

BILL

No. 12 of 1916.

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

(Assented to , 1916.)

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. Section 1 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby amended by striking out the words "one hundred dollars" in the first proviso thereof, and substituting therefor the words "ten dollars".

2. Paragraph 5 of subsection (*h*) of section 25 of Ordinance 33 of 1893, North-West Territories, as amended by section 4 of chapter 26 of 1915, Statutes of Alberta, is hereby further amended by striking out the word "each" in the third line thereof; and by striking out the word "satisfactory" in the seventh and eighth lines thereof, and substituting therefor the word "satisfactorily"; and by substituting for the word "treasurer" wherever the said word occurs therein, the words "tax collector".

3. Paragraph 6 of subsection (*h*) of said section 25 is hereby amended by adding at the end thereof the following: "Provided that it shall be deemed a compliance with the provisions hereof on the part of the city to rebate or remit, or where the license fee has been paid, to refrain from levying such portion of the business tax as is equal to such license fee."

4. Subsection (*h*) of said section 25 is hereby further amended by adding the following paragraphs thereto:

"(10) The business assessment may be made in a separate roll and may be made at a different time from the general assessment roll. The business assessment roll may be returned or reported upon to the city clerk by the assessor at a different time from the general assessment roll. The court of revision may sit for the hearing of appeals from the business assessment at different times from those fixed for hearing appeals from the general assessment. For the purpose of this clause the two assessments may be treated as separate and distinct. In all other respects the inspection of the business assessment roll, the giving notice of appeal, and the procedure for and at appeals, and for the preparation of a tax roll based thereon, and the collection of taxes, shall be the same as by law are provided for the general assessment.

“(11) The business tax roll may be included in the general tax roll of the city, or may be separate and distinct therefrom, and the business tax may be made due and payable on the same date or dates as general taxes, or on any other date or dates as the council of the city may by by-law fix therefor; provided, if no such by-law is passed, the date or dates for the payment of the business tax shall be the date or dates for the payment of general taxes.

“(12) All personal property of every nature and kind in and upon the premises for which the occupant has been assessed under the business assessment shall be liable for the business tax due by such occupant, and the business tax shall be a first charge thereon and shall take priority over every other lien or claim thereto, and may be seized while so upon the premises distrained upon or at any place after removal therefrom, and may be sold, as provided by this Ordinance, and amendments thereto, for the distress and sale of personal property for the nonpayment of arrears of taxes. This special remedy for the collection of business taxes in arrear shall be in addition to any other right of the city granted by this Ordinance and amendments thereto for the collection of taxes in arrear; provided that nothing in this Act contained shall be construed to make the business tax levied in respect of any premises a charge upon the real estate or building in or on which such premises are situated.”

5. Subsection (j) of section 25 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby amended by substituting the letter “(e)” for the letter “(d)” in the last line thereof.

6. Section 38 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby amended by striking out the whole of paragraph 10 thereof and substituting therefor the following: “All personal property, except as provided for under the business assessment.”

7. Section 43 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby amended by striking out the words “city clerk” in the second line thereof and substituting therefor the words “city assessor”, and by adding thereto the following subsection:

“(a) The tax roll or rolls may be separate and distinct from the assessment roll or rolls or may be combined with the assessment roll or rolls of the city.”

8. Section 44 of Ordinance 33 of 1893, North-West Territories, is hereby amended by substituting the words “city assessor” for the words “city clerk” wherever same appear in the said section.

9. Section 57 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby amended by adding after the words “in addition thereto” in the fourth line thereof the following words: “Which rate may be increased by by-law to not more than eight per centum per annum from and after the first day of January of the year next following the year in which such rates or taxes are levied.”

10. Section 7 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby amended by striking out the words "ward or" in the fifth from the last line thereof, and adding after the word "sub-division" in the said line the word "or".

(2) Section 90 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby repealed and the following substituted therefor:

"90. The clerk of the city shall in every year make a correct alphabetical list of all persons appearing on the last revised assessment roll or rolls of the city; provided that every person whose residence, or place of business, is not given in such roll or rolls, or is given as outside of the city, need not be placed on the said voters' list, and no name need be placed more than once on the said voters' list."

(3) The said voters' list shall be in the form given below or shall conform as nearly as is practicable thereto:

FORM OF VOTERS' LIST.

No. on Voters List	Qualified to vote on money by-laws "B"	Name.	Address.	S.S.S.	Vote at P.S.D. No.

(4) The clerk shall insert opposite the names of persons appearing on the voters' list, the residence or place of business of each person as it appears from the assessment roll.

