

Bill No. 103 of 1951.

A BILL TO AMEND THE TOWN AND VILLAGE ACT.

NOTE.

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

Section 2, clause (v) which defines the term "transient trader" is amended by striking out subclauses (v) and (vi). The effect of this amendment is to include persons who sell newspapers and books or periodicals of an educational nature or character in the definition. As a result of being included in the definition of "transient trader" these persons may be taxed by a town or village under section 322 of the Act.

Section 20 is amended by correcting the reference to section 14 contained therein to section 15.

Section 45 is amended by adding a new clause (j) which renders ineligible for election as mayor or councillor any person whose seat has been declared vacant by reason of clauses (a) or (f) of subsection (1) of section 70.

Section 56 is amended to provide that the first meeting of a council shall take place on the second Monday in March rather than the first Monday in March.

A new section 68a authorizes the council of any town, having a population of not less than five thousand persons, to provide for the payment of a salary to the mayor.

Section 70, subsection (1) is amended to provide that the council shall declare vacant the seat of any person elected to whom this subsection applies.

Section 72 is amended so that the public meeting therein referred to must be held within thirty days of the date upon which the petition requesting the public meeting is filed.

Section 93 is replaced by a new section 93 which clarifies the rights of an elector to inspect documents of the town or village. The new section is in the same form as section 181a of *The Municipal District Act*.

Section 102 is amended to exclude persons liable to a business tax from those persons who may vote at an election held prior to the completion of the first voters' list.

A new section 121a provides for the replacement of the returning officer, deputy returning officer or other election

official who for any reason becomes incapable of carrying out his duties.

Section 122 is replaced by a new section which fixes the date for the annual meeting of the electors of a town or village for the second Monday in February.

Section 124 is replaced by a new section which fixes the third Monday in February as the date upon which nomination of candidates for council shall be received.

Section 127 is amended by setting the date for election of members of the council for the same day of the week as the nomination day but in the second following week.

Section 179 is amended so that it refers to the taking of proceedings for an offence in relation to an election under *The Controverted Municipal Elections Act*.

Section 191 is struck out as its provisions are now contained in *The Controverted Municipal Elections Act*.

A new section 192a provides that all proceedings for contesting an election or the voting upon any by-law under *The Town and Village Act* shall be taken under the provisions of *The Controverted Municipal Elections Act*.

Section 202 is amended to authorize a council to acquire land for the purposes of a public library.

Section 203 is amended to authorize every council to acquire or erect a public library.

Section 205 is amended to limit the amount which may be spent by a council upon public improvements under sections 202, 203, 204 and 205 to a maximum in any one year of five hundred dollars or two and one-half mills on the net total assessment.

A new section 206a empowers the council to enter into an agreement with the council of any other municipality or a school board for the joint construction, ownership and maintenance and use of public buildings.

Section 223 is amended so that a council may close a public street, road or highway only with the consent of the Minister of Public Works.

Section 224 is amended to provide that the council may sell or lease any land formerly the part of a highway, road, street or lane if the approval of the Minister of Public Works is first obtained.

Section 226, clause (n) is amended so that the reference therein to *The Town Planning Act* will be to *The Town and Rural Planning Act* which replaces the former Act.

A new section 226a empowers the council to control the installation of gas or water piping or appliances.

A new section 231a as enacted by O.C. 801/50 is added. This section is in force from June 1st, 1950, until this Bill

is assented to. A new section 231*a* replacing the section 231*a* as enacted by O.C. 801/50 and effective from the date of the coming into force of this Bill is substituted. It provides that the council of a town or village may enter into an agreement with an approved hospital for the care and treatment of residents of the town or village and persons liable to taxation in the town or village.

Section 253 is amended by adding two new subsections (5) and (6) which provide for a special tax for medical service supplied to residents of the town or village.

A new section 260*a* authorizes the council to pass a by-law for the orderly numbering of houses or lots on streets and avenues in the town or village.

Section 261 is amended to make it clear that under that section only one day in any year may be proclaimed a civic holiday by the council.

A new subsection (3) is added to section 273. It provides that a fixed sum of money may be paid in lieu of being proceeded against by prosecution for the breach of any provision of any by-law designated by the council.

The addition of a new subsection (8) to section 296 authorizes the council, with the approval of the Minister, to invest a portion of any excess funds on deposit in the bonds either of Canada or of the Province.

