s7

Joining an existing library system

15 A municipality, improvement district, special area, Metis settlement or school authority may, in accordance with the regulations, become a member of a library system by complying with the terms of the agreement referred to in section 13, becoming a party to the agreement and receiving the approval of the Minister.

1983 cL-12.1 s21;1998 c19 s8

Appointment

16 A library system board consists of

(a) one member for each municipality, Metis settlement and school authority that is a member of the library system who is appointed by the council of the municipality, Metis settlement or school authority,

(b) one member for each improvement district that is a member of the library system, who is appointed by the Minister responsible for the *Municipal Government Act*,

(c) one member for each special area that is a member of the library system, who is appointed by the Minister responsible for the *Special Areas Act*, and

(d) any additional members appointed in accordance with the regulations.

RSA 2000 cL-11 s16;2024 c7 s7

System board duties

17 The library system board, subject to any enactment that limits its authority and the agreement described in section 13, has full management and control of the library system and shall, in accordance with the regulations and in cooperation with other boards, organize, promote and maintain comprehensive and efficient library services and may

(a) borrow from time to time for the purpose of defraying its operating expenses an amount not exceeding 50% of the amount expended by it during its immediately preceding fiscal year;

(b) fix fees for the use of library services by residents of a municipality within the boundaries of the library system that does not receive library services from the library system board.

RSA 2000 cL-11 s17;2024 c7 s7

Budget

18(1) The library system board shall, on or before a date specified by each municipality, improvement district, special area and school authority that is a party to the agreement described in section 13, submit to each of them a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the library system, including the amounts to be paid by each of them.

(2) Budget approval and compliance with the amounts to be paid by each party to the agreement described in section 13 shall be in accordance with the terms of that agreement.

1983 cL-12.1 s24

Restriction of authority

19 Notwithstanding this Part, if a municipal library has been established in a municipality and is receiving library services from the library system board, the authority of the library system board and the municipal library board or intermunicipal library board is limited by the terms of any agreement described in section 10 or 13.

RSA 2000 cL-11 s19;2006 c5 s10;2024 c7 s7

20 Repealed 2024 c7 s7.

Annual grants

21(1) If an improvement district or a special area is a party to an agreement described in section 13,

(a) the Minister responsible for the *Municipal Government Act*, in the case of an improvement district, or

(b) the Minister responsible for the *Special Areas Act*, in the case of a special area,

may, in addition to all other rates and assessments assessed and levied for the purposes of an improvement district or special area, assess and levy from year to year a special annual rate on the assessed value of all property liable to taxation in the improvement district or special area for the purposes of the library system board and shall, on behalf of the improvement district or special area, make an annual grant, from the money derived from the special annual rate, to the library system board with respect to its budget under section 18.

(2) If a school authority is a party to an agreement described in section 13, the school authority may make an annual grant to the library system board with respect to its budget under section 18.

1983 cL-12.1 s27

Withdrawal from the library system agreements

22 At any time after the expiration of 3 years from the date that the party entered into the agreement, a party to an agreement described in section 13 may, by giving 12 months' notice, withdraw from the agreement.

1983 cL-12.1 s28

Dissolution of a library system board

23(1) If a library system board fails to provide library services in accordance with the regulations for 2 years, the majority of the parties to the agreement described in section 13 may join in making an application to the Court of King's Bench for an order declaring the library system board dissolved.

(2) The Court, in the order dissolving the board, shall vest the property of the library system board in the Minister or in the councils of the parties to the agreement described in section 13 severally or in common as it considers just, or make any other disposition of the property that it considers just in the circumstances and the Minister and the councils may then take possession of the property and dispose of it as considered advisable by them, in accordance with any terms or conditions in the order.

RSA 2000 cL-11 s23;AR 217/2022

Borrowing for library system boards

24 A municipality or a school authority that is a party to an agreement described in section 13 may, with the approval of the Minister, borrow money to acquire real property for the purposes of a building to be used as the headquarters of a library system or for erecting, repairing, furnishing and equipping a building to be used

as the headquarters of a library system, and section 7(2) and (3) apply to the borrowing of the money.

RSA 2000 cL-11 s24;2024 c7 s7

Parts 3 and **4** Repealed 2024 c7 s7.

Part 5
General

Board member disqualification

31(1) A person is disqualified from remaining a member of a board if the person fails to attend, without being authorized by a resolution of the board to do so, 3 consecutive regular meetings of the board.

(2) If a member of a board is disqualified from remaining a member under subsection (1), the person is deemed to have resigned the person's seat on the board.

1983 cL-12.1 s35

Chair of board

32 A board shall elect a chair and any other officers it considers necessary from among its members.

1983 cL-12.1 s36

Meetings

33(1) A board shall meet at least once every 4 months and at any other times it considers necessary.

(2) If the regulations require a library system board to have an executive, that executive must meet at least once every 3 months and at any other times it considers necessary.

1983 cL-12.1 s37;1998 c19 s13

Record of meetings

34(1) All minutes, resolutions and bylaws of a board shall be signed by the chair or a person acting for the chair.

(2) Minutes, resolutions and bylaws signed under subsection (1) shall be admitted in evidence as proof, in the absence of evidence to the contrary, of their contents without proof of the signature or official character of the person appearing to have signed them.

(3) A board shall store all minutes, resolutions and bylaws of the board in a secure physical or electronic location.

RSA 2000 cL-11 s34;2024 c7 s7

35 Repealed 2024 c7 s7.

Safety and use of library facilities

36(1) A board may pass bylaws for the safety and use of the library, including

(a) the terms and conditions under which

(i) the public may be admitted to the building,

(ii) public library property may be used or borrowed by members of the public, and

(iii) borrowing privileges may be suspended or forfeited;

(b) notwithstanding subsection (3), fees to be paid by members of the public for

(i) the issuance of library borrowing cards,

(ii) the use of those parts of the building not used for the purposes of the public library,

(iii) photocopying and printing services,

(iv) receiving information in a printed, electronic, magnetic or other format, and

(v) receiving, on request, a library service not normally provided by a public library;

(c) penalties to be paid by members of the public for abuse of borrowing privileges.

(2) The *Regulations Act* does not apply to bylaws passed under subsection (1).

(3) A bylaw or part of a bylaw that requires a member of the public to pay a fee or charge for any of the following is invalid:

(a) admittance to any portion of a building used for public library purposes;

(b) using library resources on library premises;

(c) borrowing library resources, in any format, normally lent by the library;

(d) acquiring library resources through inter-library loan;

(e) consultation with members of the library staff;

(f) receiving basic information service.

RSA 2000 cL-11 s36;2024 c7 s7

Bylaw transmission

37(1) A municipal library board, on passing a bylaw under section 36, shall forthwith forward a copy of the bylaw to the council of the municipality.

(2) An intermunicipal library board, on passing a bylaw under section 36, shall forthwith forward a copy of the bylaw to the council of each municipality that is a party to the intermunicipal agreement respecting that board.

RSA 2000 cL-11 s37;2006 c5 s13

Bylaw invalidated

38 The council of a municipality may disallow a bylaw passed by a municipal library board it has appointed.

RSA 2000 cL-11 s38;2024 c7 s7

Authorization to inspect

39(1) The Minister or a person authorized in writing by the Minister may, during regular business hours, inspect the records of a board.

(2) A person authorized under subsection (1) shall, while inspecting the records of a board, carry identification in the prescribed form and present it on request.

RSA 2000 cL-11 s39;2024 c7 s7

Regulations

40 The Minister may make regulations

(a) respecting the establishment, maintenance, operation and management of public libraries;

(b) respecting the acquisition, provision, management, maintenance and disposition of library materials and facilities by public libraries;

(c) respecting the planning for, and provision and management of, library services;

(d) governing the filing, by boards, of returns and reports, and their contents;

(e) respecting the inspection of public libraries;

(f) prescribing the form of identification for persons authorized to inspect public libraries;

(g) providing for the making of any surveys by boards that the Minister considers necessary or advisable for the purpose of obtaining information to assist in the formulation of policies respecting matters to which this Act relates;

(g.1) governing the matters required to be dealt with in agreements described in section 10;

(h) prescribing conditions to be complied with by any municipality, Metis settlement or school authority prior to its association with a library system;

(i) governing the matters required to be dealt with in agreements described in section 13 and the requirements and procedure to establish or expand a library system;

(j) respecting the disposition and transfer of library assets by municipal library boards desirous of disposing of them to library system boards on entering into agreements described in section 13;

(j.1) respecting the dissolution of intermunicipal library boards;

(k) subject to section 16, governing appointments to library system boards and the terms of office of their members;

(l) repealed 2024 c7 s7;

(m) defining basic information service for the purposes of this Act.

RSA 2000 cL-11 s40;2006 c5 s14;2024 c7 s7

Offence

41(1) Any person who wilfully contravenes any bylaw under section 36 is guilty of an offence.

(2) A person who wilfully retains any book, record, film or other library property from any public library established and conducted under the authority of this Act is guilty of an offence.

(3) A person who obstructs the Minister or a person authorized in writing by the Minister to act on the Minister's behalf in the inspection of the records of a public library is guilty of an offence.

1983 cL-12.1 s45

Disposition of fines

42(1) Any fine or penalty imposed pursuant to an offence under section 41(1) inures to the benefit of the board whose bylaw was contravened.

(2) Any fine or penalty imposed pursuant to an offence under section 41(2) inures to the board having the management or control of the property in respect of which the offence was committed.

1983 cL-12.1 s46





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LIBRARIES REGULATION

Alberta Regulation 141/1998

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 90/2024)

ALBERTA REGULATION 141/98

Libraries Act

LIBRARIES REGULATION

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Definitions

1 In this Regulation,

(a) "Act" means the *Libraries Act*;

(b), (b.1) repealed AR 90/2024 s2;

(b.1) "intermunicipal agreement" means an intermunicipal agreement under section 12.2 of the Act;

(c) "library resources" means any material, regardless of format, that is held in a library's collection and includes books, periodicals, audio recordings, video recordings, projected media, paintings, drawings, photographs, micromaterials, toys and games, kits, CD-ROMs and electronic databases;

(d) "library service point" means a facility that provides public library services under the control and management of a board;

(d.1) "Public Library Network" means the provincial resource sharing network administered by the Public Library Services Branch;

(e) "resource sharing" means making available to other libraries the library resources owned by a board, the information contained in those resources and the staff expertise required to locate and make available the information or the library resources.

AR 141/98 s1;172/2007;68/2008;90/2024

Definition for Act

2 For the purposes of the Act, "basic information service" means public access to current and accurate information and assistance with making use of information, communication technology and library resources.

Part 1
Boards Generally

Reports of bylaws

3(1) Every board shall file with the Minister a report that contains a copy of any bylaw passed by the board under section 36 of the Act.

(2) A report under subsection (1) shall be filed

(a) within one year of the board's establishment, and

(b) after the passage of any bylaw passed by the board one year or more after the board's establishment.

AR 141/98 s3;251/2001;90/2024

Reports of policies

4(1) Every board shall file with the Minister a report that contains a copy of any policy established by the board under section 7.

(2) A report under subsection (1) shall be filed

(a) by a municipal library board or intermunicipal library board within 2 years of the board's establishment, and

(b) by a library system board within 3 years of the board's establishment.

(3) When a board revises a policy established by the board under section 7, the board shall file with the Minister a report that contains a copy of the revision.

AR 141/98 s4;172/2007;90/2024

Meetings open to public

5(1) Every meeting of a board is open to the public.

(2) A person or group may make representations to a board at its meeting if the representations relate to the board and its programs.

Public inspection of minutes, resolutions and bylaws

6(1) Every board shall make its minutes, resolutions and bylaws available for inspection by any person

(a) during the hours that the library service point is open to the public, if the board operates a library service point, or

(b) during regular business hours or on request, if the board does not operate a library service point.

(2) A person who inspects minutes or a resolution or bylaw under subsection (1) may copy the minutes, resolution or bylaw according to the conditions and procedures established by the board.

AR 141/98 s6;90/2024

Policies

7(1) Subject to section 36 of the Act, every board shall establish policies with respect to the following:

(a) confidentiality of user records, except where disclosure is required by law;

(b) orientation and continuing education of board members and staff, including expenses for such orientation and continuing education;

(c) finance, including designation of expenses for which board members and staff will be reimbursed, the form and manner in which those expenses shall be claimed and the appointment of signing officers for the board.

(2) Every board that operates a library service point shall, in addition to establishing policies under subsection (1), establish policies with respect to the following:

(a) personnel, including job descriptions and performance appraisals for employees, qualifications for staff positions, working hours, conditions of employment and a grievance procedure;

(b) selection, acquisition, purchase and disposition of library resources, including a policy respecting gifts and donations;

(c) resource sharing, including participation in the Public Library Network and the conditions that apply to the acquisition of library resources and information from other sources, including inter-library loans and information in electronic databases;

(d) provision of library resources to persons unable to use conventional print resources, including provision in co-operation with community agencies;

(e) the terms and conditions under which library resources will be loaned to members of the public for use in a location other than the library;

(f) hours of service at each library service point;

(g) the terms and conditions for use of any areas of a building managed by the board that are not normally used for library purposes, including who may use those areas.

(3) A library system board shall also establish a policy with respect to the provision of municipal library services to any member municipality that does not have a municipal library board and shall ensure that bylaws under section 3 and policies under subsections (1) and (2) apply to those library services.

AR 141/98 s7;251/2001;90/2024

Some types of inspections

8 Without limiting the generality of section 39 of the Act, the Minister or a person authorized by the Minister may inspect the records of a board

(a) to determine the extent to which a board is meeting the requirement to provide comprehensive and efficient service as defined by that board,

(b) to determine compliance with the Act and the regulations under the Act,

(c) to determine the adequacy of accounting practices and financial controls,

(d) to determine the use to which provincial grants are put, and

(e) to assist a board in periodic reviews of its administrative practices, policies, library collections and any other matters on which a board may request advice.

AR 141/98 s8;251/2001;90/2024

Identification of inspector

9 The identification that a person authorized under section 39 of the Act must carry is an identification card that bears the person's photograph, name and position and is

(a) signed by the Minister, or

(b) accompanied by the Minister's authorization, in writing, to do the inspection.

AR 141/98 s9;251/2001;90/2024

When library service point may be in a school

9.1 A board shall not operate a library service point in a school unless

(a) the board enters into an agreement with the school authority that sets out the responsibilities of the board and the school authority for the operation of the library service point, including the responsibilities of employees of the board and the school authority,

(b) the board has its own bank account and signing officers, none of whom are employees of the school authority, and

(c) in addition to any other hours that the library service point may be open to the public, the library service point is open to the public outside of the hours during which the school is in operation for regular classes, including being open during evenings or weekends, or both, and during the summer.

AR 90/2024 s8

Part 2 repealed AR 90/2024 s9

Part 3
Municipal and Intermunicipal Library Boards

Plan of service

13(1) A municipal library board or intermunicipal library board shall, within 3 years of being established, develop and file with the Minister a plan of service with a mission statement and goals and

objectives based on a needs assessment of the municipality or municipalities served by the board.

(2) A municipal library board or intermunicipal library board shall, at least every 5 years following the date on which the plan was previously filed, file a current plan of service with the Minister.

AR 141/98 s13;193/2003;172/2007;90/2024

Employment of professional librarian

14(1) Subject to subsection (3), the following shall, within 2 years of completing a plan of service under section 13(1), employ a graduate of a postgraduate library program in Canada or a person with equivalent qualifications from another country:

(a) a municipal library board of any municipality with a population of 10 000 or more;

(b) an intermunicipal library board that serves municipalities with a total population of 10 000 or more.

(2) Repealed AR 193/2003 s3.

(3) This section does not apply to any municipal library board or intermunicipal library board that does not operate a library service point.

AR 141/98 s14;251/2001;193/2003;172/2007;90/2024

Report to Minister

15 A municipal library board or intermunicipal library board shall annually complete and file with the Minister a report in a form and containing the information required by the Minister.

AR 141/98 s15;172/2007;90/2024

Requests by Minister

16(1) For the purpose of determining if a municipal library board or intermunicipal library board is complying with the Act and this Regulation, the Minister may, by written request, require a municipal library board or intermunicipal library board to file with the Minister

(a) copies of the minutes of any meeting of the board, and

(b) copies of any agreement entered into by the board.

(2) For the purpose of obtaining information to assist in the formulation of policies respecting matters to which the Act and this Regulation relate, the Minister may, by written request, require a

municipal library board or intermunicipal library board to make any survey that the Minister considers necessary or advisable.

AR 141/98 s16;172/2007;90/2024

17 Repealed AR 90/2024 s15.

Contents of intermunicipal agreement

17.1 An intermunicipal agreement shall, at a minimum, contain the following:

(a) a formal indication of each municipality's desire to enter into the intermunicipal agreement;

(b) a starting date for the intermunicipal agreement;

(c) provision for a municipality to become a party to the intermunicipal agreement after the starting date for the agreement if

(i) no more than 3 municipalities enter into the agreement initially, or

(ii) the agreement is between any number of municipalities located within the existing boundaries of the same municipal district as the municipality;

(d) provision for a municipality to be removed as a party to the intermunicipal agreement after the starting date for the agreement;

(e) terms specifying the number of members of the intermunicipal library board each municipality that is a party to the intermunicipal library agreement may appoint, including the number of members of council of each of the municipalities that may be appointed;

(e.1) provision for the appointment of a total number of members to the intermunicipal library board of not fewer than 7 and not more than 15, of whom no more than 40% may be members of council of any municipality that is a party to the intermunicipal agreement;

(f) the annual date by which the intermunicipal library board must submit a budget and an estimate of the money required during the next fiscal year to each municipality that is a party to the intermunicipal agreement;

(g) terms specifying how the intermunicipal library board must calculate the estimate of the money required during the next fiscal year and each municipality's share of that

money, the date on which payment of the money becomes due from each municipality, and how the money is to be paid;

(h) terms specifying the form of the financial report to be prepared under section 12.1 of the Act and setting out a process for the approval of the qualifications of the person who will review the financial records of the intermunicipal library board and prepare the financial report;

(i) terms governing the process for amending and terminating the intermunicipal agreement;

(j) details of the rights, assets and liabilities that each municipality that is a party to the intermunicipal agreement will transfer to the intermunicipal library board on the formation of the board;

(j.1) details of the rights, assets and liabilities that a municipality that becomes a party to the intermunicipal agreement after the starting date of the agreement will transfer to the intermunicipal library board;

(k) where the intermunicipal agreement is an agreement between 3 or more municipalities, terms respecting the transfer of the rights, assets and liabilities of the intermunicipal library board in the event that one of the municipalities withdraws from the agreement;

(l) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that are parties to the intermunicipal agreement;

(m) terms respecting the notice that a municipality must give to the intermunicipal library board and to the other municipalities that are parties to the intermunicipal agreement before making an application under section 17.2.

(n) terms governing the process by which a bylaw passed by the intermunicipal library board may be disallowed.

AR 172/2007 s10;90/2024

Dissolution of intermunicipal library board

17.2(1) The council of a municipality that is a party to an intermunicipal agreement may, by bylaw, authorize the municipality to apply to the Minister to dissolve the intermunicipal library board.

(2) An application to the Minister to dissolve an intermunicipal library board must contain a proposed winding-up plan that addresses the transfer of all of the rights, assets and liabilities of the intermunicipal library board.

(3) If complete applications to dissolve an intermunicipal library board are received

(a) from one or both municipalities that are parties to an intermunicipal agreement that is between 2 municipalities, or

(b) from a majority of the parties to an intermunicipal agreement that is between 3 or more municipalities,

the Minister may, by order, dissolve the intermunicipal library board and transfer the rights, assets and liabilities of the intermunicipal library board in accordance with the proposed winding-up plan or in any other manner the Minister considers appropriate if the municipalities cannot agree as to how the rights, assets and liabilities should be distributed.

AR 172/2007 s10;90/2024

Part 4
Library System Boards

Plan of service

18(1) In managing and controlling a library system, a library system board shall, within 4 years of being established, develop and file with the Minister a plan of service with a mission statement and goals and objectives based on an assessment of

(a) the needs of the municipal library boards and intermunicipal library boards within the library system,

(b) the library needs of those school authorities that are parties to an agreement referred to in section 13 of the Act, and

(c) the need for public library service generally.

(2) A library system board shall, at least every 5 years following the date on which the plan was previously filed, file a current plan of service with the Minister.

(3) Repealed AR 90/2024 s18.

AR 141/98 s18;251/2001;193/2003;172/2007;90/2024

Employment of professional librarians

19(1) A library system board shall employ, for every 25 000 persons that it serves, a graduate of a postgraduate library program in Canada or a person with equivalent qualifications from another country.

(2) A calculation under subsection (1) of the number of persons that a library system board serves shall exclude the population of any municipality in which a municipal library board or intermunicipal library board employs a person under section 14.

AR 141/98 s19;172/2007;90/2024

Reports to Minister

20(1) A library system board shall annually complete and file with the Minister a report in a form and containing the information required by the Minister with respect to

(a) the library system board, and

(b) each library service point as specified by the Minister.

(2) Repealed AR 90/2024 s20.

AR 141/98 s20;90/2024

Requests by Minister

21(1) For the purpose of obtaining information to assist in the formulation of policies respecting matters to which the Act and this Regulation relate, the Minister may, by written request, require a library system board to make any survey that the Minister considers necessary or advisable.

(2) The Minister may, by written request, require a library system board to provide any information that the Minister considers necessary to undertake a systematic review of library services within the library system.

AR 141/98 s21;90/2024

Part 5
Completion of Library Systems

Definitions

22 In this Part,

(a) "agreement" means an agreement referred to in section 13 of the Act;

(b) "jurisdiction" means a municipality, an improvement district, a special area or a Metis settlement;

(c) "resource centre" means a municipal library within a library system that the library system board designates as a resource centre.

AR 141/98 s22;251/2001

Library system membership

23 A jurisdiction or school authority shall not request the Minister to establish a library system under section 13 of the Act unless a minimum of 75% of the parties to the agreement are jurisdictions.

AR 141/98 s23;251/2001

Resolutions before membership

24(1) Before a jurisdiction that is not a party to an intermunicipal agreement becomes a member of a library system,

(a) the municipal library board in the jurisdiction shall pass a resolution accepting service from the library system board and providing its recommendations to the jurisdiction's council with respect to the agreement, and

(b) the jurisdiction's council shall pass a resolution assenting to the agreement.

(1.1) Before a jurisdiction that is a party to an intermunicipal agreement becomes a member of a library system,

(a) the intermunicipal library board established by the intermunicipal agreement shall pass a resolution accepting service from the library system board for that jurisdiction and providing its recommendations to the council of each jurisdiction that is a party to the intermunicipal agreement with respect to the agreement, and

(b) the jurisdiction's council shall pass a resolution assenting to the agreement.

(2) Before a school authority becomes a member of a library system, it shall pass a resolution accepting service from the library system board on the terms and conditions prescribed by that board.

AR 141/98 s24;172/2007;90/2024

Contents of agreement

25(1) An agreement shall at a minimum contain the following terms:

(a) a formal indication of the parties' desire to enter into an agreement;

(b) a starting date for the agreement;

(c) provision for parties to become members of the library system after the starting date;

(d) terms setting out the powers and duties of the library system board;

(e) provision for the establishment of an executive committee of not more than 10 persons when the number of members of the library system board is more than 20, and a statement of the powers and duties of that committee;

(f) terms specifying how to calculate the estimate of the money required under section 18 of the Act, the date on which payment of the money becomes due and how the money is to be paid;

(g) an explanation of the financial relationship between the library system board and the parties to the agreement;

(h) an explanation of the financial relationship between the library system board and the municipal library boards and intermunicipal library boards;

(i) terms setting out the services that the library system board will provide, including a commitment to make all library resources acquired by the board available to all residents served by the library system;

(j) an explanation of the relationship between the library system board, the municipal library boards, the intermunicipal library boards and the board of the resource centre respecting the provision of library services, subject to section 19 of the Act;

(k) provision for expansion of the library system to all jurisdictions within the prescribed boundaries;

(l) repealed AR 90/2024 s23;

(m) terms governing the method for amendment, extension and renewal of the agreement;

(n) terms governing the notification municipal library boards and intermunicipal library boards are to receive of any amendment, extension or renewal of the agreement.

(2) An agreement shall be signed by the persons authorized by the councils to enter into the agreement and by the chairs of municipal library boards and intermunicipal library boards where they exist.

(3) to (5) Repealed AR 180/2013 s2.

AR 141/98 s25;251/2001;193/2003;172/2007;180/2013;90/2024

Notice of withdrawal

26 If a party to an agreement gives notice of withdrawal under section 22 of the Act, the library system board

(a) shall, not later than 90 days prior to the effective date of withdrawal, provide to that party's council and municipal library board or intermunicipal library board, if any, a written appraisal of the expected effects of that withdrawal on the provision of library services to the residents of that jurisdiction or school authority, and

(b) may request a review by that party's council and municipal library board or intermunicipal library board, if any, of the notice of withdrawal.

AR 141/98 s26;251/2001;172/2007;90/2024

Request to Minister

27(1) A jurisdiction or school authority that wants to become a member of an existing library system shall forward to the Minister a request to that effect.

(2) Section 23 applies to an application under this section.

(3) The Minister shall not approve an application to join an existing library system unless a minimum of 75% of the parties to the agreement are jurisdictions.

28 Repealed AR 90/2024 s25.

Personal property of municipal and intermunicipal library boards

29 All personal property of a municipal library board or intermunicipal library board on the date on which a council signs an agreement affecting the board remains the property of the municipal library board or intermunicipal library board.

AR 141/98 s29;172/2007;90/2024

Real property of library system board

30 A library system board may not hold or own real property unless it is required for the purposes of administering the library system or for distribution of library resources.

Advisory committee

31(1) A member of a library system board who is appointed by the council of a jurisdiction that does not have a municipal library board or intermunicipal library board may receive any concerns respecting library service to that jurisdiction's residents from an advisory committee appointed by the council to transmit those concerns.

(2) If a council does not appoint an advisory committee, the library system board may appoint an advisory committee to act under subsection (1).

AR 141/98 s31;172/2007;90/2024

Library system board members

32(1) Repealed AR 90/2024 s28.

(2) An appointment under section 16(a) of the Act shall not exceed a term of 3 years.

(3) A council of a municipality, Metis settlement or school authority shall not appoint a member under section 16(a) of the Act to serve for more than 9 consecutive years without the approval of 2/3 of all the members of that council.

(4) Repealed AR 90/2024 s28.

(5) Subject to subsection (6), a council may, with respect to appointments under section 16(a) of the Act, appoint an alternate member to the library system board if its library system board member

(a) is unable to attend a meeting of the library system board, and

(b) has given notice to the library system board that an alternate member will attend.

(6) The alternate member shall not act in place of the library system board member at more than 2 consecutive meetings except by resolution of the library system board.

AR 141/98 s32;251/2001;90/2024

Appointment of additional members

33(1) Repealed AR 90/2024 s29.

(2) The board of a resource centre may, pursuant to section 16(d) of the Act, appoint one additional member to the library system board for a term not exceeding 3 years.

AR 141/98 s33;251/2001;90/2024

Library system boundaries

34(1) For the purposes of section 14(1)(b) of the Act, the boundaries of each library system are as set out in the Schedule to this Regulation.

(2) Notwithstanding the Schedule, the municipality of Swan Hills may join either the Peace or Yellowhead library systems.

AR 141/98 s34;282/99;251/2001;90/2024

Public Library Network

35 Every jurisdiction and school authority that is a member of a library system shall, for the purpose of managing its library services or public libraries, meet the requirements of the Public Library Network.

AR 141/98 s35;90/2024

Part 6 repealed AR 90/2024 s32

Part 7
Repeal

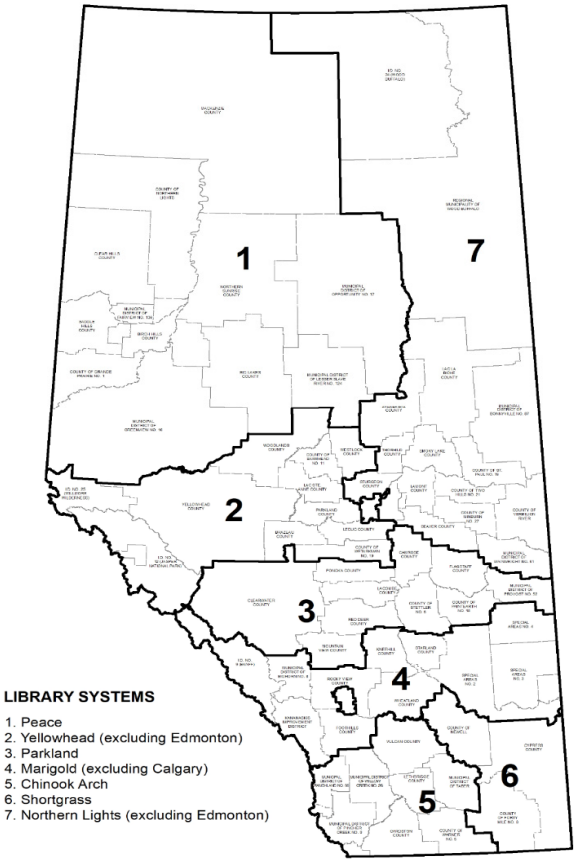
Repeal

47 The *Libraries Regulation* (AR 342/84) is repealed.

48 Repealed AR 134/2018 s3.

Schedule

BOUNDARIES OF LIBRARY SYSTEMS IN ALBERTA



AR 141/98 Sched;90/2024





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Town of High Level Library Board

POLICY MANUAL

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SECTION 1 – GENERAL

1.1 Mission, Vision, and Values

Our Mission

Through fostering community partnerships, the High Level Municipal Library will provide library and information services for the educational, cultural, and leisure needs of the Community.

Our Vision

The High Level Municipal Library is a comfortable space for learning, creativity, entertainment, and intellectual activity open to all.

Our Values

The High Level Municipal Library values collaboration, creativity, and advocacy.

Created: Jan 1990
Revised: Sept 2022
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SECTION 2 – LIBRARY CARDHOLDERS

2.1 Library Cardholders and Library Card Fees

The patron should make all efforts to ensure that the information held by the Library is current.

Library Cards

Any person may apply for a Library card.

Juvenile library cards are set at 0-15 years of age. A parent/guardian must sign juvenile cardholder registrations and the parent/guardian will be held responsible for items borrowed on juvenile library cards.

Special group cardholders are considered individually. Cost will be based on the demand for resources. These library cards will be valid for one year from the time of issue.

Transient residents

- may be issued a library card valid for six months from date of issue, plus a non-refundable deposit,
- are defined as short term residents, persons passing through or persons with a general delivery address and no telephone, and
- will be asked to provide valid government identification as per provincial legislation.

Library cards are not transferable and may not be used by others.

A patron may not be allowed to borrow after the one-month grace period without renewal of their library card.

Cardholder Fees

Library cardholder fees shall be reviewed and set annually with the Budget.

No person shall be denied a library card if the sole reason is a lack of ability to pay the fee.

Suspension

Borrowing privileges will be suspended when late fees and/or replacement charges for lost items exceed $10.00

Replacement Charges

Library cardholders are responsible for the loss and damage to any items borrowed on their card, as well as the payment of any outstanding fines.

Lost cards must be reported immediately. A fee may be charged for replacement of the card.

2.2 Overdue Items

Library cardholders are responsible for returning library materials to the library on or before the due date.

Any items not returned by the due date are considered overdue.

The Library shall attempt to notify patrons two times before library cards are suspended.

Two lending cycles after the items are due, they shall be considered lost and an email shall be sent informing patron of replacement costs and penalties. If there is no response, the matter may be forwarded to a collection agency.

If all attempts to regain overdue items should fail, the Library reserves the right to charge the patron under the *Libraries Act*.

2.3 Complaints or Appeals by Patrons

If a patron wishes to lodge a complaint/appeal to the Town of High Level Library Board, they must follow the protocols laid out within this policy.

- Complaint/Appeal should be first addressed to the Library Manager in writing for possible resolution.
- If the resolution is not satisfactory to the patron, they can write an additional letter to the Board also forwarding the original letter that was sent to the Library Manager.

The Board's decision in such matters will be final.

2.4 Confidentiality of Patron Records

All records held by the High Level Municipal Library relating to user registration and the borrowing of library materials are confidential in nature, regardless of the source of inquiry.

Access to patron records is provided to library staff and volunteers as required to carry out the business of the library, including recovering library property and collecting late fees. Records of library members are stored in a single database for all TRAC consortium member libraries.

The contents of registration and borrowing records shall not be made available to anyone with the following exceptions:

- Under the written order of the Library Manager, such order having been issued pursuant to a proper legal process, order or subpoena under the law and/or in accordance with the *Freedom of Information and Protection of Privacy Act* of Alberta (FOIP).

  Any individual in receipt of such process, order or subpoena, should forward it to the Library Manager. The Manager will consult with the Legal Counsel of the Town of High Level to determine if such process, order or subpoena is in good form and if there is just cause for its issuance. If the process, order or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be cured before any records are released.
- At the request of a parent or guardian for access to the record of a library user under 15 years of age, provided the parent or guardian has authorized and accepted responsibility for borrowing privileges.
- In the case of a library user over 16 years of age, access is provided to the parent only with the permission of the child.

SECTION 3 - ADMINISTRATIVE

3.1 Personal Information Bank

The Town of High Level Library Board (THLLB) and High Level Municipal Library (HLML) keep the following banks of information, based upon the legal authority stated in each section:

Personnel Records

Information contained supports administration and payroll functions.
Information contained: Employee name, address, phone number, birth date, Social Insurance Number, benefits information, employment commencement date, salary grid placement, employment contracts, performance reviews
Individuals: all THLLB staff.
Legal Authority: *Freedom of Information and Protection of Privacy Act*, section 32(c)
Alberta Labour Code, Canada Tax Act, Libraries Act

User Database

Information contained supports the lending and use of library materials to the public.
Information contained: User name, address, telephone number and email address.
Individuals: all users registered with HLML.
Legal Authority: *Libraries Act, Freedom of Information and Protection of Privacy Act*, section 32(c).

Home Service User Database

Information contained supports the home service to these users.
Information contained: User name, address, phone number, email address and reading history.
Legal Authority: *Libraries Act, Freedom of Information and Protection of Privacy Act*, section 32(c).

Staff Directory

Information contained: Employee name, address, home and cell phone numbers, emergency contact.
Individuals: all THLLB staff.
Legal Authority: *Freedom of Information and Protection of Privacy Act*, section 32(c).

