

BILL

No. 9 of 1938.

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

(Assented to , 1938.)

WHEREAS 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 7 thereof by deleting the words "and with such statement shall be filed the following oath or affirmation subscribed and sworn (or affirmed) before some person authorized to administer oaths within the Territories" where such words occur in the said section 7.

2. By further amending the said section 7 thereof by inserting the words "or at any time during the week next preceding the said Nomination Day" after the words "Nomination Day" where they occur in the paragraph immediately preceding the form of oath in the said section 7.

3. By adding the following to the end of section 11a thereof:

"Except in the case of Commissioner when the vacancy created thereby shall be filled in accordance with section 183b hereof."

4. By repealing section 183b thereof and substituting therefor the following:

"183b. Notwithstanding anything in this Act contained, in case any vacancy occurs after the passage hereof in the office of City Commissioner, a substitute shall be appointed forthwith by the Council of the City of Calgary to hold office only until a successor to fill such vacancy has been duly elected at the annual general Municipal Election next following such vacancy, and has taken office in accordance with the provisions of this Act, and the term of office of such successor shall be for the balance of the term of the office so vacated."

5. By amending section 12 thereof, by striking out the word "next" where it occurs in the first line of the said section 12, and substituting therefor the word "two".

6. By amending section 40 thereof by deleting the words "notify the City Assessor of his or their ground of complaint" where they occur in the said section 40, and substituting therefor the following: "serve upon the City Assessor or the Assistant City Assessor in person or by registered mail a written notice of his or their ground of complaint".

7. By amending section 47 thereof by inserting after the word "agent" where it occurs in the tenth line thereof, the words "or agents".

8. By amending section 114b as amended by section 5, chapter 76, Statutes of Alberta, 1928, by inserting after the words "same date or dates" where they occur in the sixth and seventh lines from the end of the said section 114b, the words "or at any other date or dates".

9. By adding the following as subsection 61b of section 117 thereto:

"61b. Regulating the erection, construction, and sanitary requirements of auto camps generally within the City of Calgary and licensing, governing and controlling any person, firm or corporation operating an auto camp within the said city, and in any such by-law or by-laws the Council of the City of Calgary may define the meaning of the words "auto camp" to include such similar class or classes of construction as to the said Council shall be deemed advisable."

10. By amending subsection 1 of section 314 thereof by inserting the following: "and lots 6, 9, and 10" after the words and figures "lots 1-5," where they occur in the first line of the said subsection 1 of section 314.

11. By adding the following as section 330 thereto:

"330. Whereas pursuant to *The Public Utilities Act, 1923*, and amendments, the City of Calgary, in the month of June, 1936, filed its application with the Board of Public Utility Commissioners as permitted by section 102 of the said Act requesting an inquiry into the financial affairs of the City of Calgary;

"And whereas pursuant to the said application, the Board of Public Utility Commissioners did institute and conduct an inquiry into the financial affairs of the City of Calgary, which inquiry resulted in an Order being made by the Board of Public Utility Commissioners, which Order is dated the 24th day of November, A.D. 1937, and numbered 8315, with the approval of the Lieutenant Governor in Council;

"And whereas The Sinking Fund Trustees of the City of Calgary, a corporation constituted by Ordinance 33 of

1893 of the North-West Territories as amended from time to time, have administered the Sinking Funds of the City of Calgary as a Consolidated Sinking Fund since the creation of the said Corporation;

"And whereas in the investment of the Consolidated Sinking Fund aforesaid, The Sinking Fund Trustees of the City of Calgary acquired Debentures of the City of Calgary to the par value of \$6,419,390.00;

"And whereas it is provided by section 104 of *The Public Utilities Act, 1923*, that no Order made by the Board of Public Utility Commissioners under Part IV of *The Public Utilities Act, 1923*, shall be binding until a recommendation embodying the proposed terms thereof has received the consent of the holders of three-fifths in value of the amount of the bonded indebtedness to be affected by such Order, and the approval of the Lieutenant Governor in Council;

