

REPRINTED BILL.

BILL

No. 10 of 1925.

An Act to amend the Acts constituting The Edmonton Charter and to validate certain Local Improvement and other By-laws of the City of Edmonton.

(Assented to , 1925.)

WHEREAS a petition has been presented by the City of Edmonton for the amendment of *The Edmonton Charter* and the validation of certain local improvement and other by-laws 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:

1. *The Edmonton Charter* is hereby amended—

1. By adding to section 16 the following subsections:

“(2) The council shall at or before the next general municipal election submit to the electors the question of whether or not the mayor shall hold office for the term of two years.”

Section 16 amended.
Term of office of mayor to be two years.

“(3) In the event of a majority of the qualified electors voting upon such question being in favor of the mayor holding office for two years the mayor elected at the general municipal election to be held in December, 1925, and at any general municipal election held thereafter shall hold office for a term of two years.”

Question to be submitted to electors.

2. By striking out from section 48 the words “at its first meeting after the annual election,” and by substituting therefor the words “in the month of January in each year.”

Estimates to be submitted during January.

3. By inserting therein the following section:

“**84a.** The council may by resolution in any year provide that a census or enumeration shall be made for the purpose of preparing the list of electors for that year and may make such orders and directions as they may see fit for that purpose.”

Council may order enumeration for preparation of list of electors.

4. By striking out subsection (3) added to section 233 by section 7 of chapter 42 of the Statutes of Alberta, 1920, and by substituting therefor the following:

Special
licensing
provisions as
to trucks,
taxicabs, etc.

"(3) The council may license as a special class the owners or operators of trucks propelled or moved by any motive power whatever, and may fix the license fee according to the tonnage, width of tire or upon such other principle as it shall see fit. And may also license the owners or operators of motor vehicles used for hire and in so doing may impose a license fee for each vehicle used for hire. These powers shall be continuing powers and shall not be deemed to be revoked or suspended by Act of the Legislative Assembly of this Province unless the Act expressly revokes or suspends such powers."

5. By adding to section 239a as set out in section 6 of chapter 63 of the Statutes of Alberta, 1923, the following:

Power to
suspend
early closing
for 3 days
before Xmas.

"Provided that the council may by resolution suspend the provisions of this section during the three business days preceding Christmas Day in any year."

6. By inserting therein the following section:

In case of
insolvency,
etc., assessor
may in place
of distraining
for taxes give
notice to
assignee, etc.,
who shall then
pay taxes in
priority to all
other claims
except those
of the King.

"**376a.** Where personal property liable to seizure for taxes as provided by *The Edmonton Charter* or any amendments thereto is under seizure or attachment or has been seized by the sheriff or by a bailiff of any Court or by a landlord or his bailiff or is in the possession of any assignee for the benefit of creditors or liquidator of any trustee or authorized trustee in bankruptcy or where such property has been converted into cash and is undistributed, it shall be sufficient for the assessor or other person charged with the collection of any tax or taxes owing to the city to give to the sheriff, bailiff, landlord or landlord's bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy notice of the amount due for taxes and in such case the sheriff, bailiff, landlord or landlord's bailiff, assignee or liquidator shall pay the amount of the same to the assessor or other person in preference and in priority to any other and all other fees, charges, liens or claims whatsoever except those of the King. 'Tax' or 'taxes' shall mean and include all taxes, assessments, rates, license fees, charges for water, light, power or other public service (including telephone rentals) which the city or its council is authorized to impose or collect under *The Edmonton Charter* as now or hereafter constituted."

Section 415
amended.

7. By striking out of paragraph 4 of section 415 the words "but as to so much as is not to be paid by the municipality at large and the city is to collect the same only by way of special assessment as aforesaid."

8. By inserting after section 415 the following:

"**415a.** If in any year the amount realized from the special rate imposed to provide the portion of the cost of any local improvement work which is payable by way of special assessment is insufficient to pay the amount falling due in such year in respect to so much of the debentures as represents the portion of cost payable by way of special assessment, the council shall provide for the deficiency in the estimates for the following year, and levy and collect the same by a general rate, but this shall not relieve the land specially assessed from the special rate thereon."

