

No. 61

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 61

A Bill to amend The Town and Village Act

HON. MR. HOOKE

Explanatory Note

2. (a) Clause (h) (i) reads as relevant:

"(h) "hawker" or "pedlar"

(i) means a person who, whether as principal or agent,".

The amendment will confine the term "hawker" to natural persons.

(b) Clause (n1) of section 2 presently reads:

"2. In this Act,

.....

(n1) "mobile home" means any vacation trailer or house trailer that is

(i) designed for, or intended to be equipped with, wheels whether or not it is so equipped, and

(ii) constructed or manufactured to provide a domicile for one or more persons,

but does not include a trailer otherwise designed;"

3. This new section replaces sections 18 and 19 relating to village boundaries and section 35 relating to town boundaries (see clause 4) to provide a uniform procedure in annexing land in both towns and villages. Sections 18 and 19 presently read:

"Alterations in Boundaries of Villages

"18. The Board of Public Utility Commissioners by order may

(a) annex any portion of a village to any adjoining county, municipal district or improvement district, and

(b) annex to any village any outlying area adjacent thereto but not included within the limits of any city or town.

"19. (1) Every such order of the Board of Public Utility Commissioners shall be published in The Alberta Gazette and becomes effective upon the date named therein or in the absence of any date, upon the date of its publication.

(2) The publication of the order is conclusive proof of the fulfilment of all conditions precedent thereto.

(3) Any misnomer, misdescription or omission or other error in any annexing order of the Board of Public Utility Commissioners may be corrected by subsequent order and the order so corrected may be confirmed by the Board of Public Utility Commissioners as of the date of the original order."

BILL

No. 61 of 1960

An Act to amend The Town and Village Act

(Assented to _____, 1960)

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 is hereby amended.

2. Section 2 is amended

- (a) as to clause (h) by striking out the words "person, who" in subclause (i) and by substituting the words "person not being a body corporate and who",
- (b) by striking out clause (n1) and by substituting the following:

(n1) "mobile home" means

- (i) any vacation trailer or house trailer, or
- (ii) any structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation for one or more persons;

3. Sections 18 and 19 and the heading "Alterations in Boundaries of Villages" immediately preceding section 18 are struck out and the following is substituted:

Alterations in Boundaries of Towns and Villages

18. (1) Where a petition is presented to the Board of Public Utility Commissioners,

- (a) by a majority of the resident land owners of any territory adjacent to a town or village, or
- (b) by the council of a town or village with respect to any territory adjacent to the town or village,

requesting that the territory be annexed to the town or village, as the case may be, the Board by order may annex the territory, or any part thereof, to and make it part of the town or village.

(2) The Board of Public Utility Commissioners may, without a petition and of its own motion, by order

4. The provisions of section 35 are covered by the new section 18. See clause 3 of this Bill. Section 35 presently reads:

"Alteration in Boundaries of Towns"

"35.(1) When

(a) a majority of the resident land owners of territory adjacent to a town desire annexation thereto and present a petition to the council to that effect, and

(b) the council of the town consents to the petition,

the Board of Public Utility Commissioners may make an order annexing the territory to and making it a part of the town.

(2) No territory shall be annexed to a town under subsection (1) unless

(a) a plan of subdivision of the territory has been registered in the land titles office for the land registration district within which the land is situated, and

(b) there is erected on the territory at least one building actually occupied as a dwelling house or place of business for every five acres included in the territory.

(3) Notwithstanding subsection (2), the Board of Public Utility Commissioners, in its sole discretion, may upon the receipt of a resolution from the council of a town requesting it, include within the town any territory that is adjacent thereto and that, because of the proximity of streets or buildings or the probable future exigencies of the town, the council may deem desirable to include in the town or to annex thereto.

(4) An order for annexation takes effect on such date and on such terms and conditions as the Board of Public Utility Commissioners may provide.

(5) The Board of Public Utility Commissioners by order may annex any portion of a town to an adjoining county, municipal district or improvement district.

(6) The Board of Public Utility Commissioners, without a petition and of its own motion, may exercise all or any of the powers hereinbefore given to it.

(7) Every order made under the provisions of this section shall be published in The Alberta Gazette.

(8) Any misnomer, misdescription, omission or other error in any order may be corrected by a subsequent order, and the order so corrected may be confirmed by the Board of Public Utility Commissioners as of the date of the original order."

