

BILL

No. 23 of 1915.

An Act to amend the Acts and Ordinances relating to the
City of Calgary.

(Assented to 1915.)

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. Subsection 2 of section 4 of Ordinance 33 of 1893, North-West Territories, as amended by section 2 of chapter 40 of Ordinance 1901, North-West Territories, and section 1 of chapter 41 of 1913, Statutes of Alberta (2nd Session), is hereby further amended by striking out the words "one thousand" in the eighth and the ninth lines thereof, and the words "two thousand" in the eleventh line thereof, and substituting therefor the words "five hundred" and "one thousand" respectively.

2. Section 5 of Ordinance 33 of 1893, as amended by section 3 of chapter 40 of 1901, North-West Territories; by section 2 of chapter 17 of 1902, North-West Territories; by section 2 of chapter 32 of 1907, Statutes of Alberta; and by section 1 of chapter 36 of 1908, Statutes of Alberta, is hereby repealed and the following section substituted therefor:

"5. The persons qualified to vote at any election for mayor, aldermen or commissioners shall be the following persons:

"(a) All persons, male or female, twenty-one years of age or over, who are assessed upon the last revised assessment roll of the city, and whose names appear upon the voters' list founded upon such roll; provided that any person otherwise duly qualified to vote under this sub-clause (a), but whose name is inadvertently omitted from the voters' list, shall be entitled to vote upon producing and filing with the deputy returning officer a certificate from the official having the custody of the assessment roll, an extract from such roll showing such person's name as entered thereon with the other particulars on such roll, and upon taking the oath prescribed by subsection 7 of section 9 of this Ordinance, omitting from such oath the words 'that I am the person whose name is on the list of electors now shown me'; and any company incorporated under a Dominion Statute or North-West Territories Ordinance or Act, or under any Act of the Province of Alberta, having a permanent place of business within the city, and assessed as in this section mentioned, may by resolution authorize someone resident officer of the company, not otherwise entitled to vote, to vote and such officer

shall be entitled to vote at such election, and if the company is properly qualified, shall be entitled to vote on any by-law requiring the assent of the ratepayers upon production of said resolution, and the person recording such vote shall enter in the poll book the name of such officer and the capacity in which he claims to be entitled to vote and shall file a copy of such resolution.

“(1) When more tenants than one occupy separate portions of the same house or building each shall be separately assessed on the assessor’s roll; provided that a boarder or lodger shall not be deemed a tenant within the meaning of this Ordinance.

“(2) A man living in a house owned by his wife shall be assessed as a tenant whether paying rent or not.

“(3) Partners shall be assessed in the partnership name and each of the persons constituting the partnership shall be placed on the voters’ list and shall be entitled to vote.

“(b) All British subjects, natural born or naturalized, male or female, twenty-one years of age or over, who have resided continuously in the city for the six months prior to the first day of June, immediately preceding the making up of the voters’ list, and whose names appear upon the voters’ list used in the election at which such vote is sought to be cast; provided that the provisions of this subsection (b) shall not come into effect until a majority of the electors shall have approved of said persons voting at any such election and for the purpose of obtaining the opinion of the electors thereon the said question may be submitted to the electors at the next, or any succeeding annual election by plebiscite, and if the majority of the electors approve thereof, the said subsection shall upon the declaration of the city clerk that the majority of the electors have so approved immediately come into effect.”

3. Section 12 of Ordinance 33 of 1893, North-West Territories, is hereby amended by adding the following provisos thereto:

“Provided that if any such vacancy, except in the case of a vacancy for mayor, occurs within two months from the date of the annual elections for aldermen, the said vacancy shall continue until the said annual elections, and an alderman shall be elected at such annual elections to fill the office for the remainder of the term for which his predecessor was elected. For the purpose of holding any such annual election for aldermen, if a poll is required to be held, the names of all candidates for aldermen shall appear on the same ballot paper, and the candidate elected to fill such vacancy shall be the candidate receiving the highest number of votes next following the number of candidates required to be elected for the full term of office and declared elected for such term. In case more than one vacancy is required to be filled at such annual elections, the candidates elected to fill such vacancies shall be the required number of candidates who receive the highest number of votes next following the said candidates declared elected for the full term of office as aforesaid; provided, however, that no alderman shall be elected to fill any vacancy that might exist between the date of any annual election and the date of the first meeting of council in the succeeding year; and provided further, that notwithstanding anything contained in section 4 of chapter 41 of 1913, Statutes of Alberta (2nd Session) no resignation of any

persons named therein shall be allowed, or accepted during the period of two months immediately preceding the day of the annual elections for aldermen."

4. Section 25 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby further amended by adding thereto the following clauses as subsections "h" and "i" respectively.

"(h) Businesses shall be assessed as follows:

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, contractor, trader, manufacturer, warehouseman, tilemaker, artificial stonemaker, the business of an abattoir or meat packer, 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 stables, automobile livery, hotels, saloons, Turkish or 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 who carries on an insurance business 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 solely used as a residence for the person, firm or corporation so occupying the 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 meetings 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.

"(1) 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.

