

BILL

No. 2 of 1936.

An Act to amend the Act constituting the Drumheller City Charter.

(Assented to _____, 1936.)

WHEREAS the City of Drumheller has prayed for certain amendments to *The Drumheller Charter*; and

Whereas it is deemed expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Drumheller Charter*, being chapter 64 of the Statutes of Alberta, 1930, is hereby amended as to section 2 by striking out subsections (*w*) and (*z*) and substituting therefor the following:

“(w) The terms ‘Transient Trader’ and ‘Transient Contractor’ shall have the meanings which may respectively be assigned to them by the Council by by-law.”

2. The said Charter is further amended as to Part IV, by striking out sections 11 and 13 and substituting therefor the following as section 11:

“**11.** The Council may by by-law license ‘Transient Traders’ and ‘Transient Contractors’ as special classes and in and by such by-law may,—

“(a) Define the terms ‘Transient Traders’ and ‘Transient Contractors’;

“(b) Fix the fees to be charged for such licenses and in so doing may differentiate between various classes of businesses, trades, or occupations, and between residents and non-residents of the City and no such by-law or any portion thereof shall be deemed invalid or illegal on the grounds that any such fee so charged is excessive or discriminative;

“(c) Provide that no licenses be granted unless and until the applicant therefor shall have deposited with the City Clerk and Treasurer by way of pledge a sum of money not exceeding Two Hundred and Fifty (\$250.00) Dollars and may differentiate between various classes of businesses, trades or occupations and between residents and non-residents of the City in fixing the amount of such deposit;

“(d) Provide that any deposit mentioned in paragraph ‘(c)’ hereof shall be forfeited to the City in the event of the licensee failing to remain in such business for which he has been licensed for a period of

twelve consecutive months from and after the date of such deposit; otherwise that such deposit shall be returned to the licensee less any amount in which he may be indebted to the City by way of taxes or otherwise;

“(e) Define for the purposes of such by-law the terms ‘Resident’ and ‘Non-resident’.”

3. The said Charter is further amended as to Part IV by adding at the end thereof the following sections:

“52. The council may by by-law prohibit the sale or offering for sale of goods or merchandise of any description on streets, lanes or other like public places within the city.

“53. The council may by by-law compromise or remit arrears of taxes owing by any person, firm or corporation to the city.

“54. The council may license bicycles and regulate, govern and control the use of same within the city.

“55. The council may license as a special class transient musicians, styling themselves or operating as dance orchestras, and may fix the fee according to the number of performances or performers or otherwise, and may define the term ‘Transient Musicians’.

“56. The council may pass a by-law to regulate, govern and control the transportation of gasoline or other inflammable liquid in or through the City of Drumheller, and without restricting the generality of the foregoing may in particular prohibit or regulate by by-law the parking of any tank, wagon, truck or other vehicle used for the conveyance of gasoline or other inflammable liquid in the City of Drumheller, and may prescribe by by-law the type of tank, wagon, truck, drum or other container used for the foregoing purpose.”

4. The said Charter is further amended as to Part IV, by striking out section 4 and substituting therefor the following:

“4. The council may pass by-laws for the general welfare and good government of the City of Drumheller and its inhabitants; provided no such by-law shall be contrary to the general law of the Province of Alberta and shall be passed *bona fide* in the interest of the said city.”

5. The said Charter is further amended as to Part IV, by striking out section 15 and substituting therefor the following:

“15. The council may by by-law license motor vehicles as defined under *The Vehicles and Highway Traffic Act, 1924*, when used for hire and notwithstanding anything in the said Act.”

6. The said Charter is further amended as to Part IV, section 19, by inserting the words “in paragraphs (b) and (c)” after the word “mentioned” in the first line thereof.

7. The said Charter is further amended as to Part IV, section 20, by striking out the figures “19” in the second line thereof and substituting therefor the figures “18”.

8. The said Charter is further amended as to Part IV, section 24, by striking out sub-paragraph (*p*) and substituting therefor the following:

“(*p*) notwithstanding anything in *The Vehicles and Highway Traffic Act, 1924*, to regulate the speed with which persons may drive motor vehicles, as defined under the said Act, upon or along any highway, street, lane or bridge within the city.”

9. The said Charter is further amended as to Part II, section 47, by striking out the figures “22” and substituting therefor the figures “44” and by striking out the figures “24” and substituting therefor the figures “44”.

10. The said Charter is further amended as to Part II, section 48, by striking out the figures “22” and substituting therefor the figures “44”.

11. The said Charter is further amended as to Part II, section 3, by adding as subsection (*h*) the following:

“(*h*) he is not liable for any arrears of taxes to the city.”

12. The said Charter is further amended as to Part XI, by inserting the following section as section 8*a*:

“**8*a*.** The council may by by-law passed at a regular meeting of the council, provide for the imposition of a tax to be known as a ‘rental tax’ on every householder within the city and in such by-law shall assess such householders in a sum not greater than ten per cent of the actual rental value of the premises; and the council in such by-law shall define the term ‘householder’, and in such by-law the council may provide for the payment of such tax in monthly or other periodical installments.

“The due payment of the said rental tax may be enforced by suit or by distress in the manner provided by section 24 of Part XIII for the collection of taxes which are not a lien upon land. Provided further that collection of the said rental tax, may be enforced in the same manner as is provided by subsection (*d*) of section 3, Part XIII for the collection of a minimum tax for school purposes.

