

BILL

No. 35 of 1913.

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 1913)

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 7 of Ordinance 33 of 1893, North-West Territories, is hereby amended by striking out the word "five" in the last line but one thereof and substituting therefor the word "eight".

2. Section 9 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding after subsection 10 the following subsection:

"10a. Every elector qualified to vote on the election of mayor or who wishes to vote must record his vote at the poll for that portion of the ward in which he resides."

3. Ordinance 33 of 1893, North-West Territories, is hereby amended by adding after subsection 13 of section 9 thereof the following:

"13a. The ballot provided for in the preceding two subsections shall be in the following form altered as the circumstances may require:

"THE CITY OF CALGARY

"You must put an X on the right hand side of names on this Ballot or it will not be counted.

Election for Mayor (or Commissioner) or (Public School Trustees) or (Separate School Trustees) held this day of A.D. 191

	<i>Name</i>
	<i>Name</i>
	<i>Name</i>

WARD No.

You must put an X on the right hand side of names on this Ballot or it will not be counted.

Election for Aldermen held this day of A.D. 191

	<i>Name</i>
	<i>Name</i>
	<i>Name</i>
	<i>Name</i>

10. Section 108 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding at the end of subsection 1 the following:

"Provided, however, that where it is necessary in the opinion of the council, before the said roll is finally revised and the said list is prepared as aforesaid, to submit any bylaw to the ratepayers for their approval, the list of the preceding year, may be used."

11. Ordinance 33 of 1893, North-West Territories, is hereby amended by adding after section 115a the following section:

"**115b.** Council may appropriate to the payment of any debt the surplus income arising from any city work or from any share or interest therein after paying the annual expenses thereof including the sinking fund and interest on any debentures issued for the city work; or may so appropriate any unappropriated money in the treasury or any money raised by general rate, and any money so appropriated shall be carried to the credit of the sinking fund of the debt or reserve fund as the case may be, or may be applied in payment of any instalment thereof accruing due; or the Council may from time to time appropriate a fund to be known as a reserve or depreciation fund any surplus income arising from any civic work for the purpose of meeting contingencies which in the opinion of the council may be thought likely to arise in connection therewith; or the council may appropriate from time to time any surplus to the improvement or better equipment of any such work."

12. Subsection 1 of section 109 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding thereto the following:

"Provided, however, that bylaws for the purchase of land and the erection of brick, stone or concrete buildings or other concrete structures may be made payable in fifty years at the furthest thereafter."

13. Subsection 56 of section 117 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding after the word "elevators" the word "hospitals".

14. Ordinance 33 of 1893, North-West Territories, is hereby further amended by striking out subsection 61b, of section 117 as added by section 19, chapter 32, Statutes of Alberta, 1907.

15. Section 117 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding thereto the following subsections:

"99. To provide for the removal and destruction of weeds, refuse or any other debris from any vacant land where the owners are nonresident or unknown and from the property of any other persons who for twenty-four hours after notice published in a newspaper printed and published in the city neglect to remove or destroy the same and in case of the non-payment of the expenses thereof by the owner or occupant, charging the same against the property as a special assessment to be recovered in like manner with the other city taxes.

"100. To provide for the printing and publishing of a municipal newspaper or bulletin and that all advertising by this Ordinance required to be made in any newspaper or other publication shall be sufficiently advertised by being similarly published in the said bulletin."

16. Section 160 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding at the end thereof:

"And to pledge such by-laws or debentures to any bank or other corporation as security for the repayment of the money borrowed pending the realization of such debentures."

17. Ordinance 33 of 1893, North-West Territories, is hereby amended by adding after section 106 the following section:

"166a. Notwithstanding anything in this charter contained, upon the report of the city engineer or the medical health officer recommending the same, the council shall have power by resolution or bylaw to direct water and plumbing, or other sanitary improvements to be made in any such building, and the city may with or without the consent of the owner, occupant or tenant thereof enter, make, construct and instal such water, plumbing or other sanitary improvements or cause the same to be done and after the completion thereof the city engineer shall make a certificate stating therein the number and description of the parcel of land whereon such work has been done and the actual cost thereof, and shall file such certificate with the assessor and the amount of such costs so certified shall be divided into such number of instalments as shall be directed by the resolution or bylaw directing the work, and such cost together with interest on the sinking fund or equal annual instalment plan shall, as in the case of local improvements, be added to the taxes on such lot or parcel of land in the collector's roll for the proper number of years, beginning with the rolls prepared next after the filing of said certificate, and the said cost shall thereupon become and be treated in all respects as ordinary taxes due upon said land. And for the purposes aforesaid the said council may by the said bylaw authorize the city to borrow such sums as may be necessary for the said works, to be repayable with interest in such manner as the council may arrange."

