



63 VICTORIA

CHAP. 55

An Act to amend the charter of the town of Outremont

[Assented to 23rd March, 1900]

WHEREAS the town of Outremont has, by petition, Preamble.
prayed that the powers conferred upon it, by its charter
58 Victoria, chapter 55, be increased and the said charter
amended, and whereas it is expedient to grant its prayer ;

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

PERSONS QUALIFIED FOR MUNICIPAL OFFICE

1. No one can fill the office of mayor or councillor or be
nominated for the said offices, unless he has previously re-
mitted to the presiding officer a sworn declaration under his
signature, stating that he is qualified according to law, and
containing a detailed description of the immoveable in
respect whereof he is qualified.

Declaration
to be made
by candidate
for office of
mayor and
councillors.

MUNICIPAL ELECTORS

2. Article 4227 of the Revised Statutes is replaced for the
town by the following :

R. S., 4227,
replaced.

Every person is a municipal elector, and as such has the
right to vote at the election of councillors and to exercise
all the rights and privileges conferred on municipal electors

Qualifications
of municipal
elector.

by the provisions of this charter, who at the time he exercises such rights and privileges is within the following conditions :

1. He must have attained the age of majority and be a subject of Her Majesty ;

2. He must have been in possession, in the municipality during the preceding six months, either as proprietor in his own name or in the name and for the benefit of his wife, or as institute in a substitution, or as usufructuary, as appears by the valuation roll in force, of real estate of the actual value of at least two hundred dollars ; or as a resident tenant, farmer or lessee, or as occupant, by any title whatsoever, of real estate of the annual value of at least twenty dollars ;—if the property belong jointly to several owners each of them shall be entitled to a vote by reason of his share, provided that, according to the valuation roll, the share of each be at least two hundred dollars ;

3. He must have paid all the municipal and school taxes and all other municipal dues payable by him at the period of his exercising such right as elector, or at a period fixed by by-law and not previous to the fifteenth of December ;

4. His name must be entered on the valuation roll in force in the municipality, either as proprietor, institute in a substitution, usufructuary, lessee or occupant, or be entered on the list of municipal electors, if there be any such list.

MUNICIPAL NOTICES

R. S., 4367, replaced.

Publication of public notices.

3. Article 4367 of the Revised Statutes is replaced for the town by the following :

The publication of a public notice for municipal purposes is made by posting a copy of such notice, at two different places in the municipality, determined upon from time to time by resolution of the council, except however, for the notices required for the publication of by-laws on loans, bonuses or exemption from taxation, and also for the notices required for the homologation of valuation and collection rolls, or the lists of electors, and for all such other notices as the council may deem proper, which shall also be given by two or more insertions in one French and in one English daily newspaper published in the city of Montreal.

58 V., c. 55, s. 23, § 29, amended.

Notice of preparation of special assessment roll and

4. Paragraph (i) of subsection 29 of section 23 of chapter 55 of the act 58 Victoria, is replaced by the following :

“(i) When the special assessment roll shall have been made, the secretary-treasurer shall give public notice in one English and in one French daily newspaper published in

the city of Montreal, to be inserted at least twice, eight days of time when at most beforehand, at such times as the council may order, to be submitted to council, stating the date and hour when such special assessment roll shall be submitted to the council for homologation."

POWERS OF THE COUNCIL

- 5.** The town council may by by-law exercise the following powers :
1. Compel the reporting and recording of all births and deaths within the town. By-laws respecting : Births and deaths ;
2. Subsection 14 of section 23 of the act 58 Victoria, chapter 55, is replaced by the following : Id. s 23, §14, replaced ;
Provide for and regulate the inspection of meats, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, milk, dairy products, fruit, and other food products ; provide for the seizure, confiscation and summary destruction of any such products as are unsound, spoiled or unwholesome ; prohibit the bringing into the town and the having or keeping of such unsound, spoiled or unwholesome products, and define the duties, powers and attributions of the inspectors appointed for that purpose. Inspection of meats, &c. ;
3. Impose a fine, and imprisonment in default of the payment of the fine, upon any person bringing into the town, having, keeping, selling or offering for sale, in the town, any meats, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, milk, dairy products, fruit or other food products, unsound, spoiled, unwholesome, injurious to health, of bad quality or contrary to the by-laws. Sale of unsound meats, &c. ;
4. Regulate and prescribe the width of tires on the wheels of vehicles used in the town and the maximum weight of a load to be drawn over any street in the town, and direct upon what streets heavily laden vehicles may be drawn, and from what streets, alleys and public places the same may be excluded. Tires of wheels of vehicles ;
5. In so far as may be necessary to suppress any public nuisance, regulate the placing of telegraph, telephone, electric light posts or wires, or other like posts or wires in the streets and squares of the town ; order such posts to be painted, and impose a penalty on the owners thereof, on any default to comply with such municipal orders or regulations within a reasonable delay. Placing telegraph and telephone &c., poles, &c. ;
6. Name and change the names of streets, alleys and public places Naming of streets, &c. ;
7. Regulate all matters concerning natural water-courses, whether covered or not passing through private property, except the property of railway companies subject to the jurisdiction Water-courses ;

tion of the Parliament of Canada, and, with respect to such water-courses on the property of the said railways, require them to be kept clean and in repair.

