

## BILL

No 10 of 1929.

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

(Assented to , 1929)

**W**HEREAS, the City of Red Deer has prayed for certain amendments to chapter 12 of the Consolidated Ordinances of the North-West Territories, 1901 and intitled "An Ordinance to incorporate the Town of Red Deer," and amendments thereto and the Ordinances and Acts respecting the Town and City of Red Deer, and

Whereas, it is expedient to grant the prayer in 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. Chapter 70 of the Consolidated Ordinances of the North-West Territories, being *The Municipal Ordinance*, and being a part of *The Charter of the City of Red Deer*, is amended by repealing section 11 and substituting therefor the following:

"11 — (1) The Secretary-Treasurer shall, on or before the first day of September in each year, prepare a voters' list, which shall be an alphabetical list of the electors.

"(2) The Secretary-Treasurer shall arrange the list according to polling divisions settled by the Council not later than the first day of November in each year, and shall enter in the appropriate column the following particulars which, when possible, shall be taken from the assessment rolls of the City of Red Deer and of the Red Deer Public School District No. 104.

"(a) The name of every owner of land assessed on the last assessment roll who is of the full age of twenty-one years.

"(b) The name of every purchaser entitled to the possession of land assessed on the last assessment roll, who is of the full age of twenty-one years.

"(c) The name of every person liable to a business tax, in respect to a business assessed for two hundred dollars or upwards, who is of the full age of twenty-one years, if not entered on the list in compliance with the provisions of paragraphs (a) and (b).

- "(d) The name of every person liable to a personal property tax in respect to personal property assessed at two hundred dollars or upwards, who is of the full age of twenty-one years, if not entered upon the list in compliance with the provisions of paragraphs (a), (b) and (c)
- "(e) The name of every tenant who has rented an assessed parcel of land for a period of twelve months immediately preceding the last day of August of that year, and who has duly made application in accordance with the notice hereinafter provided for, and shall also enter in alphabetical order at the end of the previous entries, the names of the wife, husband, father, mother, and of each son and daughter of each person whose name is previously entered
- "(3) If such wife, husband, father, mother, son or daughter is resident with the said person within the City of Red Deer or within the Red Deer Public School District No. 104
- "(4) If he or she is of the full age of twenty-one years
- "(5) If his or her name does not already appear on the voters' list
- "(6) If he or she duly makes application during the months of September and October, in accordance with the notice."

2. Chapter 70 of the Consolidated Ordinances of the North-West Territories, being *The Municipal Ordinance*, and being a part of *The Charter of the City of Red Deer*, is amended by adding after section 48, the following section:

"40a.—(1) For the purpose of enabling the voters who have reason to believe that they will be necessarily absent from their place of residence on the day fixed for the election of Mayor and, or, Councillors for the City of Red Deer, and, or, School Trustees for the Red Deer Public School District No. 104, to vote at an election held for Mayor and, or, Councillors and, or, Trustees, as aforesaid, the Returning Officer shall establish one special polling place, to be known as an 'advance poll,' in a central location in the City of Red Deer, in which advance poll votes may be given by such voters for Mayor and, or, Councillors for the City of Red Deer and, or, Trustees for the Red Deer Public School District No. 104

"(2) An advance poll shall be open and shall be open only between the hours of three and five in the afternoon of Friday and Saturday of the week preceding that of the election

"(3) Except as in this section provided, an advance poll shall be conducted and all things done in respect thereof in the same manner as is provided in this Act for the conduct of an election for Mayor and, or, Councillors and, or, Trustees, in which such advance poll is located.

"(4) The Returning Officer shall publish the place, dates and time fixed for the holding of an advance poll

"(5) A voter who deems it necessary to vote at an advance poll may at any time after the voters' list has been posted, and before the approved copy has been given to the Deputy Returning Officer, apply in person to the Secretary-Treasurer for the City of Red Deer for an advance poll voting certificate, which shall be in the following form:

"CERTIFICATE TO VOTE AT ADVANCE POLL

"This is to certify that (*name, address and occupation as in voters' list*) is a qualified voter for Mayor and, or, Councillor of the City of Red Deer and, or, for Trustees of the Red Deer Public School District No. 104, but on account of his having reason to believe that he will be necessarily absent on the day fixed for the election, he is entitled to vote at the advance poll.

