



CHAPTER 113

An Act respecting the city of Drummondville

[Assented to, the 8th of April, 1938]

WHEREAS the city of Drummondville has, by its petition, represented that there is occasion to amend, in so far as concerns it, certain provisions of the Cities and Towns' Act; and Preamble.

Whereas it is expedient to grant the prayer contained in 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. This act may be cited under the name of "Charter of the city of Drummondville." Short title.

2. The inhabitants of the city of Drummondville and their successors are and shall remain incorporated under the name of "city of Drummondville." Incorporation.
Name.

3. The city of Drummondville shall be and remain separate from the county of Drummond for municipal purposes. Separation
for municipal
purposes.

4. The provisions of the Cities and Towns' Act (Revised Statutes of Quebec, 1925, chapter 102) and the amendments thereto, shall continue to apply to the city of Drummondville, except in so far as they are or will be inconsistent with the provisions of this act. Provisions
applicable to
city.

5. Sections 342, 343 and 344 of the said Cities and Towns' Act are excluded from this charter. Exclusions
from charter.

R.S., c. 102,
s. 426, am.,
for city.

6. Section 426 of the said Cities and Towns' Act is amended, for the city, by replacing paragraph 1 thereof by the following:

Regulating,
etc., of build-
ings, etc.

"1. To regulate the height and construction of all buildings, chimneys, fences, stacks and other structures; to prevent the construction and maintenance of the buildings, walls, chimneys, stacks and other structures as are not of the required stability, and provide for their demolition or summary destruction; to regulate the plumbing, ventilation and lighting of all buildings whatsoever; to prescribe the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, materials and construction of party walls, partitions and outside walls, the size and materials of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus; to regulate the architecture, dimensions and symmetry of buildings, the area of lots which may be occupied by buildings and the space to be left between each building; to determine the nature of the materials to be employed for such purpose in certain streets or parts of streets; to determine the class, nature and kind of structures and buildings which may be erected in certain streets or parts of streets; to prohibit the construction of certain buildings in certain streets or parts of streets; to prohibit the construction of certain classes of buildings or the construction of all buildings, except at a fixed distance from the street line, in all the streets or in certain streets or parts of streets; to regulate in what place within the city limits shall exist the trading and commercial establishments, the industries and the buildings intended for special uses; to regulate the nature of commercial, business and industrial establishments; to fix and verify the minimum cost of all buildings in certain streets or parts of streets; to oblige the owner to furnish the council, within a fixed delay, a statement of the cost of any new building or structure or extensions or improvements made to any existing building; to oblige the owner wishing to construct to submit the plan of the proposed building or any other description demanded by the council and obtain previously a certificate in writing from the building inspector or other officer appointed by the council, and to obtain a building permit from the council; to prescribe the manner, conditions and formalities for applying for and obtaining such permit and determine the amount of the fee for its obtention; to prohibit the construction of buildings and structures not conforming to such by-laws, and to direct

the suspension at any time of the erection of any such building as does not conform to such by-laws, and to cause the demolition of any building not conforming to such by-laws, if necessary;”.

7. Section 427 of the said Cities and Towns’ Act, as R.S., c. 102, s. 427, am., for city. amended by the acts 16 George V, chapter 37, section 1, and 1 George VI, chapter 75, section 91, is again amended, for the city:

a. By adding thereto, after paragraph 11 thereof, the following paragraph:

“11*a.* To provide for the removal of garbage within Garbage, etc. the city; to prescribe the kind, materials and dimensions of the receptacles in which garbage, ashes and waste are to be deposited and to forbid the use for such purpose of cardboard or other receptacles not complying with the by-laws;”;

b. By adding thereto, after paragraph 23 thereof, the following paragraphs:

“23*a.* The city council may, by by-law adopted by the absolute majority of the members of the council, enact Municipalizing of certain sewers. that all sewers heretofore constructed at the cost of the proprietors of one or more wards, or of the owners of immoveables in one or more streets, and the sewers which may hereafter be constructed, shall be municipalized and that the balance remaining due on the loans heretofore contracted for the construction of sewers, shall in future be an ordinary debt of the whole city;

“23*b.* The city council may, by by-law, impose an annual Imposing of drainage tax. special tax called “drainage tax”, the amount whereof may be sufficient to meet the charges remaining due on the present system, the charges for new constructions and improvements and the expense of maintenance of the drainage system, and in such manner and on such conditions as the council may determine;”.

