

REPRINTED BILL

BILL

No. 5 of 1926.

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 1926.)

WHEREAS a petition has been presented by the City of Edmonton for the amendment of *The Edmonton Charter* and for 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:

The Edmonton Charter is hereby amended—

1. By inserting immediately after section 57 thereof, the following sections:

“**57a.** The Council may also pass by-laws for the establishment and maintenance of superannuation and benefit funds for the benefit of the officers, officials and employees of the City and their families, and for providing pensions, gratuities or retiring allowances to any such officers, officials or employees, and for that purpose, if the Council deems fit, to deduct from the salaries of such officers, officials or employees such amounts that the Council may deem necessary or expedient, and for aiding and assisting by annual grant of money or otherwise, the said funds. Any by-law passed under this section may contain any of the sections of *The Superannuation Act*, being chapter 8 of the Revised Statutes of Alberta, 1922, or any modification or adaptation thereof.”

Council may establish superannuation and benefit funds

“**57b.** The Council may also pass by-laws for contributing or paying the full amount or any portion of any premium or premiums in respect of any benefit, accident, sickness or life insurance policy or policies or scheme of group insurance for the purpose of insuring all or any employees of the City against sickness, accident or death, as the case may be.”

And may contribute to group insurance fund

2. By striking out section 23a and by substituting therefor the following:

“**23a.**—(1) There shall be paid to each member of the Council out of the current revenue of the City the sum of

Indemnity to members of the Council

five dollars for each meeting of the Council attended by him during his term of office and for each committee meeting so attended the sum of three dollars. Provided, however, that the total sum payable to any member shall not be greater than six hundred dollars during any year, nor more than fifty dollars during any month.

"(2) This section shall not come into force until the same has been submitted to the electors of the City and has been approved by a majority of the electors voting on the question.

"(3) The power of submission herein contained shall be a continuing power."

3. By striking out sections 109 and 110 and by substituting therefor the following:

Form of
ballot papers

"**109.** Ballot papers used for the election of mayor, aldermen and school trustees shall be printed in as many lots as there are candidates for the office. In the first lot the names of the candidates shall appear in alphabetical order. In the second lot the names shall appear in the same order except that the first name in the first lot shall be placed last. In each succeeding lot the order shall be the same as that of the lot preceding except that the first name in that preceding lot shall be placed last. Tablets of ballots to be used at the several voting places shall be made up by combining ballots from the different lots in regular rotation, so that no two successive voters shall receive ballots from the same lot and so that each candidate's name shall appear first and in each other position substantially the same number of times on the ballots used. Inadvertent departures from the procedure prescribed in this section shall not invalidate an election."

This section shall not come into force until it is adopted by the Council by by-law.

4. By inserting after paragraph (f) of subsection (1) of section 173 the following:

Circulation
of colourable
imitation of
ballot
prohibited

"(g) Print or cause to be printed or distributed any circular, card, poster, bill or other paper having a colourable resemblance to a ballot paper prepared by the Returning Officer, indicating or showing the same to be marked for any candidate, or candidates; provided that this provision is not intended to prohibit the publication of any circular, card, poster, bill or other paper having thereon the names only of candidates in alphabetical order."

License fees
may be for
revenue
purposes

5. By inserting between the words "licenses" and "to" in the second line of section 233, the words "which fees may be in the nature of a tax for revenue purposes."

Council may
impose
license upon
clubs, etc.

6. By adding to section 233 the following subsection:

"(5) The Council may also impose a license fee or tax upon all persons granted club or beer licenses, within the City of Edmonton under the provisions of *The Government*

Liquor Control Act of Alberta: provided the license fee charged to any person shall be no greater than the license fee charged him under the provisions of said Act. And the Council may fix or grade the said fees according to the location of the licensed premises, the floor space of such premises, the number of persons employed therein, the nature of the license, or upon any other basis the Council shall decide."

This license may be imposed in the year 1926.

7. By adding to section 315 the following subsection:

"(10) The said trustees are hereby declared to be a body corporate under the name of 'The Sinking Fund Trustees of the City of Edmonton,' and by the same name they and their successors shall have perpetual succession and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever, and they shall have a common seal with power to alter and modify the same at pleasure."

