

BILL

No. 40 of 1910 (Second Session).

An Act to Amend and Consolidate the Medicine Hat Charter.

(Assented to 1910.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Medicine Hat Charter*, being chapter 63 of the Statutes of Alberta, 1906, is hereby amended as follows:

1. Title III, sections 1, 2 and 3, are hereby repealed and the following substituted therefor:

"1. The council of the city shall consist of a mayor and twice as many aldermen as there are wards in the city, all of whom shall be elected annually.

"2. One alderman shall be elected to represent each ward in said city by a vote of the electors in such ward, and the other aldermen and the mayor shall be elected by a general vote of the electors of the city in the manner hereinafter provided.

"3. Each of said aldermen shall as remuneration be paid such sum for each regular meeting attended by him as shall be fixed by by-law of the council from time to time; provided that the total sum per year paid to any alderman shall not exceed two hundred and fifty dollars; and the remuneration to be paid to the mayor shall be fixed by the council."

2. Title V is amended by inserting the following as section 1:

"1. The mayor shall, during the week preceding the next regular meeting, convene a general meeting of the electors of the city, and at such meeting the mayor and aldermen shall present statements of the work done by the various committees during their term of office and of the general financial standing of the city."

3. Title XI, section 1, by adding the following as subsection 2:

"(2) The mayor may at any time, and from time to time, appoint and engage one or more special constables within the city for such time not exceeding fifteen days as shall be stated in the appointment, but the authority of any such constable shall cease if his appointment be not confirmed at the next regular meeting of the council and such constable shall for the time being form a part of the police force of the city."

4. Title XI, section 4, is hereby repealed and the following substituted therefor:

"4. The council shall at its first meeting and every three months thereafter from amongst its members appoint a deputy mayor who shall hold office for three months and until his successor is appointed, and who in case the mayor through illness, absence or any other cause is unable to perform the duties of his office, or in case his office is vacant, shall have all the powers of the mayor during such inability or vacancy."

5. Title XVII, by inserting the following as subsection 2 of section 1 thereof:

"(2) It shall be the duty of the assessor to examine annually all manufacturing establishments which have been granted

exemption from taxation, a fixed assessment or other concession by the council, and to ascertain if they have complied with the conditions specified in the by-law or contracts granting said exemption or concession and to report to the council on or before the first day of May in each year."

6. Title XXI, section 3, subsection (a) is amended by adding the following at the end thereof:

"Railway spur tracks subject to the approval of the Board of Railway Commissioners of Canada, not exceeding three miles in length to connect with industrial sites whether the same be within or without the city limits."

7. Title XXI, section 7, is amended by adding thereto the following subsection:

"(2) And when any such matter or thing is done at the expense of the city upon or in respect of any land, the council may by resolution charge the cost thereof against the said land and the amount with interest shall be payable in the same manner as if it had been assessed against the land as a special assessment for a local improvement, and the period over which the payment of the amount and interest shall be extended shall be fixed by resolution of the council."

8. Title XXI is further amended by inserting the following as section 12, and subsections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11:

"12. The council may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the city shall be closed and remain closed on each or any day of the week at and during any time or hour between six of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day."

"(2) The council having passed any by-law in pursuance of the provisions of this Act, may from time to time by by-law amend the said by-law changing the hours when the said shops shall be closed and remain closed, and substituting such other hours in the place and stead of the hours mentioned in the by-law, and may repeal any by-law passed, or to be passed, and may pass any new by-law for closing the same, or any other shops, either with or without any petition therefor being presented to the council."

"(3) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the council passing a by-law may appear best suited to insure the publicity thereof."

"(4) A shop in which more than one class of trade is carried on shall be closed as far as relates to each class of trade at the hour and during the time at and during which any such by-law requires shops in which the class of trade in question is carried on to be closed."

"(5) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty, or punishment, for supplying any article required for immediate use by reason or because of any emergency arising from sickness, ailment or death, or for supplying any article to any person lodging in such premises; but nothing herein contained shall be deemed to authorize any person whomsoever to keep his store open after the hour appointed for the closing of shops."

"(6) Where an offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine, penalty, or punishment as if he were the occupier."

"(7) Where the occupier of a shop is charged with an offence against any such by-law he shall be entitled upon information duly laid by him, to have any other person whom he charges as the actual offenders brought before the court at the time appointed for hearing the original evidence, and the charges upon both informations shall be tried together, and if after the commission of the offence has been proved the said occupier proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment, but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier.

"(8) Nothing in the preceding sections of this Act, or in any by-law passed under authority thereof shall be deemed to render unlawful the continuance in the shop, after the hour appointed for the closing thereof, or any customers who were in the shop immediately before that hour, of the serving of such customers during their continuance therein.

