

# BILL

No. 5 of 1939.

An Act to Amend the Acts Constituting The Edmonton Charter and to Validate Certain By-laws Authorizing the Borrowing of Money.

(Assented to \_\_\_\_\_, 1939.)

**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. As to subsection (17) of section 221, as enacted by section 3 of chapter 101 of the Statutes of Alberta, 1938,—

(1) By deleting from paragraph (a) thereof the words, "*The Dominion Housing Act*, being chapter 58 of the Acts of the Parliament of Canada, 1935", where the same occur therein, and by substituting therefor the words "*The National Housing Act, 1938*, being chapter 49 of the Acts of the Parliament of Canada, 1938, or any other Act which may take the place of the said *The National Housing Act, 1938*."

(2) By deleting paragraph (b) thereof, and by substituting therefor the following:

"(b) To undertake, manage and conduct a housing scheme according to any method or plan approved or authorized under the terms of *The National Housing Act, 1938*, and to act as a 'local authority' or as a 'lending institution' as defined in the said Act, with all powers, rights, duties and remedies necessary or incidental thereto."

2. As to section 221 thereof, by adding thereto the following subsection, namely:

"(18) The Council is hereby authorized and empowered in its absolute discretion, either by by-law or resolution,—

"(a) to undertake and carry to completion any works of a municipal or public nature in any case where by

any Act of the Parliament of Canada provision is made for assistance to municipalities in undertaking any such works, and to enter into any agreements with the Government of Canada as may be required by the terms of any such Act in relation to any of such works;

“(b) to do any act or thing which may require to be done in order to obtain for the City any benefits or advantages which by the terms of any Act of the Parliament of Canada or by the terms of any Statute of the Province of Alberta are rendered available to municipalities as a means of assistance in the relief of unemployment or in any other way whatsoever.”

3. As to section 233 thereof by adding thereto the following subsection, namely:

(7) (a) Notwithstanding anything in any Act or law to the contrary, the Council by by-law may license either as a general class or as separate classes according to the nature of the business concerned, any person selling or offering for sale or handling, dealing or trading in lumber, fruit, vegetables, garden produce, fish, coal, articles, commodities, or goods, wares or merchandise, within the City of Edmonton, where such person is a “non-established dealer” within the meaning of this section;

(b) The expression “non-established dealer” shall mean any person who does not *bona fide* occupy, either as owner or tenant, a regularly established and properly equipped building, store, shed, or warehouse within the City of Edmonton for the purpose of storing, selling, handling, dealing or trading in such lumber, fruit, vegetables, garden produce, fish, coal, articles, commodities or goods, wares or merchandise.

4. As to section 239a, as enacted by section 6 of chapter 63 of the Statutes of Alberta, 1923, and amendments thereto, by deleting the same and by substituting therefor the following:

“239a.—(1) In this section the term ‘shop’ shall include any premises wherein or whereon any retail trade or business is carried on, but shall not include any factory or industrial establishment expressly mentioned in Schedule A to *The Factories Act, 1926*.

“(2) In this section the term ‘holiday’ shall include New Year’s Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Christmas Day, any day which by Act of the Parliament of Canada, or of the Legislature of the Province, or by Proclamation of the Governor General of Canada, or of the Lieutenant Governor of the Province, is made or declared to be a holiday within the Province; the annual Civic Holiday proclaimed by the

Mayor or any other day or part of a day which by reason of any event occurring thereon or which may occur thereon the Mayor and Council may decide is of sufficient public importance to proclaim as a holiday.

“(3) Except as in this section otherwise provided,—

“(a) Every shop shall be closed for the service of customers not later than six o'clock in the afternoon of every week day and be kept closed for the remainder of the day;

“(b) Every shop shall be closed for the service of customers not later than one o'clock in the afternoon of every Wednesday during each year from the thirtieth day of April to the first day of September and be kept closed for the remainder of the day;

“Provided, that the Council by by-law may provide that every shop shall be closed at one o'clock in the afternoon on every Wednesday throughout the whole year or any portion thereof, in addition to every Wednesday during each year from the thirtieth day of April to the first day of September and be kept closed for the remainder of the day, and said Council may from time to time alter, amend or repeal any such by-law; and

“Provided further, that the Council by by-law may fix one day in each week (except Sunday) during which day any exempted shop, trade or business shall be closed for a weekly half holiday and may fix the period of time in such day when the place or premises occupied or used by any such exempted shop, trade or business shall be and remain closed;

