

1906

CHAPTER 63.

An Act to Incorporate the City of Medicine Hat.

(Assented to May 9, 1906).

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

TITLE I.

PRELIMINARY.

1. This Act may be cited as "*The Medicine Hat Charter.*" Short title
2. In this Act the word— Interpretatio
  - (1) "Elector" means a person entitled to vote at municipal and school elections in the said city; "Elector"
  - (2) "Council" means the Municipal Council of the said city; "Council"
  - (3) "Burgess" means an elector who is qualified in respect of freehold property to vote on money by-laws; "Burgess"
  - (4) "Felon" means any indictable offence which since the passing of the Criminal Code of Canada, 1892, is punishable with death or imprisonment for a period of five years or over and "misdemeanor" any offence for which under the said Code the extreme penalty is imprisonment for a term less than five years and two years or over; "Felon" "Misdemeanor"
  - (5) "Income" means the profit or gain, whether ascertained and capable of computation as being wages, salary or other fixed amount or unascertained as being fees or emoluments or profits from a trade or commercial or financial or other business or calling, directly or indirectly received by a person from any office or employment or from any profession or calling or from any trade, manufacture or business; and includes the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security or from stocks or from any other investment and also profit or gain from any other source whatever; "Income"
  - (6) "Business" shall include any trade, profession, calling, occupation or employment; "Business"

"Special franchise"

(7) "Special franchise" shall mean every right, authority or permission to construct, maintain or operate within the city, in, under, above, on or through any highway, road, street, lane, public place or public water within the jurisdiction of the city any poles, wires, tracks, pipes, conduits, buildings, erections, structures, or other things for the purpose of bridges, railways, tramways, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water, heat, light, power, transportation, telegraphic, telephonic or other service;

"Judge"

(8) "Judge" means a Judge of any Court of Superior Jurisdiction in the Province of Alberta; and "Court" or "Supreme Court" means the said Court and "Clerk" means the clerk or deputy clerk of any such court;

"Court"

"Clerk"

"Land"

(9) "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same and "Land" also includes for assessment purposes:

(a) Land covered with water;

(b) Trees and underwood growing upon land;

(c) Mines, minerals, gas, oil, salt, quarries and fossils in and under land; and

(d) In case of special franchises:—Machinery, fixtures, buildings, structures, and other thing existing, erected, or placed upon, in, over, under or affixed to land or any highway, road, street, lane or public place or water, but not the rolling stock of any railways or street railway;

"Municipality"  
"City"

(10) "Municipality" or "City" means the City of Medicine Hat as herein incorporated;

"Person"

(11) "Person" includes a corporation or partnership;

"Resident"

(12) "Resident" means a person residing within the limits of the City of Medicine Hat;

"Revised assessment roll"

(13) "Revised assessment roll" means the assessment roll of the city or any ward thereof as finally adopted by the Council;

"Occupant"

(14) "Occupant" means the person or corporation in actual occupation of any land or premises within the city, either being the owner or tenant thereof, for a year or any longer term. Husband and wife living together shall not be considered separate occupants, but the husband shall be considered the occupant;

"Secretary-Treasurer"

(15) "Secretary-Treasurer" means the secretary-treasurer of the City of Medicine Hat.

3. Wherever the word "herein" is used in any section of this Act it shall be understood to relate to the whole Act and not to that section only. <sup>Herein</sup>

4. Where anything is required to be done on a day which falls on any holiday such thing may be done on the next judicial day, but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of Mayor or Alderman. <sup>Computation of time</sup>

5. Where forms are prescribed, deviations therefrom not affecting the substance nor calculated to mislead shall not vitiate the same, and forms to the like effect shall suffice. <sup>Forms</sup>

6. Where power to make by-laws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time and to make others. <sup>Make includes alter, etc.</sup>

7. All Ordinances inconsistent with this Act are hereby repealed in so far as they relate to the City of Medicine Hat, and where any matter or thing is provided for by this Act the provisions of any other Act or Ordinance in relation thereto shall be deemed to be superseded so far as they relate to the said City. <sup>Inconsistent Ordinances repealed</sup>

8. The Municipal Ordinances of the North-West Territories and any amendments thereto in force on the first day of September, 1905, shall no longer apply to the City of Medicine Hat; nor shall any municipal legislation of the Province of Alberta apply to the said City unless it is specially mentioned therein and whenever any Ordinance of the North-West Territories is referred to herein, such reference shall be deemed to include any Act of the Province of Alberta amending or superseding such Ordinance. <sup>Municipal Ordinance not to apply</sup>

9. Ordinance No. 42 of 1898 of the North-West Territories being An Ordinance to incorporate the Town of Medicine Hat, together with any amendments made thereto, are hereby repealed, but such repeals shall not be held to take away or affect any rights to which any person or corporation other than the Town of Medicine Hat would have been entitled had the same continued in force. <sup>Ordinance 42 of 1898 repealed but applies as to certain rights</sup>

TITLE II.

