

## CHAP. 58

An Act to consolidate the charter of the town of St. Jérôme

[Assented to 4th June, 1910]

Preamble. **W**HEREAS the corporation of the town of St. Jérôme has, by its petition, represented that it is necessary to consolidate its charter, the act 57 Victoria, chapter 62, and the various acts amending the same, to subject it to the Cities and Towns' Act, and to grant it further powers ;

And whereas it is expedient to grant the petition 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 :

Short title. **1.** This act shall be cited as "The Charter of the Town of St. Jérôme."

Law to apply. **2.** The town of St. Jérôme shall be subject to the provisions of chapter first of title eleventh of the Revised Statutes, 1909, (articles 5256 to 5884) except where the same may be inconsistent with the provisions of this act.

Corporation succeeds to certain rights, &c. **3.** The corporation hereby constituted succeeds to the rights, obligations, privileges, property, claims and actions of the corporation existing under the acts repealed by this act.

Present officers, &c., to remain in office. **4.** The present municipal officers and employees of the corporation of the town of St. Jérôme shall remain in office until removed or replaced by the council of the town of St. Jérôme under the provisions of this act.

By-laws, &c., not affected. **5.** All by-laws, resolutions, *procès-verbaux*, assessment rolls, dues, lists, plans and other municipal acts and documents made and executed by the council of the corporation of the town of St. Jérôme, shall continue to have effect until amended, cancelled, repealed or executed.

Contracts not affected. **6.** All notes, bonds, obligations, undertakings, title-deeds or contracts subscribed, accepted, endorsed or issued by the council of the said corporation until the coming into force of this act, shall continue to have their legal effect.

Town municipally separated from county. **7.** The town of St. Jérôme is and shall remain separated from the county of Terrebonne for municipal purposes.

**8.** The inhabitants and rate-payers of the town of St. Jérôme and of the adjoining territory comprised within the boundaries hereinafter described are hereby incorporated as a town municipality under the name of "The town of St. Jérôme."

**9.** The municipality of the town of St. Jérôme consists of the territory hereinafter bounded and described, to wit: From the west side of the Rivière-du-Nord the limits of the said municipality extend from the Meunier road including the whole of lot No. 491 to Nos. 431, 430, 429 and 428 inclusively, the whole depth of the lands of the concession; on the east bank of the said Rivière-du-Nord they extend from the Côte St. André road, including the whole of lots Nos. 1 to 284a both inclusive; thence starting at a distance of thirteen arpents from the said Rivière-du-Nord from and including No. 326 to the upper part of Ile Lapierre formerly Ile Longpré, including No. 247, and all the islands of the Rivière-du-Nord situate within the above limits, including in the said limits the present limits of the town of St. Jérôme.

**10.** The town shall be divided into four wards, known and bounded as follows, to wit :

1. St. Joseph ward, comprising all that portion of the municipality situated to the east of the Rivière du Nord, and bounded as follows : on the north by the northern limits of the said town; on the south by the line between the official Nos. 97 and 202, from the Rivière du Nord to Labelle street, thence by the middle of Virginie street to the intersection of the line between the properties of C. A. M. Globensky and Edouard Lefebvre de Bellefeuille; thence by the latter line as far as the line between Nos 51 and 283, and thence by the latter line in an easterly direction to the limits of the municipality of the said town ; on the west by the Rivière du Nord and on the east by the said boundary ;

2. Labelle ward, comprising that portion of the town situated to the east of the Rivière du Nord, bounded on the north by the southern line of St. Joseph ward ; on the south from the Rivière du Nord, by the line between the official Nos. 324 and 325 to Labelle street and St. George street, continuing along the middle of Conception street, as far as the eastern extremity of lots Nos. 284a and 326 ; on the west by the Rivière du Nord, and on the east by the division line between the town and the parish of St. Jérôme ;

3. St. Jean-Baptiste ward, comprising the remainder of the said town, situated to the east of the Rivière du Nord ;

4. St. Louis ward, comprising all that portion of the said town.

town situated to the west of the Rivière du Nord as well as all the islands in the Rivière du Nord.

