

REPRINTED BILL.

**BILL**

No. 8 of 1919.

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

(Assented to \_\_\_\_\_, 1919.)

**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 deemed 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:

Ordinance 33 of 1893, North-West Territories, and amendments thereto, is hereby amended as follows:

1. Section 4: Subsection 2 of section 4 is amended by striking out all the words after the word "Ordinance," in the sixth line thereof, including the proviso thereto enacted by section 1 of chapter 51, Statutes of Alberta, 1918. Eliminating property qualification for aldermen, etc.

2. Section 7: By striking out of the sixth line from the end thereof the words "Second Monday in December," and substituting therefor "Second Wednesday following Nomination Day." Election day

3. Section 9: By adding the following subsections thereto:

"(32) This and the following four subsections of this Act shall apply only to railway employees, commercial travellers and other persons whose employment or calling is such as to necessitate from time to time their absence from their place of residence and are qualified electors of the City of Calgary and who have reason to believe that they will be absent from their place of residence on the day fixed for election. Special privileges of voting to be allowed persons likely to be absent on election day

"(33) For the purpose of enabling every such person to vote at any such election held in Calgary, the returning officer shall establish a special polling booth, which polling booth shall be centrally located so as to suit the convenience of the voters.

“(34) Except as herein provided, the poll so held at every such polling booth shall be conducted in the same manner as provided for the conduct of other polls in an election.

“(35) The poll at such polling booth shall be open between the hours of 2 and 8 in the afternoon on the three days, exclusive of Sunday, immediately preceding the day of election.

“(36) Every person applying to vote at any such polling booth before being permitted to do so shall be required by the deputy returning officer in charge of the poll, to make and sign the following affidavit or affirmation, which shall be kept by the deputy returning officer with the other records of the poll:

“Canada }  
“Province of Alberta }  
“To Wit: }  
“I, . . . . . of . . . . .  
do solemnly declare:

“That I am the person whose name appears on the voters’ list, and am at present employed as (*state nature of employment*), and that I shall, in the course of my employment, be absent from the City of Calgary during the whole of the Election Day which comes on the . . . . . day of December, 19. . . . , and unless I am allowed to vote before the said date, I will be unable to cast my vote at the said election.

“And I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath by virtue of The Canada Evidence Act.

“Declared before me at the City }  
of Calgary, in the Province of }  
Alberta, this. . . . . day of }  
December, A.D. 19. .

.....  
“*Returning Officer (or Deputy  
Returning Officer)*.”

“(37) The returning officer, or deputy returning officer, may take such affidavit or affirmation, and any person signing same, knowing that any statements therein are false, shall be liable on summary conviction thereof, to a penalty of not less than \$25.00 and not more than \$100.00.

“(38) The returning officer shall, before delivering the poll books to the respective deputy returning officers to be used at the other booths of the city in the said election, insert opposite the name of each person who has voted at the said booth the words ‘voted at special booth’.

“(39) All proceedings in the opinion of the council of the city of Calgary necessary or expedient to give full effect to the preceding six subsections hereof shall be deemed authorized notwithstanding any inconsistencies that may appear between the said subsections and any other portion of this Ordinance and amendments thereto.”

4. Section 40, as amended by section 18 of chapter 51, Statutes of Alberta, 1918: Board of assessment and valuation

(a) By adding the following to subsection 10 thereof:

“Provided that the council may by the by-law creating the board declare that the board shall not exercise the duties enumerated in clause 1 of the following subsection 11 hereof.

(b) By striking out clauses 1 and 2 of subsection 11 thereof and substituting therefor the following:

“1. Before the time arrives for entering upon its duties as the court of revision of the City of Calgary, the board may act in a consulting capacity to the assessor from time to time as the assessment of the city is being made, for the purpose of advising and assisting the assessor in determining the proper assessment of property in the city generally, or any portion thereof, or any class of property or specific parcels. Power to the board to act in consulting capacity to assessor

“2. To see that all the revisions of assessments ordered by the board sitting as the court of revision of the city, or by a judge of the District Court on appeal thereto, are duly made and that the assessments of all properties with respect to which any appeals are entered or made are altered in conformity with any decisions of the board as the court of revision of the city or of any such judge, and the said board is hereby empowered to make an order or orders specifying the alterations to be made in such assessments so as to make the rolls conform to the decisions of the board and the said judge as aforesaid, and the assessor shall amend the rolls accordingly.” To supervise rolls of city so as to ensure that revisions are made as ordered by board

(c) By adding the following as subsection 16 thereto: Power to fill vacancies on board without work of revision being stopped

“The council of the City of Calgary may, from time to time, in the event of any vacancy or vacancies occurring on the said board, by reason of the death or resignation of any member or members thereof, appoint another member or members to the vacancy or vacancies and no appeals pending before the said board shall be affected or made illegal or inoperative by reason of such vacancy or vacancies and the said board as newly appointed may complete the work of revising the assessment roll of the city for the year for which such board is appointed and constituted, and no appeals pending before the said board at the time of such vacancy or vacancies may be dealt with by the board as newly constituted without the re-hearing of any evidence

theretofore taken. Every appointment to the board, whether to fill vacancies or not, shall take effect immediately on the passing of the by-law making such appointment."

