

# BILL

No. 9 of 1928.

An Act to amend the Acts and Ordinances constituting The  
Charter of the City of Medicine Hat.

(Assented to , 1928.)

**W**HEREAS the City of Medicine Hat has prayed for certain amendments to chapter 63 of the Statutes of Alberta, 1906, and 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:

Chapter 63 of the Statutes of Alberta, 1906, and amendments thereto, is hereby amended as follows:

1. Title IV, by adding to section 5, subsection (b), between the words "voting" and "and" where they occur in the fifth line thereof: "Provided that he is a British subject by birth or naturalization, and on his producing to the deputy returning officer a certificate signed by the proper officers of the bank, company or corporation on whose behalf he proposes to vote, authorizing him to cast a vote on behalf of the said bank, company or corporation at the election then being held." Section 25 amended

2. Title V, section 25, subsection 3, by adding: "Provided that if one of said days fall on a Saturday, the polling booth shall be open between the hours of 2 and 10:30 in the afternoon of that day." Section 5 amended

3. Title VI, by deleting sections 6 and 7 and substituting therefor the following: "Section 6. Every elector may vote once only for candidates for the office of mayor and aldermen." Sections 6 and 7 deleted and new section substituted

4. Title VI, section 21, by deleting the words "or less" between the word "more" and the word "voters," occurring in the seventh line of said section. Section 21 amended

5. Title VI, section 47, by deleting the words "or less" between the words "more" and "candidates" where they appear in the third line, and by deleting the words "or less" Section 47 amended

after the word "greater" appearing in the tenth line, and by deleting the words "or less" between the words "more" and "candidates" appearing in the fourteenth line, and by deleting the words "or less" between the words "more" and "candidates" appearing in the first line of Thirdly (d) of said section.

Power to  
license for  
revenue  
purposes

6. Title XXI, section 5, by inserting between the words "licenses" and "to" in the second line, the words "which fees may be in the nature of a tax for revenue purposes."

7. Title XXI, by adding the following as section 17 thereof:

Power to tax  
motor vehicles

- "17. (a) The council is hereby empowered to impose, levy and collect and make all necessary regulations by by-law for the collection of a tax on the resident owners of motor vehicles in the city of Medicine Hat, not exceeding the sum of ten dollars per year or fraction of a year;
- "(b) The term 'resident owner' shall, in addition to its ordinary meaning, include any person who maintains a regular place of business in the city of Medicine Hat and operates or causes to be operated in connection with such business any motor vehicle within the limits of the city of Medicine Hat, notwithstanding the fact that the said person as an individual may reside outside the limits of said city, or if a firm, partnership or corporation has its head office outside the limits of the said city; and any person resident in the city of Medicine Hat, who regularly operates within the city of Medicine Hat any motor vehicle, with the knowledge and consent of the owner of said motor vehicle;
- "(c) The fact that any person is the holder of any registration certificate or owner's license issued under the provisions of *The Vehicles and Highways Traffic Act, 1924*, *The Public Vehicles Act, 1927*, or any other Act, shall be conclusive evidence that the said person is the owner for the purpose of this tax;
- "(d) The tax referred to in subsection (a) hereof, may be imposed during the year 1928 or any succeeding year;
- "(e) The tax may be graded upon a basis of weight, horsepower, wheel base, and in the case of motor trucks according to the tonnage, width of tire, or upon any other principle which the council of the city may from time to time see fit, and may be imposed on each vehicle operated by the resident owner;
- "(f) The said 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 by law recoverable;

- “(g) The said tax shall be collected by the person or persons appointed by the council for the purpose;
- “(h) The said tax may at the option of the council of the city be imposed, levied and collected in addition to any tax or license fee imposed on the owner of motor trucks or upon persons engaged in the business of motor livery;
- “(i) The council may provide for such exemptions from payment of the said tax as the council may deem expedient;
- “(j) The proceeds of the said tax shall be used by the city in improving the highways within the city;
- “(k) The said tax shall be in addition to any other tax or license fee levied or imposed by the city, and shall not be set off against any other tax or license fee imposed by the city.”

8. Title XXI, by adding the following as section 18 thereof:

“18. The council may by resolution refuse a license to any circus, menagerie, wild west show, trained animal show or travelling show, notwithstanding the fact that the proprietor, owner, manager, agent or person in charge, has obtained a license from the Provincial Secretary.” Right to refuse a license to circuses, etc.