Sinking Fund
Trustees to
be a body
corporate

8. By adding to subsection (3) of section 321, as set out in section 60 of chapter 52 of the Statutes of Alberta, 1918, the following:

"In order to assist in ascertaining the full annual rental value of any premises for the purpose of business assessment, regard may be had to the rents paid for premises of a similar class in the vicinity, in or on which business of a similar nature is, or may be conducted, and the expression 'annual rental value' shall be deemed to mean gross annual rental value."

Definition
of annual
rental value

9. By striking out the word "such" in the first line of section 296, and by inserting between the words "by-law" and "may" in said first line the words "heretofore or hereafter passed under any general or special power."

10. By inserting between the words "passed" and "the" in the second line of section 305 as enacted by section 78 of chapter 28 of the Statutes of Alberta, 1916, the words "under any general or special power."

11. By adding to paragraph (e) of subsection (3) of section 321 as said paragraph is enacted by section 14 of chapter 90 of the Statutes of Alberta, 1922, the following: "Provided the Council may in any year by resolution provide for any rebate, remission or set off in respect of any licenses or class of licenses."

Council may
set off
business taxes
and licenses

12. By inserting therein the following section:

"369a. All taxes authorized by any provision of *The Edmonton Charter* or amendments thereto from time to time shall when due be a special lien upon the goods and chattels

Council may
reclassify
businesses for
assessment
purposes

and personal property of every kind and nature of the person liable to pay the same, except clothing, household furniture and furnishings, books of a professional man, and the tools and necessary implements used by the person liable to pay the tax in the practice of his trade or profession in priority to every claim, privilege, lien or encumbrance of every person except the King."

13. By inserting after paragraph (m) of the first subsection of section 404, the following:

- "(n) Constructing a spur track system and extensions thereof;
- "(o) The surfacing or resurfacing of any pavement or sidewalk already constructed."

14. By striking out section 412 and by substituting therefor the following:

Local im-
provement
assessments
to be valid
unless
appealed
against

"412. No assessment under the provisions of this part of this Act shall be invalid or be set aside by reason of any defect in form or in substance in any proceeding upon which such special assessment depends or by reason of any defect, error or omission therein or any defect, error or omission of any proceeding or thing which ought to have been undertaken or done down to and including the close of proceedings of the Court of Revision unless such assessment is appealed against as provided in the next following section."

15. By inserting after section 416 the following sections:

Upon
subdivision
Assessor may
apportion
local
improvement
taxes

"416a. In case there has been or shall hereafter be a change of plan of subdivision, or a division of the ownership of any parcel or parcels of land upon or in respect of which a special rate for local improvement has been or shall hereafter be levied or assessed, the assessor, both in respect to arrears and also to the special rate for future years may apportion to and against each respective part of the original parcel or parcels of land such proportion or share of the sum originally assessed against the same as he shall deem just, and the sum or sums so reapportioned shall be levied and collected as if they had in the original by-law been assessed against the parcels according to the resubdivision or division ownership.

Council may
up to ten
thousand
dollars
raise City's
share of
local
improve-
ments without
reference
to burgesses

"416b. The Council in any year may fix an amount, not exceeding ten thousand dollars, which it intends to spend during the year as the City's share in whole or in part of local improvements intended to be undertaken during the year, and may by by-law, which need not be referred to the burgesses, authorize the issue and sale of debentures for providing the amount so fixed."

16. By striking out the proviso added to subsection (1) of section 547 by subsection (9) of section 1 of the Statutes of Alberta, 1925, and by substituting therefor the following:

"Provided that the Council may in any year and from time to time by by-law or resolution, classify all buildings in the City into (1) residences, (2) business premises, and (3) semi-business premises, and may order that all buildings in all or any of the said classes be assessed at a lower or greater percentage than said sixty per cent but not less than fifty per cent. The Council may specify the buildings to be included in each of said classes."