"(9) Notwithstanding that a by-law passed under or purporting to be passed under or pursuant to the provisions of this Act may be invalid or ineffectual as to some shops or some class or classes of shops, every such by-law shall, nevertheless, and to all intents and for all purposes, be deemed to be valid and effectual as respects any other shop or class or classes of shops thereby required to be closed.

"(10) In the foregoing subsections the expression 'shop' means any indoor shop or any building or portion of a building, booth, stall or place where goods are exposed or offered for sale or retail, but not where the only trade or business carried on is that of a tobacconist, newsagent, victualling house or refreshment house, nor any premises wherein tickets for an entertainment or licensed houses are sold, and for the purposes of this Act sale by retail shall be deemed to include sale by auction, and the expression 'closed' means not open for the serving of any customer.

"(11) This section shall not apply to pharmaceutical chemists, or to chemists and druggists."

9. Title XXIII, section 13, is amended by striking out the words "being a man, unmarried woman, or widow" in the third line thereof, and the words "or whose wife is a freeholder" in the seventh line thereof.

10. Title XXXI is amended by striking out subsections 2, 3 and 4 of section 2, and substituting the following as subsections 2, 3, 4, 5 and 6 thereof:

"(2) Except members of His Majesty's Naval or Military Forces on full pay or on active service, or the Royal North-West Mounted Police, or members who are volunteers of the city fire brigade, every male inhabitant of the city of the age of twenty-one years and upwards who has resided in the said city for a period of two months or more, and has not been assessed on the assessment roll of the city for the current year to the amount of \$200, and every such person residing within two miles of the city who has a place of business therein or who receives employment and is paid wages or salary therein shall pay an annual poll tax of three dollars, to be collected at any time after the first day of May in the same manner as the other taxes or as hereinafter provided.

"(3) Any person liable to pay poll taxes as hereinbefore provided shall pay the same to the person appointed by by-law of the city council to collect the same.

"(4) In case of neglect or refusal to pay the same within three days after demand in writing the person appointed to collect the same may levy the same by distress and sale of the goods and chattels of the defaulter with costs of the distress and sale.

"(5) In case any person neglects or refuses to pay the poll tax when demanded as aforesaid by the person appointed to collect the same he may demand from the employer or employers of the person so neglecting or refusing the amount due for such poll tax, and the person paying the same shall deduct the same so paid from the salary or wages due to the person so neglecting or refusing, and the said employer or employers are hereby rendered liable for the amount or amounts demanded by the collector if they fail to deduct the same from the salary or wages due the person employed.

"(6) In case any person neglects or refuses to pay the poll tax when demanded as aforesaid such person may on summary conviction be ordered to pay the same with costs, and in default of payment to imprisonment not exceeding thirty days."

11. Title XXXI is amended by inserting the words "business and special franchise" after the word "personal" in the third line of section 1.

12. Title XXXI is amended by inserting the following as subsection (11) of section 4:

"(11) The council may pass by-laws exempting all or any portion of the building improvements upon the land within the city for the current year.

13. Title XXXI is amended by inserting the following as subsections 2, 3 and 4 of section 5:

"(2) Every person who, and every firm, partnership, company or corporate body that carries on business in any way in the city, whether he resides there or not, as merchant, trader, broker, manufacturer, warehouseman, distiller, artificial stone-maker, the business of an attorney or notary public, banker, broker, bank, loan company, mortgage company, trust company, insurance company, money lender, barber, money changer, lawyer, conveyancer, physician, surgeon, veterinary surgeon, farrier, undertaker, dentist, photographer, sign painter, auctioneer, grocer, caterer, butcher, baker, huckster, tailor, mechanic, carpenter, blacksmith, repairer, plumber, pawnbroker, keeper of livery stable, sale stables, feed and provender stables, automobile livery, hotels, saloons, Turkish and other baths, laundry work (using power other than manual labour), tanner, land agent, commission agent, ticket agent, detective agent, advertising agent, collecting agent, ticket seller, telegraph agent, telephone agent, fuel dealer, dealer in building materials, inspector of any kind, agent of any kind, or acts as agent for any of the above mentioned businesses, or who carries on any other business, trade, occupation, manufactory, art or profession not above mentioned, shall be assessed for a sum equal to the annual rental value of the premises, whether buildings or lands or both, which he so occupies in carrying on any of the businesses, professions, employments, or callings above mentioned, or which he uses for an office for such business, profession, employment or calling and both thereof, to the end and intent that all persons, firms, and corporations occupying premises not used solely as a residence for the person, firm or corporation so occupying same, shall be liable to assessment for a sum equivalent to the annual

rental value of the premises so occupied. The assessment made under this section shall be known as 'business assessment,' and the tax levied on this assessment shall be known as 'business tax.' This section shall not be deemed to include and shall not include theatres, opera houses, public halls, places of public amusement, places used for public meetings only, or any halls or places of meeting for political, friendly or other societies or bodies of people, or any temperance hotel or boarding house, eating house, restaurant, bowling alleys, boot blacking and boot shining establishments, ice warehouses, laundries using manual power chiefly, hospitals of all kinds, business colleges, music halls, dance halls, shooting galleries, skating rinks, and dairies, which are subject to license by the city.

