



CHAPTER 108

An Act to amend the charter of the city of Lachine

[Assented to, the 20th of May, 1937]

WHEREAS the city of Lachine has, by its petition, Preamble. represented that it is in the interest of the proper administration of its affairs that its charter, the act 9 Edward VII, chapter 86, as amended by the acts 2 George V, chapter 61; 3 George V, chapter 57; 4 George V, chapter 79; 5 George V, chapter 96; 7 George V, chapter 69; 9 George V, chapter 99; 11 George V, chapter 116; 12 George V, chapter 107; 14 George V, chapter 90; 17 George V, chapter 83; 19 George V, chapter 101; 21 George V, chapter 126; 23 George V, chapter 125; 25-26 George V, chapter 120, and 1 Edward VIII (2nd Session), chapter 49, be again amended for the purpose of electing each year, some of the members of the council; requiring an identification card to vote at such elections; increasing its powers to borrow on notes; taxing chain stores and other commerce carried on in the municipality by outsiders; amending and extending the provisions establishing residential zones; providing for the disposal of stolen or abandoned effects in its possession; defining the powers and duties of its director of finance; changing the date for the maturity of the school tax collected in the city, and for other purposes; and

Whereas it is expedient to grant such prayer;

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

9 Ed. VII, c. 86, s. 23, replaced.

1. Section 23 of the act 9 Edward VII, chapter 86, as replaced by the act 25-26 George V, chapter 120, section 5, is again replaced by the following:

R.S., c. 102, s. 173, replaced for city.

"23. Section 173 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is replaced, for the city, by the following section:

Holding of general election.

"173. The general election for mayor and aldermen of the city shall be held on the first Monday of December, and, if such day be a holiday, then on the first following juridical day.

Term of office of present council.

The council as now composed shall remain in office until the first Monday of December, 1937, when a general election of all the members of the council shall be held.

Holding of future elections.

On the first Monday of December, 1938, the aldermen representing seats Nos. 1, 2 and 3 shall retire from office; the election to replace them shall be held on the same day and the persons elected shall be elected for two years. On the first Monday of December, 1939, shall be held the election for the mayor and the aldermen representing seats Nos. 4, 5 and 6, so that, thereafter half the body of aldermen shall be renewed every year."

9 Geo. V, c. 99, s. 6, replaced.

2. Section 6 of the act 9 George V, chapter 99, is replaced by the following:

R.S., c. 102, s. 527, replaced for city.

"6. Section 527 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is replaced, for the city, by the following:

Levying of certain special taxes.

"527. Every special tax imposed under sections 525, 525a and 526 may, in the discretion of the council, be imposed and levied in the form of a license; and thereupon such tax shall be payable annually, at such time and under such conditions and restrictions as the council may determine.

Taking of suit for recovery of taxes, etc.

Notwithstanding that the by-law of the council ordering the imposition and levying of certain duties or taxes in the form of a license enacts imprisonment upon failure to pay the said duties or taxes, the council may, in its discretion, in lieu of prosecuting for such imprisonment, take suit before the courts for the recovery of the said duties or taxes, whether a license be issued or not and whether the name of the person liable for the duties or taxes be entered or not in the valuation or collection rolls."

3. Section 597 of the said Cities and Towns' Act is replaced, for the city, by the following: R.S., c. 102, s. 597, replaced for city.

"597. Notwithstanding the provisions of this sub-division, the municipality may, pending the collection of the general and special taxes and of the water-rate, on mere resolution of the council and without being bound to obtain the approval of the electors who are property-owners, or of the Lieutenant-Governor in Council, contract loans, by means of notes, for a period not exceeding the then current fiscal year to an amount not exceeding, at any time, one-half of the ordinary revenue collected in the preceding year."

4. Section 8 of the act 25-26 George V, chapter 120, is replaced by the following: 25-26 Geo. V, c. 120, s. 8, replaced.

"8. The city 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 first of May, 1936,—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, meat, groceries, dry goods or general merchandise, outside of the municipality and operating one or more of such establishments within the municipality—, an annual special tax not exceeding two hundred and fifty dollars for each of the years begun on the first of May, 1936, and the first of May, 1937, and not exceeding five hundred dollars for subsequent years for each such establishment within the municipality. Levying of special tax on certain corporations, etc.

