

C H A P . 6 5

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

[Assented to 14th March, 1912.]

Preamble.

WHEREAS the corporation of the town of Joliette has, by its petition, represented, that it is right and desirable that additional powers be granted it and that certain amendments be made to its charter, the act 27 Victoria, chapter 23, and the acts amending the same;

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:

27 V., c. 23,
s. 3, repla-
ced.

1. Section 3 of the act 27 Victoria, chapter 23, as amended by the act 39 Victoria, chapter 47, section 2, is replaced by the following:

Municipal
council.

“3. The corporation of the town of Joliette shall be governed by a municipal council which shall represent it for all lawful purposes.

Composition
of council.
Present
mayor, &c.

The council shall be composed as follows:

The present mayor and councillors, and their successors in cases of vacancy, shall continue to fill their offices until replaced under the provisions of this act.

Replace-
ment of pre-
sent mayor,
&c.

At the first general election following the coming into force of this act, the mayor then in office and the two councillors elected in the month of January 1910, or their successors in cases of vacancy, shall go out of office and be replaced by a mayor and three aldermen elected for a term of three years by the majority of the municipal electors of the municipality who have voted.

Second gen-
eral election.

At the second general election following the coming into force of this act, the two councillors elected in the month of January 1911, or their successors in cases of vacancy, shall be replaced by three aldermen elected for a term of three years by the majority of the municipal electors of the municipality who have voted.

Third gen-
eral election.

At the third general election following the coming into force of this act, such of the councillors elected in the month of January 1912, as may be in office, or their successors in cases of vacancy, shall be replaced by three aldermen elected for a term of three years by the majority of the municipal electors of the municipality who have voted.

Subsequent
composition
of council.

After the third general election following the coming into force of this act, the council shall consist of a mayor and nine aldermen.”

2. Article 5301 of the Revised Statutes, 1909, is replaced for the town by the following: R.S.Q., 5301, replaced for town.

“**5301.** The mayor shall be elected for three years by the majority of the municipal electors of the municipality who have voted. Election of mayor.”

Nevertheless, if the municipal council adopts, by a majority of two-thirds of its members, a by-law for that purpose, the mayor may be elected by the municipal council for three years, and in such case the election shall be governed by the provisions of articles 5553, 5554, and 5555.” Id.

3. Article 5302 of the Revised Statutes, 1909, is replaced, for the town, by the following: Id., 5302, replaced for town.

“**5302.** The aldermen shall be elected for the same period of three years, to the number of three each year by the majority of the municipal electors of the municipality who have voted.” Election of aldermen.

4. The following articles of the Revised Statutes, 1909, shall apply to the town of Joliette and, as regards such town, shall be deemed to form part of its charter: Law applicable.

- a. Articles 5283 to 5298 inclusive;
- b. Articles 5303, 5304, 5305, 5306, 5307, 5308, 5309, 5311 and 5312;
- c. Articles 5315 to 5335 inclusive;
- d. Articles 5360, 5361, 5362, 5363, 5365, 5366 and 5367;
- e. Articles 5416 to 5420 inclusive;
- f. Articles 5422 to 5556 inclusive;
- g. Articles 5558, 5559, 5560, 5562, 5565, 5566, 5567, 5568, 5569 and 5570;
- h. Articles 5595 to 5622 inclusive;
- i. Article 5635 and articles 5637 to 5688 inclusive, except in so far as they are hereinafter modified;
- j. Articles 5710, 5712, 5713, 5714, 5725, 5726 and 5727;
- k. Articles 5733 to 5755 inclusive;
- l. Articles 5775 to 5789 inclusive;
- m. Articles 5813 to 5869 inclusive.

5. Article 5310 of the Revised Statutes, 1909, is replaced for the town by the following: Id., 5310, replaced for town.

“**5310.** The council shall every year at the first sitting after the annual general elections, elect one of its members as acting mayor, to have and exercise all the powers vested by law in the mayor, whenever he may be absent from the municipality, or unable to discharge the duties of his office.” Acting mayor.

Id., 5313, re-
placed for
town.

6. Article 5313 of the Revised Statutes, 1909, is replaced, for the town by the following:

Vacancies in
office of
mayor, &c.

“**5313.** The office of mayor or alderman also becomes vacant:

a. In case of refusal to accept such office or to continue to perform the duties thereof;

b. In case of absence from the municipality for three consecutive months without permission from the council;

c. When the person filling the office of mayor or alderman becomes incapable of acting as such through illness, infirmity or otherwise during three consecutive months;

d. When the person filling the office does not attend the sittings of the council during the period of three consecutive months;

e. When the person filling the office makes a judicial abandonment of his property or becomes insolvent.”