5. Section 43 presently reads:

"43. The mayor of a town shall be elected by a vote of the electors in the manner set out in Part V and may hold office for a term of two years or until such time as his successor has been sworn into office but he may be elected for any subsequent term or terms."

6. Section 47 is revised because of the change of election dates in towns and villages. Section 47 presently reads:

"47. The council of a town or village shall hold at least six meetings in each year at such times and places as may be fixed by resolution, except only where the council is elected after the first day of August in any year, in which case the council shall hold at least three meetings."

- (a) annex to any town or village any territory adjacent thereto, and
- (b) annex any portion of a town or village to an adjoining county, municipal district, improvement district or special area.

(3) An order for annexation takes effect on such date and on such terms and conditions as the Board of Public Utility Commissioners may provide.

(4) Every order made under the provisions of this section shall be published in *The Alberta Gazette* and such publication is conclusive proof of the fulfilment of all conditions precedent to the making of the order.

(5) Any misnomer, misdescription, omission or error in any order may be corrected by a subsequent order and the order so corrected may be confirmed by the Board of Public Utility Commissioners as of the date of the original order.

4. The heading "Alterations in Boundaries of Towns" immediately preceding section 35 and section 35 are struck out.

5. Section 43 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following new subsection:
 - (2) The term of office of the mayor of a town begins with the first meeting of the council following the date of the election.

6. Section 47 is struck out and the following is substituted:

47. The council of a town or village, other than a summer village, shall hold at least six meetings in each year and the council of a summer village shall hold at least three meetings in each year, at such times and in such places as may be fixed by resolution.

7. Section 48, subsection (2) is amended to make it applicable to special as well as ordinary meetings. Section 48 (2) presently reads:

"(2) The council shall hold its ordinary meetings openly and no person shall be excluded therefrom except for improper conduct."

8. Section 62, subsection (6) is revised because of the change in election dates. Section 62 (6) presently reads:

"(6) When a special election is held pursuant to subsection (4), the voters' list shall be the voters' list prepared in the preceding year pursuant to the provisions of section 113 and the persons entitled to vote at the special election are those persons who were entitled to vote at the annual election in the current year."

9. A new provision is added similar to section 68, subsection (4) of The Municipal District Act. Subsection (1) of section 76 reads:

"76. (1) On or before the first day of February in each year, the auditor shall prepare in duplicate, in such form as the Minister may direct, an abstract of the revenue and expenditures of the town or village during the next preceding financial year, and of the assets and liabilities of the town or village upon the last day of that financial year."

10. To clarify position of mayor and councillors holding shares in companies. Section 109(2) (a) presently reads:

"(2) No mayor or councillor shall vote in the council
(a) on a question affecting a company of which he is a shareholder,"

11. Section 194, subsection (1) is revised to enable physically handicapped persons to vote at the advance poll. Section 194 (1) presently reads:

"194. (1) For the purposes of enabling electors who are resident in the town or village and who have reason to believe that they will be necessarily absent from their places of residence on the day fixed for an election to vote at the election, the returning officer shall, upon direction of the council establish in a central location in the town or village one special polling place to be known as an "advance poll"."

12. Section 273(1) is amended to permit towns and villages to acquire land for recreational and cultural activities. Section 273(1) as relevant presently reads:

"273. (1) A council may pass a by-law authorizing the purchase, lease or other acquisition of land within or without the town or the village or of an interest therein".

13. The new section will permit the use of certain moneys without recourse to the proprietary electors.

7. Section 48, subsection (2) is amended by striking out the word “ordinary”.

8. Section 62 is amended by striking out subsection (6) and by substituting the following:

(6) Where a special election is held pursuant to subsection (4), the voters’ list shall be the voters’ list prepared pursuant to section 113 and the persons entitled to vote at the special election are those persons who were entitled to vote at the general election.

9. Section 76 is amended by adding the following new subsection immediately after subsection (1):

(1a) The auditor shall also prepare in duplicate, in such form as the Minister may direct, a statement of the receipts and payments of the town or village during the preceding financial year, unless the Minister has granted permission to the auditor to omit the statement.

