

1989, chapter 95

AN ACT TO REVISE THE CHARTER OF THE TOWN OF COATICOOK AND TO VALIDATE CERTAIN ACQUISITIONS

Bill 269

Introduced by Mr Georges Vaillancourt, Member for Orford

Introduced 1 June 1989

Passage in principle 21 June 1989

Passage 21 June 1989

Assented to 22 June 1989

Coming into force: 22 June 1989

Acts amended:

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)





CHAPTER 95

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

[Assented to 22 June 1989]

Preamble 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:

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

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

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

c. C-19,
s. 413, am.
for the town **4.** Section 413 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the town

(1) by adding, at the end of subparagraph *a* of paragraph 10, the following paragraph:

Receptacles “To prescribe the kind of materials and the dimensions of the receptacles in which garbage shall be deposited;”;

(2) by adding, at the end of subparagraph *c* of paragraph 10, the following paragraph:

Terms and
conditions

“To prescribe the terms and conditions for collecting the tax or compensation;”;

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

Brook

“(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 water, 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 damage 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;”.

c. C-19,
s. 415, am.
for the town

5. 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:

Preventing
accidents
in winter

“(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 cannot fall on the sidewalks or in the streets.

Additional
measures

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.

Responsi-
bility

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 damage 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;”.

c. C-19,
s. 434,
replaced
for the town

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

Collection
of tax, water
rate

“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.

Permanent
imposition

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.”

c. C-19,
s. 446.1,
added for
the town

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

Sale of
electricity
outside
limits of
territory

“446.1 In addition to operating an electric power system within the limits of its territory, the municipality may, with prior approval of the interested municipalities and the Régie du gaz naturel, supply and sell electricity outside the limits of its territory within a radius of 48 kilometres.

Powers of
municipality

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 48 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.”

c. C-19,
s. 450,
replaced for
the town

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

Collection
of tax

“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.

Permanent
imposition

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.”

c. C-19,
s. 453.1,
added for
the town

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

Compliance
with by-laws

“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.”

c. C-19,
ss. 454.1 to
454.4, added
for the town

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

Variation
of tariffs

“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.

Discount

“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.

Damage to
apparatus

“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.

Deposit

“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.”

Reserve
fund

11. In order to provide for the renewal of the assets constituting its electric power system and waterworks, the council may establish a reserve fund into which it may pay, each year, an amount which shall not exceed 3% of the value of the depreciable assets of each of the systems.

Investment
of funds

The council may invest the sums paid into the reserve fund in bonds of Canada, of Québec or of the municipality.

Preliminary
deposit

12. The council may require from any person applying to the town to be connected to its electric power system, a preliminary deposit equivalent to the estimated cost of the work, including the price of the materials required for the carrying out thereof.

Applicable
provision

Paragraph 25 of section 413 of the Cities and Towns Act, adapted as required, applies to all work for the maintenance of and connection with the town's electric power system.

Restriction

13. Sections 7, 8, 9, 10 and 11 apply subject to the Act respecting municipal and private electric power systems (R.S.Q., chapter M-38).

Provisions
repealed

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

Effect of
repeal

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 17, 18 and 19.

Continued
effect of
certain
provisions

15. Notwithstanding section 14, section 44 of chapter 99 of the statutes of 1940 and section 12 of chapter 92 of the statutes of 1953-54 shall continue to have effect until the coming into force of sections 146 and 147 of the Act respecting municipal courts and amending various legislation (1989, chapter 52).

Taxes levied
by municipi-
pality of
Barnston

16. All taxes and assessments imposed by the municipality of the township of Barnston on the immovables described in Schedule B before 22 June 1989 shall remain due and be payable to that municipality, which shall keep all its rights and privileges to levy and collect the payment of such taxes.

By-laws
adopted by
municipality
of Barnston

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. .

Immovables
acquired
before
22 June 1989

17. No allegation that acts performed by the town before 22 June 1989 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.

By-laws
adopted
before
22 June 1989

18. All by-laws, resolutions or ordinances adopted or passed by the town before 22 June 1989 in respect of the territory described in Schedule C are confirmed to the extent that they could have been contested on the grounds that, at the time of their adoption or passage, the territory was not comprised within the limits of the town.

Continuation
in force

The by-laws shall remain in force until the date they cease to have effect as provided, until their objects are attained or until they are repealed or replaced.

Validity
of acts

19. No act performed before 31 December 1987 and relating to the election of the members of the council and the performance of their duties may be contested on the sole ground that the election was held without due regard to the wards as they were delimited by letters patent issued on 15 August 1908.

Restriction

20. Sections 17, 18 and 19 do not affect any case pending on 14 November 1988.

Coming into
force

21. This Act comes into force on 22 June 1989.

SCHEDULE A

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

The territory of the town of Coaticook, situated in that of 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 TERRITORY OF THE MUNICIPALITY OF THE TOWNSHIP OF BARNSTON AND ANNEXED TO THAT OF THE TOWN OF COATICOOK

A territory currently forming part of the territory of the municipality of the township of Barnston, situated in that of 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 that of the town of Coaticook.

SCHEDULE C

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY REFERRED TO IN SECTION 18

A territory currently forming part of the territory of the town of Coaticook, situated in that of 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).

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).