

REPRINTED BILL.

BILL

No. 9 of 1924.

An Act to amend the Medicine Hat Charter.

(Assented to _____, 1924.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

The Medicine Hat Charter, being chapter 63 of the Statutes of Alberta, 1906, and amendments thereto, is hereby further amended as follows:

1. Repealing section 5 of chapter 44 of the Statutes of Alberta, 1920, and substituting the following therefor:

“5. The Council is hereby authorized and empowered without the assent of the burgesses to issue debentures on the credit of the City of Medicine Hat at large to the extent of not more than one hundred thousand dollars per year during each of the years 1924, 1925, 1926, 1927, and 1928, the proceeds of the said debentures to be used only for the purpose of paying off and discharging the debenture principal matured or maturing during each of the said years under By-Laws numbered 88, 89, 90, 92, 94, 101, 102, 103, 119, 120, 121, 124, 134, 153, 172, and 173 of the said city and under By-Laws numbered 4, 5, 6, 7, 8, 9, 10, 11, 13, 16, 18, 19, 22, 23, 25, 26 of Medicine Hat School District number 76, or for liquidating in whole or in part any sinking fund payments due from revenue account of the city on any by-law heretofore passed. The said debentures may bear such interest, be repayable, and be in any form authorized by *The Medicine Hat Charter*.”

Re bonding
certain
Debentures.

2. By adding to title XXX the following section:

“28. Notwithstanding anything in this Act contained the council may by by-law provide that the valuation of land, buildings, special franchises and other rateable property made by the assessor in the year 1924, and finally adopted by the council on the eighteenth day of February, 1924, shall be the valuation for the next succeeding five years, and may in such by-law make such rules and regulations 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 by-law
provide for
quinquennial
valuation of
all rateable
property.

“Provided, however, that—

“(1) The assessor may, notwithstanding the continuance of the general valuation for the succeeding five years 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 addi-

Assessor may
however make
all necessary
additions and
amendments.

tions necessary in case any additional improvements are, since the date of the last valuation, made or erected upon any parcel or parcels of land.

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

“(2) In case the council shall by by-law provide that the valuation for the year 1924 shall so stand for five 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 succeeding five years, 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 February, 1924; 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 case of any property where there has been a change of ownership and the assessed owner whose name appears on the roll in succeeding years had no right of appeal in the year 1924.

“(3) In the event of any appeals being entered pursuant to the next preceding section, and it appears that the land in question is assessed at more than its true value, the amount of the assessment shall nevertheless not be varied on appeal unless the difference be gross,—if the value at which it is assessed bears a fair and just proportion to the value at which the lands in the immediate vicinity of the land in question are assessed, notwithstanding that section (5) of title XXXI provides that land shall be assessed at its fair actual value.”

3. Title XXI. By adding sections 15 and 16 as follows:

Group insurance.

“**15.** The council shall have power to enter into and be a party to any scheme, contract, agreement or arrangement with the employees of the City of Medicine Hat, or any group or organization of the employees of the City of Medicine Hat, of or with any person, partnership or corporation for the insurance whether by group or otherwise of the lives of employees of the City of Medicine Hat, or of any number of them, and for the insurance whether by group or otherwise of the employees of the City of Medicine Hat, or any number of them against accident or sickness or any disability whatsoever, and to contribute and to fix the contributions payable from the funds of the City of Medicine Hat of the whole or any portion of the insurance premiums payable under such scheme, contract, agreement or arrangement.

Plebiscite.

“**16.** The council 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, any question relating to the business affairs of the city in such form and by such method of procedure as the council may decide by by-law.”

4. Title XXXV, section 13 (2). By deleting the words “and may be levied and collected in like manner as municipal rates and taxes are by law recoverable,” and substituting therefor:

“The said sum shall be deemed a tax within the meaning of title XXXII, section 6, and may be levied and collected in like manner and with the same priority as the general rates and taxes are by law recoverable.”

5. Title XXXV, section 14. By deleting the words “and the same together with interest at the rate of 10 per cent. per annum thereon shall be collected by the secretary-treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in the case of a sale of land for arrears of municipal taxes,” and substituting therefor:

“And the same shall be deemed a tax within the meaning of title XXXI, subsection (6), and together with interest at the rate of 10 per cent. per annum thereon shall be collected by the secretary-treasurer by sale of the land and premises in the same manner and with the same priority and subject to the same provisions as in the case of a sale of land for arrears of municipal taxes.”

