



CHAPTER 111

An Act to amend the charter of the city of Quebec

[Assented to, the 18th of May, 1935]

WHEREAS the city of Quebec has, by its petition, re- Preamble.
presented 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, and 24
George V, chapter 87, 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 must, within six months from the coming into force of this act, 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, to borrow a sum not exceeding two hundred and ten thousand dollars for such construction, unless, within a delay of thirty days from the coming into force of this act, it has found a way to dispose of the garbage to the satisfaction of the Provincial Bureau of Health and in such a manner as not to deposit any garbage within the city limits.

Delay, etc.,
for con-
structing in-
cinerator.

2. The city is hereby authorized to borrow, without a Loan au-
referendum and by mere resolution, a sum not exceeding: thorized for:

a. One hundred and fifty thousand dollars to carry out Paving
permanent paving work and the repairs necessary to the works;
permanently paved streets in the city;

Victoria
bridge;

b. Ten thousand dollars for the repairing of Victoria bridge;

Lighting
system;

c. Thirty thousand dollars to alter the lighting system in certain streets of the city;

St. Peter's
Market.

d. Ten thousand dollars for urgent and necessary repairs to St. Peter's Market in St. Sauveur Ward.

Issue of
bonds, etc.,
authorized,

3. The city, to effect the loans above-mentioned, may, by resolution of its council, issue bonds or registered stock certificates, from time to time when it may deem the same necessary, for the objects above-mentioned. Such bonds or registered stock certificates shall be for such sums as the city may deem suitable and shall be payable within a period of time not exceeding thirty years from the date thereof, at such rate of interest, not exceeding six per cent, as the council may determine.

Period for
repayment,
etc.

How pay-
ment of
bonds, etc.,
may be
made.

4. The city shall provide for the payment of the bonds or registered stock certificates, the issue whereof is authorized by section 3, either by paying on the capital of the said bonds or registered stock certificates half-yearly or yearly, at its option, a sum sufficient so that at the maturity of each bond or certificate the capital shall be paid, or by establishing a sinking-fund, in such manner as it may deem advisable, sufficient to pay the capital at maturity; such sinking-fund shall not be used for any other purpose than the payment of such bonds or registered stock certificates.

Issuing of
serial bonds.

In addition to the above-mentioned method of issuing, the city may issue serial bonds having successive maturities throughout the period of the loan.

Issue of
short term
bonds au-
thorized.

5. The city may also, by resolution, declare that the said loan shall be effected by short term bonds, issued for a term of not less than two years and not more than five years, as the council may fix, and with a sinking-fund of not less than two per cent per annum, provided that each issue, after the first, be only for the balance owing on the loan.

Annual loan
for side-
walks au-
thorized.

6. The city is authorized to borrow each year a sum not exceeding thirty thousand dollars for the making of permanent sidewalks; such sum to be determined by resolution of the council after approval by the Quebec Municipal Commission. The loan so made shall be by a resolution of the council, in accordance with the provisions of the foregoing sections 3, 4 and 5.

7. The city is authorized to borrow a sum of five hundred and fifty-five thousand eight hundred and nine dollars, without referendum and by mere resolution, to consolidate the balance of the deficit prior to May 1st, 1934, according to the provisions of the preceding sections 3, 4 and 5. Loan for consolidation of certain deficit authorized.

8. The city is authorized to borrow all sums necessary for unemployment works and direct relief; such loan to be effected by a resolution of the council after the approval of the Quebec Municipal Commission, in accordance with the provisions of the foregoing sections 3, 4, and 5. Loan for direct relief, etc., authorized.

9. Notwithstanding any law to the contrary, whenever the city is authorized to borrow a sum for a period of thirty years, it is at the same time authorized to borrow such sum for any shorter period, provided that the sinking-fund of such loan be established on the basis of a period of thirty years. Varying of loan period authorized. Proviso.

10. Section 6 of the act 24 George V, chapter 87, is amended by replacing the second paragraph thereof by the following: 24 Geo. V, c. 87, s. 6, am.

"The city must, as it collects the arrears of municipal taxes due, deposit thirty-five per cent of the monies so collected in a special account in the joint names of the city and of the Quebec Municipal Commission, in a bank chosen by the council, in order to provide for the payment of its bonds and debentures at their maturity." Deposit of certain sums in special account.

