



Province of Alberta

DRAINAGE DISTRICTS ACT

DRAINAGE DISTRICTS REGULATION

Alberta Regulation 5/2001

With amendments up to and including Alberta Regulation 176/2015

Office Consolidation

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(Consolidated up to 176/2015)

ALBERTA REGULATION 5/2001

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Definitions

1 In this Regulation,

- (a) “Act” means the *Drainage Districts Act*;
- (b) “agricultural use value” means the value of a parcel of land based exclusively on its use for farming operations;
- (c) “assessment year” means the period commencing on January 1 and ending on the following December 31;
- (d) “board” means the board of trustees of a drainage district;
- (e) “farming operations” means the raising, production and sale of agricultural products and includes
 - (i) horticulture, aviculture, apiculture and aquaculture,
 - (ii) the production of livestock as defined in the *Livestock and Livestock Products Act*, and
 - (iii) the planting, growing and sale of sod;

- (f) “qualified assessor” means a person who is registered as an accredited municipal assessor of Alberta under the *Municipal Assessor Regulation* (AR 84/94) and is
 - (i) designated by the Minister to act as an assessor for the purposes of the *Drainage Districts Act*, or
 - (ii) appointed under the *Municipal Government Act* as a designated officer for the purposes of the *Drainage Districts Act*.

General assessment

2(1) A board shall ensure that a general assessment for the 2000 assessment year is made of all land in the drainage district.

(2) A board shall conduct general assessments in subsequent years as directed by the Drainage Council.

Assessment of added land

3 Where land is added to a drainage district, the board shall ensure that the land is assessed forthwith.

Change in benefit

4 Where there is a material change in the nature or extent of the benefit that land in a drainage district receives from the drainage works of the drainage district, the board shall ensure that the land is reassessed accordingly.

Making assessments

5(1) For the purposes of assessments of land in a drainage district, the valuation standard of the land is the agricultural use value of the land, regardless of whether the land is being used for farming operations.

(2) An assessment of land in a drainage district must

- (a) be based on agricultural use value,
- (b) be made by a qualified assessor, and
- (c) be made in accordance with the *Alberta Drainage Districts Minister’s Guidelines*, as amended from time to time, published by the Department of Environment and Sustainable Resource Development.

(3) An assessment must be based on the value of the land on January 1 of the assessment year in which the assessment is made.

AR 5/2001 s5;31/2012;170/2012

Addition and removal of land

6(1) Where a board wishes to add land to or remove land from the drainage district, it shall forward to the Drainage Council an application that contains

- (a) an explanation of the reasons for the request,
- (b) the name of the owner and the legal description of the land that is proposed to be added to or removed from the drainage district, and
- (c) a topographical map that shows the land that is proposed to be added to or removed from the drainage district and that shows the land by reference to quarter section boundaries.

(2) The Drainage Council may require the board to provide any additional information in respect of the application that it considers to be necessary.

(3) The Drainage Council may consult with and obtain advice from experts in the Department of Environment and Sustainable Resource Development on any matter that it considers necessary in order to assist it in dealing with the application.

(4) On considering the application, the Drainage Council shall make a recommendation to the Minister as to the addition or removal of the land.

(5) The Drainage Council's recommendation under subsection (4) must be accompanied by

- (a) the application and other information and advice provided to the Drainage Council under this section, and
- (b) the reasons for the Drainage Council's recommendation.

AR 5/2001 s6;31/2012;170/2012

Correction of errors

7 Notwithstanding section 6, where it appears to the Minister on the recommendation of the Drainage Council that

- (a) land that receives a benefit from the drainage works of the drainage district was, due to administrative error, inadvertently omitted from the Ministerial order establishing the drainage district, or

- (b) land that does not receive a benefit from the drainage works of the drainage district was, due to administrative error, inadvertently included in the Ministerial order establishing the drainage district,

the Minister may by order add that land to or remove that land from the drainage district.

Review of by-laws

8 A board shall conduct a complete review of its by-laws not less frequently than every 3 years.

Water Act licences

9 Where the Minister dissolves a drainage district under section 12 of the Act, the board shall in addition to its other responsibilities in connection with the dissolution, ensure that appropriate steps are taken under the *Water Act* to deal with licences under that Act in respect of the drainage works.

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 December 1, 2020.

AR 5/2001 s10;248/2005;259/2009;192/2012;176/2015

Coming into force

11 This Regulation comes into force on the date section 15 of the *Drainage Districts Act*, SA 1998 cD-39.1, comes into force.



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