

BILL

No. 2 of 1941.

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

(Assented to _____, 1941.)

WHEREAS the City of Drumheller has prayed for certain amendments to chapter 64 of the Statutes of Alberta, 1930, and amendments thereto;

And whereas it is 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:

Chapter 64 of the Statutes of Alberta, 1930, and Amendments thereto are hereby amended as follows:

1. The Interpretation Part, section 2 (P) (i), by striking out the words "Any lot", in the first line thereof, and substituting therefor the following "A lot or any number of contiguous lots or parts of lots the property of the same owner".

2. Part 2, section 3, by striking out subsections (f) and (g) thereof and substituting therefor the following:

"(f) His name appears upon the voter's list otherwise than merely by virtue of relationship to some other person upon the said list."

"(g) That his name is on the assessment roll of the city in respect of land not exempted from taxation within the city which is of the value of one hundred dollars over and above liens, charges and encumbrances affecting the same."

And by adding the following as subsection (h):

"(h) He is not liable for any arrears of taxes."

3. Part 2, section 11, by adding as subsection (4) the following:

"(4) The Council may pass by-laws providing for payment as remuneration and indemnity to the Mayor and each member of the council such sums as it may fix but not in any event to exceed the following,—

"(a) To the mayor three hundred dollars annually;

"(b) To each member of the council for every regular meeting of the council attended five dollars."

4. Part 2, section 52, by adding immediately after the word "auditors", in the third line thereof, the words "who shall be a member or members of the Institute of Chartered Accountants of Alberta".

5. Part IV, section 5, by inserting the figure "1" immediately before the letter "(a)" at the beginning of line 4 thereof;

And by adding the following subsections:

"2(a) In addition to the powers granted to the council by this section the council shall have full power and authority to prohibit the granting of a license to any person and generally to provide and regulate the procedure governing application for, granting and revocation of licenses.

"(b) The council may by by-law suspend or revoke any license granted under any of the provisions of this Act.

"(c) The council may by by-law require any or all license fees authorized to be imposed under any provision of *The Drumheller Charter* or of any amendments thereto, or any instalment thereof, to be payable on a certain day or days, and may by way of penalty impose such additional percentage charge, not exceeding six per cent, as the council may deem expedient for the nonpayment of such license fee or any instalment thereof, on any day or days therein named, and may make such percentage charge on a sliding scale according to the time the said licenses or any instalments thereof may remain unpaid."

6. Part IV, section 9, by striking out the said section and substituting therefor the following,—

"9. The power to prohibit, to license and to make regulations as given by this Act shall extend to persons, non-residents as well as residents, who carry on any profession, trade, business or calling partly within and partly without the city."

Part IV, section 11, by inserting immediately before the words "Transient Traders" in the first and second lines and in the fourth line thereof the words "Transient Draymen, Transient Truckers."

7. Part IV, section 24 (s), by striking out the said subsection and substituting therefor the following subsection:

"(s) To regulate and control the sale of any article used for food or drink and provide for the inspection of the same and for seizure and forfeiture to the city of any article offered or exposed for sale contrary to any by-law passed pursuant to this subsection."

8. Part IV, section 24, subsection (aa), by striking out the words "levied upon or under" in the first and second lines thereof and substituting therefor the words "dis-

trained upon or seized under execution" and by inserting the words "the claim or" immediately before the word "judgment" in the fourth line thereof.

9. Part IV, section 24, by adding the following subsections:

"(qq) To create, organize and regulate a civic charities bureau, which shall have power to examine into the character and *bona fides* of all persons, corporations, societies or organizations seeking aid from the city or citizens with power to prohibit such persons, corporations, societies and organizations from seeking aid or to regulate and control the method thereof.

"(rr) To regulate and control or prohibit persons, corporations, societies and organizations seeking or soliciting aid, gifts, donations or contributions from the city or citizens including the selling of tickets, subscriptions and similar devices.

"(ss) To require any person, corporation, society or organization which has received permission under the provisions of this section to seek or solicit aid, gifts, donations or contributions to file with the City Clerk and Treasurer or other person appointed by the council for that purpose a statement showing the money or property received and the expenditure or distribution thereof and may require such statement to be published in a newspaper published and circulated in the City of Drumheller and such filing and publication shall be in such period of time as the council directs.

