

BILL

No. 2 of 1937.

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

(Assented to _____, 1937.)

WHEREAS the City of Red Deer has prayed for certain amendments to chapter 42 of the Consolidated Ordinances of the North-West Territories, 1901, and intituled "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. The Municipal Ordinance, being chapter 70 of the Consolidated Ordinances of the North-West Territories, 1901, is hereby amended by adding after section 16 thereof the following section:

"**16a.** Whenever, through inadvertence or otherwise, any mistake, error, wrongful entry or omission whatsoever has been made in the original list or copy, the Secretary-Treasurer upon being notified in writing by any person of such mistake, error, wrongful entry or omission shall revise the said list accordingly; but no such revision shall be made except for the purpose of correcting the spelling of names unless notification is received by the Secretary-Treasurer at least three clear days prior to the date fixed for the general election in the City and unless the assessment roll of the City when compared with the said list shows the latter to be inaccurate or incomplete in the manner complained of in the notification."

2. Section 95 of the said Municipal Ordinance is hereby further amended by striking out subsection 37 as amended and substituting therefor the following:—

"**37.** The council may by by-law require payment of taxes to be made by the taxable person, or corporation, at the office of the Secretary-Treasurer of the City on any day or days and in bulk or by instalment, and it may also provide that on punctual payment in bulk or by instalments a discount not exceeding ten per cent per annum may be allowed.

"In lieu of granting the discount hereinbefore mentioned, the Council may pass a by-law providing for adding a penalty not exceeding eight per cent per annum on the current year's taxes and may make such penalty on a sliding scale in accordance with the time the said taxes or any instalment thereof may remain unpaid."

3. Section 95 of the said Municipal Ordinance is further amended by striking out subsection 81 thereof and by substituting therefor the following:—

"**81.**—(a) Regulating and controlling the erection and design of signs on private property, or in streets or public places within the City.

"(b) Preventing anywhere within the City 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 defacing of walls or fences or anything else within the City by the making of pictures or drawings or by the writing of words thereon."

4. Section 95 of the said Municipal Ordinance is further amended by adding thereto the following subsections:—

"(95) Establishing a system for the collection, removal or disposal of ashes, garbage or other waste matter either as a municipal undertaking or by contract, and establishing rates to be charged for such removal and providing a penalty for refusing or failure to pay such rates for the removal of such material, and providing that such rates may be charged as taxes against any land of which the owner is the occupant.

"(96) Designating certain streets within the City of Red Deer as 'through streets' and requiring all vehicles, including motor vehicles, to come to a full stop immediately before entering any intersection of any 'through street' so designated."

5. The said Municipal Ordinance is further amended by inserting after section 95 thereof new sections, as follows:—

"**95a.**—(1) The Council may pass a by-law for the purpose of creating and proclaiming any day as a civic holiday within the City.

"(2) The Mayor of the City of Red Deer may proclaim any one day as a civic holiday within the City.

"(3) The Council may by by-law require that during the whole or any part of the year any class of shops shall be closed and remain closed on any one day of the week after the hour of twelve o'clock noon or such later hour as may be deemed advisable and on any or all days of the week after the hour of six o'clock in the afternoon.

"(4) A pharmaceutical chemist or chemist and druggist shall not be liable to a fine, penalty or punishment for supplying medicines, drugs or medical appliances after the hour appointed by the by-law for the closing of shops.

“(5) Nothing in the by-law contained shall render the occupier of any premises liable to a fine, penalty or punishment for supplying any article required for immediate use by reason or because of an emergency arising from sickness or death.

“(6) In this section,—

“(a) ‘Shop’ means any building or portion of a building booth, stall or place where goods are exposed or offered for sale by retail or public auction, and barbers’ shops, which shall include ladies’ hair-dressing, manicuring or beauty parlours; but not where the only trade or business carried on is that of a tobacconist, news-agent, hotel, inn, victualling house or refreshment house;

“(b) ‘Closed’ means not open for the serving of customers.

“**95b.** The Council of the City of Red Deer may, by by-law, grant to any officer or employee who has been in the service of the City for at least twenty years, and who, while in such service, has become incapable through age or illness of efficiently discharging the duties of his office, an annual pension or retiring allowance. Any payment of such pension or retiring allowance heretofore made by the City of Red Deer being hereby validated.

“(2) The Council may also pass by-laws for the establishment and maintenance of superannuation and benefit funds for the benefit of the officers, officials and employees of the City and their families, and for providing pensions, gratuities or retiring allowances to any such officers, officials or employees, and for that purpose, if the Council deems fit, to deduct from the salaries of such officers, officials or employees such amounts as the Council may deem necessary or expedient, and for aiding and assisting by annual grant of money or otherwise, the said funds. Any by-law passed under this section may contain any of the sections of *The Superannuation Act*, being chapter 8 of the Revised Statutes of Alberta, 1922, or any modification or adaptation thereof.

“(3) The Council may also pass by-laws for contributing or paying the full amount or any portion of any premium or premiums in respect of any benefit, accident, sickness or life insurance policy or policies or scheme of group insurance for the purpose of insuring all or any employees of the City against sickness, accident or death, as the case may be, provided that this subsection shall be retro-active.”

6. Chapter 39 of the Statutes of Alberta, 1906, is further amended by inserting after the word “oiling” in subsection (1a) of section 3 thereof, the words “hard surfacing”.

