

BILL

No. 11 of 1938.

An Act to amend the Acts constituting The Edmonton Charter.

(Assented to _____, 1938.)

WHEREAS 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. As to section 153 thereof by adding at the end thereof the following proviso, namely:

“Provided that the Council may by by-law or resolution extend the date upon which the Returning Officer shall make the public declaration of the result of the election or of the taking of any plebiscite or of any referred by-laws; such extended date shall not, however, be more than four days after the taking of the poll.”

2. As to section 165 thereof by adding at the end thereof the following proviso, namely:

“Provided that the Council, unless otherwise ordered by a Judge, may direct the City Clerk to destroy any books, papers, forms or other material used in any election not required for official record purposes or in connection with any future election at the same time as said ballot papers are by this section directed to be destroyed.”

3. As to section 221 thereof by adding thereto the following subsections, namely:

“(16) The Council of the City of Edmonton is hereby authorized and empowered to discontinue the supply of any of its existing utility services or any part or extension thereof in any case where the revenue therefrom is insufficient to cover the cost of maintenance or renewal or for any other reason which said Council may deem to be in the public interest;

"Provided that this subsection shall not be deemed to apply to any utility or portion thereof so as to modify any obligation of the City under *The Edmonton-Strathcona Amalgamation Act*, being chapter 66 of the Statutes of Alberta, 1911-12.

"(17) For the purpose of providing employment and to improve housing conditions within the City by providing for the construction of dwelling houses at a reasonable cost for sale or lease to low wage earners, the Council is hereby authorized and empowered,—

"(a) To promote the incorporation of or directly apply to incorporate under any appropriate Act or Statute a limited liability company having as its primary object the establishment, operation or maintenance of a housing scheme as defined in *The Dominion Housing Act, 1935*, being chapter 58 of the Acts of the Parliament of Canada, 1935, with all the powers, rights, duties and remedies necessary or incidental to such object and with power in Council to subscribe and pay in cash or otherwise for shares in the capital of such company;

"(b) To undertake, maintain and operate a 'housing scheme' as defined in the said *The Dominion Housing Act, 1935*, and to act as a 'local authority' or as an 'approved lending institution' as defined in the said Act, with all powers, rights, duties and remedies necessary or incidental thereto;

"(c) For the objects and purposes in this section mentioned the Council is hereby authorized and empowered without reference to the burgesses to pass a by-law or bylaws for the contracting of debts or for borrowing money or otherwise not exceeding \$250,000.00 from the Government of the Dominion of Canada or the Government of the Province of Alberta, or either of them. Any sums borrowed under the authority of this section shall constitute valid and binding obligations of the City;

"(d) To pass such by-laws or make such rules and regulations and to do all such acts, matters and things which said Council may deem necessary in order to carry out the objects, purposes and powers in this section contained."

4. As to section 302 thereof by adding thereto the following subsection:

"(2) In the said book there shall be entered the number and date of any order of the Board of Public Utility Commissioners issued under Part IV of *The Public Utilities Act, 1923*, authorizing the issue of debentures and particulars of all debentures issued thereunder, and every debenture so issued shall have written, printed or stamped thereon

or on the back thereof a memorandum signed by the treasurer, with the proper particulars inserted therein, in the following form:

“Registered in the Debenture Register as No.....
under Order No..... of The Board of Public Utility
Commissioners of the Province of Alberta, this
day of, 19.....

“This subsection shall be deemed to have been in force and effect from and after the first day of December, 1937.”

5. By adding thereto the following sections, namely:

“**308e.** The Council is hereby authorized and empowered, without reference to the burgesses, to pass a by-law or by-laws and to raise by the issue of debentures a sum not exceeding the sum of \$50,000.00 in respect of any one work or any one class of work in any year heretofore undertaken or hereafter to be undertaken by the City in respect of which said one work or one class of work the Government of the Dominion of Canada and/or the Government of the Province of Alberta has contributed or undertakes to contribute at least twenty per cent of the cost thereof. Any debentures authorized by Council to be issued under the authority of this section shall be deemed to be valid and binding obligations of the City.

