



CHAPTER 75

An Act to amend the charter of the City of Montreal

[Assented to, the 22nd of June, 1940]

WHEREAS it is necessary to again amend the ^{Preamble.} charter of the city of Montreal, the act 62 Victoria, chapter 58, and the acts amending it;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

ELECTION OF COUNCILLORS

1. Beginning with the election of the month of ^{Composition} December, 1940, the council of the city of Montreal ^{of council.} shall consist of a mayor and of ninety-nine councillors.

2. For the municipal elections, the territory of ^{Districts for} the city of Montreal is divided into eleven districts ^{municipal} designated and described as follows: ^{elections.}

District number One: St. Paul, St. Henry and St. Cunegonde wards;

District number Two: St. Gabriel, St. Anne and St. Joseph wards;

District number Three: Notre-Dame de Grâces ward;

District number Four: Mount Royal, St. Andrew, St. George and St. Lawrence wards;

District number Five: St. Michael, Crémazie, St. Louis and Laurier wards;

District number Six: St. Edward, St. John and Montcalm wards;

District number Seven: St. Denis and Delorimier wards;

District number Eight: St. Jean-Baptiste, Lafontaine, St. James, Ville-Marie and Bourget wards;

District number Nine: Rosemont, St. Eusèbe and Préfontaine wards;

District number Ten : Papineau, St. Mary, Hochelaga, Maisonneuve and Mercier wards;

District number Eleven: Villeray and Ahuntsic wards.

Representa-
tion of each
district.

"Councillors
A".

"Councillors
B".

Bodies ap-
pointing
councillors.

3. Each district shall be represented in the council by six councillors. Three shall be elected by the elector-proprietors alone and shall be designated: "Councillors A". The other three shall be elected by all the electors of the district, and shall be designated: "Councillors B".

The other thirty-three councillors shall be appointed by the following bodies:

Montreal Board of Trade;

Chambre de Commerce du District de Montreal;

La Chambre de Commerce des Jeunes du District de Montreal;

Montreal Junior Board of Trade;

The Royal Institution for the Advancement of Learning;

Montreal University;

Le Conseil Central des Syndicats Catholiques Nationaux de Montréal;

Canadian Manufacturers Association, Montreal Branch;

Retail Merchants Association of Canada, Inc., Province of Quebec section, Montreal office;

Persons acting under the name of Trades and Labour Council of Montreal;

City Improvement League;

Montreal Citizens Committee;

The Property Owners' League of Montreal,—

each body appointing three councillors, except the four firstly above mentioned, the first two each appointing two councillors and the next two each appointing one councillor. The councillors of this third category shall be designated: "Councillors C".

"Councillors
C".

How coun-
cillors ap-
pointed by
public body.

4. On the day and at the time fixed for the nomination of candidates to be elected by the electors, each

public body hereinabove-mentioned shall produce in the hands of the clerk of the city of Montreal a certified copy of the resolution of its board (or local board mentioned) appointing the councillors whom it is charged with appointing in virtue of this act. For the adoption of such resolution, each body shall follow the procedure governing it for acts of mere administration. The councillors so appointed shall be immediately proclaimed elected.

5. At any election, if, for a district, candidates in a category to the number only of councillors to be elected or less than the number required have been nominated, the election shall be closed for such category and those nominated shall be declared elected. If, for a district, more candidates have been nominated in a category than the number of councillors to be elected, the three candidates obtaining the greatest number of votes on the day of voting shall be elected. In case the votes are equally divided, the returning-officer shall cast his vote if necessary to determine the result.

Election by acclamation.

Vote.

Castling-vote.

6. If in a district a candidate for election by the electors retires or dies before the close of the voting, the election shall be continued for the other candidates in the same category; but if following such death or such retirement there remain candidates only to the number of councillors to be elected, the election for such category shall be closed and the remaining candidates shall be declared elected.

Candidate dies, etc., before close of voting.

7. The deposit to be made at the time of his nomination, by each candidate for election by the electors, shall be two hundred dollars.

Deposit.

8. No one may be nominated for the office of councillor A, nor be elected to such office, nor occupy or exercise it, unless he possesses as owner, in his own name or in the name of his wife, immoveable property of the value of at least one thousand dollars, after deducting all charges affecting it, such value to be established by the valuation roll in force at the date of nomination.

