

BILL

No. 82 of 1951.

An Act to amend the Acts Constituting The Edmonton Charter and to Validate Certain By-laws.

(Assented to _____, 1951.)

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:

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

2. Section 221 is amended by adding thereto the following subsections:

“(36) The Council may,—

“(a) acquire any land within the limits of the City for the purpose of providing thereon facilities for off-street parking of vehicles;

Power to
acquire land
for off-street
parking

“(b) erect buildings or structures upon any land so acquired or upon any part thereof for said purpose;

“(c) make, impose and collect such charges for the use of parking facilities provided upon the said lands or any part thereof at such rate or rates and payable at such times and in such manner as the Council may from time to time deem expedient;

“(d) pass by-laws or regulations,—

“(i) prescribing the class or classes of vehicles which may use the facilities provided and the time and manner in which said facilities may be used;

“(ii) providing for the impounding and removal from the said land or any part thereof of any vehicle in respect of which charges have not been paid or of any vehicles parked in violation of any of the provisions of any such by-law or regulation; and

“(iii) providing for the imposition of penalties for non-compliance with any of the provisions of the said by-laws or regulations as provided in section 522.

Unauthorized parking of vehicles on land or private property

“(37) The Council may pass by-laws,—

“(a) imposing penalties and costs not exceeding the limits specified in section 522 against any person who parks or leaves any vehicle on private land or property without authority from the owner, tenant, occupant or person in charge or control of such private property to do so;

“(b) providing for the impounding and removal from any such private land or property any vehicle parked or left thereon without such authority.”.

3. Section 291 is amended by renumbering the section as subsection (1) and by adding at the end thereof the following, namely:

Debenture debt calculated in Canadian currency

“(2) For the purpose of calculating the debenture debt of the City at any time outstanding, debentures which are repayable in dollars in lawful money of the United States of America shall be computed as if repayable in the same number of dollars of lawful money of Canada.”.

Substitution of phraseology

4. Section 297 is amended by inserting between the words “payment” and “from” where they occur in the seventh line thereof, the words “of all or any part or parts of such debentures or series of debentures”.

5. Section 299*a* is amended by adding immediately after subsection (6) the following new subsections:

to authorize consolidation of Debentures on Sinking Fund Plan

“(7) Where two or more by-laws have been passed to authorize the issue and sale of debentures payable at the end of the same number of years and bearing the same rate of interest, instead of issuing debentures under the separate by-laws, the Council by by-law, without the assent of the burgesses, may provide for the issue of consolidated debentures for the aggregate of the amounts authorized by the separate by-laws and the provisions of subsections (2), (4) and (5) shall be applicable.

“(8) The amount of consolidated debentures shall be allocated to the respective purposes set forth in the separate by-laws in the respective amounts which would have been issued for such purposes if the debentures had been issued under the separate by-laws at the time of issue of the consolidated debentures.”.

6. Section 305 is amended,—

Substitution of phraseology

(a) by deleting the words “authorize a change in the mode of issue of the debentures” where the same occur therein and by substituting therefor the words “at any time and from time to time authorize a change in the mode of payment of all or any part or parts of the unissued debentures authorized by such first mentioned by-law”;

(b) by deleting the words “or provide that the debentures may be issued in a different currency” where

the same occur therein and by substituting therefor the words "or provide that all or any part or parts of such debentures may be issued in a different currency".

7. The following new section is added immediately after section 305:

"305A. Where debentures have been authorized by by-law of The City of Edmonton and it is deemed expedient to amend such by-law to provide for a change in the currency of payment of the debentures or any of them from lawful money of Canada to lawful money of the United States of America, or *vice versa*, then for the purpose of determining the principal amount of debentures to be issued under such first mentioned by-law as amended it shall be conclusively deemed that one dollar of lawful money of the United States of America is equivalent to one dollar of lawful money of Canada."

Where debenture payments in U.S. currency dollar value deemed equivalent to Canadian currency

8. Section 404 is amended by adding immediately after clause (o) the following new clause (p):

"(p) the acquiring or use of land for providing off-street parking facilities for vehicles and for the establishment and operation by the City of parking facilities thereon."

Local improvements off-street parking lots

9. Section 406 is amended,—

- (a) by renumbering the section as subsection (1);
- (b) by deleting from clause (e) of subsection (1) as enacted by the Statutes of Alberta, 1936, chapter 106, section 17, subsection (2), the proviso thereto, being all of the words after the words "said paragraphs (a) and (d)";
- (c) by adding immediately after subsection (1) the following new subsections:

Renumbering

Deletion

"(2) Debentures issued under a by-law for raising such portion of the cost of a local improvement as is to be levied by special assessment may bear interest at a rate or rates differing from the rate or rates which may have been used in settling the amount or rate of any special assessment or annual rate.