“(c) In this section the expression ‘service of customers’ shall include the display or demonstration to customers within a shop of any articles, goods, wares, merchandise or commodities of every kind and nature situate therein;

“(d) No person shall be guilty of an offence against this section by reason of service of a customer during the time at which the shop is required to be closed if such person proves that the customer was in the shop before the time when the shop was required to be closed;

“(e) No person shall offer for sale or dispose of any articles, goods, wares, merchandise or commodities of any kind or nature by any species of auction, Dutch auction or any form of competitive buying of any kind or nature in any shop or in any premises connected therewith after said closing hours of six o'clock and one o'clock respectively;

“(f) Every shop shall be closed for the service of customers throughout every holiday;

“Provided, that in any week when a holiday occurs upon any day other than Wednesday, all shops may be kept open upon that Wednesday until six o'clock in the afternoon;

“(g) The Council by resolution may, subject to the provisions of *The Factories 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 in that year as Council may decide;

“(h) The Council may deal with garages and gasoline service stations as a special class and may pass a by-law requiring that said garages or gasoline service stations shall be and remain closed for the service of customers during such hours between eight o'clock in the afternoon and seven o'clock in the forenoon in each day as said Council in its absolute discretion may determine.

“(4) No person shall carry on any retail trade or business of any class in any place not a shop, at any time when it would be unlawful to keep a shop open for the purpose of retail trade or business of that class.

“(5) The provisions of this section shall not extend to any shop in which the only trade or business carried on is one or more of the trades or businesses in this section exempted from the prescribed closing hours of one o'clock or six o'clock.

“(6) A shop may, for the purpose of carrying on one or more exempted trades or businesses, be kept open after the closing hour fixed by this section, notwithstanding the fact that one or more non-exempted trades or businesses are also carried on therein; but when any such shop is so kept open, there shall be placed conspicuously in the front door and in the front window of such shop a card not less than two feet square on which the following words, namely, “This shop is closed by law except for the sale of (here state the exempted class or classes of goods which are offered for sale)”, shall be printed in the English language in type not less than one inch high.

“(7) Nothing in this section shall apply to any fair, lawfully held, not to any bazaar or sale of work for charitable or other purposes from which no private profit is derived.

“(8) No employer shall require or permit any employee to remain in a shop for a longer period than thirty minutes after the closing hour fixed by this section.

“(9) The only shops, trades or businesses exempted from the one o'clock and six o'clock closing hours prescribed shall be,—

- “(a) Druggist shops for the sale of medicine, medical and surgical appliances and sick room requisites and other exempted articles only;
- “(b) Any shops, trades or businesses, expressly exempted by by-law of Council and said Council by by-law may exempt from the closing hours prescribed by this section the sale or offering for sale in any shop of any class or classes of articles, goods, wares or merchandise;
- “(c) The Council may provide that no shop shall be allowed to remain open unless the only trade or business carried on therein or the only articles, goods, wares or merchandise sold or offered for sale therein are exempted by this section or by any by-law passed hereunder from the said prescribed closing hours;

Provided, that the Council may prescribe the same or a different schedule of exempted shops, trades or businesses or articles, goods, wares or merchandise in respect of said closing at six o'clock in the afternoon and said closing at one o'clock in the afternoon.

“(10) The Council may make by-laws regulating and fixing the hours of labour in shops throughout or during any part of the year, and may, by any such by-law, alter, repeal or amend any part of this section except paragraph (b) of subsection (3) of this section;

“Provided, that no person shall be employed in any shop more than five and one-half days in any week during the year, except during the month of December; and

“Provided further, that in the event of any by-law being made pursuant to this subsection, the proprietor, keeper and manager of any shop affected by any such by-law shall, not later than the tenth day of every month, make a return to the Board of Industrial Relations in such form as may be required by the said Board, as at the last day of the preceding month, setting out for that month the name, age and sex of each person employed by him, the days and the number of hours per day worked by each such person, the days upon which each such person worked one-half day only and the amounts paid to each such person for wages, and that every proprietor, keeper or manager of any shop as aforesaid, who makes default in making any such return, or who makes any untrue statement therein shall be guilty of an offence punishable, upon summary conviction, by a fine of not more than fifty dollars and costs;

“Provided further, that if any shop shall be closed for a full half-day during any week, the proprietor, keeper or manager thereof shall not be required to make the return above mentioned but in place thereof may certify in writing to the Board of Industrial Relations that his shop has been closed a full half-day in each week during the preceding month, mentioning such half-day, and such certificate in writing shall constitute a return within the meaning of this section.

