

BILL

No. 4 of 1923.

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

(Assented to _____, 1923.)

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 adding the following as subsection (3) of section 6 thereof:

“(3) The council shall upon a majority vote of the electors qualified to vote for mayor taken upon a plebiscite, provide by by-law for the election of a mayor thereafter for a two-year term, provided that if the said plebiscite is submitted and approved by a majority vote of the electors qualified to vote for mayor at the municipal elections to be held in the City of Calgary in December, one thousand nine hundred and twenty-three, or upon any other occasion during the year one thousand nine hundred and twenty-three, when a vote of the said electors is taken, the council shall by by-law provide that the mayor elected at the general municipal elections held in December, one thousand nine hundred and twenty-three, and at any general municipal election held thereafter, shall hold office for a term of two years.”

Mayor may
be elected for
two-year term
upon approval
of plebiscite
by electors

2. By adding the following as subsection (13a) of section 9 thereof:

“(13a) The powers to amend the schedules attached to By-law No. 1900 referred to in subsection (13) of section 9 of this Ordinance shall be deemed to be powers to prescribe by by-law, rules regarding the use of pencils and pens in the marking of ballot papers and the rejection of ballot papers not marked in accordance with By-law No. 1900

Council may
amend By-law
1900 being
by-law to
regulate
elections

or any amendment thereto or any schedule attached to By-law No. 1900 or any schedule attached to any amendment thereto."

3. By repealing subsection (22) of section 9 thereof and substituting therefor the following:

Official
declaration of
election shall
be made on
Monday
following
election day

"(22) Upon receiving the ballot papers from the several deputy returning officers, the city clerk shall add together the number of votes cast for the various candidates in the manner prescribed by By-law No. 1900 and amendments thereto, and shall at twelve o'clock noon on the Monday following the Wednesday on which the election was held, declare the candidate for the office of mayor, having the highest number of votes and the candidate for the office of commissioner having the highest number of votes and the candidates for the office of aldermen having the highest number of votes, duly elected mayor, commissioner and aldermen respectively."

4. By repealing subsection (26) of section 9 thereof and substituting the following:

Elector may
upon affidavit
showing cause,
apply to judge
of Supreme
Court for
recount

"26.—1. Upon an affidavit presented by any elector showing reasonable grounds for dissatisfaction with the return made by the city clerk, a judge of the Supreme Court of Alberta shall have power to, and may direct a recount of the ballots cast for mayor, commissioner, aldermen and school trustees or either or all and shall direct the city clerk to produce all ballot papers before him.

"2. If the judge shall direct a recount, the said recount shall be made under the supervision of the judge by the city clerk and any clerks that he may consider it necessary to employ for the purpose.

"3. The judge shall decide as to the proper number of ballots cast for each candidate and declare the result of such recount and his declaration as to such recount shall be final, subject to the election being contested as hereinafter provided.

"4. Such recount must be requested within seven days after the declaration of the city clerk referred to in subsection (22) of section 9 of this Ordinance.

Applicant shall
deposit \$100
as security for
costs which
shall be in
discretion of
judge

"5. It shall be a condition precedent to the direction of a recount that the applicant shall deposit with the Clerk of the Supreme Court of the Judicial District of Calgary, the sum of one hundred dollars as security for the disbursement costs that may be awarded to the city as hereinafter provided.

"6. The costs both disbursement and otherwise of all parties to the recount, shall be in the discretion of the judge provided that—

"(a) the costs that may be awarded to the city shall be limited to the actual disbursements of the city clerk incurred on behalf of the city;

“(b) in no event shall costs be awarded against the city which may, however, under the terms of subsection (c) be liable to bear the expense of all disbursements made by the city clerk for the purposes of the said recount;

“(c) in the event of any change in the personnel of the candidates elected resulting from the said recount, the city shall not be entitled to any costs.”

5. By adding the following as section 24a thereto:

“**24a.** Notwithstanding anything contained in this Ordinance or in any amendment thereto, the assessor shall complete his assessment of all lands, buildings, improvements and special franchises on or before the thirty-first day of October in the year preceding the year in which the said assessment is intended to apply and all assessment notices containing a notice of such assessment, shall be mailed to every person whose name appears on the assessment roll as the owner of any lands, improvements, buildings or special franchises on or before the said thirty-first day of October and all the provisions of this Ordinance dealing with the assessment of lands, buildings, improvements and special franchises, the sittings of the court of revision and appeals to the court of revision or the judge of the District Court with respect thereto, shall be deemed to be amended accordingly.”