"Dated at Red Deer, Alberta, this . . . day of . . . 19 . . .

"Secretary-Treasurer of the City of Red Deer."

"(6) Such certificate shall be given by the Secretary-Treasurer if the applicant's name appears on the voters' list, and upon the granting of such certificate the Secretary-Treasurer shall mark opposite the name of such voter on the voters' list the words 'Advance poll,' and the Deputy Returning Officer at such voter's home poll on polling day shall deem such person to have already voted.

"Provided that if the elector who has obtained an advance poll certificate does not vote at the advance poll, he shall be entitled to vote on polling day at the poll at which his or her name appears upon the list of voters. Before so voting such an elector shall surrender his advance poll certificate to the Deputy Returning Officer, who shall then and there cancel such certificate and the entry concerning the same on the official voters' list, and such elector shall then be entitled to vote as if such certificate had not been issued.

"(7) An elector presenting a certificate and applying to vote at an advance poll before being permitted to do so, shall be required by the Deputy Returning Officer in charge of the poll and in addition to any other oath which may be required of voters, to make and sign the following declaration which shall be attached to the certificate and kept by the Deputy Returning Officer with the other records of the poll.

"DECLARATION OF AN ELECTOR VOTING AT AN ADVANCE POLL.

"I, (*name, address and occupation as on certificate*), do hereby declare that my name, residence and occupation are correctly set out herein, that I personally applied for and obtained the advance poll certificate now presented and bearing my name, and that I believe that it will be necessary for me to be absent from the place where I am entitled to vote at this election on election day.

"Witness,

"Deputy Returning Officer.

- "(8) Any person who corruptly—
- "(a) for the purpose of obtaining from the Secretary-Treasurer an advance poll certificate makes to such officer any false statement, or
- "(b) forges or fabricates any such certificate, or any name thereon, or not being the person named therein presents any such certificate to any Deputy Returning Officer, or Poll Clerk at any poll, or
- "(c) makes before any Deputy Returning Officer a false declaration as to any statement contained therein, or
- "(d) after having obtained an advance poll certificate, votes or attempts to vote at any other than the advance poll, except upon presentation on election day of such certificate as is provided for herein, or
- "(e) in any other manner contravenes any of the provisions of this Act, is guilty of an offence against this Act and shall be liable on summary conviction to a penalty of not more than one hundred dollars.
- "(9) The Poll Clerk at an advance poll shall record in the advance poll book supplied for the recording of such votes, in a column headed 'Remarks,' after the name of each person who votes, a notation that he has signed the declaration referred to in subsection (7) hereof.
- "(10) At the close of an advance poll on each day, the Deputy Returning Officer and the Poll Clerk, and also any candidate or agent of a candidate present, who desires to do so, shall affix their seals to the ballot box in such a manner that the same cannot be opened or any ballot deposited in it without breaking such seals.
- "(11) The Deputy Returning Officer shall at all times after the opening of the advance poll take every precaution to prevent any person whatsoever, other than the Poll Clerk, during the polling to have access to the ballot box, and no seals placed thereon shall be removed between the opening of the advance poll and the time fixed for the closing of the polls on election day, except only at the opening of the advance poll on the second and third days' polling and then only such seals shall be removed as may be necessary to permit the insertion of ballots in the ballot box.
- "(12) At the close of an advance poll on the third day the Deputy Returning Officer and the Poll Clerk, and also any candidate or agent of a candidate present who desires to do so, shall affix their seals to the ballot box in such a manner that the same cannot be opened, or any ballots be deposited in it, without breaking such seals, and the Deputy Returning Officer shall take charge of and safely keep such ballot box until the closing of the poll on election day, when he and the Poll Clerk shall proceed as directed by section 41 and following sections."

