

C H A P . 6 3

An Act to amend the charter of the town of Outremont.

[Assented to 3rd April, 1912.]

Preamble.

WHEREAS the town of Outremont has, by petition, represented that it is in the interest of the proper administration of that town that certain additional powers be conferred upon it, and that certain amendments be made to its charter, the act 58 Victoria, chapter 55, as amended by the acts 63 Victoria, chapter 55; 4 Edward VII, chapter 58; 6 Edward VII, chapter 52, and 1 George V, (1st session), chapter 59, 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:

OFFICERS OF THE COUNCIL

58 V., c. 55, s. 21a, added **1.** The act 58 Victoria, chapter 55 is amended by adding the following sections after section 21:

Town
Engineer.

"21a. The town shall have an officer to superintend the construction and maintenance of sewers, roads and side-walks, parks and buildings and municipal work generally, and make plans and maps showing the same, styled "Town Engineer", whose office shall be in the building where the sessions of the council are held or any other place fixed by resolution of the council.

Powers of
Town
Engineer.

"21b. He may also exercise with the approval of the council, the functions of building and plumbing inspector and exercise the powers which the council may delegate to him by by-law or resolution respecting buildings and plumbing.

Id.

"21c. Notwithstanding article 4336 of the Revised Statutes of the Province of Quebec (1888), he shall have the custody of all municipal plans, maps, books and registers and other documents and papers prepared or kept by him or required in the discharge of his office and shall have the right of signing all plans, maps, documents and papers prepared by him, and all copies and extracts of plans, maps, books, registers and other documents and papers certified by him shall be evidence of their contents."

POWERS OF THE COUNCIL

2. The said act is amended by adding after section 23 Id., s. 23a, thereof the following section:

"23a. The council may make, amend and repeal by-laws Free libraries, &c. to establish and maintain in the municipality free public libraries, library associations, mechanics institutes, reading-rooms and public museums for historical, literary, artistic or scientific purposes; or to aid in the establishment or maintenance of such institutions in the municipality or in adjacent municipalities on such conditions as may be imposed by the municipality with regard to the free use of the same by the public."

3. Article 5639, section IV, subsections 7 and 8 and section V, subsection 9 of the Revised Statutes of the Province of Quebec (1909) forming part of the "Cities and Town's Act" shall apply to the town. Certain articles, &c., to apply to town.

4. Articles 4418 to 4433, both inclusive of the Revised Statutes of the Province of Quebec (1888) shall not apply to and are replaced for the town by the following articles. R.S.Q., 1888, 4418-4433, replaced for town.

"4418. To protect the lives and property of the inhabitants and to prevent accidents by fire. Protection of lives, &c.

"4419. To compel proprietors of buildings, occupied as hotels, theatres, factories, schools, colleges, convents, hospitals, or places of public entertainment, or by any religious community, and such other buildings as the council may indicate, to provide them with efficient fire-escapes; to cause such buildings to be examined from time to time by the inspector of the municipality or any other officer; and to prohibit the use thereof so long as they are not provided with such fire-escapes and have not been inspected. Fire escapes, &c.

"4420. To regulate the construction, dimensions, and height of fire-walls and chimneys above the roofs, or in certain cases above the fire-walls and chimneys of neighboring houses and buildings, and determine at whose cost the elevation of such chimneys and fire-walls shall be made, and within what delay they shall be raised or repaired; to prevent bakers, potters, blacksmiths, brewers, potash or pearlash makers or other manufacturers or persons whomsoever, from building and having ovens, unless the same communicate with a stone or brick chimney and open into such chimney, which must rise at least three feet above the building in or near which such ovens are built. Regulating fire-walls, &c.

Prohibiting,
&c., dangerous chim-
neys.

"4421. To prevent the construction and to cause the removal of dangerous chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus; to regulate the carrying on of manufactures liable to cause fires; and to prevent the depositing of ashes or the accumulation of shavings, or other combustible materials in unsafe places.

Sweeping of
chimneys,
&c.

