

REPRINTED BILL

BILL

No. 6 of 1932.

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

(Assented to _____, 1932.)

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 shall 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 193 the word “notice” where it occurs in the third line thereof and by substituting therefor the word “motion.”

2. By striking out of subsection (2) of section 233 the word “principal” where it occurs in line twelve thereof and by substituting therefor the word “permanent.”

3. By inserting in subsection (8) of section 315, the words “interest of the” between the words “the” and “parties,” where they occur in line seven of said subsection (8).

4. By striking out of section 12 of chapter 90 of the Statutes of Alberta, 1922, the words “said percentage charge of eight per centum” where they occur therein and substituting therefor the words “the said percentage charges.”

5. By striking out of subsection 4 of section 404, the words “discounts and interests” where the same occur therein and substituting therefor the words “discount and interest.”

6. By striking out of section 445 the word “determine” and by substituting therefor the words “be determined.”

7. By inserting in section 483 the word “the” between the words “in” and “name” where they occur in the tenth line thereof.

8. By striking out of section 491 the word "or" where the same occurs in line eight thereof and substituting therefor the word "of."

9. By inserting in section 493 the word "the" between the words "by" and "owner" where the same occur in line two thereof.

10. By striking out the word "lands" in the first line of section 501 and substituting therefor the word "land."

11. By changing the number of section 503*a* added to the said Charter by 1913 (2nd Session), chapter 32, section 10, to 503*b*.

12. By inserting the word "the" between the words "for" and "city" where the same occur in line seven of section 521.

13. By striking out of section 524 the word "bear" where the same occurs in line thirteen thereof and substituting therefor the word "hear," and by inserting the word "and" in the last line of said section 524 between the words "final" and "conclusive."

14. By striking out of subsection (2) of section 526 the figures "493" where the same occur in the last line thereof and substituting the figures "494."

15. By inserting after subsection (7) of section 221 the following:

"(7*a*) The council may in any by-law heretofore or hereafter passed relating to the construction, erection, sanitation or use of buildings or other similar by-law, create an appeal board for the purpose of dealing with and adjudicating upon any questions which may arise under the provisions of any such by-law, with power to prescribe the duties and powers of said board, to fix the number of members thereof and their tenure of office."

16. By inserting therein immediately after section 485, the following section:

"**485*a*.** Whenever the council of the city desires to use any land, the title to which is vested in the city, for highway purposes, the council may cause the land required for said purposes to be surveyed and marked on the ground by a duly qualified surveyor, who shall prepare plans in triplicate of such survey and shall certify the same to be correct. Such plan shall be approved by the director of surveys for the Province of Alberta and the proper officers of the city. One of the originals of such plan shall be filed in the proper land titles office, another in the department of Public Works of the Province of Alberta, and the third in the office of the city engineer of the city, and upon the deposit in the said land titles office of said plan of survey, together with pay-

ment of the proper fee therefor, the registrar shall, notwithstanding the provisions of any other Act, immediately file the same and thereupon the lands included in any such plan shall vest in the city of Edmonton for highway purposes."

17. By striking out subsection (3) of section 233 inserted in the said Charter by section 7 of chapter 65 of the Statutes of Alberta, 1930, and by substituting therefor the following:

"(3) The council may also license by themselves, or as a special class or classes, or otherwise according to any classification, all persons who, wholly or partly within or partly within and partly without the city of Edmonton, transport, remove, convey or carry persons or property or any goods, wares, merchandise, fuel, earth, refuse or other articles or effects of any kind or nature whatsoever, either as a business or as incidental to any other business, whether a charge is made therefor or not, and without in any way limiting the general powers which may be exercised under this subsection; the persons liable hereunder shall include—

"(a) all persons who deliver, to or collect from any business premises, warehouse or depot within the city, any goods, wares or merchandise by truck or other motor vehicle, for or from a point within or outside Edmonton;

"(b) all persons who use any scraper, Fresno, slip or plow, for the purpose of transporting, removing, conveying or carrying earth, gravel, sand, ashes or refuse, or used in or about the making of any cellar or excavation;

"(c) all persons who for any purpose use any cart, wagon, truck or horse-drawn vehicle within the city of Edmonton, either in connection with his own business or for hire—

but nothing in this subsection shall be deemed to include any vehicle operated solely by the owner or owners thereof, resident outside the city of Edmonton and used only in conveying his or their own products or personal effects into or out of the city and not plying a carrying trade for hire or reward."

18. By inserting between the words "object" and "for" in the second line of clause (a) of section 247, the words "or objects."

19. By amending section 15 of chapter 65 of the Statutes of Alberta, 1930, as follows:

1. By striking out the figures "1923" where they appear in the sixth line of the third recital to said section 15 and by substituting therefor the figures "1922."

2. By inserting after the words "sinking fund" at the end of the seventh line of clause 1 of said section the words "including the reduced levies made in the year 1922."