INCORPORATION, ANNEXATIONS, WARDS.

1. The inhabitants of the locality described as follows, that is to say: <sup>Boundaries</sup>

Those portions of section Thirty-one (31) and the west half of section Thirty-two (32) lying to the southward and westward of the right bank of the South Saskatchewan River; the north-west quarter of section Twenty-nine (29); the north-east quarter of section Thirty (30); all in Township Twelve (12) in Range Five (5) west of the Fourth Meridian; that portion of the south-east quarter of section Thirty-six (36) in Township Twelve (12) in Range Six (6) west of the Fourth Meridian lying southward of the right bank of the South Saskatchewan River, according to the Dominion Lands System of Survey; together with all lands surveyed as Government Road Allowances bounding and abutting any and all of such sections, half sections, or quarter sections as the case may be, and such persons as shall hereafter become inhabitants of such locality are hereby incorporated into a Municipal Corporation under the name of the City of Medicine Hat.

Powers of council

2. The powers of the said corporation shall be exercised by the Council of the City, which shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organization of the Council for the next year, such Council may take up and carry on to completion all proceedings commenced but not completed by the last year's Council.

Council a continuing body

Council, by-laws, etc., of town continued

3. Until a new Council is elected under this Act the Mayor and members of the Council of the existing Town of Medicine Hat shall be deemed and taken for all purposes to be the Mayor and members of the Council of the Corporation hereby created and until altered under the authority of this Act all by-laws, contracts, property, assets, rights and liabilities of the existing Town of Medicine Hat shall be deemed and taken for all purposes to be the by-laws, contracts, property, assets, rights and liabilities of the City of Medicine Hat.

Wards

Alterations

4. The Council may by by-law divide the City of Medicine Hat for Municipal election purposes into three or more wards, and may from time to time re-arrange the limits of such wards and add new wards.

Elections in new wards

5. In case of an addition to the number of wards each new ward shall be represented by two aldermen to be elected and to hold office as provided in section 2 of Title III of this Act.

Annexations to city

6. Whenever one half of the owners of any territory adjacent to the city whose names appear on the last revised school assessment roll, whether public or separate, desire annexation thereto they may present a petition to the Council

to that effect and if the Council agrees the said territory may be made part of the city by proclamation of the Lieutenant Governor in Council on such date and on such terms and conditions as the Lieutenant Governor in Council may think fit.

### TITLE III.

#### COUNCIL.

1. The Council of the city shall consist of a Mayor and six Aldermen, who shall be elected by the electors in the manner hereinafter provided, but the number of aldermen may from time to time be increased in accordance with the provisions of sections four and five of Title II. Constitution of Council

2. The Mayor and present Councillors of the Town of Medicine Hat shall continue to hold office as the Mayor and Aldermen of the City of Medicine Hat, and the three Aldermen elected as Councillors whose term of office as Councillors would have expired in December, 1906, shall at the municipal election to be held in such month be replaced by three aldermen, one of whom, if the town shall have previously thereto been divided into wards, shall be elected by the electors of each such wards, but otherwise by the electors of the Municipality at large, and those whose term of office will expire on the 31st of December, 1907, shall be elected in the same way, and each Alderman elected at such Municipal election hereafter shall continue in office for two years. Rotation of Aldermen

In the event of any vacancy occurring in the office of alderman elected by the electors at large his place shall be filled by another alderman elected by the electors at large; but in the case of an alderman elected to represent a ward his place shall be filled by an alderman elected only by the electors of the ward which he formerly represented or appointed as provided in section 2, Title IX. Vacancy

3. The Mayor shall be elected annually by a general vote of the electors of the City in the manner hereinafter provided. Election of Mayor

4. No person shall be eligible for election as Mayor or Alderman unless he is a natural born or naturalized subject of His Majesty, is a male of the full age of twenty-one years, is able to read and write, is not subject to any disqualification under this Act, is resident within the city or within two miles of the limits of the city, and is at the time of the election the owner of freehold real estate rated in his own name on the last revised assessment roll of the city to at least the value of \$1,000.00. Persons eligible for Mayor and Aldermen