

BILL

No. 9 of 1929.

An Act to amend the Acts Constituting The Edmonton Charter and Validate certain By-laws Authorizing the Borrowing of Money.

(Assented to , 1929.)

WHEREAS, a petition has been presented by the City of Edmonton for the amendment of *The Edmonton Charter*; 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 striking out from section 19 the words "and have more than one-half in assessed value of the property for which they are assessed in the City of Edmonton," and also the words "and the situation of the property for which they are assessed," where they occur therein.

2. By repealing section 21 and amendments thereto and by substituting therefor the following:

"**21.** No person shall be eligible for election as Mayor or Alderman, unless he is a natural-born or naturalized subject of His Majesty, is able to read and write the English language, is not subject to any disqualification under this Act, is resident within the City and has been at the time of his nomination such resident since the first day of December in the year next preceding his nomination; and every candidate shall in addition to the particulars now required to be contained in his nomination paper, further state that he has been a resident of the City since the first day of December in the year next preceding his nomination."

3. By inserting immediately after section 217, the following section:

"**217a.** The City shall also have power to operate in connection with and as part of its municipal street railway system, or as a separate undertaking, a system of transportation by means of motor or other vehicles upon and along the roads, streets and highways within the City, and for the purposes of this Act the term 'street railway,' 'tramway' or 'tramway works' shall be deemed to include such system."

4. By inserting therein immediately after section 218, the following section:

"218a. In case the validity of any election or the right of any person to sit as a member of the Council or the term for which any person has the right to sit shall depend wholly or in part upon the construction of any section, clause or proviso of *The Edmonton Charter*, the judge may order the whole or any part of the costs of the proceedings before him to be paid by the City."

5. By inserting between the words "railways" and "telephone" where they occur in the eleventh line of clause (1) of section 227, the words "or other systems of transportation, flying fields, air harbors."

6. By repealing clauses (2), (3) and (4) of section 227, as amended, and the proviso to said section 227, and by substituting therefor the following:

"(2) contracting debts payable within the current year;

"(3) raising funds for working capital or for an emergency fund;

"(4) granting to any telephone syndicate or company, or gas or electric light or power syndicate or company, or street railway syndicate or company, or any other syndicate or company, any special franchise whether exclusive or not—

shall in the case of by-laws provided for in clause (4) receive the assent of two-thirds of the burgesses voting thereon in accordance with the provisions of this Act, and in all other cases shall receive the assent of sixty per centum of the burgesses so voting."

7. By adding to section 233 the following subsection:

"(6) The Council may, notwithstanding anything contained in *The Corporations Taxation Act*, license all agents of a corporation or company incorporated under the laws of Canada or of any Province, whether such agent, corporation or company has or has not a place of business within the City and whether such agent, corporation or company has or has not a subsisting provincial license."

8. By adding to paragraph (b) of subsection (3) of section 239a, the following further proviso:

"Provided that the Council of the City of Edmonton may by by-law provide that every shop shall be closed at one o'clock on every Wednesday throughout the whole year or any portion thereof, in addition to every Wednesday during each year from the thirtieth day of April to the first day of September, and may from time to time alter, amend or repeal any such by-law."

9. By striking out from section 251 the words "six weeks" where they occur therein, and by substituting therefor the words "three months."

10. By striking out from section 340 the word "Assessor" where it occurs therein and by substituting therefor the words "City Clerk."

11. By inserting after proviso (a) to subsection (2) of section 404, the following:

"(aa) Provided also that the frontage rate may be greater or less upon one side of the street or place whereon or wherein the improvement is to be made than upon the other side, or such rate may be assessed upon the lands on one side of the street or place only."

12. By inserting immediately after section 405, the following section:

"405a. Where the Council has heretofore or may hereafter authorize the undertaking of any local improvement, and shall deem it inadvisable or impracticable to complete the work, the Council may by resolution provide for the carrying out of part only of the work, and the provisions of this Act and amendments thereto shall apply to such partial work as if it had been the work originally undertaken."

13. By inserting after section 503, the following section:

"503a. Notwithstanding any other Act or Ordinance, the Council may designate and set apart any highway or part thereof within the City as a through traffic street, and provide that every vehicle before entering upon, crossing or turning into the same shall come to a full stop:

"Provided that the driver or operator of any vehicle who has come to a full stop pursuant to any such by-law, upon entering the through traffic street, as well as drivers or operators of vehicles on such through traffic street, shall be subject to the usual right-of-way rule prescribed by law and applicable to vehicles at intersections."

14. By striking out from subsection (2) added to section 99 by section 8 of chapter 28, Statutes of Alberta, 1916, the words, "and whether he has more than one-half in assessed value of the property for which he is assessed in the City on the south side of the Saskatchewan River or not," and also the words, "and whether he is a candidate for the representation of the portion of the city south of the Saskatchewan River," where the same occur therein.