Id., 5314, re-
placed for
town:

7. Article 5314 of the Revised Statutes, 1909, is replaced, for the town, by the following;

Filling of
vacancies.

“**5314.** If any vacancy occur in the office of alderman, the mayor, within eight days after such vacancy, shall fix a day for the nomination of candidates, and also for the election in case of contest, which election shall be held within thirty days after such vacancy.

Returning-
officer.

Fourteen days at least before the nomination the mayor shall also, by a commission under his hand, appoint a competent person as returning officer.

Election
clerk.

Ten days at least before the day fixed for the nomination the returning officer, by a commission under his hand and according to form E, shall appoint an election clerk, and give the public notice prescribed in article 5419 and drawn up according to form G.

Formalities
of nomina-
tion, &c.

In other respects the nomination and election shall be held as in the case of general elections and the person elected shall hold office during the term of the previous incumbent's tenure of office”.

Id., 5364, re-
placed for
town.

8. Article 5364 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Qualifica-
tions of
mayor, &c.

“**5364.** No person shall be nominated or elected mayor or alderman or occupy such office unless he has resided in the municipality during the twelve months immediately preceding the day of his nomination and unless he has held as owner, in his own name or in that of his wife, immoveable property in the municipality of the value of six hundred dollars after payment or deduction of all charges on such immoveable property which cannot in any case be valued at an amount

less than six hundred dollars on the valuation roll in force on the day of his nomination.

9. Article 5413 of the Revised Statutes, 1909, is replaced, Id., 5413, replaced for the town, by the following: town.

“**5413.** Except as provided for by article 5314, the election of mayor shall take place every three years on the first juridical day of February. Date of election of mayor.”

The election of aldermen, to the number of three shall take place on the first juridical day of February. And of aldermen.

The election of mayor and aldermen shall be held in accordance with the provisions hereinafter set forth.” Elections how held.

10. Article 5414 of the Revised Statutes, 1909, is replaced, Id., 5414, replaced for the town, by the following: town.

“**5414.** Fourteen days at least before the day fixed for the nomination of candidates, the mayor shall, by a commission under his hand, appoint a competent person as returning officer.” Returning officer.

11. Article 5421 of the Revised Statutes, 1909, is replaced, Id., 5421, replaced for the town, by the following: town.

“**5421.** Except as provided in article 5314 the nomination of candidates shall be held on the twenty-fifth of January from noon to two o'clock in the afternoon. If such day be a holiday, it shall be held on the first juridical day following such date, and during the same hours.” Nomination of candidates.

12. Article 5561 of the Revised Statutes, 1909, is replaced, Id., 5561, replaced for the town, by the following: town.

“**5561.** The mayor shall call a special session of the council when and as often as he may deem proper. Such session may be called upon verbal or written intimation from the mayor to the clerk of the municipality, who thereon shall issue a notice of meeting summarily specifying the business to be transacted at such session, and shall cause a copy of such notice to be served or sent by registered mail to every member, at his domicile or place of business, at least twenty-four hours prior to such session; and the mailing of a registered notice twenty-four hours before such session, shall be deemed equivalent to service of such notice.” Special sessions of council.

13. Article 5563 of the Revised Statutes, 1909, is replaced, Id., 5563, replaced for the town, by the following: town.

“**5563.** At such special sessions no business but that specified in the notice shall be considered or disposed of except with the consent of all the members of the council.” Business at special meetings.

Id., 5564, re- **14.** Article 5564 of the Revised Statutes, 1909, is replaced, placed for town. for the town, by the following:

Adjourn-
ment of
sessions, &c.

“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 or absent but no new business shall be brought before or considered at any such adjourned session, except with the consent of all the members of the council”

Id., 5638,am. **15.** Paragraph 1 of article 5638 of the Revised Statutes, for town. 1909, is replaced, for the town, by the following:

Regulation
of buildings,
&c.