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. In every action or claim within the purview of this last paragraph of this section the burden of proof shall be upon the company or corporation."

5. Section 1 of the act 23 George V, chapter 125, as replaced by the act 25-26 George V, chapter 120, section 9, is again replaced by the following: 23 Geo. V, c. 125, s. 1, replaced.

Prohibition
of erection of
certain
plants, etc.,
in certain
territory.

"1. The erection, occupation, operation and maintenance of manufactories, plants (except the plant for the pumping and treatment of the water supply for the city waterworks), taverns, restaurants, cafés, billiard-rooms, moving-picture halls, dance halls, public garages, gasoline depots, livery stables, lumber and coal yards, printing establishments, funeral undertakers' establishments, blacksmiths' shops, plumbers' shops, building contractors' shops, shoe repairing, cleaning and shining shops, hucksters', upholsterers' and barbers' shops; hairdressing parlours, laundries, icehouses, bakeries, pastry shops, groceries, butcher's stalls, departmental stores, shops for dry goods, millinery, toilet articles, shoes, merchant tailors, bric-à-brac, various merchandise, ironware, furniture, fuel or motor oil, liquors, drugs, candy, smokers' supplies or other shops or similar places of business, are prohibited in the territories hereinafter described, without prejudice, however, to acquired rights and provided that, in the latter case, any already established industry, trade or business shall retain its present destination or nature.

Territory
described.

(a) In that portion of the territory of the city bounded on the south and west by the southern and western boundaries of the city, on the north, by lot No. 1025 of the plan and book of reference for the parish of Lachine (former C. N. R.) and, on the east by the southern portion of Thirty-third Avenue and its extension in a straight line as far as the southern boundary of the territory of the city and extending northerly as far as the southeastern corner of lot No. 84 of the official subdivision of lot No. 184 of the plan and book of reference of the town of Lachine; thence, by the southern boundary of lots Nos. 84, 83, 82, 81, 80, 79, 78 and 77 of the official subdivision of the said lot No. 184; thence, by Thirty-fourth Avenue as far as the north-western corner of the lot No. 100 of the official subdivision of the said lot No. 184; thence, by the northern boundary of the lots Nos. 100, 101, 102, 103, 104, 105, 106 and 107 of the official subdivision of the said lot No. 184; thence, by the Northern portion of Thirty-third Avenue and its extension in a straight line as far as the said lot No. 1025;

Idem.

(b) In that other portion of the territory of the city bounded to the north by a line starting from the east side of Twenty-first Avenue, at a point situated one hundred feet north of St. Joseph street, in an easterly

direction as far as the north side of Tenth Avenue passing one hundred feet north of said St. Joseph Street; bounded to the south by the same line turning southerly, crossing St. Joseph street and extending as far as the middle of the oldest and smallest Lachine canal, following the western line of lot No. 1 of the official subdivision of lot No. 672 of the plan and book of reference of the town of Lachine and its extension southerly; bounded to the south and southwest by the same line in a westerly direction following the centre of the said Lachine canal as far as its mouth; thence, going around lot No. 805 of the said plan and book of reference and extending as far as the southwestern corner of lot No. 256 of the said plan and book of reference; bounded to the west by the said line, following the southern boundary of lot No. 256 and the southern and eastern boundaries of the original lot No. 257 of the said plan and book of reference as far as St. Joseph street, and thence extending in a straight line to the starting point on the eastern side of Twenty-first Avenue;

(c) That other portion of the territory of the city Territory
bordering on LaSalle Park to a distance of one hundred feet from the western side of the said park, of one hundred feet north of St. Antoine street on the north side of the said park and of one hundred feet to the east of the east side of the said park."

6. The act 23 George V, chapter 125, is amended by 23 Geo. V, c. 125, s. 1a, inserting therein, after section 1 thereof, as replaced by the act 25-26 George V, chapter 120, section 9, and by section 5 of the present act, the following section:

"1a. Signs advertising trades, industries and other kinds of business, already installed in the territory described in the preceding section, as well as those which may be in the future installed, must have a good appearance and not exceed fifteen feet in area for each business establishment."