11. Section 168 of the act 19 George V, chapter 95, is replaced by the following: 19 Geo. V, c. 95, s. 168, replaced

"**168.** At the beginning of each fiscal year, the treasurer shall make out in writing a report showing the city's financial position, and a full abstract of all accounts, both of receipts and expenses, for and during the preceding fiscal year. Such report must be sent to the council for transmission to the Quebec Municipal Commission, and any ratepayer shall be entitled to examine a copy thereof, free of charge, at the office of the said treasurer, and to obtain a copy thereof by paying a reasonable price." Annual report by treasurer. Transmission, etc., of report.

12. Section 200 of the act 19 George V, chapter 95, is replaced by the following: 19 Geo. V, c. 95, s. 200, replaced.

"**200.** Every year between the first of October and the first of March, the assessors shall draw up, for each ward Drawing up of valuation roll.

of the city, a valuation roll of all the immoveables situate within such ward, with the names and the numbers of streets in which such immoveables are situate, as well as the cadastral numbers, names, surnames and occupation of the proprietors, and their actual residence as far as may be ascertained, except in the case of estates in which the name of the person from whom it is derived shall be sufficient, and except in the case where heirs are not known according to the registers of the registration office or who do not give their names or callings to the assessors, which valuation roll shall come into force according to the provisions of articles 215 and following of this charter, and which roll shall serve as a basis for preparing the budget and for imposing taxes on immoveables for the fiscal year beginning on the first of May following.

Transmis-
sion of copy
of roll.

A copy of such roll certified by the board of assessors shall be transmitted to the treasurer not later than the second of April in every year, for the latter to prepare the roll of real estate taxes or contributions for the ensuing fiscal year, which roll must include the real estate taxes imposed by law, by-laws and resolutions, including the school tax."

19 Geo. V,
c. 95, s. 201,
replaced.

13. Section 201 of the act 19 George V, chapter 95, is replaced by the following:

Making of
supplement-
ary valua-
tion roll.

"201. Between the 1st of May and the 1st of September of each year, the assessors shall make a supplementary valuation roll of immoveables for every immoveable or part of an immoveable which was not assessed at the time of the first roll made between the first of October and first of March of each year. The assessors shall, in addition, complete such valuation rolls so made on the dates mentioned according to article 200 and this article, by correcting and inserting in the rolls the changes which have occurred between the first of February and the first of September of each year, through change of ownership, transfer by inheritance or otherwise.

Transmis-
sion of same.

Such supplementary roll shall be transmitted to the treasurer by the board of assessors on or before the first of September of each year, for the latter to prepare the roll of real estate taxes or contributions for the current fiscal year for such supplementary roll.

Making of
valuation
and collec-
tion roll.

The said assessors shall, in addition to such supplementary valuation roll of immoveables, and between the same dates, make a valuation and collection roll of all other personal taxes, business taxes and of all other taxes due to the city under any law or any by-law: such roll men-

tioning the rental values on which the said taxes are based and the names and occupations of the persons subject thereto. Such roll shall be drawn up by wards."

14. Section 216 of the act 19 George V, chapter 95, is 19 Geo. V, c. 95, s. 216, replaced. replaced by the following:

"216. As soon as the assessors shall have deposited the valuation roll of immoveables, the supplementary valuation roll of immoveables, and the valuation and collection roll of personal taxes in the office of the city treasurer, the latter shall publish a notice of such deposit every juridical day during three weeks, in a French and in an English newspaper of the city. During the three weeks following the date of the first publication of the notice of such deposit, all persons considering themselves aggrieved by any entry, estimate or charge in the said rolls, shall file a complaint before the board of assessors of the city, in writing, and sworn to before a justice of the peace, or the clerk of the Recorder's Court of the city. Such complaint shall be filed during the same period with the board of assessors, and the clerk of the said board shall give, in the said newspapers, notice of the days and hours when they will hear the complaints. Notice of deposit of valuation, etc., rolls. Filing of complaints.

As soon as such rolls shall have been homologated, the city treasurer shall, at any time prior to the 15th of October in each year, give public notice in which he shall announce that the collection rolls based on the said rolls have been completed and are deposited in his office, and he shall call upon all persons bound to pay the sums therein mentioned to pay the amount thereof at his office prior to the 1st of November following, or make complaint within the delay above-mentioned against the said collection rolls, if such persons consider themselves aggrieved by the said rolls. Procedure after homologation of rolls.

