

# BILL

No. 3 of 1936.

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

(Assented to \_\_\_\_\_, 1936.)

**W**HEREAS 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 4,—

(a) by deleting therefrom all words occurring therein after the word “holiday” in the third line thereof;

(b) by adding thereto the following subsections:

“(2) Where the date fixed for the nomination of candidates for election falls on a holiday, such nomination shall take place on the next following date which is not a holiday and the date upon which the election shall take place shall be similarly extended.

“(3) Where the date fixed for the election of candidates falls on a holiday then the election shall take place on the next following date which is not a holiday.

“(4) Where the date of election is so altered the date for the declaration of the result of the poll and the date fixed for the first meeting of the new council and any other acts or matters incidental to nomination or election shall be extended for a similar period of time;

Provided, however, that if such extension causes the date upon which the declaration of the result of the poll shall be made or the date fixed for the first meeting of the new council to be held to fall on a holiday then the date thereof shall be postponed as the case may be until the next following date which is not a holiday.”

**2.** As to section 16, by deleting the same and by substituting therefor the following:

**“16.—(1)** The mayor of the City of Edmonton shall be elected by a general vote of the electors of the city in manner hereinafter provided. The person elected as mayor at the general municipal election to be held in the year 1936 shall hold office for a term of two years and thereafter the term of office of mayor shall be for two years unless the person is elected to fill an unexpired term of office caused by death, resignation, disqualification or otherwise in which case such person shall hold office during the remaining period of such unexpired term. Any person may be re-elected as mayor; provided such person is duly qualified in accordance with the provisions of this Act.

“(2) This section shall not come into force unless the question ‘Are you in favour of a two-year term for mayor?’ is submitted to the electors of the city by way of plebiscite at the general municipal election to be held in the year 1936 and is approved by a majority of the electors voting on such question.”

**3.** As to section 21 by deleting the first paragraph thereof and by substituting therefor the following:

**“21.—(1)** Every person shall be qualified to be elected as mayor or aldermen who,—

- “(a) is a natural born or naturalized British subject;
- “(b) is of the full age of twenty-one years at the date of nomination;
- “(c) is able to read and write the English language;
- “(d) is not subject to disqualification under this Act or any amendments thereto;
- “(e) is and has been a resident of the city for at least twelve consecutive months next prior to the date of nomination; and
- “(f) is the owner of and whose name was entered on the last revised land assessment roll of the city at the time of the adoption thereof by council in respect of freehold estate within the city of a value of at least five hundred dollars over and above all charges, liens and encumbrances affecting the same; or
- “(g) has the qualifications specified in subsections (a), (b), (c) and (e) and is not subject to the disqualification specified in subsection (d) if his name was entered on the last revised business assessment roll of the city at the time of the adoption thereof by council for at least the sum of five hundred dollars.”

**4.** As to section 23a by deleting the same and by substituting therefor the following:

**“23a.—(1)** From and after the thirty-first day of December, 1935, there shall be paid to each alderman during tenure of office out of the current revenue of the city a sum not exceeding five hundred dollars during any one year and the council may pass by-laws or regulations regarding the time and manner of payment, deductions for non-attendance at meetings and such other matters as may be deemed necessary or expedient.

“(2) The payment of an indemnity to aldermen shall not constitute any such alderman a paid official of the city nor constitute the position of an alderman an office or place of profit within the meaning of this or any other Act nor shall payment to or receipt by an alderman of any such indemnity or part thereof constitute any payment or reward or promise thereof for the exercise of any partiality or malversation or undue execution of the office of alderman within the meaning of the oath contained in section 76 of *The Edmonton Charter*, nor render any alderman liable or subject to any disqualification under this Act.”

5. As to section 124 by deleting the same and by substituting therefor the following:

“124. The polls shall be kept open in any event from nine o'clock in the forenoon until five o'clock in the afternoon of the same day;

“Provided, however, that the council may at any time extend the time for keeping open the polls from eight o'clock in the forenoon until eight o'clock in the afternoon.”

6. By adding thereto the following section:

“131a. If upon an elector requesting a ballot paper it is found that another person has voted in the name of such elector, such elector shall nevertheless be entitled to a ballot paper and to vote if he takes an oath in the form set out in section 131 and otherwise establishes his identity to the satisfaction of the person presiding at the poll.”

