



CHAPTER 129

An Act to amend the charter of the city of St. Hyacinthe

[Assented to, the 15th of March, 1933]

WHEREAS the city of St. Hyacinthe has, by petition, ^{Preamble.} represented that it is in the interest of the proper administration of its affairs that its charter, the act 51-52 Victoria, chapter 83, as amended by the acts 54 Victoria, chapter 80; 58 Victoria, chapter 52; 3 Edward VII, chapter 65; 6 Edward VII, chapter 48; 5 George V, chapter 95; 8 George V, chapter 86; 9 George V, chapter 94; 17 George V, chapter 84, and 18 George V, chapter 100, 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. Section 3 of the act 51-52 Victoria, chapter 83, as ^{51-52 Vict.,} replaced by section 1 of the act 5 George V, chapter 95, ^{c. 83, s. 3,} and by section 1 of the act 18 George V, chapter 100, is ^{replaced.} again replaced by the following:

“3. The city of St. Hyacinthe comprises the territory ^{Limits of} bounded as follows: ^{the city.}

On the southwest by the extension towards the south-east of the line dividing lot No. 1095 from lot No. 1096 of the hypothecary cadastre of the parish of Notre-Dame de St. Hyacinthe, starting from the middle of the Yamaska river, and by such line as far as the point of its intersection with the extension towards the west of the line of the south side of Lafontaine street of the city; from that point by such extension line towards the east to the point where it meets the dividing line of Nos. 1094 and 1095 of the same cadastre which is in part the southwest boundary of the city, from such meeting point to the railway formerly

known as the Quebec, Montreal and Southern railway; thence the boundary line follows the railway through lots Nos. 1094, 1091 and 1092 of the said hypothecary cadastre, to the point of intersection of the railway and the dividing line between lot No. 1089 and lots Nos. 1091 and 1092 of the said cadastre; thence the said dividing line constitutes the prolongation of the southwest boundary line of the said city, to lot No. 1086 of the said cadastre; on the northwest by the southeast line of lot No. 1086 as far as lot No. 1083 of the said cadastre; thence by a straight line passing through lots Nos. 1083, 1082 and 1080a as far as the dividing line between lots Nos. 1062, 983, 946 and lots Nos. 1061, 984, and 945 of the said hypothecary cadastre; thence by a straight line passing at one hundred feet northwest of the southeast line of lot No. 1296 of the said cadastre to a point situated six hundred feet from the dividing line between the lands along the Yamaska river and those of the *Petit-Rang*, on the prolongation of the northern line of Laframboise street; and thence, for one thousand feet deep, by a line parallel to the said dividing line of the lands along the Yamaska river and those of the *Petit-Rang*; thence, in an easterly direction at six hundred feet by a line parallel to Laframboise street; and thence by the dividing line between the lands along the Yamaska river and those of the *Petit-Rang* as far as the northeast limits of the said city; on the northeast by the northeast line of lots Nos. 680, 679 and 678 of the hypothecary cadastre of the city of St. Hyacinthe; on the southeast by the middle of the Yamaska river."

R. S., c. 102,
s. 32a,
added for
city.

2. The Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is amended, for the city, by adding thereto, after section 32 thereof, the following section:

Entering
on roll.

"**32a.** When the line dividing wards runs through a lot or a building the entire lot or building may be entered in either ward on the valuation roll."

8 Geo. V, c.
86, s. 1, re-
placed.

3. Section 1 of the act 8 George V, chapter 86, is replaced by the following:

Provisions
applicable
to city.

"**1.** Section 35 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) shall apply to the city of St. Hyacinthe."

51-52 Vict.,
c. 83, s. 50,
repealed.

4. Section 50 of the act 51-52 Victoria, chapter 83, is repealed.

3 Ed. VII,
c. 38, s. 85,
repealed.

5. Section 85 of the act 3 Edward VII, chapter 38, is repealed.

6. Section 27 of the act 58 Victoria, chapter 52, is repealed. 58 Vict., c. 52, s. 27, repealed.

7. Section 95 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is replaced, for the city, by the following: R. S., c. 102, s. 95, replaced for city.

