

SECTION 12

**Local Government North of the 55th Parallel**

**12.0.1** Québec undertakes to submit to the National Assembly, upon the coming into force of the Agreement, bills incorporated the provisions of Schedules 1 and 2 of this Section.

**12.0.2** Nothing in this Section shall be interpreted as dispensing the local government from having to obtain any permits, licences or authorizations required by law.

**12.0.3** The provisions of this Section can only be amended with the consent of Québec and the interested Native party

Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec.

**12.0.4** Schedules 1 and 2 of this Section shall not form part of the legislation to be submitted to Parliament and to the National Assembly for the purpose of giving effect to the Agreement.

**Annex 1**

1. Each of the territories of Great Whale River, Inukjuaq, Povungnituk, Cape Smith, Ivujivik, Sugluk, Wakeham Bay, Koartac, Payne Bay, Aupaluk, Leaf Bay, Fort Chimo and George River shall be incorporated under Article 12 of Schedule 2 of this Section as municipalities under the names of “The Municipality of Great Whale River”, “The Municipality of Inukjuaq”, “The Municipality of Povungnituk”, “The Municipality of Cape Smith”, “The Municipality of Ivujivik”, “The Municipality of Sugluk”, “The Municipality of Wakeham Bay”, “The Municipality of Koartac”, “The Municipality of Payne Bay”, “The Municipality of Aupaluk”, “The Municipality of Leaf Bay”, “The Municipality of Fort Chimo” and “The Municipality of George River”.

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JBNQA, Sch. 1  
A. corr.

**Annex 2****Act respecting certain municipalities and the Regional Government of Northern Québec**

1. This act may be cited as the Kativik Act (Part 1).

*Preliminary Title*

## Declaratory and interpretative provisions

2. In this act, unless the context indicates or declares otherwise, the following expressions, terms and words shall have the following meaning:

(1) the expression “Regional Government” means the regional government for the territory contemplated by Schedule 2 of Section 13 of the Agreement;

(2) the expression “regional councillor” means the councillor elected to represent the municipal corporation in the Regional Government;

(3) the word “elector” means a person having the right to vote at a municipal election;

(4) the expression “officer or employee of the municipal corporation” means any officer or employee of the municipal corporation, with the exception of the members of the council;

(5) the word “tenant” means any person who is bound to pay rent in money or to give part of the fruits or revenues of the immovable which he occupies, and who is resident householder, saving the case of the lessee of a store, shop, office or place of business;

(6) the expression “member of the council” means and includes the mayor or any of the councillors of the municipal corporation;

(7) the word “Minister” means the Minister of Municipal Affairs;

(8) the word “municipality” means a territory erected for the purpose of municipal administration;

(9) the word “ordinance” means an enactment of the Regional Government which shall apply within the municipalities, save where expressly provided otherwise;

(10) the word “by-law” means an enactment of the council of a municipal corporation or of the Regional Government acting as a municipal corporation under article 14 of Schedule 2 of Section 13 of the Agreement;

(11) the word “sitting”, used alone, means either an ordinary or general sitting, or a special sitting of the council;

(12) the expression “municipal services” means water, sewage, fire protection, recreation, cultural activities, roads, garbage removal and disposal, lighting, heating, power, and snow removal services supplied by a municipal corporation.

3. For the purposes of this act, the population of a municipality shall be that shown in the last census recognized as valid for such purposes by an order of the Lieutenant-Governor in Council published in the *Québec Official Gazette*.

The Lieutenant-Governor in Council may authorize the municipal corporation or the Regional Government to undertake the required census.

4. Error or insufficiency in the designation of any municipality in any municipal document executed by a council, its officers or any other person, or in the declaration of the quality of such officer or person, provided no surprise or injustice result therefrom, shall not render such act null.

5. No suit, defence or exception, founded upon the omission of any formality, even imperative, in any act of the council or of a municipal officer, shall prevail, unless the omission has caused actual prejudice or it be of a formality whose omission, according to the provisions of the law, would render null the proceeding from which it was omitted.

6. When an oath is required, it is taken before any person authorized by law to administer it.

7. Whenever any deposition or information is required to be given under oath, on behalf of any municipal corporation, such deposition or information may be given by any member of the council or officer of the municipal corporation authorized by a resolution of the council.

8. The language of communication of the municipal corporation shall be in accordance with the laws of general application in Québec; in addition, every person may address the municipal corporation in Inuttituu and the municipal corporation shall ensure that such person can obtain available services from and can communicate with it in Inuttituu; and, in the sittings of the council, whoever has a right to be heard may use Inuttituu at his option.

The council shall have the right to make copies of the books, records, notices and proceedings of the municipal corporation in Inuttituu.

#### *Title I: Organization of Municipal Corporation*

##### Chapter I – Constitution of the Corporation

9. The inhabitants and ratepayers of every municipality erected under this Act form a corporation under the name of “The Corporation of (insert name)”.

10. The Lieutenant-Governor may, on a resolution passed by any municipal corporation, for reasons deemed advantageous, change the name of such municipal corporation.

Such change of name does not affect the rights or responsibilities of the municipal corporation or of any other person, and comes into force after publication in the *Québec Official Gazette* of a notice signed by the mayor and the secretary-treasurer, and reciting the order-in-council ordering the change of name of the municipal corporation.

After adoption of such resolution, public notice must be given that, within thirty days of the said notice, the municipal corporation will transmit its application to the Lieutenant-Governor, and that those who have reasons to invoke against such application must, before the expiration of the said thirty days, communicate same to the Minister of Municipal Affairs.

11. Every municipal corporation, under its corporate name, has perpetual succession, and may:

- (1) Acquire all moveable and immovable property required for municipal purposes, by purchase, donation, legacy or otherwise, erect and maintain on said immovable property a public hall and all other buildings which it may require for municipal purposes and dispose thereof by onerous title, by auction, by public tenders, or in any other manner approved by the Québec Municipal Commission, when not further required;
- (2) Purchase for cash or otherwise acquire, for the use of the municipal corporation, lands situated outside the boundaries of the municipality; such lands, however, shall not form part of the municipality acquiring them; but shall remain part of the municipality in which they are situated;
- (3) Enter into contracts, bind and oblige itself, and bind and oblige others to itself, and transact within the limits of its powers;
- (4) Sue and be sued in any cause, before any court;
- (5) Exercise all the powers in general vested in it, or which are necessary for the accomplishment of the duties imposed upon it;
- (6) Assist in the undertaking and furtherance, in the municipality and elsewhere, of works of charity, education, scientific, artistic or literary culture, youth training, and generally of any social welfare enterprise of the population;
- (7) Assist in the organization of recreational guidance centres and public places for sports and amusements;
- (8) Found and maintain bodies for industrial, commercial or tourist promotion or assist in their foundation and maintenance;
- (9) Have a seal, the use of which, however, is not obligatory.

#### Chapter II – Erection and boundaries of municipalities

12. Notwithstanding any other dispositions of law erecting municipalities, the Lieutenant-Governor in Council may, by proclamation, at the request of any interested party, erect municipalities under this act or annex to a municipality any contiguous territory not already erected into a municipality.

To this effect, and after consultation with the Regional Government and any other interested party, the Minister of Municipal Affairs shall submit his recommendations to the Lieutenant-Governor in Council.

#### *Title II: Municipal Councils and Officers*

##### Chapter I – Qualification for Municipal Office

13. (1) Every physical person of full age and Canadian citizenship who is not legally disqualified may be nominated, elected or appointed a member of the council of the municipal corporation if he has been domiciled or ordinarily resident in such municipality for at least thirty-six months.

(2) In any newly formed municipality, the Lieutenant-Governor in Council may establish the criteria of domicile and residence to be applied during the thirty-six months following the date of erection.

14. The following persons shall not be nominated for, elected or appointed a member of the council:

- (1) Persons mentioned in paragraphs (3), (4) and (5) of Section 123 of the Cities and Towns Act;
- (2) Municipal officers and officers of the Regional Government;
- (3) Subject to the provisions of article 91, any person who has, directly or indirectly, by himself or his partner, any contract with the municipal corporation unless the description of all such contracts has been publicly posted in the office of the municipal corporation at the time of his nomination, election or appointment and remains so posted, with all additions or deletions, if any, at all times during his tenure of office. Acceptance of or application for municipal services available to ratepayers according to a fixed tariff shall not be deemed

to be a contract with the municipal corporation. Nevertheless, a shareholder or member in any incorporated company which has any contract or agreement with the municipal corporation or which receives any grant or subsidy therefrom shall not be disqualified from acting as a member of the council; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to such company, save when such company is the Inuit Development Corporation or the local Inuit Community Corporations to be formed or one of their subsidiaries, in which case he shall only be deemed to be interested if he is an officer or director of such corporations;

(4) Whosoever has not paid all his municipal dues, with the exception of such amounts as remain to be paid owing to involuntary error or omission; nevertheless, the holder or occupant of a municipal office, whichever it be, shall not become disqualified to occupy it on account of not having, during his term of office, paid all his municipal dues within the delay fixed by article 187 provided he pays them within thirty days of such delay;

(5) Any person convicted of an act punishable under a law of the Parliament of Canada or of the National Assembly of Québec by imprisonment for one year or more. Such disqualification shall continue for three years after the term of imprisonment fixed by the sentence and, if only a fine was imposed or the sentence is suspended, for three years from the date of such condemnation;

(6) Any person convicted of an indictable offence punishable by imprisonment for five years or more after having previously been convicted of two indictable offences so punishable; such disqualification shall continue for ten years after the term of imprisonment fixed by the sentence and, if only a fine is imposed or the sentence is suspended, for ten years from the date of the conviction;

(7) Whenever the office of mayor or councillor is in question,

(a) any persons who are responsible for moneys belonging to the municipal corporation, or

(b) who are sureties for any employee of the council or

(c) who receive any pecuniary allowance or other consideration from the municipal corporation for their services, otherwise then under a legislative provision, save, in the case of (c), when a description of the pecuniary allowance or other consideration has been publicly posted in the office of the municipal corporation at the time of his nomination, election or appointment and remains so posted, with all additions or deletions, if any, at all times during his tenure of office.