Section 298 is amended by limiting the amount of the minimum tax which may be imposed upon residents of the town or village for municipal purposes to ten dollars in any one year.

Section 299 is amended to provide that the amount of the minimum annual tax for school purposes which may be levied by the council in any one year shall not exceed ten dollars.

Section 300 is struck out and a new section is substituted as enacted by O.C. 801/50. This amendment is in force from June 1st, 1950, to the date on which this Bill is assented to. This section is in turn struck out and replaced by another section 300, effective from the date of the coming into force of this Bill, which provides that where the council has entered into an agreement with an approved hospital and has levied a mill rate tax for purposes of the agreement, the council may fix a minimum hospital tax in an amount not in excess of eight dollars to be paid by every person assessed upon the assessment and tax roll.

Section 301 is amended to eliminate the reference to section 300 contained therein.

Section 381 is amended to require the returning officer to certify to the council the percentage of the proprietary electors who have voted in favour of a by-law.

Section 420 is amended to require the council to declare vacant the seat of any person who is convicted of having signed an acceptance for nomination containing a false statement.

Forms F and G in the Schedule are struck out and new Forms F and G are substituted. Form II in the Schedule is amended to delete the reference to a person who has been liable to a business tax.

This Bill comes into force upon assent and upon so coming into force sections 26, 35 and 37, being the amendments authorized by O.C. 801/50, shall be deemed to have been in force at all times since June 1st, 1950, until the date of the coming into force of this Bill.

KENNETH A. MCKENZIE,
Legislative Counsel.

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

BILL

No. 103 of 1951.

An Act to amend The Town and Village Act.

(Assented to _____, 1951.)

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.

2. Section 2, clause (*v*) is amended by striking out sub-clauses (*v*) and (*vi*). Section 2 amended

3. Section 20, subsection (3) is amended by striking out the figure "14" and by substituting the figure "15". Section 20 amended

4. Section 45 is amended by adding immediately after clause (*i*) the following new clause: Section 45 amended

"(*j*) any person whose seat on the council has been declared vacant by reason of clause (*a*) or clause (*f*) of subsection (1) of section 70, until the expiration of three years from the date upon which his seat was so declared vacant."

5. Section 56 is amended by striking out the words "first Monday" wherever they occur in subsections (1) and (2) and by substituting the words "second Monday". Section 56 amended

6. The following new section 68*a* is added immediately after section 68: New section 68*a*

"**68*a*.** (1) The council of any town having a population of not less than five thousand persons, by by-law, may provide for the payment of an annual salary to the mayor upon such terms and in such amount as may be set out in the by-law. Annual salary of mayor

"(2) The by-law shall be submitted to a vote of the proprietary electors and shall take effect only if it is then approved by at least two-thirds of the electors voting thereon in the manner prescribed by Part XI. Approval of salary of mayor

"(3) Notices containing the full text of the by-law shall be posted in at least five widely separated conspicuous places in the town at least ten days before the date of voting, and the notice shall also be published in at least two issues Posting and publication of notice of by-law

of a newspaper circulating in the town, the last issue containing the notice being not later than five days before the date of voting.

“(4) The notice referred to in subsection (3) shall contain, in addition to the by-law, a statement that the by-law requires a two-thirds majority vote of the proprietary electors who vote and a further statement of the date, hours and place where the poll will be held.”.

Section 70
amended

7. Section 70, subsection (1) is amended by adding at the end the words “, and the council shall forthwith so declare it”.

Section 72
amended

8. Section 72 is amended,—

- (a) by renumbering the section as subsection (1);
- (b) by adding immediately after subsection (1) the following new subsections:

Date of
meeting

“(2) The date for the meeting named in the notice shall be not more than thirty days from the date of receipt of the petition.

“(3) The notices shall be posted at least seven clear days prior to the date for the meeting named in the notice.”.

Section 93
amended

9. Section 93 is struck out and the following is substituted:

Right of
elector to
inspect
documents

“**93.** (1) Any elector, under the supervision of the secretary-treasurer, and during his office hours, may inspect,—

“(a) any account, contract, by-law, minutes of council meetings, report of any committee or of any official of the town or village, other than the town or village solicitor or any counsel engaged by the town or village, after the same has been submitted to the council;

“(b) the voters’ lists, poll books or other documents, other than marked ballots relating to any election or voting.