Debenture interest rate may differ from interest rate used in calculating special assessment rate

"(3) It shall not be necessary to change any special assessment or rate to conform to the rate or rates of interest on the debentures as specified in the by-law or in any amending by-law.

"(4) Any such by-law may provide that in case of debentures to be issued on the instalment plan the instalments of principal shall be of such amounts that with the interest in respect of the debt the aggregate amount payable for principal and interest in each year of the currency of the debentures shall be as nearly as practicable the same; provided that

Local improvements serial debentures annual instalments during life-time of works to be nearly equal as possible

each instalment of principal may be for an even one hundred dollars, five hundred dollars or one thousand dollars or multiple thereof and the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

Where special assessment insufficient to cover cost, amount of such insufficiency not chargeable against abutting property; where special assessment in excess of cost, such excess becomes part of general funds of City

“(5) If in any year the amount collected from the special assessments imposed in respect of any local improvement work or works is less than the amount of principal and interest payable in that year in respect of the debentures issued to raise such portion of the cost of such work or works as is to be levied by special assessment the difference shall be payable out of the general funds of the City.

“(6) If in any year the amount collected from such special assessments is more than the amount of the principal and interest payable in that year in respect of such debentures the excess shall be payable into the general funds of the City.

“(7) Nothing contained in this section shall relieve the land specially assessed from the special assessment made thereon.”.

10. Section 407 is amended by adding immediately after subsection (2), clause (a) the following new clause:

Commissioners given power to advertise proposed local improvement works

“(aa) Notwithstanding clause (a) the Commissioners of the City of Edmonton may authorize the advertising of any local improvement without previous reference to Council for permission to advertise, but the Commissioners shall refer any local improvement so advertised to Council for authorization of construction thereof.”.

Unit rate system

11. Section 409, as amended by the Statutes of Alberta, 1941, chapter 119, section 3, is amended by adding the following words at the end thereof: “in which case there shall be no additional assessments or refunds”.

12. Section 412 is amended,—

- (a) by renumbering the section as subsection (1);
- (b) by adding immediately after subsection (1) the following new subsection:

Technical defects in local improvement procedure not to invalidate local improvement debenture issue if such issue approved by Board of Public Utility Commissioners

“(2) Every by-law passed by the Council to provide for the issue of debentures to raise such portion of the cost of a local improvement as is to be levied by special assessment and every debenture issued under such by-law shall, if permission to raise the loan is granted by the Board of Public Utility Commissioners, be valid and binding upon the City and the ratepayers thereof notwithstanding any defect or omission in the proceedings for undertaking the work or making the special assessment and neither the by-law nor any debenture issued thereunder shall be contested or questioned in any manner.”.

13. Section 528 is amended by adding thereto the following new subsection:

“(3) Notwithstanding anything to the contrary contained in or required by any provision of *The Edmonton Strathcona Amalgamation Act*, being chapter 66 of the Statutes of Alberta, 1911-1912, the council is authorized to transfer to the Edmonton Public School District No. 7 of the Province of Alberta for use as part of a school site a portion of the park described in section 20 of the said Amalgamation Act, namely:

“Commencing at the south-west corner of the said park thence easterly along the south boundary of said park to the north-west corner of block 42 as shown on a plan of record in the Land Titles Office for the North Alberta Land Registration District as Plan XI, thence north and parallel to the west boundary of said park a distance of 353 feet, thence westerly and parallel to the south boundary of said park to a point on the west boundary thereof, thence south along said west boundary to the point of commencement.”.

14. The following new section is added immediately after section 533:

“**534.** (1) Notwithstanding *The Public Health Act* or any other Act, regulation or law to the contrary, the City is hereby granted a period of time terminating on the thirty-first day of March, 1956, within which to complete its sewage disposal system and provide facilities for treatment of its sewage and drainage water so as to comply with the provisions of *The Public Health Act* and the regulations passed thereunder from time to time.

“(2) During the said period of five years the City may dispose of all its sewage and drainage water in such manner as the provincial Board of Health may direct, having in mind the inability of the City to comply with the provisions of *The Public Health Act* and regulations passed thereunder.

“(3) During the said period of five years all Acts, regulations, orders, judgments or decrees of any board, authority or court of the Province regarding purification of sewage or drainage water are hereby suspended so far as the City of Edmonton is concerned.

“(4) During the said period of five years, no cause of action shall accrue to and no action or proceeding shall be brought or taken by any person in any court in the Province by reason of or arising out of any act or thing done or omitted to be done by the City in relation to the treatment or disposal of sewage or drainage water.

