

May be sold  
below par.

**25.** The city may dispose of its debentures below par.

Coming into  
force.

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

## CHAP. 76

An Act to amend the charter of the city of Sherbrooke.

[Assented to 19th February, 1914]

Preamble.

**WHEREAS**, the city of Sherbrooke has, by its petition, represented that it is in the public interest and desirable to amend its charter, the act 7 Edward VII, chapter 66, and the various acts amending the same; and whereas it is expedient to grant the prayer to that effect, 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:

5317 R.S.  
replaced for  
the City.

**1.** Article 5317 of the Revised Statutes, 1909, as amended by the act 3 George V, chapter 40, section 1, is replaced, for the city, by the following:

Mayor may  
receive in-  
demnity.

**"5317.** The mayor and aldermen shall not receive any salary, profit or indemnity in any form whatsoever, for their services; nevertheless, the city council may, by resolution, grant an indemnity or remuneration not exceeding one thousand dollars to the mayor of the city."

5564 R. S.  
replaced for  
the city.

**2.** Article 5564 of the Revised Statutes, 1909, is replaced, for the city, by the following:

New busi-  
ness may be  
considered  
by unani-  
mous con-  
sent.

**"5564.** If, at any special or general session, the business cannot be fully disposed of, the council may adjourn as often as may be deemed necessary for the consideration and disposal of the unfinished business, without its being necessary to give notice of such adjournment to the members present, but, except with the consent of all the members of the council, no new business shall be brought before or considered at any such adjourned session."

Certain ar-  
ticles not to  
apply.

**3.** Articles 5610, 5611, 5612, 5613, 5614, 5615, 5616, 5617, 5618, 5619, 5620, and 5621 of the Revised Statutes, 1909, shall not apply to the city of Sherbrooke.

Procedure re

**4.** Whenever, in accordance with the provisions of this

charter, a by-law shall require to be approved by the approval of proprietors of immoveables in the city, the following pro-by-laws. cedure shall be followed to obtain such approval.

**5.** The council shall, in and by such by-law or by a Day to be resolution, fix the day when the votes of the proprietors fixed. of taxable immoveables shall be recorded, whose names are entered on the list of electors then in force, and such day shall be previous to the expiration of sixty days from Within 60 days of adop- the adoption of the by-law by the council. tion.

**6.** The clerk, or the secretary-treasurer of the city Clerk to shall make, or cause to be made, for each ward, an extract make extract from the list of municipal electors then in force, giving all from list. the names of proprietors of taxable immoveables entered on the said list, and qualified to vote in such ward; but no name shall be entered on more than one list. After the name of each elector shall be entered the amount of the valuation of all taxable immoveable property belonging to him and so appearing on the valuation roll in force, and the clerk or the secretary-treasurer, as the case may be, shall certify to the accuracy thereof. Such extracts, so certified as aforesaid, shall constitute the list of electors or voters for each ward, and for all purposes connected with such voting.

**7.** No proprietor of an immoveable shall have more Each pro- than one vote, although he may be a proprietor in two or prietor only more wards, and no person shall have the right to vote if one vote, if his name is not on the list so certified by the clerk or name on list. secretary-treasurer.

**8.** The city council shall cause to be printed, at the Ballots to be expense of the city, a sufficient number of ballots for printed. the use of the electors, and such ballots shall be printed according to form "X" of this act, or any other form of like tenor which the council may adopt. The council shall also furnish ballot-boxes, as required by article Ballot-boxes. 5445 of the Cities' and Towns' Act, of the Revised Statutes, 1909.

**9.** The clerk or secretary-treasurer shall also, at least Notice to be one week before the day fixed for the voting, publish or published. cause to be published a notice under his signature stating:

- a. The nature of the by-law to be approved;
- b. The day and hour of the voting;
- c. The places where the various polls are to be held.

City clerk to  
be presiding-  
officer.

**10.** The city clerk shall be the presiding-officer, and the council shall appoint a deputy presiding-officer for each ward, and shall furnish each deputy presiding-officer with a certified extract from the list of electors or voters, indicating the proprietors of taxable immoveables who are qualified to vote within the limits of the ward whereof such deputy presiding-officer shall be in charge, and the valuation of their immoveables.