"95. The treasurer must deposit in one or more chartered banks designated by the council the moneys arising from taxes or municipal dues, or belonging to the city, as soon as the same can be done, but not later than the working day following that of their recovery, 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." Depositing of monies.

8. Section 23 of the act 5 George V, chapter 95, is amended by adding thereto the following paragraph: 5 Geo. V, c. 95, s. 23, am.

"14. 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." Disqualification.

9. Section 193 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is replaced, for the city, by the following: R. S., c. 102, s. 193, replaced for city.

"193. 1. If a candidate die after being nominated and before the closing of the voting, the returning-officer shall immediately recommence the proceedings for the election, by giving the notice mentioned in section 179, and shall fix the days for the nomination of candidates, and for the voting, leaving six days between. Death of candidate.

2. The election in the case of this section shall otherwise be held in the same manner as other elections under this act. Procedure at election.

3. In his report respecting the election, the returning-officer shall transmit to the municipal council a special report of the reasons which occasioned the postponement of the election." Transmission of special report.

10. Section 195 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), as amended by the act 20 George V, chapter 47, section 5, is replaced, for the city, by the following: R. S., c. 102, s. 195, replaced for city.

"195. 1. If at the expiration of the delay fixed for the nomination of candidates for mayor or alderman, the number of candidates required to fill one or more of such offices have not been nominated, the returning-officer shall im- If not sufficient candidates nominated.

mediately recommence the proceedings for election for the offices so left vacant, by giving the notice mentioned in section 179, and shall fix the day for the nomination of candidates, and for the voting, leaving six days between.

Procedure
at election.

2. The election, in the case of this section, shall otherwise be held in the same manner as other elections under this act.

Forwarding
of special
report.

3. In his report respecting the election, the returning-officer shall forward to the municipal council a special report of the reasons which occasioned the postponement of the election.

Filling of
offices.

4. If, at the expiration of the delay fixed by the returning-officer, under subsection 1 of this section, for the nomination of candidates for the office of mayor or of alderman, the required number of candidates to fill such municipal office or offices has not then been nominated, the returning-officer shall report thereon to the council and the latter shall itself fill the office or offices which were not able to be filled, and, in the event of the council not being able to sit for want of a quorum, the office or offices shall then be filled by the Lieutenant-Governor in Council."

6 Ed. VII, c.
48, s. 3, am.

11. Section 3 of the act 6 Edward VII, chapter 48, is amended by striking out the last three paragraphs.

51-52 Vict.,
c. 83, s. 87,
repealed.

12. Section 87 of the act 51-52 Victoria, chapter 83, is repealed.

Provisions
repealed and
replaced for
city.

13. Sections 354 to 367, inclusive, of the act 3 Edward VII, chapter 38, are repealed and replaced, for the city, by sections 399 to 410, inclusive, of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) and their amendments.

R. S., c. 102,
s. 432b,
added for
city.

14. The said Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is amended, for the city, by adding thereto, after section 432a thereof, as enacted, for the city, by the act 18 George V, chapter 100, section 2, the following section:

Immove-
ables having
outside
stairs.

"432b. The city council is authorized to impose an annual tax of twenty-five dollars on every immoveable of a value of four thousand dollars or less, and of fifty dollars on every immoveable of a greater value, on which outside stairs erected since the 15th of March, 1928, are kept.

Removal,
etc., thereof.

This section does not deprive the city, nor anyone, of the right to cause any outside stairs erected in contravention of its charter to be removed, but in the event of the

upon the annual value of the premises to be occupied. Such license shall be called "License to open a place of business";

b. By replacing paragraph 23 thereof by the following:

Fixing of
price of
permit, etc.

"23. To fix the price of any permit or license authorized by this section or by other sections of the charter, whether such permit or such license be by the day, month, or year;"

R. S., c. 102,
ss. 484a-
484i, added
for city.

19. The said Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is amended, for the city, by adding thereto, after Subdivision 24 of Division XII thereof, the following Subdivision and sections.

"§24a.—Working-fund

Creation of
"working-
fund".

