

BILL

No. 31 of 1913 (Second Session):

An Act to Amend the Medicine Hat Charter:

(Assented to 1913.)

WHEREAS a petition has been presented by the City of Medicine Hat praying for certain amendments to *The Medicine Hat Charter*, being chapter 63 of the Statutes of the Province of Alberta, 1906, 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. *The Medicine Hat Charter*, being chapter 63 of the Statutes of Alberta, 1906, as amended by chapter 27 of the Statutes of Alberta, 1910, (second session), and chapter 58 of the Statutes of Alberta, 1911-1912, and chapter 28 of the Statutes of Alberta, 1913, is hereby further amended as follows:

(1) Title II, section 1, is amended by adding thereto the following subsection: "(2) The said municipal corporation by the same name shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law or in equity whatsoever. And shall have a common seal with power to alter and modify the same at its will and pleasure. And shall be in law capable of receiving by donation, acquiring for the use of the said city, holding and disposing of and conveying any property real or personal; of becoming parties to any contracts or agreements in the management of the affairs of the city; of giving or accepting of any note, treasury bills, bills of exchange, bonds, obligations or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, executing or guaranteeing the execution of any duty, right or thing whatsoever, and for the payment, or securing the payment of any money borrowed, or of paying loans made or debts owing by the said The City of Medicine Hat, or of taking up bonds that may become due, or of making a loan or loans or any other legitimate and sufficient purpose whatsoever. And for any of the purposes aforesaid the said municipal corporation may grant and issue bonds for the sum or sums of money therein to be specified, under the provisions hereafter set forth, payable at such time and times after the granting and issuing thereof and in such place or places, either in the Dominion of Canada or elsewhere, or either in the currency of Canada or of the country where the same are respectively payable as by the said municipal corporation may be thought advantageous or expedient; provided always that nothing herein contained shall be construed to authorize the said municipal corporation to issue notes or bills of exchange payable to bearer or to issue notes to circulate as those of a bank."

(2) Title XXI, section 2, of *The Medicine Hat Charter* as amended, is further amended by inserting after the words "Medicine Hat" where the same occur in line 2 of said section 2 the words: "and for greater certainty, but not to restrict the scope of the foregoing provision or of any power authorized or conferred by this charter, the council may make, repeal and amend by-laws for: regulating the erection of buildings; and for preventing the erection of wooden buildings or additions thereto, and of wooden fences in specified parts of the city; and for prohibiting the erection or placing of buildings other than with main walls of brick, iron, or stone or other fireproof material and roofing of incombustible material within defined areas of the city; and for regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fireproof and for prohibiting the erection or placing of any building or buildings or any addition to any building or buildings upon any lot or lots in the city at a less distance than seven feet from the line of the street or avenue upon which street or avenue such lot or lots front or abut; and from time to time defining areas within the city and regulating the building therein whether as to value of buildings to be erected, material to be used in the construction of buildings, the distance between buildings, the distance of buildings from any street or avenue, the height of buildings whether measured by feet or number of stories of building, the ground area of any building which may be erected upon any lots, lot or portion thereof or otherwise whatsoever; and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed, repaired or placed in contravention of any by-law; and for preventing the growth in the city of noxious weeds including such as defined in section 2 of chapter 15 of the Statutes of the Province of Alberta, 1907, and for compelling the cutting and removal thereof by the owner or occupant of the land or by or under the authority of the city and for compelling payment of the cost of such cutting and removal by the owner or occupant of the lot or lots whereon such noxious weeds shall be cut, and providing that the cost of such cutting and removal of such noxious weeds shall be a preferential lien and charge on the lot on which the same shall be cut, and the cost of such cutting and removal may be levied and collected in like manner as municipal rates and taxes are by law recoverable; and for surveying, settling and marking the boundary lines of all streets, avenues, lots and other public communications and for giving names thereto and from time to time altering the names thereof and for affixing such names at the corners thereof on either public or private property, but no by-law for altering the name of any street, square, road, lane or other public communication shall have any force or effect unless passed by a vote in favour thereof of at least two-thirds of the whole council, exclusive of the Mayor or other officer presiding at the meeting, nor unless and until the by-law has been filed in the land titles office for the land registration district in which the City of Medicine Hat is or shall be situate, and the registrar shall be entitled to a fee of \$ for every by-law so filed, and for the necessary entries and certificates connected therewith; and for numbering the houses and lots along the streets and avenues of the city and for affixing the numbers to the houses, buildings or other erections along

