

CHAP. 54

An Act to amend the charter of the town of Ste. Anne de Bellevue

[Assented to 9th March, 1906]

Preamble.

WHEREAS the corporation of the town of Ste. Anne de Bellevue has, by petition, prayed for certain amendments to the act 63 Victoria, chapter 57, 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:

63 V., c. 57,
art. 9, § 7,
replaced.

1. Paragraph 7 of article 9 of the act 63 Victoria, chapter 57, is replaced by the following:

Power to
borrow
money on
resolution of
council.

“7. Borrow, on a mere resolution of the council, whenever it may deem advisable, by promissory note or otherwise, on such terms and conditions as it may deem best, sums of money, in the execution of all the powers, rights and attributes conferred upon it by its charter or by law and of all the duties and obligations devolving upon it.

Promissory
notes and
deeds.

The council may, in the same manner, for the same purposes, and to pay all debts or obligations, whenever it deems necessary, become a party to promissory notes or deeds.

Amount
limited.

But the amount of such sums of money and of such promissory notes or deeds shall not, at any time, exceed fifteen thousand dollars.”

Id., 10, re-
placed.

2. Article 10 of the act 63 Victoria, chapter 57, is replaced by the following:

Signature to
notes, &c.

“**10.** All promissory notes, bills of exchange, cheques, debentures, contracts, agreements or deeds, made and passed by the town, shall be signed by the mayor or, in his absence, by the pro-mayor, and secretary-treasurer or by any other person designated by the council; and article 4207 of the Revised Statutes is hereby repealed for the town.”

63 V., c. 57,
art. 12, re-
placed.

3. Article 12 of the act 63 Victoria, chapter 57, is replaced by the following:

R.S., 4194,
replaced for
town.

“**12.** Article 4194 of the Revised Statutes is replaced for the town by the following:

Composition
of council
and term of
office.

The municipal council is composed of a mayor and of six councillors. The mayor and councillors are elected for two years.”

4. Article 4195 of the Revised Statutes is repealed for the town. R.S., 4195, repealed for town.

5. Article 4196 of the Revised Statutes is replaced, for the town, by the following: R.S., 4196, replaced for town.

The term of office of the mayor shall end at the opening of the first general or special session of the council held after the annual general elections. The same rule applies to the councillors retiring from office at the term of such elections. When term of office of mayor and councillors expires.

6. Articles 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the act 63 Victoria, chapter 57, are repealed. 63 V., c. 57, arts. 17 to 27, repealed.

7. Article 4229 of the Revised Statutes is replaced, for the town, by the following: R.S., 4229, replaced for town.

The general elections take place every second year in the month of January. When general elections take place.

The nomination takes place at nine o'clock in the morning on the second Monday of January; and the polling, when necessary, shall be held on the third Monday of the same month. Date of nomination and polling.

At each such elections a mayor and six councillors are elected. Election of mayor and councillors.

8. The first general election of the town council under this act shall be held in the month of January of next year, 1907, at which time all the councillors then in office, including the mayor, shall retire. A general election shall be held in all the wards according to the provisions of this act. First general election under act, when to be held.

Each ward shall be represented in the council by two councillors. The mayor shall be elected by the electors of the three wards. Representation of wards. mayor elected by three wards.

9. There shall be for each ward two seats, numbered one and two respectively, represented by one councillor for each seat. The offices of councillor for each ward are designated by numbers one and two respectively. Two seats for each ward. Numbers thereof.

10. Article 4231 of the Revised Statutes is repealed for the town. R.S., 4231, repealed for town.

11. Article 4234 of the Revised Statutes is replaced for the town by the following: R.S., 4234, replaced for town.

The meeting of municipal electors for the election of mayor and councillors is held at the time fixed by the council and is opened at nine o'clock in the morning of the day fixed for that purpose. When meeting for election is held.

12. Articles 4235 and 4236 of the Revised Statutes are replaced for the town by the following: R.S., 4235 and 4236, replaced for town.

Appoint-
ment of pre-
siding-officer,
&c.

The council, by resolution, appoints the officer to preside over the general or partial elections, and appoints also a deputy presiding-officer and an election-clerk for each poll. In case a deputy presiding-officer or election-clerk cannot act, the presiding-officer appoints another to replace him.

63 V., c. 57,
art. 28, re-
placed.

13. Article 28 of the act 63 Victoria, chapter 57, is replaced by the following:

R. S. 4237 re-
placed for
town.
Nomination.

"28. Article 4237 of the Revised Statutes is replaced for the town by the following:

After opening the meeting, the presiding-officer shall nominate for each office of councillor all the persons nominated to such office in writing by at least seven municipal electors. Such nomination must be made by the electors of the ward to which such office relates."

63 V., c. 57,
art. 29, re-
placed.

14. Article 29 of the act 63 Victoria, chapter 57, is replaced by the following

R. S., 4239,
replaced for
town.

"29. Article 4239 of the Revised Statutes is replaced, for the town, by the following:

Election by
acclamation.

