



CHAPTER 124

An Act to consolidate the charter of the city of Joliette

[Assented to, the 11th of April, 1935]

WHEREAS the city of Joliette has, by its petition, re- Preamble.
presented that its charter, the act 27 Victoria,
chapter 23, has been often amended, by both general and
special acts, making its charter difficult of interpretation,
and that it is expedient, for the good administration of the
affairs of the city, that its charter be consolidated and that
new provisions be inserted therein; and

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 as the "*Charter of the city of* Short title.
Joliette".

2. The inhabitants of the city of Joliette and their suc- Incorporation.
cessors are and remain incorporated, under the name of
"The city of Joliette". Name.

3. The city of Joliette is and remains separate from the Separation.
county of Joliette for municipal purposes.

4. The provisions of the Cities and Towns' Act (Revised Provisions
Statutes, 1925, chapter 102) and its amendments shall applicable
apply to the city of Joliette, except in so far as they may to city.
now or hereafter be inconsistent with the provisions of
this act.

Term of office of present mayor and aldermen.

5. The present mayor and aldermen of the city of Joliette shall remain in office until the expiration of their respective mandates.

Id., of municipal officers and employees.

6. The present municipal officers and employees of the said city shall also remain in office until they resign or are replaced by the council or until the expiration of their respective engagements.

By-laws, etc., to remain in force.

7. All by-laws, resolutions, *procès-verbaux*, lists, rolls, ordinances, accounts for taxes and debts, plans, agreements, provisions and all acts, passed or adopted by the corporation or the council of the city of Joliette, or their predecessors, and now in force, shall continue to have their full effect until set aside, repealed or accomplished.

Legal effect of previous notes, etc.

8. All notes, bonds, obligations, bills, covenants or contracts subscribed, accepted, endorsed, consented, issued or contracted by the corporation or the council of the city of Joliette or their predecessors, before the coming into force of this act, shall continue to have their legal effect.

R. S., c. 102, s. 4, replaced for city.

9. Section 4 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), as amended by the act 16 George V, chapter 35, section 1, is replaced, for the city, by the following:

Interpretation:

4. Unless the context indicates or declares otherwise, the following expressions, terms and words, whenever the same occur in the act 25-26 George V, chapter 124, or in this act, shall have the following meaning:

Municipal office;

1. The words "municipal office" mean all the offices and functions discharged by the members or officers of the council;

Charter;

2. The word "charter" means the act 25-26 George V, chapter 124, as well as any act of the Legislature amending the same;

City or town;
Council;

3. The words "city or town" mean the city of Joliette;
4. The word "council" means the council of the city of Joliette;

Ratepayer;

5. The expression "ratepayer" means any person liable to pay to the city any tax, contribution, assessment, duty, impost, permit or allotment, of any kind whatsoever, as well as the compensation for the use of water or electricity;

Superior Court;

6. The words "Superior Court" mean the Superior Court sitting in and for the district of Joliette;

District;

7. The word "district" means the judicial district of Joliette;

8. The word "aldermen" means the aldermen of the Aldermen; city of Joliette;

9. The word "elector" means any municipal elector of Elector; the city, entitled to vote at the time of exercising his right to vote;

10. The expression "the day following" does not mean Day follow- or include holidays unless the act in question may be done ing; upon a holiday;

11. The words "electoral list" mean the municipal list Electoral list; of electors;

12. The word "tenant" means any person who is bound Tenant; to pay rent in money or to give part of the fruits or re-venues of the immovable which he occupies, and who is a resident householder, saving the case of the lessee of a store, shop, office or place of business;

13. The word "mayor" means the mayor in charge or Mayor; the acting-mayor of the city of Joliette;

14. The words "member of the council" mean and in- Member of clude the mayor or any of the aldermen of the city of the council; Joliette;

15. The word "municipality" means the city of Joliette; Municipality;

16. The word "occupant" means any person who occu- Occupant; pies an immovable in his own name, otherwise than as proprietor, usufructuary or institute, and who enjoys the revenues derived from such immovable;

17. The expression "election officer" means the re- Election of- turning-officer and election clerk and every deputy return- ficer; ing-officer and poll-clerk appointed for an election.

18. The word "property-owner" means any person who Property- owner; possesses immovable property in his own name as owner, as usufructuary, or as institute in cases of substitutions;

19. The expression "municipal dues" means any tax, Municipal dues; general or special, assessment, duty, impost, allotment, compensation for the use of water or electricity, fine, penalty, as well as any debt due to the city under any title whatsoever;

20. The word "sitting", used alone, means indifferently Sitting. an ordinary or general sitting, or a special sitting of the council."

10. Section 27 of the said Cities and Towns' Act is R. S., c. 102, replaced, for the city, by the following: s. 27, re-

"27. The city of Joliette shall include all the territory replaced for city. Territory.

On the northwest: by a line commencing at a point Boundaries. situated in the middle of the Assumption river, on the extension of the dividing line between lots Nos. 218 and

221 of the cadastre of the parish of St. Charles Borromée; going towards the southwest, following the said dividing line, then the dividing line between lots Nos. 220 and 222 of the said cadastre, and extending in a straight line, across lot No. 418 of the cadastre of the parish of St. Paul, as far as a point situated at a distance of fifty feet to the southwest of the branch of the Canadian Northern Railway, connecting Joliette with St. Jérôme;

On the southwest: by a line drawn perpendicularly at the extremity of the above northwestern boundary, going towards the southeast across lots Nos. 418, 419, 420, 421, 422 and 424 of the cadastre of the parish of St. Paul as far as its intersection with the western limit of the branch of the Canadian Northern Railway connecting Joliette with Montreal; making with such latter an angle of fifty-four degrees and forty-six minutes; thence, along the said railway line and going towards the south as far as its intersection with the extension of the southwestern boundary of lot No. 504 of the cadastre of the town of Joliette, making with such extension an angle of fifty-eight degrees and eight minutes; thence, going towards the southeast along the said extension and the dividing line between the cadastre of the town of Joliette and the cadastre of the parish of St. Paul, as far as the southeastern boundary of the city;

On the southeast: by the dividing line between the cadastre of the town of Joliette and the cadastre of the parish of St. Charles Borromée, commencing from the southwestern boundary of the city and going as far as a point situated in the middle of the Assumption river; thence, following the middle of the said river, going towards the southeast as far as its point of intersection with the extension of the dividing line between lots Nos. 16 and 17 of the cadastre of the parish of St. Charles Borromée; thence, following the said dividing line between the said Nos. 16 and 17, going towards the northeast as far as the northeastern boundary of the said lot No. 16; thence, going towards the northwest as far as the dividing line between lots Nos. 67 and 68 of the cadastre of the parish of St. Charles Borromée; thence, following the said dividing line between the said lots Nos. 67 and 68 as far as the southern boundary of the Canadian Pacific Railway; thence, along the said railway line as far as the dividing line between the cadastre of the parish of St. Charles Borromée and the cadastre of the town of Joliette; and thence, going towards the northeast, following the said dividing line as far as des Prairies road;

On the northeast: by a line starting from the southeast boundary of the city and going towards the northwest, along the said des Prairies road as far as the dividing line between lots Nos. 80 and 81 of the cadastre of the parish of St. Charles Borromée; thence, following the dividing line between the said lot No. 81 and lot No. 586 of the cadastre of the town of Joliette, going towards the southwest as far as a point situated in the middle of the Assumption river; thence, going towards the north, following the middle of the said river as far as the north-western boundary of the city, to the starting point."