Assessment roll must be complete and assessment notices mailed by 31st day of October in each year

6. By adding the following as section 25a thereto:

“**25a.** By-law No. 2128 of the City of Calgary, being a by-law authorizing the mayor and city clerk to execute an agreement with Imperial Oil Limited, with reference to the establishment and location of an oil refinery in the City of Calgary and the agreement thereto annexed, are hereby validated and confirmed and declared to be valid and binding, notwithstanding anything contained in this or any other Statute of the Province of Alberta or Ordinance of the North-West Territories.”

By-law No. 2128 authorizing an agreement with Imperial Oil, Ltd., with reference to location of oil refinery, is validated

7. By adding the following as section 25b thereof:

“**25b.** The council may by by-law approved by a majority vote of the ratepayers of the city entitled to vote upon money by-laws, authorize the mayor and city clerk to execute an agreement with any person, firm or corporation proposing to locate any industrial establishment or manufactory within the limits of the City of Calgary for the taxation of the improvements to be erected by the said industrial establishment or manufactory within the limits of the City of Calgary upon a percentage of the value of the said improvements less than the percentage universally taxable within the City of Calgary and upon a valuation of the said improvements for assessment purposes

Council may upon majority vote of ratepayers make agreements respecting new industries based upon limited assessment and taxation of improvements to be erected

fixed or otherwise, provided that no concession shall be granted with respect to land tax, special tax, supplementary revenue taxes or business taxes or any other tax other than the tax on improvements.”

8. By repealing subsection (f) of section 94 thereof and substituting therefor, the following:

Name of non-voting tenant or British subject shall be omitted from voters' list subject to right to re-register

“(f) When the name of any person has been registered as duly qualified to vote as an adult British subject or tenant 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 if the voter votes at the election held in December of the year in which registration was made, the name shall also be placed 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.”

9. By adding the following as subsection (67a) of section 117 thereof:

Council shall have exclusive jurisdiction to establish and regulate pounds

“(67a.) Notwithstanding the provisions of *The Domestic Animals Act* or of any other Act or Ordinance, the council of the City of Calgary shall be deemed to have and to have had exclusive jurisdiction within the City of Calgary to pass by-laws for the purposes defined in subsections (63), (64), (65), (66) and (67) hereof.”

10. By adding the following as subsection (114) to section 117 thereof:

Council may by by-law authorize the construction and maintenance of overhead bridges and canopies on streets and lanes

“(114) The council may by by-law and shall be deemed always to have had by by-law, the power to permit and authorize the erection, construction and maintenance of overhead bridges, canopies and similar constructions in the air space superincumbent upon city streets and lanes, upon such conditions as to rentals, time indemnities and maintenance as the said council may or might deem expedient, and no liability shall attach to the city arising from the erection, construction and maintenance of such overhead bridges, canopies or similar constructions, provided however, that no such constructions or erections shall be permitted except upon the recommendation of the commissioners of the City of Calgary.”

11. By adding the following as section 134a thereto:

“134a. Where it is proposed to construct sewer and water connections as local improvements, it shall not be necessary in the temporary by-law passed by the council for borrowing by way of a temporary loan upon the credit of the city, any money required to meet the cost of such local improvements, to set out in detail the property in respect of which the proposed connections are to be made, but the said property shall be sufficiently described as that property in respect of which petitions in proper form under the provisions of subsection (c) of section 132 of the charter of the City of Calgary are received after the date of the passing of the said temporary by-law and in particular By-law No. 2120 of the City of Calgary, being a by-law to authorize the construction of certain sewer or water connections or both, on the property therein described and on such other properties in respect of which the owner shall, before December thirty-first, one thousand nine hundred and twenty-two, petition for water and sewer connections in the form provided in this Ordinance and to authorize the mayor and treasurer to borrow by way of temporary loan, the sum of twenty thousand (\$20,000.00) dollars, is hereby validated and confirmed and declared to be valid and binding, notwithstanding any defect or irregularity either in substance or in form of the said by-law or in the passing thereof.”