10. Section 109, subsection (2) is amended by striking out clause (a) and by substituting the following:

- (a) on any question
 - (i) affecting a private company of which he is a shareholder,
 - (ii) affecting a public company in which he holds more than one per cent of the number of shares issued, or
 - (iii) affecting a partnership or firm of which he is a member,

11. Section 194 is amended by striking out subsection (1) and by substituting the following:

194. (1) The returning officer shall, upon direction of the council, establish in a central place in the town or village one special polling place to be known as an “advance poll” for the purpose of enabling

- (a) electors who believe they will be necessarily absent from the town or village on the day fixed for an election, and
- (b) electors who by reason of physical disability find it impossible or extremely difficult to attend at the regular polling place,

to vote in advance at the election in the town or village.

12. Section 273, subsection (1) is amended by adding immediately after clause (b) the following:

- (b1) for recreational or cultural facilities,

13. The following section is added immediately after section 277:

14. Section 279 is enlarged to provide for the expenditure of funds and to provide a procedure for effectively carrying out an agreement. Section 279 presently reads:

"279. Subject to the other provisions of this Act, a 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 a school district or division, for the joint construction, ownership, maintenance, operation and use of a public work or building, or for the performance of any matter or thing deemed by all the councils or boards concerned to be a 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."

15. New. Provides a claim for compensation for certain damages not now possible under the present provisions.

277a. Where moneys received under an insurance policy are used to restore the property originally covered by the insurance policy, or where money received by way of gift or grant for a specific purpose is used for such purpose, the spending of such moneys shall not be deemed to be an expenditure within the meaning of section 277.

14. Section 279 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following new subsections:
 - (2) Where an agreement is entered into pursuant to subsection (1) the council may in the by-law,
 - (a) appoint one or more of its members to be members of a joint committee or board with members appointed by the board of trustees of a school district or school division or by the councils of other municipalities, and
 - (b) delegate to such joint committee or board power to construct, maintain, control and manage such undertaking, including the power to disburse the proceeds of debentures or other funds used for the purpose of such undertaking.
 - (3) A board or committee established pursuant to subsection (2) may in each year requisition the council of each municipality or the board of trustees of a school district or school division for its proportionate share of the cost of operating the undertaking and expend any sums so requisitioned for the control, management, upkeep and operational expenses of the undertaking.
 - (4) A board or committee established pursuant to subsection (2) shall in each year furnish the council of each municipality or board of trustees of a school district or school division concerned, with an audited statement of its receipts and payments for the preceding year and shall also supply each council or board of trustees of a school district or school division with such information regarding its management and operation as is deemed necessary.

15. The following new section is added immediately after section 286:

286a. Notwithstanding any other provision of this Act, where in the execution of its powers to erect, construct, repair or maintain any roads, streets, bridges, buildings or works or structures a town or village causes damages to the owner or occupier or person interested in land or an improvement by reason of loss of or lessening of use of the land or improvement, the person incurring the dam-

16. Clause (c) is new and added as a result of the amendment in clause 15 of the Bill. Section 292 presently reads:

"292. Where a claim is made for compensation or damages by the owner or occupier of or other person interested in land that is taken by the council or that is alleged to have been injuriously affected in the exercise of any of the powers of the council, and the council is not able to agree with the claimant as to the amount of compensation or damages, the same may be settled and determined by the award of a judge or of a barrister who shall be appointed by the judge."

17. Amendment relates this provision to the case where possession is not actually taken of expropriated land. Section 296(2) presently reads:

"(2) The award is not binding on the town or the village unless it is adopted by the town or the village by by-law within one month after the making of the award, and if not so adopted the property shall stand as if no arbitration had been held but the town or the village shall pay the costs of the arbitration."

18. Towns and villages are given authority identical to that presently held by cities to regulate parking in private property. Section 300 presently reads in part:

"300. For the regulation of vehicles and highway traffic in a town or village a council may pass

-
- (b) by-laws fixing a maximum speed limit on any highways, streets, avenues, lanes or public or private roads within the town or village, applicable to all vehicles travelling thereupon or upon any portion thereof designated in the by-law, but in the case of a main highway or secondary highway within the meaning of The Public Highways Act a maximum speed limit thereupon within the town or village shall not be less than twenty-five miles per hour, except where the Minister of Highways, by order, approves a lesser speed limit, and
- (c) by-laws providing for the impounding and removal, from a highway, street, lane, parking lot or other public place, of a vehicle in respect of which charges have not been paid or of a vehicle parked in contravention of a by-law."

ages may, at any time after the damage is incurred and within thirty days after notice has been given in a local newspaper, or in a newspaper circulating in the town or village, of the completion of the work or structure, file with the secretary-treasurer a claim for damages in respect thereof, stating the amount and particulars of the claim.