9. Title XXI, by adding the following as section 19 thereof:

“19. The city of Medicine Hat may impose a license fee not exceeding five hundred dollars on transient traders, and ‘transient trader’ shall be defined as follows: ‘Transient trader’ means a person doing business in the city of Medicine Hat who occupies premises for temporary purposes, or who, not having resided in the city of Medicine Hat for at least three months next preceding the time of the commencement by him of such business, offers goods, chattels or merchandise for sale by auction or in any other manner, and whether conducted by himself or a licensed auctioneer. The term shall include any person commencing business in the city of Medicine Hat whose name is not entered on the assessment roll for the then current year in respect of any business.” Power to license transient traders

10. Title XXI, by adding the following as section 20 thereof:

“20. The power to impose a license fee on the following businesses, viz.: Billiard room keepers, draymen, and automobile liverymen, shall include the power to grade the license fees according to the number of billiard, bagatelle and pool tables, horses and drays, and motor vehicles respectively used or operated in the business licensed.” Power to grade license fees of billiard room keepers, draymen and auto liverymen

**11.** Title XXI, by adding the following as section 21 thereof:

Power to  
define park-  
ing areas

**"21.** The council may by by-law set aside, authorize and assign any part of any public highway for the purpose of parking vehicles, and authorize and assign stands for vehicles for hire on the public highways, and assign any particular stand to any particular person, and may permit the erection of telephone booths or other erections on the said stands."

**12.** Title XXII, by adding the following as section 13 thereof:

Power to  
issue  
debentures  
for thirty-five  
thousand  
dollars in  
1928, for  
drilling gas  
wells, etc.,  
without vote  
of burgesses

**"13.** Notwithstanding anything contained in *The Medicine Hat Charter* and amendments thereto, the council of the city of Medicine Hat is hereby empowered without submitting a by-law to the vote of the burgesses, but subject to the approval of the Board of Public Utility Commissioners, and by a vote of the majority of the aldermen present and voting, to issue debentures during the year 1928, in an amount not exceeding thirty-five thousand dollars, for the purpose of drilling a gas well or wells and repairing the gas wells in the city's gas field. The said debentures may bear interest at a maximum rate of six per cent and shall be for a period not exceeding twenty years. The said debentures shall be issued upon the general credit of the city of Medicine Hat and shall constitute a valid and binding charge upon the city of Medicine Hat and the ratepayers thereof."

**13.** Title XXII, by adding the following as section 14 thereof:

Lost or  
destroyed  
debentures  
may be  
re-issued

**"14.** If any debenture or other security issued under this Act is lost, stolen, mislaid or destroyed, the city may issue a duplicate debenture or other security in place of the debenture or security so lost, stolen, mislaid or destroyed, and the council may from time to time make such rules and regulations as it may deem expedient in and about the premises."

**14.** Title XXX, by adding section 23a as follows:

Assessor to  
substitute  
names of  
new owners on  
Assessment  
Roll

**"23a.** Provided that the assessor shall amend the assessment roll from time to time, by deleting the name of any owner who has sold or transferred his land and substituting the name of the new owner or transferee. Every such alteration of the list shall have placed opposite it the date of such alteration and the initials of the assessor."

**15.** Title XXXII, by adding the following as section 26 thereof:

Payment out  
of property  
under seizure

**"26.** Where personal property liable to seizure for taxes, as provided by *The Medicine Hat Charter* or any amendments thereto, is under seizure or attachment or has been seized by the sheriff or by a bailiff of any court or by a

landlord or his bailiff, or is in the possession of any assignee for the benefit of creditors, or a liquidator or any trustee or authorized trustee in bankruptcy, or where such property has been converted into cash and is undistributed, it shall be sufficient for the treasurer or other person charged with the collection of any tax or taxes owing to the city, to give to the sheriff, bailiff, landlord or landlord's bailiff, assignee or liquidator, or trustee or authorized trustee in bankruptcy, notice of the amount due for taxes and in such case the sheriff, bailiff, landlord or landlord's bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, shall pay the amount of the same to the treasurer or other person, in preference and in priority to any other and all other fees, charges, liens or claims whatsoever, except those of the King. "Tax" or "taxes" shall mean and include all taxes, assessments, rates, business tax, rental tax, charges for gas, water, electricity and garbage refuse removal, licenses or other public service which the city or its council is authorized to impose or collect under *The Medicine Hat Charter* as now or hereafter constituted."

**16.** Title XXXII, section 21, by inserting the words "or Advertising sale of distressed property in newspaper" by advertisement in one issue of a newspaper published in the city of Medicine Hat," between the words "property" and "give" in the third line of said section.

