



CHAPTER 115

An Act respecting the town of Asbestos

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

WHEREAS the town of Asbestos was incorporated as Preamble.
such by letters-patent, on the 8th of May, 1937, and
is governed by the provisions of the Cities and Towns'
Act of the Province of Quebec;

Whereas it is necessary for the proper administration
of the said town that certain sections of the said Cities and
Towns' Act be amended and other sections be added, for
the said town;

Whereas the said town has presented a petition for such
purposes and whereas it is expedient to grant the prayer
contained therein;

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

1. Section 426 of the Cities and Towns' Act (Revised R. S., c. 102,
Statutes, 1925, chapter 102) is amended, for the town of s. 426, am.,
Asbestos: for town.

a. By replacing paragraph 1 thereof by the following:

"1. To regulate the height and construction of all build- Regulating,
ings, chimneys, fences, stacks and other structures; to etc., of
prevent the construction and maintenance of the build- buildings,
ings, walls, chimneys, stacks and other structures as are etc.
not of the required stability, and provide for their demo-
lition or summary destruction; to regulate the plumbing,
ventilation and lighting of all buildings whatsoever; to
prescribe the depth of cellars and basements, the mate-

rial 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 compel the owner desiring to construct any building to submit the plan thereof 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; to prohibit the construction of houses fronting on lanes;”;

b. By replacing paragraph 13 thereof by the following:

Keeping, etc.,
of dogs.

“13.a. For the keeping of dogs;

b. To cause dogs to be muzzled;

c. To authorize the summary destruction of stray dogs;

d. To authorize the summary destruction of dogs for which no license has been paid; or to enable the corporation to sell such dogs without any formality and to take its dues out of the proceeds of such sale, the surplus, if any there be, to be remitted to the owner;

e. To subject to an annual license not exceeding ten dollars per dog any person keeping dogs or having them in his possession;

f. To prohibit the keeping of certain species of dog;";

c. By replacing the first paragraph of paragraph 16 thereof by the following:

"16. To provide for the organization, equipment, main-^{Organizing, etc., of police force.}tenance and discipline of a police or constabulary force, with power to regulate the residence, classification, rank, service, inspection and distribution of the members of such force, and to prescribe their duties; to authorize the mayor, in cases of emergency, to appoint as many temporary police officers as he may deem necessary, at a compensation to be fixed by the council, provided that such appointments shall not continue in force for more than one week without the consent of the council; to authorize the mayor to appoint, in certain cases provided for by the council, police officers, of whom the powers, jurisdiction and conditions of engagement shall be fixed by the council; to provide for the punishment, by dismissal or by fine or imprisonment, of any member of the police force who shall, directly or indirectly, accept any money or gratuity or any kind of alcoholic liquor;";

d. By adding thereto, after paragraph 44 thereof, the following paragraph:

"45. To regulate or prohibit begging and public col-^{Regulating, etc., of tag-days.}lections (tag-days) in the streets or public places or from house to house."

2. Section 428 of the said Cities and Towns' Act is ^{R.S., c. 102, s. 428, am., for town.} amended, for the town of Asbestos, by adding thereto, after paragraph 10 thereof, the following:

"11. To order that any building, construction, shelter, ^{Buildings, etc., to be deemed disorderly houses.} penthouse, shed or other erection, under whatever name known or designated, attached to the ground or portable, built, erected or placed on the surface, or above or underground, permanently or temporarily, within the limits of the municipality, used for trading, transportation, keeping or delivery of alcoholic liquors, contrary to the provisions of the Alcoholic Liquor Act (Chapter 37), or of the Alco-

holic Liquor Possession and Transportation Act (Chapter 38), or of any other law respecting the above objects, shall be deemed a disorderly house to which Division 1 of the Disorderly House Act (Chapter 270) shall apply;

Curfew by-law for children.

"12. The council may make a by-law to enact that children under fifteen years of age, unaccompanied by a responsible person, shall return to their home at a certain hour in the evening, provided such hour be not earlier than 9 o'clock, and to provide for a penalty not exceeding one dollar after the second offence, and, in default of payment, to one hour's detention in the police station, in the case of infractions of the by-law which shall be passed by the town in this respect. The said penalty shall be imposed on the person having legal charge of the child;

Apprehending of certain disorderly persons.

