

BILL

No. 41 of 1913 (Second Session).

An Act to Amend the Acts and Ordinances relating to the City of Calgary and to Validate By-law No. 1576 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 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. Subsection 1, of section 4 of Ordinance 33 of 1893, North-West Territories, as amended by section 1, chapter 17 of 1902, North-West Territories, is hereby amended by striking out in the beginning thereof the following words:

“Any person in Holy Orders or the minister of any religious denomination whatever.”

(2) Subsection 2 of section 4 of Ordinance 33 of 1893, North-West Territories, as amended by section 2 of chapter 40 of 1901, North-West Territories, is hereby further amended by adding after the word “males” in the fourth line thereof the words “or females”.

2. Section 5 of Ordinance 33 of 1893, North-West Territories, as amended by section 3, chapter 40 of 1901, and section 2, chapter 17 of 1902, North-West Territories, and by section 2, chapter 32 of 1907, Statutes of Alberta, is hereby further amended by striking out all the words in the beginning thereof down to the word “City” in the eleventh line thereof and substituting therefor the following:

“The persons qualified to vote at any election for mayor or aldermen shall be all persons male or female, twenty-one years of age or over who are assessed upon the last revised assessment roll as taxpayers to the city, including the poll tax as provided for in this Ordinance and amendments thereto, and whose names appear upon the voters’ list founded upon such roll (except as herein provided); provided however that the council may by by-law declare that no person qualified by payment of poll tax only shall vote who had not, before a day to be named in such by-law, paid all taxes due by such person to the city; and all persons male or female, twenty-one years of age or over, who are natural born or naturalized British subjects and whose names appear on the voters’ list; provided, that any such person whose name is not entered on the assessment roll as aforesaid shall, in order to have his or her name placed on the voters’ list, have resided continuously in the city one full year prior to the date of application to the city clerk to be entered on such list and shall furnish proof satisfactory to the city clerk of such residence, nationality and age, and shall in addition be able to read intelligently to the satisfaction of the city

clerk any portion of the second reader in use for the time being in the Province of Alberta, subject to a reference by the city clerk of any application on any question to a special committee of three appointed by the city council whose decision shall be final."

(2) Subsection 1 of said section 5 is hereby repealed and the following substituted therefor:

"When more tenants than one occupy separate portions of the same house or building and are separately assessed therefor each shall be entitled to vote."

(3) Subsection 3 of said section is amended by striking out therefrom the following words:

"Provided the property is of sufficient value to entitle him to vote" and substituting the following: "Provided the property is assessed on the assessment roll of the city."

(4) Subsection 4 of said section 5 as amended by section 1, chapter 36 of 1908, Statutes of Alberta, is hereby further amended by striking out therefrom all the words after the word "list" in the second line thereof and adding thereto the following words: "In their individual names".

3. Subsection 4 of section 9 of Ordinance 33 of 1893, North-West Territories, is hereby amended by striking out the word "five" in the last line thereof and substituting therefor the word "eight".

(2) Schedule "A" referred to in section 9 subsection 2 (a) of Ordinance 33 of 1893, North-West Territories, as amended by section 1 of chapter 55 of 1906, Statutes of Alberta, is hereby amended by striking out of the second line of paragraph three thereof the following words "these as well as the coupons", and also by striking out in the fourth line of paragraph six thereof the word "five" and substituting therefor the word "eight" and by striking out in the seventh line of the notice appended to the said schedule the word "five" and substituting the word "eight" therefor.

4. Subsections 10 and 10a, of section 9 Ordinance 33 of 1893, North-West Territories, as amended by section 2, chapter 35 of 1913, Statutes of Alberta, are hereby repealed and the following substituted therefor as section 10:

"Every elector shall vote by ballot and shall vote only in the polling subdivision in which the elector resides, or, if not a resident of the city, in one only of the polling subdivisions in which the elector is assessed."

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

"The mayor, or any alderman, commissioner, or other elected officer of the city may resign at any time upon giving written notice of his intention to resign to the city clerk, who shall immediately take the necessary steps to fill the vacancy, and such resignation shall take effect only upon the election of another person to fill the vacancy."

6. Subsection (g) of section 25, Ordinance 33 of 1893, North-West Territories, as amended by section 3, chapter 63 of 1911, Statutes of Alberta, and section 29 chapter 35 of 1913, Statutes of Alberta, is hereby further amended by

striking out all the words thereof after the word "value" in the first line thereof and substituting therefor the following words:

"Buildings and improvements thereon may be assessed at any rate not exceeding their fair actual value".

7. Subsection (2) of section 42, Ordinance 33 of 1893, North-West Territories, is hereby amended by striking out in the second line thereof the figures "\$12,000" and substituting therefor the figures "\$20,000".

8. Section 90 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding at the end thereof the following words:

"And of all persons otherwise entitled to vote for mayor and aldermen as hereinbefore provided".

9. Section 91 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding thereto the following words:

"With the addition thereto of the following schedule".

"RESIDENT BRITISH SUBJECTS ENTITLED TO VOTE AT
MUNICIPAL ELECTIONS

No. on list	Name	Address	Occupation	Period of Residence in Calgary

10. Section 92 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding thereto the following words:

"Except in the case of resident British subjects entitled to vote as hereinbefore provided for".