15. No person may act as mayor or councillor nor hold any other municipal office unless he is eligible and possesses at all times the qualification required by law.

## Chapter II – Councils, Mayors, Councillors and Committees of the Council

### Division 1 – General Provisions

16. The municipal corporation shall be represented and its affairs administered by its council. Such council is known and styled by the name of: “The municipal council of (insert name of municipality)”.

17. The council has jurisdiction throughout the entire extent of the municipality whose municipal corporation it represents, and beyond boundaries of the municipality in special cases when more ample authority is conferred upon it.

Its orders, within the scope of its powers, are obligatory for persons subject to its jurisdiction.

18. The council must directly exercise the powers conferred upon it by this act; it cannot delegate them, except for the provisions of article 19.

Nevertheless it may appoint committees composed of as many of its members as it deems advisable, with power to examine and study any question. In such case the committees must render account by report but no report of a committee has any effect until it has been adopted by the council at a regular sitting.

19. The council may, by by-law, enter into an agreement with the Regional Government, with the approbation of the Minister of Municipal Affairs, to delegate to the Regional Government the exercise and administration of those municipal services that the council so determines.

The period of time covered by such by-law shall be two years and is renewable.

20. By-laws, resolutions and other municipal enactments must be passed by the council in session.

21. The office of the secretary-treasurer shall be established in the place where the sittings of the council are held, or in any other place fixed by resolution of the council.

22. No vote given by a person illegally holding office as member of the council and no act in which in such capacity he has participated can be set aside, with respect to persons who have acted in good faith, solely by reason of the illegal exercise of such office.

#### Division 2 – Composition of the council

23. (1) The council shall be composed of a mayor and of not less than two or more than six councillors elected by the electors every two years or appointed in the manner hereinafter set forth.

(2) The head of the council is called the “mayor”; he is ex officio a justice of the peace. The mayor shall be elected by the majority of the electors who have voted.

(3) The seat of each councillor is designated by a number. The councillor occupying seat number 1 is the representative of the municipal corporation in the Regional Government. For election purposes, seat number 1 shall be so identified on the ballot paper and shall be accompanied by the term “Regional Councillor”. The candidate obtaining the majority of the votes cast for this seat shall be declared elected.

(4) The other seats shall be filled by the candidates gaining the most votes.

(5) At the first meeting of the council after the election, seats number 2 and following shall be attributed to each councillor by drawing of lots.

(6) The number of councillors shall be established from time to time in each municipality by by-law of the council approved by the majority of the electors whose names appear on the election list in force and used at the last municipal election. In any newly formed municipality, the number of councillors shall be established by the majority vote of the inhabitants in each community in the manner approved by the Minister.

24. No person can discharge the duties of mayor or councillor until he has taken the oath of office. An entry of the taking of the oath is made in the minute book of the municipal corporation.

25. The term of office of the mayor shall expire when the new mayor is sworn in; that of a councillor at the opening of the first general or special meeting of the council held after the general election.

26. The council may, at any time, appoint one of the councillors as acting mayor who, in the absence of the mayor or when the office is vacant, discharges the duties of the mayoralty, with all the privileges and rights, and subject to all the obligations thereunto attached.

27. The mayor shall exercise the right of superintendance, investigation and control over all the departments and officers of the municipal corporation, and especially shall see that the revenue of the municipal corporation is collected and expended according to law and that the provisions of the law and all by-laws of the council are faithfully and impartially enforced.

He shall lay before the council such proposals as he may deem necessary or advisable and shall communicate to the council all information and suggestions relating to the improvement of the finances, police, health, security, cleanliness, comfort and progress of the municipal corporation.

In the exercise of his functions as the executive head of the municipal administration, the mayor shall have the right, at any time, to suspend any officer or employee of the municipal corporation, but he shall report to the council at the first sitting following such suspension, and state in writing the reasons therefor; the suspended officer or employee shall receive no salary for the time during which he is suspended, unless the council decides otherwise respecting such suspension and the suspension shall only be valid until such sitting.

28. The mayor signs, seals and executes, in the name of the municipal corporation, all by-laws, resolutions, obligations, contracts, agreements or deeds made and passed or ordered by the municipal corporation which are presented to him for his signature after adoption by the council. If the mayor refuses to approve and sign same, the secretary-treasurer submits them again for the consideration of the council at the next sitting. If a majority of the members of the council again approve such by-laws, resolutions, obligations, contracts, agreements or deeds, they are legal and valid as though they had been approved and signed by the mayor, notwithstanding his refusal.

29. (1) The municipal corporation shall pay to the mayor, as remuneration for all his services in every capacity to the municipal corporation a minimum annual sum computed according to the population of the municipality at the rate of \$0.40 per inhabitant. Nevertheless the mayor shall in no case so receive an annual sum of less than \$400.

(2) The municipal corporation shall pay for the same purposes to each councillor a minimum annual sum computed according to the population of the municipality at the rate of \$0.20 per inhabitant. Nevertheless a councillor shall in no case so receive an annual sum of less than \$200.

(3) The council shall determine by resolution the terms of payment of such sums.

(4) The council may also authorize the payment of the expenses actually incurred by a member of the council on behalf of the municipal corporation provided that they have been authorized by resolution of the council.

(5) No other remuneration, allowance or benefit shall be paid to a mayor or councillor unless it has been authorized by a by-law passed by the vote of two-thirds of the members of the council and submitted for approval to the electors. Approval by the Lieutenant-Governor in Council, the Minister of Municipal Affairs or the Québec Municipal Commission shall not be required.

### Chapter III – Municipal Officers

#### Division I – General Provisions

30. (1) Every municipal corporation must have an officer entrusted with the care of its office and archives and such officer is designated by the name of “secretary-treasurer”.

(2) In any newly formed municipality, the secretary-treasurer must be appointed by the municipal corporation within thirty days after the entry into office of the majority of the members of the new council.

(3) If the office of secretary-treasurer becomes vacant, such vacancy must be filled by the council within a delay of thirty days.

31. In addition to the secretary-treasurer, whom it is bound to appoint, the municipal corporation may, to secure the execution of its by-laws and of the requirements of law, appoint all other officers, and dismiss and replace them.

Every appointment or dismissal of a municipal officer made by the municipal corporation is decided by a resolution which should be communicated without delay by the secretary-treasurer to the person therein referred to.

32. Before entering upon his duties, every municipal officer is bound to take an oath of office. On his failure to do so, he shall be considered to have refused to discharge the duties of the office to which he has been appointed.

33. No act, duty, writing or proceedings executed in his official capacity by a municipal officer who holds office illegally can be set aside solely on the ground of his so holding such office illegally.

34. The municipal corporation is responsible for the acts of its officers in the performance of the duties for which they are employed as well as for damages resulting from their refusal to discharge or their negligence in discharging their duties, saving its recourse against such officers, the whole without prejudice to a recourse in damages against the officers by those who have suffered damages.

35. Every municipal officer must give an accurate report in writing to the municipal corporation or to any authorized person in such manner as the council may determine, upon all matters connected with his duties, and render an account of the moneys collected by him and of those which he has disbursed for the municipal corporation and under its control, indicating the objects for which such moneys were so collected or disbursed.

During the month of January in each year, or more often if required by the council, the secretary-treasurer must render a detailed account of his receipts and expenditures from all sources for the year ended on the thirty-first of December preceeding.

36. The municipal corporation may by by-law establish a tariff of fees payable to municipal officers for their services, whether by the persons who have applied for them or by those on whose accounts they are rendered, or by the municipal corporation, in cases in which such fees have not been fixed by law.

Every tariff made under this article shall be posted up in a conspicuous place in the office of the municipal corporation.

#### Division 2 – The Secretary-treasurer

37. The secretary-treasurer is the custodian of all the books, registers, plans, maps, archives and other documents and papers which are either the property of the municipal corporation or are deposited, filed and preserved in the office of the municipal corporation. He cannot divest himself of the custody of such archives, except with the permission of the council, or under the authority of a court.

38. The council may require of any person employed by it as secretary-treasurer such security as it may deem necessary.

Such security shall be a guarantee of the faithful performance of the duties of such person; of his accounting for and paying over all public and other moneys entrusted to him or under his control to the persons authorized or entitled to receive the same; of his faithful performance of the obligations imposed upon him; and of the payment of the damages occasioned to any person through his negligence, misconduct or malversation.

39. The secretary-treasurer must attend every sitting of the council and draw up minutes of all the acts and proceedings thereof in a register kept for that purpose and called “The minute-book of the council”.

