

No. 14

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3rd Session, 15th Legislature, Alberta  
14 Elizabeth II

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## **BILL 14**

A Bill to amend The Town and Village Act

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HON. MR. HOOKE

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## Explanatory Note

1. This Bill will amend chapter 338 of the Revised Statutes.
2. A typographical error is corrected.
3. A new section is added to clarify the effect of section 18 which provides for orders annexing areas to towns and villages.
4. Section 23, subsection (4), clause (a) 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
    - (a) the persons entitled to vote at any election held after a first election are
      - (i) every person of the full age of twenty-one years whose name appears upon the assessment and tax roll and upon the voters' list, and
      - (ii) the spouse, son, daughter, father or mother of any person whose name appears upon the assessment and tax roll and upon the voters' list, if the spouse, son, daughter, father or mother is of the full age of twenty-one years and has made application during the month of July of the then current year to have his or her name placed upon the voters' list,
5. Section 24, subsection (1) presently reads:
  24. (1) The Lieutenant Governor in Council by order may form any village, together with any land additional thereto, into a town
    - (a) if the village contains over seven hundred inhabitants, and
    - (b) if the proposal to form the village, together with any additional land that it is desired to include with the village, into a town has been approved by two-thirds of the proprietary electors of the village voting thereon at a meeting specially called for the purpose.
6. Section 57, subsection (3) presently reads:
  - (3) Written notice of a special meeting stating the time and place at which it is to be held and stating in general terms the nature of the business to be transacted at the special meeting shall be given by the secretary-treasurer in the manner provided by this Act.

# BILL

No. 14 of 1966

An Act to amend The Town and Village Act

(Assented to \_\_\_\_\_, 1966)

**H**ER 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 5, subsection (1) is amended by adding after the words "ought to have been done" the word "has".
3. The following section is added after section 18:  
**18a.** No order made under section 18 affects or abrogates any existing contract or any existing right of or held by any municipality or person for the production, transmission, delivery or furnishing of water, gas, heat, sewer service, light or power to or for inhabitants or businesses in the annexed or excluded territories, as the case may be.
4. Section 23, subsection (4) is amended by adding the following clause after clause (a):  
(a1) the proprietary electors of the summer village are the persons entitled to vote at an election under this Act and whose names appear on the assessment roll of the summer village in respect of land liable to assessment and taxation,
5. Section 24, subsection (1), clause (b) is amended by striking out the word "two-thirds" and by substituting the words "a majority".
6. Section 57, subsection (3) is amended by striking out the words "in the manner provided by this Act" and by substituting the following:

**7.** Section 60, subsection (1), clause (b) and subsection (1a) presently read:

60. (1) The council, by by-law, may provide

.....

(b) for the payment to the mayor of a sum of not more than fifteen dollars a day for each day spent by him in the laying out and inspection of works undertaken by the town or village.

(1a) No payment shall be made under subsection (1) to any person in respect of more than twenty-four meetings in any one year, nor shall payments be made to the mayor in respect of supervision for more than thirty days in any one year.

**8.** Section 61, subsections (2) and (5) presently read:

(2) The by-law shall be submitted to a vote of the proprietary electors and shall take effect only if it is approved by at least two-thirds of the electors voting thereon in the manner prescribed by Part VI.

(5) The notice shall contain, in addition to the by-law, a statement that the by-law requires a two-thirds majority vote of the proprietary electors who vote and a further statement of the date, hours and place at which the vote will be held.

**9.** Section 63, subsection (1), clauses (a) and (f) read:

63. (1) If, after his election as a member of the council, a person

(a) is convicted of a criminal offence punishable by imprisonment for more than two years or by death,

.....

(f) is convicted of signing an acceptance of nomination containing a false statement,

his seat in the council becomes vacant and the council shall forthwith declare it vacated.

to each councillor

- (a) by mailing the notice to the councillor's address at least six clear days before the day 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.

