

# BILL

No. 1 of 1936.

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

(Assented to \_\_\_\_\_, 1936.)

**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 subsection (2) of section 4 thereof by deleting the words "or have their chief place of business" where they occur in lines two and three of the said subsection.

2. By repealing section 23 thereof and substituting the following:

"23. The council shall appoint by by-law an assessor. The salary to be paid such assessor shall be fixed by the said by-law, and the council of the City of Calgary may appoint one or more assistant assessors to aid the said assessor in the work of assessment, and such assistant assessors shall perform such duties or such portion of the work of assessment as may be authorized by the assessor.

3. By repealing all that portion of section 25 immediately preceding subsection (a) of the said section 25 thereof, and substituting the following:

"25. Except as hereinafter provided it shall be the duty of the assessor to make an assessment annually of all the rateable property in the city and to report the same to the council with such particulars as the council may require. The council may in any year by by-law provide that no new assessment shall be made for the succeeding year of all or any portion of the rateable property in the city and by such by-law may adopt the whole or any part of the assessment for the preceding year for such succeeding year, and may by such by-law provide for the use of the assessment roll for the preceding year as the assessment roll for the succeeding year and the mailing of assessment notices and for such other rules and regulations as may be deemed necessary as a result of the passing of such by-law.

"Provided, however,—

"(1) The assessor may notwithstanding the continuance of the general assessment for the succeeding year, revise the assessment 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 assessment, made or erected upon any parcel or parcels of land.

"(2) In case the council shall by by-law so provide that no new assessment shall be made for any year of all or any portion of the rateable property in this city as authorized hereby, there shall be no right of appeal from the assessment for such year of any property affected by such by-law except where the assessment of any such property has been revised, amended, altered or added to in accordance with the provisions of subsection (1) hereof or where there has been a change of ownership of any such property, and the person assessed as owner whose name appears on the assessment roll for such year had no right of appeal in the preceding year."

4. By amending subsection (g) of section 25 thereof to read as follows:

"(g) Lands exclusive of buildings, erections and improvements shall be assessed at their fair actual value. Buildings and erections and improvements thereon shall be assessed at not less than 50% of their fair actual value and may be assessed at any higher percentage of such value not exceeding their fair actual value as the council may by by-law from time to time determine. It is expressly enacted and declared that subsection (g) of section 25 of Ordinance 33 of 1893 North-West Territories, as amended hereby, shall be deemed and is declared to have been in full force and effect in form as hereby amended since the 19th day of April, 1921, and such subsection as hereby amended shall govern and apply to all assessments made since the 19th day of April, 1921, and no assessment heretofore made shall be open to question or shall be invalidated or set aside which would be valid if made after this amendment comes into force."

5. By amending section 24a thereof as enacted by section 5 of chapter 60 of the Statutes of Alberta, 1923, by striking out the words "and all assessment notices containing a notice of such assessment shall be mailed to every person whose name appears on the assessment roll as owner of any lands, improvements, buildings or special franchise, on or before the said 31st day of October" where they occur in the said section 24a.

6. By amending section 27 thereof as amended by striking out all the words preceding the oath and substituting the following:

**"27.** Upon completion of the assessment roll the assessor shall attach thereto a certificate signed by him and verified by oath before the city clerk in the form following:".

**7.** By amending section 30a thereof by deleting the word "value" where it occurs in the ninth line thereof, and substituting the word "assessment".

**8.** By amending section 30a thereof by deleting the word "value" where it occurs in the twelfth line of the said section 30a and substituting the word "assess".

**9.** By amending section 30a thereof by deleting the word "valuation" where it occurs in the fourteenth line thereof and substituting therefor the word "assessment".

**10.** By amending subsection (91a) of section 117 thereof as amended by section 29 of chapter 4, Statutes of Alberta, 1920, by deleting all that portion thereof which reads as follows:

"To license as a special class the owners or operators of trucks propelled by any motive power whatever and may fix the license fee according to the tonnage, width of tire or upon any such other principle as it shall see fit. This special license fee shall not be set off against any business tax or any business tax against it.

"For the purpose of this subsection the expression 'truck' shall include any motor vehicle ordinarily used for the conveyance of goods, wares or merchandise.

"Provided that chapter 63 of the Statutes of Alberta, 1911-12, section 8, shall not apply to the provisions of this section."