7. Dealers in oil, gasoline, soft drinks, candy, confectionery, pastry, tobacco or other merchandise, not residing in the city, who bring with them into the city merchandise not sold in advance, and deliver it to their customers or buyers in the city, 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.

Identification card for voting.

8. The city council may make by-laws: to oblige every municipal elector to provide himself with an identification card and to show such card to the election officer in charge of the polling-station before being admitted to exercise his right to vote; to determine what such identification card must contain, the city being obliged to furnish such card free to the electors, on application made to the city clerk at least one month before a general election.

Selling of unclaimed objects by auction.

9. The city may cause to be sold at auction, by a bailiff of the Superior Court without any judicial proceedings and after the notices required for the sale of moveables under writ of execution, the objects, moveable effects or other moveable property unclaimed within the twelve months, which may be in its possession, if such objects, effects or moveable property are the proceeds of theft or have been seized or confiscated by its police officers or were found in the possession of dead persons for whose burial the city has had to provide.

If claimed thereafter

If such property be claimed after the sale, the city shall be liable only for the proceeds of the sale, after deducting the cost of the sale and other expenses which it may have made.

Destroying of such objects in certain case.

If such objects, moveable effects or moveable property unclaimed as aforesaid cannot be sold because they have no merchantable value or by reason of the unlawful use which might be made of them, such as slot machines or other devices of the kind, and no court or judge has declared their confiscation or ordered their destruction according to law, they may be destroyed after publishing the same notices, *mutatis mutandis*.

If claimed thereafter.

If such objects, effects or moveable property be claimed after their destruction, the city shall not be liable for the payment of any indemnity or compensation.

Employment of indigent property-owners.

10. Notwithstanding any law to the contrary, the city of Lachine is authorized to have indigent property-owners work at unemployment work as payment of the taxes which they owe to the city.

Director of Finance.

11. The city shall have an officer called "Director of Finance of the City".

His duties and powers.

The duties and powers of the Director of Finance shall be the following:

1. to countersign all cheques issued by the city and such cheques shall not be valid unless they bear the signature of the Director of Finance;

2. to closely oversee the collection of the taxes and other revenues of the municipality;

3. to act as executive officer of the municipality, charged to supervise and direct under the control of the mayor and council all the business of the city and, as such, he shall have control over all the departments, and the heads of departments shall report to and consult him as regards the work of their respective departments;

4. to exercise all the duties and powers of a manager as defined in section 109 of the Cities and Towns' Act.

The Director of Finance may, also, be appointed to May also be the office of city treasurer and hold both positions simultaneously. city treasurer.

The removal of the Director of Finance may be Dismissal. ordered only under the provisions of chapter 107A of the Revised Statutes, 1925.

The salary of the Director of Finance shall not be Salary. less than three thousand dollars.

12. The city council may, by by-law, grant as an Granting of alimentary allowance, out of the general funds of the certain pension. city, to its employee and former secretary-treasurer Hector Daoust, a retiring pension of not more than eight hundred dollars per annum.

13. Section 45 of the act 9 Edward VII, chapter 86, 9 Ed. VII, c. 86, s. 45, replaced. is replaced by the following section:

"45. Section 572 of the Cities and Towns' Act R.S., c. 102, s. 572, replaced for city. (Revised Statutes, 1925, chapter 102) is replaced, for the city, by the following section:

"572. The council may, by resolution, exempt the Exempting of poor and of new buildings, etc., from payment of certain taxes. poor of the municipality from the payment of taxes.

The council may, by by-law, exempt all new buildings and the improvements made to existing immovables from the payment of the ordinary real estate tax becoming due within the three years following the granting by the building inspector of the permit to build such buildings or to repair the existing immovables."

Exigibility of
certain
school tax.

14. Notwithstanding any law to the contrary, the school tax imposed on immoveables belonging to Protestant ratepayers and on all immoveables entered on the neutral panel, within the territory of the city of Lachine, shall be due and exigible in a single payment on the 1st of July of each year for the school year beginning on that day, and shall be paid and attributed according to law.

7 Geo. V, c.
69, s. 2, re-
pealed.

15. Section 2 of the act 7 George V, chapter 69, is repealed.

Coming into
force.

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