

# BILL

No. 21 of 1913 (Second Session).

An Act to Amend the Ordinances and Acts relating to the  
City of Red Deer.

(Assented to 1913).

WHEREAS the City of Red Deer has prayed for certain amendments to chapter 70 of the Consolidated Ordinances of the North-West Territories, 1898, being "*The Municipal Ordinance*," and the amendments thereto, and the Ordinance and Acts respecting Red Deer;

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:

1. *The Municipal Ordinance* and amendments thereto in so far as the same is not inconsistent with this Act or any Act respecting Red Deer is to apply to the City of Red Deer.

2. *The Municipal Ordinance*, being chapter 70 of the Consolidated Ordinances of the North-West Territories, is amended as far as the City of Red Deer is concerned as herein set out.

3. Subsections 1 to 16, inclusive of section 2, chapter 70, of the Consolidated Ordinances of the North-West Territories are hereby repealed and substituting therefor the following:

1. "City" or "Municipality" means the City of Red Deer;

2. "Council" and "commissioner" means the municipal council and the commissioners respectively of the said city;

3. "Electors" or "voters" means a person entitled to vote at municipal and school elections in the said city;

4. "Burgess" means an elector who is such in respect of freehold property;

5. "Owner" includes any person who has any right, title or estate whatever or interest in land in the city other than that of a mere occupant;

6. "Occupier" or "occupant" means any person who occupies any land in the city under any title whatsoever;

7. "Resident" means a person having his fixed or permanent residence within the city;

8. "Person" includes a corporation or partnership;

9. "Assessor," "city clerk," "treasurer" means the person or persons who for the time being hold or occupy the offices of assessor, city clerk and treasurer or any or all of them, as the case may be, of the City of Red Deer;

10. "Special franchise" shall mean every right, authority or permission whether exclusive or otherwise to construct, maintain or operate within the city, in, under, above, on or through any highway, road, street, lane, square, public

place, or public water under the jurisdiction of the city, any poles, wires, rails, 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, natural 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 services;

11. "Judge" means judge of the District Court in which the city is situate for the time being, and the "court" means the said court;

12. "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same, and also includes:

- (a) Land covered with water, and water thereon;
- (b) Trees, bushes, underwood, brush, and other natural products growing upon land, and also crops, sown or planted thereon;
- (c) Mines, minerals, gas, oil, salt, gravel, quarries and fossils in and under land; and
- (d) In case of special franchise, but in no other cases, machinery, fixtures, buildings, structures and other things existing, erected or placed upon, in, over, under or affixed to land, or any highway, road, street, lane, public place, or square or water, but not the rolling stock of any railway or street railway;

13. "Referred by-law" means a by-law referred to the vote of the burgesses and assented to by them, and provided by this Act;

14. "Revised assessment roll" means the assessment roll of the city as finally adopted by the council;

15. "Revised voters' list" means the voter's list of the City as finally revised by the council;

16. 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, unless the context otherwise requires.

4. Where anything is required to be done on a day which falls on any holiday, such thing may be done on the next day which is not a holiday; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination of candidates for the office of mayor or alderman.

5. Where in this Act a certain day is fixed on or by which certain things are to be done or proceedings taken, if it appears that such date was fixed having regard to an earlier date fixed, on or by which certain other things are to be done or proceedings taken, then notwithstanding anything herein contained, if default be made in respect of the earlier date a like delay shall be allowed in respect of the later date.

6. Where forms are in this Act prescribed, deviations therefrom not affecting the substance or calculated to mislead, shall not vitiate the same, and forms to the like effect and in substantial compliance with the provisions of this Act shall suffice.

7. Subsection 2 of section 18, is hereby repealed, and the following substituted therefor:

“(2) The persons qualified to vote at elections shall be all persons, both male and female, of the full age of twenty-one years, who are assessed upon the last revised assessment roll of the city for \$200.00 or upwards as either occupants or owners of all property and whose names appear in the voters’ list founded upon such roll.”

8. The form of oath in section 29 is hereby amended by striking out all the words commencing after the word “and” in the sixth line except the words “that you are of the full age of twenty-one years.”

9. Section 95 of the said *Municipal Ordinance* is hereby amended as follows:

Subsection 13, is hereby repealed and the following substituted therefor:

“(13) Laying out, constructing, improving, grading, levelling, repairing and maintaining public highways, roads, streets, alleys, and byways and to establish the grades and the levels therefor and the said city shall be deemed to have had at the times of establishing or laying out of any public highway, street, alley or byway full power and authority to establish the same and the grades and levels thereof.”