5. Section 57a: By adding to subsection 42(1) thereof, as amended by section 33 of chapter 51, Statutes of Alberta, 1918, the following words:

"And the advertising of such lands shall be deemed sufficient for all purposes if it contains the information required for an advertisement of the sale of tax certificates against lands on which taxes are delinquent, as provided for under subsection 2 of said section 57a."

Information required in an advertisement of sale of lands for taxes same as in sale of tax certificates against lands

6. Section 94: By repealing subsection (b) thereof and substituting therefor the following:

"If any person requests at any time during the period allowed for registration or revision of the voters' list, to have his or her name, or the name of his or her wife or husband, as the case may be, placed on the voters' list as an adult British subject, resident of the City of Calgary for the period required to qualify such person to vote, and proves to the satisfaction of the city clerk that any such person is qualified to vote or is the wife or husband as the case may be of the person seeking to register such name, and is qualified to vote, the clerk shall add such name to the voters' list."

Wife may register husband's name and vice versa

7. Section 94e: By repealing subsection (e) thereof and substituting therefor the following:

"(e) For the purpose of registering the names of all persons duly qualified to vote at elections held by the City of Calgary as adult British subjects, residents of the city for the required period, the city clerk shall on or before the first day of June in each year give public notice by printed posters at least one affixed to the front of the city hall and by advertising at least once each week during the said month of June in two newspapers published in the city, and in such other manner as the council may direct, that any persons so qualified 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 next following annual election held 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 upon registering same shall cause each such name to appear in the voters' list of the city for the said year and shall insert opposite such name the place of residence and all other information required by the form hereinbefore provided."

Registration of persons qualified to vote as adult British subjects residents of the city for six months

8. Section 94: By adding the following subsections thereto:

“(f) When the name of any person has been registered as duly qualified to vote as an adult British subject of the City of Calgary for the required period, such name shall be placed in the voters’ list of the said city for the year in which such registration was made, and shall also appear in the voters’ list of the City of Calgary compiled for the next year and also each year thereafter unless and until such person fails to vote at one annual election, in which event such name shall be struck from the voters’ list, without prejudice, however, to the right of such person to again register his name in the manner hereinbefore provided. The poll books of the city kept by the clerk at the polling booth where any such person is entitled to vote, shall be deemed conclusive evidence of whether such person has voted or not for the purpose of retaining such name on the voters’ list.

Every name placed on the voters’ list after registration shall be retained until such person fails to vote at two consecutive annual elections

“(g) Notwithstanding anything hereinbefore contained, where any soldier who was a resident of the City of Calgary at the time of enlistment for military service, and who has been absent from the city, but has returned after the time for the registration provided for herein has elapsed and in time for any election or vote held or taken by the city, may, if such soldier is an adult British subject, register with the clerk as provided by this Act, and shall receive a certificate from the city clerk that he is entitled to vote, and may, on presentation of such certificate, cast his ballot at the polling division named in such certificate.

Special privileges of registration for returned soldiers

“(h) For the purpose of registering the names of all adult British subjects resident of the city for the required period, or any soldier as above provided for, the city clerk is hereby authorized to establish registration booths anywhere within the City of Calgary advertised as the council may direct and to appoint any person or persons to take any affidavit or statutory declaration from any person which the city clerk might himself take under subsection (c) of said section 94, and the said affidavit or statutory declaration shall have the same force and effect, and any person who knowingly makes any false statement therein shall be liable on summary conviction thereof to the same penalties as if the said affidavit or declaration were taken by the city clerk personally; provided always, that the city clerk may, and it shall be his duty to exercise his discretion as to whether the name of any person should be registered and added to the voters’ list as if he had personally taken such affidavit or statutory declaration and for such purpose the city clerk is hereby empowered to make further inquiries and to take such additional affidavits or declarations as he may deem advisable.