If, one hour after the opening of the meeting, only one person has been nominated as councillor for any ward, the presiding officer shall proclaim such person elected to such office."

63 V., c. 57,
art. 30, re-
placed.

15. Article 30 of the act 63 Victoria, chapter 57, is replaced by the following:

R. S., 4240,
replaced for
town.
Poll for elec-
tion of coun-
cillors.

"30. Article 4240 of the Revised Statutes is replaced, for the town, by the following:

If, one hour after the opening of the meeting, more than one person has been and remains nominated for any office of councillor, it shall be the duty of the presiding-officer to grant a poll for every ward wherein such office is contested."

R. S., 4241,
replaced for
town.

16. Article 4241 of the Revised Statutes is replaced, for the town, by the following:

Polls for
election of
mayor.

If one hour after the opening of the meeting, more than one person remains nominated as mayor, the presiding-officer shall grant a poll which shall be held in each ward of the town at the place fixed by the council.

R. S., 4242,
repealed for
town.

17. Article 4242 of the Revised Statutes is repealed for the town.

63 V., c. 57,
art. 34, re-
placed.

18. Article 34 of the act 63 Victoria, chapter 57, is replaced by the following:

Interpreta-
tion of cer-

"34. In the application of the said articles to the elections to be held in virtue of this act, the words: 'returning-officer' in all

the said articles shall mean: 'the officer presiding the election,' the words: 'deputy returning-officer' shall mean 'the deputy-presiding-officer,' the words 'poll-clerk' and the words: 'Clerk of the Crown in Chancery' shall mean 'the secretary-treasurer of the town.'

19. Article 37 of the act 63 Victoria, chapter 57, is replaced by the following: 63 V., c. 57, art. 37, replaced.

"**37.** Article 4268 of the Revised Statutes is repealed for the town." R. S., 4268, repealed for town.

20. Article 38 of the act 63 Victoria, chapter 57, is repealed. 63 V., c. 57, art. 38, repealed.

21. Articles 40 and 41 of the act 63 Victoria chapter 57 are repealed. Id., 40 and 41 repealed.

22. Article 4489 of the Revised Statutes is replaced, for the town, by the following: R. S., 4489, replaced for town.

The council may make special arrangements with respect to supplying water to steam or other engines, breweries, distilleries, factories, slaughter-houses, tanneries, mills, livery-stables, hotels, boarding-houses, railway companies, as well as in other special cases. Agreements respecting supply of water to certain factories, &c., in town.

23. Article 4491 of the Revised Statutes is replaced, for the town, by the following: R. S. 4491, replaced for town.

The council may also make special arrangements for the supply of water, beyond the limits of the municipality, to any person, company, municipal or other corporation, provided that the persons with whom such arrangements are made comply with the by-laws respecting the management of the water-works. Agreements respecting supply of water to persons beyond limits of town on certain conditions.

24. Article 4492 of the Revised Statutes is replaced, for the town, by the following: R.S., 4492, replaced for town.

The council may oblige the owners or occupants of land, situate within the municipality or beyond its limits, to permit the work necessary for the construction and maintenance of the water-works to be executed on their property, saving indemnity for actual damage sustained as settled by experts. With the view of avoiding delay in the execution of the works, the town may thus take possession of such lands as it may need for the construction of the water-works before acquiring them by expropriation or otherwise, provided the town shall previously pay to the proprietor an amount equal to one-half the municipal valuation and, in the case of a portion of a lot, the municipal valuation of such portion of a lot shall be determined by the town assessors. Council may oblige proprietors to permit works for construction, &c., of water-works to be made on their property. Town may take possession of property before acquiring it by expropriation.

Acquisition of land beyond limits of town for water-works, &c.

The town may acquire any land outside its limits, which it considers of advantage for the establishing of water-works, sewers or lighting plant. The procedure followed for acquiring any land within the town shall apply.

R. S. 4452, replaced for town.

25. Article 4452 of the Revised Statutes is replaced, for the town, by the following:

Power of council to make by-laws for establishment, &c., of system of sewers, &c.

The council may, from time to time, make, repeal, or amend by-laws for the establishment, construction and maintenance of a system of sewers which may be constructed by the town or otherwise as the council may deem advisable; for regulating the manner in which such sewers shall be made, both as regards private drains and public sewers, including accessories.

Where system may be constructed. Regulation of construction of private drains, &c.

Such system of sewers may be constructed in any street of the town or on or across any public or private land.

Private drains shall be constructed by the owners or by the town in such manner, with such materials and at such times as may be determined by the council; the cost of the maintenance of private drains shall be borne by the owners.

Removal of privies, &c.

The council may compel owners, within two years after the drains have been constructed, to remove the privies that may be on their lots, and it may also compel them to replace the same by water-closets and order that all lodgings be provided with the latter.

Certain articles of R. S. to apply to system of sewers.

26. Articles 4486, 4487, 4489, 4490, 4491, 4492 and 4493 of the Revised Statutes, as amended by this act, shall apply *mutatis mutandis* to the system of sewers.