All minutes of a sitting of the council must be signed by the person presiding over the council and countersigned by the secretary-treasurer and be approved by the council at the same or at the following meeting, but the lack of such approval does not prevent the minute from making proof.

Whenever a by-law or a resolution is amended or repealed, mention must be made thereof in the margin of the minute-book opposite such by-law or resolution together with the date of its amendment or repeal.



40. The secretary-treasurer shall collect all moneys payable to the municipal corporation and, subject to all other legal provisions, shall deposit in any legally constituted bank, savings and credit union or trust company which may be designated by the council the moneys arising on municipal taxes or dues and all other moneys belonging to the municipal corporation and shall allow them to remain there until they are employed for the purposes for which they were levied or received or until disposed of by the council.

All cheques issued and promissory notes executed by the municipal corporation must be signed jointly by the mayor and the secretary-treasurer or, in case of the absence or inability to act of the mayor or of a vacancy in the office of mayor, by any member of the council previously authorized so to do and by the secretary-treasurer.

41. The secretary-treasurer pays out of the funds of the municipal corporation all sums of money due by it whenever by resolution he is authorized so to do by the council.

42. (1) The secretary-treasurer is bound to keep books of account in which he enters, by order of date, the receipts and expenditures, mentioning the persons who have paid moneys into his hands or to whom he has made a payment.

(2) He must obtain and keep vouchers for all payments he has made for the municipal corporation, produce them for audit and inspection and file them amongst the archives of the municipal corporation.

(3) Such books shall be kept in the form prescribed or approved by the Minister of Municipal Affairs, or in accordance with the system established by the Lieutenant-Governor in Council.

43. The secretary-treasurer shall issue to any person applying therefor, upon payment of the fees determined by the council, copies of, or extracts from, any book, roll, register or other document which forms part of the archives.

44. Within sixty days from the end of any fiscal year of the municipal corporation, the secretary-treasurer shall transmit to the Minister of Municipal Affairs, in duplicate, a return showing, for the preceding calendar year:

(1) the name of the municipal corporation;

(2) the value of the property of the municipal corporation;

(3) the number of persons resident in the municipality;

(4) the number of persons paying taxes;

(5) the amount of taxes and all other sums collected within the year;

(6) the amount of arrears of taxes;

(7) the amount of subsidies and grants received within the year and their source;

(8) the amount raised by loan within the year and the amount of interest due upon such loans;

(9) all debts of the municipal corporation;

(10) the expenditures for salaries and other expenses of the municipal corporation and all other expenditures;

(11) the amount deposited at interest or invested by the municipal corporation; and

(12) any other statement which the Minister of Municipal Affairs may require. Copy of such return shall be transmitted to the Regional Government. The latter shall review such return to ensure that the requirements of this article are complied with before the said return is sent to the Minister of Municipal Affairs.

### *Title III: Municipal elections*

#### Chapter 1 – Electors

45. Every person, commercial partnership or association entered on the electoral list in force and used at the poll and, in the case of a physical person, not affected during the preparation of the electoral list and at the time of voting by any disqualification contemplated by law, shall be entitled to vote at an election.

46. (1) Every physical person of full age and Canadian citizenship shall be entitled to be entered on the electoral list if he has been domiciled or ordinarily resident in the municipality for at least twelve months before the date of the election.

(2) Corporations, commercial partnerships and associations shall also be entered on the electoral list if they have had their head office or principal place of business in the municipality for at least twelve months before the date of the election.

They shall vote through a representative authorized for that purpose by a resolution of the board of directors, a copy whereof shall be filed at the office of the municipal corporation within thirty days from the date of publication of the election notice.

47. The Lieutenant-governor in Council may, for the twelve (12) months following the erection of a new municipality, modify the delay mentioned in paragraphs (1) and (2) of article 46.

## Chapter 2 – Elections

### Division 1 – Date of elections

48. The general election for mayor or councillors shall be held every two years on the first Wednesday of September.

In the case of a newly formed municipality, the first general election shall be held on the tenth Wednesday following the erection of such municipality.

### Division 2 – Election officers and electoral list

49. The secretary-treasurer of the municipality shall be the presiding-officer for any election held under this act. The presiding-officer may appoint a deputy presiding-officer and as many election clerks as he deems fit to assist the presiding-officer in discharging his duties.

In the case of the first general election, the duties and obligations of the presiding-officer, shall be discharged by a person appointed by the majority of the inhabitants in each community in the manner approved by the Minister.

50. The presiding-officer shall prepare the list of electors in the municipality between the first of July and the following first of August, and shall, on the first of August, deposit the electoral list in the office of the municipal corporation for public reference.

During the period extending from the first to the fifteenth of August, the electoral list shall be revised by a board of revision composed of the presiding-officer and two persons entitled to be entered on the electoral list and appointed by him.

51. Any person, commercial partnership or association who believes that his name or that of any other person has been omitted from the list or wrongfully entered thereon may file in the office of the municipal corporation, between the first and the fifteenth of August, application in writing to have the name entered or struck off, as the case may be.

52. The board of revision shall consider the written application, hear the parties concerned and, if it deems necessary, take their evidence on oath.

The board of revision, by its final decision on each application, may confirm and revise the list. Every insertion, erasure from, or correction of the list shall be authenticated by the initials of the presiding-officer.

The electoral list shall come into force as soon as it has been prepared and revised in accordance with this act and shall be kept among the archives of the municipal corporation.

53. No informality in the preparation, completion, revision or putting into force of the list shall invalidate the same unless an actual injustice results therefrom.

#### Division 3 – Notice of election

54. On the first of July of the year in which the election is held, the presiding-officer shall, by public notice, publish:

- (a) the place, day and hour fixed for the nomination of candidates;
- (b) the day of the opening of the polls for taking the votes of the electors in case a poll is held; and
- (c) the appointment of the deputy presiding-officer and of the election clerks.

The election period shall begin on the day of publication of the notice of the election and end, for each candidate for any office, on the day on which the presiding-officer declares the candidate for such office elected.

#### Division 4 – Nomination of candidates

55. The nomination of candidates for election shall be held on the last Wednesday of August between the hours of one and five o'clock in the afternoon.

56. Five electors qualified to vote and whose names are entered on the electoral list in force in the municipality may nominate a candidate for the office of mayor or councillor.

57. With each nomination paper there shall be filed a declaration by the candidate that he is a Canadian citizen and duly qualified, accompanied by the consent in writing of the person therein nominated.

58. If at the expiration of the delay fixed for the nomination of candidates for mayor or councillor only the number required for any one of the said offices be nominated, such candidates shall ipso facto be elected and the presiding-officer shall forthwith proclaim such candidates elected.

When several persons are nominated for each of the offices of mayor or regional councillor, or more than the number required are nominated for the other offices of councillor, the presiding officer shall announce that a poll will be held.

59. Any candidate nominated may withdraw at any time before the closing of the poll by filing with the presiding officer a declaration to that effect; and any votes cast for the candidate who has so withdrawn shall be null and void; and if after the withdrawal there remained but one candidate for each of the offices of mayor or regional councillor, or only the number required for the other offices of councillor, the presiding-officer shall return as duly elected the candidate so remaining.

60. (1) If at the expiration of the delay prescribed for the nomination of candidates no person has been nominated to fill an office or if the persons nominated are not sufficient in number to fill the offices or if all the persons nominated for any office have withdrawn before the close of the poll, the presiding officer shall immediately recommence the election proceedings to fill the offices for which a poll cannot be so held and give for such purpose the notice prescribed by article 54.

(2) The same shall apply if the nomination of candidates could not be held because the electoral list was not put in force in time, but in such case the presiding officer must see that the election proceedings already commenced are continued if they were validly made.

(3) The presiding-officer shall not recommence these election proceedings more than once.

#### Division 5 – Proceedings between nomination and poll

61. When a poll is necessary, the presiding-officer shall give a public notice thereof, establish a polling station and cause the necessary number of ballot boxes to be made. The ballot paper shall be a paper on which the names of the candidates, together with their syllabic transcription, are alphabetically arranged.

#### Division 6 – Voting

62. The poll shall be opened at the hour of nine o'clock in the forenoon and kept opened until six o'clock in the afternoon the same day. The council may, by by-law, fix a later hour than six o'clock in the afternoon, but not later than eight o'clock in the same day, for the closing of the poll.

63. In addition to the presiding-officer, the only persons who shall be permitted, during the time that the polling station is open, to remain in the room where the votes are given, shall be: the election officers, the candidates and not more than two duly appointed agents or representatives of the candidates.

64. An elector shall vote by secret ballot once for the election of the mayor, once for the election of the regional councillor and cast for the election of the other councillors as many votes as there are such offices to be filled.

65. The presiding-officer, upon the application of any voter who is unable to read or is incapacitated by any physical cause from voting in the manner prescribed, shall assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the candidates or their agents or representatives.

66. The presiding-officer shall enter in the poll book opposite the name of each elector voting the word "voted" as soon as his ballot paper has been deposited in the ballot box.

67. Every employer on polling day must allow each elector in his employ at least four hours to vote beside the time usually allowed for the midday meal and shall make no deduction from the salary of such elector.

#### Division 7 – Close of the poll and proceedings thereafter

68. At six o'clock in the afternoon, or at the hour determined by the council under article 62, the poll and the voting shall be closed and the presiding-officer shall open the ballot boxes and proceed to count and draw up the list of the number of votes given for each candidate.