11. Section 30 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 30, replaced for city.

"**30.** The city of Joliette shall comprise but one ward until it be otherwise enacted by by-law of the council." One ward only.

12. Section 47 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 47, replaced for city.

"**47.** The municipal council shall be composed of a mayor and nine aldermen, elected in the manner herein-after prescribed." Composition of council.

13. Section 48 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c.102, s. 48, replaced for city.

"**48.** The mayor shall be elected for three years by the majority of the municipal electors who have voted." Term of office of mayor.

14. Section 49 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 49, replaced for city.

"**49.** The aldermen shall be elected, for the same period of three years, three each year, by the majority of the municipal electors who have voted." Term of office of aldermen.

15. Section 56 of the said Cities and Towns' Act, as replaced by the act 19 George V, chapter 34, section 1, is again replaced, for the city, by the following: R. S., c. 102, s. 56, replaced for city.

"**56.** If the office of mayor become vacant, the clerk shall, within eight days after such vacancy, fix a day for the nomination of candidates as well as for the election in case of opposition. Such election shall take place within thirty days from the vacancy." Filling of vacancy in office of mayor.

16. Section 68 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 68, replaced for city.

Appointing of permanent or special committees. **"68.** The council may appoint permanent or special committees, composed of as many of its members as it may deem necessary, to supervise the administration of the several civic departments for which they are respectively appointed, and to manage such business as it may, by by-law or resolution, assign to them.

When appointed. The permanent committees shall be appointed each year, at the first sitting after the annual general election, and special committees at any time whenever necessary or expedient.

Replacing of members. The council may replace any member of the said committees whenever it thinks proper.

Mayor *ex officio* member. The mayor shall be a member *ex officio* of all committees, and shall have a right to vote therein.

Reports. Every committee shall render account of its labours and decisions by reports signed by its chairman or by a majority of the members who compose it.

Adoption of reports. No report of a committee shall have any effect until it has been ratified or adopted by the council."

R. S., c. 102, s. 95, replaced for city. **17.** Section 95 of the said Cities and Towns' Act is replaced, for the city, by the following:

Depositing of moneys. **"95.** Saving all other legal provisions, the treasurer must deposit in one or more chartered banks designated by the council, the moneys arising from municipal taxes or dues, and all other moneys belonging to the city, and must allow them to remain there, until they are employed for the purposes for which they were levied, or until disposed of by the council."

R. S., c. 102, s. 103, replaced for city. **18.** Section 103 of the said Cities and Towns' Act is replaced, for the city, by the following:

Powers, etc., of secretary-treasurer. **"103.** The offices of clerk and treasurer of the city are now filled and shall continue to be so filled by a secretary-treasurer, and he shall have the same rights, powers and privileges, and shall be liable to the same obligations and penalties, as those determined and prescribed for such offices."

R. S., c. 102, s. 123, replaced for city. **19.** Section 123 of the said Cities and Towns' Act, as amended by the acts 18 George V, chapter 37, section 1; 20 George V, chapter 47, section 4, and 24 George V, chapter 32, section 1, is replaced, for the city, by the following:

Persons disqualified from holding municipal office. **"123.** None of the following persons may be nominated or elected mayor or alderman, nor be appointed to nor hold any other municipal office:

1. Aliens;
2. Minors;
3. Persons in holy orders, and the ministers of any religious denomination;
4. Members of the Privy Council;
5. The judges or magistrates receiving emoluments from the federal or provincial government or from the city;
6. Officers on full pay of His Majesty's army or navy;
7. Keepers of taverns, restaurants or hotels, acting as such within the city, and persons who have acted as such therein within the preceding twelve months;
8. Whosoever has had no residence or principal place of business in the city for at least twelve months previous to the election or nomination. Notwithstanding the provisions of section 122 and those of this paragraph, any male person not having his residence or principal place of business in the city, or any male person having his residence or principal place of business therein for less than twelve months previous to the nomination, may be appointed secretary-treasurer, municipal inspector, auditor, manager, or special superintendent;
9. Whosoever has, directly or indirectly, by himself or his partner, any contract with the city.
Nevertheless, a shareholder in an incorporated company which has any contract or agreement with the city or which receives any grant or subsidy therefrom, shall not be disqualified from acting as a member of the council; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to such company;
10. Whosoever has not paid all his municipal dues, with the exception of such amounts as remain to be paid owing to involuntary error or omission;
11. Whosoever cannot read or write fluently, even though he can read print and write his name;
12. Any person convicted of treason or of any criminal offence punishable by imprisonment for at least two years. Such disqualification shall continue for five years after the term of imprisonment fixed by the sentence, and, if only a fine was imposed or the sentence is suspended, for five years from the date of such condemnation;
13. Whenever the office of mayor or alderman is in question, any persons who are responsible for moneys belonging to the city, or who are sureties for any employee of the council, or who receive any pecuniary allowance or other consideration from the city for their services."

R. S., c. 102, s. 124, replaced for city. **20.** Section 124 of the said Cities and Towns' Act is replaced, for the city, by the following:

Property qualification of mayor, etc.

"124. No person may be either nominated or elected mayor or alderman nor hold such office nor be appointed assessor nor fulfill such duties unless he, during the twelve months immediately preceding the day of his nomination, or appointment, as the case may be, has been seized of and has possessed as proprietor in his own name or in that of his wife, immoveable property in the city of the value of six hundred dollars, after payment or deduction of every hypothec and privilege registered thereon; such qualification to be established by the valuation roll in force at the date of the nomination or of the appointment."

Provisions not applicable to city.

21. Section 130 of the said Cities and Towns' Act shall not apply to the city of Joliette as long as such city shall be composed of one ward only.

R. S., c. 102, s. 136a, added for city.

22. The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 136 thereof, the following:

Removing of names from electoral list.

"136a. In the preparation of the list, the clerk shall omit therefrom, and, from time to time, cause to be removed therefrom, the names of all persons who either are or who may become deceased, also the names of minors, of aliens, of municipal employees referred to in section 133, and of all others who are not entitled to have their names entered in such list.

Examination of list.

During the month of November, any ratepayer may, under proper safeguards, examine the list in the office of the clerk, and, if he finds therein the name of any person whom he may have reason to believe is not legally entitled to be entered, he may file with the clerk a signed statement, specifying the name and alleging the causes of disqualification; and, in each such case, the clerk shall make careful inquiry respecting the truth of such allegations, before permitting any name, thus objected to, to remain upon the list, when he certifies it."