7. As to section 221,—

(a) by adding to subsection (9) thereof the following:

“For prohibiting or regulating the standing of or parking upon any highway within the city of any class or classes of vehicle which by reason of size, length or nature or of the contents carried therein may in the opinion of council be dangerous or hazardous to public safety or likely unduly to obstruct or impede traffic.”

(b) by adding thereto the following subsection:

“(15) Without restricting or limiting the scope of the powers conferred upon the council by the provisions of the first paragraph of section 221 of *The Edmonton Charter* or by the provisions of any other Act it is hereby declared that the council previously has had, now has and shall continue to have full power and authority to prescribe whatever terms, conditions and restrictions relating to the erection, alteration, removal, maintenance or repair of buildings, structures or erections within the City of Edmonton as council in its discretion may deem reasonable and proper, and such power and authority shall include the right to demand before commencement of erection, alteration, removal or repair of any building, structure or erection, the obtaining from any officer or official of the city named by council of a permit therefor and the

depositing with such named officer or official of plans, specifications and details relating thereto and shall also include the right to prohibit the occupation or use of any building, structure or erection contravening the provisions of any by-law or deviating from any permit granted or from the plans, specifications or details deposited.

"This section shall be deemed to have been in force and effect from the first day of January, 1935."

8. As to section 236 by deleting all the words after the word "done" where it appears in the ninth line thereof and by substituting therefor the following, namely:

"Forthwith after completion thereof the total cost of such construction and installation of water, plumbing or other sanitary improvements, together with description of the lot or parcel of land affected shall be sent by the city controller to the assessor, who shall thereupon enter the amount of such total cost upon the assessment roll against the lot or parcel of land affected and said total cost shall become and be treated in all respects as taxes due upon said lot or parcel of land but the amount of such total cost together with interest on the sinking fund or equal annual instalment plan shall be payable in such number of annual instalments as the council may by resolution direct. Any owner or person concerned may commute said total cost by paying the full amount then owing in respect thereof."

9. As to section 239a,—

- (a) by deleting therefrom the provisos thereto added by subsection 5 of section 1 of chapter 65 of the statutes of Alberta, 1925, and by section 9 of chapter 76 of the Statutes of Alberta, 1927;
- (b) by changing the number of subsection (10) thereof added by section 2 of chapter 63 of the Statutes of Alberta, 1933, to number (12);
- (c) by changing the number of subsection (12) added by section 6 of chapter 88 of the Statutes of Alberta, 1935, to number (13);
- (d) by changing the word and figure "section 8" in section 28 of chapter 71 of the Statutes of Alberta, 1932, to "section 9";
- (e) by adding thereto the following subsection:

"(14) Notwithstanding the provisions of this Act the council by resolution may, subject to the provisions of *The Factory Act, 1926*, and *The Minimum Wage Act, 1925*, or such superseding Acts as may from time to time be in force, permit the occupier of any shop to keep such shop open for the service of customers until ten o'clock in the afternoon of such three week days in the month of December in any year prior to Christmas Day as council may decide."

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

**"290a.** A by-law or regulation passed by council in the exercise of any of the powers conferred by and in accordance with *The Edmonton Charter* or of any other Act conferring powers upon the council and in good faith shall not be open to question or be quashed, set aside or declared invalid either wholly or partly on account of the unreasonableness or supposed unreasonableness of the provisions of such by-law or regulation or of any of such provisions."

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

**"314b.—**(1) Notwithstanding any of the provisions of *The Edmonton Charter* to the contrary, the council is hereby authorized and empowered in each of the years 1936, 1937 and 1938 to deduct from the total amount required to be levied for sinking fund purposes with respect to the general debenture indebtedness (but not with respect to utility debenture indebtedness nor to local improvement indebtedness) a sum not exceeding two hundred and fifty thousand dollars; provided that in lieu thereof the city shall cause to be executed by the proper officers of the city and delivered to the sinking fund trustees of the City of Edmonton a debenture or treasury bill dated in the year in which such deduction is made for the amount of such deduction, said debenture or treasury bill to be payable at a period or periods not exceeding ten years from the date thereof and bearing interest at a rate not exceeding five per centum per annum payable half-yearly as may be agreed upon by the council and the said sinking fund trustees.

"(2) No member of the council shall be liable or subject to any penalty, disqualification or personal liability by reason of the exercise of the powers hereby conferred.

"(3) Notwithstanding the exercise by the council of the foregoing powers the sinking fund trustees of the City of Edmonton are nevertheless hereby authorized and empowered to pay all maturing debentures as and when the same fall due out of the moneys on hand to the credit of the sinking fund from time to time."

