

# BILL

No. 5 of 1937.

An Act to amend the Acts constituting The  
Edmonton Charter.

(Assented to \_\_\_\_\_, 1937.)

**W**HEREAS a petition has been presented by the Council of The City of Edmonton for the amendment of the Acts constituting The Edmonton Charter; and

Whereas it is reasonable that the prayer of the said petition shall be granted;

Now 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, being chapter 23 of the Statutes of Alberta, 1913 (First Session) as amended from time to time is hereby further amended as follows, namely:—

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

**“76a.** Every person who is now or who may hereafter become a member of any Board, commission, organization or association to which Council has power to appoint members, shall before continuing as or entering upon the duties of such member, as the case may be, make and subscribe a declaration of office similar in substance and in form to the oath of office set out in section 76 hereof.”

**2.** by adding thereto the following section:

**“82a.** In case any appointed officer, official servant or agent of the City is unable to perform his duties because of absence, illness or other cause, the Council may temporarily appoint another person to perform such duties during the time of such inability and the acts of the person so temporarily appointed in the exercise of such duties during such inability shall be valid and effectual.”

**3.** As to section 85 thereof by deleting therefrom the words “thirty-first day of August” where the same occur therein and by substituting therefor the words “thirtieth day of September”.

**4.** As to section 87 thereof by deleting therefrom the words “returning officer” where the same occur therein and by substituting therefor the words “revising officer”.

5. By adding thereto the following section:

**"220a.** The Council is hereby authorized and empowered by by-law or resolution to exempt from assessment and taxation for a period not exceeding three years all the renovations, alterations or repairs made during the year 1937 to any existing buildings used solely as private dwelling houses, such exemption in any one building, however, not to exceed in amount the sum of Two Thousand Dollars."

6. As to section 221 thereof by adding the following paragraph to subsection (2) of said section:

"(e) for defining and classifying the persons conducting or operating the business of supplying motor vehicles for hire, or supplying motor vehicles for carrying passengers for hire, or supplying motor vehicles for carrying passengers and used for plying for hire according to the type of business so conducted or operated or according to the nature of the service provided and for establishing and specifying the rates or fares which shall be charged to or taken from the persons or passengers using such motor vehicles according to any such classification established; for defining and classifying said motor vehicles upon such basis as the Council may deem just and for establishing and specifying the rates or fares according to such classification; for the compulsory installation, maintenance and use upon all or any of such motor vehicles of a taximeter or other device or equipment to accurately record thereon the fares or rates from time to time established and specified; for establishing and maintaining within the City zones or districts within which special rates or fares shall apply; for establishing maximum and minimum rates or fares either applicable generally throughout the City or applicable only within a specified zone or district within the City and for prohibiting overcharging or undercharging in excess of or below the maximum and minimum rates or fares so established and prohibiting overcharging or undercharging in excess of or below any specified rates or fares.

"This section shall be deemed to have been in force and effect as from the thirty-first day of December, 1936."

7. As to section 239a thereof by deleting therefrom the word "public" wherever the said word occurs therein.

8. By adding thereto the following section, namely:

**"314c.—**(1) Notwithstanding anything in this or any other Statute contained to the contrary:—

"(a) The Council is hereby authorized and empowered in the year 1937 to deduct from the total amount required to be levied in the year 1937 for interest and

sinking fund purposes on the total debenture indebtedness of the City, including amounts required to be raised in the year 1937 by the Edmonton Public School District No. 7 of the Province of Alberta and for the Edmonton Separate School District No. 7 of the Province of Alberta for interest and sinking fund purposes on the total debenture indebtedness of said School Districts, an amount not exceeding \$1,090,000.00;

“(b) The Trustees of the Edmonton Public School District No. 7 of the Province of Alberta are hereby authorized and empowered in the year 1937 to deduct from the amount required in said year 1937 interest and sinking fund upon the total debenture indebtedness of said School District an amount not exceeding \$70,000.00;

“(c) The Trustees of the Edmonton Separate School District No. 7 of the Province of Alberta are hereby authorized and empowered in the year 1937 to deduct from the amount required in said year 1937 interest and sinking fund upon the total debenture indebtedness of said School District an amount not exceeding \$20,000.00.

“(2) No member of the Council and no member of the Board of Trustees of the said School Districts shall be liable or subject to any penalty, disqualification or personal liability by reason of the exercise of the powers by this section conferred.”

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

“**376b.** Taxes which are not a lien on land may also be recovered with costs from any person originally assessed therefor and shall be collectable by action or distraint in priority to every claim, privilege, lien or encumbrance of every person except the King and the lien or its priority shall not be lost or impaired by any neglect, omission or error of any officer or official of the City.”

