



# Petitions: Local Improvements

## An Information Package

This is an information manual only and has no Legislative Sanction.  
For certainty, the Municipal Government Act should be consulted  
and legal advice should be sought.

## What is a Petition?

A petition, within the context of this document and the Municipal Government Act (MGA), is a formal request to those in authority for an action to be taken.

## Who May Petition?

Only the electors of a municipality are eligible to be petitioners. See section 222 of [Municipal Government Act \(MGA\)](#). Please refer to sections 12 and 47(1) of the [Local Authorities Election Act \(LAEA\)](#) to determine eligibility.

The only exception to the above is where the owners of property can petition in regard to local improvements. See sections 392, 393, and 408 of the MGA.

## Limitations on Petitions

- Section 231(1) prohibits petitions for a vote on proposed planning, development, and road closure bylaws and resolutions even though they are advertised.
- Section 232(2) of the MGA prohibits petitions for new bylaws or against existing bylaws or resolutions under Part 8 (Financial Administration), Part 9 (Assessment of Property), Part 10 (Taxation), Part 17 (Planning and Development) and Part 17.2 (Intermunicipal Collaboration).
- Sections 408 and 409 of the MGA prohibit petitions against necessary local sewer improvements and private connections to water and sewer improvements.

## Purpose of Petition and Number of Petitioners Required

A petition is sufficient if it meets the requirements of sections 220 to 226, or where those requirements are modified by a municipal bylaw under section 226.1 of the [MGA](#).

The minimum number of petitioners required varies in relation to the purpose and nature of the petition, as outlined in the table below.

MGA Section	Purpose of Petition	Population Requirement
Section 232	<ul style="list-style-type: none"> <li>• New bylaw</li> <li>• Amend or repeal an existing bylaw or resolution subject to some limitations</li> <li>• Public meeting</li> <li>• Public vote on an advertised bylaw or resolution (s. 231)</li> </ul>	Electors numbering at least 10% of the municipality's population or in the case of a summer village, **electors equal to at least 20% of the number of summer village residences.
Section 392(2) (a) & (b)	<ul style="list-style-type: none"> <li>• Local Improvement</li> </ul>	Two thirds (2/3) of the owners who would be liable to pay the local improvement tax and the owners who sign represent at least one half (1/2) of the value of the assessments for the land on which the tax will be imposed.

## Petitions for Local Improvements

Ratepayers can petition for local improvements under section 393 of the [MGA](#). Petitions for local improvements must meet the criteria set out in section 392 of the MGA to be sufficient:

**Section 392(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.

Council can, under section 408 of the MGA, impose a local improvement for a sewer if council considers it to be in the public interest and the construction is recommended by a health officer.

**There is no right to petition against the local improvement in this particular instance.**

Section 409 of the MGA also allows council to assess the cost of constructing private connections for local improvements against the properties involved without the right of petition.

## General Petition Requirements

The general requirements for a petition are contained in section 224 of the [MGA](#). Each page of the petition must contain an identical statement of the purpose of the petition. Each page must also contain an identical statement on the protection of personal information.

The wording of a petition is very important and, therefore, it is recommended that legal or professional support be obtained to draft a petition. Witness affidavits must be included with the petition when filed with the CAO.

A sample Petition is attached as **Appendix A**.

**The petition must include, for each petitioner:**

- (a) the printed surname and printed given names or initials of the petitioner,
- (b) the signature of the petitioner,
- (c) the street address of the petitioner (a "Rural Route" or "Post Office Box" address is not sufficient), 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.

The signature of an adult witness must be included next to each petitioner's signature. Each witness must also take an affidavit that, to the best of the witness's knowledge, the signatures witnessed are those of the persons entitled to sign the petition.

A witness should be aware of any requirements modified by a municipal bylaw under section 226.1 of the MGA.

## Role of a Petition Witness

As a witness to the petitioner's signature, it is your responsibility to determine that each person signing the petition is eligible to do so. This requires you to determine, at a minimum, that the petitioner is an eligible voter as described in sections 47 (Eligibility to vote) and 48 (Rules of Residence) of the [Local Authorities Election Act \(LAEA\)](#).