69. (1) As soon as the final result of the poll is known, the presiding-officer shall at once proclaim elected for the office of mayor or regional councillor the candidate who is found to have obtained the greatest number of votes and give public notice thereof.

(2) The presiding-officer shall also proclaim elected for the other offices of councillor the number of candidates required to fill the said offices according to the greatest number of votes obtained by each candidate and he shall give public notice thereof.

(3) In the case of equality of votes, the presiding-officer shall proceed by a public drawing of lots and proclaim elected the person whom the drawing has favoured.

(4) Copy of the public notice shall be inserted in the books of the municipal corporation.

#### Division 8 - Secrecy of voting

70. Every candidate, election officer, agent or representative of a candidate, in attendance at a polling station, shall maintain and aid in maintaining the secrecy of the voting at such polling station; and no such candidate, officer, agent or representative shall, before the poll is closed, communicate to any person any information as to whether any person on the list of electors has or has not applied for a ballot paper or voted at that polling station.

71. No candidate, election officer, agent, representative or other person shall interfere with or attempt to interfere with an elector when marking his ballot paper, or otherwise attempt to obtain at the polling station information as to the candidate for whom any elector at such polling station is about to vote or has voted.

72. No candidate, election officer, agent, representative or other person shall communicate at any time to any person any information obtained at a polling station as to the candidate for whom any elector is about to vote or has voted.

73. Every candidate, election officer, agent or representative of a candidate in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no such candidate, officer, agent or representative shall attempt to obtain at such counting any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

#### Division 9 – Miscellaneous

74. No election shall be declared invalid by reason of any want of qualification in the persons signing a nomination paper received by the presiding-officer under the provisions of this chapter.

75. No election shall be declared invalid by reason of non-compliance with the provisions of this chapter as to the taking of the poll or counting of the votes, if it appears to the court having cognizance of the question that the election was conducted in accordance with the principles laid down in this chapter, and that such non-compliance or mistake did not affect the result of the election.

No election shall be declared invalid by reason of non-compliance with the provisions of this chapter regarding delays, unless it appears to the court that such non-compliance may have affected the result of the election.

#### Chapter III – Contested Elections

76. Any election of a mayor or councillor by the electors may be contested by any elector on the ground of violence, corruption, fraud or incapacity or on the ground of non-compliance with the necessary formalities by filing a notice of contestation with the Regional Government.

77. Upon receipt of such notice, the Regional Government shall act as conciliation officer, meet the parties and endeavour to effect an agreement.

The Regional Government shall report to the parties within thirty days of the receipt of the notice or within such further delay as agreed to by the parties.

The parties to the dispute must attend all meetings to which they are called by the Regional Government. If they refuse or neglect to do so, the intervention of the Regional Government shall be deemed to have been unsuccessful.

78. If the intervention of the Regional Government has been unsuccessful, the hearing and decision of such contestation is, to the exclusion of all other tribunals, vested in the Provincial Court having jurisdiction in the territory.

79. Such contestation is brought before the Court by an ordinary action which on pain of nullity must be served upon the interested parties within thirty days from the unsuccessful intervention of the Regional Government.

#### Chapter IV – Vacancies in Municipal Councils

80. (1) The mayor or any councillor may resign his seat in the council by transmitting his resignation signed by himself to the secretary-treasurer; the term of office of the mayor or councillor shall expire upon the delivery of the writing to the secretary-treasurer who shall transmit it to the council at the next sitting.

(2) The death of the mayor or a councillor shall terminate his term of office.

(3) The term of office of the mayor or councillor shall also terminate if he has failed to attend at least three consecutive regular sittings of the council. The regional councillor shall however not be deemed to have failed to attend a sitting when absent to discharge his duties in the Regional Government.

(4) Whenever the Provincial Court annuls the election of the mayor or councillor or a member of the council loses the eligibility or qualification required by law during his tenure of office, such office shall ipso facto become vacant.

(5) Resignation or disqualification as councillor of the municipal corporation shall carry resignation and disqualification as regional councillor.

81. Subject to the provisions of article 82 when the term of office of a member of the council expires more than six months before the general election fixed by article 48 the council may within fifteen days following the vacancy, elect a person who has the qualifications required by article 14 to fill the office of such member for the remainder of the term. Such election shall be by secret ballot and the secretary-treasurer shall proclaim elected the person who obtains a majority of the votes of the members of the council present. In a case of a tie vote, the mayor must give a casting vote.

82. Proceedings for a new election to fill vacancies in the council shall be taken within eight days if:

(1) The election of mayor and councillors has not taken place within the time prescribed by this act or, the election having taken place, an insufficient number of members of the council has been elected; or

(2) By reason of vacancies, there remains less than a quorum of the members of the council in office; or

(3) Seat number 1 (regional councillor) becomes vacant; or

(4) The council has not availed itself of the provisions of article 81.

Such election must be conducted in the same manner, in all respects, as a general election. The secretary-treasurer shall not recommence these election proceedings more than once.

83. Whenever the election contemplated by article 82 is not held within the time prescribed by this act, notice thereof shall be forthwith sent to the Regional Government which shall have eight days to make recommendations to the council to fill such vacancies.

If there is no council or if the recommendations of the Regional Government have not been accepted, the Regional Government shall forthwith transmit its recommendations to the Minister of Municipal Affairs.

84. Every member of a council elected or appointed to replace another holds office only for the remainder of the term for which his predecessor had been elected or appointed.

#### Title IV: Sittings of the council

85. The council sits at the office of the municipal corporation until by resolution it has fixed upon some other place within the limits of the municipality. The sittings of the council shall be public.

In the case of a newly formed municipality, the first sitting of the council shall be held on the second Wednesday following the election, at the hour of eight o'clock in the evening, at the usual place of community meetings.

The sittings of the council are presided over by the mayor or acting mayor or in their absence by one of its members chosen from among the councillors present.

86. The majority of the members of the council shall constitute a quorum for the transaction of business. If there be no quorum, two members of the council, half an hour after it being established that there is no quorum, may adjourn a meeting to a later date.

Notice of such adjournment must be given by the secretary-treasurer to all members of the council who were not present at such adjournment.

87. The council shall meet at least once a month, in general or ordinary session, to dispatch the business of the municipal corporation, and shall hold its sittings on the day and at the hours which it determines by by-law. The mayor or half the members of the council may also call a special sitting of the council.

If at any sitting, the business cannot be fully disposed of, the council may adjourn as often as may be deemed necessary for the consideration and disposal of the unfinished business, without its being necessary to give notice of such adjournment to the members present or absent; but no new business shall be brought or considered upon any adjournment of a sitting, unless all the members of the council are present and consent.

88. Notice of convocation to all meetings of the council must be given to each of its members at least twenty-four hours before the time fixed for the commencement of the sitting.

89. At a special sitting of the council, only the subjects or matters mentioned in the notice may be taken into consideration except with the unanimous consent of the members of the council if they are all present.

90. Every disputed question is decided by a majority of the votes of the members present except in cases where any by-law or provision of the law requires a greater number of concordant votes. When a vote results in a tie, the decision shall be deemed to be in the negative.

91. No member of the council may vote upon a question in which he has a personal interest distinct from the general interest of the other ratepayers. The council, in case of objection, decides, at the time of the vote, whether such member has or has not a personal interest and such member is not entitled to vote upon the question as to whether he is interested.

Should an interested member of the council give his vote without objection, such vote does not nullify the proceedings of the council with respect to third parties in good faith.

92. If the majority of the members of the council have a personal interest in any question submitted to their decisions, such question must be referred to the Regional Government, which, in respect to the consideration and decision of such question, possesses all the rights and privileges, and is subject to all the obligations of the local council.

93. Every member present at a meeting of the council is bound to vote, unless he is exempted or disbarred therefrom by reason of personal interest.

Every vote must be given orally and, upon demand, the votes are entered in the minute-book of the council.

#### *Title V: Municipal notices*

94. Every notice is either special or public. Every special notice may be given verbally or in writing; public notices must be in writing.

95. Every special notice given in writing must be either delivered by the person who gives it or posted in the office of the municipal corporation. Every public notice is given by posting a copy of such notice in the office of the municipal corporation.

96. Every notice in writing must be attested by the person who gives it and must contain:

(1) the name of the municipal corporation, when such notice is given by an officer or by a member of the council;

(2) the name, official capacity and signature of the person who gives it;

(3) a sufficient description of those to whom it is addressed;

(4) the place where and the time when it is made;

(5) the object for which it is given; and

(6) the place, day and hour at which those summoned to answer such notice must do so.

97. The original of every notice in writing must be accompanied by a certificate of delivery or posting.

The original of such notice and the certificate which accompanies it must be filed by the person who has given it in the office of the municipal corporation to form part of the archives thereof.

98. The certificate must set forth:

- (1) the name, residence, official capacity and signature of the person who has given it;
- (2) a summary statement of the manner in which the notice was delivered or posted;
- (3) the place, day and hour of delivery or posting.

Such certificate is written either on the original notice or on a paper annexed thereto.

99. In the case of a special notice given verbally, the affirmation of the person who gave such notice takes the place of the certificate of delivery or posting; such affirmation is only required in case of contestation and must contain the object of the notice.

