

BILL

No. 2 of 1934.

An Act to amend the Acts constituting The Edmonton Charter.

(Assented to 1934.)

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 21 thereof: By repealing same and substituting therefor the following:

“21. No person shall be eligible for election as mayor or alderman unless such person is a natural born or naturalized subject of His Majesty, is of the full age of twenty-one years, is able to read and write the English language, is not subject to any disqualification under this Act, is and has been a resident of the City for at least twelve consecutive months immediately prior to the date of the election at which such person is nominated as a candidate and is at the time of the nomination owner of freehold estate within the City of the value of at least \$500 over and above charges, liens and encumbrances affecting the same and has his or her name on the last revised assessment roll or who is assessed on the last revised assessment roll in respect of business assessment for \$500 or over or who has paid during the then current year an income tax of \$500 or over.

“(a) Notwithstanding any provisions in *The Edmonton Charter* to the contrary women shall be entitled to the same rights and privileges as men, to be elected as mayor or alderman or to be appointed to hold office as a member of any board or association to the membership of which the Council has any power of appointment.

“(b) Upon submission to the vote of the electors by way of plebiscite of the question ‘Shall a candidate for mayor or alderman be required to have a property qualification?’ and upon two-thirds of the electors of the City residing south of the Saskatchewan River, and two-thirds of the electors residing north of the Saskatchewan River voting thereon being in favour of repealing the provision as to such qualification the Council shall have power to pass a by-law repeal-

ing any provision in *The Edmonton Charter* requiring a property qualification or business or income qualifications as a condition of the right of any person (otherwise duly qualified) to election as mayor or alderman, including the repeal of any other provision or requirement as to nomination or otherwise of said Charter inconsistent or in conflict therewith."

2. As to section 98 thereof: By repealing same and substituting therefor the following:

"**98.** Nominations shall be made and received during the time and at the place mentioned in the notice. All nominations shall be on a nomination form to be provided by the City Clerk or Returning Officer and shall be in writing signed by the candidate concerned and by two or more duly qualified electors and said nomination form before being presented to the Returning Officer shall have endorsed thereon a statement by the Assessor that the person nominated is assessed on the assessment roll as referred to in section 21 hereof, and that at least two of the persons signing said nomination paper are duly qualified electors of the City. If the number of persons nominated to serve as mayor or alderman does not exceed the requisite number, the Returning Officer shall declare the person or persons so nominated duly elected."

3. As to section 166 thereof: By inserting therein between the words "may" and "appoint" where the same occur in the seventh line thereof, the words, "after being satisfied that all persons concerned have been duly served with copies of the material presented to said judge at least three days prior to any application for recount."

4. As to section 167 thereof: By deleting the figures "\$25" where the same occur in the third line thereof, and by substituting therefor the figures "\$50."

5. As to section 172 thereof: By adding thereto the following subsection:

"(4) The Council shall have power in its discretion to pay the whole or any part of any costs, charges or expenses incurred by any of the parties in any recount proceedings."

6. As to section 192 thereof: By deleting therefrom the words "six weeks" where the same occur in the first line thereof, and by substituting therefor the words "one month."

7. As to section 221 thereof:

(a) By inserting between the words "business" and "and" where the same occur in the sixth line thereof, the words "trade, calling or occupation."

(b) By adding thereto the following subsections:

"(11) The Council may pass by-laws to prohibit, license, classify or regulate:

"(i) Slot machines or devices operated by the insertion of a coin, slug or disc, or operated by any means whatsoever;

“(ii) Vending machines or devices operated by any means whatsoever for the purpose of selling, exchanging or disposing of any money, coin, article or thing or of any goods, wares or merchandise of any kind or description;

“(iii) Any person, firm, company or corporation in the ownership, use, renting, keeping or maintaining of any of said slot machines, vending machines or devices;

“And the Council shall have power in any by-law to specify, define or classify the said slot machines, vending machines or devices according to any method or system of classification whatsoever, including power to authorize the seizure and destruction of any machine or device used, rented, kept, or maintained in contravention of the provisions of any such by-law.