"And whereas The Sinking Fund Trustees of the City of Calgary did join with other holders of the bonded indebtedness of the City of Calgary in a consent to a recommendation embodying the terms of the Order made by the Board of Public Utility Commissioners as aforesaid and the total value of the bonded indebtedness of the City of Calgary held by holders so consenting, including The Sinking Fund Trustees of the City of Calgary, exceed in value three-fifths of the amount of the total bonded indebtedness of the City of Calgary affected by the said Order of the Board of Public Utility Commissioners;

"And whereas it is desirable that any doubt as to the validity of the said Order should be set at rest;

"And whereas to give effect to the Order of the Board of Public Utility Commissioners aforesaid, The Sinking Fund Trustees of the City of Calgary must deal with the funds and investments of the said Corporation otherwise than in the manner in which the said Corporation would have dealt therewith had the Order not been made;

"Now, therefore, it is hereby declared:

"(1) That the Order aforesaid of the Board of Public Utility Commissioners, providing for the refunding of the bonded indebtedness of the City of Calgary, is hereby ratified and confirmed, and the City of Calgary may, without any further or other consent of ratepayers or debenture holders, proceed to put the said Order into effect and may issue all such refunding Debentures and Coupons and pay all such sums of money and do all other acts and things necessary to give complete and full effect to the Order of the Board of Public Utility Commissioners; and no action may be brought or maintained against the City of Calgary or any officer or official of the City on any bonds, debentures or coupons which, by the said Order, are to be refunded.

"(2) All acts of The Sinking Fund Trustees of the City of Calgary in the investment and administration of the Consolidated Sinking Fund of the City of Calgary are hereby ratified and validated notwithstanding any error or mistake in law by the Trustees.

"(3) Notwithstanding any rule of law or equity, to the contrary, The Sinking Fund Trustees of the City of Calgary shall have, and shall be deemed always to have had full power and authority to consent to and approve of the Order made by the Board of Public Utility Commissioners as aforesaid.

"(4) No action shall be brought against The Sinking Fund Trustees of the City of Calgary or against any Mayor, Commissioner, Alderman, Comptroller, Officer, Official, servant or agent of the said Corporation to recover any loss or damage claimed or alleged to have arisen out of the consent by them given to the Order by the Board of Public Utility Commissioners as aforesaid or by reason of any act performed or to be performed in carrying out and observing the requirements of the Order made as aforesaid by the Board of Public Utility Commissioners."

12. By adding the following as section 331 thereto:

"**331.**—(1) The Comptroller shall open and keep a book to be known as 'The Debenture Register.' In the said book there shall be entered particulars of every by-law authorizing the issue of debentures, and of all debentures issued thereunder, and every debenture issued shall have written, printed or stamped thereon or on the back thereof a memorandum signed by the Comptroller, with the proper particulars inserted therein, in the following form: 'Registered in the Debenture Register under By-law No. this day of, 19.....'

"(2) In the said book there shall be entered the number and date of any order of the Board of Public Utilities issued under Part IV of *The Public Utilities Act, 1923*, authorizing the issue of debentures, and particulars of all debentures issued thereunder, and every debenture so issued shall have written, printed or stamped thereon or on the back thereof, a memorandum signed by the Comptroller, in the following form:

"Registered in the Debenture Register under Order No. of The Board of Public Utility Commissioners, of the Province of Alberta, this day of 19.....

"This subsection shall be deemed to have been in force from and after the thirty-first day of December, 1936.

"(3) A certificate signed by the mayor and comptroller, and sealed with the corporate seal of the city, that any debenture has been duly registered in the debenture register, shall be *prima facie* evidence of such registration.

"(4) When any debenture is registered in the debenture register, the same shall be valid and binding in the hands of the city or of any *bona fide* purchaser for value, notwithstanding any defect in form or substance therein: and it shall not be held or deemed to have been the duty of any such purchaser to have inquired into the authority of the city to issue such debenture, or into the title of the city thereto or into the proposed or actual application of the purchase price thereof."

