



CHAPTER 107

An Act to amend the charter of the city of Trois-Rivières

[Assented to, the 28th of April, 1939]

WHEREAS the city of Trois-Rivières has, by its petition, represented that it is in the interest of the rate-payers and of the proper administration of its affairs that its charter, the act 5 George V, chapter 90, as amended by the acts 6 George V, chapter 45; 7 George V, chapter 63; 8 George V, chapter 85; 9 George V, chapter 93; 10 George V, chapter 88; 11 George V, chapter 113; 18 George V, chapter 99; 19 George V, chapter 98; 21 George V, chapter 128; 22 George V, chapter 108; 23 George V, chapter 126; 25-26 George V, chapter 116, and 1 George VI, chapter 106, be further amended, as hereinafter set forth, and that certain special powers be granted to it; and

Whereas it is expedient to grant the prayer of the said petition;

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

1. Section 11 of the charter (the act 5 George V, chapter 90) is replaced by the following:

5 Geo. V, c. 90, s. 11, replaced.

11. Section 57 of the Cities and Towns' Act, 1925, is replaced, for the city, by the following:

s. 57, repl. for the city.

57. The council shall, at its first meeting after the general elections or at any subsequent meeting, elect one of the aldermen as acting-mayor.

Acting-mayor.

The acting-mayor shall remain in office for six months and may be replaced at any regular meeting of the council held after the expiration of his term of office.

Remaining in office.

Powers.

The acting-mayor shall exercise all the powers with which the mayor is legally vested by law, whenever the mayor may be absent from the city or unable to discharge the duties of his office."

Provisions repealed.

2. Sections 20, 28 and 29 of the charter are repealed.

R.S., c. 102, s. 240, am. for the city.

3. Section 240 of the Cities and Towns' Act, 1925, is amended, for the city, by replacing subsection 1 thereof by the following:

Close of poll.

"**240.** 1. At six o'clock in the afternoon, the poll and the voting shall be closed; and an entry thereof shall be made in the poll-book."

R.S., c. 102, s. 427, am. for the city.

4. Section 427 of the Cities and Towns' Act, as amended by the act 16 George V, chapter 37, section 1, is again amended, for the city, by adding thereto, after subsection 23 thereof, the following subsection:

Interest, etc., included in amount.

"**23a.** The amount of the assessment mentioned in the foregoing subsection 23 shall include the interest and the amortization of the loans already contracted or which may be contracted in future, as well as the cost of maintenance, operating and upkeep of the sewerage system."

R.S., c. 102, s. 429, am. for the city.

5. Paragraph 2 of section 429 of the Cities and Towns' Act, 1925, as replaced, for the city, by the act 22 George V, chapter 108, section 6, is again replaced, for the city, by the following:

For paving, etc.

"**2.** To pave, macadamize or plank the whole or part of the streets and lanes of the municipality, and to pay the cost thereof out of the general funds of the municipality or by an assessment on the owners of immoveable property;"

R.S., c. 102, s. 429, am. for the city.

6. Paragraph 19 of section 429 of the Cities and Towns' Act, 1925, as replaced, for the city, by the act 22 George V, chapter 108, section 6, is again replaced, for the city, by the following:

Cost of repairs, etc., of streets, etc.

"**19.** To levy, by assessment upon all immoveables in the city, the necessary monies to defray: the cost of the repairs, maintenance, lighting, watering, sweeping, removal of or rolling of the snow, removal of ice and the keeping free of anything endangering public safety, of the streets, lanes, sidewalks, pavements, bridges, viaducts, tunnels, parks, public places, and playgrounds;"

7. Section 4 of the act 9 George V, chapter 93, is repealed and section 518 of the Cities and Towns' Act, 1925, shall apply to the city. Provisions applicable.

8. Section 74 of the charter is replaced by the following section: 5 Geo. V, c. 90, s. 74, replaced.

"74. Section 540 of the Cities and Towns' Act, 1925, is replaced, for the city, by the following: R.S., c. 102, s. 540, repl. for city.

"540. The treasurer, after having completed the collection roll, shall give public notice announcing that the general collection roll, or the special roll, as the case may be, has been completed and is deposited in his office, and requiring all persons bound to pay the sums therein mentioned, to pay the same at his office, within the delays mentioned in section 541, as replaced for the city of Trois-Rivières." Notice of deposit of roll.