8. Section 428 of the said Cities and Towns’ Act is R.S., c. 102, s. 428, am., for city. amended, for the city:

a. By replacing paragraph 5 thereof by the following:

“5. To license, regulate or prohibit circuses, carrousels, Circuses, etc. spectacles and other public exhibitions in the city;”

b. By replacing paragraph 6 thereof by the following:

“6. To license and regulate the posting up of bills and pla- Bill posting, etc. cards; to prohibit the posting up or displaying of indecent

bills and placards or of obscene paintings, statues or inscriptions in any street or public place or in any shop or other place visible from any street or public place;”;

c. By replacing paragraph 10 thereof by the following:

Tag days, etc.

“10. To regulate or prohibit begging and public collections, tag days, in the streets and public places or from door-to-door in the city;”.

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

9. Section 429 of the said Cities and Towns’ Act, as amended by the acts 19 George V, chapter 34, section 2, and 23 George V, chapter 44, section 1, is amended, for the city:

a. By adding thereto, after paragraph 11 thereof, the following paragraph:

Preventing,
etc., certain
encroach-
ments, etc.

“11a. To prevent and remove encroachments or projections of any kind in, upon or over streets, boulevards, public places and sidewalks, by houses, fences, stairs, galleries, balconies, porches, poles, signs or other constructions entailing the occupation of the public domain for private purposes; to order and effect the removal or demolition thereof, at the cost of the proprietor, after reasonable notice; and, without prejudice to the right of the city or the council to have removed or demolished such encroachments or projections, to impose an annual tax, not exceeding fifty cents per square foot of the city’s land covered by such encroachments or projections. The provisions of this paragraph 11a shall have no retroactive effect;”;

b. By adding thereto, after paragraph 27 thereof, the following:

Bicycle
permits.

“27a. To oblige every person, owning a bicycle within the city, to obtain from the city an annual permit, not exceeding two dollars, which permit shall be affixed permanently to the said bicycle. For the purposes of this paragraph, however, a motorcycle shall not be deemed a bicycle;”.

R.S., c. 102,
s. 443, replaced
for city.

10. Section 443 of the said Cities and Towns’ Act is replaced, for the city, by the following:

Agreements
for supply of
water.

“**443.** The city may make a special agreement with consumers for the supply of water in special cases, where it is considered that there is more than the ordinary consumption of water, and fix a minimum price in each such case.”

R.S., c. 102,
s. 469, am.,
for city.

11. Section 469 of the Cities and Towns’ Act (Revised Statutes, 1925, chapter 102) , as amended by the acts 19

George V, chapter 35, section 6, and 25-26 George V, chapter 46, section 1, is again amended for the city:

a. By adding thereto, after paragraph 3 thereof, the following paragraph:

"3a. To license at the discretion of the council, regulate or prohibit dance halls, *café-concerts*, *café-chantants*, *café-dansants*, or other establishments where instrumental or vocal music is performed to attract customers;"

Licensing,
etc., of dance
halls, etc.

b. By adding thereto, after paragraph 21 thereof, the following:

"21a. To fix and determine, in its discretion, the conditions, price and duration of each kind of permit which it is authorized to grant under this charter or under any other act,"

Fixing, etc.,
of conditions
of permits.

12. The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 472 thereof, the following:

R.S., c. 102,
s. 472a, added
for city.

"472a. It is forbidden to erect outside stairs, leading to any floor other than the ground floor, on the face of buildings and houses in the city of Drummondville, save where facing the yard. The city shall have the right to cause any outside stairs which will be erected in contravention of these provisions of its charter, to be removed at the expense of the owner."