**11.** By adding the following as subsection (91b) of section 117 thereof:

"(91b) Licensing as a special class annually or for such periods of time as the council of the City of Calgary may by by-law from time to time determine, all owners or operators of motor vehicles ordinarily used for the conveyance of goods, wares and merchandise and so used either wholly within or partially within and partly without the City of Calgary, and the payment by such owners or operators of such license fees as the council of the City of Calgary may by by-law determine. Provided, however, that the provisions of this subsection shall not apply to the owner or operator of any motor vehicle used only in the conveyance of such owner's or operator's produce or personal effects into or out of the City of Calgary, where such owner or operator resides outside the City of Calgary. Such license fees may be fixed according to the tonnage, wheel base, width of tire or other specification of the motor vehicles herein referred to or upon such other principle as the council of the City of Calgary may by by-law determine.

"For the purposes of this subsection, the expression 'motor vehicle' shall mean and include any vehicle propelled by any power other than muscular power.

"The provisions of section 82 of *The Vehicles and Highway Traffic Act, 1924*, shall not apply to the provisions of this subsection."

**12.** By adding the following to subsection (101) of section 117 thereof:

"And the council may include in any such scheme for granting pensions, gratuities and retiring allowances or establish a separate scheme therefor for officers and employees or any class or classes thereof of the Calgary Hospitals Board and the Calgary Library Board."

**13.** By amending subsection (111a) of section 117 thereof as enacted by section 11a of chapter 89 of the Statutes of Alberta, 1922, by adding the words "except as hereinafter provided" after the words "being chapter 30 of the Statutes of Alberta, 1906," where they occur in the said subsection.

**14.** By striking out the proviso following subsection (111a) of section 117 thereof as enacted by section 11 of chapter 89, Statutes of Alberta, 1935, and substituting the following:

"Provided, however, that the City of Calgary shall have power by by-law to license every bank carrying on business in the City of Calgary as an oil broker, in common with other oil brokers, as provided for in By-law Number 2062 of the City of Calgary and amendments thereto."

**15.** By repealing section 195 thereof as enacted by section 18, chapter 63, Statutes of Alberta, 1911-12, and substituting therefor the following:

"**195.** The provisions of this Act shall be expressly subject to the provisions of *The Vehicles and Highway Traffic Act, 1924*, except as otherwise provided in this Act."

**16.** By amending section 237 thereof by deleting the words "the senior judge of the District Court of the Judicial District of Calgary" where they occur in the eighth and ninth lines thereof, and substituting therefor "a judge of the District Court of the District of Southern Alberta resident in the City of Calgary".

**17.** By amending subsection (2) of section 309 thereof by deleting the words "senior judge of the District Court of the Judicial District of Calgary" where they occur in the second and third lines of the said subsection (2) and substituting therefor "a judge of the District Court of the District of Southern Alberta resident in the City of Calgary, who shall be designated by the Lieutenant Governor in Council".

**18.** By amending subsection (3) of section 309 thereof by deleting the words "the other District Court Judge of the Judicial District of Calgary" where they occur in the fifth and sixth lines of the said subsection (3) and substituting therefor "another judge of the District Court of the District of Southern Alberta resident in the City of Calgary".

**19.** By amending subsection (1) of section 314 thereof by deleting the words and figures "Lots 1 to 3" where they occur in the first line thereof and substituting therefor the words and figures "Lots 1 to 5".

**20.** By adding as section 320 thereto:

"**320.** Notwithstanding anything contained in the charter of the City of Calgary and amendments thereto, Order No. B41,568, issued from the District Court of the District of Southern Alberta by Their Honours Judge E. P. McNeill and Judge W. A. Macdonald, dated the 20th day of December, A.D. 1935, appointing Frederick Ernest Osborne a Sinking Fund Trustee for a term to expire on the 31st day of December, A.D. 1937, is hereby validated and confirmed notwithstanding any defect or irregularity therein, and the said order and the said appointment of the said Frederick Ernest Osborne shall not be open to question in any court of law on any ground whatsoever."

**21.** By adding the following as section 321 thereto:

"**321.**—(1) By-law Number 2996 of the City of Calgary, being a by-law to provide for the issue and deposit with His Majesty King George the Fifth in the right of the Province of Alberta, a treasury bill of the City of Calgary in the amount of \$250,000.00 as security for a loan made by His Majesty King George the Fifth in the right of the Province of Alberta to the city, in the sum of \$250,000.00, is hereby declared to be valid and binding upon the City of Calgary and the ratepayers thereof notwithstanding any defect or informality in the said by-law or in the passage thereof or in any treasury bill issued pursuant to the said By-law Number 2996 of the City of Calgary, and may from time to time be renewed with the consent of His Majesty in the right of the Province of Alberta.

