

Bill No. 57 of 1955

A BILL TO AMEND THE TOWN AND VILLAGE ACT,
1952

NOTE

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

Section 23, subsection (4), clause (b) is amended. This section deals with summer villages and the amendment effects a change in the statutory date of the annual meeting for the discussion of village affairs, which is also the nomination day in the village.

Section 45 is amended to provide that a mayor of a town or village will be a member of all committees of council by virtue of his office.

Section 105, subsection (1) is amended to enable a doctor employed as the town or village medical officer to be elected to council or to the office of mayor.

Section 230 is amended to remove a grammatical ambiguity.

Section 263, subsection (2) is amended to remove a restriction on a town or village with respect to the direction, control and management of public roads, highways, road allowances and trails within the town or village.

Section 269 is amended to require that a town or village obtain the consent of the Lieutenant Governor in Council to the acquisition of lands outside the town or village in cases where the town or village may acquire lands outside the boundaries thereof.

Section 270 is amended. This section authorizes the carrying out of improvements on lands authorized to be acquired by a town or village. At the present time, however, the improvements so permitted are only those made to buildings. The amendment enlarges the authority to permit of improvements being made to such lands as well as to buildings.

Sections 279, 286 and 293 are amended to prevent a town or village from acquiring mines or minerals by expropriation proceedings.

Section 302 is amended to permit a town and village to make by-laws providing for the purchase of police apparatus and equipment.

Section 308, subsection (1) is amended to correct a reference to an Act and to agreements made pursuant to the Act.

Section 319 is amended to make it clear that the powers therein given are subject to *The Town and Rural Planning Act, 1953*, as well as being determined by reference to that Act.

Sections 335*a* and 335*b* are added and authorize the institution of a recreation board and the appointment of a recreation supervisor, respectively, in a town or village.

Section 401, subsection (1), which deals with notices of special assessments, requires that the "assessor" send out such notices. *The Assessment Act*, on the other hand, requires that assessment slips be mailed by the secretary-treasurer. This amendment removes the conflict in this matter.

Section 437 is amended. Subsection (1*a*) requires that any surplus remaining from the proceeds of an issue of debentures, after the objects of the debenture issue have been accomplished, are to be placed in a suspense account and applied to redeem the debentures.

Section 462, subsection (1) makes it an offence for a councillor to authorize the expenditure of town or village funds without authority to do so. As the Act now reads, however, the unauthorized expenditure referred to relates only to expenditures in the town or village for specified types of projects; this discrepancy is being removed and the provision made more general, as it is not desired that unauthorized expenditures outside of the town or village or for purposes other than those specified escape the provision.

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. 57 of 1955

An Act to amend The Town and Village Act, 1952

(Assented to _____, 1955)

HER 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 23, subsection (4), clause (b) is amended by striking out the words "first Saturday in August" and by substituting the words "Saturday immediately preceding the first Monday in August". Section 23 amended

3. Section 45 is amended by striking out clause (d) and by substituting the following: Section 45 amended

"(d) communicate from time to time to the council all such information and recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the town or village; and is *ex officio* a member of all committees appointed by the council."

4. Section 105, subsection (1) is amended by adding immediately after clause (f) the following new clause: Section 105 amended

"(fa) of his being employed as medical health officer of the town or village;"

5. Section 230 is amended by striking out subsection (1) and by substituting the following: Section 230 amended

"230. (1) When a person authorized to attend at a polling place objects to any ballot paper found in the ballot box, the officer presiding at the poll shall take a note of the objection and shall decide any question arising out of the objection." Objection to ballot paper

6. Section 263, subsection (2) is amended by striking out the words "and shall be deemed to have no reference to road allowances or public travelled roads or trails or new roads vested in the Crown in the right of the Province by virtue of the provisions of the *Saskatchewan and Alberta Roads Act*, being chapter 180 of the Revised Statutes of Canada, 1927". Section 263 amended

Section 269
amended

7. Section 269 is amended by adding immediately after subsection (3) the following new subsection:

“(4) Notwithstanding subsection (1), the council shall obtain the approval of the Lieutenant Governor in Council before acquiring any land situate outside the boundaries of the town or village or any interest in such land.”.

Section 270
amended

8. Section 270 is amended

(a) as to subsection (1) by adding immediately after the word “improvement” the words “of such land and”,

(b) as to subsection (2) by adding immediately after the word “such” the words “land or”.

Section 279
amended

9. Section 279 is amended by striking out the word “same” and by substituting the words “land excepting thereout all mines and minerals”.

Section 286
amended

10. Section 286, subsection (1) is amended by adding immediately after the word “land” the words “excepting thereout all mines and minerals”.

Section 293
amended

11. Section 293, subsection (6) is amended by striking out the words “unless the mines or minerals are expressly purchased,”.

Section 302
amended

12. Section 302 is amended by adding immediately after clause (f) the following new clause:

police
apparatus

“(g) for the purchase of police apparatus and equipment.”.

Section 308
amended

13. Section 308, subsection (1) is amended

(a) by striking out the words “*The Hospitals Act*” and by substituting the words “*The Hospitalization and Treatment Services Act*”,

(b) by striking out the words “an agreement under the circumstances set out in section 3c of *The Hospitals Act*”, where they occur in clause (b) and by substituting the words “a hospitalization agreement pursuant to *The Hospitalization and Treatment Services Act*”.

Section 319
amended

14. Section 319 is struck out and the following is substituted:

Building by-
laws subject
*The Town
and Rural
Planning
Act, 1953*

“**319.** A council may,

“(a) subject to *The Town and Rural Planning Act, 1953*, pass by-laws providing for the control of buildings and such other things in connection therewith as a council is empowered to control, provide, make, prepare, regulate or otherwise do under that Act,

“(b) by by-law regulate the erection of radio-aerial wires within the town or the village or of poles or standards connected therewith.”.

15. The following sub-heading and sections are added immediately after section 335: New sections
335a and
335b

“Recreation

“335a. (1) A council, by by-law, may appoint a recreation board Recreation
board

“(a) to exercise such powers in the control, supervision and management of any playground as the council may determine, and

“(b) either alone or in co-operation with other bodies, to take such measures as may be deemed advisable for the encouragement and development of amateur athletic and aquatic sports.

“(2) The members of a recreation board may hold office during the pleasure of the council.

“335b. (1) A council, by by-law, may appoint a recreation supervisor and such other employees as may be deemed necessary. Recreation
supervisor

“(2) The recreation supervisor and employees may be paid such remuneration, if any, as the council may determine.”.

16. Section 401, subsection (1) is amended by striking out the word “assessor” and by substituting the words “secretary-treasurer”. Section 401
amended

17. Section 437 is amended by adding immediately after subsection (1) the following new subsection: Section 437
amended

“(1a) Any surplus remaining from the proceeds of the sale of debentures after all expenditures for the specific purpose or purposes for which the debentures authorized have been made shall be placed in a suspense account and shall be applied to redeem the debentures.”.

18. Section 462, subsection (1) is amended by striking out the words “upon or with respect to any public work in the town or the village or for the supplying of any material or labour for such work”. Section 462
amended

19. This Act comes into force on the day upon which it is assented to. Coming int
force

THIRD SESSION
TWELFTH LEGISLATURE
4 ELIZABETH II
1955

BILL

An Act to amend The Town and
Village Act, 1952

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HINMAN