18. Section 16 of chapter 36 of the Statutes of Alberta, 1908, is hereby amended by adding at the end of section 182 thereof the following:

"Provided, however, that council may by bylaw provide that there may be five commissioners for the City of Calgary, which bylaw shall be subject to the approval of a two-thirds vote of the ratepayers as in the case of money bylaws."

19. Section 183 of Ordinance 33 of 1893, North-West Territories, as added by chapter 36 of the Statutes of Alberta, 1908, is hereby repealed and the following substituted therefor:

"183. The mayor, or in his absence the acting mayor, shall be *ex-officio* one of the commissioners, and the others shall be elected from the city at large at the same place and on the same day and in the same manner as the mayor is elected. Such commissioners shall devote their whole time to the city's affairs. The mayor, or in his absence, the acting mayor, shall be chairman of the commissioners. If an alderman or city official is elected a commissioner he shall thereupon cease to occupy such position or office.

"183a. The city commissioners shall be elected for a period of two years. Where an election is had for more than one commissioner the commissioner receiving the highest number of votes shall hold office for two years, and the other commissioner or commissioners shall hold office for one year. Thereafter the commissioners elected shall hold office for two years.

"183b. In the event of the death or resignation of one of the commissioners his substitute shall be appointed by the council for the balance of his term of office.

"183c. Every elector qualified to vote on the election of commissioners and who wishes to vote must record his vote at the poll of that portion of the ward in which he resides.

"183d. No property qualification shall be required for a candidate for commissioner."

20. Sections 189 and 193 inclusive added to Ordinance 33 of 1893, North-West Territories, by section 7 of chapter 28, Statutes of Alberta, 1910, Second Session, are hereby repealed, and the powers thereby given to the parks board are hereby revested in the council and the city commissioners.

21. The said Ordinance 33 of 1893, North-West Territories, is hereby amended by adding thereto the following section 189:

“**189.** The council of the City of Calgary may in addition to other rates and assessments levy in each year a special tax for the maintenance and improvements of the parks, cemeteries, and boulevards of the city and such money shall be known as the parks fund but the rate of such assessment shall not exceed three-quarters of a mill on the dollar in each year.”

22. Ordinance 33 of 1893, North-West Territories, is hereby amended by adding thereto the following section 190:

“**190.** If the local board of health for the city or the medical health officer or any person authorized by them upon due examination is satisfied that any building, enclosure or structure or portion thereof has for any reason become or is unfit for the purpose for which it was used or that it has become a nuisance or in any way dangerous to the health of the occupants or neighbours the medical health officer of the city may issue a notice addressed to the owner of such premises or the agent or person in charge of the same or any of them requiring the premises to be put in proper sanitary condition, or if the said board shall see fit, requiring the occupants to quit and close up the premises within such time as the board may deem reasonable. If the person so notified or any of them refuse or neglect to comply with the terms of the notice, every person so offending shall be liable to a fine not exceeding ten dollars for each and every day he shall so neglect or refuse, and in default to imprisonment not exceeding thirty days, and the board may cause the premises to be properly cleaned and make sewer and water connections, instal plumbing and effect such alterations as may be necessary to put the premises in a sanitary condition at the expense of the owner or occupants or may remove or cause to be removed the occupants forcibly and close up the premises and if so closed the same shall not be re-occupied until put in proper sanitary condition. A certificate signed by the department of the board or the medical health officer of the city showing the amount of expenses incurred by reason of the doing of all or any of the above things shall be filed with the person having charge of the tax collector's roll who shall enter such amount shown in such certificate in the roll against the property affected and the same shall become taxes and be collected with the ordinary municipal taxes.

“**190a.** If the owner, agent or occupant refuses or neglects to comply with any notice given as aforesaid the medical health officer may either before or after the occupants have left the premises, affix to the building or structure a placard declaring the same unfit for occupation and forbidding the use of the same, and any person removing or defacing any such placard shall be liable to a fine of not less than five dollars and not exceeding ten dollars and in default thereof to imprisonment for a period not exceeding thirty days.

“**190b.** Any owner, agent or person renting or allowing to be occupied or any person occupying such building, enclosure or structure or part thereof without the consent of the medical health officer shall be liable to a penalty of not less than ten dollars and not exceeding twenty-five dollars for each day the same is rented, allowed to be occupied or occupied, and in default thereof, to imprisonment for a period not exceeding thirty days.”