the street, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same; and for regulating the times during which wood, brush, straw, shavings or refuse may be set on fire or burned in the open air, and for prescribing precautions to be observed at such times and for preventing such fires from being kindled at other times and for from time to time defining areas within the city within which areas no such fires shall be at any time kindled; and for prohibiting and regulating the keeping and transporting of gunpowder and other explosive, combustible, inflammable or dangerous materials, and for limiting the quantity of gunpowder or of any other explosive, combustible, inflammable or dangerous substance to be kept in any place, and to regulate the manner in which such gunpowder or other explosive, combustible, inflammable or dangerous substance must be stored; and for the establishment and regulating of a pound or pounds and appointing and regulating the remuneration, fees, charges and duties of the poundkeeper or poundkeepers and for restraining and regulating the running at large or trespassing of any animals or fowls and providing for the impounding of same and for causing the same to be sold or destroyed in case they are not claimed within a reasonable time to be fixed by by-law, or in case the damages, fees and expenses are not paid; and for preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament whether upon any street, avenue, park or other public place or upon any private property in the city; and for regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise, and for prohibiting heavy traffic, and the driving of horses, cattle, sheep, pigs and other animals in certain public streets and places to be named or otherwise designated in the by-law; and for regulating and controlling markets and for preventing or regulating the buying and selling of articles or animals exposed for sale on the market or brought thereto for sale, and for preventing or regulating the sale by retail in the public streets or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, smallware and other articles offered for sale whether of a kind similar to or different from those hereinbefore specifically mentioned, and for regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, farm produce of every description, smallware and other articles exposed for sale, and the fees to be paid therefor; and for preventing criers and vendors of smallware from practising their calling in the market place, public streets and vacant lots adjacent thereto; and for preventing the forestalling, regrating or monopoly of meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use and such as are usually sold in the market, and for preventing and regulating the purchase or bargaining for of such things, whether on or off the market place, by hucksters, grocers, butchers, dealers, traders, runners or agents of such or other persons whosoever for the purpose of resale; and for imposing penalties for light weight or short count or short measurement in anything marketed; and for seizing and forfeiting bread or other articles when of light weight or short measurement; and for charging and collection of reasonable fees for storage of all articles remaining on the market place for a period of 24 hours from the time at which the same were brought thereon"

(3) Title III, section 2, is hereby amended by adding after the word "years" where the same occurs in line 13 thereof the words: "provided that in the election to be held in December, 1913, for alderman for ward 4 of the city, the candidate at such election receiving the largest number of votes cast shall continue in office for two years and the candidate receiving the next largest number of votes cast shall hold office for one year, and in the event of the vote being a tie the returning officer shall give a casting vote."

(4) Title IV, section 2, is hereby amended by striking out the word "September" where the same occurs in line 2 thereof and substituting therefor the word "October".

(5) Title IV, section 4, is hereby amended by striking out the word "October" where the same occurs in line 2 thereof and substituting therefor the word "November".

(6) Title IV, section 5, is hereby amended by striking out the words and figures "25th day of October" where the same occur in lines 2 and 3 thereof and substituting therefor the words and figures "1st day of November".

(7) Title IV, section 6, is hereby amended by striking out the words and figures "5th day of November" where the same occur in the first line thereof and substituting therefor the words and figures "12th day of November".

(8) Title XXVI, section 1, is hereby amended by inserting after the word "the" where it last occurs in line 3 thereof the words "next following" and by striking out the word "in" where the same occurs in line 6 of said section and substituting therefor the word "for".

(9) Title XXVI, section 6, is hereby amended by striking out the words "then current year" where the same occur in line 3 thereof and substituting therefor the words "year for which the same were imposed".