Volunteer Database

Information contained: Volunteer name, address, phone number, email address, emergency contact, criminal record check forms, volunteer hours.
Individuals: volunteers at HLML.
Legal Authority: *Freedom of Information and Protection of Privacy Act*, section 32(c).

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Room Booking Database

Information contained: name and type of organization; date, time, and location of meeting; contact name, telephone number, mailing and email addresses.
Individuals: persons booking HLML public rooms
Legal Authority: *Freedom of Information and Protection of Privacy Act*, section 32(c).

3.2 Record Keeping, Storing, and Purging

Record Keeping

The Library Manager will maintain adequate records to compile monthly and annual activity reports. The storage of files is to be kept to the legal minimum consistent with the efficient operation of the organization and the preservation of a meaningful historical record of High Level Municipal Library. Where records are deemed to be vital, the confidentiality or security of the files and the implications of their possible loss or destruction should be considered when making decisions as to where to store them.

Apart from those materials obtained or documented for the express purpose of public use, the records of the Library are confidential and may be accessed only with the permission of the Board under the guidelines set out by the *Freedom of Information and Protection of Privacy Act* and Regulation. User records are confidential unless subpoenaed by law.

The Library Manager will present all requests for access to the Library's confidential records to the Board together with any comments or recommendations.

Computer Backup

There shall be a backup process in place for every computer in the office. Staff adherence to backup procedures is the responsibility of the Library Manager.

Retaining of Records

The Library Manager shall follow the schedule set by the *Town of High Level Bylaw No.708-99*. [Schedule attached]. P= permanent on schedule.

The following items are not covered under this schedule:

Daybook	One year
Inactive Patron cardholder forms (with no fees attached to the account)	Two years

Destruction of Records

Administrative files shall be purged annually, and records moved, archived, or destroyed as appropriate.

- regular garbage disposal (wastebasket) for documents that do not contain personal or sensitive information and
- shredding all personal and sensitive documents that are no longer deemed "Necessary Records".

Destruction of records shall follow the schedule set out by the Town of High Level where applicable.

Staff is responsible for maintenance of their own current and working files. Any significant documents received by any member of the staff shall be retained as administrative or essential files and as such fall under the purview of this policy.

RETENTION AND DESTRUCTION OF RECORDS

SCHEDULE "A"

Subject	Description	Retention Period in Years
Accounting	Monthly reconciliation & receipts	2
Accounting	Year-end general ledgers	P
Accounts Payable	General administration of accounting	7
Accounts Revenue	The control and operation of receivable accounts	7
Acquisition	Orders for goods which do not require requisitions	1
Acts and Legislation	Controlling the Town	P
Administration	General Correspondence	1
Administration	General subjects relating to administrative function and activities from the time the decision was made.	1
	Organizational chart	C
Agreements/Contracts	Agreements and contracts	7- after expiry date
Associations & Societies	Participation in the functions of mutual professional interest	3
Audits	Financial auditing methods and reports	1
Banking	Administration and establishment of bank accounts	P
Budgets-General	Final Budgeting Information	P
Capital Projects	Project lists, reports, and statistics	P
Cheque Administration	Administration of issuance, replacement, and distribution of cheques	7 from date of completion of contract
Committees	Interaction with other bodies structures for specific tasks	7
Committees	Reports on the establishment & organization of	7
Communities	Correspondence relating to administration, funding, planning, etc.	7
Contracts	Financial agreements and contracts	11 years after expiry date
Consulting Services	Contracting of consulting firms (after completion of project)	3
Equipment Operation	Operating standards, manuals, warranties, etc.	P or until item is disposed of
Finance - General	Financial administration functions	7
Funds (Debentures)	Administration of trust funds & revolving funds	P
Grants	Administration of financial assistance programs	P
Incorporation Studies	Reports & future studies	p
Information – General	Material relating to information services	2
Inventories	Recording, storage & distribution of equipment	7
Legislative & Cabinet Activities	Actions of Provincial Legislation	3

Meetings, Symposiums, Conferences	Correspondence on the establishment & participation in meetings, etc.	1
Minutes	Council and Council appointed Committees	P
Office Services	General office services administration	1
Office Equipment or Machinery	General	7
Personnel – General	Confidential files	7- After termination
Personnel	General administration of personnel management	7- After termination
Personnel- Payroll	Payroll information	7- After termination
Plans/ Studies	General plans and studies	P
Policy and Procedures	Policy Documents	7
Public Relations General	Communications with the general public	1
Public Relations	Press Releases, Declarations	1
Public Relations Publicity	Advertising posters, displays, etc.	1
Records Management-General	Correspondence relating to Records Management Program	2
Reports & Statistic Financial	Reports to maintain an ongoing record within the financial system	7
Risk Management & Insurance	Administration of insurance programs	7
Safety	Correspondence relating to the establishment and operation of a safety program	7
Statistics General Reports	Administrative reports & statistics	P
Telecommunications	Administration, installation & maintenance of telecommunications equipment	3
Training & Development	Training & development plans	2

3.3 Risk Management

Purpose

Risk management is an integral part of sound management practice and an essential element of good corporate governance. The purpose of this policy is to ensure consistency in consideration of risks and advantages in the decisions made by the Town of High Level Library Board (THLLB) and High Level Municipal Library (HLML) with respect to both policies and operations.

Definition

To THLLB, risk management means the forecasting and evaluation of risks together with the identification of procedures to avoid or minimize their impact.

Guiding Principles

- THLLB will maintain a risk intelligent culture that is innovative and proactive in identifying, assessing, and managing risk.
- Risk management will be incorporated into the strategic and operational planning processes at all levels within THLLB.
- Risk will be imbedded into THLLB's decision-making processes to allow a balanced decision making approach that considers all aspects while allowing for advancement and innovation.
- Risk management will be considered in the context of alignment with THLLB's mission, vision, and values.

Risk Categories

In order to build a cohesive risk intelligent culture, it is important to identify the numerous risks faced by HLML. THLLB maintains a schedule of risk categories that is reviewed by the Library Manager on a regular basis.

Decision Making Process

All THLLB members and HLML employees use several considerations when making risk management decisions. The consistent application of these considerations will help THLLB develop a risk informed response that uses limited resources most effectively.

Roles and Responsibilities

THLLB and HLML employees all have roles and responsibilities in contributing to THLLB's management of risk:

Front-line employees

- Are responsible for following prescribed risk management practices in the context of their daily tasks

Library Manager

- Will ensure all employees understand their responsibilities with respect to operational risk
- Are responsible for implementing good risk management practices
- Will assist in fostering a risk aware culture within HLML
- Will consider risk and the affect it has on HLML as a whole
- Will bring any risk management concerns to the attention of the Board

Library Board

- Ensures THLLB's risk management policy is in place and reviewed regularly
- Ensures risk is being continually managed with the Library Manager

3.4 Freedom of Information and Protection of Privacy

The *Freedom of Information and Protection of Privacy Act* (FOIP), in Alberta, aims to strike a balance between the public's right to know and the individual's right to privacy, as those rights relate to information held by public bodies

This law was proclaimed October 1, 1995, and now affects all provincial government departments, agencies, boards and commissions, school boards, health care boards, post-secondary educational institutions, and local government.

The Alberta legislation can be found at *Freedom of Information and Protection of Privacy Act*.
http://www.servicealberta.ca/foip/

The FOIP Act provides that Albertans have

- the right to request access to information held by the Library,
- the right to access personal information about themselves held by the Library,
- the right to request correction to their personal information held by the Library,
- controls on the collection, use and disclosure of personal information by the Library, and
- the right to request independent review of decisions made under FOIP.

Charges for records retrieval services can be found in Schedule A (***)

The FOIP Coordinator of the High Level Municipal Library can be contacted at:

High Level Municipal Library
10601 – 103 Street
High Level, AB
T0H 1Z0

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Revised: Sept 2022
Next rev: Sept 2025

SECTION 4 - FACILITIES

4.1 Library Facilities

A library building should be designed as a community's information and cultural center, a stimulator of new ideas and a center for continuing education for people of all ages.

The Library should have a pleasant atmosphere. It should offer to the community a compelling invitation to enter, read, look, listen, and learn.

The Town of High Level Library Board accepts the responsibility to make recommendations that the facilities remain current with changing technology and community needs.

The Board accepts the responsibility for securing funds for needed facilities.

4.2 Display and Distribution of Materials

As a community service, the High Level Municipal Library provides a variety of areas for the posting, display and distribution of information of importance and interest to the community.

- Materials to be considered for posting, display or distribution in public areas will be subject to established criteria and guidelines and must be approved by the Library Manager. Final authority rests with the Town of High Level Library Board.
- Displays, exhibits, handouts and all posted materials are in conformation with the Canadian Library Association's Statement on Intellectual Freedom.
- The display or distribution of any material does not constitute endorsement of its content by the Library.

4.3 Hours of Service

The Library encourages library use by all residents of the community served, by providing suitable hours of service, as determined by the Board. The hours of service are found in Schedule A (bylaw**) and will be posted on the Library door.

The Library will be closed on statutory holidays. The Library may close during civic holidays, community celebrations, such as parades, and in cases of unforeseen extreme conditions. Some areas of the Library may be restricted to staff use, i.e., administrative offices, workroom, etc.

In the event of a power failure lasting longer than 15 minutes, all patrons will be asked to leave, and the Library will close until such time as power resumes. Staff will stay on duty. The Library Manager has the discretion to send staff home if the power failure is longer then ½ hour. Staff will return to work upon resumption of power unless otherwise instructed. If power is off for a long period, a staff member shall be designated to return to the Library for a spot check of the facility.

If staff is not available to operate the Library, the Library Manager will be contacted, and every attempt will be made to find someone to work. If there is nobody available, the Library will be closed and notice of the closure will be posted on all entrances to the Library and on social media.

4.4 Library Use

The Library will serve all residents of the community and surrounding area as per Public Library Services Branch regulations.

The Library Manager may limit the use of the Library space or its services when excessive demands of groups or individuals are curtailing services to the general public.

No meetings or programs shall be held in the Library except library-related activities without prior approval of the Library Manager. A "Use of Facilities Agreement" shall be completed and kept on file. The organization using shall be responsible for returning the Library to its original condition.

4.5 Rules of Conduct for Library Users

For the comfort and safety of all user and safety of all users and staff of the High Level Library, the following rules must be respected. Violation of any of these rules may result in suspension or restriction of library privileges, including banning from library premises. Criminal offences may result in prosecution.

Animals

Only registered assistance service animals and approved Library pets are allowed in the library.

Cell phones and other devices

Cell phones, tablets, laptop computers, or other devices must be used in a manner that does not disturb others.

Disruptive behaviour and language

Behaviour that interferes with any person's comfort and use of the library is not allowed.

Threatening, abusive, harassing language or behaviour toward staff or other users is not allowed.

No person shall beg or sell services, goods, or merchandise.

No person shall distribute or post materials without permission from library staff.

No person shall traffic in, consume, or appear to be under the influence of alcohol or illegal drugs and substances.

Food and drink

Only beverages with a lid are permitted.

No food or drink is permitted when operating the library's computer equipment.

Furniture use

Sleeping is not allowed.

Feet must not be placed on the furniture.

Public Internet use

Use of the Internet for criminal activity is not allowed.

Smoking is not allowed.

Sports equipment

Bicycles are not allowed in the library.

Other sports equipment (skateboards, inline skates etc.) must not be used inside the library.

Theft / Damage to property

Stealing, damaging, or vandalizing property of the library is prohibited by law. Cutting or removing pages or articles from books or magazines, hacking into, or altering computer settings, and writing in library materials or on furniture or walls is not allowed.

Created: Sept 1999
Revised: Sept 2022
Next rev: Sept 2025

SECTION 5 - FINANCIAL

5.1 Finance Policy

The Town of High Level Library Board is accountable for the effective management of the Board's financial resources. While the day-to-day administration of finances will be delegated to the Library Manager, the Board will continuously monitor the financial status and ensure compliance with legislation by requiring regular and timely financial reports. The Board Treasurer will review all financial reports and statements and report to the Board at the regularly scheduled Board meetings.

FINANCE POLICY GUIDELINES

Banking

The Library Board tenders bank accounts at the financial institution best able to meet the financial needs of the board. The Board shall consider interest rates, loaning policies, financial products, and banking fees as it makes its decision on where to tender its accounts. From time to time, the Town of High Level Library Board may review the banking services provided to the Library and make recommendations for change. Any change in banking services shall be by a motion of the Board.

Signing Authority for Cheques

Signing authority shall rest with any two of the following positions: Chairperson, Vice Chairperson, Secretary, and Treasurer for the High Level Library. Signatories cannot sign off on funds being issued to themselves. The Library Manager shall also have signing authority in case of need.

Electronic Transfer of Funds (ETF)

The library has the ability to receive and send funds electronically. When this money is accepted or sent by the Library Manager, the email and receipt of the transfer will be printed off and filed with the financial paperwork. This will be reviewed the Treasurer.

The Library Manager shall also retain the ability to deposit monies, to check balances, to transfer funds, and to obtain international money orders for the payment of Library accounts.

Fiscal Year

The fiscal year of High Level Municipal Library shall be January 1, to December 31, inclusive.

Budget

An operating budget shall be prepared annually. The Budget Committee prepares a draft budget for presentation to the Board by early September. The approved budget will be presented to Town Council by mid-September.

The Library Manager and the Board shall develop a long-term financial strategy for the High Level Municipal Library that includes planning for capital replacement, for financial emergencies, and for the long-term stability of the Library that will be linked to the Plan of Service.

The Library Manager shall report any financial anomalies to the Chairperson of the Board as soon as is reasonably possible.

Audit

The auditor shall be selected by the Board and then accepted by High Level Town Council. Town Council sets the level of financial review

Library financial records are prepared for audit by the Library Manager and the Director of Finance from the Town of High Level as soon as reasonably possible after year-end. The audited financial statement shall be received and approved by the Treasurer and Board.

A copy of the audited financial statement shall be forwarded to each trustee and the Public Library Services Branch. The audited financial statement is a public document and is available on request.

Capital Equipment Purchase, Cost Sourcing and Purchasing Procedures

The Board must approve the purchase of capital equipment not specifically approved in the budget.

Authorized staff based on catalogue selection or best buy may make purchases up to $1,500 provided that funds are available. Amounts over $1,500 should be submitted for two or more written quotes. The Board must approve purchases over $1,500.00

When a higher priced item is selected, a written explanation shall be left on the filled quote explaining the reasons for the purchase. A margin of five percent over lowest bid shall be given to local companies in recognition of the community support given to the Library.

The Library Manager has the authority to decide on sourcing of library materials and to negotiate terms with vendors.

Conferences and Meetings

Trustees or staff delegated to attend conferences or authorized meetings shall be paid reasonable expenses in accordance with budget provisions and as per Town of High Level expense policies

Financial Statements

Regular financial statements shall be obtained from the appointed bookkeeper or Treasurer outlining the current year budget, year-to-date expenses, budget variances, and percentage expanded. The latest financial statements shall be available at regular board meetings or when requested. The statement shall be examined and approved by the Board, although such accounts will already have been paid.

Grant Applications

The Library Manager is authorized to apply for grants to fund High Level Municipal Library's operations and programs. If said application requires matching dollars that are unbudgeted, Board approval is required.

Maintenance of Financial Records

High Level Municipal Library's financial records shall be maintained at the Library.

Created: August 2001
Revised: Oct 2022
Next rev: Oct 2025

5.2 Library Credit Card

The objective of having a credit card is to provide a more efficient and effective way to purchase low value goods and services and expedite purchases.

A credit card shall be issued for the use of the Library Manager upon recommendation and approval by the Library Board.

The card may be used only for purchase made on behalf of the Library or for expenses incurred for pre-authorized business trips including airline tickets, gasoline, hotel accommodations, receipted travel expenses (such as meals, taxi fares, parking), and conference registration.

The card may not be used for personal use or cash advances.

All expenditures are to be appropriate and in accordance with the Financial Policy of the Board. Supporting receipts and a Log of Charges incurred shall be maintained and must be acknowledged by the Treasurer of the Board. Travel expenses paid through the card must be acknowledged as such on the expense claim.

The statement must be paid in full each month and be reconciled with receipts and supporting documentation.

The Library Manager must sign an acknowledgement of Responsibility, which shall include the cardholder agreement as required by the issuing financial institution

5.3 Staff and Board Reimbursement

Board members take their trusteeship as volunteers and the Library will pay no honorariums to them. A retiring Board member who has served on the Board for three or more years shall receive a gold membership card which will entitle him/her to a free lifetime library card for the Town of High Level Library.

The Board will reimburse staff and board members for library expenses incurred using a personal method of payment that are related to:

- Professional development, including courses, workshops, and conferences
- Attending meetings on behalf of the library board
- Materials purchased for the library (e.g., books purchased at a local bookstore, materials purchased for library programs, etc.)
- Other library-related activities approved in advance

Expenses that may be claimed include:

- Travel-related expenses, including
    - Mileage for work-related travel in the claimant's personal vehicle. Mileage shall be paid at the current rate set by the Alberta Government Expense Policy for use of a private vehicle ($0.505 per kilometre). Gasoline for the claimant's personal vehicle is not eligible for reimbursement.
    - Fares for other methods of transportation (e.g., bus fare, taxi fare)
    - Vehicle rental charges, including fuel charges
    - Parking charges
    - Hotel charges
    - Restaurant meal charges. Unlike other expenses, meals are reimbursed at a set rate and do not require receipts. These rates are:
        - Breakfast: $9.20
        - Lunch: $11.60
        - Supper: $20.75
- Registration, tuition, and other similar charges incurred while attending approved library-related professional development.
- Charges for collection items and other materials purchased for the library.
- Other library expenses not listed above that are approved in advance.

All staff reimbursements must be approved in advance by the library manager. All reimbursements of the library manager must be approved in advance by the board chair. All board member reimbursements must be approved by board motion. The approver may set limits on how much may be spent on a given expense for reimbursement.

Reimbursement shall require original receipts and a completed Expense Claim Form submitted to the appropriate approver as described in point 8. Note that restaurant meal reimbursements do not require receipts, as described in point 7.

5.4 Investments

The Town of High Level Library Board (the Board) recognizes the need for sound and prudent investment practices. The Board will adopt policies and establish procedures to ensure that investment earnings are maximized through investment activities which at the same time minimize exposure and risk.

Authorization

The Board authorizes the Library Manager to invest capital and operating funds not required for immediate disbursement according to the guidelines outlined below, and to dispose of any investment when necessary to meet expenditures or as prudent from an investment management point of view.

Guidelines

All investments will be with recognized financial institutions with a financial rating of AA (minimum). These investments will be government/bank guaranteed at a minimum of 75% in the following:

- Securities issued or guaranteed by the Crown in right of Canada or an agent of the Crown or the Crown in right of a province or agent of a province.
- Securities that are issued or guaranteed by a bank, treasury branch, credit union or trust corporation.

Investments shall be awarded to the financial institution with the most competitive offering after taking into consideration the administrative costs involved and all the financial needs of the Library.

5.5 Reserves

The Town of High Level Library Board (THLLB) may establish, maintain, and manage reserve funds to maintain a prudent level of available financial resources to offset unpredicted one-time expenditures. Reserve funds also provide resources for repairs/replacement/upgrading or construction of new capital assets/infrastructure.

- All requests to use reserve funds or to re-designate reserves must be approved by means of a Board motion. Requests to use reserve funds may also be submitted as part of the annual budget process.
- Interest on reserve accounts shall be included in general revenue.
- Any surplus funds in High Level Municipal Library's operating budget at year-end will be allocated to reserves as specified by the Board during the financial audit process.
- Reports on the status of reserves will be provided to the Board during the audit process and upon request throughout the year.

Capital Reserves

- To fund capital projects according to the Strategic Plan of Service. The funds are earmarked for the following purposes:

  Facilities Upgrade and Future Sites

  - To provide for upgrade, replacement, additions, and repairs of a capital nature to the physical building and property and for future sites.

  Technology and Innovation

  - To acquire or upgrade technologies to meet changing organizational or community needs and/or to pursue innovation.

  Furnishings and Equipment

  - To acquire or replace furniture/fixtures and equipment (other than computer equipment).

  Collection Development

  - To replace and enhance existing collections and/or introduce new collections.

  Human Resources

  - To support recruitment, terminations, legal fees, and special leave.

- The funds in these reserves may be separated into laddered terms for maximum return on investment.

Created: Sept 2010
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SECTION 6 – HEALTH AND SAFETY

6.1 Safety

Purpose

The Town of High Level Board Library Board shall provide a safe and healthy environment for its employees, volunteers, customers, and visitors. This policy is intended to allow employees, volunteers, customers, and visitors to work for and spend time in the library with minimum personal risk, and with the confidence that the organization has taken full precautions to ensure his/her physical safety and health. For the purpose of this policy, the employer is the High Level Municipal Library.

The employer, supervisors and workers at every level are responsible and accountable for HLML's health and safety performance. Our goal is a healthy, injury-free workplace for all workers. By working together, we can achieve this goal.

High Level Municipal Library will ensure:

- the health, safety, and welfare of workers at the work site,
- the health, safety, and welfare of other persons at or near the work site who may be affected by hazards originating from the work site,
- that workers are aware of their Occupational Health and Safety (OHS) rights and duties,
- that workers are not subjected to or participate in harassment or violence at the work site,
- that workers are supervised by a person who is competent and familiar with the OHS Act, Regulations, and Code,
- they consult and cooperate with the Health and Safety Committee (HSC),
- that health and safety concerns are resolved in a timely manner,
- that supervisors and workers are adequately trained for the protection of health and safety at the work site.

Supervisors will:

- Ensure
  - they are competent to supervise the workers under their supervision,
  - the workers under their supervision work in accordance with procedures and measures required by the OHS Act, Regulations, and Code,
  - the workers under their supervision use all hazard controls and properly uses or wears the personal protective equipment required by the employer or under the OHS Act, Regulation or Code, and
  - that workers are not subjected to or participate in harassment or violence at the work site.
- Take all precautions necessary to protect the health and safety of every worker under their supervision.

- Advise every worker under their supervision of all known or reasonably foreseeable hazards to health and safety in the area where the worker is performing work.
- Report concerns about an unsafe or harmful work site act or condition that occurs/exists or has occurred/existed to the employer.

Workers will:

- Protect the health and safety of themselves and other people at or near the worksite.
- Cooperate with their supervisors and employers to protect the health and safety of themselves and others.
- Use and wear devices and personal protective equipment required by the employer or the OHS Act, Regulation or Code.
- Refrain from causing or participating in harassment or violence.
- Report concerns about an unsafe or harmful work site act or condition that occurs/exists or has occurred/existed to the employer or supervisor.

In addition, the employer, supervisors, and workers will:

- Cooperate with any person exercising a duty imposed by the OHS Act, Regulations, or Code, and
- Comply with the OHS Act, Regulation, and Code and any site policies, procedures, and codes of practice.

The Library is a safe and healthy environment for employees and patrons.

Safety is a shared responsibility. Success depends on the alertness and personal commitment of all.

All employees are expected to obey safety rules, the working alone rules, and to exercise caution as well as common sense in all work activities.

All injuries, accidents, near missies and safety concerns must be reported to the Library Manager soon as possible after the incident occurring and documented in the injury book.

The Library Manager will report to the Library Board all accidents, injuries, near misses and safety concerns as soon as possible after the incident occurring.

6.2 Health and Safety Orientation/Training

Legislation: The Occupational Health and Safety Act, Ch. 0-2.1, Part 5

Employee Orientation

Library employees and volunteers will be oriented to the High Level Municipal Library's health and safety policies and procedures when they initially start working at the Library.

6.3 Emergency Preparedness

Legislation: The Occupational Health and Safety Code, Part 7

The High Level Municipal Library will ensure that all staff are familiar with the Town of High Level Emergency Response Policy (Policy 219-07) and related documents, along with the Emergency Evacuation Procedures specific to the Library.

These procedures comply with Occupational Health and Safety Legislation and include the following:

- identification of various potential and specific emergencies (e.g., fire, tornado, violence, etc.);
- procedures for dealing with identified emergencies;
- emergency response training requirements;
- location and use of emergency facilities;
- emergency locators (e.g., exit doors, first aid kits, flashlights); and
- alarm and emergency communication requirements.

The Library Manager is responsible for implementing and monitoring this policy.

6.4 Violence

Legislation: The Occupational Health and Safety Code, Part 27

Commitment

The Town of High Level Library Board, in its efforts to provide a positive, comfortable, and professional environment, will not tolerate any form of workplace violence or harassment directed by, or at, any Library employee by another employee, Board member, or member of the public.

The Board is committed to:

- investigating reported incidents of workplace violence or harassment in an objective and timely manner
- taking necessary action
- providing appropriate support

The Board is further committed to preventing acts of workplace violence or harassment on its premises

Violence in the workplace will not be tolerated. Incidents of violence will be reported to the RCMP immediately. The Library Manager will advise the Library Board in writing within 24 hours.

If the individual accused of violence is an employee of the High Level Municipal Library, the Library Manager and/or the Library Board may suspend that individual with or without pay until the initial investigation has been completed. The Board will decide on an individual basis on each case.

An employee found guilty of violence in the workplace by a Court of Law or the Human Rights Commission, will be terminated immediately.

6.5 Workplace Harassment / Abuse

Legislation: The Occupational Health and Safety Code, Part 27

Harassment in the workplace will not be tolerated. Incidents of harassment will be brought to the attention of the Library Manager as soon as possible after the incident. For more information on workplace harassment please refer to the Occupational workplace binder.

The Library Manager and/or the Library Board will investigate the incident in an expedient fashion.

If the employee alleging harassment believes the incident will be repeated, proper legal channels should be pursued.

If the individual accused of harassment is an employee of the High Level Municipal Library, the Library Manager and/or the Library Board may suspend that individual with pay until the initial investigation has been completed.

An employee found guilty of harassment in the workplace, by a Court of Law or the Human Rights Commission, will be subject to progressive discipline or may be terminated immediately.

The griever, Library Manager, and a Board representative must sign all documentation.

6.6 Working Alone

Legislation: The Occupational Health and Safety Code, Part 28

The Town of High Level Library Board (THLLB) and High Level Municipal Library are committed to the safety of its employees and volunteers. The Library considers an employee or volunteer to be working alone if they work by themselves at a work site in circumstances where assistance is not readily available when needed.

Examples of employees or volunteers who could be at risk from working alone include those who work in sites isolated from public view or who work by themselves without close or direct contact with fellow employees.

THLLB complies with provincial Occupational Health and Safety legislation regarding working alone.

THLLB will:

- identify the potential hazards of working alone and will take practical steps to eliminate or control the hazards,
- establish procedures including effective means of communication appropriate to the hazards involved for employees and volunteers to contact other people who can respond in the case of emergency, and
- ensure employees and volunteers are trained and made aware of the hazards of working alone and the preventative steps to be taken to reduce potential risks.

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Revised: Oct 2022
Next rev: Oct 2025

SECTION 7 – LIBRARY BOARD

7.1 Board Appointment Recommendations and Elected Positions

Legislation: The Alberta Libraries Act, Part 1

This policy describes the normal process that the Board follows to recommend potential board appointments to Town Council. The Board recognizes that the power to appoint and remove members of the Board rests exclusively with the Town Council.

Vacant board positions shall be advertised in the event of an opening. Prospective new board members and board members whose terms have expired (providing that they have not already served three consecutive terms on the Board) may apply in writing to the Board indicating their willingness to let their names stand for appointment or re-appointment.

The Board will consider and submit all applications to Town Council for possible board appointment. All recommendations for re-appointment shall be submitted to Town Council in the form of motions by the Board recorded in the Board meeting minutes.

Elected positions of the Board shall be renewed annually during the November board meeting.

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Next rev: Oct 2025

7.2 Trustee Code of Ethics

Library boards exist to develop, promote, and monitor library services, as a public trust. To this end, Library Trustees are committed to the following principles:

1. The primary goal of public Library Trustees is to ensure that the public has access to the highest quality library services possible.

2. Trustees ensure that each person has equitable access to the most complete library service possible. Where limitations in service are unavoidable, any inherent inequality of service should favour those residents least able to obtain alternate service.
    - Trustees support intellectual freedom in the selection of library material.
    - Trustees will respect the confidential nature of library records within the framework, which allows for the monitor of material usage and the need for public accounting.

3. Library Trustees observe ethical standards with truth, integrity, and honour.
    - Trustees avoid situations where personal advantage or financial benefits may be gained.
    - Trustees distinguish between their personal views and those of the institution by respecting the position of the board, even though they may disagree.

4. Trustees respect the established structure of the Library.
    - Trustees will work harmoniously with the board and ultimately accept its will.
    - A Trustee's primary role is policy governance and advocacy.

5. Trustees are expected to take responsibility for their personal development through continuing education opportunities and participation in provincial and national library organizations.

6. Trustees must maintain confidentiality.
    - Board members shall not communicate, either directly or indirectly, information designated confidential to anyone not entitled to receive the same.
    - Board members shall not use information which has been designated as confidential by the Board for personal profit or use by themselves or any other person.
    - Board members shall respect confidential information in perpetuity.

7. All material is considered the property of the THLML and shall be returned at the expiration of the board member's term.

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7.3 Board Structure

The Town of High Level Library Board operates under a "Board of the whole" structure, and as such maintains no standing committees. In operating under this structure, the Board recognizes its ongoing responsibilities in the area of Personnel, Finance, Advocacy and Program Planning, and will strike ad hoc committees as necessary.

Ad hoc committees shall consist of at least two, but not more than four members of the Board. Preference will be given to members with professional expertise in the committee's realm of interest.

The Chairperson and the Library Manager are ex-officio members of all committees.

There are many Board responsibilities that may require an ad hoc committee to be formed.

Finance

- establish an annual budget in cooperation with the Library Manager
- responsible for major capital purchases, and ensuring tenders, leases, and contracts follow legal criteria
- management of assets of the Library
- plan for long term financial needs
- review and approve fundraising strategies
- review insurance needs

Personnel

- ensure job descriptions exist for all positions at the Library (job descriptions will include qualifications required)
- policy development and/or revision for the above
- hire and evaluation of Library Manager
- provide recommendations regarding termination of Library Manager employment
- recruit potential Board members for approval by council
- orient and train new Board members

Programs

- promote programs and services to the community
- establish the plan of service to ensure the provision of library services continue to meet the needs of the community
- develop policies and/or revisions to policies that pertain to library programs and service

Advocacy

- represent the Library to government, foundations, and corporations
- monitor government legislation and advise elected officials on the impact of current and proposed legislation
- advocate the Library and its services to local politicians
- participate in issue clarification and resolution between the Library and outside organizations

7.4 Duties of Library Board Members

It is the responsibility of every Board Member to:

- make governing leaders, civic officials, funding bodies, and the general public aware of the Library's objectives and services,
- work together with other Board Members to meet the objectives of the Library,
- be prepared for meetings, including reading minutes and other pertinent materials,
- participate in ad hoc committees as necessary. These ad hoc committees may address the following:
    - Finance
    - Personnel
    - Programs
    - Advocacy
- maintain a familiarity with the Alberta Library Trustees Handbook and the Town of High Level Library Board Policy Manual,
- review all the materials in the Trustee Learning section on the Alberta Library Trustees' Association website,
- act in accordance with the Alberta Libraries Act and to follow current Board policies and regulations,
- promote a favourable image of the Board and the Library to the public,
- maintain confidentiality,
- support special and fundraising events held by, or on behalf of the Library, and
- encourage active use of the Library by patrons of all ages and cultures.

7.5 Duties of Chairperson and Vice-Chairperson

The Chairperson shall:

- ensure that Board affairs are conducted according to the policies of the Board and the Alberta Libraries Act,
- preside at all Board meetings, preserve order, and enforce the bylaws and policies of the Board,
- be authorized to call special meetings of the Board,
- be ex-officio member of all sub-committees, giving assistance as required,
- represent the Board in official capacities,
- approve agenda and ensure all members receive copies of the agenda and other pertinent information in due time for meetings,
- provides leadership and oversight to the Board,
- serve as liaison between Town Council and Board; Library Manager and Board; and Library Manager and Town Council, and
- shall hold signing authority on library accounts.

The Vice-Chairperson shall:

- in the absence of the Chairperson, act in the capacity of Chair,
- assist the Chairperson in duties as required, and
- shall hold signing authority on library accounts.

7.6 Duties of Treasurer and Secretary

The Treasurer of the Board shall, with the assistance of the accountant and the Library Manager

- ensure that financial accounts, contracts, and agreements are conducted according to standards set by the Town of High Level,
- ensure proper authorization of accounts payable,
- shall hold signing authority on library accounts,
- ensure a monthly financial report is provided at the regular meetings of the Board,
- work with a budget committee and the Library Manager to draft an annual budget for adoption by the Board, and
- ensure that copies of all year-end financial records are sent to the Library Service Branch as required by law.

The Secretary of the Board shall, with the assistance of the Chairperson and the Library Manager

- record the minutes of the board meetings
- Submit signed Board minutes to the Town of High Level and MCLB and
- send Board package to the Board prior to meetings.

7.7 Board Meetings

All meetings will be open to the public.

Agenda Format and Preparation

- The agenda orders the business for a Library Board meeting and will include the Consent Agenda model as set out in the attached Schedule "A".
- The Library Manager will prepare a draft agenda seven days prior to the meeting and submit this to the Board Chair. The Board Chair will review this draft agenda and make any changes considered necessary**.**

Agenda Distribution

- Full board packages (including copies of the agenda and any attachments or reports) will be provided to Board members electronically a week prior to any regularly scheduled meeting.
- The Library Manager will make copies of the agenda available to Library staff and the general public, upon request, but only after it has been delivered to Board members as noted above.

Adoption of Agenda

- The Board must vote to adopt the agenda prior to transacting other business at a meeting and may:
    - Resolve to add new items to the agenda.
    - Delete any item from the agenda by majority vote.

Preparation and Adoption of Minutes

- The Library Manager will ensure all Board meeting minutes are prepared. Board meeting minutes will include:
    - All decisions and other proceedings;
    - the names of all Board members present and absent from the meeting;
    - the signature of the Chair for the meeting and the date of signing.
- The minutes of each meeting must be circulated to each member prior to the meeting at which they are to be adopted. If there are errors or omissions, the Board must:
    - Pass a motion to amend the minutes:
    - adopt the minutes as amended, and if there are no errors or omissions, the Board must adopt the minutes as circulated.
- The minutes adopted by the Board will be made available to Library staff and the general public. A copy of the signed minutes will be forwarded to the Town of High Level.

