

REPRINTED BILL

BILL

No. 5 of 1942.

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

(Assented to _____, 1942.)

WHEREAS the City of Red Deer has prayed for certain amendments to chapter 42 of the Consolidated Ordinances of the North-West Territories, 1901, entitled "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. Section 95 of Chapter 70 of the Consolidated Ordinances of the North-West Territories, being The Municipal Ordinance and being part of the Charter of the City of Red Deer, is amended by adding the following new subsection:

"(99) The City of Red Deer may by by-law authorize the police of the said city to impound the bicycles of any and all minors operating a bicycle in contravention to any provisions of the by-laws of the city and to retain the same impounded for a first offence for a period of seven days and for a second offence for a period of fifteen days, provided a parent of such minor does not serve the chief of police or other official of the city with a notice in writing objecting to such impounding. If a parent does serve the said notice, then in case such minor is convicted of an offence under the provisions of any by-law of the city with respect to the use of a bicycle within the city, and the magistrate or justice of the peace so convicting may, in addition to any penalty imposed in respect of any such offence, order and direct the impounding by the police of the bicycle concerned in the commission of such offence for a period not exceeding thirty days."

2. Section 122 of chapter 70 of the Consolidated Ordinances of the North-West Territories, being the Municipal Ordinance and being part of the charter of the City of Red Deer as amended by section 12, chapter 36, Statutes of Alberta, 1913, (second session), and as further amended by section 2 of chapter 65, Statutes of Alberta, 1923, is

amended as to subsection (5) by striking out the words "or hospital owned by a corporation" and the words "or municipal hospital" and by adding as subsection (5b):

"(5b) The land not exceeding ten acres of and attached to or otherwise *bona fide* used in connection with and for the purpose of a municipal hospital."

3. Section 27 of chapter 36, Statutes of Alberta, 1913, (second session), as amended by chapter 3, 1937, is further amended by adding thereto subsections (2) and (3):

"(2) Provided that, except in the case of gross negligence, the city shall not be liable for injury to property or person caused by snow, ice or slush on any sidewalks, streets, highways or lanes in the City of Red Deer, or for want of repair to any sidewalk.

"(3) On any trial or other proceedings before any court or board of arbitrators no evidence shall be receivable of any act done by the city or any of its officials or agents in any way altering or repairing the place where such accident took place and no comments shall be made of such altering or repairing by any of the parties, or counsel, in the case."

4. Section 122 of chapter 70 of the Consolidated Ordinances of the North-West Territories, being the Municipal Ordinance and being part of the charter of the City of Red Deer as amended by section 12, chapter 36, Statutes of Alberta, 1913, (second session), is amended by adding to section 122 the following:

"(9) Land not in excess of one acre in extent held by or for the exclusive use of any local unit or branch of the Canadian Legion of the British Empire Service League, the Army and Navy Veterans Association, or any other organization of returned soldiers from time to time approved by the Minister, and any building thereon occupied by such unit or branch."

5.—(1) Where the City of Red Deer pays the hospital account to an approved hospital on behalf of any resident of the city, the amount so paid shall be a lien on any equity the said resident then has in any land within the limits of the said Red Deer Municipality, and shall be assessed on any subsequent assessment made by the City of Red Deer against the said resident. The equity in any property of a husband and wife, or either of them, shall be liable for the hospital fee so paid on behalf of either the husband or wife or any children under the age of twenty-one years.

(2) The hospital fee so paid, whether a lien on land or not, if unpaid in the case of a resident of the municipality for fourteen days, or in the case of a non-resident for one month after the mailing of a tax notice, the secretary-treasurer may levy the same, with costs, by distress as a landlord may recover rent in arrears either,—

- (a) upon the goods or chattels of the person taxed wherever found within the Province; or
- (b) upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition; or
- (c) upon the goods and chattels in the possession of the person taxed, where title to the same is claimed,—
 - (i) by virtue of execution against the person taxed;
 - (ii) by purchase, gift, transfer or assignment from a taxable person or occupier, whether absolute or in trust, or by way of mortgage or otherwise; or
 - (iii) by the wife, husband, daughter, son, daughter-in-law, or son-in-law of the person taxed or by any other relative of his in case such relative lives with the person taxed or assists him in his business;
- (d) and also upon the goods and chattels or interest therein (*as the case may be*) falling within any of the classes mentioned in the foregoing clauses of this section, of any person who occupies the premises as purchaser of the business theretofore carried on therein by the person taxed.

6. The council of the City of Red Deer may, by resolution, authorize,—

- (a) the investment of the surplus funds of any utility owned by the City of Red Deer at any time and from time to time in securities of the Dominion of Canada or any debentures or securities the payment of which is guaranteed by the Dominion of Canada;
- (b) apply the said surplus funds towards payment or redemption in whole or of any part of the debenture debt of the city or any of the debentures representing or constituting such debt or any part of it though not then payable.

7. The council of the City of Red Deer is hereby empowered by resolution to make grants not exceeding \$700.00 in any calendar year for worthy, charitable or war purposes:

Provided that the grant for any single project shall not exceed \$150.00 in any calendar year.

8. The secretary-treasurer may from time to time by writing under his hand appoint any person to make and execute any levy which the secretary-treasurer is authorized to make pursuant to the charter of the City of Red

Deer; and any person so appointed shall have the same powers to make and execute the levy as are conferred upon the secretary-treasurer.

9.—(1) All taxes due in respect of any parcel of land, and whether or not any proceedings are pending for the recovery thereof under any Act relating to the recovery of taxes shall be a first charge upon any money payable under any policy of fire insurance in respect of any building or erection thereon save and except only where such policy has been effected and is maintained by a mortgagee, or vendor, of the land for his own protection.

(2) The insurer shall within forty-eight hours of receiving notice of loss under any such policy of fire insurance, notify by registered mail the City of Red Deer of such notice of loss.

(3) The City of Red Deer shall within ten days after the receipt of the notice from the insurer, notify such insurer by registered mail of the full amount of the taxes due in respect of the parcel forming the site of such building or erection, together with all buildings and erections thereon.

(4) Whenever any insurer becomes liable for the payment of any money under any policy of fire insurance in respect of any building or erection in the City of Red Deer, such insurer shall, subject to the rights of any mortgagee or vendor as provided in subsection (1), pay to the City of Red Deer the full amount of the taxes stated to be due to the City of Red Deer in the notification received by the insurer from the said city, or in case the amount which the insurer is liable to pay is insufficient to pay the full amount of the taxes, such insurer shall pay to the city the full amount for which it is so liable; and upon any such payment being made, the amount for which the insurer paying the same is liable under the policy shall be reduced by the amount of such payment.

10. The council may enter into contracts with any or all of the physicians and surgeons in the City of Red Deer for the purpose of giving medical care to the unemployed, and all moneys paid by the City of Red Deer for such purposes are hereby validated and confirmed.

11.—(1) The council may, by resolution, from time to time exempt the frontage tax in connection with sewerage and waterworks for that year charged to any parcel of land in excess of that charged on the actual frontage of the same.

(2) All assessments made for frontage taxes are hereby ratified and confirmed.

(3) All future by-laws creating frontage taxes shall tax each parcel of land according to the number of lineal feet measured along the front and other abutting portions of each parcel of land.

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

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No. 5.

SECOND SESSION
NINTH LEGISLATURE
6 GEORGE VI
1942

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. SPEAKMAN.

EDMONTON:
A. Shnitka, King's Printer
1942