11. Section 108 of Ordinance 33 of 1893, North-West Territories, is hereby amended by striking out in the third and fourth lines thereof the following words: "Who are qualified in other respects to vote for election of municipal council", and substituting therefor the following: "who are 21 years of age or over".

12. Subsection 21 of section 117 of Ordinance, 1893, North-West Territories, is hereby amended by adding after the word "ward" and before the word "subject" in the third line thereof the following words: "or all the aldermen from the city at large".

13. Subsection 10 of section 117 Ordinance 33 of 1893, North-West Territories, is hereby repealed and the following substituted therefor:

"Preventing the posting or exhibiting of placards, play bills, posters, writings or pictures, which are indecent

or may tend to corrupt or demoralize the public or individuals, or the writing of words which are indecent or may tend to corrupt or demoralize the public or individuals, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize the public or individuals, on walls or fences or elsewhere in streets or public places”.

14. Subsection 76 of section 117 of Ordinance 33 of 1893, North-West Territories, is hereby amended by inserting after the words “water power company” in the fourth line thereof the words: “stockyards company” and by adding at the end thereof the following: “And appointing representatives of the city on the board of directors of any such company”.

15. Subsection 88 of section 117 of Ordinance 33 of 1893, North-West Territories, as amended by section 20, chapter 32 of 1907, Statutes of Alberta, is hereby amended by inserting after the word “elections” in the fourth line thereof the following: “And may provide in such by-law a scheme whereby one-half of the total number of aldermen are to be elected each year”.

16. Subsection 97 of section 117 of Ordinance 33 of 1893, as amended by section 9, chapter 63 of 1911, Statutes of Alberta, is hereby repealed and the following substituted therefor:

“(97) Preventing or controlling the erection and use of bill boards for advertising purposes whether the notices be printed or otherwise displayed.

“(97a) Regulating and licensing bill posters and preventing the pulling down and defacing of sign boards and bill boards or printed or other notices lawfully affixed and for preventing the defacing of private or other property by printed or other notices.”

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

“(101) To provide for granting pensions, gratuities and retiring allowances for life to any officer or employee of the city and for establishing a pension scheme applicable to all city employees or to the employees of any department or departments of the civic service.”

18. Section 129 of Ordinance 33 of 1893, North-West Territories, as amended by section 1, chapter 55 of 1906, Statutes of Alberta, is hereby further amended by inserting in the fifth line thereof after the words “water courses” the following words: “water pipes or mains, electric light or power conduits”.

19. Section 160 of Ordinance 33 of 1893, North-West Territories, as amended by section 16, chapter 35 of 1913, Statutes of Alberta, is hereby amended by inserting in the fifth line thereof after the words “collections of taxes or” the following words: “to borrow from any bank, person or corporation by promissory note, treasury bill, or overdraft”.

20. Subsection (f) of section 185 of Ordinance 33 of 1893, North-West Territories, as amended by section 16, chapter 36 of 1908, Statutes of Alberta, is hereby amended by adding at the end thereof the following:

“And the city comptroller who shall be appointed by by-law of the city council and shall be responsible to the council only with duties as prescribed in the said by-law and shall hold office during the pleasure of the council.”

(2) Subsection (g) of the said section 185 is hereby amended by inserting after the word “department” in the first line thereof the words: “except the city comptroller”.

21. Ordinance 33 of 1893, North-West Territories, is hereby amended by adding thereto the following section 196:

“(1) The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 25% of the entire vote for all candidates for the office of mayor cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a clear statement of the grounds or reasons for which the removal is sought. There may be one or more copies of the petition, and each signer shall add to his signature his place of residence, giving his street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the filing of such petition the city clerk shall examine and from the voters' register ascertain whether or not the said petition is signed by the requisite number of qualified electors, and if necessary the council shall allow him extra help for that purpose; and he shall attach to such petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall within ten days after such amendment make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of the new petition to the same effect. If the petition shall be deemed to be sufficient the clerk shall submit the same to the council without delay, with his certificate attached thereto certifying that it is sufficient. If the petition shall be found to be in accordance with the requirements hereof the council shall order and fix a date for holding the said election not less than thirty days or more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed; provided that no such election shall be held within thirty days from the date of the municipal general elections, but shall be held on the date of such elections if it would otherwise fall within thirty days of such date.

“The council shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the result thereof declared in all respects as are other city elections.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

"In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election the office shall be deemed vacant. If the incumbent received the highest number of votes he shall continue in office.

"(2) Any proposed by-law, other than a by-law for local improvement purposes, may be submitted to the council by petition signed by electors of the city equal in number to ten per cent. of the votes cast for all candidates for mayor at the last preceding general election. The signatures, verification, authentication, inspection, amendment and certificate of the city clerk shall be the same as provided in subsection 1 hereof. If such proposed by-law falls within the legislative jurisdiction of the council, such council shall:

"(a) pass same without amendment or alteration other than to correct irregularities or defects therein or to draft or put same into proper form;

"(b) submit within reasonable time at a special poll or at the general municipal elections such proposed by-law to be voted on by the ratepayers qualified to vote on money by-laws, such vote to be held in every way as in the case of a vote on money by-laws; provided that, if such proposed by-law does not involve the expenditure of money, all persons qualified to vote at an election for mayor or aldermen may vote thereon and a clear summary of the purpose and terms of the proposed by-law with the date and hours of the poll and the polling places inserted once each week for two weeks in two newspapers published in the city shall be sufficient advertisement of same.

