

C H A P. 64

An Act to revise and consolidate the charter of the town
of Saint Germain de Rimouski

[Assented to 2nd June, 1904]

Preamble.

WHEREAS the corporation of the town of Saint Germain de Rimouski has, by its petition, prayed for the revision and consolidation of its charter, the act 32 Victoria chapter 71, as amended by the act 54 Victoria, chapter 82, and whereas it is expedient to grant the prayer of 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 :

32 V., c. 74
and 54 V.,
c. 82 replaced.
Name of this
act.

1. The acts mentioned in the above preamble are replaced by the present act, which shall be cited as " the charter of the town of Saint Germain de Rimouski."

Inhabitants
incorporated.
Name.

2. The inhabitants and ratepayers of the town of Saint Germain de Rimouski and their successors shall be a corporation under the name of " The corporation of the town of Saint Germain de Rimouski."

Law to gov-
ern.

3. It shall be subject to the provisions of the Cities and Towns' Act, 1903, and shall have all the powers thereby conferred, except where the present act derogates therefrom or contains provisions inconsistent therewith.

Present by-
laws, &c.

4. All the municipal by-laws, ordinances, resolutions, rolls and acts actually in force, shall continue to have their effect until amended or repealed, and all the present municipal officers, the mayor and councillors, shall remain in office until replaced in virtue of this act.

Boundaries of
town.

5. The town of Saint Germain de Rimouski, situated in the county and district of Rimouski, in the Province of Quebec, is and shall be bounded as follows :

In front by the river Saint Lawrence ; in rear by a straight line drawn by a surveyor, at right angles to Church or Advocates street, at a distance of twelve arpents from the said river ; on the south-west by the land belonging to the representatives of Germain Langis, and the lot and dwelling of the representatives of F. M. Dérome, inclusively ; on the north-east by the land belonging to the representatives of Hubert St. Laurent inclusively.

6. The town shall be divided into three wards, to be determined and bounded by by-law of its council. Division into wards.

7. Article 46 of the Cities and Towns' Act, 1903, is replaced, for the town, by the following : 3 Ed. VII, c. 38, art. 46, replaced.

The municipal council shall consist of the mayor, and of two aldermen for each ward of the town. Composition of council.

8. The following articles from 9 to 29, inclusively are added, for the town, after article 300 of the Cities and Towns' Act, 1903. Articles added for town after id. 300.

9. The town council shall have power to pass a by-law for the purpose of adopting the method hereinafter mentioned at articles 10 and following of this act, for the election of aldermen and the mayor and for their replacing, in case of vacancy in the offices of aldermen and mayor, in place of the manner prescribed by the Cities and Towns' Act, 1903, at articles 157 and following. By-law may be passed to govern elections of mayor and aldermen, &c.

In case such by-law shall be passed and as long as it shall remain in force,— When such by-law in force.

(a) The municipal council shall be composed of seven aldermen, four of whom shall form a quorum ; Composition of council ;

(b) The town, for the purposes of the election of aldermen and of the mayor and their replacing in case of vacancy in accordance with the manner hereinafter mentioned, shall form only one ward or polling division. Town to form only one ward.

10. The general elections shall take place every second year on the first juridical day of February at nine o'clock in the morning, in the hall of the town council or at any other place fixed by resolution of the council. When general elections to be held.

The first election after the sanction of this act shall take place on the first juridical day of February next. First election.

11. Previous to each general election, public notice shall be given by the secretary or secretary-treasurer, announcing such election, and convening the municipal electors of the town in a general meeting at the time and place indicated for the election of their aldermen. Notice thereof.

12. The omission of such public notice shall not prevent the meeting of the municipal electors from being held ; but the person who shall have neglected to give such notice within the prescribed delay, shall incur a penalty of not less than five and not more than twenty dollars. Provision in case of absence of notice.

Who presides
over election.