"(tt) Of licensing, regulating, governing, defining and classifying every person, firm, association, partnership or corporation engaged in the business of buying, selling, handling, trading in, or offering to buy, sell, handle, or trade in any fruits, vegetables, garden or heavy produce, fish and coal within the City of Drumheller, who is a non-established dealer. The expression 'non-established dealer' shall mean, extend to and include any person, firm, association, partnership or corporation who does not occupy as owner or tenant, a regularly established and properly equipped building, store, shed or warehouse within the City of Drumheller for the purpose of merchandising any or all of the commodities in this subsection mentioned;

Provided always, that no license shall be required under any of the provisions of this subsection for hawking, peddling or selling of any goods, wares or merchandise, which is grown, produced or manufactured in the Province of Alberta, provided that the same are hawked, peddled or sold by the person who is the grower, producer or manufacturer thereof or by any employee or servant of such person who is authorized by such person to so do in writing.

"(uu) To designate any portion or portions of the city as a district within which it shall be unlawful to erect,

construct, alter, reconstruct, repair or maintain certain buildings or to carry on certain businesses, trades or callings.”

10. Part IV, section 39, by striking out all the words thereof and substituting therefor the following:

“39. The council may pass a by-law authorizing the pulling down and removal at the expense of the owner thereof any building or erection which may be erected, constructed, altered, reconstructed, repaired or maintained in contravention of any by-law prohibiting the erection, construction, alteration, reconstruction, repair or maintenance of any such building or erection or of any building that has been partly burned and is a menace to public safety.”

11. Part IV, section 29, by inserting the words “air guns, spring guns” immediately before the word “firearms” in the second line thereof.

12. Part IV, section 50, by striking out the section and substituting therefor the following:

“50. The council may pass resolutions for the purpose of granting aid to persons, corporations, societies and organizations for the purpose of promoting sports, art, science, charity or any other useful object, provided that the total amount of any such aid granted in any one calendar year shall not exceed the sum of five hundred dollars.

13.(a) Part IV, section 54, by inserting the following words immediately following the word “bicycles” in the first line thereof: “operated within the city or partly within and partly without the city owned or operated by non-residents as well as residents”.

(b) Part IV by adding as section 57 the following section:

“57. The council may pass by-laws to regulate street traffic in the City of Drumheller and in particular, but not so as to restrict the generality of the foregoing, make provisions requiring all vehicles shall be brought to a standstill before entering upon any highway, street, avenue, lane or public place specified in a by-law and to set up ‘No Parking’ signs, ‘Stop’ signs and other traffic signals or signs and to designate areas in which parking shall be restricted or prohibited and taxicabs and buses shall stand or operate, and to designate safety zones, crosswalks, stop streets, bus stands, taxi stands and areas in which parking is restricted or prohibited and all by-laws and regulations relating to street traffic heretofore made by the City of Drumheller shall have the same force and effect as if the same had been made pursuant to the provisions of this section.”

(c) Part IV by adding as section 58 the following section:

"58. The council of the City of Drumheller is hereby empowered by resolution to declare any hedge, shrubbery, tree or trees, fence, railing or billboard situated on private property, a public nuisance where such hedge, shrubbery, tree or trees, fence, railing or billboard constitutes an undue obstruction to the vision of the operators of approaching motor vehicles or other conveyances and thereby a menace to public safety, and to provide for the abatement of such declared nuisance upon failure of the owner of the said hedge, shrubbery, tree or trees, fence, railing or billboard to remove the same after reasonable notice in writing so to do."

(d) Part IV, by adding as section 59 the following section:

"59. On the prosecution of any person charged with committing an offence against any by-law of the city unless such person proves he or she did not commit the offence so charged he or she may be convicted of the offence."

14. Part X, section 21, by striking out the words "seven" where the same occur therein and substituting therefor the words "five".