16. Section 292 is struck out and the following is substituted:

292. Where a claim is made

- (a) for compensation or damages by the owner or occupier of or other person interested in land taken by the council,
- (b) for land that is alleged to have been injuriously affected in the exercise of the powers of the council, or
- (c) for damages incurred by reason of the loss of or lessening of use of property through the erecting, constructing, repairing or maintaining of a work or structure by the town or village,

if the council is not able to agree with the claimant as to the amount of compensation or damages, the compensation or damages may be settled and determined by the award of a judge or of a barrister who shall be appointed by the judge.

17. Section 296 is amended by striking out subsection (2) and by substituting the following:

(2) Where proceedings for the expropriation of land have been commenced or authorized but no entry on or use of the land has been made or authorized except for the purpose of survey, or if an entry has been authorized but has not been acted upon, the council may by by-law adopt the award at any time within two months of the making of the award, but if the award is not adopted, the property stands as if no expropriation had been authorized or arbitration held and the council shall pay the costs of the arbitration and if as a result of whatever action has been taken by the council damage has in fact been suffered by the owner or occupier or other person interested in lands, the council shall pay compensation.

18. Section 300 is amended

- (a) by striking out the word "and" at the end of clause (b) and by adding the word "and" immediately after clause (c),
- (b) by adding the following new clause immediately after clause (c):
 - (d) by-laws prohibiting the owner of a vehicle or the person in charge of a vehicle from parking or leaving the vehicle on private property

19. Section 329b relating to the licensing of mobile homes is amended to make it clearer that where a mobile home becomes subject to licence part way through the year, the owner is only liable for the licence fee for the remainder of the year and not for the whole year. Section 329b, subsection (3) presently reads:

"(3) Where a mobile home licence fee is imposed pursuant to a by-law under this section, the full amount of the annual licence fee is due and payable as soon as a mobile home is used as a residence in the town or village, but where an agreement has been entered into between the town or village and the owner of the mobile home the licence fee may be made payable on a monthly basis as agreed upon."

20. (a) Section 330(1)(h) presently reads:

"330. (1) A council may pass by-laws for licensing, regulating and controlling any or all of the following:

.....

(h) real estate dealers and agents;"

This is removed as real estate dealers are adequately regulated by The Real Estate Agents' Licensing Act.

(b) Uniform maximum fees for hawkers' or pedlars' licences are specified.

without authority from the owner, tenant, occupant or person in charge or control of the private property and providing for

- (i) the impounding and removal from the private property of a vehicle so parked or left thereon without authority,
- (ii) the laying of an information and complaint against the owner or person in charge of the illegally parked vehicle for the parking offence, or
- (iii) the placing on the vehicle of a parking violation notice allowing the owner of the vehicle an opportunity to pay a set amount in lieu of prosecution for the offence.

19. Section 329*b* is amended by striking out subsection (3) and by substituting the following:

(3) Where the council of a town or village has passed a by-law for the licensing of mobile homes, then as soon as a mobile home is used as a residence in the town or village the full amount of the licence fee for that portion of the licensing year then unexpired thereupon becomes due and payable unless the town or village and the owner of the mobile home have entered into an agreement whereby the licence fee is made payable on a monthly basis.

20. Section 330 is amended

- (a) as to subsection (1) by striking out clause (*h*),
- (b) by adding after subsection (2) the following new subsections:

(3) The fee for a hawker's or pedlar's licence shall not exceed the following rates:

- (a) where the retail price of the merchandise to be sold is fifty dollars or more,
 - (i) annual licence\$100.00 a year,
 - (ii) monthly licence \$ 50.00 a month,
 - (iii) weekly licence\$ 30.00 a week,
 - (iv) daily licence\$ 10.00 for each first day and \$5.00 a day for each day thereafter;
- (b) where the retail price of the merchandise to be sold is under fifty dollars,
 - (i) annual licence\$ 15.00 a year,
 - (ii) monthly licence\$10.00 a month,
 - (iii) weekly licence\$ 5.00 a week,
 - (iv) daily licence\$ 3.00 for the first day and \$1.00 a day for each day thereafter.