(10) Title XXX, section 2, is hereby amended by striking out the word "April" where the same occurs in the last line and substituting therefor the word "June".

(11) Title XXX, section 3, is hereby amended by striking out the word "May" where the same occurs in the first line thereof and substituting therefor the word "July" and by inserting after the word "city" in line 3 thereof the words "for the next following year".

(12) Title XXX, section 15, is hereby amended by striking out the word "July" where the same occurs in line 4 of said section and substituting therefor the word "September".

(13) Title XXX, section 18, is hereby amended by inserting after the word "December" in line 1 thereof the words "of the year for which the assessment should have been made".

(14) Title XXX, section 20, is hereby amended by striking out the words and figures "30th day of June" where the same occur in lines 6 and 7 thereof and substituting therefor the words and figures "31st day of August".

(15) Title XXX, section 23, is hereby amended by striking out the word "July" where the same occurs in line 2 thereof and substituting therefor the word "Septmeber" and by inserting after the word "city" where the same occurs in line 4 thereof the words "for the next following year".

(16) Title XXX, section 26, subsection 6, is hereby amended by striking out the word "September" where the same occurs in line 4 of said subsection and substituting therefor the word "November".

(17) Title XXXII, section 1, is hereby amended by striking out the word "October" where the same occurs in line 1 thereof and substituting therefor the word "April".

(18) Title XXXII, section 5, is hereby amended by striking out the word "on" where the same occurs in line 6 thereof and substituting therefor the word "for".

(19) Title XXXIII, section 1, is hereby amended by striking out the word "on" where the same occurs in line 3 thereof and substituting therefor the word "for".

(20) Subsections 4 to 19 inclusive of section 1 of this Act shall not apply to the assessment, rates and taxes for the year 1914, nor to the assessing, revising, imposing, levying or collection thereof but such assessment, rates and taxes and the revising, imposing, levying and collection thereof shall be governed by the provisions of *The Medicine Hat Charter* and amendments as the same stood before the passing of this Act and the first assessment and proceedings under the said subsections 4 to 19 inclusive shall be made, taken and had in the year 1914 for the taxes in respect of the year 1915.

(21) Title XXIX, section 3, subsection 1, is hereby amended by inserting after the word "Crown" where the same occurs in line 3 of said subsection the words "and for the widening of the whole or any portion of any street, road, lane or public highway within the city by adding thereto a portion of the lots facing or abutting thereon on either or both sides thereof and any by-law may provide for the widening of any one or more streets or for one or more portions of one street or of several streets" and by inserting after the word "leased" where the same occurs in line 8 thereof the words "or widened".

(22) Title XXXV, section 8, is hereby amended by inserting after the word "not" where the same occurs in line 7 thereof the words "or within the corporate limits of any other town, village or municipality".

(23) Title XXXVI, section 2, is hereby amended by adding thereto the following subsection: "(3) Enact that in case the conviction be for any breach of any by-law of the city relating to the prevention of the growth of noxious weeds or of the cutting and removal of noxious weeds the convicting magistrate or justice of the peace may adjudge in addition to the penalty payment of all costs of cutting and removal of such weeds in case such cutting or removal shall have been done by or under the direction of the city."

3. By-law No. 397 of the City of Medicine Hat is hereby declared legal, valid and binding upon the said city of Medicine Hat notwithstanding any want of jurisdiction or power on the part of the said City of Medicine Hat or the council thereof to pass said by-law and notwithstanding any informalities, irregularities or defects therein either in substance or in form, and the City of Medicine Hat is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

3. All by-laws heretofore passed by the council of the City of Medicine Hat which would have been legal and valid had the same been passed after the coming into force of this Act and which have not been quashed or repealed, and in respect of which no proceedings are pending to quash the same, are hereby declared legal, valid and binding upon all persons.

No. 31

FIRST SESSION
THIRD LEGISLATURE

4 GEORGE V

1913
(SECOND SESSION)

BILL

An Act to Amend the Medicine Hat
Charter.

Received and read the

First time.....

Second time.....

Third time.....

MR. SPENCER

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