“(2) Each corporation, company, individual or partnership shall pay to the city a business tax not exceeding six per cent. of the amount of the business assessment of such corporation, individual or partnership, as shown on the assessment roll, and each individual in such partnership shall be liable to such tax; and all the persons liable for rent for any business premises shall be liable for such business tax.

“Provided, that this section shall not apply to a railway company, ticket agent, 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 the “*Ordinance respecting the Assessment of Railways*,” or if the property of such company is exempt under any by-law or by-laws of the city or any other Act or Ordinance; provided that in case it shall at any time before the preparation of the tax roll be satisfactorily made to appear to the treasurer that any person subject to the business assessment has given up, sold or disposed of such business to any person who is continuing the same, the treasurer shall in preparing the tax roll, charge such person with the business tax *pro rata* in respect to the number of months during which he has carried on such business, a portion of the month being taken as a month, and the treasurer shall upon the same basis of assessment charge the successor in business in such premises with the remainder of the tax in respect to the year in question. If a person under a business assessment permanently vacates the premises before the first day of July, the treasurer shall on being satisfied of that fact before preparing the tax roll enter the business tax against such person in regard to such premises at one-half the amount of the tax for the year. Upon its appearing to the treasurer that such person has resumed 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 a business tax *pro rata* for the proportion of the remainder of the year in which the business is carried on in the premises.

“(3) The amount of the business tax payable to the city hereunder in or for any year may be fixed by by-law of the city; provided that in case no such by-law is passed, in any year the rate of assessment for business tax for such year shall be 6% of the amount of the business assessment provided for hereunder.

“(4) The owner of a special franchise shall not be assessed in respect of business but in addition to an assessment on land shall be assessed for the actual cost of the plant and apparatus less a reasonable deduction for depreciation.

“(5) No person who is assessed in respect of any business or special franchise shall be assessed in respect of any personal property occupied or used in connection with any such business or special franchise so assessed.

“(6) The assessment for business tax provided for in this subsection shall be in addition to the assessment in land and buildings provided for in subsection (g) hereof.

“(i) The occupant of any building liable to taxation under the preceding subsection (g) hereof shall be liable

to the business tax aforesaid though he may also be the owner of the premises and liable as such owner to taxation on the said building under the said subsection (g)."

5. Subsection 7 of section 39 of Ordinance 33 of 1893, North-West Territories, as amended by section 12 of chapter 32 of 1907, Statutes of Alberta, is hereby repealed.

6. 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

7. 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."

8. Section 94 of Ordinance 33 of 1893, North-West Territories, as amended by section 4 of chapter 25 of 1909, Statutes of Alberta, is hereby amended by adding the following to subsection (a) thereof:

"94. (a) If any person requests to have his or her name placed on the voters' list as an adult British subject, resident in the city for the required period, and establishes same to the satisfaction of the city clerk, the latter shall add such person's name to the voters' list; provided, however, that this clause and the preceding clauses 5, 6 and 7 hereof shall only come into effect if and when subsection (b) of section 1 hereof comes into effect."

9. Section 117 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby further amended by adding the following section as 91a. thereto:

"91a. To define the streets, avenues and public places on which any person, persons, firm or corporation engaged in carrying persons, baggage or freight from place to place shall be allowed to operate their vehicles or means of conveyance, and to exclude such vehicles or means of conveyance from any street, avenue or public place, and to impose or levy a tax on any such person, persons or corporation, and to prescribe regulations and conditions governing the carrying on of any such business or occupation."

10. Ordinance 33 of 1893, North-West Territories, and the amendments thereto, is hereby further amended by adding the following sections thereto:

“198. (a) Unless it shall be otherwise provided by special by-law appointing him, every officer, official, servant or employee of the corporation appointed by the council or by the council on the recommendation of the commissioners shall hold office or continue in the employment of the city during the pleasure of the council.

“(b) All officers, officials, servants or employees of the corporation appointed by the commissioners of the city under any powers in that behalf exercisable by the commissioners under any Statute or by-law, or by the head of any department under any by-law granting to him such powers, shall hold office or continue in the employment of the city during the pleasure of the commissioners or head of the department as the case may be.

“(c) The provisions of subsection (a) above shall not affect the right of the commissioners to dismiss or suspend any head of a department and forthwith to report such dismissal or suspension to the council as contained in subsection (g) of section 185 of the said Ordinance and amendments thereto.

“199. The construction of any retaining wall in the opinion of the engineer of the city rendered necessary or expedient by the grading, alteration or separation of the grades of any road, street, avenue, lane or public highway, may be undertaken and performed and the cost thereof paid for by the council of the city in accordance with the provisions of sections 131 to 143, inclusive, of Ordinance 33 of 1893, North-West Territories, and the amendments thereto:

“Provided, that the cost or portion of the cost of any such retaining wall not fixed in the by-law authorizing the construction thereof as payable by the city at large, shall be paid for by the properties immediately fronting or abutting on such retaining wall, or the whole or any portion of such cost may be made payable by the by-law authorizing such retaining wall by the properties against which the cost of the grading, alteration or separation of grades, which render the construction of such retaining wall necessary or expedient, is properly chargeable and assessable under the said sections 131 to 143, inclusive.

