

No. 100

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 100

A Bill to amend The Town and Village Act

HON. MR. HOOKE

Explanatory Note

1. Chapter 338 of the Revised Statutes is amended.

2. Section 2, clause (t1), subclause (v) presently reads:

“(t1) “public utility” means any municipal revenue earning work or utility and includes the municipal

.....
(v) systems for the distribution of gas, whether natural or artificial,

.....
and also includes the service or commodity supplied by any public utility;”.

3. The amendment corrects references to Acts and brings the section into conformity with similar sections in The Municipal District Act and The City Act.

4. In the definition of a municipality in many other Acts there is no mention of a summer village. The proposed amendment would make it clear that a summer village has the same connotation as a village.

5. The date of the first meeting of a council is changed from the fifth to the fourth Monday following nomination day.

6. Section 57, subsection (5) presently reads:

“(5) The council may by unanimous consent waive notice of a special meeting and hold a special meeting at any time if every member of the council is present.”.

7. Self-explanatory. A similar provision is found in The City Act.

BILL

No. 100 of 1964

An Act to amend The Town and Village Act

(Assented to _____, 1964)

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* is hereby amended.
2. Section 2, clause (t1) is amended by striking out subclause (v) and by substituting the following:
 - (v) gas systems,
3. Section 7a is amended by striking out clause (a) and by substituting the following:
 - (a) for the provision of assistance under
 - (i) *The Public Welfare Act*,
 - (ii) *The Child Welfare Act*,
 - (iii) *The Juvenile Court Act*, or
 - (iv) *The Alberta Hospitals Act*,or
4. Section 23 is amended by adding the following subsection:
 - (6) For the purpose of any Act applying or having reference to a village, other than this Act, a summer village shall be deemed to be a village and the provisions of that Act apply to a summer village accordingly.
5. Section 46, subsections (1) and (2) are amended by striking out the word "fifth" and by substituting the word "fourth".
6. Section 57, subsection (5) is amended by adding at the end thereof the words "and has signed a waiver of notice of the special meeting".
7. The following section is added after section 99:
 - 99a. (1) The council, by by-law may set up, contract for or otherwise institute a scheme of insurance for the purpose of insuring all or any employees against sickness, accident or death, as the case may be.

8. Section 100, subsection (1) presently reads:

"100. (1) In the case of a first election in a village, the councillors elected thereat shall hold office as follows:

- (a) the councillor elected first shall hold office from the date of election until the fifth Monday following the fourth Wednesday in September in the third year following the election;**
- (b) the councillor elected second shall hold office from the date of election until the fifth Monday following the fourth Wednesday in September in the second year following the election;**
- (c) the councillor elected third shall hold office from the date of election until the fifth Monday following the fourth Wednesday in September in the year following the election."**

9. Section 101, subsection (1) presently reads:

"101. (1) At each general election in a village held after the first election one councillor shall be elected to hold office for three years beginning with the fifth Monday following the fourth Wednesday in September next following his election or until such time as his successor is sworn into office."

10. Section 101a is amended to conform to the amendment to section 46—See clause 5 of this Bill.

11. See note to clause 10.

12. See note to clause 10.

13. See note to clause 10.

14. Section 109 is amended to permit a councillor to act on a board and receive a gratuity or allowance for his services, without disqualifying him from retaining his seat on the council.

15. Section 214, clause (c) requires the publication of a synopsis of a money by-law. Clause (b) is amended to bring its wording into conformity with clause (c).

(2) Any such scheme of insurance may require such contributions on the part of the members or employees, and on the part of the town or village, as the council in its discretion may provide in the by-law, and the council may deduct the contributions of the members or employees from their salaries.

(3) A by-law passed under this section shall not be deemed to be a money by-law.

8. Section 100, subsection (1), clauses (a), (b) and (c) are amended by striking out the word "fifth" and by substituting the word "fourth".

9. Section 101, subsection (1) is amended by striking out the word "fifth" and by substituting the word "fourth".

10. Section 101a is amended

- (a) as to subsection (2), clauses (a), (b) and (c) by striking out the words "fifth Monday" and by substituting the words "fourth Monday",
- (b) as to subsection (4) by striking out the word "fifth" and by substituting the word "fourth".

