

# BILL

No. 28 of 1916.

An Act to amend The Medicine Hat Charter.

(Assented to \_\_\_\_\_, 1916.)

**H**IS 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); chapter 58 of the Statutes of Alberta, 1911 and 1912; chapter 28 of the Statutes of Alberta, 1913; chapter 35 of the Statutes of Alberta, 1913 (Second Session); chapter 38 of the Statutes of Alberta, 1914; and chapter 25 of the Statutes of Alberta, 1915, is hereby further amended as follows:

1. Title III, by repealing section 3a thereof and substituting the following:

“3a. The mayor shall be paid such salary and each alderman shall be paid for each regular meeting attended by him such sum as shall be fixed by by-law of the council from time to time, provided that without the assent of a two-thirds majority of the burgesses the salary to be paid to the mayor shall not exceed twenty-five hundred dollars and the total sum paid to any alderman shall not exceed two hundred and fifty dollars per year.”

2. Title III, by adding the following as section 7:

“7. The holder of any elective office, whether mayor, alderman or school trustee, 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 in the city or ward as the case may be at the last general municipal election at which a vote was taken 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' list 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 the 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 a 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 a 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 can 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.

"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 time shall render the said proceedings null and void."

3. Title XXI, by adding the following as sections 13 and 14:

"**13.** Any proposed by-law, other than a by-law for local improvement purposes, may be submitted to the council by petition signed by not less than twenty-five per cent. of those entitled to vote thereon according to the last revised voters list. The signatures, verification, authentication, inspection, amendment and certificate of the city clerk shall be the same as provided in section 7 of title III 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 burgesses, such vote to be held in every way as in the case of a vote on money by-laws; provided if such proposed by-law does not involve the expenditure of money all persons qualified to vote at an election for mayor 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 one newspaper 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.

“14. No by-law passed by the council except when otherwise required by general law or by the provisions of this Act, 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 the expiration of 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 twenty-five per cent. of the entire vote cast for all candidates for mayor at the last general municipal election at which a vote was taken 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 the next preceding section 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 of section 7 of title III 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.”

4. Title XXXI, by striking out subsection 2 of section 4, and substituting the following:

“(2) The whole of the lands of all public and separate schools and the lands not exceeding one acre of all universities, collegiate institutes or incorporated seminaries, being public property so long as such property is actually used or held for educational purposes.”

5. Title XXXI, by striking out section 5 thereof and substituting the following:

“5. Land shall be assessed at its fair actual value exclusive of the value of buildings and improvements thereon. In estimating its value regard shall be had to its situation and the purpose for which it is used and, if sold by the present owner it could and would probably be used in the next succeeding twelve months. In case the value at which any specified land has been assessed appear to be more or less than its true value the amount of the assessment shall nevertheless not be varied on appeal unless the difference be gross, if the value at which it is assessed bears a fair and just proportion to the value at which the lands in the immediate vicinity of the land in question are assessed; but if the judge finds that the difference be gross and

reduces the assessment but also finds that the value at which it is assessed bears a fair and just proportion to the value at which the balance of the lands in the city are assessed, the judge may upon the application of any ratepayer reduce the whole assessment in proportion to the amount he has reduced the assessment appealed from and he shall have the power to, and shall increase the tax rate sufficiently so that the amount of taxes upon the reduced assessment shall be the same as they were under the original assessment and at the original rate.

“(a) But if the judge finds that the difference be gross and reduces the assessment and also finds that the value at which it was assessed on the assessment roll bears a generally fair and just proportion to the value at which the balance of the lands in the city are assessed, the judge may upon application made to him within one week from the time of such reduction, upon the application of any ratepayer, reduce the whole assessment so that the same may be reasonably uniform, and he shall raise the rate sufficiently so that the amount of taxes levied shall not be less than before the assessment was reduced.”