"(3) Subject as herein stated the business assessment of hotels shall be limited to and shall include the ground floor of the hotel building for whatever purposes used. In respect of such ground floor there shall be a business assessment equivalent to annual rental value on the basis of the like value of business properties in the immediate vicinity. Should any other portion of the building be used for the purpose of business other than such as are strictly hotel business, there shall be a business assessment in respect of such portion arrived at on the same basis.

"(4) Each corporation, company, individual or partnership shall pay to the city a business tax to the such extent as may be fixed by by-law from time to time per centum of the amount of the business assessment of such corporation, individual or partnership, as shown on the business assessment roll, and each individual in any such partnership shall be liable for such tax; provided that this section shall not apply to a railway company or to ticket agents, ticket sellers, telegraph agents, or railway agents employed by a railway company exclusively for the business of such railway company if such railway company is liable to pay taxes under any taxation act, or if the property of such railway company is exempt under any by-law or by-law of the city; provided that in case it shall at any time before the preparation of the business tax roll be satisfactorily made to appear to the assessment commissioner that any premises subject to business assessment, has given up, sold or disposed of such business to another person who is continuing the same, the assessment commissioner shall, in preparing the business tax roll, charge such person with the business tax *pro rata* in respect of the number of months during which he had carried on such business (a fraction of a month being taken as a month), and the assessment commissioner shall, upon the same basis of assessment, charge the successor in business in such premises with the remainder of the taxes in respect of the year in question. If a person under business assessment permanently vacates the premises before the first day of July, the assessment commissioner shall, on being satisfied of that fact before preparing the business tax roll, enter the business tax against such person in regard to such premises at one-half of the amount of the tax for the year. Upon its appearing to the assessment commissioner that such person has resumed business in the premises, or that any other person has subsequently commenced business in the premises, or that any other person has subsequently commenced business therein, he may in either case charge against the party so resuming or commencing business the business tax *pro rata* for the portion of the remainder of the year in which business is carried on in the premises."

14. Title XXXII, section 1, is hereby amended by inserting the words "and a business tax roll" after the word "roll" in the second line thereof.

15. Title XXXII is further amended by adding the following as subsections 3 and 4 of section 1 thereof:

"(3) The business assessment shall be made in a separate roll and may be made at a different time from the general assessment roll. The completion of the business assessment roll may be returned or reported upon to the council and the board of valuation and revision by the assessment commissioner at a different time from that fixed in respect of the general assessment roll. The board may sit for the hearing of appeals from the business assessment at different times from those fixed for hearing appeals from the general assessment. For the purposes of this section the two assessments may be treated as separate and distinct. In all other respects the inspection of the business assessment roll, the giving notice of appeal or making complaints, and the procedure for appeals and the coming into force of such assessment roll, and for the preparation of a tax roll based thereon and collection of taxes, shall be the same as by-law are provided for the general assessment.

"(4) The assessment commissioner shall forthwith after the revision of the business assessment roll prepare a business tax roll, in which he shall, in addition to other information, insert the name of the person, firm or corporation assessed and carry out in a separate column the amount of taxes chargeable at five per centum on each assessment, and the sum so shown shall be and create a debt due by the party so mentioned in the roll to the city, and that sum shall be the business tax payable by the party assessed."

Section 5 of said title is amended by striking out the word "five" in the fifth line thereof, and inserting the word "ten" in substitution therefor.

16. Title XXXIII, section 1, is hereby amended by striking out the words "and the name and address of the owner of the same" in the sixth and seventh lines thereof, and the word "and" in the seventeenth line thereof; and the words "twenty-five" in the ninth line, and inserting the word "fifty" in substitution for said "twenty-five."

17. Title XXXV is amended by inserting the following as subsection 2 of section 22:

"(2) In case the owner of such property for any reason is unable to pay for the installing of such connections the council may make all necessary connections from the mains to the inside of the outer wall of such building and charge the cost thereof against the said land as a special assessment for a local improvement and the period over which the payment of the amount and interest shall be extended shall be fixed by resolution of the council."

2. This Act shall, as far as practicable, come into force and effect as of the first day of January, one thousand nine hundred and ten.

No. 40

SECOND SESSION

SECOND LEGISLATURE

1 GEORGE V

1910

(Second Session)

BILL,

An Act to Amend and Consolidate the
Medicine Hat Charter

Received and read the

First time.....

Second time.....

Third time.....

EDMONTON

JAMES E. BUCKLAND, Government Printer
A.D. 1910