

CHAP. 60

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

[Assented to 3rd April, 1912.]

WHEREAS the city of Westmount has, by its petition, Preamble.
represented that it is in the interest of the proper
administration of its affairs that its charter, the act 8 Edward
VII, chapter 89 be 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. Sections 6 and 9 of the act 8 Edward VII, chapter 89, 8 Ed. VII, c.
are repealed. 89, ss. 6, 9,
repealed.

2. Article 5300 of the Revised Statutes, 1909, is replaced R.S.Q., 5300,
for the city, by the following: replaced for
city.

“**5300.** The municipal council shall be composed of a Municipal
mayor and five aldermen elected for two years by the majority council.
of the municipal electors of the municipality who have voted.”

3. Paragraph 1 of article 5422 of the Revised Statutes, Id., 5422, am.
1909, is replaced, for the city, by the following: for city.

“**5422.** 1. Ten electors qualified to vote and whose Nomination
names are entered on the list of electors in force in the muni- of mayor and
cipality may nominate a candidate for the office of mayor aldermen.
or alderman, by signing in either case, a nomination paper
in the form “H” if the mayor be in question, and in the
form “HI” if an alderman be in question, stating therein
the name and surname, residence and profession or occupation
of the person nominated and by delivering the said nomination
paper to the returning-officer on the day and at the hour
and place indicated in the notice of the returning-officer
published in accordance with article 5419, or causing the same
to be delivered to the returning-officer as hereinafter men-
tioned.”

4. Article 5302 of the Revised Statutes, 1909, shall not Id., 5302, not
apply to the city of Westmount. to apply.

5. Article 5374 of the Revised Statutes, 1909, is replaced, Id., 5374, re-
placed for
city.
for the city, by the following:

List of elect- " **5374.** Prior to the first of December of each year before
ors. a general municipal election 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 elector's list."

8 Ed. VII, c. **6.** Article 46 of the act 8 Edward VII, chapter 89, is replaced,
89, s. 46, re- by the following:
placed.

Issue of " **46.** The council may borrow by an issue of bonds, obli-
bonds, &c. gations, debentures or inscribed stock signed by the mayor and countersigned by the clerk and in the case of inscribed stock there shall in addition be affixed the signature of the registrar who issues the same, all bearing the seal of the corporation.

Bonds, &c., Such bonds, obligations or debentures shall be made payable
how payable, to bearer, at the periods fixed by the council, with interest
&c. payable on the first days of the months of May and November, in each year, at any rate of interest not exceeding the legal rate, and may, until disposed of finally, be pledged and repledged should the market be deemed unfavorable without their validity being affected thereby. Inscribed stock shall be issued in favour of the purchaser and can only thereafter be transferred on transfer books kept by the municipality. Such inscribed stock shall bear interest at any rate not exceeding the legal rate, and be payable on the first days of May and November in each year. This provision shall apply to debentures of the heretofore town of Westmount.

In what Such bonds, obligations, debentures or inscribed stock
money pay- may be for an amount or amounts expressed in Canadian
able. or sterling currency or in francs.

Registrars The council may appoint registrars in financial centres
for inscribed to issue inscribed stock and keep transfer books for registra-
stock, &c. tion of transfers."

Id., s. 45, re- **7.** Article 45 of the act 8 Edward VII, chapter 89 is
placed. replaced by the following:

Investment " **45.** The sinking fund must be invested in the public
of sinking funds of the Dominion or of the Province, in stock or deben-
fund. tures of other municipalities in Canada, or on first hypothec to an amount not exceeding one-half of the value of the property mortgaged as appears by the municipal valuation roll; provided that provision be made for the insurance of the property so mortgaged to be taken in the name of the municipality and at the expense of the borrower to an amount

of not less than one-half of the value of the property so insured or be employed in the redemption of bonds issued by the corporation or pledged or authorized to be issued by by-laws approved and sanctioned according to law, in which case the bonds so redeemed shall be destroyed and a *procès-verbal* of the operation entered in the books of the corporation, or be deposited in an incorporated bank.