Condition to be elected, etc., as councillor A.

9. Paragraph *a* of article 25 of the act 62 Victoria, chapter 58, as replaced by the acts 2 George V, chapter 56, section 3, and 11 George V, chapter 112, (schedule

62 Vict. c. 58, art. 25, am.

B), section 10, and amended by the act 25-26 George V, chapter 113, section 1, is replaced by the following:

Qualification
for office.

“a. if he is not a municipal elector for the past three years, and, for the office of mayor, if he has not resided in the city for the past year at least, and, for the office of councillor, if he does not satisfy one of the following three conditions:

1. have his residence in the city;
2. have his chief place of business therein and his residence in the Island of Montreal;
3. exercise his profession, art or trade in the city of Montreal, not have a place of business anywhere and have his residence in the Island of Montreal.”.

Voting.

10. Every elector voting at the election of councillors shall cast as many votes as there are councillors to be elected for whom he is entitled to vote but he shall not vote more than once for the same candidate; otherwise his ballot shall be null.

Elector whose
name has
been omitted
from list.

11. The clerk of the city shall, on the day of voting, grant, upon production of a certificate of the chief assessor, the right to vote to an elector whose name has been omitted from the list of electors by error although appearing on the valuation roll or on the tax collection roll and who possesses the qualifications required by law in order to vote. Such elector shall only be entitled to exercise such right to vote if he takes oath before the deputy returning-officer that he has not already exercised such right and that he has the necessary qualifications to vote.

Oath to be
taken.

Identifica-
tion card not
obligatory.

12. The identification card shall not be obligatory for municipal elections in the future.

Grouping of
polling-
stations.

13. The returning-officer may, at his discretion, group polling-stations in public halls, schools or other spacious premises. School boards shall, on the day of voting, give a holiday to the scholars attending the school-houses which shall have been thus chosen as polling-stations.

School-
houses.

Insufficient
councillors
appointed or
elected.

14. If one of the bodies enumerated in section 3 does not make, in the above-mentioned manner, the appointments it has to make, if the number of councillors appointed by such bodies is less than thirty-

three, or if the number of councillors to be elected as councillors in a category for a district have not been nominated, these vacancies shall be filled by the council at its first meeting after the election, by choosing qualified persons amongst the electors of Montreal. All the councillors shall be entitled to vote to fill these vacancies. All councillors to vote.

15. Any vacancy in the office of councillor, other than that provided for in the preceding section, shall be filled by the council at its first meeting after such vacancy. For the appointment of such substitute, only the councillors in the same category as the person to be replaced shall be entitled to vote. Vacancy. Right to vote.

16. Any vacancy occurring in the council before the election of the month of December, 1940, shall be filled by the council within thirty days, and, in case of its failure so to do, the said vacancy may be filled by the Lieutenant-Governor in Council. Vacancy before election of December, 1940.

17. Beginning with the election of the month of December, 1940, the office of councillor shall be gratuitous, a councillor not being entitled to receive any remuneration or indemnity whatsoever, either directly or indirectly, for his services as councillor. Office of councillor gratuitous.

18. In all other respects, the procedure for the election of the mayor and of the councillors shall be that indicated in the city charter, altering the forms where needed. Provisions applicable for election.

Whenever, in the case of the election of mayor and of councillors, the making of the list of electors and the exercise of the right to vote, the word: "ward" is met with in the charter, it shall mean "district". Word: "ward" shall mean: "district."

19. Whenever the word "alderman" is met with in the acts governing the city of Montreal or in the by-laws, resolutions or other documents, this word shall mean "councillor". Word: "alderman" shall mean: "councillor".

20. The mayor and aldermen elected in 1938 shall remain in office until the month of December, 1940,—as to the mayor until the day on which his successor shall have taken the oath of office required by law, as to the aldermen until election day, and as to the mem- Duration in office of present mayor, etc.

bers of the executive committee until their replacement according to the provisions of this act.

1 Geo. VI, c. 103, s. 102, is repealed. **21.** Section 102 of the act 1 George VI, chapter 103, is repealed.

COUNCIL MEETINGS

22. The regular meetings of the council shall be held four times a year, namely on the 1st of March, 1st of June, 1st of September and 2nd of November. If any such date falls on a Saturday or a non-judicial day, the meeting shall be held on the following judicial day.