(5) In the column of the said voters' list headed "Qualified to vote on money by-laws" the city clerk shall insert the letter "B" opposite the names of all persons appearing therein who are qualified to vote on money by-laws, and the said list as so prepared shall be deemed to fulfil all the requirements of section 108 of said Ordinance 33 of 1893, North-West Territories, and amendments thereto; provided that if the name of any person, who is qualified to vote on money by-laws, does not appear in the said list, or the said letter "B" does not appear opposite such person's name, the said person may vote on any such by-law by producing the certificate from the person having the custody of the assessment roll provided for under section 5 of said Ordinance 33, as amended by section 2 of chapter 26, Statutes of Alberta, 1915.

(6) Sections 91, 92 and 93 of said Ordinance 33 of 1893, North-West Territories, and amendments thereto, together with the schedules referred to in said section 91 and amendments thereto, are hereby repealed.

(7) Section 94 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby repealed and the following substituted therefor:

"94. After the first day of July in each year, and after the clerk has completed the voters' list, compiled from the assessment roll or rolls, the clerk shall give public notice by advertisement published at least once each week for

four weeks in at least two newspapers published in the city, and in such other manner as the city council may direct, that the said list has been completed, and that the said list, as well as the list to date of the names of resident British subjects, as compiled by registration, will be kept in his office for thirty days from the first publication of such notice, for examination by all concerned, and any person who shall claim the right to be added to such voters' list, or any person who shall desire to have any name erased therefrom, shall prefer his request in writing, signed by his name giving his address and his reasons for his request, verified by his affidavit, and the said notice shall be delivered to the city clerk within the said period of thirty days."

(8) Subsection (a) of section 94 of said Ordinance 33 of 1893, North-West Territories, as amended by section 8 of chapter 26, Statutes of Alberta, 1915, is hereby further amended by adding the following subsection thereto as subsection (aa):

"(aa) The city clerk shall give public notice by printed posters, at least one affixed to the front of the city hall, and at least one affixed in a conspicuous place in the post office, on or before the first day of June, and by advertisement at least once each week during the month of June in two newspapers published in the city, and in such other manner as the council may direct, that any person qualified to vote as a British subject, resident of the city for the required period, may on personal application at the city clerk's office during the month of June in such year, and on proof to the satisfaction of the city clerk of such qualification, be entered on the voters' list as qualified to vote at the elections for mayor, aldermen or commissioners, and the city clerk shall keep open the voters' list during the month of June of each year for the registration of the names of such persons, and shall enter therein the names of all such persons who prove to his satisfaction that they are qualified to vote as resident British subjects, and shall insert opposite the name of each such person his place of residence, and all other information required by the form hereinbefore provided."

(9) In case no complaint is received by the city clerk or after all complaints have been disposed of as provided for herein, the city clerk shall arrange the voters' list compiled from the assessment roll or rolls, and the voters' list compiled from registration, into one voters' list for the city, the names therein to appear in alphabetical order, according to the form hereinbefore provided, and the said list as certified to by the judge of the District Court of the District of Calgary in manner provided for herein shall be the voters' list of the City of Calgary; provided, however, that if any person, whose name does not appear on such voters' list, shall claim to have duly registered his name as a resident British subject qualified to vote at any election for mayor, aldermen or commissioners in the city, and proves to the satisfaction of the city clerk that he did so register his name, the city clerk shall issue a certificate that such person, naming him, did duly register his name and is qualified to vote at such election at the polling subdivision named therein, and upon presentation of such certificate signed by the city clerk the said person shall be entitled to vote in the said polling subdivision.

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

“103. To license and fix the license fee payable by any person owning or keeping in his possession or using for any purpose any horse, mare, mule or jack within the city.

“104. To fix or prescribe the period of time any person may allow or permit any excavation to remain in or on any land within the city.

“105. To prevent or prohibit any person responsible therefor from causing or allowing any excavation in or on any land to remain for a period of time longer than is permitted by by-law of the council.

“106. Adopting any other time than ‘Mountain Standard Time’ for regulating and controlling business hours within the Municipality.”

12. Section 144 of Ordinance 33 of 1893, North-West Territories, is hereby repealed and the following substituted therefor:

“**144.** Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near a highway or bridge placed, made, left or maintained by any person other than the corporation or a servant or agent of the corporation, or by reason of any negligent or wrongful act or omission of any person other than the corporation or a servant or agent of the corporation, the corporation shall have a remedy over against such other person for, and may enforce payment of the damages and costs which are recovered against the corporation.

“(2) The corporation shall be entitled to such remedy over in the same action, if the other person is a party to the action, and it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation, or opening so placed, made, left or maintained by him or by reason of any negligent or wrongful act or omission of such person.

“(3) The corporation may in such action have the other person if not already a defendant, added as a party defendant or third party for the purposes of the remedy over; and such person may defend the action as well against the plaintiff’s claim as against the claim of the corporation.

