

No. 1

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BILL 1

A Bill to Provide for the Development and Planning of
New Towns in the Province

HON. MR. HOOKE

EDMONTON, ALBERTA
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Explanatory Note

General. This Bill will enact a new Act entitled "The New Towns Act". The purpose of this Act is to provide a means of facilitating the orderly and sound growth of new urban areas arising out of the development of the natural resources of the Province, and to provide a special means of meeting the urgent and extraordinary demands of urbanization in areas where there are few residents and no opportunity for natural growth under present statutes.

2. Definitions of terms used in Act.

3. Provides the mode of establishing a new town.

4. The role of the Provincial Planning Advisory Board in the establishment of new towns.

BILL

No. 1 of 1956

An Act to Provide for the Development and Planning of
New Towns in the Province

(Assented to _____, 1956)

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

1. This Act may be cited as "*The New Towns Act*".

Interpretation

2. In this Act,
 - (a) "Board of Administrators" means the Board of Administrators of a new town;
 - (b) "elector" means a person entitled to vote at an election, or upon a by-law or at the taking of a vote, as the case may be, as set out in Part V of *The Town and Village Act, 1952*;
 - (c) "Minister" means that member of the Executive Council for the time being charged with the administration of this Act;
 - (d) "new town" means a new town as created and constituted pursuant to this Act;
 - (e) "Provincial Planning Advisory Board" means the Provincial Planning Advisory Board as constituted under *The Town and Rural Planning Act, 1953*;
 - (f) "town" means a town within the meaning of *The Town and Village Act, 1952*;

Establishment of a New Town

3. The Lieutenant Governor in Council, by order and upon the recommendation of the Provincial Planning Advisory Board may
 - (a) declare any area of the Province to be a new town,
 - (b) describe its boundaries, and
 - (c) establish a date upon which the establishment of the new town is to be effective.
4. (1) The Provincial Planning Advisory Board shall receive all applications for the establishment of any new

5. Provides for the Board of Administrators of a new town.

6. Composition of Board of Administrators.

town and after making such inquiries as it sees fit, may make such recommendations to the Lieutenant Governor in Council as it thinks proper in each case.

(2) A person who applies to the Provincial Planning Advisory Board in accordance with subsection (1) shall file with the Board such information as it may require to determine whether the proposal is economical and in the public interest, including

- (a) such facts as may prove the necessity for development of the townsite,
- (b) surveys, maps and aerial photographs indicating the physical and topographical features of the townsite and its relationship to nearby areas, and
- (c) economic planning studies of the balance of proposed land uses within the townsite, the relationship of land acquisition costs to the proposed prices of developed lots and dwellings.

(3) Before making its recommendations the Provincial Planning Advisory Board may

- (a) give notice of the application for a proposed new town,
- (b) cause a public hearing to be held at which any person may make representation with regard to the proposal,
- (c) refer the application to the Board of Public Utility Commissioners for a recommendation on the financial aspects of the proposal, and the Board of Public Utility Commissioners may, if it deems necessary, require the applicant to file certain material and may hold a hearing thereon,
- (d) engage independent consultants or technical experts to report to them on any phase of the proposed new town's development.

5. For each new town that is established pursuant to this Act the Lieutenant Governor in Council shall

- (a) create a Board of Administrators to be known as "The Administrators of the New Town of.....", and
- (b) appoint one of the members of the Board of Administrators to be the chairman thereof.

6. (1) The Board of Administrators shall consist of one or more members, not exceeding seven in number, and may be composed of any or all of the following:

- (a) public servants of the Province;
- (b) residents within the area of the new town;
- (c) representatives of organizations, companies, or municipalities operating in or near, or having jurisdiction in or near the new town.

7. Salaries and allowances of Board to be fixed by Lieutenant Governor in Council and paid out of the funds of the new town, except in the case of a public servant on the Board.

8. Creation of the corporate entity of the new town and Board, and its powers.

(2) The members of the Board of Administrators shall be appointed by the Lieutenant Governor in Council, except for such number of members as the Lieutenant Governor in Council may decide should be elected by the electors of the new town.

(3) Elected members shall serve for such terms as the Lieutenant Governor in Council may by regulations specify and appointed members shall serve during pleasure of the Lieutenant Governor in Council.