After each general election, it shall be the clerk's duty to convene the council meeting contemplated in the following section for the appointment of the members of the executive committee and of the leader of the council and to fill the vacancies contemplated by section 14.

No other special meeting, except that contemplated in article 26 of the city charter, when the replacing of the mayor is concerned, may be called save at the request of the executive committee.

If, at any special or regular meeting, the business submitted could not be entirely disposed of on the first day, the council may adjourn to the following judicial day and then from day to day, if necessary, for the consideration and dispatch of unfinished business.

Whenever a category of councillors is called upon to vote, the quorum shall be eleven.

A by-law may be adopted by the council without previous notice; its inscription on the agenda paper suffices.

No business entered on the agenda paper may be adjourned to another council meeting except with the consent of two-thirds of the members present.

The agenda paper for a council meeting must be drawn up by the executive committee, be deposited in the clerk's office at least three days before the date of the meeting and a copy thereof must be sent, by mail, to each member of the council at the same time as the notice of the meeting.

Such agenda paper must contain a detailed enumeration of the business which will be submitted to the council.

This section shall only apply after the general election of the month of December, 1940. When section to apply.

EXECUTIVE COMMITTEE

23. At its first meeting, which shall be held within thirty days following a general municipal election, the council shall appoint from amongst its members six councillors who shall form the executive committee, two of whom to be appointed by the councillors of each of the three categories. Executive committee.

The chairman of the executive committee shall be designated by the council at the time of the election of such committee. The council shall appoint at the same time an acting chairman of the committee who, in the absence of the chairman or in the event of a vacancy in such office, shall exercise all the powers with which the chairman is vested by law, except that the acting chairman shall have only one vote as a member of the committee. Chairman thereof. Acting-chairman.

Each member of the committee shall have one vote, but, in the event of a tie, the chairman of the committee shall have a casting vote. Chairman to have casting-vote.

Four shall constitute a quorum at meetings of the committee. Quorum.

Any vacancy in the executive committee shall be filled by the council at the meeting following such vacancy, and only the councillors in the category who appointed the person who is to be replaced shall be entitled to vote in the council upon such appointment. Vacancies.

The chairman of the executive committee shall receive an annual indemnity of ten thousand dollars, and each of the other members of the committee, an annual indemnity of seven thousand dollars, from the time of their appointment until the date of the appointment of their successors. Indemnities.

The members of the executive committee shall be eligible for reëlection. Eligibility for re-election.

24. The council may also appoint, at the same meeting as that at which the executive committee has to be appointed, a leader whose duties shall be determined by the council. The reports of the executive committee to the council shall, however, be presented to the council by the committee's chairman, or, in his absence, Leader of council. Reports of executive committee.

No indemnity for leader.

by another member of the committee. The leader shall not receive any indemnity for his services as such.

Meetings of executive committee.

25. The meetings of the executive committee shall be held at the place, date and hour fixed by the regulations which it may adopt under section 21*d* of the city charter.

Decisions taken during sitting.

The decisions of the executive committee must be taken during the sitting.

Work done by day labour.

26. The executive committee may have work done by day labour without the council's consent, when the cost of the work does not exceed five thousand dollars.

Contracts.

27. The executive committee may, after calling for tenders and without the council's authorization, award any contract the price whereof does not exceed the amount placed at its disposal for the purpose.

Conclusions by director of departments.

28. The director of departments may place on file, if he deems it expedient, his own conclusions upon any matter submitted to the executive committee.

Reports furnished to director of departments.

29. Every municipal officer or employee shall be bound to furnish to the director of departments such reports as the latter may ask for.

Commissions abolished.

30. The Sewers Commission and the Waterworks Commission are abolished.

Number of administrative departments.

31. There may be more than seven administrative departments.

City representatives in Montreal Metropolitan Commission.

32. The mayor and the members of the executive committee to be appointed after the municipal election of the month of December, 1940, shall, with the city auditor, represent, during their term of office, the city of Montreal on the Montreal Metropolitan Commission. They shall be replaced as such representatives by the mayor and the members of the executive committee to be appointed after each general election.