"4422. To regulate the manner in which and the periods of the year when the chimneys shall be swept; to grant licenses to such number of chimney-sweeps as the council shall think proper to employ; to oblige all the proprietors, tenants or occupants of houses in the municipality to allow their chimneys to be swept by such licensed chimney-sweeps; and to fix the rates to be paid for sweeping chimneys, either to the council or to such licensed chimney-sweeps, which rates for chimney sweeping, if paid to the council, shall be considered as municipal taxes.

Penalties in
certain cases.

"4423. To impose a penalty of not less than one dollar nor more than five dollars on all persons whose chimneys may have caught fire, after any refusal to allow them to be swept; and whenever any chimney, which shall have caught fire as aforesaid, is common to several houses or house-holds in the same house, the above penalty may be imposed in full on each house or household, or divided among them in proportion to the degree of negligence of each.

Fires in out-
houses, &c.

"4424. To prevent any person from lighting or keeping a fire in any out-house, pigsty, barn, shed, or other building, otherwise than in a chimney or a metal stove."

Carrying fire
over streets,
&c.

"4425. To prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel.

Keeping cer-
tain doors
shut.

To compel the owners or occupants of barns, haylofts, or other buildings, containing combustible or inflammable substances, to keep the doors thereof shut."

Depositing
of quick-
lime, &c.

"4426. To regulate the manner in which quick-lime and ashes are to be kept or deposited."

Sale of
powder, &c.

"4427. To determine the precautions to be taken for the sale of powder or other explosives."

Clearing
away of
brush, &c.

"4428. To compel the owner or owners of vacant property within the municipality to keep the same clear of any brush or other material or substance liable to communicate fire to adjoining property.

" **4429.** To regulate or prohibit the use of fire-crackers, Fire-crack-
torpedoes, roman candles, sky rockets and other fire-works." ers, &c.

" **4430.** To require the owners or lessees of houses and Fire-escapes,
buildings to place thereon fire-escapes and appliances for &c.
protection against or for the extinction of fires."

" **4431.** To organize, maintain and regulate a fire depart- Fire depart-
ment and fire brigade, and to equip and maintain the same ment, &c.
with all necessary appliances by purchase or lease; to provide
for the construction of fire stations; to appoint all officers
and men necessary for the extinction and suppression of fires,
the protection of property from fire, and the prevention of
accidents by fire; to provide for the punishment of any person
who may interfere with any member of the fire brigade in the
performance of his duty, or refuse to obey the lawful orders
of the chief or deputy-chief of the fire-brigade, or who may
tamper with or obstruct any of the signal boxes, wires, or
apparatus of the fire-alarm department."

" **4432.** To authorize the demolition of buildings, houses Demolition
and fences, when deemed necessary to arrest the progress of of certain
fire; and to empower the mayor, the chief of the fire-brigade buildings,
or other officers to exercise the powers mentioned in this arti- &c.
cle."

" **4433.** To regulate the conduct of all persons present Behaviour at
at a fire. fires.

" **4433a.** To prevent thefts at fires." Thefts at
fires.

" **4433b.** To authorize the mayor, under such provisions Sending fire-
as the council may enact, to send fire-engines, men and appa- engines to
ratus to any outside municipality that may be endangered outside,
by fire; provided however that such municipality shall be muni-
cipal-
ities.
held responsible for all expenditure or damage which may be
incurred in connection therewith."

" **4433c.** To make, authorize or cause to be made, after Inquiries
each fire in the municipality, an inquiry into the cause and into causes
origin of such fire. of fires.

" For such purpose, the council, or a committee composed Summoning
of two or more of its members authorized by it, may summon of witnesses,
witnesses, and compel them to appear and give evidence &c.
and examine them under oath to be administered by any one
of its members."

5. Subsection 19 of section 23 of the act 58 Victoria, chap- 58 V., c. 55,
ter 55, is replaced by the following: s. 23, am.

Private connections for drains, &c.