Erection of
terraces of
houses, &c. ;

8. Prevent the erection of terraces or rows of houses in such portion of the town as the council may designate, and regulate the class of houses to be erected in that locality.

Slaughtering ;

9. Regulate and prohibit slaughtering within the limits of the town.

Inspection of
houses, &c. ;

10. Regulate the inspection, construction and repair of houses and buildings in the town, the materials to be employed, the fire-escapes to be placed therein ; appoint a building inspector with power to examine the interior and exterior of all buildings ; repair, alter, cause to be vacated, isolate or demolish, at the expense of the proprietor, every dangerous building or chimney ; determine and give to such inspector all powers necessary for his office, and impose a fine not exceeding ten dollars for each day's delay in complying with the orders of the said inspector, in accordance with the by-laws of the council.

Sale, &c., of
lumber, &c. ;

11. Regulate the sale, weight, quantity, quality, weighing, measuring of lumber for building purposes, sawn lumber, cord-wood, coal, lime, building materials, hay, grain, milk, bread, salt, spices, meat, fowl, game or any article or product whatsoever, brought, exposed or offered for sale or intended to be sold in the town ; and confiscate any article, not in accordance with the by-laws of the town, in addition to any fine which may be imposed, and authorize the inspection of the aforesaid articles by the officer appointed for such purpose by the council.

Throwing
certain sub-
stances in
streets ;
Begging ;

12. Prevent the laying or throwing in the streets or public places, or upon sidewalks, of substances injurious or dangerous to persons, horses, vehicles or bicycles.

13. Regulate or prevent begging, and prohibit the exhibition of sores and infirmities in streets and public places of the town.

Games of
skill, &c. ;

14. Suppress games of skill or of hazard or authorize games of skill by means of permits ; restrict, regulate or prohibit the keeping of public billiard rooms, pigeon-hole-table rooms or other similar establishments.

Recording of
streets, &c. ;

15. Cause such of the streets, avenues, and highways in the town or any part thereof, which shall not have been heretofore recorded or sufficiently described by *procès-verbal* or otherwise, and shall have been opened to public use for ten years, to be ascertained, described, and entered of record in a book to be kept for that purpose by the secretary-treasurer of the town ; and the said streets, avenues and highways when so entered of record, shall be public streets, roads, avenues and highways ; and the record there-

of shall, in all cases, be held and taken as evidence for their being such public streets, roads, avenues and highways.

16. Compel persons owning or using steam-engines, boilers, other than locomotives, manufactories or chemical products or other establishments to provide them with smoke and gas consumers or other apparatus, so as much as possible to remove everything that may be a public nuisance, and in default, to impose a fine not exceeding twenty dollars for every day that the infringement of any by-law, made under this paragraph, shall last, and imprisonment not exceeding ten days in default of payment.

Steam engines, &c., and use of smoke, &c., consumers, &c. ;

WATER SUPPLY

6. Whereas by contract existing between the town and the Montreal Water and Power Company, the town may compel the said company to have water mains, pipes or other conduits and hydrants or other apparatus required to furnish an adequate supply of water extended, placed or erected in any street or part of a street in the town, provided however, that the revenue to be derived by the said company from the said improvements shall be guaranteed by the town to be at least ten per cent. per annum upon the cost thereof ;—the town may, when approved of by a vote of two-thirds of the members of the council, levy annually a sum sufficient to complete the revenue guaranteed to the said company, deduction being made of the amount which the said company may have the right to collect from proprietors in reference to such improvements ; in such case the aforesaid sum shall be levied by the town by assessment on the proprietors who benefit by such improvement and own real estate situate on either side of any such street or part of street in the town ; and the council may regulate the mode in which such assessment shall be made either by the frontage of said real estate or otherwise as it may deem expedient.

Further preamble.

Power to levy certain sums to cover amount payable to Montreal Water Power Company, &c.