Prohibition
as to erection
of outside
stairs.

13. The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 481 thereof, the following:

R.S., c. 102,
ss. 481a, 481b,
added for city.

"481a. Every year, before the 1st of November, each committee shall prepare and submit to the finance committee a statement of the estimated expenses during the following year. After having examined the reports of such committees, concurrently with the resources of the corporation, the finance committee must prepare the budget and set aside the amount which it deems sufficient for the payment of the estimated expenses during the year, providing for:

Preparing of
budget.

1. The sums required for the interest and sinking-fund of the consolidated debt;

2. The payment of the preceding year's deficit, if need there be;

What must
be provided
for in such
budget.

3. The cost of maintenance, repairs, salaries and general administration expenses;

4. A reserve fund of not less than five per cent for unforeseen expenses;

5. The sums required for projected public improvements, for which special taxes or assessments are not called for.

Voting of
budget.

"481b. The council must, on or before the 1st of January, vote the budget thus prepared and impose the taxes which, in addition to the other revenues of the city, will be sufficient to meet the expenses contemplated in the budget.

Additional
appropriation.

Neither the council nor any committee may authorize expenses or the payment of any debt for an amount exceeding that provided for in the budget, except by means of an additional appropriation which may be granted only on the recommendation of the absolute majority of the members of the finance committee."

R.S., c. 102,
ss. 482a-482d,
added for
city.

14. The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 482 thereof, the following:

Approving of
accounts.

"482a. Every account must be approved by the chairman of the finance committee prior to its submission to the council, which, however, on the absolute majority of its members, may approve an account, when the chairman of the said committee fails so to do.

Calling for
tenders.

"482b. No contract for work to be carried out or for the supplying of merchandise or material of any kind whatsoever, incurring an expense of five hundred dollars or more, may be entered into or made by the council, unless tenders have been called for.

Opening, etc.,
of tenders.

"482c. The tenders must, in every case, be addressed to the city clerk and be opened publicly by him, at the time and place specified in the notice by which such tenders have been called for and not before.

Ratification
required.

No such contract or purchase shall be obligatory and binding unless it be ratified by the council.

Requiring of
deposit.

"482d. The council may require of any person requesting municipal works for his personal benefit a previous deposit equal to the estimated cost of such works, including the cost of the materials required for making same."

R.S., c. 102,
s. 502, replaced
for city.

15. Section 502 of the said Cities and Towns' Act is replaced, for the city, by the following sections:

Striking, etc.,
of name from
valuation roll.

"502. After every change of owner, tenant or occupant of any immoveable set forth in the valuation roll in force, the council, on a written petition for that purpose,

and upon sufficient proof, may strike off the name of the former owner, tenant or occupant, and enter on such roll the name of the new one.

"502a. The owner of any immoveable set forth in the valuation roll in force shall be bound to notify the city treasurer of every change of tenant or occupant of his immoveable within thirty days from such change, and his failure to comply with the requirements of this section, without valid reason, shall render him liable to a fine not exceeding ten dollars or to an imprisonment not exceeding fifteen days."

Notifying of change of address.
Offence and penalty.

16. Section 526 of the said Cities and Towns' Act is replaced, for the city, by the following:

R.S., c. 102, s. 526, replaced for city.

"526. In addition to the taxes provided for in section 523, the council may establish, impose and levy certain annual dues or taxes on all trades, manufactures, financial or commercial establishments, theatres, clubs, occupations, arts, professions, callings or means of earning a profit or a livelihood, carried on or followed by one or more persons, firms or corporations in the city, provided that such duties or taxes do not in any case for each kind of trade exceed two hundred dollars per annum. Such dues or taxes may be different for persons who have not resided in the city for twelve months from those on persons who reside therein, provided that such dues and taxes imposed upon non-residents or persons who have resided in the municipality for less than twelve months shall not exceed the others by more than fifty per cent.