“The rental assessment may be made separately from the general assessment roll of the city. Notice of appeal from any assessment shall be given within ten days from the date of the notice of assessment. In other respects the procedure in such appeals shall be the same as are herein provided for the general assessment, but the decision of the Court of Revision shall be final and the assessment as confirmed by the Court of Revision shall be deemed incontestably to be the proper lawful and final assessment, and there shall be no appeal to the Alberta Assessment Commission or to a Judge.”

13. The said Charter is further amended as to Part XI, by inserting as section 24*a* the following:

“**24*a*.** There shall be no abatement of the taxes imposed on improvements to land which subsequent to the assessment thereof have been destroyed by fire or otherwise; provided that should such improvements be totally destroyed

in any year prior to the first day of July so as to render them unfit for further occupation, the council may by resolution remit such taxes on a *pro rata* basis."

14. The said Charter is further amended as to Part XIII, section 3, by striking out the word "six" in the second line thereof and substituting therefor the word "ten" and by striking out the word "male" in the fourth line thereof and substituting the words "gainfully employed" therefor.

15. The said Charter is further amended as to Part XIII, by inserting as section 3a the following:

"**3a.** The council may by by-law impose a tax not exceeding nine dollars to be paid annually by every gainfully employed resident of the city of the full age of twenty-one years who has resided in the city for a period of two months or over and has not been assessed on the assessment roll in respect of land for hospital purposes, and all the provisions set out in section 3 hereof relating to the enforcement of collection of the minimum tax for school purposes shall apply to the minimum tax for hospital purposes hereby imposed."

16. The said Charter is further amended as to Part XIII, section 18, by striking out the said section and substituting therefor the following:

"**18.** The council may by resolution allow a discount for the payment of the aforesaid taxes or any part thereof or any installment thereof and may also in any year give such allowance or discount for prepayment on account of taxes as the council may determine on or before the date to be set in the resolution and may provide for the application of such payments; and may by resolution impose penalties on taxes not paid on the dates mentioned in the said resolution and may change, alter or vary the dates upon which penalties may be imposed or added."

17. The said Charter is further amended as to Part XIX, section 58, by inserting the words "and Deputy Returning Officers" after the word "Clerks".

18. The said Charter is further amended as to Part XIX, section 68, by striking out the words "or less" in the second line of paragraph (b).

19. The said Charter is further amended by adding as Part XXIV the following:

"Whereas under date November 18th, 1935, an agreement, hereinafter called the franchise agreement, was made between the city and Canadian Utilities Limited, hereinafter called the Company, whereby the city granted to the Company a special franchise for the supply of electrical energy to the city and its inhabitants;

"And whereas the council of the city by by-law No. 413 approved of the said franchise agreement;

"And whereas the said by-law and franchise agreement as by law provided were submitted to a vote and received the assent of more than two-thirds of the burgesses of the city voting thereon;

"And whereas the Board of Public Utility Commissioners of the Province of Alberta by order made the 16th day of December, 1935, approved of the franchise agreement;

"And whereas it appears advisable that the said by-law and franchise agreement be validated and confirmed.

1. The said by-law and the said franchise agreement executed by and on behalf of the city granting the franchise as aforesaid and all the rights, powers, liberties and privileges, exclusive and otherwise, granted thereby, and all the terms, provisos and conditions contained in the said by-law and franchise agreement are hereby declared to be in full force, virtue and effect and to be legal, valid and binding upon the City and the Company notwithstanding any informalities, irregularities or defects therein, either in substance or form, or any informalities, irregularities or defects in the passing and execution thereof, and notwithstanding that the said corporation may not have had the power to pass the said by-law or to enter into the said franchise agreement or to grant the said rights, powers, liberties and privileges, exclusive or otherwise, or any of them."

20. The said Charter is further amended as to Part IV, by inserting as section 13 the following:

"**13.** The council may by by-law license, regulate and control hawkers and pedlars as hereinbefore defined and in so doing may fix the amount of the fee for such license and no such by-law shall be deemed invalid or open to question in any court on the grounds that such fee is excessive or discriminatory. In any prosecution for a violation of said by-law it shall not be necessary to allege or prove that the person charged is not a person selling meat, fruit or other farm produce which has been produced, raised or grown by himself or fish of his own catching, or goods of his own manufacturing, but the proof to the contrary shall be upon the person charged."

21. The said Charter is further amended as to Part XIII, by inserting as section 14a the following:

"**14a.** The council may by resolution provide for the combination into one rate of the different rates levied pursuant to any by-law or by-laws passed pursuant to this Part and the rates so combined shall be leviable and payable as if each rate included therein were levied separately. The total amount of all rates levied hereby and collected in any year shall be credited to the general revenue of the City and shall be available for the payment of the general expenditures of the City and also for the payment of any amount payable by the City in that year to any municipal hospital district and to any town school district and to the Drumheller Library Board and to the Government of Alberta under the provisions of *The Supplementary Revenue Act*."

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

No. 2.

FIRST SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

An Act to amend the Act constituting
the Drumheller City Charter.

Received and read the

First time

Second time

Third time

MR. INGREY.

EDMONTON:
A. Shultka, King's Printer
1936