



CHAPTER 104

An Act to amend the charter of the city of Quebec

[Assented to, the 12th of April, 1938]

WHEREAS the city of Quebec has, by its petition, ^{Preamble.} represented that it is in the interest of the city and necessary for the proper administration of its affairs, that its charter, the act 29 Victoria, chapter 57, consolidated by the act 19 George V, chapter 95; amended by the acts 20 George V, chapter 110; 21 George V, chapter 122; 22 George V, chapter 104; 23 George V, chapter 122; 24 George V, chapter 87; 25-26 George V, chapter 111; 1 Edward VIII (2nd Session), chapter 44, and 1 George VI, chapter 102, be again amended; and

Whereas it is expedient to grant its prayer;

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

1. The city of Quebec is authorized by this act to ^{Loan au-} borrow a sum of not more than one million and sixty-one ^{thorized for:} thousand dollars to pay the cost of the following:

a. Sixty thousand dollars for permanent paving in the ^{Permanent} streets of the city, being an amount already approved by ^{paving:} the Municipal Commission on the 16th of September, 1936, and by the Lieutenant-Governor in Council on the 23rd of September, 1936, subject to ratification by the Legislature;

b. Six hundred and eleven thousand dollars for balance ^{Certain} of the deficit on workmen's dwellings; ^{deficit:}

Debenture issue;	<i>c.</i> Fifty-six thousand dollars to meet the cost of financing, discount and other costs of the last issue of debentures;
Permanent paving;	<i>d.</i> One hundred and seventy-five thousand dollars for permanent paving in the streets of the city;
Certain contributions;	<i>e.</i> Ten thousand dollars, whereof five thousand dollars for the city's contribution towards the Eucharistic Congress, and five thousand dollars for the Cardinal Villeneuve school;
Street extending;	<i>f.</i> Thirty-nine thousand dollars to extend Marie de l'Incarnation Street to Franklin Hill;
Fireproofing city hall;	<i>g.</i> One hundred thousand dollars for reconstruction work in the city hall, to make it fireproof;
Street extending; Approving of loans.	<i>h.</i> Ten thousand dollars for the extension of First Street. All such loans as are adopted shall be submitted to the prior approval of the Minister of Municipal Affairs, Trade and Commerce and of the Quebec Municipal Commission.

Issuing of bonds, authorized.

2. For the purposes authorized above, the city may, by resolution of its council, issue bonds, bearing interest not exceeding five per cent per annum, payable half-yearly, repayable by series or within a period of time, not exceeding thirty years, and, if it deem fit, redeemable at par, if the bonds contain mention thereof, at any interest maturity date, after two months' previous notice inserted once a week during two months in a French newspaper and in an English newspaper published in Quebec, and a notice of two months by registered letter to the registered bondholders to their last address known at the City Hall.

Application of certain sections.

3. Sections 40 and 48 of the act 19 George V, chapter 95, and all other sections to the same effect, shall not apply during the financial year 1938-39, and the said sections as amended by sections 8 and 12 of the act 1 George VI, chapter 102, shall only come into effect in 1940, under section 28 of the said act 1 George VI, chapter 102.

25-26 Geo. V, c. 111, s. 1, replaced.

4. Section 1 of the act 25-26 George V, chapter 111, is replaced by the following:

Constructing of incinerator.

1. The city must construct an incinerator or make a contract with a company or a person to construct and operate such incinerator, and it is authorized, subject to the approval of the Quebec Municipal Commission, without a referendum and by mere resolution of its council, to borrow, in accordance with the provisions of its charter, a sum not exceeding two hundred thousand dollars for such construction."

5. The secretary of the Fire Commissioner of the city of Quebec must speak and write French and English correctly. He may receive any deposition under oath or affidavit which the Fire Commissioner is himself entitled to receive. As regards the affairs of his office he shall obey the orders of the Fire Commissioner and the rules and regulations made by the latter for such purposes.

Powers, etc.,
of secretary
of Fire
Commissioner.

