

*UPDATES TO AN EXISTING REGULATION

FOR DISCUSSION PURPOSES ONLY

Municipal Government Act

CROWSNEST PASS REGULATION

Table of Contents

- 1 Definitions
- 2 Calculation of grants
- 3 Fire bylaws
- 4 Authorizing land boundary adjustment scheme
- 5 Notice of scheme to land titles
- 6 Survey
- 7 Adopting scheme
- 8 Effect of adopting scheme
- 9 Repeal
- 10 Expiry

Definitions

1 In this Regulation,

- (a) "Act" means the *Municipal Government Act*;
- (b) "Crowsnest Pass" means the Municipality of Crowsnest Pass;
- (c) "improvement district area" means the area of Crowsnest Pass, except the areas of the urban municipalities as those areas existed immediately before January 1, 1979;
- (d) "owner" means an owner as defined in the Act;
- (d.1) "rural area" means the area of Crowsnest Pass except the areas of the urban municipalities as they existed immediately before January 1, 1979;
- (d.2) "rural fire service areas" means rural fire service areas established by the council of Crowsnest Pass under section 3(1.2);

FOR DISCUSSION PURPOSES ONLY

- (d.3) “urban fire service areas” means urban fire service areas established by the council of Crowsnest Pass under section 3(1.2);
- (e) “urban municipalities” means
- (i) the Town of Blairmore,
 - (ii) the Town of Coleman,
 - (iii) the Village of Bellevue, and
 - (iv) the Village of Frank.

AR 197/2002 s1;147/2012

Calculation of grants

2(1) If an enactment authorizes the making of a grant to a municipality, the amount of the grant to which Crowsnest Pass is eligible must be calculated on the basis of clause (a) or (b), whichever would result in a larger grant:

- (a) by treating Crowsnest Pass as a single urban jurisdiction equivalent to a town;
- (b) by treating Crowsnest Pass as a regional jurisdiction encompassing 2 or more urban municipal areas, 2 or more rural municipal areas or both urban and rural municipal areas.

(2) A grant respecting libraries under the *Community Development Grants Regulation* (AR 57/98) must be calculated under subsection (1)(a).

(3) The amount of a grant under the *Transportation Grants Regulation* (AR 79/2003) must be calculated on the basis of clause (a) or (b), whichever would result in a larger grant:

- (a) by calculating the grant under subsection (1);
- (b) by treating Crowsnest Pass as a number of separate urban municipal areas each one of which is eligible for assistance in regard to facilities designated for each as if they were separate towns, villages or hamlets.

(4) Crowsnest Pass is not eligible for grants provided only to municipal districts, except that Crowsnest Pass is eligible for assistance calculated for hamlets formerly in the improvement district area and now in the rural area in Crowsnest Pass.

AR 197/2002 s2;147/2012

FOR DISCUSSION PURPOSES ONLY

Fire bylaws

3(1) Crowsnest Pass may make bylaws respecting fires.

(1.1) Any bylaw respecting fires

- (a) that applied to the portion of Crowsnest Pass described in subsection (1)(a) of this section as it read immediately before the coming into force of this subsection applies to the areas of the urban municipalities as they existed immediately before January 1, 1979, or
- (b) that applied to the portion of Crowsnest Pass described in subsection (1)(b) of this section as it read immediately before the coming into force of this subsection applies to the rural area

unless the bylaw is amended or repealed by the council of Crowsnest Pass.

(1.2) Crowsnest Pass may by bylaw establish rural fire service areas and urban fire service areas for the purposes of application of the *Forest and Prairie Protection Act*.

(2) The *Forest and Prairie Protection Act* applies to the portion of Crowsnest Pass not referred to in subsection (1.1).

(2.1) For the purposes of subsection (2), section 6(d) of the *Forest and Prairie Protection Act* is deemed to apply to the council of Crowsnest Pass.

(3) Crowsnest Pass may, under the authority of a bylaw, enter into a fire control agreement with the Minister responsible for the *Forest and Prairie Protection Act* on behalf of the Government with respect to the prevention and control of fires within all or part of the municipality.

(3.1) Any agreement made under subsection (3), as it read before the coming into force of this subsection, with respect to the improvement district area that is subsisting on the coming into force of this subsection applies to the rural area and continues in effect according to its terms unless varied by agreement of the Minister responsible for the *Forest and Prairie Protection Act*, and Crowsnest Pass.

(4) An agreement made under subsection (3) operates despite subsections (1) and (1.1) and the *Forest and Prairie Protection Act*.

AR 197/2002 s3;147/2012

FOR DISCUSSION PURPOSES ONLY

Authorizing land boundary adjustment scheme

4(1) The council of Crowsnest Pass may authorize a land boundary adjustment scheme for the purposes of adjusting property boundaries so as to coincide with the lines of occupation.