“(2) The secretary-treasurer, within a reasonable time after demand, by an elector, shall furnish him with a copy of any such document or part thereof at the rate of twenty-five cents per one hundred words.”.

Section 102
amended

10. Section 102, subsection (1) is amended by striking out the words “or has been liable to a business tax therein”.

New section
121a

11. The following new section 121a is added immediately after section 121:

Replacement
of election
officials

“**121a.** (1) If a returning officer for any reason becomes incapable of carrying out his duties, the mayor may appoint, in writing, any resident elector of the town or village as returning officer.

“(2) If a deputy returning officer for any reason becomes incapable of carrying out his duties, the returning officer may appoint any other person as deputy returning officer.”.

12. Section 122 is struck out and the following is substituted: Section 122 amended

"122. (1) The annual meeting of the electors of the town or village shall be held on the second Monday in February at a time and place to be chosen by the council. Annual meeting

"(2) At least six days prior to the date of the annual meeting the secretary-treasurer shall post or cause to be posted in at least five conspicuous places in the town or village a notice in Form F in the Schedule."

13. Section 124 is struck out and the following is substituted: Section 124 amended

"124. (1) Nominations of candidates for membership in the council shall be received on the third Monday in February at a place to be chosen by the council. Nomination date

"(2) At least six days prior to the third Monday in February the returning officer shall post or cause to be posted in at least five conspicuous places in the town or village a notice in Form G in the Schedule."

14. Section 127 is amended by striking out the word "next" and by substituting the word "second". Section 127 amended

15. Section 179 is amended by striking out the words "this Act" and by substituting the words "*The Controverted Municipal Elections Act.*" Section 179 amended

16. Section 191 is repealed. Section 191 repealed

17. The following new section 192a is added immediately after section 192: New section 192a

"192a. All proceedings for contesting an election or the voting on any by-law under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act.*" Contested elections

18. Section 202, subsection (1), clause (b) is amended by striking out the words "or swimming bath" and by substituting the words "swimming bath or public library". Section 202 amended

19. Section 203 is amended by adding immediately after the words "curling rinks," the words "public libraries,". Section 203 amended

20. Section 205, subsection (1) is amended by adding immediately after the words "five hundred dollars", where they occur in the proviso, the words "or two and one-half mills on the net total assessment of land, buildings and improvements of the town or village, whichever is the greater,". Section 205 amended

21. The following new section 206a is added immediately after section 206: New section 206a

- Agreements for joint ownership and use of buildings **“206a.** Subject to the other provisions of this Act, the council may pass a by-law authorizing the making of an agreement with the council of any other municipality, or the board of trustees of any school district or division, for the joint construction, ownership, maintenance, operation and use of any public work or building, or for the performance of any matter or thing deemed by all the councils or boards concerned to be of benefit to their respective municipalities, school districts or divisions, and to enter into an agreement as to the joint control and management of anything that concerns their respective municipalities or school districts or divisions.”.
- Section 223 amended **22.** Section 223 is amended,—
 (a) by striking out subsection (1) and by substituting the following:
 “**223.** (1) The council, subject to the approval of the Minister of Public Works, may pass a by-law for the purpose of closing any public street, lane, road or highway.”;
 (b) by striking out subsection (5).
- By-law closing street, etc. “**223.** (1) The council, subject to the approval of the Minister of Public Works, may pass a by-law for the purpose of closing any public street, lane, road or highway.”;
- Section 224 amended **23.** Section 224 is amended by adding immediately after the word “sell” where it occurs in the proviso, the words “or lease”.
- Section 226 amended **24.** Section 226, clause (n) is amended by striking out the words “*The Town Planning Act*” and by substituting the words “*The Town and Rural Planning Act*”.
- New section 226a **25.** The following new section 226a is added immediately after section 226:
 “**226a.** (1) The council of a town or village, by by-law, may provide,—
 “(a) for prohibiting the installation of gas or water piping or appliances to be used in connection therewith or attached thereto;
 “(b) for the issuance of permits authorizing the installation of gas or water piping and appliances, and the fees to be charged therefor;
 “(c) for regulating the installation, maintenance or repair of gas or water piping or appliances, equipment and the material used or to be used in connection therewith.
- Installation of gas or water piping “(2) The council may provide for the appointment of an inspector to investigate the observance of the requirements established under subsection (1) and, by by-law, may define his duties and the extent of his authority.
 “(3) The council may enter into an agreement with the council of any city, town or village for the purpose of jointly appointing an inspector as provided in subsection (2) and such agreement may provide for defining his duties, authority and method of remuneration in such manner as shall be set out in the agreement.
- Inspector

“(4) Any fee prescribed pursuant to this section shall be reasonable in amount and shall not be imposed for the purpose of exacting revenue.”.