R. S., c. 102, s. 137, replaced for city.

23. Section 137 of the said Cities and Towns' Act is replaced, for the city, by the following:

Polling-subdivisions.

"137. The clerk, in making the electoral list, shall divide it into polling-subdivisions.

Id., for Provincial elections.

The polling-subdivisions for the Provincial elections shall be the subdivisions for the purposes of voting at municipal elections."

24. Section 140 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 140, re-
placed for
city.

"140. The electoral list for all the polling-subdivisions of the city shall be considered to be the electoral list for the whole city in every election held under this act or the charter."

Electoral
list.

25. Section 142 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 142, re-
placed for
city.

"142. The mayor shall see that the electoral list for the city is made according to law, and he may suspend the clerk if the latter refuse or neglect to make the said list, and also any municipal employee dealing with such list illegally."

Mayor and
making of
electoral
list.

26. Section 150 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 150, re-
placed for
city.

"150. Before proceeding to examine or correct the electoral list, the council shall cause to be given, by the clerk, the special clerk, or any other person, public notice of the day and hour at which such examination will begin. It may, in its discretion, cause different days to be specified in the notice, for examining and correcting the list for each polling-subdivision.

Notice of
examina-
tion.

Before taking into consideration the applications in writing filed in the office of the council with respect to the electoral list, the council shall also cause a special notice to be given to every person, the entering or striking of whose name in or from the list is applied for.

Special no-
tice.

The public notice and the special notice required by this section shall be of five days; and they shall further be given and published or served in the same manner as notices for municipal purposes.

Delays on
notice.

There shall be allowed to the clerk, at the cost of the party complaining, a fee of twenty-five cents for each special notice given by him to any person whose name is neither added to nor struck from the list by the council, or by the judge, if there be an appeal, as hereinafter provided.

Fees of
clerk.

The giving of public and other special notices shall be part of the general duties of the clerk."

Giving of
notices.

27. Section 173 of the said Cities and Towns' Act, as amended by the act 23 George V, chapter 43, section 1, is replaced, for the city, by the following:

R. S., c. 102,
s. 173, re-
placed for
city.

"173. The election for mayor shall be held every three years, on the first juridical day of February.

Elections
for mayor.

Aldermen. Three aldermen shall be elected, each year, on the same date.

How election held. The election for mayor and aldermen shall be held in accordance with the provisions hereinafter contained."

R. S., c. 102, s. 186, replaced for city.

28. Section 186 of the said Cities and Towns' Act is replaced, for the city, by the following:

Documents to be filed with nomination-paper.

"**186.** With each nomination-paper, there shall be filed:

1. A declaration from the candidate or some other person stating under oath that the candidate is a British subject and that he is duly qualified, and containing a description of the immoveable property on which such qualification is based;

2. A certificate from the clerk, establishing the value of the said property according to the valuation roll in force;

3. A certificate from the treasurer of the city showing that the candidate has paid all his municipal dues."

R. S., c. 102, s. 210, replaced for city.

29. Section 210 of the said Cities and Towns' Act is replaced, for the city, by the following:

Hours for polling.

"**210.** The poll shall be opened at the hour of nine of the clock in the forenoon and kept open until seven of the clock in the afternoon of the same day. Each deputy returning-officer shall, during that time, in the polling-station assigned to him, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling-station."

R. S., c. 102, s. 220, replaced for city.

30. Section 220 of the said Cities and Towns' Act is replaced, for the city, by the following:

Calling upon electors to vote.

"**220.** At exactly nine o'clock in the morning, immediately after the ballot-box is locked, the deputy returning-officer shall call upon the electors to vote.

Voters not to be impeded.

The deputy returning-officer shall secure the admittance of every elector into the polling-station, and shall see that he is not impeded or molested in or about the polling-station."

R. S., c. 102, s. 239, replaced for city.

31. Section 239 of the said Cities and Towns' Act is replaced, for the city, by the following:

Adjourning of nomination or voting in certain case.

"**239.** In case, through accident or irresistible force, riot, removal of documents, or other similar cause, the nomination cannot be held, or the voting cannot commence at the hour fixed, or is interrupted by similar causes or by insufficiency of ballot-papers, the returning-officer and the

deputy returning-officer, in so far as it concerns either, shall adjourn to the following day to begin anew, and day by day if necessary until the nomination of candidates and the polling may be freely held. In the case of the polling it shall be resumed by commencing at nine o'clock in the forenoon, and be continued until it has lasted ten hours, so that all the electors who wish to vote may have had the opportunity of so doing."

32. Section 240 of the said Cities and Towns' Act is R. S., c. 102, amended, for the city, by replacing subsection 1 thereof ^{s. 240, am.,} by the following: _{for city.}

"**240.** 1. At seven o'clock in the afternoon the poll ^{Closing of} and the voting shall be closed; and an entry thereof shall ^{poll.} be made in the poll-book."

33. Sections 342, 343 and 344 of the said Cities and ^{Provisions} Towns' Act are excluded from this charter. _{excluded.}

34. Section 346 of the said Cities and Towns' Act is R. S., c. 102, replaced, for the city, by the following: ^{s. 346, re-} _{placed for}

"**346.** The council shall meet at least once a month, in ^{city.} general or ordinary session, to despatch the business of the ^{Meetings of} city and shall hold its sittings on the days and at the ^{council.} hours which it determines by by-law.

It shall not be necessary that the members of the council ^{No notice.} receive notice of any general or ordinary sitting."

35. Section 348 of the said Cities and Towns' Act is R. S., c. 102, replaced, for the city, by the following: ^{s. 348, re-} _{placed for}

"**348.** The majority of the members of the council, ^{city.} the mayor excluded, shall constitute a quorum for the ^{Quorum.} transaction of business, except as otherwise specially provided by this act."

36. Section 350 of the said Cities and Towns' Act is R. S., c. 102, replaced, for the city, by the following: ^{s. 350, re-} _{placed for}

"**350.** The mayor may call a special sitting of the ^{city.} council whenever he deems proper, upon verbal or written ^{Calling of} intimation from the mayor to the clerk of the city. The ^{special sit-} _{tings by} latter shall thereupon issue a notice of meeting summarily ^{mayor.} specifying the business to be transacted at such sitting, and shall cause a copy of such notice to be served to every member, at his domicile or place of business, at least twenty-four hours prior to such sitting."

R. S., c. 102, s. 362, replaced for city. **37.** Section 362 of the said Cities and Towns' Act is replaced, for the city, by the following:

"362. Every notice shall be either special or public, and shall be in writing.

Publication, etc., of special and public notices. Public notices shall be published; special notices shall be served.

Public notices must be drawn up in French or may be drawn up both in French and English; but the drawing up in French shall be sufficient in every case."