Temporary local improvement by-laws for construction of water and sewer connections need not set out property in detail

12. By adding the following as section 225 thereto:

“225. Wherever in this Act it is provided that any advertisement must be by poster or in more than one daily newspaper published in the City of Calgary, advertisement by poster shall not be compulsory but advertisement shall be compulsory in one daily newspaper only.”

Compulsory advertisement by poster abolished

13. By adding the following as section 226 thereto:

“226. The council of the City of Calgary may, without a vote of the ratepayers of the city, pass a by-law or by-laws capitalizing the following expenditures made from current revenue during the years hereafter specified:

Certain revenue contributions to capital may be capitalized and debentures issued

“Cost of land acquired at tax sales and otherwise, 1896 to 1921	\$ 40,863.75
“Expenditures on Centre St. bridge, 1922.	1,250.00
“Expenditures on Hillhurst and Centre St. bridges from 1916 to 1921	54,543.04
“Cost of Isolation Hospital site, Mt. View Hospital site and Old General Hospital site, General Hospital bldgs., Isolation Hospital bldgs., Mt. View Hospital bldgs., Smallpox Hospital bldgs., Nurses' Home, 1919 to 1921; X-Ray equipment, 1919 to 1921; Hospital furniture and fixtures, 1919 to 1921	\$ 194,406.28

"Cost of Electric Light Generators, 1919 to 1921 \$ 34,138.94
 "Cost of Car Barns, Cars, Tracks, Electrical equipment, 1921 180,000.00

"Such by-law or by-laws may provide for the issue of debentures covering the whole or any portion of the amount so capitalized and such debentures when issued shall be considered a valid and binding obligation on the City of Calgary."

14. By adding the following as section 227 thereto:

Certain hospital expenditures may be charged to Hospital By-law No. 2010

"**227.** The sum of nineteen thousand two hundred and ninety-three dollars expended for additional storeroom at the General Hospital and the sum of sixteen thousand seven hundred and seventy-five dollars and twenty cents expended for buildings and equipment for General Hospital and the sum of twenty-one thousand seven hundred and ninety-four dollars and eighty-three cents expended from revenues for the erection of buildings and purchase of equipment for the General Hospital, may be capitalized and charged to the unexpended balance of by-law No. 2010 of the City of Calgary, by which the ratepayers of the said City of Calgary authorized the expenditure of one hundred and fifty-five thousand dollars for hospital extension 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 total sums of fifty-seven thousand eight hundred and sixty-three dollars and three cents, such debentures to be for the term set out in By-law No. 2010."

15. By adding the following as section 228 thereof:

Arrears of taxes defined

"**228.**—(1) In this section, unless the context otherwise requires, the expression 'arrears of taxes' or 'taxes in arrear,' means arrears of municipal taxes and shall include the total cost of lands acquired by the city as result of tax sales and includes taxes for which any parcel of land is sold notwithstanding that the land has been purchased at a tax sale by the city or that the city has acquired title thereto.

Council may borrow and issue debentures against tax sale lands

"(2) The council may by by-law, which need not be referred to the ratepayers, capitalize such arrears of taxes with penalties and costs and subsequent taxes, up to and including those levied in the year preceding the year in which the by-law is passed, which have accrued against the lands specified in the by-law or any of them, giving in the by-law a list of lands intended to be covered thereby and the total amount of taxes capitalized as aforesaid, and shall on obtaining the permission of the Board of Public Utility Commissioners for the purpose, issue and offer for sale such debentures to the total or any part of the

amount authorized, the debentures to be for such a period as the Board of Public Utility Commissioners shall determine and may issue debentures to be deposited with the sinking fund to cover any arrears of sinking fund levied but not paid in respect of such arrears of taxes and subsequent taxes.

“(3) On the disposal of debentures as authorized by the Board of Public Utility Commissioners, the council shall apply the proceeds in payment of any advance made on security of the taxes due as aforesaid in respect of such lands and should there be any deficiency, shall meet the same from the general revenue of the city.”

How proceeds shall be applied

“(3a) The balance remaining after the payment of the advances aforesaid shall be applied, either in payment of any liabilities outstanding and incurred by the City of Calgary by reason of the non-collection of taxes levied, or to increase the holdings of the sinking fund of the City of Calgary, as the council may determine.

