

Bill No. 96 of 1941.

A BILL TO AMEND THE TOWN AND VILLAGE ACT

NOTE.

This Bill amends *The Town and Village Act*.

The alterations in the definitions are for the purpose of maintaining uniformity with similar definitions in other municipal Acts.

The change in paragraph (b) of subsection (4) of section 15 provides that the annual meeting for the discussion of village matters shall be on the same day as the day fixed for nominations.

The amendment to section 43 is designed to make it clear that a man can owe taxes for two years and still be eligible for office.

Section 90 now provides for a tax certificate setting out the detailed statement of the arrears.

The first amendment to section 108 corrects an error created by the insertion of section 107a. The second amendment to the same section enables the council to pass by-laws regulating street traffic and the erection of stop signs, no parking signs and other traffic signals, and regulating the types of traffic which may be allowed at certain times or at any time on designated streets.

The amendments to section 108a enables the council to acquire lands vested in it by an order of the Board of Public Utility Commissioners and to dispose of such lands.

The new paragraph (aa) of section 131 enables the council to license, sell or dispose of cats.

The amendment introduced by the new section 147a was made at the request of the Department of Health in an effort to control the disease known as "Bang's" Disease.

The amendment to subsection (8) of section 148 enables the town or village to recover moneys expended by it for the benefit of any person from such person or from anyone responsible for the maintenance of such person. In cases where the town or village has paid for the hospitalization of a person who subsequently acquires

enough money to pay for this himself, the town or village is entitled to recover such moneys expended or moneys expended for similar reasons.

The amendment to subsection (12a) of the same section enlarges the meaning of the rules determining residence somewhat. It is desirable that these rules be uniform in the various enactments dealing with this question, and this change corresponds to amendments being made in other municipal Acts.

The amendment to section 158 strikes out a needless limitation on the powers of a council to compromise taxes which has often worked a hardship.

The new section 166a enables the council to acquire, build and operate an airport or assist persons interested in the construction or operation of airports by way of a money grant.

Section 184 is inconsistent with other sections in the Act and is probably overridden by them so it is desirable that it be struck out.

The amendment to section 189 corrects an error as the provisions referred to are not set out in this section but in the preceding section.

The amendment to subsection (2) of section 345 is designed to clarify the powers of the Board. The amendment to subsection (3) of the same section slightly widens the powers of a council to enter into renewal agreements without the necessity of a vote. This has been rendered necessary due to the fact that renewal agreements are not usually entered into as at the exact date of the expiration of the original agreement, and the amendment allows some leeway as to time of execution of such an agreement.

The amendments to section 349 and the insertion of the new sections 348a, 348b, 348c and 348d will make these provisions similar to those contained in other municipal Acts. To the existing powers, they also add the right to levy a minimum tax for hospital purposes and a minimum tax for municipal purposes. These minimum taxes are restricted to residents only of the town or village in which they are levied.

Section 359 is practically the same as amendments being introduced into the other municipal Acts, the purpose of which is to clarify the provisions relating to the order in which arrears are to be paid and the selection of which of the taxes the payment is to be applied upon, when a portion only of the taxes is being paid.

The amendment to section 362 was rendered necessary by a previous amendment.

The amendment to section 363a will facilitate the payment of insurance claims. It provides a procedure whereby

insurance companies liable under claims on a policy may be notified of the taxes due by a policy holder and provide for the payment of such taxes out of the claim. The insurer on receiving notice of any loss must notify the town or village in which the insured property is situate. The town or village then notifies the insurer of the amount of the taxes due. The insurer is then required to deduct from the amount of the claim an amount sufficient to pay the taxes, which is forwarded to the town or village.

The amendment to section 368 places claims of the Crown in the right of the Province ahead of claims of the town or village.

The amendment to section 378 enables the council to make a temporary loan on the security of moneys to be raised by school taxes as well as other taxes. The council is authorized to levy school taxes under the provisions of *The School Act* and not under this Act.

Forms F and H. have been altered to include relatives of tenants.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 96 of 1941.

An Act to amend The Town and Village Act.

(Assented to _____, 1941.)

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, 1941.*"

2. *The Town and Village Act*, being chapter 49 of the Statutes of Alberta, 1934, is hereby amended as to section 2,—

- (a) by adding at the end of clause (i) of paragraph (o) thereof the following words: "or any part thereof";
- (b) by striking out clause (ii) of paragraph (o) thereof and by substituting therefor the following:
“(ii) where there is no such plan of subdivision and subject to clause (iii), a quarter section of land according to the system of surveys under *The Alberta Surveys Act*, or any other area the description of which has been approved by the proper Land Titles Office;”.