9. Section 75 of the charter, as replaced by the acts 19 George V, chapter 98, section 5, and 23 George V, chapter 126, section 2, is again replaced by the following: 5 Geo. V, c. 90, s. 75, replaced.

"75. Section 541 of the Cities and Towns' Act, 1925, is replaced, for the city, by the following: R.S., c. 102, s. 541, repl. for the city.

"541. 1. When he gives the notice mentioned in section 540, the treasurer shall give the ratepayer a detailed account of all taxes and assessments entered in the roll, with a notice that the said account must be paid within two months from the service thereof. Demand of payment.

The notice required by this section may be sent by registered mail, addressed to the ratepayer at his domicile or at that of his agent, if he has named one in accordance with section 366 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102). Notice by mail.

2. The council of the city of Trois-Rivières may, by law, grant a discount of five per cent on the amount of all or of one or more of the taxes, assessments, permits or licenses for the then current year which shall have been paid within the delay prescribed by this section. Discount in certain cases.

3. Notwithstanding any provision contained in this section, or in any other act, the council may, by by-law: Power to regulate.

a. change the date on which the treasurer must make his collection roll each year;

b. determine the date on which the treasurer must give public notice and send a detailed account to every ratepayer, of the taxes due by the latter to the city;

c. determine one or more dates for the exigibility of taxes during the year for which they are due;

d. determine that any ratepayer who pays his taxes mentioned in this section, at the periods stated in the by-law, shall benefit by the discount of five per cent mentioned in subsection 2, in the proportion fixed for the payment during such period. The by-law may also determine what proportion of the taxes for the current year must be paid by the ratepayer in order to enjoy the privilege of the discount mentioned in this paragraph.

Restriction.

This section shall not apply to ratepayers who are in arrears as to their taxes other than the taxes of the current year. Nevertheless, the ratepayers whose taxes shall have been consolidated in virtue of the act 1 George VI, chapter 57, and the amendments thereto, and who comply with that act, shall enjoy the privileges granted by this section.

Delay.

If the council adopts such a by-law the taxes shall not be exigible until the expiration of the last period fixed for the enjoyment of the above-mentioned discount.

Provisions repealed.

Section 15 of the act 1 George VI, chapter 106, is repealed."

5 Geo. V, c. 90, s. 76, replaced.

10. Section 76 of the charter is replaced by the following:

R.S., c. 102, s. 542, repl. for the city.

"**76.** Section 542 of the Cities and Towns' Act, 1925, is replaced, for the city, by the following:

Seizure and sale of moveables.

"**542.** If the taxes due by the persons entered on the collection roll have not been paid within the delays mentioned in section 541, as replaced for the city, the treasurer may levy them, together with costs, by seizure and sale of the moveables and effects of such persons which may be found in the city."

5 Geo. V, c. 90, s. 77, replaced.

11. Section 77 of the charter, as replaced by the act 19 George V, chapter 98, section 6, is again replaced by the following:

Levying of assessments, etc., by seizure.

"**77.** The city council may levy the assessments and other municipal dues by means of a seizure by garnishment, effected by a writ signed by the treasurer, enjoining upon the garnishees not to dispossess themselves of the moveable effects or moneys in their possession belonging to the city's debtors, before it is otherwise ordered by the court, and ordering them, as well as the debtors, to appear before the Circuit Court, or the Magistrate's Court, on the day ap-

pointed. Proceedings shall be had before the said court on such writ in accordance with the provisions of the Code of Civil Procedure. In the absence or inability to act of the treasurer, the mayor may sign the writ."

12. Section 528a of the Cities and Towns' Act, as enacted, for the city of Trois-Rivières, by the act 22 George V, chapter 108, section 7, is amended by replacing sub-paragraphs *b* and *d* thereof by the following:

"*b.* 1. To repay itself for the subsidies or the contributions which the law permits it to grant to charitable institutions, hospitals and benevolent associations; To repay grants to hospitals, etc.

2. To repay itself for the costs and disbursements for the maintenance of children in the reformatory and industrial schools (R.S.Q., 1925, ch. 159 and 160); To repay costs of reformatory schools.

3. To repay itself for the costs and disbursements payable by the city, for the maintenance of persons admitted into public charitable institutions or asylums for the insane (R.S. 1925, ch. 189 and 190); To repay costs of charitable institutions.