11. Section 102 is amended by striking out the word "fifth" and by substituting the word "fourth".

12. Section 103, subsection (1) is amended by striking out the word "fifth" and by substituting the word "fourth".

13. Section 106 is amended by striking out the word "fifth" wherever it occurs and by substituting the word "fourth".

14. Section 109, subsection (1) is amended

- (a) by striking out the word "or" at the end of clause (g) and by adding the word "or" at the end of clause (h),
- (b) by adding the following clause after clause (h):
 - (i) of the receipt by him of a gratuity or allowance for service on a committee or board appointed by or responsible to the council.

15. Section 214, clause (b) is amended by adding after the words "publication of" the words "a synopsis of".

16. Section 273 provides in part as follows:

"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

.....

- (j) for the purpose of erecting, constructing or installing any works, buildings, dams, pipes, machinery or plant necessary or incidental to the provision of a water supply, and
 - (k) for the purpose of erecting, constructing or installing any works, buildings, dams, tanks, pipes, machinery, plant or equipment necessary for or incidental to the provision of a sewage disposal system.
- (3) Subject to the approval of the Local Authorities Board, a council may, by by-law, authorize the purchase or other acquisition of
- (a) lands within or without the town or village, for the purpose of subdivision for building sites, and
 - (b) subdivided lands within or without the town or village, for the purpose of using them as building sites, if the lands to be acquired are contained in a plan of subdivision and had been registered in accordance with The Land Titles Act at least ten years before the date of the first reading of the by-law.
- (4) For the purpose of establishing industry or other commercial enterprises, the council by by-law may authorize the purchase, lease or other acquisition of land from the Government of Canada previously used as military establishments."

17. The present section 297 is revised and moved to a more appropriate place in the Act.

16. Section 273 is amended

- (a) as to subsection (1)
 - (i) by adding after the words "acquisition of land" the words "and the improvements thereon, if any,"
 - (ii) by adding the word "and" at the end of clause (i),
 - (iii) by striking out clauses (j) and (k) and by substituting the following:
 - (j) for the purpose of acquiring, erecting, constructing or installing any works, wells, buildings, dams, tanks, pipes, machinery, plant or equipment necessary for or incidental to the provision of a public utility.
- (b) as to subsection (3), clause (b) by striking out the words "the purpose of using them" and by substituting the word "resale",
- (c) as to subsection (4) by adding after the words "Government of Canada" the words "or the Government of Alberta".

17. The following section is added after section 283:

- 283a.** (1) A council may expropriate land not included in a plan of subdivision registered in a land titles office,
- (a) if the land is required for any purpose authorized by this Act, other than the purposes authorized by subsection (3) of section 273, or
 - (b) if the land is necessary for use, construction, maintenance or repair of a work authorized by this Act, or for obtaining better access thereto.
- (2) The land to be acquired shall be surveyed and marked on the ground by a qualified surveyor who shall prepare plans in triplicate of the land.
- (3) The plans shall be certified by the surveyor in the form set out in Form 33 in the Schedule, and by the secretary-treasurer in Form 34 in the Schedule, and shall be approved by the Director of Surveys who shall forward the plans to the proper land titles office.
- (4) After having filed the plans the Registrar of Land Titles
- (a) shall forward one of the plans of survey to the Department of Highways and one to the secretary-treasurer, and
 - (b) shall furnish the council with a statement of all fees payable in connection with the filing.
- (5) The council shall forthwith pay the fees mentioned in subsection (4).

18. See note to clause 17.

19. Section 321a, subsections (1) and (4) presently read:

"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.

(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, 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."

20. A reference to another Act is corrected.

21. Section 329a, subsection (1) presently reads:

"329a. (1) Subject to section 329, the council of a town or village may by by-law control and regulate all businesses carried on within the town or village and may license any or all such businesses

(a) whether or not the business is one mentioned elsewhere in this Act, and

(b) whether or not the business has a business premises within the town or village."

22. Section 347, subsection (1), clauses (a) and (d) and subsection (5) presently read:

"347. (1) A council may

(a) build, erect, buy or lease any electric light, heat, power, natural gas, or gas plant, either within or without the town or village, and control and operate it,
.....

(d) construct or acquire such pipe, transmission or gas line or any other device as may be necessary to convey light, power, gas or water to the town or the village, notwithstanding that the expenditure is made upon land outside the boundaries of the town or village.

(5) In the case of natural gas plants, a council may enter into contracts for drilling for natural gas."

(6) The provisions of *The Land Titles Act*, with the necessary changes being made, apply with respect to a plan filed under this Act.