"13. It shall be lawful for any police officer or constable of the town to apprehend on view every loose, idle and disorderly person, that is: any person whom he shall find disturbing the public peace, or in a state of intoxication, or whom he shall find lying, loitering, either by night or by day, in any field, highway, yard, or other place, and every prostitute or person wandering by night or by day, or found lying down, loitering or sleeping in any barn, shed, outhouse or other building unoccupied, or in the open air, or under any tent, cart, wagon or other vehicle, not giving a satisfactory account of himself or herself, and every person causing a disturbance in the streets or highways, by shouting or otherwise, and to deliver any person so apprehended into the custody of the officer or constable appointed under this act, who shall be in attendance at the nearest police station, in order that such person may be secured until he can be brought before any one or more justices of the peace, residing in the said town, to be dealt with according to law and the provisions of this act; and it shall further be lawful for the said justice or justices, by whom any such loose, idle or disorderly person shall be convicted of any of the said recited offences, on confession, or on the evidence of one or more credible witnesses, to adjudge that such person shall pay a fine not exceeding twenty dollars and the costs taxed by the said justice or justices, either immediately or within such period as may be thought fit; and, in default of such payment either immediately or within the time appointed as aforesaid, such person may be imprisoned in the said common gaol or house of correction or the town prison, at hard labour, for a time not exceeding two calendar months, the imprisonment, however, to cease upon payment of the fine imposed and costs."

3. Section 428 of the said Cities and Towns' Act is R.S., c. 102, s. 428, am., for town. amended, for the town of Asbestos, by replacing paragraph 6 thereof by the following:

"6. To license and regulate the posting of bills and placards; 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;" Licensing, etc., of bill-posting, etc.

4. Section 429 of the said Cities and Towns' Act, as R.S., c. 102, s. 429, am., for town. amended by the acts 19 George V, chapter 34, section 2, and 23 George V, chapter 44, section 1, is again amended, for the town of Asbestos:

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

"11a. To prevent and cause to be removed 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 town or the council to have removed or demolished such encroachments or projections; these provisions shall have no retroactive effect;" Preventing etc., of certain encroachments, etc.

b. By replacing paragraph 20 thereof by the following:

"20. To prescribe the measures the council may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses and other buildings, and, for that purpose, determine the manner in which sidewalks and roofs shall be kept. Every person obliged by law to care for any sidewalk or roof shall be responsible towards the municipality for damages resulting from his neglect to fulfil his obligations in this respect, and may be called in warranty in any case instituted against the municipality for damages. Owners of buildings having any projections draining on the sidewalk or occasioning an accumulation of snow or ice on such sidewalk which renders circulation dangerous shall be responsible for any damage caused by said dripping or accumulation, and shall be obliged to have such causes of accident removed themselves, even in the case where the town has undertaken the removal of the snow and the ordinary maintenance of the sidewalk;" Prescribing of measures for prevention of accidents in winter.

R.S., c. 102, s. 442a, added for town. **5.** The said Cities and Towns' Act is amended, for the said town, by adding thereto, after section 442 thereof, the following section:

Power to make certain by-laws. **"442a.** The council of the town of Asbestos may make by-laws:

Scope of such by-laws. 1. To compel the owner of dwellings to pay the municipality for the water service to his tenant or tenants;

2. To prescribe that any sum owing to the corporation for water service, in the municipality, shall constitute a privileged debt upon the immoveable in respect of which such compensation is due, and may be collected in the same manner as the ordinary real estate tax."

R.S., c. 102, s. 469, am., for town. **6.** Section 469 of the said Cities and Towns' Act, 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 town of Asbestos:

a. By replacing paragraph 3 thereof by the following:

Licensing, etc., of billiards, etc. **"3.** To license, regulate, or prohibit billiards, pool, pi-geon-hole tables, bagatelle boards, ten pin alleys, bowling alleys, and limit the number of places where the said games shall be permitted; to allow the establishing of shooting galleries; to levy on every person, corporation or partnership, possessing or operating in any manner whatsoever any mechanical gaming apparatus whatsoever not contrary to the Criminal Code and operated by means of a coin or a counter, an annual tax or license of twenty-five dollars;";

b. By adding thereto, after paragraph 22 thereof, the following paragraphs:

Licensing of gasoline pumps. **"23.** To impose a license on pumps used for the sale of gasoline, and the cost of such license may vary according as the pumps used therefor are installed upon private property, public property or upon private and public property;

Licensing, etc., of circuses, etc. **"24.** To license, regulate or prohibit circuses, carrousels, exhibitions, other public performances, places of amusement, dance halls, *café-concerts*, *café-chantants*, *café-dansants*, ice-cream parlors, restaurants, barbers' and ladies' hairdressers shops, in certain streets, districts or zones, and to fix the days and hours for the closing thereof; to enact that in barber shops the glass in windows facing the street must be kept clear and uncovered so as to afford unobstructed vision from the outside;

Daily levying of taxes on circuses, etc. **"25.** In the case of duties or taxes imposed or levied on circuses, menageries, exhibitions of curiosities, spec-

tacles and travelling amusements and other public performances exhibited or carried on temporarily in the town, such duties or taxes may be imposed and levied day by day and may amount to three hundred dollars for the first day of exhibition or operation, and to one hundred dollars for each subsequent day. 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;

"26. To fix and determine, at its discretion, the conditions, price and duration, whether for a day, a month or a year, of each kind of permit, license or tax which it has power to grant under this or other sections of this or of any other act."

