

REPRINTED BILL

BILL

No. 6 of 1933.

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

(Assented to _____, 1933.)

WHEREAS a petition has been presented by the City of Edmonton for the amendment of *The Edmonton Charter* and the validating of certain by-laws authorizing the borrowing of money; 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. As to section 57a added to *The Edmonton Charter* by section 1 of chapter 76 of the Statutes of Alberta, 1926:

(1) By inserting between the words "City" and "and" where they occur in the fourth line thereof, the words "or any class or classes thereof";

(2) By adding thereto the following:
"and the council may include in any such scheme for providing pensions, gratuities or retiring allowances or establish a separate scheme therefor for the officers, officials and employees or any class or classes thereof, of the Edmonton Hospital Board, the Edmonton Library Board, the Edmonton Exhibition Association Limited, the Board of Trustees of the Edmonton School District No. 7 of the Province of Alberta and the Board of Trustees of the Edmonton Separate School District No. 7 of the Province of Alberta, upon such terms and conditions as the said council may deem fair and reasonable. And the said Boards or Association shall have power to deduct from the salaries of their respective officers, officials and employees such amounts as they may deem necessary or expedient for said purposes."

2. As to section 239a: By adding after the word "respectively" where the same occurs at the end of Section 8 of Chapter 76 of the Statutes of Alberta, 1927, the words "Nor shall any occupier of a shop hold or permit to be held

therein after the closing hours applicable thereto any display or demonstration of goods, wares, merchandise, or commodities of any kind or nature."

3. By adding after the words "like effect" in the second line of section 293, the following:
"provided any debenture may be in such other form as is approved by the Board of Public Utility Commissioners."

4. By inserting after section 308*b* the following section:
"308*b*. Pending the sale of any debentures issued or authorized to be issued under any by-law, the council in lieu of selling or disposing of such debentures may issue and sell treasury bills or other securities in such form as the council may determine, for an amount not exceeding the face value of such debentures. The said bills may be for any term not exceeding five years and may be secured by the hypothecation of the debentures."

5. By adding to subsection (11) of section 315, the following paragraph:

"(e) For the purposes of this subsection the term "civic employees" shall also mean and include the officers and employees of the Edmonton Hospital Board, the Edmonton Library Board, the Edmonton Exhibition Association Limited, the Board of Trustees of the Edmonton School District No. 7 of the Province of Alberta, and the Board of Trustees of the Edmonton Separate School District No. 7, of the Province of Alberta.

6. By adding to subsection (5) of section 320 the following proviso:

"Provided that land upon which residences for the teaching staff of any such educational institution are situate shall not be land actually used and occupied by such institution within the meaning of this clause but shall be assessable. The right to assess shall apply in the year 1933 as well as in each year thereafter."

7. By adding to subsection (1) of section 368 the following:

"The council may also by by-law in any year give such allowance or discount for prepayments on account of taxes as the council may determine on or before a date to be set in the by-law and may provide for the application of such payments."

8. By inserting immediately after subsection (7) of section 473 the following subsection:

"(8) Wilfully and without authority from the proper officer of the city—

"(a) hinders or interrupts the transmission of any communication over the wires or apparatus of the telephone system of the city;

"(b) interferes with, damages, taps or makes any unauthorized connection with any wires, equipment or apparatus belonging to or in the custody or under the control of the Telephone Department of the city."

9. By inserting after the word "system" at the end of the second line of subsection (3) of section 480, the words "or said system has been extended."

10. As to section 481:

(1) By striking out the word "may" where it occurs in the fourth line of subsection (2) thereof and by substituting therefor the words "have been or shall hereafter."

(2) By inserting between the words "sewers" and "hereafter" where they occur in the first line of subsection (3) thereof, the words "having heretofore been or."

11. By inserting between the words "city" and "the" where they occur in the fifth line of section 483, the words "or for the purpose of improving any land owned by the city."

12. By adding to section 522 the following subsection:

"(5) Enact the procedure for the payment to the City Treasurer or other person designated by the council of an amount fixed by by-law, such amount to be in lieu of any punishment by prosecution, for the breach of any by-law of the City designated by the council."

