



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 269
(Private)

An Act to revise the Charter of the town of Coaticook and to validate certain acquisitions

Introduction

Introduced by
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Member for Orford

Québec Official Publisher
1989

Bill 269

(Private)

An Act to revise the Charter of the town of Coaticook and to validate certain acquisitions

WHEREAS it is expedient to revise the corpus of private Acts respecting the town of Coaticook;

Whereas the town has acquired, for municipal purposes, certain parcels of land situated outside its territory and it is expedient to validate such acquisitions;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. This Act may be cited under the name of “Charter of the town of Coaticook”.

2. The inhabitants and ratepayers of the territory described in Schedule A shall form a municipality under the name of “town of Coaticook”.

3. Subject to the provisions of this Act, the town is governed by the Cities and Towns Act (R.S.Q., chapter C-19).

4. The town is authorized to make, from time to time, a revision or consolidation of the whole or any part of its municipal by-laws, so as to unite them in one or more volumes, and, to that end, to repeal, amend or modify them, but such repeal, amendment or modification shall not be construed as affecting any matter or thing done or required to be done, or any resolution, decision, order or other proceeding of the council, or any debenture, share, bond or note issued, or any roll of assessment or apportionment, or the rights or

duties of municipal officers, who shall continue to be governed by the previous by-laws until the expiry of the term fixed. However, by-laws subject to approval shall continue to be submitted to such approval.

5. Section 413 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the town

(1) by inserting, after paragraph 10, the following paragraph:

“(10.1) To provide for the removal of garbage in the town; to levy, in order to pay the cost of such service, an annual tax on every person, partnership or corporation occupying as owner, tenant or occupant a house, an establishment or other premises within the town limits, whether such person, partnership or corporation deposits garbage or not; to prescribe the kind of materials and the dimensions of the receptacles in which garbage shall be deposited; to establish a different tax according to the categories of persons, partnerships or corporations, according to their occupations or the kind of establishment or premises they occupy; to prescribe that the tax levied for such services shall be collected in accordance with the terms and conditions established by the council;”;

(2) by inserting, after paragraph 27, the following paragraph:

“(27.1) To cause the bed of the brook running through the town and flowing into the Coaticook river to be cleaned, the said brook being commonly designated under the names of Ruisseau Barnston, Ruisseau Baldwin or Ruisseau Pratt, and remove therefrom the debris and refuse which obstruct the free flow of waters, and deposit same on its banks until taken away; to widen it wherever possible, to deepen its bed and erect therein protective works, cut the ice therein during winter and keep open a channel in order to prevent the brook from overflowing and causing damages to adjoining immovables, with a right of way for men and vehicles to the brook for such purposes; and to apportion by a real estate tax two-thirds of the cost of such work on the owners and occupants of immovables, even if not taxable, along the brook, according to the number of feet of frontage of their respective immovables along the brook in proportion to the total frontage of all the immovables concerned; to forbid anyone under penalty of a fine and damages to throw anything into the brook or do anything that might obstruct its course;”.

6. Section 414 of the said Act is amended for the town by replacing paragraph 13 by the following paragraph:

“(13) To regulate begging and public solicitations, by the sale of insignias or otherwise, on the streets, in public places or at private dwellings.”

7. Section 415 of the said Act, amended by section 81 of chapter 8 of the statutes of 1988, is amended for the town by replacing paragraph 22 by the following paragraph:

“(22) To prescribe the measures it may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses and other buildings, and, for that purpose, determine the manner in which sidewalks and roofs shall be kept, and order for the future that the roof of any building shall be so built that water, ice or snow may not fall on the sidewalks or in the streets.

The council may also order that the owners of buildings already erected take the necessary measures to prevent water, ice or snow from falling on the sidewalks or in the streets.

Every person who fails to comply with the provisions of a by-law adopted under the authority of this paragraph shall be responsible towards the municipality for damages resulting from his neglect to fulfil his obligations in this respect, and may be called in warranty in any case instituted against the municipality for damages;”.

