

See section 8 for legal name.

"The City of Edmonton"

1913

CHAPTER 23.

An Act to consolidate and amend the Edmonton Charter.

(Assented to March 25, 1913.)

WHEREAS a petition has been presented by the City ^{Preamble} of Edmonton praying for the consolidation of *The Edmonton Charter* with the amendments thereto and for the inclusion therein of the further amendments hereinafter contained;

And whereas it is reasonable that the prayer of the said petition should be granted;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

PART I.

PRELIMINARY.

1. This Act may be cited as "*The Edmonton Charter*." Short title
2. This Act shall come into operation upon being assented to. Commencement of Act
3. In this Act the words— Interpretation
 - (1) "City" or "municipality" means the City of Edmonton, as hereby incorporated. City Municipality
 - (2) "Council" and "commissioners" means the municipal council and the commissioners respectively of the said city. Council Commissioners
 - (3) "Elector" or "voter" means a person entitled to vote at municipal and school elections in the said city. Elector Voter
 - (4) "Burgess" means an elector who is such in respect of freehold property. Burgess
 - (5) "Owner" includes any person who has any right, title or estate whatever or interest in land in the city other than that of a mere occupant. Owner
 - (6) "Occupier" or "occupant" means any person who occupies any land in the city under any title whatsoever. Occupier Occupant

Resident (7) "Resident" means a person having his fixed or permanent residence within the city;

Person (8) "Person" includes a corporation or partnership;

**Assessor
City Clerk
Treasurer** (9) "Assessor," "city clerk," "treasurer" means the persons who for the time being hold or occupy the offices of assessor, city clerk, and treasurer, as the case may be, of the City of Edmonton;

**Special
franchise** (10) "Special franchise" shall mean every right, authority or permission, whether exclusive or otherwise, to construct, maintain or operate within the city, in, under, above, on, or through any highway, road, street, lane, square, public place or public water under the jurisdiction of the city, any poles, wires, rails, tracks, pipes, conduits, buildings, erections, structures or other things for the purpose of conducting steam, heat, water, gas, natural gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water, heat, power, transportation, telegraphic, telephonic or other service;

**Judge
Court
Supreme Court** (11) "Judge" means a judge of the Supreme Court of the Province of Alberta; and "court" or "Supreme Court" means the said court;

Land (12) "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same, and also includes—

(a) Land covered with water, and water thereon;

(b) Trees, bushes, underwood, brush, and other natural products growing upon land, and also crops, sown or planted thereon;

(c) Mines, minerals, gas, oil, salt, gravel, quarries and fossils in and under land; and

(d) In case of special franchises, but in no other cases, machinery, fixtures, buildings, structures and other things existing, erected or placed upon, in, over, under or affixed to land, or any highway, road, street, lane, square or public place or water, but not the rolling stock of any railway or street railway.

**Referred
by-law** (13) "Referred by-law" means a by-law referred to the vote of the burgesses and assented to by them, as provided by this Act.

**Revised
assessment roll** (14) "Revised assessment roll" means the assessment roll of the city as finally adopted by the council.

**Revised
voters' list** (15) "Revised voters' list" means the voters' list of the city or of any ward thereof as finally revised by the council.

Herein (16) Wherever the word "herein" is used in any section of this Act, it shall be understood to relate to the whole Act, and not to that section only, unless the context otherwise requires.

4. Where anything is required to be done on a day ^{Computation of time} which falls on any holiday, such thing may be done on the next day which is not a holiday; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of mayor or aldermen.

5. Where in this Act a certain day is fixed on or by ^{Extension of time} which certain things are to be done or proceedings taken, if it appears that such date was fixed having regard to an earlier date fixed, on or by which certain other things are to be done or proceedings taken, then notwithstanding anything herein contained, if default be made in respect of the earlier date, a like delay shall be allowed in respect of the later date.

6. Where forms are in this Act prescribed, deviations ^{Forms} therefrom not affecting the substance nor calculated to mislead, shall not vitiate the same, and forms to the like effect and in substantial compliance with the provisions of this Act shall suffice.

7. Where power to make by-laws, regulations, rules or ^{Power to alter or revoke by-laws, etc.} orders is conferred, it shall, subject to the provisions of section 243 hereof, include the power to alter or revoke the same from time to time and make others.

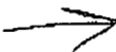
PART II.

INCORPORATION, BOUNDARIES, ETC.

8. The inhabitants of the locality described as follows, ^{Incorporation of city boundaries} that is to say:

Commencing at the north-east corner of section twenty-three in township fifty-three in range twenty-four west of the fourth meridian; thence west along the north boundaries of sections twenty-two, twenty-one, twenty and nineteen in said township and range and of sections twenty-four and twenty-three in township fifty-three in range twenty-five west of the fourth meridian to the north-west corner of the east half of said section twenty-three; thence south along the west boundaries of the east halves of sections twenty-three, fourteen, eleven and two in township fifty-three, range twenty-five, west of the fourth meridian and of sections thirty-five, twenty-six and twenty-three in township fifty-two in said range twenty-five, to the centre of the North Saskatchewan River; thence following the sinuosities of the centre line of the said river up stream to its intersection with the north boundary of section fourteen in said town-

