

## REPRINTED BILL

### BILL

No. 5 of 1935.

An Act to amend the Acts constituting The Edmonton Charter and to validate certain by-laws authorizing the Borrowing of Money.

(Assented to \_\_\_\_\_, 1935.)

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 27:

By repealing the same and by substituting therefor the following:

“**27.** If a seat in the Council becomes vacant by death, resignation, disqualification or otherwise, an election to fill such vacancy shall forthwith be held in manner as nearly as may be in the case of ordinary municipal elections, provided, however, that no election to fill any such vacancy need be held if the vacancy occur at any time within a period of three months from the date upon which nominations for the next following general municipal elections are to be received. If a vacancy occurs within said period of three months then such vacancy may be filled at the next general municipal election and if such vacancy concerns any seat the right to which did not expire at the said next municipal election then such vacancy may be filled by the election of a mayor or an extra alderman at the next general election, and the person obtaining the next highest number of votes after the regular number of aldermen or mayor and aldermen, as the case may be, have been elected shall be the person to fill such vacancy, and in such cases every elector shall be entitled to vote for one extra candidate for each vacancy to be filled, and in case no more candidates are nominated than the number required to be elected, the candidate last nominated shall be deemed to be elected to fill such vacancy.”

**2.—**(1) By adding thereto the following section:

**“36a.** Notwithstanding anything in this or any other Act contained, the Mayor of the City of Edmonton or in his absence the Acting Mayor or Deputy Mayor, as the case may be, shall be and is hereby constituted a member of each of the following Boards, Associations, Commissions or Organizations:

“1. The Board of Directors of the Edmonton Exhibition Association.

“2. The Edmonton Hospital Board.

“3. The Edmonton Library Board.

“4. The Local Board of Health of the City of Edmonton.

“5. The Town Planning Commission.

“6. The Stadium Commission.

“7. The Boxing Commission—

“and of every Board, Body, Association, Commission or Organization to which the Council of The City of Edmonton has power to appoint members, and said Mayor or in his absence the Acting Mayor or Deputy Mayor, as the case may be, as such member shall possess and enjoy all the rights, powers and privileges of other members, whether elected or appointed.”

(2) By repealing section 16 of chapter 42 of the Statutes of Alberta, 1920.

**3.** As to section 166:

By adding thereto at the end thereof the following:

“Notwithstanding anything contained in Sections 166 to 175, inclusive, the judge may at any stage of the proceedings limit the parties concerned in the application for recount to those candidates who in his opinion are directly affected by the probable result of such recount, and in the counting of ballots said judge may likewise restrict such count to those candidates who in his opinion are directly affected by the probable result of such recount.”

**4.** By adding thereto the following section:

**“228a.—**(1) Notwithstanding anything contained in any general Act or in any special Act to the contrary the Council of the City of Edmonton is hereby authorized and empowered to pass a by-law or by-laws from time to time and upon such terms and conditions as said Council may deem proper for fixing the assessment of improvements which may be erected or made by any person during the years 1935 or 1936 upon any land within the limits of the City for the purpose of establishing, maintaining and operating thereon a manufacturing or industrial undertaking.

“(a) The actual value of such improvements shall not be less than \$25,000.00 and such fixed assessment shall not be less than 25% of such actual value, shall not be for a longer period than five years, and shall not be renewable.”

**5.** As to section 233:

- (1) (a) By inserting between the words "business" and "shall" where the same occur in the seventh line thereof, the words, "trade, calling or occupation."
- (b) By deleting the words "who carry on business" where the same occur in the fifteenth line thereof and by substituting therefor the words, "who carry on any business, trade, calling or occupation."

**6.** As to section 239a:

- (a) By adding to subsection (1) thereof the following:  
 "Provided, however, that nothing in this section contained shall include any factory or industrial establishment mentioned in schedule 'A' to *The Factories Act*."
- (b) By adding thereto the following subsection:  
 "(12) Notwithstanding anything contained in any general or in any special Act to the contrary, the Council (in so far as any retail trade or business now lawfully exempted by said Council from the provisions of said section 239a is concerned) is hereby authorized and empowered to fix by by-law one day in each week (except Sunday) during which day any such exempted trade or business shall be closed for a weekly half holiday and to fix the period of time in such day when the place or premises occupied or used by any such exempted trade or business shall be and remain closed. In any such by-law the Council may, in its absolute discretion, make or impose any terms or conditions necessary to effectuate the spirit, purpose or intent of the power or authority hereby conferred, and said Council may from time to time vary, amend or repeal any or all of such terms or conditions."

**7.** As to section 308a:

By adding thereto the following subsection:  
 "(4) The Council of the City of Edmonton, without obtaining the consent of the burgesses, is hereby authorized and empowered by by-law to enter into and complete any arrangement for refunding all of or any part of the debenture indebtedness of the City, provided that in entering into any such refunding arrangement or scheme any debentures issued thereunder shall be for such period of time and at such rate of interest as may be determined by by-law, provided, however, that before any such refunding arrangement or scheme is entered into the same shall have received the approval of the Board of Public Utility Commissioners of the Province of Alberta. The provisions of Section 293a shall apply to any debentures, treasury bills or securities issued under said scheme."

