

No. 56

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 56

A Bill to amend the Town and Village Act

HON. MR. HOOKE

Explanatory Note

2. Section 7, subsection (1) reads:

"7. (1) Where power to make by-laws, regulations, rules or orders is conferred, it includes the power to alter or revoke the same from time to time, except by-laws that have been made for the purpose of raising money, making assessments or striking mill rates."

3. Self-explanatory.

4. The amendment to section 60 would permit the payment of councillors for attendance at 36 council meetings in any one year in towns and villages with over 5,000 of a population.

5. The title of the Supervisor of Assessments is being changed to the Chief Provincial Assessor and the references to him in the statutes are being changed accordingly.

Section 71, subsections (5) and (6) presently read:

"(5) Whenever an assessment is made by an assessor appointed pursuant to subsection (4) by the Supervisor of Assessments, fifty per cent of the cost of the assessment shall be absorbed by the Department of Municipal Affairs and fifty per cent of the cost constitutes a debt due to the Crown and shall be paid by the town or village concerned upon submission to the town or village of the account of the Department of Municipal Affairs.

(6) When a general assessment of all lands, buildings and improvements in a town or village is made by an assessor appointed pursuant to subsection (1), fifty per cent of the cost thereof, which shall be computed on a basis to be determined by the Minister, may be borne by the Department of Municipal Affairs, if

- (a) the qualifications of the assessor are acceptable to the Minister,
- (b) a performance bond acceptable to the Minister has been posted, and
- (c) the work completed by the assessor has been carried out in accordance with the recommendations contained in the Assessment Manual and is acceptable to the Minister and the town or village, as the case may be."

BILL

No. 56 of 1962

An Act to amend The Town and Village Act

(Assented to _____, 1962)

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 7 is amended by adding the following subsection:

(3) Notwithstanding subsection (1), a by-law, other than a by-law passed pursuant to Part X, that has been made for the purpose of raising money, making assessments or striking mill rates, may be amended or varied but the amending or varying by-law is not effective unless it has been passed before the date of the mailing of the tax notices and has been approved by the Local Authorities Board.

3. The following new section is added immediately after section 18:

19. Where all the lands within the boundaries of a town or village are annexed to or amalgamated with lands within the boundaries of another municipality,

(a) the council of the town or village ceases to have or exercise any jurisdiction, power, duty or function, and

(b) the term of office of the mayor and councillors of the town or village terminate,

upon the effective date of the annexation or amalgamation.

4. Section 60 is amended by adding immediately after subsection (1a) the following:

(1b) Notwithstanding subsection (1a), in a town or village containing five thousand inhabitants or more, payment may be made under subsection (1) to a person in respect of not more than thirty-six meetings in any one year.

5. Section 71 is amended

(a) as to subsection (1) by striking out the words

6. Section 108, clause (h) presently reads:

“108. The following are not eligible to be elected mayor or a member of the council, or entitled to sit or vote therein:
.....

- (h) a person who at the time of nomination is indebted to the town or village for taxes for more than two calendar years immediately preceding the year in which the election is held or who, having entered into an agreement for the consolidation of the arrears of taxes owing by him to the town or village, is at such time in default in the payment of a sum payable under the agreement;”.

7. A new clause would permit a councillor to buy or lease land from the town or village without disqualifying him from holding his seat, providing the sale or lease was awarded by tender and approved by the Local Authorities Board.

“Supervisor of Assessments” and by substituting the words “Chief Provincial Assessor”,

- (b) as to subsection (4) by striking out the words “Supervisor of Assessments” wherever they occur and the word “Supervisor” and by substituting the words “Chief Provincial Assessor”,
- (c) by striking out subsections (5) and (6) and by substituting the following:

(5) Whenever an assessment is made by an assessor appointed pursuant to subsection (4) the cost of the assessment shall be computed in a manner approved by the Minister and an amount not exceeding seventy-five per cent of the computed cost shall constitute a debt due to the Crown by the town or village and shall be paid by the town or village concerned upon submission of the account of the Department of Municipal Affairs and the remaining percentage of the cost shall be borne by the Department of Municipal Affairs.