Council may
classify
buildings
for purpose
of taxation

17. By repealing subsection 4 of section 1 of chapter 65 of the Statutes of Alberta, 1925, and by substituting therefor the following:

"(3) (a) In this subsection the term 'vehicle' shall mean and include any carts, wagons, trucks, motor-vehicles, sleighs or other vehicles used by any person within the City for the purpose of the conveyance of goods, wares, merchandise, fuel or other effects of any kind or nature either in their own business or for hire, and also any vehicle used for the carriage of passengers for hire."

License may
be imposed
upon
certain
vehicles

"(b) The Council may classify all such vehicles according to the tonnage, width of tire, purpose for which used, manner of propulsion, or upon any other principle whatsoever as it shall see fit, and may fix or grade the license fees therefor according to any classification thereof:

"Provided always that in respect of horse-drawn vehicles the fee may be imposed according to the number of teams or animals used in place of the number of vehicles used."

18. Section 4 of chapter 65 of the Statutes of Alberta, 1925, is hereby amended as follows:

Section 4,
chapter 65,
1925,
amended

(1) By inserting the words "was indebted" after the word "and" and before the word "to" in the third line of the third recital of said section 4.

(2) By inserting between the fourth and fifth recitals of said section 4 the following recital:

"And whereas the City subsequent to said 31st day of December, 1924, through inadvertence, repaid the said indebtedness to the Boards of Trustees of said School Districts, aggregating two hundred and thirty-three thousand dollars, out of a temporary bank loan arranged pending the collection of taxes for the year 1925, to meet the current expenditures of the City and the amounts required by the Boards of Trustees of said School Districts for the year 1925, and the City has repaid the said temporary bank loan by advances made from collections of taxes for the year 1925; and."

(3) By striking out all the words after the word "to" in the seventh line of the fifth recital of said section 4 and by substituting therefor the following: "recoup the collection of taxes for the year 1925 to the said amount of two hundred and thirty-three thousand dollars, and."

(4) By striking out the words "the City's indebtedness to the Boards of Trustees of said School Districts," in the fourteenth and fifteenth lines of the first enacting paragraph and by substituting therefor: "to recoup the collections of taxes for the year 1925 to the said amount of two hundred and thirty-three thousand dollars as hereinbefore recited."

(5) By inserting between the words "sale" and "shall" in the fourth line of the third enacting paragraph the following words: "other than the proceeds of the sale of debentures authorized to be issued and sold as aforesaid, the proceeds of which are to be used to recoup collections of taxes for the year 1925 to the said amount of two hundred and thirty-three thousand dollars."

(6) By inserting between the words "Series 'A'" and "the" in the ninth line of the eighth enacting paragraph, the words "other than the proceeds of the sale of debentures authorized to be issued and sold as aforesaid, the proceeds of which are to be used to recoup the collections of taxes for the year 1925 to the said sum of two hundred and thirty-three thousand dollars."

(7) By striking out the word "hereafter" in the first line of the ninth enacting paragraph and by substituting therefor the word "thereafter."

(8) By adding the following enacting paragraph:

"11. The repayment of the said indebtedness to the said amount of two hundred and thirty-three thousand dollars to the Boards of Trustees of said School Districts out of said temporary bank loan and the application of advances from collections of taxes for the year 1925 in repayment of said bank loan, all in the manner as hereinbefore cited, is ratified and confirmed and declared legal, valid and binding upon the City of Edmonton and the ratepayers thereof, and the proceeds of the debentures authorized to be issued and sold as aforesaid, the proceeds of which are to be used to recoup the collections of taxes for the year 1925 to the said amount of two hundred and thirty-three thousand dollars as aforesaid, shall be deemed to be collections of taxes for the year 1925 and shall be used for no other purpose."

