

REPRINTED BILL.

**BILL**

No. 12 of 1921.

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

(Assented to , 1921.)

**W**HEREAS a petition has been presented by the City of  
Calgary praying for certain amendments to Ordinance  
33 of 1893 of the North-West Territories, and amend-  
ments thereto;

And whereas it is reasonable 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 of the North-West Territories,  
and amendments thereto, is hereby amended as follows:

1. Section 4, subsection 2, by adding thereto the follow-  
ing: "and are qualified to vote at elections for mayor,  
aldermen, or commissioners."

2. Subsection 10 of section 9 as enacted by section 1 of  
chapter 40 of 1914:

By repealing the said subsection, and substituting therefor  
the following:

"Every elector shall vote by ballot and shall vote only  
in the polling subdivision in which the elector is entitled to  
vote.

"(a) Every elector shall be entitled to vote in the sub-  
division selected at the time of registration, or, in the case  
of persons qualified to vote without registration, in the  
polling subdivision selected by such person, and notice  
thereof in writing given to the city clerk prior to the com-  
pletion of the voters' list for the year.

"(b) If no selection is made, the elector shall vote in  
the polling subdivision in which such elector resides, or,  
if not a resident of the city, or not assessed in the polling  
subdivision of the elector's residence, in the polling sub-  
division in which such elector is assessed."

3. Section 9 as enacted by section 3 of chapter 54 of  
1919, by repealing subsection 35 thereof, and substituting  
therefor the following:

“(35) The poll of such booth shall be open between the hours of 9 a.m. and 8 p.m. on the Saturday and Monday and from 9 a.m. to 2 p.m. on the Tuesday immediately preceding the day of election.” <sup>Special polling booth</sup>

Subsection 2: By adding after the word “booth” wherever it occurs in said subsections 32 to 39 of said section 9 the words “or booths.”

4. Clause 4 of subsection (h) of section 25 as amended by section 4 of chapter 51 of 1918:

By striking out the following words therein: “and not greater than ten per cent.” and substituting therefor “and not greater than fifteen per cent.”

5. By adding the following as section 42a thereto:

“42a. Except as hereinafter provided, every person, <sup>Service tax</sup> male or female, of the age of 21 years or over, who resides in the City of Calgary for at least three months shall, upon the passing of a by-law therefor, pay to the City of Calgary each year, as part of the general revenues of the city, a tax for services rendered by the city, herein referred to as ‘the service tax,’ or ‘the said tax.’

“(2) For the purposes of this section, residence within the City of Calgary shall be understood as actual residence therein for the said period of three months, irrespective of whether such person intends to reside in the city permanently, or whether or not the said period of residence is wholly or in part only within the year in which the said tax becomes due.

“(3) The amount of the annual service tax payable by each person liable therefor shall be not less than the sum of \$5 or more than the sum of \$25 as provided in the next subsection.

“(4) The council of the city may pass a by-law fixing the amount of the annual service tax for all persons as above provided and the council may differentiate between the amount payable by different classes of persons so as to fix the amount thereof payable by each class of persons in accordance with any basis of classification the council may adopt for such purpose.

“(5) Married women residing with their husbands shall be exempt from the said tax, and the council may also by by-law provide for exempting therefrom any other class or classes of persons.

“(6) The service tax for the year 1921 shall become due and payable on the first day of July, 1921, unless the council by by-law fixes an earlier date for the payment thereof, in which case the service tax shall become due and payable on the date fixed by such by-law.

“(7) The service tax shall become due and payable in each year after the year 1921 on the first day of January of such year.

“(8) If any person has not resided within the city for three months prior to the date the service tax becomes due and payable in any year, such person shall become liable to pay to the city the said tax for that year so soon as such person shall have been a resident of the city for three months.

“(9) The service tax shall be due and payable from each person liable therefor upon and after the date such tax becomes due and payable in any year, or so soon as any person shall have been a resident of the city for three months, without any formal demand for payment thereof.

“(10) Every employer, including partnerships and companies, shall upon application therefor to such employer, or to the manager of the business of such employer, either personally, or by letter addressed to the place of business, furnish forthwith to the tax collector of the city, or to any person authorized by him to apply therefor, the name and address of each and every person in his or its employ, and the wages or salary paid to such employee, and of any other information that may be reasonably required for the purpose of the said tax.