15. Section 234 of the act 19 George V, chapter 95, as 19 Geo. V, c. 95, s. 234, replaced. replaced by the act 20 George V, chapter 110, section 10, is again replaced by the following:

"234. Each and every special tax imposed in virtue of the foregoing provisions may, at the option of the council, be either a fixed annual tax on all or any of the divers classes of persons subject to such taxes and on the premises by them occupied for the ends of their commerce, trade or industry, or a proportional tax, to be determined by the said council, according to the assessed real value of the immoveable or any part thereof occupied as such, or according to the annual value of the rental of such im- How special taxes may be imposed.

moveable or any part thereof occupied as aforesaid by the persons subject to such tax. or to both modes together, that is to say, a fixed tax on the person subject to said tax and a proportional tax on the immovable occupied as aforesaid, or only a fixed tax on the said person, according as the said council shall in each case consider it more advantageous for the city, provided that, for railway, telegraph or express companies, the fixed tax do not exceed, in any case, the sum of two hundred dollars per annum.

Semi-annual
carters' per-
mits.

Proviso.

Amount of
certain busi-
ness tax.

The city treasurer may, however, grant carters' permits, counting from the first of December, for the balance of the year, in consideration of half the annual price of the license, provided that such permits be given only to carters removing snow and that the said carters be ratepayers domiciled in the city.

Nevertheless the business tax imposed by the council in virtue of articles 232 and 234 of this charter shall not, in any case, be less than ten dollars."

19 Geo. V,
c. 95, s. 243,
am.

16. Section 243 of the act 19 George V, chapter 95, is amended by inserting therein, after the word: "merchants", in the third line thereof, the words: " or contractors".

Id., s. 266.
replaced.

Privilege of
city.

Requiring of
advance
payment of
business tax
in certain
case.

17. Section 266 of the act 19 George V, chapter 95, is replaced by the following:

"266. The same moveables and moveable effects, which by law are security for the payment of the rent of an immovable or part of an immovable shall be subject to the privilege of the city for the payment of every personal tax or business tax due to the city by reason of any business, trade or profession being exercised or carried on, in or upon such immovable or part of an immovable.

When the furniture and moveable things which are security for the payment of the rent of an immovable or part of an immovable are insufficient to secure the payment of any business tax owing to the city through the carrying on in such immovable or part of an immovable of any business, trade or profession whatsoever, the city shall have the right to require from the lessee payment, monthly and in advance of the business tax for the current fiscal year, distributed over a period of twelve months, and if the lessee fails to make such monthly payment the city shall have the right, either to cancel the license permitting the occupation of the premises as such, or, if such premises be not occupied as such under a license, to close the said premises until the business tax be paid."

18. Section 287 of the act 19 George V, chapter 95, ^{19 Geo. V, c. 95, s. 287, am.} is amended by replacing the first paragraph thereof by the following:

"287. The council, before the first of May of each year, ^{Imposition of tax to meet budget expenses.} must impose, over and above the other revenues of the city, a tax sufficient to meet the expenses provided for by the budget for the following fiscal year, by adding an amount which must not be less than one per cent nor exceed two per cent to cover the loss in collection."

19. Section 336 of the act 19 George V, chapter 95, as ^{19 Geo. V, c. 95, s. 336, am.} amended by the acts 21 George V, chapter 122, section 8, and 22 George V, chapter 104, section 5, is again amended:

a. By replacing paragraph 186 thereof by the following:

"186. To make by-laws for imposing a license on every ^{Licenses for guides;} person acting as a guide or as a chauffeur-guide within the limits of the city of Quebec and to determine the conditions upon which such license shall be obtained, and the tariff which the holder of any such license may charge for his services.