13. By inserting after subsection (4) of section 523 the following subsection:

"(5) Every person who pays any fine or penalty the whole or part of which is payable to the City shall be furnished with an official receipt and the Magistrate, Justice of the Peace or Clerk of the Police Court in the City of Edmonton to whom the same is paid shall within the first five days of each month make a return to the City of all fines, moieties, costs and other money received by him as a result of any prosecution under any by-law of the City, and such return and the books and documents upon which it is founded shall be subject to audit by the City."

14. By adding to section 16, of chapter 32, of the Statutes of Alberta 1913 (Second Session), as amended by section 12, of chapter 42, of the Statutes of Alberta, 1920, the following:

"From and after the passing of this Act the council may sell any lands acquired by the City in any manner whatsoever at a price which the council may deem fair and reasonable. And the selling of said lands at such price shall not be deemed the granting of a bonus or aid within the meaning of this section."

15. The council may direct the Assessor of the City of Edmonton, being the proper officer of the City in that behalf, not to comply with the provisions of sections 5, 6 and 7, of *The Tax Recovery Act, 1922*, in the year 1933. Such non-compliance shall not constitute any waiver of any rights of the City. All arrears shall be carried forward and may be included in the 1934 return provided for by said sections.

16. In case the City has not applied for or hereafter fails to apply for a certificate of title to any land for which it is entitled to receive a certificate of title pursuant to *The Tax Recovery Act, 1922*, and *The Edmonton Charter*, the default of the City to so apply shall not be deemed a waiver by the City of its right to apply for such certificate of title, but the City may apply for such certificate of title whensoever the council may deem advisable. And the land for which certificate of title is not applied for shall continue to be assessed as if no proceedings had been taken in respect of such land under the provisions of said *Tax Recovery Act, 1922*, and *The Edmonton Charter*.

17. Whereas the council of the City of Edmonton has appointed a Board of Valuers for the purpose of assisting the Assessor in the valuing of lands within the City for assessment purposes for the year 1933, and it is probable that the value of many lands may be reduced from their assessed value in the year 1932; and

Whereas by reason of present conditions it is inadvisable that there should be any great disturbance in assessed values at the present time;

Therefore, be it enacted that if any land in the City shall for the purposes of assessment for the year 1933 be valued below its assessed value for the year 1932 the whole reduction shall not be made in the year 1933 but the reduction shall be made as follows: One-third in the year 1933, one-third in the year 1934, and one-third in the year 1935.

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

By-law No. 25, 1932, passed on the 12th day of September, 1932, intituled, "A By-law to create a debt in the sum of \$132,744.78 to pay that part of the cost of the works hereinafter described to be borne by the properties abutting thereon or benefited thereby, and to issue debentures in the said sum";

By-law No. 26, 1932, passed on the 12th day of September, 1932, intituled, "A By-law to create a debt in the sum of \$145,612.16 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. 42, 1932, passed on the 12th day of December, 1932, intituled, "A By-law to create a debt in the sum of \$185,750.00 for the purpose of extending and improving the City's system of storm and sanitary sewers, and to issue debentures in the 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 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.

19. By-law No. 31, 1932, passed on the 9th day of August, 1932, intituled, "A By-law to authorize the borrowing of the sum of \$212,500.00 and to issue treasury bills, promissory notes or other securities for the sum borrowed," and By-law No. 32, 1932, passed on the 9th day of August, 1932, intituled, "A By-law to authorize the borrowing of the sum of \$250,000.00 and to issue treasury bills, promissory notes or other securities for the sum borrowed," are hereby validated and declared to be binding upon the City of Edmonton and the ratepayers thereof, and all securities issued or to be issued under the said By-laws or either of them are hereby declared to be good and valid securities of the City of Edmonton and shall obligate the City to pay the sums therein mentioned with interest thereon as set out in said By-laws.

20. By-law No. 46, 1932, passed on the 27th day of December, 1932, intituled, "A By-law to provide an allowance or discount to persons prepaying taxes in the year 1933," is hereby validated and confirmed and the council of the City is further declared to have had the power to pass said By-law at the time of the passing thereof.