**12.** As to subsection (3) of section 321 by adding thereto the following section:

**"(hh)** All personal property of every nature and kind belonging to the person assessed or used in connection with the business carried on upon any land, premises or place for which a person is assessed under the business assessment shall be liable for the business taxes due by such person and the business tax shall be a first charge upon such personal property and shall take priority over any other charge, mortgage, lien or claim thereto and such personal property may be seized while upon the land, premises or place concerned or at any place within the Province of Alberta to which said personal property may have been removed after such taxes are due and payable and may be sold, as provided by this Act, for the distress and sale of personal property for non-payment of

arrears of taxes. This special remedy for the collection of business taxes in arrear shall be in addition to any other right of the city granted by this Act for the collection of taxes in arrear;

“Provided, however, that nothing in this section contained shall be construed so as to make business taxes levied a charge upon real property.”

**13.** As to section 345 by deleting therefrom the words and figures “by section 331” and by substituting therefor the words and figures “by sections 331 and 340”.

**14.—**(1) As to subsection (3) of section 404, by adding at the end thereof the following words: “and a special local benefit assessment may be calculated, assessed and imposed on the basis of the unit rate system or at a uniform rate or rates according to the frontage of the several parcels of land concerned.”

(2) As to section 406, by adding thereto the following subsection:

“(e) A resolution relating to any of the matters referred to in paragraphs (a) and (d) hereof duly passed by council shall constitute a sufficient compliance with the provisions of said paragraphs (a) and (d);

“Provided that either the petition or advertisement concerned specifies the nature of the work to be constructed, whether such work is to be undertaken on the special frontage assessment, special local benefit assessment or unit rate basis; whether the cost of such work is to be charged at an annual frontage rate, annual charge per lot or parcel of land, or on the basis of ascertained cost; in what proportions the cost of such work is to be borne by the several lands affected or benefited, and the period of time during which the assessment is to continue.”

(3) As to section 410 by inserting between the words “assessment” and “where” in the first line of the proviso thereof the following words, namely, “where the cost of the work is to be raised by special local benefit assessment or”.

The amendments contained in this section shall be deemed to have been in force and effect from the thirty-first day of December, 1931.

**15.** As to section 503b,—

- (a) by inserting therein between the words “property” and “to” in the second line thereof the following: “to erect any structure overhanging a highway or any part thereof”;
- (b) by inserting between the words “of” and “putting” in the sixth line thereof the words “providing adequate protection or support or of”;
- (c) by inserting between the words “such” and “area” in the thirteenth line thereof the words “overhanging structure”;

- (d) by inserting between the words "such" and "area" in the sixteenth line thereof the words "overhanging structure";
- (e) by inserting between the words "applicable" and "and" in the twenty-third line thereof the words "and the rental charged for such overhanging structure shall be fixed by by-law of the council from time to time".

This section shall be deemed to have been in force and effect from the first day of January, 1935.

**16.** As to section 507 by deleting therefrom the words "twenty-one days" and by substituting therefor the words "ten days".

**17.** As to section 519 by deleting therefrom the words added thereto by section 16 of chapter 63 of the Statutes of Alberta, 1923, (namely, "except in case of gross negligence the city shall not be liable for a personal injury caused by snow or ice on a sidewalk").

The provisions of sections 517 and 519 as to the time within which notice shall be given or action brought shall apply to the premises of and activities conducted by any board or organization in cases where if liability is imposed payment thereof would require directly or indirectly to be made by the city.

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

"**520a.** Debts or moneys owing by any person, firm, company, corporation or municipality to the city or to the Hospital Board or to any board or organization whose funds are derived from the city or for the payment of whose deficit the city is liable may be set off against any debts or moneys owing to the same person, firm, company, corporation or municipality by the city."

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

"**524a.**—(1) The council may by resolution refer to a judge of the Supreme Court of Alberta for hearing and consideration any matter or question relating to or arising out of the meaning or interpretation of any of the provisions of *The Edmonton Charter* and the judge to whom such resolution is submitted shall thereupon hear and consider the same.

"(2) The judge concerned shall have power to direct that any person interested, or where there is a class of persons interested that any one or more persons as representatives of such class, shall be notified of the hearing and such person or persons shall be entitled to be heard thereat.

