



CHAPTER 98

An Act to amend the charter of the town of St. Jérôme

[Assented to, the 20th of April, 1934]

WHEREAS the town of St. Jérôme has, by its petition, Preamble. represented that it is in the interest of the town and that, for the proper administration of its affairs, it is necessary that its charter, the act 1 George V (1910), chapter 58, as amended by the acts 3 George V, chapter 66; 10 George V, chapter 95; 12 George V, chapter 110, and 18 George V, chapter 101, and the Cities and Towns' Act, Revised Statutes of Quebec, 1925, chapter 102, as applicable to the town, 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. Paragraph *b* of subsection 1 of section 128 of the R. S., c. 102, Cities and Towns' Act (Revised Statutes, 1925, chapter s. 128, am., 102) is replaced, for the town of St. Jérôme, by the following: for town.

“*b.* The married woman who is seized, as personal owner, Married as usufructuary, or as institute, of immoveable property in woman pos- the municipality of the town of St. Jérôme, of the value of sessing two hundred dollars or upwards, according to the valuation roll in force, or carries on trade or keeps a place of certain business which renders her subject to the payment of a property. tax, and when such place of business is entered on the collection roll as being of the annual value of not less than twenty dollars;”.

2. Section 11 of the act 10 George V, chapter 95, as 10 Geo. V, replaced by the act 18 George V, chapter 101, section 5, c. 95, s. 11, is again replaced by the following: replaced.

R. S., 1909,
art. 5413,
replaced
for town.

“**11.** Article 5413 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Election of
mayor and
aldermen.

“**5413.** The election of the mayor and aldermen shall take place on the first Monday in October. The council as now constituted shall remain in office until the first Monday of October, 1934, at which date a general election of the whole council shall be held.

Election of
certain
aldermen.

On the first Monday of October, 1935, three aldermen, previously chosen by lot at a sitting of the council held in the preceding month of August, shall undergo election and shall be elected for two years, so that half the number of aldermen shall be renewed each year.

10 Geo. V,
c. 95, s. 7,
replaced.

3. Section 7 of the act 10 George V, chapter 95, is replaced by the following:

R. S., 1909,
art. 5314,
replaced
for town.

“**7.** Article 5374 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Preparation
of electors'
list.

“**5374.** Prior to the first of August of each year, there shall be prepared, by the clerk, a list of the names of persons entered on the valuation roll as well as on the collection roll of the municipality, and qualified to be entered in the electors' list.”

10 Geo. V,
c. 95, s. 8,
replaced.

4. Section 8 of the act 10 George V, chapter 95, is replaced by the following:

R. S., 1909,
art. 5376,
replaced
for town.

“**8.** Article 5376 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Removal of
names from
list.

“**5376.** 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 non-residents, of corporation employees referred to in section 133 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) and of all others who are not entitled to have their names entered in such list. During the month of August, 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.”

5. Section 9 of the act 10 George V, chapter 95, is replaced by the following: 10 Geo. V, c. 95, s. 9, replaced.

9. Article 5383 of the Revised Statutes, 1909, is replaced, for the town, by the following: R. S., 1909, art. 5383, replaced for town.

5383. If the clerk has not made the alphabetical list of electors, or has not given or published the notice required by section 139 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), by the third day of August, the judge of the Superior Court for the district of Terrebonne, or, in the event of the absence of the district judge or of his inability to act, a judge of a neighbouring district or the district magistrate, on summary petition of any person entitled to be entered as an elector in the municipality, shall appoint a special clerk to prepare the alphabetical list of electors." In default of clerk making list.

6. Section 12 of the act 10 George V, chapter 95, is replaced by the following: 10 Geo. V, c. 95, s. 12, replaced.

12. Article 5415 of the Revised Statutes, 1909, is replaced, for the town, by the following: R. S., 1909, art. 5415, replaced for town.

5415. On the fifteenth day of September in every year, the returning-officer, by a commission under his hand, in the form 5, shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one first appointed resigns, or refuses or is unable to perform his duties as such clerk." Appointing of election clerk.