(6) When a general assessment of all lands, buildings and improvements in a town or village is made by an assessor appointed pursuant to subsection (1), the cost of the assessment shall be computed in a manner approved by the Minister and an amount not exceeding seventy-five per cent of the computed cost shall constitute a debt due to the Crown by the town or village and shall be paid by the town or village concerned upon submission of the account of the Department of Municipal Affairs and the remaining percentage of the cost shall be borne by the Department of Municipal Affairs, if

- (a) the qualifications of the assessor are acceptable to the Minister,
- (b) a performance bond acceptable to the Minister has been posted, and
- (c) the work completed by the assessor has been carried out in accordance with the recommendation contained in the Assessment Manual and is acceptable to the Minister and the town or village.

6. Section 108, clause (h) is amended by striking out the word “two” and by substituting the word “one”.

7. Section 109, subsection (1) is amended by adding immediately after clause (d) the following:

- (d1) of the purchase or lease of land or other property that the town or village has authority to sell or lease either under this Act or *The Tax Recovery Act* if
 - (i) an advertisement is made in one issue of a newspaper circulating in the town or village for

8. Section 110, subsection (3), clause (c) presently reads:

"(3) The persons entitled to vote at an election held subsequent to the completion of the first voters' list of the village are those persons

- (c) who are Canadian citizens or British subjects and who have continuously resided in the village or on land annexed to the village for a period of six months immediately preceding the first day of May, if such person takes the oath or affirmation set out in Form 3 in the Schedule, or".

9. Section 111, subsection (2), clause (c) presently reads:

"(2) The persons entitled to vote at an election held subsequent to the completion of the first voters' list of the town are those persons

- (c) who are Canadian citizens or British subjects and who have continuously resided in the town or on land annexed to the town for a period of six months immediately preceding the first day of May, if such persons take the oath or affirmation set out in Form 3 in the Schedule, or".

10. Section 112, subsection (3) presently reads:

"(3) The enumerator, immediately upon his having taken the oath of office, shall complete a list in duplicate giving the names, addresses, and occupations of all persons whose names do not appear on the assessment roll of the town or village in respect of land or business, who are Canadian citizens or British subjects, twenty-one years of age or over, and who have continuously resided in the town or village, or on land annexed to the village, for a period of six months immediately preceding the first day of May in that year."

11. Section 113, subsection (4), clause (b) presently reads:

"(4) The secretary-treasurer shall also enter upon the voters' list, in a separate portion thereof, the names in alphabetical order, of all persons whose names do not already appear on the list and

- (b) who have continuously resided in the town or village or on land annexed to the town or village for a period of six months immediately preceding the first day of May in that year, and".

12. Section 154 presently reads:

"154. The polling places shall be kept open from ten o'clock in the forenoon until seven o'clock in the afternoon of the same day."

two successive weeks to the effect that sealed tenders will be accepted for the sale or lease of the land or property at a specified time, place and date, which shall not be earlier than two weeks after the final publication of the notice,

- (ii) the land or property is sold or leased to the highest bidder, and
- (iii) the sale or lease is approved by the Local authorities Board,

8. Section 110, subsection (3) is amended by striking out clause (c) and by substituting the following:

- (c) who are Canadian citizens or British subjects and who have continuously resided in the village, or on land annexed to the village, for eleven consecutive months immediately preceding election day, if such persons take the oath or affirmation in Form 3 in Schedule A, or

9. Section 111, subsection (2) is amended by striking out clause (c) and by substituting the following:

- (c) who are Canadian citizens or British subjects and who have continuously resided in the town, or on land annexed to the town, for eleven consecutive months immediately preceding election day, if such persons take the oath or affirmation in Form 3 in Schedule A, or

10. Section 112 is amended by striking out subsection (3) and by substituting the following:

(3) The enumerator, immediately upon his having taken the oath of office, shall complete a list in duplicate giving the names, addresses and occupations of all persons whose names do not appear on the assessment roll of the town or village in respect of land or business

- (a) who are Canadian citizens or British subjects twenty-one years of age or over, and
- (b) who have continuously resided in the town or village, or on land annexed to the town or village, during the period commencing eleven months immediately preceding the date of the next election and continuing to the date of enumeration.