**8. As to section 321:**

(a) By deleting subsection (2) thereof and by substituting therefor the following:

"(2) In estimating the value of any land for assessment purposes no regard shall be had, nor consideration given to the price at which any land or lands owned by the City has or have been sold or offered for sale by the City to any person."

(b) As to clause (aa) of paragraph (d) of subsection (3) thereof:

(a) By deleting the words "or a railway company" where the same occur therein.

(b) By adding thereto the following section:

(aa1) Railway Companies 20%.

The provisions of this section shall not apply for the year 1935.

**9. By adding thereto the following section:**

**"338a.** No person having given notice of appeal to the Commissioners against assessment but not appearing and prosecuting such appeal either personally or by agent at the sittings of the Commissioners for the hearing of such assessment appeal shall, unless such non-appearance is explained to the satisfaction of said Commissioners, have any right of appeal from the decision of said Commissioners, unless such assessment has been increased by said Commissioners."

**10. By adding thereto the following section:**

**"346a.** Any agreement by which any person is retained or employed to appear on behalf of any appellant for or in connection with any assessment appeal by or under which said agreement payment is conditional upon the success of such appeal, then said agreement shall be void and of no effect and any decision given in respect of any assessment appeal in which such person appears shall be void and of no effect."

**11. As to section 347:**

By adding at the end of subsection (13) thereof the following proviso:

"Provided, however, that if said Council should order a new assessment, it shall not be necessary to send out the notice of assessment as required by section 328, but the publication of the notice required by section 327, modified to meet the circumstances, shall be sufficient notice of assessment in all cases where there is no increase in assessment."

**12. By adding thereto the following as section 347a:**

**"347a.** Where there has been no increase in assessment over the assessment for the previous year then any decision given upon an assessment appeal shall come into force and effect the year next following the year in which such decision

is given, and not before. The provisions of this section shall apply only to land and not to improvements thereon, and shall not enter into force and effect until the 1st day of January, 1936."

**13.** As to section 451:

By adding thereto the following subsection:

"(5) The corporation or the Council thereof is hereby authorized and empowered to manufacture, supply, sell or distribute or to purchase, supply, sell or distribute electrical energy for light, heat or power purposes to any district, premises or place situate within two hundred miles (measured from the nearest boundary of the City to such district, premises or place) through, over, or by means of any transmission line, apparatus, equipment or facilities available for the supply of electrical energy to any such district, premises or place."

**14.** By adding thereto the following section:

**532a.** The Council is hereby authorized and empowered upon such terms and conditions as said Council may deem reasonable to grant, renew or extend to Northwestern Utilities, Limited, its successors and assigns the exclusive privilege or franchise for the supply and sale of natural gas within the City of Edmonton for domestic or heating purposes now held by said Company pursuant to a written agreement dated the 15th day of November, 1915, and printed as part of Chapter 29 of the Statutes of Alberta, 1916, for a further period not exceeding ten (10) years from the 16th day of November, 1935, and for that purpose to agree to a variation of any of the terms of said agreement. Nothing in this section contained shall empower the Council to interfere with, prejudice or affect the powers, duties or jurisdiction of the Board of Public Utility Commissioners as contained in *The Public Utilities Act*."

**15.** As to section 4, of chapter 65 of the Statutes of Alberta, 1925:

By deleting from paragraph numbered (9) thereof the words "on the thirty-first day of December, 1924" wherever the same occur therein.

**16.** As to section 22 of chapter 71, of the Statutes of Alberta, 1932:

By inserting between the words "scheme" and "or" where the same occur in the sixth line thereof, the words "including the establishment and development of a public sports centre and the construction of a stadium or other buildings and facilities necessary or incidental thereto."

**17.** As to section 34, of chapter 71 of the Statutes of Alberta, 1932:

- (a) By deleting the words "during the years 1931, 1932 and 1933 and of 1934 and 1935 for direct or unemployment relief" where the same occur therein, and by substituting therefor the words "during each of the years 1931, 1932, 1933, 1934, 1935 and 1936 for direct relief or unemployment relief."
- (b) By adding thereto the following proviso, namely:  
"Provided further that said limitation of \$250,000.00 shall not apply in the years 1935 or 1936, and for each of the years 1935 and 1936 the amount so borrowed may be the total amount expended by the City for direct relief or unemployment relief."

**18.** This Act shall come into force on the day upon which it is assented to, except where otherwise stated.

No. 5.

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FIFTH SESSION  
SEVENTH LEGISLATURE  
25 GEORGE V  
1935

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**B I L L**

An Act to amend the Acts constituting The Edmonton Charter and to validate certain by-laws authorizing the Borrowing of Money.

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Received and read the

First time.....

Second time.....

Third time.....

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MR. JAMIESON

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EDMONTON:  
W. D. McLEAN, KING'S PRINTER  
1935