“ 1. To regulate the height and construction of all buildings, chimneys, fences, stacks and other structures; to prevent the construction and 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 plumbing, ventilation and lighting in all buildings; to prescribe the depth of cellars and basements, the material and method of construction of foundations and foundation walls, the manner of 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 materials to be used for such purpose, in certain streets or parts of streets; to prohibit the erection of certain buildings in certain streets and parts of streets; to prohibit the erection of certain kinds of buildings or the erection of any buildings, except at a specified distance from the line of the street, in all streets, or in certain streets or parts of streets; to determine and control the minimum cost of all buildings in certain streets or parts of streets; to compel the proprietors to furnish within a specified delay, a sworn declaration of the cost of any new building or structure or additions or improvements to those already made; to compel the proprietors of all buildings to submit the plans or any other description thereof required by the council and previously obtain a certificate in writing from the building inspector or of any other officer appointed by the council, and to obtain a building permit from the council; to prescribe the manner, conditions and formalities for asking and obtaining such permit and to fix the fee to be paid for it; 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 regulations, and to cause the demolition of any building not conforming to such by-laws, if necessary;”

16. Article 5780 of the Revised Statutes, 1909, is replaced, Id., 5780, replaced for town.

“**5780.** Coupons to the amount of the half yearly interest signed by the mayor and countersigned by the clerk, and payable to bearer where the interest specified therein falls due, may be annexed to each bond, obligation or debenture, Coupons of bonds, &c.

The signatures of the mayor and of the clerk may be either lithographed, stamped, printed or engraved. Signatures thereto.

At the time of payment, the coupons shall be handed to the treasurer; and the possession, by such officer, of any coupon, shall be prima facie evidence that the half-yearly interest specified therein has been paid. Delivery of same when paid.”

17. Section 5 of the act 27 Victoria, chapter 23, as replaced by the act 39 Victoria, chapter 47, section 4, and by the act 8 Edward VII, chapter 92, section 6 is replaced by the following: 27 V., c. 23, s. 5, replaced.

“**5.** The following persons shall be entitled to vote at municipal elections and at all meeting of electors of the town namely: all persons whose names are regularly entered on the list of parliamentary electors in force in the municipality at the time of the said election or meeting, and the list of electors for the Legislative Assembly shall serve for all municipal purposes to the exclusion of all others. Who are electors.

All persons whose names are regularly entered on the continuation of the said list under the provisions of article 190 of the Revised Statutes, 1909, shall also be entitled to vote.” Id.

18. Paragraph 2 of section 5 of the act 47 Victoria, chapter 87, is replaced by the following: 47 V., c. 87, s. 5, am.

“2. The town council shall, within the fifteenth and thirtieth days from the date of such notice, examine and revise the said valuation roll, and amend the same if it think proper, even if no complaint or application have been made to it, by assessing rateable property whose entry has been omitted, and by inserting such omitted property as well as the value thereof, and all other particulars connected therewith, and by striking from the said roll all real estate therein mentioned through error, by fixing at such figure, as it may deem proper, every valuation of rateable property which it may deem to have been made over or below its true actual or annual value, or by correcting the names of the persons inscribed therein, or the description of the lots of land therein mentioned, or by inserting those which the assessors may have omitted to enter.” Examination &c., of valuation roll.

27 V., c. 23, s. 3a, added. **19.** The following section is inserted in the act 27 Victoria, chapter 23, after section 3:

Continuance in office, &c. **"3a.** The officers and employees of the corporation now in office shall continue until they resign or are lawfully removed by the council."

Repeals. **20.** The following provisions of the charter of the town of Joliette are repealed:

a. Section 7 of the act 27 Victoria, chapter 23, as amended by the act 39 Victoria, chapter 47, section 5;

b. Section 8 of the act 27 Victoria, chapter 23, as amended by the act 39 Victoria, chapter 47, section 6;

c. Sections 9, 11, 12, 13, 15, 16, 17, 18, 19, 22 and 29 of the act 27 Victoria, chapter 23;

d. Section 1 of the act 47 Victoria, chapter 87;

e. Section 21 of the act 27 Victoria, chapter 23 as amended by the act 39 Victoria, chapter 47, section 8;

f. Section 1 of the act 8 Edward VII, chapter 92.

Certain provisions to continue in force. **21.** The articles of the Revised Statutes, 1909 hereby incorporated in the charter of the town of Joliette, shall remain in force for the said town as they now are until expressly amended or repealed for such town.

Coming into force. **22.** This act shall come into force on the day of its sanction.

C H A P . 6 6

An Act to amend the charter of the town of Magog and ratify a certain contract.

[Assented to 3rd April, 1912.]

Preamble. **W**HEREAS the town of Magog has, by its petition, represented that it is desirable and in the public interest that certain amendments be made to its charter, the acts 53 Victoria, chapter 79, 60 Victoria, chapter 68, and 1 George V., (1st session) chapter 60;

And whereas doubts have arisen as to the validity of the debentures issued under the by-law No. 117 of the by-laws of the corporation of the said town, and it is expedient to remove the same; and whereas it is expedient to grant the prayers of the said petition.

Therefore, His Majesty, with the advice and consent of the