

BILL

No. 2 of 1945.

An Act to amend the Acts and Ordinances constituting the Charter of the City of Calgary.

(Assented to _____, 1945.)

WHERAS the City of Calgary has prayed for certain amendments to Ordinance 33 of 1893, of the North-West Territories and amendments thereto;

And whereas it is expedient to grant the prayer of the said petitioner;

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

Ordinance 33 of 1893, North-West Territories and amendments thereto is hereby amended as follows:

1. By adding to Subsection 1 of Section 4 the following:

“Provided that no member of the Calgary School Board shall be eligible to be elected to the City Council, and if any member of the School Board intends to be a candidate at the civic elections for a seat on the City Council he shall satisfy the City Clerk that he has resigned his position on the School Board thirty (30) days at least prior to nomination for Alderman for the City Council. This provision shall apply *mutatis mutandis* to any Alderman who may seek a seat on the Calgary School Board.”

2. Section 5, subsection (a) of the said Ordinance 33 of 1893 is hereby amended by adding after the word “City”, in the third line of the said subsection, the words “not including the Business Assessment Roll”.

(b) By adding to section 5, subsection (a), the following proviso:

“Provided that the names of no property owners or business taxpayers shall be entered on the Voters’ List if they are under the age of 21 years.”

(c) And by adding at the end of subsection 2 of said section 5 the following subsection (e):

“(e) Any person whose name is on the Business Assessment Roll and whose name is not included on the Voters’ List may apply to the City Assessor for a Certificate to that effect, and the said applicant shall be entitled to vote at any election for Mayor, Alderman, Commissioner or School Trustees on presenting such Certificate to the Deputy Returning Officer at Poll No. 1 in the City Hall.”

3. By striking out subsection 10 (c) of section 9 and substituting therefor the following:

“(c) Provided that any Deputy Returning Officer, Poll Clerk, Special Constable, or other Election Officer appointed by the Returning Officer, actually employed as such upon the day of an Election, may, if qualified to vote at such Election, record his or her vote in the polling division in which he is so acting as Deputy Returning Officer, Poll Clerk, Special Constable, or other Election Officer appointed by the Returning Officer.”

4. By adding after the word “determine”, in the seventh line of Section 35, the following Subsection (b) :

“(b) In case any land and the buildings or improvements thereon are owned by different persons, the buildings or improvements shall be assessed to the owner or occupier thereof and the land to the owner thereof.”

5. By adding to Section 37 the following subsection 37c :

“37c: The City of Calgary shall have power by by-law or resolution to take all proceedings, make all expenditures and do all other things that may be necessary to implement the provisions of *The Veterans' Land Act* of the Dominion of Canada for the establishment of veterans on lands within the City of Calgary and for that purpose to make all necessary Agreements with the Dominion Government or the Provincial Government or any other person or corporation, and may acquire any land or real property, necessary therefor by purchase, gift, or otherwise, and by expropriation proceedings pursuant to the provisions of the City Charter regarding expropriation of land and real property. And the Council may provide for a tax assessment on any property established under the said Act for the use of veterans, within the City of Calgary, for a fixed annual tax on such land which fixed assessment or tax may be lower than that prevailing in the rest of the City, and such assessment or tax to apply during such period not exceeding fifteen (15) years as the Council may determine.”

6. That section 47 be amended by adding thereto the following :

“And provided that in the case where any land and the buildings thereon are owned by different persons and assessed in that manner, the buildings so assessed shall for the purposes of collection of taxes be deemed to be chattels, whether affixed to the land or not.”

7. That section 90, subsection (2), be amended by adding thereto the following subsection (g) :

“(g) The City Clerk may strike from the Voters' List the names of any persons who appear to be deceased by obituary notices in the public press, or from

information derived from the Registrar of Vital Statistics, or from such other reliable information as he may decide.”

8. That subsection (f) of section 94 be struck out and the following substituted therefor:

“(f) When the name of any person has been registered as duly qualified to vote as an adult British subject of the City of Calgary for the required period, such name shall be placed on the Voters’ List of the said City for the year in which such registration was made, and shall remain therein until such time as it may be removed under the provisions of the Calgary City Charter.”

9. Subsections (j) and (k) of section 94 are hereby repealed.

10. Section 117 of the said Ordinance is hereby amended by adding thereto the following subsection 86 (b) :

“86 (b) Notwithstanding anything contained in this Ordinance and amendments thereto, or in any By-law of the City of Calgary, or in *The Early Closing Act*, or in *The Hours of Work Act*, or in *The Industrial Relations Act*, the Council may by By-law require that Garages and Gasoline Service Stations shall be and remain closed for the service of customers for such hours during the twenty-four hours of the day as the Council may determine. And the said By-law may provide for the enforcement of its provisions and for penalties for infraction thereof, and such other provisions as the said Council may determine to effectually carry out the provisions of the said By-law.

“Provided that there shall be filed with the City on any application for exercise of the power hereby conferred on the Council a Petition or Petitions praying for such amendment, containing the signatures of at least two-thirds of the owners, lessees or occupants of the Garages, or Service Stations, and also two-thirds of the employees of the said Garages, or Service Stations. Each signature to the said Petition shall be duly verified by the Statutory Declaration of an attesting witness thereto, and the decision of the Council as to whether the Petition or Petitions are properly or sufficiently signed shall be conclusive.”

11. By adding to section 166 the following :

“For the purposes of this Section the amount of the Debenture debt of the City at any time outstanding in respect of Public Utilities of the City shall be deemed to be the aggregate amount of Debenture debt contracted for such purposes from time to time, less the aggregate of the amounts applied from time to time as shown by the records of the City out of revenues from such Public Utilities in payment of the principal of any Debentures issued by the City; and the amount of the Debenture debt of the City at

any time outstanding in respect of Local Improvements, other than the City's share thereof, shall be the aggregate amount of the Debenture debt created for Local Improvements less the City's share thereof and less the aggregate of the amounts applied from time to time, as shown by the records of the City, out of the proceeds of special frontage assessments levied for such Local Improvements, in payment of the principal of any Debentures issued by the City."

12. By adding to section 290*b* the following clause:

"The City Clerk or his Deputy shall, in addition to the Affidavit in this paragraph referred to, require from such applicant any other proof of the identity of the said applicant that he may consider necessary."

13. By adding thereto the following section 344:

"**344.** Any by-law passed by the Council in the exercise of any of the powers conferred by and in accordance with this Act and in good faith shall not be open to question or be quashed, set aside, or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them."

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

FIRST SESSION
TENTH LEGISLATURE
9 GEORGE VI
1945

BILL

An Act to amend the Acts and Ordinances constituting the Charter of the City of Calgary.

Received and read the

First time.....

Second time.....

Third time.....

MR. A. DAVISON.

EDMONTON:
A. Shnitka, King's Printer
1945