

BILL

No. 57 of 1949.

An Act to amend the Acts constituting The Edmonton Charter.

(Assented to _____, 1949)

WHEREAS a petition has been presented by the Council of the City of Edmonton for an amendment to the Acts constituting The Edmonton Charter; and

Whereas it is reasonable that the prayer of the said petition shall be granted;

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

The Edmonton Charter, being Chapter 23 of the Statutes of Alberta, 1913 (*First Session*), as amended from time to time, is hereby further amended as follows:

1. As to section 92*a* thereof, as enacted by section 2, Chapter 73, of the Statutes of Alberta, 1944. By deleting the same and by substituting therefor the following:

“92*a*—(1) Notwithstanding that his name does not appear on the list of electors prepared by the City Assessor pursuant to the provisions of subsection (c) of section 84 hereof, any person having the qualifications of an elector within the City pursuant to the provisions of The Edmonton Charter shall nevertheless be entitled to vote as an elector upon signing and swearing before the Deputy Returning Officer at the poll for the polling subdivision in which the person concerned is then residing, an affidavit in the form following or to the like effect:

OATH

“I, the undersigned, make oath and say:

“1. That I am a British subject or a Canadian citizen by birth or naturalization and am of the full age of twenty-one years or over.

“2. That I am a *bona fide* permanent resident of The City of Edmonton and have continuously resided or had my fixed and permanent domicile within The City of Edmonton since the first day of December next preceding the date hereof.

“3. That I have not voted at this election at any other poll and will not do so nor attempt to do so.

“4. That I am a School Supporter.
(Insert Public or Separate)

"SWORN before me at
 The City of Edmonton,
 in the Province of Al-
 berta, this day
 of November, 19..... }
 (Signature and street address
 of elector)

.....
 (Signature of D.R.O. or A.D.R.O.)

"(2) Upon the signing and swearing by the person concerned of such an affidavit, the Deputy Returning Officer or Assistant Deputy Returning Officer shall add the name of the person concerned to the list of electors and shall then issue to the person concerned ballot papers as in the case of persons whose names appear in the list of electors and at the conclusion of the polling the Deputy Returning Officer or Assistant Deputy Returning Officer shall deliver said affidavit together with the list of electors to the Returning Officer;

"(3) Any person,—

"(a) who votes or attempts to vote knowing that he has no right to vote; or

"(b) who takes a false oath;

shall be guilty of an offence against the provisions of this section and upon conviction of such offence liable in respect of each such offence for which such person is convicted to a penalty of not less than One Hundred Dollars and costs, and in default of payment thereof to imprisonment for a period of not more than three months."

2. As to section 221 thereof. By adding thereto the following subsections, namely:

"(29) The Council of the City is hereby authorized and empowered to license and regulate or regulate without licensing all ambulances and ambulance services operating either wholly within or partly within and partly without the City, for the use of the public, including power,—

"(a) to require that ambulances, when responding to calls shall be required to:

"(i) carry such emergency equipment, and

"(ii) be accompanied by a person having medical or first aid qualifications,
 as Council may specify from time to time;

"(b) to fix the fees which may be charged in respect of ambulance services.

"(30) The Council of the City is hereby authorized and empowered to pass by-laws,—

"(a) regulating the installation, maintenance or repair of gas piping, appliances, equipment and material used or to be used in connection with natural, manufactured or artificial gas within the City;

"(b) establishing a Board, consisting of such number of persons as Council may designate, to fix and pre-

scribe safety standards as to design, type, quality or workmanship and nature of material, for all such gas piping, appliances and equipment used or to be used within the City;

- “(c) prohibiting the sale of or the offering or exposing for sale or use within the City of any gas piping, appliances, equipment or material not approved by the said Board;

“and nothing contained in this subsection shall be deemed to restrict the powers of Council as contained in the first paragraph of section 221 hereof.

“(31) The Council of the City is hereby authorized and empowered to pass by-laws preventing and compelling the abatement of nuisances generally and regulating untidy and unsightly premises and any merchandise or material exposed or kept thereon.

