

# BILL

No. 9 of 1930.

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

(Assented to \_\_\_\_\_, 1930).

**W**HEREAS the City of Calgary has prayed for certain amendments to Ordinance 33 of 1893 of the North-West Territories 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:

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

**1.** By amending section 5, subsection A, of the Charter of the City of Calgary by deleting all the words after the word "me" where it appears in the fifteenth line of the said subsection A of section 5, and substituting therefor the following:

"Any company incorporated under the Statutes of the Dominion of Canada or an Act of the Province of Alberta or an Ordinance of the North-West Territories, or any company registered under any Act of the said Province having a permanent place of business within the said City and assessed as in this section mentioned, may vote on money by-laws only (the term money by-laws including any plebiscite submitted only to ratepayers qualified to vote on money by-laws), through some one resident official of the company. The said resident official of the company shall be not otherwise entitled to vote on money by-laws. Such company shall be entitled to vote through the said resident official only upon the production to the city clerk at least ten days before polling day, of a certificate signed by the president and secretary of the company under the seal of the company certifying that the company desires to exercise its vote on money by-laws as defined above through the resident official named in the said certificate."

**2.** By amending section 6 of the Charter of the City of Calgary as amended by deleting the word "second" where it occurs in the third and seventh lines thereof and substituting therefor the word "first."

3. By amending section 7 of the Charter of the City of Calgary as amended by deleting the word "second" where it occurs in the sixth line from the end thereof and substituting therefor the word "third."

4. By amending section 232 thereof by deleting the figures "31" where they occur in the first line thereof, and substituting therefor the figures "33."

5. By adding the following as section 287 thereto:

**"287.—**(1) The corporation of the City of Calgary is hereby empowered to construct, maintain and operate a water supply and distribution system for municipal and ancillary and incidental purposes (herein referred to as a waterworks system), of which system the reservoir, storage dam, purification plant and such other incidental and ancillary or appurtenant plant as may necessarily or more conveniently be so located, may be situate outside the limits of the City of Calgary and upon or in the vicinity of the lands hereinafter particularly described; and is also empowered to construct, maintain and operate as appurtenant, ancillary or incidental to such waterworks system a purification plant or plants, hydro-electric plant or plants, pumping plant or plants and water tower or towers, together with aqueducts and distribution mains to and through and throughout the City of Calgary; and also as appurtenant and ancillary or incidental to the said waterworks system to construct, maintain and operate within and without the limits of the City of Calgary or some within and some without as the council of the City of Calgary may decide, all such excavations, structures, buildings, machinery, plant, equipment, appliances and other works necessary or convenient or desirable; for the purposes aforesaid, the corporation of the City of Calgary shall have power to purchase, expropriate or otherwise acquire the lands, riparian rights, easements, rights-of-way and other interests in the lands and water privileges and all other property, rights and privileges which the council may deem necessary for the said works; and also for the said purposes, the corporation of the City of Calgary shall have and be deemed to have at all times had full power and right to be or become an 'applicant' within the meaning of and as defined in *The Irrigation Act*, chapter 104 of the Revised Statutes of Canada, and a licensee under the said Act for the construction of works therefor, and the impounding or storage of water in the valley of the Elbow River on parts of sections 19, 20, 29, 30, 32 and 33, all in Township 23, Range 1, west of the Fifth Meridian, and of a portion of that part of the Sarcee Indian Reserve lying in the valley of the Elbow River and extending approximately one mile upstream from the easterly boundary of the said Sarcee Indian Reserve near the City of Calgary, and on such other or additional property as the council of the said City may determine, together with license to divert and use the waters of the Elbow River for municipal pur-

poses and for purposes to which the City of Calgary may on its application or applications be authorized by the authority or authorities administering *The Irrigation Act*; and the corporation shall have and be deemed always to have had power to receive, exercise and enjoy all the authority, rights, powers and privileges which under that Act may to the said corporation be granted on any application made or to be made; also with full power to the corporation of the City of Calgary to apply for, accept, exercise and enjoy all such authority, rights, powers and privileges which the council of the City of Calgary may see fit to apply for under any other public Statute whether of the Parliament of Canada or the Legislature of the Province of Alberta, the obtaining of which may to the council of the said City of Calgary seem necessary, desirable or convenient in connection with the proposed waterworks system and (*or*) the appurtenant, ancillary and incidental works and for which the corporation on its application may receive a grant or grants; the intent and spirit hereof being that the corporation shall be clothed with plenary powers in the premises to plan, put into effect, construct, maintain and operate the proposed waterworks system and all the appurtenant and ancillary or incidental works necessary, convenient or desirable in the opinion of the council for the said City, and that any act heretofore done or step heretofore taken for the proposed waterworks system shall be deemed to have been within the power of the said corporation; during and after the construction of the works contemplated hereunder, the corporation shall have plenary powers to protect by police or other guardianship the works from damage and trespass and the reservoir and waters and the sources thereof from contamination and in all other ways and means protect such works and water and the sources thereof as if the said works including the storage, reservoir and the sources of water supply were in fact situate within the limits of the City of Calgary.

