

No. 58

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 58

A Bill to amend The Town and Village Act

HON. MR. HOOKE

Explanatory Note

1. The Town and Village Act, which is chapter 338 of the Revised Statutes, is amended by this Bill.

2. Section 5, subsection (1) presently reads:

5. (1) If anything that is to be done within a number of days or at a time fixed by or under this Act cannot be or is not so done, the Minister by order may from time to time appoint a further or other time for doing it, whether the time at or within which it ought to have been done or has not arrived or expired, as the case may be.

3. As section 13 now reads a petition for the formation of a village could be signed by 20 persons who would not be ratepayers if the village was formed and who would not be entitled to vote at the first election of councillors.

4. Section 18, subsection (1) presently reads:

18. (1) Where a petition is presented to the Local Authorities Board,
(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, and to make it part of the town or village.

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

20. (1) When under this Act a municipality or any part thereof, hereinafter referred to as "the old district", is included in another municipality, hereinafter referred to as "the new district", either at the time of the formation of the village or subsequently thereto, the property, rights and liabilities of the old district, including all taxes then due, pass to the new district and all remedies that were available for the collection of any such taxes due to the old district are available to the new district in all respects as though the taxes or arrears had originally been due to it.

Section 18 provides for the inclusion of part of a municipality.

6. Section 23, subsection (4), clause (c) presently reads:

(4) After the summer resort is formed into a summer village, all the provisions of this Act apply to the summer village, except that

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(c) the councillors shall assume office on the first Saturday in September at 7:30 p.m., and shall continue in office until their successors are elected,

BILL

No. 58 of 1965

An Act to amend The Town and Village Act

(Assented to _____, 1965)

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

1. This Act amends *The Town and Village Act*.
2. Section 5, subsection (1) is amended by adding after the words "If anything that is to be done" the words "by a council or an official or employee of a town or village".
3. Section 13, subsection (1), clause (b) is amended by striking out the word "voters" and by substituting the words "proprietary electors".
4. Section 18, subsection (1), clause (a) is amended by striking out the words "resident land".
5. Section 20, subsection (1) is amended by striking out the words "or any part thereof".
6. Section 23, subsection (4) is amended by striking out clause (c) and by substituting the following:
 - (c) the councillors shall assume office on the first Saturday in September at 7:30 p.m. and shall continue in office until their successors are sworn into office,
 - (c1) the first meeting of a council shall be held on the first Saturday in September at 7:30 p.m. at a place to be fixed by the secretary-treasurer,

7. Section 46, subsection (3) presently reads:

- (3) The secretary-treasurer or the returning officer, as the case may be, shall give written notice of the meeting to each councillor
 - (a) by mailing the notice to the councillor's address at least six clear days before the date of the meeting, or
 - (b) by personally delivering the notice to the councillor, or in the absence of the councillor from his residence, to any adult person thereat, at least three clear days before the date of the meeting.

8. Authority to pay delegates' expenses while attending conferences and conventions.

9. Section 107, subsection (1), clause (e), subclause (i) reads:

107. (1) No person is qualified to be elected mayor or a member of the council of a town or village unless he

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- (e) is a resident in the town or village, and
 - (i) where there is a voters' list, his name appears thereon and upon the assessment roll at least two months prior to his nomination as the owner or purchaser of land, or an interest in land, that is within the town or village, not exempted from taxation and is of the value of at least one hundred dollars over and above charges, liens and encumbrances affecting the same, or

The amendment will cover the situation when land is annexed to a town or village after the completion of the voters' list and prior to nomination day.

10. Section 226 is in the Part of the Act dealing with holding votes on by-laws. The section presently reads:

226. The poll shall be kept open from ten o'clock in the forenoon until seven o'clock in the afternoon of the same day.

This is in conflict with section 154, as amended in 1962, which provides different hours for elections in different sized municipalities.

11. Section 256, subsection (1), clause (c) presently reads:

256. (1) A by-law is valid and binding, notwithstanding any lack of compliance with a provision of this Act

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- (c) in the time or the manner of passing the by-law, unless an application to quash it is made within two months next after the final passing of the by-law.

12. A new clause is added to authorize the making of by-laws to provide for the charging of the cost of moving vehicles or obstructions left contrary to law.

7. Section 46 is amended by striking out subsection (3) and by substituting the following:

(3) The secretary-treasurer or the returning officer, as the case may be, shall, forthwith after the result of the elections have been officially declared, give written notice of the meeting to each councillor.

8. Section 60 is amended by adding the following subsection:

(6) The council by resolution may provide that reasonable allowances for travelling, subsistence and for out of pocket expenses accrued in attending conventions or conferences be paid to members or employees of the council who have been appointed as delegates by resolution of the council.

9. Section 107, subsection (1), clause (e) is amended by adding the word "or" immediately at the end of subclause (ii) and by adding the following subclause:

(iii) where land has been annexed to the town or village, his name appeared upon the assessment roll of the annexed area at least two months prior to his nomination as the owner or purchaser of land, or an interest in land, that is within the town or village, not exempted from taxation and is of the value of at least one hundred dollars over and above charges, liens and encumbrances affecting the same.