**17.** Title XXXV, section 21, by adding the following Council has right to refuse to supply water, gas, light, heat, gas, etc., to any building thereto: "Provided that the council in its sole discretion, may by resolution, refuse to supply water, gas, light, heat or power, or any of them, to any building within the city."

**18.** Title XXXVII, by adding the following as section 3 thereof:

"3. The price at which land which has been acquired by Price at which land acquired at tax sale the city under tax sale proceedings, or at which land is sold under the provisions of *The Tax Recovery Act*, being not to be basis of chapter 122 of the Revised Statutes of Alberta, 1922, and assessment amendments thereto, or under any other Act or Acts at any time in force, shall not be used as a basis of assessment of land in the city, nor shall it be used in any appeal from the assessment to prove that the assessment is too high or too low."

**19.** Title XXXVII, by adding the following as section 4 thereof:

"4. In all cases where the city of Medicine Hat has filed The city not to account for rents after taking possession of lands subsequently redeemed a caveat, pursuant to *The Tax Recovery Act, 1922*, in the land titles office for the South Alberta Land Registration District, and has taken over possession and control of any parcel of land, or has received or collected any rent or profits in respect thereof, the amount of the rents or profits so

received or collected shall, notwithstanding the subsequent redemption of any such parcel of land, belong exclusively to the said city, and the owner of such parcel shall have no claim against the said city in respect of any such amount or any part thereof."

**20.** Title XXXVII, by adding the following as section 5 thereof:

Proceeds of  
sale of land  
after  
acquisition  
by the city to  
be sole  
property of  
the city

"**5.** Notwithstanding anything contained in *The Tax Recovery Act, 1922*, or any other Act or Ordinance, the total proceeds of the sale of any land, after the date of its final acquisition by the city under the provisions of *The Tax Recovery Act, 1922*, shall, subject to whatever claim there may be for supplementary revenue tax, be and shall be deemed to have been since the date of the passing of *The Tax Recovery Act, 1922*, the sole and absolute property of the city of Medicine Hat."

**21.** Title XXXVII, by adding the following as section 6 thereof:

Power to  
make  
agreements  
re tax sale  
property,  
notwithstand-  
ing *The Tax  
Recovery Act,  
1922*

"**6.**—(1) Notwithstanding the provisions of *The Tax Recovery Act, 1922*, the council of the city of Medicine Hat at any time before any land within its boundaries has been finally acquired by it may enter into an agreement with the owner thereof or with any person having any estate or interest therein or any charge thereon, for the payment of the arrears of taxes upon such land, upon such terms and conditions as the council shall think just and reasonable. The assessor upon being notified of such agreement shall—

"(a) if no caveat has been filed as in said Act provided, exclude or withdraw such land from the list of lands liable to be dealt with under the provisions of the said Act;

"(b) if a caveat has been filed, but a certificate of title has not been issued to the city, notify the registrar to stay the issue of such certificate until he is required by the assessor to issue the same.

"(2) All agreements heretofore made by said council for the purpose aforesaid, are hereby validated and confirmed.

"(3) If default be made in the performance or observance of any of the terms, conditions or provisions of any such agreement and such default is continued for one calendar month, the assessor shall notify the defaulter to remedy his default within two months. If the default is not remedied the assessor shall notify the said council, who may revise or modify or cancel the existing agreement or enter into another agreement.

"(4) In case the said council shall cancel any agreement the assessor shall—

"(a) if a caveat has not been filed, place the lands mentioned in the agreement on the next list of lands liable to be dealt with under the provisions of the said Act;

“(b) if a caveat has been filed but no certificate of title issued to the city, notify the registrar that he requests him to issue a certificate of title to the city at any time after one year from the filing of the caveat.

“(5) If the land mentioned in such cancelled agreement has been withdrawn from the list of lands to be offered for sale, such land shall upon cancellation of the agreement become and be land finally acquired by the city within the meaning of the said *Tax Recovery Act*.

**22.** Title III, section 4, by adding the following: “Pro-<sup>Section 4</sup>vided that in the event of lands being rated in one or more <sup>amended</sup> names on the last revised assessment roll, it will be sufficient compliance with this section if the person establishes to the satisfaction of the city assessor that he has an interest in the said land to the value of at least one thousand dollars.”

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

No. 9.

SECOND SESSION  
SIXTH LEGISLATURE  
18 GEORGE V  
1928

**B I L L**

An Act to amend the Acts and Ordinances constituting The Charter of the City of Medicine Hat.

Received and read the

First time.....

Second time.....

Third time.....

MR. W. C. SMITH.

EDMONTON:  
W. D. MCLEAN, ACTING KING'S PRINTER  
A.D. 1928