Subsection 76 is hereby amended by adding the words “by gifts or otherwise” after the word “purpose” in the third line thereof.

10. Section 95 of the said *Municipal Ordinance* is hereby further amended by adding thereto the following subsections:

“(80) Regulating the time after which children shall not be in a public place at night without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hours appointed;

“(81) Preventing the posting or exhibiting of placards, play bills, posters, writings or pictures, which are indecent or may tend to corrupt or demoralize the public or individuals, or the writing of words which are indecent or may tend to corrupt or demoralize the public or individuals or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize the public or individuals on walls or fences or elsewhere in streets or public places;

“(82) Preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language and other immorality and indecency;

“(83) Suppressing disorderly houses and houses of ill-fame;

“(84) Suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein;

“(85) Regulating horse-racing;

“(86) Restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place;

“(87) Preventing indecent public exposure of the person and other indecent exhibitions;

“(88) Preventing or regulating the bathing or washing the person in any public water in or near the city;

“(89) Acquiring, erecting, establishing and operating skating rinks and play grounds and acquiring land within or without the city for the purposes of the same;

“(90) Licensing and regulating all persons carrying on business as sellers of horses, mules, cattle, sheep, swine or goats within the city or bringing horses, mules, cattle, sheep, swine or goats within the city for the purposes of selling or offering the same for sale;

“(91) Appointing a Publicity or Industrial agent and providing for his remuneration or assisting the Board of Trade of the city by a grant of money thereto;

“(92) The council may, subject to the assent of the majority of the burgesses voting as herein provided, acquire land within or without the city with the object of selling, leasing or otherwise disposing of the same or any part thereof to or for any industrial, commercial or engineering undertaking; and the council may pass by-laws for the issue of debentures for the payment of the same which debentures shall not be extended beyond a period of twenty years; but the gift of any part of the said lands so purchased or leased for a nominal consideration shall be made except the same be assented to by two-thirds of the burgesses voting thereon in the manner herein provided.”

**11.** The imposing or collecting of license fees shall not in any case be deemed to prevent the assessing of land owned or occupied by license holders in the same manner as other land or the collection of taxes thereon.

**12.** Sections 121 to 128, both inclusive, of the said Ordinance are hereby repealed and the following substituted therefor:

“**121.** Subject to the other provisions of this Act, the municipal taxes of the City of Red Deer shall be levied upon (1) land and (2) special franchises within the said city, and it shall be the duty of the assessor to make an assessment of all the rateable land and special franchises in the manner herein provided.

“(2) Subject to the other provisions of this Act, the school taxes for school districts situate in whole or in part within the limits of the City of Red Deer shall be levied upon (1) land and (2) special franchises within the limits of the school districts, and it shall be the duty of the assessor to make an assessment of all the rateable land and special franchises in the school district in the manner herein provided.

“**122.** All lands in the city shall be liable to assessment and taxation for both municipal and school purposes subject to the following exemptions:

“(1) The interest of the Crown in any land including any land held by any person in trust for the Crown.

“(2) Land specially exempted by law or held for the public use of the Province of Alberta.

“(3) If any land mentioned in the two preceding clauses is occupied by any person otherwise than in an official capacity, the occupant shall be assessed therefor, but the land itself shall not be liable.

“(4) The land upon which there is erected any building used as a place of worship and not used for any other purpose

for hire or profit and the lands attached thereto or *bona fide* used in connection therewith not exceeding one half acre, and also public burying grounds.

“(5) The land not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purpose of any university, college, high school, public or separate school, or hospital owned by a corporation whether vested in a trustee or otherwise, so long as such land is actually used and occupied by such institution, but not if otherwise occupied.

“(6) The land exempted under the two preceding clauses shall nevertheless be liable to be assessed for local improvements.

“(7) All land belonging to the city and used only for civic purposes.

“(8) The land vested in any library board established under the provisions of *The Public Libraries Act*.

“**123.** Land shall be assessed at its fair actual value, exclusive of the value of any buildings thereon. In case the value at which any specified land has been assessed appears to be more or less than its true value, the amount of the assessment shall nevertheless not be varied on appeal, if the value at which it is assessed bear a fair and just proportion to the value at which the lands in the immediate vicinity of the lands in question are assessed.

