

Bill No. 40 of 1949.

A BILL TO AMEND THE TOWN AND VILLAGE ACT.

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**NOTE.**

This Bill amends *The Town and Village Act*, being chapter 150 of the Revised Statutes of Alberta, 1942.

Section 2 (o) (i) is amended to broaden the definition of "parcel". The amendment brings within the definition a block which has not been subdivided into lots.

Section 16 (1) is amended by striking out the mandatory requirement for the posting of a notice in the post office. This is necessary as the Postmaster General has refused to give a general authorization for the display in post offices of notices required by provincial statutes.

Sections 27 (3), 97 (5), and 358 are similarly amended.

Section 17 is amended by the addition of a new paragraph (d). The effect of the amendment is to require the Ministerial order forming a village to contain a statement of the date and time when the first meeting of the council shall be held.

Section 56 (1) is amended by deleting the reference to a first election. The amended section will now only refer to a first meeting of the council after a general election. The date for the first meeting of the council after a first election will now be fixed by the Ministerial order under section 17 as amended. A village may be organized at any time during the year. The statute required the first meeting of the council of such a village to be held on the first Monday in March, which it was seldom possible to do. These amendments remedy this by enabling the first meeting of the council of a newly formed village to be held on a date to be fixed by the Minister's order.

A new section 73a is added immediately after section 73 of the Act. The new section enables the council of a town, with the approval of the electors, to provide for the appointment of a town manager who will exercise the executive and administrative duties of the council. A by-law providing for a town manager must first be approved by the Minister before it is advertised or voted upon by the electors. The town manager will be subject to the jurisdiction of the council and will carry out such executive and administrative duties as may be delegated to him by the council. The town manager may only be dismissed upon a majority vote of all the members of the council. The salary of the town

manager will be fixed in the by-law providing for his appointment which is subject to the approval of the electors.

Section 74 is struck out and a new section is substituted. The new section requires the council to appoint an assessor not later than the first day of April in each year. Such an appointment may be disallowed by the Minister and in that case the council will appoint another person as assessor. In the event of a general assessment being required the council may by resolution requisition the Director of Assessments to do the assessment. The Director of Assessments then designates an assessor who will make the general assessment. Twenty-five per cent of the cost of any such general assessment will be paid by the Department of Municipal Affairs and the balance will be paid by the town or village upon receipt of the account from the Department.

Section 90 is struck out and a new section is substituted. The new section makes provision for a contributory superannuation or pension plan. The new section is similar to section 179a of *The Municipal District Act*. The section still provides for gratuities to officials upon retirement in the discretion of the council, which gratuities shall not exceed the aggregate salary of the official for his last two years of service.

Section 123 is amended by the addition of a new subsection (3). The subsection provides for the reading at the annual meeting of the electors of the town or village of the latest Municipal Inspector's report on the affairs of the town or village.

Section 155 (1) is amended. The effect of the amendment is that any officer, member or employee of the corporation who is exercising a vote on behalf of a corporation must be twenty-one years of age.

Section 226 is amended by the addition of a new paragraph (v). This amendment enables the council to pass a by-law to regulate and control the use of public address systems.

Section 231 is struck out and a new section is substituted. The new section provides that a town or village which is not included in a municipal hospital district may enter into an agreement with any approved hospital for the hospitalization of the residents of the town or village. The expenses incurred under the agreement are to be raised by a special tax imposed and levied upon all property, trades, businesses and professions situated in the town or village and liable to assessment and taxation for municipal purposes.

Section 249 is amended by making changes in subsection (6), subsection 11 (c) and subsection (12) Rule 3. Rule 3 of the rules for determining residence found in subsection (12) has been changed so that any person who has not resided for twelve consecutive months out of the previous twenty-four consecutive months within the area controlled

by a local authority shall be deemed to be a transient person. The Department of Public Welfare is assuming responsibility for transient persons as defined in the new Rule 3 and subsection (6) and subsection (11) (c) are amended accordingly. The effect of these amendments is that the Department of Public Welfare assumes responsibility for the maintenance of indigents who are transients and for their care and treatment when sick.