“(11) (a) The Council may pass by-laws,—

“(i) to provide that the owner, proprietor, manager or person in charge of any shop in which one or more exempted and non-exempted trades or businesses are carried on shall not keep his shop open during any time it is required to be closed under the provisions of this section or any by-law of the City unless and until he shall file a statement in writing with whomsoever the Council shall appoint, setting out both the exempted and non-exempted trades and businesses he intends to carry on in his shop;

“(ii) to provide that such appointed person shall thereupon issue to such owner, proprietor, manager or person in charge of any shop, a certificate showing the exempted trades or businesses he proposes to carry on;

“(iii) to provide that in the event of any such owner, proprietor, manager or person in charge of any shop, being convicted of keeping his shop open during any time it is required to be closed under any of the provisions of this section or any by-law of the City, or being convicted of selling to or serving a customer with any goods, wares or merchandise which may not be lawfully sold in his shop during prohibited hours, the Council may cancel the said certificate for any period of time not exceeding six months;

“(iv) to provide such other rules and regulations as the Council may consider expedient for the purpose of carrying out the powers granted in this subsection.

“(b) Upon the cancellation of any such certificate the person whose certificate is cancelled shall no longer be entitled to keep his shop open for any purpose after any of the closing hours mentioned in this section or in any by-law of the City, and he shall be conclusively deemed to be carrying on business for the sale of non-exempted goods, wares and merchandise only.

“(12) Nothing contained in this section or in any by-law passed hereunder shall be deemed to repeal, alter or modify the powers of the inspector under section 23 of *The Factories Act, 1926*, or any similar Act that may from time to time be in force in the Province of Alberta.

“(13) Any person being the owner, proprietor, manager or person in charge of any shop, contravening or failing to comply with the provisions of this section or of any by-law passed hereunder, shall be liable on summary conviction,—

“(a) for a first offence, to a fine of not less than five dollars nor more than twenty-five dollars and costs and in default of payment to imprisonment for a term not exceeding five days;

“(b) for a second offence, to a fine not less than fifty dollars nor more than one hundred dollars, and in default of payment to imprisonment for a term not exceeding twenty days;

“(c) for a third offence, or subsequent, to a fine of not less than one hundred dollars nor more than five hundred dollars, and in default of payment, to imprisonment with or without hard labour, for a term not exceeding sixty days.

“(14) It is hereby declared that all by-laws lawfully passed by Council under the powers contained in section 239a as enacted by section 6 of chapter 63 of the Statutes of Alberta, 1923, and amendments thereto, shall remain in full force and effect until altered, modified or repealed by the Council, notwithstanding the repeal of said section 6, of chapter 63 of the Statutes of Alberta, 1923.

5. As to section 417a, as enacted by paragraph (1) of section 1 of chapter 69 of the Statutes of Alberta, 1929,—

(a) by deleting the words “motor or other vehicle” where the same occur therein, and by substituting therefor the words “motor vehicles or electric trolley buses”;

(b) by adding at the end thereof the words “and the provisions of *The Vehicles and Highway Traffic Act, 1924*, or any Act passed in amendment thereof or in substitution therefor, shall not apply to the said electric trolley buses”.

6. The following by-laws of the City of Edmonton, namely:

(1) By-law No. 838, passed on the twenty-sixth day of October, 1936, intituled “A By-law to create a debt in the sum of \$220,000.00 for the purpose of improving and providing additional equipment for certain public works and services of the City of Edmonton and to issue debentures in the said sum”, as amended by By-law No. 851, passed on the thirteenth day of May, 1937;

(2) By-law No. 849, passed on the fifteenth day of May, 1937, intituled “A By-law to create a debt in the sum of \$50,000.00 for the purpose of paying the City’s share of local improvements intended to be undertaken in the City of Edmonton during the year 1937, and to issue debentures in the said sum”;

(3) By-law No. 850, passed on the thirteenth day of May, 1937, intituled “A By-law to create a debt in the sum of \$50,000.00, for the purpose of extending and improving the City’s system of Waterworks and furnishing equipment for the said works, and to issue debentures in the said sum”;

