

B I L L

No. of 1922.

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

(Assented to 1922.)

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:

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

1. By amending subsection c. of Section 5 thereof, by deleting the words "prior to the time of registration, as hereinafter provided for" in the 5th and 6th lines thereof and by substituting therefor the words "prior to the 1st day of June, immediately preceding the making up of the Voters' List".

Tenant voters must have resided in City for 6 months prior to 1st day of June.

2. By amending subsection 10 of Section 9 as amended by Chapter 70 of the Statutes of Alberta, 1921, by adding the following as clause (c) thereof:

"(c) Provided that any deputy returning officer of poll clerk, actually employed as such upon the day of an election, may, if qualified to vote at such election, record his or her vote in the polling subdivision in which he or she is so acting as deputy returning officer or poll clerk."

Deputy Returning Officers and Poll Clerks may vote at Polling subdivision in which they are employed.

3. By amending Section 30A. thereof by deleting the word "two" in the 4th line thereof and substituting the word "five".

arrears in case of omission of property from tax roll may be assessed for 5 years.

4. By adding the following as Section 39A. thereto:

XX (2) No Supplementary Revenue Tax shall be payable in respect of the lands so removed from the assessment roll until they are again placed thereon and become taxable for general municipal purposes, nor shall any Supplementary revenue tax be payable upon any such lands sold to the City of Calgary for arrears of taxes and not redeemed since the date of the various tax sales held pursuant to the provisions of the Charter of the City of Calgary, or the Tax Recovery Act.

5. By amending Section 42a thereof by deleting the figures "\$25.00" where they appear in subsection 3 of Section 42a, and substituting therefor the figures "\$100.00".

Maximum of
Service Tax is
raised to
\$100.00.

6. By adding the following to subsection 7 of Section 42a. thereof:

"or such later date as the Council may by by-law determine. Provided that, notwithstanding any bylaw of the City of Calgary, the Service Tax of the City of Calgary for the year 1922 may be increased in accordance with the maximum of \$100.00 provided for above. Provided further, that any payment made pursuant to the terms of By-law No. 3004 of the City of Calgary, prior to the date of the passing of this section, shall be credited to the amount of tax payable for the year 1922 under any subsequent by-law of the City of Calgary passed pursuant to this section."

Council may
declare Service
Tax payable on
1st January or
on any later
date.

7. By adding the following as section 73A. thereto:

"73A. In addition to the rights given by the provisions of section 29 of the Tax Recovery Act, the City shall, in case of any lands sold to it at any tax sale,

City may enter
into possession
and rent vacant

have the right in case there be any buildings upon such land which are or become vacant during the redemption period and remain vacant for two months, to enter into possession of such land and from time to time rent such buildings and expend such moneys as may be reasonably necessary to keep such buildings in tenantable repair, such expenses to be deducted from the rent receivable or added to taxes, but the net revenue shall, in the event of said lands being redeemed, be a credit to the owner on account of the moneys required to redeem; Provided, however, that except in the case of redemption by any person entitled to redeem, the net revenue shall form part of the general revenue of the City."

buildings after two months' vacation during redemption period of lands purchased by the City at its own tax sale.

8. By amending subsection 9 of Section 74 thereof by striking out the word "registered" where it occurs therein.

Notices may be mailed by ordinary mail.

9. By amending Section 108 thereof by deleting the words "four hundred dollars" in the 6th line thereof, and substituting therefor the words "One hundred dollars".

Qualification of voters on money bylaws to be property assessed at \$100.00.

10. By adding the following as subsection (e) to section 110 thereof:

"(e) The Council may from time to time pass bylaws for the sale of debentures unsold or any portion thereof by cancelling such debentures and issuing new debentures for the total amount of such cancelled debentures, provided that the new debentures may bear such new date as may be provided for in the bylaw respecting sale and may notwithstanding anything contained in the bylaw or bylaws authorized by the ratepayers of the City, bear any rate of interest not in excess of six per cent. that the Council may determine, the whole without any further assent

Council may pass selling bylaws for debentures unsold and may alter date and raise interest without re-submission to rate-payers.

of the ratepayers of the City being required and such new debentures, when issued and delivered, shall be a valid obligation of the City."