3. The said Act is further amended as to section 15 by striking out paragraph (b) of subsection (4) thereof and by substituting therefor the following:

- “(b) an annual meeting for the discussion of village matters shall be held on the first Saturday in August which shall also be nomination day, and the election of councillors shall take place on the second Saturday in August;”.

4. The said Act is further amended as to section 43 by striking out paragraph (h) thereof and by substituting therefor the following:

- “(h) any person who at the time of nomination is indebted to the town or village for taxes for more than the two calendar years immediately preceding the year in which the election is held or who having entered in any agreement for the consolidation of the arrears of taxes owing by him to the town or village is at such time in default in the payment of any sums payable under such agreement;”.

5. The said Act is further amended as to section 90 by striking out subsection (2) thereof and by substituting therefor the following:

"(2) The secretary-treasurer on receipt of a further fee of twenty-five cents shall include in the certificate a detailed statement of the arrears indicating the portions attributable to each year respectively.

"(3) Every such fee shall form part of the general revenue of the town or village."

6. The said Act is further amended as to section 108,—

(a) by striking out the words "under the provisions of this or the two preceding sections", where the same occur in the proviso to subsection (1) thereof, and by substituting therefor the following: "under the provisions of this or the three preceding sections";

(b) by adding thereto the following new subsections:

"(3) The Council may pass a by-law to regulate street traffic and in particular, but not so as to restrict the generality of the foregoing, may make provisions requiring that all vehicles shall be brought to a stand-still before entering upon any highway, street, avenue, lane or public place specified in the by-law and authorizing the setting up of no parking signs, stop signs, and other traffic signals or signs and designating areas in which parking shall be restricted or prohibited and taxi cabs and buses shall stand or operate and designating safety zones, cross-walks, stop streets, bus stands and taxi stands.

"(4) The Council may pass a by-law prohibiting absolutely or for a certain period or periods any person from driving or operating upon any street or lane within the town described in the by-law, any specified class or classes of motor vehicles. Any by-law passed pursuant to this subsection shall have no force or effect unless and until it has been approved by the Minister."

7. The said Act is further amended as to section 108a by striking out subsection (3) thereof and by substituting therefor the following:

"(3) The Council of any town or village may acquire under an order of the Board of Public Utility Commissioners cancelling a plan of subdivision any lands situate within the boundaries of the town or village.

"(4) Any such lands may be sold, leased, or otherwise disposed of in such manner and at such times and under such terms and conditions as the Council may by resolution from time to time prescribe."

8. The said Act is further amended as to section 131 by adding thereto immediately after paragraph (a) of subsection (2) thereof the following new paragraph:

“(aa) restraining and regulating the running at large or trespassing of cats and requiring the owners of cats to license and bell them, and providing for distraining, impounding and disposing of cats running at large, trespassing, or unlicensed by the owner thereof;”.

9. The said Act is further amended by adding thereto immediately after section 147 the following new section:

“**147a.** The Council may pass a by-law for the purpose of controlling contagious abortion in the cows from which any supply of milk or cream for the town or village is obtained and may, by any such by-law,—

- “(a) require that such cows be subjected to tests and prescribe the nature and extent of the said tests;
- “(b) prescribe the period of time within which such tests shall be made and completed;
- “(c) provide that the cost of such tests shall be paid out of the general revenue of the town or village or shall be paid by the owners of the cows in respect of which the tests are made;
- “(d) require that cows reacting to such tests shall be removed from the dairy farm supplying milk or cream for the said town or village.”

10. The said Act is further amended as to section 148,—

- (a) by striking out subsection (8) thereof and by substituting therefor the following:

“(8) The value of any assistance given by a town or village to any person who is a resident thereof, whether indigent or not, for food, fuel, clothing, shelter, medical advice, attention, medicine, surgical treatment, hospitalization, or for any other assistance, together with the amount of all moneys expended by the town or village for such assistance, shall be a charge on the lands of any person for whose benefit it was given or paid, and shall constitute a debt due to the town or village from such person for whose benefit it was given or paid, and from any other person who was legally responsible for the maintenance of the person aforesaid for whom it was given or paid, and may be recovered from him or from his estate or from the persons responsible for his maintenance, by action or by distraint upon any of his or their goods found within the Province.”