ship fifty-two in range twenty-five; thence east along the north boundaries of sections fourteen and thirteen in said township fifty-two in range twenty-five, and sections eighteen, seventeen, sixteen and fifteen in township fifty-two in range twenty-four, to the north-east corner of said section fifteen; thence north along the east boundaries of sections fifteen, twenty-two, twenty-seven and thirty-four in township fifty-two in range twenty-four, and of river lot twenty-nine in the Edmonton Settlement and the production thereof to the centre of the North Saskatchewan River; thence following the sinuosities of the centre line of the said river down stream to its intersection with the east boundary of river lot thirty-four in the said Edmonton Settlement, produced south; thence north along said production and the east boundaries of said river lot thirty-four and sections fourteen and twenty-three in township fifty-three in range twenty-four to the point of commencement; but excepting and excluding from the locality above described the Village of Calder;



and such persons as shall hereafter become inhabitants of the said locality, are hereby declared to be a municipal corporation and body corporate under the name of "The City of Edmonton," with full power to acquire, hold and alienate both real and personal estate for all municipal purposes, and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever; and they shall have a common seal, with power to alter and modify the same at pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or personal, for the use of the city, and of becoming parties to any contracts or agreements in the management of the affairs of the city.

Powers of
corporation
vested in
council

9. The powers of the said corporation shall be vested in and be exercised by the council of the city, subject to the provisions hereinafter contained as to commissioners.

Repeal of
previous
Statutes

10. Upon the coming into force of this Act, the several Ordinances, Statutes and enactments specified in schedule A to this Act shall be and are hereby repealed to the extents set forth in the third column of that schedule; and all other Acts and Ordinances inconsistent with this Act, in so far as they relate to the City of Edmonton, shall no longer apply to the said city; and where any matter or thing is provided for by this Act, the provisions of any other Act or Ordinance in relation thereto shall be deemed to be superseded so far as they relate to the said city:

Provided, however, that such repeal shall not be construed as depriving the city of any of its real or personal property or any part thereof, or as in any way affecting its existing rights therein or thereto, nor shall such repeal be deemed in any way to affect, modify or abrogate any by-laws, contracts, rights or property, or other rights and liabilities of, affecting or relating to the city now existing and in force, all of which are hereby saved and reserved entire unless otherwise provided in this Act; and until altered under the authority of this Act all by-laws now existing and in force in the city shall continue in operation:

Provided further that nothing herein contained shall affect the legality of any works undertaken or any proceedings begun, had or taken under the authority of and pursuant to any of the Acts and Ordinances hereby repealed, but such works and proceedings may be continued and concluded under the authority of this Act notwithstanding such repeal.

11. Wherever two-thirds of the adult inhabitants who are householders of and in any territory adjacent to the city desire annexation thereto, and present a petition to that effect to the council, and if the council agrees to such annexation or any part thereof, the Lieutenant Governor in Council may by proclamation annex the said territory, or part thereof, to and make it part of the city, from and after such date and on such terms and conditions as the Lieutenant Governor in Council may provide; but no such annexation shall be made under this section except on condition that an area of at least five per cent. of the territory proposed to be annexed shall be contributed or allotted by the owners of the lands in such territory or by some of them to the city, to be used as public parks or open spaces or for such other civic purposes as the council may deem most expedient; and in the event of such owners failing to agree as to the area so to be contributed or allotted, the city may purchase such area from any part of the said territory, or may expropriate the same in accordance with the provisions of part X of this Act, and may charge and assess the price or compensation payable therefor against the whole of the owners of lands, in the said territory rateably in proportion to their several interests as appearing from the next ensuing assessment roll, and may collect the several amounts so charged and assessed in the same manner in all respects as the other municipal taxes.

12. The Lieutenant Governor in Council may upon the petition of the council of the city and after such inquiry as he may think fit, annex to and include within the city

any territory adjacent thereto which from the proximity of streets or buildings or from the probable future exigencies of the city it may be deemed advisable to annex thereto or to include therein. Such annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide.

Power to
divide into
wards

13. The council, subject to the provisions of the Edmonton-Stratheona Amalgamation Act, may at any time and from time to time by a referred by-law, provide that the city shall be divided into wards, and that of the aldermen to be elected, a number not exceeding six shall be elected from each ward, and shall provide for the retirement of one or more at the expiration of one year and the remainder at the expiration of two years; or for the retirement of all either at the expiration of one year or two years; provided that the number of wards and the number of aldermen to be elected from each ward shall be such that the total number of aldermen to be elected shall be an even number. Such by-law shall take effect so as to be applicable to the then next ensuing election, and the aldermen then in office shall hold office only until the new council so elected meets as hereinafter provided, notwithstanding that the term of office for which they were elected shall not have elapsed.

PART III.

GOVERNMENT OF THE CITY.

CITY COUNCIL.

Constitution
of the city
council

14. The council of the city shall consist of the mayor, who shall be at the head thereof, and of such even number of aldermen, not less than ten, nor more than twenty, as the council by by-law shall determine.

Council a
continuing
body

15. The council shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organization of the council for the next year, it may take up and carry on to completion all proceedings commenced but not completed by the last year's council. Upon the coming into force of this Act the existing mayor and aldermen shall continue to hold office for the full terms for which they have been elected respectively, as if this Act had not been passed.

Mayor

16. The mayor shall be elected annually by a general vote of the electors of the city, in the manner hereinafter