11. Section 113, subsection (4) is amended by striking out clause (b) and by substituting the following:

- (b) who have continuously resided in the town or village, or on land annexed to the town or village, during the period commencing eleven months immediately preceding the date of the next election, and

12. Section 154 is amended by striking out the word "seven" and by substituting the word "eight".

13. As the Act now stands the council must obtain the approval of the proprietary electors for every sale of land acquired for a specific purpose, regardless of how small the parcel is. The amendment would allow a by-law to be published and if a petition is received then a vote would be taken.

13. Section 298 is struck out and the following section is substituted:

298. (1) When it is proposed by by-law that the council sell, lease or otherwise dispose of, or devote to some other municipal purpose in whole or in part, any land or improvement acquired by the town or the village by gift or otherwise for a specific purpose, and the land or improvement in the opinion of the council is no longer needed for the specific purpose, then before the by-law is finally voted on by the council,

- (a) notice of the proposed by-law shall be posted up for a period of thirty days in not less than five conspicuous places in the town or village, one of which shall be the office of the secretary-treasurer, and
- (b) there shall also be inserted in a newspaper of general circulation in the town or village a notice in Form 42 in Schedule A or to the like effect.

(2) Where no such petition as is mentioned in Form 42 in Schedule A is received by the council or by the secretary-treasurer within thirty days of the publication of the notice of the by-law, the council may proceed to pass the by-law and shall immediately thereafter apply to the Local Authorities Board for a certificate in Form 36 in Schedule A approving the by-law.

(3) A town or village that intends to apply for a certificate approving a by-law shall forward a copy of the by-law to the Board before the by-law has been finally passed.

(4) When within the period of thirty days a petition is received from five per cent or two hundred and fifty of the proprietary electors, whichever is the lesser, of the town or village asking that the by-law be submitted to a vote of the proprietary electors,

- (a) the by-law shall be submitted to a vote of the proprietary electors and the provisions of Part VI apply to the taking of the vote, and
- (b) the by-law shall not be finally passed by the council until it has been approved by a majority of the proprietary electors voting thereon.

(5) Notwithstanding anything in this section, a council may, without the approval of the proprietary electors, pass a by-law for the purpose of selling any land acquired pursuant to subsection (3) of section 273.

(6) A transfer or agreement concerning land shall be executed by affixing thereto the seal of the corporation attested by the mayor and the secretary-treasurer.

(7) A council may, with the approval of the Minister of Highways, sell or lease any land formerly part of a highway, street, road or lane, but not required for such highway, street, road or lane.

14. Section 321, subsection (1) reads in part:

“321. (1) A council may pass by-laws

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

15. Self-explanatory.

14. Section 321, subsection (1) is amended by adding immediately after clause (a) the following new clause:

- (b) authorizing the council to make an order to remedy the condition or to demolish and remove an unoccupied building, structure or erection if, in the opinion of the council such building, structure or erection is, by reason of its ruinous or dilapidated condition dangerous to the public safety or health,

15. The following new section is added immediately after section 321:

321a. (1) Notwithstanding subsection (3) of section 321, any order issued pursuant to clause (b) of subsection (1) of that section may require the owner, within a designated time which shall not be less than three months from the date of making the order,

- (a) to remedy the condition in the manner and to the extent directed in the order, or
- (b) to demolish and remove the unoccupied building, structure or erection and clear the site thereof.

(2) If the owner does not remedy the condition within the time specified in the order, or the unoccupied building, structure or erection has not been demolished and removed, at the expiration of the time specified in the order the building inspector shall remedy the condition to the extent directed in the order or cause the unoccupied building, structure or erection to be demolished or removed and the site thereof cleared.

(3) The removal may be done by way of selling the unoccupied building, structure or erection, in which case the net proceeds realized from such sale shall be paid to the owner, mortgagee or other person entitled thereto, unless there are any taxes owing in respect of the unoccupied building, structure or erection or the land on which the same is situated, in which case the amount of such taxes shall be set off against the net proceeds of the sale of the unoccupied building, structure or erection and any amount in excess thereof shall be paid to the owner, mortgagee or other person entitled thereto.

(4) The council shall cause not less than one month's notice to be sent by registered mail to the registered and assessed owner of the land upon which the unoccupied building, structure or erection stands, specifying the date,

16. Section 329b, which provides for the licensing of mobile homes, is amended. ,

17. A new section permits the council to authorize the taking of a plebiscite of either the electors or the proprietary electors.