“(5) In any case where because of the inability of the City to comply with the provisions of *The Public Health Act* and regulations lawfully issued thereunder any municipality being a riparian owner downstream from the City will be caused extra expenditure, either by reason of having to provide special facilities for treatment of the waters of the North Saskatchewan River or by reason of having to obtain potable water from wells or other sources, the City is hereby

authorized to pay an amount by way of adjustment to cover such extra expenditures as may be agreed upon by the City and the municipality concerned.

“(6) In case of dispute as to the amount of such adjustment, the dispute shall be referred to the provincial Board of Health whose decision will be final and binding upon both parties.”.

Validation
of debenture
by-laws
payable in
U.S. currency

15. (1) The following by-laws of The City of Edmonton, namely:

- (a) By-law Number 1380 entitled “A By-law to create a debt in the sum of \$5,450,000.00 payable in lawful money of the United States of America for the purposes hereinafter set forth.”;
- (b) By-law Number 1381 entitled “A By-law to create a debt in the sum of \$2,950,000.00 payable in lawful money of the United States of America for the purposes of improving, rehabilitating and providing additional equipment for the telephone and electric light systems of the City.”;
- (c) By-law Number 1382 entitled “A By-law to create a debt in the sum of \$800,000.00 payable in lawful money of the United States of America for the purposes hereinafter set forth.”;

are and each of them is hereby declared to be legally valid and binding upon The City of Edmonton and the ratepayers and burgesses thereof affected thereby and shall not be open to question in any court on any ground whatsoever.

(2) All debentures and coupons thereto attached issued or to be issued under all or any of the by-laws mentioned in subsection (1) are hereby declared to be issued on the credit and security of The City of Edmonton at large and to be valid and binding direct and general obligations of The City of Edmonton and be binding upon the City and ratepayers and burgesses thereof, and shall not be open to question in any court on any ground whatsoever.

(3) Notwithstanding the provisions of subsection (1) or subsection (2) all or any of the by-laws mentioned in subsection (1) may be amended by the council of The City of Edmonton without the assent of the burgesses in any manner permitted by section 297 and section 305 of *The Edmonton Charter* or in any other manner deemed by the council to be desirable to facilitate the issue and sale of debentures authorized by the said by-laws or any of them.

(4) In the event of the exercise of the powers contained in subsection (3) all debentures and coupons thereto attached issued or to be issued under any by-law mentioned in subsection (1) as amended by a by-law or by-laws passed pursuant to the powers contained in subsection (3) are hereby declared to be issued on the credit and security of The City of Edmonton at large and to be valid and binding direct and general obligations of The City of Edmonton

and be binding upon the City and ratepayers and burgesses thereof and shall not be open to question in any court on any ground whatsoever.

(5) The council of The City of Edmonton may from time to time pass by-laws without the assent of the burgesses to authorize the issue and sale or other disposition of debentures to an aggregate principal amount not exceeding one million, seven hundred and thirty-five thousand dollars for the following purposes and in the following respective principal amounts:

- (a) for the purpose of a new maternity wing at the Royal Alexandra Hospital in the principal amount of five hundred and thirty-five thousand dollars;
- (b) for the purpose of addition and renovation to the Royal Alexandra Hospital main building in the principal amount of one million two hundred thousand dollars;

such amounts being additional to the amounts authorized to be borrowed for such purposes included in By-law Number 1380 of the said City referred to in subsection (1).

(6) Any such debentures referred to in subsection (5),—

- (a) may be payable in such manner, at such time or times not later than thirty years from the respective date or dates thereof;
- (b) be in such denominations;
- (c) bear interest at such rate or rates;
- (d) be payable as to principal and interest at such place or places;

all as the council may deem expedient, and if the council so determines all or any part or parts of the debentures under any such by-law may be issued subject to redemption prior to maturity in accordance with section 301 of *The Edmonton Charter*.

(7) Debentures issued under the authority of subsections (5) and (6) may be made payable either in lawful money of Canada or in lawful money of the United States of America and for the purpose of determining the principal amount of any debentures issued or to be issued pursuant to such authority it shall be conclusively deemed that one dollar of lawful money of the United States of America is the equivalent of the dollar in lawful money of Canada.

(8) No debentures shall be issued under the authority contained in By-laws Numbers 1325, 1328, 1329, 1330, 1331, 1333 and 1334 of The City of Edmonton all passed on the eleventh day of December, 1950.