Frequency and Date of Meetings

The Board shall meet monthly with special meetings being called as required. Board meetings will be set for the last Wednesday of every month. Meeting dates will not be changed unless there will not be quorum on the normal meeting date. Meetings in the summer months, July and August, will be determined as needed by the Board.

Quorum

The quorum for Library Board meetings shall be at least half of the members of the Library Board, one of who will be on the executive.

Conduct of Meetings

Board meetings shall be held in accordance with Robert's Rules of Order as acceptable with the Board.

In Camera Sessions

The board meetings will include an in camera session as an agenda item to allow the Board to discuss security, legal matters, personal matters, labour relations or topics related to the functioning of the Board, as outlined in the *Freedom of Information and Protection of Privacy Act* (FOIP) as needed.

7.8 Electronic Motions and Voting

At the discretion, or with the consent, of the Board Chair, and for matters of an urgent nature, OR time-sensitive matters OR where it would be more expeditious to do so OR when it is not feasible for the Board to meet in person, email polling and/or electronic voting may be used to help facilitate decisions of the Library Board in accordance with the following:

- In recognition that decisions are being made using email communication in lieu of a face-to-face meeting, extra effort will be made to ensure that members are provided with sufficient background materials and adequate documentation to support the request for a decision.
- All communication will be shared as a group email with all members copied on correspondence including questions, responses, and general commentary. All members will select "reply all" when providing comments so that these will be shared simultaneously with all members and a record will be kept of the email exchange.
- If a resolution is required, the Board Chair may authorize the Library Manager to conduct an electronic vote of the members. A clear rationale will be given to the members to explain why a motion is necessary. The question to be answered will be stated clearly in the form of a specific resolution provided for members' consideration. Respondents will be asked to vote upon the resolution.
- In the event of an electronic vote, a reasonable and adequate time will be determined for members to respond to the request for a decision. Members will have the opportunity to declare a conflict and not participate in the vote. Every effort will be made to obtain a response from each member (i.e., allow each person to register their vote). The resolution shall be deemed to have been approved only if, by the end of the time period specified, the Library Manager has received approval responses from a majority of the voting members.
- Non-response to an electronic vote will be considered an abstention.
- Voting records will be kept and included as minutes in the agenda of the next face-to-face meeting of the Board.
- A resolution approved by email polling and electronic voting, permitted by the Board Chair, and passed by a majority of voting members, shall have the same force and effect as a resolution passed at a regularly constituted meeting of the Library Board.
- The Library Manager shall prepare a summary document noting the purpose of, and any decisions resulting from, the electronic exchange including any subsequent resolutions.

7.9 Trustee Orientation and Continuing Education

The Board recognizes the need for orientation of new Board members and the need to acquire skills and knowledge relating to their roles as Board Trustees. The Board is prepared to provide resources and materials for orientation of new Trustees.

New Board Member Package

1. The Board will provide an orientation package to each new Trustee. This package shall consist of:
    - Introduction to the local library system and the services it provides
    - Map of area served by Library
    - Library's current plan of service
    - List of Trustees and committees
    - Names and positions of staff, including an organizational chart and job descriptions
    - Municipal bylaw establishing the library board
    - The library board's bylaws and policy manual
    - The library board's rules of order for board meetings
    - Introduction to the Provincial library network and the services it provides
    - Financial statements and budget
    - Annual report
    - Alberta Libraries Act and Regulations
    - Information about the legal and ethical responsibilities of board trustees, including the responsibility to "speak with one voice" and maintain confidentiality
    - Information about the relationship between the library board and staff, especially between the library board and the library manager
    - Trustee job description
    - Sources of Library funding, including information about the fiduciary responsibilities of library boards
2. A Trustee's orientation package will be distributed to each new Board member at their first Board meeting or shortly thereafter. The Library Manager and members of the Board delegated by the Board Chair shall be responsible for the orientation package preparation and distribution.

3. The Trustee should keep his or her orientation manual for ongoing reference. The Library Manager will distribute updates to the manual when required. The Trustee should return the

manual to the Library Manager when the Trustee leaves the board. Trustees are required to keep their manual up to date.

Trustee Orientation

The orientation process will be the responsibility of the Vice Chair, Treasurer, and the Library Manager. This process will include an explanation of the materials in the new trustee's orientation package and a tour of the library.

The Library Trustee will, with the Library Manager, acquaint him-or herself with procedures and programs at the Library.

Continuing Education of Trustees

The Board recognizes the importance of having informed Trustees. To ensure this, the Board provides, within the limits of its budget, financial support for attendance at library conferences and relevant workshops and membership in library organizations.

Trustees are expected to regularly attend library or trustee courses, conferences, or workshops in the area, as time and budget guidelines permit.

Within budget guidelines, expenses incurred by individual Trustees for travel, subsistence, lodging, and registration fees will be reimbursed, as per established procedure.

Trustees are expected to provide a verbal report on conference attendance to the Board.

Trustees Association Memberships

The Board purchases an annual institutional membership in the Alberta Library Trustees Association (ALTA). The Board Chair is the voting representative.

Expenses incurred by individual Trustees for association memberships may be reimbursed, with prior approval by board motion.

7.10 Policy Making

The Town of High Level Library Board (THLLB) has the authority under the Libraries Act of Alberta for the governance of the High Level Municipal Library (HLML) and for ensuring that policies for framework, board self- governance and operations are developed.

In fulfilling its responsibility for policy-making, the Board will:

- Define the functions of the Board, and approve framework, board self-governance and operational policies.
- Work from the broadest, most general statement of policy when setting operational policy, developing more specific policies as necessary.
- Ensure its policies:
  - comply with relevant legislation, with THLLB's by-laws, with THLLB's Plan of Service and with existing Board policies or agreements, before approving new policies.
  - are available to Board members, THLLB's employees and the public.
  - are reviewed regularly.
- Ensure the Library Manager:
  - obtains all THLLB employee and public input as is needed and then provides the Board with such information, advice and documentation as is required for the development of policies.
  - is responsible for implementing Board policy, apart from policies dealing with Board process and self-governance. The Board Chair has the responsibility to implement policies dealing with board process and self-governance.
  - identifies and recommends areas for policy development to the Board. The Library Manager has the responsibility and authority to provide direction in areas not covered by policy, until given direction by the Board.

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SECTION 8 – LIBRARY MATERIALS

8.1 Collection Management

Definitions

"Collection" refers to a grouping of library materials.

The words 'books', 'library materials', 'materials', or other synonyms as they may occur in this policy have the widest possible meaning; hence, it is implicit that every form of permanent record is to be included (e.g., audio materials, tapes, CDs, audio visual materials, computer programs, bound and unbound manuscripts, photographs, drawings, and paintings).

"Selection" refers to the decision that must be made to either add a given item to the collection or to retain one already in the collection. It does not refer to reader guidance.

Purpose of the Collection Management Policy

The purpose of the Town of High Level Library Board's (THLLB) Material Selection Policy is to guide staff and to inform the public about the principles upon which collection development, maintenance, and reconsideration decisions are made. The following principles have as their basis the Canadian Federation of Library Association's Statement on Intellectual Freedom, which the Town of High Level Library Board accepts as policy. (See Policy Statement on Intellectual Freedom).

A policy cannot replace the judgment of the Library Manager but stating goals and indicating boundaries will assist in choosing from a vast array of available materials.

The Library sets as its major goals in material selection: the advancement of knowledge, the education and enlightenment of the people of the community and the provision of recreational reading.

As a responsibility of library service, books and other materials selected should be chosen for values of interest, information, and enlightenment for all the people of the community. There should be the fullest practicable provision of material presenting all points of view concerning the problems and issues of our times – international, national, and local; and books or other material of sound factual authority should not be proscribed or removed from library shelves because of partisan or doctrinal disapproval.

High Level Municipal Library does not attempt to promote any beliefs or points of view, nor does it endorse the opinions expressed in the materials held in the collection.

Responsibility for Material Selection

The responsibility for selection lies with the Library Manager. However, the Library Manager may delegate to staff members authority to interpret and guide the application of the policy in making selections.

Objectives

The primary objective of selection shall be to collect materials of contemporary significance and of permanent value. The Library will always be guided by a sense of responsibility to both present and future in adding materials, which will enrich the collection and maintain an overall balance. The Library also recognizes an immediate duty to make available materials for enlightenment and recreation, even though such materials may not have enduring interest or value. If public demand warrants it, the library will provide a representative sampling of experimental and ephemeral material but will not attempt to be exhaustive.

Use of Library Materials

The Library recognizes that many items are controversial and that any given item may offend some patrons. Selection will not be made based on any anticipated approval or disapproval, but solely on the merits of the work in relation to the building of the collection and to serving the interest of readers.

Library materials will not be marked or identified to show approval or disapproval of the contents, and no catalogued book or other item will be sequestered, except for the express purpose of protecting it from injury or theft.

Guidelines for Selection

The Library takes cognizance of the purpose and resources of other libraries in the area and shall not needlessly duplicate functions and materials.

The Library does not attempt to acquire textbooks or other curriculum-oriented materials except as such materials also serve the general public.

Legal and medical works will be acquired only to the extent that they are useful to the general public.

Because the Library serves a public embracing a wide range of ages, educational backgrounds and reading skills it will always seek to select materials of varying complexity.

In selecting material, the Library will also consider the following criteria:

- an item’s contribution to the balance of the total collection,
- an item’s recommendation or notation by reviewers, critics, or general public,
- an item’s present and potential value to the community needs and interests
- cost and format (e.g., paperback, hardcover, audio, software, etc.),
- the number and nature of requests for an item
- the suitability and style for an item’s intended audience and
- representative of a challenging, though extreme or minority, point of view.

The Library will attempt to acquire history of the local area.

Acquisition and Purchase of Materials

The library encourages and invites suggestions from the public for the addition of specific items to the collection. These suggestions will be referred to the selector responsible for that collection area. Suggested items will then be considered according to selection criteria. Receipt of suggestions does not imply automatic acceptance of the item for the library collection.

If a suggested item is not purchased, HLML may be able to obtain it through interlibrary loan for the person who suggested the item for purchase if that person is interested in borrowing the item.

Maintaining the Collection

The Library staff will use good judgment in removing from the collection any materials which no longer serve a need, and to keep the collection in good repair.

The following criteria will be used when considering material for removal from the collection:

- The worth of the item in comparison to new works in the same subject areas
- The usefulness of the item to the public
- The amount of available space
- The item's currency and accuracy
- The physical condition of the item
- The availability of funds for purchasing replacement material

Discarded items will be handled through such means as sale, donation, or recycling.

Library Material Vendors

The Library will acquire its materials through the Peace Library System, but should the situation arise where an independent vendor is required, the following criteria will be used by Library staff to select a vendor:

- positive relationship with a vendor;
- price, including shipping, handling and invoicing charges;
- availability (fill rate);
- turnaround time from order to delivery;
- returns policies;
- availability of required cataloguing and processing services; and,
- Canadian and local vendors, all other things being equal

8.2 Donations

Monetary Donations

Tax receipts are issued by the High Level Municipal Library for all monetary donations of ten dollars ($10.00) or greater.

Monetary donations can be allocated to specific areas of the library collection, to equipment or to facility enhancement. The THLML reserves the right, however, not to accept a monetary donation if the request is for items or facility enhancement deemed unsuitable or inappropriate for the library.

Donation of Library Materials

The Library reserves the right to accept or reject any donation of new or used books and other library materials.

All donations become the property of the Library and are subject to normal acquisition and disposal criteria applied to purchased materials.

Tax receipts are not issued for donated library materials.

Other Materials

The Library will accept donations of non-collection items, including artwork, equipment, or other tangible property only if the items satisfy a definite need.

All property donated becomes the exclusive property of the Library. The Library may use or at any time dispose of the property in any way it sees fit.

Tangible capital assets received as donations are recorded at fair market value at the date of receipt and are also recorded as revenue.

Library Values:

Donations must not undermine the integrity of the non-commercial public space that the Library provides. In developing sponsorship arrangements, the Library will:

- Safeguard the equity of access to library services and not allow sponsorship agreements to give an unfair advantage to, or cause discrimination against, any sectors of the community.
- Protect its principle of intellectual freedom and equity of access to its programs, services, and collections.
- Protect the confidentiality of user records.
- Not permit sponsors to have an undue impact on the policies and practices of the Library or information provided by the Library (e.g., materials selection, purchasing, or web content) or to influence or alter the basic goals and objectives of Library programs.

8.3 Resource Sharing and Interlibrary Loan

Resource Sharing

The Town of High Level Library Board supports and participates in resource sharing among libraries within Alberta, working toward the vision of The Alberta Library: "empowering Albertans through equitable access to library and information resources."

The Library participates in the Alberta Public Library Network, which includes Supernet access and online resources in addition to resource sharing.

The Library will participate in intra-library loan of all library resources within The Regional Automation Consortium (TRAC).

Material in a variety of formats may be lent at no charge to libraries throughout Alberta and Canada; loans of some library resources may be restricted, as per provincial resource-sharing guidelines.

In accordance with the *Libraries Act*, the Library will not charge a fee to its users for acquiring items from other libraries.

The Library will participate in The Alberta Library (TAL) card program and ME Libraries initiative by making its resources available to all library users who hold a valid TAL card or ME Libraries membership and ensuring that items belonging to other libraries are returned efficiently.

The Library will work with other libraries in Alberta, and with TAL, to access electronic resources through subscriptions, licensing, or direct purchasing.

Interlibrary Loans

When TAL (The Alberta Library) cardholders require material or service outside of those available from the High Level Municipal Library, the staff will attempt to meet those needs by utilizing the following:

- Provincial resources sharing agreements
- Reference service of Peace Library System and
- Networking with other libraries, such as academies, school, or special libraries.

The following materials may not be provided through Interlibrary Loan:

- Basic reference material
- Genealogical books (i.e., detailed books providing details of family history as opposed to booked which assist in locating such material, identify persons and/or provide brief biographical information)

- Full issues of periodicals (usually photocopies of articles will be supplied free of charge if found in Alberta)
- Specific texts for schools, college, or university courses, and
- Rare books.

A maximum of five interlibrary loan requests can be made at one time.

There may be a charge levy from the lending library.

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Next rev: Nov 2025

8.4 Lost and Damaged Items

Members are responsible for returning library materials to the library in good condition by the due date.

- An item that is two lending cycles overdue is considered to be lost.
- Library materials that are unreasonably soiled or damaged beyond repair will be treated the same as lost items.
- The patron shall be informed in writing that the Library considers the item to be damaged beyond repair and that the Library considers such items to be treated as if lost.
- The Library Manager decides as to what constitutes unreasonably soiled or damaged beyond repair.
- The Library Manager reserves the right to charge the patron under the Alberta Libraries Act for all lost items.

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Next rev: Nov 2025

8.5 Circulation of Materials

All materials shall be loaned to patrons within the rules and regulations as established in the Library Board Policies and By-laws, as well as provincial legislation with the following exceptions:

- any materials designated “Reference”,
- the current issue of periodicals,
- talking Books, on loan from the Provincial Consortium, will only be available to an applicant who has been medically certified with an inability to read or handle conventional print material, and
- archived items of historical value.

The Library Manager may set limits from time to time on the number of items that may be in the possession of any one patron.

The Library Manager has the right to limit the number of items on a particular topic that may be borrowed at any one time in recognition that library resources are limited.

Any person who so desires may freely use any materials on library premises.

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8.6 Statement of Intellectual Freedom

The Town of High Level Library Board endorses the statement from the Canadian Federation of Library Associations on Intellectual Freedom and Libraries.

The Canadian Federation of Library Associations recognizes and values the *Canadian Charter of Rights and Freedoms* as the guarantor of the fundamental freedoms in Canada of conscience and religion; of thought, belief, opinion, and expression; of peaceful assembly; and of association.

The Canadian Federation of Library Associations supports and promotes the universal principles of intellectual freedom as defined in the *Universal Declaration of Human Rights*, which include the interlocking freedoms to hold opinions and to seek, receive and impart information and ideas through any media and regardless of frontiers.

In accordance with these principles, the Canadian Federation of Library Associations affirms that all persons in Canada have a fundamental right, subject only to the Constitution and the law, to have access to the full range of knowledge, imagination, ideas, and opinion, and to express their thoughts publicly. Only the courts may abridge free expression rights in Canada.

The Canadian Federation of Library Associations affirms further that libraries have a core responsibility to support, defend and promote the universal principles of intellectual freedom and privacy.

The Canadian Federation of Library Associations holds that libraries are a key institution in Canada for rendering expressive content accessible and affordable to all. Libraries are essential gateways for all persons living in Canada to advance themselves through literacy, lifelong learning, social engagement, and cultural enrichment.

Libraries have a core responsibility to safeguard and facilitate access to constitutionally protected expressions of knowledge, imagination, ideas, and opinion, including those which some individuals and groups consider unconventional, unpopular, or unacceptable. To this end, in accordance with their mandates and professional values and standards, libraries provide, defend, and promote equitable access to the widest possible variety of expressive content and resist calls for censorship and the adoption of systems that deny or restrict access to resources.

Libraries have a core responsibility to safeguard and foster free expression and the right to safe and welcoming places and conditions. To this end, libraries make available their public spaces and services to individuals and groups without discrimination.

Libraries have a core responsibility to safeguard and defend privacy in the individual's pursuit of expressive content. To this end, libraries protect the identities and activities of library users except when required by the courts to cede them.

Furthermore, in accordance with established library policies, procedures and due process, libraries resist efforts to limit the exercise of these responsibilities while recognizing the right of criticism by individuals and groups.

Library employees, volunteers, and employers as well as library governing entities have a core responsibility to uphold the principles of intellectual freedom in the performance of their respective library roles.

Canadian Federation of Library Associations Statement on Intellectual Freedom and Libraries

Approved by CLA: June 27, 1974; Amended November 17, 1983; November 18, 1985; September 27, 2015. CFLA-FCAB: Adopted August 26, 2016; Reviewed April 12, 2019.

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Next rev: Nov 2025

8.7 Censorship and Complaints

The Library recognizes that many books and materials are controversial and that any given item may offend some patrons.

Selection will not be made based on any anticipated approval or disapproval, but solely on its merits in relation to collection development and relevancy to the interests of readers.

Books and materials selected are available to any library patron, regardless of age. The board believes in the freedom of individuals and the right and obligation of parents and legal guardians to develop, interpret, and enforce their own code of values upon their own household.

The Board will review complaints concerning the selection of a specific title only if the complainant has completed the Citizen's Request for Reconsideration of Material form.

TOWN OF HIGH LEVEL LIBRARY

Citizen's Request for Reconsideration of Material

Author_____Hardcover_____Paperback_____

Title_____

Publisher (if known)_____

Request initiated by_____

Telephone_____Address_____

City_____Postal code_____

Complainant represents

_____Him/Herself
_____Name of organization_____
_____Identify other group_____

1. To what in the book do you object? (Please be specific; cite pages)

2. What do you feel might be the result of reading this book?

3. For what age group would you recommend this book?

4. Is there anything good about this book?

5. Did you read the entire book?_____What parts?_____

6. Are you aware of the judgment of this book by literary critics?

7. What would you believe is the theme of this book?

8. What would you like your library to do about this book?

_____Do not assign it to my child
_____Withdraw it from all users
_____Send it back to the Library Manager for re-evaluation.

9. In its place, what book would you recommend?

Date_____Signature of complainant_____

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SECTION 9 – LIBRARY SERVICES

9.1 Library Services

The Library will select from the range of available materials and will organize for ease of access those books and materials, which best meet the needs of the community.

The Library staff will provide guidance and assistance to enable patrons to find the information they seek.

The Library will initiate programs to stimulate the use of the Library for the enlightenment of patrons of all ages. This may be done through publicity, displays and exhibits, story hours, book talks, summer programs, special programs, films, and other appropriate means, either in the Library, or in conjunction with other community groups.

The Library will cooperate with other community groups to determine and meet the needs of the community and to assist them in their programs.

The Library accepts responsibility for securing information beyond its own resources by borrowing materials which it does not own, and which cannot be purchased, or for which demand does not justify purchase.

The Library may loan material, but not equipment, to other libraries as requested.

The Board recognizes that no single library can meet all the demands of its community. The Board and the Library Manager will be alert to opportunities for cooperating with other libraries to strengthen the services and resources of the Library.

The Library will attempt to provide services during the hours that best meet the needs of the community.

Periodic reviews will be made of library services to determine whether the needs of the community indicate services should be modified or new services added.

Created: Jan 1990
Revised: Jan 2023
Next rev: Jan 2026

9.2 Provision of Service to those with Unable to Use Conventional Print

Definition

A library user unable to use conventional print may also be known as a print-disabled user. Print-disabled users include any user who has a perceptual disability, defined in the federal *Copyright Act* as "a disability that prevents or inhibits a person from reading or hearing a literary, musical, dramatic or artistic work in its original format, and includes such a disability resulting from:

(a) severe or total impairment of sight or hearing or the inability to focus or move one's eyes,
(b) the inability to hold or manipulate a book, or
(c) an impairment relating to comprehension."

Commitment

The Town of High Level Library Board (THLLB) believes those unable to use conventional print materials should have full access to library services and will endeavor to incorporate appropriate services and materials for print-disabled users.

- These materials will be provided in a format appropriate to the user, subject to user needs and preferences, availability of materials, and within appropriate financial limits.
- THLLB will cooperate with national, provincial, and local community agencies in this effort.
- Library materials may be delivered to those print-disabled users who qualify for this service, as per THLLB's policy *Home Service for Those Physically Unable to Pick Up Library Materials.*

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Revised: Jan 2023
Next rev: Jan 2026

9.3 Provision of Library Materials in Languages other than English

The Library Board recognizes the importance of multiculturalism and the diversity of ethno-cultural groups in the province.

The Library will provide books in other languages for patrons, upon request, through Provincial resources.

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Next rev: Jan 2026

9.4 Home Service for Those Physically Unable to Pick Up Library Materials

Purpose

Through Home Service delivery, the High Level Municipal Library (HLML) will provide free home delivery of library materials to eligible participants by approved and assigned volunteers.

This delivery service for people unable to physically visit the library aligns with Town of High Level Library Board (THLLB) Mission Statement and Plan of Service.

Eligibility

Home Service is available to any person within the Town of High Level who is confined to home due to temporary or chronic illness or disability.

Participants will be required to have an active HLML membership to qualify for this service. A Home Service delivery application form must be completed requesting access to this service.

Service

All circulating materials may be borrowed through Home Service; subject to the conditions of HLML's borrowing policy.

Types of service available:

- Home delivery: Library items delivered once per month by a library volunteer
- Branch pick-up: An individual may designate a family member, friend, or caregiver to pick up library materials on his/her behalf
- Extended Care Home delivery: Library items delivered every six weeks by a library volunteer

Delivery

Library materials will be delivered and retrieved by designate volunteers on a schedule to be determined between HLML, the participant, and the volunteer. If conditions in the home or approach to the home are deemed to be unsafe or unhealthy, HLML may discontinue or refuse service.

Volunteers

Volunteers will be required to provide a vulnerable sector police record check prior to working with this program, and on an annual basis. Any costs associated with such checks will be reimbursed by HLML. Prior to beginning their work, volunteers must attend an orientation session.

Volunteers are always required to carry a cell phone for emergency purposes.

Staff

The Library Manager will assist volunteers with the selection of materials from HLML's collection based on the reading profile created for the participant. Home Service participants may also request specific titles.

Fees

Home Service participants have extended borrowing privileges, including longer loan periods and exemptions from late fees. Regular replacement fees will be charged for lost or damaged materials. Repeated loss or damage of materials will result in discontinuation of service.

9.5 Internet and Computer Use

Internet Access Policy

In response to advances in technology and the changing needs of the community, the High Level Municipal Library endeavours to develop collections, resources, and services that meet the cultural, informational, recreational, and educational needs of the community. It is within this context that the High Level Municipal Library offers access to the Internet.

The Library does not monitor and has no control over the information accessed through the Internet and cannot be held responsible for its content. The Internet is a global entity with a highly diverse user population and library patrons use it at their own risk.

All Internet resources accessible through the Library are provided equally to all library users. Parents or guardians, NOT the Library or its staff, are responsible for the Internet information selected and/or accessed by their children. Parents are requested to supervise their children's use of the public access computers and the Internet. Unsupervised children 15 years and under are not permitted on the computer without specific parental permission. Staff may request proof of age.

To be more specific:

> The High Level Municipal Library does not censor your access to materials or protect you from information you find offensive. There is material and information, which you may personally find controversial or inappropriate. Not all sources on the Internet provide accurate, complete, or current information. You need to be a good information consumer, questioning the validity of the information you find.

Staff Assistance

Library staff cannot provide in-depth training concerning Internet computer jargon or personal computer use. We may, however, be able to offer searching suggestions and answer questions. Because of the library scheduling, Internet- trained staff may not always be available.

Guidelines for Accessing the Internet at the Library

1. The Internet Access computer is normally available, subject to periodic maintenance during the scheduled library hours.
2. Use of the Internet Access computer is on a first-come first-served basis. Users must sign in at the front desk prior to using any of the public access computers, providing your correct name. No user may remain on the Internet for longer than one hour unless prior arrangement has been made with library staff.
3. Although the Library does not censor access to the Internet, you are required to respect the other users of the Library when accessing information. In this context, if the materials you are accessing are inappropriate, illegal, or offensive, you may be asked to leave. Repeat offensives, as deemed by staff, will result in total loss of Internet privileges.

4. You **may not** use your own software programs on the Internet Access computer. This will help prevent computer viruses that are common on public computers.
5. A maximum of TWO patrons are allowed at the terminal at any one time.
6. You must ask the Library Manager or Assistant for permission if you wish to use a personal storage device.

   WARNING: Although we use a virus-checker on the Internet Access computer, this will not completely protect you from the chance of getting a virus. Software downloaded from the Internet may contain a virus, and you need to have virus-checking software on your computer. The High Level Municipal Library is not responsible for damage to a patron's disk or computer, or for any loss, damage, or liability that may occur from patron use of the Library's computers.

7. Printing is available. The user will be responsible for all printing generated because of their activities.
8. You may not be able to always go to the places on the Internet you may want to visit. There are many reasons, among them:
   - There are too many Internet visitors, and the host computer has closed or limited access from the "outside world"
   - The database or resource is licensed to a particular institution, in which case you need to be affiliated with the institution to get access
   - The host computer has changed its address or has closed down
   - The Library's internet connection may be periodically and temporarily inoperable due to technical difficulties
9. If any user abuses, misuses, or engages in any use of the computer equipment or software not authorized by the site, or introduces a virus, will be prohibited from using this service. **Misuse will result in loss of your computer privileges.**
10. Illegal activity is prohibited.

9.6 Programs

Purpose

Programs are activities that will support the strategic service priorities of the Town of High Level Library Board's (THLLB) Plan of Service and will respond to community needs and interests.

In the provision of its programs, the THLLB abides by the Canadian Federation of Library Associations' 201 Statement on Intellectual Freedom and Libraries, specifically:

> that all persons in Canada have a fundamental right, subject only to the Constitution and the law, to have access to the full range of knowledge, imagination, ideas, and opinion, and to express their thoughts publicly.

THLLB does not warrant or assume any legal liability or responsibility for the currency, relevance, accuracy or completeness of any information, apparatus, product, or process disclosed in the programs presented.

THLLB programs

- These programs may be presented by THLLB staff or by a THLLB -approved provider
- Program proposals by community members are welcome; however, THLLB will not be obligated to offer such programs
- THLLB staff are responsible for completing all necessary program planning documentation, to maximize programming efficiency and accountability

Other programs

- THLLB may collaborate with other organizations to plan and offer programs and events, to maximize community impact

THLLB staff will follow established procedures when responding to concerns, questions, or complaints about programs.

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Next rev: Mar 2026

9.7 Social Media

Purpose

The Town of High Level Library Board (THLLB) supports open dialogue and the exchange of ideas and endorses the use of social media tools to enhance communication, collaboration, and information exchange. The Social Media Policy provides a framework for staff to engage our customers in an ongoing conversation regarding the High Level Municipal Library (HLML).

The policy covers all social media platforms maintained by HLML staff and the monitoring and responding to social media sites maintained by other individuals or organizations.

Definition

For the purpose of policy, social media is defined as an interactive online media that allow parties to communicate instantly with each other or to share data in a public forum.

HLML Social Media

- HLML's website is the official channel of digital communication for the Library. Social media spaces established by HLML should supplement the website and be collaborative, interactive, and engaging to the wider community.
- The establishment of all new social media platforms are approved on a case by case basis by the Library Manager. Approval is based on suitability, audience fit, and long-term sustainability.
- The Library Manager will provide direction of HLML's social media platforms. Staff will monitor all social media channels in order to quickly engage with the community.
- All staff involved with social media have responsibility for authoring, editing, and monitoring the space. They will be guided as necessary by the Library Manager and Assistant as to the nature and content of material posted on the site.
- HLML recognizes and respects differences in opinion. All interactions are regularly monitored and reviewed for content and relevancy. Postings which contain the following will be removed:

  Obscenity
  Discriminatory content, harassment, or bullying
  Inflammatory or demeaning content (personal attacks, threatening language)
  Potentially libelous statements
  Plagiarized material
  Content which is out of context or not related to the discussion
  Personal information published without consent
  Commercial promotion, self-promotion, or spam
  External hyperlinks not related to the discussion

- Abuse may result in the poster being barred from posting any subsequent messages.

- Participation in HLML social networking sites implies agreement with all Library policies including the Social Media Policy, Rules of Conduct Policy, and Public Computers and Wireless Network Policy.

Monitoring Social Media

- HLML routinely monitors social media to know what others are posting about the organization. Staff is encouraged to post content on existing social media within their scope of authority and area of expertise using the Library's social media accounts. Staff will use posted content as a means of delivering key messages and leveraging the Library's position.

- Staff content is the voice of HLML and therefore staff will:
  - identify themselves as an employee of HLML and their role
  - be respectful and post meaningful content
  - protect HLML's proprietary information & confidentiality
  - build opportunities to create connections within the broader community
  - post content that is consistent with HLML's values and standards
  - follow the Procedures for Posting on Social Media Sites

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SECTION 10 – PERSONNEL

10.1 Definition of Employment Status

Salaried

A salaried employee is a full-time employee who is paid a monthly wage. These employees are eligible for the benefit program. Over thirty hours a week is considered full-time

Part-time

A part-time employee is an employee who is paid an hourly wage. These employees are eligible for the benefit program with Board approval.

Permanent

A permanent employee, either salaried or hourly, is an employee who occupies an established position and who has successfully completed the probationary period for the position.

Probationary

A probationary employee, either salaried or hourly, is an employee who occupies an established position and who has not completed the probationary period for the position.

Temporary

A temporary employee, either salaried or hourly, is an employee who occupies an established position on a temporary basis. This employee is hired as an interim replacement, to temporarily supplement the workforce, or to assist in completing a specific project. Employment assignments in this category are of a limited duration. These employees are not eligible for the benefit program.

Casual

A casual employee is employed in a position where the hours worked are on an as-required basis. The casual employee has an established employment relationship with the High Level Municipal Library but are assigned to work on an intermittent and/or unpredictable basis.

Contractor

Those individuals who work for the High Level Municipal Library and who are not deemed to have an employee/employer relationship with the organization. Typically, these individuals operate their own business, supply their own tools and equipment, and bills the High Level Municipal Library for services performed. These individuals are not eligible for the benefit program.

10.2 Pre-requisites for Employment

In addition to other requirements for being accepted, specific positions may include:

- A medical examination may be required on application for designated positions, or if required for benefit plans, or where chronic health problem may have an impact on the ability of the candidate to complete the duties of the job.
- Driver's License may be required as a condition of employment, and where it is required, loss of a driver's license may be cause for termination.
- Criminal record checks and SIN will be required for all employees.

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Revised: Mar 2023
Next rev: Mar 2026

10.3 Employee Code of Ethics

The Board requires High Level Municipal Library (HLML) employees to be independent, and impartial, and that their positions not be used for personal advantage. To this end, the following is a code of ethics to be followed by all HLML employees:

Provision of Information

A HLML employee must provide information impartially and non-judgmentally, regardless of belief or personal philosophy.

Acceptance of Gifts / Financial Gain

A HLML employee shall not accept any gifts or rewards which may appear intended to influence them in the discharge of his/her duties.

No personal financial gain by a Library employee should result from his/her role in providing information to a Library user.

Outside Employment

A HLML employee may engage in outside work or a business, or undertake supplementary employment, including self-employment, provided such work does not:

- interfere, compromise, or present an ethical or legal conflict of interest with his/her duties as a HLML employee, and/or
- represent a HLML opinion.

A HLML employee shall not utilize HLML assets and/or work time for outside employment or personal use.

Political Office

A HLML employee may request a leave of absence without pay to run for office.

A HLML employee elected to a public office may continue to be employed, provided there is no conflict of interest between his/her duties with HLML, his/her duties as a public official, and the *Libraries Act* of Alberta.

Violation of the Code of Ethics

All staff are required to sign a Code of Conduct yearly. A HLML employee violating any provisions of this policy will be subject to disciplinary action and possible dismissal.

Use of Social Media

When engaging in personal social media, HLML employees are expected to act responsibly and respectfully. In particular, we advise employees to:

- Make it clear that the views expressed are personal and do not represent HLML. Using a disclaimer such as “opinions are my own” will avoid misunderstandings.
- Avoid any defamatory, offensive, or derogatory content, which may be a violation of HLML Violence and Harassment Policy if directed toward colleagues, customers, partners, or THLL Board members.

10.4 Probationary Period

The normal probationary period for employees is ninety (90) calendar days from the date of hiring. During this period the employee will become accustomed to the work required and the Library Manager will evaluate whether the individual's skills will be adequate for the full range of responsibilities. The employee will be informed in writing of his/her employment status at the end of the probationary period.

Probationary periods may be extended in 90-day increments upon the recommendation of the Library Manager.

Library Manager has a probationary period of one hundred and eighty (180) days.

Probationary period for the Library Manager may be extended in 90-day increments upon the recommendation of the Library Board.

10.5 Staff Orientation and Continuing Education

The Town of High Level Library Board recognizes the importance of informed and well-trained staff. It supports this policy by providing, within the limits of its budget, orientation programs; encouragement and support for attendance at library conference, workshops, and library-related courses within and outside the Town; and institutional membership in library organizations.

Orientation

New employees are given orientation and training that will prepare them to best provide service to the public.

Orientation and training are the responsibility of the Library Manager and includes an understanding of:

- the role of the Library in the community
- the role of the Library in the larger library community, including participation in both the local library system and the Provincial Library network
- the responsibilities and duties of the Board and staff
- the Library's polices, services, goals, and objectives,
- the job description, and
- specific training for the employee's position.