Council may
reissue
debentures
Series "B"
issued under
authority
of sec. 4
Cap. 65,
1925, in
instalments
and change
rate of
interest

19. Whereas pursuant to the provisions of section 4 of chapter 65 of the Statutes of Alberta, 1925, the Council of the City of Edmonton duly passed By-law No. 40, 1925, authorizing the issue and delivery to the Sinking Fund Trustees of the City of Edmonton of consolidated debentures of the City of Edmonton of Series "B" to the amount of three million four hundred and ninety-eight thousand three hundred and sixty-eight dollars and seventy-two cents to be delivered to the said Trustees in exchange for and upon surrender of debentures of Series "I" and Series "O" referred to in said section 4 then held by them in a principal amount of eight hundred and fourteen thousand dollars and in full satisfaction of the City's indebtedness to them referred to in said by-law and of any securities theretofore given by the City to said Trustees on account of said indebtedness;

And whereas pursuant to said by-law the City has issued and delivered to the said Trustees a single consolidated debenture Series "B" for the said principal sum of three million four hundred and ninety-eight thousand three hundred and sixty-eight dollars and seventy-two cents, bearing date the first day of November, 1925, payable on the first day of November, 1945, bearing interest at the rate of five and one-half per centum per annum payable semi-annually on the first day of May and November in each year during the currency thereof;

And whereas for the purpose of permitting the said Trustees to dispose of said single consolidated debenture series "B" to the best advantage of the City and Sinking Fund Trustees, it is expedient that new consolidated debentures Series "B" of the City should be issued in various amounts from time to time and at such rate or rates of interest as the circumstances may require—

(1) For the purposes above recited the City is hereby authorized and empowered from time to time at the request of the said Trustees to issue new consolidated debentures Series "B" dated first November, 1925, payable first November, 1945, to an aggregate principal amount the value of which when calculated at an interest yield rate of five and one-half per cent per annum from the date of the passage of the by-law authorizing the issue of said new consolidated debentures to the date of maturity thereof will not exceed the principal sum of three million four hundred and ninety-eight thousand three hundred and sixty-eight dollars and seventy-two cents. Said new consolidated debentures Series "B" may be issued and delivered to the Sinking Fund Trustees in such instalments or amounts, at such times, in such denominations, bearing such rate or rates of interest and payable at such place or places and in such currency and in such manner as may be agreed upon by the City and the Sinking Fund Trustees, such agreement and the value calculated as aforesaid of the said debentures so delivered to be conclusively evidenced by a recital to that effect in any by-law authorizing the issue and delivery of the said new consolidated debentures. The principal of said single consolidated debenture Series "B" shall be reduced by the principal amount of the new consolidated debentures so delivered to the Trustees if the same bear interest at the rate of five and one-half per cent per annum, and if the said new consolidated debentures or any of them bear interest at a rate other than five and one-half per cent, then the said single consolidated debenture Series "B" shall in respect to such last mentioned debentures be reduced by a principal amount equal to the value of the new consolidated debentures so delivered calculated as aforesaid. The said single consolidated debenture Series "B" shall be forthwith endorsed with a notation of the amount of such reduction and upon delivery to the Sinking Fund Trustees of said new consolidated debentures to an aggregate principal amount the

value of which when calculated as aforesaid is equivalent to the principal sum of three million four hundred and ninety-eight thousand three hundred and sixty-eight dollars and seventy-two cents, the said single consolidated debenture for the said sum of three million four hundred and ninety-eight thousand three hundred and sixty-eight dollars and seventy-two cents shall be surrendered to the City and cancelled. All said new consolidated debentures Series "B" issued pursuant to this section shall for all purposes be deemed to be part of the consolidated debentures authorized by said section 4 of chapter 65 of the Statutes of 1925 and the amount of the consolidated debentures Series "B" authorized thereby shall be deemed to be augmented by the amount of additional debentures, if any, required to be issued by the City pursuant to the provisions hereof. By-laws may be passed by the Council of the City from time to time pursuant to this section without the assent of the burgesses.

Council may
use surplus
monies
for other
purposes

20. Whereas under the provisions of By-law 76, 1924, the City borrowed the sum of two hundred and thirty-eight thousand dollars to pay the estimated share of its cost of a subway under the tracks of the Canadian Northern Railway at 101st Street, and for other purposes, and by reason of changes in the plans thereof the City had a surplus of ninety thousand dollars or thereabouts; therefore it is enacted that the City may apply the said surplus towards the cost or the City's share of the cost of an overhead traffic bridge over or a subway under the tracks of the Canadian Northern Railway at 109th Street, in said City, or of a subway under the tracks of said railway at 97th Street (Namayo Avenue), or part towards one or other of the said works, as the Council shall decide;

And whereas under the provisions of By-law No. 77, 1924, the City also borrowed the sum of thirty-three thousand dollars to pay the City's share of the cost of a foot passenger bridge over the tracks and yards of the Canadian Northern Railway Company at 109th Street aforesaid, it is further enacted that the City may apply the said sum of thirty-three thousand dollars towards the cost or the City's share of the cost of an overhead traffic bridge over or a subway under said tracks and yards at 109th Street.