26. The following new section 231a is added immediately after section 231: New section
231a

“**231a.** (1) The council of any town or village which is not included within a municipal hospital district may pass by-laws in accordance with *The Hospitals Act* for the purposes of;— Hospital
agreements

“(a) entering into an agreement with an approved hospital,—

“(i) for the care and treatment of any person liable to pay taxes in respect of real property in the town or village, including the spouse, dependent family and domestic female help of such person; and

“(ii) for the care and treatment on a voluntary contract basis of persons who are residents of the town or village and who are not liable to pay taxes in respect of real property in the town or village, including the spouse, dependent family and domestic female help of such person;

“(b) providing for the admission and care and treatment of any of the persons mentioned in clause (a) as an emergency admission or medically referred admission in an approved hospital, other than the approved hospital with which the town or village has entered an agreement, under the circumstances set out in section 3c of *The Hospitals Act*.

“(2) The expenses incurred to provide hospital facilities pursuant to subsection (1) shall be met by the levy and collection of a mill rate tax upon real property liable to assessment and taxation and by the collection of the amounts payable by those persons who have entered voluntary contracts pursuant to subclause (ii) of clause (a) of subsection (1) in such amount as the council may determine.

“(3) The council may fix the amount payable for hospitalization pursuant to subclause (ii) of clause (a) of subsection (1),—

“(a) by a single resident; and

“(b) by a resident for himself and his dependent family, who wishes to enter a voluntary contract with the council pursuant to the provisions of this section.”.

27. Section 231a is struck out and the following is substituted: Section 231a
amended

“**231a.** (1) The council of a town or village that is not included within a municipal hospital district may pass by-laws in accordance with *The Hospitals Act* for the purposes of;— Hospital
agreements

“(a) entering into an agreement with an approved hospital,—

- “(i) for the care and treatment of any person liable to pay taxes in respect of real property in the town or village, including the spouse, dependent family and domestic female help of such person, and the surviving spouse, dependent family, and domestic female help of such a person after his decease, so long as the estate is liable to pay the taxes for which the deceased was liable; and
- “(ii) for the care and treatment on a voluntary contract basis of any person who is a resident of the town or village and who is not liable to pay taxes in respect of real property in the town or village, including the spouse and dependent family of such person;
- “(b) providing for the admission and care and treatment of any of the persons mentioned in clause (a) as an emergency admission or medically referred admission in an approved hospital, other than the approved hospital with which the town or village has entered into an agreement under the circumstances set out in section 3c of *The Hospitals Act*.
- “(2) The council may fix the amount payable for hospitalization pursuant to subclause (ii) of clause (a) of subsection (1),—
- “(a) by a single resident; and
- “(b) by a resident for himself and his dependent family, who wishes to enter into a voluntary contract with the council pursuant to the provisions of this section.
- “(3) The amount fixed under subsection (2) may be sufficient to pay for part or all of the expenses incurred in respect of such persons.
- “(4) The expenses incurred to provide hospital facilities pursuant to subsection (1) shall be met,—
- “(a) by the levy and collection of a mill rate tax upon real property liable to assessment and taxation; and
- “(b) by the fixing and collection of the amounts payable by those persons who have entered into voluntary contracts pursuant to subclause (ii) of clause (a) of subsection (1).”.
- 28.** Section 253 is amended by adding immediately after subsection (4) the following new subsections:
- “(5) In any case where a council has entered into an agreement for the supplying of medical care and attention to the residents of the town or village, the council, by by-law, may levy a special tax to cover the cost of such medical service upon all the property situate in, or business carried on in, the town or village, and the by-law may fix a minimum tax for the purpose of the medical service to be paid by any resident of the town or village assessed upon the assessment and tax roll.
- “(6) Where a council has passed a by-law fixing a minimum tax for medical service the council, by by-law,

Amount payable for contract

Payment of expenses

Section 253 amended

Special tax for medical service

Contracts for medical service

may 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 the purpose of enjoying the benefits of the medical service upon voluntary payment of the amount fixed by by-law as a minimum tax for the medical service and the by-law may provide that only such non-assessed person who has entered into such a contract shall be entitled to the benefits of the medical service.”.