Each new employee is given a Staff Handbook for personal use and study along with job-specific material provided by the employee's supervisor.

Education

The Library Manager may, within the limits of the budget, approve staff attendance at library-related meetings, workshops, and conferences without prior Board approval.

Within budget guidelines and with prior approval of Library Management, expenses incurred by individual staff members for travel, subsistence, lodging, and registration fees will be reimbursed, as per established procedure.

The Library Board supports and encourages the ongoing training of library staff through staff development workshops and regular system training sessions. With the authorization of the Board, the Library Manager may occasionally close the library to allow staff the opportunity to attend these training opportunities.

The Board supports and encourages informal, ongoing sharing of information among library staff as part of their continuing education.

Formal Further Education

The Board supports staff attending formal education programs related to their work at the library to further their education.

Employees wishing to take an unpaid leave of absence for the purpose of further education must apply to do so as per established policy for leave without pay policy.

For an absence for the purpose of further education, the Board may hold an employee's position for a maximum of two (2) years.

Library Association Memberships

The Board purchases an annual institutional membership in the Library Association of Alberta (LAA). The Library Manager is the voting representative.

Within budget guidelines and with prior approval of the Library Manager, other association institutional memberships may be purchased.

Expenses incurred by individual library staff members for association memberships may be reimbursed, with prior management approval. The Library Manager will approve individual memberships for library staff members. The Library Board will approve individual memberships for the Library Manager by board motion.

10.6 Hours of Work

Work Week

Salaried employees shall work a regular week consisting of thirty-seven and a half hours. Employees are scheduled for an eight and a half hour workday, which includes a one-hour unpaid lunch break.

Banked Time / Overtime

A salaried employee who has approval to work outside normally scheduled hours shall be entitled to take the equivalent time off at a time mutually agreed to between the employee and his/her supervisor, based upon operational requirements.

Hours worked in excess of an employee's normally scheduled hours, but less than the weekly threshold of 44 hours, will be banked at a rate of 1:1.

Hours worked in excess of 44 hours will be banked at a rate of 1:1.5, in compliance with provincial *Employment Standards*.

All banked time and overtime must be used within six months of accrual. All opportunities to use this time within this period must be exhausted. However, if extenuating circumstances arise that prevent the employee from using banked time and overtime within six months, it will be paid out.

Rest periods

All salaried employees are permitted two rest breaks, one in the first half and one in the second half of each shift. The maximum duration of each break shall be fifteen minutes, to be taken at times appropriate for the smooth operation of the library.

Hourly employees are entitled to one fifteen- minute rest period after two hours of work.

Rest period entitlements may not be used to arrive late, leave early, extend lunch breaks, and may not be banked.

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10.7 Employee Compensation

The Wage and Salary Grid as reviewed and approved by the Library Board shall determine employee compensation.

Each employee shall be eligible for an incremental increase, budget permitting.

Increase will be effective upon individual employment anniversary date, budget permitting and at the discretion of the Library board.

Increase will not be retroactive, without prior approval of the Library Board.

Employees will be entitled to paid and unpaid breaks in accordance with Alberta Employment Standards.

10.8 Paid Holidays

Employees will receive the following twelve paid holidays:

- New Year's Day
- Family Day
- Good Friday
- Easter Monday
- Victoria Day
- Canada Day
- August Civic Holiday
- Labour Day
- Thanksgiving Monday
- Remembrance Day
- Christmas Day
- Boxing Day

Salaried employees will receive a floater day between December 23rd and January 2nd, as determined by the Library Manager. Employees will receive additional statutory holidays as defined by Federal, Provincial or Municipal legislation.

Statutory holidays falling on a weekend will be granted on a proceeding or subsequent weekday. Statutory holidays for wage employees will be paid providing they meet the requirements of the current Alberta Statute.

10.9 Vacation

An employee is normally authorized to take vacation only after it has been earned. If paid vacation is taken prior to such time being earned and the employee leaves High Level Municipal Library for any reason before such time is earned, vacation overpayment will be deducted from wages paid to the employee on his/her final pay until the overpayment has been reimbursed.

For the first calendar year of employment, vacation entailment will be ten (10) working days for non-supervisory staff and fifteen (15) working days for supervisory staff.

One (1) additional day per year of employment, as of the employee's anniversary date, will be added to the vacation entitlement to a maximum total vacation of twenty five (25) working days.

Vacation earned must be taken by the anniversary date of the following year.

Vacation cannot be taken in cash equivalent except upon retirement, resignation, or termination.

The Library Board, in exceptional circumstances, may approve variations to this policy.

This policy applies to all Regular and Temporary Staff.

The Library Manager approval must be given prior to scheduling holidays.

Part time employees will be paid vacation pay in each pay period.

The Board or Chairperson will approve the Library Manager's vacation.

10.10 Paid Leaves

The Library Board recognizes the need for time off for special circumstances. Salaried employees may take eighteen (18) days off with pay each year. Any additional time will require prior approval of the Library Manager and in the case of the Library Manager, the Library Board. A Request/Notice of Leave form must be filled out by staff and supervisor. A copy of the Request/Notice of Leave form will be saved in the staff member's file. See staff policy manual for copy of Request/ Notice of Leave form. In cases of sudden illness staff members will fill out the Request/Notice of Leave form will be filled upon return to work.

Time off with pay will include time for casual illness not compensated for under the benefit plan, bereavement, healthcare appointments, or family illness/ healthcare appointments. It will also include travel time necessary for the above.

The definition of "Family" shall include blended families, grandparents, parents, siblings, children, other dependents, regardless of residence, or any relation living within the household of the employee. The definition of "family" may be extended at the discretion of the Library Manager and/or in the case of the Library Manager the Library Board.

Time off must be earned before it is used.

Staff may use vacation/banked time if they don't have enough leave earned.

Leave must be taken by the anniversary date of the following year.

10.11 Unpaid Leaves

An employee may request a leave of absence without pay as per the Alberta Employment Standards Code.

Where leave does not fall under the Alberta Employment Standards job protected leave, each request will be determined by the Library Manager or Library Board. Nonjob-protected leave may be denied.

All requests and responses must be in writing. If the leave request is denied an explanation will be provided to the staff member.

10.12 Timekeeping

All staff is required to keep accurate records of time worked to calculate pay and benefits. All employees are required to clock in at the beginning of their shift and clock out at then end of their shift; any discrepancies must be reported to the Library Manager.

10.13 Pension

The Library Board does not belong to a pension plan or fund.

In lieu of a pension plan, the Library Board will pay to each salaried employee an amount set by the Library Board subject to final approval of the annual budget.

The pension contribution will be deposited monthly as a contribution to an RRSP.

10.14 Health Spending Account

The Town of High Level Library Board does not belong to a medical plan. In lieu of a medical plan, eligible employees may have access to a Health Spending Account. Each employee will be granted a starting amount of $ 120.00 with an increase of $ 10.00 per year budget permitting.

Allotment must be accrued before it is spent. Monies must be spent by the year end. Monies can be spent on the staff member, staff member's spouse/partner, and/or dependents.

Allotments may be spent on the following:

- Medical premiums
- Dental coverage
- Dental care
- Massage therapy
- Chiropractor
- Physiotherapy
- Speech language pathology services
- Counselling
- Reflexology
- Vision care
- Hospital costs
- Health support (e.g., smoking cessation, weight management, etc.)
- Prescription drug reimbursement
- Life insurance fees
- Disability coverage fees
- Fitness services (e.g., gym pass, fitness lessons, pool pass, etc.)
- Reimbursement of post-secondary courses after successful completion and there is Board approval prior to commencement of the course
- Physical fitness equipment (after one month has passed since purchase).

The Board may approve additional requests as it sees fit.

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10.15 Alberta Employment Standards Code

The Library Board, Library Manager, staff, and all volunteers must abide by the Alberta Employment Standards Code.

10.16 Employee and Volunteer Grievances

A grievance is defined as any disagreement arising from the interpretation, application, operation, or alleged violation of the Personnel policies of High Level Municipal Library or of the *Employment Standards Code* of Alberta.

An employee or library volunteer who has a grievance related to their employment in the Library should present a written statement and discuss the concern with the Library Manager. If the Library Manager has a grievance, the Manager should bring all written correspondence to discuss the matter with the Library Board Chair.

If the griever and the Library Manager or the Library Manager and the Board Chairperson cannot resolve the issue, a full written record of the concern and all documentation should be provided to the Library Board within 15 days of the discussion.

The Library Board will then refer this matter to the Personnel Committee of the board. This committee shall review the matter and make a recommendation to the Board.

There should be three Personnel Committee members reviewing the grievance, including one officer of the board.

After receiving and considering the recommendation of the Personnel Committee, the Board should make a decision regarding the grievance. A written record of this decision should be forwarded to the griever within 30 days of the original written concern being received.

If the response or decision of the Library Board is unsatisfactory to the griever, the griever has the right to appeal to other organizations as applicable:

- Alberta Employment Standards: Contact for issues related to hours of work, holiday pay, days off, maternity and parental leave, overtime hours, vacations, wage payment, and employee termination.
- Occupational Health & Safety: Contact for issues related to workplace safety, including working alone.
- Office of the Information and Privacy Commissioner of Alberta: Contact to make a request for your personal information under the FOIP act. For more information about the FOIP act, contact Service Canada.
- Alberta Human Rights Commission: Contact for questions regarding discrimination in the workplace.

The griever, Library Manager, and a Board representative must sign all documentation.

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10.17 Political Activities

The High Level Municipal Library and the Library Board are neutral in their support of any organization.

Political activities of employees shall not interfere with the ability of the employee or their co-workers to perform their duties.

If the activity will interfere with the employee's duties, the employee may request a leave of absence (or use vacation time) as outlined in the Alberta Employment Standards Code.

Political activities shall not be conducted on the Library premises.

10.18 Performance Evaluation

The primary purpose of a performance evaluation is to compare actual results with desired results and to design action plans for the future. The essence is guidance, mentoring, and development for continuing improvement. It is also an opportunity to thank employees for their efforts on behalf of the library. The library board is an employer, and so it must take steps to evaluate its employees on a regular basis.

All employees, including the manger, should be evaluated at the end of their probationary period (three months for staff members and six months for Library Manager). They should complete the Performance Evaluation Form with their supervisor annually. However, performance conversations should also be taking place throughout the year, as described in Section C of the Performance Evaluation Form.

The Personnel Committee of the Board shall evaluate the Library Manager. The Personnel Committee will consist of three Board members. The Board Chair should be one of the Board members who sits on this committee, because the Board Chair is the primary contact person between the library board and the Library Manager.

The Library Manager will meet with the Personnel Committee, and they shall complete the evaluation form together. The completed evaluation form shall then be placed in the Library Manager's personnel file.

The Chair of the Personnel Committee shall make a report to the Board.

The Library Manager is responsible for evaluating the other library staff. All staff will interview with the Library Manager, and they will complete the evaluation form together. The completed evaluation form shall then be placed in the staff member's personnel file.

The Library Manager is responsible for evaluating the library volunteers. All volunteers will interview with the Library Manager, and they will complete the evaluation form together. The completed evaluation form shall then be placed in the volunteer's personnel file.

High Level Library Board

Performance Evaluation Form

Assessment Period: _____

Date: _____

Employee Name: _____

Position: _____

Reviewer's Name(s): _____

PART A: Employee Self-Reflection

The employee should complete this section once a year. Use this section to reflect on your own performance as you complete this form. Your conversations recorded in Section C do not have to use these questions.

1. Has the past year in your position been good, bad, or satisfactory to you? Why?
2. What do you consider to be your most important achievements of the past year? Why?
3. What do you like and dislike most about working for this organization?
4. What elements of your job do you find the easiest and the most difficult?
5. What elements of your job interest you the most and the least?
6. Are there any modifications or changes that you feel should be made to your job description? (If changes are made, an amended job description will be attached to this document after the appraisal is completed.)
7. What actions could be taken to improve your performance in your current position by: You: Your supervisor: Your board:

PART B: Performance Objectives and Accountability

Quality and Quantity of Work Performed *Displays accuracy and attention to detail in completing tasks. Completes all required tasks as outlined in job description.*
Employee's Comments:
Supervisor's Comments:
Communication Skills *Conveys and receives information accurately and appropriately. Consider listening, speaking and writing skills.*
Employee's Comments:
Supervisor's Comments:
Attendance and Punctuality *Is available at the office/work area on a regular basis.*
Employee's Comments:
Supervisor's Comments:
Reliability/Dependability *Takes on and follows through on assignments and instructions. Completes assignments on time.*
Employee's Comments:
Supervisor's Comments:
Initiative/Motivation *Assesses a situation accurately and responds appropriately. Anticipates and confronts problems. Thinks constructively and originates action.*
Employee's Comments:
Supervisor's Comments:
Cooperation and Interpersonal Skills *Seeks to assist and co-operate with others in completing assignments or tasks on a consistent basis. Works as a team member; discusses problems with team before taking action. Accepts guidance provided by supervisory staff; readily seeks out answers/information from supervisor or co-workers to undertake responsibilities.*
Employee's Comments:

Supervisor's Comments:
Customer Service *Provides appropriate and polite responses to internal and external customer requests in a timely manner.*
Employee's Comments:
Supervisor's Comments:
Coaching and Training Skills *Discusses expectations and priorities with staff on a regular basis; orients and trains staff in new and changing job functions; works with staff to set goals and objectives; communicates System policies and procedures; is readily available for consultation and direction; encourages ongoing development of staff.*
Employee's Comments:
Supervisor's Comments:
Organizational Abilities *Manages staff work activities through appropriate planning, prioritization, use of time management, and the effective use of resources within the approved budget; delegates appropriate responsibility and authority to staff.*
Employee's Comments:
Supervisor's Comments:
Building Commitment *Guides others to work towards common objectives; develops cooperation and teamwork; motivates staff to complete tasks while instilling a feeling of self-worth and accomplishment.*
Employee's Comments:
Supervisor's Comments:
Decision-making *Identifies/evaluates issues; uses good judgment to reach sound conclusions; generates alternatives; understands consequences; makes accurate and timely decisions; attends to details.*
Employee's Comments:

Supervisor's Comments:

The employee and the reviewer(s) should complete the first three columns at the beginning of the assessment period. The employee and the reviewer(s) should work together to describe the employee's individual performance objectives for the next year, including measures and targets. Complete the last column at the end of the performance period.

OBJECTIVES (What do you and your supervisor agree you should achieve?)	**PLAN OF SERVICE** (How does this objective tie into your library's Plan of Service?)	**MEASURES** (How will you know you've achieved your goals?)	**RESULTS** (What did you achieve?)
E.g., I want more children to come to story time.	E.g., One of our library's objectives is to improve children's attendance at library programs.	E.g., Story time attendance will improve by 10% by this time next year.	E.g., Story time attendance improved by 12%.

PART C: Conversations Throughout The Year

The employee and his supervisor should complete this section throughout the year. Performance management is an ongoing conversation between the employee (you), and your supervisor. Use this section to record ongoing discussions with your supervisor throughout the year, whether they are informal and spontaneous or scheduled and focused.

Conversation topics normally include:

- Your progress in fulfilling your objectives.
- Problems you've encountered, how you dealt with them, and what you learned from the experience.
- Issues you're dealing with and how your supervisor can provide support.
- Constructive feedback on your performance and how your supervisor can provide support.
- Your learning and career goals and how your supervisor can provide support.

This section is for the benefit of you and your supervisor. You can record as many or as few conversations as you like. You can write as much or as little as you like. Review these conversations with your reviewer(s) at the end of the performance period.

Conversation Date	Key Discussion Points

PART D: Professional Development

Identify any courses, workshops, or other training taken by the employee over the past year:
Identify any training or development activities that the employee wants to take or that the reviewer recommends that he take:

PART E: General Comments

Reviewer Comments:
Employee Comments:

The employee and the reviewer(s) acknowledge that this assessment has been reviewed and discussed by signing and dating below. **I have been made aware of my Supervisor's comments and recommendations. My signature on this document does not mean that I agree or disagree with the information but appears as a matter of record that I have been made aware of this information. I have the right to add any additional information I wish to this document. A copy of this report is available to me upon request.**

Employee Signature	Print Name	Date
Reviewer Signature	Print Name	Date
Reviewer Signature	Print Name	Date

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10.19 Personnel Records

The Town of High Level Municipal Library maintains two separate types of personnel records. The first is the employee's electronic file, which is managed by the Library Manager and is accessible by only the Library Manager. The second is a physical file that is also kept by the Library Manager.

The types of documents included in each file are listed in Schedule A.

All reasonable steps will be taken to ensure the confidentiality of both electronic and physical personnel records. Only the Library Manager and the concerned employee shall have direct access to the physical personnel records. The Board Chair will have access to both the electronic and physical records of the Library Manager.

Should access to an employee's personnel record be requested by their supervisor, it will be provided at the discretion of the Library Manager.

The concerned employee will be informed of documents added to or deleted from their physical personnel file.

The Library Manager or designate must be present when any employee's physical file is accessed.

An employee may access their files (both electronic and physical) at any time.

Schedule A

Personnel Records

The Town of High Level Municipal Library has personnel records including employee's electronic file, which is managed by the Library Manager. The second part is a physical file that is kept by the Library Manager.

The employee file includes:

- Personal information (address, SIN, emergency contacts)
- Tax forms (TD1 and TD1AB)
- Void cheque or direct deposit information
- Enrolment information for benefits and pension plans if applicable
- Offer letters including changes in position or hours
- Employee requests for additional shifts/hours
- Interview documents and references
- Notice of resignation
- Records of Employment
- Notice of maternity or parental leave
- Consent form for photo release
- Employee resumes and applications
- Performance appraisals
- Professional Development Request Forms
- Records of disciplinary actions
- Requests for leave not maternity or parental related (e.g., sick leave)
- Information concerning employee health (e.g., Doctor's notes)
- All other information determined by the Library Manager to be kept confidential from the electronic employee files.
-

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10.20 Progressive Discipline

Policy Intent

The Board has adopted a policy of Progressive Discipline to ensure that Town of High Level Library Board (THLLB) employees have the opportunity to correct any performance or behavioral problems that may arise. To this end, the Board has established a set of reasonable rules and guidelines for employees to follow.

Progressive Discipline

- If an employee violates THLLB policy or exhibits problematic behavior, a system of progressive discipline shall be utilized where possible.

- With each infraction or apparent problem, these steps will be followed as required:
  Step 1 Verbal warning
  Step 2 Written warning
  Step 3 Termination of employment

- In either of the first two steps, the employee will be:
  - alerted to the problem
  - provided with a review of the correct THLLB policy regarding the violation
  - advised of the consequences associated further infractions
  - provided with a suggestion towards a method of improvement

- If no further infractions of the policy in question occur after the initial verbal or subsequent written warning, no further disciplinary action shall follow.

- Degrees of discipline shall be used in relation to the problem at hand. As the situation dictates, based on the past performances of the employee, and the seriousness of the violation, THLLB reserves the right to skip the three step disciplinary process and move straight to termination where necessary.

Investigation and Documentation

- Problematic behavior or violations of THLLB policy shall be properly investigated and documented by the employee's supervisor and / or the Library Manager.

- All measures taken in the progressive disciplinary process shall be documented, including verbal warnings.

- THLLB shall retain the documentation in the employee's personnel file for a period of twelve months.

Progressive Discipline Policy

Step 1: Verbal Warning

Name of Employee: _____

1. On_____we met to discuss your behavior / performance:

_____

_____

_____

2. To improve your future performance, the following recommendation was made:

_____

_____

_____

Your Supervisor will provide assistance and supervision to ensure that the problem is rectified.

This is your first warning. In the event that this behavior is not corrected, , you will receive a written warning, the second of three steps in THLLB progressive discipline system.

Please keep this.for your records.

Name of Supervisor:_____Title:_____

Signature: _____

Name of Employee: _____

Signature: _____



Progressive Discipline Policy

Step 2: Written Warning

Name of Employee: _____

1. On_____we met to discuss your behavior / performance:

_____

_____

_____

2. To improve your future performance, the following recommendation was made:

_____

_____

_____

Your Supervisor will provide assistance and supervision to ensure that the problem is rectified.

As this is your second warning, you should be aware of the serious nature of this offence.

This written warning will be regarded as your final warning. In the event that this behavior is not corrected, your employment with THLLB will be terminated.

Please keep this for your records..

Name of Supervisor:_____Title:_____

Signature: _____

Name of Employee: _____

Signature: _____

10.21 Termination and Resignation

Termination of Employment

- As per the *Employment Standards Code* of Alberta, employees are entitled to notice of termination of employment in writing, except for the exclusions noted herein, with the length of such notice normally dependent on the employment with the employer:
  - One week for employment of more than 3 months, but less than 2 years;
  - two weeks for employment of 2 years or more, but less than 4 years;
  - four weeks for employment of 4 years or more, but less than 6 years;
  - five weeks for employment of 6 years or more, but less than 8 years;
  - six weeks for employment of 8 years or more, but less than 10 years; and
  - eight weeks for employment of 10 years or more.
- Termination notice is not required:
  - for employees who have been employed for 90 days or less;
  - when the Library Manager and/or the Board considers that the employee's conduct warrants immediate dismissal for just cause.
- The Library Manager may choose to provide termination pay instead of notice to the employee to be terminated, or a combination of both, in accordance with the *Employment Standards Code* of Alberta
- Full years of service will be calculated from the date an employee completes their probationary period. Once an employee is off probation you can't put them back on.
- Payment of all wages and vacation pay owing to the date of termination is due within three days.
- Where an employee is dismissed for just cause or for any other reason specified by the Employment Standards Code as not requiring notice, the employer must pay all wages and vacation pay due to the employee with 10 days of the date of termination.

Resignation of Employment

- The employee must give one week's written notice if they have been employee for more than 90 days, but less than two years and two weeks written notice if the employee has been employed for 2 years or more.
- An employee does not have to give notice if they have been employed for 90 days or less.
- All wages and vacation pay due to the employee must be paid within three days following termination of employment.

- When notice is not required, all wages and vacation pay due to the employee must be paid not later than 10 days after the last day of employment.

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10.22 Library Volunteers

Purpose

The Town of High Level Library Board believes in the valuable contribution volunteers can bring to library service. The Library's volunteer program enhances and enriches library services and the work of paid Library staff. The Board enhances the involvement of volunteers in all appropriate programs and activities.

Definitions

- Board means the Town of High Level Library Board.
- Volunteer means a person who performs tasks that contribute to the operation of the Library or the provision of any library service and is not paid a wage or salary by the Library for performing these tasks.

The work of volunteers shall complement, but not replace, the work of paid Library staff. All volunteer tasks must aid the Library in achieving its goals and objectives. Volunteers may share the work of a paid job description or do work not listed in a paid job description.

Recruitment

- All individuals interested in becoming volunteers must complete a volunteer application form and agree to a police check. The Library shall reimburse any costs associated with satisfactory police checks.
- Completion of an application form may be forgone for specific volunteer projects at the discretion of the Library Manager.
- Application forms shall be kept on file for a period of one year; subject to review should a suitable volunteer position become available during that time.
- Volunteers may not work directly under or be supervised by an immediate family member.
- Volunteers are selected based on their qualifications and the needs of the Library at any given time.

All volunteers shall immediately disclose any business, commercial, or financial interest where such interest may be construed as being in real, potential, or apparent conflict with their volunteer assignment.

Volunteers may not use their library affiliation in connection with partisan politics, religious matters, or community issues.

The Library reserves the right to limit the number of volunteers in the Library at one time.

Orientation and Training

- Each volunteer shall receive a general orientation to the Library and be made aware of the Library's rules and expectations by the Library Manager or designate.
- Volunteers shall receive a current volunteer job description and training for the volunteer tasks they are expected to accomplish.

Access to Information and Confidentiality

- Volunteers have the right to access all information relevant to and necessary for the satisfactory performance of their assignment. Volunteers shall have access to specific patron records only when it is necessary for the performance of their assignment.
- Volunteers are responsible for maintaining confidentiality of all propriety or privileged information whether this information involves an individual staff member, volunteer, patron, or other person, or involves overall library business.
- Volunteers are required to abide by all Board Policies and Bylaws.

Evaluation

- The services of a volunteer may be terminated by Library or by the volunteer.
- Volunteers wishing to terminate their service to HLML shall provide notice to the Library Manager as far in advance as possible.
- The Library reserves the right to evaluate the placement and performance of a volunteer. This may lead to the reassignment of the volunteer or the termination of the relationship between the volunteer and Library.

While on assignment for the Library, volunteers shall not represent themselves as other than a volunteer with the Library.

Work schedules and specific time commitments will be arranged between each volunteer and the Library Manager.

All volunteers are considered to be representatives of the Library and shall conduct themselves in an appropriate manner when carrying out assignments for the Library.

The Board shall set aside funds in each budget year to recognize the valuable contributions made by the volunteers

10.23 Job Descriptions

Library Manager

Job title	*Library Manager*
Reports to	*Town of High Level Library Board*

General Description

The Library Manager is accountable to the Library Board through the Chair of the Board. The Library Manager is responsible for implementing the library's Plan of Service through the operations of the Library.

The Board Chair shall serve as the liaison between the Board and the Library Manager in between Board meetings.

Duties and Responsibilities

The Library Manager has responsibilities in the following areas:

1) The Library Board

- Provides regular reports to the Board on all matters essential to the effective functioning of the Library and the Board as in Appendix A.
- Provides professional expertise, prompt and accurate Library information and opinions to the Board.
- Assists Board Chair in identifying assignments to working Committees of the Board and developing Board leadership.
- Recommends policy for consideration by the Board.
- Carries out all approved policies of the Board.
- Maintains a good working relationship with the Library Board.
- Participates in Board and committee activities as required.
- Orients new Board members to Library operations.
- Attends Board meetings.

2) Personnel Administration

- Accepts responsibility for hiring, training, supervising, coaching, evaluating, and dismissing staff.
- Provides annual performance evaluation for all employees and reports results to the Board.
- Determines appropriate hours of work.

- Arranges staff work schedules for the purpose of providing fair and adequate staff coverage during the hours of Library operation.
- Recruits and trains library volunteers

- **3) Planning**
  - Leads the execution of the Library's Plan of Service.
  - Establishes ongoing plans for library activities in consultation with the Board, staff, volunteers, and other community organizations
  - Leads evaluation of existing library programs.
  - Compiles necessary statistics based on input from all other staff members.

4) Financial Control

- Oversees expenditures according to approved budget and ensures that all debts incurred by the Library are paid in a timely manner.
- Provides documents for monthly financial records including all revenue and expenditures to bookkeeper and Board representative.
- Oversees bookkeeping and data entry into library's accounting software.
- Provides monthly financial reports to the Board.
- Sits as a member of the Board Finance Committee, which prepares the annual budget.
- Completes applications for grants with the help of the Board or designated committee.
- Initiates and prepares applications for funding for projects and programs, and follows through on reports of expenditures, as required.

5) General Administration

- Provides friendly, helpful, and efficient library service to patrons.
- Develops library collections and access, which responds to the evolving needs of all library patrons as identified in Plan of Service.
- Assists other staff members with program delivery.
- Directs policy implementation and administers the organization.
- Manages the day-to-day operations of the Library.
- Oversees property maintenance.

6) Promotion

- Ensures effective representation of the Library to the community.
- Promotes increased public awareness of the Library.
- Represents the Library at community functions.

7) Other Professional Responsibilities

- Builds strategic partnerships with the municipality and other community organizations.
- Participates in the activities of the library system, attends library system meetings.
- Participates in the activities of relevant professional library organizations.
- Keeps abreast of current developments in library services and programs through attendance at training workshops, seminars and conferences as budget allows.
- Assumes other duties as required.

Skills Required

Effective interpersonal skills are required in order to work effectively with the Board, staff, volunteers, and the community. Specific qualities include the following:

- Ability to act as a liaison between Board and staff.
- Ability to interpret Board policy decisions to staff.
- Demonstrated ability to think creatively, develop plans of action, adapts to change, and carry plans through to successful completion.
- Demonstrated leadership ability.
- Demonstrated ability to recognize and set priorities and to use initiative and independent judgment in a wide variety of situations.
- Demonstrated ability to select, develop, motive, and evaluate staff.
- Demonstrated ability to build strategic partnerships and community coalitions, and to foster positive relationships.
- Excellent verbal and written communication skills.

Qualifications

- A post-secondary degree in library & information studies, a library technician diploma, or related training or experience.
- At least three years' experience in a supervisory role.
- Canadian citizen or able to work in Canada.
- Ability to work evening and weekend shifts as required.
- Valid driver's license.

Working conditions

This position involves lifting, bending, reaching, standing, seeing, and hearing. This job also involves frequent exposure to dust.

Requires a mature adult, comfortable working within a loose team framework, able to plan, organize and complete tasks without supervision.

This position will be evaluated after a 180 day probation period and thereafter formally on a yearly basis.

Direct reports

- All other library employees and
- Volunteers

Date Revised: March 28, 2018

Created: June 2020
Revised:
Next rev: June 2022

Appendix A

Reports to Board

The following information will be provided to the board one week before the regular scheduled board meeting:

1) Agenda for Meeting
2) Minutes of Last Meeting
3) Financial Reports
    1) Balance sheet
    2) Budget versus actuals comparative statement for end of previous month
4) Library Manager Report
    a) Information related to work completed around:
        i) Board
        ii) Personnel
        iii) Planning and Programming
            5) Program Information to be itemized and detailed.
            6) Program Evaluations including: name of program, frequency, # of sessions, # of staff hours, # of volunteer hours, # of participants (any new participants), cost, revenue, and partnerships
            7) New Ideas for programming- include supporting documentation
        iv) Finances
        v) Library promotion
        vi) Other comments
    b) Library stats
        i) Collection
        ii) Circulation
        iii) TRAC
        iv) Cardholders
        v) Exams invigilated
        vi) Footfall
    3) Retail book sales
    4) Update on action plan

Created: June 2020
Revised:
Next rev: June 2022

Library Assistant

Job title	*Assistant Manager*
Reports to	*Library Manager*

Job purpose

To assist in the smooth and efficient running of the High Level Municipal Library and its programs as per policies and procedures.

Duties and responsibilities

1) General Administration

- Use of cash register for retail sales and Library fees
- Provide information resources both in book form and through the internet to assist the public
- Maintain statistics and records of library usage, reference questions, programs, and computer usage
- Maintain a detailed journal of daily activities
- Keep Library Manager apprised of what is happening in the Library

2) Personnel Administration

- Provide guidance in the Library Manager's absence
- Assist with training of new staff and continuing training of existing staff in a supportive manner.

3) Planning

- Joint planning and implementation of Library programs and program presentations.

4) Library Duties

- Responsible for closing Library during evening shifts and covering off other shifts.
- Assist and/or train public members in Library use and computer use.
- Facilitate both incoming and outgoing interlibrary loans.
- Check and fulfill requests on VDX daily
- Pick up and deliver courier mail
- Cataloguing, processing, and repair of the Library collection
- Shelving of materials, shelf reading and organizing of materials

5) Promotion

- Maintain the Library's Facebook account with information relevant to Library activities.
- Participate in fund-raising activities of the Board and the Friends

6) Financial

- Reconcile weekly deposits and take to the bank

7) Other Responsibilities

- Keep Library, work areas, and storage areas tidy and organized
- Perform other duties and/or functions as assigned by Library Manager.
- Maintain /update skills by attending the RLC and taking other training such as webinars or courses as directed by the Library Manager

Qualifications

- Completion of grade 12
- Customer service experience
- Organizational and communication skills
- Minimal supervision required
- Attentiveness to detail
- Knowledge of, experience with, or willingness to learn Library practices and procedures
- A sense of humor and a love of books

Working conditions

This position involves lifting, bending, reaching, standing, seeing, and hearing. This job also involves frequent exposure to dust.

Requires a mature adult, comfortable working within a loose team framework, able to plan, organize and complete tasks without supervision.

This position will be evaluated after a three month probation period and thereafter formally on a yearly basis.

Direct reports

Library Aide

Volunteers

Approved by:	
Date approved:	March 22 2018
Reviewed:	

Ideally, a job description should be reviewed annually and updated as often as necessary.

Created: June 2020
Revised:
Next rev: June 2022

Library Aide

Job title	*Library Aide*
Reports to	*Library Manager and Library Assistant*

Job purpose

To assist in the smooth and efficient running of the High Level Municipal Library and its programs as per policies and procedures under the direction of the Library Manager and his/her designate.

Duties and responsibilities

1) General Administration

- Use of cash register for retail sales and Library fees
- Provide information resources both in book form and through the internet to assist the public
- Maintain statistics and records of library usage, reference questions, programs, and computer usage
- Keep Library Manager and Library Assistant apprised of what is happening in the Library

2) Planning

- Implementation of Library programs and program presentations.

3) Library Duties

- Responsible for closing Library during evening shifts and covering off other shifts.
- Assist and/or train public members in Library use and computer use.
- Facilitate both incoming and outgoing interlibrary loans.
- Shelving of materials, shelf reading and organizing of materials

4) Promotion

- Participate in fund-raising activities of the Board and the Friends

5) Other Responsibilities

- Keep Library, work areas, and storage areas tidy and organized
- Perform other duties and/or functions as assigned by Library Manager or Library Assistant.
- Janitorial duties as per schedule

Qualifications

- Customer service experience
- Organizational and communication skills
- Minimal supervision required
- Attentiveness to detail

- Knowledge of, experience with, or willingness to learn Library practices and procedures
- A sense of humor and a love of books

Working conditions

This position involves lifting, bending, reaching, standing, seeing, and hearing. This job also involves frequent exposure to dust.

Requires a mature adult, comfortable working within a loose team framework, able to plan, organize and complete tasks without supervision.

This position will be evaluated after a three-month probation period and thereafter formally on a yearly basis.

Direct reports

None

Approved by:	
Date approved:	October 24, 2018
Reviewed:	

Ideally, a job description should be reviewed annually and updated as often as necessary.

A national organization agreed to post this policy on www.hrcouncil.ca as part of the HR Toolkit. Sample policies are provided for reference only. Always consult current legislation in your jurisdiction to create policies and procedures for your organization

Bill Schnarr

Box 3184 9805 108 Street

High Level, AB T0H 1Z0

(403)929-2321

jwschnarr@hotmail.com

August 27, 2025

High Level Municipal Library Board

c/o High Level Public Library

10511 103 Street

High Level, AB T0H 1Z0

Dear Board Chair and Members of the High Level Municipal Library Board,

I'm writing to express my interest in serving as a member of the High Level Municipal Library Board. As a resident of High Level and a strong supporter of literacy, access to information, communication, and community development, it would be a privilege to have an opportunity to contribute to the continued success of our "small but mighty" library.