Representa-  
tives may be  
appointed  
for polls.

**11.** The deputy presiding-officer may, by commission under his hand, appoint one or two persons, being proprietors of immoveables in the city, who may be present at the poll as representatives of the citizens who are interested in or who are desirous of favoring the passing of the by-law, and a like number of persons representing those who are interested in opposing or wish to oppose the passing of the by-law.

Affidavit.

**12.** Before any person is so appointed, he shall make and sign before the presiding officer an affidavit according to form "Y" of this act.

No other  
person enti-  
tled to re-  
main in poll.

**13.** During the time fixed for the voting, no other person shall have the right or permission to remain within the poll, other than the officers, clerk and persons authorized to be present at such poll as above stated.

Hours of  
voting.

**14.** On the day fixed, as above stated, a poll shall be held, and the votes of the proprietors of immoveables, who are qualified to vote, shall be taken by ballot. The poll shall be opened at nine o'clock in the forenoon, and remain open until five o'clock in the afternoon.

Provisions  
applicable.

**15.** The proceedings shall, as far as possible, be the same in each ward as at municipal elections held under the charter and the Cities' and Towns' Act, and all the provisions of the said act and of the charter, in so far as they may be applicable and except when inconsistent with the provisions of this section, shall apply to the recording of the votes at such poll, and also to all matters connected therewith, including the provisions respecting bribery and corrupt practices. The deputy presiding-officer shall place on the back of each ballot when delivering the same to the voter, the amount in figures of the valuations of the taxable immoveable property of such voter, as it appears on the list of voters, and shall place his initials thereunder, and no by-law shall have effect unless it be approved by a majority in number, and in value of taxable immoveable property, of the electors who have voted.

**16.** The clerk or secretary-treasurer of the city, after receiving the ballot-boxes and returns from the deputy presiding-officers shall, within a delay of one week, give public notice of the time and place where he will proceed to count the number of votes for and against the by-law, and to ascertain the total value of the taxable immoveable property of those voting for and of those voting against such by-law, according to the returns of the deputy presiding-officers, and the time so fixed shall not be more than two weeks from the date of the voting, and he shall then and there, after such counting, proclaim the result; and immediately deliver to the council under his signature and the seal of the city, a certificate stating whether the majority of those who have voted on the by-law have approved or disapproved the same, the number of votes recorded for or against the said by-law, and the total value of the taxable immoveable property of those voting for and of those voting against the said by-law. Date of counting votes.  
Certificate.

**17.** In the event of an equal number of votes being recorded for or against any by-law submitted to the proprietors of immoveables as aforesaid, the said by-law shall be deemed to have been rejected. Tie vote.

**18.** Paragraphs 1, 4 and 13 of article 5638 of the Revised Statutes, 1909, are replaced, for the city, by the following: 5638 R.S.  
am. for the city.

"1. To regulate the height and construction of all 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 summary abatement or destruction; to regulate the plumbing, ventilation and lighting of all buildings; to prescribe the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the 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 determine the kind of materials to be used for such purpose in certain streets or parts of streets; to prohibit the erection of certain buildings in certain streets or part of streets; to prohibit the erection of certain classes of buildings or of any buildings in all streets, certain streets or parts of streets except at a specified distance from the line thereof; to fix and control the Building by-law.

minimum cost of all buildings in certain streets or parts of streets; to compel the proprietors to furnish the council within a stated delay with a sworn declaration of the cost of any new building or structure and of the extensions or improvements to existing ones; to compel the proprietors of all buildings to submit the plans or any other description thereof required by the council, to, and to previously obtain a certificate in writing from, the building inspector or any other officer appointed by the council, and to obtain a building permit from the council; to order the procedure, conditions and formalities to be followed for applying for and obtaining such permits, and to fix the amount of the fee to be paid for obtaining the same; 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 thereof if necessary;

Powers of  
building ins-  
pector.

"4. To define the duties and powers of the building inspector, and of all officers whom the council may appoint for that purpose; to delegate to them the powers vested in the council for the carrying out of by-laws passed under this article; to authorize them, in the performance of their duties, to visit and examine both the interior and exterior of any house or building, for the purpose of adopting measures tending to prevent fires, or deemed necessary for public security;

Dogs.