7. Section 13 of the act 10 George V, chapter 95, is repealed. 10 Geo. V, c. 95, s. 13, repealed.

8. Section 179 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), as amended by the act 21 George V, chapter 55, section 2, is replaced, for the town, by the following: R. S., c. 102, s. 179, replaced for town.

179. On the fifteenth day of September in every year, the returning-officer shall give public notice, in the form 7, over his signature, setting forth: Notice by returning-officer.

1. The place, day and hour fixed for the nomination of candidates; Contents.

2. The day on which the poll for taking the votes of the electors will be held in case a poll is necessary;

3. The appointment of the election clerk."

9. Section 14 of the act 10 George V, chapter 95, is repealed. 10 Geo. V, c. 95, s. 14, repealed.

R. S., c. 102, s. 181, replaced for town. **10.** Section 181 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is replaced, for the town, by the following:

Nomina- tion of can- didates. **"181.** The nomination of candidates each year, shall be held on the last Monday in September from noon to two o'clock in the afternoon. If such day be a holiday, it shall be held on the first juridical day following such date, and during the same hours."

Provisions not applic- able to town. **11.** Sections 399, 400, 401, 402, 403, 404, 405, 406, 406a, 407, 408, 409, 410a, 410b, 410c, 410d, 410e, 410f, 410g, 410h, 410i, 410j, 410k, of the said Cities and Towns' Act, shall not apply to the town of St. Jérôme, but the fol- lowing provisions shall apply:

Secret vote on by-laws and resolutions

Vote on by- laws, etc. **1.** Whenever, by law, a by-law or resolution has to be submitted for the approval of the electors, including electors who are owners of immoveable property,—whether such approval has to be by the majority in number only or both in number and value,—the vote shall be by secret ballot and the formalities and proceedings hereinafter prescribed must be followed, namely:

Proceedings, etc. **a.** The council shall fix a day for the opening of the poll. Such day shall not be later than forty days from the date of the passing of the by-law or resolution by the council. The clerk shall, at least fifteen days before the day fixed, give public notice calling upon the electors interested to vote, and indicating the days and place where the poll will be held.

Opening, etc., of poll. **b.** The poll shall be presided over by the mayor with the assistance of the clerk, and shall be held in the town-hall of the town. If the mayor be unable to act, the acting-mayor shall preside over the poll, and, failing the acting-mayor, the poll shall be presided over by an alderman chosen by the clerk. If the clerk be unable to act, a clerk *ad hoc* shall be appointed.

Who shall preside over poll. **c.** The poll shall be held on two juridical days, from nine o'clock in the morning to seven o'clock in the afternoon.

Duration of poll. **d.** If, after the second day of the polling, the number of votes required by section 588, 589, 590 or 591, of the said Cities' and Towns' Act, or by any other provision of law, as the case may be, have not been recorded, the person presiding shall adjourn the voting to conclude it on the following day, if an application to that effect be made to

Adjourn- ment in case of insuffi- cient voting.

him, in writing, by the mayor, by an alderman or by three property-owners who are municipal electors, before seven o'clock in the afternoon of the same day.

e. There shall only be one poll or several as the council may have decided, and such poll or polls, as above stated, shall be in the town-hall. The poll shall be organized and laid out as in the case of a municipal election.

2. The procedure at the voting shall be different according as an approval by the majority in number only of the electors is concerned or an approval by the electors who are owners of immoveables in number and value.

Approval by electors in number

3. If a by-law or resolution, the approval whereof has to be in number only, be concerned, the following instructions are to be followed:

a. The following question shall be submitted for the vote on the approval or disapproval of the by-law or resolution submitted to them:

“Are you of opinion that by-law (or resolution, as the case may be) No. (insert the title or object of the by-law or resolution) should be adopted?”

b. The vote on the question submitted must be given:

(1) In the affirmative, by marking a cross on the ballot-paper, in the space where the words “Oui” “Yes” appear;

(2) If in the negative, by marking a cross on the ballot-paper, in the space where the words “Non” “No” appear;

c. The ballot-papers to be used are to be in the forms prescribed by law for municipal elections; however, in lieu of the names of the candidates, they shall read as follows:

<p>“Etes-vous d’opinion que le règlement No. (insérer ici le No. du règlement) concernant (insérer ici le titre ou l’objet du règlement) doit être adopté?”</p>	<p>1</p>	<p>OUI YES</p>
<p>Are you of the opinion that the by-law No. (insert here the No. of the by-law) respecting (insert here the title or object of the by-law) should be adopted?”</p>	<p>2</p>	<p>NON No</p>

In event of vote.

d. In the event of a vote under these provisions, the presiding officer shall, if requested by two electors, appoint two agents to represent therein those who wish to obtain an affirmative answer to the question submitted, and two agents to represent those who wish to obtain a negative answer.