“(12) The Council is hereby authorized and empowered by by-law to establish and maintain a method or system of grading milk or cream into classes or categories according to the qualities of such milk or cream and/or according to methods of treatment thereof; or to the nature and type of buildings, equipment or facilities available and in use in any premises concerned for handling of milk or cream, or according to any method or system of classification which said Council may deem just and reasonable, and said Council may provide that the said classes or categories of milk and cream shall be made known to the customer in such manner as may be specified in such by-law.

“(13) The Council is hereby authorized and empowered to establish, maintain and operate an Airport and Seaplane Base at or near Cooking Lake, Alberta. Any agreement heretofore made between the Dominion and Provincial Governments and the City and any expenditures of money made or any matter or thing done in connection with the establishment, maintenance or operation of said Airport or Seaplane Base or incidental thereto are hereby validated and confirmed.

“(14) The Council is hereby authorized by by-law to prohibit, license, regulate or control the construction, erection, maintenance, use or existence within the City of Edmonton, of any awning, portico, sign, signboard or any advertising device and to classify same or any of them upon any basis or method whatsoever, and said Council may impose a license fee or charge in respect thereof and may require that any person, corporation, company, firm or partnership, before constructing, erecting, maintaining or using the same or any of them shall obtain a permit so to do and shall pay to the City a proportionate share of the cost of a general bond in any Insurance Company authorized to carry on business within the Province of Alberta, indemnifying the City and all concerned from and against claims, demands, actions or proceedings (including costs) for any loss, damage or injury to any person or property arising by reason of such construction, erection, maintenance, use or existence; and said Council may further provide that any awning, portico,

sign, signboard or advertising device in respect of which the permit fee, license fee or charge or the proportionate share of the cost of said bond has not been paid, shall be taken down and removed by or at the expense of the person in default.

"Nothing in this section contained shall be deemed to impose or imply any liability upon the City or upon any of its officials, servants or agents in respect of any loss, damage or injury arising in consequence of the construction, erection, maintenance, use or existence of any awning, portico, sign, signboard or advertising device."

8. As to section 252 thereof: By adding the following proviso at the end thereof:

"Provided, however, that as to any enterprise, undertaking or work of any nature, kind or description proposed to be carried out by the Council for the relief of unemployment under any arrangement or agreement either with the Government of the Dominion of Canada or with the Government of the Province of Alberta, or both, a notice in general terms stating the nature of such enterprise, undertaking or work and the amount proposed to be expended in respect thereof published twice in at least two newspapers having a general circulation within the City in the week next preceding the day of general voting shall be a sufficient compliance with the provisions of section 252 thereof or of any other provisions of the Charter or of any other Act or law. Any by-law having received the approval of two-thirds of the burgesses voting thereon and any by-law for the raising of any moneys required or any arrangement or agreement entered into by the said Council with either or both of the said Governments shall be valid, binding and effectual and shall not be open to question or be declared invalid or beyond the powers of the said Council in respect of any matters dealt with therein.

"This proviso shall remain in force and effect until the 31st day of December, 1936."

9. By adding thereto the following section:

"**308c.** Whereas the City has heretofore passed the several by-laws authorizing the issue of debentures in the respective amounts and for the respective purposes set forth in Schedule 'A' hereto; and

"Whereas by reason of the financial conditions existing since the passage of the said by-laws the City has been unable to sell the debentures so authorized; and

"Whereas it is desirable that additional powers be conferred upon the Corporation of the City of Edmonton to provide more adequately for its financial requirements and the disposition of its debentures;

"Therefore it is enacted that:

"(1) The Council of the City of Edmonton may from time to time without the assent of the burgesses pass by-laws to authorize the cancellation of all or any of the debentures mentioned in Schedule 'A' hereto and to authorize in lieu

thereof the issue of new debentures to an aggregate principal amount not exceeding the aggregate principal amount of the debentures authorized to be cancelled.