29. The following new section 260*a* is added immediately after section 260:

“**260*a*.** The council may pass a by-law for the orderly numbering of houses or lots on the streets and avenues in the town or village.”.

30. Section 261, subsection (2) is amended by striking out the words “any day” and by substituting the words “any one day of the year”.

31. Section 273 is amended by adding immediately after subsection (2) the following new subsection:

“(3) The council of any town or village, where a police constable has been appointed under the provisions of section 77, by by-law, may provide that any person may pay to the secretary-treasurer or other person designated by the council, a fixed sum of money in lieu of being proceeded against by prosecution for the breach of any provision of any by-law designated by the council.”.

32. Section 296 is amended by adding immediately after subsection (7) the following new subsection:

“(8) In case the general revenue on deposit of a town or village exceeds the indebtedness, liabilities or commitments of the town or village, the council, by by-law, approved by the Minister, may invest part of the excess in bonds either of Canada or of the Province of Alberta.”.

33. Section 298, subsection (1) is amended by adding immediately after the words “municipal purposes” the words “in an amount not in excess of ten dollars”.

34. Section 299, subsection (1) is amended by adding immediately after the words “school purposes” the words “in an amount not in excess of ten dollars”.

35. Section 300 is struck out and the following is substituted:

“**300.** (1) In case the council has entered into an agreement with an approved hospital and has levied a mill rate for purposes of the agreement the council may by by-law fix a minimum hospital tax to be paid by every person assessed upon the assessment and tax roll for such hospital agreement purposes.

“(2) Where any council has passed a by-law under subsection (1), the amount fixed as payable for hospitalization under a voluntary contract pursuant to section 231a (3) shall not be less than the amount fixed by the by-law passed pursuant to subsection (1).”.

Section 300 amended

36. Section 300 is struck out and the following is substituted:

Minimum hospital tax

“300. In case the council has entered into an agreement with an approved hospital and has levied a mill rate tax for purposes of the agreement, the council, by by-law, may fix a minimum hospital tax in an amount not in excess of eight dollars to be paid by every person assessed upon the assessment and tax roll for such hospital agreement purposes.”.

Section 301 amended

37. Section 301, subsection (1) is amended by striking out the word and figures “299 or 300” and by substituting the word and figures “or 299”.

Section 381 amended

38. Section 381 is amended by striking out the words “whether or not two-thirds of the proprietary electors voting upon the by-law have approved of the same” and by substituting the words “the percentage of the proprietary electors voting on the by-law who have approved of the same”.

Section 420 amended

39. Section 420 is amended by adding at the end the words “and the council shall forthwith so declare it”.

Schedule amended

40. Form F in the Schedule is struck out and the following is substituted:

Form F

“FORM F

“(Section 122)

“NOTICE OF ANNUAL MEETING.

“Public notice is hereby given that a meeting of the electors of the town (or village) of will be held in the.....on..... the..... day of, 19..... at.....o'clock p.m., for the purpose of receiving the report of the mayor, secretary-treasurer, auditor and chairman of the various committees of the council for the year ending December 31st, 19.....

Date atthis.....day of.....19.....

.....
(Secretary-treasurer).”.

Schedule amended

41. Form G in the Schedule is struck out and the following is substituted:

Form G

“FORM G

“(Section 124)

“MUNICIPAL ELECTIONS.....

“TOWN (OR VILLAGE) OF.....

Public notice is hereby given that I will attend at (insert description of place) on....., the.....

day of 19....., from eleven o'clock in the forenoon until twelve o'clock noon for the purpose of receiving nominations of candidates (for office of mayor for the next ensuing two years in the case of a town, or for the office of councillor for the next ensuing three years, as the case may be).

Given under my hand at.....
this..... day of, 19.....

.....
(Returning Officer)."

42. Form II in the Schedule is amended,— Schedule amended

- (a) by striking out the words "(or has been liable to a business tax, as the case may be)";
- (b) by striking out the words "LAND OR BUSINESS" and by substituting the word "LAND".

43. This Act shall come into force on the day upon which it is assented to, and upon so coming into force sections 26, 35 and 37 shall be deemed to have been in force at all times on and after the 1st day of June, 1950, until the date of the coming into force of this Act. Coming into force

No. 103

FOURTH SESSION
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

BILL

An Act to amend The Town and
Village Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