4. To repay itself for the costs and disbursements for aid to the needy unemployed and for the administration and distribution of such aid; To repay costs of unemployment aid.

5. To pay the amortizations and interest on loans which have been affected or may hereafter be effected, under the laws respecting unemployment, in order to pay for aid to the unemployment;" To pay amortizations on loans.

"*d.* For the interest and amortizations on the loans which have been effected or which may be effected in the future, contracted to pay the cost: For interest, etc., on:

1. Of expropriations made according to law to open, extend, widen or improve streets and lanes; Expropriations;

2. For the establishing, enlarging and improving of parks, playgrounds and public places; Parks, etc.;

3. For the paving and any improvement of streets, lanes, construction of sidewalks, bridges, tunnels and viaducts. Paving, etc.;

4. For all works required to protect work done under this sub-paragraph; and to pay for the purchase of equipment and apparatus necessary for the carrying out of the said work and to pay the cost of the construction of any building necessary for the performance of the same work;" Works.

13. The special taxes imposed on immoveables in the city and which include amortizations and interest of the Taxes deemed legally imposed.

loans contracted for the purposes for which such taxes are imposed shall be deemed to have been legally imposed or collected:

a. the special sewerage tax for the construction of sewers;

b. the special paving tax for the construction of pavings;

c. the special road tax for the upkeep, cleaning and watering of streets and the other operations and charges classified in the various collection rolls under the general term "road tax";

d. the special taxes for public protection for the reimbursement of the obligations contracted towards the Provincial Government for asylums for the insane, reformatory and industrial schools, public charitable institutions, unemployment aid and the cost of administration thereof;

e. the business taxes or licenses imposed on persons exercising a profession, on traders, manufacturers and other kinds of business, classified in the collection rolls under the general term "business taxes or licenses".

Rolls de-
clared legal.

All the collection rolls prepared by the city of Trois-Rivières up to and including the year 1938 are declared legal and regular.

Interpreta-
tion of certain
provisions.

14. The act 21 George V, chapter 128, section 11, must be interpreted as having authorized the council and hereafter authorizing it to impose either the business tax mentioned in such act or the special taxes or licenses mentioned in sections 72 and 73 of the charter, upon any category or class of industry, trade, profession or means of earning a livelihood which the council may decide, in such a manner, however, that each class or category of ratepayer be called upon to pay only the business taxes or licenses mentioned in sections 72 and 73 of the charter.

Pending
suits.

15. The provisions of the foregoing sections 13 and 14 shall not affect suits pending on the 28th of April, 1939, nor the judgments rendered by the courts in such suits, prior to or after the 28th of April, 1939.

Taxes on
Canadian
International
Paper Co.,
and St. Law.
Paper Mills
Co.

16. The provisions of the foregoing sections 12, 13, 14 and 15 shall not affect the special provisions concerning the taxes of the Canadian International Paper Company, Limited, and of the St. Lawrence Paper Mills Company, Limited, fixed by two resolutions of the council of the city of Trois-Rivières, dated the 24th of April, 1939, fixing the

sum to be paid by the Canadian International Paper Company, Limited, for all taxes and contributions whatsoever (except school taxes and the compensation for water) up to the 31st of December, 1944, at one million three hundred and sixty-eight thousand four hundred and ten dollars and sixty-five cents, and fixing the sum to be paid by the St. Lawrence Paper Mills Company, Limited, for all taxes and contributions whatsoever (except school taxes and the compensation for water) up to the 31st of December, 1944, at five hundred and thirty-one thousand two hundred and fifty dollars, which resolutions are ratified and confirmed for all legal purposes.

17. Section 102 of the charter is replaced by the following: 5 Geo. V, c. 90, s. 102, replaced.

“102. 1. Notwithstanding any provision to the contrary of the charter or of the Cities and Towns' Act, 1925, and of the amendments thereto, all the bonds issued and negotiated by the city, which have been signed by the mayor and the treasurer, and all the interest coupons attached thereto which have been signed by the treasurer, or upon which he has affixed his stamp bearing a *facsimile* of his signature, are declared to have been signed legally. Bonds declared signed legally.

2. In future, all bonds shall be signed by the mayor and the treasurer. Signature in future.

The interest coupons annexed to the bonds shall be signed by the treasurer alone, who may affix his stamp, bearing his *facsimile* signature, on the said interest coupons, instead of his own signature. Stamp sufficient.