“(4) If such person is not a party defendant, or is not added as a party defendant or third party, or if the corporation has paid the damages before an action is brought to recover same, or before a recovery thereof in an action against the corporation, the corporation shall have the remedy over, by action against such person, but he shall be deemed to admit the validity of the judgment obtained against the corporation, only where a notice has been served on him, pursuant to Rules of Court, or where he has admitted, or is estopped from denying the validity of such judgment.

“(5) Where such notice has not been served, and there has been no such admission or estoppel, and such person has not been made a party defendant or third party to the action against the corporation, or where the damages have been paid without action, or without recovery of judgment against the corporation, the liability of the corporation for such damages, and the fact that the damages were sustained under such circumstances as to entitle the corporation to the remedy over, must be established in the action against such person to entitle the corporation to recover in the action.”

13. Section 160 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby further amended by adding after the words "chartered bank" in the second line thereof the following words "person or corporation"; and by adding after the words "promissory note" in the third line thereof the words "treasury bill or treasury note"; and by adding after the word "taxes" in the fifth line thereof the words "whether levied during the current or any preceding year".

14. Section 166 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby further amended by striking out the proviso thereof commencing in the tenth line thereof, and substituting therefor the following proviso:

"Provided that no part of the debts contracted from time to time by the issue of debentures for local improvements under this Ordinance, other than the city's share thereof, nor the debts contracted from time to time by the issue of debentures on behalf of the public utilities of the city, shall be deemed to be or computed as part of the twenty per cent. in this section mentioned, notwithstanding anything herein contained; and provided further, that in computing the amount borrowed by the city at any time there shall be deducted the total sum in or to the credit of the sinking fund of the city and of any securities in or to the credit of the said fund to meet such debts or obligations of the city less that part of the said fund made up of the sum or sums collected to meet debts contracted on behalf of the public utilities of the city."

15. Section 196 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby amended by adding the following thereto:

"Before recall proceedings are in any way commenced a notice of intention to institute such proceedings shall be given by the person or persons who intend to institute same to the city clerk, and the petition or petitions shall be filed with the said clerk not later than sixty days from the date of the filing of the said notice, and failure to give such notice or to file the petition or petitions within the said delay shall render the said proceedings null and void."

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

"**205.** By-law No. 1852 of the City of Calgary, intituled 'A by-law of the City of Calgary to provide for borrowing \$2,000,000.00 for the purposes of ordinary expenditure by issuing treasury notes in anticipation of the collection of overdue taxes heretofore duly and legally levied by the council of the rateable property of the City of Calgary,' is hereby declared legal, valid and binding on the said City of Calgary, notwithstanding any informalities, irregularities or defects therein, or in any proceedings leading to the passing thereof, either in substance or in form, and each and all of the treasury notes and coupons thereto attached issued thereunder are hereby declared legal, valid and binding on the City of Calgary.

“206. The City of Calgary may engage in or carry on the business of dealing in or selling natural or manufactured products on commission at the public market by an agent or agents appointed by by-law for the said purpose. The said by-law may stipulate the commission or charges of such agent or agents and may provide the terms and conditions on which such business shall be conducted and produce handled.

“207. The council of the City of Calgary is hereby authorized to prepare and submit to the electors of the city, qualified to vote at an election for mayor or aldermen, at a plebiscite to be held on such date as the council shall by resolution decide, and which said date shall not be less than thirty nor more than sixty days from the date of passing said resolution, and notice of the holding of the said plebiscite shall be published in three daily newspapers of the city at least once each week for three weeks preceding the date of holding such plebiscite, a by-law providing for the election of the mayor, commissioners and aldermen of the city by the proportional representation system of voting, or the preferential system of voting or by any other system of voting, whether a modification of such systems or not, the proposed system of voting to be described in such by-law; and if at such plebiscite a majority of the valid ballots cast are in favour of adopting the said by-law, the council shall pass same, and thereupon the system of election described therein shall come into force and effect, notwithstanding any other system or method of election heretofore in vogue in the city, or that may be authorized or required by Ordinance 33 of 1893, North-West Territories, and amendments thereto.

“(2) The said by-law may contain all rules and provisions that may be deemed necessary or advantageous to render any such proposed system practicable and complete, and may contain clauses or provisions that either expressly or by necessary implication repeal any clauses or provisions of said Ordinance 33 of 1893, North-West Territories, and amendments thereto, inconsistent with the said rules and provisions of any such proposed system.”

No. 12.

FOURTH SESSION
THIRD LEGISLATURE
6 GEORGE V
1916

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

EDMONTON:
J. W. JEFFERY, GOVERNMENT PRINTER,
A.D. 1916