(4) A person who applies for a hawker's or pedlar's licence may specify, by dates, the period for which a licence is required and where the licence

21. Section 332 presently reads in part:

"332. A council, by by-law, may provide for the payment, out of the current revenue for the year, of grants

.....
(d) to agricultural societies,"

22. Lien on property for unpaid utility rates. These provisions give towns and villages identical powers to those given cities by section 439 of The City Act. Section 348 presently reads:

"348. A council may, by by-law, fix

(a) the rates, charges or rents for electric light, heat, gas, water or power supplied by the town or the village to its consumers, and

(b) the rent for fittings, machines, apparatus, meters, or other things leased to consumers,

and may enforce payment of such rates, charges or rents by cutting off the light, heat, gas, water or power, or by action in a court of competent jurisdiction, or by distress and sale of the goods and chattels of the persons owing the rates, charges or rents."

23. (a) Section 366a(1) presently reads:

"366a. (1) The council by by-law may provide for the imposition of a tax on persons who are in legal possession of equipment when the equipment is engaged in the drilling of any well for which a licence is required under The Oil and Gas Conservation Act."

(b) Subsection (4) of section 366a presently reads:

"(4) The tax may be imposed at any time during a calendar year and becomes due and payable upon cessation of the drilling operation and may be recovered with costs and with interest as a debt due to the town or village from the owners, conditional owners or lessees of the equipment."

(c) Subsection (5) of section 366a presently reads:

"(5) When a tax imposed by a by-law passed pursuant to this section remains unpaid for a period of thirty days after the cessation of the drilling operation, the secretary-treasurer or any person appointed by him in writing may levy the same with costs by distress under section 381."

(d) References to repealed Acts are changed to refer to the replacement Act. Subsection (6) of section 366a presently reads:

"(6) This section does not apply in respect of any equipment licensed under The Mobile Construction Equipment Licensing Act, 1957 or The Seismographic Recording and Drilling Equipment Licensing Act, 1957."

24. Section 368 relating to the preparation of the assessment roll is amended to enable a business tax roll to be prepared later than September 1st. Section 368 (1) presently reads:

"368. (1) On or before the first day of September in each year, the secretary-treasurer shall prepare a tax roll and shall proceed to collect the taxes specified therein."

25. Section 395b presently reads:

"395b. The council may, subject to the approval of the Lieutenant Governor in Council and subject to section 334, pass a by-law for the purpose of cancelling or refunding a tax levy in any case where the council considers it equitable to do so."

This wording can be interpreted as not allowing the cancellation of a part only of a tax levy.

is issued it shall be issued for the period so specified.

21. Section 332 is amended by adding immediately after clause (d) the following new clause:

(d1) to community leagues,

22. Section 348 is amended

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

(2) Where the occupant is the owner or purchaser of a house, tenement, lot or part of a lot, the sum payable by him for the utility supplied by the town or village to him or for his use, and all rates, costs and charges imposed under any by-law passed under this section, are a preferential lien and charge on the house, tenement, lot or part of a lot, and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable.

23. Section 366a is amended

- (a) as to subsection (1) by adding immediately at the end thereof the words "or in legal possession of equipment capable of or designed for drilling a gas or oil well when the equipment is engaged in servicing a gas or oil well",
- (b) as to subsection (4) by adding immediately after the word "drilling" the words "or servicing",
- (c) as to subsection (5) by adding immediately after the word "drilling" the words "or servicing",
- (d) by striking out subsection (6) and by substituting the following:

(6) This section does not apply in respect of any equipment licensed under *The Mobile Equipment Licensing Act*.

24. Section 368 is amended by adding immediately after subsection (1) the following:

(1a) Where the council has by by-law authorized a business tax assessment and levy, the secretary-treasurer shall prepare a business tax roll and may enter therein at any time during the year, a business tax assessment and the amount of the levy thereon and proceed to collect the taxes specified therein.

25. Section 395b is struck out and the following is substituted:

395b. A council may, subject to the approval of the Minister and subject to section 334, pass a by-law for the

26. Section 396(d) presently reads:

"396. The council of a town or village may authorize a work of the following types to be undertaken as a local improvement:

-
(d) the making, deepening, enlarging or extending of a common sewer and the making of service connections thereto;"

27. Section 403(3) revised for greater clarity. Subsection (3) presently reads:

"(3) Unless the majority of the owners of the lands that may be assessed, representing at least one-half in value thereof as aforesaid, petition the council against it within two weeks after the last publication of the notice, the local improvement may be undertaken and the cost thereof assessed by the system of assessment referred to in the notice."