13 Geo. V, c. 105, s. 8, etc., repealed.

33. Section 8 of the act 13 George V, chapter 105, as replaced by the act 18 George V, chapter 120, section 18, as well as the resolutions passed in virtue of such

section, are repealed from and after the date of the municipal election of the city of Montreal of the month of December, 1940.

34. The consent of the council shall not be required for the sale of immoveables whereof the city is owner, when the sale price does not exceed five thousand dollars. Sale of immoveables.

LOANS

35. The approval of the elector-proprietors shall no longer be required for any loan or renewal of a loan that the city has the power to effect. Approval not required.

36. The restrictions upon the general borrowing power of the city, established by sections 343 and 343a of the city charter, are abolished. Restrictions abolished.

Any loan or renewal of loan that the city is authorized to effect may be so done by way of bonds or debentures in series, or may be stipulated to be redeemable by a sinking-fund. How loans, etc., effected.

37. Section 88 of the act 1 George VI, chapter 103, is repealed, and section 35 of the act 19 George V, chapter 97, shall again come into force as if it had never been repealed, save that section 3 of chapter 111 of the Revised Statutes of Quebec, 1925, shall apply to the city of Montreal in so far as the loans authorized by the acts concerning unemployment relief, 21 George V, chapter 2, 22 George V, chapters 2 and 3, and 23 George V, chapter 2, and their amendments, are concerned. 1 Geo. VI, c. 103, s. 88, repealed.
19 Geo. V, c. 97, s. 35, reënacted, etc.

38. Section 36 of the act 2 George VI, chapter 105, is repealed. 2 Geo. VI, c. 105, s. 36, repealed.

39. For the fiscal years 1940-1941, 1941-1942 and 1942-1943, the city shall not be obliged to pay any sum of money into the sinking-fund for its indebtedness, nor to pay interest on the city's bonds or debentures which form part of such fund. Sinking-fund, etc.

REVENUE

40. Any surplus of revenue, as established by the director of finance, for a fiscal year, may be counted as revenue for a subsequent fiscal year. Surplus of revenue.

- Provisions not applicable.** **41.** The acts 1 George VI, chapter 59, and 2 George VI, chapter 59, shall not apply to the city of Montreal from the first of July, 1940, and after such date section 27 of the act 7 George V, chapter 60, as replaced by section 64 of the act 8 George V, chapter 84, shall apply to all taxes and arrears of taxes due to the city.
- Interest on arrears of taxes.**
- Retaining of certain sum.** **42.** From the first of May, 1940, up to the thirtieth of April, 1941, the city shall retain, out of the amounts that it is called upon to pay for electric energy supplied for municipal purposes, a sum of three hundred and fifty thousand dollars, by way of one twelfth each month.
- Sum to form part of ordinary revenue of city.** Such sum of three hundred and fifty thousand dollars shall form part of the ordinary revenue of the city for the fiscal year 1940-1941.
- Removal of maximum as to taxation.** **43.** Every tax that the city is authorized to impose and levy under the law may be imposed and levied for a greater amount or at a higher rate than the maximum amount or rate fixed by law.
- Exceptions.** This section shall not apply to the taxes provided for in sections 44, 45, 46 and 48 of this act, nor shall it apply to the school tax, to the special taxes to pay the cost of sewers, sidewalks, paving, canalization or expropriation, to the income tax, to the sales tax, and to the surtax imposed in virtue of section 29 of the act 24 George V, chapter 88, and of section 50 of the act 23 George V, chapter 123.
- Tax on radios.** **44.** The city may levy upon any person, possessing, under any title whatsoever, in the city of Montreal, one or more radio receiving sets, except for sale, a special annual tax not exceeding two dollars per set, whether such set be in an immoveable, a motor vehicle or elsewhere.
- Idem.** Only one tax or one license may be exacted for all the radio receiving sets kept in the same residence. Every separately occupied dwelling or apartment shall, for such purpose, be deemed a separate residence, as likewise every room or suite of rooms leased or sub-leased separately in a hotel, house or other immoveable.
- Tax imposed as license.** Such tax may be imposed and levied in the form of a license. Section 365 of the charter shall apply to such tax, except that no license may be granted for part of a year.
- Provision applicable.**

45. In addition to the special tax provided for by section 11 of the act 25-26 George V, chapter 112, the city may levy upon any person or partnership subscribing to a telephone in the city of Montreal, a monthly tax at the following rate: twenty-five cents per set connected directly with a central exchange; ten cents per extension set; in the case of a private exchange, twenty-five cents per line connecting such exchange with the central exchange and ten cents per extension set. Such tax shall not be due for instruments for public use (public and semi-public pay stations) upon immediate payment of a fixed price for each call. Tax on tele-
phones.