8. Section 434 of the said Act is replaced for the town by the following section:

“434. The special tax and the water-rate imposed under sections 429, 431 and 432, as well as all taxes due for water or for meters, shall be collected according to the rules and in the manner prescribed by by-law of the council.

However, the water-rates shall be permanently imposed, to be collected by the treasurer, until the repeal or amendment of the by-law in the ordinary manner.”

9. The said Act is amended for the town by inserting, after section 446, the following section:

“446.1 In addition to the right to supply and sell light, heat and electric power within the limits of its territory, the municipality may supply and sell light, heat and electric power outside its territory within a radius of 25 kilometres thereof. For that purpose, the municipality may acquire, by agreement or by expropriation, hold and avail itself of any right of way, servitude or usufruct within such radius

of 25 kilometres for the installation of posts and conduits. However, if such posts and conduits must be placed on or under a public road, the town must obtain the prior consent of the municipality that controls such public roads.

In order to exercise the powers conferred by this section with respect to operations which have not yet been commenced, the council must first adopt a by-law to that effect which must be approved by the majority of the qualified voters of the town and by the Government.”

10. Section 450 of the said Act is replaced for the town by the following section:

“450. The special tax and the compensation imposed under sections 448 and 449 shall be collected according to the rules and in the manner prescribed for general taxes.

However, the compensation for electricity shall be permanently imposed, to be collected by the treasurer, until the repeal or amendment of the by-law in the ordinary manner.”

11. The said Act is amended for the town by inserting, after section 453, the following section:

“453.1 Where the town supplies electric power outside the limits of its territory, the persons with whom contracts are entered into shall comply with the by-laws concerning the administration of the electricity service.”

12. The said Act is amended for the town by inserting, after section 454, the following sections:

“454.1 The council may establish different tariffs, according as the electricity is supplied for domestic, commercial or industrial supply, and each of these tariffs may vary according to the quantity of electricity consumed and the purposes for which it is used.

“454.2 The council may grant such discount as it determines on the tariffs in force, if the account is paid within a certain time after the meters are read. No member of the council nor any officer of the municipality may grant a discount if the account is not paid within the time determined by the by-law.

“454.3 If a person damages any electric apparatus belonging to the town, or uses the electricity supplied for a purpose other than that for which it is supplied, or if he neglects or refuses to pay the compensation fixed by the tariff, within the time fixed by the by-law,

the town may cut off the current and suspend the supply of electricity as long as the person is in default, without prejudice to the town's right to claim the payment of any sum that may be due it for damage caused, for electricity supplied, and for the rental of meters or other apparatus.

"454.4 The council may require that the consumer pay a deposit; it may also prescribe that the deposit shall not bear interest. The deposit shall however be returned to the consumer at the end of the contract, provided the conditions thereof have been fulfilled. The town is authorized to retain from the deposit any sum that may be due it by the consumer for electricity supplied, the rental of meters or any other municipal dues."

13. Section 476 of the said Act is amended for the town by adding, after subsection 4, the following subsection:

"(5) The council has and has always had the right to provide, by means of a reserve set aside each year, for the renewal of the assets constituting its electricity and waterworks services. The amount to be paid into the reserve each year shall not exceed three per cent of the value of the depreciable assets of each of the services. The sums not used each year may be invested in bonds of Canada, of the Province or of the municipality."

14. The said Act is amended for the town by inserting, after section 617, the following sections:

"617.1 If the municipal judge is absent or unable to act on the day fixed for the sitting of the court, the clerk of the court may adjourn the sitting in the same manner as the judge himself.

"617.2 The clerk is *ex officio* a justice of the peace for the fixing, receipt and renewal of bail in cases of complaints for offences or contraventions within the jurisdiction of the municipal court."

15. The council may require from any person requesting the town to do work for his personal use, a preliminary deposit equivalent to the estimated cost of the work, including the price of the materials required for the carrying out of the work.