“(2) The owner of a special franchise shall, in addition to an assessment on any land owned or occupied by him, be assessed on the actual cost of the plant and apparatus used in operating the special franchise, subject to a reasonable deduction for depreciation.

“(3) No person who is assessed in respect of any special franchise shall be liable to pay a license fee in respect of such special franchise.

“**124.** As soon as may be, but not later than the thirtieth day of April each year, the assessor shall assess all assessable land in the city and school district, and shall prepare an assessment roll which shall set out as accurately as possible:

“(a) The name of the owner of each lot or parcel of land in the city and school district which is not exempt from assessment, and the post office address, if known, of every such person;

“(b) A brief description of each such lot or parcel of land and of the assessed value thereof.

“**125.** The assessment roll shall be in the following form:

No. of assessment.	The name in full (if same can be ascertained) of every person taxable in the city.	Post office address.	Owner.	Brief description of taxable property.	Frontage and depth.	The actual value of each parcel or lot of real property or of the interest of the taxable person therein, exclusive of buildings.	Special franchise.	Total amount of assessment.	Public or separate school supporter.	Date of assessment.	Value of property exempt from taxation.	Date of delivery or posting notice.
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“**126.** If any assessor makes fraudulent assessments, or wilfully and fraudulently inserts in the assessment roll the name of any person who should not be entered therein, or wilfully or fraudulently omits the name of any person who

should be entered therein, or wilfully neglects any duty required of him by this Act, he shall be liable to a penalty of \$100.

"127. After the assessor shall have completed the assessment roll, the council shall appoint a committee of two of its members with the assessor, who shall examine the roll and report to the council such alterations therein, if any, as the committee deems it desirable to make, and the council shall, on consideration of such report, direct the assessor to make such alterations in the roll as the council shall deem expedient, and the roll shall be amended accordingly.

"(a) The assessor, within three weeks after the completion of the assessment roll to the approval of the council, shall publish at least once in every weekly or daily newspaper published in the city, and post up in his office at the city hall a notice in the following form:

"CITY OF RED DEER.

"*Assessment Roll, 191..*

"Notice is hereby given that the assessment roll of the City of Red Deer, for the year 191.. has been prepared and is now open for inspection at my office in the city hall from ten a.m. to four p.m. on every day which is not a public holiday, except Saturday (and on that day from ten a.m. to twelve o'clock noon), and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty-one days after the date of this notice lodge his complaint in writing at my office.

"Dated this... ..day of.....191..

"A.B.

"*Assessor.*

"(b) The assessor shall also, within three weeks after the completion of the assessment roll to the approval of the council, transmit by post to every person named therein an assessment slip containing the particulars appearing in the roll with respect to such person.

"(2) There shall be appended to every such assessment slip a notice of the last date upon which complaints or appeals may be lodged as fixed by the notice under the preceding section, and there shall be endorsed thereon a written or printed form of complaint or appeal as given in subsection (d).

"(3) No assessment shall be invalidated by any error in the assessment slip transmitted as aforesaid or by reason of the nontransmission or nonreceipt thereof by the person to whom it was addressed.

"(4) If by mistake of the assessor any person be assessed as the owner of land who is not in fact the owner thereof, taxes levied against the land shall nevertheless be a valid charge against the same.

"(c) If any person named in the said roll thinks that he or any other person has been assessed too low or too high, or that his name or the name of any other person has been wrongfully inserted in or omitted from the roll, or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter, or *vice versa*, he may within the time limited as aforesaid give notice in writing to the assessor that he appeals to the council to correct such error, and in such notice he shall give an address where notices may be served upon him.

“(d) Every such complaint or appeal may be in the following form:

“To The Council of the City of Red Deer:

“Sir,—I hereby appeal against assessment No.  
(or as the case may be) on the following grounds (*here state grounds of appeal*).

“Dated this                      day of                      191 .

“C.D.

“Appellant.

(*Address for service of notice*).

“(e) The assessor shall forthwith notify every such appellant and every other person whose assessment is affected or may be affected by such appeal, of the time and place of the sittings of the council to hear the said appeal. Every such notice shall be mailed to the post office address of the appellant as given in his notice of appeal at least three days before the sittings of the council.

