



CHAPTER 41

An Act to amend the Cities and Towns' Act

[Assented to, the 9th of May, 1941.]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 2 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), as amended by the acts ^{R.S., c. 102, s. 2, am. 1} 21 George V, chapter 54, section 1, and 2 George VI, chapter 62, section 1, is again amended:

a. By adding at the end of subsection 1 of the said section the following paragraph:

"The provisions of sections 122, 123, 124, 128 and 586 of this act shall apply to all such municipalities so as to grant women the right to vote and to be eligible as candidates, and to prevent a husband having the right to vote through his wife's property unless he be usufructuary thereof, and, to this extent, such provisions shall prevail over any special act;"

b. By replacing the words: "to obtain", in the first line of the last paragraph of subsection 3 thereof, by the word: "for".

2. Section 66 of the said act, as replaced by the act ^{Id., s. 66, replaced.} 3 George VI, chapter 63, section 1, is again replaced by the following:

"**66.** The mayor, without being bound to take the oaths prescribed for justices of the peace, shall be *ex officio* a justice of the peace; within the municipality, so long as he continues in office. ^{Mayor, justice of the peace, ex officio.}

It shall not be competent to him to hear and decide cases in which the municipality or its officers are interested parties. ^{Certain cases not competent to him.}

Aldermen,
justices of the
peace *ex*
officio.

The aldermen, without being bound to take the oaths prescribed for justices of the peace, shall be *ex officio* justices of the peace for the receiving of oaths only, within the municipality, so long as they continue in office."

R. S., c. 102,
s. 122, am.

3. Section 122 of the said act is amended by striking out the word: "male", in the first line thereof.

Id., s. 123,
am.

4. Section 123 of the said act, as amended by the acts 18 George V, chapter 37, section 1; 20 George V, chapter 47, section 4, and 24 George V, chapter 32, section 1, is again amended:

a. By striking out the word: "male", in the fifth line and in the sixth line of paragraph 8 thereof;

b By adding, at the end of the first paragraph of paragraph 9 thereof, the words: "Acceptance of or application for municipal services available to rate-payers according to a fixed tariff shall not be deemed a contract with the municipality."

Id., s. 124,
am.

5. Section 124 of the said act, as replaced by the act 2 George VI, chapter 62, section 5, is amended by replacing the word: "wife", in the fifth line of the first paragraph thereof, by the word: "consort".

Id., s. 128,
am.

6. Section 128 of the said act is amended:

a. By replacing the words: "Male persons and widows or spinsters", in the first line of paragraph *a* of subsection 1 thereof, by the words: "All persons";

b. By striking out paragraph *b* of the said subsection 1;

c. By replacing the words: "Every male person, and every widow or spinster", in the first line of paragraph *c* of said subsection 1 by the words: "Every person";

d. By striking out the word: "male", in the first line of paragraph *d* of the said subsection 1.

Id., ss. 399-
410n,
replaced.
Vote for
approval of
by-law.

7. Sections 399 to 410n, inclusive, of the said act, are replaced by the following:

"399. When a by-law is submitted for the approval of the electors, the vote shall be taken by ballot following the provisions governing elections in the municipality, in so far as they may be applicable and are not derogated from by the following provisions.

Save where otherwise provided, every by-law which has to be submitted to the electors who are property-

Majority
required.

owners must, in order to have effect, be approved by the majority, in number and in value of immoveables, of the electors who are property-owners and who have voted.

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

The clerk of the municipality shall, at least fifteen days before the day fixed, give public notice calling upon the electors who are owners of immoveable property to vote, and indicating the days and place where the poll will be held. Notice.

"401. The poll shall be held in the public municipal hall or at any other place determined by the council. More than one polling-station may be established therein. Where poll is held.

"402. The appointment of the poll-clerk may be made by the clerk or returning-officer at any time before the balloting. Poll-clerk.

"403. The returning-officer shall, if so requested in writing, appoint, for each polling-station, two agents to represent therein those who wish for an affirmative answer to the question submitted, and two agents to represent therein those who wish for a negative answer. Agents.

The appointment of agents shall be in writing and shall state the surname, Christian names, occupation and residence of the agent and the polling-station at which he is to act, and shall be signed by the returning-officer. Appointment in writing.

"404. The poll shall be held on two juridical days, from eight o'clock in the morning to five o'clock in the afternoon. The council may, by by-law, prolong the hours of the polling until eight o'clock in the evening. Duration of poll.

"405. If, at the end of the second day of the poll the number of votes required have not been given, the returning-officer shall order the voting to be continued on the following juridical day, if an application to that effect be made to him in writing by the mayor, by an alderman or by three electors who are property-owners, within a delay of one hour after the closing of the poll. Voting continued.

"406. No one shall be allowed to vote, unless it appears from the valuation roll in force, or from the electoral list, that he is a municipal elector or an elector who is owner of taxable immoveables, as the case may be. Qualification to vote.