"484a. For the purpose of placing at the disposal of the council the moneys which it may need to meet the expenses of the city at the beginning or during a fiscal year while awaiting the receipt of the funds produced by the taxes, licenses or other revenue of the same year and to execute certain work of public utility which is not simply maintenance but the material duration whereof is not sufficiently long to authorize a long term loan, a sinking-fund is hereby created to be known as "working-fund".

Principal
of same.
How
formed.

"484b. The principal of such fund shall be one hundred thousand dollars and it shall be formed from an equal amount of arrears of taxes owing to the city on the 31st of December of the year 1931, not appropriated in the budget for 1932. Such arrears of taxes and the proceeds of the principal thereof shall be specially appropriated to this fund and the amount realized in 1932 may be replaced by an equal amount of the arrears of that year.

Placing and
using of
money.

"484c. As the arrears become converted into money through collection, the treasurer shall place them in a special account and the council may use such moneys to purchase municipal bonds which shall remain in the assets of such account and may be given by the council as security for any loan which it may make to procure the moneys which it may need to make advances to the treasurer in accordance with the provisions of this Subdivision.

Principal to
be kept
intact.

"484d. The principal of this fund must always be intact and the municipal council is authorized to complete the fund by specially appropriating good and valid arrears of taxes at the end of each fiscal year.

Loans to
certain mu-
nicipalities.

"484e. The municipal council may, by mere resolution, advance to the municipalities liable by law for the maintenance of the bridges over the Yamaska river, out of the

working-fund and at a rate of interest not exceeding six per cent per annum, any sums which they may wish to borrow to make payment of their proportion in the said expenses, but for a term not to exceed three years. Term limited.

Such municipalities, to wit, the corporation of the village of St. Joseph d'Yamaska, the corporation of the village of La Providence, the corporation of the parish of Notre-Dame, are authorized to effect the above-mentioned loans on the approval of the Municipal Commission. Municipalities allowed to borrow.

"484f. The municipal council may also borrow from such fund the moneys which it may need to do any work not being mere maintenance but for a term not exceeding three years and the resolution authorizing the loan must order that the sums so borrowed shall be repaid partly out of the revenues of the then current fiscal year and the balance out of future years, and, in the event of insufficiency of the general revenues, a special tax shall be imposed in conformity with the provisions of the charter to complete each payment. Borrowing from fund by council. Repayment.

"484g. The interest on the working-fund shall be appropriated as ordinary receipts of the fiscal year during which they accrued. Interest on fund.

"484h. The principal or part of the principal of such fund shall never be used for other purposes than those mentioned in this Subdivision. Use restricted.

"484i. If, at any time, the accounts composing the assets of this fund show that the money on hand, the municipal bonds, the arrears of taxes appropriated to the fund, the credits against the general funds of future fiscal years, the claims against the neighbouring municipalities, aggregate in value less than one hundred thousand dollars, the municipal council must, in the first budget after such finding, appropriate from the revenues of the city a sufficient amount to complete the fixed capital of one hundred thousand dollars." Appropriation from city revenues in certain event.

20. Section 487 of the said Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is replaced, for the city, by the following: R. S., c. 102, s. 487, replaced for city.

"487. When the rent agreed upon for such property does not represent the annual value, the assessors shall enter on the valuation roll the real annual value, which alone shall serve as a basis for the imposition of taxes." Entry of annual value of immoveables.

21. Section 523 of the said Cities and Towns' Act (Revised Statutes, 1925, chapter 102) as replaced, for the R. S., s. 102, s. 523,

amended
for city.

city, by the act 18 George V, chapter 100, section 7, is amended, for the city, by replacing paragraph 2 thereof by the following:

Tax on
tenants or
occupants
of immove-
ables.

"2. A tax not exceeding four per cent of the annual value of the premises occupied as entered on the valuation roll, on all tenants or occupants of an immoveable or of part of an immoveable by other title than that of owner or of ratepayer liable for the payment of the business tax on the property so occupied. Such tax may be divided into quarterly instalments and shall be collected in the same manner and at the same time as the tax for the consumption of water and may be recovered before the courts by following the same formalities. It shall not bear interest and may be paid by quarterly payments.