### The basic requirements are:

#### Section 47(1) A person is eligible to vote in an election held pursuant to this Act if the person:

- (a) is at least 18 years old,
- (b) is a Canadian Citizen, and
- (c) resides in Alberta and the person's place of residence is located in the area on election day.

#### Section 48(1) For the purposes of this Act, the place of residence is governed by the following rules:

- (a) a person may be a resident of only one place at a time for the purpose of voting under this Act;
  - (a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (1.1), designate one place of residence as the person's place of residence for the purposes of this Act;
- (b) the residence of a person is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return.

As a witness, you must be present and see the person sign the petition document. A sample Witness Affidavit is attached as **Appendix B**. Upon completion of the petitioning process, and prior to submission, signed affidavits from each witness, and a signed Statement of the Representative of the Petitioners, must be attached to the petition (a sample statement is attached as **Appendix C**).

### The statement must indicate:

- (a) that the person named in the statement is the representative of the petitioners, and
- (b) that the council may direct any inquiries about the petition to the representative.

**\*Be aware of the time constraints – petitioners cannot sign the petition more than 60 days before the petition is filed.**

## Determining Sufficiency

A petition to council is filed with the CAO of the municipality, who is responsible for determining the sufficiency of the petition in accordance with section 225 of the [MGA](#).

Names cannot be added or removed from a petition once it has been filed with the CAO unless council has passed a bylaw under section 226.1 allowing it. See section 225(2) of the MGA.

### The CAO must not count any names that do not comply with the requirements for a petition.

#### These requirements include:

- (a) a signature that is not witnessed,
- (b) a signature on a page that does not have the same purpose statement that is on all other pages,
- (c) a petitioner whose printed name is not included or is incorrect,
- (d) a petitioner whose street address or legal description of land is not included or is incorrect,
- (e) if the date of signing is not included,
- (f) when a petition is restricted to certain persons,
  - (i) who is not one of those persons, or
  - (ii) whose qualifications 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 is filed with the CAO, unless a bylaw under section 226.1(1)(e) of the MGA provides otherwise.

See section 225 of the MGA for complete listing of the sufficiency requirements. Section 226.2(3) requires that each page of the petition contain an identical protection of personal information statement.

Within 45 days of the date when the petition has been filed, the CAO must make a declaration as to whether or not the petition is sufficient. See sections 226 and 226.1 of the [MGA](#).

## Alberta Municipal Affairs

If you have further questions after reading the applicable sections of the Municipal Government Act (MGA) and the Local Authorities Election Act (LAEA) and reviewing this handout, please contact the Municipal Capacity and Sustainability Branch of Alberta Municipal Affairs at 780-427-2225, toll-free in Alberta by dialing 310-0000 first.

## Municipal Government Act (MGA) – References to Petitions

Pertinent Sections of the [Municipal Government Act](#) in regard to petitions.

MGA Section	Content Referenced
219	rules and scope of petitions
221	sufficiency requirements for a petition
222	who can petition
223	the normal number of petitioners required
224	requirements for petition statement, signatures and documents
225	counting petitioners to determine sufficiency
226	reporting on the sufficiency of a petition
226.1	bylaws modifying petition requirements
226.2	protection of personal information in petitions
229	petition council to hold a public meeting
231	petition for a vote on an advertised bylaw or resolution
232	petition for a new bylaw, or to amend or repeal a bylaw or resolution
233	council's duty on receiving a valid petition
234	petitions respecting "public vote bylaws"
235	council requirement to comply with a vote on a question
238	criteria to delay a vote of electors to a general election
239	time limitations on petitions dealing with the same or a similar subject
233	council's duty on receiving a valid petition
240	minimum times for changes to public vote bylaws
390.8	Petitions regarding clean energy improvement taxes
392	<b>petition rules modified for petitions for local improvements</b>
393	<b>owners can petition for local improvements</b>
408	<b>prohibition against petitioning against a local improvement or sewers in special circumstances</b>
409	<b>prohibition against petitioning against the cost of connections to a local improvement</b>
606	inclusion of an outline of the petitioning procedures in the advertising requirements for a bylaw or resolution
<b>Local Improvement related</b>	

## Appendices

**Appendix A** – Sample Local Improvement Petition

**Appendix B** – Sample Witness of Signatures Affidavit

**Appendix C** – Sample Statement of Representative of Petitioners

The personal information contained in this petition will not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, and will not be used for any purpose other than validating the petition.

