



CHAPTER 116

An Act to amend the charter of the town of Montmagny

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

WHEREAS the town of Montmagny has, by its petition, Preamble. represented that it is in the interest of the town and that it is necessary for the proper administration of its affairs that its charter, the act 4 George V, chapter 84, as amended by the act 9 George V, chapter 102, be again amended for the following purposes: to provide for establishing zones in the town; regulate certain special businesses; tax chain-stores or other businesses carried on by outsiders; limit to one per cent the tax on land under cultivation; regularize the payment of the sewer tax, and for other purposes; and

Whereas it is expedient to grant the said prayer;

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., Montmagny, by adding thereto, after paragraph 1 of sub- for town. division 1 thereof, the following paragraph:

"1a. To regulate where commercial and industrial Establishing establishments and where dwelling houses and buildings of districts or intended for special uses are to be located within the limits zones. of the municipality, and to establish, in the municipality, districts or zones for the aforesaid purposes;"

2. Section 469 of the said Cities and Towns' Act, as R. S., c. 102, amended by the acts 19 George V, chapter 35, section 6, s. 469, am., for town.

and 25-26 George V, chapter 46, section 1, is amended, for the town, by adding thereto, after paragraph 22 thereof, the following:

Licensing, etc., of circuses, etc.

“23. To permit by license, regulate or prohibit circuses, carousels, 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 closing hours thereof;

Fixing of price, etc., of such licenses.

“24. To fix and determine, at its discretion, the 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.”

Application of section.

This section shall in no way affect section 34 of the Quebec License Act (Revised Statutes, 1925, chapter 25), in so far as same deals with restaurants.

Imposing of annual special tax.

3. The council may, in addition to the taxes contemplated by sections 469, 523 and 526 of the Cities and Towns’ Act (Revised Statutes, 1925, chapter 102), impose and levy from the 1st of May, 1938,—on every person not residing within the municipality and on every corporation or company not having its chief place of business therein, operating one or more stores for smokers’ supplies, candy, articles of domestic use firewood excepted, meat, or groceries, outside of the municipality and operating one or more of such establishments within the municipality—, an annual special tax not exceeding two hundred dollars for each such establishment within the municipality.

Application of section.

This section shall apply also to every company or corporation having its chief place of business in the municipality, when such company or corporation is merely a subsidiary or branch of a company or corporation carrying on the same kind of business outside of the municipality.

Imposing of certain taxes on certain outside traders.

4. 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 to their customers or buyers in the town, shall be subject to the duties, taxes or licenses which the city may impose under section 469, paragraph 12, and section 526 of the said Cities and Towns’ Act.

Restriction as to certain action.

No action shall lie against the town, for recovery of duties or taxes heretofore paid to the town, in like cases, except as to pending cases.

5. Section 522 of the said Cities and Towns' Act is replaced, for the town, by the following:

"522. Any land under cultivation or farmed or used as pasture for cattle, as well as any uncleared land or wood lots within the town of Montmagny, shall not be valued at more than one hundred dollars per arpent. The said valuation shall include the barns, stables and all other farm buildings, but shall not include the dwelling house which must be valued separately, at the ordinary rate of valuation.

The rate of assessment upon such valuation shall in no case exceed one per cent, whether general or special taxes be concerned."

6. Section 528 of the said Cities and Towns' Act is amended, for the said town, by adding thereto, after the word: "act", in the third line thereof, the words: "without being able, however, to affect the provisions of section 522".

7. Notwithstanding the provisions of by-law No. 94 of the town, consolidating its bonded debt and establishing a special annual tax for the payment of the said debt, the treasurer of the town, in the establishing of the said special tax, shall be entitled to make a reduction proportionate to the sewer tax which would be imposed had it not been for the said consolidation, in favour of the following immoveables:

a. The immoveables whereof the owners have themselves constructed, at their own expense, their own sewers or who have gratuitously furnished the land required for the passage of the town's sewers, as regards such immoveables so crossed only;

b. Vacant lots and waste ground situated in places where no sewerage system is established.

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

