

BILL

No. 4 of 1939.

An Act to Amend the Acts and Ordinances Constituting
the Charter of the City of Calgary.

(Assented to _____, 1939.)

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 adding the following as subsection (24d) to section 117 thereof:

"(24d) Licensing, regulating, governing, defining and classifying every person, firm, association, partnership or corporation engaged in the business of buying, selling, handling, trading in, or offering to buy, sell, handle, or trade in any fruits, vegetables, garden or heavy produce, fish and coal within the City of Calgary, who is a non-established dealer.

"The expression 'non-established dealer' shall mean, extend to and include any person, firm, association, partnership or corporation who does not occupy as owner or tenant, a regularly established and properly equipped building, store, shed or warehouse within the City of Calgary for the purpose of merchandising any or all of the commodities in this subsection mentioned."

2. By adding the following as subsection (c) to section 281 thereof:

"(c) Such use may also include full power to the City of Calgary to erect, construct, maintain and operate a swimming pool on the portion of Mewata Park so dedicated, or any part thereof, and the Council of the City of Calgary may by by-law or by-laws, provide for the charging of admission fees, and the granting of concessions to the said swimming pool whensoever erected upon such terms and conditions as the said Council may determine."

3. By amending subsection (1) of section 314 thereof by inserting the figure "7" between the figures "6" and "9" where they occur in the first line of the said subsection (1) of section 314.

4. By adding the following as section 334 thereof:

"**334.** Notwithstanding the provisions of section 12, chapter 54, Statutes of Alberta, 1919, the Council of the City of Calgary shall have full power and authority to declare by resolution that the day or any part thereof upon which Their Majesties, the King and Queen, are in the City of Calgary, shall be proclaimed a civic holiday, and upon such proclamation the said day or part thereof shall be a public holiday within the City of Calgary."

5. By adding the following as section 335 thereof:

"**335(a).** The Council of the City of Calgary is hereby authorized and empowered and shall be deemed always to have been so authorized and empowered to establish, maintain and operate an Airport situate on Section one (1), Township twenty-five (25), Range one (1), west of the Fifth Meridian, in the Province of Alberta, and to erect buildings and improvements thereon. Any agreement heretofore made between the Dominion and Provincial Governments and the City of Calgary, and any expenditures of money made or any matter or thing done in connection with the establishment, maintenance, or operation of the said Airport or incidental thereto are hereby validated and confirmed.

"(b) The said lands and improvements thereon shall be deemed to be held for the public use of the City of Calgary, and shall be exempt from taxation pursuant to subsection (d) of section 286 of *The Municipal District Act*, being chapter 41, Statutes of Alberta, 1926, and amendments thereto."

6. By adding the following as section 336 thereof:

"**336.** Debts or moneys owing by any person, firm, company, association, corporation or municipality to the City of Calgary, or to the Calgary Hospitals Board, or to any board or organization whose funds are derived from the City, or for the payment of whose deficit the City is liable may be set off against any debts or moneys owing to the same person, firm, company, association, corporation or municipality by the City."

7. By adding the following as section 337 thereof:

"**337.** Whereas the Parliament of the Dominion of Canada has passed an Act intituled *The Municipal Improvements Assistance Act, 1938*, hereinafter referred to as the 'said Dominion Act'; and

"Whereas by the said Dominion Act the Minister of Finance is authorized with the approval of the Governor General to enter into agreements with municipalities to

advance to such municipalities certain moneys by way of loan at two per cent interest to pay the whole or any part of the cost of certain municipal projects, on the terms and conditions set out in the said Act; and

"Whereas the following plebiscite was submitted to the ratepayers of the City of Calgary, on Wednesday, the twentieth day of July, A.D. 1938, and was answered in the affirmative by a majority in excess of two-thirds of the said ratepayers:

"'Are you in favour of the City of Calgary making an Agreement with the Dominion Government under the provisions of *The Municipal Improvements Assistance Act, 1938*, whereby the said Government loans to the City an approximate sum of \$250,000.00 to be secured by debentures bearing interest at 2 per cent per annum, payable as to both principal and interest semi-annually, and guaranteed by the Province of Alberta, the said money to be used solely for the construction of self-liquidating projects within the City, the whole being subject to obtaining the necessary enabling legislation from the Government of the Province of Alberta?'; and

"Whereas the Council of the City of Calgary duly passed By-law No. 3183, being a by-law to raise the sum of \$196,000.00 for the purpose of constructing the approved municipal projects therein set out, and to authorize the issue of debentures as security for the said sum of \$196,000.00; and

"Whereas the Council of the City of Calgary is desirous of entering into further agreements with the said Minister of Finance to the extent permitted by the said Minister of Finance, and pursuant to the terms of the said Dominion Act;

"(a) Now therefore be it declared that the City of Calgary is hereby authorized and empowered and shall be deemed always to have been so authorized and empowered without any further or other reference to or consent of the ratepayers of the City of Calgary, but subject to the approval of the Board of Public Utility Commissioners of the Province of Alberta, to enter into agreements with the Minister of Finance with the approval of the Governor General, to advance certain moneys by way of loan upon the terms and conditions of the said Dominion Act, and to pass a by-law or by-laws for the issue of debentures as security for such loans. All debentures when so issued shall constitute a valid and binding obligation on the City of Calgary and the ratepayers thereof.