"19. The council may, by a resolution passed by a two-thirds vote of the whole council, order the construction of private connections for drains, water, gas, telephone and electric conduits or any other public service that may be installed hereafter from the main sewer, gas, water, telephone or electric mains to the street line of any property and charge the cost thereof to the properties for whose benefit said connections, drains or conduits are laid. Such costs may be levied in one or more payments as a local improvement tax over a term not exceeding forty years or otherwise."

Trenches for drain connections, &c.

6. The council may, by by-law, regulate the manner in which trenches for private connections for drains, in any street, lane or public place or square shall be made, maintained, protected and refilled, and order that all or any of the works required therefor shall be made by the corporation at the cost of the properties for the benefit of which such works have been in whole or in part performed.

Agreements for drain connections.

7. Whenever a sewer, water main or other permanent improvement is made in any street or part of a street, the council may enter into agreements with or make loans to public utility corporations for the purpose of obtaining the immediate construction of all private connections in such street or part of street.

By-laws:

8. The council may by by-law:

Abatement of nuisances, &c.

a. Remove and abate any nuisance, obstruction and encroachment upon the sidewalks, streets, alleys and public grounds, and prevent the encumbering of the same with vehicles, boxes, lumber or any other things;

Clearing of sidewalks, &c.

b. Require the owner or occupant of any immoveable property to keep the sidewalks along or in front of the same free from obstructions, and to provide for the removal of the same at the expense of such owner or occupant.

Consent of council to opening &c., of certain streets.

9. The council may, by by-law, prevent any one, owning or possessing real estate within the town from opening or modifying any street in or over such real estate without having previously obtained the authorization of the council.

4 Ed. VII, c. 58, ss. 5a, 5b. added.

10. The following sections are added after section 5 of the act 4 Edward VII, chapter 58:

Entry on private property to place wires, &c.

"5a. To enter in and upon any private property, including lanes, courts, yards and buildings for the purpose of placing overhead or underground wires with their appurtenances, without the consent of the proprietors thereof; but compensation when not mutually agreed upon, shall be awarded by

arbitration for all real damages caused by the work done, or in consequence of such obstructions.

"5b. The cost of making and equipping such underground conduits or overhead transmission lines or any portion thereof, shall be levied by special assessments either upon fronting properties according to frontage, or upon certain benefited area or areas as determined by the council or otherwise as the said council may order."

Cost of conduits, &c.

11. Subsection 3 of section 23 of the act 58 Victoria, chapter 58 V., c. 55, 55, as replaced by section 1 of the act 1 George V, (first session) chapter 59, is amended by adding thereto the following paragraph:

s. 23, am.

"To cause to be removed all stables, sheds, closets or similar buildings erected in contravention of the enactments of the preceding paragraph, and to determine the time and manner in which the same shall be demolished or removed, and by whom the expense thereof shall be borne."

Removal of certain stables, &c.

12. Upon petition of the majority of the proprietors interested, the council may, by private contract or in default thereof by expropriation, acquire, take possession of, demolish and remove any building or portion thereof, projecting beyond the building line on any street or public square or portion thereof, and may levy the cost of acquiring, demolishing and removing any such building or portion thereof by a special assessment on the properties fronting on any such street, square, or portion thereof or otherwise as determined by the council.

Demolition of certain buildings, &c.

13. The following subsections are added after subsection 8 of section 5 of the act 63 Victoria, chapter 55, as replaced by section 4 of the act 1 George V, (first session), chapter 59:

63 V., c. 55, s. 5, am.

"8a. To regulate the kind of buildings that may be erected in certain districts, streets or portion thereof, and prescribe that they shall be private dwellings, detached or semi-detached."

Regulation of buildings.

"8b. To regulate the construction, location and operation of derricks, windlasses, freight and passenger elevators and other apparatus hazardous to life and property, to have the same inspected from time to time by the building inspector or any officer, and to authorize such inspector or other officer to forbid the use thereof until the same are built or operated in accordance with the by-laws."

Regulation of derricks, &c.

"8c. Regulate in the town the building and maintenance of fences including the method of construction and the strength and quality of the material to be used for fences; and prohibit their erection and maintenance on the part of any property facing the whole or part of a street or public square."

