

CHAP. 61.

An act to amend the charter of the town of Louiseville

[Assented to 2nd June 1904]

Preamble.

WHEREAS the town of Louiseville has, by its petition, represented that the act 54 Victoria, chapter 87, no longer meets the requirements of the said municipality ;

Whereas it has prayed for amendments to its charter, and 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 :

54 V., c. 87,
title 2, sec-
tions 1 and 2
replaced.

R. S., 4229 to
4242 less 4230
to apply to
town.

R. S., 4243 to
4270, replaced
for town.

Elections of
mayor and
councillors to
be by ballot.

Notice to be
given of can-
didates nomi-
nated

Law to apply
to polling.

1. Sections first and second of title second of the act 54 Victoria, chapter 87, are replaced by the following :

“ **22.** Articles 4229 to 4242, inclusively, of the Revised Statutes shall apply to the said town, with the exception of article 4230.”

“ **23.** Articles 4243 to 4270, inclusively, of the Revised Statutes are replaced, for the town, by the following :

The elections of mayor and councillors of the town, both general and partial, shall be by ballot whenever a poll is necessary.

The presiding-officer shall, within two days following the nomination, give public notice setting forth the names of the candidates for the offices in connection with which the election is held. The provisions of section sixth of the Quebec Election Act, 1903, in so far as they relate to polling, shall apply *mutatis mutandis* to such elections and shall govern the same.

The form of oath shall be as follows :

Form of oath
of electors.

“ You swear or affirm (*as the case may be*) that you are (*name, residence and occupation of the elector as recorded on the list*) whose name is entered on the list of electors now shown you (*exhibiting the list to the elector*) ; that you are aged twenty-one years or over ; that you are a British subject ; that you have not previously voted at this election ; that all your taxes, assessments and municipal and school dues, now exigible, have been paid, in accordance with the prescriptions of the law and of the by-laws of the town, and that you have not received anything nor has anything, been promised you, either directly or indirectly, to induce you to vote at this election. So help you God.”

PROPRIÉTÉ DE
L'ASSEMBLÉE LÉGISLATIVE

1904

Town of Louiseville

Chap. 61

177

"24. At seven o'clock in the evening, the presiding-officer shall open the ballot-boxes in his office, in the presence of two witnesses and of the candidates if they be present and shall ascertain the number of votes given to the various candidates from the returns contained in the ballot-boxes, giving the number of ballots counted for each of them. He shall declare elected the candidate or candidates having the greatest number of votes. When the votes are equally divided between any of the candidates, the presiding-officer shall give his vote in writing in favor of one of them."

Opening of
ballot boxes
and counting
of votes.

Declaration
of candidate
elected.
Casting vote
of returning
officer.

"25. In applying the said provisions of the Election Act to the elections held under this act, the words: "presiding-officer," "returning-officer," "clerk of the Crown in Chancery," shall mean the secretary-treasurer of the town; the words "deputy-returning-officer" shall mean the persons in charge of polls.

Interpreta-
tion of words
in Election
Act.

No publication in the newspapers of the town shall be necessary, nor shall any deposit in money be required.

Publication
and deposit
not necessary.

"26. Contestations of elections shall be governed by Title sixth of the Cities and Towns' Act, 1903," and can be taken only before the Circuit Court in and for the district."

Law to gov-
ern contesta-
tions of elec-
tions, &c.

2. Articles 32 and 33 of the act 54 Victoria, chapter 87, are replaced by the following:

54 V., c. 87,
arts. 32 and
33 replaced.

"32. In addition to the powers conferred by articles 4398 and following of the Revised Statutes, the council of the town may make, amend, repeal or replace by-laws or resolutions for each of the following objects:

Powers, in
addition to
those under
R. S., 4398,
conferred.