Professionally, I bring experience in municipal communication, journalism, and the publishing industry. As a published author and avid reader, I recognize the importance of libraries as vital public spaces.

Libraries are about more than the books they house. They are living spaces where community enrichment and engagement are nurtured. They safeguard knowledge, champion equitable access, and serve as a foundation for a healthy, informed society.

I am particularly interested in supporting the library's efforts to provide meaningful community programming that best serves the needs of High Level residents. I have experience serving on boards and committees, and as an employee of the Town of High Level in an administrative capacity, I understand and appreciate the importance of governance, transparency, and collaboration.

I would be excited to bring my skills, experience, and enthusiasm to the Library Board. Thank you for your time and consideration, and I look forward to hearing from you.

Bests,

Bill Schnarr

Outlook

Fw: Board Members not the attachments look at the list on the email

From Mark Liboiron <mliboiron@highlevel.ca>
Date Mon 2025-10-27 11:56 AM
To Viv Thoss <cao@highlevel.ca>

2 attachments (3 MB)
Letter of Interest - Jodi Botha.pdf; Library Board Letter of Interest - Bill Schnarr.docx;

Get Outlook for iOS

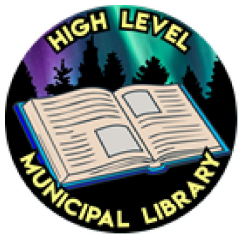
From: High Level Library Manager <librarian@highlevellibrary.ab.ca>
Sent: Friday, October 3, 2025 1:03:50 PM
To: Viv Thoss <cao@highlevel.ca>; Jena-Raye Clarke <dcs@highlevel.ca>
Cc: Mark Liboiron <mliboiron@highlevel.ca>
Subject: Board Members

Good Afternoon,

The following is the list of names of the people the Library Board has chosen to join the Board. I have attached the letters of interest for the ones we have. Can we please get this added to the agenda for Monday so they can be appointed? Thank you

Laurie Dirsa
Bill Schnarr
Peter Storer
Jodi Botha

Emma Fisher
Library Manager
High Level Municipal Library
780 926-2097


HIGH LEVEL
MUNICIPAL LIBRARY

AB Library Statistics
Survey Report - This tab contains the Alberta Public Library Survey. It is to be filled in with current information, up to and including the Board Governance - Board Members section. All municipal and intermunicipal library boards are required to complete this report.

Annual Report - This tab contains fields to capture statistical data for the reporting year for each library service point the board operates. If the board does not operate a service point, the Annual Report fields will not be visible. Urban library boards with multiple branches in the same city are excluded from this and can report aggregate data.

Survey Report
The Alberta Public Library Survey captures current year information.

This information is used in the *Alberta Public Library Directory*, which is produced by the Public Library Services Branch and is available at https://open.alberta.ca/publications/6656702.

Approval
The Survey and Annual Report is filed by the library board pursuant to the Libraries Regulation. By approving, the board accepts the report, certifies its essential accuracy and transmits it to Alberta Municipal Affairs, Public Library Services Branch (PLSB), in accordance with the above regulation. Personal information contained in the report will not be disclosed except for use by Alberta Municipal Affairs.

The completed Survey and Annual Report must be approved by the library board via resolution *before* it is submitted to PLSB. PLSB reserves the right to request a copy of the meeting minutes to demonstrate board approval.

	Date report approved by library board
	2025-06-12

Library Board
The legal name of the library board.

	Name of library board
	Town of High Level Library Board

Name of Library
Provide the name of the library operated by the library board.

	Name of library
	High Level Municipal Library

Library Phone, Email, Website
Report the current main phone number for the library, the general email address for reaching library staff and the URL for the library's website.

	Library phone	Library email	Library website
	780-926-2097	librarian@highlevellibrary.ab.ca	https://highlevellibrary.ab.ca/

Library Address
Report the current address of the library.

	Street address	P.O. box	City/town, etc.	Province	Postal code
	10601 - 103 Street		High Level	AB	T0H 1Z0

Contacts
Library Manager: Provide the name and work email of the person charged with the management of the daily operations of the library.

Respondent: If a person other than the library manager prepares this report, please provide their name and email. The respondent might be a library staff person, a member of the board, or any person charged with filling in the data. This information is not included in the Directory.

	Name	Email
Library Manager	Emma Fisher	librarian@highlevellibrary.ab.ca
Respondent (if different than above)		

Board Governance - Board Members

Provide the full names, contact information, and term expiry date for all current board members (i.e. members at the time of filling in this report). Indicate the board chair by entering their information in the first line of the table. While names of board members are public information, phone numbers and email addresses are strictly for the use of Public Library Services Branch and are not made available to the public.

Please note that the library board term expiry date must reflect the individual's appointment as made by municipal council and must be provided for all board members, including those members who are also councillors. The board term expiry date *should not* reflect the individual's date of recruitment, the date of their first board meeting, the date they were elected chair (or any other officer position), or any other date.

The *Libraries Act* requires all board members to be appointed by municipal council. Appointments are made by council resolution and therefore will be recorded in council meeting minutes. When an appointment is made, the municipality may also provide documentation (e.g. a letter) that includes the relevant information (i.e. resolution number, date of appointment, and the term length/expiry date).

Please see the *Appointments to the Municipal Library Board* or *Appointments to the Intermunicipal Library Board* fact sheets (https://www.alberta.ca/public-library-board-development.aspx) for more information.

If you are unsure about board member appointments and term expiry dates, contact your municipality for more information. If there is no record of appointments by council for some or all board members, please contact Public Library Services Branch at libraries@gov.ab.ca or 780-427-4871 for support.

	Name	Phone	Email	Library board term expiry (year/month/day)	Councillor?
Chair	Lydia Watters	780-618-7961	lgmwatters@outlook.com	2026-12-10	No
Board Member 1	Mark Liboiron	587-297-1870	mliboiron@highlevel.ca	2025-10-21	Yes
Board Member 2	Taryn McAskile	780-841-6560	taryn.mcaskile@gmail.com	2026-12-10	No
Board Member 3	Brent Anderson	780-926-0775	dabs@telusplanet.net	2025-10-21	Yes
Board Member 4	Cheryll Welke	780-926-9167	cherylwelke@gmail.com	2027-03-11	No
Board Member 5	Lane Connellan	780-841-7784	laneconnellan@outloook.com	2027-03-11	No
Board Member 6	Jane Robichaud	780-821-3029	janejollimmore@hotmail.com	2026-02-24	No
Board Member 7					
Board Member 8					
Board Member 9					

Annual Report
This is the Annual Report portion of the report. Please fill in the data for the reporting year (i.e. the previous calendar year) unless otherwise indicated.

Board Governance
Provide the actual dates (e.g. Jan 28, Feb 13) of board meetings held during the reporting year. All library boards are required by the Libraries Act to meet at least once every four months (Part 5, Section 33(1)).

Provide the amount of time board members volunteered on library board business during the reporting year, e.g. board meetings, committee meetings (a 2 hour board meeting with 5 members in attendance would equal 10 volunteer hours).

Any volunteer work *in the library* by board members should be recorded in the *Personnel - Volunteers* section.

	Dates of board meetings held (e.g. Jan 28, Feb 13)	Board volunteer hours
	Jan 31, Feb 28, March 28, April 25, May 29, June 27, July 25, Aug 15, Sept 26, Oct 24, Nov 28	55

Library Hours
Report the total number of hours the library was open to the public for the reporting year. If you are reporting for multiple libraries, please provide the total hours for all locations combined.

Do not include administrative days, where there may be staff in the library but no library users.

There are two possible calculations:
1. Actual count of hours open per year.
2. Estimate:
   If the library hours were the same all year: 50 x total hours per week
   If summer hours differed from regular hours: [(50 - # summer weeks) x total regular hours per week] + (# summer weeks x total summer hours per week)

	Total hours open during reporting year
	2,000

Personnel
Paid and unpaid staff that worked in the library during the reporting year.

Staff
Report total number of employees and the total hours worked in the reporting year (paid leaves such as vacation or sick days can be included). You may need to get this figure from the individual or agency that does your staff payroll.

Include all paid staff (full- and part-time) who were employed by the library board during the reporting year whether they were paid directly by the board or paid through the municipality.

Do not count the number of positions, count the total number of individual persons that worked in the library during the reporting year. Each person should only be counted once. For those that have multiple credentials (i.e. both an MLIS and Library Technician diploma), please count them by the credential required by the position they are in.
Do not include individuals who provided service through a contract, such as custodial staff or bookkeeping.

	Total # of employees	Total hours/year
MLIS or equivalent	0	0.00
Library technician	0	0.00
All other credentials (e.g. high school, Library Operations Certificate, diploma, other university degree)	12	6,286.20
Total	12	6,286.20

Volunteers
Report the number of volunteers (i.e., those who worked without payment from any agency) that assisted with library activities, and the total number of volunteer hours for the reporting year. If a board member volunteered at the library to provide programming, fundraising, outreach or operations (e.g. shelving books), record those hours here.

Do not include volunteer hours contributed by board members on library business (e.g. board meetings, committee meetings, etc.). Record those hours in *Board Governance > Board volunteer hours*.
Do not include volunteer activities of Friends groups. Friends groups are separate organizations and have their own reporting mechanisms.

	Total # of volunteers	Total volunteer hours contributed
	0	0.00

Collections
Report only items that have been acquired as part of the library collection. Count the total library collection, not just items added during the reporting year.

Collection management

Report the number of print and non-print items acquired and withdrawn during the reporting year. Do not include e-content.

	Items acquired	Items withdrawn
Print items	0	0
Non-print items	0	0
Total	0	0

Print and non-print items

Report the total number of print and non-print items in the library collection. Include both catalogued and uncatalogued items. Do not include electronic equipment for loan or e-content as they are captured in the following sections.

Print items: include physical books and issues of periodicals.
Non-print items: include physical items such as audiobooks (e.g. books on CD), music (e.g. CDs), videos/movies (e.g. DVDs), videogames (e.g. Xbox, PlayStation), kits (e.g. CD/book combinations) and objects (e.g. baking pans, tools, snowshoes).

	Total print items (including issues of periodicals)	Total non-print items	Total print and non-print items
	7,455	1,162	5,047

Electronic equipment for loan

Report the number of electronic equipment items available for loan by patrons. These are items that are available for use inside or outside of the library. This may need to be a manual count if the items are not held in the ILS (e.g. Polaris/Workflows).

	Wireless hotspots	Mobile devices (e.g. laptops, chromebooks, e-readers, tablets)	Total electronic equipment
	n.a.	n.a.	0

E-content

If your library board licenses any e-content resources such as e-books, e-audiobooks, online magazine subscriptions, movies, games or databases, include the items in this section.

Only count e-content licensed by your library board. Do not count e-content licensed and purchased by a library system (if applicable) or the Public Library Services Branch (PLSB), as those statistics are captured outside of this report. However, for library boards that are a member of a system and have contributed funding towards system level e-content purchasing (e.g. the system has licensed items paid with money contributed by your board), you may count the items purchased with your contributed funds in the reporting year. Please contact your system for this information.

For library boards that are not part of a library system, include any licenses brokered by The Alberta Library (TAL).

	E-books	E-audiobooks	All other e-content combined	Total e-content items
	n.a.	n.a.	n.a.	0

Total collections

Total library collection.

	Total physical collection	Total e-content collection	Total library collection
	5,047	0	5,047

Library board contributions

If your library board contributed money to your library system for licensing e-content (e.g. e-books, e-audiobooks or e-magazines) during the reporting year, please indicate the dollar amount contributed. This is above and beyond any annual allotment funds that may be required by the library system for purchasing.

	Library board contribution
	n.a.

Circulation

This section captures how many items were circulated (physical and virtually) to library users during the reporting year.

Circulation
Report number of circulations during the reporting year. Include all items that were signed out for use and item renewals.

For electronic equipment and/or objects (e.g. mobile devices, snowshoes): Report the number of circulations captured either through the ILS (e.g. Polaris/Workflows) or manually by staff if the items are not in the ILS.
For e-content (e.g. e-books and e-audio and all others): the numbers may only reflect a portion of total circulations, as it depends on how the e-content platform is configured. Please consult with your library system.

Do not include items that were sent to other libraries (those are captured in the *Interlibrary loan* section).

	Total print	Total non-print	Total electronic equipment	E-books	E-audiobooks	All other e-content combined	Total Circulation
	11,612	2,114	0	0	0	0	13,726

Interlibrary loan
Interlibrary loan (ILL) is the loan of a library item (or items) from the collection of one library to another library in order to fill a request for a patron. This includes items that are sent to other libraries within your library system. Providing a substitute for the requested item (e.g. a photocopy) is also considered to be an interlibrary loan.

	ILL borrowed	ILL lent
Within Alberta (including within your library system)	3,682	3,278
Outside of Alberta	0	0
Total	3,682	3,278

In library use
Report the number of physical items used within the library during the reporting year, but not circulated.

There are two possible calculations for each:
1. Actual count of items used within the library for an annual total.
2. Typical week estimate: count the number of items used during one week and multiply by 50 to provide an estimated annual total.

A "typical week" is a time that is neither unusually busy nor unusually slow. Avoid holidays, vacation periods, days when unusual events are taking place in the community or in the library. Choose a week in which the library is open regular hours.

	Print and non-print items
	0

Library Access
This section will cover the ways that library users access the library and the range of services available to them.

Cardholders
Report the number of active cardholders during the reporting year.

An active cardholder is a user whose card was used at some point during the reporting year to access physical and/or virtual library resources and services. This includes virtual borrowing activity as well as authentication to access electronic resources. Cardholders can include people who are residents (i.e., people whose municipal taxes directly support the library board operating the library | fund the library) and non-residents. However, do not include ME Libraries users as that data is captured outside of this report.

	Total active cardholders
	978

Visits
Report the number of in-person and virtual visits (i.e. website visits) to the library during the reporting year.

There are two possible calculations for each:
1. Actual count of visits for an annual total.
2. Typical week estimate: count the number of visits and multiply by 50 to provide an estimated annual total.

A "typical week" is a time that is neither unusually busy nor unusually slow. Avoid holidays, vacation periods, days when unusual events are taking place in the community or in the library. Choose a week in which the library is open regular hours.

	In-person visits	Website visits
	5,625	

Information Services
Report the number of information technology assistance and reference transactions during the reporting year. Information technology assistance transactions are reported separately from reference transactions.

A reference transaction is an in-person or virtual encounter in which library staff recommend, interpret, evaluate and/or use information resources to help a library user meet particular information needs. It includes readers advisory. It does NOT include directional or administrative questions, such as "Where is the washroom?" or "When does the library close?"

An informal technology assistance transaction is an occasion where library staff help or train a library user on technology in the library. It includes unscheduled individual instruction and assistance in things such as how to use email, demonstrating a URL or how to print a document. Do not include any pre-planned, coordinated events (i.e., library programs) where technology training is delivered. These are captured in Programs > Digital literacy programs.

There are two possible calculations for each:
1. Actual count of transactions for an annual total.
2. Typical week estimate: count the number of transactions during one week and multiply by 50 to provide an estimated annual total.

A "typical week" is a time that is neither unusually busy nor unusually slow. Avoid holidays, vacation periods, days when unusual events are taking place in the community or in the library. Choose a week in which the library is open regular hours.

	Total informal technology assistance transactions	Total reference transactions
	105	260

Examination Services
If examination services were provided at the library (e.g., proctoring/invigilating, or exam administration), please report the number of exams held at the library during the reporting year. If an individual sits for more than one exam at the library, count the number of exams taken, not the individual.

	Total number of exams
	n.a.

Meeting space
Meeting space is defined as any area within the library that may be reserved by an individual or group for a use that is not part of the library's regular programming. The space may or may not be physically isolated (e.g., a separate room with a door); however, during the reserved time, the space is solely for the use of the party who made the reservation. The library may or may not charge a fee for use of the space but some form of reservation in advance (e.g., booking through library staff or software) is required.

Do not include regular walk-in use of library facilities.

	Meeting space bookings
	n.a.

Public Workstations
Public workstations are desktop computers owned by the library board available for public use. This can include computers in computer labs used for public instruction. Generally, public workstations are positioned in a static location in the library. Count public workstations with internet access separately from workstations without internet access. Workstations without internet access include those dedicated to games, word processing, children's literacy, etc.

Do not count laptops or other mobile devices made available for public use inside or outside the library. Instead, count those under *Collections* > *electronic equipment for loan*.

	Public workstations with internet access	Public workstations without internet access	Total public workstations
	3	n.a.	3

Public workstation and wi-fi sessions
Report the number of sessions conducted by users at any of the available public workstations or on the library's wireless connection, regardless of the length of the session. If a user logs on more than once, count each log-on separately.

Count public workstation sessions and public wi-fi sessions separately.

There are two possible calculations for each:
1. Actual count of sessions for an annual total.
2. Typical week estimate: count the number of sessions during one week and multiply by 50 to provide an estimated annual total.

A "typical week" is a time that is neither unusually busy nor unusually slow. Avoid holidays, vacation periods, days when unusual events are taking place in the community or in the library. Choose a week in which the library is open regular hours.

	Number of public workstation sessions	Number of wi-fi sessions
	1,150	1,150

Facility
Provide Information on the building the library was housed in during the reporting year.

Facility ownership
Library facilities can be owned by a variety of agents. Most often, a building that houses a public library is owned by one of the following:
• Municipality
• Band or Settlement
• School board (when a library is housed in a school)
• Library board
• Society or other charitable group
• Private business or company
• Private owner (individual)

Report what category the owner of the facility that houses the library falls under. If your library board operates multiple service points in various facilities, please select all that apply.

If there was a change in facility owner during the reporting year, please report the current owner and note the change in the appropriate facility status field below.

	Facility ownership
	Municipality

Facility size
A service point is a physical location where users can directly access library materials and services. This includes mobile libraries (e.g. bookmobiles).

Report the total area in square metres of the library service point(s) being captured in this report for the reporting year. Include all areas used for library purposes, e.g. shelves, workroom, study area, computer labs. Do not include areas used solely for janitorial, custodial, and mechanical storage or service. Do not include auditoria, art gallery space, coffee shops, and commercial space.

In order to convert a measurement of square feet to square metres, multiply square footage by 0.09.

	Library Area (Sq. Meters)
	270.0

Facility status

These fields are to report on the status of the library facility(ies) during the reporting year.

	Yes or no	Please provide a brief explanation (if applicable)
Did the library move locations (temporarily or permanently) during the reporting year?	No	
Did a new service point open or an existing one permanently close during the reporting year?	No	
Did the library close for renovations at any point during the reporting year?	Yes	2 days for painting

Programs

A library program (in-person or virtual) is a pre-planned, coordinated event that:

• meets a community need;
• is hosted/presented by the public library;
• is set for a designated time and place;
• has a defined purpose;
• has library resources (staff time, money, etc.) dedicated to it - i.e. is budgeted for; and
• may involve a registration process and/or some promotion of the event.

Do not include programs that are delivered by external organizations in the library unless library staff are involved with the planning and development of the program as per above.

For hybrid programs (i.e. participants can choose to attend in-person or virtually) count the program in the category that best reflects how the program was being delivered and report the corresponding total number of participants (whether they attended virtually or in-person). For example, if the program presenter/facilitator delivered the program in-person, count it as an in-person program and include the total number of participants combined, whether they attended in-person or virtually.

In-person programs
Report the total number of in-person program sessions and participants for each age category. Do not include data for digital literacy or outreach programs as they are counted separately in the sections following.

Please note that a session is one instance of a program being offered. A program may consist of multiple sessions offered at different times. If a program consists of multiple sessions, ensure you are counting each session and not just the overall program.

Participants should also be counted on a per session basis. If an individual attends multiple sessions, even in a case where the sessions are connected (e.g. part of a series), they should be counted each time. For example: if a program was offered in 5 sessions, with 20 participants each time, you would count 100 participants.

For public libraries housed in schools, only count class visits if public library staff have planned a program to coincide with the visit.

	Total # of in-person sessions	Total # of participants
Children's	10	20
Young adult	0	0
Adult	0	0
Multigenerational	0	0
Total	10	20

Digital literacy programs
Report the total number of in-person sessions and participants for digital literacy programs (all age categories combined).

A **digital literacy program** is defined as any program where the primary purpose is for participants to build skills related to the use of various forms of technology (e.g. computers, mobile devices), accessing/creating/using information in a digital environment, or communicating via digital means.

Do not count any informal technology assistance or instruction, as this is counted as a type of reference transaction in the Information Services category.

	Total # of digital literacy sessions	Total # of participants
	n.a.	0

Outreach programs
Report the total number of in-person sessions and participants for outreach programs (all age categories combined).

An **outreach program** is a program run by library staff and/or library volunteers that does not take place within the library or on library grounds.

	Total # of outreach sessions	Total # of participants
	n.a.	0

Virtual programs
Report the total number of virtual program sessions and participants (all age categories combined). A virtual program is defined as any program that is delivered remotely using technology (e.g. via telephone, video conferencing software, or other digital platforms). Virtual programs may be delivered in either a synchronous (e.g. delivered live via Zoom) or asynchronous (e.g. video hosted on YouTube) format and are counted together for the purpose of this report. Please see the definitions below to ensure virtual program sessions and participants are reported as accurately as possible.

Synchronous virtual programs
Synchronous virtual programs are those where participants access the program at a specified time and the delivery is controlled by the program presenter/host. Some or all of the content may be pre-recorded but the presenter/host is present at the time of delivery and may interact with participants in some way.
Sessions: Count the total number of synchronous virtual program sessions offered across all platforms.
Participants: For each session, count the highest number of participants at any point during the session (i.e. the peak number of participants).

Asynchronous virtual programs
Asynchronous virtual programs are those where participants access the program at any time without the presence of a program presenter/host. Depending on the platform, there may be some interactive elements but access to the content is controlled entirely by the participant.
Sessions: Count each video/module/program once. Only count videos/modules/programs that were accessible during the reporting year.
Participants: Count the total number of times the program was accessed (regardless of whether or not it was completed or accessed multiple times by the same individual). How access is captured will vary by platform. For example, for videos hosted on YouTube or similar, you should count the total number of views during the reporting period. For any programs that have been available across multiple reporting years (e.g. video available in 2021, 2022, and 2023), you may need to use analytics available in the platform (or do your own calculations) to ensure you only count the number of participants during the current reporting year.

	Total # of virtual sessions	Total # of participants
	n.a.	0

Take-home programs
Report the total number of take-home program sessions and participants (all age categories combined).

A **take-home program** is defined as any program that is planned and designed by library staff but is completed independently by the participant(s) at home or off-site. Take-home programs require the distribution of library-compiled "kits" (name may vary by library, e.g., "take and make") which include, at a minimum, the instructions and materials necessary to complete the program. Other library kits (e.g., book club kits) do not count as take-home programs. Take-home programs should demonstrate all elements of a traditional library program—e.g., planned and designed by library staff, has library prepared materials (instructions, worksheets, resource lists, etc.), has a defined purpose/learning objective, is available for a defined period of time.

Take-home program sessions: count each instance of a take-home program being offered. If the same program is offered multiple times (e.g., once a month), count each instance as a session.
Take-home program participants: count only the number of program kits taken by patrons. Do not count the number of kits created or the number of registrations, if registration was required.

	Total # of take-home sessions	Total # of participants
	n.a.	0

Total programs
Total sessions and participants in the reporting year for in-person, digital literacy, outreach, virtual and take-home programs combined.

	Total number of sessions	Total number of participants
	10	20

Library Trends
Each year this question will change to capture current trends in Alberta's public libraries.

Does your current plan of service focus on any service responses specifically for seniors? The Plan of Service is a strategic plan that allows a board to connect with the community it serves and give direction to library service so that it aligns with local needs. The most important part of the planning process is the needs assessment—where the board engages with library users and non-users to find out what the most pressing needs are in the community and determines what role the library can play in addressing those needs. The final Plan of Service document includes goals and objectives the library will work to achieve over a set period of time.

Select the answer from the choices below. If you wish to provide additional information please use the notes field.

	Does your current Plan of Service focus on any service responses specifically for seniors?
	No, but we do offer seniors specific programming and/or services

Accomplishments & Comments

Summarize the major achievements of your library board for the reporting year and/or provide any comments your board has about public library service delivery.

Please do not paste in text from a Word document as LibPAS is not compatible with Word formatting.

	Accomplishments & comments
	We have completely updated and changed the in-person, online, and community presence. we have increased the daily patron count by at least double. We are well on our way to making the Library a place people want to be again.

Air Access Task Force

Inaugural Meeting Minutes

Date: October 8, 2025
Time: 6:00 PM
Location: Town of High Level – Meeting Room 150 / Hybrid (Microsoft Teams)

Attendance:
• Alok Sahai – Town of High Level
• Brent Anderson – Town of High Level
• Angie Mann – Alberta Health Services
• Crystal McAteer – Town of High Level
• Jan Welke – Town of High Level
• Gord Burnell – Aeromedical
• Josh Lambert – High Level & District Chamber of Commerce
• Luke Colatorti – Town of High Level

Virtual Attendance:
• Jordan Asels – N'deh Limited Partnership

Regrets:
• None reported

1. Call to Order

The meeting was called to order by Crystal McAteer, at 6:02 PM.
Roundtable introductions were completed.

2. Adoption of Agenda

Members agreed to proceed with meetings in an informal format.
Addition: Luke Colatorti to present a report on current flight operations and challenges with the existing airline.
Agenda accepted as amended.

3. Review of Terms of Reference

The draft Terms of Reference were reviewed and approved in principle.
Members identified frequency, reliability, and pricing as the primary issues impacting air service.

Membership Composition and Voting Rights:
• Discussion held on expanding membership to include industry representation (Tolko Industries and West Fraser).
• Confirmed that the Task Force reports to the Town of High Level.

Meeting Schedule and Quorum:
• Consensus reached that no formal quorum requirement will be established.

Confirmed Membership:
• Town of High Level – Crystal McAteer / Jan Welke
• Alberta Health Services – Angie Mann
• Aeromedical – Gord Burnell
• N'deh Limited Partnership – Jordan Asels
• High Level & District Chamber of Commerce – Josh Lambert
• Paddle Prairie Métis Settlement – Jordan Gaudette
• Dene Tha' First Nation – Chief Hooka-Nooza

Proposed Additional Members:
• Tolko Industries
• West Fraser

Meeting Schedule:
Meetings will be held on the second Wednesday of each month at 6:00 PM in Room 150, Town Office, with a hybrid option via Microsoft Teams.

4. Election of Officers

Chair: Crystal McAteer elected by acclamation.
Vice-Chair: Members agreed a Vice-Chair position was not required at this time. In the absence of the Chair, any member may facilitate meetings.
Recording Secretary: Administrative support to be provided by the Town of High Level. Wages to be covered through the Task Force budget.

5. Key Discussion Items

Air Service Reliability Concerns: Discussion included cancellations, scheduling gaps, and pricing challenges.

Flight Reliability and Cancellation Data: Overview report provided by Luke Colatorti.

Current Airline Agreement: CMA's lease agreement expired in February 2024. The airline continues to operate month-to-month, leaving the Town vulnerable to service withdrawal without notice. Luke has emailed CMA eight times requesting a meeting, with no response.

Opportunities to Partner with Other Airlines: Luke contacted Air Tindi (acquired Northwestern Air Lease). They are open to discussions in the future following completion of regulatory processes.

Potential Partnerships with Private Organizations: Jordan Asels noted that pricing remains a significant barrier for the Nation, making medical transport vans more feasible than air travel. Many consultants fly to Grande Prairie and drive to High Level due to unreliable flights. Air Tindi pricing is approximately $1,600 round trip from Hay River to Edmonton. Jordan suggested inviting a representative from North Peace Tribal Council, which oversees medical transport for the four nations in the region.

6. Strategic Priorities

Short-Term Priorities:
- Reliability tracking and data collection
- Stakeholder engagement
- Advocacy letters to provincial and federal representatives

Medium- to Long-Term Goals:
- Feasibility studies for service stabilization
- Partnership agreements with alternate providers
- Expansion of reliable and affordable flight options.

7. Action List

- Luke Colatorti and Crystal McAteer to draft a letter to Air Tindi and CMA requesting formal meetings to discuss service reliability and future operations.
- Angie Mann to provide AHS/Physician statistics highlighting how flight cancellations have impacted service delivery.
- Josh Lambert to contact Tolko Industries and West Fraser to invite participation in the next Task Force meeting.

8. Next Meeting

The next meeting is scheduled for Wednesday, November 12, 2025, at 6:00 PM, Town Office – Room 150 (Hybrid format).

9. Adjournment

Meeting adjourned at 7:41 PM.

Task Force on Reliable Air Access

-High Level, Alberta

Schedule A - Terms of Reference (Draft)

1. Background

   High Level and the surrounding northern Alberta communities rely extensively on visiting medical specialists to provide essential health care services. Given the region's remote location and limited road access, reliable air transportation serves as a critical lifeline for both residents and the industries that support the local economy.

   Over the past four years, inconsistent air service has significantly disrupted specialist travel to and from High Level. These interruptions have resulted in appointment cancellations, delays in diagnoses and treatments, and heightened health risks for patients. The ongoing challenges have also placed additional strain on local health care providers and industry professionals who depend on timely and reliable air access.

   To address this critical issue, The Town of High Level, is establishing a Task Force to bring together key stakeholders to address the situation and develop actionable solutions.

2. Purpose

   The task force will assess and recommend practical, short- and long-term strategies to improve the reliability of air travel for visiting medical specialists serving the High Level and surrounding area.

3. Objective

   - Collect data on the frequency, causes, and of flight disruptions affecting specialist care.
   - Engage with relevant air service providers operating in Northern Alberta.
   - Identify opportunities to stabilize/or subsidize key flights critical to medical service delivery.

- Promote collaboration among all stakeholders to advocate long-term, sustainable solutions.

4. Scope
   - Air service disruptions impacting access to visiting specialists in High Level.
   - Logistics, and scheduling coordination related to medical travel, industry travel and community travel.
   - Partnerships with Indigenous and rural communities dependent on High Level as a regional health centre.

5. Membership
   - Town of High Level
   - Alberta Health Services
   - Dene'tha First Nations
   - Paddle Prairie Metis Settlement
   - Neh Deh
   - Aeromedical
   - Chamber
   - Industry
   - Crystal McAteer
   - Jan Welke

6. Roles and Responsibilities

Chair: lead meetings, coordinate activities, oversee reporting
Members: attend meetings, contribute data and insights, support advocacy efforts.
Secretariat (provided by Town): provide administrative support, document meetings, manage communication

7. Meeting Schedules and Duration

Frequency: Second Wednesday of the month
Initial Term: 12 months beginning October 8, with potential for extension.
Formate: Hybrid meetings (Teams and in-person options)

8. Deliverables
    - Detailed situation and impact assessment
    - Proposed short term and long term recommendations
    - Final Report

9. Decision-Making Process
    - The Task Force will aim for consensus

10. Reporting and Accountability
    - Town of High Level

11. Confidentiality and Conflict of Interest

Members agree to respect confidentiality around sensitive matters and to decide any conflicts of interest. A conflict of interest register will be maintained

12. Review and Amendment

These Terms of Reference and this Task Force have been developed solely to address a specific situation related to Air Travel and will be retired upon the conclusion of the current process and related matters.

APPENDIX

Boreal Housing Foundation

1. **Boreal Housing Foundation** (hereafter referred to as the "management body") is hereby established as a management body.

2. The members of the management body are as follows:

    - Mackenzie County
    - Town of High Level
    - Town of Rainbow Lake
    - Dene Tha First Nation
    - Beaver First Nation
    - Tall Cree First Nation
    - Little Red Cree First Nation

3. (1) The management body shall be governed by a board (hereafter referred to as "the board"), comprised of a maximum of eleven (11) members appointed from within the borders of Mackenzie County as follows, and in accordance to subsection (2):

    (a) Three (3) members of the board shall be appointed by Mackenzie County.

    (b) Two (2) members of the board shall be appointed by the Town of High Level.

    (c) Two (2) members of the board shall be appointed by the Town of Rainbow Lake.

    (d) One (1) member of the Board shall be appointed by the Dene Tha First Nation.

    (e) One (1) member shall be appointed by the Beaver First Nation.

    (f) One (1) member shall be appointed by the Tall Cree First Nation.

    (g) One (1) member shall be appointed by Little Red Cree First Nation.

    (2) For the purposes of subsection 3(1), the members of the management body have the sole discretion to determine:

    (a) The boundaries of the areas from which the members of the board may be appointed;

    (b) How residency in the areas from which members of the board may be determined.

    (3) The board shall be appointed as follows:

    (a) Members of the board shall be appointed by the member of the management body in accordance with the Order and at the times the board requests the member of the management body.

    (b) The term of office for each member of the board shall be for a one (1) year term.

    (c) Members of the board appointed under clause 3(a), may hold consecutive terms of office.

    (d) If the office of a board member is vacated, an individual shall be appointed to the board in the same manner as the vacating member of the board, on the vacancy occurring or as soon as possible thereafter, as a member of the board to complete the term of the vacating member.

(e) The chairperson, vice-chairperson or any other officer of the board; as the board determines necessary shall be appointed from among the board members in the manner and at the times the board determines appropriate.

(f) The term of office for the chairperson, vice-chairperson or any other officers of the board shall be for a one (1) year term.

(g) The chairperson, vice-chairperson or any other officers of the board may hold consecutive terms of office, as long as each officer is a member of the board.

(4) The lodge reserve policy cannot be changed without the unanimous approval of all the members of the Board.

(5) The board is a continuing body.

(6) The board shall provide the Deputy Minister with the name of its chairperson and vice-chairperson as soon as possible on selection, and shall notify the Deputy Minister of any change of chairperson and vice-chairperson.

4. The board shall:

(a) designate the offices of the management body; and

(b) immediately notify the Deputy Minister of the location of its primary place of business in Alberta and any other offices, the management body address for service, and any change in the location of such offices or address for service.

5. For the purpose of providing lodge accommodation, the management body may requisition the following municipalities:
   a. Mackenzie County;
   b. Town of High Level; and
   c. Town of Rainbow Lake.

6. A majority of the board members in office is a quorum of the board.

7. All financial matters of the lodge require a three quarter majority approval of the requisitioning board appointees to pass a motion; and two thirds approval of the full board. All other matters require a majority vote of the full board.

8. (1) The management body is responsible for the operation and administration of the housing accommodation listed in Schedule "A".