18. This new section would permit a town or village to accept a fixed percentage of the gross revenue of a special franchise in lieu of taxing the property of the holder of the franchise.

19. Section 353, subsection (1), clause (c) and subsection (4), clause (d) presently read: ,

“353. (1) The council shall, as soon as practicable in each year, prepare a detailed estimate in the prescribed form of the probable expenditures of the town or the village for the year, and the estimate shall include the following:

.....
(c) such sums as may be required to meet the requisitions of any municipal hospital district, school district or school division, pursuant to The Alberta Hospitals Act or The School Act, as the case may be;

(4) The council shall, by by-law, authorize the secretary-treasurer to levy upon the assessed value of all lands and improvements shown on the assessment roll, a tax at such uniform rate on the dollar as the council deems sufficient to produce the amount of the expenditures as are estimated by the council or as are annually requisitioned upon the council, to produce the sums necessary to meet,
.....

(d) the requisition by the board of any municipal hospital district.”.

time and place at which the making of such an order will be considered and that such owner will be given an opportunity of appearing and being heard by the council at such meeting before the making of the order.

(5) Any person who thinks himself aggrieved by an order of the council made under this section may apply to a Supreme or district court judge in chambers within thirty days from the date of the making of the order, and the judge, if satisfied

(a) that the proper procedure set forth in this section has not been followed, or

(b) that the council has acted in a manner contrary to the intent and meaning of this section,

may set aside, vary or modify the order of the council as he deems just.

16. Section 329*b* is amended by adding the following new subsection:

(7) A licence fee payable pursuant to this section is collectible in the same manner as taxes levied by the town or village.

17. The following new section is added immediately after section 345*a*:

345*b*. The council by by-law may provide for the taking of a plebiscite of the electors or of the proprietary electors upon any question, matter or thing.

18. The following new section is added immediately after section 351:

351*a*. (1) A town or village may enter into an agreement with the holder of a special franchise whereby the town or village accepts payment of an amount equal to a fixed percentage of the gross revenue of the special franchise from such holder in lieu of taxing the special franchise, lands, improvements, pipe lines, works and transmission lines, machinery, equipment and apparatus belonging to and used by the special franchise holder in the operation of such special franchise.

(2) Section 10*a* of *The Assessment Act* shall not be construed so as to abrogate the conditions of any subsisting special franchise agreement.

19. Section 353 is amended

(a) as to subsection (1), clause (c) by striking out the word "municipal",

(b) as to subsection (4)

(i) by striking out the words "lands and improvements" and by substituting the words "assessed property",

20. Section 364, subsection (1) presently reads:

"364. (1) The council, by by-law, may provide for sewer service charges, which shall be payable, at such time and in such manner as may be prescribed by the council, by the person who is the registered owner or the purchaser entitled to possession under an agreement of sale of property served directly or indirectly by a connection with the sewerage system."

21. Section 368, subsection (2) presently reads:

"(2) The tax roll may be a continuation of the assessment roll and may combine all classes of taxes or there may be a separate tax roll for each distinct class of taxes, and shall in that way, or independently, contain

- (a) the name of every person liable to taxation,
 - (b) the residence of every person liable to taxation,
 - (c) the value of the land, buildings and improvements, or premises wherein the person liable to taxation carries on his trade, business or profession in respect of which he is liable to taxation,
 - (d) the total amount for which the person liable to taxation is liable, and
 - (e) the several rates of taxation levied for the current year,
- and there shall be calculated and set down opposite each such entry in appropriately headed columns the sums for which that person is chargeable by way of taxes."

22. Section 369, subsection (1) presently reads:

"369. (1) A person who is the owner, purchaser or conditional owner of any assessed land or improvements, or any person carrying on business shall pay taxes upon the assessed value thereof at the rates lawfully imposed thereon irrespective of the nature or amount of his interest in such land, improvements or business."

23. An amendment to section 374 would permit councils to give rebates or allowances for prepayment of taxes by some means other than the granting of discounts.

- (ii) by striking out the word "municipal" in clause (d).