Nevertheless, such by-laws shall not apply to taxi- ^{Application restricted;} drivers in their taxis, nor to cabdrivers in their carriages, nor to guides or employees of autobuses belonging to private individuals or to autobus companies doing business within the limits of the city of Quebec;"

b. By adding thereto, after paragraph 186 thereof, the following paragraphs:

"187. To impose a special tax not exceeding two dollars ^{Tax on certain public vendors;} per day on every public vendor plying his business on private land, at the entrance or outside of a building, or on vacant private land, except farmers, newsvendors and any other public vendor who already pays the city for a license or a business tax for any kind of business;

"188. The city council, besides having the authority to ^{Regulating, etc., of public vehicles;} do so, must, within three months after the 18th of May, 1935:

a. Establish and put into force a tariff of trip rates to be charged by a public carrier, within the territory under the jurisdiction of the city council; in determining such tariff, the Quebec city council may establish or fix a rate for seven passenger vehicles, for five passenger vehicles, and, lastly, a third rate for taxis having a taximeter;

b. Authorize, regulate and/or prevent the establishment, the exploitation, the maintenance, the operation and the circulation of motor vehicles, or taxis, or automobiles for hire used for the conveyance of travellers, for a considera-

tion, the granting of permits or licenses to every proprietor-chauffeur or driver of such vehicles, as well as the governance and discipline of the said persons;

c. If it is deemed advisable, enact the imposition and the inspection of taximeters, the limitation of the number of licenses or permits of taxis, compulsory insurance in favour of the passengers or against public liability, or in both cases, the inspection of the brakes;

Provisions applicable;

Notwithstanding the provisions contained in this section and the provisions of the by-laws passed in virtue thereof, the provisions of chapter 113B of the Revised Statutes, 1925, and its amendments, apply, *mutatis mutandis*, to this section, the Quebec Public Service Commission being vested with all the powers granted to the city council by the said section and for the purposes thereof;

License for non-resident auctioneers;

"189. To impose on every non-resident auctioneer, having no place of business in the city of Quebec, who comes to hold an auction sale in Quebec, a license of one hundred and fifty dollars;

License upon certain auction sales, etc.;

"190. To impose upon every person who holds or causes to be held within the city an auction sale of unused or used merchandise or goods coming from outside, a license of one hundred and fifty dollars, when such merchandise is shipped to him from a place outside of the city to be sold by auction within the city, exception being made, however, of skins of fur or hair bearing animals, and to levy an additional sum of fifty dollars per day for every day employed in holding such sales up to a maximum of five days, and to levy a sum of ten dollars per day for each clerk employed in making the said sale;

Identification permit for house to house solicitors.

"191. To require of every solicitor employed for the selling of merchandise from house to house an identification permit for which there shall be paid to the treasurer the sum of one dollar, provided that such solicitors be employed by a person, firm or corporation liable for the business tax in the city."

19 Geo. V, c. 95, s. 470, replaced.

20. Section 470 of the act 19 George V, chapter 95, is replaced by the following:

Responsibility for certain expropriation costs.

"**470.** If the amount awarded by the president does not exceed the amount tendered, the party expropriated may be condemned to pay all the costs of the expropriation; in the contrary case, such costs may be given against the city.

How costs to be taxed in certain event.

In the event of the discontinuance or abandonment of the expropriation proceedings before the award, the costs shall be taxed as in an action of the class of the amount

tendered by the city. The costs taxed after the award must be only those mentioned in the tariff for expropriations with, in addition, the general fee in an action of the class of the amount awarded, without a trial and hearing fee and without additional fee. Such costs shall be taxed by the judge."

21. Section 511 of the act 19 George V, chapter 95, as 19 Geo. V, replaced by the act 22 George V, chapter 104, section 8, is c. 95, s. 511, again replaced by the following: replaced.

"**511.** The city shall introduce drains and water from Laying of drains, etc. the waterworks into all the streets of the city in which the revenue from the water shall equal at least six per cent of the cost of the introduction of the drains and water.

This article shall apply whenever the city may decide Limitation of expenditure therefor. to replace the waterworks' pipes or the drainage pipes by larger pipes, provided, however, that the annual sum of one hundred thousand dollars hereinafter prescribed be never exceeded."

22. Section 569 of the act 19 George V, chapter 95, is 19 Geo. V, replaced by the following: c. 95, s. 569, replaced.

"**569.** The council shall appoint the clerk of the Clerk of Recorder's Court. Recorder's Court who shall be appointed during pleasure, and who must be a registered member of the Bar of the Province of Quebec."

23. The act 19 George V, chapter 95, is amended by 19 Geo. V, adding thereto, after section 632 thereof, the following c. 95, s. 632a, section: added.

"**632a.** The fine which the Recorder's Court must impose Subsequent offence and fines in Recorder's Court. for any offence after the first against the license or permit by-law shall be at least equal to the cost of the license mentioned in the complaint laid before the Recorder's Court, whatever be the amount of the fine fixed by the permit."