- (b) by striking out subsection (10) thereof;

- (c) by striking out the following words where the same occur in subsection (11) thereof:

“If any resident of a city, whilst receiving relief under the provisions of this Act or of *The Hospitals Act* or of *The Mothers Allowance Act*, by reason of his indigency or straitened circumstances, or within three months after receiving any such relief, moves into some other municipality, that municipality shall not be liable to provide for the maintenance, care or treatment of such person, but the city shall continue to be liable as if such person continued to be resident therein.”;

- (d) by striking out subsection (12a) thereof and by substituting therefor the following:

“(12a) In order to determine whether or not any person is a resident in any area controlled by a local authority for the purposes of this section, the following rules of interpretation shall be applied:

“*Rule 1.* Any person who on the date of the application of such person for food, fuel, clothing, shelter, assistance, medical attention or any of them, or for placing such person in a hospital has then had his home or resided within the area controlled by a local authority for twelve consecutive months out of the twenty-four consecutive months immediately preceding the making of such application and has not during such period of twelve months received any relief, shall be deemed to be a resident of the area controlled by the local authority within whose boundaries he has so resided.

“*Rule 2.* Any person who at any time during which he is in receipt of food, fuel, clothing, shelter, assistance, medical attention, hospitalization, or any of them from a local authority which is liable for the provision thereof, or at any time within a period of twelve months after he last received any such relief, moves within the area controlled by another local authority, shall be deemed to be a resident of the area controlled by the first mentioned local authority as if he had continued to reside therein until such time as he shall have thereafter become a resident of some other local authority as defined in Rule 1 hereof.

“*Rule 3.* Any person who on the date of the application of such person for food, fuel, clothing, shelter, assistance, medical attention or any of them or for placing such person in a hospital has not resided for twelve consecutive months out of the previous twenty-four consecutive months within the area controlled by a local authority and has not a permanent home elsewhere than in the Prov-

ince, but has resided or has been a sojourner, within the area controlled by a local authority for at least three consecutive months out of the twenty-four months immediately preceding the date of such application and has not during such period of three months received relief, shall be deemed to be a resident of the area controlled by the local authority within whose boundaries he has last so resided.

“Rule 4. Any person who receives any relief from a local authority for the provision of which relief that local authority is liable, shall be deemed to be a resident of the area controlled by that local authority until such time as he shall have had his home or resided within the boundaries of another local authority for twelve consecutive months out of the twenty-four consecutive months immediately preceding the date of the application of such person for food, fuel, clothing, shelter, assistance, medical attention or any of them or for placing such person in a hospital, without having received any relief during such period of twelve months.”

11. The said Act is further amended as to section 158 by striking out the words “on lands which have been subdivided under a plan registered at a Land Titles Office” where the same occur therein.

12. The said Act is further amended by adding immediately after section 165*a* under the heading of “Airports” the following new section:

“165*b*. Notwithstanding anything in this Act to the contrary, subject to the approval of the Board of Public Utility Commissioners, any council may,—

- “(a) purchase, lease, or otherwise acquire land within or without the town or village for an airport, and may erect thereon all necessary buildings and provide all necessary facilities, and may control, operate and dispose of any airport so acquired and built;
- “(b) grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any airport, and may exempt from taxation any airport, and may subscribe for stock therein or guarantee the bonds, debentures or other securities thereof,—

provided, however, that in any one year no expenditure or liability shall be made or incurred under the provisions of this section so as to cause the expenditure or liability under this section in that year to be in excess of five hundred dollars until a by-law authorizing such 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 XII with regard to by-laws authorizing debenture loans."

13. The said Act is further amended as to section 184 by striking out the same.

14. The said Act is further amended as to section 189 by striking out the words "of the provisions of this section" where the same occur therein.

15. The said Act is further amended as to section 345,—

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

"(2) Application for the approval by the Board of Public Utility Commissioners of any such contract or any renewal thereof as hereinafter provided, shall be made to the Board prior to or forthwith after the first reading of the by-law."

(b) by striking out the words "that at the expiration of the term thereof, the same may be renewed for a period not exceeding ten years", where the same occur in subsection (3) thereof, and by substituting therefor the following: "that at or before the expiration of the term thereof and after the expiration of the said term if the contract has been continued in force under the provisions of subsection (3a) hereof, the same may be renewed for a period not exceeding ten years from the date of such renewal".

16. The said Act is further amended by adding immediately after section 348 the following new sections:

"348a.—(1) Subject to the approval of the Minister, the council may by by-law fix a minimum tax for municipal purposes to be paid by any resident of the town or village assessed upon the assessment and tax roll, and also impose upon every resident of a town or village of the full age of twenty-one years who has resided therein for a period of one month or more during any calendar year and is gainfully employed and has not been assessed on the roll, the minimum annual tax for municipal purposes whether he has resided in the district before the date of completion of the 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 roll for the said calendar year.