“(4) The council shall forthwith, as often as it is in a position to apply for title to any of the lands mentioned in the by-law, make application therefor, and on obtaining title and leasing or selling the same, the proceeds therefrom shall be deposited in a special account from the interest earnings of which shall be paid such sums as are from time to time required to meet interest on the debentures and from the principal such sums as are required to meet portions of the principal of the debentures as they may accrue due. Should there be any deficiency, the same shall be met from the general revenues of the city.

Monies realized from sales and leases of tax sale lands to be ear-marked

“(5) The funds in such special account shall be invested in securities in which the sinking fund of the city may be invested, and from the principal of the fund such sums shall be paid from time to time as are required to provide a sinking fund.

“(6) If the council applies the proceeds of debentures sold under the provisions of this section or the proceeds of the sale or lease of lands specified in the by-law otherwise than as herein directed, the members who vote for such application shall be personally liable for the amount diverted, and the same may be recovered by the city by action against them in any court of competent jurisdiction.

Aldermen voting to divert proceeds shall be personally liable at suit of city, ratepayer, creditor or debenture-holder

“(7) If the council upon the request in writing of a ratepayer, or of any person who is a creditor of the city for advances made on the security of the taxes capitalized or any portion thereof, or of a holder of any of the debentures, the sinking fund for payment of which has been diverted, refuses or neglects for one month to bring an action therefor, the action may be brought either by any ratepayer on behalf of himself and other ratepayers or by any such creditor or debenture holder.”

16. By adding the following as section 229 thereto:
 "229.—(1) The compromise of the alleged arrears of taxes in respect of the property of the Canada Cement Company, Limited, being 66.98 acres more or less, situate on the north-west quarter of Section 11, Township 24, Range 1, west of the Fifth Meridian, in the City of Calgary, by the payment of \$12,500.00 already made by the company to the city, is hereby confirmed and validated.

Compromise of
 taxes of
 Canada
 Cement
 Company, Ltd.
 validated

"(2) The assessment on the said lands and buildings situate on the said lands, shall be, until the 31st day of December, A.D. 1925, fixed for taxation purposes, at a valuation of \$50,000.00 provided that the said exemption shall not extend nor shall any exemption be deemed ever to have extended to any part of the lands of the company that are, have been or may be leased by the company to any other person, firm or corporation, nor shall any exemption extend to any dwelling houses or boarding houses which are or may be erected thereon nor to any lands or improvements used for any other purpose than that contemplated in a certain agreement made the 19th day of January, 1905, between J. M. Kilbourn and Robt. P. Butchart and the City of Calgary, which lands so used and so leased and which dwelling houses, boarding houses and the lands upon which they are situate shall be, and shall be deemed to have been liable to taxation upon an assessment determined by the ordinary principles prevalent in the city.

"(3) After the 31st day of December, A.D. 1925, all the land and improvements of the company shall be subject to assessment and a taxation upon the ordinary principles and at the ordinary rate prevalent in the city."

17. By adding the words "or tenant" immediately after the words "British subject" where the same occur in the thirteenth line of subsection 7 of section 9 of chapter 32 of the Statutes of Alberta, 1916.

18. By deleting the words "and July" where the same occur in lines one and two of section 12, chapter 70, Statutes of Alberta, 1921.

19. By adding the following as section 31a to chapter 89 of the Statutes of Alberta, 1922:

By-law No.
 2119 may be
 amended
 subject to
 approval and
 direction of
 Board of
 Public Utility
 Commissioners

"31a. The said extending by-law or by-laws may be amended from time to time with the consent and approval of the Board of Public Utility Commissioners and in particular By-law No. 2119, being a by-law to provide for extending the time for repayment of the cost of certain works and undertakings of the city and for re-adjustment of the sinking fund levies of the said city and for the re-adjustment of the assessment of certain local improvements

and the issue of debentures to provide for the shortage in the sinking fund levies, shall be amended by the council of the City of Calgary when and if any amendment is directed by the Board of Public Utility Commissioners.”

20. This Act shall come into force on the day on which it is assented to.

No. 4.

THIRD SESSION
FIFTH LEGISLATURE
13 GEORGE V
1923

BILL

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

Received and read the

First time

Second time

Third time

MR. WHITE.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1923