City at large
to make up
any deficiency
in local
improvement
debts.

9. By striking out the proviso added to subsection 1 of section 547 by section 22 of chapter 42 of the Statutes of Alberta, 1920, and by substituting therefor the following:

"Provided always that the council in any year and from time to time may by resolution order the same to be assessed at any lower percentage but not less than fifty per cent or at such greater percentage as it deems expedient."

Council may
reduce or
increase
percentage of
values at
which build-
ings are to be
assessed.

10. By repealing section 16 of chapter 42 of the Statutes of Alberta, 1924, and by substituting therefor the following:

"**16.** Sections 14 to 21, both inclusive, of *The Tax Recovery Act*, 1922, shall not apply to the City of Edmonton, but the council of the said city by resolution or otherwise and on such terms and conditions as it may consider reasonable may sell by auction or private treaty, or lease, or otherwise dispose of in any manner whatsoever any 'lands for which a certificate of title has heretofore been or may hereafter be issued in the name of the said city pursuant to the provisions of the said *Tax Recovery Act*' (which said lands are hereinafter referred to in this section as 'lands forfeited to the city') :

Sections 14
to 21 of Tax
Recovery Act
not to apply
to the City of
Edmonton.

"Provided, however, that the owner of any lands forfeited to the city as aforesaid, or anyone on behalf of such owner, may redeem such lands at any time up to but not after the expiration of three calendar months from the fifteenth day of December of the year next following the year in which a caveat has been filed in the Land Titles Office for the North Alberta Land Registration District in respect of such parcel of land, by the payment of all taxes which have at the date of redemption become arrears of taxes together with all penalties and costs accrued in respect thereof, and by the payment of any and all other claims of the said city or of the Province of Alberta charged or secured upon such lands which have accrued at the date of such redemption.

"When any parcel of land is redeemed by the owner thereof or by anyone on his behalf within the time hereinbefore limited the officer of the said city performing the duties prescribed by the said Act shall issue a redemption certificate directed to the Registrar of the said Land Titles Office and the said registrar upon receipt of such redemption certificate shall thereupon revive the certificate of title cancelled pursuant to the provisions of the said *Tax Recovery*

Act and as a consequence of the proceedings taken thereunder by the said city, and the certificate of title so revived and the land covered thereby shall be subject to all mortgages, charges and encumbrances which were against the same or the owner thereof at the time of the said cancellation, except any of such mortgages, charges or encumbrances that may have been lawfully discharged by instrument duly registered in the said Land Titles Office.

"Before the issue of a redemption certificate covering any land redeemed, a fee of not more than \$2 for each parcel of land so redeemed shall be payable to the said city as well as all fees which may be charged by the said registrar for the revival of the certificate of title in respect of the parcel of land so redeemed.

"In case the said city after the fifteenth day of December of the year next following the year in which a caveat has been filed in the said Land Titles Office, shall have taken over possession and control of any parcel of land or shall have received or collected any rents or profits in respect thereof, the amount of the rents and profits so received or collected shall, notwithstanding the subsequent redemption of any such parcel of land, belong exclusively to the said city and the owner of such parcel shall have no claim against the said city in respect of such amount or any part thereof.

"Section 32 of the said *Tax Recovery Act*, 1922, to the extent only that the provisions of this section may vary the said Act, shall not apply to the said the City of Edmonton.

"This section shall be deemed to have been in force and effect as and from the 12th day of April, 1924."

11. By inserting between the words "taxes" and "or" in the fourth line of subsection 6 of section 1 of chapter 42, Statutes of Alberta, 1924, the words "authorized to be imposed under any provision of *The Edmonton Charter* or any amendment thereto."

2. Section 16 of chapter 74 of the Statutes of Alberta, 1921, is hereby amended as follows:

Amendments
to service tax
provisions.