"(2) The proceeds of the sale or hypothecation of new debentures issued under any by-law passed pursuant to subsection (1) hereof shall be applied to the purposes for which the debentures authorized to be cancelled were authorized, provided, however, that where the new debentures are issued in lieu of debentures heretofore or hereafter hypothecated to secure any loan or loans made to the City, then the said proceeds shall be applied to the extent required in the payment of such loan or loans, and any by-law passed pursuant to subsection (1) hereof providing for the issue of new debentures in lieu of debentures mentioned in said Schedule 'A' hereto and hypothecated as aforesaid shall provide that such hypothecated debentures be cancelled only upon payment of the loan or loans to secure which the same were hypothecated and new debentures may be issued under subsection (1) hereof notwithstanding that at the time of the issue thereof the hypothecated debentures may be outstanding.

"(3) The purchasers of such new debentures or the person or persons to whom they may at any time be hypothecated shall not be bound or required to see to the application of the proceeds of any such sale or hypothecation.

"(4) New debentures authorized by any by-law passed pursuant to this section may be designated 'Consolidated Debentures,' may be issued at such time or times in one or more issues bearing such date or dates, maturing at such time or times, payable at such place or places, bearing such rate or rates of interest, and payable in such currency or currencies and in such manner and upon such terms as the Council may determine by the by-law or by-laws authorizing the issue thereof.

"(5) Nothing herein contained shall prevent the hypothecation or sale of any of the debentures mentioned in said Schedule 'A' prior to the exercise of the powers conferred by subsection (1) hereof in respect thereof, but upon any such sale the powers conferred by this section shall not be exercised in respect of debentures so sold.

"(6) Notwithstanding the exercise of the powers conferred by subsection (1) hereof the annual special rates and assessments imposed by each of the by-laws numbered 47, 1930; 44, 1931; 69, 1931, and 26, 1932, for interest and sinking fund shall continue to be imposed, levied and collected as provided in said by-laws respectively.

"(7) Save and except as provided in subsection (6) of this section, upon the cancellation of any debentures in accordance with the authority conferred by this section, no further sums shall be raised for interest or sinking fund in respect of the debentures so cancelled, notwithstanding anything contained in the by-law or by-laws authorizing the issue thereof.

"(8) The amount of any sinking fund on hand in respect of debentures in lieu of which new debentures are issued

shall be deemed to be and form part of the sinking fund in respect of such new debentures, or if such new debentures be payable otherwise than at the end of a fixed period of years, such amount shall be applied in payment of, or on account of the principal of such new debentures as the same becomes payable.

“(9) By-laws providing for the issue of new debentures pursuant to this section need not provide for the levying of any rate, except to the extent to which the amounts mentioned in subsections (6) and (8) may be available, a rate sufficient to raise the amount required to pay the annual instalment of principal and interest, or the annual interest and the annual amount by way of sinking fund, as the case may be, shall, without the passing of any by-law for that purpose, be levied in each year during the currency of the new debentures.

“SCHEDULE ‘A’

referred to in section 9 of chapter , Statutes of Alberta, 1934, respecting the City of Edmonton:

By-law No.	Purpose	Term of Deben- tures Years	Inter- est	Amount
47	1930—Local Improvements (Paving)	20	5%	\$ 29,404.33
59	1930—Fire Department Equipment..	15	5%	11,525.00
12	1931—Scavenging Equipment	10	5%	20,000.00
44	1931—Local Improvements (Paving, Bituminous Walks and Con- crete Walks)	20	5%	138,364.07
51	1931—City Share, Paving.....	20	5%	102,395.00
52	1931—City Share, Grading, Gravel- ling and Boulevards	10	5%	60,000.00
58	1931—Fire Department Equipment..	15	5%	5,000.00
60	1931—Equipment for Public Works and Services	10	5%	20,000.00
61	1931—Improving, Rehabilitating and Providing Additional Equip- ment for Electric Light Sys- tem, Electric Power Plant, Street Railway System and Fire Department	20	5%	430,825.00
62	1931—Bridges	20	5%	56,800.00
69	1931—Local Improvements (Walks)	15	5%	682.93
72	1931—Sewer and Waterworks Ex- tensions	30	5%	103,638.00
15	1932—Direct Relief for 1931	10	5%	200,000.00
26	1932—Local Improvements (Bitu- minous Walks)	20	5%	145,612.16
28	1932—Improvements to and Equip- ment for Electric Power Plant	20	5%	150,000.00
30	1932—Unemployment Relief Works	10	5%	38,000.00
41	1932—Improvement, Rehabilitation and Additional Equipment for Sewage Disposal Plant No. 1	20	5%	85,000.00
42	1932—Storm and Sanitary Sewers.....	30	5%	185,750.00
				<u>\$1,782,996.49”</u>