Registration booths may be opened anywhere in city

“(i) In every case where the decision of the city clerk is not given verbally to the applicant at the time of application for registration, and the clerk decides that any such applicant is not qualified to register as an adult British subject, resident of the city for the required period, the clerk shall notify such applicant of his refusal by letter addressed and posted, postage prepaid, to the address of such applicant, and the address of each applicant shall be included for the said purpose in the affidavit made in support of the application.”

**9. Section 117:** By adding the following subsection (4b) thereto:

“(4b) To levy annually on all rateable property on the assessment rolls of the city a rate sufficient to pay for the maintenance and operation of all hospitals owned, operated or managed by the city, it being hereby declared that the restriction contained in section 42 of said Ordinance 33, limiting the levy for hospital maintenance to an amount not exceeding one mill on the dollar, shall not apply to the powers granted to the city by this subsection.”

**10. Section 129:** By adding the following thereto as section 129a:

“**129a.** Notwithstanding anything contained in the said section 129 of Ordinance 33 of 1893, or in any amendments thereto, and without affecting or impairing in any way the powers of expropriation granted to the City of Calgary by said section 129, or elsewhere contained in the said Ordinance 33, and any amendments thereto, the council of the City of Calgary may where, in its opinion, any unsubdivided parcel of land, or land subdivided into acreage parcels only, should be crossed by a proper highway or highways, apply to the Minister of Public Works of the Province of Alberta for approval of a proposed highway or proposed highways across such land, and upon the approval of the said Minister to any such proposed highway, the council may apply to the Board of Public Utility Commissioners of the Province of Alberta for an order opening such proposed highway or highways across such land, and the board may, after hearing the persons owning any estate or interest in the said land, or in any mortgage or encumbrance thereon, order that any such proposed highway or highways be surveyed off and opened across such land.

“(2) The said board may, if the owner of such land proposes upon such application a plan of subdivision showing highways, or proposes a highway or highways, without a plan of subdivision, which, in the opinion of the board, is sufficient to meet the public need, stay such

application in order to allow the owner reasonable time to register same.

“(3) Every such order of the board shall be in duplicate, and one copy thereof shall be filed in the Department of Public Works of the Province of Alberta, and the other copy shall be filed with the registrar of the land titles office for the South Alberta Land Registration District and upon the registration thereof the land described therein as a public highway or highways, shall be and remain a public highway or highways under the jurisdiction of the City of Calgary, until altered according to law.

“(4) The board shall have full power to fix the compensation to be paid by the city to the persons entitled thereto for the land so ordered to become a public highway or highways, and in arriving at the amount thereof shall have regard to all the circumstances, including the probable future use, development or subdivision of the said property, and the benefit or injury to the remainder of such property likely to result from opening such highway or highways.

“(5) The board may order that the sum, if any, to be paid as compensation for such land shall be paid to the persons entitled thereto, or into court if any dispute arises or uncertainty exists as to the persons entitled thereto, within a stated time, and the cost of any such application shall be dealt with by the board in such manner as it deems just.”

**11.** Section 172: By adding the following subsection (a) thereto:

“In addition to the powers granted to the council by this section the council shall have full power and authority to prohibit the granting of a license to any person who is not of good character or reputation, or who is not acting *bona fide* in seeking a license, and generally, to provide and regulate the procedure governing application for granting and revocation of licenses.”

**12.** The mayor of the city shall have full power and authority to declare by proclamation that any one day of the year shall be a civic holiday, and upon such proclamation the said day shall be a public holiday within the City of Calgary.

Power to the council to declare a public holiday

**13.** By-law 1957 of the City of Calgary authorizing the issue of \$2,300,000 of treasury notes of the City of Calgary maturing on the 1st day of June, 1928, and bearing interest at 7% per annum, payable half-yearly, and pledging as security for the due payment thereof the debentures issued under the following by-laws, viz.,

No. of By-law	Amount of Debentures pledged
1781.....	\$1,108,629.42
1783.....	1,314,121.95
1937.....	186,306.99
1938.....	156,971.32

is, as well as each of the said by-laws Nos. 1781, 1783, 1937 and 1938, hereby declared legal, valid and binding on the City of Calgary, notwithstanding any informalities, irregularities or defects therein or in any of the by-laws consolidated under each of the said by-laws 1781, 1783 or 1938, or in any by-laws or proceedings prior to the passing thereof, either in substance or in form, and each and all of the said treasury notes, debentures and coupons thereto attached issued under any of the said by-laws are hereby declared legal, valid and binding on the City of Calgary.

**14.** Section 42: By adding after the word "city" and before the words "provided always" therein, the following: "Making due allowance for the cost of collection and for the abatement of taxes and for losses or deficits in the collection thereof."