Section 258 is amended by the addition of a new paragraph (w) enabling the council of a town or village to license bicycles.

Section 296 is amended by striking out all references to *The Social Services Tax Act* which Act has been repealed.

A new section 300 is added to the Act immediately after section 299. The new section provides for the levying of a minimum tax for hospital purposes similar to the minimum taxes for municipal purposes and for school purposes. The section which formerly provided for a minimum tax for hospital purposes was struck out in 1944. It is now being reinstated in a slightly different form.

Section 301 is amended to include a reference to the new section 300.

Section 308 of the Act is repealed. Section 308 of the Act provides for the offset of a tax on improvements against a business tax but the offset provision is confined to villages only. There is no provision made for this offset in the case of a town. There does not appear to be any reason why towns and villages should not be in the same position in this regard. The striking out of this section is in accordance with the recommendation in the Judge Report.

Section 317 is amended by striking out subsection (2) and substituting a new subsection. The amended subsection requires the insurer to notify the secretary-treasurer of the town or village in which any insured property is situated of its loss by fire as promptly as possible after notice of loss, but in any event within forty-eight hours after receiving formal proof of loss under the policy. It is frequently impossible for the insurer, within forty-eight hours of notice of loss to send in the information which the subsection presently requires. However, it is possible for the insurer to do so when proof of loss has been filed. The effect of the amendment is that the insurer has to give the information within forty-eight hours of receiving proof of loss rather than within forty-eight hours of receiving notice of the loss.

A new section 334a is added immediately after section 334. It makes provision for the cancellation of taxes which are no longer collectible and is similar to a provision which is already contained in *The Municipal District Act*.

Form O in the Schedule is amended. The amendment requires a person who is challenged at a poll to state that he is twenty-one years of age.

Form P of the Schedule is amended to require a representative of a corporation to state in his oath that he is of the full age of twenty-one years before voting on behalf of the corporation.

KENNETH A. MCKENZIE,  
*Acting Legislative Counsel.*

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

# BILL

No. 40 of 1949.

An Act to amend The Town and Village Act.

(Assented to \_\_\_\_\_, 1949.)

**H**IS 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 by striking out clause (i) of paragraph (o), and by substituting the following:

“(i) any unsubdivided block or any lot or any part of such block or lot in any area of land a plan of subdivision of which is registered in a Land Titles Office;”.

**2.** The said Act is further amended as to section 16 by striking out the words “one of which shall be the post office, if any,”, where the same occur in subsection (1).

**3.** The said Act is further amended as to section 17 by adding immediately after paragraph (c) the following new paragraph:

“(d) a statement of the day on which and the time at which the first meeting of the council shall be held.”.

**4.** The said Act is further amended as to section 27 by striking out the words “, one of which shall be the post office, if any”, where the same occur in subsection (3).

**5.** The said Act is further amended as to section 56 by striking out the words “first or”, where the same occur in subsection (1).

**6.** The said Act is further amended by adding immediately after section 73 the following new subheading and section:

“TOWN MANAGER.

“**73a.**—(1) The council of a town may by by-law, to be submitted to the electors and approved by a majority of the electors voting thereon, provide that the executive and administrative duties of the council may be delegated to and exercised by a town manager.

“(2) Any by-law proposed under the provisions of subsection (1) shall be submitted to and approved by the Minister before it is advertised or voted upon by the electors.

“(3) The town manager shall be subject to the legislative jurisdiction of the council and shall exercise only such powers and duties as are set out in this Act and as may from time to time be vested in, conferred on, or delegated to him by by-law or resolution of the council.

“(4) Where a by-law has been passed providing for the appointment of a town manager, he shall be appointed by the council and shall hold office during the pleasure of the council but shall not be dismissed except upon a majority vote of all the members thereof.

“(5) No member of the council and no person having an interest in a contract with the town shall be appointed town manager and no town manager shall during his term of office have an interest direct or indirect in such a contract.