(4) When an elected member vacates his office on the Board of Administrators otherwise than by the effluxion of time, the Lieutenant Governor in Council may appoint any person to the Board for the remainder of the term of office.

(5) When the Lieutenant Governor in Council has provided that some of the members shall be elected, the appointed members shall act as the Board of Administrators until the election has taken place.

(6) Any such election shall take place as if it were the first election in a town and the provisions of *The Town and Village Act, 1952*, with regard to all matters relating to nomination and election apply to an election within a new town, in so far as they are applicable.

7. (1) The Lieutenant Governor in Council shall fix the salaries and allowances to be paid to the chairman and members of a Board of Administrators.

(2) The salaries and allowances shall be paid out of the funds of the new town, except in the case of a public servant, whose salary and allowance shall be paid by the department of which he is an employee.

8. (1) The Board of Administrators and the electors of every new town are a body corporate under the name of "The New Town of" (naming the same).

(2) The body corporate

(a) is subject to all the liabilities of a corporation,

(b) has perpetual succession,

(c) shall have a common seal with power to alter and modify the same at pleasure,

(d) may sue or be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity,

(e) may receive by donation and otherwise acquire, hold, dispose of and convey any property, real or personal, for any purpose within its corporate powers, and

(f) may become a party to any contract or agreement within the powers of the new town.

(3) The body corporate is capable of acting by the Board of Administrators and the Board of Administrators

9. Sets out the responsibility of the executive of the new town to Board of Public Utility Commissioners, Provincial Planning Advisory Board and Provincial Board of Health.

10. Makes provision for transfer of rights and liabilities of former local authority to new town.

11. Makes provision respecting arrears of taxes upon creation of a new town, suits and rights of action pending at such time, and the title and rights in land of the former town or village.

12. Empowers Lieutenant Governor in Council to make a new town into a village, town or city and thereby place it under one or the other of the present Acts relating to villages, towns and cities. Effect of so doing on advances to new town set out.

shall exercise all powers vested in the corporation by this Act or otherwise.

9. The Board of Administrators shall be responsible

- (a) to the Board of Public Utility Commissioners, with regard to all matters relating to the financing of the new town,
- (b) to the Provincial Planning Advisory Board, with regard to all matters relating to the planning, development and construction of the new town, and
- (c) to the Provincial Board of Health with relation to water supplies, sewage disposal, garbage disposal, trailer camps and other health matters,

and shall carry out such instructions with regard to these matters as any such body may issue from time to time.

10. (1) When a new town has been established, the rights, liabilities, and property of the former municipality in and to the area of the new town passes to the new town, and section 20 of *The Town and Village Act, 1952*, applies *mutatis mutandis* thereto.

(2) Where a new town is established in the place of an existing village or town,

- (a) the council of the village or town shall be deemed to be the Board of Administrators of the new town and shall continue in office until such time as the Board of Administrators appointed by the Lieutenant Governor in Council has taken office, and
- (b) all by-laws and resolutions passed by the council of the village or town continue in full force and effect until the same are altered or repealed by the Board of Administrators.

11. (1) All taxes due to a village or town at the date of its being created a new town shall be deemed to be arrears of taxes due to the new town and the provisions of any Act relating to arrears of taxes and the collection thereof for or on behalf of a town apply to the arrears deemed to be due the new town.

(2) All suits and rights of action by or against a village or town at the date of its being created a new town may be continued or maintained by or against the new town, and all debts and liabilities of the village or town shall be assumed and paid by the new town.

(3) The title to and all rights in respect of land or other property of a village or town that is created a new town vests in the new town.

12. (1) At any time after the establishment of a new town, the Lieutenant Governor in Council, upon the joint recommendation of the Board of Public Utility Commissioners and the Provincial Planning Advisory Board, may

13. Provides authority for the Government to make funds available for the operation of a new town.

14. Relates to the function of the chairman of the Board of Administrators of a new town.

15. Board of Administrators to have all the powers of a town council, except as otherwise provided herein.

16. Appointment of officials of new town.

by order provide for the establishing of the new town into a village, town or city.