(2) Section 185, subsection (c): By adding after the word "year" in the second line thereof, the following: "Including therein due allowance for the cost of collection and for the abatement of taxes and for losses or deficits in the collection thereof."

**15.** Section 117: By adding the following as subsection 210 thereto:

"For the purpose of better defining the powers of the council of the City of Calgary granted under section 117 of Ordinance 33 of 1893, North-West Territories, and amendments thereto, to pass by-laws for the peace, order and good government of the said city, not contrary to the laws of the Province of Alberta or the Dominion of Canada, but so as not to restrict the scope of the said power or of any power authorized and conferred by the said Ordinance and amendments thereto, the council may make by-laws to—

"(1) Regulate, govern and control boxing bouts and contests within the said city;

"(2) Create, organize and constitute a commission of resident citizens of the said city, of such number as the council may decide, and provide that all such bouts or contests within the said city shall be held under the supervision, management and control of such commission;

"(3) Prescribe such conditions, rules, regulations and directions as the council may deem advisable governing the commission in the exercise of its functions."

**16.** By adding to section 10 (*d*) of Chapter 51, Statutes of Alberta, 1918, the following:

“Provided that the approval by the Lieutenant Governor in Council of any such by-law, heretofore or hereafter passed by the council of the said city shall not be required, and the council may bring any such by-law heretofore passed into effect on such date as the council may deem expedient.”

**17.** By adding the following as section 216 thereto:

“**216.** The council of the City of Calgary shall have power to lease to the Great War Veterans' Association, Calgary District, lots 30, 31 and 32, in block 42, plan 'A' Calgary, for a period not exceeding ninety-nine years, on such terms and conditions as the council may deem advisable, including exemption from taxation, except frontage tax, in respect of the lands and any buildings thereon so leased.”

**18.** By adding the following as section 217:

“**217.** For the purpose of bringing into effect in the City of Calgary any principle of assessment with respect to lands in an unsubdivided state of not less than twenty acres, as may be directed by order of the Board of Public Utility Commissioners of the Province of Alberta, under the powers granted to the said board by chapter 42, Statutes of Alberta, 1918, and for the further purposes appearing in this section the council of the City of Calgary shall have power to prepare and to submit to the said board for its approval a proposed by-law determining and delimiting an inner or urban area, and an outer or suburban area of the said city.

“2. The proposed line of division between the said two areas shall be clearly defined in the said proposed by-law and also by reference made therein to a map or plan of the whole city showing each section and existing plan of subdivision and with the said division line clearly traced thereon and containing such information and particulars of streets, pavements, sidewalks, water and sewer mains, electric light and street railway lines, the number and class of buildings in any locality, the areas that may be served by extending public utilities of the city and any other information the board may require.

“3. The said proposed by-law may also contain provisions with respect to the following:

“(a) The assessment of all lands in the outer or suburban area on the basis of their fair actual value as agricultural or horticultural lands, which at the time of assessment are in an unsubdivided state, or are subdivided into acreage parcels;

“(b) The assessment of lands in such area that are in use for any other purpose than for agricultural, or horticultural-

tural purposes on the basis of their fair actual value for the purpose for which they are in use;

“(c) A minimum assessment on any lands in said outer or subdivided area;

“(d) The regulation or prevention of the registration of any new plans of subdivision of lands in the outer or suburban area and rules and regulations for bringing such lands as may be ripe for development for building purposes into the inner or urban area;

“(e) The regulation or prohibition of the construction, maintenance, or operation of any of the public utilities owned by the City of Calgary in the outer or suburban area;

“(f) The payment to the City of Calgary of a portion of the increase in value of the lands in the outer or suburban area, that may be assessed on the principle of assessment provided for in such proposed by-law on each sale thereof subsequent to the date of their first assessment on such basis, and until such lands become assessed on the same principle of assessment as lands are assessed in the inner or urban area of the city;

“(g) The mode of collecting, assuring or providing for payment to the city of a portion of the increase in value payable to the city under such provisions.

“4. The board may prescribe the procedure governing any such application, including notice thereof to all interested parties, and to the public generally.

“5. The board shall have full power and authority to approve of such proposed by-law or to withhold approval thereof until same may have been modified or varied by the council of the said city, and for the said purpose the board shall have full power and authority to add to the said by-law any provisions or terms that the board may deem advisable, and to approve such proposed by-law in its varied or modified form.

“6. Upon the said proposed by-law, as presented or as modified or varied, receiving the approval of the board, the council of the City of Calgary may pass same in the form so approved, and the said by-law shall thereupon have the same force and effect as if specially enacted by the Legislature.