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

“**416b.** Notwithstanding the provisions of this or any other Act to the contrary, the Council in the year 1937 and in each year thereafter is hereby authorized and empowered by by-law of general or special application to assess, levy and collect to cover the average cost of repair and maintenance of the works concerned (including street and lane intersections and crossings) and as well before as after the expiry of the originally estimated lifetime thereof, a frontage rate on all lands fronting or abutting on the streets, lanes, squares and other public places, in, through or along which local improvement works of paving or gravelling or concrete, bituminous or plank walks, or concrete curbs, are now or may hereafter be constructed; such rate shall be a uniform rate according to the class of repair and maintenance concerned but shall not in any event exceed three cents per foot of the frontage to be assessed and such rate shall be

assessed, levied and collected as part of and along with the ordinary municipal taxes and shall form a lien upon the lands affected in the same way as ordinary taxes. The amount of such rates, the lands to be affected thereby, the mode of adjustment of the rate with respect to lands of peculiar shape or size or of different depth or lands fronting or abutting on more than one such street, lane, square or place, shall be assessed and determined by such authority and in such manner as shall be directed by the Council. A copy of the written report of such authority shall be filed with the City Assessor, who shall cause to be entered in the assessment and collector's rolls the said rates against the land affected in the same manner as and as part of the ordinary municipal rates and taxes. The provisions of sections 407, 410 and 411 of The Edmonton Charter shall not apply to anything done or to be done under the authority of this section."

**11.** As to section 519 (as amended by section 19 of chapter 106 of the Statutes of Alberta, 1936 (First Session) ) by deleting from said section 19 the words and brackets "(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') " where the same occur therein and by substituting therefor the words and brackets "'except in the case of personal injury caused by snow or ice on a sidewalk, in which case such notice shall be served within ten days of the happening of the accident' )."

**12.** By adding thereto the following section, namely:  
**"532c.** Section 10 of *The Public Libraries Act*, being chapter 126 of the Revised Statutes of Alberta, 1922, shall not apply to the City of Edmonton, but the Council when appointing persons as members of the Edmonton Library Board shall have power to include among the persons so appointed one or more members of Council as the said Council may in its discretion decide; provided, however, that nothing in this section contained shall give power to the Council to increase the number of members composing the said The Edmonton Library Board."

**13.** By adding thereto the following section, namely:  
**"532d.** Notwithstanding the provisions of any Act to the contrary, it is hereby declared that section 107 of *The Public Utilities Act, 1923*, being chapter 53 of the Statutes of Alberta, 1923, shall not apply to any arrangement regarding the extension, consolidation or refunding of the existing debenture indebtedness of The City of Edmonton or of Edmonton Public School District No. 7 of the Province of Alberta or of Edmonton Separate School District No. 7 of the Province of Alberta which may be the subject of an application for approval by the Public Utility Commissioners of the Province of Alberta pursuant to the provisions of said Act and the words or expression 'surplus capital moneys

of the local authority' contained in paragraph (f) of section 103 of the Act shall insofar as said arrangement is concerned include all moneys and securities in the possession and control of the Sinking Fund Trustees of said City and of said Public School District No. 7."

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

"**532e.** Notwithstanding anything contained in any other Act to the contrary, The City of Edmonton shall not be legally liable nor responsible to make provision for the relief, maintenance, care, hospitalization, medical aid or assistance of any person within the limits of the City of Edmonton, unless such person immediately prior to the date of application to the City for such relief, maintenance, care, hospitalization, medical aid or assistance has been continuously residing within the City of Edmonton for a period of two years with the intention of making his permanent home in Edmonton and has been self-supporting entirely out of his or her own earnings, means or resources during such period; provided, however, that if the City should for any reason furnish relief, maintenance, care, hospitalization, medical aid or assistance to any such person then the cost thereof shall be chargeable to and collectable from the municipality in which the person concerned was residing for a period of two years next prior to the date when such person last arrived in Edmonton."

**15.** As to section 9 of chapter 42 of the Statutes of Alberta, 1924, by deleting therefrom the word "of" where it occurs in the fifth line thereof and by substituting therefor the words "not exceeding".

**16.** This Act shall come into force and effect upon the day upon which it is assented to.

THIRD SESSION  
EIGHTH LEGISLATURE  
1 GEORGE VI  
1937

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**BILL**  
An Act to amend the Acts constituting  
The Edmonton Charter.

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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. Shnitka, King's Printer  
1937