



CHAPTER 102

An Act to amend the charter of the city of Levis

[Assented to, the 22nd of March, 1928]

WHEREAS the city of Levis has, by its petition, re-Preamble.
presented that it is in the interest of the proper
administration of its affairs that additional powers be
granted it, and that its charter, the act 6 Edward VII,
chapter 49, as amended by the acts 9 Edward VII, chapter
87; 6 George V, chapter 49; 9 George V, chapter 98; 10
George V, chapter 89, and 14 George V, chapter 89, be again
amended; and

Whereas it is expedient to grant the prayer of 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. The act 6 Edward VII, chapter 49, is amended by 6 Ed. VII, c.
inserting therein after section 11 thereof, as replaced by 49, s. 11a,
the act 9 George V, chapter 98, section 2, the following added.
section:

“11a. The city is divided into four wards for the pur-Four wards.
pose of municipal elections and representation, namely: St.
Lawrence ward, Lauzon ward, Villemay ward and Notre-
Dame ward.

St. Lawrence ward shall comprise the following territory: St. Law-
All the territory forming the said ward and described in rence ward.
the above section 11.

Lauzon ward comprises the following territory: All the Lauzon
territory forming the said ward and described in the above ward.
section 11, and in addition the following streets: St. Felix,
St. Jean; Notre-Dame as far as St. Joseph street; Pam-
palon; Ste. Marie, from the brow of the hill as far as Wolfe
street; Henry, east side, from the brow of the hill to Wolfe

street; Wolfe, from Henry street to the eastern boundaries; Deziel, Fraser, south side; Carrier, from Wolfe street to Lefrançois street; St. Julien; Gauvreau, Ste. Catherine; Lacroix lane; St. Joseph, south side from Carrier street to Mgr. Gosselin street; Mgr. Gosselin, from Wolfe street to St. Joseph street, as well as the territory included between such streets.

Villemay
ward.

Villemay ward includes the following territory: all the territory forming the said ward, described in above section 11, to the west of the Côte du Passage and of Dallaire road, and in addition the following streets: St. Onésime; St. Antoine, west side; Napoleon; St. Augustin; St. Urban; St. Ferdinand; St. Louis, from St. Antoine street to the western boundary; St. George, from St. Antoine and Fréchette streets, to the western boundary; St. Henri; and all the territory included between such streets.

Notre-Dame
ward.

Notre-Dame ward comprises the following territory: all the territory forming Notre-Dame ward, described in above section 11, less the portions hereby annexed to Lauzon and Villemay wards and all the territory forming said Villemay ward to be found east of the Côte du Passage and Dallaire road.

For municipi-
pal elections
only.

The above described divisions shall apply only for the purposes of municipal elections and representation."

6 Ed. VII, c.
49, s. 13, re-
placed.

2. Section 13 of the act 6 Edward VII, chapter 49, as replaced by the act 9 George V, chapter 98, section 3, is again replaced by the following:

Municipal
council.

"13. The municipal council shall consist of a mayor and six aldermen, one of whom shall represent St. Lawrence ward, one Villemay ward, two Lauzon ward, and two Notre-Dame ward; and they shall be elected in the manner and for the time by law provided."

6 Geo. V, c.
49, s. 7, re-
placed.

3. Section 7 of the act 6 George V, chapter 49, is replaced by the following:

R. S., c. 102,
s. 135, re-
placed for
city.

"7. Section 135 of chapter 102 of the Revised Statutes, 1925, is replaced, for the city, by the following:

Preparation
of electoral
list.

"135. Prior to the twentieth of January of each year, there shall be prepared by the clerk, or under his direction, in the manner hereinafter mentioned, a list for the municipality 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 electoral list."

6 Geo. V, c.
49, s. 8, re-
pealed.

4. Section 8 of the act 6 George V, chapter 49, is repealed.

5. Section 10 of the act 6 George V, chapter 49, is replaced by the following: 6 Geo. V,
c. 49, s. 10,
replaced.

"10. Section 143 of chapter 102 of the Revised Statutes, R. S., c. 102, 1925, is replaced, for the city, by the following: R. S., c. 102,
s. 143, re-
placed for
city.