(2) The establishment of a new town into a village, town or city shall take place in accordance with the provisions of the appropriate municipal Act, but notwithstanding any provision of such Act, the Board of Administrators shall continue in office until the first meeting of the newly elected council and shall make all provision for the first election to take place within the village, town or city.

(3) Upon the Board of Administrators being notified that the Lieutenant Governor in Council intends to make the new town into a city, town or village, the Board of Administrators shall repay to the Province all special loans or advances paid to it by the Province.

13. (1) The Lieutenant Governor in Council may from time to time pay to the Board of Administrators of any new town, out of the General Revenue Fund and without any further or other appropriation than is provided by this section, such sums, not exceeding in total amount the sum of one million dollars, as will enable the Board of Administrators to meet all authorized current and capital expenditures that may be required for the purposes of developing the new town and meeting all urgent needs therein.

(2) The sums paid by the Province in accordance with subsection (1) may be by grant or by an advance or loan repayable on such terms and within such times as the Lieutenant Governor in Council may specify.

(3) The period of repayment of a loan or advance under this section shall not exceed forty years.

(4) Any sum advanced or loaned by the Province is a debt due by the new town to the Province, and shall be repaid by the new town out of the revenue derived from general or special taxes within the new town or from the issuance of debentures by the new town.

14. The chairman of the Board of Administrators is the chief executive officer of the new town and is vested with all rights, duties, privileges and powers of the mayor of a town, except as otherwise provided in this Act.

15. Except as otherwise provided by this Act, the Board of Administrators has and shall exercise all the rights, powers, privileges, duties and functions conferred on the council of a town by *The Town and Village Act, 1952*, including, without restricting the generality of the foregoing, the power to assess, levy and collect taxes.

16. The Board of Administrators shall appoint

(a) a secretary-treasurer who is hereby vested with all the rights, duties, privileges and powers of the secretary-treasurer of a town, and

17. Provides that new town is to be operated without votes on money by-laws, though Board may issue debentures and borrow money.

18. Further specified powers of Board of Administrators.

19. Sets out the method of initiating the planning and development of new town.

- (b) such other officials as may be required to assist the Board of Administrators and its secretary-treasurer and to provide for the efficient conduct of the business of the Board of Administrators and of the new town.

17. (1) Notwithstanding any provision of this Act or of any other Act, no vote of the proprietary electors on any by-law for the expenditure of money, for the issuance of debentures or for any other matter or thing shall take place or be required at any time except in the case of an election required pursuant to subsection (2) of section 6.

(2) Notwithstanding the provisions of any other Act to the contrary, the Board of Administrators may provide for the issuance of debentures, borrow or expend money without reference to the amount of the total assessment of lands, buildings and improvements within the new town or without reference to the amount of the current tax levy.

18. In addition to the powers, rights, duties and privileges granted the Board of Administrators under the preceding sections, the Board of Administrators may, with the approval of the Provincial Planning Advisory Board,

- (a) acquire by expropriation or otherwise in the same manner as a town and for any purpose whatsoever any land within the area of the new town,
- (b) issue debentures and expend moneys for any purpose that a city council is authorized so to do under *The City Act*, and without the approval of the proprietary electors, but subject to the approval of the Board of Public Utility Commissioners,
- (c) enter into agreements with private owners of land within the new town, or proposed developers of land within the new town, with regard to the subdivision of land, the provision of land with utilities and services, the prices of lots, and the methods by which land will be offered for sale,
- (d) prohibit any owner or developer from subdividing or selling land or buildings or developing land unless such an agreement as is mentioned in clause (c) is entered into, and
- (e) provide, by the construction and operation of trailer camps, hostels, camp grounds and like facilities, for the temporary housing and shelter of new inhabitants of the new town and of construction workers.

Planning and Development

19. (1) As soon as possible after its appointment, the Board of Administrators shall submit comprehensive proposals for the planning and orderly development of the new town to the Provincial Planning Advisory Board for their approval.

20. The role of the Provincial Planning Advisory Board therein.

21. Prohibition against spending money until planning proposals approved.

22. Relates to the means of financing new towns by loans from the Province.

23. Requires the setting up of a "financial program" to be submitted to the Board of Public Utility Commissioners, yearly.