15. Part XI, section 3, by adding the following subsection:

"(h) Land not in excess of two acres in extent held by or for the exclusive use of any local unit or branch of the Canadian Legion of the British Empire Service League, the Canadian Corps Association in Alberta, the Army and Navy Veterans Association, or any other organization of returned soldiers from time to time approved by the council and any building thereon occupied by such unit or branch."

16. Part XI, section 5, by striking out the words "and (d) of section 3" in lines one and two thereof and substituting therefor the following "(d) and (h) of section 3 and".

17. Part XI, section 7 (1) by striking out all the words thereof following the words "carrying on" in line 4 thereof and substituting therefor the following: "or partly carrying on any trade, business or profession within the limits of the city and may in and by such by-law provide for the payment by all such persons, whether they occupy premises or not, a minimum tax and in the case of such persons as occupy premises in or upon which they carry on business whether such persons shall be assessed in a sum equal to the full annual rental value of such premises or upon a floor space basis subject in any event to payment of such minimum tax and may fix a different minimum tax and a different rate of taxation with respect to each or any

business, trade or profession and such business tax shall be paid by every person on whom it is levied in addition to all other taxes levied”.

18. Part XI, section 8, by adding the following paragraph at the end of said subsection:

“Any by-law passed under the provisions of this section shall continue in force until repealed; provided, however, that no such by-law shall be amended or repealed except by a by-law passed at a regular meeting of the council held in any year subsequent to the year in which the original by-law was passed and prior to the first day of April in such subsequent year.”

19. Part XI, section 31, by striking out the word “posting” in the eighth line thereof and substituting the word “date”.

20. Part XIII, section 3 (c), by striking out the words “City of Drumheller” in lines one and two thereof and substituting therefor the words “Drumheller School District No. 2472”, and by striking out the word “City” in line 5 thereof and substituting therefor the words “School District”.

21. Part XIII, section 19, by adding as subsection (a) thereof the following:

“(a) All taxes may be recovered from the person originally assessed therefor and in the case of assessments of real or personal property from any subsequent owner of the whole or any part thereof, saving his recourse against any other person by suit and action in any court of competent jurisdiction.”

22. Part XIII, section 32, by striking out the words “The Extra Judicial Seizures Act” in lines 2 and 3 thereof and substituting therefor the words “The Seizures Act”.

23. Part XV, section 3(b), by striking out the word “to” in the fourth line thereof and substituting therefor the word “for”.

24. Part XVI, section 16, by striking out said section and substituting therefor the following:

“16. The Council of the City of Drumheller is hereby authorized, notwithstanding anything contained in this Act or any other Act or ordinance in force in the Province of Alberta, from time to time, to buy in any of the outstanding debentures of the City of Drumheller and to issue other debentures in place thereof, or in substitution therefor, and such new debentures may be for a different period of time than the debenture bought in, and for different amounts (provided that the total amount of the debt, obligation or

debenture originally authorized is not increased), and may bear a different rate of interest, but not to exceed six per centum per annum and the principal and interest may be made payable in a different place, within or without Canada and in different currency or by a different mode of payment than the debentures bought in.

“(a) Such powers may be exercised by by-laws without the assent of the ratepayers, and subject only to the approval of the Board of Public Utilities Commissioners of the Province of Alberta.

“(b) The council may enter into any arrangement or agreement for the buying in of such outstanding debentures as it may deem expedient, and for such purpose may secure temporary loans from time to time for such amounts as may be required.

“(c) All debentures, stock or other securities bought in shall be cancelled but nevertheless any special annual rates and assessments levied and imposed in respect of any local improvement debentures which may be so bought in and cancelled shall continue to be levied and collected under the by-law or by-laws imposing the same and the proceeds of such annual rates and assessments shall be applied towards payment of the principal and interest of the new debentures and any moneys held as a sinking fund in respect of any debenture stock or other securities so bought in and cancelled shall be apportioned and held for and applied in payment of the principal of the new debentures when the same mature; or such sinking funds may be used in buying in any debentures, stock or other securities in respect of which same is held, thereby reducing the amount of the new debentures to be issued, provided that the annual levies under any by-laws, other than local improvement by-laws, authorizing any debentures which may be so bought in and cancelled shall be reduced in proportion to the debentures thereunder so bought in and cancelled.

