

Bill No. 26 of 1936.

A BILL TO AMEND THE TOWN AND VILLAGE ACT.

NOTE.

Section 2 relates to the term of office of a person appointed by the council to fill a vacancy in the office of mayor; the term of office of the mayor of a town is two years and of the mayor of a village one year.

Section 3 expressly requires that the records of towns and villages be in the English language.

Section 4 empowers the council of a town or village to guarantee loans made for the purpose of building community halls subject to the approval of the Board of Public Utility Commissioners.

Section 5 enables the council to dispose of land acquired under any tax recovery statute.

Section 6 is a clarification of the existing provision.

Sections 7 and 8 more clearly define the persons whose names are to be placed upon the voters' list.

Section 9 amends the provisions as to the compilation of the supplementary voters' list by making provision for the inclusion therein of certain relatives of tenants of assessed property.

Section 10 permits the amendment of business tax by-laws to relieve against hardship or discrimination.

Section 11 amends the provisions as to the grant of special franchises; a substantial alteration is made by subsection (4) of the proposed section relating to the expiration of franchise contracts and the rights of the parties thereon.

Section 12 strikes out section 355 as being superfluous.

Section 13 provides for the imposition of a minimum tax of four dollars per annum for educational purposes.

Section 14 is a revision of an existing provision requisite to make the same applicable to business taxes.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 26 of 1936.

An Act to amend The Town and Village Act.

(Assented to _____, 1936.)

HIS 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 Town and Village Act Amendment Act, 1936.*"

2. *The Town and Village Act*, being chapter 49 of the Statutes of Alberta, 1934, is hereby amended as to section 66 thereof by striking out the words "year of office", where the same occur in subsection (3) thereof, and by substituting therefor the words "term of office".

3. The said Act is further amended as to section 89 thereof by striking out the words "record of the proceedings", where the same occur in paragraph (a) thereof, and by substituting therefor the words "record in the English language of the proceedings".

4. The said Act is further amended by inserting therein, immediately after section 107 thereof, the following new section:

"**107a.** Every council may by by-law authorize the mayor and the secretary on behalf of the town or village to guarantee on behalf of the town or village the due repayment of money lent for the purpose of the erection of a community hall, but no such by-law and no such guarantee shall have any force or effect unless and until the same has been approved by the Board of Public Utility Commissioners."

5. The said Act is further amended as to section 128 thereof by striking out the words "*The Tax Recovery Act, 1929*", where the same occur therein, and by substituting therefor the words "any statute which provides for the recovery of taxes".

6. The said Act is further amended as to section 148 thereof by striking out subsection (10) thereof and by substituting therefor the following:

"(10) If any resident of a town or village whilst receiving relief under the provisions of this Act or of *The Hospitals Act* by reason of his indigency or straightened circumstances or within three months after receiving any such relief moves from the town or village of which he was

a resident as aforesaid into any other municipality, that municipality shall not be liable to provide for the maintenance, care or treatment of such person but the town or village of which he was a resident as aforesaid shall continue to be liable as if such person had continued to be a resident thereof."

7. The said Act is further amended as to section 184 thereof by striking out the words "whether such name be placed upon the said list prior to the tenth day of December, or is placed thereon upon polling day in conformity with the provisions of PART VII", where the same occur therein.

8. The said Act is further amended as to section 185 thereof by striking out the words "whether such name is placed upon the said list prior to the fifteenth day of November, or is placed thereon upon polling day in conformity with the provisions of PART VII", where the same occur in paragraph (a) thereof.

9. The said Act is further amended as to section 188 thereof by striking out subsection (3) thereof and by substituting therefor the following:

"(3) The secretary-treasurer shall also prepare, in the manner hereinbefore mentioned, the following supplementary alphabetical voters' lists:—

"(a) A list containing the names of all tenants who have rented an assessed parcel for a period of twelve months immediately preceding the last day of August of that year who make application to be entered therein during the preceding months of September and October; and

"(b) A list containing the names of the wife, husband, father and mother, and of each son and daughter of each person whose name is entered upon either of the lists prepared in accordance with subsection (2) or of paragraph (a) of this subsection,—

"(i) if such wife, husband, father, mother, son or daughter is either resident within the town or village or assists such person in the business in respect of which he is taxable; and

"(ii) if he or she is of the full age of twenty-one years; and

"(iii) if his or her name does not already appear on the assessment roll; and

"(iv) if he or she duly makes application to be entered therein during the preceding months of September and October."

10. The said Act is further amended as to section 277 thereof,—

(a) by striking out the words "the Alberta Assessment Commission", where the same occur in subsection (11) thereof, and by substituting therefor the words "the Director of Assessments or to the Alberta Assessment Commission";

(b) by adding at the end thereof the following new subsection:

“(12) In case the council is desirous of amending any by-law passed pursuant to this section for the purpose of relieving against any discrimination, injustice or undue hardship arising out of any provision of such by-law, the council may, with the approval of the Director of Assessments, by by-law passed either before or after the first day of May, amend the said by-law; and the amendments so made, if made after the first day of May, shall have the same force and effect as if the same had been made before that date.”

