

No. 84

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 84

A Bill to amend The Town and Village Act

HON. MR. HOOKE

Explanatory Note

2. The term "public utility" is used in various places in the Act but is not at present defined.

3. Councils authorized to keep ratepayers informed as to the business transacted by the council. This proposed new section is similar to a provision presently found in The Municipal District Act.

BILL

No. 84 of 1958

An Act to amend The Town and Village Act

(Assented to _____, 1958)

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*, being chapter 338 of The Revised Statutes of Alberta, 1955, is hereby amended.

2. Section 2 is amended by adding immediately after clause (t) the following new clause:

- “(t1) “public utility” means any municipal revenue earning work or utility and includes the municipal
- “(i) waterworks,
 - “(ii) sewers,
 - “(iii) street railways, bus lines and other transportation systems,
 - “(iv) irrigation ditches,
 - “(v) systems for the distribution of gas, whether natural or artificial,
 - “(vi) electric or other artificial light or power systems, and
 - “(vii) heating systems,
- and also includes the service or commodity supplied by any public utility;”.

3. The following new section is added immediately after section 57:

“**57a.** (1) The council, by by-law, may provide for publishing the minutes of its meetings and for publishing information concerning other municipal subjects and for that purpose may cause circulars to be prepared and distributed to all proprietary electors of the town or village.

“(2) Where in a town or village there is in circulation one or more weekly newspapers, the council by by-law, may provide for the publication of the matters referred to in subsection (1) in that newspaper, and for the distribution of a copy thereof to each proprietary elector of the town or village.

4. Under the present provisions of section 60 payment to members of a council of ten dollars per meeting is permitted with a limit of twelve meetings. This amendment will permit payment to councillors for twenty-four meetings.

5. (a) References to the Director of Assessments are changed to the new Supervisor of Assessments.

(b) (i) A reference to a section of The Assessment Act is corrected.

(b) (ii) The Assessment Act is being amended requiring assessments to be completed by December 31st of the year prior to such assessments being taxable and this amendment is required to bring subsection (4) into conformity.

6. With the change in the Act made at the last session whereby elections are now held in the fall there has been some doubt as to whether councillors whose terms of office would have previously expired on the 2nd Monday in March are legally entitled to continue in office until the fall elections. This amendment is to remove such doubt.

7. See note to clause 6.

8. British subjects as well as Canadian citizens are to be entitled to hold office as mayor or councillor.

9. By section 108 persons holding subsisting contracts with a town or village are not eligible to sit on councils. Section 109 provides that this does not apply to persons selling goods and merchandise to the town or village at competitive prices in the ordinary course of business but such a person cannot vote on any contract for the sale of goods and merchandise to which he is a party. This amendment places persons who sell services in the same category.

10. British subjects to be entitled to vote in village elections.

11. British subjects to be entitled to vote in town elections.

“(3) Any expense incurred pursuant to subsection (1) or (2) shall be defrayed out of the general revenue of the town or village.”.

4. Section 60, subsection (1a) is amended by striking out the word “twelve” and by substituting the word “twenty-four”.

5. Section 71 is 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 to make an assessment required pursuant to clause (a) of subsection (1) of section 20 of *The Assessment Act*, the council by a resolution passed at any time in a year if the assessment is required for taxation purposes in the following year, may requisition the Supervisor of Assessments to have such assessment made and in that case such assessor on the staff of the Supervisor of Assessments as the Supervisor may designate shall be the assessor for that assessment.”.

(b) as to subsection (5) by striking out the word “Director” and by substituting the word “Supervisor”.

6. Section 101, subsection (1) is amended by adding immediately after the words “following his election” the words “or until such time as his successor is sworn into office”.

7. Section 103, subsection (1) is amended by adding immediately after the word “September” the words “or until such time as their successors are sworn into office”.

8. Section 107, subsection (1), clause (b) is amended by adding immediately after the word “citizen” the words “or a British subject”.

9. Section 109 is amended

(a) as to subsection (1), clause (e) by striking out the words “and merchandise” wherever they occur and by substituting the words “, merchandise or services”,

(b) as to subsection (2), clause (b) by striking out the words “and merchandise” and by substituting the words “, merchandise or services”.