"In case two-thirds of the vote recorded at such poll is in favour of the proposed by-law as certified to by the city clerk, the council shall immediately thereafter pass the said by-law and any by-law so passed shall not be repealed or amended without the question of such repeal or such amendment thereto being submitted to a vote on any date when any other by-law or by-laws are being voted on or at a general election, whichever shall be first, under the same procedure as near as may be to that followed in the passing of the said by-law, except that the council may without any petition as aforesaid submit the question of such repeal or any amendment for such vote.

"(3) No by-law passed by the council, except when otherwise required by general law or by the provisions of the city charter, except a by-law for the immediate preservation of the public peace, health or safety which contains a statement of its urgency and is passed by a two-thirds vote of the council, shall go into effect before ten days from the date of its final passage, and if during said ten days a petition signed by electors of the city equal in number to

at least ten per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected protesting against the passage of such by-law, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such by-law; and if the same is not entirely repealed, the council shall submit the by-law as is provided by subsection 2 hereof to the vote of the persons qualified to vote thereon, and such ordinance shall not go into effect or become operative unless a majority of the qualified persons voting on the same shall vote in favour thereof. Said petition shall be in all respects in accordance with the requirements in subsection 1 hereof, except as to the percentage of signatures thereto, and shall be examined and certified to by the city clerk in all respects as therein provided."

22. Ordinance 33 of 1893, North-West Territories, is hereby amended by adding thereto the following Section No. 197:

"By-law No. 1576 being a by-law to authorize the mayor and clerk of the City of Calgary to execute an agreement with the Calgary General Hospital for the future control and administration of hospital property, business and affairs of the said parties, and the agreement referred to therein as schedule 'A' being an agreement between the City of Calgary and the said Calgary General Hospital, and the city is hereby authorized and empowered to do all acts necessary and to make all by-laws, rules and regulations, not contrary to law for carrying out and enforcing the said agreement necessary or expedient for the control and administration of the hospital property, business and affairs of the parties to the said agreement according to the true intent and meaning thereof, and also to vary or otherwise change the said agreement from time to time as may be agreed between the said parties thereto."

23. Ordinance 33 of 1893, North-West Territories, is hereby amended by adding thereto the following section 198:

"(a) The council of the City of Calgary is hereby authorized and empowered to establish by by-law a joint financial board of control consisting of one member from the board of trustees of the Protestant Public School District No. 19 of the Province of Alberta, who shall have been previously appointed to act on such board by resolution duly entered on the minutes of said board of trustees, one member from the council of the City of Calgary and three members from the ratepayers of the City of Calgary. The members appointed from the said school board and city council shall hold office for one year and the members appointed from the ratepayers of the city shall hold office for a term of three years from the date of such appointment.

"(b) The said board after due appointment by by-law of the city council as aforesaid shall be and constitute a joint financial board of control with full power and authority to negotiate for sale and to sell all bonds, debentures, obligations or other securities for the payment of any sum or sums of money borrowed or loaned which are authorized to be issued and sold by the City of Calgary or the said board of trustees, and to borrow money from any person, firm or corporation for the use of the said City of Calgary or board of trustees and to pledge or hypothecate any such bonds, debentures,

obligations or other securities of the said city or board of trustees as the case may be to any lender as security for the payment of any sum or sums so borrowed.

“(c) The council of the City of Calgary shall make all provisions in the by-law appointing the said board for its organization, save as hereinbefore provided for, the appointment of a secretary to the board, and defining his duties, and generally all provisions necessary for the conduct of meetings and carrying on of the business of the said board.

“(d) Section 160 of Ordinance 33 of 1893, North-West Territories, as amended by section 16 of chapter 35, 1913, Statutes of Alberta, is hereby amended by striking out all the words thereof after the words “collection of taxes” in the fifth line thereof.

“(e) Subsection (a) of section 186 of Ordinance 33 of 1893, North-West Territories, is hereby amended by striking out therefrom the words: “or the issue of debentures or securities or the negotiations for the sale or disposal of same” in the third, fourth and fifth lines thereof and substituting therefor the following words: “except as provided for in section 198 hereof”.

“(f) Nothing contained in this section shall be construed as limiting in any way the powers of the council of the City of Calgary or the said board of trustees to borrow money by promissory note or overdraft from any chartered bank pending the collection of taxes.”

No. 41

FIRST SESSION
THIRD LEGISLATURE

4 GEORGE V

1913
(SECOND SESSION)

BILL

An Act to Amend the Acts and
Ordinances relating to the City of
Calgary and to Validate By-Law
No. 1576 of the said City.

Received and read the

First time

Second time

Third time

MR. TWEEDIE

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