6. Section 185 of the act 19 George V, chapter 95, as amended by the acts 20 George V, chapter 110, section 8, and 21 George V, chapter 122, section 6, and replaced by the act 1 George VI, chapter 102, section 38, is amended by replacing paragraph *m* thereof by the following:

19 Geo. V,
c. 95, s. 185,
am.

“*m.* The expenditure of the sums voted in the city budget each year may be made as follows to wit:

Expenditure
of sums voted
in budget.

No expenditure in excess of one thousand dollars may be incurred without the approval of the council upon a report of the administrative committee. The administrative committee may authorize any expenditure not exceeding one thousand dollars; however, salaries and wages may be paid in the ordinary course of administration;

Approving of
certain
expenditures.

Except where otherwise provided, the sums voted by the council in the budget, or out of the proceeds of loans or otherwise, shall remain at the disposal of the administrative committee, which shall see to their employment for the purposes for which they were voted, without another approval by the council. The city may, at any time, order by by-law of its council the manner in which the administrative committee shall dispose of sums so voted and left to its administration in virtue of this paragraph.”

Expenditure
and admin-
istrative
committee.

7. Section 223 of the act 19 George V, chapter 95, is replaced by the following:

19 Geo. V,
c. 95, s. 223,
replaced.

“**223.** The party who is not satisfied with the decision of the Recorder’s Court in connection with the said complaint may, within ten days following such decision, appeal to the Superior Court, whose judgment shall be final and without appeal, except when the amount of taxes involved exceeds the sum of five hundred dollars, and in such case an appeal shall lie direct to the Court of King’s Bench.”

Appeal from
decision of
Recorder’s
Court.

8. Section 273 of the act 19 George V, chapter 95, as amended by the act 24 George V, chapter 87, section 5, and replaced by the act 1 George VI, chapter 102, section 49, is again replaced by the following:

19 Geo. V,
c. 95, s. 273,
replaced.

Charging of interest on sums due to city.

"273. Interest at the rate of five per cent per annum shall be payable on all sums exigible by the corporation for any taxes whatsoever not paid before the first day of November of each and every year; which interest shall be computed from the said first day of November until payment is fully made, and, on accounts for the cost of snow removal, the interest shall be computed from the 1st of July of each year. As regards other accounts, the interest shall be computed from thirty days from the sending of the account for the current year. Interest of six per cent per annum shall be charged on any license not paid within thirty days from the date of its exigibility.

Granting of discount.

Every ratepayer who pays his tax account before the 15th of October shall be entitled to a discount not exceeding three per cent per annum, computed on the number of days between the date of payment and the 1st of November.

Accepting of payments in advance.

The city may accept from the ratepayers, between the 1st of January and 30th of April of each year, payments in advance on the taxes for the following year, and the ratepayers so paying shall be entitled to the discount contemplated in the preceding paragraph.

Use of such monies.

The money so collected shall not be employed for other purposes than the redemption of treasury notes.

Amounts unpaid.

No remission or reduction of the interest on the amounts exigible by the city and unpaid may be made."

19 Geo. V, c. 95, s. 274a, replaced.

9. Section 274a of the act 19 George V, chapter 95, as enacted by the act 1 Edward VIII (2nd Session), chapter 44, section 6, and replaced by the act 1 George VI, chapter 102, section 51, is again replaced by the following:

Imputation of certain payments.

"274a. Notwithstanding any law to the contrary, every payment by a ratepayer owing arrears of taxes may be imputed first on the interest and then on the oldest debt."

19 Geo. V, c. 95, s. 282d, added.

10. The act 19 George V, chapter 95, is amended by adding thereto, after section 282c thereof, as enacted by the act 20 George V, chapter 110, section 12, the following section:

Granting of commutation of taxes.

"282d. The council may grant a commutation of municipal taxes, except the school tax and water rates, on any construction erected hereafter within the limits of the city, to be occupied as a residence for the same family. In order to benefit from such commutation the said construction must be detached or semi-detached and have an assessed value of at least three thousand dollars.

Such commutation shall consist of seventy per cent of the assessed value for the first year, and ten per cent less for each year, after the first, and this for a period of seven years, so that, at the expiration of seven years, the commutation shall terminate and the owner shall be obliged to pay the entire amount of taxes imposed.