**7. Section 60 is amended**

- (a) as to subsection (1), clause (b) by adding after the words "spent by him" the words "in administrative duties at the town or village office or",
- (b) as to subsection (1a) by adding after the words "mayor in respect of" the words "administrative duties at the town or village office or".

**8. Section 61 is amended**

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

(2) The by-law shall be submitted to a vote of the proprietary electors and shall take effect only if it is approved by

- (a) two-thirds of the proprietary electors voting thereon in accordance with Part VI, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or
- (b) a majority of the proprietary electors voting thereon in accordance with Part VI, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon.

- (b) by striking out subsection (5) and by substituting the following:

(5) The notice shall contain, in addition to the by-law, a statement of the majority vote required pursuant to subsection (2), of the proprietary electors who vote and a further statement of the date, hours and place at which the vote will be held.

**9. Section 63, subsection (1) is amended**

- (a) by striking out the words "a member of the council" and by substituting the words "mayor or councillor",
- (b) by adding the following clause after clause (f):
  - (f1) he becomes a party to a contract with the town or village contrary to clause (e) of subsection (1) of section 108,

**10. Section 65, subsection (2) presently reads:**

(2) When a vacancy occurs in the office of the secretary-treasurer, a successor shall be appointed as soon as practicable.

**11. Section 67, clause (u) presently reads:**

67. The secretary-treasurer shall

.....

(u) faithfully perform all other duties imposed upon him by this Act and generally carry out such instructions as may be issued to him from time to time by the council.

**12. Section 81, subsection (1) presently reads:**

81. (1) The mayor may, at any time and from time to time by writing, appoint one or more special constables within the town or village for such time, not exceeding thirty days, as shall be stated in the appointment and shall report the appointment with the reasons therefor to the council before its next regular meeting.

**13. Section 94 presently reads:**

94. An official appointed by the council shall hold office during the pleasure of the council or as expressed in his appointment.

**14. Section 96 presently reads:**

96. (1) The mayor may suspend any town or village official or employee and he shall forthwith report the suspension and the reasons therefor to the council, which may either dismiss or reinstate the suspended official or employee.

(2) When the suspended official or employee is dismissed by the council, the official or employee shall not receive any salary or remuneration from the date of his suspension by the mayor unless the council, by a resolution, otherwise determines.

**10.** Section 65, subsection (2) is amended by adding after the words "shall be appointed" the words ", by by-law,".

**11.** Section 67 is amended

(a) by renumbering the section as subsection (1),

(b) as to the renumbered subsection (1) by striking out clause (u) and by substituting the following:

(u) faithfully perform all other administrative duties imposed upon him by this Act and generally carry out such administrative instructions as may be issued to him from time to time by resolution of the council.

(c) by adding the following subsection after the renumbered subsection (1):

(2) Where any thing is directed to be done by the secretary-treasurer pursuant to this section, it shall also include his successor in the office and his duly appointed assistant.

**12.** Section 81, subsection (1) is amended by striking out the words ", not exceeding thirty days,".

**13.** Section 94 is amended by adding after the words "appointed by" the words "a resolution of".

**14.** Section 96 is struck out and the following is substituted:

**96.** (1) The mayor may suspend any town or village official or employee and he shall forthwith report the suspension and the reasons therefor to the council.

(2) The council may reinstate the official or employee suspended in accordance with subsection (1) or may, for just cause, dismiss the official or employee.

(3) No secretary-treasurer shall be dismissed

(a) without being given a reasonable opportunity to be heard before the council, in person or through his solicitor, and

(b) without being given, in writing, the true reasons for his dismissal.

(4) When the suspended official or employee is dismissed by the council, the official or employee shall not receive any salary or remuneration from the date of his suspension by the mayor unless the council, by a resolution, otherwise determines.

**15. Section 107, subsection (1), clause (e) presently reads:**

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

- .....
- (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
    - (ii) in the case of a first election where there is no voters' list, has been for a period of at least two months immediately prior to his nomination, the owner or purchaser of land, or interest in land, as the case may be, 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, and his name appears in respect of such land upon the last revised assessment roll of the village, municipal district or improvement district with respect to that portion that is included in the town or village, as the case may be, or
    - (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.

