



63 VICTORIA

CHAP. 51

An Act to amend the charter of the city of Sherbrooke

[Assented to 23rd March, 1900]

WHEREAS the corporation of the city of Sherbrooke Preamble.
has, by its petition, prayed for certain amendments to its charter, 55-56 Victoria, chapter 51, as amended by the act 62 Victoria, chapter 62, and whereas it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section 5 of the act 55-56 Victoria, chapter 51, is replaced by the following : 55-56 V., c. 51, s. 5, replaced.

5. No person is capable of being nominated or elected or of holding the office of mayor, or of municipal councillor, of the city of Sherbrooke, unless he have been a resident in the city for one year next before the election, nor unless he be and remain a duly qualified elector, nor unless he be possessed as owner, in his own name, of real estate in the city of the value of one thousand dollars for the office of mayor, and one thousand dollars for that of councillor, over and above all encumbrances and mortgages. Qualification of candidates for office of mayor and councillor, &c.

For the purposes of such qualification, the valuation roll is conclusive as to values." Proof of qualification.

2. Section 55 of the said act is amended by adding thereto the following subsection : Id., s. 55, amended.

(1) " An additional special tax on the keepers of departmental stores in the city, provided that such tax shall not exceed twelve and one half per cent. on the annual value of the premises occupied therefor. The council may, by Tax on departmental stores.

by-law, define what shall constitute a departmental store for the purposes of this tax."

Id., s. 66,
amended.

3. Section 66 of the said act is amended by adding thereto the following subsections :

Building lines
on streets.

" 42. To fix and determine building lines on streets ;

Special taxes
for opening,
&c., streets,
&c.

" 43. To levy by means of direct taxation on the real estate of those whose property, in the opinion of the council, will be specially benefited in the opening, extension or widening of any street or square in the city, the whole or such part of the cost as the council may determine. The tax so imposed on the parties interested shall be distributed between them by means of a special collection roll based on the valuation of the properties benefited as established by the valuation roll of the city ;

Prohibiting
cess-pools,
&c.

" 44. To prohibit the use of privies and cess-pools within the city or in such parts as the council may designate ;

Railway cross-
ings.

" 45. To require railroad companies, under the control of the Province of Quebec, to keep flagmen, and to erect and maintain gates at railroad crossings of streets and public places in the city ;

Pollution of
waters, &c.

" 46. To prevent the pollution of the waters of any municipal creek, river, pond, lake or water-course within or adjacent to the city ; to prevent the dumping of refuse matter therein, or on the banks or shores thereof ; to provide for the cleansing and purification of municipal waters and water-courses, and the drainage or filling of ponds or pools on private property when necessary for the public health, and to compel the owner or occupant of any buildings or grounds to remove therefrom all such rubbish and offensive substances as the council may direct, and upon default to authorize the removal or destruction thereof at the expense of such owner or occupant ;

Regulation of
opening of
streets by
private per-
sons.

" 47. To regulate the opening of streets by private persons or corporations within the limits of the city, and to prohibit the opening of streets which do not coincide with the general plan and public requirements of the city, and to compel owners of private streets and lanes to indicate to the public that the same do not belong to the city."

Id., s. 85, re-
placed.
R. S., art.
4178 to 4615
to apply when
not inconsis-
tent with act.

4. Section 85 of the said act is replaced by the following :

" **85.** The law respecting town corporations, being articles 4178 to 4615, inclusively, of the Revised Statutes, apply to the city of Sherbrooke, only in so far as it is not inconsistent with the express provisions of this act ; and the powers therein conferred on the city, the city council and its officers, are to be considered as supplementary to those herein given.

The following articles of the said Revised Statutes do not apply to the city of Sherbrooke, viz :—

4195, 4202, 4216, 4227, 4229, 4232, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4250, 4251, 4253, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, 4263, 4264, 4271, 4272, 4290, 4414, 4529, 4530, 4556, 4557, 4558, 4560, 4614.”

Certain articles of R. S. not to apply.

5. Section 86 of the said act is replaced by the following : 55-56 V., c. 51 s. 86, replaced.

“**86.** An appeal shall lie to the Superior Court from any decision or judgment of the council with reference to any valuation or collection roll, *procès verbal* or voter’s list.

Such appeal shall be prosecuted within the delays, in the manner and subject to the provisions laid down in the said law regarding appeals to the Superior Court.”

Appeal from certain decisions of council.

Delays and procedure on such appeals.

6. Section 88 of the said act is replaced by the following : Id., s. 88, replaced.

“**88.** No by-law to grant aid, in any form, to any manufacturing, commercial, or industrial establishment, or to grant exemption from taxation, or to raise loans or borrow money by the issue of debentures shall come into force until it is approved by the majority in number and in value of the real estate owners in the city who have voted on such by-law.

By-laws granting aid, &c., require approval of real estate owners.

No new loan shall be contracted by the council when the sums borrowed by the council and outstanding, (after deducting the value of the water-works and real estate belonging to the city), shall amount to twelve and one half per cent. of the total value of taxable real estate as established by the valuation roll.

Power to borrow limited.

The by-laws of the city authorizing the borrowing of moneys which have been heretofore submitted to the vote of the electors being proprietors of real estate, and which have been approved by the majority of those voting thereon, are legal and valid, although the majorities so voting in favor of such by-laws may not have represented the majority in number and real value of all electors in the city being proprietors of real estate.”

Certain by-laws declared valid.

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

Coming into force.