3. By inserting immediately after clause 1 of said section the following clause:

"1*a*. By-law number 46 of 1922, renumbered 2 of 1923, notwithstanding anything therein contained, shall be conclusively deemed to have authorized the reduction of the annual sinking fund levies in respect of each of the issues of debentures therein mentioned, commencing with the year 1922."

20. Subsection (6) of section 221 added to the said Charter by section 23 of chapter 42 of the Statutes of Alberta, 1920, is hereby amended:

1. By striking out clause (*a*) thereof and by substituting therefor the following:

"(*a*) To prevent, regulate, govern and control boxing and wrestling bouts and contests within the city, and to regulate, govern and control the training quarters for persons in training for boxing or wrestling."

2. By adding to said subsection the following clause:

"(*d*) To delegate to the said commission any of its powers granted by this subsection."

21. By adding to section 221 the following subsection:

"(10) The council may also make by-laws—

"(*a*) to create, organize and constitute a commission of residents of the said city of such number as the council may decide, to be known as the 'Stadium Commission,' which commission when appointed shall have the care, management and control of those premises known as 'The Stadium' and being that part of Parcel 'E,' River Lot 20, Plan 2190 E.O., outlined in orange on Plan 2190 E.O., but shall have no power to deal with or dispose of any property or effects appertaining to said Stadium or in any way pledge the credit of the city;

"(*b*) for the purposes aforesaid to prescribe such conditions, rules, regulations and directions as the council may deem advisable for the purpose of governing the said commission in the exercise of its powers and functions;

"(*c*) delegating to said commission such of its powers which it may deem advisable;

"(*d*) repealing, altering or amending any such by-law, including the abolishing of said commission."

22. The council without referring the same to the burgesses may pass a by-law or by-laws and raise by the issue of debentures a sum not exceeding a maximum aggregate amount that may be required for paying the cost of certain works undertaken or to be undertaken during the years 1931 and 1932 as part of any unemployment relief scheme not contributed to by the Federal or/and Provincial Government:

Provided, however, that the sum so borrowed shall not exceed \$100,000.00 for the said two years.

23. The following by-laws of the city of Edmonton, namely:

By-law No. 12, 1931, passed on the 25th day of March, 1931, intituled "A by-law to create a debt in the sum of \$70,000.00 for the purpose of furnishing additional equipment to be used in connection with a certain public work and service of the city, and for the purpose of paying the city's share in part of local improvements intended to be undertaken in the city of Edmonton during the year 1931, and to issue debentures in the said sum";

By-law No. 53, 1930, passed on the 8th day of December, 1930, intituled "A by-law to create a debt in the sum of \$60,000.00, to pay the city's share of the grading and graveling of certain streets to be undertaken as local improvements in the year 1931, and to issue debentures in said sum";

By-law No. 59, 1930, passed on the 8th day of December, 1930, intituled "A by-law to create a debt in the sum of \$11,525.00, for the purpose of purchasing further equipment for the Fire Department of the city of Edmonton, and to issue debentures in the said sum";

By-law No. 69, 1931, passed on the 28th day of December, 1931, intituled "A by-law to create a debt in the sum of \$682.93, to pay that part of the cost of the works hereinafter described to be borne by the properties abutting thereon, and to issue debentures in the said sum";

By-law No. 60, 1931, passed on the 14th day of December, 1931, intituled, "A by-law to create a debt in the sum of \$20,000, for the purpose of furnishing additional equipment to be used in connection with certain public works and services of the city, and to issue debentures in the said sum";

By-law No. 62, 1931, passed on the 14th day of December, 1931, intituled, "A by-law to create a debt in the sum of \$56,000 for the purpose of replacing certain bridges which have become unsafe for traffic, and to issue debentures in the said sum";

By-law No. 66, 1931, passed on the 28th day of December, 1931, intituled, "A by-law to authorize the issue and sale of debentures in an aggregate principal amount of \$83,500 for the purposes hereinafter mentioned," as amended by by-law No. 10, 1932, passed on the 22nd day of February, 1932;

By-law No. 3, 1932, passed on the 25th day of January, 1932, intituled, "A by-law to authorize the issue and sale of debentures in an aggregate principal amount of \$214,267.02 for the purposes hereinafter mentioned"—

and all the assessments thereby imposed or authorized to be imposed, and each and every of them are 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 whatsoever; and all debentures and the coupons attached thereto, 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.

(2) The proceeds of the sale of the debentures authorized to be issued under said by-laws No. 12, 1931, No. 53, 1930, and No. 59, 1930, shall be used to repay any temporary loans or overdraft incurred for the purposes mentioned in said by-laws or any of them.

(3) The proceeds of the sale or hypothecation of the debentures authorized to be issued under said by-laws No. 66, 1931, and No. 3, 1932, may be applied in the redemption of the debentures therein mentioned or in repaying any temporary loans the proceeds of which were applied in the redemption of such debentures.

24. By striking out from the first enacting clause of section 13 of chapter 65 of the Statutes of Alberta, 1930, the following:

“years 1930, 1931 and (or) 1932,” and by substituting therefor the following: “years 1932, 1933 and (or) 1934.”