The amount of the tax so imposed shall be added to its monthly invoices by the company supplying the telephonic service and such company must collect the said tax as the agent of the city of Montreal for such purpose and must remit it to the city on such dates as the latter may fix. The city may indemnify the company for the additional expenditure occasioned to it by the collection of the said tax. Collection
thereof.

Indemnity
for collection.

The provisions of section 10 of the act 25-26 George V, chapter 112, shall apply to such tax, *mutatis mutandis*, the company being considered as the seller and the debtor of the tax as the purchaser. Provisions
applicable.

46. The city may levy annually upon every person or partnership possessing, under any title whatsoever, except for sale, one or more motor vehicles within the city of Montreal or within the city of Westmount, the city of Outremont, the town of St. Pierre, the town of Montreal-East and the town of La Pointe aux Trembles, where the water from the waterworks of the city of Montreal is distributed by the latter, a special water tax not exceeding five dollars for each such vehicle. Such tax shall be payable at the Montreal city hall on the first of September and shall carry privilege upon every such vehicle and upon the moveable property and effects of the debtor. Water tax on
motor
vehicles.

Paragraphs 12, 12a, 13, 14 and 16 of the act 25-26 George V, chapter 112, section 10, shall apply to the tax authorized by this section. Provisions
applicable.

47. Notwithstanding any law, resolution, by-law or other act to the contrary, the water tax due to the city of Montreal may be claimed as well from the owner of the occupied immoveable as from the tenant, Collection of
water tax.

occupant or other possessor of such immoveable, or from any subsequent acquirer, even when such owner, possessor or occupant is not entered on the roll imposing the tax. Such tax shall, without registration, constitute a privileged claim upon such immoveable. The person who, not being the principal debtor, is compelled to pay the tax, shall be subrogated in the city's recourses against the latter and may sue for the recovery thereof in the same manner as the city itself could do, before the Recorder's Court of the city of Montreal, which has jurisdiction to hear and decide such suits.

Tax constitutes privileged claim.

Subrogation.

Application of provisions of this section, etc.

The provisions of this section shall likewise apply to the territory of the cities of Westmount and Outremont and to that of the towns of St. Pierre, Montreal-East and La Pointe aux Trembles, as if it formed part of the territory of the city of Montreal. It shall be the duty of the clerk or secretary-treasurer of each of such cities and towns to transmit to the chief assessor of the city of Montreal, on demand, a certified copy of the valuation roll in force in his municipality.

Addition to certain special tax.

48. The city is authorized to add, annually, for a period not exceeding ten years inclusive of the fiscal year 1940-1941, a sum, not exceeding ten cents per hundred dollars of valuation, to the special tax contemplated in the second paragraph of section 23 of the act 6 George V, chapter 44, as replaced by the act 22 George V, chapter 105, section 40, and amended by the act 23 George V, chapter 123, section 36.

Tax on gasoline pumps.

49. The city may impose and levy an annual tax for every pump used in the sale of gasoline; the rate of such tax may be different according to whether the pump be installed in a building or in the open air, or whether the delivering of gasoline be effected in the street or on private ground.

How certain taxes imposed.

50. The taxes contemplated in sections 44, 45 and 46 shall be imposed without the necessity of entering them in any collection roll.

Imposition, etc., of taxes, etc., by resolution.

51. Upon the coming into force of this act, the executive committee and the council shall, within the delay fixed by the Quebec Municipal Commission, by mere resolution, without prior or subsequent for-

mality, impose the taxes, licenses or permits fixed by the said Commission, including the taxes the imposition whereof is by this act authorized, amend, if need be, the by-laws or resolutions already in force imposing the taxes, licenses or permits for the fiscal year 1940-1941, and amend or remake the budget which was automatically adopted on the 25th of May, 1940, in accordance with the provisions of this act.