24. Section 11 of the act 24 George V, chapter 87, is 24 Geo. V, amended by replacing the figures: "1935", in the eleventh c. 87, s. 11, line thereof, by the figures: "1936". am.

25. The administrative committee may cause to be sold Auctioning of certain property, etc. by auction by a bailiff of the Superior Court, without legal formality, and after the notices for a sale of moveable property in a seizure in execution, the articles, moveable effects or other moveable property unclaimed within twelve

months, except in the case of pending suits, of which it may be in possession, if such articles, effects or moveable property are the proceeds of thefts or have been seized or confiscated by its police officers or were found in the possession of persons who are dead and for whose funeral the city has had to provide. If such property be claimed after the sale, the city shall be responsible only for the proceeds of the sale, after deducting the cost of sale and the other disbursements which it may have made. If such articles, 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 may be made of them, such as weapons of offence, slot machines, or others, and if no court or judge has decided their confiscation or ordered their destruction according to law, they may be destroyed after publication of the same notices, *mutatis mutandis*. If such property be claimed after its destruction, the city shall not owe any indemnity or recompense.

Furnishing
of list of em-
ployees.

26. Notwithstanding any law to the contrary, every person, corporation, firm or institution whatsoever, having in his or its employ one or more persons in the city of Quebec, must, after the sanctioning of this act, deliver to the city treasurer, if thereunto required by him in his capacity of administrator of unemployment relief in the city of Quebec, a list of the names and addresses of his or its employees with their salaries or wages.

Penalty for
refusal.

Every person, corporation, firm or institution who or which refuses to comply with the above provision commits an offence and shall be liable, in addition to costs, to a fine not exceeding fifty dollars for each offence. Such fine shall be recoverable before the Recorder's Court of the city of Quebec.

Transfer-
ring of part
of certain
unexpended
sum author-
ized.

27. The city is authorized to take from the amount of four hundred thousand dollars which it borrowed under paragraph *e* of section 1 of the act 20 George V, chapter 110, and which it has not entirely expended, a sum of ninety-eight thousand dollars, eighty-five thousand dollars of which to pay for the work actually being carried on for the laying of a twenty-four inch pipe in the bed of the river St. Charles to connect the reservoir with the waterworks system in Limoilou ward, and for certain claims for damages caused by the laying of the connecting pipes with the said reservoir, amounting to thirteen thousand

dollars, and the transfer of such sum, so borrowed, in payment of the above-mentioned work and claims is declared valid and legal.

28. The city is authorized to take also out of the amount borrowed under paragraph *e* of section 1 of the act 21 George V, chapter 122, a sum of eight thousand two hundred dollars to pay for the Bastien property at the corner of Crown street, and three thousand two hundred dollars for payment of part of the land of 18th street in Limoilou ward; the whole subject to the approval of the Quebec Municipal Commission.

Transferring of part of certain loan authorized.

29. The city is authorized to take from the amount of four hundred thousand dollars which it borrowed under paragraph *e* of section 1 of the act 20 George V, chapter 110, for damming Lake St. Charles, which amount has not been entirely expended, a sum of eight thousand dollars for the construction of a disinfecting oven for the health department; the whole subject to the approval of the Quebec Municipal Commission.

Transfer-ring of part of certain unexpended sum author-ized.

30. The city council may, by by-law, order that an identification card, in the form and tenor enacted by the said by-law, shall be exigible from each municipal elector in the exercise of any right to vote given in virtue of the provisions of the city charter.

Identifica-tion card.

31. The city is authorized to borrow a sum not exceeding twenty thousand dollars to modernize its accounting system, the said sum to be fixed by resolution of the council. The loan so made shall be by resolution of the council in accordance with the provisions of sections 2, 3 and 4 hereinabove, subject to the approval of the Quebec Municipal Commission.

Loan au-thorized for accounting system.

32. The city is authorized to borrow a sum not exceeding two hundred and twenty-five thousand dollars to consolidate the deficit for the fiscal year 1934-1935 and upon the conditions of sections 3, 4 and 5 hereinabove, except as to the duration of the loan which, in this case, must be twenty years instead of thirty years.

Loan au-thorized to consolidate certain de-ficit.

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

Coming into force.