Number of  
aldermen.

**11.** The number of aldermen shall be two for each ward.

Present  
council how  
long to re-  
main in  
office.

**12.** The present mayor and councillors of the town of St. Jérôme shall form the first council of the town hereby organized. They shall continue to occupy their offices until the first juridical day of February, 1911, when the first general elections shall be held under this act.

First council  
meeting.

The first meeting of the council under this act shall be held at the place where the sittings of the council are usually held on the second Monday following the sanction of this act.

R.S.Q., 5301  
replaced for  
town.

**13.** Article 5301 of the Revised Statutes, 1909, is replaced for the town by the following :

Election of  
mayor.

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

Id., 5553-  
5555 not to  
apply.

**14.** Articles 5553 to 5555 of the Revised Statutes, 1909, shall not apply to the town.

Officer to su-  
perintend  
building, &c.,  
of sewers, &c.

**15.** The town may appoint an officer to superintend the construction and maintenance of sewers, roads, sidewalks and municipal buildings and works and to make plans of such sewers, roads, sidewalks, parks, municipal buildings and works. Such officer shall have his office in the building where the corporation offices are situated or at any other place fixed by resolution of the council.

Inspector of  
buildings, &c.

**16.** He may likewise, with the approval of the council, perform the duties of inspector of building and plumbing and shall generally have all the powers which the council may delegate to him in connection therewith by by-law or by resolution.

Id., 5338 re-  
placed for  
town.

**17.** Article 5338 of the Revised Statutes, 1909, is replaced for the town by the following :

Duties of  
clerk as to  
custody of  
books, &c.

“ **5338.** The clerk shall be the custodian of all the books, registers, plans, maps, archives and other documents and papers, which are either the property of the corporation, or are produced, filed and preserved in its office.

Parting with  
books, &c.

He cannot divest himself of the custody of any of such things, except with the permission of the council, or upon an order of a competent court.

Who has

The inspector appointed under section 15 has, nevertheless,

the custody of all municipal plans, maps, books, registers and other documents and papers prepared by him or required in the performance of his duties, and he also has the right to sign all plans, maps, documents and papers prepared by him, and all copies of plans, maps, books, registers and other documents and papers certified by him shall make proof of their contents. "

**18.** Article 5401 of the Revised Statutes, 1909, is replaced for the town by the following : Id., 5401 replaced for town.

" **5401.** By a petition, briefly setting forth the reasons of appeal, any municipal elector of the municipality may, within fifteen days following such decision, appeal from any decision of the council, confirming, correcting or amending the list, to the judge of the Superior Court for the district, or to the Circuit Court of the county. Appeal from certain decision of council.

The respondent may, in all such appeals, obtain a suspension of the proceedings, until the appellant has given such security as may be considered necessary in the discretion of the court or judge, or has deposited with the clerk of the court such sum as may be specified by the court or judge for the payment of the costs on such appeals. " Security for costs of appeal.

**19.** Article 5547 of the Revised Statutes, 1909, is replaced for the town, by the following : Id., 5547 replaced for town.

" **5547.** Any person, qualified to vote at the election of mayor or alderman, may present to a judge of the Superior Court or to the Circuit Court of the county, in the district or county wherein the municipality or ward in which the election was held, is wholly or partly situated, sitting in term or in vacation, a petition, complaining of the election and return of any person as mayor or alderman, at whose election he had a right to vote, and praying either for the annulling of such election and that a new election be ordered, or for the annulling of the election and for a judgement declaring him or some other person to be duly elected in the place and stead of the person returned. Petition against election.

Such petition may be based upon all or any of the following grounds: Grounds of petition.

1. That the essential formalities were not observed at the election;

2. That the person returned did not receive the majority of legal votes at such election;

3. That he was not qualified to be elected as such mayor or alderman, as the case may be;

4. That he was guilty of corrupt practices prohibited by this chapter, either personally, or by an agent, with or without his authority, knowledge or sanction. "

Id., 5632 replaced for town.