11. By adding the following subsection (d) to Section 110 thereof:

"(d) WHEREAS the Council of the City of Calgary duly passed By-law No. 2008 to raise the sum of \$155,978.19 for the purpose of erecting a reinforced concrete bridge across the Bow River at Ninth Street West in the City of Calgary and providing approaches thereto;

AND WHEREAS the Council of the said City also duly passed By-law No. 1632 to raise the sum of \$360,000.00 for the purpose of granting aid to the Calgary Industrial Exhibition Company for the construction of buildings, improvement of grounds and other purposes as set out therein;

AND WHEREAS each of the said Bylaws was, prior to the final passing thereof, ratified by a vote of two-thirds of the ratepayers entitled to vote thereon, as required by Ordinance 33 of 1893 North-West Territories, and amendments thereto, which constitute the Charter of the said City;

AND WHEREAS the debt to be incurred under each said bylaw has been approved by the Board of Public Utility Commissioners of the Province of Alberta;

AND WHEREAS each said bylaw has been amended by By-law No. 2087 of the said City as authorized by Section 221 of said Charter, so as to increase the rate of interest payable on the debentures to be issued thereunder from 5% to 6%;

AND WHEREAS the Council of the said City, purporting to act under Section 110a of the said Charter, passed Bylaws Nos. 2100 and 2101 providing for the issue of the debentures authorized by said Bylaws 2008 and 1632, as so amended, to the amount of \$155,978.19 and \$244,066.36

respectively, bearing date the 1st December 1921, and maturing in fifty and thirty years thereafter respectively;

AND WHEREAS certain doubts have arisen as to the power of the said Council to date the said debentures the 1st December 1921, and to extend the dates of maturity thereof as provided in the said Bylaws 2100 and 2101;

AND WHEREAS the Council of the said City has petitioned that all questions of doubt as to the validity of said debentures or in any way relating thereto, be set at rest;

THEREFORE, it is hereby declared that the said Bylaws 1632 and 2008, as respectively amended by bylaw 2087, and the said bylaws 2100 and 2101, are and each of them is legal, valid, and binding on the said City of Calgary, notwithstanding any informalities, irregularities or defects therein, either in substance or in form, or notwithstanding that the Council of the said City may not have had the power to pass the said Bylaws or any of them.

Money Bylaws
1632 and 2008
as amended by
Bylaw 2087 and
selling bylaws
2100 and 2101
are validated.

AND IT IS FURTHER HEREBY DECLARED that each and all of the debentures and coupons thereto attached and issued or to be issued under the said bylaws, are legal, valid and binding on the City of Calgary."

12. By adding the following as subsection 111 of Section 117 thereof:

"111. Notwithstanding any Statute of the Province of Alberta or any Ordinance of the North West Territories, to license and regulate any profession, trade, business, occupation or calling and all persons carrying on any trade, business, occupation or calling within the limits of the City of Calgary and all persons employed in any profession, trade, business, occupation or calling; Provided that the City of Calgary shall be deemed always to have had power to license and regulate all persons engaged in in the business of motor livery within the limits of the

Council may
exercise general
power to regulate and license.

City of Calgary, whether as employees or otherwise and no person shall be entitled to recover by action or suit from the City of Calgary, any license fee paid for the year 1921 under the provisions of subsection 53 of section 7 of Bylaw 2062 of the City of Calgary. Provided, further, that the Council in the exercise of any of the powers conferred under this section or under any of the preceding sections in respect to imposing a license fee upon any person, firm or partnership carrying on any profession, trade, business, occupation or calling in the City, may provide that such license fee shall be applicable to and payable by each and every individual member actively engaged in any such firm, partnership or business; Provided further, that where a business is carried on as an incorporated Company of limited liability or otherwise, each and every member or shareholder thereof who is engaged in or participates in any position of active management, control or direction of such business, shall be deemed to be individually liable to pay the license fee imposed under the provisions of this Act or of any bylaw of the Council of the City of Calgary.