Imposing of certain additional taxes.
Proviso.

Every person, firm or corporation carries on a trade, within the meaning of this section, in each of the following cases:

Carrying on a trade.

- a. By keeping a store in the city;
- b. By taking orders, within the city, from consumers for the sale of merchandise on samples or catalogues;
- c. By keeping a place within the city for selling on samples, catalogues or otherwise, to consumers;
- d. By soliciting, receiving, transporting or delivering, within the limits of the city, clothes for washing, ironing, cleaning by dry cleaning or otherwise or for dyeing, or washed, ironed, cleaned or dyed in an establishment or workshop situated outside the city limits.

In the cases mentioned in the foregoing sub-paragraphs b, c and d, a maximum of two hundred and fifty dollars may be imposed when the business is carried on by a person not residing in the city.

Non-resident and maximum tax.

Additional
taxation of
chain-stores.

Notwithstanding any provision to the contrary, in the cases mentioned in the foregoing paragraphs *a*, *b*, *c* and *d*, there may be imposed, in addition to any other tax, an annual tax, in the form of a license, on every person, firm, company or corporation carrying on one or more chain-stores within the city limits and having his or its chief place of business outside of such limits, the said tax not to exceed two hundred dollars for each store from the 1st of May, 1938, and five hundred dollars starting from the 1st of May, 1939. For the purposes of this paragraph, the expression "chain-store" includes any store forming part of a series of commercial establishments, practically similar, belonging to the same owner.

Imposing,
etc., of duties,
etc., on cer-
tain travell-
ing amuse-
ments, etc.

"**526a.** In the case of duties or taxes imposed or levied on circuses, menageries, exhibitions of curiosities, spectacles and travelling amusements and other public performances exhibited or carried on temporarily in the city, by persons, firms or associations not residing within the city or for the benefit of such persons, firms or associations, such duties or taxes may be imposed and levied day by day, and may amount to five hundred dollars for the first day of exhibition or operation, and to three hundred dollars for each subsequent day, and, in every case, payable in advance.

If tax, etc.,
not paid on
demand.

Any duty or tax imposed under this section, if not paid on demand, may be levied on all the moveables and effects found in the possession of any person attached to such circus, theatre or performance, on a distress warrant signed by the mayor or a justice of the peace, and executory immediately without any other preliminary formality."

R.S., c. 102,
s. 534a, re-
placed for
city.

17. Section 534a of the said Cities and Towns' Act, as enacted by the act 19 George V, chapter 36, section 1, is replaced, for the city, by the following:

Subrogation
in privileges
of municipa-
lity.

"**534a.** Saving the provisions of section 533, any person, not being the debtor, who pays a municipal, real estate or personal, general or special tax, or other municipal dues, for a third party, with the consent of the latter, is of right subrogated in the privileges of the city on the moveable and immoveable property of the debtor and may recover from him the amount of taxes and dues so paid. Such subrogation shall be of no effect unless the receipt given by the treasurer of the city, who is bound to issue such receipt, states that the payment was made for the debtor by a third party whose name and address shall be noted in the books of the city.

The aforesaid subrogation shall not prevent the city from being collocated by preference to the subrogated party for taxes due to the city after the subrogation, in the case of the sale of the immovable or immoveables subject to the said taxes.” City collocated by preference.

18. Section 564 of the said Cities and Towns’ Act is replaced, for the city, by the following: R.S., c. 102, s. 564, replaced for city.

“**564.** An immovable sold for taxes may be redeemed by the owner or his legal representatives, at any time within the year following the day of adjudication, by paying to the purchaser the price of sale, including the cost of the certificate of adjudication, with interest at the rate of ten per cent per annum, a fraction of a year being counted as a whole year. Redeeming of immoveables sold for taxes.

Such owner must, in addition, before retaking possession of his immovable so sold, hand over to the purchaser, in the case of vacant lots, the taxes paid by the purchaser during his possession.” Additional payment.

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

