

BILL

No. 23 of 1911.

An Act to Amend the Acts and Ordinances relating to the City of Calgary and to validate certain By-laws of the said city.

(Assented to 1911).

WHEREAS the City of Calgary has prayed for certain amendments to Ordinance 33 of 1893 of the North West Territories and the amendments thereto and to validate certain by-laws of the said City :

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 :—

1. Section 2 of Ordinance No. 33 of 1893 of N.W.T. as amended by Section 1, Chapter 28 of the Statutes of Alberta, 1910, Second Session, is hereby amended by adding thereto the following :

“and Sections 28 and 33 of Township 23 in Range 29, west of Fourth Meridian and Sections 25 and 36, Township 23, Range 1, west of the Fifth Meridian, and the north half of Section 34, Township 23, Range 1, west of the Fifth Meridian in the Province of Alberta.

(a) In the event of any part of the locality made part of the City of Calgary by Section 1 of Chapter 28 of the Statutes of 1910, or by this or any subsequent Act, having been before or when taken into the City wholly or partially within the boundaries of any School or Local Improvement District, the person or persons having the custody of all rolls showing any arrears of taxes or assessments against any such lands shall forthwith upon demand by the Treasurer of the City of Calgary furnish him with a copy of so much of such rolls or roll as show such arrears. Upon receipt thereof the Treasurer shall add the same to the City rolls showing arrears of taxes and the amounts shown to be in arrears shall thereupon be and become taxes due to the City and all the provisions of this Ordinance and amendments thereto in relation to the collection of taxes and the sale of land for arrears of taxes shall apply and the City alone shall have the right and authority to collect the same. The City shall have the full authority to make any agreements with such Local Improvement Districts or School Districts with reference to such arrears as may be necessary for the adjustment of their respective rights thereto and any agreements so made are hereby ratified and confirmed.

2. Sections 25 of the said Ordinance No. 33 of 1893 as amended by Section 6 of Chapter 32 of the Statutes of Alberta, 1907, and as further amended by Section 2 of Chapter 28 of the Statutes of 1910, Second Session, is hereby amended by striking out Subsection “E” thereof and substituting therefor the following ;—

(e) The City may from time to time by By-laws without a vote of the ratepayers, provide that the provisions of Subsection “C” hereof with reference to the exemption from taxation upon its buildings, improvements, machinery and stock and the assessment of lands used and occupied by manufacturing and industrial establishments, shall apply to manufacturing and industrial establishments which may have heretofore been or shall hereafter be established within the limits of the City of Calgary as at present existing or afterwards extended or within any portion thereof as defined by the By-laws:

3. Section 25 of the said Ordinance 33 of 1893, N.W.T. is hereby amended by adding thereto the following ;—

(a) Lands shall be assessed at their fair actual value ; buildings and improvements thereon shall be assessed at 50% of their

" Provided, however, that the Council may by By-law provide that the said percentage of actual value at which buildings and improvements are to be assessed, shall be reduced each year, by at least ten per centum of such actual value, until all such assessments on buildings and improvements shall have been extinguished; such By-law to be subject to ratification by the rate payers."

expenses necessarily incurred in and
the City and ~~obtaining~~ ~~manufactories~~ and businesses ~~located~~
in the City and in such other manner as in the opinion of the
Council will advance the interest, progress and welfare of the City.

5. Section 115 of the said Ordinance 33 of 1893 is hereby amended to adding thereto the following ;—

(a). Notwithstanding anything contained in this Ordinance and amendments thereto the City may appoint one or more persons or Corporations ~~to act as trustees~~ for the management of the sinking fund or any portion thereof who may be residents of the City of Calgary or London, England, or elsewhere, and who shall exercise and possess all the rights, powers and authority conferred on the Council by this Ordinance in respect to the sinking fund or any portion thereof.

6. Section 110 of the said Ordinance 33 of 1893, N.W.T. is hereby amended by adding thereto the following :—

(a). The Council shall have power to pass by-laws to borrow money for the construction of any work ordered by the Board of Railway Commissioners of Canada, or by the Government of the Dominion of Canada, or of the Province of Alberta, and for the issue of debentures for the payment of the same without a vote of the electors.

7. Section ~~11~~ is hereby amended by striking out the clause "The Council of the City of Calgary may pass By-laws for" and substitute therefor the following "The Council of the City of Calgary may make, repeal or amend ~~at all times~~ by-laws for the peace, order, good government and general welfare of the City of Calgary, and for all matters and things whatsoever that concern and effect the City of Calgary as a body, politic and corporate; provided, always, that such by-laws be not repugnant to the Laws of this Province or of Canada, and shall be passed bona fide in the interest of the said City of Calgary; and for greater certainty but not to restrict the scope of the foregoing provision or of any power authorized and conferred by this Charter, the Council may make, repeal, amend ~~and enforce~~ By-laws for."

8. Subsection 56 of section ~~18~~ of the said Ordinance 33 of 1893, N.W.T., is hereby further amended by adding after the word "plant" in the ~~fourth~~ line thereof the following; "brick-works, coal mines, gravel pits, abattoirs and gas wells, or for dealing in coal."