“(d) It shall not be necessary for any by-laws authorizing the issue of new debentures hereunder to provide for levying any amounts or annual rates for paying such new debentures or the interest thereon but a rate sufficient to raise the amount required to pay the annual interest and the annual instalment of principal or the annual amount by way of sinking fund as the case may be after making due allowance for moneys collected and on hand under the preceding subsection shall be levied in each year during the currency of such debentures.”

25. Part XVI by adding the following as section 19:

“19. Debts or moneys owing by any person, firm, company, association, corporation or municipality to The City of Drumheller or to the Drumheller School District No. 2472 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, association, corporation or municipality by the city."

26. Part XVII, section 5, by striking out the figure "4" in line five thereof and substituting therefor the letter "d".

27. (a) Part XVIII, section 3(j), by inserting immediately before the words "a notice" in the fourth line thereof the words "and published in two consecutive weekly issues of a newspaper published in the city". And by inserting immediately after the word "applications" in the ninth line thereof the words "in writing".

(b) Part XVIII, sections 8 and 9, by striking out the said sections.

(c) Part XVIII by adding as section 8 thereof the following:

"8. Any person who has paid the minimum School Tax under the provisions of *The School Act* at least seven clear days prior to the date fixed for the election of School Trustees of Drumheller School District No. 2472 may apply to the City Clerk and Treasurer and shall be given a certificate certifying that he or she has paid such tax and upon presenting the said certificate to the officer presiding at the poll for the election of the said School Trustees the said person shall receive a ballot paper for such election and be entitled to vote".

28. Part XIX, section 4, by striking out the word "Councillors" in line five thereof and substituting therefor the words "Mayor and Councillors is equal to and"

And by adding at the end of the section the following words: "In the event of the number of persons nominated being less than the requisite number the meeting shall stand adjourned to the next day at the same place at the hour of 11 o'clock in the morning and such adjourned meeting shall remain open to noon for the purpose of receiving further nominations."

29. Part XIX, section 42 (d), by striking out the words "the following oath" in line three thereof and substituting therefor the following "one of the following oaths".

By adding immediately after the last line of the said subsection the following:

or

"You swear (or solemnly affirm) that you are the chief officer present in The City of Drumheller of the bank or incorporated company or corporation named (or intended to be named) by the name of _____ in the voters' list now shown to you (showing the list to the voter), That you have not voted before at this election either at this or any other polling place on behalf of the said _____. That you have not

directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you are about to tender at this election. That you have not received anything nor has anything been promised you directly or indirectly either to induce you to vote at this election or for loss of time, travelling expenses, hire of team or car or any other service connected with this election;

“And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God”.

30. Part XIX, section 44, by adding the following subsection:

“3. The officer presiding at the poll, on application of any voter who is unable to read or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the candidates, or their agents, and of no other person, and by placing such ballot paper in the ballot box, and he shall cause a list to be kept of the names of voters whose ballot papers have been so marked in pursuance of this section, with the reason why each was so done, and whenever the said officer does not understand the language spoken by any voter claiming to vote, he shall swear an interpreter who shall be the means of communication between him and such voter with reference to all matters required to enable such voter to vote.”

31. Part XIX, section 68 (1) (d) (IV), by striking out the words “or for fewer” in lines one and two thereof.

32. Part XIX, section 50, by striking out all the words following the word “statement” in line nine thereof and substituting therefor the following words: “And the same shall immediately thereafter be delivered by the officer presiding at the poll to the Returning Officer, when the Returning Officer has received the statements from all the polls he shall without delay compute the totals of the returns therein disclosed and declare the result of the poll and forward a certified statement thereof to the City Clerk”.

33. Part XX, section 8, by striking out the words “Returning Officer” in line one thereof and substituting therefor the words “Officer presiding at a poll”. And by striking out the words “Returning Officer” in the sixth and seventh lines thereof and substituting therefor the words “Officer presiding at the poll”.

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

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

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

Received and read the

First time.....

Second time.....

Third time.....

MR. TAYLOR.

EDMONTON:
A. Shultka, King's Printer
1941