13. The election shall be presided over *ex-officio* by the secretary-treasurer, or by any other person appointed to that end by the council, or in default of both by a person appointed by the majority of the electors present.

Appointment
by electors in
certain event.

14. If the mayor or person appointed by the council be absent or refuse to act, the majority of the electors present shall appoint a presiding-officer.

Presiding
officers not
eligible for
office

15. The presiding-officer shall not be eligible to the office of alderman.

Officer to pre-
side need not
be an elector
or a resident.

16. It shall not be necessary for a person to be a municipal elector, nor a resident of the municipality to be qualified to preside at the election.

Nominations.

17. After the opening of the meeting of electors for the appointment of aldermen, the presiding-officer shall receive and nominate the names of all persons set forth in a written document handed to him and signed by at least five municipal electors.

Qualifications
of aldermen

18. The qualifications required for aldermen shall be the same as those required by the said Cities and Towns' Act, 1903, subject to the following article.

Must be elect-
or, &c., have
paid his taxes,
&c.

19. No person can be nominated as alderman unless, at the time, he be a municipal elector and have paid all his municipal taxes and contributions then due.

Closing of
election in
certain event.

20. If, after an hour has elapsed from the opening of the meeting, only as many candidates have been nominated as aldermen as there are aldermen to elect or a smaller number than that required, the election shall be declared closed, and the presiding-officer shall proclaim elected aldermen the candidates so nominated.

Granting of
poll in certain
event.

21. If, one hour after the opening of such meeting, a greater number of persons have been and remain nominated to the office of alderman than there are aldermen to elect, it shall be the duty of the presiding-officer to establish a poll, which shall be opened without delay and be held in accordance with the provisions of the Municipal Code, (articles 311 and following) except as provided by this act.

Duration of
polling.

22. The polling shall last but one day.

Opening and
closing of
poll.

23. The poll shall be opened at ten o'clock in the morning and be closed at five o'clock in the afternoon of the same day.

24. If, nevertheless, an hour elapse without a vote being polled, the presiding-officer shall then close the election and at once proclaim elected those who have a majority of the votes.

Closing of poll in certain event.

25. At the close of the election, the presiding-officer shall proclaim elected aldermen the candidates who have obtained the greatest number of votes.

Proclamation of aldermen elected.

26. When the votes are equally divided in favor of one or more of the candidates, the presiding officer shall give his vote even if he be not a municipal elector, under a penalty of not less than twenty and not more than fifty dollars.

Casting vote of presiding officer.

27. During the three days following the close of the election, the presiding officer shall give each of the aldermen elected a special notice of his election.

Special notice to aldermen elected.

28. At the first session after the general election of aldermen, the members of the council, if there be no vacancy in the office of aldermen or if there be a vacancy, immediately after such vacancy shall have been filled, shall appoint as mayor of the corporation one of the aldermen possessing the necessary qualifications.

Appointment of mayor.

29. The vacancies in the office of aldermen or mayor, through default of election or for any other reason, shall be filled in accordance with the provisions of the Municipal Code.

Vacancies how filled.

30. The following article is added, for the town, after article 424 of the Cities and Towns' Act, 1903.

Art. added for town after id. 424.

Bottlers' licenses shall be granted in the same manner, under the same conditions and with the same formalities as licenses for the sale of liquors by retail, and shall be subject to the duty mentioned in paragraph 12 of article 424 of the Cities and Towns' Act, 1903, for the granting of each certificate to obtain such licenses.

Granting bottlers licenses.

31. The following article is added, for the town, after article 531 of the Cities and Towns' Act, 1903.

Art. added for town after id. 531.

The council may, by simple resolution, issue notes payable to order or to bearer for an amount not exceeding ten thousand dollars, with or without interest, to settle accounts or other current matters.

Issue of notes, &c.

Such notes, made in the name of the corporation, shall be signed by the mayor or by an alderman authorized by resolution of the council, and countersigned by the treasurer or secretary-treasurer.

How to be signed, &c.

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

Coming into force.