10. Section 226 is struck out and the following is substituted:

226. The poll shall be kept open during the hours mentioned in section 154.

11. Section 256, subsection (1), clause (c) is amended by striking out the words "the time or".

12. Section 261, subsection (1) is amended by striking out the word "and" at the end of clause (a) and by adding the word "and" at the end of clause (b) and by adding the following clause:

(c) enact that if, by reason of the breach or non-observance by any person of any provision of any law or by-law relating to traffic, any expense has been incurred by the town or village for or in

13. Section 277 presently reads:

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 one thousand dollars or five 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.

Section 298 provides for a vote on a by-law only on petition therefor.

14. Section 280, subsection (1), clause (a) reads:

280. (1) Notwithstanding anything in this Act to the contrary but subject to the approval of the Local Authorities Board, a council, alone or in conjunction with any other municipality, may

- (a) purchase, lease, or otherwise acquire land within or without the town or the village for an airport, and may erect thereon all necessary buildings and provide all necessary facilities, and may control, operate and dispose of the airport so acquired and built, and

15. Section 286a reads:

286a. Notwithstanding any other provisions of this Act, where in the exercise by a town or village of any of the powers conferred on it by this Act the town or village, in the erection or construction of a town or village work or structure, causes damage to an owner or other person having an interest in land immediately adjacent to the land upon which the town or village erects or constructs the work or structure by reason of loss of or permanent lessening of use of the land of that owner or other person, the person sustaining the damage is entitled to compensation therefor and may, at any time after the damage has been sustained and within sixty 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 298 provides that where it is intended to dispose of land acquired for a specific purpose a notice of the proposed by-law has to be published. Section 298, subsection (2) presently reads:

- (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.

Subsections (2a) and (3) deal with matters related to the certificate.

connection with the moving or storage of a vehicle or obstruction removed from a highway, public place, civic or private parking lot or private property, the amount of the expense so incurred shall be added to the amount of any fine or penalty imposed in respect of such breach or non-observance or added to the amount fixed in lieu of prosecution pursuant to section 262 and that the person concerned shall be required to pay the amount of such expense in addition to the fine, penalty or amount so fixed, as the case may be.

13. Section 277 is amended by striking out the words “has been submitted to the proprietary electors and passed by a majority of the electors voting thereon in the manner prescribed in Part VI” and by substituting the words “has been proceeded with in the same manner as set out in section 298”.

14. Section 280, subsection (1) is amended by adding after the words “other municipality, may” the words “pass a by-law to”.

15. Section 286*a* is amended by renumbering the section as subsection (1) and by adding the following subsection:

- (2) This section does not apply to any damage caused by
 - (a) the erection of median strips or boulevards down the centre of a highway, street or lane for the purpose of channelling traffic, or
 - (b) the restriction of traffic to one direction only on any highway, street or lane.

16. Section 298 is amended

- (a) as to subsection (2) by striking out the words “and shall immediately thereafter apply to the Local Authorities Board for a certificate in Form 36 in Schedule A approving the by-law”,
- (b) by striking out subsections (2*a*) and (3).

17. Authority to pass anti-littering by-law.

18. Section 329b, subsection (3) presently reads:

(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.

19. The commencing words of section 332 read:

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

20. Section 333 presently reads:

333. A council may pass by-laws for the purpose of granting aid or relief to a needy person who is a resident of the town or the village.

21. Section 335 authorizes assistance to indigents. Subsection (6) presently reads:

(6) Any member of the council, and the secretary-treasurer of the council, may sign and issue any of the written orders mentioned in this section on behalf of the council of which he is a member or by which he is employed, as the case may be.

22. Section 339, subsection (2) presently reads:

(2) A council may pass a by-law for the purpose of creating and proclaiming any one day of the year a civic holiday within the town or the village.

23. Sections 344 and 345 presently read:

344. A council may pass a by-law for the purpose of taking the census of the town or the village.

345. A council may pass a by-law for the purpose of providing for planting and protecting trees on highways and public places.

24. Section 345b presently reads:

345b. 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.

17. The following section is added after section 315:

315a. A council, subject to *The Public Health Act*, may pass a by-law prohibiting or restricting, controlling and regulating the placing or depositing of refuse as defined in the by-law upon any highway, street or lane or in any park, public place or watercourse and compelling the removal of such refuse by the person so placing or depositing it and compelling the placing of such refuse in the place ordered by the council either within or outside the town or village.

18. Section 329*b*, subsection (3) is amended by striking out the words "on a monthly basis" and by substituting the words "by instalments in advance".

19. Section 332 is amended by adding the following clause after clause (f):

(f1) to local band organizations,

20. Section 333 is struck out and the following is substituted:

333. A council may authorize the granting of aid or relief to a needy person who is a resident of the town or village.

21. Section 335 is amended by striking out subsection (6) and by substituting the following:

(6) Any person appointed by the council to do so, may sign and issue any of the written orders mentioned in this section, on behalf of the council.