“(f) Before the sittings of the council the assessor shall prepare a list of the appeals in the following form, which list shall be posted up on a notice board at the door of the city hall and shall continue so posted during the sittings of the council.

“Appeals to be heard by the council of the City of Red Deer, on the                      day of                      191 .

APPELLANT	RESPECTING WHOM	MATTER COMPLAINED OF
A. B. C. D. G. H.	Self E. F. J. K.	Overcharge on land. Name omitted. Not <i>bona fide</i> owner or tenant.”

**13.** Sections 139,140 and 141 of the said *Municipal Ordinance* are hereby repealed and the following substituted therefor:

“**139.** The council may, prior to the completion of the assessment roll by the assessor, in any year, pass a by-law or by-laws requiring the assessor to assess as a business assessment all persons carrying on any trade, business or profession within the limits of the city, and also requiring the assessor to assess the improvements on land up to fifty per cent. of the value of such improvements, which by-law or by-laws shall be required to be passed by two-thirds of the members of the council voting for the same.

“The assessment of trades, businesses and professions shall be made on the basis of the rental value of the premises in which such trade or businesses are carried on and the tax to be levied on such trades or businesses shall not exceed more than twenty per cent. of the rental value of such premises.

“For the purposes of this section, improvements on land shall include all buildings or other things erected upon or affixed to the land and all machinery or other things so fixed to any buildings so as to form in law part of the realty and all mines, minerals, quarries, fossils in and under the same, except mines belonging to His Majesty.

“The assessment and taxation in this section shall not apply to any business licensed under subsection 33 and 34 of section 95 of *The Municipal Ordinance*.

“**140.** Whenever a business assessment has been made or the improvements have been assessed and taxes levied

under the provisions of the previous section, the forms of assessment roll, tax roll and assessment and tax notices may be varied as may be necessary.

"141. Any three members of the council may demand that before the by-law or by-laws referred to in section 139 be read a third time, the same shall be referred to the burgesses for their approval and thereupon a poll shall be held forthwith and the proceedings shall be *mutatis mutandis* as for election for mayor or aldermen, and every such by-law which is carried by a majority of the burgesses who have voted thereon shall as soon thereafter as may be, be finally passed by the council:

"Provided that in case the said by-law or by-laws on the first and second reading thereof do not receive the vote of two-thirds of the majority of the members of the council voting thereon, then in such case any three members of the council may require the said by-law or any of them to be referred to the vote of the burgesses thereon as herein provided, and every such by-law which is carried by a majority of the burgesses who have voted thereon shall as soon thereafter as may be, be finally passed by the council."

14. Sections 152 and 153 of *The Municipal Ordinance* are hereby repealed and the following substituted therefor:

"152. Taxes may be recovered with interest or penalty and costs from the owner or occupant originally assessed therefor and any subsequent owner of the whole or any part thereof (saving his recourse against any other person); and such taxes on land and improvements shall be a special lien upon the land and shall be collectable by action or distress as a landlord may recover rent in arrear in priority to every claim, privilege, lien or encumbrance of every person except that of His Majesty, and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the city. The production of a copy of so much of the roll as relates to taxes payable by any person in the city certified as a true copy by the secretary-treasurer shall be *prima facie* evidence of the debt."

15. 153. The costs chargeable in respect of any distress and levy shall be those payable to bailiffs under chapter 34 of *The Consolidated Ordinances, 1898*, entitled "*An Ordinance respecting Distress for Rent and Extra-Judicial Seizure*" or any Act passed in amendment or substitution thereof.

16. Section 156 of *The Municipal Ordinance* is hereby repealed and the following substituted therefor:

"156. In the event of the taxes (other than business taxes) remaining unpaid after the thirty-first day of December of the year for which the same are levied, there shall be added thereto, by way of penalty, a sum equal to five per centum of the amount of taxes remaining unpaid, and in the event of any taxes or any part thereof remaining unpaid on the first day of July next following there shall be added thereto by way of a penalty an additional sum equal to five per centum of the amount of such taxes at that date remaining unpaid and the same additional sum shall be added thereto in the same manner upon any taxes remaining unpaid half-yearly on the first days of January and July in each year following; and such amount or amounts so added shall form a part of the taxes which by Section 15 hereof are created a special lien upon the land; nothing in this section contained shall be construed to extend the time for payment of



the said taxes nor in any way impair the right of distress or other remedy which is provided in this Act for the collection of the said taxes:

Provided that in case any land shall have been advertised for sale but for any reason has not been sold, the proportionate cost of advertising authorized by section 183 of *The Municipal Ordinance* shall be included as part of the arrears chargeable to such land.