"143. If the clerk has not made the alphabetical list of electors, or has not given or published the notice required by section 139, by the twentieth of January, the judge of the Superior Court for the district, or, in the event of the absence of such judge or of his inability to act, a judge of a neighbouring district, or the Magistrate's Court, 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." Appoint-
ment of spe-
cial clerk to
make list in
default of
clerk.

6. Sections 9, 10, 11, 12, 13, 14, 19, 20 and 21 of the act 9 George V, chapter 98, are repealed. Provisions
repealed.

7. Section 134 of chapter 102 of the Revised Statutes, R. S., c. 102, 1925, is replaced, for the city, by the following: R. S., c. 102,
s. 134, re-
placed for
city.

"134. No person qualified to vote as proprietor, tenant or occupant shall be entitled to have his name entered on the electors' list of the municipality who, on the first day of January next preceding the making of the electoral list of the municipality, is indebted to the municipality for any taxes or water-rates (special taxes excepted); the thirty-first day of December being the last day, until four o'clock P.M., to pay such taxes. The non-payment of the tenants' tax for the current year shall not, however, deprive the proprietor of his right to vote." Right of
vote.

8. Section 4, sections 9 and 15 as replaced by the act 14 George V, chapter 89, sections 12 and 13, and section 17 of the act 10 George V, chapter 89, are repealed. Provisions
repealed.

9. Section 6 of the act 10 George V, chapter 89, as replaced by the act 14 George V, chapter 89, section 10, is again replaced by the following: 10 Geo. V, c.
89, s. 6, re-
placed.

"6. In addition to the duties conferred upon him, by law, the assessor shall fulfil all other duties which the Assessment Board may attribute to him. Duties of
assessor.

He shall exercise each and every power conferred upon him by this act or any other law or by the regulations of the Assessment Board. Powers.

Before entering into office, the assessor shall take the oath of office before the mayor or the city clerk.

In the event of the assessor's illness, absence or inability Replacing,

in case of absence.	to act, the council may appoint a competent person to replace him and the latter shall be invested with all the powers and subject to all the obligations of the assessor during the time of such illness, absence or inability. The council may grant such person a remuneration.
Remuneration.	
Assistant.	The council may, if it deems it expedient, by mere resolution, appoint an assistant to the assessor and grant him a remuneration. In this case, the assistant cannot be dismissed and his salary cannot be reduced except by the vote of the absolute majority of the council in favour of such dismissal or reduction.
His powers and obligations.	The assistant shall have, under the supervision and direction of the assessor and of the Assessment Board, of which he does not form part, all the powers granted to the assessor and is subject to all the obligations imposed upon the said assessor."

10 Geo. V. c. 89, s. 8, replaced. **10.** Section 8 of the act 10 George V, chapter 89, as replaced by the act 14 George V, chapter 89, section 11, is again replaced by the following:

Making and revision of roll. **"8.** The Assessment Board shall regulate and determine the time when the city assessor shall begin the making or revision of the roll, as the case may be, the manner in which he shall perform his duties, the period within which he shall make his return, when and how he shall correct the roll, by adding the names of any persons omitted or coming to reside in the city after the roll is made or who become liable for any assessment, tax or duty whatsoever, or by striking out the names of those who cease to be liable therefor, at any time, after his general reports have been made."

10 Geo. V. c. 89, s. 16, replaced. **11.** Section 16 of the act 10 George V, chapter 89, as replaced by the act 14 George V, chapter 89, section 14, is again replaced by the following:

Notice of deposit of assessment roll. **"16.** The assessor shall deposit the assessment roll as soon as made, in the office of the city clerk. Within two days, public notice of such deposit shall be given by the clerk in the usual manner. The notice shall state that the roll will remain open for examination by those interested or their representatives for fifteen days following the publication of such notice. At the expiration of such fifteen days, the assessment roll for the city shall be in force for every person whose name is entered on the said roll and who has not appealed within the delays and in the manner hereinafter mentioned.

Coming into force of said roll. **Complaint** During such fifteen days, all persons considering them-

selves aggrieved by any entry in the said assessment roll shall before the
fyle a complaint before the Assessment Board, in writing, Assessment
and sworn to before a justice of the peace, a member of the Board.
council, a notary, a commissioner of the Superior Court or
the city clerk.