22. Section 339 is amended by striking out subsection (2) and by substituting the following:

(2) A council may proclaim any one day of the year as a civic holiday within the town or village.

23. Sections 344 and 345 are struck out and the following sections are substituted:

344. A council may authorize the taking of a census of the town or village.

345. A council may provide for planting and protecting trees on highways and public places.

24. Section 345*b* is amended by striking out the words "by by-law".

25. Authority to adopt a crest and a coat of arms.

26. Section 347, which provides for the construction or acquisition of public utilities, is amended to provide that the authorizing by-law need only be submitted to the proprietary electors on petition therefor.

27. Section 353, subsection (4) reads in part:

(4) The council shall, by by-law, authorize the secretary-treasurer to levy upon the assessed value of all assessed property 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,

and subsection (7) presently reads:

(7) When a by-law has been passed providing for a business tax in accordance with The Assessment Act, the council shall by by-law authorize the secretary-treasurer to levy a business tax at such uniform rate on the dollar as the council deems sufficient, but in no case shall the rate be greater than the combined rates levied on the assessed value of the land forming the site of the business.

28. Oiling of a street as a local improvement.

29. Section 420, subsection (1) presently reads:

420. (1) Except as otherwise provided in this Act, by-laws for contracting debts or borrowing money that do not provide for the payment of the debts contracted or money borrowed out of the revenues of the current year shall, before the final passing of the by-law, be submitted for the assent of two-thirds of the proprietary electors voting thereon in the manner provided by Part VI.

25. The following section is added after section 345b:

345c. (1) A council by by-law approved by the Lieutenant Governor in Council, may adopt a crest and a coat of arms for the town or village.

(2) A person who, without the authority of the council, assumes or uses the crest or coat of arms of a town or village, or any heraldic emblem so nearly resembling the crest or coat of arms as to be calculated to deceive is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for every day during which the offence continues.

26. Section 347 is amended

(a) by striking out subsection (2) and by substituting the following:

(2) A by-law authorizing any thing mentioned in subsection (1) shall be proceeded with in the same manner as set out in section 298 except that when a vote of the proprietary electors is required the by-law shall not be finally passed by the council until it has been approved by two-thirds of the proprietary electors voting thereon.

(b) as to subsection (3) by striking out the words "by the proprietary electors".

27. Section 353 is amended

(a) as to subsection (4) by adding after the words "The council shall" the words "in each year",

(b) as to subsection (7) by adding after the words "the council shall" the words "in each year".

28. The following section is added after section 396:

396a. (1) A council may authorize the oiling of streets to be undertaken as a local improvement.

(2) Notwithstanding section 404, a special frontage assessment or special local benefit assessment with respect to the oiling of a street shall only be assessed in the year in which the oiling of the street is undertaken as a local improvement.

29. Section 420 is amended by striking out subsection (1) and by substituting the following:

420. (1) Except as otherwise provided in this Act, a by-law for borrowing money or contracting debts and not payable out of the revenues of the current year shall be

30. Authority to charge proceeds from land as security on a loan made to acquire the land.

31. Form 11 is amended to conform to the amendment to section 107.

32. Commencement of Act.

proceeded with in the same manner as set out in section 298 except that when a vote of the proprietary electors is required the by-law shall not be finally passed by the council until it has been approved by two-thirds of the proprietary electors voting thereon.

30. The following section is added after section 421a:

421b. (1) Notwithstanding anything in this Act, a by-law to borrow money for the acquisition of land pursuant to subsection (3) of section 273 may provide that the debenture debt is to be

- (a) a lien and first charge on the gross sales or rental revenues of the lands acquired and not on the taxes, rates or other revenues of the town or village, or
- (b) a lien and first charge on the gross sales or rental revenues of the lands acquired in priority to a charge on the taxes, rates and other revenues of the town or village.

(2) The provisions of this Act relating to debenture by-laws apply *mutatis mutandis* to a by-law passed pursuant to this section except that

- (a) instead of providing a tax levy the by-law shall pledge the entire proceeds of the sale or lease of the land acquired, and
- (b) clause (a) of section 257 and sections 277 and 420 do not apply.

(3) The proceeds from the sale or rental of the lands acquired shall be deposited in a special trust account out of which the annual instalments of principal and interest on the debenture shall be paid.

31. Form 11 in Schedule A is amended by striking out items 5 and 6 in the Candidate's Acceptance (General Election) and by substituting the following:

5. That my name appears upon the voters' list as a proprietary elector or that I am a proprietary elector in respect of land annexed to the town (*or* village).

6. That for a period of at least two months immediately prior to nomination day my name has been shown on the assessment roll of the town (*or* village) or on the assessment roll of land annexed to the town (*or* village) in respect of land not exempted from taxation within the town (*or* village) which is of the value of one hundred dollars over and above charges, liens and encumbrances affecting the same.

32. This Act comes into force on the day upon which it is assented to and upon so coming into force sections 9 and 31 shall be deemed to have been in force at all times on and after the first day of August, 1964.

No. 58

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act to amend The Town and
Village Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