(4) By-law No. 852, passed on the twenty-seventh day of May, 1937, intituled “A By-law to create a debt in the sum of \$195,000.00 for the purpose of improving and pro-

viding additional equipment for certain public works and services of the City of Edmonton, and to issue debentures in the said sum”;

(5) By-law No. 853, passed on the fourteenth day of June, 1937, intituled “A By-law to create a debt in the sum of \$225,000.00 for the purpose of improving and rehabilitating and providing additional equipment for certain public works and services of The City of Edmonton, and to issue debentures in the said sum”;

(6) By-law No. 867, passed on the twenty-second day of November, 1937, intituled “A By-law to create a debt in the sum of \$35,000.00 for the purpose of constructing a hangar at the Municipal Airport in Edmonton”;

(7) By-law No. 887, passed on the thirteenth day of July, 1938, intituled “A By-law to create a debt in the sum of \$175,000.00 for the purpose of improving and rehabilitating and providing additional equipment for certain public works and services of the City of Edmonton, and to issue debentures in the said sum”;

(8) By-law No. 888, passed on the thirteenth day of July, 1938, intituled “A By-law to create a debt in the sum of \$75,000.00 for the purpose of improving and rehabilitating and providing additional equipment for certain public works and services of the City of Edmonton, and to issue debentures in the said sum”;

(9) By-law No. 889, passed on the thirteenth day of July, 1938, intituled “A By-law to create a debt in the sum of \$350,000.00 for the purpose of improving and providing additional equipment for certain public works and services of the City of Edmonton, and to issue debentures in the said sum”;

(10) By-law No. 890, passed on the thirteenth day of July, 1938, intituled “A By-law to create a debt in the sum of \$50,000.00 for the purpose of paying the City’s share of local improvements intended to be undertaken in the City of Edmonton during the year 1938, and to issue debentures in the said sum”;

(11) By-law No. 893, passed on the thirteenth day of July, 1938, intituled “A By-law to create a debt in the sum of \$25,000.00 for the purpose of extending and improving the City’s system of Storm and Sanitary Sewers, and to issue debentures in the said sum”;

(12) By-law No. 894, passed on the thirteenth day of July, 1938, intituled “A By-law to create a debt in the sum of \$25,000.00 for the purpose of replacing a Wooden Trestle Bridge on 142nd Street over Capital Hill Ravine, between Summit Avenue and 100th Avenue, which said bridge had become unsafe for traffic, and to issue debentures in the said sum”;

(13) By-law No. 895, passed on the thirteenth day of July, 1938, intituled “A By-law to create a debt in the sum of \$23,330.15, to pay that part of the cost of the works



hereinafter described to be borne by abutting properties, and to authorize the issue of debentures in the said sum", as amended by By-law No. 899, passed on the eighth day of August, 1938;

(14) By-law No. 896, passed on the thirteenth day of July, 1938, intituled "A By-law to create a debt in the sum of \$32,139.36 to pay that part of the cost of the works hereinafter described to be borne by abutting properties and to authorize the issue of debentures in the said sum", as amended by By-law No. 900, passed on the eighth day of August, 1938;

(15) By-law No. 902, passed on the eleventh day of October, 1938, intituled "A By-law to create a debt in the sum of \$157,000.00, for the purpose of improving and rehabilitating and providing additional equipment for certain public works and services of the City of Edmonton, and to issue debentures in the said sum";

and all the assessments thereby imposed or authorized to be imposed, and each and every of the said by-laws are hereby validated and confirmed and declared to be legal, valid and binding upon the City of Edmonton and the ratepayers or burgesses thereof affected thereby, and the same shall not be open to question in any Court on any ground whatsoever; and all debentures and the coupons attached thereto, issued or to be issued or purporting to be issued under the same or any of them, are hereby declared to be issued on the credit and security of the municipality at large, and are hereby declared to be legal, valid and binding upon the City of Edmonton and the ratepayers or burgesses thereof, and the same shall not be open to question in any Court on any ground whatsoever.

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

EIGHTH SESSION  
**EIGHTH LEGISLATURE**

3 GEORGE VI

1939

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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. DUGGAN.

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EDMONTON:  
A. Shnitka, King's Printer  
1939