6. Title XXXI, by adding the following sections:

“6. All trades, manufactures, financial or commercial institutions, premises occupied as warehouses or storehouses, businesses, occupations, arts, professions or means of profit or livelihood, carried on, exercised or operated by any person, firm, partnership, company or corporation in the city shall be assessed each year on the assessment roll of the city a sum equal to the full annual rental value of the premises, whether buildings or lands or both, in or on which such trades, manufactures, financial or commercial institutions, businesses, occupations, arts, professions or means of profit or livelihood are respectively carried on, exercised or operated.

“(a) The assessment made under this section shall be known as ‘business assessment’ and the tax levied thereon shall be known as ‘business tax’.

“(b) Nothing in this section contained shall be deemed to include any premises used or occupied solely for the purpose of a private dwelling house, private residence or as an apartment, tenement or lodging house.

“(c) Each person, firm, partnership, company or corporation shall pay to the city a business tax not exceeding six per cent. of the business assessment, or such person, firm, partnership, company or corporation as shown on the assessment roll and each individual in any such firm or partnership shall be directly responsible for the payment of such tax.

“(d) The business tax payable to the city hereunder in or for any year shall 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 six per cent. of the business assessment for the said year; and provided further that in case it shall be 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 it 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.

“(e) Where any person, firm, partnership, company or corporation liable to pay the business tax provided for hereunder is also required to pay to the city a license fee or charge for the privilege of carrying on the trade, manufacture, business, occupation, art, profession or means of profit or livelihood in respect of which the business assessment is made and the business tax levied, the council of the city shall remit or rebate the whole of such license fee or charge if less than or equal in amount to such business tax and if greater than such business tax such proportion thereof as is equal in amount to such business tax; 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.”

“(f) The business assessment and business tax provided for in this Act shall not be affected by anything contained in *The Corporations Taxation Act* of the Province of Alberta, or any amendment to the said Act, or by any other Ordinance or Act of the said province.

“(g) The assessment for business tax provided for in this section shall be in addition to the assessment on land provided for in section 5 hereof.

“7. Every person, association of persons, company or corporation owning, using, operating or enjoying the benefit of any special franchise within the city shall not be liable for the business assessment in the preceding section hereof but shall in addition to the assessment on land provided for in section 5 hereof be assessed for the full value of all buildings, improvements, plant, machinery, equipment and apparatus used in operating such special franchise, which said value shall be arrived at by estimating the actual cost thereof and deducting therefrom a reasonable amount for depreciation.

“8. 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.

"9. 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."

7. Title XXXIII, section 11, by striking out the words 'one year' where they appear in the seventh line thereof and substituting the words 'two years' therefor.

8. Title XXXIII, by striking out section 14 thereof and substituting the following:

"14. The owner of any land which has been or shall hereafter be sold for nonpayment of arrears of taxes, interest or costs, or his heirs, executors, administrators or assigns, or any other person on his or their behalf, but in his name only, may at any time within two years from the day of sale, exclusive of that day, redeem such land by paying or tendering to the treasurer of the city before the hour of three o'clock in the afternoon the amount of arrears of taxes, interest and costs for which the same was advertised and sold with interest thereon at the rate of ten per centum per annum, together with a fee of twenty-five cents for a tax redemption certificate.

"(2) If the tax sale purchaser has paid any taxes accrued subsequently to the taxes for which such land was sold, the party redeeming such land shall also pay to the treasurer the net amount of such subsequent taxes with interest thereon at the rate of ten per centum per annum.

"(3) The treasurer before giving a certificate of redemption shall be entitled to demand from such party so redeeming all taxes on said lands in his hands for collection subsequent to the taxes for which such lands were sold.

"(4) Any lot or parcel of the lands sold may be redeemed by payment of a proportionate amount of the arrears of taxes, interest, costs and penalties, if the land sold was composed of more than one lot or parcel according to any survey or plan.

"(5) The treasurer shall give the party so redeeming a certificate of redemption under his hand and the seal of the city which will be evidence of the redemption, and such certificate may be in the following form:

"I hereby certify that (*describing the lands*) sold for taxes on the.....day of....., A.D. 19...., were this day fully redeemed by..... on behalf of..... and that I have received from said.....in full of said redemption, the sum of.....dollars.

"Dated this.....day of....., A.D. 19..