20. Section 364 is amended by striking out subsection (1) and by substituting the following:

364. (1) The council, by by-law, may provide for sewer service charges which shall be payable by the person who is the registered owner or the purchaser entitled to possession under an agreement for sale or the occupant of the property served directly or indirectly by a connection with the sewerage system, and the by-law may prescribe the time and manner in which such charges are payable and allow a discount for the prompt payment thereof and impose penalties for the late payment thereof.

21. Section 368, subsection (2) is amended by striking out clause (c) and by substituting the following:

- (c) the assessed value of land, buildings and improvements,
- (c1) the business tax assessment,
- (c2) the assessed value of a special franchise,
- (c3) the assessed value of property assessed under *The Electric Power and Pipe Line Assessment Act*,
- (c4) the assessment of property valued pursuant to *The Municipal and Provincial Properties Valuation Act*,

22. Section 369 is amended by striking out subsection (1) and by substituting the following:

369. (1) A person who is the owner, purchaser, conditional owner or operator of any assessed land, improvements, special franchise or property assessed under *The Electric Power and Pipe Line Assessment Act*, or any person carrying on a business liable to a business tax assessment shall pay taxes upon the assessed value thereof at the rates lawfully imposed thereon irrespective of the nature or amount of his interest in such land, improvements, business, special franchise or property assessed under *The Electric Power and Pipe Line Assessment Act*.

23. Section 374 is amended

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

(2a) The council, by by-law, may give such allowance, discount or rebate, not in excess of ten per cent of the amount tendered, for prepayments on account of taxes in such manner and subject to such conditions as may be set out in the by-law.

- (b) as to subsection (3) by striking out the word and figure "subsection (1)" and by substituting the words and figures "subsection (1) or (2)".

24 (a) Form 3 is amended to conform to the amendments to sections 110, 111 and 161.

(b) Form 8 is amended to conform to the amendments to sections 110, 111 and 161.

(c) Form 13 is revised for greater clarity.

(d) See clause 13 of this Bill.

24. Schedule A is amended

- (a) as to Form 3 by striking out the second paragraph thereof and by substituting the following:

You do swear (or solemnly affirm) that you are of the full age of twenty-one years, and that on the fifteenth day of August last you were entitled to be placed upon the voters' list of the (town or village) of, and that you are a Canadian citizen or a British subject and have continuously resided in the (town or village) of or on land annexed to the (town or village) during the period commencing eleven months immediately preceding election day and continuing to the present time.

- (b) as to Form 8 by striking out the fourth paragraph and by substituting the following:

That I am a Canadian citizen or British subject and I have continuously resided within the (town or village) of or on land annexed to the (town or village) during the period commencing eleven months immediately preceding election day and continuing to the present time.

- (c) by striking out Form 13 and by substituting the following:

FORM 13

(Sections 137 and 194)

NOTICE OF POLL

Town (or village) of Municipal Election
19.....

Public Notice is hereby given that polling will take place for the election of councillor(s) (and if such is the case, for the election of mayor) of the town (or village) of on the day of, 19, from ten o'clock in the forenoon until eight o'clock in the afternoon at the following places (here specify polling place or places) and that I will at (describe the location of the place) on (day of week), the day of, 19, at o'clock in the forenoon, sum up the votes and declare the result of the election.

Given under my hand at this
day of, 19

.....
Returning Officer.

- (d) the following new Form is added immediately after Form 41:

25. Commencement of Act.

FORM 42

(Section 298)

PUBLIC NOTICE OF BY-LAW

Public notice is hereby given that there has been introduced in the council of.....a by-law of which the following is a short synopsis: (here insert short synopsis of by-law) and that a copy of the same may be seen in each of the following places: (here insert a list of the places at which the by-law may be seen) and further that unless within thirty days from the publication of this notice five per cent or two hundred and fifty of the proprietary electors, whichever is the lesser, of the town (or village) petition the council to submit such by-law to the vote of the proprietary electors of the town (or village) the council will proceed to consider, and if it thinks fit, to pass the same.

25. This Act comes into force on the day upon which it is assented to and upon so coming into force

- (a) section 3 shall be deemed to have been in force at all times on and after the thirty-first day of December, 1961, and
- (b) sections 19, 21 and 22 shall be deemed to have been in force at all times on and after the first day of January, 1962 .

No. 56

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

BILL

An Act to amend The Town
and Village Act

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