**16. Section 108, clauses (e), (i) and (j) presently read:**

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

- .....
- (e) a person who,
    - (i) for the time being, is a party to a subsisting contract with the town or village under which money of the town or village is payable or may become payable for any service, work, matter or thing,
    - (ii) has a pecuniary interest in such a contract whether the interest is direct or indirect, or
    - (iii) is for the time being a party to an agreement for the purchase or lease of land or other property from the town or village;
  - .....
  - (i) a person who, having been elected as a member of the council, has resigned his seat on the council
    - (i) on account of any matter or thing that would disqualify him for election as a member of the council or to sit or vote therein, or
    - (ii) for the purpose of avoiding the making of restitution for money received by him in contravention of any provision of this Act,until the expiration of three years from the date of the resignation;
  - (j) a person whose seat on the council has been declared vacant by reason of clause (f) of subsection (1) of section 63, until the expiration of three years from the date upon which his seat was so declared vacant.



**15.** Section 107, subsection (1) is amended

- (a) by striking out the words “a member of the council” and by substituting the word “councillor”,
- (b) as to clause (e)
  - (i) by adding after the words “assessment roll” where they occur in subclause (i) the words “on nomination day and has appeared on the assessment roll for”,
  - (ii) by adding after the words “no voters’ list,” where they occur in subclause (ii) the words “is on nomination day and”,
  - (iii) by striking out the words “appeared upon the assessment roll of the annexed area” where they occur in subclause (iii) and by substituting the words “appears on the assessment roll on nomination day and has appeared on the assessment roll of the annexed area for”.

**16.** Section 108 is amended

- (a) by renumbering the section as subsection (1),
  - (b) as to the renumbered subsection (1)
    - (i) by striking out the words “a member of the council, or entitled to sit or vote therein” and by substituting the words “councillor or entitled to sit or vote on the council”,
    - (ii) by striking out clauses (i) and (j),
  - (c) by adding the following subsections:
    - (2) A person having been a mayor or councillor
      - (a) who resigned his seat on the council
        - (i) on account of any matter or thing for which his seat on the council could have been declared vacated under clause (a), (f) or (f1) of subsection (1) of section 63, or
        - (ii) for the purpose of avoiding the making of restitution for any money received by him in contravention of this Act,
      - or
      - (b) whose seat on the council was declared vacated by the council under clause (a), (f) or (f1) of subsection (1) of section 63, or
      - (c) whose seat on the council was declared vacated by a judge under subsection (2) of section 63 for any of the reasons set out in clause (a), (f) or (f1) of subsection (1) of section 63,
- is not eligible to be elected mayor or councillor or entitled to sit or vote on the council until the expiry of three years from the date of his resignation or the date his seat on the council was declared vacated, as the case may be.

**17.** Section 108 sets out the circumstances under which a person is ineligible to be a member of council. Section 109, subsection (1), which provides certain exceptions, is amended to add a new exception.

Section 109, subsection (2), clause (a), subclause (iv) presently reads:

- (2) No mayor or councillor shall vote in the council
- (a) on any question
  - .....
  - (iv) affecting a company of which he is a director,

**18.** Section 127, subsection (3) reads:

(3) The number of polling places to be named by the council in the town or village or in each polling division, as the case may be, shall be at least one polling place for every three hundred electors on the voters' list of the town or village or the polling division as the case may be.

**19.** Section 146 presently reads:

146. The returning officer or deputy returning officer shall see that each polling place is furnished with a compartment or compartments in which the voters may mark their ballot papers while being screened from observation.

(3) A person having been a mayor or councillor at a time when he was a party to a contract with a town or village contrary to clause (e) of subsection (1), but

- (a) who did not resign his seat on the council, and
- (b) whose seat on the council was not declared vacated

as set out in clause (a), (b) or (c) of subsection (2), is not eligible to be elected mayor or councillor or entitled to sit or vote on the council until the expiry of three years from the date the contract is discharged.