“(6) The council shall fix the annual salary to be paid to the town manager and the amount of the salary so fixed shall be stipulated in the by-law referred to in subsection (1).”.

**7.** The said Act is further amended as to section 74 by striking out the same and by substituting the following:

“**74.**—(1) The council shall by resolution not later than the first day of April in each year appoint an assessor.

“(2) Whenever an assessor is appointed by the council the mayor shall forthwith advise the Minister of that appointment by mail, and in the event of the Minister disallowing any such appointment, the mayor shall immediately call a special meeting of the council for the purpose of appointing another person as assessor.

“(3) The assessor appointed pursuant to subsections (1) and (2) shall be the assessor for the town or village for all purposes, including the assessment of land, buildings and improvements, excepting only such assessment as is provided for by subsection (4).

“(4) The council may by resolution passed in any year prior to the first day of April in that year requisition the Director of Assessments to make a general assessment of all lands, buildings and improvements in the town or village and in such case such assessor on the staff of the Director of Assessments as may be designated by the Director shall be the assessor for the said general assessment of land, buildings and improvements in the town or village.

“(5) Whenever a general assessment is made by an assessor appointed by the Director of Assessments pursuant to subsection (4), twenty-five per cent of the cost of the assessment shall be absorbed by the Department of Municipal Affairs and seventy-five per cent of the cost shall constitute a debt due to the Crown and shall be paid by the town or village concerned upon submission of the account of the Department of Municipal Affairs.”.

**8.** The said Act is further amended as to section 90 by striking out the same and by substituting the following:

“**90.**—(1) The council may by by-law provide for a plan of superannuation or annuity payments to any em-

ployee upon his retirement from the service of the town or village, and any such plan may require such contributory participation on the part of the employee as the council in its discretion may provide in the by-law.

“(2) Notwithstanding the provisions of subsection (1), the council may by by-law grant any employee who has been in the service of the town or village for at least fifteen years and who, while in such service, has become incapable through age or illness or otherwise of efficiently discharging his duties, or has reached an age to be specified in the by-law, a sum not exceeding the total of his aggregate salary for the last two years of his service as a gratuity upon his dismissal or resignation, which gratuity may in the discretion of the council be in lieu of or in addition to any annuity which may be paid to him under the provisions of subsection (1).”.

**9.** The said Act is further amended as to section 97 by striking out the words “and in the post office”, where the same occur in paragraph (c) of subsection (5).

**10.** The said Act is further amended as to section 123 by adding immediately after subsection (2) the following new subsection:

“(3) The mayor shall cause to be read to the meeting the latest Municipal Inspector’s report on the affairs of the town or village.”.

**11.** The said Act is further amended as to section 155 by adding immediately after the words “employee of the corporation”, where the same occur in subsection (1), the words “who is of the full age of twenty-one years and”.

**12.** The said Act is further amended as to section 226 by adding immediately after paragraph (u) the following new paragraph:

“(v) for regulating and controlling the use of public address systems.”.

**13.** The said Act is further amended as to section 231 by striking out the same and by substituting the following:

“**231.** Where any town or village is not included in a municipal hospital district the council may pass a by-law for the purpose of entering into an agreement with any approved hospital for the hospitalization of residents of the town or village and providing that the expenses incurred under the agreement shall be raised by a special tax imposed and levied upon all property, trades, businesses and professions situate or carried on within the town or village, and liable to assessment and taxation for municipal purposes.”.

**14.** The said Act is further amended as to section 249,—

(a) by adding immediately after the words “if the person is a resident of an improvement district”, where

the same occur in subsection (6), the words "or is a transient person within the meaning of Rule 3 of subsection (12)";

- (b) by striking out paragraph (c) of subsection (11) and by substituting the following:

"(c) 'Local authority' means the council of any city, town, village or municipal district and with respect to any improvement district or any transient person means the Minister of Public Welfare, and with respect to any special area means the Minister of Municipal Affairs.";

- (c) by striking out Rule 3 of subsection (12) and by substituting the following:

"Rule 3. Any person who on the date of the application of such person for food, fuel, clothing, shelter, medical advice or attention, hospitalization, or any of them, has not resided for twelve consecutive months out of the twenty-four consecutive months immediately preceding the date of the application, within the area controlled by a local authority and who has not a permanent home elsewhere than in the Province, shall be deemed to be a transient person."