16. (1) Notwithstanding anything contained in *The School Act* or in *The School Borrowing Assistance Act* or any other Act and notwithstanding anything contained in By-laws numbers 55 and 56 of The Board of Trustees of The

Edmonton
Public
School Board,
U.S. debenture
borrowing

Edmonton School District Number 7 of the Province of Alberta passed on the seventh day of March, 1950, and the twenty-fourth day of October, 1950, respectively, The Board of Trustees of The Edmonton School District Number 7 of the Province of Alberta, upon obtaining the authority of the Board of Public Utility Commissioners of the Province of Alberta, may by by-law or by-laws:

- (a) amend By-law Number 55 to provide that part or all, subject to the proviso to this subsection, of the one million, six thousand, six hundred and sixty-six dollars and sixty-seven cents in principal amount of unissued debentures payable in twenty annual instalments of principal authorized by said By-law Number 55 may be payable as to both principal and interest in lawful money of the United States of America at such place or places in the United States of America as the said Board of Trustees may by resolution determine and that the principal thereof may be made payable at the expiration of twenty years from the date thereof instead of being payable in twenty annual instalments of principal;
- (b) amend By-law Number 55 to provide that part or all, subject to the proviso to this subsection, of the two million, five hundred thousand dollars in principal amount of unissued debentures payable in thirty annual instalments of principal authorized by said By-law Number 55 may be payable as to both principal and interest in lawful money of the the United States of America at such place or places in the United States of America as the Board of Trustees may by resolution determine and that the principal thereof may be made payable at the expiration of thirty years from the date thereof instead of being payable in thirty annual instalments of principal; and
- (c) amend By-law Number 56 to provide that part or all, subject to the proviso to this subsection, of the one million, eight hundred thousand dollars in principal amount of unissued debentures payable in twenty annual instalments of principal authorized by said By-law Number 56 may be payable as to both principal and interest in lawful money of the United States of America at such place or places in the United States of America as the Board of Trustees may by resolution determine and that the principal thereof may be made payable at the expiration of twenty years from the date thereof instead of being payable in twenty annual instalments of principal:

Provided that no such amendment may be made in respect of the portion of the borrowing obtained or to be obtained by the Board of Trustees from the School Borrowing Revolving Fund under Part I of *The School Borrowing Assistance Act*.

(2) Any such amending by-law may provide that the Board shall have the right at its option to redeem the whole, or at any time or from time to time any part or parts, of the debentures to be issued in accordance with the provisions of any such amending by-laws on any date or dates in advance of maturity, at such price or prices, which may include a premium or premiums on redemption, and upon and subject to such terms and conditions as the Board of Trustees may by resolution determine.

(3) The Board of Trustees need not publish any notice under *The School Act* with respect to any such amending by-law and no poll of the proprietary electors of the School District shall be required in connection therewith and the Board of Public Utility Commissioners may make such order or orders as it may deem necessary or desirable regarding the issue of debentures in accordance with the provisions of any such amending by-law.

(4) For the purpose of determining the principal amount of debentures issued or to be issued payable in lawful money of the United States of America by virtue of any such amending by-law it shall be conclusively deemed that one dollar of lawful money of the United States of America is the equivalent of one dollar of lawful money of Canada.

(5) Any such amending by-law shall provide that there shall be raised annually during the currency of the debentures issued in accordance with such amending by-law an amount sufficient to pay the interest thereon, as and when the same falls due, and an amount or amounts by way of sinking fund sufficient with accumulated interest thereon to retire the debentures so payable in lawful money of the United States of America in full at maturity.

(6) The provisions of Part I of *The School Borrowing Assistance Act* shall be applicable to enable the Board of Trustees to make application to the School Borrowing Board for assistance thereunder and if approved by such Board to obtain a portion of the borrowings authorized by said By-laws Numbers 55 and 56 from the School Borrowing Revolving Fund, subject to repayment of part thereof in accordance with the provisions of said Part I, notwithstanding that all or some part of the said borrowings to be obtained from sources other than the Fund may be repayable at the end of fixed periods of years instead of on a serialized plan of repayment.

(7) The provisions of Part II of *The School Borrowing Assistance Act*, including the authorization for the guarantee on behalf of the Province of the payment of interest, shall be applicable in respect of debentures authorized by By-laws Numbers 55 and 56, as amended by amending by-laws passed pursuant to the authority contained in subsection (1), except that it shall not be necessary that the part of the borrowing to be obtained from sources other than the Fund shall be secured by serialized debentures.

17. This Act shall come into force on the day upon which it is assented to and upon so coming into force sections 9, 11 and 12 shall be deemed to have been in force and effect at all times on and after the first day of January, 1949.

No. 82

**FOURTH SESSION
ELEVENTH LEGISLATURE**

15 GEORGE VI

1951

BILL

An Act to Amend the Acts Constituting
The Edmonton Charter and to
Validate Certain By-laws.

Received and read the

First time

Second time

Third time

MR. ADAMS.