“7. So soon as the said by-law is in force, all lands located in the outer or suburban area of the city, as defined therein, and in an unsubdivided state, or subdivided into acreage parcels only, shall be assessed as provided for in such by-law, notwithstanding the provisions of section 25, subsection 9 of Ordinance 33 of 1893, North-West Territories, or any other provision of the said Ordinance or amendment thereto that may be inconsistent with the provisions of the said by-law and notwithstanding that such lands may be of less area than twenty acres, and such assessment may take

effect as the assessment of the said lands for the year 1919, and each year thereafter until such lands are brought into the inner or urban area, or until the said by-law is repealed or amended with respect to such principle of assessment, whichever may first happen.

"8. A copy of the said by-law, certified by the clerk of the City of Calgary, with the corporate seal attached thereto, and a duplicate of the order of the board, may be registered at the land titles office for the South Alberta Land Registration District, and upon such registration all the lands in the outer or suburban area of the city shall be subject to the respective amounts payable to the City of Calgary as its portion of the respective increases in the value of such lands at each sale thereof, and the provisions of such by-law with respect thereto shall have the same effect as a covenant running with the land and shall be binding upon each owner thereof during his ownership.

"9. No transfer of any land in such outer or suburban area shall be accepted for registration by the registrar of the land titles office until produced therewith is a certificate signed by the clerk of the City of Calgary with the seal of the city attached, certifying that no moneys are due and payable to the city with respect to such land under the provisions of the said by-law.

"10. The powers of the board to approve of any such proposed by-law shall apply to any proposed amendment thereof by the council of the said city, and any amendment or amendments that may be made from time to time to the said by-law by the said council shall have the same effect as if specially enacted by the Legislature, and may be registered in the said land titles office, and upon registration shall have the same force and effect as the original by-law.

"11. The powers granted under this section shall be supplementary to the powers granted to the board under said chapter 42, Statutes of Alberta, 1918, in so far as the said last mentioned act affects lands within the City of Calgary.

"12. Any town planning scheme that may be proceeded with by the council of the City of Calgary under *The Town Planning Act*, or any amendments thereto, shall not be deemed to affect the provisions of the said by-law or any amendments thereto unless same be expressly amended or varied by the scheme, and then only to the extent of such express amendment or variation, and the said by-law or amended by-law may be incorporated or may be varied or modified and incorporated in whole or in part with such scheme."

**19.** Section 117, subsection 56: By inserting after the

word "gravel-pits" and before the word "stock-yards" in the third line thereof the following words:

"Dairy farm and milk plant, or either of them."

**20.** By adding the following as section 218 thereto:

"**218.** In every case where a plan of subdivision has been or is hereafter cancelled, in whole or in part, all taxes, assessments or rates in arrear or due upon the individual lots or parcels of land within the area cancelled, shall be added together and the same shall become taxes upon and in respect of the whole area in respect of which the plan is cancelled, and such area may be sold as one parcel for the sum total of taxes, penalties and costs in arrear in respect of the individual lots or parcels."

**21.** By adding the following as section 219 thereto:

"**219.** It is hereby declared that the provision in section 17 of chapter 51, Statutes of Alberta, 1918, shall be operative so as to enable any person who is entitled to pay the taxes in arrear on any parcel of land to pay to the treasurer of the City of Calgary before said land is offered for sale by the treasurer at any tax sale held prior to the 20th September, 1919 one-fifth of the total arrears of taxes assessed against the said land to, and including the year 1917, and the interest accumulated on the total of said arrears to the date of payment together with the total amount of the taxes and interest on the said land for the year, 1918, and thereupon the said land shall be withdrawn from the pending tax sale, and the protection granted by the said section 17 shall be enjoyed with respect thereto."

**22.** Section 68: By inserting after the word "including" and before the word "costs" in the second line thereof the words "penalties to date of payment provided for under section 57 hereof, as amended", and by inserting after the words "the amounts stated in the list as the taxes due" and before the words "with his charges and costs" the following: "after adding thereto penalties as aforesaid to the first day of the month in which any such lot or parcel is offered for sale."

**23.** Section 69: By inserting after the word "taxes" and before the word "costs" in the second line thereof the words "penalties as aforesaid."

No. 8.

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SECOND SESSION  
FOURTH LEGISLATURE  
9 GEORGE V  
1919

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**BILL**

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

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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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MR. DAVIDSON.

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EDMONTON:  
J. W. JEFFERY, KING'S PRINTER  
A. D. 1919