**17.** Section 109 is amended

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

(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 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,

- (b) as to subsection (2)

- (i) by adding after the words "councillor shall" the words "make a motion or",
- (ii) by adding at the end of subclause (iv) of clause (a) the words "unless he was appointed a director of the company by the council,".

**18.** Section 127 is amended by striking out subsection (3).

**19.** Section 146 is struck out and the following is substituted:

**146.** (1) The returning officer shall ensure that each polling place is furnished with one or more compartments so arranged that each voter may be screened from observation and may mark his ballot papers without interference or interruption.

**20.** See clause 19 of this Bill.

**21.** Section 213 presently reads:

213. (1) In the case of a by-law to borrow money by the issue of debentures for any purpose, application shall be made to the Local Authorities Board for its permission to borrow the money by the issue of debentures.

(2) The application shall be made as required by The Local Authorities Board Act and before or immediately after the first reading of the by-law, and before the by-law is submitted to a vote of the proprietary electors.

**22.** Section 262 reads:

262. The council of a town or a village wherein a police constable has been appointed, under the provisions of section 80 or wherein the policing of the town or village is authorized pursuant to an arrangement entered into under section 86, may by by-law provide that a person may pay to the secretary-treasurer or other person designated by the council a fixed sum of money in lieu of being proceeded against by prosecution for the breach of a provision of a by-law designated by the council.

**23.** Towns and villages authorized to make provision for ambulance services.

**24.** Towns and villages are given the same power now given to the Crown by section 20 of The Public Works Act in acquiring more land than is actually required, where it is advantageous to do so.

**25.** Section 286a presently reads:

286a. (1) 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.

(2) This section does not apply to any damage caused by

(a) the construction of 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.

(2) In each compartment there shall be provided for the use of voters in marking their ballot papers a table, desk or shelf with a hard surface and a suitable black lead pencil which shall be kept properly sharpened throughout the hours of voting.

**20.** Section 167, subsection (1) is amended by adding after the words "mark his ballot paper or papers" the words "with the pencil provided".

**21.** Section 213 is amended by striking out subsection (2) and by substituting the following:

(2) The application shall be made before or forthwith after the first reading of the by-law, and no further action, including advertising and submission to a vote of the proprietary electors, shall be taken upon the by-law until authorization has been obtained from the Local Authorities Board.

**22.** Section 262 is amended by renumbering the section as subsection (1) and by adding the following subsection:

(2) Subsection (1) does not apply with respect to a breach of any provision of a by-law that fixes a speed limit within the town or village or regulates moving motor vehicles within the town or village.

**23.** The following section is added after section 272a:

**272b.** (1) The council by by-law may acquire and equip a motor vehicle for the purpose of providing an ambulance service in the town or village.

(2) For the purpose of encouraging the establishment and maintenance of an ambulance service in the town or village, the council may annually by by-law authorize the payment to the owner of an ambulance of a grant not exceeding one thousand dollars or five mills on the net total assessment of land and improvements of the town or village, whichever is the greater.

**24.** Section 283 is amended by renumbering the section as subsection (1) and by adding the following subsection:

(2) Where the council is of the opinion that the town or village can obtain, at a more reasonable price or to greater advantage than by acquiring a part only, the whole or a portion of any parcel of land of which a part may be expropriated by the town or village, the town or village may take the whole or the portion of the parcel.

**25.** Section 286a is amended by adding the following subsection:

(3) The amount payable for damages under this section shall not exceed the amount of the difference between

(a) the appraised value of the property prior to the exercise by the town or village of any of the powers conferred on it by this Act, and

**26.** Section 302, which authorizes by-laws on various subjects, is amended to authorize by-laws to regulate obstructions near intersections.

**27.** Section 303, clause (p) reads:

**303.** For the prevention or extinguishing of fires within the town or the village, a council may pass by-laws providing for any or all of the following:

.....  
(p) authorizing agreements with other municipalities for the joint purchase, use, control or management of apparatus and equipment for extinguishing fire and preserving life and property from injury or destruction by fire.