“**308f.** The Council is hereby authorized and empowered without reference to the burgesses to pass a by-law or by-laws for the contracting of debts or for borrowing money or otherwise and if necessary raising by the issue and sale of debentures a sum not exceeding \$45,000.00 for the purpose of providing funds for erecting at the Edmonton Airport a hangar for the use and occupation of Trans-Canada Air Lines and for extending sewer and water mains and other utilities for the servicing of the said hangar and other buildings at the said Airport. Any sums borrowed or any debentures issued under the authority of this section shall constitute valid and binding obligations of the City.”

6. As to section 315 thereof by deleting paragraph (d) of subsection (11) thereof and by substituting therefor the following:

“(d) The City may pay to the said trustees any of its surplus or reserve funds and the trustees may receive the same in trust to invest and accumulate at such lawful rates of interest as may be obtained therefor and upon such terms as may be agreed upon.”

7. As to section 321 thereof by deleting therefrom the first proviso appearing in subsection (3) thereof and by substituting therefor the following:

"Provided that for the purposes of this subsection, the annual rental value of the lands of railway companies occupied by railway tracks (including sidings) shall be and is hereby fixed at six per cent of \$6,000.00 per mile of railway track."

8. As to section 404 thereof by inserting between the words "watering" and "or" where the same occur in the first line of paragraph (i) thereof the words "oiling or other dust treatment".

9. As to section 416*b* thereof by adding at the end thereof the following subsection, namely:

"(2) The words 'repair and maintenance' where used in this section shall include the oiling or other dust treatment of highways."

10. As to section 446 thereof by deleting the words "any service pipe, or attachment" where the same occur in the second line thereof, and by substituting therefor the words "any mains, service pipes or attachments".

11. As to section 528 thereof by adding thereto the following subsection:

"(1) It is hereby declared that the changing by Council from a street railway or tramway system to a different system of transportation, shall not constitute a violation of any of the provisions of *The Edmonton-Strathcona Amalgamation Act*, being chapter 66 of the Statutes of Alberta, 1911-12, as amended from time to time, provided that vehicles to be used in any such different system of transportation are operated upon the routes or highways as required by the said *Edmonton-Strathcona Amalgamation Act*, and so as to afford a standard of service equal to that required by the said Act."

12. As to section 39 of chapter 52 of the Statutes of Alberta, 1918, by adding thereto the following subsection, namely:

"(2) Provided, however, that the Council is hereby authorized and empowered to charge such fares or tolls and make such conditions with respect to any extension of its present street railway or tramway system or with respect to any other system of public transportation which may hereafter be established, operated and maintained by said City, as said Council may deem expedient."

13. Whereas the Edmonton Exhibition Association Limited desires to borrow from its bankers a total sum of \$35,000.00; \$10,000.00 to be used for the purposes of an annual working fund and \$25,000.00 to carry out at the Edmonton exhibition grounds certain urgently needed improvements which upon completion will become the property of the City; and

Whereas the said Association has requested the City to execute and deliver to the said bankers a continuing guarantee so as to enable the said Association to obtain a credit at the said bankers in the said total sum of \$35,000.00 for the said purposes and the said Association has undertaken to indemnify and save harmless the City in respect of any moneys which the City may have to pay under the said guarantee; and

Whereas in view of the undertaking of the said Association and of the purposes for which the said loan is required the Council deems it to be in the public interest to grant such request, but there is doubt as to the power of the City so to do;

Now therefore be it enacted that the Council of the City is hereby authorized and empowered by by-law or resolution to authorize the Mayor and Treasurer of the City to execute and deliver to and in favour of the bankers of the said The Edmonton Exhibition Association Limited from time to time and as occasion may require, a continuing guarantee not to exceed at any time the said sum of \$35,000.00; any such guarantee when duly and properly authorized by the Council of the City shall continue a valid and binding obligation of the City.

14. By inserting in subsection (2) of section 1 of chapter 23 of the Statutes of Alberta, 1933, between the word "Board" and the word "the" where the said words appear in the sixth line thereof, the words "the Local Board of Health of the City of Edmonton".