7. Chapter 39 of the Statutes of Alberta, 1906 is amended by inserting in section 63 thereof a new subsection (2);
“(2) Sections 60, 61 and 62 of this Act shall apply to any

area outside the City of Red Deer supplied by the City with electric or other artificial light, heat or power.”

8. Section 16 of chapter 36 of the Statutes of Alberta, 1913, second session, is hereby repealed and the following substituted therefor:

“In the event of the taxes, including business taxes, remaining unpaid on 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 not more than eight per cent of such taxes remaining unpaid, and penalties for the succeeding years, not exceeding eight per cent per annum, shall be added to the taxes in the manner aforesaid and so on from year to year until the taxes and penalties are paid. All penalties so added shall form part of the taxes which, by section 14 hereof, are created a special lien upon the land, but nothing in this section 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 or any other Act for the collection of taxes.”

9. Section 27 of chapter 36 of the Statutes of Alberta, 1913, second session, is hereby repealed and the following substituted therefor:

“**27.** Save as otherwise by law provided no action shall be brought by reason of the death of or any injury to any person or any injury to the property of any person arising out of any accident alleged to be due to the negligence of the City, its officers or employees, unless notice in writing of the accident and the cause thereof has been served upon the Secretary-Treasurer within sixty days of the happening of the accident, except in the case of personal injury caused by snow or ice on a sidewalk, in which case such notice shall be served within ten days of the happening of the accident and any action for damages brought in respect thereof shall be commenced within six months after such right of action has arisen, otherwise the right of action shall be barred and extinguished.”

10. Section 14, chapter 64 of the Statutes of Alberta, 1919, is hereby repealed and the following substituted therefor:

“**14.**—(1) Notwithstanding the provisions of *The Tax Recovery Act, 1929*, the Council of the City of Red Deer at any time before any land within its boundaries has been finally acquired by it may enter into an agreement with the owner thereof or with any person having any estate or interest therein or any charge thereon for the payment of the arrears of taxes upon such land, upon such terms and conditions as the Council shall think just and reasonable. The Secretary-Treasurer upon being notified of such agreement shall,—

- “(a) If no tax notification has been filed as in said Act provided, exclude or withdraw such land from the list of lands liable to be dealt with under the provisions of the said Act;
- “(b) If a tax notification has been filed, but a certificate of title has not been issued to the City, notify the Registrar to stay the issue of such certificate until he is required by the Secretary-Treasurer to issue the same.
- “(2) All agreements heretofore made by said Council for the purpose aforesaid are hereby validated and confirmed.
- “(3) If default be made in the performance or observance of any of the terms, conditions or provisions of any such agreement and such default is continued for one calendar month, the Secretary-Treasurer shall notify the defaulter to remedy his default within two months. If the default is not remedied the Secretary-Treasurer shall notify the said Council, who may revise or modify or cancel the existing agreement or enter into another agreement.
- “(4) In case the said Council shall cancel any agreement the Secretary-Treasurer shall,—
- “(a) If a tax notification has not been filed, place the lands mentioned in the agreement on the next list of lands liable to be dealt with under the provisions of the said Act;
- “(b) If a tax notification has been filed but no certificate of title issued to the City, notify the Registrar that he requests him to issue a certificate of title to the City at any time after one year from the filing of the tax notification;
- “If the land mentioned in such cancelled agreement has been withdrawn from the list of lands to be offered for sale, such land shall upon cancellation of the agreement become and be land finally acquired by the City within the meaning of the said *The Tax Recovery Act*.

11. Chapter 64 of the Statutes of Alberta, 1919 is hereby further amended by inserting the following new section:

“**14a.** Where a tax notification pursuant to section 5 of *The Tax Recovery Act, 1929*, has heretofore or shall hereafter be filed, the City shall be entitled to protect by action or otherwise any lands mentioned in the said notification from spoliation or waste until it receives a certificate of title thereto pursuant to the said Act, and if such land is unoccupied during the said period and remains unoccupied for three months, the City may enter into possession thereof and from time to time rent the same and expend such moneys as may be reasonably necessary to keep any buildings thereon in tenantable repair and to expend moneys for fire insurance upon any buildings upon such land, such expenses to be deducted from any rentals received or added

to the taxes thereon, but the net revenue shall, in the event of such land being redeemed, be a credit to the owner on account of the moneys required to redeem.

12.—(1) The Council of the City of Red Deer may by by-law, assented to by a majority of the burgesses voting thereon from time to time, contract debts for acquiring for any purposes whatsoever such lands as the Council shall deem it expedient to acquire.

(2) It shall not be necessary in any such by-law to state by recital or otherwise the land or lands proposed to be acquired or the purpose or purposes for which it is intended to acquire the same; but a statement that the purpose of creating the debt is "for acquiring land for general unspecified purposes" shall be sufficient.

(3) Any land or lands so acquired may be held, improved, used, leased, sold or otherwise disposed of without the matter being referred to the burgesses, as the Council shall from time to time see fit.

(4) The proceeds of the sale of any lands so acquired may be used for acquiring other lands or invested in the same manner as sinking funds, or be used for or loaned to any of the City's public utilities, upon such terms as the Council may deem proper.

(5) All income derived from said lands, or from the investment of the proceeds arising from the sale thereof, may be appropriated by the Council as if it were money raised by general rate for general municipal purposes.

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

THIRD SESSION
EIGHTH LEGISLATURE
1 GEORGE VI
1937

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. HOOKE.

EDMONTON:
A. Shnitka, King's Printer
1937