100. Any document, order or proceeding of the council must be posted in the same manner as public notices.

#### *Title VI: Resolutions*

101. Every municipal corporation shall decide and exercise by resolution all acts of administration concerning it which are not incompatible with the provisions of this act. All powers not required to be decided and exercised by by-law shall be exercised and decided by resolution.

#### *Title VII: By-laws of the Council*

##### Chapter I – Formalities Respecting By-laws

##### Division I – Passing, Publication and Coming into Force of By-laws

102. Every by-law must, on pain of nullity, be preceded by a notice of motion given at a sitting of the council and it must be read and passed only at a subsequent sitting held on a later date.

103. The original of every by-law, to be authentic, must be signed either by the mayor of the municipal corporation or the person presiding at the sitting of the council at the time such by-law was passed and by the secretary-treasurer.

If it was necessary to submit the by-law for one or more approvals before it could come into force, a certificate under the signature of the mayor and of the secretary-treasurer certifying the date and the fact of each of these approvals must accompany and form part of the original of such by-law.

104. Every by-law must be entered at length in a special book entitled “Register of by-laws of the municipal corporation of...”; such entries must be signed by the mayor and countersigned by the secretary-treasurer.

The secretary-treasurer must further indicate at the end of every by-law the date of the posting-up of the notice of publication of such by-law.

105. Except where otherwise provided by law, every by-law of the municipal corporation shall come into effect and have force of law, if not otherwise provided for therein, on the day of the publication thereof.

106. Every by-law is published within thirty days of the passing thereof or of its final approval according to article 103, if it has been submitted for approval, by public notice mentioning the object of the by-law, the date of the passing thereof and the place where communication thereof may be had. Such notice is given under the hand of the secretary-treasurer and posted in the ordinary manner.



If the by-law has received one or more approvals, the notice of publication must mention the date and the fact of each of these approvals.

107. Every by-law which comes into force only at some stated period must be published again by posting at least fifteen days before such period.

108. Every by-law remains in force and is executory until it has been amended, repealed or annulled by competent authority or until the expiration of the delay for which it was made.

109. No by-law can be repealed or amended except by another by-law. No by-law which, before coming into force and effect, was submitted to one or more approvals can be amended or repealed except by another by-law approved in the same manner.

#### Division 2 – Penalties enacted by by-law and recovery of fines

110. (1) The council may impose by by-law, for every infraction of a by-law, a fine not exceeding three hundred dollars.

(2) Whenever, instead of a fixed penalty, a by-law provides either a maximum and minimum penalty, or a maximum penalty only, the court may, at its discretion, impose, in the first instance, such penalty as it may see fit within the limits of such maximum and such minimum and, in the second instance, such penalty as it may see fit up to the extent of such maximum.

(3) The court convicting an accused for the breach of a by-law may, in addition to any fine it may impose, order that person to refrain from committing any further such offence or cease to carry on any activity specified in the order, the carrying on of which will or is likely to result in the committing of any further such offence. Breach of such order shall constitute an offence punishable by contempt of Court.

111. No penalty can be imposed for the violation of any by-law unless it is fully described and set forth therein.

If the infraction of a by-law continues, such continuation shall constitute a separate offence day by day, save in the case of good faith.

112. Fines imposed by the by-laws of the council shall be recoverable on summary proceeding in accordance with Part I of the Summary Convictions Act.

113. All fines incurred by the same person may be included in the same suit.

114. Every prosecution for the recovery of such fines shall be begun within six months from the date when they are incurred, and cannot be brought thereafter.

Such prosecution may be brought by any person of age, in his own name, regardless of whether he has suffered any special damage, or by the municipal corporation.

115. Fines recovered in virtue of the by-laws of the council or of the provisions of this act shall belong, unless it be otherwise provided, one-half to the prosecutor and the other half to the municipal corporation.

If the prosecution has been brought by the municipal corporation the fine shall belong wholly to it. If the fine be due by the municipal corporation, it shall belong wholly to the prosecutor.

116. Where any by-law of a municipal corporation is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained at the instance of an inhabitant of the municipality by filing a notice of contravention with the Regional Government. The procedure of article 77 shall apply.

If the intervention of the Regional Government has been unsuccessful, the contravention may then be restrained either by action at the instance of such inhabitant against the infringer or by mandamus at the instance of such

inhabitant against the municipal corporation to compel it to take proceedings necessary for preventing the violation of such by-law.

### Division 3 – Approval and disallowance of By-Laws

117. Unless otherwise provided, approval of the by-laws by the council shall be sufficient.

118. When a by-law is submitted for the approval of the electors, the vote shall be taken by polling pursuant to the provisions governing elections in the municipality so far as they may be applicable.

119. The council or the mayor shall fix the date for the opening of the poll. Such date shall not be later than ninety days from the date of the passing of the by-law by the council.

The secretary-treasurer shall at least fifteen days before the day fixed give public notice calling upon the electors. Only the electors entered on the electoral list in force and used at the last municipal election shall be entitled to vote.

120. The following shall be printed on the ballot papers in lieu of the names of the candidates: “Are you of the opinion that by-law no. (insert the no. of the by-law) respecting (insert title or object of the by-law) should be adopted?”

The vote on the question submitted shall be given;

(1) if in the affirmative, by marking a cross on the ballot paper in the space where the word “yes” appears;

(2) in the negative, by marking a cross on the ballot paper in the space where the word: “no” appears.

121. At the close of the poll the secretary-treasurer shall proceed to count the votes and shall make a list of them counting and separating the yeas and nays. In the event of a tie in the vote, the mayor shall give the casting vote.

Such list shall be certified by the secretary-treasurer and must declare whether the by-law has been approved or disapproved with the necessary particulars. Such list shall be laid before the council at its next sitting.

The poll book and the list of the votes shall be deposited in the archives of the municipal corporation.

122. Whenever it is required that a by-law must, before having force or effect, receive the approval of the Lieutenant-Governor in Council, the Minister of Municipal Affairs or the Québec Municipal Commission, the secretary-treasurer, after such by-law has been approved by the electors, if such approval is required, must forward it to the authority whose approval is required, with certified copies of all documents tending to inform of the fulfilment of the provisions of the law and of the advisability of the passing of such by-law.

123. Neither the Lieutenant-Governor in Council nor the Minister of Municipal Affairs nor the Québec Municipal Commission is obliged to approve of a by-law unless he has satisfied himself of the fulfilment of the formalities required for the passing of such by-law.

For such purpose, they may exact from the council which has passed the by-law submitted to their approval, all the documents and information as they deem necessary for assuring themselves of the usefulness of the by-law or of the provisions of such by-law submitted to their approval.

124. The approval by the Lieutenant-Governor in Council, the Minister of Municipal Affairs or the Québec Municipal Commission of a by-law or other proceedings adopted by a municipal council, in the cases where such approval is prescribed by a provision of this act, has no other effect than that of rendering such by-law or proceeding executory according to the law, and this may be done with the same effect in the form of an authorization. Such approval may be of a part only or qualified.

125. A copy of every by-law passed by the council must be transmitted without delay to the Minister of Municipal Affairs and to the Regional Government.

The Lieutenant-Governor in Council may, within the three months following the receipt of such copy by the Minister of Municipal Affairs, disallow the by-law in whole or in part unless he or the Minister has previously approved it.

Notice of such disallowance shall be published in the *Québec Official Gazette* and, from the day of such publication, the by-law shall be null and void.

#### Division 4 – Contestation and quashing of by-laws

126. Any person who is entered on the election roll in force may, by notice of contestation presented in his name, apply and obtain, on the ground of illegality, the quashing of any by-law or part of by-law of the council.

Such notice shall be presented to the Regional Government within three months next after the coming into force of such by-law.

The provisions governing contestation of election in the municipality shall apply to the contestation and quashing of by-laws so far as they may be applicable.

127. The notice of contestation shall set forth in a clear and precise manner the reasons alleged in support of the application and shall be accompanied by a certified copy of the by-law impugned.

128. If the intervention of the Regional Government has been unsuccessful, the contestation and quashing of such by-law shall then be vested in the Superior Court having jurisdiction in the territory, which shall proceed in a summary manner to hear and decide such contestation.

The Superior Court may, by the judgment, quash such by-law in whole or in part, order the service of such judgment at the office of the council interested and cause the same to be published.

Every by-law or part of by-law so quashed shall cease to be in force from the date of the judgment.

### Chapter II – By-laws within the Jurisdiction of the Council

#### Division 1 – General Powers

129. The council may make by-laws to secure the peace, order, good government, health, general welfare and improvement of the municipality, provided such by-laws are not contrary to the laws of Canada and of the Province of Québec nor inconsistent with any special provision of this act.

Such by-laws shall not be contrary to the ordinances of the Regional Government in matters of joint competence.

130. The power to make by-laws shall involve, in the case of articles 134, 135, 138, 141, 160, 163 and 164, that of licensing and of requiring permits and certificates and of exacting fees for licences, permits and certificates and of establishing a tariff of fees therefor. The power to regulate shall include, when necessary, the power to prohibit, revoke and suspend.

Such power shall also involve that of appointing officers and inspectors as the council may deem fit for the proper application of such by-laws and of defining their duties.

131. Any municipal corporation may, with the authorization of the Minister, make with any public body, including a municipality, a community, an association and a school board, agreements respecting the exercise of its competence; it may then carry out such agreements and exercise the rights and privileges and fulfill the obligations arising therefrom, even outside its territory.