18. Section 297 is repealed.

19. Section 321*a* is amended

- (a) as to subsection (1) by striking out the words “three months” and by substituting the words “one month”,
- (b) by adding the following subsection after subsection (3):
 - (3*a*) If the proceeds from the sale of the building, structure or erection, after the deduction of any taxes owing thereon, are insufficient to meet the cost of demolition or clearance of the site, or if no proceeds are realized from the demolition and removal of the building, structure or erection, the council may charge the cost of the work done against the owner of the land on which the building, structure or erection was located and recover the cost as a debt due to the town or village or charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.
- (c) as to subsection (4) by striking out the words “one month’s” and by substituting the words “two weeks’”.

20. Section 323, clause (a) is amended by striking out the words “*The Town and Rural Planning Act*” and by substituting the words “*The Planning Act*”.

21. Section 329*a*, subsection (1) is amended by adding after the words “such businesses” the words “,except transient traders,”.

22. Section 347 is amended

- (a) as to subsection (1) by striking out clause (d) and by substituting the following:
 - (d) construct or acquire such pipe, transmission line, distribution line, well or other device as may be necessary to produce or convey light, power, gas or water in or to the town or the village, notwithstanding that all or any part of the expenditure is made outside the boundaries of the town or village.
- (b) by striking out subsection (5) and by substituting the following:
 - (5) In the case of a natural gas distribution system, a council may enter into contracts for drilling for natural gas or to acquire a natural gas well.

23. Section 347a authorizes a town or village to supply a public utility to persons outside the town or village.

24. Section 350 provides that contracts to supply a utility to a town or village are renewable under certain conditions, and if the terms of the renewal can't be agreed upon the utility is subject to purchase by the town or village. The amendment would allow the parties to agree otherwise.

25. Section 353, which deals with annual estimates and tax levy is amended to permit the budgeting for and the levy of a mill rate to provide for a special trust fund. Subsection (3) presently reads:

“(3) A copy of the estimates so prepared shall be incorporated in the minutes of the meeting of the council at which the estimates are adopted.”.

26. Section 368 is amended to permit taxes being levied after September 1st on assessments made after the date on property which should have been assessed and was not assessed.

23. Section 347a is amended by adding the following subsections:

(4) Where there is a dispute between the town or village and any municipality in connection with the rates, tolls or charges, the dispute may be submitted to the Public Utilities Board for an order upon such terms and conditions as to the Board seem proper.

(5) Subsection (4) applies whether or not the public utility is subject to the control and order of the Public Utilities Board pursuant to section 102 of *The Public Utilities Board Act*.

24. Section 350 is amended by adding the following subsection:

(4) Where a contract entered into or to be entered into under clause (b) of subsection (1) of section 349 contains a provision to the effect that subsections (2) and (3) of this section do not apply to the contract, and if the Public Utilities Board, on the application of the council, approves the provision then subsections (2) and (3) do not apply to the contract.

25. Section 353 is amended

(a) as to subsection (1) by adding the following clause:

(g) such sums as may be required to meet the contributions to a special reserve trust fund.

(b) as to subsection (3) by adding at the end thereof the words "but the estimates shall not be adopted until the council has transmitted to the Department a copy of the estimates and the advice of the Department has been received in respect thereof",

(c) as to subsection (4) by adding the following clause after clause (a):

(a1) the contributions to a special reserve trust fund,

(d) as to subsection (11) by adding after the words "sinking fund" the words "or special reserve trust fund".

26. Section 368 is amended by striking out subsection (1) and by substituting the following:

368. (1) The secretary-treasurer shall prepare a tax roll

(a) on or before the first day of September in each year, or

(b) at any time during the year with respect to property assessed pursuant to section 55 of *The Assessment Act, 1960*,

and shall proceed to collect the taxes specified therein.

27. Section 387, subsection (1) reads:

"387. (1) Where any taxes are due upon any land occupied by a tenant, the secretary-treasurer may give the tenant notice in writing requiring him to pay the secretary-treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid, including costs."

28. Section 396, clause (a) 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:

- (a) the opening, widening, straightening, extending, grading, leveling, macadamizing, paving or planking of a street or public lane, alley, way or place;
....."

29. Section 412, subsection (1), clause (b), subclause (ii) presently reads:

"412. (1) The council may pass by-laws for borrowing the money required to meet the whole or any part of the costs or estimated costs of any local improvement, by the issue of debentures upon the credit of the town or the village at large, but

- (b) notwithstanding section 420, it is not necessary to obtain the assent of the proprietary electors to the passing of

- (ii) a by-law for raising the cost to be borne by the town or the village at large for an extension of a system of sewerage originally constructed as a local improvement, or

30. Section 434 presently reads:

"434. (1) All the debentures may be issued at one time or they may be issued in instalments at such times as the council deems expedient.