21. Subsection (7) of section 15, of chapter 65 of the Statutes of Alberta, 1930, is hereby amended as follows:

(1) By inserting between the words "person" and "upon" where the same occur in line 2 thereof, the words "or from the Sinking Fund Trustees of the City of Edmonton";

(2) By deleting therefrom the words "for not more than one year" wherever the same occur therein.

(3) This amendment shall be retroactive to the 3rd day of April, 1930.

22. Whereas in the winter 1931-1932 the City of Edmonton did certain lane grading and gravelling as part of a special winter relief work program adopted by the Dominion and Provincial Governments and in respect of which said Governments paid a share of the cost thereof; and

Whereas the special notice of advertisement published prior to the doing of said works stated that a share of the

cost thereof, not to exceed \$1.35 per lot per year, would be assessed against the abutting property concerned at an equal rate per lot for a period of ten years, and said work was duly carried out as advertised except in cases where petitions against the doing of the work were received; and

Whereas the actual cost of said work chargeable against abutting property has been ascertained to be \$29,940.19, which divided equally among the 4,797 abutting lots concerned, fixes the assessment against each lot at 82 cents per year for ten years; and

Whereas by reason of the special arrangement under which the work was carried out, the large number of lots affected and the small amount of assessment against each lot, it is desirable to dispense with the sending out of personal notices of assessment and to validate any by-law which may be passed by the City to raise the said sum of \$29,940.19 notwithstanding noncompliance with the provisions of *The Edmonton Charter*;

Now therefore it is hereby declared:

(1) That the City may assess, levy and collect against each parcel of land, irrespective of size or shape, abutting said work, the sum of 82 cents per year for a period of ten years, commencing in the year 1933;

(2) That the sending of personal notices to abutting owners concerned as required by any provisions of *The Edmonton Charter* is hereby dispensed with;

(3) That the Council of the City of Edmonton may pass a by-law to raise said sum of \$29,940.19 to cover the share of the cost of said work chargeable against the abutting property concerned and any such by-law, notwithstanding lack of personal notice of assessment, method of assessment of share of cost against abutting property, defects in procedure or noncompliance with any of the provisions of *The Edmonton Charter* shall nevertheless 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/or all securities, debentures and coupons to be issued in pursuance of any such by-law shall be deemed good and valid and shall obligate the City of Edmonton to pay the sums mentioned therein with interest thereon as set out in any such by-law.

23. Section 320 is hereby amended as follows:

1. By deleting subsection (4) thereof and by substituting therefor the following:

(4) The land owned and occupied by a recognized religious body or organization upon which land there is erected any building used as a place of worship and the lands attached thereto if *bona fide* directly used in connection therewith and owned and occupied by such religious body or organization, the whole not to exceed one acre in area;

provided, however, that if a recognized religious body or organization is paying rent for any premises and using same exclusively as a place of worship taxes shall nevertheless be levied upon such premises, but the Council shall have power to pay by way of grant to the religious organization concerned, an amount not exceeding the fair annual rental value of the premises or part thereof exclusively so used.

2. By adding thereto the following:

(4a) Public burying grounds.

24. As to section 368: By adding to subsection (2) thereof the following proviso:

Provided, however, that the Council may from time to time by by-law or resolution change, alter or vary (but not in total exceed) said penalties and may in like manner change, alter or vary the dates upon which said penalties may be imposed or added.

25. As to section 458:

(1) By inserting between the words "rents" and "by" where the same occur in line 2 of said section the words "or of any overdue and unpaid accounts owing to the Telephone Department of the City or of any overdue and unpaid tolls or charges owing to the controlling authority of any telephone system connected with the Municipal Telephone system of the City."

(2) By inserting between the words "by" and "cutting" where the same occur in line 2 of said section the words "disconnecting telephone service or by."

(3) By inserting between the words "rents" and "as" where the same occur in line 6 of said section the words "or such accounts, tolls or charges."

26. As to section 519: By adding after the word "accident" where the same occurs at the end of section 16 of chapter 63 of the Statutes of Alberta, 1923, the words "and the failure to serve such notice within the prescribed time shall be deemed to have prejudiced the City in its defence."

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

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No. 6.

THIRD SESSION
SEVENTH LEGISLATURE
23 GEORGE V
1933

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