3. Chapter 70 of the Consolidated Ordinances of the North-West Territories, being *The Municipal Ordinance*, and being a part of *The Charter of the City of Red Deer* is amended by repealing subsection 65 of section 95 and substituting therefor the following:

"(65) Authorizing the Mayor and Secretary-Treasurer to sign any contract with any person or corporation to supply electric energy, electric lights, electric power, gas or any other form of light or power for the use of the corporation for any period not exceeding ten years, and to extend the term of any contract already entered into, in respect of any or all of the above purposes, for a period of ten years from the entering into of the said contract."

4. Chapter 70 of the Consolidated Ordinances of the North-West Territories, being *The Municipal Ordinance*, and being a part of *The Charter of the City of Red Deer*, as amended by chapter 36 of the Statutes of Alberta, 1913 (second session), and as further amended by chapter 31 of the Statutes of Alberta, 1916, is further amended by adding to section 124 the following:

"(c) The Council may, on or before the 30th day of September in any year, direct that the assessment on land, including improvements made in the previous year, shall be valid in all respects for the next ensuing year, subject to the rights of appeal,

"Provided that no such direction shall be given in more than two consecutive years

"Provided further that when the assessment is made by adopting the assessment roll of the previous year, in accordance with the provisions hereinafter mentioned, no assessment slip will be sent to any person whose name appears on the assessment roll for such previous year.

(d) When any such application is given, the assessor shall make his assessment by adopting the assessment of the current year and by assessing all assessable parcels, businesses, trades and professions, which do not appear on the assessment roll of the previous year, and shall likewise write the word 'Non-assessable' opposite the description of all property which has ceased to be assessable."

5. Chapter 70 of the Consolidated Ordinances of the North-West Territories, being *The Municipal Ordinance*, and being a part of *The Charter of the City of Red Deer*, is amended by repealing section 117 and substituting therefor the following:

"117. An appeal to the Board of Public Utility Commissioners shall lie not only against the decision of the court of revision on an appeal, but also against the omission, neglect or refusal of the said court to hear or decide an appeal."

6. Chapter 70 of the Consolidated Ordinances of the North-West Territories, being *The Municipal Ordinance*, and being a part of *The Charter of the City of Red Deer*, is amended by repealing section 138 and substituting therefor the following:

"138. In all cases of appeals under the provisions of the preceding sections, the proceedings shall be as follows:

- "(a) The person appealing shall in person or by agent serve upon the Secretary-Treasurer of the municipality, within eight days after the decision of the court of revision, a written notice of his intention to appeal to the Board of Public Utility Commissioners.
- "(b) The Secretary-Treasurer shall immediately after the time limited for filing notice of appeals forward a list of the same to the Board of Public Utility Commissioners, and such commissioners shall fix a day for the hearing of such appeals.
- "(c) The Secretary-Treasurer shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint to the court of revision, but in the event of failure by the Secretary-Treasurer to have the required service in any appeal made, or to have the same made in proper time, the Board of Public Utility Commissioners may direct service to be made for some subsequent day upon which it may sit.
- "(d) The Secretary-Treasurer of the municipality shall cause a conspicuous notice to be posted up, in his office, of the place where the council of the municipality holds its sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the time and place at which a court will be held to hear appeals.
- "(e) The Secretary-Treasurer of the municipality shall be the clerk of such sittings.
- "(f) At the sittings so holden, the Board of Public Utility Commissioners shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at its pleasure, but so that all appeals may be determined before the first day of September.
- "(g) At the sittings to be holden by the Board of Public Utility Commissioners, to hear the appeals heretofore provided for, the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the Board of Public Utility Commissioners, if then given, who shall write their intents opposite any part of the said roll

in which any mistake, error or omission is corrected or supplied, and if the decision is not then given the Secretary-Treasurer of the municipality shall, when the same is given, forthwith alter and amend the roll according to the same, and shall write his name opposite every such alteration or correction.

"(k) In all such proceedings the Board of Public Utility Commissioners shall possess all powers for compelling the attendance of and for the examining on oath of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents and for the enforcement of its orders, decisions and judgments.