17. In Part V, of *The Municipal Ordinance* the words "duly qualified ratepayers, electors and duly qualified electors" shall mean "Burgesses."

18. Section 158 of *The Municipal Ordinance* is hereby repealed and the following substituted therefor:

"158. The secretary-treasurer of the city shall not receive any part of the arrears charged against any parcel of land less than the taxes for one year with the accrued penalties thereon. No subdivision of property shall hereafter be made within the city limits as now or hereafter constituted unless the same be approved by the city council, which approval shall be conditional that all taxes in arrears shall have been first paid, and when registered a certified copy thereof shall forthwith be filed with the secretary-treasurer.

"(2) The council within one month thereafter shall have the right to purchase five per cent. of the area so subdivided at the last assessed value of such land to be used as public parks or open spaces, or for such other civic purpose as the council may deem most expedient.

"In the event of the owners of such land and the city council failing to agree on the location of the said area to be purchased, then the same shall be submitted to arbitration in accordance with the provisions of sections 245 to 267 of *The Municipal Ordinance* respecting arbitration proceedings."

19. Section 226 is hereby repealed and the following substituted therefor:

"226. In voting upon referred by-laws every burgess who is assessed on the last revised assessment roll in respect of land for \$400.00 or upwards who at the time of tendering his vote is of the full age of twenty-one years and is named on the last voter's list of the city and who has neither directly or indirectly received nor is in expectation of receiving any reward or gift for the vote which he or she tenders shall be entitled to vote on any by-law requiring the assent of the burgesses."

20. The form of oath in section 227 is hereby amended by striking out the words "or your wife is a freeholder" in the third line thereof, and by striking out the words in brackets in the last three lines.

21. Section 269 of the said *Municipal Ordinance* is hereby repealed and the following substituted therefor:

"269. No application to quash or annul any such by-law, order or resolution in whole or in part shall be entertained by any judge unless such application is made within one month from the final passing of such by-law, order or resolution, and in case no such application is so made, the by-law, order or resolution shall be valid and binding notwithstanding."

standing any want of substance or form therein, or in the proceedings prior thereto, or in the time or manner of the passing thereof."

22. Section 4 of chapter 30 of the Statutes of Alberta 1908 is hereby amended by striking out the word "five" in the fifth line thereof and substituting the word "ten" in lieu thereof.

23. The water mains and sewers as laid down and constructed by the city are hereby by this Act authorized and confirmed and all assessments, rates and taxes heretofore made, levied or imposed shall be deemed to have been duly made, levied and imposed.

24. The boundaries of the city as the same stood on the 25th day of March, 1913, are hereby continued until otherwise altered under the provisions of the Acts respecting the Town or City of Red Deer.

25. Sections 89 and 90, of *The School Assessment Ordinance* shall apply to the City of Red Deer.

26. Chapter 20 of the Statutes of Alberta, 1911-1912, being "*The Controverted Municipal Election Act*," and amendments shall apply to the City of Red Deer, and sections 54 to 82 inclusive of *The Municipal Ordinance* shall no longer apply to the City of Red Deer.

27. No action from any damages alleged to have been sustained by reason of the negligence or default of the city shall be commenced after the expiration of six months from the date when such damages shall have been sustained.

(a) If any person claims to have suffered bodily injury by any accident or casualty or claims to have suffered damages to property real or personally, for which he intends to claim damages or compensation from the city, he shall within sixty days from the date of such accident or casualty or the happening of such damages to his property, give notice to the city through the city clerk of such intention, containing the particulars of his claim, failing which the city shall be relieved from any liability and for any damages or compensation for such accident or injury, notwithstanding any provision of law to the contrary.

No. 21

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FIRST SESSION  
THIRD LEGISLATURE  
4 GEORGE V  
1913  
(SECOND SESSION)

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BILL

An Act to Amend the Ordinances and  
Acts relating to the City of Red  
Deer.

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Received and read the

First time.....

Second time.....

Third time.....

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MR. MICHENER.

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EDMONTON:  
J. W. JEFFERY, Government Printer  
A.D. 1913