“(11) Every person shall furnish forthwith, upon request made therefor by the tax collector of the city, or by any other person authorized by him to apply therefor, his, or her name, place and period of residence within the city, and shall also inform the collector or other person whether or not he or she is of the age of 21 years, or over, and the wages or salary received during the three months preceding the date the said tax became due and payable by such person to the city.

“(12) Every employer, and the manager of the business of such employer, and every person who refuses, or neglects for three days after request made therefor, to furnish the information required to be furnished under either of the said two preceding subsections, or who furnishes any false information, shall upon summary conviction thereof be liable to the penalties provided by section 148 of Ordinance 33 of 1893, North-West Territories.

“(13) Every employer shall pay to the City of Calgary within one month after notice by the tax collector of the city the full amount of the service tax payable to the city by any employee of such employer, whether such tax has been previously demanded from such employee or not, and the amount so paid may be deducted by the employer from the wages or salary of the employee.

“(14) The service tax may be recovered by suit in the name of the city as an ordinary debt from any person liable to pay same, and may also be recovered by distress and sale of any personal property belonging to such person at any time after such tax becomes due and payable provided, however, that before action is commenced, or seizure

is made, demand in writing for payment of the service tax shall have been delivered to such person or shall have been mailed to the correct address of such person.

“(15) In the case of the person primarily liable for the said tax at least three days, and in the case of the employer at least one month, shall have elapsed after the delivery or mailing of such demand.

“(16) The service tax shall be collectable on behalf of the city by the tax collector of the city, or any person duly authorized for such purpose.

“(17) The tax collector shall keep a register of the names and addresses of all persons who have paid to the city the service tax in any year, and the names of all such persons shall be added to the voters' list of the city for the year by the city clerk, unless such names already appear on the voters' list for that year, or unless the voters' list shall have been completed prior to the payment of the said tax.”

6. Section 5 as enacted by section 2 of chapter 26, Statutes of Alberta, 1915, by adding at the end of subsection (a) thereof the following:

“Provided that the resolution shall be produced to the city clerk at least ten days before the polling day.”

7. Section 5 as enacted by section 2 of chapter 26, Statutes of Alberta, 1915, by striking out subsections 1, 2 and 3 thereof, and by adding the following as subsections (c) and (d) thereto:

“(c) Every person, male or female, twenty-one years of age or over, and not disqualified from voting for any reason, who has resided continuously in the City of Calgary as a tenant of real property for at least six months prior to the time of registration, as hereinafter provided for, and who has continued to reside within the city, either as tenant, or owner of real property, to the date of the election at which such person seeks to vote.

“(2) Married persons living together as tenants of real property shall be considered equally as tenants for the purposes of this subsection.

“(d) Every person whose name appears on the register, or roll kept by the tax collector of the city of persons who have paid the service tax to the city for the current year.”

8. By repealing clause 6 of subsection (h) of section 25 as enacted by section 4 of chapter 26 of 1915, and amended by section 4 of chapter 41 of 1920, and substituting the following therefor:

“In cases where the amount of any license fee paid to the city for a license to carry on the business for which the business tax is assessed, or levied, is in excess of the proportion of the estimated cost to the city of the administration of licenses fairly chargeable against such license

fee, and of the estimated cost of the supervision, regulation and control of the business so licensed, the amount of the said excess shall be credited by the tax collector on account of the said business tax."

9. By adding the following as subsection 7 to section 39 thereof:

"Partners may be assessed in the partnership name, or <sup>Assessment of partners</sup> in the name of the individuals constituting the partnership."

10. Section 90 as enacted by subsection 2 of section 9 of chapter 32, Statutes of Alberta, 1916, by adding thereto the following as subsection 2 thereof:

"(2) Subject to the foregoing provision that no name <sup>Voters' list</sup> need be placed more than once on the voters' list, the city clerk shall include in the voters' list the names of the following persons:

"(a) All British subjects qualified to vote under subsection (b) of section 5 of the said Ordinance, as amended, who register as hereinafter provided for;

"(b) All persons qualified to vote under subsection (c) of said section 5, who register as hereinafter provided;

"(c) All persons whose names appear on the voters' list of the preceding year, as tenants of real property, and who voted at the annual elections of that year as appears from the poll books kept at such election, and the residence of such person, as entered in the poll book shall be taken as the correct residence of such person for the purpose of entry in the said voters' list.