R. S., c. 102, s. 385, replaced for city. **38.** Section 385 of the said Cities and Towns' Act is replaced, for the city, by the following:

Notice of presentation for by-laws. **"385.** Every by-law must, under penalty of nullity, be preceded by a notice of presentation, given at a sitting of the council and entered in the *proces-verbal* of such sitting by the clerk; and such by-law may be presented, read and adopted at any subsequent sitting held not less than six days after the sitting at which the said notice was given.

Contents. The notice of presentation must indicate summarily the purpose of the by-law which will be presented."

R. S., c. 102, s. 424, replaced for city. **39.** Section 424 of the said Cities and Towns' Act is replaced, for the city, by the following:

"424. The council may make by-laws:

By-laws: Respecting general welfare of city; 1. To secure the peace, order, good government, health, general welfare and improvement of the city, provided such by-laws are not contrary to the laws of Canada, or of this Province, nor inconsistent with any special provision of this act or of the charter;

Amending by-laws, etc., previously in force; 2. To amend, replace and repeal, in whole or in part, all ordinances or by-laws made by the municipal councils previously governing the territory comprised within the city and which have been continued in force within such territory;

Exercising of certain powers; 3. To exercise all the powers conferred by the Municipal Code of Quebec, and its amendments, upon the municipal corporations governed by it, in so far as such powers would not be inconsistent with any provision of this act or of the charter.

General powers not affected. No enumeration or mention of powers in this act shall have the effect of restricting or affecting the general powers of the city, granted under this section, or by other provisions of the charter, even with respect to the matters so enumerated or mentioned."

40. Section 426 of the said Cities and Towns' Act is R. S., c. 102, s. 426, am., for city. amended, for the city, by replacing paragraph 1 thereof by the following:

"1. To regulate the height and the construction of all Building regulations. buildings, chimneys, fences, stacks and other structures; to prevent the construction or 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 any building 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 in certain streets, or parts of streets; to fix the kind of materials to be used for such purpose in certain streets or parts of streets; to prohibit in certain streets or parts of streets the construction of certain buildings; to prohibit the construction of certain kinds of buildings or the construction of any buildings, except at a fixed distance from the street line, in all the streets, or in certain streets or parts of streets; to fix and control the minimum cost of all buildings in certain streets or parts of streets; to compel the proprietors to furnish the council, within a fixed delay, a sworn statement of the cost of any new building or construction or the extensions or improvements made to those already existing; to compel the proprietors to submit the plans or any other description required by the council and to previously obtain a written certificate from the building inspector or any other officer appointed by the council, and to obtain from the council a construction permit; to prescribe the manner, conditions and formalities of requesting and obtaining such permit and fix the amount of the fee for the obtaining thereof; 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;"

41. Section 427 of the said Cities and Towns' Act, as R. S., c. 102, s. 427, am., for city. amended by the act 16 George V, chapter 37, section 1, is again amended, for the city, by adding thereto, after paragraph 11 thereof, the following:

Removal of
garbage.

"11a. To provide for the removal of garbage in the city; to impose, in order to pay the cost of such removal, a personal tax not exceeding five dollars on every person residing in the city and occupying as owner, tenant or occupant a house or establishment within the city limits, whether such person deposits garbage or not; to prescribe the kind, materials and dimensions of receptacles in which must be deposited garbage, ashes and refuse, and to prohibit the use for such purpose of cardboard containers or others, not in conformity with the by-laws;"

R. S., c. 102,
s. 428, am.,
for city.

Posting,
etc., of bills,
etc.;

Regulating
of begging,
etc.;

Sunday ob-
servance;

Selling on
Sunday.

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

Use of
streets, etc.;

42. Section 428 of the said Cities and Towns' Act is amended, for the city:

a. By replacing paragraph 6 thereof by the following:

"6. To license and regulate the posting of bills and placards; to prohibit the posting or exhibiting of indecent bills and placards or of obscene paintings, drawings, statutes or inscriptions, in any street or public place or in any shop or other place visible from such street or public place;"

b. By replacing paragraph 10 thereof by the following:

"10. To regulate or prohibit begging and public collections (tag days), in the streets and public places or at the homes in the city;

"11. To assure suitable Sunday observance;

"12. To prohibit the sale, on Sunday, by any shop-keeper, peddler, keepers of hotels or taverns or by other persons, of any goods, articles, merchandise and alcoholic liquor, in any hotel, tavern, inn or place of public entertainment; and also to require the closing of taverns from Saturday midnight until Monday morning; to regulate the sale of fruit, cigars, sweets and soft drinks, on Sunday."

43. 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 replacing paragraph 11 thereof by the following:

"11. To regulate the use of streets, alleys, avenues, bridges, culverts, public grounds and public places, pavements, sidewalks, crossings, gutters, municipal streams and waters, and to prevent injury thereto and prohibit the improper use thereof; the city being responsible in damages for the bad state of such roads, streets, avenues, bridges and culverts, public lands and places, pavements, sidewalks, crossings, gutters, municipal water-courses and public ways;

"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 the removal or demolition, 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;"

Preventing, etc., encroachments, etc.;

b. By adding thereto, after paragraph 20 thereof, the following:

"20a. To provide for the removal of snow and ice on the sidewalks, at the cost of the proprietors and occupants of immoveables, on any street or part of a street, in the city; to recover from such proprietors or occupants the cost of removing such snow or ice, as well as a percentage not exceeding fifteen per cent for the general administration expenses, and to determine the method of collection, by means of an assessment, based upon the area of the sidewalk, on the bordering properties or on both sides of the street;"

Removal of snow, etc.;

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

"27a. To oblige every person using a bicycle for commercial purposes 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;"

Permits for bicycles.

44. Section 441 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102, s. 441, replaced for city.

"**441.** Upon a petition of the majority of the interested proprietors, such majority to be calculated both in number and by reason of the frontage of their respective properties, the council may construct water conduits in any street or part of a street and assess the cost of such conduits, including the expenses occasioned by the laying of same, on the bordering proprietors, by means of a special tax on the immoveables facing the water conduits constructed.

Assessment for certain works.

Of whatever dimensions a water conduit, thus laid, may be, the city shall not assess on the bordering proprietors more than their proportion of the cost of a six-inch diameter conduit.

Amount restricted.

How assessment made. Such assessment shall be made between the proprietors in proportion to the width of the bordering immoveables on both sides of the street, and the council may enact that such tax be payable by annual instalments during a period of time not exceeding twenty years, with interest at the rate of six per cent per annum on any balance unpaid."

R. S., c. 102, s. 442, am., for city. **45.** Section 442 of the said Cities and Towns' Act is amended, for the city, by replacing paragraphs 4 and 5 thereof by the following:

Compensation for the use of water; "4. To establish the compensation for the use of water, in addition to the special taxes mentioned in sections 439 and 441; to supply the meters which are or will be placed in or near buildings or establishments, for measuring the quantity of water used therein; and to fix the amount to be paid for the water and rent of meters;

Payment by instalments. "5. To provide that the compensation for the use of water, including the rental of meters, shall be due and payable by instalments, and within such delays as it shall deem proper to fix;".