Regulation of fences, &c.

Fencing at
expense of
owners.

"8d. To provide that in case the owner of such land cannot be found, and no one represents the proprietor, or if the proprietor, occupant or other person in charge thereof refuse or neglect to fence in as herein above provided when so directed by the proper officer of the council or be unable by want of means to do so, it shall be competent for the council to have the same done and to provide that the amount expended thereon shall be a special charge upon such lot and shall have the same privileges attached to it and be dealt with and recoverable in the same manner as a special tax thereon."

R. S. Q., (1888) 4474, 4475 replaced for town. **14.** Articles 4474 and 4475 of the Revised Statutes of the Province of Quebec (1888) are replaced for the town by the following:

Police or
constabulary
force.

"**4474.** To provide for the organization, equipment, maintenance and discipline of a police or constabulary force with power to regulate the residence, classification, rank, service, inspection and distribution of the members of such force, and to prescribe their duties; to authorize the mayor, in cases of emergency, to appoint as many temporary police officers, at a compensation to be fixed by the council, as he may deem necessary, provided that such appointments shall not continue in force for more than one week without the consent of the council; to provide for the punishment, by dismissal or by fine or imprisonment, of any member of the police force who shall, directly or indirectly accept any money or gratuity, or any kind of intoxicating liquor:

Powers of
policemen.

"a. The policemen or constables of a municipality shall have power, authority and jurisdiction as such within the municipality, and in any territory to which the jurisdiction or the municipality extends for any purpose.

Policemen,
&c., to be
constables,
&c.

"b. The policemen or constables of a municipality shall be constables or peace officers for ever judicial district within which the municipality is wholly or partly situated, in the performance of their duties, and shall have all the powers and authority conferred on constables or peace officers by the common law.

Arrest on
view.

"c. Except when otherwise provided, any policeman or constable may arrest on view any person infringing a by-law of the council.

Entry of
police into
inns, &c.

"d. Every police, officer or constable may enter, by day, or by night, any inn, restaurant, hotel, shop or establishment under license to sell spirituous, vinous, or fermented liquors, as well as any other public place coming under the by-laws of the municipality, for the purpose of ascertaining whether the laws and by-laws governing such houses are observed,

and to arrest on view and without warrant any person he may find in such houses contravening the law or by-laws; and the owners or occupants of such inns, restaurants, hotels, shops or establishments shall admit such officer or constable, under penalty of a fine not exceeding fifty dollars, and of imprisonment not exceeding three months in default of payment.

"e. Any prisoner brought to a police station, charged with the commission of an offence, shall be brought before the proper court without delay to be dealt with according to law. How persons arrested to be dealt with.

"f. Any officer in charge of a police station before whom a prisoner arrested on view is brought, or with the authorization of the magistrate who signed the warrant, if such prisoner is apprehended by warrant,—provided it be for an offence against the provisions of this chapter, the charter or any municipal by-law,—may permit such prisoner to enter into a bond, with or without bail, or with a deposit, according to the gravity of the offence, whereby he shall oblige himself to appear within two days before a competent court. In default thereof, the bail shall be forfeited or the deposit confiscated, and a competent magistrate may order the arrest of the accused. Bailing of prisoners arrested.

"g. No person shall wear and no person, firm or company shall cause to be worn, any costume or uniform similar to that of the police force of the municipality; and every person, firm and company contravening this provision shall be liable to a penalty not exceeding twenty dollars for each offence, upon complaint before the competent court. Wearing by private persons of police costumes, forbidden, &c.

"h. No person shall act as a special constable or detective within the municipality, without having first obtained a certificate of good character from the mayor, and been duly sworn as such before the mayor or the clerk of the council. Special constables, &c.

"i. A register of all such special constables and detectives shall be kept by the clerk of the council, and each such constable and detective shall be entitled to receive from the clerk of the council a certificate establishing that the formalities required by this article have been complied with. Register of special constables, &c.