(2) In addition to the housing accommodation operated under subsection 8(1), the management body may operate Rent Supplement housing accommodation as designations are allocated to the management body by the Minister under the Rent Supplement Program Regulation.

9. For the purpose of the Act, the management body has and is subject to the powers, functions or duties as provided in the following Regulations:

(a) *Management Body Operations and Administration Regulation*;
(b) *Social Housing Accommodation Regulation*;
(c) *Housing Accommodation Tenancies Regulation*;
(d) *Rent Supplement Regulation*; and
(e) *Lodge Assistance Program Regulation*.

Terms of Reference: Council of Community Education Committees

1. Purpose:

A. The Council of Community Education Committees (the Council), and its Community Education Committees (the Committees) are the principal public advisory bodies of Northern Lakes College (the College). The Council and its Committees make recommendations to the President that will enhance the quality, credibility and integrity of the adult education programs and services offered by the College to the community.

B. The Council and its Committees are to:

i. Ensure that the community residents have access to education and training suitable to their needs and goals.

ii. Represent the needs and views of the community to the Board of Governors.

iii. Represent the policies, procedures and position statements of the College to the community.

iv. Promote adult education and advocate for the College in their communities.

2. Objectives:

A. The Council and Committees will:

i. Understand College programs and policies as they relate to their communities.

ii. Promote and publicize College programs and policies in their communities.

iii. Provide reports and feedback on economic, political and social developments in their communities that may be relevant to the College.

iv. Meet with their nominating bodies at least twice a year. At a minimum they should report on the following:

a. enrollments

b. programs offered in the local campus

c. achievements

d. needs of post-secondary learners in their communities

e. any other issue that may be relevant to the College and the community.

In turn they should inquire about any activities, present and future, that may have an

effect on post-secondary education needs in their community.

v. The Chair or designate of each Committee will attend the Council and report on the activities of their respective community and in turn will report back to their Committee on the activities of the College.

vi. Liaise with other adult education authorities and programs and any other organizations that have an interest in education in their communities for the betterment of adult education in general.

vii. Where a Community Program Fund is available, it is the responsibility of Committees to use this money to promote and fund adult education in their communities, in consultation with the Regional Manager.

a. Refer to the Community Program Fund Procedure for guidelines on acceptable CEC expenditures.

3. Authority:

Prior to becoming Board governed, a Ministerial Order allowed the President to establish the Council and its Committees. Since becoming Board governed, the Board has set policy that authorizes the President to continue this practice.

4. Membership:

A. Committee members are nominated by the community and are appointed by the President for a two-year term, to a maximum of two terms. A term extension may be authorized if no other community members show interest and CEC members agree to an extension.

B. The Committee generally consist of five members, one of whom is nominated by the Student Association and four members nominated by members in the community.

5. Operational Guidelines:

A. The Committees will meet five times per year and follow an agenda that reflects the Objectives and Deliverables as noted above.

B. Minutes of meetings will be kept in an approved template and format.

C. Committee members will exercise due diligence in the performance of their duties, maintain respect for confidentiality in such circumstances that may apply, and follow procedures for disclosing and dealing with conflict of interest and act, at all times, in the interests of the College and their respective communities.

D. Committee members are expected to attend all meetings.

6. Review Cycle:

These Terms of Reference will be reviewed annually by Council at the AGM.

High Level Forests Public Advisory Committee (PAC)
Terms of Reference
June 16, 2015

Note:
- ***The High Level Forests Public Advisory Committee Terms of Reference is linked to the Public Involvement Plan. Therefore a change in one document may result in a change in another.***
- ***The scope of the Defined Forest Area (DFA) referred to in this Terms of Reference is defined in the most current version of the Sustainable Forest Management Plan for the High Level Lumber Division.***

Background

The direction and focus of the public advisory process has continually evolved through the creation of the Detailed Forest Management Plan (DFMP), a Sustainable Forest Management Plan (SFMP), and the desire of Tolko Industries Ltd, High Level Lumber Division to have its sustainable forest management practices certified under Canadian Standards Association, CSA-Z809:08 Forestry Standard. (Norbord supports the public advisory process as it relates to development of a Detailed Forest Management Plan on FMA0200040. Norbord is not currently attaining sustainable forest management certification. Therefore any reference in the foregoing to an SFMP or CSA forestry certification is related to management intentions by Tolko Industries Ltd, High Level Lumber Division.)

In order to maintain effectiveness and ensure continual improvement in the public advisory process this Terms of Reference document for the High Level Forests Public Advisory Committee (PAC) was drafted in 2003 and has since been revised periodically as appropriate. The mandate of the Committee is to provide a forum for information exchange between the companies and stakeholders, provide input for items related to the Defined Forest Area (DFA), in line with the CSA Z809-08 standard, along with other items outlined under Goals.

The companies recognize the Aboriginal and Treaty Rights of local Aboriginal peoples. These rights will not be prejudiced by taking part in the Companies' public involvement program or being involved in the Public Advisory Committee.

Introduction

This Terms of Reference document aligns with the public advisory requirements outlined in Clause 5.3 of the CSA Z809:2008 standard. It contains the following components, which the Committee has confirmed are of interest and has agreed to:

- Goals;
- Operating guidelines (including authority for decisions);
- Timelines;
- Roles, responsibilities, and obligations of participants and their organizations (including the participation of experts, other interests, and government);
- Resolving items of discussion;
- Consensus building process (decision making methods);
- Conflict of interest;
- Information and communication (internal and external);
- Resources;
- Mechanisms to adjust the process as needed; and
- Measuring participants' satisfaction with the process.

Goals

The primary goals of the Public Advisory Committee are:

1. To provide a forum for information exchange between the companies and stakeholders.

2. To obtain constructive community input, advice and recommendations to ensure all local interests are effectively involved in forest management planning (ie., DFMP on FMA0200040, or SFMP on the wider DFA);

3. Work with Tolko to develop and maintain a CSA SFM Plan in accordance with CSA guidelines, as follows:

   - Identify and select values, objectives, indicators and targets, based on SFM elements and any other issues of relevance to the Defined Forest Area (DFA). These must be consistent with relevant government legislation, regulations, and policies;
   - Develop one or more possible strategies;
   - Assess and select one or more strategies;
   - Review the SFM plan;
   - Design monitoring programs, evaluate results, and recommend improvements; and
   - Discuss and resolve any issues relevant to SFM in the DFA.

Operating Guidelines

The Companies will consider and respond to input, and strive to incorporate recommendations of the Public Advisory Committee into forest management plans. These recommendations will represent the needs of a variety of industrial and non-industrial interest groups including (but not limited to):

- Local Government
- Recreation
- Trappers
- Outfitters
- Environmental Organizations
- Tourism
- Traditional Users
- General Public
- Oil & Gas Industry
- Fish & Game
- Local mills
- Local logging & forestry contractors
- Economic development organizations
- First Nations
- Métis
- Education

Participation in the Public Advisory Committee is open to all interested members of the public. New members will be accepted providing there is balance in the interests represented.
Committee members agree to work by the following:

1. Consider and respect the opinions and views of other members of the PAC;

2. Participate as a member of the PAC and adhere to their specific roles, responsibilities, and obligations;

3. Act and negotiate in "good faith" in all aspects of the process;

4. Address items that are within the Company's ability to control or influence, and respect existing laws and regulations;

5. Support an open and transparent process in both the development and implementation of the public advisory process or FMPs;

6. Comply with this Terms of Reference document.

Timelines

Providing input to the company's operations on FMA0200040 or the wider Defined Forest Area (DFA) on an ongoing basis.

Updating Tolko's CSA SFM Plan to the CSA Z809-08 standard is to be completed by November 1, 2012, after which reviewing progress against the targets set will occur annually.

The PAC will plan to meet once per quarter, or as needed, in order to maintain the public involvement process associated with Sustainable Forest Management on the DFA. Meeting frequency may increase when Tolko is required to meet requirements of a new CSA Forestry Standard, or when Tolko and Norbord are developing a new Forest Management Plan (FMP) for the Forest Management Agreement area (FMA0200040).

Roles, Responsibilities, and Obligations of Participants

The High Level Forests Public Advisory Committee will consist of stakeholders that will represent a cross section of interests on the DFA. The general public have the opportunity to provide responses and feedback through the public feedback function on www.highlevelwoodlands.com, or by contacting a member of the PAC to bring forward an item at the next meeting.

The PAC will consist of the following:

1. Facilitator – see section below that details responsibility;
2. Company Staff – will participate in all discussions and serve as information sources to the PAC, but will not be included when seeking consensus or taking votes.
3. Stakeholder Members – will participate in all discussions, and will be included when seeking consensus or taking votes.
4. Guests – will consist of Alberta Government, special speakers, or other stakeholder representatives that may be invited to meetings to provide information and clarity regarding SFM related items on the DFA. Guests will not participate when PAC is seeking consensus or in taking votes.

i. Facilitator Responsibility

The Facilitator will:

1. Create meeting agendas;
2. Notify Committee members of upcoming meetings;
3. Manage the flow of meetings;
4. Ensure Minutes have captured what was discussed;
5. Hold members to Action Items;
6. Ensure the Terms of Reference is current;
7. Ensure Committee members understand their roles and responsibilities;
8. Ensure members are informed of SFM items;
9. Request additional information from the Companies as required;

10. Recommend participation of external parties (Guests) to provide clarity on SFM related items as required;
11. Contact government representatives to access government technical information as required to keep PAC informed; and,
12. Will not vote.

ii. Committee Member Responsibility

Committee members will:

1. Read and understand this Terms of Reference;
2. Contribute to the development of the Forest Management Plan (FMP) & Sustainable Forest Management Plan (SFMP) by identifying local-level Values, Objectives, Indicators, and Targets (VOIT);
3. Develop procedures for monitoring the effectiveness of the public advisory process and FMPs;
4. Adhere to the discussion items outlined in the meeting agenda. Additional discussion items not included in the agenda shall be tabled to a future meeting(s);
5. Keep their organization informed of developments in meetings and gather opinions for subsequent meetings. In the event a member is not able to attend an alternate representative can attend subject to notifying the Facilitator.
6. Follow process for assessing items raised;
7. Identify areas where further information and education is needed to better understanding to contribute to the PAC;
8. Be open to receiving and bring forward public inquiries
9. The Company will provide reasonable access to company data, resources, and access to information from outside the PAC (ie. experts in particular subject area(s)).

Resolving Items of Discussion

The CSA: Z809-08 Forestry Standard (section A.5.4.1) provides guidance on resolving items of discussion about issues relevant to SFM in the DFA. The outcome of discussions should consist of one or more of the following:

- Demonstration that the issue raised is not applicable to the DFA;
- Identification of one or more DFA-specific values and the associated objectives, indicators, and targets;
- Identification of the issue as a topic that the public participation process should discuss on an ongoing basis;
- Establishment and implementation of performance-based thresholds and specifications to address the issue;
- Addressing the issue through policy, operational controls, and/or best management practices;
- Demonstration that the issue has already been addressed through satisfaction of a previously identified value; and
- Other means, developed and accepted through the public participation process, that clearly and adequately address the issue.

Consensus Building Process

1. All members of the Committee will strive to make decisions based on consensus[1]. If consensus cannot be reached, there are three alternative courses of action:

   a) The item may be deferred in instances where more information is required to properly form decisions and will be tabled to the next meeting;
   b) Seek recommendation from independent sources;
   c) Stakeholder members can vote to place closure to the item. In instances where a vote is taken, a motion requires two thirds (2/3) majority in order to be carried. A minimum of 6 stakeholder members are to be in attendance at time of vote.

   If a consensus recommendation of the PAC is not acceptable to the Companies, a written explanation of the decision will be provided and included in the FMP as such.

2. Written records regarding agreement or lack thereof will be retained in the meeting minutes. Ratification of the meeting minutes will indicate agreement to the item or decision(s) made about how the outstanding item will be addressed.

3. All items, including those of which there is no resolution, will be identified and recorded as such and outlined in the FMP.

4. All decisions made by PAC members at PAC meetings will be recorded in the minutes as being ratified by the PAC.

The following Guiding Principles for Consensus Building are provided in CSA Z809:2008 (Section A.5.3.14), as guidance:

Principle #1	Purpose Driven	People need a reason to participate in the process.
Principle #2	Inclusive Not Exclusive	All parties with a significant interest in the item should be involved in the consensus process.
Principle #3	Voluntary Participation	The parties who are affected or interested participate voluntarily.
Principle #4	Self Design	The parties design the consensus process.
Principle #5	Flexibility	Flexibility should be designed in the process.
Principle #6	Equal Opportunity	All parties must have equal access to relevant information and the opportunity to participate effectively throughout the process.
Principle #7	Respect for Diverse Interests	Acceptance of the diverse values, interests, and knowledge of the parties involved in the consensus process is essential.
Principle #8	Accountability	The parties accountable both to their constituencies, and to the process that they have agreed to establish.
Principle #9	Time Limits	Realistic deadlines are necessary throughout the process.
Principle #10	Implementation	Commitment to implementation and effective monitoring are essential parts of any agreement.

[1] Consensus is defined as a substantial agreement reached by concerned interests. Consensus includes an attempt to remove all objections and implies that although participants may not agree with all aspects of the agreement, they are willing to accept the total package.

Conflicts of Interest

Should the situation arise, members, including the Facilitator, will declare any possible or perceived conflict of interest pertaining to a specific discussion or item. In such a case(s), the PAC member should withdraw from discussion on that particular item unless otherwise agreed to by the remaining PAC members.

In instances where the Facilitator has declared or is perceived to be in a conflict of interest, members will appoint a temporary Facilitator for that meeting.

Information and Communication

1. Any documentation generated through the process will be provided to each of the participants of the Public Advisory Committee through company support staff. This information may include (but is not limited to) meeting schedules, agendas, and meeting minutes;

2. The Companies will make available to PAC members, information about the DFA and the SFM requirements, copies of FMPs, Annual Performance Reports, and the results of internal and/or external audits or public advisory initiatives;

3. Allowance will be made for different linguistic, cultural, geographic or informational needs of PAC members and other interested parties;

4. Notwithstanding individual members' responsibility for passing on information to their constituent groups, the company (or individual delegate(s)) will be responsible for communicating to the general public about the progress being made in the implementation of the CSA Z809 standard. This may include the distribution of reference and meeting related materials (i.e. meeting minutes, schedules, agendas, etc.).

5. Meeting agendas and advertisements will be made available to PAC members in the preferred format, posted on the www.highlevelwoodlands.com website, and sent to visible locations in each of the communities in the region at least one week prior to the scheduled meeting. Meeting advertisements may also be posted in both The Echo and/or The Pioneer at least one week prior to the scheduled meeting.

6. Meeting minutes will also be distributed to PAC members in the preferred format, posted on the www.highlevelwoodlands.com website and will be made available to the general public upon request. In addition, summaries for previous meeting may also be posted in The Echo and The Pioneer within two weeks of the meeting.

7. Digital (or otherwise) copies of Forest Management Plans (FMPs), Annual Performance Reports, and the results of internal or external third-party results will be made available to the public upon request.

8. An Annual General Meeting may take place once per year which can occur as part of a regular PAC meeting. At this meeting a report and/or presentation will be provided which illustrates items identified throughout the year and outline progress made in addressing any items.

9. All items discussed will be treated as public information, unless otherwise requested by the company, or by any other PAC member providing information.

Resources

The companies will establish an annual budget and will cover expenses to allow the public process to function.

Mechanisms To Adjust

The Terms of Reference (ToR) document may be modified at any time during the process in accordance with the procedures outlined in the *Consensus Building Process.*

Measuring Participant Satisfaction

An annual questionnaire will be used to gauge the satisfaction of participants with the public advisory committee process.

Approval of Changes to Terms of Reference:

Effective date: June 16, 2015

Persons present for review of Terms of Reference:

Tim Gauthier
Dan Coombs
Aaron Doepel
Tim Heemskerk
John Thurston
Daniel Walton
Michael Morgan
Boyd Langford
Allan Bell
Taylor Anderson
Sean Ellens
Adam Marshall
Paul Hewitt
Trevor Lafreniere
Melanie Plantinga

TERMS OF REFERENCE

LOWER PEACE REGIONAL STEWARDSHIP COMMITTEE

Background:

The Lower Peace Region of Alberta encompasses high economic development value in a variety of natural resource sectors. Notwithstanding this, the region is requested to carry the highest burden of environmental protection of any other region within Alberta. Current and proposed Provincial policy and strategies requires the Lower Peace Region to subsidize economic activity in other regions; to allow, both, the Federal and Provincial Governments to achieve conservation targets for the natural environment.

The Federal recovery strategies for the Boreal Woodland Caribou, the Wood Bison, and the Aichi Biodiversity Convention targets, along with the draft Provincial Grizzly Bear Recovery Strategy, and the recently implemented Provincial Wetland Policy, cumulatively, have the ability to negatively impact the rural communities of the Lower Peace Region.

We, the local tenants of the Lower Peace Region have collaborated; in an attempt to secure smart economic growth, a sustained quality of life, and well-balanced environmental protection for our future generations. Through the use of optimal adaptive management, transparent stakeholder engagement, and effective environmental stewardship; we endeavour to achieve this purpose.

Purpose:

To collectively provide and share information, ideas and resources; relating to the continued and future prosperity of the Lower Peace Region. Instill effective regional adaptive management and transparency which allows all stakeholders to play a vital role in shaping our collective future. Form solutions founded upon an evidence-based approach, to ensure a balance of smart economic growth, a sustained quality of life, and an enhanced natural environment; for all of our businesses, communities and wildlife.

Responsibilities:

To work towards obtaining a socio-economic impact study for the implications of each of the five Boreal Woodland Caribou Range Plans.

To proactively work with all other levels of Government including the First Nations; to create well-balanced working groups from key stakeholders relevant to each Caribou Range Plan.

Emphasizing that the Lower Peace Region already encompasses a vast amount of protected lands; Caribou Range Plans should aim to enhance the value of these areas for species at risk recovery, rather than seeking to protect unjustifiable additional areas of land.

Structure:

Two councillors and an alternate appointed by each of the founding municipalities.

Alternates may attend all meetings.

Founding municipalities consist of:

- County of Northern Lights
- Mackenzie County
- Town of High Level
- Town of Rainbow Lake

Mackenzie County is the administrative lead for the committee, with administrative support from each of the founding municipalities.

The administrative lead will prepare and provide the agenda for all meetings.

Meetings are open to the public as per Section 197 and Section 198 of the Municipal Government Act.

Meetings may, in part, be closed to the public if matters to be addressed are recognized under; Section 197(2) of the Municipal Government Act, and/or Division 2 – Part 1 of the Freedom of Information and Protection of Privacy Act.

The committee shall pursue grant opportunities to fund any larger projects, with Mackenzie County as the grant sponsor and/or lead.

Quorum and Costs:

Decisions shall be reached by consensus, consisting of two appointed members from each of the founding municipalities. Alternates shall not be considered for consensus unless standing in for an appointed member.

Meetings shall be hosted by the Town of High Level, at the Town of High Level Office.

Meeting costs will be shared by the founding municipalities.

Each Municipality and other delegates are expected to cover the costs of their members. Additional costs, such as those derived from Committee motions, will be subject to additional discussion and approval from each of the founding municipalities.

Decisions made by the committee are binding on all municipalities.

Communication:

An electronic data sharing forum will be created and maintained, with access for all of the Committee members.

Meetings will be scheduled quarterly, or as required by the Chair.

SUB-COMMITTEES

First Nations Engagement

Committee Members: Crystal McAteer
Eric Jorgensen
Leigh Bateman

Purpose: To engage all local Indigenous communities in a manner that is clearly represented as transparent engagement, rather than consultation.

Key Considerations: To determine what each community would consider as acceptable land use management.

To learn how each community plans to sustain/become economically and socially viable over the longer-term.

To determine what roll each community is willing to play in ensuring the long-term enhancement and existence of our boreal ecosystems.

Federal and Provincial Government Engagement

Committee Members: Crystal McAteer Eric Jorgensen
Lisa Wardley Chris Mitchell
Terry Ungarian Mike Morgan

Purpose: To engage the Federal and Provincial governments on matters within their jurisdiction; including action under the Species at Risk Act, cumulative effects of multiple recovery strategies and environmental initiatives, and [their] implementation in response to legislation.

Key Considerations: Engage the Government of Alberta at the political level; to seek a written commitment to working with the key stakeholders of Northwestern Alberta in the development of all future land-use planning documents.

Engage the Government of Alberta at the bureaucratic level; with a view to ensure our collective voice is heard, and to ensure our participation in all future land-use planning processes.

Engage the Federal government to reiterate to the Government of Alberta that;

- There is flexibility in meeting their October 2017 timeline for Caribou Range Plans;
- To name all the municipalities of the Lower Peace Region as key stakeholders, which are required to be engaged;

- To mandatorily bring all key stakeholders together for the development of interjurisdictional Caribou Range Plans.

Industry Engagement Oil & Gas and Forestry

Committee Members: Lisa Wardley, Eric Jorgensen, Leigh Bateman, Terry Ungarian, Jacquie Bateman, Crystal McAteer

Purpose: To engage all the oil, gas and forestry companies actively operating within the Lower Peace Region; to encourage transparent communication, with a view to informing [them] on the potential implications of Caribou Range Planning, and to gain a full understanding of their key concerns.

Key Considerations: To encourage all the companies to work collectively with all other stakeholders; communicating that effective collaboration is our only option in securing future investment, economic growth, and practical Caribou Range Plans.

Inform the companies on the factual processes and considerations of Caribou Range Planning, and to highlight all the crucial unknowns and/or uncertainties relating to potential implications.

To gain a complete understanding of the land and infrastructure required by the companies; to enable [their] sustained long-term smart economic growth, within and surrounding the Caribou ranges.

Community, Agriculture, and Service Industry Engagement

Committee Members: Eric Jorgensen, Jacquie Bateman, Terry Ungarian, Leigh Bateman, Crystal McAteer

Purpose: To ensure appropriate information is provided publicly to all members of our communities, and to work with our agriculture, hunting/trapping and small business sectors; to ensure their concerns are fully considered by the Committee, and any relevant willingness to contribute is thoroughly considered.

Key Considerations: To encourage all the sectors to work collectively with all other stakeholders; communicating that effective collaboration is our only option in securing future investment, economic growth, a sustained quality of life, and practical Caribou Range Plans.

Inform all sectors on the factual processes and considerations of Caribou Range Planning, and to highlight all the crucial unknowns and/or uncertainties relating to potential implications.

To ensure all relevant concerns are brought to the Committee's attention, if necessary, to reassure concerned sectors that future consideration will be given; in an attempt to mitigate the implications of these concerns in future Caribou Range Plans.

Any relevant willingness to contribute towards the Committee's fundamental purpose and responsibilities should be thoroughly considered.

SUB-COMMITTEE'S OVERALL DIRECTION

Process:

Every Sub-Committee, through their administrative support, will report back to the administrative lead with information acquired from all meetings, in a very timely manner. The administrative lead will be responsible for processing all information, and providing strategic recommendations to the Committee.

Responsibilities:

Every Sub-Committee must ensure that administrative support is present for all meetings. Without the appropriate notes, information gathering and sharing, the intensity and scope of the Committee will quickly disintegrate.

Strategic Direction:

Every Sub-Committee should ensure that all meetings are guided by the applicable key considerations; this will allow for information and findings acquired at meetings to contribute towards the Committee's fundamental purpose and responsibilities. Thus allows for any commitment and/or willingness to contribute by stakeholders, including the Federal and Provincial governments; provides essential support to the Committee's outputs.

Environmental Stewardship

LAND STEWARDSHIP COMMITTEE

Purpose:

To provide recommendations to Council regarding land stewardship practices. The Committee's primary role is to learn and understand the issues and impacts of current, pending and proposed legislation as it relates to land use, deriving strategies on how to mitigate the negative impacts on the County, and provide recommendations to Council on how to best address the issues.

Committee Structure:

The membership of the committee shall be comprised as follows: include four (4) Councillors and between five (5) and ten (10) members at large.

- Four (4) members of Mackenzie County Council
- Five (5) to ten (10) members at large
- Chief Administrative Officer or designate
- Director of Planning & Development
- Agricultural Fieldman
- Two (2) members appointed by the Town of High Level
- Two (2) members appointed by the Town of Rainbow Lake
- Others as required

The Councilors appointed to the Committee shall represent these existing committees:
Agricultural Service Board
Agricultural Land Use Planning Committee
Municipal Planning Commission
Community Sustainability Committee

The members at large shall ideally represent varying industries, interests and communities within the County.

The Committee will appoint its own Chair and Vice-Chair at the first Committee meeting held following Council's Organizational Meeting.

Quorum:

Any three (3) Mackenzie County Councillors and an overall majority of members present at a meeting shall be considered a quorum. In order for the meeting to take place the Chief Administrative Officer or his/her designate must be present.

Term:

All members of the Committee will hold office for a one year period, with members being appointed at the Organizational Meeting in October of each year.

In the event of vacancy by death, resignation or from any other such cause except the expiration of the term of appointment, such vacancy shall be filled by an appointment by Council as soon as possible.

Authority:

The Committee shall report directly to the County Council on all matters including recommendations with the Committee's approved minutes being presented to Council on a regular basis.

Meeting Schedule:

The Committee shall meet as required in order to adequately address its Scope of Work in a timely manner.

General Responsibilities:

The Committee shall:

- Be familiar with the Alberta Land Stewardship Act and Regulation and how this impacts the County and/or its residents
- Be familiar with the Alberta Wetland Policy and how this impacts the County and/or its residents
- Be familiar with the Alberta Water Act and Regulation and how this impacts the County and/or its residents
- Be familiar with the Alberta Public Lands Act and Regulation and how this impacts the County and/or its residents
- Be familiar with the Species at Risk Act (SARA) and how this impacts the County and/or its residents
- Be familiar with the Mighty Peace Watershed Alliance, their mandate, and how this impacts the County and/or its residents
- Be familiar with the County's Municipal Development Plan, Community Sustainability Plan, Agricultural Service Board Business Plan
    - Utilize this familiarity to identify potential conflicts between provincial and/or federal regulations and County plans and priorities
    - Provide recommendations on whether to revise County plans to comply with provincial and/or federal requirements or to lobby for changes to provincial and/or federal documents
- During the creation of the Lower Peace Regional Plan (LPRP) stay abreast the progress and be informed of potential implications on the County

- Liaise with various industry groups (ie. forestry, oil & gas, farming) to inform them of potential issues and to gather their perspective on issues
- Seek to understand the provincial cumulative effects management framework and how this is likely to impact the County
- Provide recommendations for educational type sessions that would be beneficial for local residents and/or industries as they relate to land use
- Be generally knowledgeable about provincial and federal legislation as it relates to land use and become a local subject matter expert on the relevant issues

Responsible for review of the following Bylaws/Documents:

- N/A

Approved External Activities:

- Regional meetings with industry and/or provincial representatives

Compensation:

- Municipalities shall be responsible for their respective appointees in regards to honorariums and expenses.

(created 2016-01-12)
(updated 2016-05-10)

2026 Council Meeting Calendar

January

Su	M	Tu	W	Th	F	Sa
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November

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December

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27	28	29	30	31		

Notes

Jan 1	New Year's Day
Feb 16	Family Day
Apr 3	Good Friday
Apr 6	Easter Monday
May 18	Victoria Day
Jul 1	Canada Day
Aug 3	Heritage Day
Sept 7	Labour Day
Sept 30	National Day for Truth and Reconciliation
Oct 12	Thanksgiving
Nov 11	Remembrance Day
Dec 25	Christmas Day
Dec 28	Boxing Day

Organizational Meeting, October 26, 2026

Statutory Holidays - Orange

Council Meetings - Blue

2nd/4th Monday, except July, Aug, Dec & Stat. Holidays

Committee of the Whole Meetings - Red

3rd Monday Bi-monthly, except July, Aug, Dec & Stat.Holi

Conventions, Conferences and Trade Show - Green

RMA Spring Convention, Edmonton, AB
March 16-18, 2025

FCM Annual Conference, Calgary, AB - June 04-07, 202

Alberta Municipalities Annual Convention, Edmonton, AB
November 11-13, 2025

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Town of High Level

BYLAW

PROCEDURES FOR COUNCIL AND COMMITTEES

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Town of High Level
Bylaw No. -05

A BYLAW OF THE TOWN OF HIGH LEVEL IN THE PROVINCE OF ALBERTA TO REGULATE THE PROCEDURES AND TRANSACTION OF BUSINESS BY THE MUNICIPAL COUNCIL FOR THE TOWN OF HIGH LEVEL.

Whereas, pursuant to section 145 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, Council may pass bylaws in relation to the establishment and functions of Council Committees, and the procedure and conduct of Council and Council Committees; and

Whereas, pursuant to section 203 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 Council may by bylaw delegate its powers, duties or functions to a Council Committee, and

Whereas the *Municipal Government Act* governs the conduct of Councils, Councillors, Council Committees; municipal organization and administration; public participation; and the powers of a municipality; now

Therefore the Town of High Level Council hereby enacts :

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE 1 The purpose of this bylaw is to establish rules to follow by Council and Committees in governing the Town of High Level.

DEFINITIONS 2 In this bylaw, unless the context otherwise requires:

1.1.1 **"Chair"** means a person who has been given authority to direct the conduct of a meeting;

1.1.2 **"Town"** means the Town of High Level;

1.1.3 **"CAO"** means the Chief Administrative Officer within the meaning of the *Municipal Government Act*;

1.1.4 **"Civic Agency"** means all external and Town agencies, boards and commissions to which Council makes appointments, excluding Town Council Standing Committees;

1.1.5 **"Clear Days"** means the number of days between events excluding the first and the last day;

1.1.6 **"Council"** means the Municipal Council of the Town of High Level;

1.1.7 **"Council Committee"** means any committee, board or other body established by Council by bylaw under the *Municipal Government Act*;

1.1.8 **"Councillor"** includes the Mayor;

1.1.9 **"General Election"** means an election held in the Town to elect the Councillors as described in the *Local Authorities Elections Act*, R.S.A. 2000, c. L-21;

1.1.10 **"Inaugural Meeting"** means the Organizational Meeting immediately following a General Election;

1.1.11 **"Mayor"** means the chief elected official of the Town within the meaning of the *Municipal Government Act*;

1.1.12 **"Municipal Government Act"** means *The Municipal Government Act,* R.S.A. 2000, c. M.-26;

1.1.13 **"Orders of the Day"** means the order of business and time schedule for a meeting of Council or Standing Committee as set out in the appropriate part of Schedule A;

1.1.14 **"Organizational Meeting"** means the meeting held as described in section 8, and includes the Inaugural Meeting;

1.1.15 **"Person"** includes an individual, partnership, association, corporation, trustee, executor, administrator, or legal representative;

1.1.16 **"Point of Order"** means a demand that the Chair enforce the rules of procedure;

1.1.17 **"Point of Privilege"** means a request made to the Chair or Council on any matter related to the rights and privileges of Council or individual Councillors and includes the:

1.1.17.1 organization or existence of Council;

1.1.17.2 comfort of Councillors;

1.1.17.3 conduct of Town employees or members of the public in attendance at the meeting;

1.1.17.4 accuracy of the reports of Council's proceedings; and

1.1.17.5 reputation of Councillors or Council;

1.1.18 **"Postpone"** means to delay the consideration of any matter either:

1.1.18.1 to a definite time when further information is likely to be obtained, or

1.1.18.2 indefinitely;

1.1.19 **"Previous Question"** means a motion to end debate and vote on the motion under debate;

1.1.20 **"Public Hearing Meeting"** means a Council or Committee meeting held for statutory hearings;

1.1.21 **"Special Resolution"** means a resolution passed by a two-thirds majority of all Councillors or two-thirds of all members of a Committee;

1.1.22 **"Table"** means a motion to delay consideration of any matter in order to deal with more pressing matters, which does not set a specific time to resume consideration of the matter; and

1.1.23 **"Two-Thirds Vote"** means a vote by at least two-thirds of Councillors present at the meeting and entitled to vote on the motion.

RULES FOR INTERPRETATION 3 The marginal notes and headings in this bylaw are for reference purposes only.

PART II - APPLICATION

REFERENCE SOURCE 4 If a question relating to the procedures of Council or Committees is not answered by this bylaw, the answer to the question is to be determined by referring to the most recent revision of *Robert's Rules of Order Newly Revised.*

SUSPENSION OF RULES

5 Council may suspend any provision of this bylaw, for a defined period of time, by Special Resolution except:

1.1.24 the provisions about statutory hearings; and

1.1.25 the provisions for amending or repealing this bylaw.

PARAMOUNT RULES

6 This bylaw will prevail over any other Town bylaw.

PART III - ORGANIZATION OF COUNCIL

INAUGURAL MEETINGS

7 (1) Council must hold its Inaugural Meeting not later than two (2) weeks after each General Election at the time and place fixed by the Chief Administrative Officer.

(2) At this meeting:

1.1.26 all Councillors must take the oath of office;

1.1.27 Council must confirm the seating of newly elected Councillors or any Councillors who want to change their seats; and

1.1.28 all other matters required by section 8 must be dealt with.

ORGANIZATIONAL MEETINGS

2 2.1 An Organizational Meeting must be held annually not later than two (2) weeks after the third Monday in October.

2.2 At this meeting Council must establish:

2.2.1 rotation schedules for the positions of Deputy Mayor;

2.2.2 the dates, times and places for regularly scheduled Council meetings; and

2.2.3 and the schedule for Committee membership;

and will deal with any other business described in the notice of the meeting.