**28.** Section 306 authorizes the passing of by-laws on various subjects. Clause (b) is replaced by section 306a—see clause 29 of this Bill.

**29.** The section being added is section 54 of the present Child Welfare Act which more appropriately belongs in the municipal Acts.

(b) the appraised value of the property after the exercise of the powers referred to,  
together with an amount of not more than ten per cent of the amount of the difference as so determined.

**26.** Section 302 is amended by adding the following clauses after clause (b) :

- (b1) for prohibiting the planting of trees, hedges or shrubs on private property at or adjacent to and within twenty-five feet from street intersections or such lesser distance as may be stated in the by-law, and requiring the removal of trees, hedges or shrubs already planted, or limiting the height of such trees, hedges or shrubs whether planted before or after the date of the passing of the by-law,
- (b2) for prohibiting the building, placement, erection or continued existence of fences, walls or other objects on private property at or adjacent to and within twenty-five feet from street intersections or such lesser distance as may be stated in the by-law when such fences, walls or other objects interfere with good visibility for safe traffic flow but the by-law shall provide that where any such fence, wall or other object that adversely affects good visibility for safe traffic flow is in existence at the date of the coming into force of the by-law, the fence, wall or other object may only be removed or reduced in height at the expense of the town or village,

**27.** Section 303 is amended by adding the following clause after clause (p) :

- (q) authorizing agreements with rural fire protection organizations for the use of apparatus and equipment for extinguishing fire and preserving life and property from injury or destruction by fire.

**28.** Section 306 is amended

- (a) by striking out clause (b),
- (b) by adding the following clause after clause (c) :
  - (d) prohibiting the sale of fire balls, squibs, crackers or fireworks to persons under the age of twenty-one years,

**29.** The following section is added after section 306 :

**306a.** (1) The council may pass a by-law

- (a) regulating the time after which children shall not be in a public place at night without proper guardianship, and

**30.** Section 309, clause (b) presently reads:

309. A council may pass by-laws for the purpose of taking over, purchasing, erecting, maintaining and regulating hospitals or granting aid for the erection and maintenance of the same either by direct payment or by guaranteeing the repayment of the principal and interest of any loan obtained by the hospital authorities, but

.....  
(b) the by-law shall be subject to ratification by two-thirds of the proprietary electors voting thereon.

**31.** Section 314 presently requires a two-thirds vote of the proprietary electors on a by-law authorizing the supplying of medical care to residents.

**32.** Section 317 presently reads:

317. Subject to the provisions of The Public Health Act, a council may pass by-laws for the purpose of constructing, buying or leasing, and operating and managing a system of sewerage and drainage, sewage pumping stations or sewage treatment and purification works within or without the corporate limits of the town or the village, and may in the manner prescribed in section 364 establish and, from time to time, vary a scale of fees to be known as sewer service charges.

**33.** Section 327 presently reads:

327. The fee payable in respect of a licence issued pursuant to a by-law shall be reasonable in amount, and the licence fee shall not be imposed for the purpose of exacting revenue.



(b) designate the age or apparent age of boys and girls respectively to whom the by-law applies.

(2) A child to whom the by-law applies and found in a public place after the time so fixed may be warned to go home by an inspector, constable or peace officer and if after the warning the child refuses or fails to go home he may be taken to his home or to a shelter by the inspector, constable or peace officer.

(3) A parent who permits his child to contravene the by-law is guilty of an offence and liable upon summary conviction for a first offence to a fine of five dollars, and for a second offence to a fine of ten dollars, and for a third or a subsequent offence to a fine of twenty dollars, and in each case in default of payment to a term of imprisonment of not more than three months.

**30.** Section 309 is amended by striking out clause (b) and by substituting the following:

- (b) the by-law shall only be made operative upon ratification of
  - (i) two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or
  - (ii) a majority of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon.