In the event an agreement were contemplated with the Government of Canada, any body thereof, or any public body mentioned in the preceding paragraph and situated outside of the Province of Québec, prior authorization of the Lieutenant-Governor in Council shall be necessary.

132. The council may, by complying with the provisions of sections 606 and 607 of the Cities and Towns Act and the expropriation procedure established by law,

(a) expropriate any immovable property, any part thereof or any servitude required for the execution of works ordered by it within its jurisdiction;

(b) expropriate the whole or part of any road in the municipality and belonging to persons, firms or private corporations;

(c) expropriate any immovable property, any part thereof or any servitude it may need for any municipal purpose;

The foregoing provisions of this article shall not be regarded as restricting the right which the council may otherwise have to acquire, by mutual agreement, immovables for the same purposes.

133. The council may make by-laws to take a census of the inhabitants of the municipality, for the purpose of ascertaining their number, and of obtaining statistics regarding their social and economic condition.

The council may also make by-laws to exact that, in all cases of birth or death, a certificate be deposited in the office of the municipal corporation.

#### Division 2 – Public security

134. The council may make by-laws :

(1) To authorize the building inspector to visit and examine all moveable and immovable property, as also the interior or exterior of any house, building or edifice, to ascertain if the by-laws of the council are executed in respect thereof or for the purpose of adopting any measure deemed necessary for public security, and to compel the occupants of such property, buildings and edifices to admit such officers;

(2) To classify, for purposes of regulation, dwellings, commercial and industrial establishments and all other immovables, including public buildings;

(3) To compel the prior submission of plans for the construction or alteration of buildings and projects for changes of the destination or use of an immovable or for the moving of a building, to the building inspector for security and sanitary purposes;

(4) To provide that no immovable newly erected or altered or the destination or use of which has been changed shall be occupied before a certificate is issued by the municipal authority establishing that this immovable is in conformity with the by-laws of the municipal corporation;

(5) When the construction of a building is not or has not been made in conformity with the by-laws adopted under paragraphs (3) or (4) of this article, a judge of the Superior Court having jurisdiction in the territory, upon motion, may order appropriate modifications or that the building be demolished within such delays as he fixes, and order that on failure so to do within such delay the municipal corporation may effect such modifications or demolition at the expense of the owner of the building;

(6) To decree that no building permit shall be granted unless the land on which a structure is to be erected is adjacent to a public street;

(7) To define what shall constitute abandoned, dilapidated or decayed buildings or structures and regulate the restoration or demolition of same; the reconstruction or restoration of any building or structure shall be carried out in accordance with the by-laws in force at the time of such reconstruction or restoration;

(8) To adopt measures to prevent the overcrowding of premises used as lodgings;

(9) To protect the life and property of the inhabitants and prevent accidents such as may be caused by natural catastrophe, fire, mechanical defect or failure, or contamination from noxious substances;

- (10) To organize, maintain and regulate a fire department and fire-brigade; to appoint all officers and persons necessary for the extinction and suppression of fires and for the protection of persons and property from fire;
- (11) To authorize the demolition of buildings, houses and fences, when deemed necessary to arrest the progress of fire; and to empower the mayor, the chief of the fire-brigade or other officers to exercise this power. If there be no by-law, the mayor may, during a fire, exercise this power by giving special authority;
- (12) To regulate blasting, shooting with fire-arms, or arms discharged by means of compressed air or any other system;
- (13) To regulate the keeping of animals;
- (14) To establish pounds under the supervision and control of the council.

#### Division 3 – Public health and hygiene

##### 135. The council may make by-laws:

- (1) To provide for the inspection of food and other products and their containers, and for the seizure, confiscation and summary destruction of any such products or containers as are unsound, spoiled or unwholesome; to prohibit the bringing into the municipality of such products and the keeping or selling of such products;
- (2) To regulate the construction and maintenance of places where foodstuffs are prepared, stored or sold;
- (3) To regulate the construction and maintenance of places where fuels and noxious substances are stored or sold;
- (4) To ensure the sanitary condition of public and private property and regulate unwholesome undertakings and establishments;
- (5) To inspect and regulate ice-houses and cold-storage establishments;
- (6) To regulate the location, construction, management and cleansing of storing places for hides and, generally, all places or establishments in which animal matter is dealt with;
- (7) To regulate the establishment of cemeteries and burial sites and the burial and disinterment of the dead;
- (8) To prevent the pollution of the waters within or adjacent to the municipality and to provide for the cleansing and purification of municipal waters; and to compel the owner or occupant of any building or ground to remove from the premises owned or occupied by him all such offensive substances as the council may direct, and, upon his default, to authorize the removal or destruction thereof at the expense of such owner or occupant;
- (9) To regulate the sewerage of the municipality and to maintain and operate a sewage collection and disposal system;
- (10) To prevent the throwing or depositing of waste and provide for the collection, removal and disposal of same;
- (11) To construct, equip and operate plants for the elimination or recycling of waste and to regulate the use of places as dumps;
- (12) To regulate the escapement of smoke, gas and effluents from engines, factories or establishments;
- (13) To define what shall constitute a nuisance and to regulate the same, including noise.

136. The municipal corporation may cause to be sold at auction, by bailiff of the Superior Court, without any judicial proceedings and after the notices required for the sale of moveables under writ of execution, all moveable effects in its possession which are unclaimed within six months and which have been abandoned or are the proceeds of theft or have been seized or confiscated.

If such property be claimed after the sale, the municipal corporation shall be liable only for the proceeds of the sale, after deducting the cost of the sale and other expenses which it may have incurred. If they cannot be sold because they have no merchantable value or by reason of the illegality of their possession or use, they may be destroyed after publication of similar notices, and if they are claimed after destruction, the municipal corporation shall not be liable for the payment of any indemnity or compensation.

#### Division 4 – Town planning and land development

137. The council may make by-laws to have plans or maps made of the territory of the municipality, indicating the streets, lanes, public places, municipal waters, houses and buildings and structures. Such plans or maps, when confirmed by the Superior Court having jurisdiction in the territory, on petition presented at least fifteen days after the posting-up of a public notice announcing the making of such plans or maps and the nature of such motion, as well as the day, hour and place of its presentation, shall be binding for a period of five years upon the municipal corporation and all persons;

Before the expiration of such term of five years, the council, by by-law and following the same procedure, may extend for another period of five years, and similarly for successive five-year periods thereafter, the binding nature of such plans or maps;

As soon as completed, a duplicate of each of such plans shall be deposited in the office of the prothonotary of the Superior Court having jurisdiction in the territory and another duplicate in the archives of the municipal corporation. As soon as such plans shall have been confirmed and ratified by the court, the secretary-treasurer of the municipal corporation shall enter on the duplicate kept in the archives of the municipal corporation and on another which he shall then deposit in the registration office for the territory, a note of such confirmation.

138. The council may make by-laws:

(1) To order the making of a master plan of the territory of the municipality, specifying the purposes for which each portion of the territory included in the plan may be used, and to enact that such master plan shall become obligatory;

(2) Subject to the master plan of the municipality, to divide the municipality into zones of such number, shape and area as the council deems suitable for the purpose of such regulation and, with respect to each of such zones, to prescribe the architecture, dimensions, symmetry, alignment and destination of the structures which may be erected therein, the use of any immovable located therein, the area and dimensions of lots, the proportion of lots which may be occupied by structure, the space which must be left clear between structures and the lines of lots, the space which, on such lots, must be reserved and arranged for the parking of vehicles, and the manner of arranging such space;

Every such by-law must, before coming into force, be approved by the affirmative vote of the majority of the electors whose names appear on the election list in force and used at the last municipal election;

(3) To regulate the carrying on of trades and industries of all kinds within the municipality.

#### Division 5 – Public Services

##### *Subdivision 1 – Water supply*

139. The council may make by-laws to provide for the establishment or acquiring, maintenance, management and regulation of reservoirs and water delivery systems to supply water to the municipality, and to install apparatus for filtering and purifying water.

Such powers shall not be exercised without the prior authorization of the Water Board when there is in the municipality a public waterworks service authorized by such board.

140. The council may, by by-law, in order to meet the interest on the sums expended in the construction and maintenance of reservoirs and water delivery systems, impose an annual tax at a rate to be fixed by it.

141. The council may make by-laws:

(1) To prohibit any occupant of a house or building supplied with water from furnishing such water to others, or from using it otherwise than for his own use, or from wasting it;

(2) To prescribe the size, quality, strength, and location of water-closets, baths, and other similar apparatus;

(3) To prevent the pollution of the water in the reservoirs and the practising of frauds upon the municipal corporation with regard to the supply of water;

(4) To establish the rate for water and provide for payment thereof; to supply meters for buildings or establishments, for measuring the quantity of water used therein and fix the amount to be paid for the rent of meters;

(5) To provide for any other matter or thing of any nature or kind whatsoever, having reference to water delivery systems, which it may be necessary to regulate or determine for their proper working.

142. The municipal corporation may make a special agreement with consumers for the supply of water in special cases, where it is considered that there is more than the ordinary consumption of water.

143. The compensation for water services, as well as all other taxes due for water or for meters, shall be levied according to the rules and in the manner prescribed by the council.

