Bill No. 38 of 1947.

A BILL TO AMEND THE TOWN AND VILLAGE ACT

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Section 1 of this Bill amends the interpretation section of the above Act. Paragraph (a) amends the definition of "general election" by changing the date for nomination of candidates from the first Monday in February to the third Monday in February. Paragraph (b) changes the definition of "land" to exclude minerals, while paragraph (c) strikes out the definition of "minerals" and paragraph (d) strikes out that part of the definition of "parcel" relating to minerals.

There are a considerable number of amendments through the Bill changing dates, etc., which are necessary by the change in the dates for nomination, polling, etc.

Section 2 of the Bill amends section 14 of the Act by changing the number of separate buildings in an area which are required to authorize that area to be constituted a village from thirty-five to fifty.

Section 10 of the Bill introduces a new section 67*a*. This section provides for the right of a representative of a school division in which a town or village is included to attend meetings of the council and take part in discussions relating to school matters without having voting privileges. Subsections (2), (3) and (4) provide for a councillor attending meetings of the divisional board and define the duties of the secretary-treasurer in this connection. Reciprocal provisions have already been enacted in The School Act.

Section 11 of the Bill amends section 69 of the Act. Paragraph (a) corrects an error. Paragraph (b) cures an omission in the Act by declaring who are entitled to vote at a special election to fill a vacancy on the council.

The amendment made by section 12 to section 95 does away with the necessity of a quarterly audit of the accounts of a town. Towns and villages will be on the same basis with an annual audit provided for.

Subsection (1) of section 105 which is amended by section 14 of the Bill requires enumerators to be appointed by bylaw. The amendment does away with the necessity of a by-law.

Section 15 of the Bill adds a new subsection (3b) to section 106. This requires the secretary-treasurer to retain the voters' list until a new voters' list is prepared so that it will be available for a special election.

Paragraph (b) of section 16 of the Bill does away with the necessity of a by-law in appointing a returning officer.

Sections 19 and 20 of the Bill cure omissions in sections 128 and 130.

Section 202 of the Act which is amended by section 21 of the Bill deals with the purposes for which lands may be acquired by a council. Paragraph (a) adds "other buildings essential to municipal administration", while paragraph (b) adds "parking space or recreation ground" to the purposes already in paragraph (c).

Section 205 of the Act which is amended by section 22 of the Bill requires a vote of the proprietary electors when an expenditure in excess of five hundred dollars is to be made with respect to a number of items. These items include expenditure on streets, sidewalks, ditches, etc. The amendment removes³ expenditure on these latter items from the requirement of submission to the proprietary electors.

Section 226 of the Act which is amended by section 23 of the Bill enumerates various subjects on which the council may legislate by by-law. Paragraph (a) provides that the fee imposed for a building permit shall not be imposed for revenue purposes, while paragraph (b) adds a new subject on which the council may legislate.

The new section 251 enacted by section 25 of the Bill extends the organizations to which grants may be made by the council to charitable institutions and the Boy Scouts and Girl Guides.

Section 26 of the Bill adds a new subsection (2) to section 273 which enables a council to pass a general penalty by-law.

Sections 27 and 28 of the Bill strike out sections 298 and 299 and enact new sections in substitution. Section 298 deals with the minimum tax sometimes called the poll tax. The changes made are as follows: The residence required by a non-ratepayer who is gainfully employed will in future be sixty days'instead of one month, and the payment by a ratepayer of the minimum tax in one municipality will not exempt him from paying the minimum tax again if he moves to another municipality and resides there sixty days and is gainfully employed. Similar changes are made in section 299 with reference to the minimum taxes for school purposes.

Section 29 of the Bill strikes out subsection (1) of section 315 and substitutes a new subsection. The effect of the amendment is to change the date on which the first penalty on taxes accrues from April 1st of the year following the default to January 1st.

Section 30 of the Bill adds a new subsection to section 343 of the Act. The new subsection authorizes a town or village to borrow money for the purpose of purchasing or redeeming, in advance of maturity, outstanding debentures, and provides that such a by-law need not be submitted to the proprietary electors. Section 31 of the Bill adds two new subsections to section 344 of the Act. The new subsections provide that a borrowing by-law may provide that all or part of the debentures authorized by the by-law may be redeemable at specified times before maturity and sets out details that must be specified in the by-law in such a case and the procedure to be followed by a town or village desiring to redeem. Subsection (6) makes these provisions as to redemption, etc., applicable to by-laws already passed which have provisions substantially the same as those provided for in the new provisions and also applicable to debentures issued under the by-laws if they have an endorsement similar to that required by paragraph (d) of subsection (5).