Any by-law of the City heretofore or hereafter passed pursuant to the provisions of this section shall be a valid and effectual by-law.

15. As to section 1 of chapter 65 of the Statutes of Alberta, 1925, by adding at the end thereof the following paragraph:

"Notwithstanding that the period of redemption as fixed by this section has expired and title to any land has been vested in the City pursuant to the provisions of *The Tax Recovery Act, 1922*, the Council may nevertheless from time to time make regulations or conditions by by-law or resolution to provide that a former registered owner of any such land or anyone on his behalf may repurchase the same from the City at an amount equivalent to taxes, penalties and costs owing thereon at the time of the expiration of such redemption period plus an amount representing taxes, penalties and costs which would have been payable against such land had the same continued to be assessed and taxes levied thereon, and Council may authorize any officer or official of the City upon payment to the City of the proper amount to issue a certificate of reinstatement of title in the name of such former owner directed to the Registrar of the proper Land Titles Office and the said Registrar upon receipt of such certificate of reinstatement of title and the payment of the sum

of four dollars shall thereupon revive the certificate of title which was cancelled by reason of proceedings taken by the City pursuant to said *The Tax Recovery Act, 1922*, and the certificate of title so revived and the land covered thereby shall be subject to all mortgages, liens, charges and encumbrances which were against the same or the owner thereof at the time of the cancellation of said certificate of title, except as to any of such mortgages, liens, charges or encumbrances that have been lawfully discharged by instrument duly registered in the said Land Titles Office."

16. The provisions of paragraph (a) of section 11 of *The Bureau of Relief and Public Welfare Act*, being chapter 34 of the Statutes of Alberta, 1936, shall not apply to the City of Edmonton, but in its place the following provision shall be applicable to the said City, namely:

"(a) 'resident' means any person who has had his home or who has resided within the boundaries of the City of Edmonton for at least twenty-four consecutive months immediately prior to the date of receiving unemployment relief and who has not received assistance from municipal or provincial funds during the twenty-four months immediately prior to relief being granted and issued."

17.—(1) The provisions of paragraph (b) of subsection (3) of section 6 of *The Hospitals Act*, being chapter 60 of the Revised Statutes of Alberta, 1922, as amended from time to time, and the provisions of paragraph (c) of subsection (12) of section 148 of *The Town Act*, being chapter 49 of the Statutes of Alberta, 1934, as amended from time to time, shall not apply to the City of Edmonton, but in the place thereof the following provision shall be applicable to said City, namely:

"Resident means,—

"(i) any person who has had his home in the City of Edmonton for at least twelve consecutive months immediately preceding the date of his application to the Council for assistance, or the date of admission to a hospital, as the case may be; and

"(ii) any person not having had a home as last aforesaid, who has been a sojourner within the City of Edmonton for at least twelve consecutive months preceding the date of his application to the Council for assistance, or the date of admission to a hospital, as the case may be;

"Provided always that any such person had, at the date of such application, no permanent home elsewhere than in the Province."

(2) In case any dispute arises as to the liability of the City under the provisions of *The Hospitals Act*, being chapter 60 of the Revised Statutes of Alberta, 1922, and under the provisions of *The Town Act*, being chapter 49 of the Statutes of Alberta, 1934, for the maintenance, care or treatment of any person, such dispute shall be referred to a District Court Judge for determination in the same manner as provided in *The Bureau of Relief and Public Welfare Act*, being chapter 34 of the Statutes of Alberta, 1936, and said Judge shall with respect to such dispute have the same jurisdiction, authority and power as are conferred by said chapter 34 with respect to unemployment relief.

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

SIXTH SESSION
EIGHTH LEGISLATURE

1 GEORGE VI

1938

BILL

An Act to amend the Acts constituting The Edmonton Charter.

Received and read the

First time.....

Second time.....

Third time.....

MR. DUGGAN.

EDMONTON:
A. Shnitka, King's Printer
1938