"(2) By-law Number 3020 of the City of Calgary, being a by-law to provide for the issue and deposit with His Majesty King George the Fifth in the right of the Province of Alberta, a treasury bill of the City of Calgary in the amount of \$200,000.00 as security for a loan made by His Majesty King George the Fifth in the right of the Province of Alberta to the city, in the sum of \$200,000.00, is hereby declared to be valid and binding upon the City of Calgary and the ratepayers thereof notwithstanding any defect or informality in the said by-law or in the passage thereof or in any treasury bill issued pursuant to the said By-law Number 3020 of the City of Calgary, and may from time to time be renewed with the consent of His Majesty in the Right of the Province of Alberta."

**22.** By adding the following as section 322 thereto:

"**322.**—(1) For the purpose of capitalizing a part of the expenditure incurred or to be incurred by the city in the year 1936, on account of direct relief or unemployment relief, which part shall not exceed \$250,000.00, the council may, without the assent of the ratepayers, by a by-law passed by a majority of all those who are for the time being



members of the council, provide for the issuance and sale of debentures, bills, notes or other securities of the city in such form, upon such terms as to the place of payment, rate of interest and redemption, and for such period not exceeding ten years from the date of issue thereof as may be specified in the by-law.

"(2) A recital in any by-law that any expenditures specified therein have been incurred or are to be incurred for direct relief or unemployment relief shall be conclusive evidence of the fact.

"(3) All loans made hereunder are hereby declared to be temporary loans only and shall form no part of the general debt of the city within the meaning of the sections of The Calgary Charter limiting the borrowing powers of the city.

"(4) Any debentures, bills, notes or other securities issued pursuant to this Act shall be a valid and binding charge upon the City of Calgary and the ratepayers thereof, and shall not be open to question in any court on any ground whatsoever."

**23.** By adding the following as section 323 thereto:

**"323.** Notwithstanding anything contained in the charter of the City of Calgary or amendments thereto the council of the City of Calgary is hereby authorized and empowered by by-law to enter into and complete any arrangements for refunding all or any part of the debenture indebtedness of the city, provided that in entering into any such refunding arrangement or scheme any debentures issued thereunder shall be for such period of time and at such rate of interest as may be determined by by-law;

"Provided, however, that before any such refunding arrangement or scheme is entered into the same shall have received the approval of the Board of Public Utility Commissioners of the Province of Alberta."

**24.** By adding the following as section 324 thereto:

**"324.** All assessments, rates and taxes assessed, levied or taxed against any real property in the City of Calgary for the year 1935 and for all the years prior thereto are hereby declared to be and to always have been validly assessed, rated and taxed notwithstanding any defect or irregularity or any failure to comply with any of the provisions of this Act, and they shall not be open to question on any ground whatsoever."

**25.** By adding the following as section 325 thereto:

**"325.—(1)** Notwithstanding anything contained in any ordinance or statute or in any by-law of the City of Calgary, and notwithstanding the continued existence of the present shortage in or deficiency of the sinking fund of the City of Calgary by reason of default heretofore committed by the City of Calgary in its obligations to the sinking fund trustees of the City of Calgary, the sinking fund trustees of the City of Calgary are hereby authorized, empowered and directed to contribute to the general revenue of the City of Calgary by payment or payments to the treasurer of the

said city of a sum or sums not exceeding in the aggregate one-half of the amount by which, without this section the shortage of the City of Calgary to the sinking fund would be reduced for the year 1936 by operation of the sinking fund by the said trustees as certified by the auditor or auditors employed by the said sinking fund trustees of the City of Calgary in the annual statement for the said year.

"(2) Nothing herein shall relieve the City of Calgary from its obligation to provide its proper annual contribution by way of sinking fund according to law to provide for its debentures, nor in any way to reduce the amount of its annual contribution for that purpose for the said year, the intention hereof being only to enable the City of Calgary to benefit to the extent aforesaid for the year 1936."

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

No. 1.

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FIRST SESSION  
EIGHTH LEGISLATURE  
1 EDWARD VIII  
1936

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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. ANDERSON.

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EDMONTON:  
A. Shnitka, King's Printer  
1936