**31.** Section 314, subsection (2) is amended by striking out the word "two-thirds" and by substituting the words "a majority".

**32.** Section 317 is amended

- (a) by adding after the words "purpose of constructing," the word "extending",
- (b) by adding after the words "and managing" the words ", in whole or in part,".

**33.** Section 327 is struck out and the following is substituted:

**327.** (1) The fee payable in respect of a licence issued pursuant to a by-law shall be reasonable in amount, and in fixing any such licence fee a council shall, where applicable, have regard for the business tax payable by similar businesses in the town or village.

(2) The licence fee imposed under the by-law shall be payable prior to the commencement or continuance of the business, trade, occupation, employment or calling being licensed.

**34.** Section 329a, subsection (1) reads in part:

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, **except transient traders,**

**35.** Section 330 is revised to remove specific references to a variety of businesses which are already covered by the wording of section 329a.

**36.** Section 345a, subsection (2) reads:

(2) Sums expended under subsection (1) shall not in any year exceed forty cents per capita of the town or village unless the excess of that amount has first been approved by a **two-thirds** majority vote of the proprietary electors.

Subsection (1) authorizes expenditures for entertainment.

**37.** Section 347, subsection (1), clauses (a), (b) and (d) and subsection (2) 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 the village, and control and operate it,

(b) build, erect, **buy or lease** and control and operate, subject to the provisions of The Public Health Act, a waterworks plant, either within or without the town or the village,

.....

(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.

(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.

(3) The licence may be issued for a period of one or more months to an applicant who does not have an established place of business in the town or village upon payment of the required licence fee, but in no case shall the licence fee payable be less than one-quarter of the annual fee.

**34.** Section 329*a*, subsection (1) is amended by striking out the words "except transient traders,".

**35.** Section 330 is struck out and the following is substituted:

**330.** (1) Without limiting the generality of other licensing provisions of this Act, the council may pass a by-law for licensing, regulating and controlling any or all of the following, namely, circuses, trained or wild animal shows, menageries, caravans, palmists, professional boxing or wrestling shows, professional theatrical shows, exhibitors of wax works, merry-go-rounds, ferris wheels or any other mechanical apparatus or device, or any other show or exhibition produced or operated for private gain.

(2) No licence fee imposed by a by-law under this section shall exceed five hundred dollars per day, nor shall a penalty for a contravention of the by-law exceed fifty dollars and costs but whether so stated in the by-law or not the licence fee, fine, if any, and costs may be collected by sale of the goods belonging to and used or used in connection with the show, exhibition or both, and in addition the offender may be imprisoned for a period not exceeding six months.

**36.** Section 345*a* is amended by striking out subsection (2).

**37.** Section 347 is amended

(a) as to subsection (1)

(i) by striking out of clause (*a*) the words "buy or lease" and by substituting the words "extend, buy or lease, in whole or in part,"

(ii) by striking out of clause (*b*) the words "buy or lease" and by substituting the words "extend, buy or lease, in whole or in part,"

(iii) by striking out of clause (*d*) the words "or acquire" and by substituting the words " , acquire or extend, in whole or in part,"

(b) as to subsection (2) by striking out the words "approved by two-thirds of the proprietary electors voting thereon" and by substituting the following:

**38. Section 347a, subsection (1) presently reads:**

347a. (1) Subject to The Public Utilities Board Act and The Power Commission Act, a town or village may supply any person or corporation outside the town or village with a public utility upon special terms, and may exercise all other powers necessary to the carrying out of its agreement with such person or corporation as well outside the town or village as within the town or village.

**39. Section 349, subsection (2) reads:**

(2) The contract shall be authorized by by-law which shall be submitted to the proprietary electors and the by-law only becomes operative upon ratification by two-thirds of the proprietary electors voting thereon.

Subsection (1) provides for contracts for the supply of public utilities.

**40.** The repeal of section 353a will remove the authority of council to exempt from taxation all or such percentage of that class of improvements designated as machinery and equipment forming an integral part of an operational unit designed for or used in processing or manufacturing or the production or transmission of natural resources.