1. By striking out from subsection 4 the words "empowered to pass a by-law fixing the amount of the service tax payable annually," and by substituting therefor the words "empowered from time to time to pass by-laws fixing the amount of the service tax to be payable annually or in any year."

2. By striking out subsection (7), and by substituting therefor the following:

"(7) The service tax shall become due and payable in each year on such date as may be fixed by by-law:

"Provided that notwithstanding by any provision of *The Edmonton Charter* or amendments thereto or of any by-law of the city a date is stated when the service tax for the year 1925 is due and payable, the council may by by-law fix any other date for the payment thereof."

3. By striking out subsection (11), and by substituting therefor the following:

“(11) Every person shall furnish forthwith, upon request made therefor by the assessor of the city or by any other person authorized by him to apply therefor, his or her name, place and period of residence within the city, and shall also inform the assessor whether he or she is of the age of twenty-one years or over and shall give such information respecting his or her income, wages, salary or earnings for the previous or current year, or probable income, wages, salary or earnings for the current year as may be required for the purpose of fixing the amount of his or her service tax, and any other information the council or the assessor may require from any person or class of persons for any of the purposes of the said tax.”

3. The following by-laws of the City of Edmonton, namely:

By-law No. 58, 1924, intituled, “A by-law to provide for the raising of the sum of \$391.95 to pay the cost of certain three plank wooden sidewalks, constructed as local improvements in the City of Edmonton during the year 1923, which are to be paid for by way of special frontage assessment”;

By-law No. 59, 1924, intituled, “A by-law to provide for the raising of the sum of \$31,409.70 to pay the cost of certain local improvements, namely, plank walks, boulevarding and street grading, constructed in the City of Edmonton during the year 1923, which are to be paid for by way of special frontage assessment”;

By-law No. 60, 1924, intituled, “A by-law to provide for the raising of the sum of \$35,732.41 to pay the cost of certain local improvements constructed in the City of Edmonton during the year 1923, namely, bituminous sidewalks and the bituminous surfacing of certain cinder sidewalks, which are to be paid for by way of special frontage assessment”;

By-law No. 61, 1924, intituled, “A by-law to provide for the raising of the sum of \$32,056.80 to pay that portion of the cost of sewer extensions constructed as local improvements in the City of Edmonton during the year 1923, payable by way of special frontage assessment”;

By-law No. 62, 1924, intituled, “A by-law to provide for the raising of the sum of \$4,958.92 to pay the cost of certain concrete sidewalks constructed in the City of Edmonton during the year 1923, which are to be paid for by way of special frontage assessment, and to pay part of the cost of certain paving with curb and gutter constructed in the City of Edmonton during the year 1923, which is to be paid for by way of special frontage assessment”;

By-law No. 75, 1924, intituled, "A by-law to create a debt in the sum of \$20,000.00 and to issue debentures in the said sum for the purpose of paying the cost of certain extensions to the Municipal System of Storm and Sanitary Sewers of the City of Edmonton";

By-law No. 84, 1924, intituled, "A by-law to create a debt in the sum of \$59,400.00 to provide for the moneys required to pay the portion of the cost of sewer extensions constructed in the City of Edmonton in the year 1923 and for certain intercepting sewers and other works in connection therewith, and for the issue of debentures in said sum";

By-law No. 2, 1924, intituled, "A by-law to create a debt in the sum of \$63,000.00 and to issue debentures in the said sum, for the purpose of paying the cost of certain extensions to the Municipal System of Storm and Sanitary Sewers of the City of Edmonton"—

and the assessments thereby imposed or authorized to be imposed and each and every of them are 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 debentures and coupons thereto attached, issued or to be issued or purporting to be issued under the same or any of them, are hereby declared to be issued on the credit and security of the municipality at large and are hereby declared to be legal, valid and binding upon the City of Edmonton and the ratepayers or burgesses thereof, and the same shall not be open to question in any court on any ground whatever.