144. As soon as the municipal corporation is ready to furnish water to any part of the municipality not already supplied, public notice thereof shall be given; and, after such notice, all persons liable to the payment of compensation for water services in such part of the municipality, whether they consent or not to receive the water, shall pay the rates fixed by the tariff.

145. If any person causes or allows any apparatus to be out of repair, or to be so used that the water supplied from the water delivery system be wasted, or unduly consumed; or if he refuses or neglects to pay the rate lawfully imposed for the water supplied to him, for thirty days after the same is due and payable, the municipal corporation may discontinue the supply so long as the person is in default; which shall not, however, exempt such person from the payment of such rate, as if the water had been supplied to him without interruption.

146. The officers appointed for the management of water delivery systems may enter into any house or building, or upon any property whether situated within or without the municipality, for the purpose of satisfying themselves that the water is not wasted and that the by-laws relative to water are faithfully carried out.

The owners or occupants of any such house, building or property shall allow the officers to make such visit or examination. The supply of water may be discontinued to any person refusing to admit the officers, so long as such refusal continues.

147. The municipal corporation shall not be bound to warrant the quantity of water to be supplied; and no person may refuse, on account of the insufficiency of the water-supply, to pay the compensation for the use of the water.

148. The council may also make special agreements for the supply of water beyond the municipality, provided that the persons with whom such agreements are made comply with the by-laws respecting the management of the water delivery system.

149. The council may, by by-law, transfer its rights and powers, respecting the water-supply, to any person willing to undertake the same, provided that such person does not exact, for the use of the water, rates higher than those approved or determined by by-law of the council.

*Subdivision 2 – Lighting*

150. The council may make by-laws providing for the lighting of the municipality by means of electric or other light furnished by any person, and the municipal corporation may become a party to any contract to that effect.

151. The council shall have all the necessary powers for the establishment and management of a system of lighting by electricity or otherwise, for the requirements of the public and of private individuals or companies desiring to light their houses, buildings or establishments.

152. At the expiration of the term mentioned in any contract entered into between the council and any public utility company, respecting the supplying of electricity for light, heat and power by such company to the municipality which itself distributes same to its ratepayers, the Electricity and Gas Board, on petition to that effect, may order that the contract be extended or renewed on such other or similar terms, prices and conditions as it may determine.

153. The council may by by-law impose a tax in order to meet the interest on the sums expended in introducing a system of lighting.

154. The council may make by-laws :

(1) If the lighting system belongs to the municipal corporation;

(a) To determine, in addition to the tax mentioned in article 153, the compensation to be paid for light and for the rent of meters, and for supplying meters to measure the quantity of light consumed;

(b) To prevent fraud in connection with the quantity of light supplied;

(c) To protect the wires, pipes, lamps, apparatus and other articles serving for the distribution of light;

(2) If the lighting system belongs to the municipal corporation or to others, - to impose penalties against persons extinguishing the lamps without authority.

155. The tax imposed under articles 153 and 154 shall be levied according to the rules and in the manner prescribed by the council.

156. Any citizen may accept or refuse to use the light supplied by the municipal corporation in any building, house or establishment controlled by him.

157. The officers appointed to manage the lighting system of the municipal corporation may enter any building, house or establishment, and upon any property, for the purpose of ascertaining whether the by-laws respecting lighting are faithfully observed.

The owners or occupants of all such buildings, houses, establishments or properties shall allow such officers to enter and make such inspection or examination.

158. The owners or occupants of houses, buildings or lands in the municipality shall, whether the lighting system belongs to the municipal corporation or to others, permit the pipes, wires, lamps and posts necessary for the lighting for public purposes to be placed on their houses, buildings or lands, subject to the payment of actual damages, if any be occasioned thereby.

159. Nothing in this subdivision shall be construed as subjecting Hydro-Québec or its successors to any additional jurisdiction or control than that found in the Hydro-Québec Act or other laws of general application.

*Subdivision 3 – Heating and power*

160. The council shall have all the powers necessary for the establishment and administration of any system of heating and power development by means of electricity or otherwise for the use of the public, or of private



persons or corporations desiring to make use thereof in their houses, buildings or establishments; and articles 150 to 159 shall apply, *mutatis mutandis*, to this article.

*Subdivision 4 – Municipal roads*

161. The council may make by-laws

(1) Subject to the master plan of the municipality, to order the opening, closing, widening, extension, changing, improvement, maintaining or regulation of streets and roads and to regulate the locating, constructing and maintaining of sidewalks and bridges; however, the by-law ordering the closing of streets must provide for an indemnity, if there be occasion therefor, and shall be subject to the approval of the Québec Municipal Commission before coming into force;

(2) To give names to, or change the names of, streets, lanes or public places and regulate the numbering of houses and building;

(3) To prescribe the measures necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses and other buildings, - every person obliged by by-law to care for any sidewalk or roof, shall be responsible towards the municipal corporation 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 municipal corporation for damages.

162. The municipal corporation shall be responsible in damages for the bad state of streets, roads, sidewalks, bridges, public places and municipal watercourses.

*Subdivision 5 – Traffic and transportation*

163. The council may make by-laws

(1) To establish and regulate public transportation services and facilities;

(2) To regulate the use and speed of bicycles, motor boats and motor vehicles;

(3) To regulate the transportation of noxious and other dangerous substances;

(4) To regulate the use of noisy vehicles;

(5) To authorize the diversion of traffic in the streets of the municipality for the performance of work thereon and for any other reason of necessity or emergency;

(6) To prescribe, maintain and regulate passageways for, and the use of all-terrain vehicles, vehicles not following roads, and hovercraft in accordance with any provincial regulations governing such vehicles;

(7) To establish, maintain and regulate parking places or buildings for vehicles;

(8) To establish and maintain ground for the parking of trailers and mobile homes and to prohibit the parking and use of trailers, mobile homes or other vehicles as dwellings or commercial establishments outside such grounds;

(9) To establish and maintain aerodromes or take-off and landing fields for aeroplanes or airships; and

(10) To establish and maintain harbours, wharves, dry-docks and other landing places for ships, boats and other watercraft.

*Division 6 – Recreation and culture*

164. The council may make by-laws

(1) To establish, equip, maintain and improve recreational centres, playgrounds and parks;

(2) To establish and maintain public baths, privies and lavatories; to regulate marinas in the waters comprised within its jurisdiction; and to regulate public or private swimming pools or areas;

(3) To establish and administer a system of community radio and television aerials for the needs of those wishing to make use thereof; to regulate the installation, maintenance, number and height of television and radio aerials; the council, however, shall not acquire by expropriation the existing systems in the municipality; and

(4) To establish and maintain free public libraries, library associations, mechanics institutes, reading-rooms and public museums, exhibitions and fairs for historical, literary, artistic or scientific purposes.

*Title VIII: Public works of the corporation*

165. All public works of the municipal corporation are performed at the expense of the municipal corporation which orders them by contract awarded and passed according to the rules set forth in this title.

166. (1) Unless it involves an expenditure of less than \$10,000. no contract for the execution of municipal works or the supply of equipment or materials shall be awarded except after a call for public tenders specifying the work to be performed;

(2) The delay for the receipt of tenders shall not be less than fifteen days;

(3) Tenders shall not be called for, nor shall the contracts resulting therefrom be awarded except on one or the other of the following bases:

(a) for a fixed prices;

(b) at unit prices;

(4) All tenders must be opened publicly in the presence of at least two witnesses, on the day and at the hour and place mentioned in the call for tenders;

(5) All those who have tendered may be present at the opening of the tenders;

(6) The names of the tenderers and their respective prices must be mentioned aloud at the opening of the tenders;

(7) The council shall not be obliged to accept either the lowest or any other tender;

(8) The council shall not, without the previous authorization of the Minister of Municipal Affairs, award the contract to any person except the one who made the lowest tender within the prescribed delay;

(9) The contract shall be awarded by resolution.

167. No contract is valid or binding upon the municipal corporation unless the by-law authorizing the work has provided for the appropriation of the moneys required for paying the costs of same.

168. The contract is made in the name of the municipal corporation and accepted by the mayor or by a member of the council specially authorized for that purpose.

169. The person to whom such work is awarded must give security to the satisfaction of the council for the due performance thereof and for the payment of all damages, interests and costs.

*Title IX: Municipal finances*

Chapter 1 – General provisions

170. The fiscal year of the municipal corporation shall begin on the first of January and end on the thirty-first of December of each year and the taxes and yearly assessments shall be payable at the dates determined by the council.

171. Between the first and the thirty-first of July of each year, the council shall prepare and adopt its budget for the next fiscal year and maintain a balance between the revenues and expenditures provided for therein.

Such budget shall be transmitted to the Minister of Municipal Affairs and to the Regional Government in the month of August of the year in which it was prepared.

Upon sufficient proof that the council has in fact been unable to prepare, adopt or transmit such budget within the prescribed delay, the Minister of Municipal Affairs may grant any additional delay that he may determine for such purpose.

172. All fees, licences, fines, revenues, taxes, subsidies and grants accruing or belonging to or received by the municipal corporation shall be paid to and received by the secretary-treasurer alone or by the officer designated by him for that purpose; and no other officer shall, under any pretext, receive them unless specially authorized by the council so to do.

173. (1) All sums of money not especially appropriated shall form part of the general fund of the municipal corporation.