“(32) The Commissioners of the City are hereby authorized and empowered to direct that any official of the City or other person shall make application by way of notice of motion to a Judge of the Supreme or District Court of this Province for an order to remove to a hospital or other approved institution any resident of the City who by reason of physical or mental infirmity is unable to care for himself or herself and is not being otherwise properly cared for, and the Judge to whom the application is made shall have authority to issue such Order for Removal as said Judge may deem just and proper, having regard to the circumstances and the physical and mental condition of the person concerned; provided, however, that in placing such resident in a hospital or other institution, due regard shall be given to the religious preference of such resident.

“(33) The Council of the City is hereby authorized and empowered to exercise such powers of an insurance company pursuant to the provisions of *The Alberta Insurance Act* as will enable the Council to establish and maintain a plan of insurance to cover losses which may occur to the property of the City by reason of fire and other occurrences and to cover the City's legal liability to others arising out of accidents and occurrences, and to adjust and settle any loss whether on a strictly legal basis or otherwise, and, further, to do all things necessary for the proper conduct and handling of the business of insurance, including power to re-insure any of such risks as may be covered by such plan with any insurance company lawfully authorized to deal in re-insurance risks, and for such purpose to make application for incorporation of a company to be known as ‘The City of Edmonton Municipal Insurance Company Ltd.’ or such similar name as Council may choose, and to provide for setting aside the necessary capital therefor from time to time and to deposit with the Provincial Government any money or security which the provisions of *The Alberta Insurance Act* may require and to otherwise comply with all the provisions of *The Alberta Insurance Act*.”

3. As to section 291 thereof. By inserting between the words "lands" and "and" where said words occur in the third line thereof, the words "buildings, improvements".

4. As to section 320 thereof. By adding at the end of subsection (5) the following:

"Provided further that in the case of the Edmonton Public School District No. 7 and of the Edmonton Separate School District No. 7 where in any case the site of any particular school building and the land occupied thereby and land required and used for recreational facilities in connection therewith exceeds four (4) acres in extent, then the whole of such site shall be exempt from taxation, except as provided in subsection (6) of this section."

5. As to section 351 thereof. By deleting the same and by substituting therefor the following:

"351.—(1) Every assessable person or his agent and every person whose name is shown upon the land or buildings and improvements assessment rolls or business assessment rolls of the City, and the agent of any such person, shall whenever so required forthwith furnish in writing, signed by the person concerned, to the Assessor true and accurate information concerning the land owned by such person and concerning any buildings, structures or fixtures upon the said land, in such form and detail as said Assessor may require, including particulars as to sale price, terms and covenants in leases, construction costs including cost of alterations and repairs, rents payable or paid or agreed to be paid.

"(2) Every architect, contractor or builder having performed or supervised any work of construction, alteration or repairs to any land, buildings or improvements or the agent of any such architect, contractor or builder, shall whenever so required furnish in writing, signed by the person concerned, to the Assessor, true and correct information in such form and detail as the Assessor may require, concerning the cost of the work of construction, alteration or repair;

"(3) Any person able so to do who fails to furnish the information in the form and detail required by the Assessor within thirty (30) days after the date of the demand by the Assessor therefor shall be liable upon conviction to a penalty not exceeding \$10.00 per day for each day default is made in furnishing such information.

"(4) The information furnished to the Assessor pursuant to the provisions of subsections (1) and (2) of this section shall not be divulged to any person except to such officials of the City as may be concerned therein or except when giving evidence in connection with any appeal which may be made concerning the land, buildings, improvements or business in respect of which the information was furnished."

6. As to section 353 thereof. By adding thereto the following subsection, namely:

“(4) In any case where sewer and water mains are extended along any highways abutting any parcel of land situate within that area of the City known as the ‘suburban zone’ and described in Order No. 11631 of the Board of Public Utility Commissioners for the Province of Alberta (whether such Order remains in force or effect or not), the parcels of land abutting the highways wherein such water and sewer mains are so extended shall be liable to taxation at the same rate and in the same manner as lands within the City not situate within the said described suburban zone in the year next following the year in which such sewer and water mains are extended.”