R. S., c. 102, s. 443, replaced for city. **46.** Section 443 of the said Cities and Towns' Act is replaced, for the city, by the following:

Special agreements in certain cases. "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. 444, replaced for city. **47.** Section 444 of the said Cities and Towns' Act is replaced, for the city, by the following:

Collecting of certain tax, etc. "444. The special tax imposed under sections 439 and 441, as well as the compensation for the use of water and all other sums due for water or for meters, shall be collected according to the rules and in the manner prescribed for general taxes."

R. S., c. 102, ss. 445, 446, replaced for city. **48.** Sections 445 and 446 of the said Cities and Towns Act are replaced, for the city, by the following:

Notice when city ready to furnish water. "445. As soon as the city is ready to furnish water to any part of the city not already supplied, public notice thereof shall be given; and, after such notice, all persons liable to the payment of compensation for the use of water in such part of the city, whether they consent or not to receive the water, shall pay the compensation fixed by the tariff.

“445a. Every person who secures a supply of water otherwise than from the city water-works shall be obliged to pay to the said city the same compensation as he would be required to pay if he used solely water from the water-works. Whenever any person secures his water supply from a well, the council may instal meters in any building or establishment occupied by such person, in order to measure the quantity of water consumed therein and to fix the compensation payable by such person.

Obligatory
payment.

“446. The city shall lay the distribution pipe to the line of the street, and may exact compensation for the use of water from the property-owner, even though the latter refuses or neglects to connect such pipe with his house or building.”

Laying of
Pipe.

49. Section 449a of the said Cities and Towns' Act, as enacted by the act 22 George V, chapter 50, section 4, is excluded from this charter.

R. S., c. 102,
s. 449a, ex-
cluded from
charter.

50. Section 450 of the said Cities and Towns' Act is replaced, for the city, by the following:

Id., s. 450,
replaced for
city.

“450. If any person causes or allows any water-pipe, valve, cock, water-closet, bath or other apparatus to be out of repair, or to be so used that the water supplied from the water-works be wasted, or unduly consumed; or if he refuses or neglects to pay the compensation for the use of water for the water supplied to him, for thirty days after the same is due and payable, the city may cut off the water and discontinue the supply so long as the person is in default; which shall not, however, exempt such person from the payment of the compensation for the use of water, as if the water had been supplied to him without interruption.”

Cutting off
of water
supply in
certain case.

51. Section 452 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 452, re-
placed for
city.

“452. The city shall not be bound to warrant the quantity or the quality of water to be supplied; and no person may refuse, on account of the insufficiency or the bad quality of the water supply, to pay the annual special tax and the compensation for the use of the water.”

Quantity
and quality
of water.

52. Section 456a of the said Cities and Towns' Act, as enacted by the act 21 George V, chapter 56, section 2, is replaced, for the city, by the following:

R. S., c. 102,
s. 456a, re-
placed for
city.

Extending,
etc., of elec-
tricity con-
tract.

“456a. At the expiration of the term mentioned in any contract entered into between the city and any public utility company, respecting the supplying of electricity for light, heat and power by such company to the city which itself distributes same to its ratepayers, the Quebec Public Service Commission, on a petition of the city to that effect, may order that the contract be extended or renewed on such other or similar terms, prices and conditions as it may determine.”

R. S., c. 102,
s. 459, re-
placed for
city.

53. Section 459 of the said Cities and Towns' Act is replaced, for the city, by the following:

Power to
make cer-
tain by-laws
respecting
electricity.

“459. The council may make by-laws:

1. To prevent fraud in connection with the quantity of electricity supplied;
2. To protect the wires, pipes, lamps, apparatus and other objects serving for the distribution of electricity or of public lighting;
3. To determine, in addition to the special tax mentioned in section 457, the compensation to be paid for electricity; to supply meters which are placed in buildings or establishments to measure the quantity of electricity consumed therein; and to determine the rental price of each kind of meter;
4. To prevent electricity being used for a purpose other than that for which it is supplied;
5. To require, before supplying electricity to a consumer, that the latter sign a contract with the city stating the period for which and the conditions under which electricity will be supplied to him;
6. To require from any consumer a deposit equal to the average compensation payable by such consumer for a term, and to fix the minimum of such deposit;
7. To provide for any other matter or thing of any nature whatsoever in connection with the supplying of electricity, that it is necessary to regulate for the proper working of the electricity department.”

R. S., c. 102,
ss. 464a-
464d, added
for city.

54. The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 464 thereof, the following subdivision and sections:

“§12a.—*Certain provisions respecting electricity*

Establishing
of different
tariffs for
electricity.

“464a. The council may establish different tariffs according as electricity is furnished for domestic, commercial or industrial use and each of such tariffs may include different rates according to the quantity of electricity consumed or the purposes for which it is utilized.

“464b. The council may grant a discount which it shall fix on the tariffs in force, if the account is paid within a fixed delay after the reading of the meters. Granting of discount.

Neither the council nor the treasurer nor any other officer of the city may grant discount if the account is not paid within the delay fixed by the by-law. No discount.

“464c. If any person damages any electric apparatus whatsoever belonging to the city, or any meter, or uses the electricity supplied for a purpose other than that for which it is supplied or if such person neglects to pay the compensation determined by the tariff, within the delay fixed by the council, which delay may not be less than fifteen days after the reading of the meters, the city may cut the current and suspend the supply of electricity as long as such person is in default, without prejudice to the city's right to claim the payment of any sum which may be due to it for electricity supplied and the rent of meters. Cutting off of current in certain case.

“464d. The deposit which the council may require from any consumer shall not bear interest and must be handed back to the consumer when, for any reason, he ceases to take the electricity; but the city is authorized to retain on such deposit any sum due to it by such consumer, for electricity supplied and rent of meters or for any other dues.” Returning, etc., of deposit.

55. Section 466 of the said Cities and Towns' Act is amended, for the city, by replacing paragraph 2 thereof by the following: R. S., c. 102, s. 466, am., for city.

“2. To regulate the leasing of stall, tables and other places in the public markets or on the public market-places; to lease and concede the use of private stalls, tables and other places on such conditions and at such prices as may be determined in the by-law;” Leasing, etc. of stalls, etc.