(2) Any subsidy or grant made to a municipal corporation and not specially appropriated by the by-law ordering the works or the expenditures may be paid in whole or in part to the general fund of the municipal corporation;

(3) Saving the case provided in section 7 of the Municipal and School Debt and Loans Act, whenever the municipal corporation has collected a sum exceeding the sum required for the purposes for which such sum was raised, the surplus shall belong to the municipal corporation and fall into the general fund thereof;

(4) All sums of money forming part of the general fund of the municipal corporation may be employed for any purpose within the jurisdiction of the council.

174. The council may make such by-laws as it may deem expedient for the management and administration of its finances, and determine by whom and subject to what formalities payments out of the funds of the municipal corporation shall be made.

175. Every municipal corporation may deposit at interest in a Canadian chartered bank, or invest in the public funds of Canada or the Province of Québec, or loan on first hypothec, any moneys belonging to it.

## Chapter II – Taxes and licenses

176. The council may impose and levy annually:

(1) On the stock in trade or articles of commerce of all descriptions kept by merchants and dealers and exposed for sale in shops, or kept in vaults, warehouses or store-houses; on all yards or depots for rough, sawn or manufactured wood or lumber; and on all yards or depots for coal or other articles of commerce kept for sale, a tax of not more than one percent of the estimated average value of such stock in trade or other articles of commerce;

(2) On all tenants paying rent in the municipality, an annual tax of not more than eight cents in the dollar on the amount of their rent;

Every person, occupying property or part of any property of which he is neither the owner nor the lessee, shall be liable for the payment of such tax.

177. In addition to the taxes provided for in article 176 the council may establish, impose and levy certain annual dues or taxes on all trades, manufactures, financial or commercial establishments, occupations, arts, professions, callings or means of earning a profit or a livelihood, carried on or followed by one or more persons, firms or corporations in the municipality, provided that such duties or taxes do not exceed in any case the sum of three hundred dollars per annum. Such dues or taxes may be different for persons who have not resided in the municipality for twelve months from those for persons who reside therein, provided that such dues and

taxes imposed on non-residents and on those who have resided in the municipality for less than twelve months, shall not exceed the others by more than fifty percent.

The tax imposed in virtue of the preceding paragraph shall be payable for every business establishment, and for every kind of business or occupation, when carried on by the same person, firm or company in two or more distinct and separate buildings or places of business.

178. Every tax imposed under article 176 may, in the discretion of the council, be imposed and levied in the form of a licence; and, thereupon, such tax shall be payable annually at such time and under such conditions and restrictions as the council may determine.

Although the by-law of the council ordering the imposition and levying of certain duties and taxes in the form of a licence may impose a fine, for failure to pay such duties or taxes, the council may, at its option, instead of imposing the fine, sue for the recovery of the said duties or taxes, whether a licence be issued or not, and whether the name of the person liable for the duties or taxes be entered or not on the collection roll.

179. Notwithstanding the provisions of article 177 the council may impose and levy an annual licence or permit not exceeding three hundred dollars on merchants doing business in the municipality and who do not reside therein or who are residents therein for less than three months and whose names are not entered on the collection roll, but who are temporarily occupying premises without however being obliged to impose a tax or permit on those resident therein for more than three months.

180. In order to pay its aliquot share of the expenses or of part of the expenses of the Regional Government required by the Regional Government under article 145 of Schedule 2 of Section 13 of the Agreement, the municipal corporation may impose and levy a tax in the manner prescribed by the Minister.

181. Every tax imposed by virtue of the foregoing provisions shall be payable annually at the time fixed by the by-laws.

The council may pass such by-laws as may be necessary to enforce the collection of any tax imposed in virtue of this act.

182. The Council may, by resolution, whenever it sees fit, instruct the secretary-treasurer to add to the amount of any taxes to be levied in the municipality, the sum of not more than 10% to cover losses, costs and bad debts.

183. Taxes shall bear interest at the rate of 5% per annum or at such lower or higher rate of interest enacted by by-law of the council, from maturity, without necessity of a special demand for payment.

Neither the council nor its officers may remit any taxes or interest thereon. The council may however, by resolution, exempt the poor of the municipality from the payment of taxes.

The council may also, by resolution, grant a discount not exceeding 5% to every ratepayer who pays his taxes before they are due.

184. Arrears of municipal taxes shall be prescribed by three years.

185. The secretary-treasurer shall make a general collection roll each year, at the time fixed by the council, including all taxes then imposed, mentioning them separately.

He shall also make a special collection roll whenever any tax has been imposed after the making of the general collection roll, or whenever he is ordered so to do by the council. Such special roll shall exist as a separate roll only until the date fixed by the council for the preparation of the new general roll and it must then be included in the new general roll which the secretary-treasurer shall prepare.

186. The collection roll shall not be completed until the budget of the municipal corporation has been adopted and transmitted to the Minister of Municipal Affairs and to the Regional Government.

187. Within sixty days following the day on which the roll was completed, the secretary-treasurer shall transmit to every person entered on such roll, a demand for payment of the taxes. Such taxes shall be payable within thirty days following such demand for payment.

188. The payment of municipal taxes may be claimed by an action brought in the name of the municipal corporation before the court having jurisdiction in the territory.

#### Chapter III – Loans

189. The Québec Municipal Commission may authorize a municipal corporation upon application made to it by a mere resolution of the council, to contract one or more loans upon the conditions and for the period which the Commission determines.

The conditions so determined by the Commission shall govern such loans notwithstanding any contrary or incompatible provisions of a general or special act limiting the amount of loans and determining the period for their reimbursement.

The provisions of this section shall apply to every loan contracted by a municipal corporation.

#### Chapter IV – Audit of municipal finances

190. (1) The council, at its first sitting in the month of December, shall appoint for the fiscal year ending on the ensuing thirty-first of December, one or more auditors for the auditing of the accounts of the municipal corporation.

(2) Such auditors may be individuals, members of a partnership or appointees of the Regional Government and may entrust the work to their employees, but then the responsibility of the auditors shall be the same as if such work had been entirely performed by such latter.

(3) They shall make a report of their examination to the council within sixty days after the expiration of the fiscal year.

(4) A copy of such report, certified by the secretary-treasurer, must be sent forthwith by the secretary-treasurer to the Minister of Municipal Affairs and to the Regional Government.

(5) The council may order any other examination it may deem necessary and call for a report.

191. Any surplus or deficit for a fiscal year shall be entered in the revenues or expenses of the budget for the ensuing fiscal year according to the report of the auditors.

192. (1) At any time of the year, if so required in writing by at least five electors, the council shall also order a special audit of the accounts of the municipal corporation for one or more of the last five years, provided that no such audit has already been made for the same years under this article.

(2) The costs of such audit shall be payable by the responsible officer of the municipal corporation, if he has been guilty of embezzlement or if, having been found short in his accounts, he fails to repay the balance within the delay fixed by the last paragraph; otherwise the costs shall be payable by the persons who demanded the audit, unless the audit is of advantage to the municipal corporation.

(3) The demand for an audit under this article must be accompanied by a deposit of one hundred dollars, which shall be returned to the petitioners if the costs of the audit are not charged to them.

(4) Any auditor appointed for such purposes may be an individual or a partnership, and may entrust the work to his or its employees, but then the responsibility of such auditor shall be the same as if such work had been entirely performed by the auditor himself.

(5) Within thirty days after the service upon him of a copy of the report of the audit, the defaulting officer of the municipal corporation must pay the amount of the balance which he has been found to owe, as well as the costs of the audit.

193. All actions or claims against the secretary-treasurer resulting from his administration are prescribed by five years from the day on which the shortage of his account is reported by the auditor to the council.

194. The provisions of this chapter shall nowise affect the recourse of the municipal corporation under the security given by the secretary-treasurer.

*Title X Proceedings against municipal corporations*

195. When any suit or action is commenced against the municipal corporation, service therein shall be made upon the secretary-treasurer of the municipal corporation at his office or domicile.

196. Any provisions of law to the contrary notwithstanding, no judgment rendered against the municipal corporation for a pecuniary condemnation only shall be executory before the expiration of thirty days after the date thereof.

197. Whenever a copy of a judgment condemning the municipal corporation to pay a sum of money has been served at the office of the council, the secretary-treasurer shall forthwith, upon being authorized by the council or by the mayor, pay the amount thereof out of the funds at his disposal according to the provisions of article 173.

198. The Court which rendered the judgement may, on petition, grant to the council any delay which it deems necessary to levy the moneys required.

*Title XI: General provisions*

199. The amounts or percentages mentioned in articles 29 (1) and (2), 110 (1), 176, 177, 179, 182, 183 and 192 (3) may be increased and those mentioned in article 166 (1) may be reduced by proclamation of the Lieutenant-Governor in council.

200. The provisions of the Cities and Towns Act respecting the valuation roll, the imposition and collection of real estate taxes, including procedures related thereto and the provisions of the Real Estate Assessment Act shall come into force in a municipality upon receipt by the Minister of a resolution of the council to proceed to the imposition of such real estate taxes.

201. The laws of Québec, including the Cities and Towns Act but excluding the Municipal Code, shall apply within the territory insofar as they are applicable and not derogated from by the provisions of this Act.

202. This Act shall come into force on a date to be fixed by proclamation of the Lieutenant-Governor in Council.

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JBNQA, Sch. 2

A. corr.