



CHAPTER 100

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

[Assented to, the 15th of March, 1928]

WHEREAS the city of St. Hyacinthe has, by petition, Preamble.
represented that it is in the interest of the proper administration of its affairs to amend its charter, the acts 51-52 Victoria, chapter 83; 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, and 17 George V, chapter 84, in order to annex to its territory part of a lot situated in the municipality of St. Thomas d'Aquin; to prohibit the construction of outside stairs to buildings; to authorize the municipal council to vote a grant of ten thousand dollars to the corporation of the Seminary of St. Hyacinthe; to borrow eighty thousand dollars to repay a like sum falling due on the 1st of May, 1929; to impose a license on gasoline pumps; to enact a by-law regarding the liability of owners of buildings draining on to the sidewalks; to amend section 12 of the act 17 George V, chapter 84, by replacing the second paragraph by the second paragraph of section 34 of the act 5 George V, chapter 95; to authorize the municipal council to enact a by-law respecting the construction of sewers and liability of the city to the owners; to enact that certain provisions of chapter 102 of the Revised Statutes, 1925, shall apply as amended to the city; to authorize the council to grant an exclusive franchise to operate an autobus service;

Whereas it has prayed for an act for the above purposes;

And whereas it is expedient to grant such prayer;

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

51-52 Vict.,
c. 83, s. 3,
replaced.

1. Section 3 of the act 51-52 Victoria, chapter 83, as replaced by section 2 of the act 5 George V, chapter 95, is again replaced by the following:

Limits of
the city.

"3. The city of St. Hyacinthe comprises the territory bounded as follows:

On the southwest by the line dividing lot No. 1094 from lot No. 1095 of the hypothecary cadastre of the parish of Notre-Dame de St. Hyacinthe, and in a straight line from the middle of the Yamaska river to 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 1081 as far as the dividing line between lots Nos. 1062 and 1061 of the said cadastre; thence by the dividing line between lots Nos. 1062, 983, 946 and lots Nos. 1061, 984, and 946 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 the northern line of 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. 432*a*,
added for
city.

2. The Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is amended, for the city, by inserting therein, after section 432 thereof, the following section:

Stairs for-
bidden on
face of
buildings.

"432*a*. It is forbidden to erect outside stairs, leading to any other floor than the ground-floor, on the face of buildings and houses in the city of St. Hyacinthe, save where facing the yard."

3. Section 473 of the said Cities and Towns' Act, is R. S., c. 102, amended, for the city, by adding thereto, the following ^{s. 473, am.,} paragraph: ^{for city.}

"10. To assist in rebuilding the college belonging to the ^{To assist in} corporation of the Seminary of St. Hyacinthe. For such ^{rebuilding} purpose, the municipal council is authorized to vote, by ^{Seminary.} mere resolution, a grant of ten thousand dollars, payable in five annual instalments of two thousand dollars, without interest."

4. The said Cities and Towns' Act is amended, for the R. S., c. 102, city, by adding thereto, after section 587 thereof, the fol- ^{s. 587a,} lowing section: ^{added for} ^{city.}

"**587a.** The city of St. Hyacinthe is authorized, for ^{Loan au-} the purpose of repaying a loan of eighty thousand dollars ^{thorized.} falling due on the 1st of May, 1929, to borrow a sum of eighty thousand dollars and to make and put into force a by-law for the reimbursement of such sum, with interest, by annuities, during a period not to exceed thirty years, without having to submit such by-law to the vote of the owners of real estate but subject to the approval of the Lieutenant-Governor in Council."

5. Section 469 of the said Cities and Towns' Act is R. S., c. 102, amended, for the city, by adding thereto, after paragraph ^{s. 469, am.,} 21 thereof, the following paragraph: ^{for the city.}

"22. To impose a license on pumps used for the sale of ^{Gasoline} gasoline, the cost of such license being variable according ^{pumps.} as pumps are installed for service on private property or on public property, or partly on one and partly on the other."

6. Section 429 of the said Cities and Towns' Act is R. S., c. 102, amended, for the city, by replacing paragraph 20 thereof by ^{s. 429, am.,} the following: ^{for city.}

"20. To prescribe the measures the council may deem ^{Prevention} necessary to prevent accidents in winter from the accumu- ^{of accidents} lation of snow or ice on the sidewalks and the roofs of ^{in winter,} houses and other buildings, and, for that purpose, deter- ^{etc.} mine the manner in which sidewalks and roofs shall be kept. Every person obliged by law to keep sidewalks or roofs shall be responsible towards the municipality for damages resulting from his neglect to fulfil his obligations in this respect, and may be called in warranty in all cases instituted against the municipality for damages. Owners of buildings having projections draining onto the sidewalk or causing an accumulation of snow and ice on said side-

walk rendering circulation dangerous shall be responsible for all damages caused by said dripping or accumulation, and shall be obliged to effect the removal themselves of such causes of accident, even where the city has undertaken the removal of the snow and the ordinary keeping of the sidewalk;”.

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

7. Section 523 of the said Cities and Towns' Act, as replaced, for the city, by the act 17 George V, chapter 84, section 12, is again replaced, for the city, by the following:

Annual tax:

“523. The council may impose and levy the following annual taxes:

On trades,
etc.;

1. 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, a business tax at the rate of seven and one half per cent of the annual value of the places occupied, in the said city, for such purposes, in addition to an annual duty or tax which the council may impose or levy for the carrying on of each of said trades, occupations, arts, professions, commerces, industries or means of profit or livelihood.