Provided also that the power to license and regulate shall be deemed to include the power to compel any licensee to furnish a bond or security to the satisfaction of the Council and in such amount and with such Guarantee Company or Companies as the Council shall designate for and against any or all damages or compensation which any licensee may be liable to pay to any person by reason of any damage suffered by any person on account of any default, negligence or misconduct on the part of the said licensee in the conduct of the trade, calling, business or occupation in respect of which a license is issued. It is further provided that such bond or security shall be made and executed to the City as obligee and condition-

Council may demand Bond in addition to license.

ed as aforesaid and that notwithstanding any law or statute to the contrary, any such person to whom such licensee shall so become liable, shall have a right of action upon such Bond or security against the surety or sureties in said bond or security for such damages suffered, without the City, however, being liable for any costs in case the City is joined in such action as a nominal plaintiff or defendant."

13. By adding the following as subsection 112 of Section 117 thereof:

"112. Notwithstanding anything contained in any other Act or Ordinance to license and prescribe regulations for buffets, bars or houses of refreshment where two per cent. beer, near beer or beer of any strength whatsoever is sold or offered for sale on draught or in bottle, and to define and specify the parts of the City within which and the days and hours during which the said buffets, bars or houses of refreshment may be open or closed and to empower the license inspector to prohibit the institution or continuance of any such buffet, bar or house of refreshment in any premises where any offence against the Liquor Act of the Province of Alberta or the Drug and Opium Act of the Dominion of Canada has been committed by any proprietor of such buffet, bar or house of refreshment or any employee, servant or agent of such proprietor and such proprietor, employee, servant or agent has been convicted thereof and to refuse a license as proprietor, bar-tender, employee or servant to any person who has been convicted of any such offence and to license every proprietor of such buffet, bar or house of refreshment, whether such proprietor be a limited company, a partnership or any person whatsoever and to license every person who acts as bar-tender, employee, or servant in any such buffet, bar or house of refreshment."

Power to license and limit hours of buffets and areas of premises in which buffets may be instituted or continued.

License Inspector may refuse licenses to individuals who commit certain offences and in respect of certain premises where certain offences are committed.

14. By adding the following to subsection 24b of Section 117 thereof:

"Any said bylaw may provide that the quality and class of any of the preceding commodities exposed for sale be specified in such manner as the Council deems advisable."

Council may require ticketing of food products.

15. By adding the following as subsection 113 to Section 117 thereof:

"113. To regulate the conduct of passengers on street cars operated by the City of Calgary and to prohibit smoking in any part of any street car other than that part designated for the purpose."

Council may regulate smoking in City street cars.

16. By adding the following as subsection 117B: thereto:

"117B. Notwithstanding the provisions of the Public Health Act, the Local Board of Health for the City of Calgary shall consist of the Council of the City and the said Council shall in addition to the powers and duties conferred and imposed upon it by the Charter of the City of Calgary, have all the powers and perform all the duties of a Local Board of Health under the provisions of the Public Health Act and amendments thereto."

Local Board of Health to consist of Council of the City of Calgary.

17. By adding the following as subsection 2c to Section 136 thereof:

"2c. The Council may by bylaw assess or levy for Local Improvements begun but not completed and may, in such bylaw or bylaws, fix the proportion of the cost of such local improvements to be borne by the City and the proportion of the cost of such local improvements to be borne by the property owners affected thereby, provided, however, that if any local improvement begun but not completed shall at any time hereafter be completed the

Council may assess and levy for local improvements begun but not completed.