The council may, if the lenders consent to or require it, deposit in their hands the sums intended for the sinking funds. Deposit of sinking fund with lenders.

In such case, receipts given to the council shall be so drawn as to define what amount has been paid for interest, and what amount for the sinking fund. Receipts how drawn.

The municipality shall pay over semi-annually, on the 1st days of May and November, to the Sinking Fund Commission, composed of the mayor and the chairman of the Finance Committee, for the time being, and a trust company or other trustee appointed from time to time by the council, all sums required to cover the sinking fund on all bonds, debentures and inscribed stock issued by the municipality, until the same are redeemed and paid off. The said Sinking Fund Commission shall see that such sinking funds shall be invested in accordance with this section." Payments to Sinking Fund Commission.

8. By-laws Nos. 221, 222 and 235 passed and enacted by the municipal council of the city are ratified and confirmed and shall continue to have their full effect until cancelled, amended, repealed or fulfilled. Certain by-laws ratified.

The council may by a vote of two thirds of its members, issue inscribed stock, in place of the bonds authorized to be issued under by-laws 221 and 235, either for the whole amount or for part only, but in such case the inscribed stock must mature at the same dates as the bonds, with interest at the same rate. A sinking fund must be provided to the same extent as called for by the said by-laws Nos. 221 and 235, and applied at maturity to the redemption of the inscribed stock so issued in place of bonds. Issue of inscribed stock in certain cases.

9. Article 5674 of the Revised Statutes, 1909, is replaced for the city by the following: R.S.Q., 5674, replaced for city.

"5674. The owners or occupants of houses, buildings or lands in the municipality, shall whether the lighting system belongs to the municipality or to others, permit the pipes, lamps and posts necessary for the lighting to be placed on their houses, buildings or lands, saving recourse in damages, if any be occasioned thereby." Placing of wires, &c., on houses, &c.

Term of office of present councillors.

10. The members of the present council of the city of Westmount shall remain in office until the third Monday in January, 1913, or the following day should Monday be a non-juridical day, when the general election shall be held.

8 Ed. VII, c. 89, s. 13, replaced.

11. Section 13 of the act 8 Edward VII, chapter 89, is replaced by the following:

City engineer.

13. The city shall have an officer to superintend the construction and maintenance of sewers, roads and sidewalks, parks and buildings and municipal work generally, and make plans and maps showing the same, styled "city engineer" whose office shall be in the building where the sessions of council are held or any other place fixed by resolution of the council. He shall also exercise such other functions as may be delegated to him by resolution of the council."

R.S.Q., 5639, am. for city.

12. Article 5639 of the Revised Statutes, 1909, is amended for the city by adding after sub-section 18 the following:

"(18a) To prohibit the keeping of objectionable animals and fowl."

8 Ed. VII, c. 89, ss. 52, 60, 63, 65, 76 replaced.

Putting cost of certain improvements on certain frontage owners.

13. Articles 52, 60, 63, 65 and 76 of the act 8 Edward VII, chapter 89 are replaced by the following:

52. The council may by vote of the absolute majority of its members declare and order in any such by-law or by resolution that only a proportion or percentage of the costs of such improvements, or any or all of them, shall be borne and paid for by the owners of the properties situated and fronting on the said streets, roads, avenues, boulevards, lanes, alleys, public ways or places or any section or sections thereof, and in that event the treasurer or clerk shall give special notice, addressed by registered letter through the post office, to each person in whose name any of such fronting properties were last assessed, to his actual or last known domicile, and shall in such notice indicate the nature of the improvement, and the amount or percentage of the cost thereof to be assessed on the fronting properties, within ten days from the passing of such by-law or resolution.

Special roll.