4. Whereas, the city has heretofore issued debentures Series "I" charged upon the arrears of taxes for the year 1918 and the years prior thereto, and debentures Series "O" charged upon the arrears of taxes for the years 1919 and 1920; and

Whereas, all the debentures, so issued have been redeemed except debentures to the amount of \$2,145,000 of Series "I" issued under By-law Number 26, 1919, passed 3rd September, 1919, of which debentures to the amount of \$971,000 are outstanding in the hands of the public and the balance is held by the Sinking Fund Trustees of the City of Edmonton, and except debentures to the amount of \$180,000, of Series "O" issued under By-law Number 38, 1921, passed 22nd August, 1921, and held by the Sinking Fund Trustees of the City of Edmonton; and

Whereas, the city is also indebted to the Sinking Fund Trustees of the City of Edmonton as of 31st December, 1924, in the amount of \$2,738,458.48 and to the Board of Trustees for The Edmonton School District No. 7 of the Province of Alberta as of 31st December, 1924, in the amount of \$215,000.00, and to the Board of Trustees for The Edmonton Separate School District No. 7 of the Province of Alberta as of 31st December, 1924, in the amount of \$18,000.00; and

Whereas, it is provided in said By-law Number 26, 1919, that the debentures Series "I" issued thereunder may be redeemed at the city's option at their face value by drawings on any interest date, and that interest shall cease to be payable thereafter upon the bonds drawn for redemption; and

Whereas, the city is desirous of issuing Consolidated Debentures to such an amount as will enable the city either by the sale or exchange thereof, or both by way of sale and exchange, to redeem all of said outstanding debentures of Series "I" and Series "O" and to discharge its indebtedness to the Sinking Fund Trustees of the City of Edmonton and to the Boards of Trustees of said School Districts; and

Whereas, the Sinking Fund Trustees of the City of Edmonton have consented to exchange said debentures of Series "I" and Series "O" now held by them for Consolidated Debentures of the City of Edmonton issued pursuant to the authority contained in this section, and have further consented to accept said Consolidated Debentures in satisfaction of said indebtedness of \$2,738,458.48, now owing by the city to the Sinking Fund Trustees as aforesaid; and

Whereas, the city holds the sum of \$273,089.76, which represents collections of arrears of taxes and from the sale of lands acquired by the city under tax sale proceedings on account of arrears of taxes charged with the payment of debentures of Series "I" and Series "O" and indebtedness by the city to said Sinking Fund Trustees.

(1) For the purposes above recited the city is hereby authorized to borrow from time to time on the credit of the city at large by the issue of Consolidated Debentures of the City of Edmonton not exceeding in the aggregate principal amount the sum of \$5,250,000 all ranking *pari passu* and without preference or priority one over another. The city may issue and sell debentures forming part of said issue, to be designated Series "A," to such a principal amount as will realize, after payment of the discount, if any, and other charges and expenses in connection with the issue and sale thereof, the net sum required to redeem said debentures of Series "I" to the amount of \$971,000 now outstanding in the hands of the public, including accrued interest to date of redemption, and the city's indebtednesses to the Boards of Trustees of said School Districts. The city may issue and deliver to the Sinking Fund Trustees of the City of Edmonton debentures forming part of said issue to be designated Series "B," in a principal amount equal to the sum of its indebtedness to the Sinking Fund Trustees as aforesaid and the principal amount of said debentures of Series "I" and Series "O" now held by the Sinking Fund Trustees, in exchange for and upon surrender of said debentures and in discharge of said indebtedness, and the Sinking Fund Trustees may accept said Consolidated Debentures

in exchange for said debentures of Series "I" and Series "O" now held by them and in full satisfaction of the city's indebtedness to them as aforesaid and of any securities heretofore given by the city to the Sinking Fund Trustees on account of said indebtedness.