Whenever the majority in number of real estate owners or occupants on any street or part of street in the town apply, by petition addressed to the town council, to have water mains, pipes, service or other conduits and hydrants or other apparatus required to furnish an adequate supply of water, extended, placed or erected in any such street or part of a street in the town, and the council, in its discretion, deems it unwise to exact the extension or placing of such water mains, pipes or conduits or erection of such hydrants or other apparatus in conformity with the contract binding the aforesaid company to the town ; then the council may, if authorized thereto by a resolution passed by a vote of two-thirds of its members, enter into an agreement with the

Extension of water supply on petition of certain proprietors.

said company by which the town shall advance an amount sufficient to cover the cost of the aforesaid improvements, which said amount shall, however, revert to the town as soon as the revenues to be derived by the said company from the said improvements shall be guaranteed by the town to be at least ten per cent. per annum upon the cost thereof.

Tax for pay-
ment of ex-
penses there-
of.

When the extension of such water mains, pipes or other conduits, and the erection of hydrants or other apparatus required shall have been completed, the council shall order the secretary-treasurer to levy, annually, until the cost of said improvements shall have been refunded to the town, an amount sufficient to meet the interest, not exceeding six per cent. per annum on the amount expended by the town for such improvements, such interest to be levied by assessment on the proprietors who benefit by such improvements and own real estate situated on either side of any such street or part of street in the town, and the council shall regulate the mode in which such assessment shall be made, either by the frontage of said real estate on the street or otherwise, as it may deem expedient.

VALUATION ROLL

R. S., 4500,
replaced.

7. Article 4500 of the Revised Statutes is replaced for the town by the following :

Property ex-
empt from
taxation.

The following property is not subject to taxation :

1. Property belonging to, or held in trust for the use of Her Majesty, and property owned or occupied by the corporation of the municipality ;
2. Property owned or occupied by the Federal or the Provincial Government ;
3. Property belonging to *fabriques* or religious or charitable, or educational institutions or corporations, or occupied by such *fabriques*, institutions or corporations for the purposes for which they were established and not for purposes solely of deriving a revenue ;
4. Cemeteries, bishop's palaces, parsonages, and their dependencies ;
5. All property belonging to railway companies, receiving grants from the Provincial Government, for the whole time during which any such grant is accorded.

Correction of
errors in val-
uation, &c.,
roll.

8. The council may, at any time during the year, upon sufficient cause being shown, correct any errors or omissions in the valuation or collection rolls of the town, or amend the same.

9. Article 4397 of the Revised Statutes is replaced for the town by the following : R. S., 4397, replaced.

"The contestation of any valuation or collection rolls, whether general or special, or of any by-law, resolution, or other act of the council, is prescribed by thirty days from the date such by-law or roll came into force, or from the date of such act or resolution of the council. Prescription of right to contest rolls, &c.

LOANS

10. The amounts due by proprietors for local improvements in virtue of the town charter and by-laws shall not be taken into account for the purpose of determining the debt of the town. Certain amounts not to be taken into account in certain calculations.

11. Article 4529 of the Revised Statutes is replaced for the town by the following : R. S., 4529, replaced.

Town loans, whether by the issue of debentures or otherwise, shall only be made on a by-law of the council to that effect, approved by a majority in number and in real value of the proprietors who are municipal electors, and who at the time fixed actually cast their votes for or against such by-law ; but, if one hour shall elapse after the opening of the meeting held for the approval or disapproval of said by-law without a demand for a vote, the by-law respecting such loans shall be deemed as approved. Approval of town loans by electors.

Spinsters, widows, usufructuaries, tutors, and trustees who are seized or possessed of any real estate in the town, shall have the right to vote on any by-law of the council, authorizing the contracting of any loan to pay the improvements made in the town, if they possess the other qualifications necessary to be a municipal elector. Certain persons may vote, &c.

12. Section 40 of the act 58 Victoria, chapter 55, is replaced by the following : 58 V., c. 55, s. 40, replaced.

"**40.** Corporations and companies holding immoveables liable for special assessment, of a value sufficient to qualify a municipal elector, shall, on matters respecting loans, have the right to vote through their agent or duly authorized attorney ; provided they give the name of their said agent or attorney to the secretary-treasurer of the town, at least five days before the date specified for the adopting or rejecting of the said by-law." Voting by corporations.

13. Article 4532 of the Revised Statutes is replaced for the town by the following : R. S., 4532, replaced.

For such purpose, a meeting of all municipal electors who Meeting of electors.

are proprietors is convened for a day fixed by the council, by a public notice signed by the mayor.

President and
secretary.

Such meeting is presided over by the mayor or, in his absence, by a person designated by the council, and the secretary-treasurer acts as secretary ;

Demand for
poll.