Making of joint report.

e. The presiding officer and the clerk shall make a joint report to the council of the result of the voting as soon as he has added up the returns of the balloting, and must mention, in such report, whether the by-law or resolution submitted to the electors has been approved or disapproved.

Proceedings for secret ballot.

4. Saving the above provisions, the proceedings for the holding of a secret ballot shall, as far as possible, be those followed in the case of a municipal election for the town with respect to: 1. the conduct of the proceedings; 2. the rights, obligations, responsibilities, capacity to vote or not of election officers and electors; 3. the penalties it imposes.

Ballot-box.

5. If it appear necessary, there may be more than one ballot-box.

Approval by elector-proprietors in number and in value

Proceedings for approval in number and in value.

6. If the by-law or resolution submitted for the approval of the electors who are owners of immoveable property has to be approved by a majority in number and in value of such electors, the proceedings hereinabove prescribed must be followed as well as those hereinafter:

Ballot-paper.

a. A similar ballot-paper to that mentioned in subsection 3 of this section shall be handed to the voter;

Procedure by voter.

b. Before presenting himself to vote, the voter shall go to the office of the town treasurer, who, for the purposes of the voting, must have the valuation roll in force before him, and give his full name. The treasurer shall, at his request, deliver to the voter, if the latter appears on the valuation roll, as authenticated, a certificate signed by him and dated the day on which it was delivered, stating that the person mentioned therein, to wit, the applicant for the certificate, is entered in the valuation roll for the town as owner of real estate for the sum which the treasurer marks upon the said certificate;

Handing over of certificate.

c. On presenting himself to vote the elector must hand the said certificate to the clerk who shall keep it. In accordance with such certificate, the clerk, before handing the voter his ballot-paper, shall enter on the back of it, in figures, the amount of his valuation which he shall initial. The voter, when supplied with his ballot-paper, shall pro-

ceed to vote in the usual manner, by placing his cross on the ballot-paper which has been handed to him, opposite the words "Oui" "Yes" or "Non" "No", according as he is in favour of or opposed to the by-law or resolution;

d. The ballot-paper must be folded by the voter, so ^{Folded} that the clerk may verify his initials and the amount of ^{ballot-} the valuation before it is deposited in the ballot-box. ^{paper.}

e. In the counting of the poll, the number of ballot- ^{Counting} papers represents the number of votes, and the amount ^{of poll.} marked on such ballot-papers by the clerk represents the vote in value.

f. The poll-book must mention, in addition to the voter's ^{Details in} name and usual details, the amount of his valuation, as ^{poll-book.} shown by the treasurer's certificate.

7. In all cases above provided for, as to voting both in ^{Duties of} number only and in number and in value, the clerk shall ^{clerk.} have charge of the ballot-book and of initialling the ballot-papers, without in any way restricting his other duties.

8. The presiding officer, the poll clerk and the repre- ^{Taking of} sentatives must take oath to perform their duties and to ^{oath.} keep the vote secret. Such oath may be taken before the presiding officer or the clerk.

9. After the close of the poll, the presiding officer and ^{Counting} the clerk, in presence of the agents, if any have been ap- ^{of votes.} pointed, shall proceed to count the votes, make a summary thereof, both in number and in value, counting and separating the "Yeas" and the "Nays". Such statement must also show the number of certificates by the treasurer handed in to the poll and the total sum which they represent and also the total sum of the value entered in the poll-book, in addition to the usual details. The statement shall be certified by the presiding officer and by the clerk and must declare over their signature whether the by-law or the resolution, as the case may be, has been approved or disapproved, giving the necessary information. Such statement shall be laid before the council at its next sitting.