Council may by bylaw or bylaws re-assess for the whole or unassessed cost of the said local improvement and may in such bylaw or bylaws fix the proportion of the cost to be borne respectively by the City and by the property owners affected thereby."

18. By adding the following as subsections b. and c. to Section 125 thereof:

"(b) Provided that except in the case of gross negligence, the City shall not be liable for injury to property or person caused by snow, ice or slush upon any sidewalk, street, highway or lane in the City of Calgary."

"(b) Provided further, that no action shall be brought in order to recover against the City of Calgary for any damage to property or person sustained by reason of the existence of snow, ice or slush upon any sidewalk, street, highway or lane in the City of Calgary, unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the City Clerk within seven days after the cause of action arises and failing such notice, the City shall be relieved from any liability for any damages or compensation in respect of such accident or injury, notwithstanding any provisions of law to the contrary."

In case of accident caused by snow, ice or slush upon any sidewalk, street, highway or lane City liable for gross negligence.

Notice of accident to be given within seven days.

19. By adding the following as subsection a. to Section 182 thereof:

"(a) Provided, however, that the Council shall have full power to define by bylaw the duties of the commissioner or commissioners of the City of Calgary and to distinguish and discriminate between the duties assigned to any particular commissioner or commissioners and so as not to restrict the generality of the foregoing but more particularly to define the same, the Council may by bylaw limit the duties of the Mayor of the City of Calgary and provide

Council may differentiate between duties of Commissioners and duties of Commissioner and Mayor.

that the administration of the business affairs of the City may be wholly or partially entrusted to any Commissioner or Commissioners."

20. By adding the following proviso to Section 183A:

"Provided however, that if the Council shall, pursuant to the plebiscite submitted to and passed by the electors on the 14th day of December, 1921, for the reduction of the number of commissioners, pass a bylaw in accordance with the power granted under Section 4 of Chapter 45, Statutes of Alberta, 1917, the period of office of Angus Smith, for which he was elected a Commissioner of the City of Calgary by the electors of the City of Calgary at the election held at the City of Calgary on the 14th December 1921, shall terminate on the 31st December 1922, nor shall the said Angus Smith be entitled to recover from the City of Calgary any damages or compensation on account of such termination of his period of office."

Term of office of Commissioner Angus Smith shall expire on the 31st December, 1922.

21. By adding the following as Section 183e thereto:

"183e. The Council of the City of Calgary may submit a plebiscite to the electors qualified to vote for Mayor, on the question of the appointment of a Commissioner or Commissioners, other than the Mayor of the City, by the Council in lieu of the present method of election; and if a majority of the electors so entitled to vote shall signify their approval of the appointment of a commissioner or commissioners by the Council, the term of office of the commissioner or commissioners serving in that capacity at the time of the taking of the plebiscite, shall be deemed to expire at the end of the year during which the said plebiscite is taken and the Council may in case the plebiscite is carried by a majority of the electors, by bylaw

Council may submit plebiscite for appointment of commissioner or commissioners and if plebiscite carries, may appoint a commissioner or commissioners.

appoint a commissioner or commissioners other than the Mayor of the City; Provided that if the said plebiscite is submitted and carried at the date of the general municipal election, the term of any commissioner or commissioners elected at such general municipal election shall be deemed to expire at the expiration of one year from the 31st day of December in the year in which such plebiscite is submitted."

22. By adding the following as subsection (h) to section 185 thereof:

"(h) Provided that the powers granted to the Council of the City by subsection (a) of section 182, shall, when exercised, be deemed not to be powers to amend, alter or repeal any or all of the provisions contained in subsections a. b. c. d. e. f and g. of this section,"but except in case of the appointment of a commissioner or commissioners the sum total of the power outlined in subsections a. b. c. d. e. f. g. shall continue to be exercised by the elected commissioner or commissioners. Provided further, that if a commissioner or commissioners is or are appointed pursuant to section 183e. then immediately upon the retirement from office of the commissioner or commissioners, notwithstanding the fact that the Mayor may continue to be an ex officio commissioner, subsections a. b. c. d. e. f. and g. of section 185 shall be deemed to be repealed.