(2) The said Consolidated Debentures may be issued at any time or times and if desired prior to proceedings being taken by the city to effect the redemption of said debentures of Series "I," and the purchasers of any of the said Consolidated Debentures shall not be bound to enquire into any proceedings which the city may be obliged or may desire to take under said By-laws 26, 1919, and 38, 1921, or under this Act, or to enquire into the application of the purchase moneys. A recital or declaration in any by-law authorizing the issue of said Consolidated Debentures, that it is necessary to issue and sell debentures to the amount and for the purposes therein mentioned shall be conclusive evidence of that fact.

(3) If said Consolidated Debentures of Series "A" are sold before the date fixed by Council for the redemption of said debentures of Series "I" outstanding in the hands of the public, the proceeds of the sale shall be deposited in a special trust account in a chartered bank in the City of Edmonton in trust for the holders of the said Series "I" debentures, and upon such deposit the lien of said debentures of Series "I" on the arrears of taxes for the year 1918 and the years prior thereto shall terminate, provided said Consolidated Debentures of Series "B" have then been issued and delivered by the city to the Sinking Fund Trustees in exchange for said debentures of Series "I" and Series "O" held by the Sinking Fund Trustees and in discharge of the city's said indebtedness to the Sinking Fund Trustees.

(4) The said consolidated debentures of both Series "A" and Series "B" may be issued at such time or times, in one or more issues and be made payable during such period or periods not exceeding twenty years from the date thereof, in such manner and by such modes of payment and subject to such provisions as to redemption, if any, as the council may from time to time determine. If issued subject to redemption by the city before their maturity date, such debentures shall contain on the face thereof reference to the redemption provisions. The said consolidated debentures of both Series "A" and Series "B" may bear interest at such rate, not exceeding five and one-half per cent, as the council may determine, and be payable at such place or places and in such currency and in such manner as the council may determine.

(5) The council may by resolution apply the said sum of \$273,089.76 against any one or more of the said indebtednesses including those to said Boards of Trustees of said School Districts as it shall think fit.

(6) By-laws may be passed by the council of the city from time to time pursuant to the authority contained in this section without the assent of the burgesses.

(7) The debentures issued under the provisions of a by-law passed pursuant to this section shall not form part of the debenture debt of the city within the meaning of the sections of *The Edmonton Charter* limiting the borrowing powers of the city, and it shall not be necessary to recite the amount of the loan authorized by any such by-law in any by-law for borrowing money.

(8) When the city has issued and delivered to the Sinking Fund Trustees said Consolidated Debentures of Series "B" in exchange for said debentures of Series "I" and Series "O" held by the Sinking Fund Trustees and said debentures of Series "I" and Series "O" have been cancelled and upon redemption by the city of said debentures of Series "I" now outstanding in the hands of the public or upon deposit into said special trust account of the proceeds of said Consolidated Debentures of Series "A," the lien of the said debentures of Series "I" and Series "O" on the arrears of taxes for the year nineteen twenty and the years prior thereto shall terminate.

(9) All moneys hereafter collected from arrears of taxes outstanding and unpaid on the thirty-first day of December, 1924, or the proceeds from the sale of lands acquired by the city under any tax sale or other proceedings for the recovery of taxes on account of arrears of taxes outstanding and unpaid on the thirty-first day of December, 1924, shall as and when collected in each year be applied:

- (a) In payment of the sinking fund falling due within the year on the said consolidated debentures;
- (b) In payment of any arrears of sinking fund due in respect of any other debentures heretofore issued by the city;
- (c) In redemption of the said consolidated debentures.

(10) If in any year the moneys received from the collection of said arrears of taxes or proceeds of sale of lands shall not be sufficient to pay the annual interest and annual sinking fund upon the said consolidated debentures, the council shall provide for the deficiency in the estimates for the same or the following year and levy and collect the same by a general rate.

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

No. 10.

FIFTH SESSION
FIFTH LEGISLATURE
15 GEORGE V
1925

BILL

An Act to amend the Acts constituting The Edmonton Charter and to validate certain Local Improvement and other By-laws of the City of Edmonton.

Received and read the

First time.....

Second time.....

Third time.....

MR. MCLENNAN.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1925