10. A duplicate of such statement shall likewise be ^{Duplicate} placed in the ballot-box, which must contain all the other ^{statement.} documents, such as the poll-book, used and unused ballot-papers, treasurer's certificates,—each category of documents or ballot-papers to be in a separate envelope,—and the proceedings generally, shall be, as far as can be, in accordance with the formalities required for municipal elections.

11. The officer presiding over the poll may have two ^{Separate} compartments instead of one, made in the poll, so as to ^{voting.} allow two voters to vote separately at the same time, if required for expediting the voting.

Casting-
vote.

12. When the votes are equally divided, in number or in number and value, the mayor, whether he has or has not presided at the voting, shall give his casting-vote.

When by-
law, etc.,
deemed to
have effect.

13. Save where otherwise provided, every by-law or resolution which has to be submitted to the electors who are property-owners shall, in order to have effect, be approved by at least the majority, in number and in value of immoveables, of the said electors who are property-owners, and who have voted.

Election-
clerk.

14. The clerk may be assisted by an election-clerk both in the poll, and outside."

R. S., c. 102,
s. 426, am.,
for town.

12. Section 426 of the said Cities and Towns' Act is amended, for the town of St. Jérôme:

a. By adding thereto, after paragraph 1 thereof, the following paragraph:

Prohibiting,
etc., of out-
side stairs;

"1a. To prohibit the erection hereafter of outside stairs on the fronts of buildings or constructions, parallel to a public street, and to regulate that outside stairs constructed in future on the other sides of buildings or constructions shall not project beyond the outside line of the front wall of such buildings;"

b. By adding thereto, after paragraph 8 thereof, the following paragraph:

Painting,
etc., fences.

"8a. To oblige owners of fences built or to be built on their land, to whitewash or paint such fences;"

R. S., c. 102,
s. 427, am.,
for town.

13. Section 427 of the said Cities and Towns' Act, as amended by the act 16 George V, chapter 37, section 1, is again amended, for the town, by adding thereto, after paragraph 23 thereof, the following paragraph:

Establish-
ing of
general
public
sewerage
system.

"23a. Subject to the provisions of the Quebec Public Health Act (Chap. 186), to enact the establishing of a general public sewerage system, according to a general plan for the whole town, and to afterwards decide, by resolution, upon the construction of the whole or part of such system, according to the needs of the town.

Payment
therefor.

In order to meet the sums expended for the construction, reconstruction and maintenance of such general sewer or to pay the loans contracted by the town for such purposes, the council may levy a special yearly assessment, based on the valuation roll in force, upon all the taxable property of the municipality in accordance with the provisions of the Cities and Towns' Act.

Reimburse-
ment of
principal
sum.

Provision may be made in such by-law for the reimbursement of the principal sum assessed on the immove-

ables of the persons interested for the construction of sewers already built under the by-laws of the town, less the accrued interest at the rate of six per cent per annum;”.

14. Section 23 of the act 10 George V, chapter 95, is ^{10 Geo. V, c. 95, s. 23,} replaced by the following: _{replaced.}

“**23.** The streets now open to the public, within the ^{Opening, etc., of streets, etc.} limits of the town of St. Jérôme, shall be the property of the town. The width of such streets consists of the distance between the outside lines of the lots as described in the official plan and book of reference made for the village, now the town of St. Jérôme, provided always that the description in the official plan and book of reference is not in conflict with the acquisition titles of the owner.

Every plan for the subdivision or dividing of land into lots, as well as the opening of a new park, street, lane or public place, must be previously submitted to the council for examination by means of a numbered plan, in duplicate, and, upon approval by the town, such plan must be legally cadastrated, and an authentic copy thereof be supplied without charge to the town. The said park, street, lane or public place cannot be opened to the public until such deposit.

The ground so furnished for such street or lane shall ^{Property of town.} become the property of the town and be subject to the municipal enactments respecting roads.”

15. Section 442 of the said Cities and Towns’ Act is ^{R. S., c. 102, s. 442, am., for town.} amended, for the town, by adding thereto, after paragraph 3 thereof, the following paragraph:

“3a. To oblige every owner of an automatic fire ^{Furnishing of details of sprinkler systems.} protection sprinkler system to furnish the town with a detailed and numbered plan of such installation now in existence, or to be installed, and also of every change made in such system;”.