Police force

21. The said Charter is further amended by adding to section 41 the following subsection:

"(3) All members of the Police Force of the City shall be appointed by and shall hold office at pleasure of the said Commissioners, and shall be constables in and for the City of Edmonton so long as they are members of said Police Force."

And by adding to section 76 the following subsection:

"(2) Every member of the Police Force shall take and subscribe the oath of allegiance and the following oath before one of the Commissioners who shall have power to administer the same:

'I,, do swear that I will well and truly serve Our Sovereign Lord the King in the office of Police Constable (*or* as the case may be) of the City of Edmonton, without favour or affection, malice or ill-will; and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and the properties of His Majesty's subjects, and that while I continue to hold the said office I will to the best of my skill and knowledge faithfully discharge all the duties thereof according to law.'"

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

By-law No. 48, 1925, intituled, "A by-law to create a debt in the sum of ninety thousand eight hundred dollars and to issue debentures in said sum, for the purpose of paying the cost of certain extensions of and equipment for the Municipal System of Water Works";

By-law No. 52, 1925, intituled, "A by-law to provide for the raising of the sum of three thousand and ninety-six dollars and ninety-two cents to pay the cost of certain works hereinafter described, to be borne by the property abutting thereon, and to issue debentures for said sum";

By-law No. 53, 1925, intituled, "A by-law to provide for the raising of the sum of thirteen thousand eight hundred and seven dollars and three cents to pay the cost of certain works hereinafter described, to be borne by the property abutting thereon and to issue debentures for said sum";

By-law No. 2, 1926, intituled, "A by-law to create a debt in the sum of twelve thousand dollars to pay the cost of certain extensions to the Municipal System of Storm and Sanitary Sewers of the City of Edmonton, and to issue debentures in the said sum";

By-law No. 3, 1926, intituled, "A by-law to create a debt in the sum of nine hundred and twenty-one dollars and four cents to pay that part of the cost of the works hereinafter described, to be borne by the properties thereon, and to issue debentures in the said sum";

By-law No. 4, 1926, intituled, "A by-law to create a debt in the sum of sixteen thousand two hundred and fifty dollars and forty-three cents to pay that part of the cost of the works hereinafter described, to be borne by the properties abutting thereon, and to issue debentures for the said sum";

By-law No. 5, 1926, intituled, "A by-law to provide for the raising of the sum of one thousand and forty-one dollars and ninety-nine cents to pay the cost of a certain work hereinafter described, to be borne by certain property as a local benefit assessment, and to issue debentures for said sum";

By-law No. 6, 1926, intituled, "A bylaw to create a debt in the sum of eighteen thousand and one hundred dollars and to issue debentures in said sum, for the purpose of paying the

cost of certain extensions of the Municipal System of Storm and Sanitary Sewers and of catch basins and household services in connection therewith"—

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.

23. Paragraph (*j*) of subsection (3) of section 321, as set out in section 3 of chapter 46 of the Statutes of Alberta, 1917, is hereby amended by adding thereto the following:

"The Council may also impose a special license fee upon all persons, firms or corporations so soon as they commence to carry on any business within the City of Edmonton. The said fee shall be set off against any business tax which may be payable by any such person, firm or corporation during the then current year or against the aforesaid special license fees, as the case may be. The aforesaid special license fees may be in the nature of a tax for revenue purposes."

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

No. 5.

SIXTH SESSION
FIFTH LEGISLATURE
16 GEORGE V
1926

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. J. C. BOWEN.

EDMONTON:
W. D. McLEAN, ACTING KING'S PRINTER
A.D. 1926.