3. The clerk and the treasurer may sign, by means of a stamp bearing their *facsimile* signature, any certificate which they are obliged by law to give. Idem.

Such stamping shall be as valid as if they had signed with their own hand. Idem.

18. The bonds issued and negotiated under the by-laws: No 134, adopted by the council on the 14th of February, 1938; No. 135, adopted by the council on the 21st of February, 1938; No. 136, adopted by the council on the 16th of May, 1938; No. 137, adopted by the council on the 6th of June, 1938; No. 139, adopted by the council on the 2nd of September, 1938, and No. 141, adopted by the council on the 14th of November, 1938, are declared to have been legally issued and negotiated. Bond issues declared legal.

By-law de-
clared legal.

19. By-law No. 140, and by-law No. 143 adopted on the 27th of March, 1939, are declared valid and legal for all legal purposes.

Provisions
repealed, etc.

20. Sections 79, 80 and 81 of the charter are repealed and sections 555, 558, 559 and 564 of the Cities and Towns' Act, 1925, shall apply to the city.

Provisions
applicable.

21. The act 22 George V, chapter 53, shall apply to the city of Trois-Rivières, as regards the chief of police or the person performing similar duties in the city.

Taxes on Boy
Scouts' Assoc.

22. The property belonging or which may belong to the Boy Scouts' Association of Canada, Three Rivers Local Association, in the city of Trois-Rivières, is and shall be exempt from all municipal taxes, general and special, as long as such property serves one of the ends sought by the said Boy Scouts Association of Canada, Three Rivers Local Association, more particularly, the physical, intellectual and moral training of the boys, and this from the 1st of January, 1939.

R.S., 1909,
art. 5735, am.
for the city.

23. Sub-paragraph 37a of article 5735 of the Revised Statutes, 1909, as enacted, for the city of Trois-Rivières, by the act 1 George VI, chapter 106, section 12, is replaced by the following:

Tax on out-
siders.

"37a. Notwithstanding any provision to the contrary, the City Council may, over and above the taxes provided in sections 469, 523 and 526 of the Cities and Towns' Act (Revised Statutes 1925, chapter 102) and any other general or special tax, impose and levy on every person not residing in the municipality and on every corporation or company not having its head office therein, operating one or several stores in the municipality, a special annual tax not exceeding five hundred dollars per store and the amount of which may vary according to the line of business.

Idem.

This sub-paragraph shall also apply to every company or corporation which has its head office in the municipality when the said company or corporation is only a subsidiary or affiliate of a company or corporation operating the same line of business outside the municipality.

Acquisition
authorized.

24. Notwithstanding paragraph 2 of section 2 of the by-law No. 138, adopted on the 6th of June, 1938, the council may acquire from G. A. Gruninger, the land described in the said by-law to establish a park thereon instead of an arena.

25. Clause nine of the deed by private writing passed on the 27th of March, 1939, between the city of Trois-Rivières and the Canadian Pacific Railway Company, which fixes at one hundred dollars per arpent the valuation of the land occupied by the company, St. Maurice Valley Railway subdivision, for the period of five years from the 1st of May, 1939, is valid and legal. Clause declared valid.

26. The lands known and designated under cadastral No. 1164, subdivision P. 45-46-47, Ste. Julie Street, of an area of 12,544 feet and the buildings thereon erected and belonging to the corporation of the "Fabrique Notre-Dame des Sept Allégresses des Trois-Rivières", are, notwithstanding the contrary provisions of any act, general or special, non-taxable property for municipal and school purposes. Property declared non-taxable.

However, the provisions of subsection 3 of section 520 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) apply to these lands and buildings. Exception.

No recourse shall be had against the "Fabrique de Notre-Dame des Sept Allégresses" for past municipal and school taxes, except those contemplated in subsection 3 of section 520 of the Cities and Towns' Act. Recourse prohibited.

If the corporation of the "Fabrique de Notre-Dame des Sept Allégresses" has paid, before this act has been sanctioned, municipal and school taxes contrary to the above provisions, the sums so paid shall be applied without interest to all other taxes exigible by the City or the School Commission of Trois-Rivières, as the case may be, from this "Fabrique" corporation. And if this corporation does not owe any taxes to the City or to the School Commission, it shall have the right to be reimbursed, without interest, what it shall have so paid, notwithstanding any prescription acquired. Application by sums paid.

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