Sum total of Commissioners' powers to be exercised unless commissioner or commissioners appointed and not elected.

23. By adding the following as section 223 thereto:

"223. The Council of the City of Calgary may pass a bylaw or bylaws cancelling irrevocably the whole or any portion of the balance remaining unexpended under Bylaws Nos. 1071, 1560, 1581, 1610, 1563, 1583, 1207, 1379, 1565, 1307, 1318, 1343, 1575, 1168, 1181, 1306, 1356, 1562, 1611, 1157, 1205, 1275, 1302, 1324, 1376, 1389, 1410,

1556, 1580, 1598, 1608, 1671, 1761, 1721, 1670, 249, 1070A, 1167, 1182, 1301, 1341, 1346, 1350, 1355, 1365, 1557, 1667, 1669, 1668, 1714, 1724, 1751, 1725, 1771, 2029, 2037, 2041, 1170, 1568, 1579, 1632, 2005, 2010, 1704 and 2006, 1764, 1839, 1976 and 1993 and after the passing of such cancelling bylaw or bylaws, the Council of the City of Calgary shall not unless such bylaw or bylaws is or are passed anew by the rate-payers qualified to vote on money bylaws or in the case of local improvement bylaws, are readvertised, be deemed to have the authority to proceed with any of the works authorized in the bylaws hereinbefore enumerated above, passed in accordance with the provisions of the Charter, nor with any of the expenditures authorized thereby."

Council may provide for final cancellation of certain money bylaws and the balances remaining unexpended thereunder.

24. By adding the following as Section 224 thereto:

"224. The sum of \$71,381.61, expended under the authority of the City Council for Municipal Hospital purposes plan, be capitalized and charged to the unexpended balance of Bylaw No. 2010 of the City of Calgary by which the ratepayers of the City of Calgary authorized the expenditure of \$155,000.00 for hospital extensions and the Council of the City of Calgary is hereby empowered without any vote of the ratepayers of the City, to issue debentures in the said sum of \$71,381.61, such debentures to be for the term set out in Bylaw No. 2010"

Council may capitalize hospital expenditure of \$71,381.61 and charge to Bylaw No. 2010.

25. By adding the following as Section 225 thereto:

"225. The Council of the City of Calgary is hereby empowered to raise money by way of loan from time to time by the issue of Savings Certificates or other securities in such form and in such denominations and executed in such manner, at such rate of interest but not exceeding

City may issue Saving Certificates.

six per centum, and payable at such place or places as the Council may determine. Provided, however, that no certificates shall be sold for less than the face value thereof and that no issue of such certificates shall be made without the approval of the Board of Public Utilities."

26. By adding the following to the introductory subsection of Section 25 before Section 25a:--

Notwithstanding anything in this Act contained the Council may by bylaw provide that the valuation of land, buildings, special franchises and other rateable property made by the Assessor for any year, shall be the valuation for the next succeeding year and may in such bylaw make such rules for the use of the assessment roll and the mailing of assessment notices and such further rules and regulations as may be generally necessary.

Council may by bylaw provide for biennial valuation of all rateable property.

Provided however that

(1) The Assessor may, notwithstanding the continuance of the general valuation for the succeeding year, revise the valuation of any particular parcel or parcels of land, buildings, rateable property or any special franchise and in particular shall make all amendments, alterations and additions necessary in case any additional improvements are, since the date of the last valuation made or erected upon any parcel or parcels of land.

Assessor may however make all necessary additions and amendments.