“(2) For the purposes set forth in subsection (1) of this section and notwithstanding anything contained in the Charter of the City of Calgary or in any amendments thereto, the council of the said corporation may at any time or times and from time to time without submitting the same for the assent of the electors qualified to vote on money by-laws pass a by-law for borrowing on the credit of the City of Calgary at large by the issue and sale of debentures a sum or sums not exceeding in the aggregate the principal amount of \$3,770,000.00; and such by-law or by-laws shall take effect on the date of the passage of such by-law and may carry such rate of interest, may be payable in such currency or currencies, in such manner, and at such place or places and at such time or times within forty years from the date of the said debentures as the council of the corporation may by the respective by-laws authorizing the issue of the said debentures determine.

“(3) Every by-law passed pursuant to the provisions of this section and the debentures issued thereunder shall be valid and binding upon the City of Calgary and the rate-payers thereof, and upon the property liable to the rates imposed by or under the authority of such by-laws, and neither the validity of such by-law nor the validity of the debentures issued thereunder shall be open to question in any court on any ground whatever.

“(4) By-law No. 2595 of the City of Calgary, assented to by the electors on the 20th day of November, 1929, and passed by the council of the said City on the 9th day of December, A.D. 1929, authorizing the issue of debentures to the amount of \$3,770,000.00, is hereby repealed and no debentures shall be issued and no debts shall be contracted thereunder.”

**6.** By adding the following as section 288 thereof:

“**288.**—(1) The compromise of the arrears of local improvement taxes levied pursuant to By-law No. 1668 in respect of the property of Ruth E. Laycock, being 109.57 acres, more or less, situate in the north-west quarter of Section 34, in Township 24, Range 1, west of the Fifth Meridian, in the Province of Alberta, and fronting on Centre Street North between Forty-first and Forty-eighth Avenues North-west, in the City of Calgary, by the payment of \$563.69 already made by the said Ruth E. Laycock, is hereby confirmed and validated.

“(2) From and after the 31st day of December, 1929, all local improvement taxes now assessed against the above described property pursuant to By-law No. 1668 of the City of Calgary are hereby declared to be cancelled and the whole local improvement taxes so assessed from and after the said date shall be borne by the City at large.”

**7.** By adding the following as section 289 thereof:

“**289.**—(1) The council may by by-law in any year provide that a census or enumeration shall be made for the purpose of preparing a list of electors effective as an electoral basis for a maximum period of three years and a minimum period of one year, and may make such orders and directions as may be necessary for that purpose. The said system of enumeration shall be in addition to any and all existing provisions, regulations and procedure concerning the compilation of a voters' list and the registration of voters and the council may by the said by-law or by-laws set up all necessary machinery and indicate all necessary procedure covering the enumeration and the compilation of voters' list based thereon and the revision thereof and the removal therefrom of the names of electors who fail to exercise their franchise.

“(2) The qualifications of the various classes of voters shall remain as heretofore defined by the Charter of the City of Calgary.

“(3) In addition to the voters whose names appear on the enumerated lists or who register in any year in accordance with the regulations governing registration there shall be added to the voters’ list all those qualified to vote whether as tenants, British subjects or otherwise whose names appear on the voters’ list whether compiled by registration or otherwise in the year immediately preceding the year of enumeration and who actually voted at the general municipal election in the year preceding the year of enumeration, and in addition thereto all those qualified to vote as assessed owners of property, business tax payers and service tax payers in the year in which the said enumeration is taken or in any year thereafter.”

8. By adding the following as section 290 thereof:

“**290.**—(1) The city clerk shall in all municipal elections provide a special polling booth or booths for each election day in the city hall, in which notwithstanding the omission of his or her name from the voters’ list any citizen otherwise qualified to vote under the provisions of the Charter of the City of Calgary and taking the necessary affidavit before the proper official all as prescribed by the said Charter, may vote, and any citizen so qualified, who subscribes to the necessary affidavit before the proper official all as prescribed by the Charter of the City of Calgary shall, upon appearance at any such special booth and presentation of the necessary affidavit, be entitled to cast his or her vote in the municipal elections according to his or her qualifications as if his or her name appeared on the voters’ list of the City of Calgary.