“200. The respective resolutions, regulations and by-laws passed by the council of the City of Calgary with respect to the fixing of the rate, levy, assessment and collection of taxes in the city for each of the years 1913 and 1914, and the granting of rebates and discounts for the prompt payment of such taxes and the respective rates, levies and assessments of taxes fixed or intended to be fixed, levied and assessed by such respective resolutions and by-laws for each of the said years 1913 and 1914 respectively are hereby validated and confirmed notwithstanding any irregularities or defects therein, either in substance or in form, or in the manner of fixing any such respective rate or making any such respective levy or assessment, or notwithstanding that the council may have granted rebates or given discounts beyond the power of the council so to do, and the city is hereby given full power and authority to exercise all the powers granted to it by this Legislature under its charter to enforce the payment or collection of taxes so levied, and assessed or intended to be levied and assessed for each of the said years.

“201. The council of the City of Calgary is hereby authorized and empowered to levy the entire cost of street openings and extensions in the north-east quarter of section

eight in township twenty-four, range one, west of the fifth meridian under preliminary local improvement by-laws of the City of Calgary Nos. 1307 and 1343 against the whole of the lands situated in the said north-east quarter of section eight and blocks seven (7) to twelve (12) inclusive in Plan 1314 P. Calgary, and for this purpose are given full power to amend final local improvement by-laws Nos. 1442 and 1689 and to enact that the cost of the said local improvements shall be relieved and reassessed against all the lands situate and being within the said north-east quarter of section eight and said blocks seven (7) to twelve (12) inclusive, on the basis of the assessed value of the said lands, exclusive of improvements, the said assessments to determine with the years stated in the said by-laws. The council may also make provision in any such amending by-laws or in any by-law for refunding to the persons who have paid the levies or assessments under the said by-laws Nos. 1442 and 1689 for the years 1913 and 1914 the amount so paid in excess of the amounts that would have been payable in each of the said years if the cost of the said improvements had been charged against the whole of the said lands as herein provided for, and may provide therein for the inclusion of the said amount so refunded in the annual estimates of the City of Calgary; provided, that the levies or assessments authorized to be made hereunder against the lands fronting or abutting on 14th Street S.W. and 17th Avenue S.W. in the city shall under any such amending by-laws be levied or assessed for the said period against the City of Calgary at large.

“202. The provisions of subsection (c) of section 25 of Ordinance 33 of 1893, North-West Territories, as amended by section 7 of chapter 32 of 1907, Statutes of Alberta, are hereby made to apply to and govern the assessment of Block 15, Plan 6700 A.N. Calgary, and the buildings, improvements, machines and stock erected or located thereon as and from the first day of January, 1913.

“203. The city may in any case where a debenture issued under the authority of any by-law has not been sold, transferred, mortgaged, pledged, hypothecated, or otherwise disposed of, cancel the same and the entry in the debenture register of the issue thereof, and thereupon issue one or more new debentures in substitution therefor, and may make such new debenture or debentures payable by the same or a different mode of payment, or payable at the same or different places, and where any debenture has been sold, transferred, mortgaged, pledged or hypothecated, or otherwise disposed of, the city shall have the like right of cancellation and reissue upon acquiring the same as holder, or upon the request and consent of the holder thereof; provided that neither the period over which the indebtedness was originally spread, or the term at the end of which the same was made payable, as the case may be, nor the rate of interest is increased, and that the amount of the principal of such new debenture or debentures does not exceed the amount of the principal remaining owing upon the original debenture.

“204. Consolidating by-law of the City of Calgary No. 1781, being a consolidation of local improvement by-laws Nos. 1687, 1689, 1690, 1700, 1701, 1702, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748 and consolidating by-law of the said city No. 1783, being a consolidation of by-laws Nos. 1652, 1659, 1705, 1719 and

1782 are and each of them is hereby declared legal, valid and binding on the said City of Calgary notwithstanding any informalities, irregularities or defects therein, or in the several by-laws thereby consolidated, or in any by-laws or proceedings prior thereto either in substance or in form, and each and all of the debentures and coupons thereto attached, issued or to be issued thereunder are hereby declared legal, valid and binding on the City of Calgary:

“Provided that the city shall have all the rights, powers and authority in respect thereto, granted to the city under the preceding sections 201 and 203 hereof.

“**205.** By-law No. 1752 of the City of Calgary, being a by-law to amend preliminary local improvement by-law No. 1714 and by-law No. 1749, being a by-law to amend preliminary local improvement by-laws Nos. 1379 and 1565 to provide that the cost of all cuts and fills over six feet in height or depth authorized to be made under each of the said by-laws Nos. 1714, 1379 and 1565, and made by the city during the year 1914, be paid for by the City of Calgary at large, are and each of the said by-laws is hereby validated and confirmed, and each of the said by-laws Nos. 1379, 1565 and 1714, as so amended, are hereby validated and confirmed notwithstanding any defects or irregularities therein either in substance or in form.”

No. 23

THIRD SESSION
THIRD LEGISLATURE
5 GEORGE V
1915

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

MR. TWEEDIE.

EDMONTON:
J. W. JEFFERY, Government Printer
A. D. 1915.