16. The town may, by by-law, compel every person, ^{Depositing of triplicate plan of certain electric installations.} partnership, company or corporation, who or which uses or wishes to use the streets, lanes, parks or public places of the town, for purposes of electric transmission, or for telephonic, telegraphic, electric lighting or electric power purposes, to deposit in the town-hall, as regards future works, a plan, in triplicate, of all details of construction, position, force or voltage, transformers, poles, underground conduits, showing the estimated value of each of them.

R. S., c. 102, s. 488, replaced for town. **17.** Section 488 of the said Cities and Towns' Act is replaced, for the town, by the following:

Real value.

"488. The real value of the taxable immoveable property in the municipality comprises the value of the land and that of the buildings, work-shops and machinery and their accessories erected thereon, and all the improvements that have been made thereto.

Fixed valuation of immoveables upon certain approval.

The town may, by by-law, approved by the electors who are owners of immoveable property, in number and in value, establish, for the purposes of municipal taxation solely, the valuation of immoveables, comprising the buildings, work-shops, machinery and accessories, and all the improvements made thereto, necessary to and belonging to industries already established within the limits of the town, at a fixed sum not less than fifty-five per cent of their municipal valuation at the time of the by-law, for a period of ten years at the most, provided that no such industry may profit from such advantage for more than ten years."

R. S., c. 102, s. 622, am., for town. **18.** Section 622 of the said Cities and Towns' Act, as amended by the act 19 George V, chapter 34, section 3, is again amended, for the town, by adding thereto, after subsection 6 thereof, the following subsection:

Recourse against certain persons.

"6a. The town of St. Jérôme, which shall pay for damage caused by the backflow of water in the sewers built at the cost and maintained at the expense of interested ratepayers, shall have a recourse against such interested persons as are mentioned in the by-law ordering the construction of such sewers by means of a special assessment roll homologated after public notice, and the amount so assessed shall be charged to the said interested ratepayers and assimilated to municipal taxes."

R. S., c. 102, s. 490, am., for town. **19.** Section 490 of the said Cities and Towns' Act is amended, for the town, by adding thereto the following paragraph:

Apportionment of certain arrears of taxes.

Whenever arrears of taxes are due on land as a whole, which land has since been subdivided or a part sold, the treasurer of the town must apportion and charge to the new owner of such subdivisions or parts of lot the amount of arrears in proportion to the value of such parts sold or subdivisions at the time of such sale or of such subdivision, according to the valuation roll then in force."

R. S., c. 102, s. 500, replaced for town. **20.** Section 500 of the said Cities and Towns' Act is replaced, for the town, by the following:

“500. If, after the valuation roll has been declared homologated, any immoveable property is considerably diminished in value, either by fire, the pulling down of buildings, or any other cause, the council may, on a petition in writing of the owner, cause the valuation of such property to be reduced to its real value. Reduction of valuation.

After the homologation of the valuation roll, the council, on a petition in writing or a report of the assessors ordered by it, must enter in the valuation roll the names of the new owners of immoveable property who have acquired real estate which is not entered separately in the roll because such immoveable property was valued as a whole with other property.” Entry to be made in valuation roll.

21. Section 32 of the act 10 George V, chapter 95, is repealed. 10 Geo. V, c. 95, s. 32, repealed.

22. Section 517 of the said Cities and Towns' Act is replaced, for the town, by the following: R. S., c. 102, s. 517, replaced for town.

“517. Taxes, licenses, permits and other dues whatsoever owing to the municipality shall bear interest, at the rate of six per cent per annum, from maturity, without its being for such purpose necessary that a special demand for payment be made. Interest on taxes.

Subject to section 572, neither the municipal council nor its officers may remit any taxes or the interest thereon. No remittance.

The council may, by by-law, grant a discount not exceeding five per cent upon the payment of the taxes, licenses, permits or other dues owing to the town, if such taxes, licenses, or permits are paid within twenty days of their becoming exigible.” Granting of discount.

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