"(3) After such hearing and consideration the judge shall certify to said council his opinion on the matter or question referred with reasons therefor and such opinion shall be deemed a judgment of the court."

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

"**532b.** Notwithstanding the provisions of *The Town Planning Act* or any Act to the contrary the quorum of the

Edmonton Town Planning Commission shall consist of not less than five members thereof present at the same time at any meeting held and regularly called."

**21.** As to section 2 of chapter 65 of the Statutes of Alberta, 1930, by deleting subsections (1) and (2) thereof and by substituting therefor the following:

"(1) Notwithstanding anything contained in any other Act to the contrary, the local Board of Health of the City of Edmonton shall consist of the mayor of the city, one member of the Board of Trustees of the Edmonton Public School District No. 7, one member of the Edmonton Separate School District No. 7, two aldermen of the City of Edmonton and two medical practitioners duly qualified under the laws of the Province of Alberta and residents of the city;

"(a) the chairman of the Board shall be chosen from among the members; all meetings of the Board shall be called by the chairman; a quorum of the Board shall consist of not less than four members present at any meeting duly and regularly called;

"(b) the Medical Officer of Health of the City of Edmonton and the City Engineer shall attend all meetings of the Board to act in an advisory capacity;

"(2) The term of office of said mayor shall be during tenure of office of the mayor; of said school trustees and aldermen shall be one year or until their successors are appointed; the term of office of the medical practitioners shall be two years or until their successors are appointed."

**22.** As to section 8 of chapter 65 of the Statutes of Alberta, 1930, by adding thereto the following:

"(c) To provide upon what part of a highway or lane vehicles operated within the city shall travel.

"(d) Prohibiting or regulating heavy vehicular traffic upon the residential streets of the city and in any such by-laws the council may fix and define what vehicles shall constitute 'heavy vehicles' and may fix and define what streets shall constitute 'residential streets' and may regulate the speed limit and the hours during which such heavy vehicular traffic may operate upon such residential streets and may impose such terms and conditions with respect to any such prohibition or regulation as said council may deem necessary to carry out the powers hereby conferred."

**23.**—(1) As to section 22 of chapter 71 of the Statutes of Alberta, 1932, as amended,—

(a) by deleting therefrom the words and figures "in each of the years 1931, 1932, 1933; 1934 and 1935" and by substituting therefor the words and figures "in each of the years 1931 to 1936, both inclusive";

(b) by deleting the word "five" where the same occurs in the last line of said section and by substituting therefor the word "six."



(2) As to section 16 of chapter 88 of the Statutes of Alberta, 1935, by deleting therefrom the word "or" where it appears in the third line thereof and by substituting therefor the word "not."

**24.** That the following by-laws of the City, namely:

- (a) By-law No. 822, cancelling certain unissued ten-year debentures to an aggregate principal amount of one hundred and thirty-eight thousand dollars and authorizing the issue of new debentures in lieu thereof;
- (b) By-law No. 823, cancelling certain unissued fifteen-year debentures to an aggregate principal amount of sixteen thousand, five hundred and twenty-five dollars and authorizing the issue of new debentures in lieu thereof;
- (c) By-law No. 824, cancelling certain unissued twenty-year debentures to an aggregate principal amount of sixty-four thousand, eight hundred dollars and authorizing the issue of new debentures in lieu thereof;
- (d) By-law No. 825, cancelling certain unissued thirty-year debentures to an aggregate principal amount of twenty thousand dollars and authorizing the issue of new debentures in lieu thereof;

and all debentures issued or to be issued under each of said by-laws are hereby confirmed and declared to be legal, valid and binding upon the Corporation of the City of Edmonton and the ratepayers thereof.

The aggregate proceeds from the sale of the debentures authorized to be issued by said by-laws shall be applied in recouping the revenue of the said Corporation for amounts heretofore expended by the City from current accounts for the purposes of by-laws numbered 30-1931, 52-1931, 62-1931 and 72-1931 and the balance of said proceeds shall be applied for any or all of the purposes mentioned in by-laws number 59-1930, 12-1931, 52-1931, 58-1931, 60-1931, 61-1931, 62-1931, 72-1931, 30-1932 in such respective amounts as the Council of the City may by resolution determine.

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

No. 3.

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FIRST SESSION  
EIGHTH LEGISLATURE  
1 EDWARD VIII  
1936

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**BILL**

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. MULLEN.

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EDMONTON:  
A. Sholtka, King's Printer  
1936