"(d) All persons who have paid the service tax to the city for the current year as appears from the register, or roll thereof kept by the tax collector;

"(e) Each member of a partnership assessed in respect of any partnership property whether such assessment be in the name of the partnership, or of the individual members thereof;

"(f) All persons, male or female, who are the owners of real property within the city, which was purchased, or acquired subsequent to the date of the return of the assessor's roll for the year, who at any time during the entire period of registration and revision of the voters' list for the year, produce to the city clerk the documents hereinafter provided for."

11. Section 90 by adding the following to subsection 4 of the said section: "or from the register of names or persons qualified to vote, as kept by the city clerk, or from the register, or roll kept by the tax collector of persons who have paid the annual service tax to the city."

12. Section 94 by adding the following subsections thereto:

“(j) The city clerk shall keep open during June and July of each year at the city hall, or such other place or places as the council may direct, a registration booth so as to enable tenants who have resided continuously in the city as tenants of real property for at least six months prior to the date of registration, and who are not otherwise disqualified from voting, to register their names and addresses as tenants qualified to vote at the elections for mayor, aldermen or commissioners. <sup>Registration of voters</sup>

“(k) The city clerk shall require from any person proposing to register as a tenant, proof satisfactory to him of qualifications as such, and for the purpose the city clerk or any deputy appointed by him in writing shall have authority to take from any such person a statutory declaration, or affirmation proving any statements made by such person.

“(l) The city assessor is hereby authorized upon the application to him by any person therefor, and upon the production to him of an agreement to purchase any property within the city or the transfer of, or the duplicate certificate of title to any such property, to enquire into any such purchase or other transaction and if satisfied that the applicant is the owner of such property and that the transaction was entered into in good faith, the assessor shall make and sign a certificate addressed to the city clerk, that the applicant is the owner of the property in question, stating therein that such person owns the said property under an agreement to purchase or that title thereto is vested in him as the case may be, and is entitled to vote in respect thereof.

“(2) Upon presentation to the city clerk during the said period or during the period of revision hereinafter provided for of such certificate and of a certificate that no taxes are in arrear on the said property, the clerk shall enter the name of such owner in the voters' list of the year, and if the title to the said property is vested in such owner shall forthwith strike off the name of any other person qualifying to vote in respect of such property, and shall give notice to the person whose name is so struck off, by letter directed to his address on the assessment roll.

“(m) There shall be a further period of not less than two weeks, nor more than four weeks as the council may decide in the month of October of each year, when any person may apply to the city clerk at his office at the city hall to have his name added to the voters' list, if improperly omitted therefrom, or to change his place of residence as entered, or to strike off the name of any other person claimed to be wrongly entered therein as a tenant or British subject. <sup>Period of revision</sup>

“(n) In every case of complaint against the name of any person appearing on the voters' list, as a tenant or British subject, the complainant shall sign a statement setting forth the grounds of complaint and shall make a statutory declaration or affirmation before the city clerk of the truth thereof.

“(o) The clerk shall thereupon notify in writing the person whose right to vote as a tenant or British subject is so disputed, by letter addressed to such person at the address appearing on the register of such names, and stating that unless such person appears before the clerk within ten days to substantiate his or her right to vote, such name shall be struck off the voters’ list. If such person does not appear pursuant to such notice the said name shall forthwith be struck off the voters’ list.

“(p) If such person appears, the clerk shall enquire again into his or her right to vote as a tenant, or British subject, and shall decide the said question, and allow such name to remain on or shall strike such name off the voters’ list accordingly.

“(q) In the event of names being entered in the register of tenants, or British subjects, during the said revision period as the result of an appeal in respect thereof, which are too late for inclusion in the voters’ list, the said list of names may be printed as an addenda thereto.”

**13.** Section 117, subsection 34 (d) by striking out the words “three months” where they occur therein and substituting therefor the words “six months.”

**14.** Section 117 by striking out of subsection 56 thereof the following: “and to make contracts therefor for a period not exceeding five years,” and substituting therefor the following: “and to make contracts therefor for a period not exceeding ten years, subject to the approval of the Board of Public Utility Commissioners where the contract is to continue longer than five years.” <sup>Contracts for ten years</sup>

**15.** Section 117 by adding the following subsection 82(a) thereto:

“82. (a) Notwithstanding anything contained in the preceding subsection 82, the council of the City of Calgary is hereby authorized without the presentation of a petition as required therein to pass a by-law for the purposes set out in the said subsection and to exercise all the powers of the said subsection with respect thereto.” <sup>Curfew by-law</sup>

**16.** Section 117 by adding the following as subsection 110 thereto:

“110. Imposing a license fee upon auctioneers carrying on business within the city of Calgary, if any such auctioneer is already licensed as an auctioneer by the Province of Alberta: <sup>Auctioneer's license</sup>

“Provided that the amount of the license imposed hereunder shall not exceed the amount paid to the province for its said license.”

