

BILL

No. 16 of 1923.

An Act to amend the Acts constituting The Edmonton Charter and to validate By-law No. 2, 1923, of the City of Edmonton.

(Assented to _____, 1923.)

WHEREAS a petition has been presented by the City of Edmonton for the amendment of *The Edmonton Charter* and for the validation of By-law No. 2, 1923, of the City of Edmonton;

And whereas it is reasonable that the prayer of the said petition should be granted;

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 is hereby amended—

1. By striking out of section 101 the words “and in at least ten conspicuous places within the city.” Section 101 amended

2. By inserting immediately after section 219 the following:

“**219a.** In all elections the cost thereof shall be divided between the city and the boards of trustees of the said school districts at a *pro rata* rate according to the number of vacancies to be filled. Expenses of elections and votings to be divided between city and school boards”

“(a) In votings on referred by-laws or other matters any charge peculiar to or occasioned by any of said bodies shall be borne by it and the general costs of the reference shall be borne *pro rata* according to the aggregate amount of the by-laws referred; provided that where any matter referred is not a money by-law and the parties cannot agree as to the proper division of the cost, the Board of Public Utility Commissioners shall apportion the same.

“(3) In the event of any dispute arising by reason of any matters contained in this section the same shall be decided by the Board of Public Utility Commissioners.”

3. By amending subsection (3) of section 221 as contained in section 5 of chapter 46 of the Statutes of Alberta, 1917: Domestic Animals Act not to apply to city

1. By prefacing the said subsection (5) with the following words: “Notwithstanding the provisions of *The Domestic*

Animals Act or any other Act or Ordinance, the council of the city shall have exclusive jurisdiction within the city to pass by-laws for.”

2. By striking out the provisos to said subsection.

4. By repealing subsection (3) of section 480.

Providing that certain capital expenditures may be made without reference to burgesses

5. By adding to section 227 the following: “The council may without the assent of the burgesses but subject to the permission of the Board of Public Utility Commissioners as required by *The Public Utilities Act*, in any year pass by-laws for borrowing by the issue of debentures or otherwise monies not exceeding in any one year the sums and for the purposes following:

“ <i>Electric Light and Power:</i>	
“Electric light and power extensions to existing distribution system.....	\$ 15,000
“High voltage feeder lines.....	50,000
“Service wires, transformers, etc.....	10,000
“Meters.....	15,000
“Extension on street lighting.....	10,000
“ <i>Power Plant:</i>	
“Auxiliary machinery, necessary for maintaining existing load and to provide for increase in load.....	50,000
“Pumping plant, new pumps and piping, filters, etc., to take care of present and future supply.....	100,000
“ <i>Waterworks Department:</i>	
“New services, fire hydrants, meters.....	50,000
“New mains to link up existing mains in order to improve water supply.....	50,000
“Extension of water and sewer mains and services.....	100,000
“ <i>Telephone Department:</i>	
“Equipment for maintaining service to existing subscribers and extension of system.....	20,000
“ <i>Street Railway:</i>	
“New equipment and small extensions.....	25,000
“ <i>Miscellaneous:</i>	
“General equipment including office furniture, horses, vehicles and other requirements.....	10,000
“Bridges and special public improvements	25,000”

Change in constitution of hospital board

6. By striking out of section 231 as amended by section 20 of chapter 42 of the Statutes of Alberta, 1920, the words: “nine of whom shall be appointed annually by the city council, three to be appointed annually by the Board of Governors of the University of Alberta and three to be

appointed annually by the Royal Alexandra Hospital Association," and by substituting therefor the following: "twelve of whom shall be appointed annually by the council of the City of Edmonton and three of whom shall be appointed annually by the Royal Alexandra Hospital Association."

(2) The term of office of said board shall be during the calendar year or until its successors are appointed.

(3) Upon the coming into force of this provision the present members of said board (if any) appointed by the said Board of Governors shall cease to hold office and the said council shall appoint other three members who shall hold office for the remainder of the term of said retired members.

(4) For the year 1924 the said council shall appoint six members of the said board to hold office for the term of one year, and six members to hold office for the term of two years, and in each year thereafter six members to hold office for two years, and thereafter the term of office of the members to be appointed by the said council shall be for two years or until their successors are appointed.

7. By repealing section 239*a*.

Repeal of
half-holiday
provisions

8. By inserting therein immediately after section 309 the following section:

"**309*a***. If any debenture or other security issued under this Act is lost, stolen, mislaid or destroyed, the city may upon such indemnity being given as may be required and on payment of the expense of the issue, issue a fresh debenture or other security in the place of the debenture or security so lost, stolen, mislaid or destroyed; and the council may from time to time make such rules and regulations as it may deem expedient in and about the premises."

Lost or
destroyed
debentures
may be
re-issued

9. By striking out of section 41 as printed in section 14 of chapter 42, Statutes of Alberta, 1920, the word 'designated' in the eleventh line thereof, and by substituting therefor the word "delegated."