10. Section 110, subsection (3), clause (c) is amended by adding immediately after the word “citizens” the words “or British subjects”.

11. Section 111, subsection (2), clause (c) is amended by adding immediately after the word “citizens” the words “or British subjects”.

12. See notes to clauses 10 and 11.

13. See notes to clauses 10 and 11.

14. Section 277 presently reads as follows:

"277. In any one year no expenditure or liability shall be made or incurred under sections 273, 274, 275 and 276 so as to cause the expenditure or liability under such sections in that year to be in excess of five hundred dollars or two and one-half mills on the net total assessment of land, buildings and improvements of the town or the village, whichever is the greater, until a by-law authorizing the expenditure or liability has been submitted to the proprietary electors and passed by a majority of the electors voting thereon in the manner prescribed in Part VI."

Sections 273 to 276 deal with the acquisition of lands and buildings for public purposes.

15. Where a traffic by-law is violated the owner of the motor vehicle may be charged when the identity of the driver cannot be ascertained.

16. Section 321 relating to the abatement of nuisance is expanded to set out the powers of a council in much greater detail. The proposed section is similar to section 280 of The City Act.

12. Section 112, subsection (3) is amended by adding immediately after the word "citizens" the words "or British subjects".

13. Section 113, subsection (4), clause (a) is amended by adding immediately after the word "citizens" the words "or British subjects".

14. Section 277 is amended by striking out the words "five hundred dollars or two and one-half" and by substituting the words "one thousand dollars or five".

15. The following new section is added immediately after section 300:

"300a. (1) Where a vehicle is driven, used, parked or left in contravention of a by-law passed pursuant to section 300 the owner of the vehicle is guilty of the contravention and liable to the penalty provided in the by-law unless he proves to the satisfaction of the justice of the peace or magistrate trying the case that at the time of the contravention the vehicle was not driven, used, parked or left by him or by any other person with his consent, express or implied.

"(2) In this section "owner" means in the case of a motor vehicle registered pursuant to *The Vehicles and Highway Traffic Act*, the person named on the certificate of registration."

16. Section 321 is struck out and the following is substituted:

"321. (1) A council may pass by-laws

"(a) preventing, and compelling the abatement of nuisances generally, and regulating untidy and unsightly premises,

"(b) providing that where any building, structure or erection of any kind whatsoever, or any excavation, depression, drain, ditch, watercourse, pond, surface water, refuse or other matter or thing in or upon any private lands, street or road or in or about any building or structure, has been reported to the town or village authorities as being a nuisance and dangerous to the public safety or health, the council in its discretion, may declare by resolution that the same is a nuisance and direct that it be removed, pulled down, filled up, abated or otherwise dealt with by the owner, agent, lessee or occupier,

- “(c) providing for the eradication of dandelions and noxious weeds or plants and the cutting of grass on public or private property,
 - “(d) providing for the removal or pruning of trees or shrubs, on private property or otherwise, that in any way interfere with or endanger the lines, poles, conduits, pipes, sewers or other works of a municipal or other public utility,
 - “(e) requiring the owner, lessee, tenant, agent, manager or occupant of any premises in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke
 - “(i) for a period of more than six minutes in any one hour, or
 - “(ii) at any other point than the opening to the atmosphere of the flue, stack or chimney,
 - “(f) for the purpose of eliminating or mitigating within the town or village
 - “(i) the mosquito nuisance,
 - “(ii) insect pests harmful to the growth or development of trees and shrubs or any vegetable or plant life,
 - “(iii) blight or disease to trees and shrubs or vegetables or plant life, or
 - “(iv) the emission into the atmosphere of opaque or dense dust,
 - “and
 - “(g) for the purpose of prohibiting, eliminating or abating noise and in particular, but not so as to restrict the generality of the foregoing, prohibiting the operation of any vehicle powered by an internal combustion engine, the exhaust muffling system of which has been removed or altered in such a manner that it is capable of emitting a noise louder than that emitted by the exhaust muffling system originally installed.
- “(2) Any person thereunto authorized by the council may enter any lands, buildings or premises to inspect for conditions that may constitute a nuisance or contravene or fail to comply with any by-law passed pursuant to subsection (1).
- “(3) In any by-law passed under subsection (1) the council may
- “(a) require the owner, agent, lessee or occupier to remedy in such manner as the council may direct, any condition on his land that constitutes the nuisance or that contravenes or fails to comply with the by-law and impose appropriate fines and penalties in case of failure to do so,
 - “(b) provide that if the owner, agent, lessee or occupier fails, neglects or refuses to remedy the said con-

17. The amendment would empower towns and villages to make grants of these kinds in addition to those presently set out in section 332.