6. Title XXXI, section 8. By deleting the following words: “in all other respects the inspection of the business assessment roll, the giving notice of appeal, the procedure for and at appeals, and for the preparation of a tax roll based thereon and the collection of taxes shall be the same as by law provided for the general assessment,” and substituting therefor:

“In all other respects the procedure for the inspection of the business assessment roll, the giving notice of appeal and hearing of appeals, the preparation of a tax roll and the collection of taxes shall be the same as by law are provided for the general assessment. The said business tax shall be deemed a tax within the meaning of title XXXII, section 6, and may be levied and collected in like manner and with the same priority as the general rates and taxes are recoverable.”

7. Title XXXI, section 13 (b). By deleting section 13 (b), and substituting therefor the following:

“Any such levy or charge shall be deemed a tax within the meaning of title XXXII, section 6, and may be levied and collected in like manner and with the same priority as the general rates and taxes are by law recoverable, and during the period of default in payment, the city treasurer may discontinue or disconnect the water, gas or electricity services to the premises of the person so in default.”

8. Title XXXVII, as amended by chapter 59, section 2. By deleting the words "and such levy, assessment or charge shall constitute a debt due to the city and may be recoverable by action in any Court of competent jurisdiction," and substituting therefor:

"And such levy, assessment or charge shall be deemed a tax within the meaning of title XXXII, section 6, and may be levied and collected in like manner and with the same priority as the general rates and taxes are recoverable."

9. Title XXI, section 5. By adding the following subsections:

Power to
license
professions,
trades, etc.

"5a. Notwithstanding any Statute of the Province of Alberta, the power to license shall include the power 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 Medicine Hat and all persons employed in any profession, trade, business, occupation or calling.

"5b. 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 by-law of the council of the City of Medicine Hat.

Licensee may
have to
furnish bond.

"5c. 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 conditioned 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.

"5d. The power to license any trade, calling, business or occupation or the person carrying on or engaged in it shall include the power to prohibit persons from carrying on or engaging in such trade, calling, business or occupation without a license. Power to prohibit.

"5e. The granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation, or the revoking of a license under any of the powers conferred upon the council by this or any other Act, shall be in its discretion, and it shall not be bound to give any reason for such refusal or revocation, and its action shall not be open to question or review by any court. Granting of license in discretion of council.

"5f. The council may delegate to the medical health officer the power to revoke the license of any person who sells food or drink for human consumption in the city but who neglects or refuses to comply with the by-laws of the city relevant to such business. Medical Health officer may revoke license.

"5g. Where a license is revoked, the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted." Refund of license fee.

10. Title XXI, section 6. By adding the following:

"And no by-law imposing a license fee shall be open to question or review by any Court on the ground that the fee imposed is excessive or on account of the unreasonableness or supposed unreasonableness of its provisions or any of them." License fee.

11. Title V, section 57. By adding the following:

"(b) Council may notwithstanding anything herein contained by by-law provide for the election of the mayor and aldermen of the city by the proportional representation system of voting, or the preferential system of voting, or by any other system of voting whether a modification of such systems or not, and the proposed system of voting shall be described in such by-law."

12. Title 29, section 2 (3). By deleting the following:

"and in default of the city keeping the same in repair the city besides being subject to any punishment provided by law, shall be civilly responsible for all damages sustained by any person by reason of such default."

13. Title XXIX, section 3, subsection (7). By deleting section 3, subsection (7), of title XXIX, and substituting therefor the following:

"Notwithstanding anything herein contained no action shall be brought against the city for the recovery of damages occasioned by default in its duty to repair as mentioned in subsection 3 hereof where the want of repair was the result of misfeasance and in any other case after the expiration of twelve months from the time when the damages were sustained." Restriction of liability to want of repair.

No. 9.

FOURTH SESSION
FIFTH LEGISLATURE
14 GEORGE V
1924

BILL

An Act to amend the Medicine Hat
Charter.

Received and read the

First time.....

Second time.....

Third time.....

MR. W. G. JOHNSTON.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1924