7. By adding thereto immediately after section 416b the following new section:

“**416c.** Notwithstanding anything to the contrary herein contained, Council is hereby authorized and empowered to establish a system of assessing, levying and collecting a frontage charge against any parcel of land abutting that part of any highway which is now or which may hereafter be provided with improvements consisting of paved or gravelled roads or paved or wooden sidewalks or concrete curbing, to cover the property share of the cost of the construction, maintenance, repair or reconstruction of any of said improvements.

“(1) The said frontage charge may be varied from time to time in accordance with any variation which may occur from time to time in costs of construction, maintenance, repair or reconstruction.

“(2) The expression “cost of construction, maintenance, repair or reconstruction” shall include all costs, charges or expenses of and incidental to borrowing any moneys required, together with interest payable in connection with any such borrowing;

“(3) In the case of paved highways or sidewalks or concrete curbing existing as at the date of the coming into force of this section, no such frontage charge to cover the capital cost of the original construction thereof shall be assessed, levied or collected against any parcel of land concerned until the end of ten years after any frontage charge imposed against such parcel of land for its share of the capital cost of such original construction has expired; and in the case of gravelled roadways or wooden sidewalks existing as at the date of the coming into force of this section, no such frontage charge to cover the capital cost of the original construction thereof shall be assessed, levied or collected against any parcel of land concerned until the end of three years next after any frontage charge imposed against such parcel of land for its share of the capital cost of such original construction has expired.”

8. As to section 483 thereof. By adding thereto the following subsection:

“(2) If Council of the City cannot by agreement with the owners or persons concerned, acquire at an amount which Council considers a fair price, title to any parcel of land or any estate or interest therein, required in or in connection with any plan of development of any particular area of the City which Council *bona fide* deems to be in the public interest, whether such plan of development is to be undertaken solely by the City or in conjunction with any other person, then Council may authorize the Commissioners to acquire such title by expropriation proceedings in the name of the City as provided in Part X of this Act.”

9. As to section 502*a*, as enacted by section 13 of Chapter 73 of the Statutes of Alberta, 1934. By adding at the end thereof the following:

“and it shall be deemed that no such right has heretofore been so acquired.”

10. As to section 506 thereof. By adding thereto the following subsection:

“(5) The Council of the City is hereby authorized and empowered to pass by-laws closing or restricting the use of any highway or part of any highway within the City either as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians and providing for the proper enforcement of any such closing either by way of the erection of barricades or by the adoption of such other means as Council may consider necessary or expedient, with power in Council to define the prescribed class or classes of vehicles or class or classes of pedestrians prohibited from using the highway or part of the highway so closed.”

11. As to subsection (6) of section 522, as enacted by section 7, of Chapter 85, of the Statutes of Alberta, 1948. By changing the number of said subsection (6) to subsection (7).

12. As to section 547, as enacted by section 44, of Chapter 52 of the Statutes of Alberta, 1918. By adding thereto the following subsection, namely:

“(6) The Council may direct the Assessor to assess all parcels of land within the City separate and apart from the buildings, structures or improvements which now or hereafter may be situate thereon, and at a different time from the assessment of such buildings, structures and improvements, and likewise Council may direct the Assessor to assess all buildings, structures and improvements on any lands within the City separate and apart from the lands upon which the same are situate and at a different time from the assessment of said lands.”

13. As to section 8, of Chapter 65, of the Statutes of Alberta, 1930. By adding thereto the following subsections:

“(i) to provide for the marking of one or more traffic lanes upon any of the highways of the City and to regulate the manner and extent of the use thereof by any class or classes of vehicles or pedestrians;

“(j) To provide that vehicular or pedestrian traffic shall travel upon any highway or part of any highway of the City only in one direction as Council may in the interests of safety and convenience prescribe.

“The provisions of subsections (i) and (j) shall be deemed to have been in force and effect on, from and after the 1st day of January, 1947.”

14. This Act shall come into force on the day upon which it is assented to, and upon so coming into force subsection (30) of section 221 shall be deemed to have been in force and effect on, from and after the first day of January, 1948, in so far as the right of the Council to establish a Board to prescribe safety standards is concerned.

No. 57

FIRST SESSION
ELEVENTH LEGISLATURE

13 GEORGE VI

1949

BILL

An Act to amend the Acts constituting
The Edmonton Charter.

Received and read the

First time

Second time

Third time

MR. ADAMS.