(2) The proposals shall be in the nature and form of the proposals that a council of a town may make by means of a general plan under the provisions of *The Town and Rural Planning Act, 1953*.

20. (1) To assist the Board of Administrators in the preparation of the proposals for the planning and orderly development of the new town or to ensure that the planning and development of the new town will be consistent and co-ordinated with the planning and development of adjacent areas or municipalities, the Provincial Planning Advisory Board may require that the proposals be prepared on behalf of the Board of Administrators by

- (a) the officers and servants of the Provincial Planning Advisory Board, or
- (b) a district planning commission having jurisdiction in the area.

(2) If the Provincial Planning Advisory Board does not so require, the Board of Administrators shall engage professional planning consultants to prepare the proposals for the planning and orderly development of the new town.

(3) The proposals for the planning and orderly development of a new town may from time to time be added to, altered, amended or rescinded by

- (a) order of the Provincial Planning Advisory Board, or
- (b) the Board of Administrators with the approval of the Provincial Planning Advisory Board.

21. Except for the purpose of providing for its immediate and urgent needs, the Board of Administrators shall not spend any moneys or undertake any works or make any agreements with developers or landowners or do any other matter or thing until its proposals for the planning and orderly development of the new town have been approved by the Provincial Planning Advisory Board.

Financing of New Towns

22. Upon the establishment of a new town, the Board of Administrators thereof may apply to the Minister for a loan or advance pursuant to section 13.

23. (1) In each year the Board of Administrators of a new town shall submit to the Board of Public Utility Commissioners

- (a) particulars of its plan of assessment and taxation, its annual estimate of revenue and expenditure and its proposed capital expenditures and debentures and loans or advances, and
- (b) the estimated amount of population growth and development, the consequent value of assessable

24. Spending of moneys to depend upon acceptance of new town's financial program by Board of Public Utility Commissioners.

25. Application of The Public Utilities Act to new towns.

26. Application to new towns of various provincial Acts.

27. Authorizes regulations to supplement Act and to exclude provisions of provincial Acts to new town as found necessary as well as to make such Act apply where required.

28. Coming into force.

property, and the anticipated revenues and expenditures for future years.

(2) Such plan shall be known as the "financial program" of the new town.

(3) The financial program shall be so submitted as soon as possible after the establishment of the new town, and the financial program for each subsequent calendar year shall be submitted to the Board of Public Utility Commissioners not later than the twenty-eighth day of February of that year.

24. Except for the immediate and urgent needs of the new town, the Board of Administrators of a new town shall not spend any money, pass any by-law, issue any debenture or do any other act or thing provided for in the financial program until the program has been approved by an order of the Board of Public Utility Commissioners.

25. Except where inconsistent with the intent or any provision of this Act, a new town is subject to *The Public Utilities Act* as though it were a local authority within the meaning of that Act.

26. For the purpose of the Acts listed in the Schedule hereto, and any other Act of the Legislature applying or having reference to a town, other than *The Town and Village Act, 1952*, a new town shall be deemed to be a town and the provisions of such Act apply to a new town accordingly except where inconsistent with the general intent of this Act or with any provision thereof.

27. (1) The Lieutenant Governor in Council may make regulations for the purpose of carrying out the intent of this Act or to supply any deficiency therein.

(2) The Lieutenant Governor in Council may from time to time exclude any Act from application to a new town or apply a provision of any Act to a new town, as deemed necessary in the circumstances.

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

SCHEDULE

The Municipal Capital Expenditure Loans Act
The Municipal Assistance Act, 1953
The Assessment Act
The Tax Recovery Act
The Public Welfare Assistance Act
The Land Titles Act
The School Act, 1952
The Municipal Hospitals Act
The Hospitals Act
The Public Health Act
The Domestic Animals Act (Municipalities)
The Surveys and Expropriation Act
The Libraries Act
The Mobile Construction Equipment Licensing Act
*The Seismographic Recording and Drilling Equipment
Licensing Act*
The Hospitalization and Treatment Services Act
The Town and Rural Planning Act, 1953
The Alberta Municipal Financing Corporation Act

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act to Provide for the Development and Planning of New Towns in the Province

Received and read the

First time.....

Second time.....

Third time.....

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