56. Section 469 of the said Cities and Towns' Act, as amended by the act 19 George V, chapter 35, section 6, is amended, for the city: R. S., c. 102, s. 469, am., for city.

a. By replacing paragraphs 4 and 5 thereof by the following:

“4. To license, regulate or prohibit circuses, carousels, exhibitions and other public performances in the city; Circusses, etc.;

“5. To regulate certain public establishments, especially places of amusement, restaurants, barbers' and women's hairdressers' shops, and fix the hours of closing of same;” Public establishments;

b. By replacing paragraphs 7 and 8 thereof by the following:

- Auction sales; "7. To license auction sales, other than those mentioned in section 67 of the Quebec License Act (Revised Statutes, 1925, chapter 25);
- Certain solicitors; "8. To license and regulate runners, agents and solicitors for stages, railway cars, vessels and houses of public entertainment, and to regulate the same;"
c. By adding thereto, after paragraph 9 thereof, the following:
- Public carriers; "9*a.* To impose on every public carrier, a special tax not exceeding fifteen dollars for each vehicle other than a railway car;"
d. By replacing paragraph 12 thereof by the following:
- Dance halls, etc.; "12. To license, regulate or prohibit dance halls, concert-café, singing-café, dancing-café or other establishments where instrumental or vocal music is performed to attract customers;"
e. By replacing paragraph 16 thereof by the following:
- Automatic distributors; "16. To license, regulate or prohibit automatic distributors subject to the Quebec License Act (Revised Statutes, 1925, chapter 25);" *f.* By adding thereto, after paragraph 21 thereof, the following:
- Fixing of conditions of permit. "21*a.* 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."

R. S., c. 102, s. 471, am., for city. **57.** Section 471 of the said Cities and Towns' Act is amended, for the city, by replacing paragraph 1 thereof by the following:

Regulating burials. "1. To regulate or prevent the burial of the dead within the city, without prejudice to the right of the diocesan ecclesiastical authority to permit burial in the crypt of Joliette Cathedral or of any other church or chapel used for purposes of worship in conformity with the provisions of the Burial Act (Revised Statutes, 1925, chapter 208);"

R. S. c. 102, ss. 472*a*, 472*b*, added for city. **58.** The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 472 thereof, the following:

Prohibition on erection of outside stairs. "**472*a.*** 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 Joliette, save where facing the yard.

Taxing of certain immoveables. "**472*b.*** The city council is authorized to impose and levy an annual tax of twenty-five dollars on every immove-

able of a value of four thousand dollars or less, and of fifty dollars on every immovable of a greater value, on which are erected or maintained outside stairs constructed after the 11th of April, 1935.

This section does not deprive the city, nor anyone, of ^{Rights} the right to cause any outside stairs erected in contraven- ^{safeguarded.} tion of its charter to be removed, but in the event of the proprietor removing the outside stairs taxed, the city shall refund to him the tax imposed for the current year, if it has been paid, or remit same, if unpaid."

59. The said Cities and Towns' Act is amended, for ^{R. S., c. 102,} the city, by adding thereto, after section 481 thereof, ^{ss. 481a,} the ^{481b, added} following: ^{for city.}

"**481a.** Every year, as soon as possible after the per- ^{Submitting} manent commissions are formed, each commission shall ^{of estimated} prepare and submit to the finance commission a statement ^{expenses.} of the estimated expenses during the year.

After having examined the reports of such commissions, ^{Preparation} concurrently with the resources of the corporation, the ^{of budget} finance commission must prepare the budget and set aside ^{with provi-} the amount which it deems sufficient for the payment of ^{sion for:} the estimated expenses during the year, providing for:

1. The sums required for the interest and sinking-fund ^{Interest,} of the consolidated debt; ^{etc.;}
2. The payment of the preceding year's deficit, if need ^{Deficit;} there be;
3. The cost of maintenance, repairs, salaries and general ^{General ex-} administration expenses; ^{penses;}
4. A reserve fund of not less than ten per cent for un- ^{Reserve} foreseen expenses; ^{fund;}
5. The sums required for projected public improvements, ^{Improve-} for which special taxes or assessments are not called for. ^{ments.}

"**481b.** The council must, on or before the 1st of May, ^{Delay for} vote the budget thus prepared and impose the taxes which, ^{voting of} in addition to the other revenues of the city, will be suffi- ^{budget.} cient to meet the expenses contemplated in the budget.

Neither the council nor any commission may authorize ^{Expenditu-} expenses or the payment of any debt for an amount ex- ^{re restrict-} ceeding that provided for in the budget, except by means ^{ed.} of an additional appropriation which may be granted only on the recommendation of the absolute majority of the members of the finance commission."

R. S., c. 102, ss. 482a, 482b, added for city. **60.** The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 482 thereof, the following:

Approval for certain expenses in certain cases.

"482a. All by-laws, resolutions, motions or notices of motions comprising an expense exceeding one hundred dollars must, in every case where the council is not unanimous, be submitted to the finance commission before their final adoption, which commission must make a report the first following sitting of the council; and the council may proceed only when the finance commission fails or neglects to make a report as above stated.

Approval formalities.

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

R. S., c. 102, s. 485, replaced for city. **61.** Section 485 of the said Cities and Towns Act is replaced, for the city, by the following:

How city's immovables to be assessed. Annual value.

"485. The assessors shall each year, at the time and in the manner ordered by the council, assess the immovable property of the city, according to its real value.

The assessors shall also make the valuation of the annual value of such property, and enter it in the roll.

Annual rent.

They shall also enter in the roll the names of all tenants and the amount of annual rent paid by each of them.

Stock in trade.

They shall also annually, on the order of the council, assess the stock in trade and enter it in the roll."

R. S., c. 102, s. 492a, added for city. **62.** The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 492 thereof, the following:

Offence and penalty.

"492a. Any proprietor or agent who knowingly gives a certificate or receipt indicating a sum less than the rent actually paid for the premises therein mentioned or to which reference is made, and any tenant who presents to the assessors any such certificate or receipt falsely stating the value or the amount of rent paid by him, in order to lessen the amount of his valuation, or who directly or indirectly attempts to mislead the assessors respecting the amount of such rents, shall be liable to the fine contemplated by the preceding section."

R. S., c. 102, s. 494, replaced for city. **63.** Section 494 of the said Cities and Towns' Act is replaced, for the city, by the following:

“494. The assessors shall deposit the valuation roll in the office of the council, immediately after its completion; and public notice of such deposit shall be given by the clerk, during the two days following.

Deposit of valuation roll. Notice.

The notice shall state that the roll will remain open to the examination of parties interested, or their representatives, for the fifteen days next following its deposit.”

Contents thereof.

64. Section 496 of the said Cities and Towns’ Act is replaced, for the city, by the following:

R. S., c. 102, s. 496, replaced for city.

“496. The council, at its first general sitting after the expiration of the fifteen days mentioned in section 494 shall take into consideration and decide all the complaints made under section 495.

Hearing of complaints.

After having heard the parties and their witnesses, under oath administered by its presiding officer, as also the assessors if they wish to be heard, and the witnesses produced on behalf of the city, the council shall maintain or alter the roll, as it may deem just.”

Decision of council.

65. Section 502 of the said Cities and Towns’ Act is replaced, for the city, by the following:

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

“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.”

Change of owners.

66. Section 517 of the said Cities and Towns’ Act shall apply to the city of Joliette only for the taxes imposed after the coming into force of this act.

Application of certain provisions.