Payment,
collection
and recove-
ry thereof.

How pro-
ceeds to be
handled and
utilized.

The proceeds of such tax shall be paid over to the general fund to effect payment of part of the sums due for the construction of the city sewers and of part of those which may hereafter become due for the proportion payable by the general revenues of the city and shall be designated

Name.

"sewer tax".

17 Geo. V, c.
84, s. 3, re-
pealed, R.S.,
c. 102, s. 526,
replaced
for city.

22. Section 3 of the act 17 George V, chapter 84, is repealed, and section 526 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is replaced, for the city, by the following sections:

Taxes on
trades, etc.

"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, 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 municipality. Such dues cannot exceed in any case the sum of two hundred and fifty dollars per annum and may be different according to whether the persons, firms or companies who become subject thereto have or have not resided for the past twelve months in the municipality. But, in no event, can the due imposed on any person, firm or company, not residing for the past twelve months in the municipality, exceed by more than fifty per cent the due imposed on the other residents.

Tax on per-
sons, etc.,
using gas,
etc.

"526a. In addition to the licenses and taxes imposed or imposable and levyable under its charter, the city of St. Hyacinthe may impose upon all persons, firms or companies using gas or electricity for lighting, heating or power, and upon those using the telephone, a tax not exceeding three dollars per annum for each electric or gas service

used and five dollars per telephonic instrument. The persons, firms or companies selling gas, or electricity or supplying the telephonic service shall be required to collect such taxes from their customers and remit same to the municipal council in the manner and within the delays prescribed by the by-laws imposing such taxes, without prejudice to the council's right to collect them itself, in whole or in part, if it deems fit.

Whenever the person, firm or company agrees to collect the tax, the city may grant him or it a commission not exceeding ten per cent to make such collection, and it may authorize such person, firm or company to make such collection monthly. Commission for collection.

In the case of the preceding paragraph, the city is not obliged to enter the debtor of the tax on the collection roll, and the tax becomes due and collectable as soon as the debtor becomes subject thereto by the use of a telephone instrument or takes in electricity or gas." No entry on collection roll.

23. Section 480 of the act 3 Edward VII, chapter 38, is replaced, for the city, by section 527 of the Cities and Towns' Act. 3 Ed. VII, c. 38, s. 480, replaced for city.

24. Section 537 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is replaced, for the city, by the following: R. S., c. 102, s. 537, replaced for city.

"537. The council shall, on the requisition of the school commissioners or trustees of any school municipality situated within the city, order the treasurer to collect the taxes imposed by the school municipality by by-law or resolution, a certified copy whereof must be transmitted to the city within fifteen days from its adoption, in the same manner and at the same time as municipal taxes. Collection of school taxes.

In such case, the secretary-treasurer of the school board is relieved from the obligation of making a collection roll for the taxes which must be so collected by the city." Collection roll.

25. The said Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is amended, for the city, by adding thereto, after section 538 thereof, the following section: R. S., c. 102, s. 538a, added for city.

"538a. The treasurer shall have and keep open a supplementary assessment roll to enter therein the names of all persons, firms or companies omitted from the first general assessment roll or become liable for municipal dues or licenses under some by-law of the council or indebted to the said council in any manner whatsoever. Supplementary assessment roll.

Entries
thereon.

In such supplementary roll shall be entered the day on which the person, firm or company became subject to the tax or license or indebted to the said council, the name and qualification of the ratepayer, the cadastral number of the property occupied by him or of that where he has his place of business, as the case may be, the number of the house and name of the street, the kind of business or nature of the debt, the amount due and the initials of the treasurer."

R. S. (1909),
art. 5748,
replaced
for city.

26. Article 5748 of the Revised Statutes, 1909, incorporated in the charter by section 21 of the act 5 George V, chapter 95, is replaced, for the city, by section 539 of the Cities and Towns' Act.

Id., art.
5775, re-
placed for
city.