"13. To compel persons keeping dogs to comply with the by-laws, and to compel them to obtain from the city a license for each dog, and also to put a collar on the neck of each dog, with the number of the license; to cause dogs to be muzzled, to prevent them from running at large, and to authorize the summary destruction or sale for the benefit of the city of all those found running at large, and those not bearing the numbers of their licenses on their collars."

5639 R.S.  
am. for the  
city.  
Milk inspec-  
tion.

**19.** Paragraphs 5 and 21 of article 5639 of the Revised Statutes, 1909, are replaced, for the city, by the following:

"5. To provide for the inspection of milk and cream, and to prohibit the use, sale, and exposure for sale of milk or cream which is adulterated, impure, unwholesome, infected with germs of disease, or otherwise dangerous to health, and to authorize the seizure and confiscation thereof; to inspect and regulate dairies, stables and cow-sheds situate within the municipality, whence the milk and cream sold in the municipality comes; to inspect and regulate the premises in which milk and cream is sold; to compel

milkmen selling milk and cream in the municipality to employ the methods of transport and treatment of milk and cream most suitable for protecting it against contamination and to ensure the purity thereof; to compel milkmen to furnish the health officer appointed for the purpose with a certificate from a veterinary surgeon of the city that none of his cows are diseased; to grant licenses to milkmen selling milk and cream in the municipality; to refuse such licenses to milkmen who do not comply with the law or the by-laws of the municipality respecting milk and cream, as well as those of the Board of Health of the Province, and to suspend or annul such licenses for infractions of the laws and by-laws, in addition to any other penalty;"

"21. To regulate the sewerage of the city, to levy by Sewerage. assessment upon all immoveable property within the city, any sum required for defraying the cost of the sewers Special as- already built and to be built; to apportion the cost thereof, essment. as well as that of collecting drains required for such sewerage system, including the connections between any sewers and the private drains of such proprietors, and the cost of such repairs as are rendered necessary to the paving on account of the construction of private drains, one half upon the city generally and one half upon the proprietors of immoveables and upon the properties contiguous to such streets or parts of streets in front of which properties such sewers are or may be built; and to prescribe the manner in which such assessments shall be apportioned, either proportionately to the frontage of such property, or otherwise, as well as the manner in which such assessments shall be levied; nevertheless, the cost of the collecting drains shall be paid in full, in the proportion fixed by the by-law passed in regard thereto, by the proprietors of the lands for whose benefit they have been constructed.

The proprietors of properties so taxed shall, as regards Tax exemp- the said properties, be exempt from the general taxes to be tion. imposed for sewers, so long as they have paid the said special tax."

**20.** Article 32 of the act 7 Edward VII, chapter 66, is 7 Ed. VII, repealed. ch. 66, s. 32,

repealed.

**21.** The by-laws imposing such taxes shall remain in By-laws re- force so long as they are not repealed by the council. It main in force shall not be necessary that the persons obliged to pay till repealed. such special taxes be mentioned on the valuation or collection rolls.

Full amount  
of tax to be  
paid.

Exception.

Proviso.

Where  
amounts  
payable to  
city.

By-laws au-  
thorized.

Must show  
license.

Liable to ar-  
rest for refu-  
sal.

Imprison-  
ment in de-  
fault of bail.

Amount of  
bail.

To belong to  
corporation  
if forfeited.

**22.** Whosoever during the year shall do and carry on any kind of business, occupation or profession, or perform any act rendering him liable to the special tax or to the obligation to take out a permit or license, shall be bound to pay the full amount thereof, whatever may be the period of the year when such dues might become exigible, unless the council remits a portion of such tax or dues, on account of the short space of time remaining before the expiration of the current year.

**23.** The council shall not, however, remit such taxes or dues, except when they become payable during the last three months of the current year.

**24.** Every tax, impost, due or claim of the city shall be payable at the office of the secretary-treasurer, with interest at five per cent per annum from the date when it became due.

**25.** The council may adopt the necessary by-laws for securing the collection of any special tax or special contribution payable on immoveables, imposed under the city charter.