Tax for making, &c. system of sewers upon owners of lands. Manner, &c., of imposing tax, &c.

27. The council is authorized to raise, by assessment, sufficient money to make or repair a system of sewers from all the owners of lands situate on the street in which a sewer is made.

The council may determine, as it may deem fit, the method and manner of imposing and collecting such taxes. Such tax may be apportioned over several years, but for a period not exceeding twenty years.

R. S., 4471, replaced for town. Lighting of town.

28. Article 4471 of the Revised Statutes is replaced, for the town, by the following:

Price to be paid by person using light, how determined.

The council may, by by-law, provide for the lighting of the town in any manner that may be deemed suitable, either by itself constructing a system of lighting or by making arrangements with any person, company or corporation that may supply such light. The price to be paid by each person who shall use such light shall be determined by a by-law of the council, even when the light is supplied by any one but the town.

The owners or occupants of houses, buildings or lands in the town are bound to permit the necessary pipes, lamps, wires and posts to be placed on their houses, buildings and lands, saving the payment of damages if any be occasioned thereby.

Owners, &c., of houses to permit placing of pipes. Proviso.

To avoid delay the works may be executed even before the the payment for damages is determined.

When works may be commenced.

29. Article 4486 of the Revised Statutes is replaced, for the town, by the following:

R. S. 4486, replaced for town.

The council may, by by-law, with the object of meeting the interest on the sums expended in the construction of water-works, sewerage and system of lighting and of establishing a sinking fund, impose, on all the owners or occupants, as the case may be, of immoveables, houses, shops or other buildings, an annual special tax not exceeding twenty-five cents per one hundred dollars on the municipal valuation of each such immovable, house, shop or building.

Special tax for construction of water-works, sewerage and lighting system.

Limit of such tax.

The sinking fund created by virtue of this article shall be invested and managed in the same manner as that mentioned in article 4524 of the Revised Statutes.

Application, &c., of sinking fund.

30. Article 4523 of the Revised Statutes is replaced, for the town, as follows:

R. S., 4523 replaced for town.

The council may borrow, from time to time, various sums of money for improvements in the town and generally for all objects within its jurisdiction.

Power to borrow.

For the purpose of constructing water-works, a system of sewers and a system of lighting, including the expropriation expenses incurred for such work and all other accessories, the town is authorized to borrow such sums as it may deem necessary by means of an issue of bonds or debentures.

Power to borrow for constructing systems of water-works, sewers and lighting.

31. The loans mentioned in the foregoing article shall be effected in the manner indicated in articles 4523 to 4537, inclusively, of the Revised Statutes, as amended by the act 63 Victoria, chapter 57, articles 104, 105, 106 and 107.

How loans to be effected.

32. Loans effected by means of issues of bonds may be for a term not exceeding sixty years.

Sixty year bonds.

33. It shall, however, be lawful for the council to construct the said systems of water-works, lighting and sewers by means of moneys levied by direct taxation on the immovables situate within the town.

Direct taxation for construction of systems of water-works, lighting and sewers.

34. Such tax may be levied by annual instalments and may be distributed over a period not exceeding twenty years.

How levied.

Plan of town and homologation thereof.

35. The plan of the town, as drawn up by J. L. Michaud, civil engineer, shall be the official plan of the town and be binding for all purposes whatsoever as soon as it shall have been homologated by the Superior Court of the district of Montreal. Such homologation shall be made upon a petition presented to the court after notice thereof has been inserted twice in an English and twice in a French newspaper published in the district. Eight days must elapse between the last publication and the presentation of the petition to the court.

Art. added to 63 V., c. 57, after 116.

Agreements with adjoining municipal corporations.

Agreements respecting line of tramways, &c.

Exclusive privilege for twenty-five years may be granted. Proviso.

§ added to id. art. 93 after 4.

Farmers selling farm and garden stuff in town, &c.

Number of hotel licenses not to be increased except by by-law.

Coming into force.

36. The following articles are added after article 116 of the act 63 Victoria, chapter 57:

"116a. The council may make any agreements or contracts with any adjoining municipal corporation respecting any municipal works in which the town and other municipal corporations may be interested.

"116b. The town is authorized to make, by by-law, with any street railway company such arrangements as it may deem expedient for the establishment and operation of a line of tramways in the town and connecting the latter with Montreal or the adjoining municipalities.

For that purpose, the town is authorized to grant to such company an exclusive privilege and an exemption from taxation for a period not exceeding twenty-five years.

Such exemption from taxation shall not apply to the tax for the construction of the sewers, water-works, lighting system, nor to the supply of water and light."

37. Article 93 of the act 63 Victoria, chapter 57, is amended by adding thereto the following paragraph:

"5. The town shall not, however, impose any tax on farmers and gardeners selling the produce of their farm or garden within the limits of the town."

38. The town shall not increase the number of hotel licenses to a greater number than they are at present, which is five, without a by-law to that effect passed and approved of by two-thirds of the municipal electors voting.

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