Section 41
amended

10. By inserting immediately after paragraph (c) of section 84, as contained in section 2 of chapter 90 of the Statutes of Alberta, 1922, the following paragraph:

"(d) The names of all individuals whose names appear on the list of electors of the preceding year and who appear by the poll books to have voted at such last preceding annual election, and the residence of each such individual as entered in the poll books shall be taken as the correct residence of such individual for the purpose of entry in the

Persons
qualified by
residence to be
continued on
voters' list
if voting at
last annual
election

- Returning officer to furnish assessor with list
- said voters' list; and the said poll books shall be deemed conclusive evidence of whether such individual has voted or not for the purpose of retaining his name on the list of electors. For the purposes aforesaid the returning officer at the last preceding election aforesaid, notwithstanding any other provision in *The Edmonton Charter*, or amendments thereto, and notwithstanding any oath made by him, shall within a reasonable time after the expiration of the time within which a recount may be had, furnish the assessor with a list of the names of all persons who according to the poll books have voted at such election."
- Notwithstanding his oath of office
- 11.** By inserting between the words "time" and "disclose" in the first line of the form of oath set out in section 123 the words "except as by law required."
- Council may extend time for registration of electors
- 12.** The council may from time to time in any year extend the times provided for the registration of electors, compilation of electors' lists, appeal thereon and the doing of other acts relating to or consequent to the same.
- Time for registration extended to thirtieth September
Section 86b amended
- 13.** By striking out the word "July" in line 3 of section 86, and by substituting therefor the word "September."
- 14.** By striking out section 86b, and by substituting therefor the following:
"86b. Upon the completion of the said list the assessor shall post up one typewritten copy within the main entrance of the Civic Block on the north side and one within the main entrance of the Civic Building on the south side and in two other conspicuous places in the city. He shall also post up in a conspicuous place in each polling subdivision a copy of that part of said list which contains the names of those entitled to vote in the polling subdivision. He shall also publish once a week for two consecutive weeks in a newspaper or newspapers published in the city a notice stating that such lists have been prepared and posted for inspection, stating the places where the same are posted and the time within which application for amendments thereto may be received by him."
- Section 90 amended
- 15.** By inserting between the words "shall" and "be" in the third line from the end of section 90 the words "subject to such changes as may be made therein by the revising officer."
- Officer for revising list of electors to be appointed
- 16.** By inserting therein the following as section 91a:
"91a.—(1) For the purposes of this section the term 'Revising Officer' shall mean any judge of a District Court, the Master in Chambers at Edmonton or the Clerk of the Supreme Court for the Judicial District of Edmonton.

“(2) A revising officer to be selected each year by the council shall sit each evening of every week-day between the tenth and twentieth days, both inclusive, of the month of November in each year as a revising officer.

“(3) In case any person whose name does not appear on said revised list claims to be entitled to vote, he may apply to the revising officer to have his name placed thereon by personally attending before him at any sitting and furnishing evidence satisfactory to the revising officer of his qualification. In case of the change of ownership of any land or business or in the case of any person commencing to carry on business in the city since the final revision of the land and business assessment rolls, the revising officer shall have power to place the name of the new owner or person newly commencing business, if he is otherwise qualified, on the list of electors and may strike off the name of the former owner unless he is otherwise properly qualified, but no person shall be so struck off unless he has had an opportunity to be heard. The assessor shall make such changes in the list of burgesses as may be necessary to carry out any decision of the revising officer to insert the name of a new owner and strike off the name of a former owner of land.

“(4) The revising officer shall be paid the same fees as an arbitrator is entitled to under section 494 hereof.”

17. By adding to section 507 the following:

“(2) Except in case of gross negligence the city shall not be liable for a personal injury caused by snow or ice on a sidewalk.”

18. By inserting between the words “accident” and “and” in the eighth line of section 519 the words “except in the case of personal injury caused by snow or ice on a sidewalk, in which case such notice shall be served within seven days of the happening of the accident.”

19. The council of the City of Edmonton is hereby authorized to submit to the electors of the city qualified to vote at an election for mayor or aldermen a plebiscite to be held on such date as the council shall by resolution decide, all or any of the following questions:

- (a) The election of the mayor annually by the members of the council from their number;
- (b) The alteration of the term of office of aldermen to three years, one-third of the council to retire each year.

If at any such plebiscite a majority of the valid ballots cast are in favour of both or either of said questions, the council may by by-law increase the number of the council to any number not exceeding fifteen and make all necessary

provisions for the retirement, election and term of office of the members of the council and such other matters as are expedient to carry out the result of the plebiscite, notwithstanding the said by-law either expressly or by implication repeals any clauses or provisions of *The Edmonton Charter* and amendments thereto.

By-law No. 2,
1923,
validated

20. By-law No. 2, 1923, intituled, "A by-law of the City of Edmonton to provide for extending the time for the repayment of the indebtedness incurred for certain works and undertakings of the city," is hereby validated and confirmed and declared to be legal, valid and binding upon the City of Edmonton and the ratepayers or burgesses thereof affected thereby, and the same shall not be open to question in any court on any ground whatever, and all actions taken or acts done thereunder in pursuance thereof or in carrying out or performing the terms thereof are hereby likewise validated and confirmed, notwithstanding the same may have been taken or done before the passing thereof; provided always that this validation and confirmation shall not oust any jurisdiction which the Board of Public Utility Commissioners has respecting the said by-law or the matters therein contained or the right of the council to alter or amend the same or the schedule thereto in pursuance of any order now or hereafter made by said board.

Act comes into
force upon
assent

21. This Act shall come into force on the day it is assented to.

No. 16.

THIRD SESSION
FIFTH LEGISLATURE
13 GEORGE V
1923

BILL

An Act to amend the Acts constituting
The Edmonton Charter and to
validate By-law No. 2, 1923, of the
City of Edmonton.

Received and read the

First time.

Second time.

Third time.

MR. McLENNAN.

EDMONTON:
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1923