1. To restrict and regulate the sale of all spirituous, vinous, alcoholic or intoxicating liquors within the limits of the town, and, notwithstanding article 4414 of the said Revised Statutes, and any other provision contrary hereto, to fix and collect a sum of not more than three hundred dollars for the granting of each certificate for obtaining a license for a hotel, inn, restaurant, saloon, club or house of entertainment in which spirituous, vinous, alcoholic or intoxicating liquors are sold and retailed; and a sum of two hundred dollars for granting each certificate for obtaining a liquor shop license for retailing in stores spirituous, vinous, alcoholic or intoxicating liquors in quantities not less than one pint at a time; such sums shall be exigible independently of the business-tax mentioned in this act;

Council may:
Restrict, &c.,
sale, &c., of
spirituous,
&c., liquors.
Amount to be
collected on
certificate for
license for an
inn.

Same for cer-
tificate for
liquor shop
license;

2. To regulate and control all shops, taverns and persons selling spirituous, vinous or fermented liquors by retail in any place whatsoever, as it may deem advisable and expedient to prevent drunkenness and for the maintenance of good order;

Regulate, &c.,
shops, &c.;

- Levy taxes on stallions ; 3. To levy, on the owner of every stallion kept or brought temporarily into the town for breeding, a sum of five dollars ;
- On other horses, &c. (a) On the owner of every other horse kept by any persons other than carters, a sum not exceeding two dollars ;
- On bicycles ; (b) On the owner of every bicycle or other vehicle of the same kind, a sum not exceeding one dollar ;
- Who deemed to be owners of animals or articles ; (c) Possessors of the animals and articles above enumerated shall be deemed the owners thereof and be taxed accordingly, saving recourse against the real owner ;
- Restrict, &c., abattoirs, &c. ; 4. To restrict, regulate or prohibit any person from maintaining, keeping or using abattoirs within the limits of the town ;
- Cause removal of nuisance ; 5. To cause the removal of everything which might endanger public health or safety in the town ;
- Causedisturb-ers of the peace, vagrants, &c., to be arrested ; 6. To cause to be arrested and punished every person in the town disturbing the peace, loitering in the streets, swearing, using blasphemous, obscene or insulting language, impeding peaceful people and obstructing passengers, persons under the influence of liquor, drunkards and those who infringe the by-laws of the town respecting the public peace, order or health, have such persons detained in custody and handed over to the guardian of the gaol or other place of safe-keeping or keep them in a place of detention in the town, until they are brought before the mayor or another justice of the peace, to be dealt with according to law ;
- Arrest on view ; 7. To arrest on view all persons infringing the municipal by-laws ;
- Prevent racing, &c. 8. To prevent racing or trotting on the bridges and in the streets at a faster rate than that fixed by the by-laws ;
- Prohibitpipes on roofs ; 9. To prohibit the placing of pipes on roofs and determine in certain cases the materials of which the roofs shall be made ;
- Suppress games of skill, &c. 10. To suppress games of skill or fencing or authorize the same by license ;
- Regulate wood- and coal yards ; 11. To make by-laws with reference to wood- and coal-yards ;
- Prevent sweepings &c., in streets, &c. ; 12. To prevent sweepings, filth and dirt from being thrown into the streets, ditches or water-courses or on the sidewalks or public places and order their removal ;
- Regulate construction of privies, &c. ; 13. To regulate the construction of privies, cellars, drains, ovens and steam- or gasoline-engines of all factories or work-shops ;

14. To cause all hotels, or other places where intoxicating liquors are sold, to be closed on municipal election days and on Sundays and religious holidays and at certain hours of the night on all other days ;

Cause hotels, &c., to be closed on Sundays, &c.

15. To prevent drunkenness by all possible and proper means ;

Prevent drunkenness ;

16. To prevent the sale of intoxicating liquor to children, apprentices or domestics ;

Prevent sale of intoxicants to children, &c. ;

17. To prescribe the manner of placing or to prohibit the placing on the streets, lanes, sidewalks or public property, of signs, sign-posts or other similar things ;

Regulate placing of signs &c., in streets, &c. ;

18. To prevent stables, sheds, or other similar buildings from being erected on any lot within the town at a distance of less than ten feet from the street ;

Prevent erection of stables in certain places ;

19. To order, if necessary, that telegraph or telephone wires be so placed as to prevent the obstruction of the streets ;

Order placing of telegraph poles, &c. ;

20. To cause the removal of all flags, signs or other things used as such, trespassing on the public roads ;

Cause removal of flags &c. ;

21. To prevent any proprietor from rebuilding a demolished house on the lot which it occupied beyond the line of a street or public square, provided that the council shall, within one year, take proceedings in expropriation to acquire such portion of the lot encroaching on the street.

