

Bill No. 68 of 1954

A BILL TO AMEND THE TOWN AND VILLAGE ACT,  
1952

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NOTE

This Bill amends *The Town and Village Act*, being chapter 97 of the Statutes of Alberta, 1952.

Section 46, subsection (1) is amended to remove the reference therein to a general election as being unnecessary as a "first meeting" is defined in section 2, clause (f).

Section 48, subsection (4) is struck out. This subsection more properly belongs to section 56 as it relates to special meetings of the council, and is being placed in that section as subsection (5) thereof.

Section 49, subsection (1) is amended to remove the reference to a general election as a "first meeting" is defined in section 2, clause (f).

Section 56 is amended as mentioned in the reference to section 48.

Section 59 is amended by the addition of a subsection (5) which permits a council to make provision for the expenses incurred by its committees attending meetings on municipal affairs.

Section 70 is amended. Subsection (4) is replaced by a new subsection. The effect of this substitution is to provide fully for the time within which requests for assessments may be made by councils to the Director of Assessments. Previously, the request had to be made before the first of April regardless of the fact that the assessment was being made for the purpose of taxation in the following taxation year. Subsection (5) is amended to permit the Department of Municipal Affairs to assume half the cost of assessments done by their personnel at the request of council. Previously, the Department assumed only one quarter of the cost.

Section 79, subsection (2) is amended to correct a reference to an Act.

Section 79a, subsection (1) is amended to extend the length of appointment of a special constable appointed by the mayor from fifteen days to thirty days so as to enable confirmation or the contrary or a subsequent council meeting which might not normally take place within fifteen days of such appointment.

Section 269, subsection (1) is amended to permit a council to acquire land for a museum and art galleries. A new subsection (3) is added to permit a council to acquire land in

or outside its municipal area for subdivision for building sites.

Sections 279 and 293, which permit expropriation of subdivided and unsubdivided land, respectively, are amended to exclude the power to expropriate for the purpose for which under the new subsection (3) of section 269 the council may acquire land by purchase.

Section 294 is amended by the addition of a new subsection (1a) which authorizes a council to sell land acquired for building sites under section 269.

Section 352, subsection (1) is amended to extend the ceiling of eight dollars on the minimum hospital tax to ten dollars.

Section 414 is amended to provide that on a vote by proprietary electors on a money by-law, the by-law is neither rejected nor approved unless ten per cent or more of all the proprietary electors vote thereon.

Form 11 is replaced by a new Form 11 which differentiates between a candidate's acceptance for a first election in a town or village and such an acceptance for a general election.

This Bill comes into force upon assent.

J. W. RYAN,  
*Acting Legislative Counsel.*

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

# BILL

No. 68 of 1954

An Act to amend The Town and Village Act, 1952

(Assented to \_\_\_\_\_, 1954)

**H**ER 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, 1952*, being chapter 97 of the Statutes of Alberta, 1952, is hereby amended.

2. Section 46, subsection (1) is amended by striking out the words "after a general election". Section 46  
amended

3. Section 48 is amended by striking out subsection (4). Section 48  
amended

4. Section 49, subsection (1) is amended by striking out the words "following the date of the annual election in each year". Section 49  
amended

5. Section 56 is amended by adding immediately after subsection (4) the following new subsection: Section 56  
amended

"(5) The council by unanimous consent may waive notice of a special meeting and hold a special meeting at any time but every member of the council must be present at such a meeting."

6. Section 59 is amended by adding immediately after subsection (4) the following new subsection: Section 59  
amended

"(5) The council, by resolution, may authorize the payment of reasonable allowances for travelling, subsistence and out of pocket expenses accrued in attending meetings affecting the town or village to members of the council who are members of any committee appointed by resolution of the council to attend such meetings."

7. Section 70 is amended Section 70  
amended

(a) by striking out subsection (4) and by substituting the following:

"(4) Where a council desires to make a general assessment of all land, buildings and improvements in the town or village or an assessment required pursuant to clause (a) of subsection (1) of section 19 of *The Assessment Act*, the council, by resolution Requisitioning  
Director of  
Assessments  
to make  
general  
assessment

“(a) passed prior to the first day of May if the assessment is required for taxation purposes in that year, or

“(b) passed at any time in a year if the assessment is required for taxation purposes in the following year,

may requisition the Director of Assessments to have such assessment made and in that case such assessor on the staff of the Director of Assessments as the Director may designate shall be the assessor for that assessment.”,

(b) as to subsection (5)

(i) by striking out the word “general”,

(ii) by striking out the words “twenty-five” and by substituting the word “fifty”,

(iii) by striking out the words “seventy-five” and by substituting the word “fifty”.