16. The letters patent issued on 15 August 1908 erecting the town of Coaticook and the statutory provisions mentioned in Schedule D are repealed.

However, no repeal shall affect any acquired right, existing obligation, pending procedure or incurred penalty, or any act

performed, decided, ordered or done or which must be done under such Acts and their amendments; in particular, no repeal shall affect any by-law or resolution adopted, decision taken, order given, contract made, acquisition effected, expropriation, franchise or privilege granted or any other act done under the authority of such Acts and their amendments, or the assessment roll, tax collection roll or apportionment roll, or the rights and duties of the officers and employees of the town, who shall continue to exercise their duties until otherwise decided under this Act, or the notes, bonds or other securities or evidences of indebtedness issued by the town, or the amortization funds already constituted or to be constituted. Such rights, obligations, procedures, penalties, deeds, contracts, acquisitions, expropriations and acts shall continue to be governed by the provisions of such Acts and their amendments until amended, replaced or revoked under this Act, subject, however, to sections 18, 19 and 20.

17. All taxes and assessments imposed by the municipality of the township of Barnston on the immovables described in Schedule B before (*insert here the date of assent to this Act*) shall remain due and be payable to the latter, which shall keep all its rights and privileges to levy and collect the payment of such taxes.

All by-laws, resolutions or ordinances adopted or passed by the municipality of the township of Barnston shall remain in force in that part of the territory until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed by the town.

18. No allegation that acts performed by the town before (*insert here the date of assent to this Act*) in respect of any immovable acquired by the town were performed illegally may be raised on the sole ground that such immovables were not situated within the limits of the town at the time the acts were performed.

19. All by-laws, resolutions or ordinances adopted or passed by the town before (*insert here the date of assent to this Act*) in respect of the territory described in Schedule C are valid and shall remain in force in that territory until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed.

20. Every act performed, before 31 December 1987, in accordance with the Cities and Towns Act as it stood at the time the acts were performed, respecting the election of the members of the council and the performance of their duties is valid.

21. Sections 18, 19 and 20 do not affect any case pending on 14 November 1988.

22. This Act comes into force on (*insert here the date of assent to this Act*).

SCHEDULE A

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF THE TOWN OF COATICOOK

The present territory of the town of Coaticook, in the regional county municipality of Coaticook, includes, with reference to the cadastres of the village of Coaticook and of the townships of Barford and Barnston, the lots or parts of lots and their present and future subdivisions, and the roads, streets, highways, railway rights of way, watercourses or parts thereof, the whole contained within the limits hereinafter described, namely, starting from the northeast corner of lot 1906-1 of the cadastre of the village of Coaticook; thence, successively, the following lines and boundaries: with reference to that cadastre, the east line of lot 1906-1 and its extension across the Coaticook river; the east line of lots 1898, 1896, 1897, 2030 (street), 1847, 1846, 1845 and 1844, the last line being extended to the centre line of the Coaticook river; the centre line of the said river southeasterly to the extension of the north line of lot 17A of range XI of the cadastre of the township of Barford; with reference to that cadastre, the said extension and the north and east lines of the said lot; the east line of lots 17-38, 17-36-1, 17-35-1, 17-34-1, 17-33-1, 17-32, 17-17-4, 17-42 (street), 17-11-32, 17-11-33, 17-11-16, 17-10, 17-41 (street) and 17-1-1 of range X; the east line of lots 17C-2 and 17D (street) of range IX; part of the east line of lot 17B of range IX to the northwest corner of lot 16B-1 of the said range; the northeast, east and south lines of lot 16B-1; the east line of lot 17B-53 of range IX; part of the east line of lot 17A of range IX for a distance of 366.37 metres; a straight line across lot 17A of range IX and a public highway for a total distance of 509.66 metres, that is to a point on the west line of the said lot, 365.64 metres from the dividing line between lots 17A and 17B of range IX; part of the broken line dividing the cadastre of the village of Coaticook from the cadastres of the townships of Barford and Barnston to the west line of lot 29 (right of way of the Canadian National Railways) of the last mentioned cadastre; with reference to the cadastre of the township of Barnston, part of the west line of the said lot 29 southerly to the south side of the right of way of Lavoie road, as widened, running through lot 27D of range IV; the south side of the right of way of the said road westerly and its extension to the west side of the right of way of Merrill street; the west side of the right of way of the said street northerly to the south line of lot 17 of