Fixing of
licensing
conditions.

7. The said Cities and Towns' Act is amended, for the town of Asbestos, by adding thereto, after section 469 thereof, the following:

R.S., c. 102,
s. 469a,
added for
town.

"469a. Dealers in oil, gasoline, soft drinks, candy, confectionery, pastry, tobacco or other merchandise, not residing in the town, who bring with them into the town, merchandise not sold in advance, and deliver it directly to the consumers in the town, shall be subject to the duties, taxes or licenses which the town may impose under section 469, paragraph 12, and section 526 of the said Cities and Towns' Act and the amendments thereto for the town of Asbestos. Persons having neither a trade nor a place of business within the municipality who come therein to canvass from house to house or to otherwise solicit orders, on samples or catalogues, shall also be subject to such taxes or licenses."

Taxing of
certain non-
resident
dealers.

8. Section 523 of the said Cities and Towns' Act is amended, for the town of Asbestos, by adding thereto, after the last paragraph thereof, the following paragraphs:

R.S., c. 102,
s. 523, am.,
for town.

"3. To oblige every person or company operating theatres or other places of amusement falling under the Amusement Tax Act to show their books and allow them to be examined by any person authorized so to do by the town, for the purpose of checking the collection of the charity tax;

Examining,
etc., of cer-
tain books.

"4. To impose a special annual tax, not exceeding twenty-five cents per individual seat, on every owner, occupant or lessee of any hall where moving pictures are exhibited.

Imposing of
special annual
tax.

Exemption. Parochial halls and educational institutions shall be exempt from such tax;

Taxing of chain-stores. "5. In addition to any other tax, in the form of a permit, an annual tax upon every person, firm, company or corporation, operating one or more chain-stores within the limits of the town, and who or which has his or its chief place of business outside of the said limits, said tax not to exceed two hundred and fifty dollars for each store. For the purposes of this paragraph, the word "chain-store" shall include a store forming part of a series of commercial establishments, practically similar, belonging to the same proprietor."

R.S., c. 102, s. 526, replaced for town. Imposing, etc., of additional annual tax.

9. Section 526 of the said Cities and Towns' Act is replaced, for the town of Asbestos, by the following:

"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, 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 municipality.

Amount thereof may vary.

Such dues or taxes cannot exceed in any case the sum of two hundred dollars per annum for each kind of business. Such dues or taxes may be different for persons who have not resided in the municipality for twelve months from those for persons who reside therein, provided that such dues and taxes imposed on non-residents and on those who have resided in the municipality for less than twelve months shall not exceed the others by more than fifty per cent."

R.S., c. 102, s. 528, replaced for town. Imposing of taxee.

10. Section 528 of the said Cities and Towns' Act is replaced, for the town of Asbestos, by the following:

"528. In addition to the taxes mentioned in the foregoing sections of this subdivision 26, the council may also impose such taxes as are otherwise authorized by this act.

Levying of special tax.

The council may make by-laws to levy a special tax, not to exceed five hundred dollars, on all persons who shall come temporarily into the said town to dispose of any bankrupt or other stock of goods, ware or merchandise, either by auction or at private sale, such tax to be payable forthwith by such person or persons on demand, and, if not paid when demanded, the same may be at once collected by distress warrant signed by the mayor or pro-mayor, with the signature of the chairman of the finance committee or of the treasurer.

Collection by distress warrant.

Such warrant may be addressed to any bailiff of the Superior Court and must be executed under his oath of office according to the same rules as apply to writs of execution *de bonis*." Execution, etc., of such warrant.

11. The said Cities and Towns' Act is amended, for the said town, by adding thereto, after section 610 thereof, the following section: R.S., c. 102, s. 610a, added for town.

"610a. Before prosecuting for the recovery of fines in the manner provided by section 610, the secretary-treasurer of the town of Asbestos may, upon the requisition of the mayor or of the manager, claim, by letter addressed to the offender at his last known address, the payment of the said fines, and, in the case of payment within the delay mentioned in the said notice, no costs shall be paid." Procedure for recovery of fines.

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