Prevent rebuilding of demolished houses, &c., within line of streets, &c. ;

The council may purchase that portion of the lot which encroaches on the street, with a view of widening the said street or compel the owner to dispossess himself of the same for the same purposes in consideration of a sufficient indemnity.

Purchase portion of lot within line of streets, &c.

“ 33. Article 4471 of the Revised Statutes is replaced, for the town, by the following provisions :

R S., 4471, replaced for town.

1. The council may make, amend and repeal by-laws providing for the lighting of the municipality by means of gas, electric or other light furnished by any corporation, firm or person, and may become a party to any contract to that effect.

Council may make, &c., by-laws respecting lighting of town.

2. The council is vested with all the necessary powers for the establishment and management of a system of lighting by gas, electricity or otherwise, for the requirements of the public and of private individuals or corporations desiring to light up their houses, buildings or establishments.

Power vested in council for that purpose.

3. The council may, with the object of meeting the interest on the sums expended in introducing a system of lighting and of establishing a sinking fund, impose, by by-law, on all

Tax for constructing system of lighting, &c. ;

Establish-
ment of sink-
ing fund for
that purpose.

the owners or occupants of houses, shops or other buildings, an annual special tax, on the assessed value of each such house, building or establishment, including the land. It may also enter into agreements with any manufacturer or other person for supplying, in consideration of a remuneration, the motive power they may need.

Investment of
sinking fund.

4. The sinking fund created by virtue of the preceding paragraph shall be invested and managed in the same manner as that mentioned in article 4530 of the Revised Statutes.

Council may
make, &c.,
by-laws re-
specting
lighting.

5. The council may make, amend and repeal by-laws :

If the lighting system belongs to the municipality,—

(a) To determine, in addition to the special tax mentioned in paragraph 3, the compensation to be paid for light and the rent of meters, and for supplying meters for measuring the quantity of light consumed ;

(b) To prevent fraud in connection with the quantity of light supplied ;

(c) To protect the wires, pipes, lamps, apparatus and other articles serving for the distribution of light ;

If the lighting system belongs to the municipality or to others,—

To impose penalties against persons extinguishing the lamps without authority.

Levy of tax
and compen-
sation.

6. The special tax and the compensation imposed under paragraphs 3 and 5, as well as the sum due for meters, shall be levied according to the rules and in the manner prescribed for general taxes.

Use of light
not compul-
sory.

7. It shall be lawful for every citizen to accept or refuse to use the light supplied by the municipality in any building, house or establishment controlled by him.

Visits of
examination
by officers.

8. The officers appointed to manage the lighting system of the municipality may enter any building, house or establishment or upon any property for the purpose of ascertaining whether the by-laws respecting lighting are faithfully observed.

Duty of
owners, &c.,
to admit offi-
cers.
Penalty for
refusal.

It is the duty of the owners or occupants of all such buildings, houses, establishments or properties to allow such officers to enter and make such inspection or examination, under a penalty of a fine of twenty dollars at the most, and, in default of payment, of imprisonment for a period not exceeding one month.

Placing of
poles for light-
ing.

9. The council may allow the placing of the poles necessary for lighting in the manner it deems suitable.

“33a. The council shall also have the right to extend its present streets at will, retaining in the portion to be made the same width as they have in the part already made, any law to the contrary notwithstanding.

Right to extend streets and width thereof.

“33b. Article 4515 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4515 replaced for town.

Between the 1st of November and the 15th of December of each year, the secretary-treasurer is bound to make out for each ward of the town an alphabetical list of the names of the persons who, according to the valuation rolls in force and to the special lists or the requirements of this act, seem to him to be electors. The said list shall be completed only on the 15th of December, and the secretary-treasurer shall enter therein only the names of those who have paid their taxes.”

When list of electors to be made.

When to be completed and what names to contain.