Every such resolution and every order of the Commission imposing taxes and amending the budget shall come into force and be obligatory forthwith, and shall have effect from and after the 1st of May, 1940, except the tax contemplated in section 45 which shall have effect as from the 1st of July, 1940.

Coming into force of resolutions.

52. Notwithstanding any law to the contrary, the interest derived from the consolidation of tax arrears shall be devoted exclusively to the payment of the interest on the loans effected for such purpose.

Use of interest on tax arrears

MISCELLANEOUS

53. The city is authorized to contribute to War works and to the establishment of an airport on the Island of Montreal.

War Airport, etc., on Island of Montreal.

Every contribution shall be charged against revenue and may be apportioned over a number of years.

How contribution charged, etc.

54. The immoveable known as *Institut Nazareth*, situated on the Queen Mary Road, belonging to the Grey Nuns and at present occupied by the Dominion Government for military purposes, shall be exempt from the general municipal and school taxes and shall be so exempt as long as it shall be so occupied by the Dominion Government.

Institut Nazareth, exempt from taxation.

55. The Royal Institution for the Advancement of Learning shall enjoy tax exemptions and privileges identical to those granted to the Montreal University Administration Society by the act 3 George VI, chapter 69, section 17. Such tax exemptions and privileges shall not extend to immoveables held by such institutions in order to derive revenue therefrom.

Royal Institution, for Advancement of Learning to enjoy tax exemptions, etc. Limitation.

56. In the case of subdivision of land and in the case of several lots being valued as a whole, if the owner

Apportionment of taxes for subdivided land.

desires to sell or to transfer some of the subdivided lots, or if he desires to sell or to transfer a part of the lots valued as a whole, the adjustment and the apportionment of the taxes shall be determined by the director of finance and by the chief assessor, and the said apportionment shall not be authorized by the executive committee except upon the conditions determined by the said director and assessor. The chief assessor and the director of finance shall, following such resolution, amend the original roll of real estate taxes accordingly, and the city shall retain its privilege for its taxes, in accordance with the said apportionment. As for the taxes for local improvements they shall be apportioned in accordance with section 25 of the act 24 George V, chapter 88.

Amendment of original roll.

Provisions applicable.

57. Notwithstanding the Act respecting expropriation (4 George VI, chapter 71), the expropriations made by the city shall be governed by the provisions in force prior to the sanction of the act 1 George VI, chapter 93.

Provisions governing expropriations.

58. The permanent officers and employees of the city belonging to the inside service shall take the oaths before the clerk, in the form "A" of this act.

Oath of permanent officers, etc.

The city clerk is authorized to administer these oaths.

By whom oath administered.

The city clerk shall likewise take the same oaths before a judge of the Superior Court. The present officers and employees shall take these oaths within thirty days from the sanction of this act.

Oath of city clerk, etc.

59. The appointments provided for in sections 15, 16 and 23 of this act may be made after the delay fixed, so long as they have not been made by the Lieutenant-Governor in Council who may make them at any time after the delay has expired.

Appointments made after delay.

60. The provisions of this act, in case of incompatibility, shall prevail over all those that are to be found in the charter of the city of Montreal, the act 62 Victoria, chapter 58, and its amendments, and in every other general law or special act governing the city of Montreal except the act 4 George VI, chapter 77.

Provisions of this act to prevail.

61. The Lieutenant-Governor in Council is empowered to enact such orders-in-council as shall be deemed necessary or expedient to make up for any omission, error or insufficiency in this act, or to remedy any contradiction which may exist.

All orders-in-council so enacted shall have force of law and be executory. They may be changed, amended or repealed whenever there be need therefor.

No such powers may be exercised after the prorogation of the session following the present one.

62. This act shall come into force on the day of its sanction.

FORM "A"

I, _____, swear that I will fulfill the duties of my office of _____, honestly and justly, and that I will not receive any sum of money or consideration for what I have done or may do in the discharge of the duties of my office, to procure the purchase or exchange of anything whatsoever by or with the city of Montreal, other than my salary, or what may be allowed me by law or by the city of Montreal.

I, _____, further swear that I will not reveal or disclose, unless duly authorized, anything that many come to my knowledge in the discharge of my duties.

So help me God.

Sworn before me, at

this _____ day of _____ 19 _____.