Section 32 of the Bill adds a proviso to section 351. That section requires a debenture by-law to be passed within a period of four weeks of the voting thereon. The proviso authorizes the Board of Public Utility Commissioners to extend this period.

Section 34 of the Bill strikes out section 396 of the Act and enacts a new section in substitution therefor. The section now in force authorizes a town or village, where debentures have been issued but not sold, mortgaged, etc., to cancel such debentures and issue new ones which may have a different mode of payment, so long as neither the period over which the debentures run nor the rate of interest is increased, nor the principal increased beyond the amount due on the original debentures. Subsection (1) of the new section 396 is substantially the same as the section now in force except that the interest on the new debentures may be greater or less than on cancelled debentures. Subsections (2), (3) and (4) are new and provide for the approval of the Board of Public Utility Commissioners, and that an hypothecation under section 348 shall not constitute a sale, etc. This refers to an hypothecation of the debentures before sale as security for a loan.

Section 35 amends Form F in the manner made necessary by the change in the date of the annual meeting.

> W. S. GRAY, Legislative Counsel.

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(This note does not form any part of the Bill but is offered in explanation of its provisions.)

No. 38 of 1947.

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An Act to amend The Town and Village Act.

(Assented to

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, 1947.)

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

1. The Town and Village Act, being chapter 150 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2,-

(a) by striking out the words "first Monday", where the same occur in paragraph (f) thereof, and by sub-stituting therefor the words "third Monday";

(b) by striking out paragraph (j) thereof, and by substituting therefor the following:

"(j) 'Land' means lands, tenements and hereditaments and any estate or interest therein other than minerals;"; (c) by striking out paragraph (k) thereof; (d) by striking out clause (v) of paragraph (o) thereof.

2. The said Act is further amended as to section 14 by striking out the words "thirty-five", where the same occur therein, and by substituting therefor the word "fifty".

3. The said Act is further amended as to section 31,—

- (a) by sriking out the words "third Monday in Febru-, where the same occur in the first and second ary lines thereof, and by substituting therefor the words "first Monday in March";
- (b) by striking out the words "third Monday of February", where the same occur in the tenth and eleventh lines thereof, and by substituting therefor the words "first Monday in March".

4. The said Act is further amended as to section 49 by striking out the words "third Monday in February", where the same occur therein, and by substituting therefor the words "first Monday in March".

5. The said Act is further amended as to section 50 by striking out the words "third Monday in February", where the same occur in subsection (1) thereof, and by substituting therefor the words "first Monday in March".

6. The said Act is further amended as to section 51 by striking out the words "third Monday in February", wherever the same occur in subsection (1) thereof, and by substituting therefor the words "first Monday in March".

7. The said Act is further amended as to section 52 by striking out the words "third Monday in February", where the same occur in subsection (1) thereof, and by substituting therefor the words "first Monday in March".

8. The said Act is further amended as to section 54 by striking out the words "third Monday in February", wherever the same occur in subsection (2) thereof, and by substituting therefor the words "first Monday in March".

9. The said Act is further amended as to section 56 by striking out the words "third Monday in February", wherever the same occur in subsections (1) and (2) thereof, and by substituting therefor the words "first Monday in March".

10. The said Act is further amended by adding immediately after section 67 thereof the following new section:

"67a.—(1) Any person appointed pursuant to paragraph (t) of section 274 of *The School Act* as a representative of a school division in which a town or village is included shall have the right to attend meetings of the council of the town or village and to take part in all discussions pertaining to school matters, but shall not have voting privileges and shall receive no remuneration from the town or village council.

"(2) In case a town or village is included in a school division the council shall annually, as soon as practicable after a first or general election, by resolution appoint a member of the council to represent the town or village at meetings of the board of trustees of the school division, and may by the same or another resolution appoint another member of the council to represent the town or village as aforesaid if the first named member is unable to attend.

"(3) Where a member of the council is appointed under the provisions of subsection (2), the council may by resolution provide for paying to such member a sum not exceeding six dollars per diem for each meeting of the board of trustees attended by him and ten cents for each mile necessarily travelled in going to and returning from any such meeting, provided, however, that no payment shall be made to any member in respect of more than six meetings in any one year.

"(4) In case a town or village is included in a school division, the secretary shall, in addition to his other duties,—

"(a) advise the secretary-treasurer of the school division of the names of members of the council appointed

pursuant to subsection (2);

"(b) advise the member or members of the council appointed pursuant to subsection (2) of the date, place and time of each divisional board meeting and of the matters to be dealt with at such meeting;

"(c) advise the secretary-treasurer of the school division and the representative of the divisional board appointed pursuant to section 274 (t) of The School Act of the date, place and time of all meetings of the town or village council and of the matters to be dealt with at any such meeting, and shall forward to the secretary-treasurer of the school division a copy of the minutes of meetings of the town or village council in so far as such minutes deal with matters of interest to the divisional board."

