

1969 Bill 109

Second Session, 16th Legislature, 18th Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 109

**An Act to Provide for Certain Exceptions
to the Lord's Day Act (Canada)**

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

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1969

An Act to Provide for Certain Exceptions
to the Lord's Day Act (Canada)

(Assented to _____, 1969)

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

1. This Act may be cited as *The Alberta Lord's Day Act*,
1969.

2. (1) In this Act,

(a) "council" means

- (i) the council of a city, town, village, county or municipal district,
- (ii) the board of administrators of a new town, and
- (iii) the Minister of Municipal Affairs with respect to an improvement district or special area;

(b) "elector" means,

- (i) in a municipality to which *The Municipal Election Act* applies, an elector within the meaning of that Act, and
- (ii) in an improvement district or special area, a person who is 21 years of age or over and who has continuously resided in the improvement district or special area for the period of six months prior to signing a petition or the holding of a vote under this Act, as the case may be;

(c) "petition" means a petition complying with section 3;

(d) "Sunday by-law" means a by-law declaring section 4 to be in force in a municipality.

(2) With respect to improvement districts or special areas, the references in this Act to a by-law shall be

Explanatory Notes

1. This Bill will revise The Alberta Lord's Day Act to authorize municipalities by by-law to allow certain activities in addition to sporting events on Sundays after 1:30 p.m. and to provide that a vote of the electors on the by-law is only required if a petition for a vote is received.

2. Interpretation.

deemed to be references to an order of the Minister of Municipal Affairs and the requirements for a first and second reading of a by-law are not applicable thereto.

3. (1) A petition under this Act shall be signed by at least

- (a) 10 per cent of the electors of the municipality, or
 - (b) 2,000 electors of the municipality,
- whichever is the lesser.

(2) Section 7 of *The Municipal Government Act* applies to a petition.

(3) All signatures to a petition shall be affixed to the petition within the period of 12 months preceding the day on which the petition is presented.

(4) A petition may be presented to a council by filing it with the municipal secretary.

(5) A petition requesting the passing of a Sunday by-law or the amending of a Sunday by-law shall state which of the activities mentioned in section 4 ought to be specified in the by-law or which, if any, ought to be excluded from the by-law.

4. (1) When a Sunday by-law is in force and subject to its provisions, it is lawful in the municipality, or in the part or parts thereof specified in the by-law, for any person, after 1:30 o'clock in the afternoon to provide, engage in or be present at

- (a) any game, contest or sport,
- (b) any exhibition of an educational, artistic or cultural nature,
- (c) any theatrical performance, concert, recital, lecture or other performance, and
- (d) any exhibition of moving pictures,

or such of them as are specified in the by-law, and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada).

(2) When subsection (1) applies, it is lawful for a person to do or engage any person to do any work, business or labour on a Sunday in connection with an activity allowed under this section which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada).

5. This Act or a Sunday by-law does not authorize the providing, engaging in or attending at a horse race, dog race, boxing contest or exhibition of wrestling or any other like exhibition or contest.

3. Petition to meet specified requirements.

4. Nature and extent of exceptions to federal Act. The present section 3 revised. Clauses (b), (c) and (d) are new.

5. Activities not excepted. The present section 4.

6. (1) Subject to this Act, a council, by by-law, may declare section 4 to be in force in the municipality or part or parts of the municipality in respect of the activities mentioned in section 3 or such of them as are specified in the by-law.

(2) Any provision of a by-law under this section may differ in different parts of the municipality and in respect of different activities mentioned in section 4.

7. (1) when a council, of its own motion, proposes to pass

(a) a Sunday by-law, or

(b) a by-law to amend a Sunday by-law,

it shall, after giving first and second reading to the by-law, publish a notice stating the purpose of the proposed by-law at least once a week for two consecutive weeks in a newspaper having general circulation in the municipality.

(2) If a petition for a vote on the proposed by-law is not presented to the council within 15 days after the last publication of the notice, the council may give third reading to the proposed by-law and pass it.

(3) If a petition for a vote on the proposed by-law is presented to the council within 15 days of the last publication of the notice, the council, if it wishes to proceed with the by-law, shall submit the proposed by-law to a vote of the electors of the municipality.

(4) A council may not, of its own motion, repeal a Sunday by-law.

8. (1) A petition may be presented to a council requesting the council

(a) to pass a Sunday by-law, or

(b) to amend a Sunday by-law, or

(c) to repeal a Sunday by-law.

(2) When, pursuant to subsection (1), a petition is presented to a council, the council shall at its next meeting give first and second reading to the by-law requested in the petition and shall then publish a notice stating the purpose of the proposed by-law at least once a week for two consecutive weeks in a newspaper having general circulation in the municipality.

(3) If a petition for a vote on the proposed by-law is not presented to the council within 15 days after the last publication of the notice, the council shall at its next meeting give third reading to the proposed by-law and pass it.

(4) If a petition for a vote on the proposed by-law is presented to the council within 15 days of the last publication of the notice, the council shall submit the proposed by-law to a vote of the electors of the municipality as soon as

6. Present section 5(1) reads:

5. (1) Subject to section 6, the council of a municipality may, by by-law,
- (a) declare section 3 to be in force in the municipality, and
 - (b) specify the public game, contest or sport to which section 3 applies.

7. By-law initiated by the council.

8. Petition for a by-law.

may be conveniently arranged except that if the petition is presented less than six months before the next ensuing general election of councillors in the municipality, the vote shall be held on the date fixed for the general election.

9. When a by-law is submitted to a vote of the electors pursuant to section 7 or 8,

- (a) if a majority of the electors voting thereon vote in favour of the by-law, the council shall, at its next meeting, give third reading to the proposed by-law and pass it, and
- (b) if a majority of the electors voting thereon does not vote in favour of the by-law, no further Sunday by-law or by-law to amend a Sunday by-law, as the case may be, may be passed by the council until at least three years after the holding of the vote.

10. (1) A Sunday by-law may be repealed only after the expiration of at least three years from the date the by-law came into force.

(2) When a Sunday by-law is repealed, no further Sunday by-law may be passed by the council until after the expiration of at least three years from the date on which the previous by-law was repealed.

11. The Minister of Municipal Affairs may make regulations respecting the holding of any votes required under this Act in improvement districts and special areas and matters incidental thereto.

12. This Act repeals and replaces *The Alberta Lord's Day Act*, being chapter 51 of the Statutes of Alberta, 1966.

13. This Act comes into force on the day upon which it is assented to.

9. Effect of a vote on a by-law — similar to present section 9 (3) and (4).

10. Repeal of Sunday by-law. Similar to present section 10.

11. Regulations governing votes in improvement districts and special areas.

12. Repeal of present Act.