On tenants;

2. On all tenants paying rent in the municipality, an annual tax of not more than six cents in the dollar on the amount of their rent.

On occu-
pants;

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 such tax.”

51-52 Vict.,
c. 83, s. 133,
am.

8. Section 133 of the act 51-52 Victoria, chapter 83, as amended by the acts 54 Victoria, chapter 80, section 14; 3 Edward VII, chapter 65, sections 3 and 4, and 5 George V, chapter 95, section 16, is again amended by replacing paragraph 48 by the following:

Prevention
of inunda-
tions, etc.

“48. For preventing inundations by the rising of the waters of the river Yamaska, opposite the city, and for establishing plans in conformity with which the sewers of any building having a basement are to be constructed, and freeing the city from responsibility to the owners of such buildings, who refuse to comply with the said by-law, for all damages caused by flooding.”

Provisions
repealed.

9. Section 29 of the act 5 George V, chapter 95; section 2 of the act 7 Edward VII, chapter 45, and sections 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367 and 531 of the act 3 Edward VII, chapter 38, are repealed.

10. Section 42 of the act 5 George V, chapter 95, is re-pealed. 5 Geo. V, c. 95, s. 42, re-pealed.

11. Section 589 of the said Cities and Towns' Act, as amended by the act 16 George V, chapter 34, section 5, is replaced, for the city, by the following: R. S., c. 102, s. 589, re-placed for city.

"589. 1. Whenever the amount of the loans contracted by the municipality, including the proposed loan but exclusive of those which do not affect its borrowing power, is equal to twenty per cent of the value of the taxable immoveable property in the municipality, according to the valuation roll in force, no new loan may be contracted, nor any debt subsequently incurred which might have the same effect on the revenues of the municipality as a loan, unless the by-law has been voted on by: If the amount of the loans is equal to twenty per cent.

a. At least one-tenth of the number of municipal electors who are owners of taxable immoveable property, residing in the municipality, if such number in the municipality be two thousand or over;

b. At least one-eighth, if the number of municipal electors who are owners of taxable immoveable property residing in the municipality, be one thousand or over but less than two thousand;

c. At least one-fifth, if the number of municipal electors who are owners of taxable immoveable property, residing in the municipality, be less than one thousand.

2. The by-law must, in addition, be approved by a two-thirds majority at least, in number and real value, of all the owners of taxable immoveable property who are municipal electors, whether resident or not in the municipality, and who have voted. Additional requirement.

3. Immoveables temporarily exempted from taxes shall be considered as taxable immoveables in establishing the figure equal to twenty per cent of the value of taxable immoveable property, under this section." Immoveables exempted.

12. Section 590 of the said Cities and Towns' Act is replaced, for the city, by the following: R. S., c. 102, s. 590, re-placed for city.

"590. 1. When the sums required for interest and the sinking-fund, excluding, however, those paid on debts which do not affect its borrowing power, equal one-half the general revenue from the taxes imposed, under sections 521 and following, the municipality shall not contract a new loan, unless the by-law authorizing it is voted upon: Approval of by-law by the electors in certain cases.

a. By at least one-tenth of the total number of municipal electors who are owners of taxable immoveable prop-

erty residing in the municipality, if such number in the municipality be two thousand or over;

b. By at least one-eighth, if the number of municipal electors who are owners of taxable immoveable property, residing in the municipality, be one thousand or over but under two thousand;

c. By at least one-fifth, if the number of municipal electors who are owners of taxable immoveable property, residing in the municipality, be less than one thousand.

Additional
require-
ment.

2. Such by-law must, in addition, be approved by the majority in number and in real value of all the owners of taxable immoveable property who are municipal electors, whether resident or not in the municipality, and who have voted.

Special tax
in certain
cases.

3. It is further necessary that the by-law shall provide for the payment of the interest and the establishment of a sinking-fund by imposing a special tax on immoveables, to be levied yearly during the term of the loan."

R. S., 1909,
Art. 5641,
am., for
city.

13. Paragraph 15 of article 5641 of the Revised Statutes, 1909, as replaced, for the city, by the act 5 George V, chapter 95, section 31, is again replaced, for the city, by the following:

Public fran-
chises, etc.

"15. To regulate and control the exercise, by any person or corporation, of any public franchise or privilege in any of the streets or public places in the municipality, whether such franchise or privilege has been granted by the municipality or by the Legislature, saving acquired rights. The council may grant one or more exclusive franchises to operate, upon conditions prescribed by it and for a period of not over twenty years, an autobus service within the limits of the city. The whole shall, however, be subject to the control and jurisdiction of the Quebec Public Service Commission."

Jurisdiction
of Pub. Ser.
Commiss.

5 Geo. V. c.
95, s. 36,
replaced.

14. Section 36 of the act 5 George V, chapter 95, is replaced by the following:

Tax on
workers in
municipali-
ty.

"**36.** The council may impose and levy a yearly tax of two dollars on every person aged twenty-one years and over, who works in the city and who pays no tax under the charter and by-laws of the city."

R. S., 1909,
Art. 5376,
replaced for
city.
Omission on
list.

15. Article 5376 of the Revised Statutes of Quebec, 1909, is replaced, for the city, by the following:

"**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, and of all others who are not entitled to have their names entered on such list.

During the month of April, any ratepayer may, under proper safeguards, examine the lists in the office of the clerk, and if said ratepayer find 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."

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