## Sample Petition by Electors (pursuant to the Municipal Government Act and amendments thereto)

To: The Council of the **City of Grande Prairie**, in the Province of Alberta.

The undersigned persons, being electors of the **City of Grande Prairie**, in the Province of Alberta, hereby petition the council of the **City of Grande Prairie** for/to:

*Accurately state purpose and objectives of Petition in the space provided below*

**EACH PETITIONER, by signing this petition, certifies that he (or she) is an elector of the City of Grande Prairie.**

Signature of Petitioner	Printed Name	Street Address or Legal Land Description	Phone Number	Email Address	I am an elector of this municipality		Date	Signature of Adult Witness
					Yes	No		
					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		

**NOTES:**

1. This form is a suggested form only and is prepared by the **City of Grande Prairie** for the information and convenience of interested individuals. It has no legislative effect. For certainty, legal advice should be sought when a petition is being considered.
2. Each page of the petition shall contain accurate and identical statements of the purpose and objectives and on personal information privacy.
3. In the absence of a street address, specify the legal description of the property on which the petitioner resides.
4. Each petitioner shall indicate that they are an eligible elector of the municipality by checking this field. A Canadian citizen, over 18 years of age, and a resident of the municipality. (See Sections 12, 47 and 48 of the Local Authorities Election Act for further information.)
  - b) Each person witnessing a signature on the petition is required to sign an Affidavit that to the best of their belief, the persons whose signatures they witnessed are electors of the municipality. See Appendix A

To: The Council of the **City of Grande Prairie**, in the Province of Alberta.

The undersigned persons, being electors of the **City of Grande Prairie**, in the Province of Alberta, hereby petition the council of the **City of Grande Prairie** for/to:

Signature of Petitioner	Printed Name	Street Address or Legal Land Description	Phone Number	Email Address	I am an elector of this municipality		Date	Signature of Adult Witness
					Yes	No		
					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		
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					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		
					<input type="checkbox"/>	<input type="checkbox"/>		

The personal information contained in this petition will not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, and will not be used for any purpose other than validating the petition.



## Witness Affidavit

I \_\_\_\_\_ pursuant to the Municipal Government Act and amendments thereto, of the **City of Grande Prairie**, in the Province of Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did witness those signatures on the attached petition where I have signed my name as an adult person.

THAT to the best of my knowledge the persons whose signatures I have witnessed on this petition are electors of the **City of Grande Prairie**.

- 2.
- a. An eligible elector, at a minimum, is a Canadian citizen, over 18 years of age, and a resident of the municipality. (See Sections 12, 47 and 48 of the Local Authorities Election Act for further information.)
  - b. I personally observed each person complete the petition document.

SWORN (or affirmed) before me at \_\_\_\_\_ in the Province of Alberta, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

<b>A Commissioner for Oaths/Notary Public in and for the Province of Alberta</b> (Print or Stamp Name Here)	
<b>Signature</b> (Of person who witnessed signatures on the petition)	
<b>My Appointment Expires</b> (Must be legibly printed or stamped)	

The personal information contained in this petition will not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, and will not be used for any purpose other than validating the petition.

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## Statement of Representative of Petitioners

(pursuant to the Municipal Government Act and amendments thereto)

I, \_\_\_\_\_, of \_\_\_\_\_ in the **City of Grande Prairie**, in the Province of Alberta, state that I represent the petitioners and am the person to whom the municipal council may direct any inquiries with regard to the petition.

I may be contacted by phone at \_\_\_\_\_ or email at \_\_\_\_\_.

DATED at the \_\_\_\_\_ of \_\_\_\_\_, in the Province of Alberta, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Signature of Representative**

\_\_\_\_\_  
**Printed Name**

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**Note:** Use this as the last page of a Petition.