11. The said Act is further amended as to section 69,---

(a) by striking out the words "or village" where the same occur in subsection (2) thereof;

(b) by adding immediately at the end thereof the following new subsection:

"(4) When any special election is held under the provisions of subsection (3), the voters' list shall be the voters' list prepared in the preceding year pursuant to the provisions of section 106, and the persons entitled to vote at such special election shall be those persons who were entitled to vote at the annual election in the current year." ov and interest square

12. The said Act is further amended as to section 95 by striking out the words "in the case of a town at least once in every three months during the year and in the case of a village" where the same occur in subsection (1) thereof.

13. The said Act is further amended as to section 97,-

- (a) by striking out the words "twentieth day of Janu-ary", where the same occur in subsection (1) thereof, and by substituting therefor the words "first day of February";
 - (b) by striking out the words "last Friday in the aforesaid month of January", where the same occur in subsection (5) thereof, and by substituting therefor the words "second Monday in the aforesaid month of February". er velveret ac befer to

14. The said Act is further amended as to section 105 by striking out the words "by by-law" where the same occur in subsection (1) thereof.

a suffrant to the suffrance 15. The said Act is further amended as to section 106 by adding immediately after subsection (3a) thereof the following new subsection :

"(3b) The secretary-treasurer shall retain in his possession until after the preparation of the next following annual voters' list the voters' list prepared pursuant to the provisions of this section with the changes, if any, referred to in sections 117 and 118."

16. The said Act is further amended as to section 121,—

(a) by striking out the words "last Friday in January", where the same occur in the second line thereof, and by substituting therefor the words "second Monday in February";

(b) by striking out the words "by by-law" where the same occur in the second line thereof.

17. The said Act is further amended as to section 122 by striking out the words "last Friday in January", where the same occur therein, and by substituting therefor the words "second Monday in February".

18. The said Act is further amended as to section 124 by striking out the words "first Monday", where the same occur therein, and by substituting therefor the words "third Monday".

19. The said Act is further amended as to section 128 by adding immediately after the word "town", where the same occurs therein, the words "or village".

20. The said Act is further amended as to section 130 by adding immediately after the word "town", where the same occurs therein, the words "or village".

21. The said Act is further amended as to section 202,-

(a) by striking out the word "offices", where the same occurs in paragraph (a) of subsection (1) thereof, and by substituting therefor the words "offices or other buildings essential to municipal administration";

(b) by striking out paragraph (c) of subsection (1) thereof and by substituting therefor the following:
"(c) for a public park, walk, parking space, exhibition ground or recreation ground;".

22. The said Act is further amended as to section 205 by adding immediately after the word "this", where the same occurs in the third line of the proviso to subsection (1) thereof, the word "subsection".

23. The said Act is further amended as to section 226,—
(a) by adding immediately at the end of paragraph (m)

thereof the words "which fee shall be reasonable in amount and shall not be imposed for the purpose of exacting revenue";

- (b) by adding immediately at the end thereof the following new paragraph:
 - "(u) for prohibiting or regulating the discharge of guns or other firearms and the firing and setting off of fire balls, squibs, crackers or fire works;".

24. The said Act is further amended as to section 249 by striking out the word "Minister", where the same occurs in subsection (6) thereof, and by substituting therefor the words "Minister of Public Welfare".

25. The said Act is further amended as to section 251 by striking out the same and by substituting therefor the following:

"251. The council may by by-law provide for the payment, out of the current revenue for the year, of grants to the Canadian Red Cross or other charitable institution, to any association established under An Act to Incorporate the Canadian Legion, to any organization of Boy Scouts or Girl Guides, to agricultural societies, to boards of trade, and to incorporated mechanics' and literary institutes, of such amounts as may be set out in the by-law."

26. The said Act is further amended as to section 273 by adding immediately at the end thereof the following new subsection:

"(2) The council may by a general penalty by-law for a breach of a provision of any by-law or of any number of specified by-laws impose a penalty and costs and imprisonment in the case of non-payment of the fine and costs as set out in paragraph (α) of subsection (1), and the payment in addition to the penalty as set out in paragraph (b) of the said subsection."

27. The said Act is further amended as to section 298 by striking out the same and by substituting therefor the following:

"**298.**—(1) The council may by by-law fix a minimum annual tax for municipal purposes to be paid by any resident of the town or village assessed upon the assessment and tax roll.