"(b) By-law No. 3183 of the City of Calgary, being a by-law to raise the sum of \$196,000.00 for the purpose of constructing certain municipal projects in accordance with the provisions of *The Municipal Improvements Assistance Act, 1938*, and to authorize the issue of debentures therefor is hereby validated and confirmed, and declared to be legal, valid and binding upon the City of Calgary and the ratepayers thereof, and the same shall not be open to question in any Court on any ground whatsoever, notwithstanding any informalities, irregularities, or defects therein, and

each and all of the debentures issued under the authority of By-law No. 3183 are hereby declared legal, valid and binding on the City of Calgary and the ratepayers thereof."

8. By adding the following as section 338 thereof:

"**338.**—(1) By-law No. 3167 of the City of Calgary, dated the twenty-third day of June, A.D. 1938, being the by-law approving of, and authorizing the Mayor and City Clerk to execute an agreement with The British American Oil Company Limited, dated the twenty-third day of June, A.D. 1938, with reference to the establishment, construction, operation and location of an Oil Refinery in the City of Calgary, and the agreement thereto annexed and marked Exhibit A, are hereby ratified, confirmed and validated in all respects, and all the rights, powers and liberties granted by the City of Calgary to The British American Oil Company Limited and all the terms, provisos and conditions contained in the said by-law and agreement are hereby declared to be of full force, virtue and effect and to be legal, valid and binding upon all persons and corporations notwithstanding any informalities, irregularities or defects therein either in substance or form or in the passing of the said by-law or the execution of the said agreement, and notwithstanding that any of the provisions thereof may conflict with any statute or ordinance, or the City of Calgary may not have had the power to pass the said by-law or to enter into the said agreement or to grant the said rights, powers and liberties; and the said ratification, confirmation and validation of the said by-law and agreement shall be retrospective with respect to anything done or agreed to be done in accordance with or on the authority of the said by-law or with a view to carrying out the intention of the said agreement prior to the date when this Act comes into force.

"No member of the Council of the City of Calgary voting for the said by-law or the said agreement shall be, nor shall any such member be deemed ever to have been, on account of such vote, subject to any penalty, or disqualification whatsoever.

"(2) By-law No. 3168 of the City of Calgary, dated the twenty-third day of June, A.D. 1938, being a by-law to provide for a fixed assessment for a period of twenty (20) years from the first day of January, A.D. 1939, of certain property erected or to be erected by The British American Oil Company Limited in the City of Calgary, is hereby validated and confirmed in all respects and declared to be legal, valid and binding upon all persons and corporations notwithstanding any informalities, irregularities or defects therein either in substance or form, or in passing the said by-law and notwithstanding that any of the provisions thereof may conflict with any statute or ordinance, or the City of Calgary may not have had the power to pass the said by-law; and the same shall not be open to question in any Court on any ground whatsoever and all actions taken or caused to be done thereunder in pursuance thereof or in

carrying out or performing the terms thereof are hereby likewise validated and confirmed notwithstanding the same may have been taken or done before the passing thereof; and the validation and confirmation of the said by-law and of the said actions taken or caused to be done thereunder shall be retrospective with respect to anything done or agreed to be done in accordance with or on the authority of the said by-law prior to the date when this Act comes into force."

9. By adding the following as section 339 thereto:

"**339.** The Council is hereby authorized and empowered in its absolute discretion, either by by-law or resolution,—

"(a) to undertake and carry to completion any works of a municipal or public nature in any case where, by an Act of the Parliament of Canada provision is made for assistance to municipalities in undertaking any such works, and to enter into any agreements with the Government of Canada and/or the Province of Alberta as may be required by the terms of any such Act in relation to any such works;

"(b) to do any act or thing which may require to be done in order to obtain for the City any benefits or advantages which by the terms of any Act of the Parliament of Canada or by the terms of any Statute of the Province of Alberta are rendered available to municipalities as a means of assistance in the relief of unemployment or in any other way whatsoever."

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

EIGHTH SESSION
EIGHTH LEGISLATURE
3 GEORGE VI
1939

BILL

An Act to Amend the Acts and Or-
dinances Constituting the Charter
of the City of Calgary

Received and read the

First time.....

Second time.....

Third time.....

MRS. GOSTICK.

EDMONTON:
A. Shnitka, King's Printer
1939