(2) In case the Council shall by Bylaw provide that the valuation for any year shall so stand for two years, there shall be for every person assessed, in each year a right of appeal from the Assessor's valuation to the Court of Revision and to the Judge of the District Court in the manner provided by this Act, but no person shall be entitled to succeed upon appeal in the second or succeeding year unless he can prove to the satisfaction of the Court of Revision or of the Judge of the District Court, that his property has deteriorated in value since the first

The right of appeal from valuation is limited except in certain cases.

or preceding year; provided that there shall be no restriction of appeal or of the right to succeed upon appeal in the case of any person the valuation of whose property has been revised, altered, amended or increased in accordance with the provisions of subsection (1) nor in the case of any property where there has been a change of ownership and the assessed owner whose name appears on the roll in the second or succeeding year had no right of appeal in the first or preceding year.

(h) It is further provided that the Council shall not be deemed to have the power to extend the general valuation of land, buildings, special franchises and other rateable property for more than a two year period.

General valuation shall not be continued for more than two year period.

27. By adding the following as subsection 34 f. to Section 117:-

For creating a class or classes of transient contractors and for imposing a license fee and demanding a bond or other security from such class or classes and for the regulation, government and licensing of all persons falling within such class or classes.

Council may license transient contractors.

28. By adding the following as subsection 34 g. to Section 117:-

The expression "transient contractor" shall extend to and include any person who has not resided continuously in the City for a period of at least six months next preceding the time of commencement by him of business in the City and who canvasses for or obtains contracts for the erection or alteration of any building or construction within the City or for the supply of any building

Transient contractor defined.

material or for the installation of any plumbing, heating or other apparatus or for the sale of any plumbing, heating or building supplies.

29. By adding the following as subsection 117 C:-

The Council may by bylaw create a fund to be known as a House-Moving Fund which shall be established by and replenished annually or otherwise by such contributions from the Street Railway, Electric Light & Waterworks Departments of the City in equal or such proportions as the Council shall by bylaw determine. The said fund when created may be used for the purchase of house-moving equipment, the moving of houses within the City or from any place without the limits of the City to any place within the limits of the City and for the advancement of a sum not in excess of one thousand dollars by way of loan to any person who may move his or her dwelling house from the outer to the inner area of the City as such areas may from time to time be defined by the Council. Provided that the rules governing such loans shall be fixed by a bylaw of the Council and no loan shall be made to any person except upon resolution of the Council.

The City may purchase a House-moving equipment and establish a House-moving Fund to be supported by the Utilities of the City.

30. By adding the following sub-section (1) to Section 185 thereof:

Provided however that if the number of Commissioners of the City of Calgary is reduced to two or increased to four if in the case of any of the matters falling within Sections (a), (d), (e), (f), and (g) of this Section there shall be an equal division amongst the Commissioners then where in the said sub-sections it is provided that a two-thirds majority of the Council is required, it is hereby enacted that notwithstanding

anything contained in the said subsections (c), (d), (e), (f) and (g) the majority of the Council named in case of said equal division amongst the Commissioners may amend or vary both or either reports or recommendations of the commissioners or may adopt either report of the commissioners or may refer the report or recommendations or any of the matters contained therein to the commissioners for further consideration.

Majority of the Council may decide matters according to subsections (c) (d) (f) and (g) in case of equal division amongst the Commissioners

51. By amending Section 209 by striking out Clause (a) Subsection (c) and substituting therefor the following subsections (c) and (d):-

(c) All debentures stock or other securities bought in shall be cancelled but nevertheless any special annual rates and assessments levied and imposed in respect of any local improvement debentures which may be so bought in and cancelled shall continue to be levied and collected under the by-law or bylaws imposing the same and the proceeds of such annual rates and assessments shall be applied towards payment of the principal and interest of the new debentures and any moneys held as a sinking fund in respect of any debentures stock or other securities so bought in and cancelled shall be apportioned and held for and applied in payment of the principal of the new debentures when the same mature; or such sinking fund may be used in buying in any debentures stock or other securities in respect of which same is held, thereby reducing the amount of the new debentures to be issued; provided that the annual levies under any bylaws, other than local improvement bylaws, authorizing any debentures which may be so bought in and cancelled shall be reduced in proportion to the debentures thereunder so bought in and cancelled.