"(2) The council may by by-law impose a tax for municipal purposes in the amount fixed by by-law under subsection (1) upon every resident of the town or village of the full age of twenty-one years who has not been assessed upon the assessment and tax roll and who has resided therein for a period of sixty days or more during any calendar year and is gainfully employed, whether he has resided in the town or village before the completion of the roll or not, but in the case of the collection of the tax the name of the resident so paying shall be added to the roll for that calendar year.

"(3) Where any person has in any year paid a tax of the nature of that provided in subsection (2) for municipal

purposes, equivalent to the amount imposed by by-law under subsection (2), to any city, municipal district, or other town or village, and such person was not assessed upon the assessment roll of such city, municipal district or other town or village for that year, he shall not be liable in that year to the tax imposed by subsection (2).

"(4) Each by-law heretofore passed pursuant to chapter 49 of the Statutes of Alberta, 1934, or chapter 150 of the Revised Statutes of Alberta, 1942, and now in force, whereby a minimum annual tax similar to that provided for in subsection (1) or a tax for municipal purposes similar to that provided for by subsection (2) is hereby declared to be repealed and no longer in force since the first day of January, 1947." striking out the same and by substituting

28. The said Act is further amended as to section 299 by striking out the same and by substituting therefor the following:

"299, (1) The council may by by-law fix a minimum annual tax for school purposes to be paid by any resident of the town or village assessed upon the assessment and tax roll.

"(2) The council may by by-law impose a tax for school purposes in the amount fixed by by-law under subsection (1) upon every resident of the town or village of the full age of twenty-one years who has not been assessed upon the assessment and tax roll and who has resided therein for a period of sixty days or more during any calendar year and is gain-fully employed, whether he has resided in the town or village before the completion of the roll or not, but in the case of the collection of the tax the name of the resident so paying shall be added to the roll for that calendar year. dustration in the

"(3) Where any person has in any year paid a tax of the nature of that provided in subsection (2) for school purposes, equivalent to the amount imposed by by-law under subsection (2), to any city, municipal district, improvement district, special area, school district, or other town or village, and such person was not assessed upon the assessment roll of such city, municipal district, improvement district, special area, school district, or other town or village for that year, he shall not be liable in that year to the tax imposed by subsection (2).

"(4) Each by-law heretofore passed pursuant to chapter 49 of the Statutes of Alberta, 1934, or chapter 150 of the Revised Statutes of Alberta, 1942, and now in force, whereby, a minimum annual tax, similar to that provided for in subsection (1) or a tax for school purposes similar to that provided for by subsection (2) is hereby declared to be rebealed and no longer in force since the first day of January, 1947," and lon rollor add to noisele to a state reality

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29. The said Act is further amended as to section 315 by striking out subsection (1) thereof and by substituting therefor the following: "315.—(1) The council may by by-law provide that in the event of any taxes remaining unpaid after the thirtyfirst day of December of the year for which the same are levied there shall be added thereto by way of penalty an amount not exceeding six per cent on the first day of January of the next succeeding year and each succeeding year so long as the taxes remain unpaid, and every amount so added shall form a part of the taxes which are created a special lien upon the land under the provisions of this Act."

30. The said Act is further amended as to section 343 by adding immediately at the end thereof the following new subsection:

"(4) Every town and village may, subject to the following provisions and with the approval of the Board of Public Utility Commissioners, pass by-laws for contracting debts by borrowing money and for levying rates for the payment of such debts on the rateable property in the town or village for the purpose of purchasing or redeeming in advance of the maturity thereof the whole or any part or parts of the outstanding debentures of the town or village, and notwithstanding the provisions of this Act or of *The Public Utilities Act*, it shall not be necessary for any such by-law to be referred to or assented to by the proprietary electors, and subsection (2) of this section shall not apply to any by-law passed under the provisions of this subsection."

31. The said Act is further amended as to section 344 by adding immediately at the end thereof the following new subsections:

"(5) Subject to the approval of the Board of Public Utility Commissioners any such by-law may provide that all or any part of the debentures authorized thereby shall be redeemable at the option of the town or village at any time or at such time or times in advance of maturity, as the by-law may prescribe, and in such case the following provisions shall apply:

- "(a) The by-law shall specify the place of redemption, the manner of publishing notice of intention to redeem and the price or prices at which such debentures may be so redeemed, which price or prices may include such premium or premiums, if any, on redemption as may be provided in the by-law;
- "(b) The council may subsequently exercise the option to redeem all or any of such redeemable debentures and set a date for redemption in advance of the maturity thereof, and if notice of intention to redeem shall have been given as hereinafter set forth, the principal of every debenture so to be redeemed shall become due and payable on the date set for redemption and from and after such date interest shall cease to accrue on the debentures so to be redeemed;
- "(c) Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption to the person, if any, in whose

name the debenture is registered, at the address shown in the debenture register, and such notice shall be published in such manner as may be set out in the by-law;

"(d) Any debentures that are so redeemable shall bear an endorsement to the effect that they are issued subject to redemption, and such endorsement shall specify the place of redemption, the price or prices at which the debenture may be redeemed and the manner of giving notice of intention to redeem;

"(e) Where only a portion of the debentures issued under the by-law is to be redeemed at any time the debentures to be redeemed shall comprise only the debentures having the latest maturity dates so that no debenture issued under the by-law shall be called for redemption in priority to any such debenture that has a later maturity date, and where only a portion of the debentures of any one maturity are to be redeemed the debentures to be redeemed shall be selected by lot;

"(f) Where a debenture is redeemed on a date prior to maturity such redemption shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

"(6) The provisions of this section shall apply to any by-law heretofore passed providing for redemption of debentures as aforesaid and containing provisions substantially the same as those contained in paragraph (a) of subsection (5), and to the debentures issued pursuant to the by-law" and having an endorsement substantially in compliance with paragraph (d) of subsection (5), and the said by-law and the said debentures as so passed and issued, are hereby declared to be valid and binding to the same extent as if they had been passed and issued subsequent to the coming into force of this subsection."

32. The said Act is further amended as to section 351 by adding immediately at the end thereof the following proviso:

"Provided that the Board of Public Utility Commissioners may upon the application of the council made either before or after the expiration of such period of four weeks extend the time for passing the by-law beyond such period of four weeks, and in such case the by-law may be passed within such extended time."

33. The said Act is further amended as to section 358 by striking out the words "of two-thirds" where the same occur in the first line thereof.

34. The said Act is further amended as to section 396 by striking out the same and by substituting therefor the following:

"396.—(1) A town or village may by by-law in any case where a debenture issued or authorized to be issued under the authority of any by-law has not been sold, transferred, mortgaged, pledged, hypothecated or otherwise disposed of, cancel the same and the entry, if any, in the debenture regis-ter of the issue thereof or may amend the by-law authorizing the issue of debentures and thereupon issue one or more new debentures in substitution therefor and may make such new debenture or debentures payable by the same or a different mode of payment and may make such debentures redeemable at the option of the town or village and may increase or decrease the rate of interest on such debentures and may adjust the annual special rates and assessments as may be necessary to provide therefor, and where any debenture has been sold, transferred, mortgaged, pledged, hypothecated or otherwise disposed of, the town or village shall have the like right of amendment, cancellation and re-issue upon acquiring the same as holder or upon the request of the holder thereof;

"Provided that neither the period over which the indebtedness was originally spread nor the term at the end of which the same was made payable, as the case may be, is increased, and that the amount of the principal of the new debenture or debentures does not exceed the amount of the principal of the original debentures for which the new debentures are substituted.

"(2) No by-law shall be passed pursuant to this section until the same has been approved by the Board of Public Utility Commissioners, and it shall not be necessary for any such by-law to be referred to or assented to by the proprietary electors.

"(3) For the purposes of this section the hypothecation of debentures under section 348 at any time heretofore or hereafter made shall not constitute a sale or other disposal thereof.

"(4) A by-law passed under this section shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof."

35. The said Act is further amended as to Form F in the Schedule,—

- (a) by striking out the word "Friday", where the same occurs in the third line thereof, and by substituting therefor the word "Monday";
- (b) by striking out the word "January", where the same occurs in the fourth line thereof, and by substituting therefor the word "February".

36. The said Act is further amended as to Form G in the Schedule by striking out the words "first Monday", where the same occur therein, and by substituting therefor the words "third Monday".

37. This Act shall come into force on the day upon which it is assented to, except section 29, which shall come into force on the first day of May, 1947. A section of the section has been under a section of the section of the section exists of untracion will be an even to the section of the section won show we do not be an even to the section of the section won show the section of the section of the section of the untracion of the section of the sect

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(12) No by law shorth passed purption it this section infil the same to been autored by the Reard of Public Utilit. Commission - on it shall not be need sury for any such in-lay to be network to onjussed to by the propriotacy elector.

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No. 38

FOURTH SESSION

TENTH LEGISLATURE

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1947

BILL

A Bill to amend The Town and Village Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.

EDMONTON: A. Shnitka, King's Printer 1947