Such written complaint shall be fyled, during the same Fyling,
period, in the office of the clerk of the Assessment Board in notice and
the city hall, and the clerk of the said board shall give, in hearing of
the usual manner, public notice of the days and hours when complaint.
the complainants shall be heard before the Assessment
Board; a delay of three clear days must be given the com-
plainant between the date of the notice and the day when
the complaints will be heard by the Assessment Board."

12. Section 19 of the act 10 George V, chapter 89, is re- 10 Geo. V, c.
placed by the following: 89, s. 19,
replaced.

"**19.** The Assessment Board may adjourn from time Adjourn-
to time when necessary, to inquire into and decide upon the ment.
complaints laid before it, without further notice."

13. Section 20 of the act 10 George V, chapter 89, as re- 10 Geo. V, c.
placed by the act 14 George V, chapter 89, section 15, is 89, s. 20,
again replaced by the following: replaced.

"**20.** Any ratepayer who has fyled a complaint with Appeal to
reference to any entry upon or omission from the assess- Magistrate's
ment roll and who deems himself aggrieved by the decision Court.
of the Assessment Board may, within a delay of fifteen
days from such decision, appeal to the Magistrate's Court
of the district of Quebec; and, at such hearing in appeal
before the Magistrate's Court, the assessor may be a
witness under the ordinary rules of procedure."

14. Section 21 of the act 10 George V, chapter 89, as re- 10 Geo. V, c.
placed by the act 14 George V, chapter 89, section 16, is 89, s. 21,
amended by replacing the first two paragraphs thereof by am.
the following:

"**21.** Such appeal shall be taken by means of a petition Service, etc.,
to the said Magistrate's Court, served upon the clerk of of petition to
the Assessment Board, and fyled in the office of the said the Magis-
Magistrate's Court, within a delay of fifteen days. trate's
Court.

Within the three days following the fyling of such peti- Transmission of
tion, the clerk of the Assessment Board shall send a copy of proceedings to
of the proceedings before the said board, as well as other form part of
documents connected with the complaint, to form part of record.
the record in the case before the Magistrate's Court. The
procedure before the said court shall be summary, and the

petition shall be inscribed according to the ordinary rules of procedure before the said court."

10 Geo. V, c. 89, s. 22, replaced. **15.** Section 22 of the act 10 George V, chapter 89, as replaced by the act 14 George V, chapter 89, section 17, is again replaced by the following:

Powers of the court.

"**22.** The court may, by its judgment, confirm the decision appealed from or set it aside, or may render the decision that the Assessment Board should have rendered in the first place, or may order it to exercise the powers which form the object of the appeal.

Restriction.

The decision of the Assessment Board may be set aside only in case a real injustice has been done, and not on account of any unimportant inaccuracy or irregularity.

Judgment.

In rendering judgment on the appeal, the court may adjudge either party to pay the costs; and, if the decision appealed from be modified, it may order that its judgment be served upon the city. After the rendering of judgment on the appeal and the expiration of the delays for appealing to the Court of King's Bench, all documents forwarded by the city, in consequence of the appeal, shall be returned to the latter."

Return of documents.

10 Geo. V, c. 89, ss. 23a-23c, replaced. **16.** Sections 23a, 23b and 23c of the act 10 George V, chapter 89, as enacted by the act 14 George V, chapter 89, section 19, are replaced by the following:

Deposit of revised roll.

"**23a.** As soon as the assessor has finished the revision of the roll, it shall be deposited, as revised, at the city clerk's office. The rules regarding public notice, examination by those interested, delays, complaints in writing and under oath, applicable at the time of putting the valuation roll into force shall apply, *mutatis mutandis*, to the annual revision of the roll.

Rules applicable.

Hearing of complaints.

"**23b.** The hearing of such complaints before the Assessment Board shall be conducted in the same manner as the hearing of complaints before the said board at the preparation of the roll, with the same powers.

Appeal from decision of complaints, on revision of roll.

"**23c.** An appeal shall lie from the decisions of the Assessment Board upon complaints on the revision of the roll in the same manner, according to the same procedure and before the same courts as for appeals from the decisions of the Assessment Board in the year when the roll is prepared."