"(2) Where any person has in any year paid a tax for municipal purposes equivalent to the minimum annual tax fixed by the council with the approval of the Minister, to any city, municipal district, improvement district, special area, or other town or village, he shall not be liable in that year to the tax imposed by this section.

“348b.—(1) Subject to the approval of the Minister of Education, the council may by by-law fix a minimum tax for school purposes to be paid by any resident of any town assessed upon the assessment and tax roll, and also impose upon every resident of a town or village of the full age of twenty-one years who has resided therein for a period of one month or more during any calendar year and is gainfully employed and has not been assessed on the roll, the minimum annual tax for school purposes whether he has resided in the town or village before the date of completion of the 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 roll for the said calendar year.

“(2) Where any person has in any year paid a tax for school purposes equivalent to the minimum annual tax fixed by the council with the approval of the Minister of Education, to any city, municipal district, improvement district, special area, school district, or other town or village, he shall not be liable in that year to the tax imposed by this section.

“348c.—(1) Subject to the approval of the Minister, the council may by by-law fix a minimum tax for hospital purposes to be paid by any resident of any town or village assessed upon the assessment and tax roll, irrespective of whether he is assessed for hospital taxes or not, and also impose upon every resident of a town or village of the full age of twenty-one years who has resided therein for a period of one month or more during any calendar year and is gainfully employed and has not been assessed on the roll, the minimum annual tax for hospital purposes whether he has resided in the town or village before the date of completion of the 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 roll for the said calendar year.

“(2) Where any person has in any year paid a tax for hospital purposes equivalent to the minimum annual tax fixed by the council with the approval of the Minister, to any city, municipal district, improvement district, special area, or other town or village, he shall not be liable in that year to the tax imposed by this section.

“348d.—(1) Any person liable to pay any tax pursuant to sections 348a, 348b or 348c shall pay the same to the secretary-treasurer of the town or village or to such person as is appointed by the council to collect the same within three days after demand is made therefor, but in case of neglect or refusal to pay, levy may be made by distress and sale of goods and chattels of the person in default as provided in this Act.

“(2) Every employer shall furnish from month to month upon request of the secretary-treasurer, the names of all persons in his employment, and the secretary-treasurer by a notice in writing may require the employer or employers to

deduct from the next payment made to any employee who is named in the notice and has not paid any tax for the payment of which the employee is liable under the said sections, the amount of the tax, and to forward the same to the secretary-treasurer immediately after making the deduction hereinbefore directed.

“(3) Any employer who fails to furnish the information requested or to make the deductions hereinbefore directed to be made and to forward the amount of such deductions as hereinbefore directed, shall be liable upon summary conviction to a fine not exceeding fifty dollars, and the amount of the fine shall be paid to the secretary-treasurer who in the event of the same not being paid within two weeks of its imposition, may levy the amount of the same by distress and sale of the goods and chattels of the employer in default, as provided under this Act, and of all costs incurred by reason of the proceedings leading to the imposition or of enforcing the payment thereof and all sums paid or recovered in respect of any fine so imposed shall form part of the general fund of the town or village.”

17. The said Act is further amended as to section 349 by striking out subsections (4), (5), (6), (7), (8) and (9) thereof.

18. The said Act is further amended as to section 359 by striking out the same and by substituting therefor the following:

“359.—(1) If arrears of taxes are due by any person on any property, and such person pays only a portion of the taxes due by him in respect of that property, the taxes received shall first be applied in payment of the arrears on that property.

“(2) When all arrears have been paid in respect of any property, the secretary-treasurer shall, upon the written request of any person paying a portion only of the current taxes due in respect of that property, apply such portion to such current taxes as such person may select, and shall credit such person in the assessment roll as having paid the taxes selected.

“(3) In case any person pays a portion only of the current taxes due by him in respect of any property, and such person does not as provided in the next preceding subsection signify the manner in which such portion is to be applied, the secretary-treasurer shall apply such portion to such taxes levied for the current year as he may select, and shall credit such person in the assessment roll as having paid the taxes selected.

“(4) Where any payment on account of taxes is made by or on behalf of any person assessed in respect of more than one parcel and such person does not signify the manner in which or the parcel or parcels on which such pay-

ment is to be applied, the secretary-treasurer shall apply such payment *pro rata* on account of all taxes owing in respect of all parcels in the town or village which are on the assessment roll in the name of the person assessed."

19. The said Act is further amended as to section 362 by striking out the words "half-yearly on the first days of January and July", where the same occur in subsection (1) thereof, and by substituting therefor the following: "on the fifteenth day of December and the first day of July".