3. Article 34 of the act 54 Victoria, chapter 87, is replaced by the following :

54 V., c. 87 art 34 replaced.

“34. The first paragraph of article 4530 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4530 amended for town.

Every by-law or loan having the effect of binding or pledging the rate-payers to the payment of an amount bringing up the municipal debt to more than thirty thousand dollars shall, before coming into force, be approved and ratified by the majority in number and in immoveable value of the municipal electors who are proprietors of real estate, who shall vote on such by-law, notwithstanding paragraph 2 of article 9 of the said act or any law to the contrary.”

Approval by electors who are proprietors of by-law incurring debt over \$30,000.

4. Paragraph 2 of article 35 of the said act is replaced by the following :

54 V., c. 87, art. 35 § 2 replaced :

“2. (a) Upon all stocks in trade or goods kept by merchants and traders and exposed for sale or kept in any place whatsoever, a tax not exceeding twenty-five cents per hundred dollars of the average value of such stock of merchandise, each trader to pay not less than two dollars.

Tax upon : Stocks in trade ;

(b) The council shall also have power to compel all persons coming into the town to sell goods belonging to a bankrupt or other stock, articles of trade or other effects, either by auction or by private sale, or even a trader of the town selling by auction, to pay a duty or take out a license not exceeding fifty dollars.

Bankrupt stock ; Auction sales;

(c) The council may also, by by-law, prevent every person residing outside the limits of the town, either

Non-resident traders.

himself or through an employee or any agent, from soliciting or taking orders for the delivery of goods or from offering such goods for sale without previously obtaining from the corporation the license required for such kind of trade. Such license shall not cost more than twice the ordinary license, but shall not be less than twenty-five dollars.

Commercial travellers not affected.

The provisions of this article shall not apply to commercial travelers."

54 V., c. 87, art. 36, replaced. Certain persons to obtain license.

5. Article 36 of the said act is replaced by the following :

"**36.** All persons desirous of carrying on, or who are carrying on, in the town, the trade of peddler or itinerant merchant selling wares of any kind ; all proprietors, owners, agents, directors and occupants of theatres, circuses, shows, menageries or other similar exhibitions, billiards, bowling-alleys or other games of any kind ; all persons dealing in fresh meat or bringing fresh meat to be sold or delivered in the town ; all bottlers of intoxicating or other liquors ; all hucksters, hawkers, brewers, distillers, manufacturers and traders, dealers in soda water, ginger beer and champagne-cider ; all manufacturers and their agents ; all owners, or keepers of lumber or fire-wood yards ; all owners or keepers of coal-yards and slaughter houses, hotel and restaurant keepers, commission merchants, owners of grist-mills, livery-stables, boarding-houses ; all persons carrying on the business of printing ; all undertakers ; all jewellers, tanners, shoemakers, cabinet-makers, milkmen, tin-smiths, plumbers, tailors, photographers, dressmakers keeping a shop ; all bakers, barbers, builders whether resident or non-resident ; all agents of fire, accident and life insurance companies, whether they reside in the town or not and who carry on business or temporarily take risks therein ; all persons who are or are not traders and who purchase goods brought into the town, on the market, or elsewhere, for the purpose of reselling the same ; all money-changers, exchange-brokers, pawn-brokers and their agents ; all bankers and agents of bankers and of banks ; all banks, and, in a word, all traders, manufacturers or artisans who have carried on or may carry on or introduce into the town any trade or manufacture whatsoever, whether the same be or be not mentioned in this act ; all carters, owners and drivers of public vehicles, belonging to livery-stables or for the conveyance of loads in the town, and all itinerant merchants,— shall obtain a license or permit from the council to that effect, and the amounts to be paid for obtaining such licenses or permits shall be fixed and determined by a by-law or by by-laws of the council of the town, but shall not exceed fifty dollars as set forth in the by-law or by-laws.

“36a. Every person who carries on business or exercises any industry, art or trade in the town, as above set forth, without having previously obtained a license or permit to that effect from the council, for every infringement is, upon conviction before two justices of the peace, or the Circuit Court, liable for each offence to a fine or a penalty of not less than one nor more than fifty dollars, and, in default of immediate payment, an imprisonment not exceeding thirty days in the common gaol of the district of Three Rivers.