9. Section 117 is hereby further amended by adding thereto the following subsections;—

90. To regulate and prescribe the width of tires on the wheels of vehicles used in the City and the maximum weight of a load to be drawn over any street in the city and to direct upon what streets heavily loaded vehicles may be drawn and from what streets, alleys and public places same may be excluded and generally to regulate traffic on the streets, lanes and public places of the city and to license vehicles of every description.

91. To license and regulate hackmen, draymen, expressmen, porters or other persons or corporations including street railway companies engaged in carrying passengers, baggage or freight in the city, to regulate their charges therefor and to prescribe standing places or stations within the streets or near railway stations where the same may remain while waiting for business, and to prohibit the

same from standing or waiting at any other places other than the places so prescribed.

92. To regulate or prohibit offensive or unwholesome businesses or establishments in the city or within one mile of the limit thereof; to prohibit the erection or occupation of any offensive buildings in any place or situation where they will damage the neighboring property and to determine the location where certain manufacturing or occupations may be carried on.

93. To define what shall constitute a nuisance and to abate the same and to impose a fine upon persons who may create, continue or suffer nuisances to exist.

94. To regulate lodging, tenement and apartment houses, prevent overcrowding of the same and to require the same to be put and kept in proper sanitary condition.

95. To license, regulate or prevent the employment or occupation of minors in the streets or public places and to grant licenses and make regulations for newspaper carriers,

96. To establish, maintain and regulate a municipal employment bureau.

97. To license, regulate and prevent the posting of bills and placards on public or private property.

98. To establish, regulate and manage public abattoirs either within the city limits or within a distance of three miles of the city limits, and to license, regulate and prohibit the establishment of private abattoirs in the city.

10. Section 125 of the said Ordinance 33 of 1893, N.W.T., is hereby amended by adding at the end thereof the following: "And in ~~any~~ ^{every} case, no action shall lie unless such action has been instituted within six months after the right of action arose."

(a). If any person claims or pretends to have suffered bodily injury by any accident or casualty or claims to have suffered damages to property, real or personal, for which he intends to claim damages or compensation from the City, he shall, within ~~seven~~ ^{seven} days from the date of such accident or casualty or the happening of such damages to his property, give notice to the City through the City Clerk of such intention, containing the particulars of his claim, failing which the City shall be relieved from any liability and for any damages or compensation for such accident or injury, notwithstanding any provision of law to the contrary.

11. Section 129 of the said Ordinance 33 of 1893, N.W.T., is hereby amended by adding thereto the following:—

19. ^{Council of the} The City may pass By-laws for: The closing and using, selling or otherwise disposing of and conveying or leasing of any public highway, boulevard, public place or portion thereof; provided that no such by-law shall be passed unless at least two weeks' notice of the intention of the Council to pass the same be given by registered letter to the persons registered or assessed as the owners of the land abutting upon the portion of highway, boulevard or public place so proposed to be closed and sold or leased and published previous to the passing of the by-law in some newspaper published in ~~some newspaper published in~~ the city in at least one number of such paper each week for two successive weeks nor until any person who claims that his land will be injuriously affected thereby and petitions to be heard has been afforded an opportunity to be heard by himself or his agent in relation to the proposed by-law.

(a) Any such person so claiming, petitioning and appearing shall be entitled to be compensated for all damage to his land by reason of anything done under the by-law; such compensation to be determined in the same manner and subject to the same conditions as in the case provided by this section.

(b) In case it shall appear that the amount of the compensa-

tion after deducting the selling price in case a sale is contemplated will be so large that the amount ought not to be paid out of the current revenue, the by-law shall be referred for the consent of the electors, and if the same be finally passed the amount necessary to be raised to pay the compensation and any costs may be raised by the issue of debentures of the amount payable on such terms and with such rate of interest as the Council shall by By-law determine.

(c). No application to quash a by-law authorized under this section shall be entertained unless the application be made within twenty days after the passing of the by-law.

(d). A certified copy of every such by-law may after the expiration of said period of twenty days be registered in the Land Titles' Office, and the Registrar shall thereupon register the City as owner of the highway or portion thereof so closed.

12. Section 130 of said Ordinance 33 of 1893, N.W.T., is hereby amended by adding thereto the following :—

(a). Where a plan of subdivision into lots or blocks of any land not within the limits of the City has been registered in the Land Titles' Office and the said lands may have or shall be afterwards included within the limits of the City, all streets, lanes, parks or other public places shown on such plan shall upon being included in the limits of the City be and become vested in the City and under the direction, management and control of the Council for the public use of the city, and no change or alteration in the boundaries of any such street, lane, park or public place shall be made without the consent of the City.

~~13. Section 158 of the said Ordinance 33, of 1893, N.W.T., is hereby amended by adding thereto the following subsection :—~~

~~(5). All roads, highways and public places within a distance of six miles from the limits of the said City of Calgary shall be subject to the control of the Council of the said City; and no railway company, telephone company, telegraph company, power company or other corporation shall use the same for laying any tracks or placing any poles or stringing any wires thereon or interfere with the same in any way without the consent of the Council of the City of Calgary being first obtained thereto.~~

~~13~~ ~~N~~. Section 172 of the said Ordinance 33 of 1893, N.W.T., is hereby amended by adding thereto the following :—

(a). The Council may by by-law suspend or revoke any license granted under any of the provisions of this Charter by reason of mismanagement, incompetency or violation of any by-law on the part of the licensee.