**20.** Article 5632 of the Revised Statutes, 1909, is replaced, for the town, by the following:

Costs of certain contestation.

**" 5632.** The court or the judge may condemn either of the parties to pay the costs of the contestation; and such costs may be recovered from the parties to the suit and from their sureties.

Appeal to Court of Review.

The judgment rendered on such petition shall be subject to review before the Court of Review.

Judgment in review final. Execution against sureties.

The judgment of the Court of Review shall be final.

Fifteen days after the service of the final judgment upon the sureties it shall be executory against them as far as costs are concerned."

Id., 5639 amended for the town. Inspection, &c., of ice houses, &c.

**21.** Paragraphs 6, 21 and 23 of article 5639 of the Revised Statutes, 1909, are replaced, for the town, by the following:

**" 6.** To provide for the inspection and regulation of ice-houses, the manner of cutting ice for supplying the town and private individuals; to prescribe the places where ice may be taken and to grant licenses on such conditions as may be deemed advisable to ice-dealers within the town."

Regulation of sewerage, &c.

**" 21.** To regulate the sewerage of the town, to raise, by assessment on the real estate in the town, any sum of money required to pay for the sewers to be constructed; to make and to apportion the costs of such sewerage and of the mains necessary for such sewerage, including connections between such common sewers and the private drains of such proprietors and the costs of such repairs as are rendered necessary in the paving on account of the construction of private drains, one-half on the town generally, and one-half on the owners of properties and on the properties abutting on said streets or portion of streets opposite which said sewers will be constructed; and to prescribe the mode in which such assessment shall be made, either according to the frontage of the property or otherwise, and the manner of levying such assessment; the said owners with regard to said properties and the properties so assessed are exempt from the general tax which shall be imposed for sewers so long as they pay the said special tax."

Construction of drains in private streets, &c.

**" 23.** To construct drains in private streets and lanes when required in the interest of public health, without being bound to pay any damages or compensation for the use of such streets or lanes for such work; and also to prevent the construction of sewers or other works without the consent of the council being previously obtained."

Id., 5641 amended for town.

**22.** Article 5641 of the Revised Statutes, 1909, is amended by replacing paragraph 3 thereof by the following, for the town:

" 3. To oblige the owners of land situated on any road, street, square or public way, established in the municipality, to make and maintain in front of their property, or on the opposite side of the street or road, sidewalks of wood, stone or other material as provided, either throughout the whole municipality or only through a part thereof; and to determine the manner of making and maintaining such sidewalks, and even make and maintain them at the expense of the municipality wholly or partly and even by advancing the cost thereof, wholly or or partly, to the owners on repayment with interest at certain dates or at the expense of the abutting owners on the opposite side of the street or of part of the municipality by means of a special assessment upon such owners."

Obligation of proprietors to make, &c., sidewalks, &c.

**23.** Except when the waters are high in the Rivière du Nord, the council may regulate, within the limits of the town and on such conditions as it may deem expedient, the remaining therein of timber and logs floating down the said river and prohibit their so remaining for more than three days.

Regulate, &c., floating of logs.

**24.** Article 5715 of the Revised Statutes, 1909, is replaced, for the town by the following:

Id., 5715 replaced for town.

" **5715.** An appeal shall lie to the Circuit Court of the county:

Appeals to Circuit Court.

1. From any decision of the council upon a complaint under article 5706, within thirty days from such decision; or

2. Whenever the council has neglected or refused to take cognizance of any written complaint made in virtue of article 5706, within thirty days after the expiration of the delay within which it might have taken cognizance thereof."

**25.** In addition to the powers conferred upon it by the Cities and Towns' Act, the council may also;

Further powers.

a. Levy, by means of direct taxation, the necessary funds for all objects within the jurisdiction of the council, upon all taxable property, or merely upon the immoveable taxable property of the town, at the request of the majority of the ratepayers liable for the payment of such taxes, to the amount, and on the conditions set forth in their petition;

Direct property tax.

b. Impose and levy an annual tax upon every telegraph, telephone, electric light or power pole in the streets, squares and public roads of the town, provided such tax shall not exceed fifty cents per annum, for each pole. Such tax shall be recoverable from the proprietors of the poles, and shall be due for all such poles so existing in the town, except the telegraph poles situated on the property of the railway companies, and used by such companies.