20. The said Act is further amended as to section 363a by striking out subsection (2) thereof and by substituting therefor the following:

"(2) The insurer shall within forty-eight hours of receiving notice of loss under any such policy of fire insurance, notify by registered mail the town or village in which the insured property is situate of such notice of loss.

"(3) The town or village shall within ten days after the receipt of the notice from the insurer, notify such insurer by registered mail of the full amount of the taxes due in respect of the parcel forming the site of such building or erection, together with all buildings and erections thereon.

"(4) Whenever any insurer becomes liable for the payment of any money under any policy of fire insurance in respect of any building or erection in any town or village, such insurer shall, subject to the rights of any mortgagee as provided in subsection (1), pay to the town or village the full amount of the taxes stated to be due to the town or village in the notification received by the insurer from the said town or village, or in case the amount which the insurer is liable to pay is insufficient to pay the full amount of the taxes, such insurer shall pay to the town or village the full amount for which it is so liable; and upon any such payment being made, the amount for which the insurer paying the same is liable under the policy shall be reduced by the amount of such payment."

21. The said Act is further amended as to section 368 by adding at the end thereof the following words: "except those of the Crown in the right of the Province".

22. The said Act is further amended as to section 378 by adding immediately after the words "authorized under the provisions of this Act", where the same occur in subsection (1) thereof, the following words: "or *The School Act*".

23. The said Act is further amended as to the Schedule thereto,—

- (a) by striking out Form F and by substituting therefor the following:

"FORM F.

"(Section 189.)

"NOTICE TO RELATIVES OF PERSONS ON THE ASSESS-
MENT ROLL AND TO TENANTS AND TO
RELATIVES OF TENANTS.

"Notice is hereby given that during the months of September and October, applications may be made under the provisions of section 188 of *The Town and Village Act*, for inclusion in the voters' list of the town (or village) of..... by the following persons, namely:

"1. The wife, husband, father and mother and every son and daughter of any person whose name appears on the assessment roll who are entitled to be placed upon the said list,—

"(a) if he or she is resident within the town (or village) or assists him in a business in respect of which he is taxable; and

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

"(c) if his or her name does not already appear on the roll.

"2. Tenants who have rented an assessed parcel or a self-contained apartment or residence on an assessed parcel upon which there are two or more self-contained apartments or residences for a period of twelve months immediately preceding the last day of August of this year.

"3. The wife, husband, father and mother, and every son and daughter of any tenant who has rented an assessed parcel or a self-contained apartment or residence on an assessed parcel upon which there are two or more self-contained apartments or residences for a period of twelve months immediately preceding the last day of August of this year, who are entitled to be placed upon the said list,—

"(a) if he or she is resident within the town (or village) or assists him in a business in respect of which he is taxable; and

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

"(c) if his or her name does not already appear on the roll."

(b) by striking out Form H and by substituting therefor the following:

"FORM H

"(Section 194.)

"STATUTORY DECLARATION TO ACCOMPANY THE
THE PRECEDING FORM.

"CANADA	} I,
"Province of Alberta	
"To Wit:	

of the town (or village) of

in the Province of Alberta, do solemnly declare:

"1. That I am of the full age of twenty-one years;

"2. That I am the purchaser, owner or conditional owner (as the case may be) of

or

"That I am liable to a business tax in respect of a business and my name is on the assessment roll;

or

"That I have rented as tenant for a period of twelve months immediately preceding the last day of August in the present year an assessed parcel or a self-contained apartment or residence on an assessed parcel upon which there are two or more self-contained apartments or residences within the town or village, namely

or

"That I am the wife, husband, father, mother, son or daughter (as the case may be) of whose name is entered upon the assessment roll and that I reside within the town (or village), or I assist him in the business in respect of which he is taxable;

or

"That I am the wife, husband, father, mother, son or daughter (as the case may be) of who has rented as a tenant for a period of twelve months immediately preceding the last day of August in the present year, an assessed parcel or a self-contained apartment or residence on an assessed parcel upon which there are two or more self-contained apartments or residences, within the town or village, namely and that I reside within the town or village or I assist him in the business in respect of which he is taxable.

"And I make this solemn declaration, conscientiously believing it to be true and knowing it is

of the same force and effect as if made under oath
and by virtue of *The Canada Evidence Act*.

“Declared before me at }
..... }
this }
day of }
19..... }

“.....
“A Commissioner for Oaths, J.P. or N.P.”

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

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

An Act to amend The Town and
Village Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1941