18. By this amendment the debt and lien arising upon the granting of municipal relief is to apply only to the town's or village's share of such relief. It will not apply in respect of provincial contributions thereto.

19. (a) Amounts required under the named Act are to be included in the annual estimates and levy.

(b) and (c) References to personal property, which is to be no longer assessed and taxed, are removed.

20. Sections 357 to 360 provide for minimum municipal, school and hospital taxes which are being abolished.

- dition, the council may cause such work to be done as the council deems necessary to remedy it,
- “(c) charge the cost of the work done to remedy the condition to the owner, agent, lessee or occupier, and in default of payment
- “(i) recover the same as a debt due to the town or village, or
- “(ii) charge the same against the land concerned as taxes due and owing in respect of that land and recover the same as such,
- “and
- “(d) make any other provisions that the council deems necessary to carry out the purposes of the by-law.”.

17. Section 332 is amended

- (a) by striking out the word “and” where it occurs at the end of clause (e),
- (b) by adding the following new clauses immediately after clause (f) :
- “(g) to Pioneer and Old Timers’ Associations, and
- “(h) to religious schools, church manses or halls, bible colleges, convents, monasteries or private schools.”.

18. Section 335 is amended by adding immediately after subsection (10) the following subsection:

“(10a) Notwithstanding subsections (9) and (10), the charge and debt thereby created applies only for the value of the contribution made by the town or village to the indigent assistance given, and to only the town’s or village’s share of any moneys expended toward the assistance and does not apply in respect of any moneys contributed by the government toward such assistance.”.

19. Section 353 is amended

- (a) as to subsection (1) by adding the following new clause immediately after clause (b) :
- “(b1) such sums as may be required to meet the requisition of the Province pursuant to *The Hospitalization Benefits Act*,”,
- (b) as to subsection (3) by striking out the words “lands, improvements and personal property” and by substituting the words “lands and improvements”,
- (c) as to subsection (4) by striking out the words “lands, improvements and personal property” wherever they occur and by substituting the words “lands and improvements”.

20. The heading “Minimum Taxes” and sections 357 to 360 are repealed.

21. Section 374, subsection (2) is amended to remove reference to the abolished minimum taxes.

22. Section 416 is amended to remove an ambiguity.

23. An error in a reference to another subsection is corrected.

24. Forms in the Schedule are amended to conform to the changes being made to sections 107, 110, 111, 112 and 113. (See clauses 8, 10, 11, 12 and 13.)

21. Section 374 is amended by striking out subsection (2) and by substituting the following:

“(2) The discount allowed under subsection (1) shall not include payments made on account of frontage taxes or local improvement taxes.”.

22. Section 416 is struck out and the following is substituted:

“**416.** When any borrowing takes place to meet the current ordinary expenditures of the town or the village the total temporary loans outstanding after any borrowing is made shall not exceed seventy-five per cent of the total of the latest tax levy by the town or village.”.

23. Section 421, subsection (3) is amended by striking out the figure “(1)” and by substituting the figure “(2)”.

24. The Schedule is amended

- (a) as to Form 3 by adding immediately after the word “citizen” the words “or a British subject”,
- (b) as to Form 8 by adding immediately after the word “citizen” the words “or a British subject”,
- (c) as to Form 11 by adding immediately after the word “citizen” wherever it occurs the words “or a British subject”.

25. (1) Except as otherwise provided this Act comes into force on the day upon which it is assented to.

(2) Sections 4, 6, 7 and 20 shall be deemed to have been in force at all times on and after the first day of January, 1958.

(3) Clauses (b) and (c) of section 19 and section 21 come into force on the first day of January, 1959.

No. 84

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to amend The Town and
Village Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