67. Section 518 of the said Cities and Towns’ Act is replaced, for the city, by the following:

R. S., s. 102, s. 518, replaced for city.

“518. Municipal dues and interest due thereon shall be privileged claims which need not be registered, and in the case of distribution of monies under authority of justice, or in the case of bankruptcy, authorized assignment or voluntary liquidation, they are collocated by preference, according to the rank given to municipal taxes by Article 2009 of the Civil Code with respect to those imposed on immoveables, and by Article 1994 of the said code, with respect to the others.”

Municipal dues, etc., to be privileged, etc.

68. Section 519 of the said Cities and Towns’ Act is replaced, for the city, by the following:

R. S., c. 102, s. 519, replaced for city.

Prescription
of municipal
taxes, etc.

519. Arrears of municipal taxes and dues shall be prescribed by three years from their due date. However, when taxes or assessments payable by instalments are concerned, prescription shall commence to run only from the maturity of each instalment."

R. S., c. 102,
s. 521, re-
placed for
city.

69. Section 521 of the said Cities and Towns' Act is replaced, for the city, by the following:

Annual tax
upon immo-
veables.

521. The council may impose and levy, annually, on every taxable immoveable in the city, a tax of not more than one per cent of the real value as shown on the valuation roll."

Provisions
excluded.

70. Section 522 of the said Cities and Towns' Act is excluded from this charter.

R. S., c. 102,
s. 523, re-
placed for
city.

71. Section 523 of the said Cities and Towns' Act is replaced, for the city, by the following:

Imposing of:

523. The council may impose and levy annually:

Commercial
tax.

1. On the stock in trade or articles of commerce of all descriptions kept by merchants and dealers and exposed for sale in shops, or kept in vaults, warehouses or store-houses; on all yards or depots for rough, sawn or manufactured wood or lumber; and on all yards or depots for coal or other articles of commerce kept for sale, a tax called: *commercial tax*, of not more than one per cent on the estimated average value of such stock in trade or other articles of commerce.

Business
tax.

2. On all trades, manufactures, financial or commercial establishments, occupations, arts, professions, callings or means of profit or livelihood, carried on or exercised by one or more persons, firms or corporations, within the city, a tax called: *business tax*, of not more than seven and one-half per cent of the annual value of the premises occupied in the city for such purposes, in addition to the annual duties or taxes the imposition whereof is authorized by other provisions of this charter.

Rental tax.

2. On all tenants paying rent in the city, a tax called: *rental tax*, of not more than eight per cent of the annual value of the premises occupied, as entered on the valuation roll, provided that no person shall be subject to the rental tax with respect to property liable to the business tax.

Whom to be
liable for
rental tax.

Every person, occupying property or part of any property of which he is neither the owner nor the lessee, shall be liable for the payment of the rental tax. And the

council may enact that such tax be payable by half-yearly or quarterly instalments and within such delays as it may deem expedient to fix.”

72. The said Cities and Towns’ Act is amended, for R. S., c. 102, the city, by adding thereto, after section 524 thereof, the following: s. 524a, added.

“**524a.** The council may impose and levy on any person or company, proprietor of any telegraph, telephone, electric light or power line, an annual special tax, not exceeding twenty-five cents, for each pole for which such person or company has the use or control in the streets or public places of the city.” Annual tax on telegraph etc., poles.

73. 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 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. Tax on trades, etc.

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

- a. By keeping a store in the city; Storekeepers;
- b. By taking orders, within the city, from consumers for the sale of merchandise on samples or catalogues or otherwise; Travelers;
- c. By keeping a place within the city for selling on samples, catalogues or otherwise, to consumers; Sellers on samples, etc.;
- 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. Solicitors, etc., of washing, etc.;

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. Maximum tax in certain cases.

Where principal place of business outside of city. Notwithstanding any provision to the contrary, in the cases mentioned in the foregoing sub-paragraphs *a*, *b*, *c* and *d*, a maximum of five hundred dollars may be imposed in the case of an establishment maintained in the city and whereof the principal place of business is not in the city.

Taxes need not be uniform. The duties or taxes, the levying whereof is authorized by this section, may be different according to the kind of business or trade carried on by the said persons, firms or corporations.

Where proprietor, etc., unknown, etc. If the proprietor of a shop or the person carrying on the trade is unknown or has his principal place of business outside the Province, the tax may equally be claimed from the manager or representative of such proprietor in the city.

Daily levying in certain case. “**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, 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 three hundred dollars for each subsequent day.

Procedure if tax, etc., not paid. 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. 532a, added for city. **74.** The said Cities and Towns’ Act is amended, for the city, by adding thereto, after section 532 thereof, the following:

Claiming of tax from resident agent, etc. “**532a.** In all cases where the council is authorized by law to impose a tax or taxes upon an agency or agent of any person, firm or corporation carrying on any trade or commercial operation whatsoever in the city, such tax or taxes may be claimed against the agency or agent of such person, firm or corporation in the city.”

R. S., c. 102, s. 534a, replaced for city. **75.** 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 of person paying tax for third party. “**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 City collocated by preference. being collocated by preference to the subrogated party ated by preference. for taxes due to the city after the subrogation, in the case of the sale of the immoveable or immoveables subject to the said taxes."

76. The said Cities and Towns' Act is amended, for R. S., c. 102, the city, by adding thereto, after section 545 thereof, the s. 545a. added for city. following:

"545a. The council may levy the municipal taxes and How council may levy taxes, etc. other dues by means of attachment by garnishment before judgment, effected by a writ signed by the treasurer, ordering the garnishees not to dispossess themselves of the moveable property or monies which they have in their possession, belonging to the debtors of the city, until the court has pronounced otherwise, and ordering them, as well as the debtors, to appear before the Circuit Court or the Magistrate's Court, on the day fixed. The proceedings on such writ before the Court shall be according to the provisions of the Code of Civil Procedure. In the absence or inability to act of the treasurer, the mayor may sign the writ."

77. Section 546 of the said Cities and Towns' Act, as R. S., c. 102, amended by the acts 16 George V, chapter 38, section 1; s. 546. replaced for city. 21 George V, chapter 56, section 3, and 22 George V, chapter 51, section 1, is replaced, for the city, by the following:

"546. The payment of municipal taxes may be claimed Suit for recovery of taxes. also by an action brought in the name of the corporation, before the Magistrate's Court, or the Circuit Court for the county or district, or before the Recorder's Court, if there be one.

The clerk of every Magistrate's Court and the clerk of Rendering of judgment. every Circuit Court respectively have the same power as the prothonotary of the Superior Court under paragraph 2 of article 532 of the Code of Civil Procedure, upon the accomplishing of the same formalities, to render judgment

Proviso. against the defendant who fails to appear or to plead, provided that a detailed statement of the account for the municipal taxes claimed by the action be filed, and that the declaration, under oath or affidavit, establishing that the amount is due to the knowledge of the deponent, be given and subscribed to by the treasurer of the city. Such oath is taken before the mayor of the city, or before a justice of the peace, a commissioner of the Superior Court or a notary.

