

Amendments to the Environmental Powers of Municipalities:

What has Changed? What Changes are on their Way?

Summary Chart of Amendments that are Not Proclaimed or Recently Proclaimed

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December 18, 2017



Environmental
Law Centre

The Environmental Law Centre (Alberta) Society

The Environmental Law Centre (ELC) is Alberta's oldest and most active public interest environmental law organization and believes that law is the most powerful tool to protect the environment. Since it was founded in 1982, the ELC has been and continues to be Alberta's only registered charity dedicated to providing credible, comprehensive and objective legal information regarding natural resources, energy and environmental law, policy and regulation in the Province of Alberta. The ELC's mission is to educate and champion for strong laws and rights so all Albertans can enjoy clean water, clean air and a healthy environment.

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Summary Chart of Amendments that are Not Proclaimed or Recently Proclaimed

The following chart provides a summary of recent amendments to the MGA and of the draft *City Charter Regulations*. If the amendment has recently been proclaimed, then the effective date appears in [square brackets]. If there is no date associated with the amendment, that means it is not yet proclaimed. The first column references the office consolidation of the MGA dated July 1, 2017 for comparison purposes.

<i>Municipal Government Act, R.S.A. 2000, c. M-26</i> (as at July 1, 2017)	<i>MGA Amendment Act, 2015, S.A. 2015, c. 8</i>	<i>Modernized MGA, S.A. 2016, c. 24</i>	<i>Act to Strengthen Municipal Government, S.A. 2017, c. 13</i>	<i>City Charter Regulations</i> DRAFT ONLY
Overview of Changes (other than environmental)				
	intermunicipal cooperation; amalgamation; financial and capital plans	controlled corporations; assessment	assessment; school reserves; SDAB appeals; local elections	financial administration; assessment; statutory plans; housing agreements; administrative penalties; traffic safety act variations
Changes relevant to Environment				
Purposes, Principles, Definitions etc.				
		Preamble added: “WHEREAS Alberta’s municipalities play an important role in Alberta’s economic, environmental and social prosperity today and in the future” [in force October 26, 2017]		
Section 3 Municipal Purposes good government, facilities etc. for good of municipality, safe and viable communities			adds: “foster well-being of environment” [in force October 26,2017]	

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Section 1 Definitions		Adds s.1(1.2): 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 [in force October 26, 2017]		
Section 60 Water Bodies		Replaces “rivers, streams, watercourses, lakes and other natural bodies of water” with “bodies of water” [in force October 26, 2017]		
Bylaw Powers				
Section 7 Jurisdiction to pass bylaws				Expands bylaw purposes to include the well-being of the environment, including bylaws providing for the creation, implementation and management of programs respecting any or all of the following: <ul style="list-style-type: none"> • (i) contaminated, vacant, derelict or under-utilized sites; • (ii) climate change adaptation and greenhouse

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				gas emission reduction; <ul style="list-style-type: none"> • (iii) environmental conservation and stewardship; • (iv) the protection of biodiversity and habitat; • (v) the conservation and efficient use of energy; • (vi) waste reduction, diversion, recycling and management •
				Adds s. 8.1 bylaws may be passed for any municipal purpose set out in s.3
Part 3, Division 7 Revision and Consolidation of Bylaws			Several provisions in Division 7 are either replaced or repealed [in force October 26, 2017] Added s. 62.1 definition of revised bylaw s. 63 replaced (revision of bylaws) s. 64 repealed (bylaw adopting revised bylaws) s. 65 replaced (requirements relating to	

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			substituted bylaws) s. 67 replaced (references to repealed bylaws) s. 68 repealed (mistakes made during revision)	
Other Municipal Powers				
Section 54 Providing services in other areas		Allows municipality to provide services in another municipality, within Alberta or adjoining Alberta (includes Indian or Metis lands) [in force October 26, 2017]		
s. 203 Delegation by council of its powers, duties or functions to a council committee, the chief administrative officer or a designated officer (subject to certain limits)				Amended to allow delegation to any person or individual (subject to same limitations)
Business Improvement Areas				
Part 3, Division 5 Business Improvement Areas			Repealed [no proc. date]	
Part 10, Division 4 Business Improvement Area Tax			Replaced with new provisions [no proc. date]	
Petitions and Public Participation				