13. By adding the following as section 332 thereto:

"332. The south 241 feet 6 inches of the east 385 feet 9 inches of the west 838 feet 3 inches of the north-west quarter of section 21, township 24, range 1, west of the fifth meridian, in the Province of Alberta, containing 2.14 acres more or less, owned by the Governing Council of the Salvation Army Canada West, on which there is presently erected an institution known as 'Sunset Lodge' shall be and is hereby declared to be exempt from all general taxes chargeable by the City of Calgary as long as the said property is owned by the said Governing Council of the Salvation Army Canada West, and used as a home for aged persons, provided that the said exemption shall not apply to special taxes."

14. By adding the following as section 333 thereto:

"333.—(1) Lots 38-40, in block 88, 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 C, Calgary, owned by the I. L. Peretz School Association, on which there is presently erected an institution known as the 'Peretz Institute' shall be and is hereby declared to be exempt from all general taxes chargeable by the City of Calgary as long as the said property is owned by the said I. L. Peretz School Association, and used for educational purposes only, provided that the said exemption shall not apply to special taxes.

"(2) The cancellation of the penalties on the arrears of taxes levied in respect of the property of the said I. L. Peretz School Association, being the said lots 38-40, in block 88, plan C, Calgary, in the sum of three hundred and forty-four dollars and eighty-nine cents (\$344.89) is hereby confirmed and validated."

15. By adding the following as section 334 thereto:

"334. Notwithstanding anything contained in any other Act to the contrary, the City of Calgary shall not be legally liable nor responsible to make provision for the relief, maintenance, care, hospitalization, medical aid or assistance of any person within the limits of the City of Calgary, unless such person immediately prior to the date of application to the City for such relief, maintenance, care, hospitalization, medical aid or assistance, has been continuously residing within the City of Calgary for a period of two years with the intention of making his permanent home in Calgary and has been self-supporting entirely out of his or her own earnings, means or resources during such period; provided, however, that if the city should for any reason furnish relief, maintenance, care, hospitalization, medical aid or assistance to any such person then the cost thereof shall be chargeable to and collectable from the municipality in which the person concerned was residing for a period of two years next prior to the date when such person last arrived in Calgary and in cases where any such person had not such required residence in any other municipality in Alberta then the said

cost will be chargeable to and paid by the Government of the Province of Alberta."

16. By adding the following as subsection 34j of section 117 thereto:

"34j. The creating of a class of transient commercial sign writers, and the imposing of a license fee, and the demanding of a bond or other security from such class, and the regulating, governing, and licensing of all persons, firms or corporations falling within such class.

17. By adding the following as subsection 34k of section 117 thereto:

"34k. The expression 'transient commercial sign writer' shall extend to and include any person who has not resided continuously within the city for a period of at least six months next preceding the time of commencement by him of business in the city."

18. By adding the following as subsection 91c of section 117 thereto:

"91c. For defining and classifying the persons conducting or operating the business of supplying motor vehicles for hire, or supplying motor vehicles for carrying passengers for hire, or supplying motor vehicles for carrying passengers and used for plying for hire according to the type of business so conducted or operated or according to the nature of the service provided and for establishing and specifying the rates or fares which shall be charged to or taken from the persons or passengers using such motor vehicles according to any such classification established; for defining and classifying said motor vehicles upon such basis as the Council may deem just and for establishing and specifying the rates or fares according to such classification; for the compulsory installation, maintenance and use upon all or any of such motor vehicles of a taximeter or other device or equipment to accurately record thereon the fares or rates from time to time established and specified; for establishing and maintaining within the city zones or districts within which special rates or fares shall apply; for establishing maximum and minimum rates or fares either applicable generally throughout the city or applicable only within a specified zone or district within the city and for prohibiting overcharging or undercharging in excess of or below the maximum and minimum rates or fares so established and prohibiting overcharging or undercharging in excess of or below any specified rates or fares."

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

No. 9.

SIXTH SESSION
EIGHTH LEGISLATURE

1 GEORGE VI
1938

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. IRWIN.

EDMONTON:
A. Shnitka, King's Printer
1938