Suspension of suit in certain event. The defendant may obtain the suspension of such action, if the rolls, by-laws, minutes or other municipal deeds on which it is founded are attacked in nullity before the Superior Court. Such suspension shall be ordered by the Superior Court seized of the contestation, in its discretion.

Execution of certain judgment. Notwithstanding any provision to the contrary, the execution of a judgment rendered by the Recorder's Court, for the recovery of municipal taxes, may be effected by the seizure and sale of the moveable and immoveable property of the defendant.

Procedure thereon. The execution of such a judgment on the immoveable property as well as the subsequent proceedings shall be made according to the same rules as those enacted in similar matters by the Code of Civil Procedure for the Circuit Court."

R. S., c. 102, s. 551, replaced for city. **78.** Section 551 of the said Cities and Towns' Act is replaced, for the city, by the following:

Publication of notice. **"551.** Such notice shall also be published twice in French and English in the *Quebec Official Gazette* and twice in French, in a French newspaper published in the district. The sale cannot be held before the expiration of the fifteen days following the last insertion in the *Quebec Official Gazette*.

Transmission of copy thereof. At the time of the first publication of the notice, the clerk must immediately transmit a copy thereof by registered letter to the registrar of the county of Joliette, and it shall be the duty of the registrar to notify interested parties in the manner indicated by the Civil Code.

Effect of failure to notify. Failure to notify the registrar shall not render the proceedings null, but the officer so in default shall be responsible for all damages resulting therefrom.

Notice if sale not held. When the sale of an immoveable mentioned in the list and notice above mentioned is not proceeded with, the clerk in charge of such sale must inform the registrar thereof by registered letter."

79. Section 564 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 564, re-
placed for
city.

564. An immoveable 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.

Redemp-
tion of im-
moveable
sold for
taxes.

Such owner must, in addition, before retaking possession of his immoveable so sold, hand over to the purchaser the cost of the necessary or useful improvements which such purchaser has made on the immoveable purchased, even where they no longer exist, and hand over, in addition, in the case of vacant lots, the taxes paid by the purchaser during his possession."

Payments
prior to re-
taking pos-
session.

80. Section 572 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 572, re-
placed for
city.

572. The council may, by resolution, exempt the poor of the city from all municipal taxes, other than a real estate tax, general or special."

Exemption
from taxes.

81. Section 578 of the said Cities and Towns' Act is replaced, for the city, by the following:

R. S., c. 102,
s. 578, re-
placed for
city.

578. The by-law ordering a loan must also provide, in accordance with the following rules, for the payment of the interest and for the establishment of a sinking-fund.

Interest and
sinking-
fund.

The sinking-fund may be established, either by means of a special tax imposed by the by-law and levied annually for the term of the loan upon the taxable immoveable property in the city or upon the immoveable property of owners or occupants liable for the payment of the loan, or by annually setting aside for that purpose a portion of the general revenues of the city. In both instances, the sum paid each year into the sinking-fund must be sufficient to yield, with compound interest thereon at the rate of three and one-half per cent per annum, the capital to be repaid at maturity.

How sink-
ing-fund es-
tablished.

The sum necessary for the payment of interest may likewise be taken from the general revenues, or levied annually by a special tax imposed by the by-law, on the taxable immoveable property in the city, or on that of the owners or occupants liable for the payment of the loan."

Sum for
payment of
interest.

Provisions excluded.

82. Section 590 of the said Cities and Towns' Act, as amended by the act 16 George V, chapter 34, section 6, is excluded from this charter.

R. S., c. 102, s. 614, replaced for city.

83. Section 614 of the said Cities and Towns' Act is replaced, for the city, by the following:

Disposal of fines.

614. Notwithstanding any provision to the contrary, fines recovered under the by-laws of the council or of the provisions of this act shall belong to the city and must be handed over to the treasurer."

R. S., c. 102, s. 623a, added for city.

84. The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 623 thereof, the following:

Extinguishing of certain right of action.

623a. Every right of action for the recovery of monies paid to the city through an error of law, before or after the coming into force of this act, shall be completely extinguished if the action has not been brought within the six months following the date of payment."

R. S., c. 102, ss. 697a-697f, added for city.

85. The said Cities and Towns' Act is amended, for the city, by adding thereto, after section 697 thereof, the following Division and section:

"DIVISION XVII

"Certain Special Matters

Drawing up of contract prior to enforcing of commutation, etc., by-laws.

697a. Every by-law granting a commutation of taxes or other privileges and advantages to an industrial, commercial or other establishment, shall be, even after its approval according to law, without effect until a notarial contract, in conformity with the conditions of the by-law, be signed by the mayor and the clerk in the name of the city, and by the person, firm or corporation to whom or which the commutation or the privileges and advantages have been granted.

Approval by council required for contract, etc., to have binding effect.

697b. Except in an urgent case, no contract or agreement exceeding one hundred dollars shall bind the city unless it has been previously approved by the council, and the city shall not be liable for the price or value of work done, material delivered, goods or effects supplied of any kind whatsoever, nor for fees for professional services, salaries, wages or other remuneration without the special authorization of the council and no right of action shall exist against the city in the absence of such authorization,

although the city may have benefited from such contract, agreement, work done, materials delivered or services rendered.

“697c. No contract for work to be carried out or for services to be rendered 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.

“697d. 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.

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

“697e. Every contract in excess of one thousand dollars to be entered into by the city for works to be carried out for it, must be made by notarial deed; and the party contracting with the city must furnish, to ensure the carrying out of the contract, the guarantees fixed by the council before awarding the contract.

If the council has not fixed the guarantee to be furnished, or has decided that no guarantee be necessary, the contract shall be null.

“697f. The council may require of any person requesting 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.”

86. The provisions of the act 27 Victoria, chapter 23, and its amendments, are repealed:

a. In cases where this charter contains any provision which has expressly or impliedly that effect;

b. In cases where they are contrary to or inconsistent with the provisions of this act.

Such repeal, however, shall not have any retroactive effect and especially shall not affect the matters, things, acts, operations or proceedings, done or commenced, and the vested rights acquired before the coming into force of this charter.

87. This charter, save when it contains provisions differing from those contained in the previously existing laws affecting the city, shall not be held to operate as new law; but it shall be construed and shall have effect as a

consolidation, and as declaratory of the law as it existed at the time of its coming into force.

Provisions
repealed.

Nevertheless, the articles of the Revised Statutes, 1909, made applicable or replaced for the city by the acts 2 George V, chapter 65; 5 George V, chapter 94; 8 George V, chapter 89, and 10 George V, chapter 92, are repealed for the city, as well as section 21 of the said act 2 George V, chapter 65.

By-laws.

88. No by-law of the council, now in force within the city, may be considered nul for the sole reason that no notice of presentation preceded its adoption.

French text
to prevail.

89. When there is any difference between the French and English texts of this act, the French text shall prevail.

Coming into
force.

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