"(l) All processes or other proceedings in, about or by way of appeal may be instituted as follows:

"IN THE MATTER OF APPEAL FROM THE COURT OF REVISION  
OF THE MUNICIPALITY OF

Appellant,

and

Respondent.

"(j) The costs of any proceedings before the Board of Public Utility Commissioners shall be paid by or apportioned between the parties in such manner as the Board of Public Utility Commissioners thinks proper.

"(k) The costs chargeable as to be awarded in any case may be the costs of witnesses, and of procuring their attendance and more or less, the same to be taxed according to the allowance by the commissioners for such costs.

"(l) The decision and judgment of the Board of Public Utility Commissioners shall be final and conclusive in every case adjudicated upon and can only be appealed from by a unanimous vote of the Council."

7 Chapter 70 of the Consolidated Ordinances of the North-West Territories, being *The Municipal Ordinance*, and being a part of *The Charter of the City of Red Deer*, as amended by section 16, chapter 34 of the Statutes of Alberta, 1913 (second session), is further amended by striking out the first and second lines of section 156 the words "other than business taxes" and substituting therefor the words "including business taxes."

8. Chapter 70 of the Consolidated Ordinances of the North-West Territories, being *The Municipal Ordinance*, and being a part of *The Charter of the City of Red Deer*, as amended by section 19 of chapter 35 of the Statutes of Alberta, 1914 (second session), is further amended by adding to section 226 the following subsections:

"(1) Every Returning Officer or Deputy Returning Officer shall, while the poll is open, if required so to do by any person whose name does not appear on the last voters' list of the city, administer to such person an oath or affirmation in the following form:

"You do swear (or solemnly affirm) that on the day of \_\_\_\_\_, 19\_\_\_\_ (the date of the final revision of the voters' list), you were entitled to be placed upon the voters' list of the City of Red Deer, and that you still possess the qualifications which would then have entitled you to be placed upon the said list, and that you are the person who is entitled to the possession of \_\_\_\_\_, and that you are the purchaser (or owner) thereof as defined by this Act.

"Sworn (or affirmed) before me at

"And upon such oath or affirmation having been taken, the Returning Officer, or Deputy Returning Officer, shall cause such person's name to be added to the voters' list with the word 'Sworn' or 'Affirmed' written thereafter, according to the fact. If the name of any other person appears on the voters' list as qualified to vote in respect of the land for which the person requiring an oath to be administered to him claims to be entitled to vote, the Returning Officer or Deputy Returning Officer shall not administer an oath or affirmation to such last mentioned person, and such last mentioned person shall not be entitled to vote.

"(3) The qualifications for voters voting upon money by-laws for school purposes in the Red Deer Public School District No. 104 shall be the same as the qualifications for voting upon money by-laws for municipal purposes in the City of Red Deer, and these provisions shall extend to that part of the Red Deer Public School District No. 104 which extends beyond the limits of the City of Red Deer."

9. Subsection 1 (a) of section 1, chapter 39 of the Statutes of Alberta, 1906, is amended by adding after the word "paying" in the second line thereof the word "owing."

10. Subsection 1 of section 2, chapter 36 of the Statutes of Alberta, 1913 (second session), is hereby repealed and the following substituted therefor:

"(4) 'Burgess' means—

"(a) any person who is registered under *The Land Titles Act* as the owner of a freehold estate in possession of land,

"(b) any person who has purchased or otherwise acquired land whether he has purchased or otherwise acquired the land direct from the owner thereof or from another purchaser, and who has not become the owner thereof,

"(c) the principal officers resident in the City of Red Deer or the Red Deer Public School District No. 104 of any incorporated Company, provided the Company has the necessary property qualifications."

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



No 10.

THIRD SESSION  
SIXTH LEGISLATURE  
19 GEORGE V  
1929

BILL

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

Received and read the

First time. . . . .

Second time . . . . .

Third time . . . . .

MR G W SMITH

EDMONTON  
W. D. McLEOD, M.A.'s Printer  
A.D. 1929

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