28. The time for appeal from a notice of special assessment is changed to conform with The Assessment Act. Section 407, subsection (3) presently reads:

"(3) The time fixed in the notice for the sitting shall not be earlier than twenty-one days from the date of the delivery or mailing of the notices."

29. Authority is given to make limited extensions to existing storm sewers without the necessity of a vote of electors on the project.

30. This new section will allow the issuance of debentures solely on the security of the revenue from public utilities.

purpose of cancelling or refunding all or any part of a tax levy in any case where the council considers it equitable to do so.

26. Section 396 is amended by striking out clause (d) and by substituting the following:

- (d) the making, deepening, enlarging or extending of a sanitary sewer, storm sewer or combined sanitary and storm sewer, and the making of service connections thereto;

27. Section 403 is amended by striking out subsection (3) and by substituting the following:

(3) Unless the majority of the owners of the lands that may be assessed representing at least one-half of the assessed value of the lands, excluding improvements, petition the council against it within two weeks after the last publication of the notice, the local improvement may be undertaken and the cost thereof assessed by the system of assessment referred to in the notice.

28. Section 407, subsection (3) is amended by striking out the word "twenty-one" and by substituting the word "thirty".

29. The following new section is added immediately after section 418:

418a. (1) Where a town or village has constructed or acquired a storm sewer the council may pass a by-law for borrowing such further sums as may be necessary to extend the storm sewer.

(2) A by-law under subsection (1) does not require the assent of the proprietary electors if

- (a) it is passed by a vote of two-thirds of all the members of the council, and
- (b) the cost of such extension does not exceed fifteen per cent of the cost of construction of the existing storm sewer.

30. The following new section is added immediately after section 421:

421a. (1) Notwithstanding any provision of this Act, a by-law to borrow money for the purchase, construction, maintenance or improvement of a public utility may make the debenture debt

- (a) a lien and first charge on the gross revenues of that public utility only and not on the taxes, rates or other revenues of the town or village, or
- (b) a lien and first charge on the gross revenues of that public utility in priority to a charge on the taxes, rates and other revenues of the town or village.

31. Forms 40 and 41 relating to voting at an advance poll are amended to conform to the amendments made to section 194. See clause 10 of this Bill. Forms 40 and 41 presently read:

**"FORM 40
(Section 194)**

Certificate to Vote at Advance Poll.

This is to certify that (name, address and occupation as in voters' list) is a qualified voter in the town (or village) of but on account of his having reason to believe that he will be necessarily absent on the day fixed for the election, he is entitled to vote at the advance poll.

Dated at, this day of, 19.....

.....
Returning Officer.

**"FORM 41
(Section 194)**

Declaration of an Elector Voting At An Advance Poll

I, (name, address and occupation as on certificate) do hereby declare that my name, residence and occupation are correctly set out herein; that I personally applied for and obtained the advance poll certificate now presented and bearing my name; and that I believe that it will be necessary for me to be absent from the place where I am entitled to vote at this election on election day.

.....
Signature of Elector.

.....
Signature of Presiding Officer.

(2) The provisions of this Act relating to debenture by-laws apply *mutatis mutandis* to a by-law passed pursuant to this section but instead of providing a tax levy the by-law shall prescribe a utility rate sufficient to pay the principal and interest of the debentures.

(3) Whenever it appears that the utility rate specified in a by-law passed pursuant to clause (a) of subsection (1) is too low to produce sufficient revenue to pay the principal and interest on the debentures, the council shall, by by-law, increase the utility rate accordingly.

(4) Whenever it appears that the utility rate specified in a by-law passed pursuant to clause (b) of subsection (1) is too low to produce sufficient revenue to pay the principal and interest on the debentures, the council shall, by by-law, provide for the raising of the deficiency by an increase in the utility rate or by the levy of a tax or by both methods.

31. Schedule A is amended

- (a) as to Form 40 by adding immediately after the words "for the election" the words "or on account of his being unable to attend at the regular polling place because of physical disability",
- (b) as to Form 41 by adding immediately after the words "on election day" the words "or that I believe that it would be impossible or extremely difficult for me to attend at the regular polling place because of physical disability".

32. (1) This Act comes into force on the day upon which it is assented to.

(2) Sections 2 (b), 6, 13 and 22 shall be deemed to have been in force at all times on and after the first day of January, 1960.

No. 61

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Town and
Village Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