23. Subsection 44 of section 117 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding after the word “hours” in the eighth line thereof the following words: “After notice thereof published in one or more newspapers printed and published in the City of Calgary.”

24. Bylaw No. 1339 of the City of Calgary finally passed on the 5th day of August, 1912, for the purpose of raising \$40,000 for installing a police patrol system, and Bylaw No. 1362 of the City of Calgary finally passed on the 16th day of September, 1912,

for the purpose of raising \$378,000 for the extension of the water works system and By-law No. 1333 of the City of Calgary finally passed on the 19th day of August, 1912, for the purpose of raising \$82,000 for the construction of sewers, are hereby declared legal, valid and binding notwithstanding any informalities, irregularities or defects therein, either in substance or in form, and the city shall have power to levy in each year under the authority of the said By-law 1333 the sum of \$3690.00 to pay the interest on the debentures issued under the said bylaw, and any and all debentures under the said By-laws Nos. 1333, 1339 and 1362 and the coupons thereto attached issued or to be issued thereunder or under any by-law consolidating the same are hereby declared legal and valid and the City of Calgary shall be bound to pay each and all of the said debentures and coupons as therein respectively stated.

25. Local improvement By-law No. 1301 of the City of Calgary to authorize the construction of concrete sidewalks and finally passed on the 1st day of April, 1912, and Local Improvement By-law No. 1324 to authorize the construction of sewers in the said city finally passed by the council on the 17th day of May, 1912, and Local Improvement By-law No. 1183 to authorize the construction of sewers in the said city finally passed by the council on the 10th of July, 1911, are hereby declared to be valid and binding notwithstanding any informalities, irregularities and defects therein either in substance or in form, and the City of Calgary shall have the right to construct the local improvements as set out in the said by-laws and to assess against the property fronting or abutting on the streets mentioned in the said by-laws for the cost of the said work, and each and all of the said debentures or coupons thereto attached issued under each of the said by-laws, or any final by-law to raise debentures for the payment of the said works or of any consolidation thereof are hereby declared legal and valid and the said City of Calgary shall be bound to pay each and all of the said debentures and coupons as therein respectively stated.

26. Local improvement By-law 1205 of the City of Calgary to authorize the construction of sewers in the said city for the sum of \$76,000 as amended by By-law No. 1424 is hereby declared valid and binding notwithstanding any informalities, irregularities or defects therein either in substance or in form and each and all of the debentures and coupons issued or to be issued under any final by-law to raise debentures for the payment of the works mentioned in the said bylaws or under any consolidation thereof are hereby declared legal and valid and the said City of Calgary shall be bound to pay each and all of the said debentures and coupons as therein respectively stated.

27. Whereas the City of Calgary during the year 1912 has incurred certain debts and liabilities and has issued debentures for the payment thereof, and whereas the debentures have been sold at a discount and the sums realized have been insufficient to meet the said debts and liabilities amounting to the sum of \$125,000, and whereas it is expedient to consolidate the said debt and authorize the city to issue debentures for the payment of the same for a sum not in all to exceed the sum of \$125,000;

Now, therefore, it is hereby enacted as follows:

1. That the council may by by-law in the usual statutory form altered as circumstances may require, consolidate the floating debts and liabilities of the city to an amount not exceeding \$125,000, and to realize the sum by way of a loan on the credit of the city and to issue debentures for the payment of said loan payable at the expiration of twenty years from the date of issue and bearing interest at the rate of five per cent. per annum payable half yearly, the said principal and interest to be payable in such currency and at such places as the council shall in the said by-law determine, and the city has power to levy a special rate over and above all other rates to provide for the sinking fund and interest for the said debt.

2. The money so raised shall be applied only to the redemption and payment of the said debts and liabilities and to and for no other purpose whatever, and the sinking fund collected and levied for the redemption of the bonds shall be and become part of the ordinary sinking fund of the city and subject to the same provisions governing the sinking fund of the City of Calgary.

3. The amount hereby authorized to be raised by way of a loan shall not be computed as part of the amount authorized to be borrowed under section 166 of the Ordinance 33 of 1893, N.W.T., as amended by Ordinance 39 of 1900 and as further amended by chapter 25 of the Statutes of Alberta, 1909, so as to reduce or in any way affect the borrowing power of the city therein provided.

No. 35

FOURTH SESSION
SECOND LEGISLATURE
3 GEORGE V
1913

BILL

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

Received and read the

First time

Second time

Third time.....

MR. W. H. CUSHING

EDMONTON :
J. W. JEFFERY, Government Printer
A.D. 1913