27. Article 5775 of the Revised Statutes, 1909, is repealed and replaced, for the city, by section 572 of the Cities and Towns' Act.

R. S., c. 102,
ss. 572a-
572e, added
for city.

28. The said Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is amended, for the city, by adding thereto, after Subdivision 27 of Division XII thereof, the following Subdivision and sections:

"§ 27a.—Reimbursement of taxes

Reimburse-
ment of cer-
tain taxes
to owners of
built im-
moveables.

"572a. The municipal council may adopt and put into force one or more by-laws to reimburse, wholly or in part, the general and special general municipal real estate taxes to the owners of built immoveables which have become totally or partly vacant starting from the 1st of January, 1933, or which have been inhabited by indigent persons to whom the owner has remitted the rent, starting from the same date.

When
effected:
Full pay-
ment of
taxes;

"572b. Such reimbursement can only be made:
1. In the case where the municipal taxes have been paid in full by the claimant within three months of their falling due;

Premises
vacant or
rent unpaid;

2. For the proportion of months that the premises have so been vacant or inhabited by a person unable to pay his rent, but, in such case, only for the number of months for which the rent would not have been paid;

Sworn state-
ment.

3. On production of an account under oath establishing the claiming owner's right, filed in the month of November in each year for the preceding twelve months; which account to constitute a final discharge from all indebtedness for rent, for all legal purposes, for the tenant therein mentioned.

"572c. The amount of all the accounts approved and accepted by the council shall be charged as expenditure in the budget for the ensuing fiscal year and shall be payable at the due date of the general real estate taxes for the same fiscal year. Accounts charged as expenditure.

"572d. In the case where an immoveable has been only partly unoccupied or occupied by an indigent person, the reimbursement can be made only on the proportion of the real estate valuation corresponding to the unoccupied part or part so occupied, as established by the ratio between the annual value of such part to the total annual value of the immoveable. Proportional reimbursement in certain case.

"572e. Where a claim is made for non-occupation of premises other than a private lodging, the reimbursement cannot be more than fifty per cent of the proportion of taxes otherwise subject to reimbursement. Premises other than private lodging.

29. Section 586 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) shall apply to the city of St. Hyacinthe. R. S., c. 102, s. 586, applicable to city.

30. Article 5788 of the Revised Statutes, 1909, is repealed, for the city, and section 587 of the Cities and Towns' Act shall apply to the city of St. Hyacinthe. Id., s. 587, applicable to city.

31. Section 622 of the said Cities and Towns' Act (Revised Statutes, 1925, chapter 102), as amended by the act 19 George V, chapter 34, section 3, shall apply to the city of St. Hyacinthe. Id., s. 622, applicable to city.

32. Section 20 of the act 5 George V, chapter 95, is repealed. 5 Geo. V, c. 95, s. 20, repealed.

33. The said Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is amended, for the city, by adding thereto, after section 697 thereof, the following Division and sections: R. S., c. 102, ss. 698-700, added for city.

"DIVISION XVII

"TRANSITORY PROVISIONS

"698. The resolution respecting the tenant's tax for the year 1933, of the 16th of December, 1932, is ratified, for all legal purposes, and such tax shall replace, for 1933, the sewer tax mentioned in section 21 of the act 23 George V, chapter 129. Validation of certain resolution.

Validation
of by-law
No. 405.

"699. By-law No. 405 is ratified, except article 7 of the said by-law, for the years 1931 and 1932 only.

Loan au-
thorized.

"700. The city of St. Hyacinthe is authorized to borrow the sum of fourteen thousand five hundred dollars to pay the floating debt existing on the 31st of December, 1931, amounting to fourteen thousand fifty-seven dollars and fifty cents and the cost of the issue for said loan.

By-law for
reimburse-
ment.

The said city is authorized to adopt and put into force one or more by-laws for the reimbursement of such sum with interest not exceeding six per cent per annum, by annuities, during a period of time not exceeding fifteen years.

Approval.

Such by-law shall not be subject to the approval of the real estate owners, but shall be subject to that of the Quebec Municipal Commission and to that of the Lieutenant-Governor in Council."

Coming into
force.

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