Such power shall exist only for two years counting from the 12th of April, 1938, and shall be submitted to the Quebec Municipal Commission."

11. Section 299 of the act 19 George V, chapter 95, as replaced by the act 21 George V, chapter 122, section 7, is again replaced by the following:

"**299.** The administrative committee shall have the management of the finances and the accounts, and no sums of money, except in cases with respect to which other provision is made by law, shall be paid without the signatures of the mayor or of the pro-mayor, and of one member of the administrative committee chosen by the said committee."

12. Section 336 of the act 19 George V, chapter 95, as amended by the acts 21 George V, chapter 122, section 8; 22 George V, chapter 104, section 5; 25-26 George V, chapter 111, section 19, and 1 George VI, chapter 102, section 67, is again amended:

a. By adding thereto, after paragraph 91 thereof, the following paragraph:

"91a. No action for damages and interest shall lie against the city when the damage shall have been caused after the 12th of April, 1938, through the want of the installation of safety-valves on the private drains of any immovable, to prevent the backing up of water from the city main sewer into the cellars;"

b. By replacing paragraph 193 thereof, as enacted by the act 1 George VI, chapter 102, section 67, by the following:

"193. To levy on every person, corporation or partnership, possessing or operating in any manner whatsoever any slot machine authorized by Federal law, operated by means of a coin or a counter and used exclusively in the sale of any merchandise having a generally recognized merchantable value, a license not exceeding fifteen dollars for each slot machine;

Licensing of certain mechanical games, etc.

For any other slot machine or mechanical game authorized by the Federal law and operated by means of a coin or counter, a license not exceeding twenty-five dollars for each machine or mechanical game.”

19 Geo. V, c. 95, s. 392, replaced.

13. Section 392 of the act 19 George V, chapter 95, is replaced by the following:

Transmitting of copies of by-laws.

“**392.** A copy of every by-law under this act or under the charter must be transmitted forthwith to the Lieutenant-Governor in Council, who may disallow it.

Exercising of disallowal.

Such disallowal may be exercised until the expiration of three months following the date of the receipt of the fees fixed by the Lieutenant-Governor in Council.

Notice of such disallowal.

Notice of the disallowal shall be published in the *Quebec Official Gazette*, and, from the day of such publication, the by-law shall be null and void.”

19 Geo. V, c. 95, s. 402, replaced.

14. Section 402 of the act 19 George V, chapter 95, as replaced by the act 22 George V, chapter 104, section 6, is replaced by the following:

Appointing, etc., of members of police force.

“**402.** Every member of the police force shall be appointed and dismissed by a committee composed of the mayor and the city recorder *ex officio* and an alderman appointed for this purpose by the council.

Appointing, etc., of members of fire brigade.

Every member of the fire brigade shall be appointed and dismissed by a committee composed of the mayor and the city recorder *ex officio* and an alderman appointed for this purpose by the council, and sections 401 and 411 are amended accordingly.”

19 Geo. V, c. 95, s. 402a, added.

15. The said act 19 George V, chapter 95 is amended by adding thereto, after section 402 thereof, the following section:

Ex officio justices of the peace.

“**402a.** The chief and deputy-chief of the city police shall be *ex officio* justices of peace for the purpose of receiving complaints only, and with jurisdiction exclusively limited to inquiries respecting the members of the police force.”

19 Geo. V, c. 95, s. 503a, added.

16. The said act 19 George V, chapter 95, is amended by adding thereto, after section 503 thereof, the following section:

Prohibition as to certain fishing.

“**503a.** It is forbidden for any person whomsoever, between the 1st of October and the 30th of December of every year, to fish or net in the River St. Charles, above the dam of the city waterworks, in the parish of St. Am-

broise de la Jeune Lorette, and in Lake St. Charles, and every person violating this provision shall be liable to the fine enacted in section 503."

17. Section 571 of the act 19 George V, chapter 95, is replaced by the following: 19 Geo. V, c. 95, s. 571, replaced.

"**571.** The council may appoint one or more assistant clerks and they shall be subject, *mutatis mutandis*, to the provisions of section 580." Assistant clerks.