**15.** The said Act is further amended as to section 258 by adding immediately after paragraph (v) the following new paragraph:

"(w) Bicycles and requiring the attachment of license plates to each bicycle ridden within the town or village by any resident of the town or village."

**16.** The said Act is further amended as to section 296,—

- (a) by striking out the words "*The School Act, or The Social Services Tax Act*", where the same occur in paragraph (b) of subsection (1), and by substituting the words "or *The School Act*";
- (b) by striking out paragraph (b) of subsection (4);
- (c) by striking out the words "or payable under *The Social Services Tax Act*", where the same occur in subsection (6).

**17.** The said Act is further amended by adding immediately after section 299 the following new section:

**"300.—**(1) In case the council has entered into an agreement with an approved hospital and has levied a special tax for purposes of the agreement the council may by by-law, subject to the approval of the Minister, fix a minimum hospital tax to be paid by any resident of the town or village assessed upon the assessment and tax roll for such hospital agreement purposes.

"(2) Subject to the approval of the Minister the council may also by by-law impose a tax for hospital 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 six months 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 hospital purposes equivalent to the amount imposed by by-law under subsection (2) to any city, municipal district, improvement district, special area, or other town or village, and such person was not assessed upon the assessment roll of such city, municipal district, improvement district, special area, or other town or village for that year he shall not be liable in that year to the tax imposed by subsection (2).

“(4) Where any council has passed a by-law under subsection (1) and has not passed a by-law under subsection (2) such council may by by-law provide that any resident of the town or village who is not assessed upon the assessment and tax roll may enter into a contract with the council for hospital purposes upon voluntary payment of the amount fixed by the by-law under subsection (1), and any person so entering any such contract with a town or village shall for the purpose of subsection (3) be considered to have paid a tax for hospital purposes in the amount so paid in respect of the contract.”.

**18.** The said Act is further amended as to section 301 by striking out the word and figures “298 or 299”, where the same occur in subsection (1), and by substituting the word and figures “298, 299 or 300”.

**19.** The said Act is further amended as to section 308 by striking out the same.

**20.** The said Act is further amended as to section 317 by striking out subsection (2) and by substituting the following:

“(2) The insurer shall as promptly as possible after notice of loss, but in any event within forty-eight hours after receiving formal proof of loss under any policy of fire insurance, notify by registered mail the secretary-treasurer of the town or village in which the insured property is situated of the loss of the insured property.”.

**21.** The said Act is further amended by adding immediately after section 334 the following new section:

“**334a** The council may pass a by-law, subject to the approval of the Minister, for the purpose of cancelling arrears of taxes which appear on the assessment and tax roll and which are no longer secured by a charge against land or other property and which are no longer collectible from the person taxed.”.

**22.** The said Act is further amended as to section 358 by striking out the words “, one of which shall be the post office”, where the same occur in paragraph (c).

**23.** The said Act is further amended as to Form O in the Schedule by adding immediately after the second paragraph the following new paragraph:

“That you are of the full age of twenty-one years;”.

**24.** The said Act is further amended as to Form P in the Schedule,—

(a) by adding immediately after section 1 the following new section:

“2. That I am of the full age of twenty-one years;”;

(b) by renumbering sections 2 and 3 as sections 3 and 4 respectively.

**25.** This Act shall come into force on the day upon which it is assented to.

No. 40

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FIRST SESSION  
ELEVENTH LEGISLATURE  
13 GEORGE VI  
1949

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**BILL**

An Act to amend The Town and  
Village Act.

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Received and read the

First time .....

Second time .....

Third time.....

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HON. MR. GERHART.

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