15. By repealing section 16 of chapter 90 of the Statutes of Alberta, 1922, and by substituting therefor:

"16. Where a caveat pursuant to section 7 of *The Tax Recovery Act, 1922*, has heretofore or shall hereafter be filed, the City shall be entitled to protect by action or otherwise any lands mentioned in the said caveat from spoilation or waste until it receives a certificate of title thereto pursuant to said Act, but shall have no right to the possession of such land, except that where any improved property shall become unoccupied during said period and remain unoccupied for three months and is suffering despoilation, the City may enter into possession thereof and from time to time rent the same and expend such moneys as may be reasonably necessary to keep any buildings thereon in tenantable repair, such expenses to be deducted from any rental re-

ceived or added to the taxes thereon, but the net revenue shall in the event of such land being redeemed be a credit to the owner on account of the moneys required to redeem."

2. In addition to, but not in substitution for, any other powers, the Council may by resolution, from time to time fix a date upon which all or any variety of noxious weeds or plants growing, standing or being upon any lands in the City or upon the highways adjacent thereto, shall be destroyed, with power to fix a different date for different varieties of weeds. Such date or dates shall be advertised by at least one insertion in two newspapers published in the City of Edmonton, such insertion or the last insertion being at least ten days before the date or dates set by such resolution. The City may by its employees or agents at any time thereafter and from time to time enter upon any land and destroy and remove any noxious weeds or plants growing, standing or being thereon or upon the highways adjacent thereto, and charge the expenses so incurred as part of the municipal taxes for the then current or next succeeding year against the land upon which or upon the highways abutting thereon the said expenses have been incurred.

3. Whereas, the Governor and Company of Adventurers of England trading into Hudson's Bay is desirous of establishing a golf course on that part of its reserve in the City of Edmonton lying, generally, between One Hundred and Thirteenth (Elm) Avenue on the north and One Hundred and Eighth (Churchill) Avenue on the south, and One Hundred and Sixteenth Street on the east, and One Hundred and Twenty-first Street on the west, and has requested the city to grant it a maximum fixed assessment for a period of twenty years, or such lesser time as the said lands shall be used as a golf course, at the sum of one hundred and one thousand, two hundred dollars, being the sum at which the individual lots and parcels of land within said area to be used as a golf course are now assessed: provided that in case the general assessment of the surrounding lands shall be lowered, the assessment of the said golf course lands shall be decreased in proportion to the decrease in assessment of the surrounding lands; and to close certain of the parks, public places, streets, avenues and lanes within said area; and

Whereas, the City is desirous of granting the Company such request;

Therefore it is enacted that:

The City of Edmonton is hereby authorized and empowered to grant to the said the Governor and Company of Adventurers of England trading into Hudson's Bay, a maximum fixed assessment of one hundred and one thousand, two hundred dollars, upon its lands within the said described

area to be used as a golf course, for a period of twenty years, or for such lesser period as the company shall use the said lands as a golf course:

Provided that in case the general assessment of the surrounding lands shall be lowered, the assessment of the said golf course lands shall be decreased in proportion to the decrease in assessment of the surrounding lands, and the Council may close any or all of the parks, public places, streets, avenues and lanes lying within the said area for the period of twenty years or for any lesser period.

4. The said *The Edmonton Charter* is hereby further amended by adding to section 507 the following subsection:

"(3) Default under this section shall not be imputed to the City in any action without proof by the plaintiff that the City knew or should have known of the disrepair of the highway or other thing in this section mentioned."

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

By-law No. 42, 1928, passed on the 28th day of January, 1929, and renumbered By-law No. 11, 1929, intituled, "A by-law to create a debt in the sum of eighty-six thousand five hundred and twenty-five dollars to pay the City's share of certain street paving to be undertaken as local improvements in the year 1929, and to issue debentures in said sum;"

By-law No. 43, 1928, passed on the 28th day of January, 1929, and renumbered By-law No. 12, 1929, intituled, "A by-law to create a debt in the sum of sixty thousand dollars to pay the City's share of the grading and gravelling of parts of certain streets to be undertaken as local improvements in the year 1929, and to issue debentures in said sum;"

By-law No. 45, 1928, passed on the 28th day of January, 1929, and renumbered By-law No. 13, 1929, intituled, "A by-law to create a debt in the sum of two hundred and ninety-two thousand six hundred and eighty-eight dollars for the purpose of erecting a new wing to the Royal Alexandra Hospital and a new section to the nurses' home connected therewith, and for furnishing and equipping said wing and section, and to issue debentures in said sum;"

By-law No. 46, 1928, passed on the 28th day of January, 1929, and renumbered By-law No. 14, 1929, intituled, "A by-law to create a debt in the sum of fifty thousand dollars for the purpose of enlarging and renovating a certain fire hall of the City known as Fire Hall No. 2, and to issue debentures in said sum;"

By-law No. 47, 1928, passed on the 28th day of January, 1929, and renumbered By-law No. 15, 1929, intituled, "A by-law to create a debt in the sum of one hundred thousand dollars for the purpose of furnishing additional equipment

for the City's system of fire protection and to issue debentures in said sum—"

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 whatsoever, notwithstanding that the same were not passed within six weeks of the voting thereon; 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 whatsoever.

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

No. 9.

THIRD SESSION
SIXTH LEGISLATURE
19 GEORGE V

1929

BILL

An Act to amend the Acts Constituting The Edmonton Charter and Validate certain By-laws Authorizing the Borrowing of Money.

Received and read the

First time.....

Second time.....

Third time.....

MR. GIBBS.

EDMONTON:
W. D. McLENN, KNIGHTS PRINTER
A.D. 1929