PART 2.2.3.1.1.1.1.1.1 - MEETINGS

DATE OF MEETINGS	3	3.1 Council will hold regular meetings on the dates established at the Organizational Meeting.
TIME OF MEETINGS	4	4.1 Regular Council meetings will begin at 7:00 p.m. and adjourn by 11:00 p.m., unless Council passes a motion to complete discussing an item by a Two-Thirds Vote.
		4.2 If it is necessary to continue the Council meeting, it will reconvene at 7:00 p.m. on the following business day unless Council changes the time or date by a Two-Thirds Vote.
TIME OF PUBLIC HEARING MEETINGS	5	5.1 Public Hearing Meetings will begin at 7:00 p.m. at the commencement of any regular Council meeting .
MEETING PLACE	8	Regular Council meetings and Public Hearing Meetings will be held in the Council Chambers.
CHANGING TIME, DATE, LOCATION	9	(1) Council may change the time, date or location of any meeting by Special Resolution.
		(2) A Committee may change the time, date or location of any of its meetings by Resolution.
		(3) Notification of the change in time, date or location of any meeting must be provided in accordance with the *Municipal Government Act* and section 18.
CANCELLATION	10	Council may cancel any meeting if notice is given in accordance with section 18.
NOTICE OF MEETINGS	11	A schedule of Council and Committee meetings as scheduled at the Organizational Meeting will be posted at the Town Hall, and will give any other notice of these meetings as directed by Council.
SPECIAL COUNCIL MEETINGS	12	The Mayor may call a Special Council meeting at any time and must do so in accordance with the *Municipal Government Act*.
NOTICE PROVISIONS	13	For all meetings requiring notice, the notice must be issued in accordance with the *Municipal Government Act*, and must:
		5.1.1 be issued a minimum of 24 hours prior to the meeting date;
		5.1.2 be in writing and specify the time, date, location and purpose of the meeting;
		5.1.3 be delivered, faxed, or communicated by other electronic means to each Councillor;
		5.1.4 be posted in the Town Hall; and
		5.1.5 give any other notification as requested by Council or the Committee.
	6	6.1 Special Council meetings will be held on the date and at the time and location specified in the notice of the special meeting.
		6.2 If a matter is not specified in the notice of the Special Council Meeting, it may not be dealt with unless all members are present and Council/Committee passes a motion, by majority vote, to deal with the matter.

SHORTER NOTICE OF SPECIAL MEETINGS 14 Despite section 17, the Mayor may call a Council meeting on shorter notice and without providing notice to the public provided all Councillors are notified of the meeting and two-thirds of Councillors give written consent to holding the meeting before the meeting begins.

ELECTRONIC MEETINGS 15 Council and Committees may conduct meetings by means of electronic or other communication facilities as provided for by s. 199 the *Municipal Government* Act.

QUORUM REQUIREMENTS 16 Quorum for Council is a majority of Councillors and for Council Committees is a majority of members of a Council Committee, unless specified otherwise by this or any other bylaw.

COMMENCEMENT PROCEEDINGS 17 As soon as there is quorum after the time for commencement of a Council meeting:

6.2.1 the Mayor must take the chair and begin the meeting; or

6.2.2 if the Mayor, and the Deputy Mayor are absent, the Chief Administrative Officer must begin the meeting by calling for a motion for the appointment of a Chair.

WHEN NO QUORUM 7 7.1 If there is no quorum within half an hour after the time set for the meeting, the Chief Administrative Officer will record the names of the Councillors present and the meeting will be adjourned to the time of the next regular Council meeting.

7.2 The agenda for the adjourned meeting will be dealt with at the beginning of the next regular meeting, unless a special meeting is called before or after the next regular Council meeting to deal with the business of the adjourned meeting.

ORDER OF BUSINESS 18 The order of business at a meeting is the order of the items on the agenda except:

7.2.1 when a previous meeting has been adjourned for lack of quorum and no special meeting has been called to deal with the business of the adjourned meeting, the agenda items from the adjourned meeting must be dealt with before any items on the current agenda;

7.2.2 when Council alters the order of business for the convenience of the meeting by a Two-Thirds Vote;

7.2.3 when the same subject matter appears in more than one place on an agenda and Council decides, by motion, to deal with all items related to the matter at the same time; and

7.2.4 when Council decides not to deal with an item on the agenda and no motion is made about it.

EXEMPTION OF AGENDA ITEMS

8 8.1 A Councillor may make a motion on all recommendations or all recommendations on any part of the agenda, and Council may vote on all items moved but, if any Councillor so requests, any item or items must be exempted from the motion and the vote.

8.2 Council will deal with exempted items in the order that they appear on the agenda, unless otherwise decided in accordance with section 27.

8.3 A motion must be made before any exempted item is discussed.

SPECIAL ORDERS OF THE DAY (ESTABLISHED TIMES FOR ITEMS)

9 9.1 Council or Standing Committee may establish a specific time for debate on any matter by Special Resolution and that matter will be a "Special Order of the Day".

9.2 The Agenda Review Committee may recommend that any matter be a Special Order of the Day, and on adoption of the agenda by Council, that matter will be a Special Order of the Day.

9.3 Any Councillor may call for the Special Order of the Day at the time established, which postpones all other matters until after the Special Order of the Day is completed, unless a motion is passed by a Two-Thirds Vote allowing a matter under discussion at that time to be completed first.

CALL FOR ORDERS OF THE DAY

19 Notwithstanding section 55, a motion calling for Orders of the Day (requiring Council to adhere to its schedule) is not debatable or amendable and does not require a seconder.

EXTENDED ORDERS OF THE DAY

20 A motion to *Extend Orders of the Day*:

9.3.1 must be seconded,

9.3.2 is debatable, and

9.3.3 each Councillor may speak for only one minute.

PART 9.3.3.1.1.1.1.1.1 - AGENDAS AND RECORDS OF MEETINGS

AGENDA FORMAT

21 The agenda orders the business for a meeting and will follow the appropriate Orders of the Day set out in Schedule A.

AGENDA REVIEW COMMITTEE AGENDAS

22 (1) The Chief Administrative Officer will prepare for the Agenda Review Committee a list of all reports and a recommended routing for each report.

(2) The Agenda Review Committee list will be delivered to all Councillors before each Agenda Review Committee meeting.

AGENDA DISTRIBUTION

23 (1) The Chief Administrative Officer will deliver copies of the agenda and reports to Councillors' offices, businesses, or residences, as requested, three Clear Days before each regular Council or Standing Committee meeting.

(2) Agendas, reports and supplementary materials that are received too late to be included with the agenda or that are intended for special Council meetings will be made available as soon as reasonably possible.

24 The Chief Administrative Officer will make copies of the agenda and all reports and supplementary materials (unless these must or may be withheld under the *Municipal Government Act* or other legislation) available to all Department heads, media representatives and the general public, but only after they have been delivered to the Councillors.

ADOPTION OF AGENDA

25 Council must vote to adopt the agenda prior to transacting other business and may:

9.3.4 add new items, including reports that were to be distributed when available, to the agenda by Special Resolution; and

9.3.5 delete any matter from the agenda by unanimous vote.

PREPARATION OF MINUTES

26 The Chief Administrative Officer will prepare minutes for all Council and Standing Committee meetings, except for the Agenda Review Committee, which will include:

9.3.6 all decisions and other proceedings;

9.3.7 the names of the Councillors present at and absent from the meeting;

9.3.8 the names of the Councillors voting for and against all motions and of those who are absent for the vote;

9.3.9 any abstentions made under the *Municipal Government Act* by any Councillor and the reason for the abstention; and

9.3.10 the signatures of the Chair, and the Chief Administrative Officer.

ADOPTION OF MINUTES

27 The minutes of each meeting must be circulated prior to the meeting at which they are to be adopted. If:

9.3.11 there are errors or omissions, Council must pass a motion to amend the minutes and adopt the minutes as amended; or

9.3.12 there are no errors or omissions, Council must adopt the minutes as circulated.

RECORDINGS OF MEETINGS

10 10.1 The Chief Administrative Officer will make a replayable audio-recording of all Council and Standing Committee meetings;

10.2 This section does not apply to:

10.2.1 meetings or portions of meetings held in private; and

10.2.2 Agenda Review Committee meetings.

ACCESS TO RECORDINGS AND TRANSCRIPTS

11 11.1 The Chief Administrative Officer will supervise access to the recordings.

11.2 No one will be entitled to make any changes to the recordings.

11.3 Recordings may only be transcribed by resolution of Council unless they are required by the Office of the Chief Administrative Officer in connection with litigation or any audit, investigation or study being undertaken by the Office of the Auditor General.

RETENTION OF RECORDINGS

28 The Chief Administrative Officer must retain all audio-recordings of meetings for three years from the date of the meeting.

ITEMS DUE DATES AND STATUS OF REPORTS

29 (1) Reports are due in eight-weeks, or at the first meeting after the eight-weeks, of the request for the report, unless otherwise indicated.

(2) If the Administration or another body is unable to bring a report due at Town Council or Standing Committee within the required timelines, the Chief Administrative Officer must give a Status Report at the meeting at which the report was due.

PART IV - INQUIRIES AND RESPONSES

Division 1 - Administrative Inquiries

ADMINISTRATIVE INQUIRY

30 (1) Any Councillor may make an Administrative Inquiry through the Chair to the Chief Administrative Officer at any regular meeting:

11.3.1 of Town Council; or

11.3.2 the appropriate Standing Committee.

11.4 Administrative Inquiries made at a Standing Committee must be made at the Standing Committee that would normally deal with the issue.

11.5 Administrative Inquiries cannot be made at Special Town Council or Special Standing Committee meetings.

WRITTEN REQUIREMENT OF ADMINISTRATIVE INQUIRIES

31 An Administrative Inquiry and any preamble must be brief and must be submitted in writing to the Chief Administrative Officer before or during the portion of a regular meeting for Administrative Inquiries as set out on the agenda.

TIME FOR INQUIRY ON THE AGENDA

32 An Administrative Inquiry may only be made during the appropriate portion of a regular Council or Standing Committee meeting.

DIRECTION TO ABANDON INQUIRY

33 (1) If the Chief Administrative Officer gives a status report indicating that the financial or other resources required to answer the Administrative Inquiry are substantial and will affect the Chief Administrative Officer's budget, Council may by a Two-Thirds Vote direct the Administration to abandon the inquiry.

(2) A Councillor may at the meeting of Council or the Standing Committee where the Administrative Inquiry was originally made instruct the Chief Administrative Officer to abandon that particular inquiry.

Division 2 - Responses to Administrative Inquiries at Town Council and Standing Committees

RESPONSES AT COUNCIL

34 A response to an Administrative Inquiry that was made at Council may only be:

11.5.1 received as information without debate or questions for clarification;

11.5.2 referred to a Committee or the Administration by majority vote without debate; or

11.5.3 the subject of a debatable motion if a Special Resolution is passed to allow the motion to be made without notice.

RESPONSES AT COMMITTEE

35 A response to an Administrative Inquiry made at a Committee is not debatable, but:

11.5.4 a motion to refer the response to the Administration may be made, and may be debated as to the advisability of the referral and the instructions on the referral;

11.5.5 any Councillor may ask questions to clarify the response; and

11.5.6 a Special Resolution may be passed to allow a motion to be brought about the content of the response.

VERBAL RESPONSE AT STANDING COMMITTEES

12 12.1 The Chief Administrative Officer may verbally answer an Administrative Inquiry at the Standing Committee meeting at which it is made.

12.2 Any Councillor may request that the response be submitted to the Standing Committee in writing.

ORDERS TO EMPLOYEES

36 Council or a Standing Committee may give instructions to any Town employee through the Chief Administrative Officer, but Councillors must not give direct instructions to Town employees without a specific direction from Council or a Standing Committee.

PART V - MOTIONS

NOTICE OF MOTION

37 A Councillor may make a motion introducing any new matter only if:

12.2.1 notice is given at a Council meeting held at least seven Clear Days before the meeting and a legible copy of the content of the notice is made available to the Chief Administrative Officer; or

12.2.2 Council passes a Special Resolution dispensing with notice.

DETAILED NOTICE OF MOTION

13 13.1 A notice of motion must give sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the motion will be made.

13.2 A notice must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs.

DELAY IN PRESENTING MOTION

14 14.1 If a motion is not made at the meeting indicated in the notice, it will appear on the agenda for, and may be made at any of, the next two regular meetings.

14.2 After the third regular meeting, the motion will be removed from the agenda and may only be made by a new notice of motion.

STYLE AND PRESENTATION OF MOTIONS

38 All motions must be concise and unambiguous and must either be given in writing or dictated to the Chief Administrative Officer.

39 No motion bringing a new matter before Council may be made while any other motion is pending.

RECOMMENDA-TIONS ARE NOT MOTIONS

40 (1) A motion must be made on an agenda item before it is discussed.

(2) A recommendation in a report does not constitute a motion until a Councillor has expressly moved it.

SECONDING AND STATING MOTIONS

41 All motions must be seconded, and stated by the Chair prior to debate.

WITHDRAWAL

42 Once a motion has been moved, seconded and stated by the Chair, it is in the possession of Council, and may not be withdrawn without unanimous consent of all Councillors present at the meeting.

REPEATING MOTIONS

43 A motion which has been superseded, withdrawn or not seconded has not been in the possession of Council and may be repeated unless it has been ruled out of order because it is improper.

PUT BY THE CHAIR

44 All motions must be put by the Chair before a vote is taken.

POSTPONE INDEFINITELY

45 A motion to postpone indefinitely is debatable and debate may deal with the merits of the motion being postponed.

46 A motion postponed indefinitely may only be brought back after:

14.2.1 more than one year from the date of the postponement;

14.2.2 a General Election; or

14.2.3 a Special Resolution is passed allowing it to be brought back.

POSTPONE TO A DEFINITE TIME

47 In sections 62 to 66, "time" includes date and time.

48 (1) A motion to postpone to a definite time may be made at any time during debate.

(2) The motion to postpone to a definite time is only debatable as to advisability of the postponement and is amendable only as to the time specified.

(3) If a motion is postponed to a definite time, it will take priority over all other unfinished business at that time, but it may not be brought back before that time without a Special Resolution.

AMENDMENTS

49 An amendment proposed to a motion must be relevant to its subject matter and must not propose a direct negative of the motion.

AMENDMENTS TO AMENDMENTS

50 (1) Only one amendment to a motion may be before the meeting at any time, but an amendment to the amendment may be before the meeting at the same time.

(2) The amendment to the amendment must be voted on before the amendment.

51 An amendment to an amendment must be relevant to the amendment.

52 Notwithstanding section 64, when an amendment is made to change numbers, the longest time, largest sum or largest quantity must be put first.

DEBATABILITY OF AMENDMENTS

53 Councillors may debate the merits only of the amendment, not the merits of the motion it is applied to.

CANNOT AMEND OWN MOTION

54 A Councillor may not amend his own motion.

REFERRAL MOTIONS

55 A Councillor may move to refer any motion to the appropriate Council Committee or the Administration for investigation and report, and the motion to refer:

14.2.4 will preclude all further amendments to the motion;

14.2.5 is debatable; and

14.2.6 may be amended only as to the body or membership of the body to which the motion is referred and the instructions on the referral.

REPORT FROM REFERRAL

56 When a response to a referral is before Council, the motion under consideration will be the motion, which was referred, including any amendments made prior to the referral.

REFERRALS REFUSED BY THE CHAIR

57 The Chair may refuse to accept a motion to refer that would have the effect of defeating the motion to which it applies (for example, due to time constraints).

LIMITING OR ENDING DEBATE

58 Any motion to limit or end debate, including a motion for the Previous Question:

14.2.7 cannot be debated;

14.2.8 must be passed by a Two-Thirds Vote; and

14.2.9 may only be amended as to the limit to be placed on debate.

MOTIONS FOR PREVIOUS QUESTION

59 If the Previous Question is moved, the Chair must state that the Previous Question has been moved and immediately take the vote on the motion for the Previous Question.

60 Unless a motion to Table is made, when a motion for the Previous Question is carried, the motion to which it applies must be put without further debate or amendment.

MOTION TO TABLE

61 (1) A motion may be tabled to enable Council to deal with other more pressing matters.

(2) A motion that has been tabled may be brought back at any time by a majority vote and when brought back, it will take precedence over other new motions.

ALL CONNECTED MOTIONS TABLED

62 A motion to Table is not debatable and takes precedence over all other motions connected with the motion being tabled, which are tabled along with the motion.

TAKE FROM THE TABLE

63 Any Councillor may move to take a motion from the table, provided no other motion is on the floor.

64 A tabled motion is brought back with all of the motions connected with it, exactly as it was when laid on the table.

65 The motion to take from the table is not debatable or amendable and requires a majority vote.

66 If a motion to take a motion from the table is defeated, it may only be made again after other business has intervened.

67 A motion may be taken from the table at any regular meeting, but not at a special meeting, unless prior notice was given.

68 If a motion is not taken from the table:

14.2.10 within one year after the date that it was tabled; or

14.2.11 prior to the General Election held after it was tabled;

it may not be taken from the table but may be made only as a new motion.

MOTIONS DISALLOWED

69 If a motion is contrary to the rules and privileges of Council, the Chair may refuse to accept it and must cite the rule or authority applicable without other comment.

PRIVILEGED MOTIONS

70 The following motions are privileged motions and may, if the Chair determines that they are of overriding importance, interrupt the debate on another motion:

14.2.12 a call for Orders of the Day;

14.2.13 a Point of Privilege;

14.2.14 a motion to recess;

14.2.15 a motion to adjourn; and

14.2.16 a motion to fix the time to adjourn.

POINT OF PRIVILEGE

15 15.1 A Councillor may raise a Point of Privilege to remedy any pressing situation at any time.

15.2 The Chair must immediately decide whether to accept the Point of Privilege.

15.3 If the Point of Privilege is accepted, it must be dealt with immediately.

MOTION ON POINT OF PRIVILEGE

71 If a motion is made resulting from an accepted Point of Privilege, it is not debatable or amendable.

RECESS

72 (1) Any Councillor may move that Council recess for a specific period.

(2) This motion may not be used to interrupt a speaker.

(3) After the recess, business will be resumed at the point when it was interrupted.

73 A motion to recess may be amended only as to length of time, but neither the motion nor the amendment is debatable.

ADJOURNMENT

74 A motion to adjourn is not debatable or amendable.

75 Council will take up a motion pending at the time of adjournment as the first item under unfinished business at the next meeting.

NOTICES OF MOTION GIVEN PRIOR TO ADJOURNMENT

76 Before putting the motion for adjournment, the Chair must allow an opportunity for any notices of motion to be given.

ADJOURNMENT OF A MEETING

77 A motion to adjourn a meeting requires a majority vote, unless Orders of the Day provide for a later adjournment and business remains unfinished, in which case a Two-Thirds Vote is required.

POINT OF ORDER

78 (1) A Point of Order which requires immediate attention may interrupt a speaker and is not debatable or amendable.

(2) The Chair must rule on a Point of Order and no vote will be taken unless there is a Challenge.

MOTION TO CHALLENGE

79 Any ruling of the Chair may be challenged.

80 A motion to Challenge may be made only at the time of the ruling, whether or not another speaker has the floor.

81 A motion to Challenge is debatable unless it relates to decorum, the priority of business, or an undebatable pending motion.

82 If a motion is made to Challenge, the Chair must state the question "Is the ruling of the Chair upheld?", and may participate in debate on the Challenge without leaving the chair.

83 If the Chair refuses to put the question on a Challenge, the person who would preside if the individual occupying the chair were absent must put the question to Council.

84 Unless there is a Two-Thirds Vote against it, the ruling of the Chair will be upheld.

OBJECTION TO CONSIDERATION OF A MOTION

85 A Councillor may move to object to the consideration of a motion prior to any debate on the motion and the Chair must state the question "Will the motion be considered?"

86 (1) A motion to object to the consideration of a motion is not debatable or amendable.

(2) The motion objected to will be heard unless there is a Two-Thirds Vote against hearing it.

87 If Council passes a motion to object to the consideration of a motion, the motion objected to may be brought before Council only by renewal in accordance with Section 108 of this bylaw.

DIVIDING MOTIONS INTO PARTS

88 (1) A Councillor may request that a motion be divided if it contains parts which stand as complete propositions.

(2) Council must then vote separately on each proposition.

MOTIONS PREVIOUSLY CONSIDERED

89 Subject to sections 105 to 110, once Council has dealt with any matter, a motion that would have a similar result may not be made.

RECONSIDERING MOTIONS

90 A Councillor who voted with the prevailing side may move to reconsider a motion only at the same meeting or during any continuation of the meeting at which it was decided.

RECONSIDERA-TION NOT ALLOWED

91 A motion to reconsider may not be applied to:

15.3.1 a vote which has caused an irrevocable action; or

15.3.2 a motion to reconsider.

16 16.1 A motion to reconsider may be seconded by any Councillor.

16.2 A motion to reconsider is only debatable when the motion being reconsidered is debatable.

RESCINDING AND RENEWING MOTIONS

92 A motion to rescind a motion which has been passed or to renew a defeated motion may be offered subsequent to the meeting at which the motion was passed or defeated if the rescinding or renewal motion is:

16.2.1 made by a Councillor who voted with the prevailing side;

16.2.2 brought more than one year after the date of the original motion; or

16.2.3 brought after a General Election which has taken place since the date of the original motion.

NOTICE OF RESCISSION OR RENEWAL

93 Notice of a motion to rescind or renew a motion must be given or dispensed with pursuant to the provisions of this bylaw.

RESCISSION NOT ALLOWED

94 No motion to rescind may be made when:

16.2.4 a vote has caused an irrevocable action; or

16.2.5 the question can be reached by reconsidering the motion.

PART 16.2.5.1.1.1.1.1.1 - VOTING

MOTION CARRIED

95 Unless otherwise specified in this bylaw, a motion will be carried when a majority of Councillors present at a meeting vote in favour of the motion.

TIE VOTE

96 A motion is lost when the vote is tied.

FAILURE TO VOTE

97 Any Councillor who fails to vote will be recorded as having voted in the affirmative, unless a statute expressly allows or requires an abstention.

LOSS OF QUORUM (ABSTENTION)

98 (1) If a motion cannot be voted on because there would be no quorum due to any abstention allowed or required by statute, then the matter will be dealt with as unfinished business and proceeded with at the next regular meeting of Council.

(2) If Council is unable to achieve quorum at any meeting on an issue due to allowable abstentions, then Council must ask the Minister of Municipal Affairs for an order under the *Municipal Government Act*.

VOTING PROCEDURES 99 Votes on all motions must be taken as follows:

16.2.6 Councillors must be in their designated Council seat when the motion is put;

16.2.7 the Chair must put the motion;

16.2.8 Councillors must:

16.2.8.1 use the electronic or computerized voting system if it is available;

16.2.8.2 vote by a show of hands if the electronic or computerized voting system is unavailable;

16.2.8.3 vote verbally if participating by a communication facility;

16.2.9 the Chair must declare the result of the vote.

NO CHANGE TO VOTE 100 After the Chair declares the result of a vote, Councillors may not change their vote for any reason.

SILENCE ONCE QUESTION IS PUT 101 From the time the question is put by the Chair until the result of the vote is declared, Councillors must be silent and must not leave their seats.

PART VI - RULES GOVERNING DEBATE

ORDER OF SPEAKERS 102 The Chair will determine the speaking order when two or more Councillors wish to speak, subject to a Challenge.

ADDRESS CHAIR 103 Councillors must address the Chair when speaking.

INTERRUPTIONS 104 Councillors who have been assigned their turn to speak may only be interrupted by other Councillors including the Chair:

16.2.10 when a Councillor is discussing a subject and no motion is on the floor;

16.2.11 when a Councillor has exceeded the time limit to speak;

16.2.12 by a call for Orders of the Day;

16.2.13 by a Point of Privilege;

16.2.14 by a Point of Order;

16.2.15 by an objection to the consideration of a motion; or

16.2.16 by a Challenge.

COUNCILLOR CALLED TO ORDER 17 17.1 A Councillor who is called to order must immediately stop talking, but must be given an opportunity to Challenge before debate is closed.

17.2 Council will decide the Challenge without debate.

PROHIBITED ACTS 105 Councillors must not:

17.2.1 speak disrespectfully of the Sovereign or any of the Royal Family, or of the Governor General or of the Lieutenant Governor, or of any member of any other governing body in Canada or Council;

17.2.2 use offensive words in Council Chambers, or against Council or any Councillor;

17.2.3 discuss a vote of Council, unless to move to reconsider, renew or rescind;

17.2.4 break the rules of Council or disturb the proceedings; or

17.2.5 disobey the decision of the Chair or of the Council on any question of order, practice or interpretation.

REQUEST TO HAVE MOTION CONSIDERED 106 A Councillor may require that the motion being considered be read at any time during debate, but must not interrupt a speaker.

NUMBER OF SPEECHES 107 Unless otherwise provided in this bylaw, Councillors may speak only twice on any motion, once in debate and once to ask questions; however, Council may give permission to speak again.

TIME LIMITS 108 Each Councillor may speak for only five minutes:

17.2.6 by asking questions on a motion;

17.2.7 in debate on a motion;

17.2.8 by asking questions on an amendment;

17.2.9 in debate on an amendment; and

17.2.10 in reply, when the Councillor is the mover of the motion;

unless Council gives permission, by a Two-Third Vote, to speak for an additional five minutes.

OPPORTUNITY TO BE HEARD 109 Each Councillor will be given an opportunity to speak to a motion before it is put to a vote, unless a motion is passed to limit or end debate.

PARTICIPATION BY CHAIR 110 The Chair must leave the chair to participate in debate, unless debate from the Chair is expressly permitted by this bylaw.

PART VII - DUTIES OF THE CHAIR

CHAIR TO MAINTAIN ORDER 111 The Chair will preserve order and decorum and decide all questions of procedure.

CITING REASONS FOR DECISIONS 112 When the Chair makes a decision on a question of procedure, except a Parliamentary Inquiry, he must provide a reason for the decision.

LEAVING CHAIR 113 If the Chair wishes to leave the chair for any reason, he must call on the Deputy Mayor, or in his absence, the Acting Mayor, to preside.

GRANTING PERMISSION TO APPROACH COUNCIL 114 Anyone who is not a Councillor is not allowed to cross the Council Bar or to speak to any Councillor without the Chair's permission.

PART VIII - DISCIPLINARY PROCEDURES

CALLING COUNCILLOR TO ORDER 115 The Chair may call to order any Councillor who is out of order.

NAMING A COUNCILLOR FOR AN OFFENCE 116 (1) When a Councillor has been warned about breaches of order but continues to engage in them, the Chair may name the Councillor by stating his name and declaring the offence.

(2) The City Manager must note the offence in the minutes.

EFFECT OF NAMING COUNCILLOR 117 If a Councillor who has been named:

17.2.11 apologizes and withdraws any objectionable statements, then:

17.2.11.1
hat Councillor may remain and continue participating in the meeting; and

17.2.11.2
he Chair may direct that the notation of the offence be removed from the minutes; or

17.2.12 fails or refuses to apologize, then:

17.2.12.1
hat Councillor must immediately leave Council Chambers;

17.2.12.2
ouncil must, without debate, vote on a motion to expel that Councillor; and

17.2.12.3
majority vote carries the motion.

REMOVAL OF COUNCILLOR 18 18.1 If a Councillor has been expelled pursuant to section 134, that Councillor must leave Council Chambers immediately.

18.2 The Chair may request the Town of High Level Bylaw Enforcement Officer or any other Peace Officer to remove an expelled Councillor if that Councillor does not leave voluntarily.

DISTURBANCE BY PUBLIC 19 19.1 The Chair may order any member of the public who disturbs the proceedings of Council by words or actions to be expelled.

19.2 A person who refuses to leave is guilty of an offence and liable to the penalties set out in Bylaw 7083, The Penalties Bylaw.

19.3 The Chair may request the Town of High Level Bylaw Enforcement Officer or any other Peace Officer to remove the person.

PART 19.3.1.1.1.1.1.1.1 - PUBLIC AND PRIVATE MEETINGS

PUBLIC MEETINGS 118 Subject to section 138, Council and Committee meetings will be held in public and no person may be excluded except for improper conduct.

PRIVATE MEETINGS 119 Council or a Committee may, by resolution, meet privately to discuss any matter if a statute authorizes the holding of that meeting in the absence of the public.

NO RESOLUTIONS IN PRIVATE 120 The only resolution that can be passed in a private Council or Committee meeting is a resolution to revert to a public meeting.

PART IX - COMMITTEE OF THE WHOLE

MOTION TO FORM COMMITTEE OF THE WHOLE 121 Any Councillor may move that Council resolve into Committee of the Whole to consider any matter.

CHAIR OF COMMITTEE OF THE WHOLE 122 If the motion to resolve into Committee of the Whole is carried, the Mayor will leave the chair and call upon the Deputy Mayor, or in his absence, the Acting Mayor, to preside over the Committee of the Whole.

QUORUM 123 Quorum of Committee of the Whole is a majority of Councillors.

RULES OF PROCEDURE IN COMMITTEE OF THE WHOLE 124 Procedures in Committee of the Whole only differ from Council's in that:

19.3.2 Councillors may speak more than once, provided that all Councillors who wish to speak to the matter have been permitted to speak;

19.3.3 the proceedings will not be recorded except the report to Council; and

19.3.4 the only motions permitted are:

19.3.4.1 to adopt reports or recommendations and to recommend amendments;

19.3.4.2 to amend its own reports or recommendations;

19.3.4.3 to rise without reporting; and

19.3.4.4 to rise and report.

RISE AND REPORT 20 20.1 A motion to rise and report may be made at any time and must be decided without debate.

20.2 Any matter which has not been decided will be considered lost.

RISE WITHOUT REPORTING 21 21.1 A motion to rise without reporting is always in order and takes precedence over any other motion when Council is in Committee of the Whole.

21.2 Debate is allowed and if the motion to rise without reporting is passed by a Two-Thirds Vote, the motion that was on the floor is lost, the Mayor will take the chair, and the Council meeting will resume.

ADOPTING RECOMMENDA-TIONS 125 Any Councillor may move to adopt the recommendations of the Committee of the Whole and debate will only be allowed on any amendments proposed by Committee of the Whole.

PART X - COUNCIL COMMITTEES

Division 1 - Standing Committees - General

COUNCIL STANDING COMMITTEES 126 The following Council Standing Committees are established:

21.2.1 Agenda Review Committee;

21.2.2 Executive Committee;

21.2.3 Transportation and Public Works Committee;

21.2.4 Community Services Committee; and

21.2.5 Council Services Committee.

MEMBERSHIP OF STANDING COMMITTEES 127 The membership of the Executive Committee, Transportation and Public Works Committee and Community Services Committee will be determined as follows:

21.2.6 four Councillors will be appointed to each of the Transportation and Public Works Committee and Community Services Committee, and the Mayor and four other Councillors to the Executive Committee;

21.2.7 membership will rotate among Councillors, except the Mayor, so that during a term of office, each Councillor, except the Mayor, serves for a total of one year on each Committee; and

21.2.8 if a Councillor vacates the office of Councillor during the term of office;

21.2.8.1 the person elected as Councillor in a by-election must take the place of the vacating Councillor in the rotation schedule of Committee membership until the next General Election; or

21.2.8.2 if no by-election is held, Council may appoint another Councillor to fill the vacancy.

128 All Councillors may attend any meeting of any Standing Committee and participate in debate, but may not make motions or vote.

MAYOR EX OFFICIO MEMBER

129 (1) The Mayor is a member by virtue of office, of all Committees, unless Council has decided that the Mayor is an actual member of a particular Committee.

(2) If the Mayor is a member by virtue of office and is present at a Committee meeting, the Mayor must be counted to determine quorum and has all of the rights and privileges of the other Committee members including the right to make motions and vote.

ALTERNATE MEMBERS FOR QUORUM

130 (1) If quorum is not possible because of the absence of one or more members of a Standing Committee, any Councillor present at the Standing Committee meeting will become an alternate member of the Committee and will be counted to determine quorum.

(2) If more than one Councillor is present, priority for selection as an alternate member will be determined in accordance with the Deputy Mayor rotation schedule, beginning with the current Deputy Mayor.

(3) Alternate membership will cease when there is a quorum of members regularly appointed under this bylaw.

AUTHORITY OF STANDING COMMITTEES

131 Standing Committees have full authority to exercise or perform any power or duty delegated under this or any other bylaw.

REQUISITION A MOTION TO COUNCIL

132 Any two members of a Standing Committee may, prior to a vote being taken, request that an item be referred to Council and it must be referred without debate.

DIRECT REPORTING TO COUNCIL

133 Any Standing Committee may submit its reports directly to Council without a Committee recommendation.

APPROPRIATION OF FUNDS

134 Standing Committees must not appropriate, expend or direct the expenditure of any money not provided for in the budget approved by Council or by a special or supplementary budget adjustment approved by Council.

Division 2 - Agenda Review Committee

MEMBERSHIP OF AGENDA REVIEW COMMITTEE

135 (1) The Agenda Review Committee members are the Mayor and the Chairs of the Transportation and Public Works Committee and the Community Services Committee, or if any of the Chairs are absent, the Vice-Chairs.

(2) The Chief Administrative Officer must attend all meetings of the Agenda Review Committee.

CHAIR OF AGENDA REVIEW COMMITTEE 136 The Mayor is the Chair of the Agenda Review Committee. If the Mayor is absent, the remaining members of the Committee must select a Chair.

AGENDA REVIEW COMMITTEE REPORT LIST 137 The Chief Administrative Officer will provide a list to Councillors of all the reports that the Agenda Review Committee will be reviewing.

POWERS AND DUTIES OF AGENDA REVIEW COMMITTEE 138 (1) The Agenda Review Committee's primary mandate is to manage the Agendas for Council and Standing Committees.

(2) The Committee will consider controversial items and estimate the time required to deal with each item to be placed on the agenda.

(3) Agenda Review Committee may group reports dealing with related issues together so that they are presented to Council or the appropriate Standing Committee at the same time.

(4) A summary of the decisions of the Agenda Review Committee will be circulated to all members of Council.

WHEN NO QUORUM 139 If there is no quorum of Agenda Review Committee, the Chief Administrative Officer will determine the matters to be placed on Council and Committee agendas.

Division 3 - Standing Committees - General Duties and Responsibilities

STANDING COMMITTEE CHAIR 140 (1) Each Committee, except the Executive Committee and Council Services Committee, will elect a Chair from among the members of the Committee at the first meeting after each organizational meeting.

(2) If the Committee is unable to elect a Chair, then Council must select the Chair from among the members of the Committee at the next regular Council meeting.

STANDING COMMITTEE VICE-CHAIR 141 (1) The members of the Committee must elect a Vice-Chair who will preside at meetings of the Committee in the absence of the Chair.

(2) If neither the Chair nor Vice-Chair is present at a Committee meeting, the Committee must elect a Chair from among its members for that meeting.

DUTIES OF STANDING COMMITTEES 142 Executive Committee, Community Services Committee and Transportation and Public Works Committee:

21.2.9 deals with reports from, and annually scheduled operational audits of, the departments and other organizations listed in Schedule B;

21.2.10 recommends to Council membership appointments to the Council Committees listed in Schedule B;

21.2.11 recommends to Council budget adjustments for those departments and Council Committees listed in Schedule B;

21.2.12 enters into contracts or agreements which exceed the delegated authority of the Chief Administrative Officer or where the Chief Administrative Officer refers the contract or agreement to it; and

21.2.13 deals with other matters referred to it by Council.