**41.** Section 366 provides for taxes on transient traders. With the amendment being made to section 329a transient traders may be licensed under that section.

**42. Section 395b presently reads:**

395b. A council may, subject to the approval of the Minister and subject to section 334, pass a by-law in any case where the council considers it equitable to do so,

- (a) to cancel or refund all or any part of a tax levy, or
- (b) to suspend and defer for such period of time and on such terms and conditions as to the council seems proper, a special frontage or a special local benefit assessment.

approved by

- (a) two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or
- (b) a majority of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon.

**38.** Section 347a, subsection (1) is amended by adding after the words "*The Public Utilities Board Act*" the words "*, The Gas Utilities Act*".

**39.** Section 349, subsection (2) is amended by striking out the words "upon ratification by two-thirds of the proprietary electors voting thereon" and by substituting the following:  
upon ratification by

- (a) two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or
- (b) a majority of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon.

**40.** (1) Section 353a is repealed.

(2) Notwithstanding subsection (1), any by-law passed pursuant to section 353a continues in force until the thirty-first day of December, 1966.

**41.** Section 366 is repealed.

**42.** Section 395b is amended by adding after the words "A council may," the words "with respect to a specific property or business and".

**43. Section 418a, subsection (2) presently reads:**

(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.

**44. Section 420, subsection (1) presently reads:**

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 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.

**45. Section 437, subsection (1) presently reads:**

437. (1) The council of a town or a village by resolution or by by-law may, pending the issue or the sale of any debentures authorized by by-law or in lieu of selling and disposing of the same, authorize the mayor or the deputy mayor and secretary-treasurer to raise money by way of a loan on such debentures, not to exceed eighty per cent of the par value of the debentures, and to hypothecate the same for the loan.

**46. Self-explanatory.**

**43.** Section 418*a*, subsection (2) is amended by striking out all the words preceding clause (a) and by substituting the following:

(2) A by-law under subsection (1) is not required to be proceeded with in accordance with section 420 if

**44.** 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 that are not payable out of the revenues of the current year

(a) shall be proceeded with in the same manner as set out in section 298, or

(b) shall be submitted for the assent of the proprietary electors voting thereon in the manner provided for by Part VI,

and 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

(c) two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than fifty per cent of the total number of proprietary electors entitled to vote thereon, or

(d) a majority of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is more than fifty per cent of the total number of proprietary electors entitled to vote thereon.

**45.** Section 437, subsection (1) is amended

(a) by striking out the words "by resolution or",

(b) by striking out the words "the issue or".

**46.** The following section is added after section 471:

**471*a*.** (1) A mayor, councillor or employee of a town or village, either in his own name or in the name of another, alone or jointly with another is prohibited from entering into a contract with the town or village for the supplying to him of a service or commodity other than a service or commodity that the council has statutory authority to supply.

(2) A contract entered into contrary to subsection (1) is void.

(3) A person who contravenes this section is guilty of an offence and is liable upon summary conviction to a fine of not more than one hundred dollars and in default of payment to imprisonment for a term not exceeding sixty days.

**47. Section 481, subsections (1) and (2) presently read:**

481. (1) All lost or unclaimed property in the possession of a town or a village or a department of a town or a village shall be retained for six months.

(2) If the lost or unclaimed property is not claimed within six months, the town or the village may dispose of the property by public auction, and any property offered for sale by public auction and not thereby sold may be otherwise disposed of as the council may direct.

**48. Commencement of Act.**



**47.** Section 481, subsections (1) and (2) are amended by striking out the word "six" and by substituting the word "three".

**48.** This Act comes into force on the day upon which it is assented to and upon so coming into force section 3 shall be deemed to have been in force at all times on and after the thirty-first day of December, 1965.

No. 14

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THIRD SESSION  
FIFTEENTH LEGISLATURE  
14 ELIZABETH II  
1966

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**BILL**

An Act to amend The Town and  
Village Act

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. HOOKE

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