Penalty for carrying on business without license. How recoverable.

“36b. The council may impose upon every electric telegraph, telephone or electric light or gas or power company or their special agents; upon every firm or company supplying motive power or water in the town or any part thereof; upon all insurance companies doing business through their agents or otherwise, mutual societies or their branches; upon clubs, and upon every newspaper proprietor or his agents, an annual tax not exceeding thirty dollars.

Tax upon telegraph, &c., companies, &c.

“36c. The taxes or specific fees for licenses imposed in virtue of this and the foregoing articles, may also be levied, if not paid on demand made by the secretary-treasurer or other municipal officer authorized by him, upon all the moveables and effects of the debtor in his possession or in the possession of any person, by means of a distress warrant signed by the mayor or by a justice of the peace of the town and addressed to a bailiff of the Superior Court of the district.

Distress warrant to levy amounts due for taxes or license duties.

“36d. The amount of the special taxes or special duties for licenses and permits may be fixed by by-law, at the discretion of the council. for each class of persons, things, branches of business or trade, as far as possible, in view of the business done and industries carried on or exercised or of the benefit derived from such moveables.

How amounts for special taxes are fixed.

“36e. The special taxes or specific duties for licenses or permits enumerated in this charter may, in the discretion of the council, be imposed and levied under the form of licenses or permits signed by the secretary-treasurer, and shall then be payable and exigible annually and under the conditions and restrictions fixed by the council, without its being necessary that any collection roll be made or that any notice or statement of account be sent to the person indebted, and the recovery thereof may be effected in accordance with articles 4552 and following of the Revised Statutes.

Special taxes, &c., may be levied in form of license, &c.

“36f. Every person who, during the year, carries on or practises any kind of business or occupation, or does any act which renders him liable to the special tax or specific duty

Special tax due for full year.

- Exception. for a permit or license, shall be bound to pay the whole of the same, whatever may be the time of the year at which they shall become due, unless the council remits any portion of such tax, on account of the short time to elapse before the end of the current year.
- Proviso. The council, however, cannot remit such tax or duty, except when the same would become due only during the last four months of the current year.
- Signature to licenses, &c. “**36g.** Every license or permit shall be signed by the secretary-treasurer, and shall give the holder the right to practise or carry on his art, trade, profession, business or industry until the expiration of the time therein specified.
- Transfer of license. “**36h.** No license or permit granted shall be transferable by the owner thereof, except with the consent of the council.
- Exhibition of license when required. Every person who holds a license or permit shall, at any time that he may be required by a municipal officer, exhibit his license or permit, which must be kept conspicuously exposed to public view, in the principal place of business in the establishment of such person, unless such license or permit be granted to a person who has no known place of business in the town, and in such case he shall carry it with him or on the article affected by such tax or duty as prescribed by the by-law imposing the same.
- Payment by persons whose names are added to roll. “**36i.** Persons whose names have been added to the valuation roll after the collection roll has been prepared, must pay the annual tax, in the same manner as if their names had been entered when making the valuation roll.
- Exemption of manufacturers from taxation. “**36j.** The council may, in its discretion, exempt from taxation manufacturers established within the limits of the town, for such period as it shall deem expedient.”
- 54 V., c. 87, art. 37, replaced. Taxes upon steamboats, &c. **6.** Article 37 of the said act is replaced by the following :
“**37.** The council may impose and levy upon all steamboats, barges, bateaux or other sailing vessels, loading or discharging cargoes in the waters within the limits of the town an amount not exceeding five dollars for every time they so load or discharge cargoes.”
- 54 V., c. 87, art. 38, replaced. Professional tax. **7.** Article 38 of the act 54 Victoria, chapter 87, is replaced by the following :
“**38.** The council may impose and levy upon every person practising in the town as an advocate, physician, notary, dentist, pharmacist, surveyor, or veterinary surgeon, an annual tax not exceeding ten dollars.”
- Coming into force. **8.** This act shall come into force on the day of its sanction.