Six electors present, qualified to form part of the meeting, may require a poll for the purpose of ascertaining whether the by-law is approved or disapproved ; and, on such demand, the mayor or officer presiding shall fix, within the eight days next ensuing, a day for the opening and holding of the poll.

Certain by-
law approved.

14. By-law No. 46 of the town concerning a loan of fifty thousand dollars, duly passed and approved by the council on the fifth of May, 1899, and approved by a majority in number and in real value of the municipal electors proprietors who at the time fixed for so doing, *id est*, on the twenty-seventh day of May, 1899, cast their votes for or against such by-law, is hereby declared legal, valid and ratified for all legal purposes, without prejudice to pending cases respecting costs.

TAXES

Additional
power to levy
taxes :

15. The council may in addition to the special assessments which it is already empowered to levy, make by-laws to impose and levy :

Upon ten-
ants ;

1. A tax upon each tenant or occupant paying rent in the town, not exceeding three cents in the dollar on the yearly amount of his rent or on the yearly value of the immoveables occupied by him ;

Upon man-
ufactories,
&c. ;

2. A special tax, not exceeding two hundred dollars per annum, on all proprietors, occupants or lessees, of manufactories, factories and mills in the town, said tax to be fixed, determined and levied by the council, according to the powers conferred upon it by paragraph *b* of section 31 of the act 58 Victoria, chapter 55.

Upon tran-
sient traders,
&c. ;

16. The council may, moreover, by by-law, or by simple resolution, levy and collect, by means of a special license, a sum not exceeding seventy-five dollars on any person coming temporarily into the town to sell or cause to be sold, goods or effects derived, in whole or in part, from a bankrupt stock or other stock of merchandize or articles of trade or effects, either by public auction or by private sale.

Right of im-
posing other
taxes reserv-
ed.

The whole without prejudice to the right granted to the town of imposing other taxes.

17. The special or business tax shall be made payable for every establishment of such trade, business or occupation assessed by the town, when it shall be carried on by the same person, firm of persons or company, in two or three distinct buildings or places of business.

Payment of business tax for each establishment.

18. A special tax not exceeding twenty dollars per annum on every public laundry doing business in the town.

Tax on laundries.

19. Paragraph *c* of section 31 of the act 58 Victoria, chapter 55, is replaced by the following :

58 V., c. 55, s. 31, § c, replaced.

“(c) A tax not exceeding five dollars per annum on every person owning, keeping or having in his possession a dog or a bitch.”

Tax on dogs, &c.

20. Subsection 2 of section 31 of the act 58 Victoria, chapter 55, is replaced by the following :

Id., 31, § 2, replaced.

“2. The town may compel any person owning, keeping or having in his possession any dog or bitch to take out an annual license for such animal.”

Licenses for dogs, &c.

21. Moveable or immoveable property situated in the town, and which according to law is or shall be exempt from taxation for the purpose of meeting the general expenses of the town, shall nevertheless be taxable for the purpose of making and maintaining roads, streets, water-conduits, sewers, drains, fences, sidewalks or ditches, and, generally, for all works of local improvement ; and the proprietors, possessors, holders and occupants of such property shall be bound to pay to the town the special tax fixed by the council by by-law to meet the expenditure occasioned by such works ; the said property shall likewise be assessable for, and the owners thereof shall be bound to pay all special assessments which may be imposed by the council.

Property exempt from general tax liable for certain special taxes.

These taxes shall be levied and collected in the usual manner.

How to be levied, &c.

This section shall not have the effect of limiting the exemption from taxes granted by resolution of the council in virtue of the law.

Effect of section.

22. Article 4559 of the Revised Statutes is replaced for the town by the following :

R. S., 4559, replaced.

The council may, by resolution exempt from the payment of municipal taxes, for a period not exceeding thirty years, any person who carries on any industry, trade or enterprise whatsoever, as well as the land used for such industry, trade or enterprise, or agree with such person for a fixed sum of

Exemption from and commutation of taxes.

money payable annually for any period not exceeding thirty years, in commutation of all municipal taxes.

Poor persons. It may also exempt the poor of the municipality and their property from the payment of municipal taxes.

R. S., 4543, replaced. **23.** Article 4543 of the Revised Statutes is replaced for the town by the following :

Taxes, &c., to be privileged for certain time. All moneys due to the town for any tax, annual or special, or assessments, or personal or business taxes or licenses, or other dues, together with the interest accrued thereon, and costs, are privileged debts, and rank without registration upon the moveable or immoveable property in respect of which such debt is due, in the order fixed and determined in articles 1991 and 2009 of the Civil Code of Lower Canada; provided always such privileges shall not extend beyond the amounts due for three years and the then current year, that is to say, for the year when such claim is made, and for the three years next preceding that year.