**26.** Every officer, constable or policeman of the city may require any person bound to pay a license under the city charter, to show him his permit or license; if such person refuses to show such license or permit, or has none, the said officer, constable or policeman may arrest him on sight and take him before the district magistrate of the district of St. Francis, the city recorder or any justice of the peace, in order to compel him to give bail to appear before the court of such magistrate, recorder or justice of the peace, at the next sitting.

**27.** Every person so arrested who cannot or will not give bail to appear before the district magistrate of the district of St. Francis, the city recorder or any justice of the peace, as above stated, or refuses to pay the fine imposed and the fee for the obtaining of such license, shall be kept in the common jail of the district of St. Francis, until the next sitting of the said court.

**28.** The bail to be so furnished by him, shall be for an amount of one hundred dollars, and if the conditions of such bail bond be not fulfilled, the sum mentioned therein shall belong to the corporation, and may be recovered by suit before the Superior Court of the district of St. Francis.

**29.** Every person so arrested for not having a license Penalty for not having license. required by the council, or refusing to exhibit the same, and pay the amount thereof, shall be liable, on proof of the offence before the district magistrate of the district of St. Francis, the city recorder or any justice of the peace, to a fine not exceeding forty dollars, and if such fine be not immediately paid, the said district magistrate, recorder or justice of the peace, may condemn him to be imprisoned for not more than two months in the common jail of the district of St. Francis; such imprisonment shall, however, cease as soon as the fine is paid.

The fine shall belong to the city of Sherbrooke.

To belong to city.

**30.** Notwithstanding any law to the contrary, the city City to fix interest on loans. may, in future, fix and pay the amount of interest it may deem expedient for any loan or renewal of a loan which it is authorized by law to effect; this provision shall apply also to loans already authorized by the city by-laws bearing the Nos. 313 and 320.

**31.** Article 5789 of the Revised Statutes, 1909, is 5789 R.S. replaced for city. replaced, for the city, by the following:

**"5789.** Notwithstanding the provisions of this subsection, the council may, pending the collection of the general Temporary loans authorized. and special taxes and of the water-rate, on mere resolution and without being bound to obtain the approval of the electors who are proprietors or of the Lieutenant-Governor in Council, contract temporary loans, from time to time, by means of notes, for a period not exceeding the then fiscal year, and on such terms and conditions as the council may deem expedient. The amount so borrowed, Not more than \$50,000.00. however, shall not exceed fifty thousand dollars."

**32.** In any suit, or action or prosecution brought before the district magistrate, the city recorder or a justice of the peace, it shall not be necessary to specify or cite the statute or by-law under which such suit, action or prosecution is taken, but it shall be sufficient to state that it is in virtue of the statute or by-law in that behalf made. Proceedings before magistrate.

**33.** In all cases where a person has been arrested on sight or upon information by a city constable for an offence against the provisions of this act or of a by-law, it shall not be necessary to take down the complaint in writing, Verbal complaint under oath sufficient in certain cases. but the complaint under oath before the judge by the constable who has made the arrest, shall be considered as a sufficient complaint.

If the defendant asks that the complaint be taken down Proviso.



in writing, the court shall order the clerk to take down such complaint in writing.

Depositions  
need not be  
taken in  
writing.

**34.** The depositions of the parties or witnesses need not be taken down in writing.

Notes of pro-  
ceedings.

**35.** Notes of the proceedings, written in the margin or on the back of the original of the writ or warrant, shall be sufficient proof.

Competent  
witnesses.

**36.** Every officer or member of the council shall be a competent witness in any suit heard and decided under the foregoing sections.

Formalities  
for by-laws  
presumed to  
have been  
fulfilled.

**37.** In suits, proceedings or complaints taken by the corporation or by any person for infringement of the provisions of a by-law of the council, it shall not be necessary to allege nor to prove that the formalities required for the passing of such by-law have been observed; such formalities shall be presumed to have been fulfilled, until proof to the contrary.

Fine and  
costs to be  
levied by  
execution  
against goods  
of corpora-  
tion, &c.

**38.** In all cases in which a fine has been incurred by a corporation, association or society, recognized by law, such fine and costs may be levied by the seizure and sale of the goods and effects of the said corporation, association, or society, in virtue of a writ of execution issued in the manner provided for the issue of writs of execution from the Circuit Court.

Questions  
may be sub-  
mitted to  
electors.