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s. 224 Other requirements for petitions			s. 224 additional requirement of attaching affidavit (previously required but did not need to be attached) [in force Oct. 26, 2017]	
s. 225 Counting petitioners			s. 225 excludes signatures for which affidavit is not attached [in force October 26, 2017]	
	Adds 226.1 – may pass bylaw modifying petition requirements [in force October 26, 2017]			
	Adds 226.2 – protection of personal information in petitions [in force October 26, 2017]			
	Adds s. 261.1 – requirement for a municipal public participation policy [in force October 26, 2017]			
Finance Powers				
Section 264 Municipality may provide loans only to a non-profit organization or to one of its controlled corporations.				may make loans and guarantees for the “purposes of ensuring or improving energy conservation or energy efficiency, or both, with respect to property” implemented via bylaw and individual receiving loan must execute a mortgage

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				under s. 102 of the <i>Land Titles Act</i> in respect of the loan
Section 268 Debt Limit Regulations Municipality cannot make a loan that will cause it to exceed its debt limit without Ministerial approval.				
Section 297 Assigning assessment classes to property (for taxation purposes)				Adds s. 297(2.2) which designation allows municipalities to define assessment subclasses for contaminated sites
Climate Change Mitigation and Adaptation				
				Adds Part 16.1 Climate Change Mitigation and Adaptation Plans <ul style="list-style-type: none"> • Must establish a plan for climate change mitigation and adaptation purposes • Requires public reports on specified actions • Requires review every 5 years • First plan due December 31, 2020
Brownfield Tax Incentives				
		Adds s. 364.1 which creates brownfield tax incentives (to encourage development of these sites) [proc. date January 1, 2018]		

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Part 17: Planning and Development				
		Adds s.616(a.3) – definition of “conservation reserve” includes conservation reserve in definition of “reserve lands” (s.616(z)) [in force October 26, 2017]		
Section 617 (1) Purposes of Part 17: Planning and Development				Section 617(b) amended to read: (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated within the boundaries of the City, including by promoting environmental sustainability and stewardship,
Section 622 Land use Policies		Replaced – clarifies interaction of ALSA regional plans and municipal plans [in force October 26, 2017]		
Section 631 Intermunicipal Development Plans		Replaced – makes IDPs mandatory in some cases [proc. date April 1, 2017]		
Section 632 Municipal Development Plans		Replaced – every municipality must adopt an MDP [proc. date April 1, 2018]		
Section 640 Land Use bylaws		Amends s. 640(4) to refer to “bodies of water” [rather than “lake, river,		

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		stream or other body of water”] [in force October 26, 2017]		
Section 644 Acquisition of land designated for public use		Does not apply to lands designated as conservation reserve [in force October 26, 2017]		
Section 664 Environmental Reserves		Removes the purposes portion of s.664(1)(c) re: water land along water bodies [to read: “a strip of land, not less than 6 metres in width, abutting the bed and shore of any body of water.”] [in force October 26, 2017] Adds 664(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		

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		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. [in force October 26, 2017]		
		Adds s. 664.1 (agreement respecting environmental reserve) [in force October 26, 2017]		
		Adds s. 664.2 (conservation reserves) – consequential amendments to ss. 665 and 666 to include CR [in force October 26, 2017]		
Section 665 Designation of Municipal Land (include ER designation)				Adds s. 665(4) clarifying assessment of ER lands
		Adds s. 674.1 disposal of		

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		conservation reserves, s. 674.2 removal of designation as conservation reserve [in force October 26, 2017]		
		Adds Part 17.2 Intermunicipal Collaboration [proc. date April 1, 2018]		
Amendments to Other Legislation				
				Modifies application of <i>Safety Codes Act</i> , s. 66 to allow municipalities to supplement the safety codes to address environmental matters (mentions, without limitation, heat retention and energy consumption)
				Section 26(3) of <i>Weed Control Act</i> AND Section 9(4) of the <i>Weed Control Regulation</i> do not apply to Charter Cities i.e. undertake weed control activities AND elevate the status of or add weeds to the noxious and prohibited list without Ministerial approval
				Bylaws made pursuant to the City Charter Regulations must be published on the municipality's website