Rules for issue of refunding debentures are revised.

(d) It shall not be necessary for any bylaws authorizing the issue of new debentures hereunder to provide for levying any amounts or annual rates for paying such new debentures or the interest thereon but a rate sufficient to raise the amount required to pay the annual interest and the annual instalment of principal or the annual amount by way of sinking fund as the case may be after making due allowance for moneys collected and on hand under the proceeding subsection shall be levied in each year during the currency of such debentures.

52. By adding the following to Section 225:-

Notwithstanding anything contained in this Act or in the amendments thereto or in any Bylaw passed by the ratepayers or Council of the City of Calgary or in any debenture, coupon or certificate issued by the City of Calgary, the Council may by by-law, levy and collect annually the Sinking Fund necessary to repay moneys already borrowed by way of debentures upon the basis of the lifetime of the assets created by the proceeds of the said debentures ~~and~~ in lieu of the basis of the term of the debentures so issued.

Sinking Fund
levies may be
adjusted on
basis of life-
time of assets

(a) The Council shall before making any change in the levy for the Sinking Fund submit the Board of Public Utilities Commissioners figures setting forth the actuarial calculations as to the value of the proposed new Sinking Fund contribution and interest thereon at the date of maturity of the existing debentures together with a statement showing the amounts of new debentures to be issued to provide the balance of the money necessary to retire in full the existing debentures and the Board of Public Utilities

Change in levy
must be approved
by Board of
Public Utility
Commissioners.

Commissioners shall approve such figures before the Council may make any change in the levy for the Sinking Fund for existing debentures and shall further fix the amount of the levy to be made at the proper time for the new Sinking Fund in respect of the new debentures to be issued in order to provide the balance to retire in full the existing debentures.

(b) The lifetime of the assets referred to in sub-section 1 hereof shall be determined by the City of Calgary and confirmed by the Board of Public Utility Commissioners and the lifetime of any asset shall be deemed to terminate at the date at which it is estimated that any assets shall be then worn out or shall be no longer of effective use for the purpose for which it was created.

Lifetime
of assets
is defined.

(c) Notwithstanding anything contained in this Act or the Amendments thereto, the Council may by By-law or By-laws without reference to a vote of the ratepayers but only with the sanction of the Board of Public Utility Commissioners, issue and sell refunding debentures of an amount which, together with the amount on hand in the Sinking Fund reserve at the date of maturity of the outstanding debentures issued to create any asset, will be sufficient at the date of maturity aforesaid to retire such outstanding debentures in full.

Council may
issue refund-
ing debentures

(d) The said refunding debentures may bear date satisfactory to the purchasers and as determined by the Council at the time of sale and shall be issued for such period and at such rate of interest not exceeding six per centum as the Council may determine, provided, that the term of such refunding debentures added to the term of the present outstanding debentures, shall together not exceed the estimated original lifetime of the asset or assets as may be determined in accordance with the provisions of subsection b.

Term of
refund-
ing
debentures
added to
term of
outstanding
debentures
shall not
exceed est-
imated
original
lifetime of
the asset
or assets.

(4) The provisions of the foregoing subsections 1, 2, 3 & 4 may by a by-law or by-laws of the Council, be made applicable to Local Improvements already completed or begun and to debentures already issued on account thereof, both as regards the proportion of the costs to be borne by the same and the proportion of the costs to be borne by property owners affected thereby, and to any or all other works, improvements, or assets already done or created and to any or all debentures of the City of Calgary already issued on account thereof, and to all works, improvements, or assets, including Local Improvements, that in the future may be created, and to any debentures that in the future may be issued on account thereof.

Provisions of foregoing subsections may be made applicable to Local Improvements.