~~14~~ ~~N~~. The said Ordinance 33 of 1893 is hereby amended by adding the following sections after section 116.

(116a). Whenever by this Ordinance power is given to the Council to borrow or raise by sale of debentures or otherwise any sum or sums of money it shall be lawful for the Council to borrow or raise the whole or any portion of such sum or sums in the form of inscribed or registered stock (hereinafter termed stock) which shall be a valid and binding charge upon the City.

All such stock shall be styled "City of Calgary Consolidated Stock."

(116b). The authority given by the foregoing section shall be exercised by the virtue and under the authority of a by-law which shall be approved of or by an absolute majority of the members of the Council present and voting, and such by-law shall specify :

(1). The purpose for which the loan is to be made, or in the case of a consolidation specifying the individual by-laws and the amount and period thereof.

(2). The term for which it is to be made.

(3). The rate of interest thereon which shall not exceed five per centum per annum.

(4). The arrangements for the provision of a sinking fund.

(5). Particulars of the place or places of issue, of registration, of transfer and of the redemption of the capital at maturity.

(6). The form of security to be used, whether bonds or debentures, or stock or inscribed stock, in sterling or in currency or otherwise.

(116). The Council shall have and may exercise the following powers or any of them:—

(1). The Council may from time to time declare all or any of the debentures, or other public securities issued by the City of Calgary to be convertible into stock.

(2). The Council may authorize the issue of an equivalent amount of such stock in exchange for such debentures or other securities and for debentures issued or other securities authorized but not sold or disposed of.

(3). The Council may on such conditions as it may determine authorize the creation and issue of any stock for the purposes of redeeming any outstanding debentures or other securities, and of paying any expenses in connection with such redemption or the carrying out of the provisions of this Act.

(4). Any such conversion of debentures or other securities into stock may be effected by arrangement with the holders of such debentures or other securities or by purchase thereof out of the moneys received by the sale of new stock, or partly in one way or partly in the other.

(116d). The Act shall not operate to authorize an increase in the authorized amount of any loan, except that in the case where stock is issued in exchange for debentures or other securities bearing a higher rate of interest than such stock, an additional amount of stock may be issued to make up the difference in the current saleable value between such debentures and stock.

(116e). The Council may enter into an agreement with any bank, person, firm or corporation in London, England, or elsewhere to provide for all or any of the following matters.

(1). For the issue and inscription or registration of stock on registers to be kept at such bank or with such person, firm or corporation or elsewhere.

(2). For effecting the conversion of debentures or other securities into stock and regulating the transfer of stock.

(3). For the issue of stock certificates and the signatures of the same.

(4). For paying the interest on stock or the capital sums represented thereby.

(5). For issuing stock certificates to bearer, and as often as occasion shall arise re-registering or re-inscribing the stock represented by such certificates.

(6). For receiving from time to time all moneys raised under this Act and for paying such moneys from time to time into the City's account with such bank, which account shall be kept in such bank as may be duly appointed in that behalf.

(7). For issuing allotment letters and provisional scrip certificates to represent moneys paid upon account of any stock pending the issue of the final stock certificates.

(8). For the transfer of stock from one place of registry to another.

(9). Generally for conducting all business connected with the issue and service of the stock and the inscription, registration and transfer thereon.

(116f). Stock issued pursuant to the powers contained in this Act shall be valid and binding in the hands of a bona fide purchaser notwithstanding that any of the necessary formalities in connection with the issue thereof have not been complied with.

(116g). The Council shall have and may exercise power to pass such by-laws to amplify and carry out the provisions of Sections 116A to 116F and further and additional power to pass such by-laws as it may deem necessary not inconsistent with the provisions hereof.

1526. By-law No. 1170 of the City of Calgary finally passed on the 27th day of June, 1911, after approval by the electors of the

said City authorizing the issue of debentures to the amount of \$150,000. for the purpose of granting a bonus to the Calgary College is hereby declared legal, valid and binding upon the City of Calgary, notwithstanding any informalities, irregularities or defects therein, either in substance or in form, and the said College and the said City are hereby declared to have power to exercise all the rights and duties therein set forth and each and all the debentures and coupons issued or to be issued thereunder, or under any consolidated by-law of which the said By-law No. 1170 shall form a part are declared legal and valid, and the said City shall be bound to pay each and all of the said debentures and coupons as therein respectively stated, and any mortgage given by the College under said by-law shall be legal and binding on the said College and a first charge on the lands of the College as therein set forth and the City shall have power to enforce the terms thereof.

No.

THIRD LEGISLATURE

2 GEORGE V

1911.

BILL

An Act to Amend the Acts and Ordinances relating to the City of Calgary

Received and read the

First time

Second time.....

Third time.....