25. By repealing section 416b.

26. By inserting immediately after section 406 the following section:

“**406a.** The Council may from time to time in any year make an estimate or estimates of the amount required to pay the city's share of the cost of local improvements intended to be undertaken during such year or during the next succeeding year, and may by by-law or by-laws authorize the issue and sale of debentures to provide in whole or in part the amount so estimated; provided, however, that the Council in any year may, without the approval of the burgesses, authorize the issue and sale of debentures as aforesaid to a principal amount not exceeding \$50,000.00.

27. By amending the proviso added to paragraph (b) of subsection (3) of section 239a by subsection (5) of section 1 of chapter 69 of the Statutes of Alberta, 1929, as follows:

(1) By inserting between the words “o'clock” and “on” in the third line of said proviso the words “in the afternoon.”

(2) By inserting after the word “September” at the end of the sixth line of said proviso the words “and be kept closed for the remainder of the day.”

28. By adding to section 8 of chapter 65 of the Statutes of Alberta, 1930, the following:

“Provided further that the Council may prescribe the same or a different schedule of exempted shops, trades, businesses or goods in respect of said closing at six o'clock in the afternoon and said closing at one o'clock in the afternoon.”

29. By inserting after the word “grading” in the first line of clause (a) of subsection 1 of section 404, the word “gravelling.”

30. The council may pass a by-law providing the appeal provided for in section 346 of *The Edmonton Charter* shall be to the Alberta Assessment Commission constituted by “*The Alberta Assessment Commission Act*,” being chapter 47 of the Statutes of Alberta, 1929, instead of to a Judge of the District Court of the Judicial District of Edmonton. From and after the passing of such by-law the said Commission shall have all the powers and authority vested in such judge under sections 346 and 347 of *The Edmonton Charter*, which powers shall thereafter no longer be possessed by any Judge of the District Court.

31. By adding to section 239a the following subsection:

“(11)—1. Notwithstanding anything contained in this section or any amendment thereto, the council of the city of Edmonton may pass by-laws:

- “(a) to provide that the owner, proprietor, manager or person in charge of any shop in which one or more exempted and non-exempted trades or businesses are carried on shall not keep his shop open during any time it is required to be closed under the provisions of this section or any by-law of the city unless and until he shall file a statement in writing with whomsoever the council shall appoint, setting out both the exempted and non-exempted trades and businesses he intends to carry on in his shop;
- “(b) to provide that such appointed person shall thereupon issue to such owner, proprietor, manager or person in charge of any shop, a certificate showing the exempted trades or business he proposes to carry on;
- “(c) to provide that in the event of any such owner, proprietor, manager or person in charge of any shop, being convicted of keeping his shop open during any time it is required to be closed under any of the provisions of this section or any by-law of the city, or is convicted of selling to or serving a customer with any goods, wares or merchandise which may not be lawfully sold in his shop during prohibited hours, the council may cancel the said certificate for any period of time not exceeding six months;

“(d) to provide such other rules and regulations as the council may consider expedient for the purpose of carrying out the powers granted in this subsection.”

2. Upon the cancellation of any such certificate the person whose certificate is cancelled shall no longer be entitled to keep his shop open for any purpose after any of the closing hours mentioned in this section or in any by-law of the city, and he shall be conclusively deemed to be carrying on business for the sale of non-exempted goods, wares and merchandise only.

32. Subsection (10) added to section 239a by section 10 of chapter 65 of the Statutes of Alberta, 1930, is hereby amended by inserting the words “throughout or during any part of the year” between the words “shops” and “and” in line three thereof.

33. Subsection (9) of section 239a is hereby amended by inserting the words “or any by-law passed thereunder” between the words “section” and “shall” in line three thereof.

34.—(1) The council, without the assent of the burgesses, may issue and sell special debentures, bills or other securities in such form, payable at such place or places either within or without Canada, at such rate of interest and for such period not exceeding ten years from the issue of the same, and with such provisions for redemption as the council may by by-law provide, to such maximum aggregate amount as may from time to time be required to repay or recoup the revenue of the city for such amounts as shall have been or shall hereafter be expended by the city during the years 1931, 1932 and 1933 for direct relief or unemployment relief.

(2) A recital in any by-law of the amount so spent or expended for direct relief or unemployment relief shall be conclusive evidence of the fact.

(3) All loans made hereunder are hereby declared to be temporary loans only and shall form no part of the general debt of the city within the meaning of the sections of *The Edmonton Charter* limiting the borrowing powers of the city. Provided that the amount so borrowed shall not exceed in the aggregate more than \$250,000.00 for any one of said years.

35. By inserting between the words “parks” and “roads” in the ninth line of clause 1 of section 227, the words “swimming pools.”

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

REPRINTED BILL

No. 6.

SECOND SESSION
SEVENTH LEGISLATURE
22 GEORGE V
1932

BILL

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

Received and read the

First time.....

Second time.....

Third time.....

MR. GIBBS

EDMONTON:
W. D. MCLEAN, KING'S PRINTER
1932