Tax on certain poles.

Id., 5783  
replaced for  
town.

Limit of  
borrowing  
power.

**26.** Article 5783 of the Revised Statutes, 1909, is replaced, for the town, by the following:

“**5783.** Whenever the total debt of the town amounts to twenty-five per cent. of the valuation of the taxable immoveable property in the municipality according to the valuation roll then in force, no further loan can be contracted, nor can any further indebtedness be incurred which would have the same effect upon the revenues of a municipality that such loan would have, unless the by-law is approved by three-fourths in number and value of the proprietors who are municipal electors and who have voted thereon, and by the Lieutenant-Governor in Council.”

Acquisition,  
&c., of cer-  
tain works,  
&c.

**27.** The council may acquire or establish, administer and operate, works intended for the production of electric or motive power, for public and private needs, for the needs of adjoining corporations or municipalities and of private individuals or corporations within the limits of such municipalities. To that end the town may acquire, hold and operate any water-power, property, right of way, servitude and usufruct within a radius of thirty miles from its limits, and acquire by expropriation, if necessary, the right of way for its poles or conduits, but in the event of the poles or conduits being put up or made on a public road, the town shall previously obtain the consent of the municipalities under whose control such public road is placed.

Id., 5666-  
5674 to ap-  
ply.

Sale of sur-  
plus electric  
power.

The provisions of articles 5666 to 5674 of the Revised Statutes, 1909, shall apply *mutatis mutandis* to this section.

The council is also authorized to sell, by resolution and on such conditions as it may deem proper, to private individuals, corporations and municipalities, such surplus of electric power as it may not need for the purposes mentioned in articles 5666 to 5675.

Purchase,  
&c., of other  
electric sys-  
tems, &c.

**28.** The town is also authorized by by-law approved by the majority in number and in value of the proprietors having voted, to purchase by expropriation or by mutual agreement, as a going concern, the undertaking and material of any electric system in operation or which may be in operation in the town, with all the active or passive servitudes belonging to persons owning such systems by contracts or agreements between them and any companies, corporations, firms or persons in the said town or elsewhere, as well as all powers, rights and actions which the said proprietors may have acquired by charter from Parliament or from the Legislature of Quebec in such manner as to transfer to the said town all the moveables and immoveables, poles, wires and other property generally whatsoever, constituting the assets and liabilities of the said system.

If the town effects the acquisition provided for by this section, by means of expropriation, the value of such acquisition shall be ascertained by arbitrators appointed as follows: one by the town, one by the owner or owners of the system for which the expropriation is asked for and the third by the two first or, if they cannot agree, by a judge of the Superior Court. The expropriation shall be made in accordance with the provisions of the Cities and Towns Act.

**29.** The council may, by by-law, within the limits established by articles 5929 to 5931 of the Revised Statutes, 1909, aid one or more persons, or one or more commercial or joint stock companies established or projected, carrying on or proposing to carry on any industry, trade or undertaking in the town, by making loans of money or by bonuses or subsidies in money or in immoveable property, upon the conditions and upon the security which it may think proper.

**30.** Whereas there are cultivated lands within the limits of the town, the town council may, by by-law, provide for the making and maintenance of ditches, line fences, clearings and other works made necessary or useful for the working of the said lands, and for that purpose appoint one or more special officers with power to do or cause to be done or executed, the said works, and impose on such officers or persons liable to make such works such fines or penalties as it may think proper. Until such by-laws are made the provisions of the Municipal Code shall apply to such lands and the corporation shall be bound to appoint officers for such purposes.

**31.** The act 57 Victoria, chapter 62 and the acts amending the same, are repealed.

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

## CHAP. 59

An Act to amend the charter of the town of Outremont

[Assented to 4th June, 1910]

**W**HEREAS the town of Outremont has, by petition, presented 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