11. The said Act is further amended by striking out section 344 and section 345 and by substituting therefor the following:

“**344.** The council may, in connection with the business carried on by it pursuant to section 343, from time to time by by-law fix the rates, charges or rents to be charged for supplying electric light, heat or power and may enforce payment of such rates, charges or rents by cutting off the light, heat or power or by action in any court of competent jurisdiction or by distress and sale of the goods and chattels of the persons owing such rates, charges and rents.

“**345.—**(1) Subject to the approval of the Board of Public Utility Commissioners and the ratification of the by-law so approved by two-thirds of the proprietary electors voting thereon, the council may authorize the mayor and secretary-treasurer to enter into, sign and execute on behalf of the town or village any contract with any person (in this section called the ‘contractor’) to supply electric light, electric power or energy, gas, natural gas and water, or any of them, for the use of the corporation, the inhabitants or residents thereof and any person or corporation requiring the same within the limits of such town or village, or any of them, for any period not exceeding twenty years and to grant and confer upon such contractor a special franchise for any or all of the purposes aforesaid for any period not exceeding twenty years.

“(2) Application for approval of such proposed contract shall be made to the Board of Public Utility Commissioners prior to or forthwith after the first reading of the by-law authorizing the same.

“(3) ‘Special franchise’ shall mean every right, authority or permission, whether exclusive or otherwise, to construct, maintain or operate within the limits of the town or village as they then exist or may thereafter be extended from time to time, in, under, on, over, above, through or across any highway road, street, lane, public place or water within the jurisdiction of the town or village any poles, wires, fixtures, pipes, tracks, conduits, buildings, erections, structures or other things for the purposes of bridges, railways, tramways or for the purposes of conducting, transmitting or distributing steam, heat, water, gas, natural gas, oil, electricity or any property, substance, energy or product capable of

being transported, transmitted or conveyed for the supply of water or heat, light, power, transportation, telegraphic, telephonic or other service.

"(4) Any such contract heretofore or hereafter entered into shall, whether or not it contains an express provision to that effect, be subject to the following terms and conditions, namely,—

"(a) that at the expiration of the term thereof the same may be renewed by the council and the contractor for a period not exceeding twenty years (and so from time to time at the expiration of the term of each renewal) with such alterations as may be agreed upon by the parties and approved by the Board of Public Utility Commissioners; and

"(b) that if either party refuses to renew such contract or if the parties fail to agree as to the conditions of such renewal, then the council shall be entitled, subject to the consent of the Board of Public Utility Commissioners, to purchase all the rights of the contractor in all matters and things under such contract and in all plant, apparatus, equipment and property used exclusively for the purposes thereof for such price and on such terms as may be agreed upon with the contractor, or failing such agreement, then for such price and on such terms as may be fixed and settled by the Board of Public Utility Commissioners on the application of either of the parties; and

"(c) that if such contract is not renewed, either at the expiration of the original term or of any renewal thereof (and so from time to time) by express agreement of the parties as aforesaid or if the council does not complete the purchase of the subject matter thereof as hereinbefore provided within the period of one year from the date of the expiration of the term of the contract or of the last renewal thereof, then the term of the said contract shall be automatically renewed and be deemed to have been renewed for a further period of ten years from the expiration of the previous term thereof, and such renewed contract shall be deemed to contain all the provisions hereof as to the purchase and sale and further renewal at the expiration thereof (and so from time to time at the expiration of each renewal); and

"(d) that until a renewal of such contract becomes effective as in this section provided or the purchase and sale is completed as aforesaid the contract theretofore in effect shall continue in full force as between the parties."

12. The said Act is further amended by striking out section 355 thereof.

13. The said Act is further amended as to section 349 thereof by striking out subsection (5) thereof and by substituting therefor the following:

“(5) Subject to the approval of the Minister of Education the council may by resolution fix a minimum tax for school purposes in the sum of four dollars to be paid by any person assessed upon the assessment roll and may require that every male resident of the town of the full age of twenty-one years who has resided therein for a period of one month or over and has not been assessed on the assessment roll shall pay an annual tax of four dollars for school purposes, to be collected at any time after the first day of January in each and every year, and such school tax shall be payable by such resident whether he has resided in the town before the date of the completing of the last revised assessment roll or not, but in the case of the collection of such tax the name of such resident so paying shall be added to the assessment roll.”

14. The said Act is further amended as to section 359 thereof by striking out subsection (1) thereof and by substituting therefor the following:

“**359.**—(1) Where any payment on account of taxes is made by or on behalf of the person assessed on account of the taxes in respect of a specified parcel or in respect of a specified business tax, such payment shall be applied on account of such taxes, otherwise any payment so made shall be applied *pro rata* on account of all taxes owing by the person assessed, and in every case where there are any arrears the payment shall be applied first to the payment of the arrears.”

15. This Act shall come into force on the day upon which it is assented to.

No. 26.

FIRST SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

An Act to amend The Town and
Village Act.

Received and read the

First time

Second time

Third time

HON. MR. COCKROFT.

EDMONTON:
A. Shnitka, King's Printer
1936