60. The treasurer or clerk as soon as the accounts of the costs of making and carrying out the improvements and all expenses connected therewith shall have been sent in and approved by the council, shall himself within a delay to be fixed by the council, make a special roll for the assessment and apportionment of the costs of such improvements.

Notice re special roll.

63. When the special assessment roll or rolls shall have

been made, the treasurer or clerk shall give public notice in one English and one French daily newspaper, published in the city of Montreal, to be inserted for a period of at least three days stating the date and hour when such roll or rolls shall be submitted to the council for homologation.

“**65.** Such assessment shall be due, exigible and collectable from proprietors in such proportional amounts or instalments as may be fixed by the council, and shall be payable at such time or times as may be ordered by the council, and the treasurer, when so ordered, shall collect the instalments or amounts from the proprietors in the manner in which municipal taxes are collected.” Collection, &c., of certain assessments.

“**76.** If any special assessment roll is annulled by competent authority, the treasurer shall make another special assessment roll for the same purpose, in the manner by law provided, and the same, when completed according to the formalities prescribed, shall have full force and effect.” New roll if original annulled.

14. The council may at any time submit by by-law or resolution to the electors whose names are duly entered on the voters' list in force or to the real estate owners on such lists any matter or question affecting the interests of the city upon which the council may deem it desirable to ascertain the opinion of the electors generally or of the real estate owners as the case may be, but the council shall not pass any by-law or resolution on the opinion so ascertained of the electors generally or of the real estate owners in particular without complying in all respects with the provisions of its charter. Referendum by-laws, &c.

When a by-law or resolution is to be submitted to the electors or to the owners of real estate under this section the procedure for such purpose shall be that indicated in the provisions of the charter relating to the submission of loan by-laws to the electors *mutatis mutandis*. Procedure as to referendum.

15. Notwithstanding any by-law to the contrary, Sherbrooke street may (by resolution of an absolute majority of the whole council) be commercialized except however that part of the street situated between the eastern side of Metcalfe and the western side of Lansdowne Avenues, both sides inclusive, within which territory no industrial establishment, shop, store, business house or trade shall be established. Sherbrooke street.

16. The council may by a resolution passed by two-thirds of the members of the whole council exempt from municipal taxes the property of any association, corporation or club having for its object the practice or promotion of any game, Tax exemptions, &c.

sport or athletic exercise and any property held and used as an armoury, drill hall, or for other military purpose, or by a similar vote it may agree with any such bodies to accept a fixed amount annually in commutation of taxes. Before such resolution shall have force and effect, the same shall be submitted to the electors (proprietors) for their approval. The procedure for such purpose shall be that indicated in the provisions of the charter relating to the submission of loan by-laws to the electors *mutatis mutandis*. The costs of such referendum shall be paid by the parties asking for the exemption. Such exemption or commutation shall not be for a longer period than twenty years nor shall it extend to works upon water-courses, boundary ditches, fences, drains, sidewalks or roads connected with taxable property so exempted.

Votes of
companies,
&c.

17. Joint stock companies or corporations which pay taxes in the municipality, may be entered on the voters' list and vote in the name and through a representative of the company duly authorized to that effect by resolution of the boards of directors a copy whereof shall be filed on or before the 1st November of each year before a general election, provided such representative be a director or employee of the company when authorized and called upon to cast his vote.

Exemption
from jury
service.

18. The mayor and members of the municipal council shall be exempt from serving as jurors.

Coming into
force.

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

SCHEDULE A.—(Form HI)

NOMINATION PAPER FOR ALDERMAN.

City of Westmount

Seat No.

We, the undersigned, qualified to vote at municipal elections in the city of Westmount hereby nominate of _____ street, for candidate at the election for the office of alderman, for the city of Westmount.

In witness whereof, we have signed at this _____ day of _____ 191 .

Names, Occupations	Qualifications (<i>giving electoral franchise</i>).	Residence
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Signed by the said electors in
presence of

I, the said _____ nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at _____ this _____ day
of _____ 191 .

Signed by the said
in presence of