**39.** The council may, at any time, submit, by by-law or resolution, to the electors whose names are duly entered on the list of electors in force, or to the proprietors of immoveables whose names are entered on such list, any matter or question affecting the interests of the city, on which the council may deem it advisable to ascertain the opinion of the electors generally or of the proprietors of immoveable property, as the case may be; but the council cannot adopt any by-law or any resolution, according to the opinion so expressed by the electors generally and the proprietors of immoveable property in particular, without complying in every respect with the provisions of its charter.

Formalities.

The formalities for submitting the said matters or questions to the electors or to the proprietors of immoveables, under the present section, shall be similar, *mutatis mutandis*, to those indicated by the said charter for submitting a by-law for the approval of the electors.

**40.** Article 11 of the act 7 Edward VII, chapter 66, 7 Ed. VII, is amended by replacing paragraph 6 thereof, as <sup>ch. 66, s. 11 am.</sup> follows:

"6. If he is not a proprietor of real estate in the city, he must have paid all the taxes due by him to the city, and, in order to vote at any municipal election, he must have paid all such taxes before the 15th of December immediately preceding the polling for such election. <sup>Taxes to be paid before Dec. 15th.</sup>

**41.** The parcel of land in the township of Ascot, contiguous to the southern boundary of the city of Sherbrooke and forming part of lot No. 15, in the eighth range of the township of Ascot, with an area of eleven acres, limited and bounded as follows: "a certain parcel of land, eleven acres in area, bounded on the west by a line beginning two hundred and fifty feet west of the point of intersection of the line between lots Nos. 1535 and 1537 of the south ward, with the southern boundary of the city, at right angles to the said southern boundary of the city, two hundred and twenty-five feet towards the south; thence inclining towards the left with an angle of forty-eight degrees, twenty-two minutes, three hundred and one feet; thence inclining towards the left with an angle of thirty degrees, nineteen minutes, three thousand eight hundred and twenty-four feet; thence inclining towards the left with an angle of eleven degrees, nineteen minutes, and parallel to the southern boundary of the city, four hundred and sixty-five feet and two tenths; thence, at right angles towards the left, five hundred feet, to the southern boundary of the city, and being one thousand and sixty-five feet and two tenths to the east of the point of departure", is annexed to the municipality of the city of Sherbrooke, and shall form part of the west ward of the municipality of the city of Sherbrooke. <sup>Certain territory annexed to the city.</sup>

**42.** The following immoveables belonging to the Canadian Ingersoll Rand Company, Limited, to wit: <sup>Special valuation for certain property.</sup>

Part of lots 1539 and 1547 of the official plan and book of reference of the south ward of the city of Sherbrooke, containing three acres of land, as described in the deed of donation from the British American Land company to the Canadian Rand Drill Company, passed the 4th of May, 1899, and lots numbers 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74 and 75, of the subdivision of lot No. 1539 of the official plan and book of reference of the south ward on the city of Sherbrooke, may be valued for municipal purposes, whatever the real value thereof may be, at the sum of one hundred thousand dollars, for a period of not more than ten years, to count

from the date fixed by the by-law passed in regard thereto; which by-law must be approved by the electors who are proprietors, according to the procedure required in the approval of loans.

Certain by-laws ratified.

**43.** Notwithstanding any law to the contrary, and notwithstanding the lack of formalities and of the notice of publication required by law, the by-laws Nos. 312, 313, 319, 319a, and 320, entered and transcribed in the book of by-laws of the city of Sherbrooke, volume 3, signed by the persons filling the office of mayor when such by-laws were passed, are hereby declared valid and authentic, to have been authentic and to have been in force according to the text thereof, as by-laws of the city of Sherbrooke.

Coming into force.

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

### FORM X.

#### FORM OF BALLOT.

<p>Sherbrooke, . . . . . 19</p> <p>Voting on the By-law respecting <i>(here insert the object of the by-law)</i> approved by the council of the city of Sherbrooke, on the day of 19</p>	<p>For the by-law</p> <hr/> <p>\$</p> <hr/> <p>AGAINST the by-law</p> <hr/> <p>\$</p>
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#### ENDORSATION.

No. . . . .

*The initials of the deputy presiding-officer should be placed here.*

*Ici doivent être mises les initiales du sous-président.*