the cadastre of the village of Coaticook; part of the south line of the cadastre of the village of Coaticook westerly, that line being extended across Bachand street to the west line of the said cadastre; with reference to the cadastre of the township of Barnston, the east line of lots 24F of range IV, 24D of range III, 24E and 24B of range II, 24E and 24D of range I, that line being extended across the public highways it meets; finally, the north line of the cadastre of the village of Coaticook, that line being extended across the public highways and the railway it meets, to the starting point.

SCHEDULE B

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY REMOVED FROM THE MUNICIPALITY OF THE TOWNSHIP OF BARNSTON AND ANNEXED TO THE TOWN OF COATICOOK, IN THE REGIONAL COUNTY MUNICIPALITY OF COATICOOK

A territory currently forming part of the municipality of the township of Barnston, in the regional county municipality of Coaticook, including, with reference to the cadastre of the township of Barnston, part of lot 27D of range IV and the public highways comprised within the limits hereinafter described, namely, starting from the northeast corner of lot 27D of range IV; thence, successively, the following lines and boundaries: part of the west line of lot 29 (railway right of way) to the south side of the right of way of the public highway (Lavoie road), as widened, running through the said lot 27D; the south side of the right of way of the said highway westerly and its extension to the west side of the right of way of the public highway (Merrill street) bounding the aforementioned lot 27D on the west; the west side of the right of way of the last mentioned highway northerly to the extension of the north line of lot 27D of range IV; finally, the said extension and the said north line to the starting point; which territory is annexed to the town of Coaticook.

SCHEDULE C

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY REMOVED FROM THE MUNICIPALITY OF THE TOWNSHIP OF BARFORD AND ANNEXED TO THE TOWN OF COATICOOK, IN THE REGIONAL COUNTY MUNICIPALITY OF COATICOOK

A territory currently forming part of the municipality of the township of Barford, in the regional county municipality of Coaticook, including, with reference to the cadastre of the township of Barford, lot 16B-1 of range IX, the whole comprised within the boundaries hereinafter described, namely, starting from the northwest corner of lot 16B-1 of range IX; thence, successively, the following lines and boundaries: the north line of the lot, measuring sixty-three metres and forty hundredths (63.40 m, that is 208 feet); the east line of the lot, measuring three hundred and three metres and forty-three hundredths (303.43 m, that is 995.5 feet); the south line of the lot,

measuring eighty-four metres and three hundredths (84.03 m, that is 275.7 feet); finally, the west line of the lot to the starting point, that west line measuring three hundred and forty metres and seventy-seven hundredths (340.77 m, that is 1 118 feet); which territory is annexed to the town of Coaticook.

SCHEDULE D

Act to amend the charter of the town of Coaticook (1920, chapter 103);

Act to ratify By-law No. 195 of the town of Coaticook (1925, chapter 154);

Act respecting the sinking-funds of the town of Coaticook (1935-36, chapter 128);

Act respecting the town of Coaticook (1937, chapter 118);

Act respecting the town of Coaticook (1940, chapter 99);

Act respecting the town of Coaticook (1946, chapter 70);

Act respecting the town of Coaticook (1947, chapter 94);

Act respecting the town of Coaticook (1950-51, chapter 90);

Act respecting the town of Coaticook (1951-52, chapter 87);

Act respecting the town of Coaticook (1953-54, chapter 92);

Act respecting the town of Coaticook (1957-58, chapter 86).