Division 4 - Executive Committee

CHAIR OF EXECUTIVE COMMITTEE

143 The Mayor is the Chair of the Executive Committee.

SPECIAL DUTIES OF EXECUTIVE COMMITTEE

144 The Executive Committee:

21.2.14 reviews and makes recommendations to Council about:

21.2.14.1 orporate structure,

21.2.14.2 orporate finance,

21.2.14.3 orporate personnel issues,

21.2.14.4 nter-governmental issues, and

21.2.14.5 orporate policy;

21.2.15 approves the:

21.2.15.1 ettlement of all actions, claims or demands against the Town where the amount paid by the Town exceeds the Chief Administrative Officer's delegated authority;

21.2.15.2 ettlement of all actions, claims, or demands by the Town, where the difference between the amount recovered and the amount claimed by the City exceeds the City Manager’s delegated authority; and

21.2.15.3 ettlement of any other action, claim or demand referred to it by the City Manager; subject to Council's policies and procedures;

21.2.16 approves collective bargaining agreements which it authorizes the Administration to negotiate, subject to Council's guidelines, bylaws, policies and budgets, and ensures that all Councillors are informed of the status of collective bargaining and when the agreements are to be discussed;

21.2.17 solicits and coordinates input from all Councillors and makes recommendations for performance reviews of the City Manager; and

21.2.18 may instruct the City Manager on any litigation or potential litigation involving the City subject to Council’s policies and procedures.

Division 5 - Community Services Committee

SPECIAL DUTIES OF COMMUNITY SERVICES COMMITTEE

145 The Community Services Committee:

21.2.19 hears and decides appeals under Bylaw 10406, The Nuisance Bylaw;

21.2.20 hears and decides appeals under Bylaw 6124, The License Bylaw;

21.2.21 hears and decides appeals under Bylaw 12020, The Taxi Bylaw; and

21.2.22 hears and decides appeals from orders made under Division 4 of Part 13 of the *Municipal Government Act* and any applicable bylaw.

Division 6 - Council Services Committee

MEMBERSHIP AND CHAIR OF COUNCIL SERVICES COMMITTEE

22 22.1 All Councillors are members of the Council Services Committee.

22.2 At the beginning of the term of office of Council, the Council Services Committee must elect from among its members, a Chair and a Vice-Chair.

DUTIES OF COUNCIL SERVICES COMMITTEE

146 The Council Services Committee is responsible for the Councillors' Office and staff (but not the Office of the Mayor) and any other matters referred to it by Council.

Division 7 - Procedural Rules for Standing Committees

RULES GOVERNING DEBATE IN STANDING COMMITTEE

147 Unless otherwise stated, the following rules apply to Standing Committees:

22.2.1 motions need not be seconded;

22.2.2 there is no limit to the number of times a member may speak to a question;

22.2.3 a motion for the Previous Questions will not be allowed;

22.2.4 informal discussion of a subject is permitted when no motion has been made; and

22.2.5 the Chair may make motions, participate in debate and vote on all motions without leaving the Chair.

COUNCIL RULES TO SUPPLEMENT COMMITTEE RULES

148 Unless specific rules for Standing Committee procedures exist, Standing Committees must follow the procedural rules of Council.

Division 8 - Procedures for Council Committees

APPOINTING COUNCIL COMMITTEES

149 (1) Council may by bylaw establish a Council Committee to investigate and report to Council or a Standing Committee on any matter.

(2) Council may appoint, by resolution, Councillors, city employees or other individuals to Council Committees.

(3) When a Council Committee is established by bylaw, Council must:

22.2.6 name it;

22.2.7 establish Terms of Reference;

22.2.8 establish the term of appointment, or direct that the committee exists at the pleasure of Council;

22.2.9 establish requirements for reporting to Council or a Standing Committee; and

22.2.10 allocate any necessary budget or other resources.

PROCEDURES FOR COUNCIL COMMITTEES

150 The procedures outlined in sections 173 to 179 are the minimum requirements to be followed by Council Committees.

REGULAR MEETINGS OF COUNCIL COMMITTEES

151 (1) A Council Committee may establish, on an annual basis, a schedule of its meetings.

(2) An annual schedule established under (1) must be filed with the Chief Administrative Officer a minimum of three working days prior to the first meeting.

CALL OF MEETINGS

152 (1) The Chair may call a meeting of the Committee at any time and must do so if a majority of Committee members so request in writing, including a statement of the purpose of the meeting.

(2) A special meeting requested by Committee members must be held within 14 days after the request is received.

NOTIFICATION OF COMMITTEE OF COUNCIL MEETINGS

153 Notice of Committee of Council meetings not approved in their annual schedule or cancellation of a previously called meeting must comply with section 18 of this bylaw and be filed with the Chief Administrative Officer a minimum of 48 hours prior to the meeting.

QUORUM

154 Quorum is a majority of members of a Council Committee unless specified otherwise by this or any other bylaw.

MINUTES

155 (1) Minutes must be prepared for all Council Committee meetings and will include:

22.2.11 all decisions and other proceedings;

22.2.12 the names of the Committee members present at and absent from the meeting;

22.2.13 any abstentions made under the *Municipal Government Act* by any member and the reason for the abstention; and

22.2.14 the signatures of the Chair, and the Recording Secretary.

22.3 Minutes must be retained in a safe manner and must be made available upon request

ADOPTION OF MINUTES

156 The minutes of each meeting must be circulated prior to the meeting at which they are to be adopted:

22.3.1 if there are errors or omissions, the Committee must pass a motion to amend the minutes and adopt the minutes as amended; or

22.3.2 if there are no errors or omissions, the Committee must adopt the minutes as circulated.

COUNCIL RULES TO SUPPLEMENT COUNCIL COMMITTEE RULES

157 Council Committees may adopt any of the other procedural rules of City Council other than the ability to ask Administrative Inquiries.

Division 9 - Procedures when a Standing Committee Sits as a Quasi-Judicial Tribunal

MEMBERSHIP

158 Membership of a Standing Committee sitting as a Quasi-Judicial Tribunal needs to be an odd number.

159 When a Standing Committee acting as a Quasi-Judicial Tribunal needs to increase its membership to create an odd number, the following procedures will be used:

22.3.3 the Mayor will be requested to attend the meeting while the Standing Committee is sitting as a Quasi-Judicial Tribunal; or

22.3.4 when the Mayor is not available or already in attendance, then the Quasi-Judicial membership will be augmented by using the Deputy Mayor Roster beginning with the current Deputy Mayor.

PARTICIPATION IN QUASI-JUDICIAL TRIBUNAL HEARINGS 160 Notwithstanding section 149 of this bylaw, while the Standing Committee is sitting as a Quasi-Judicial Tribunal, only members of the Standing Committee may attend the meeting.

RETURN TO NORMAL COMMITTEE MEMBERSHIP 161 Once the Quasi-Judicial Tribunal has completed hearing the appeal(s), the additional member of the Standing Committee, other than the Mayor, will no longer be part of the Committee nor be able to make motions and vote.

SCHEDULING OF APPEAL HEARINGS 162 Appeal hearings will be scheduled for the Standing Committee acting as the Quasi-Judicial Tribunal at the first available meeting, at 9:30 a.m.

PROCEDURES 163 The following procedures will be used when hearing an Appeal:

22.3.5 the Clerk will call the appeal;

22.3.6 the committee will hear from presenters in attendance in the following order:

22.3.6.1 the appellant or his agent;

22.3.6.2 other interested parties; and

22.3.6.3 the Administration;

22.3.7 after a person has spoken, any committee member may ask that speaker relevant questions;

22.3.8 the Appellant will have an opportunity to respond to any new information;

22.3.9 if required, the Committee can ask the Appellant clarification questions prior to its deliberation and decision on the appeal; and

22.3.10 the Committee will then make its decision on the appeal.

TIME LIMITS 23 23.1 Each presenter will have five minutes to make a presentation.

23.2 Presenters may be given additional time at the discretion of the Committee.

NOTIFICATION OF DECISION 164 Written notification of the decision will be forwarded to the Appellant or his Agent at the address provided to the Office of the Chief Administrative Officer.

PART XI - BYLAWS

APPROVAL OF FORM BY CITY MANAGER 165 The Chief Administrative Officer must approve the form of every proposed bylaw prior to its submission to Council.

TITLE AND BYLAW NUMBER 166 All proposed bylaws must have a bylaw number assigned by the Chief Administrative Officer and a concise title.

NOTICE OF PROPOSED BYLAW

167 The bylaw number and the title of a proposed bylaw must be included on the agenda, and the Chief Administrative Officer must provide all Councillors with a copy of the proposed bylaw prior to any motion for first reading.

FIRST READING

168 (1) A proposed bylaw must be introduced at a Council meeting by a motion that "Bylaw Number (specify the number assigned by the Chief Administrative Officer) be read for a first time".

(2) Council may hear an introduction of the proposed bylaw from the Administration.

SECOND READING

169 After first reading has been given, any Councillor may move that "Bylaw Number (specifying the proposed bylaw number) be read a second time".

AMENDMENT PRIOR TO THIRD READING

170 (1) Any amendments to the bylaw which are carried prior to the motion for third reading being put will be considered to have been given first and second reading and will be incorporated into the proposed bylaw.

(2) If amendments to the proposed bylaw have been carried:

23.2.1 all Councillors must be given an opportunity to review the full text of the amendments; and

23.2.2 the Chair must put the question that "Bylaw Number (specify the bylaw number), as amended, be given third reading".

THIRD READING

171 After second reading has been given, any Councillor may move that "Bylaw Number (specifying the bylaw number) be read a third time".

NUMBER OF READINGS ALLOWED AT A MEETING

172 Council may not give a bylaw more than two readings at a meeting unless all Councillors present at the meeting vote in favour of allowing a third reading at that meeting.

FAILURE OF A READING

173 (1) If any reading of a proposed bylaw fails:

23.2.3 any previous readings are rescinded; and

23.2.4 first reading of the proposed bylaw may not be dealt with again except in accordance with sections 105 to 110.

23.3 Subject to the Land Use Bylaw, failure of any reading of a proposed bylaw will not preclude the introduction of another proposed bylaw with similar terms and effect.

SIGNING AND SEALING BYLAWS

174 The Mayor and the Chief Administrative Officer must sign and seal the bylaw as soon as reasonably possible after third reading is given.

EFFECTIVE DATE

175 A bylaw is effective from the beginning of the day it is signed, unless the bylaw or any applicable statute provides for another effective date.

AMENDMENT AND REPEAL	176	Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw, unless another method is specifically authorized by provincial legislation.

PART XII - STATUTORY AND NON-STATUTORY HEARINGS

Division 1 - Non-Statutory Hearings

PERSONS WISHING TO ADDRESS COUNCIL 177 If a person wishes to speak to Council or a Committee on any matter that is on the agenda, for which a hearing is not required by statute, that person must notify the Chief Administrative Officer in writing and must state the reason for the request to speak.

REFERRAL BY CITY MANAGER 178 After receiving the request to speak on an item, the Chief Administrative Officer will place the request before Town Council or a Standing Committee for consideration.

COUNCIL CONSIDERATION OF REQUEST 179 Council may:

23.3.1 refer the matter to a Committee for a hearing;

23.3.2 hear from the person making a direct request to be heard by Council; or

23.3.3 refuse to hear from the person making a direct request to be heard by Council.

COMMITTEE CONSIDERATION OF REQUEST 24 24.1 A Committee must hear any person referred to it by Council.

24.2 A Committee may:

24.2.1 hear from a person making a direct request to be heard by that Committee; or

24.2.2 refuse to hear from a person making a direct request to be heard by that Committee.

PROCEDURAL RULES FOR NON-STATUTORY HEARINGS 25 25.1 When hearing from the public, Council does not require a motion on the floor.

25.2 The following procedures will apply to non-statutory hearings before Council or a Standing Committee:

25.2.1 the administration will introduce the matter;

25.2.2 any Councillor may move that "(name of person) be heard";

25.2.3 if the motion to hear the person is passed, that person will be allowed five minutes to speak to the matter;

25.2.4 if more than one person is to be heard, those in favour will speak first, followed by those opposed;

25.2.5 after a person has spoken, any Councillor may ask that speaker relevant questions; and

25.2.6 any Councillor may ask the Administration relevant questions after all persons granted permission to speak have spoken.

25.3 Where a Non-Statutory Public Hearing is being held, Council or a Committee may choose to panel the presenters and use the following procedures:

25.3.1 the Administration will introduce the matter;

25.3.2 each presenter will have five minutes to make a presentation;

25.3.3 after all the presenters on the panel have made their presentations, any Councillor may ask questions of their panel; and

25.3.4 once all the panels have been heard, any Councillor may ask questions of the Administration.

Division 2 - Statutory Hearings

STATUTORY HEARINGS WHICH MAY BE DELEGATED BY COUNCIL

180 When Council is permitted to delegate a hearing by statute, Council may delegate the responsibility to hold the hearing to any Committee.

TIME FOR A STATUTORY HEARING ON A BYLAW

181 The statutory hearing on any proposed bylaw or resolution must be held before the Chair has put:

25.3.5 a motion on the resolution; or

25.3.6 a motion for the second reading of a bylaw.

CALLING THE BYLAW OR RESOLUTION

182 To begin a statutory hearing, the Chief Administrative Officer must ask if anyone is present to speak to the proposed bylaw or resolution.

WHEN SPEAKER PRESENT

183 If a person indicates their presence to speak to the proposed bylaw or resolution, then the following procedures will apply:

25.3.7 the Administration will introduce the proposed bylaw or resolution;

25.3.8 persons will be allowed five minutes to speak; those in favour will speak first, followed by those opposed;

25.3.9 after a person has spoken, any Councillor may ask that speaker relevant questions;

25.3.10 any Councillor may ask the Administration relevant questions after all persons who wish to speak have been heard;

25.3.11 Council must allow an opportunity to all persons to respond to any new information that has arisen; and

25.3.12 if Council wishes to make amendments to the proposed bylaw or resolution, Council will:

25.3.12.1 irect the Administration to amend the bylaw or resolution;

25.3.12.2 ive first reading to the bylaw with amendments; or

25.3.12.3 ove the resolution and amend;

and Council must allow a further opportunity to all persons to respond to the amendments.

WHEN NO SPEAKER PRESENT

184 If no one is present to speak to a proposed bylaw or resolution which requires a statutory hearing, Council may hear an introduction of the matter from the Administration, ask relevant questions, and then must vote to close the statutory hearing.

185 After the close of the statutory hearing, Council may debate the proposed bylaw or resolution and may:

25.3.13 pass the bylaw or resolution; or

25.3.14 defeat the bylaw or resolution.

ABSTENTION

26 26.1 A Councillor who was absent for all of a public statutory hearing on a proposed bylaw or resolution must not vote.

26.2 A Councillor who was absent for part of a statutory hearing may choose not to vote.

26.3 If a Councillor does not vote, the abstention must be recorded under section 113.

Division 3 - Representatives

WRITTEN AUTHORIZATION TO SPEAK FOR ANOTHER

27 27.1 If a person is unable to attend a hearing, that person may authorize an individual to speak on his behalf.

27.2 The authorization must:

27.2.1 be in writing;

27.2.2 name the individual authorized to speak;

27.2.3 indicate the proposed bylaw or resolution to be spoken to; and

27.2.4 be signed by the person giving the authorization.

STATEMENT OF AUTHORIZATION

186 The authorized speaker must state the name of the person that the speaker represents and must present the written authorization to the Chief Administrative Officer.

REPRESENTING MORE THAN ONE PERSON

187 Notwithstanding sections 204(2)(c), 204(3)(b) and 208(b), if an authorized speaker represents more than one person, the speaker will be allowed only five minutes to speak, unless Council decides otherwise.

PART XIII - COMMUNICATIONS

REQUIREMENTS FOR COMMUNICATIONS SENT TO CITY COUNCIL

188 Any communication intended for Council or a Committee which reaches the Chief Administrative Officer must:

27.2.5 be legible and coherent;

27.2.6 be able to identify the writer, the writer's address and preferably telephone number;

27.2.7 be on paper, in a printable format or a playable format; and

27.2.8 not be libelous, impertinent or improper.

CITY MANAGER TO PROCESS COMMUNICATIONS

189 If the standards set out in section 215 are met, the Chief Administrative Officer must:

27.2.9 refer the communication to the Administration for a report or a direct response, and inform the Councillors of the referral;

27.2.10 if it relates to an item already on an agenda, deliver a copy of the communication or a summary of it to Councillors prior to or at the meeting;

27.2.11 send a copy of the communication or a summary of it to all Councillors for information; or

27.2.12 take any other appropriate action on the communication.

DISPOSAL OF COMMUNICATIONS

28 28.1 If the standards set out in section 215 are not met, the Chief Administrative Officer may file the communication, or dispose of it, unless the Chief Administrative Officer determines the communication to be libelous, impertinent or improper, in which case the Chief Administrative Officer must summarize the communication and inform Council that it is being withheld.

28.2 Council may direct that any communication withheld under this section be forwarded to members of Council.

ADVISE COMMUNICATOR

190 The City Manager must make reasonable efforts to respond to the person sending the communication and to advise that person of any action taken on the subject of the communication.

DEBATE ON COMMUNICATIONS

191 (1) Council may:

28.2.1 refer any communication to the Administration for a report; and

28.2.2 give other instructions on the communication.

28.3 Council may not debate the subject of a communication without a Two-Thirds Vote in favour of debate, or without prior notice.

COMMUNICATIONS ON PREVIOUS DECISIONS

192 When a communication requests Council or a Committee to reconsider, rescind or renew a previous decision, the Chief Administrative Officer must inform the person sending the communication that the request can only be dealt with in accordance with sections 105 to 110.

PETITIONS

193 Any matter required to be brought to Council by way of petition must be supported by a petition that complies with the *Municipal Government Act* or other legislation.

COUNCILLOR'S COMMUNICATIONS

194 Councillors may present in writing:

28.3.1 notices of motion; and

28.3.2 reports on any meetings attended or matters dealt with at the request of Council;

for inclusion on the agenda, but they may not present any other written communications prepared by them or on their behalf.

PART 28.3.2.1.1.1.1.1.1 - GENERAL

AMENDING OR REPEALING THIS BYLAW

195 To amend or repeal this bylaw, Council must:

28.3.3 pass a bylaw at a regular or special meeting of Council at which all Councillors are present; or

28.3.4 pass a bylaw at a regular meeting of Council following written notice of motion openly announced at a meeting of Council held at least five days prior to presentation of the bylaw for first reading.

REPEALS

196 Bylaw 9999, *The Procedures and Committees Bylaw,* as amended*,* is repealed.

NUMBER AND GENDER REFERENCES	197	All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

Read a first time 20th day of June, 2000.

Read a second time 20th day of June, 2000.

Read a third time 20th day of June, 2000.

SIGNED AND PASSED 28th day of June, 2000.

CITY OF EDMONTON

_____
MAYOR

_____
CITY CLERK

SCHEDULE A - ORDERS OF THE DAY

Part 1 - Town Council Order of Business

Call to Order
Adopt Agenda
Adopt Minutes
Urgent Matters - Protocol Items
Unfinished Business
Exemptions & Vote on all other Items
Administrative Inquiries
Responses to Administrative Inquiries
Status Report
Committee Reports
Other Reports
Bylaws
Motions on Notice
Notices of Motion
In-Private Items
Adjournment

Part 2 - Time Schedule

REGULAR COUNCIL MEETINGS		PUBLIC HEARING MEETINGS	
9:30 a.m.	Call to Order	1:30 p.m.	Call to Order
12:00 Noon to 1:30 p.m.	Lunch	1:30 to 2:00 p.m.	Routine Matters
3:30 to 3:45 p.m.	Afternoon Recess	2:00 to 3:30 p.m.	Non-Routine and Matters Scheduled
5:30 p.m. to 7:00 p.m.	Dinner	3:30 to 3:45 p.m.	Afternoon Recess
9:30 p.m.	Adjournment	3:45 to 5:30 p.m.	Non-Routine Matters Scheduled
		5:30 to 7:00 p.m.	Dinner
		7:00 p.m.	Meeting continues, if necessary, or if Non-Routine Items Scheduled
		9:30 p.m.	Adjournment
STANDING COMMITTEE MEETINGS BEGINNING AT 9:30 A.M.		**STANDING COMMITTEE MEETINGS BEGINNING AT 1:30 P.M.**	
9:30 a.m.	Call to Order	1:30 p.m.	Call to Order
12:00 Noon to 1:30 p.m.	Lunch	3:30 to 3:45 p.m.	Afternoon Recess
3:30 to 3:45 p.m.	Afternoon Recess	5:30 p.m.	Adjournment
5:30 p.m.	Adjournment		

1. If a Standing Committee is scheduled to meet on a Public Hearing meeting day, that Committee will not continue at 1:30 p.m.

SCHEDULE B - DEPARTMENTS AND CIVIC AGENCIES ASSIGNMENTS

CITY COUNCIL

	Council will interview and appoint Citizens to the following Civic Agencies: • Economic Development Edmonton • Edmonton Police Commission • Edmonton Regional Airport Authority • EPCOR Utilities Inc.

COMMUNITY SERVICES COMMITTEE

Issues around social and safety infrastructure

Departments Reporting through the Community Services Committee:

- Community Services Department
- Edmonton Police Services
- Emergency Response Department

Matters relating to the following Civic Agencies will be reported through the Community Services Committee: • Boxing and Wrestling Commission • Community Services Advisory Board • Edmonton Historical Board • Edmonton Taxi Cab Commission • Emergency Medical Services Medical Advisory Committee • Landlord and Tenant Advisory Board • Safer Cities Initiatives Advisory Committee	Community Services Committee will recommend to Council appointments to the following Civic Agencies: • Boxing and Wrestling Commission • Community Lottery Board • Community Services Advisory Board • Edmonton Historical Board • Edmonton Space and Science Foundation • Edmonton Taxi Cab Commission • Kinsmen Park Advisory Committee • Landlord and Tenant Advisory Board • River Valley Alliance • Snow Valley Ski Club Board of Directors

TRANSPORTATION AND PUBLIC WORKS COMMITTEE

Issues around physical infrastructure

Departments Reporting through the Transportation and Public Works Committee:

~~Routing: [IN-PRIVATE] Committee, City Council~~
~~Delegation: Name of staff who will be present at meeting to answer questions or present item.~~
~~Written By: Name of the author~~
~~Month dd, 1997 Department/ Agency / Board of the author~~
~~File: file # here (Page 38 of 2) insert file # (refer to Guide or check with General Man... Office for file convention)~~

- Asset Management and Public Works Department
- Transportation and Streets Department

Matters relating to the following Civic Agencies will be reported through the Transportation and Public Works Committee: • Edmonton Transit Advisory Board • Non-Profit Housing Corporation	Transportation and Public Works Committee will recommend to City Council City appointments to the following Civic Agencies: • Edmonton Transit Advisory Board • Non-Profit Housing Corporation

EXECUTIVE COMMITTEE

The Executive Committee deals with issues concerning corporate policy, structure/governance and corporate support.

Departments Reporting through the Executive Committee:

- Office of the City Manager
- Corporate Services Department
- Human Resources Department
- Planning and Development Department

Matters relating to the following Civic Agencies will be reported through the Executive Committee: • Advisory Board on Services for Persons with Disabilities • Business Revitalization Zone Associations • Downtown Advisory Committee • Economic Development Edmonton • Edmonton Aboriginal Urban Affairs Committee • Edmonton Public Library • Names Advisory Committee • Peer Review Panel for the Tax Status of Non-Profit Organizations	Executive Committee will recommend to City Council City appointments to the following Civic Agencies: • Advisory Board on Services for Persons with Disabilities • Assessment Review Board • Capital Region Housing Corporation • Greater Edmonton Foundation • Edmonton Public Library Board • Names Advisory Committee • Peer Review Panel for the Tax Status of Non-Profit Organizations • Subdivision and Development Appeal Board

Town of High Level
Policy 230-10

Title: **Council Remuneration, Per Diem, Expense and Benefits**

Authority:	Council
Date:	2021/11/22
Rescinds:	N/A
Revision:	5.0
Status:	Active
Attachments:	Schedule A - Council Payments, Per Diems and Hourly Rates

1. Purpose of Policy

The purpose of this policy is to provide clear conditions and guidelines for the payment of remuneration, per diem and reimbursement of expenses to Members of Council for their attendance at Town related meetings, appointments, seminars, visitations, training sessions and for their time spent on preparation, tasks, reports, etc.

2. Definitions

Any words or phrases with specific definitions listed below are identified throughout the Policy by being formatted as bold and italic text.

"***Regular Council Meeting***" means regularly scheduled meetings of Council as set out at the Organizational Meeting of Council.

"***Special Council Meeting***" means a meeting as defined in section 194 of the Municipal Government Act, RSA, 2000, Chapter M-26 as amended.

"***Committee Meeting***" means meetings of those committees, boards, authorities, and commissions that Elected Officials have been appointed to at the Organizational Meeting of Council or by Council resolution.

"***Committee of the Whole Meeting***" means regularly scheduled planning meetings as set out at the Organizational Meeting of Council.

"***Town's Official Representative at Local Functions***" means attending a local function when delegated by Council to do so.

3. Meetings Defined

3.1. For purposes of remuneration for meeting honoraria, meetings shall be defined as including the following:

a. Any ***Regular Council Meeting, Committee of the Whole Meeting*** or ***Special Council Meeting***.

b. Any Council ***Committee Meeting*** or meeting of a quasi-judicial board.

c. Any public hearing or public meeting called by Council.

d. Any meetings of any outside board or agency to which a Councillor has been appointed to by resolution of Council.

e. Any meeting; workshop; conference; convention; or course that the Councillor has been authorized by Council to attend.

f. Any special event that the Mayor (or appointee) has been requested to attend as official representative of the Town of High Level as authorized by Council.

g. Exceptional travel time as defined in the Travel and Subsistence Reimbursement Policy.

4. Conferences, Workshops, and Other Events

4.1. Pre-authorization for attendance to events by way of invitation must be approved by Council.

4.2. If timelines do not allow for Council approval, the Mayor may approve attendance to an event in which the Councillor has been invited.

4.3. When conferences, workshops, or other events include a specific formal entertainment function, the cost for attendance only to such a function may be covered for one (1) companion in addition to the individual attending on behalf of the Town of High Level, up to a maximum listed in **Schedule A** per Councillor per year.

5. Approval of Expense Claim Forms

5.1. Approval of all remuneration and expense claim forms shall be as follows:

a. Claims by the Mayor and Council members shall be approved by the Chief Administrative Officer in accordance with this policy.

b. All Council expenditures approved under this policy will be allocated to the approved Council budget.

c. In the event of a dispute over approval of Councillor Per Diem or expense claims, an appeal may be made to Council, whose decision shall be final.

6. Guidelines

6.1. Monthly Remuneration Payment

a. The Mayor, Deputy Mayor and Councillors shall receive a monthly remuneration payment as defined in **Schedule A** attached.

b. This monthly remuneration payment shall be considered remuneration for the following:

i. Attendance at ***Regular Council Meetings*** and ***Committee of the Whole Meetings***.
ii. All preparation time required for all meetings.
iii. All time spent on appointments, visitations, tasks, and reports relating to the Mayor's, Deputy Mayor's, or Councillor's assigned committees, boards, or general Town of High Level business.

iv. When acting for the Mayor, the Deputy Mayor or Acting Mayor may claim per diems in addition to their normal allocation.

c. Absences from meetings listed in 6.1.b. without providing a reasonable excuse for the absence shall result in the Monthly Remuneration Payment being reduced by the per meeting absence rate listed in **Schedule A** attached. Approving authorities (Mayor/Chief Administrative Officer) may deduct the per meeting absence rate for meeting absences that do not appear reasonable under the circumstances.

6.2. Per Diem Payment

a. The Mayor, Deputy Mayor, and all Councillors shall receive additional remunerations or per diem as follows:

i. For attendance at any ***Special Council Meeting*** that might be called from time to time.
ii. Attendance at all budget meetings.
iii. For attendance at other meetings or for other purposes which have been approved by resolution of Council which are not listed in 6.1 b.
iv. For attendance at regularly assigned ***Committee Meetings***, except where the committee remunerates the Mayor, Deputy Mayor or Councillors directly.
v. For attendance as the ***Town's Official Representative at Local Functions***.
vi. For attendance at seminars, training sessions, conventions and summits which have been approved by the resolution of Council.

b. Remuneration or per diem received for these purposes shall be paid at an hourly rate defined in **Schedule A** attached at:

i. A minimum of 2 hours per meeting.
ii. Up to a maximum of 10 hours per day.
iii. Travel time to and from out of Town of High Level meetings, seminars, training sessions, conventions and summits shall be included in the calculation of time spent in meeting attendance.

c. Remuneration or Per Diem shall not be paid for attendance at such activities as:

i. Golf Tournaments.
ii. Openings.
iii. General Public Appearances.
iv. Community events such as Canada Day, Remembrance Day.
v. Staff functions.
vi. Attendance at regularly assigned Committee Meetings where the committee remunerates the Mayor, Deputy Mayor or Councillors directly.
vii. Other social events.

6.3. Timesheets

a. The Mayor, Deputy Mayor and all Councillors shall be required to submit a timesheet for each pay period on a standard form which may be amended from time to time.

b. These timesheets shall include the following information:

i. Date of the meeting, seminar, training session, convention, etc.

ii. Description and purpose of the meeting, seminar, training session, convention, etc.
iii. Total time attending and travelling to and from the meeting, seminar, training session, convention, etc.

6.4. Expense Claims

a. A detailed receipt must accompany all expenses, except mileage. Failure to provide such may result in a denial of the expense. These expenses may also be covered as part of the government per diem.

b. Some expenses that are not eligible and will not be reimbursed by the Town are:

i. Alcohol (at Mayors discretion).
ii. Credit card interest charges.
iii. Golf fees, cart rental.
iv. Headphones on airlines.
v. Movies (either in room or at the theatre).
vi. Personal Bar bills.
vii. Personal books, magazines, or other entertainment.
viii. Personal travel taken during business trip.
ix. Political or charitable contributions.
x. Spouse's expenses if accompanying on trip.
xi. Traffic citations (parking tickets or fines).
xii. Transportation expenses for meetings attended in person located less than 25 kilometres outside of the Town of High Level corporate limits.

c. 6.4 b. is not an all-inclusive list. Approving authorities (Mayor/Chief Administrative Officer) may decline approval for any cost that does not appear reasonable under the circumstances.

6.5. Expense Payments

a. Members of Council shall be reimbursed for their town related expenses in accordance with the Town of High Level Travel and Subsistence Reimbursement Policy.

6.6. Adjustment to Expense Rates

a. Meal and mileage rates shall be adjusted from time to time to match those rates set by the Government of Alberta in the Travel, Meal and Hospitality Expenses Policy.

6.7. Expense Claim Form

a. The Mayor, the Deputy Mayor, and all Councillors, shall be required to submit an expense claim form for any expenses incurred.

b. These expense forms shall include the following information:

i. Date the expense was incurred.
ii. Description, purpose, and details of the expense.
iii. Actual receipts must be submitted.
iv. Credit card slips will not be accepted.

6.8. Benefits

a. The Town shall provide life and injury insurance coverage for members of Council for coverage while on Town Business under the Alberta Urban Municipalities Association insurance program.

6.9. Public Members Appointed to Council Committees

a. Public members appointed to Council Committees will be paid at an hourly rate defined in **Schedule A** attached, for a maximum 8 hours per day per meeting plus transportation expenses as per the rates set by the provincial government for any meetings attended in person located more than 25 kilometres outside of the Town of High Level corporate limits.

b. Individuals must submit time sheets and expense claim forms as laid out in 6.3 and 6.7 above.

6.10. Review of this Policy

a. This policy and remuneration rates will be reviewed and updated every four years by a Council Remuneration Task Force.

6. Revision History

Rev. No.	*Date (YYYY/MM/DD)*	*Description*	*Status*
1.0	2010/09/13	Resolution 336-10	Replaced
2.0	2013/10/15	Resolution 421-13	Replaced
3.0	2017/10/12	Resolution 341-17	Replaced
4.0	2020/12/07	Resolution 456-20	Active
5.0	2021/11/12	Review by Council Remuneration Task Force	Draft
	2021/11/22	Resolution 409-21	Active

Title: **Schedule A - Council Payments, Per Diems and Hourly Rates**

Date: 2021/11/12
Revision: 1.0
Status: Draft

1. Monthly Remuneration Payment

Monthly Remuneration Payment	Rate
Mayor	$ 2 000.00
Deputy Mayor	$ 1 200.00
Councillor	$ 1 000.00
Unexcused Absence from Meeting Deduction	$ 200.00

2. Per Diem Payments

Per Diems	Rate
Council Member Hourly Rate	$ 37.50
Public Member of Council Committee Hourly Rate	$ 37.50

3. Councillor Companion Attendance

Expense	Annual Maximum
Attendance of Formal Entertainment Function Costs	$ 200.00

4. Revision History

Rev. No.	*Date (YYYY/MM/DD)*	*Description*	*Status*
1.0	2021/11/12	Review by Council Remuneration Task Force	Draft
	2021/11/22	Resolution 409-21	Active

TOWN OF HIGH LEVEL

POLICY NO. 246-13

Authority:	Council
Council Motion:	#245-13
Date Approved:	May 27, 2013

Purpose of Policy

To provide signing authorities for Agreements, Contracts and Bank Accounts for the Town of High Level.

Policy Statement

1. The signing authorities of the Town shall be the Mayor, the Deputy Mayor, the Chief Administrative Officer (CAO), the Director of Finance and the Municipal Clerk.

2. All agreements, and official documents requiring authorized signatures, that are operational in nature and/or within the budget shall be signed by two signing authorities, one of which shall be the CAO. (ie. Leases, service contracts, project contracts) In the absence of the CAO, the Mayor or Deputy Mayor may sign.

   All agreements, and official documents requiring authorized signatures, that are outside normal operational requirements shall be signed by two signing authorities, one shall be an Elected Official signing authority and one Administration signing authority. (e.g. development agreements, franchise agreements, inter-governmental agreements)

3. All cheques or electronic fund transfers (EFT) shall require two authorized signatures. Authorized signatures for cheques shall be signed by two signing authorities, one shall be the CAO or the Director of Finance.

4. The exceptions would be financial documents, and non-financial materials not considered agreements, cheques or official documents, but authorized under other policies or agreements (e.g. purchase orders)

5. Council shall establish the incumbents for each of the elected positions and the CAO; and the CAO shall establish the appointed positions.

6. The banking institutions will be advised as to the changes as and when they may occur with appropriate documentation being submitted as required.

7. Policy 208-04 is hereby repealed.

	RESOLUTION	DATE
Adopted	**245-13**	May 27, 2013
Amended		