**17.** By repealing subsection (b) of section 10 of chapter 51 of 1918 and substituting therefor the following:

“(b) Subject only to the next subsection hereof the council of the City of Calgary may, by by-law, amend the said early closing by-law No. 1918 and amendments thereto, as the council may in its discretion decide, and for the said purpose the council may adopt any procedure deemed advisable for the purpose of procuring the opinion of the ratepayers, or electors of the city, or of any class of persons specially interested in the question of amending the said by-law and amendments.”

“(c) If the council decides to close any class or classes of shops at any hour different from the hour governing the closing of all shops as is now provided under the said by-law, or as may be provided under any amendment thereto passed under the preceding subsection, a petition or petitions praying for such amendment thereof with respect to any class of shops shall, prior to the passing of such amendment, be filed with the city clerk containing the signatures of at least two-thirds of the shop-keepers of that class, and also two-thirds of the employees in the said class of shops, and each signature to the said petition or petitions shall be duly verified by the statutory declaration of an attesting witness thereto.

“(1) For the purposes of this subsection, the decision of the council that any shop is within or without the class of shops included in any such amending by-law and that the petitions therefor are properly and sufficiently signed shall be conclusive.”

**18.** By renumbering subsections (c), (d), (e) and (f) of the said section 10 of chapter 51 of 1918 as subsections (d), (e), (f) and (g) respectively.

**19.** By adding the following sections to the said Ordinance: <sup>Plebiscites</sup>

“**220.** The council of the City of Calgary is hereby authorized to refer to the electors of the city, qualified to vote for mayor or to the ratepayers qualified to vote on money by-laws of the city, as the council may direct, any question relating to the business affairs of the city in such form and by such method of procedure as the council may decide.

“**221.** The council of the City of Calgary is hereby authorized, without a vote of the ratepayers, to pass a by-law increasing the rate of interest from five per cent. to six per cent. per annum on the debentures authorized to be issued under by-law No. 1632 in the sum of \$360,000 in aid of Calgary Industrial Exhibition Company, and by-law No. 2008, in the sum of \$155,978 for the construction of the Hillhurst bridge.”

“**222.** The council of the city shall have power to pass a by-law granting the right to use any of the streets of the city for the location, installation and maintenance of pipes, mains or conduits to convey steam for heating pur-  
<sup>Central heating plant</sup>



poses from any heating plant to any building, or buildings within the city and to provide in any such by-law the terms and conditions of such grant and to enter into a contract with any person containing any terms, conditions and covenants protecting the city or any person in any way against damages or loss arising out of such grant or from the use of any of the streets of the city for such purpose."

20. By-law No. 2032 of the City of Calgary is hereby validated and confirmed and the agreement between the City of Calgary and Famous Players Canadian Corporation, Limited, authorized therein, is hereby declared to be valid and binding notwithstanding any defect or irregularity either in substance or in form in the said by-law or in the passing thereof.

21. Sections 40 and 41 by striking out the words "city clerk" wherever they appear therein and substituting therefor the words "city assessor."

Famous  
players  
Canadian  
Corporation  
Notice of  
appeal to  
city assessor  
instead of  
city clerk

22. Subsection 27 of section 57a as enacted by section 1 of chapter 45 of 1917, by adding the following thereto:

"Provided that if a building is located on two or more lots or parcels of land which are included in one certificate, this privilege of redemption shall not apply unless all of the lots or parcels on which the building is located, are redeemed."

23. Subsection (g) of section 25, as enacted by section 16 of chapter 51 of 1918, by repealing said subsection, and substituting the following therefor:

"(g) Buildings and improvements thereon shall be assessed at not less than fifty per cent. of their fair actual value, and may be assessed at any higher percentage of such value not exceeding their fair actual value."

No. 12.

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FOURTH SESSION  
FOURTH LEGISLATURE  
11 GEORGE V  
1921

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**BILL**

A Bill to amend the Ordinances and  
Acts 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. W. M. DAVIDSON.

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EDMONTON:  
J. W. JEFFERY, KING'S PRINTER.  
A.D. 1921