Section 79  
amended

**8.** Section 79, subsection (2) is amended by striking out the word “Alberta”.

Section 79a  
amended

**9.** Section 79a, subsection (1) is amended by striking out the word “fifteen” and by substituting the word “thirty”.

Section 269  
amended

**10.** Section 269 is amended

(a) as to subsection (1), clause (b) by striking out the words “or public library” and by substituting the words “, public library, museums or art galleries”,

(b) by adding immediately after subsection (2) the following new subsection:

“(3) Subject to the approval of the Lieutenant Governor in Council, a council may, by by-law, authorize the purchase or other acquisition of land within or without the town or village for the purpose of subdivision for building sites.”.

Section 279  
amended

**11.** Section 279 is amended by adding immediately after the word “Act” the words and figures “, except those purposes authorized by subsection (3) of section 269,”.

Section 293  
amended

**12.** Section 293, subsection (1) is amended by adding immediately after the words “hereinbefore authorized,” the words “except those purposes authorized by subsection (3) of section 269,”.

Section 294  
amended

**13.** Section 294 is amended by adding immediately after subsection (1) the following new subsection:

“(1a) Notwithstanding subsection (1), a council with the approval of the Minister may pass a by-law for the purpose of selling any land acquired pursuant to subsection (3) of section 269.”.

**14.** Section 352, subsection (1) is amended by striking out the word "eight" and by substituting the word "ten". Section 352  
amended

**15.** Section 414 is amended

Section 414  
amended

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

“(2) No by-law that is required to be submitted to the proprietary electors shall be deemed to have been passed or rejected unless the total number of proprietary electors voting on the by-law is ten per cent or more of the total number of proprietary electors entitled to vote thereon.”.

**16.** Form 11 in the Schedule is struck out and the following is substituted: Schedule  
amended

“FORM 11

“(Section 127)

“NOMINATION PAPER

“We, the undersigned electors of the town (or village) of ..... hereby nominate (name, residence and occupation of the person nominated) as a candidate at the election now about to be held for a mayor (or councillor) of the said town (or village).

“Witness our hands this ..... day of ..... 19....

.....  
Signature of Electors

“CANDIDATE’S ACCEPTANCE (FIRST ELECTION)

“I, the said ..... named in the foregoing nomination, hereby state:

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

“2. That I reside in the town (or village) of .....

“3. That I am a Canadian citizen;

“4. That I can read and write in the English language;

“5. That I have been for a period of at least two months immediately prior to nomination, the owner or purchaser of land, or interest in land within the town (or village) not exempted from taxation which is of the value of at least one hundred dollars over and above charges, liens and encumbrances affecting the same;

“6. That my name appears with respect to such land on the assessment roll of the village, municipal district or improvement district with respect to that portion which is included in the town (or village);

“7. That I am not otherwise disqualified;

“8. That I will accept the office of ..... of the said town (or village) if elected.

"CANDIDATE'S ACCEPTANCE (GENERAL ELECTION)

"I, the said.....named in the foregoing nomination, hereby state:

- "1. That I am of the full age of twenty-one years;
- "2. That I reside in the town (or village) of .....
- "3. That I am a Canadian citizen;
- "4. That I can read and write in the English language;
- "5. That my name appears upon the voter's list as a proprietary elector;
- "6. That my name is on the assessment roll of the town (or village) in respect of land or interest in land not exempted from taxation within the town (or village) which is of the value of one hundred dollars over and above charges, liens and encumbrances affecting the same;
- "7. That I am not otherwise disqualified;
- "8. That I will accept the office of ..... of the said town (or village) if elected.

Coming  
into force

Signed in the presence of

.....  
"Signature of Witness

}

.....  
"Signature of Candidate"

**17.** This Act comes into force on the day upon which it is assented to.

No. 68

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SECOND SESSION  
TWELFTH LEGISLATURE  
3 ELIZABETH II

1954

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**BILL**

An Act to amend The Town and  
Village Act, 1952

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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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