(2) A land boundary adjustment scheme must be prepared by an Alberta land surveyor and

- (a) show the boundaries of each parcel of land affected by the scheme as they are located before adjustment,
- (b) show the boundaries of each parcel of land affected by the scheme as they will be located after adjustment, and the location of each registered easement and right of way,
- (c) set out the names of the registered owners and of persons having a registered interest in each parcel of land both before and after adjustment,
- (d) contain the written consent to the proposed scheme of every registered owner of and of every person having a registered interest in the land affected by the scheme,
- (e) if the land boundary adjustment scheme affects the boundaries of a road under the direction, control and management of a Minister, contain the written consent of the Minister, and
- (f) set out the amount of compensation, if any, to be paid to the registered owners, and the manner in which the costs of the scheme are to be shared among the registered owners and Crowsnest Pass.

(3) No bylaw is required to close the portion of a road affected by the land boundary adjustment scheme.

(4) Part 17 of the Act and the land use bylaw of Crowsnest Pass do not apply to a land boundary adjustment scheme.

Notice of scheme to land titles

5(1) After a land boundary adjustment scheme has been authorized under section 4, the council must submit to the Registrar of Land Titles a certified copy of the resolution or bylaw authorizing the land boundary adjustment scheme and a list of all existing lots included within the land boundary adjustment scheme.

FOR DISCUSSION PURPOSES ONLY

(2) On receipt of the documents referred to in subsection (1), the Registrar of Land Titles must endorse on each certificate of title for land within the scheme a notice of the land boundary adjustment scheme.

(3) After a notice of the land boundary adjustment scheme has been endorsed on a certificate of title, a person who acquires an interest in the land shown on the certificate is not entitled to receive any notice of proceedings as to the land boundary adjustment scheme unless the person files at the municipal office of Crowsnest Pass evidence of registration of the interest and an address to which notices can be mailed.

Survey

6 After a land boundary adjustment scheme has been authorized under section 4, the council must ensure that an Alberta land surveyor

- (a) surveys the land within the scheme, and
- (b) prepares a plan of subdivision showing the new boundaries for each parcel of land affected by the scheme and the location of all registered easements and rights of way.

Adopting scheme

7 If the council is satisfied with the plan of subdivision prepared under section 6(b), it must adopt the land boundary adjustment scheme.

Effect of adopting scheme

8(1) After a land boundary adjustment scheme has been adopted, the council must submit to the Registrar of Land Titles

- (a) the plan of subdivision executed under the seal of Crowsnest Pass,
- (b) a certified copy of the resolution or bylaw adopting the land boundary adjustment scheme, and
- (c) a certified copy of the land boundary adjustment scheme.

(2) On receipt of the documents referred to in subsection (1), the Registrar of Land Titles must

FOR DISCUSSION PURPOSES ONLY

- (a) register them,
- (b) cancel the existing certificates of title to the original lots within the land boundary adjustment scheme,
- (c) issue new certificates of title to the new lots established by the plan of subdivision,
- (d) endorse on the new certificates of title
 - (i) those easements and rights of way that are shown on the land boundary adjustment scheme as being carried forward to the new certificates of title, and
 - (ii) those encumbrances, interests and caveats that were endorsed on the certificates of title of the original lots unless the land boundary adjustment scheme shows them as not transferred,
- (e) cancel the notice of the land boundary adjustment scheme made under section 5(2), and
- (f) make any other endorsements necessary to carry out the intent of the land boundary adjustment scheme.

Allows for the provision of policing services as if the municipality were six separate areas, rather than a single entity. This section comes into force October 1, 2017.

Population of Municipality of Crowsnest Pass

8.1 (1) For the purposes of the determination of population under section 6 of the *Police Act*, the area of the Municipality of Crowsnest Pass shall be treated as if it were the following 6 separate areas:

- (a) the following 4 former municipalities as they existed as of January 1, 1979, being the date of their amalgamation as the Municipality of Crowsnest Pass:
 - (i) the Town of Blairmore;
 - (ii) the Town of Coleman;
 - (iii) the Village of Bellevue;
 - (iv) the Village of Frank;
- (b) the part of former Improvement District No. 5 that was included in the Municipality of Crowsnest Pass as of January 1, 1979;

FOR DISCUSSION PURPOSES ONLY

- (c) the part of former Improvement District No. 6 that is now included in the Municipality of Crowsnest Pass, as it existed as of January 1, 1996, being the date of its amalgamation with the Municipality of Crowsnest Pass.
- (2) Reporting the population of the Municipality of Crowsnest Pass to the Minister shall be in accordance with section 4 of the *Determination of Population Regulation* (AR 63/2001) and the forms set out in the Schedule to the *Determination of Population Regulation* (AR 63/2001) may be used and adapted to list separately the population of each of the 6 areas referred to in subsection (1).
- (3) This section ceases to apply when the population attributed under subsection (1) to any of the areas referred to in subsection (1)(a), (b) or (c) exceeds 5000.

Repeal

9 The *Crowsnest Pass Regulation* (AR 378/94) is repealed.

Expiry

10 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 31, ~~2018~~ 2020.

AR 197/2002 s10;147/2012

Amend the expiry date to August 31, 2020 to maintain the current grant agreements with the regulation.