18. Whenever, in a case of insolvency, the city is unable to recover the amount of its claim for taxes in full, the treasurer is authorized to place in the reserve account for loss in collection any amount which he may deem lost to the city and uncollectable. Disposal of certain losses in collection.

In every other case whenever it is impossible, for any reason whatsoever, for the city to collect the amount due to it for arrears of taxes and interest, the administrative committee may authorize the treasurer to place in the reserve account for loss any amount the collection whereof seems impossible to it. Idem.

19. Notwithstanding any law to the contrary, fifty per cent of the business tax imposed in the city shall be exigible in the month of May of every year, or in the month following the opening of any establishment contemplated in sections 232 and 234 of the city charter between the month of May and the 1st of November, under penalty of a fine equal to the amount so exigible, recoverable before the Recorder's Court of the city, in the same manner as other fines or penalties. Exigibility of business tax.

20. The city may, at all times, reimburse, with interest at the rate of three per cent, to any bordering proprietor, the amount of the cost of snow removal which he has paid in excess of the price established by the Recorder's Court for such removal, whenever the said Court may deem that the amount paid is exorbitant. Reimbursing to certain proprietors.

21. The budget drawn up by the administrative committee for the fiscal year beginning on the 1st of May, 1938, and closing on the 30th of April, 1939, may only be adopted after the 1st of May, 1938, but before the 15th of May, 1938, and the administrative committee may, before adopting the new budget, authorize the treasurer to use temporarily the cash on hand from any source, to pay expenditures chargeable to revenue incurred and exigible on and Adopting, etc., of certain budget.

after the 1st of May. If there is no cash on hand or the latter is insufficient, the administrative committee may authorize a temporary loan from a bank, which loan must be repaid immediately after the adoption of the budget, either by means of the revenues collected or by means of a regular loan in anticipation of the collection of the revenues for the current fiscal year.

Expenditure deemed lawfully made.

All expenditures made and authorized by the administrative committee in virtue of this section are declared to have been lawfully made.

New licenses and taxes.

The new licenses and taxes imposed by the by-laws adopted at the same time as the new budget shall be impossible and due as from the 1st of May, 1938.

Loan authorized.

22. The city is authorized to borrow, subject to the prior approval of the Quebec Municipal Commission, a sum not exceeding four hundred thousand dollars to consolidate the deficit for the fiscal year 1938-1939.

Constructing of system of main sewers.

23. Subject to any grant which the city may receive from the Federal and Provincial Governments, for the purposes hereinafter stated, the city may construct a system of main sewers or make a contract with any company or person to construct such main sewer system, and is authorized, subject to the approval of the Quebec Municipal Commission, without referendum and on a mere resolution of its council, to borrow, according to the provisions of its charter, a sum not exceeding seven hundred thousand dollars for such purpose.

24 Geo. V, c. 87, s. 11, replaced.

24. Section 11 of the act 24 George V, chapter 87, as amended by the act 25-26 George V, chapter 111, section 24, is replaced by the following:

Loan authorized.

"11. The city is authorized to borrow a sum not exceeding fifty thousand dollars for the purchase of playgrounds in the upper part of the city, subject to the approval of the Quebec Municipal Commission."

Annulling of certain contracts.

25. With the consent of the parties, the contracts entered into on the 28th of May, 1907, between the city of Quebec and the Board of Roman Catholic School Commissioners of the City of Quebec; on the 15th of February, 1909, between the Board of Roman Catholic School Commissions of the City of Quebec and the *Caisse d'Economie Notre-Dame de Québec*, and on the 19th of February, 1910,

between the Board of Roman Catholic School Commissioners of the City of Quebec and the *Caisse d'Economie Notre-Dame de Québec*, may be annulled.

26. The city may impose "en bloc" in one column of its assessment rolls the total of the special tax imposed in ^{Certain tax in assessment rolls.} virtue of all its loan by-laws; the city must, however, when sending its tax accounts, furnish the ratepayer with the details of the special tax imposed for each loan by-law.

27. This act shall come into force on the day of its sanc- ^{Coming into force.} tion.