10 Geo. V, c. 89, s. 24, replaced. **17.** Section 24 of the act 10 George V, chapter 89, as replaced by the act 14 George V, chapter 89, section 20, is again replaced by the following:

“24. When a building shall be finished in the course of the fiscal year, and when the entry in the assessment book of such addition to the immoveable shall have been made by the Assessment Board, the owner of such addition or new building shall be bound to pay to the city the amount of the assessments, taxes, and water rates, which shall have been entered in the said assessment book, proportionately to the remaining period of the fiscal year.”

Assessments, etc., where building finished during fiscal year.

18. Section 25 of the act 10 George V, chapter 89, as replaced by the act 14 George V, chapter 89, section 21, is again replaced by the following:

10 Geo. V, c. 89, s. 25, replaced.

“25. Whenever the corporation shall consider itself aggrieved by an entry made in any of the assessment or valuation books, or whenever it shall consider itself aggrieved by any decision of the Assessment Board, it shall have the same right to appeal to the Magistrate’s or Recorder’s Court as a ratepayer who complains of a decision of the said board; the city treasurer may, in the name of the corporation, serve upon any interested party a petition addressed to the Magistrate’s or Recorder’s Court, served and fyled in the Magistrate’s or Recorder’s Court, as the case may be, within a delay of fifteen days, and must, when fying the petition, produce the papers and documents in support of such petition.”

Right of appeal by the city. Procedure.

19. Section 7 of the act 14 George V, chapter 89, is repealed.

14 Geo. V, c. 89, s. 7, repealed.

20. Section 4 of the Cities and Towns’ Act (Revised Statutes, 1925, chapter 102) is amended, for the city, by inserting therein, after paragraph 14 thereof, as enacted by the act 16 George V, chapter 35, section 1, the following:

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

“15. The words: “the assessors” or “chief assessor” or “chief of the assessors”, wherever they occur in the Cities and Towns’ Act and applicable to the city, in its charter and the acts amending the latter, shall mean the assessor mentioned in the act 18 George V, chapter 102.”

“Assessors” “Chief assessors”, etc.

21. Sections 106, 107, 494, 495, 496, 497, 498, 499, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512 and 514 of chapter 102 of the Revised Statutes, 1925, shall not apply to the city.

Provisions not to apply to the city.

22. Section 486 of the Cities and Towns’ Act is replaced, for the city, by the following:

R. S., c. 102, s. 486, replaced for city.

“486. The assessor shall enter upon the roll all other information required by the Assessment Board.”

Information on roll.

R. S., c. 102, s. 493, re-
placed for
city.
Signing of
roll.

23. Section 493 of the Cities and Towns' Act is re-
placed, for the city, by the following:
"493. The valuation roll shall be signed by the assess-
or."

R. S., c. 102, s. 500, re-
placed for
city.
Reduction
in value of
property
entered on
roll.

24. Section 500 of the Cities and Towns' Act is re-
placed, for the city, by the following:
"500. If, after the valuation roll has been made or
homologated, any immoveable property is considerably
diminished in value, either by fire, the pulling down of
buildings, or any other cause, the Assessment Board may,
on petition of the owner, cause the valuation of such prop-
erty to be reduced to its real value."

R. S., c. 102, s. 515, re-
placed for
city.
Taxes on
uncontested
portion, in
case of ap-
peal.

25. Section 515 of the Cities and Towns' Act is re-
placed, for the city, by the following:
"515. When an appeal respecting a valuation has been
brought in virtue of the charter of the city, and the deci-
sion of the Court has not been rendered in such appeal at
the time when the tax collection roll based upon the valua-
tion roll is being made, the treasurer of the municipality
shall establish the amount of taxes payable by the applicant
on the undisputed portion of the valuation and make an
entry thereof under his signature, in the margin of the roll,
opposite the appellant's name.
The amount of taxes so established shall become payable
as if no appeal had been brought, but without prejudice
to the appellant's rights as to the portion of the valuation
in contestation."

Entry
thereof.

Payment
thereof.

Resolutions
validated.

26. The resolution adopted by the council of the city
of Levis at its meeting held on the 20th of September, 1927,
and the resolution amending same, adopted on the 12th
of October, 1927, are declared valid for all legal purposes,
and the city of Levis is authorized to enter into a contract
based on the said resolutions.

Provisions
not to apply.

27. The provisions of sections 1, 2 and 6 of this act
shall not apply to a special election held before the general
elections of the month of March, 1929, and such special
election, if any, shall be held as if the said sections were
not enacted.

Coming into
force.

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