

Bill No. 62 of 1944.

A BILL TO AMEND THE TOWN AND VILLAGE ACT.

NOTE.

This Bill amends *The Town and Village Act*, chapter 150, R.S.A., 1942.

Section 207 of the Act which is amended by section 2 of the Bill provides for the council of a town or village with the approval of the Board of Public Utility Commissioners purchasing or leasing land for an airport, and erecting necessary buildings, etc., and also authorizes the council to grant a bonus to any person or corporation for the construction or operation of an airport. The proviso to the section limits the authority of the council to expend in excess of five hundred dollars in any one year unless a by-law authorizing expenditure or liability has been submitted to the proprietary electors. The effect of the amendment is to extend the authority of the council to borrow without submitting a by-law to the proprietary electors in proportion to the population of the town or village but putting an outside limit of two thousand dollars on the authority to incur the liability without submitting a by-law.

Section 3 of the Bill authorizes the council to impose a fee for a building permit.

Section 4 of the Bill strikes out section 236 and enacts a new section which authorizes towns and villages to pass a by-law providing for the imposition of sewer rates on persons whose buildings are connected with the sewer, and also provides the machinery for fixing the rates and enforcing collection of them.

Section 250a of the Act which is introduced by section 5 of the Bill is a new section with reference to the burial of ex-servicemen who die in the town or village.

Section 6 of the Bill strikes out section 300 of the Act which dealt with a minimum hospital tax. This is struck out as there is already a minimum hospital tax provided for in *The Municipal Hospitals Act*.

The striking out of this section necessitates the amendment made by section 7.

The new section 315 enacted by section 8 of the Bill makes new provisions as to penalties, substituting one annual penalty of 6% on April 1st, instead of two penalties

of 4% each. It is provided that this section will not come into force until the first of August, 1944, so that it will not interfere with the penalty due on July 1st under the present section.

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. 62 of 1944.

An Act to amend The Town and Village Act.

(Assented to _____, 1944.)

HIS 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*, being chapter 150 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 97 by striking out the words "an abstract of the receipts and payments", where the same occur in subsection (1) thereof, and by substituting therefor the words "an abstract of the revenue and expenditure".

2. The said Act is further amended as to section 207,—

- (a) by adding at the end of the proviso thereto the following words; "except that where the population of a town or village exceeds five hundred, the council of the town or village may in any one year expend or incur liability for an additional one hundred dollars for each one hundred of the population of the town or village in excess of five hundred, such expenditure or liability not, in any case, to exceed the sum of two thousand dollars, without the necessity of submitting a by-law to the proprietary electors:";
- (b) by adding thereto the following additional proviso:
"Provided further, however, that in no case may the council of a town or village expend or incur liability in any one year in excess of two thousand dollars without submitting a by-law authorizing the same to the proprietary electors."

3. The said Act is further amended as to section 226 by adding at the end of paragraph (m) thereof the words; "and fixing a fee to be paid for the permit before issue".

4. The said Act is further amended as to section 236 by striking out the same and by substituting therefor the following:

"236.—(1) The council may pass a by-law or by-laws, subject to the provisions of *The Public Health Act* for the purpose of constructing, 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 village, and may in any such by-law, establish and from time to time vary a scale of fees to be known as Sewer Service Charges, which charges shall be payable at such time and in such manner as may be prescribed by the council, by the person who is the registered owner or the purchaser entitled to possession under an agreement of sale of property which is served directly or indirectly by a connection with the sewerage system.

“(2) Any by-law passed pursuant to subsection (1) may prescribe the method to be used in fixing the charges which may take into account the consumption of water, the plumbing fixtures connected with the sewage system, the number of persons served, the annual costs and such other considerations as the council may deem equitable and proper.

“(3) The by-law may provide that the sewer service charges shall be a debt recoverable by action and that they may be recoverable by distress upon and seizure of the goods and chattels of either the owner or purchaser of the property served, and that they shall be a lien upon the property subject to the same penalties and collectible in the same manner as taxes.

“(4) Any sewer service charges fixed by a by-law shall before final reading of the by-law, be approved by the Board of Public Utility Commissioners.”

5. The said Act is further amended by adding immediately after section 250 the following new section:

“250a.—(1) The council shall be under the duty to provide for the proper burial of the body of any former member of His Majesty’s forces who dies within the town or village and who at the time of his death is an indigent person, and if the deceased was not at the time of his death a resident of the town or village, the town or village shall be entitled to recover the reasonable expenses of the burial from the city, town, village, municipal district, improvement district or special area of which the deceased was at the time of his death a resident, provided that the cost of the burial so recovered shall not exceed such sum as may be from time to time prescribed by the Minister.

“(2) In case any dispute arises as to which city, town, village, municipal district, improvement district or special area such deceased person was a resident of, the dispute shall be referred to the Minister whose decision shall be final.

“(3) For the purposes of this section, the words ‘indigent’ and ‘resident’ shall have the meaning ascribed to them by section 249.”

6. The said Act is further amended as to section 300 by striking out the same.

7. The said Act is further amended as to section 301 by striking out the words and figures "sections 298, 299 or 300", where the same occur in subsection (1) thereof, and by substituting therefor the words and figures "sections 298 or 299".

8. The said Act is further amended as to section 315 by striking out the same and by substituting therefor the following:

"315. If after the thirty-first day of March in any year any taxes which became due and payable in any preceding year remain unpaid, there shall be added thereto by way of a penalty an amount not exceeding six per cent on the first day of April of that year and each succeeding year so long as the taxes remain unpaid, and every amount so added shall form a part of the taxes which are created a special lien upon the land under the provisions of this Act, but nothing in this section contained shall be construed to extend the time for payment of the taxes nor in any way to impair the right of distress or any other remedy which is provided by this Act for the collection of the taxes."

9. This Act shall come into force on the day upon which it is assented to, except section 8, which shall come into force on the first day of August, 1944.

No. 62.

FOURTH SESSION
NINTH LEGISLATURE
8 GEORGE VI
1944

BILL

An Act to amend The Town and
Village Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. GERHART.

EDMONTON:
A. Shnitka, King's Printer
1944