R. S., 4554, replaced. **24.** Article 4554 of the Revised Statutes is replaced for the town by the following :

Stoppage of sale. The sale on such warrant cannot be stopped except on an order of a judge of the Superior Court, made on petition presented to the judge or court at least two days before the time fixed for the sale, due notice of such petition having been given to the town one clear day before the date of its presentation to the judge or court.

R. S., 4555, replaced. **25.** Article 4555 of the Revised Statutes is replaced for the town by the following :

Prescription for moneys due town for taxes, &c. The right to recover all moneys due to the town for any taxes, either annual, special or personal, is prescribed and extinguished by three years, to be computed from the time at which such moneys become due, provided that, in cases of special assessments payable in yearly instalments, the prescription shall only run from the time when such instalments are due respectively.

INFLICTION OF PUNISHMENT

R. S., 4560, replaced. **26.** Article 4560 of the Revised Statutes is replaced for the town by the following :

Fine or imprisonment may be enacted in by-laws. The council may, in any by-law made under the provisions of this chapter or of the charter, enact the imposition of punishment, by fine or imprisonment, for enforcing any such by-law, provided that the fine do not exceed the sum

of one hundred dollars, and the imprisonment be for a period not exceeding ninety days in the discretion of the court.

Such penalties cannot be ordered by the court unless they are enacted by each by-law which to them relates. Imposition thereof.

27. Article 4590 of the Revised Statutes is replaced for the town by the following : R. S., 4590, replaced.

In default of payment of the fine imposed by the court and the costs within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding ninety days, which imprisonment, however, ceases on payment of the sum due. Imprisonment in default of payment.

Such imprisonment discharges the person who undergoes it from the obligation of satisfying the judgment against him. Imprisonment discharges judgment.

EXPROPRIATIONS

28. Section 56 of the act 58 Victoria, chapter 55, is replaced by the following : 58 V., c. 55, s. 56, replaced.

“ **56.** Before proceeding, the arbitrators shall be sworn before a commissioner or a justice of the peace for the district of Montreal or the secretary-treasurer of the town to impartially perform the duties of their office. Arbitrators to be sworn.

The arbitrators proceed at the time and place fixed by them, and of which they shall have given at least ten days' special notice to the parties interested. Notice by arbitrators of proceeding.

The arbitrators, after having examined and valued the lands and heard the parties, give their decision, by means of a certificate signed by them, or by a majority of them, which they deposit in the office of the council. Decision of arbitrators.

Such decision is final and without appeal. ”

Final and without of appeal.

29. Article 4568 of the Revised Statutes is replaced for the town by the following : R. S., 4568, replaced.

By the payment or legal tender, followed by a deposit in court of the amount of indemnity awarded to the party entitled to it, the award gives to the town authority to take immediate possession of the property, and to exercise the rights and effect the purposes for which the indemnity was granted ; but the town may deduct from such indemnity the amount of the assessments then due by the expropriated proprietor. Entry into possession by corporation.

30. If resistance or opposition be offered to the taking possession of the property or to the exercise of such rights, the judge may, upon sufficient proof of the award of the In case opposition made to entry.

arbitrators, issue his warrant, addressed to the sheriff of the district or to a bailiff, as he may think proper, to put the town in possession and to put an end to all resistance or opposition.

MISCELLANEOUS PROVISIONS

Notice to be given previous to institution of action of damages.

31. No action or suit in connection with a claim for damages, arising from offences or quasi-offences, shall be brought or instituted against the town unless a previous notice, setting forth the full name and address of the plaintiff and specifying the reasons and amount of the claim, has been served upon the town, within thirty days from the date of the act or omission complained of, and unless such action or suit be served upon the town within six months from the date of such act or omission.

Secretary-treasurer to make declaration in garnishee proceedings.

32. In case where the town is garnishee, the secretary-treasurer may make the declaration required by law on behalf of the town, without being thereto authorized by resolution of the council.

Accounts in detail need not be furnished more than once to rate-payers.

33. When the secretary-treasurer shall have furnished a rate-payer in arrear with a detailed statement of his account, he shall not be bound to repeat the same details in the accounts which he may subsequently furnish, but he shall mention in a lump sum, the amount of which he shall have previously given the details to such rate-payer.

On payment of fees additional detailed accounts may be furnished.

However, upon payment of a fee of fifty cents, which shall revert to the municipal treasury, the secretary-treasurer shall be bound to make up and furnish such additional detailed account.

Coming into force.

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

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