(2) No debenture shall be issued after the expiration of four years after the final passing of the by-law.

(3) A debenture, if it is actually issued within the said period of four years, may bear any date within the said period."

31. See clause 25 of this Bill.

27. Section 387 is amended by adding the following subsection after subsection (1) :

(1a) The secretary-treasurer shall notify the owner of the land by registered mail of the intention of the town or village to proceed under authority of this section not less than fourteen days prior to the date on which such action is proposed to be taken.

28. Section 396, clause (a) is amended by adding after the words "grading," the word "gravelling,".

29. Section 412, subsection (1), clause (b) is amended by striking out subclause (ii) and by substituting the following:

(ii) a by-law for raising the cost of an extension of a system of sewerage or of water mains, originally constructed as a local improvement, or

30. Section 434 is amended

(a) as to subsection (1) by adding after the word "expedient" the words "and may be dated accordingly",

(b) as to subsection (2) by striking out the word "four" and by substituting the word "six",

(c) by striking out subsection (3).

31. The following section is added after section 451:

451a. (1) Subject to section 277, the council may pass a by-law to provide for the formation and maintenance of a special reserve trust fund for the purpose of a specific future capital expenditure.

(2) To obtain funds for a special reserve trust fund the council may in each or any year include in the estimates such sums as it considers necessary for the purpose.

(3) All money collected for a special reserve trust fund shall be paid into the special reserve trust fund account.

(4) The council may expend the special reserve trust fund at any time for the capital expenditure for which the reserve was established.

(5) Subject to subsection (6), the council may pass a by-law authorizing the use of the special reserve trust fund for a purpose other than that for which the reserve trust fund was established.

(6) Subsections (1), (2) and (4) of section 298 apply, *mutatis mutandis*, to a by-law under subsection (5) of this section, except it is not necessary to submit the by-law to the Local Authorities Board.

(7) The money in a special reserve trust fund may be invested in bonds either of Canada or the Province or in

32. Section 479 presently reads:

"479. (1) If a council passes a resolution requesting a judge of the Supreme Court or of the district court of the district in which the town or village is wholly or mainly situated to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of a member of the council or commission or other officer, servant or agent of the town or the village or of any person having a contract therewith in relation to the duties or obligations of such person to the town or the village, or if a council sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the town or the village or the conduct of any part of the public business thereof and passes a resolution requesting a judge to make inquiry the judge shall inquire into the same and thereupon he has for that purpose all the powers of a commissioner appointed under The Public Inquiries Act, and the judge shall with all convenient speed report to the council the result of the inquiry and the evidence taken thereon.

(2) The judge holding the investigation is entitled to receive and shall be paid the same fees as he would be entitled to receive under section 293 if he were acting as an arbitrator.

(3) The council requesting any such investigation may engage and pay counsel to represent the town or the village thereon and may pay all proper witness fees to persons summoned to give evidence at the instance of the town or the village, and a person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question on the investigation may be represented by counsel thereon."

33. Commencement of Act.

guaranteed term certificates of a chartered bank or treasury branch.

32. Section 479 is struck out and the following is substituted:

479. (1) Where a council passes a resolution

(a) requesting that an inquiry be made into any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of

(i) a member of the council or other official or an employee or agent of the town or village, or

(ii) a person having a contract with the town or village in relation to the duties or obligations of that person to the town or village,

or

(b) requesting that an inquiry be made into or concerning any matter connected with the good government of the town or village or the conduct of any part of the public business thereof,

the Attorney General may appoint a judge or some other suitable person to make the inquiry.

(2) The person appointed to make the inquiry shall, as promptly as is conveniently possible, make the inquiry and report the result of the inquiry and the evidence taken thereon to the Attorney General and to the council.

(3) The person appointed to make the inquiry has, for the purpose of the inquiry, all the powers of a commissioner appointed under *The Public Inquiries Act*.

(4) The person appointed to make the inquiry is entitled to receive and shall be paid such fees by the council as may be agreed upon.

(5) The council may engage and pay counsel to represent the town or village and may pay all proper witness fees to persons summoned to give evidence at the instance of the town or village.

(6) Any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question may be represented by counsel.

33. This Act comes into force on the day upon which it is assented to and upon so coming into force section 22, section 24, clauses (a), (c) and (d) of section 25 and section 31 shall be deemed to have been in force at all times on and after the first day of January, 1964.

No. 100

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act to amend The Town and
Village Act

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