"j. Such certificate shall be sufficient evidence of the authority of such special constables or detectives to act as such. Effect of certificates.

"k. Each such constable or detective shall wear a badge to be supplied, at his own cost and expense by the municipality. Badges of special constables, &c.

"To erect in the municipality a place of detention and one or more places for the temporary custody of any person under arrest." Place of detention.

By-laws for: **15.** The council may by by-law passed by a two-thirds vote of the whole council, order:

Mainten-
ance, &c.,
of certain
strips of
land. *a.* That the maintenance, upkeeping and beautifying of the strip of land comprised between the building line and the road bed in any street, lane, public square or portion thereof, shall devolve upon and be reserved to the corporation;

Planting of
trees, &c. *b.* That in any street, lane, public square or portion thereof, trees and shrubs be planted and replaced by the corporation and the cost thereof levied by special assessment on properties fronting on any such street, lane, public square or portion thereof or otherwise as the council may determine;

Special
assessments
for certain
purposes. *c.* That the cost of the land required for the opening or widening of streets or portions thereof shall be levied by special assessments either on the properties fronting on such streets or fronting on streets so opened or widened, or benefited by said opening or widening.

R. S. Q.,
5813-5863 to
apply to
town. **16.** Articles 5813 to 5863, both inclusive, of the Revised Statutes of the Province of Quebec (1909), forming part of the "Cities and Town's Act" shall apply to the town.

63 V., c. 55,
s. 5, am. **17.** Subsection 17 of section 5 of the act 63 Victoria, chapter 55, as enacted by section 6 of the act 1 George V (first session), chapter 59, is replaced by the following:

Prohibiting,
&c., post-
ing, &c., "17. Prohibit, restrict to certain portions of the town and regulate the posting, painting, erection or other display or maintenance of advertisements of any description on the fences, buildings or otherwise, except those made by a trader at his place of business, and for the purposes of his business, and those made for leasing and selling real estate, provided the latter are designed, made, secured and maintained in the manner provided by the council."

58 V., c. 55,
s. 23, am. **18.** The following subsection is inserted after subsection 29 of section 23 of the act 58 Victoria, chapter 55, as replaced by section 4 of the act 4 Edward VII, chapter 58:

Opening,
&c., of
parks, &c. "30. Open, enclose, embellish, improve and maintain public parks and playgrounds conducive to the health and well being of the inhabitants of the municipality and levy the cost thereof by special assessment or assessments either on the whole town or on any section of the town, specially benefited thereby as determined by the council, provided that every such by-law is approved by a two-thirds vote of the said council."

Id., s. 43, re-
placed. **19.** Section 43 of the act 58 Victoria, chapter 55, is replaced by the following:

"43. The power of the council to assess proprietors according to frontage to defray the cost of the construction of a sewer in any street in the town, may be exercised, as to any sewer that may be ordered to be constructed by the council in any private street or lane, when the council shall consider such sewer necessary in the interest of public health and when it is called upon by petition signed by the majority of the owners interested."

Frontage
assessment
for sewers.

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

CHAP. 64

An Act to amend the charter of the town of Montreal West and to confirm a certain agreement between the said town and the Montreal Park & Island Railway Company and the Montreal Tramways Company.

[Assented to 3rd April, 1912.]

WHEREAS the town of Montreal West has, by its petition represented that it is expedient to amend its charter in the manner hereinafter referred to, and to confirm a certain agreement made by the town with the Montreal Park & Island Railway Company and the Montreal Tramways Company, also hereinafter referred to;

Preamble.

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:

1. Section 21 of the act 1 George V, (2nd session), chapter 65, is repealed.

1 Geo. V(2nd
session), c.
65, s. 21,
repealed.

2. The agreement between the town of Montreal West and the Montreal Park & Island Railway Company and the Montreal Tramways Company, dated the 23rd day of December, 1911, before Ronzo H. Clerk, N.P., is hereby sanctioned and confirmed, and its provisions declared to be valid and binding upon the parties thereto.

Certain
agreement
ratified.

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