(L.S.) .....  
*Treasurer for the City of Medicine Hat.*

"(6) Such certificate shall be made in duplicate and one of the duplicates shall be kept in the office of the treasurer.

"(7) The treasurer immediately after the redemption of the land shall notify the purchaser or his assignee of such redemption by letter mailed, prepaid and registered, to him at his post office address as given either in the statement signed by the purchaser at the time of the sale or in a written notice given to the treasurer by the assignee.

"(8) The treasurer shall upon delivery to him of the certificate of sale for taxes and assignment thereof, if any, pay over such redemption money or such portion thereof as the applicant is entitled to. Where the certificate covers more than one lot or parcel, and one lot or parcel only is redeemed, the treasurer shall mark the amount paid and the lot or parcel redeemed upon the certificate and duplicate and return the certificate to the holder. In the case of the loss of any certificate the redemption money may be paid over on security being given satisfactory to the council."

9. Title XXXIII, by striking out all the words after the word "adjournments" in the third line of section 15, and by repealing sections 17 and 18 and subsection 2 of section 28.

10. Title XXXV, section 18, subsection 2, by adding after the word "make" in the first line thereof the words "or pass" and by adding after the word "by-laws" in said first line the words "or resolutions".

11. Subsection (105) of section 1 of chapter 28 of the Statutes of Alberta, 1913 (First Session), is amended by striking out the words and figures:

"and the following section substituted therefor:

"12. Sections 2, 3 and 4 of title XXXI are hereby repealed."

This amendment shall be deemed to have been made on the 25th day of March, 1913, and to take effect therefrom; and notwithstanding the enactment of that portion of subsection (105) of section 1 of chapter 28 of the Statutes of Alberta, 1913 (First Session), hereby amended, the city is hereby declared to have continued vested with all the powers contained in title XXXI of *The Medicine Hat Charter*, as the same existed prior to the passing of said portion of said subsection, and the assessment and taxation of the city for and during the years 1913, 1914, 1915 and 1916 are hereby declared to be legal and valid to all intents and purposes as if the said portion of said subsection had never been passed.

12. Subsection (20) of section 1 of chapter 38 of the Statutes of Alberta, 1914, is amended by striking out said subsection and substituting therefor the following:

"(20) Title XXXI, section 4, subsection (9): By adding the following subclause:

"(a) Buildings used for the purposes of 'The Young Women's Christian Association of Medicine Hat' and not used for any other purposes, or for hire or reward, and the lot or lots whereon they stand, not exceeding one-half acre, except such parts as may have any other building thereon."

This amendment shall be deemed to have been made on the 22nd day of October, 1914, and to take effect therefrom.

13. Subsection (6) of section 1 of chapter 25 of the Statutes of Alberta, 1915 (Assented to April 17th, 1915), shall be deemed to have the same force and effect as if subsection (8) of section 4, title XXXI of chapter 63, of the Statutes of Alberta, 1906, had not by error been repealed.

2. Chapter 35 of the Statutes of Alberta, 1913 (Second Session), being an Act to amend *The Medicine Hat Charter*, is hereby amended by repealing the third proviso in subsection 2 of section 5 thereof and substituting therefor the following:

“And provided further that the city may sell to any person, firm or corporation for any or all of the purposes enumerated in subsection 1 of said section 5 thereof, land at any sum not less than the actual cost thereof to the city, plus interest at six per centum per annum from the date of purchase, or acquisition, to the date of sale, or the value thereof according to the last revised assessment roll, whichever may be the lesser, or lease for such purposes any lands, buildings or portion thereof to any person, firm or corporation at a rent not less than a sum equivalent to six per centum per annum of the assessed value thereof according to the last revised assessment roll; and may also sell, distribute or deliver to any person, firm or corporation light, heat, power, water, gas oil, electricity, or coal at any price not less than the actual cost thereof to the city.”



No. 28.

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FOURTH SESSION  
THIRD LEGISLATURE

6 GEORGE V

1916

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**BILL**

An Act to amend The Medicine Hat  
Charter.

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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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MR. WHITESIDE.

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