10. As to section 315 thereof: By inserting in subsection (5) between the words “debentures” and “of” where the same occur in the tenth line thereof, the words “treasury bills or securities.”

11. As to section 353 thereof:

(a) By inserting in subsection (2) thereof between the words "been" and "dealt" where the same occur in the first line thereof, the words "or may hereafter be."

(b) By adding thereto the following subsection:

"(3) The Council shall have power to collect and receive from any person concerned any sum by way of increment tax or otherwise which may be payable to the City of Edmonton pursuant to the provisions of any Order now or hereafter lawfully issued by the said Board pursuant to *The Public Utilities Act* or to any other proper legislative authority."

12. As to section 443 thereof: By adding at the end of subsection (2) thereof the following proviso:

"Provided, however, that in cases where water has been supplied to a person other than the owner of any such house, tenement, lot or part of a lot, said preferential lien and charge shall be limited at any one time or from time to time to an amount not exceeding \$10 or three months' arrears of water rates in respect thereof, whichever may be the greater."

13. By adding the following section to said Charter:

"**502a.** No person shall by reason of the adverse or unauthorized possession, occupation, enjoyment or use of any land owned by the City or of any highway within the City shown upon any plan of subdivision or dedicated for use as a highway whether adopted by the City as a highway or not, obtain any estate or interest therein or in any such land by reason of such adverse possession, occupation, enjoyment or use thereof."

14. As to section 522 thereof: By inserting in subsection (5) between the words "any" and "by-law" where the same occur in the fourth line thereof, the words "provision or provisions of any."

15. As to section 523 thereof: By deleting subsection (3) thereof and substituting therefor the following:

"(3) In case any building is erected, being erected or is being used or where any land is being used in contravention of any by-law of the City or in case the breach of a by-law is of a continuing nature or in case any person, firm or corporation is carrying on business or is doing any act, matter or thing without having paid any license or permit fee required to be paid in respect thereof, then in addition to any other remedy and to any penalty imposed by the by-law, the City may in any of said cases apply to a Judge by way of action or Originating Notice for an injunction or other order and such Judge may grant or refuse such injunction or order or may make any other order that in his opinion the justice of the case requires, and there shall be a right of appeal to the Appellate Division of the Supreme Court of Alberta from any order made by a Judge hereunder."

16. By adding to section 2 of chapter 65 of the Statutes of Alberta, 1930, the following subsection:

“(5) The Board of Trustees of the Edmonton Public 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 or either, are hereby empowered to enter into an agreement for the carrying out by the Local Board of Health of the City of Edmonton of all School Medical or Health Services or any part thereof conducted or authorized by *The School Act* to be conducted by said School Boards or either of them and such agreement may be for such period of time and may contain such terms and conditions as may be requisite or necessary to effectuate the desire of a majority of the electors of the City of Edmonton who on the 8th day of November, 1933, voted favourably on a plebiscite relating to said matters, and anything done or to be done in the carrying out of the terms and conditions of said agreement shall be within the powers of the respective parties thereto.”

17. By inserting in section 3 of chapter 65 of the Statutes of Alberta, 1930, between the words “may” and “by” where the same occur in the first line thereof, the words “from time to time.”

18. By inserting in section 34 of chapter 71 of the Statutes of Alberta, 1932, after the figures “1933” where the same occur in the eleventh line thereof, the words and figures “and of 1934 and 1935.”

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

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act to amend the Acts constituting The Edmonton Charter.

Received and read the

First time

Second time.....

Third time.....

MR. GIBBS

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1934