“(2) The provisions of subsection (1) hereof shall apply *mutatis mutandis* to the advance poll held at the city hall prior to any regular election day.”

9. By adding the following as section 291 thereto:

“**291.**—(1) Notwithstanding anything contained in the Charter of the City of Calgary or any amendment thereto or any by-law of the City of Calgary or any amendment thereto, the following provisions, until the same are changed in accordance with the provisions of the Charter of the City of Calgary, shall govern the closing of barber shops and beauty parlors in the City of Calgary.

“(2) From and after the first day of May, 1930, all barber shops and beauty parlors in the City of Calgary shall remain closed from 1 o’clock p.m., on Wednesday, to 8 a.m. on the following morning:

“Provided, however, that where a public holiday occurs on a day in the week other than on Wednesday, the closing hour on Wednesday shall be 6 p.m.

“(3) From and after the first day of May, A.D. 1930, all barber shops and beauty parlors shall, on Monday, Tuesday, Thursday, and Friday of each week be closed at 6 p.m., and remain closed until 8 a.m. on the following morning. In the

case of all barber shops and beauty parlors, the closing hour preceding all holidays shall be 6 p.m. except that on the two days preceding Christmas Day and the one day preceding New Year's Day the hour for closing shall be 9 p.m.

"(4) All barber shops and beauty parlors shall remain closed on the day following Christmas Day.

"(5) All barber shops and beauty parlors from and after the first day of May, A.D. 1930, shall close at 7 p.m. on Saturdays and shall remain closed until 8 a.m. on the following Monday.

"(6) No employer of a barber shop or beauty parlor shall require or permit any employee to remain in the shop for a longer period than one hour after the closing hour as set out in the foregoing sections.

"(7) Upon receipt of a petition or petitions signed by at least two-thirds of the employing barber shops and proprietors of beauty parlors and two-thirds of the employees of barber shops and beauty parlors, the council of the City of Calgary may, in its discretion, pass a by-law or by-laws providing for a variation or variations in the closing hour or hours for the several days of the week for barber shops and beauty parlors within the City of Calgary, as prayed for in the said petition or petitions and upon the passage of the said by-law the said closing hour or hours for barber shops and beauty parlors therein fixed and determined shall be the closing hour or hours for barber shops and beauty parlors within the City of Calgary.

"(8) All the provisions of By-law No. 1918 and amendments thereto both heretofore and hereinafter made except insofar as they are inconsistent with the foregoing or apply only to particular classes of shops other than barber shops and beauty parlors shall apply and continue to apply to barber shops and beauty parlors.

"(9) For the purpose of early closing regulations and for the purpose of the petition or petitions referred to in the foregoing sections, barber shops and beauty parlors shall be deemed to constitute one class of shops. Where it is provided that the employing barbers or proprietors of beauty parlors shall have the right to vote by petition each and every incorporated company and partnership shall be considered a separate unit and only one signature for each company and partnership shall be taken into account in considering whether or not a percentage of two-thirds of the employing barber shops and proprietors of beauty parlors have signed any petition or petitions.

"(10) For the purpose of any petition no employer shall be entitled to sign unless he has been in business in the City of Calgary for at least six months, and no employee shall be entitled to sign unless he has been a resident in the City of Calgary for at least six months, and in compiling the total number of employers and employees for the purpose of arriving at the percentage referred to in subsection (7) hereof

no account shall be taken of any employer or employee not qualified to vote on the petition in accordance with this section.”

**10.** By adding the following as section 292 thereto:

“**292.** Lots 3, 4 and 5, in Block 32, according to a plan of part of the City of Calgary of record in the Land Titles Office for the South Alberta Land Registration District as Plan 179R, and presently registered in the name of David M. Duggan of Edmonton, Mary Pinkham of Calgary, and Hugh Crag Farthing of Calgary, in trust for the Canadian Red Cross Society, and all improvements now erected or to be erected thereon for hospital purposes and now used in connection with the Canadian Red Cross Society Junior Red Cross Hospital shall be exempt from general taxes (but not from special or local improvement taxes) as long as the said land and the improvements thereon are beneficially owned by the Canadian Red Cross Society and occupied and used exclusively for hospital purposes by the Canadian Red Cross Society Junior Red Cross Hospital.”

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

No. 9.

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FOURTH SESSION  
SIXTH LEGISLATURE  
20 GEORGE V  
1930

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**BILL**

An Act to amend the Acts and Ordinances 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. PARKYN

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EDMONTON:  
W. D. MCLEAN, KING'S PRINTER  
A.D. 1930