Payment of
taxes not
required.

Form of
ballot-paper.

It shall not be necessary for such electors to have paid their municipal and school taxes.

“407. The following shall be printed on the ballot-papers, in lieu of the names of candidates:

“Etes-vous d'opinion que le règlement no (*insérer ici le no du règlement*) concernant (*insérer ici le titre ou l'objet du règlement*) doit être adopté?

“Are you of the opinion that the by-law No. (*insert here the No. of the by-law*) respecting (*insert here the title or object of the by-law*) should be adopted?

1	OUI YES
2	NON NO

Ballot-papers
for voting by
value.

“408. If the approval of the by-law must be in number and in value:

1. Ballot-papers shall be printed for voting by value bearing, besides what is prescribed for ballot-papers for voting by number, the words: “VALEUR-VALUE” followed by one of the numbers: \$100, \$500, \$1,000, \$5,000, \$10,000, \$50,000. The same inscription shall appear on the stubs;

2. The returning-officer shall hand to each elector, in addition to a ballot-paper for voting by number, ballot-papers for voting by value for an amount equal to the total valuation of the elector's taxable immovables entered on the valuation roll;

3. Such amount shall be calculated in hundreds of dollars and, for the purpose of voting by value, any valuation less than one hundred dollars shall be counted as one hundred dollars. Above that figure, any amount which is less than fifty dollars shall be disregarded and any amount of fifty dollars or more shall be counted as one hundred dollars;

4. The poll-book shall mention, besides the ordinary details, the amount of the valuation for which ballot-papers for voting by value have been issued.

Voting.

“409. 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 words: "OUI YES" appear;

2. If in the negative, by marking a cross on the ballot-paper in the space where the words: "NON NO" appear.

"410. At the close of the poll the returning-officer ^{Counting} and the poll-clerk, in the presence of the agents if any ^{Votes.} have been appointed, shall proceed to count the votes and shall make a list of them, counting and separating ^{List.} the yeas and the nays and, if there be occasion, the ballots by number and those by value.

If the vote was taken in number and in value, ^{Contents of} the list shall indicate, besides the ordinary details, ^{list.} the total amount of the affirmative votes in value and the total amount of the negative votes in value, as well as the total amount of the votes in value of the electors who voted, as entered in the poll-book.

Such list shall be certified by the returning-officer ^{List certified.} and by the poll-clerk, and must declare, over their signatures, whether the by-law has been approved or disapproved, with the necessary particulars.

Such list shall be laid before the council at its next ^{Before} sitting. ^{council.}

The poll-book and the list of the votes shall be de- ^{Deposit.} posited in the archives of the council.

In the event of a tie in the vote, whether in number ^{Casting vote.} or in value, the mayor shall give the casting vote."

8. Paragraph 1 of section 426 of the said act is ^{R. S., c. 102} replaced by the following: ^{s. 426, am.}

"1. To regulate the height of all structures and the materials to be used therein; to prohibit any work not of the prescribed strength and provide for its demolition; to prescribe salubrious conditions and the depth of cellars and basements; to regulate the location within the municipality of industrial and commercial establishments and other buildings intended for special purposes; to divide the municipality into districts or zones of such number, shape and area as may appear suited for the purpose of such regulation and, with respect to each of such districts or zones, to prescribe the architecture, dimensions, symmetry, alignment and use of the structures to be erected, the area of lots, the proportion which may be occupied by and the distance to be left between structures; to compel proprietors to submit the plans of proposed buildings to ^{Buildings, etc.}

a designated officer and to obtain a certificate of approval; to prevent or suspend the erection of structures not conforming to such by-laws and to order the demolition, if necessary, of any structure erected contrary to such by-laws, after their coming into force.

No by-law made under this paragraph 1 may be amended or repealed except by another by-law approved by the vote, by secret ballot, of the majority in number and in value of the electors who are owners of immoveable property situated in each district or zone to which the proposed amendment or repeal applies;".

R. S., c. 102,
s. 427, am.

Drains, etc.

9. Paragraph 26 of section 427 of the said act is replaced by the following:

"26. To regulate the time when private drains may be made; to prescribe the manner of constructing the drains and the materials to be used in their construction, the municipality itself making the same from the street to the public sewer; and to assess the cost of construction against the owners;

Safety device,
etc.

To oblige every owner of an immoveable to instal a check-valve or other safety device therein in order to prevent any back-flow of sewage. The municipality shall not be liable for damages from flooding occasioned through failure to instal check-valves or other safety devices pursuant to a by-law made under this paragraph 26."

R. S., c. 102,
s. 469, am.

Trade
licenses for
non-residents.

10. Paragraph 12 of section 469 of the said act is replaced by the following:

"12. To prevent any person, residing outside the municipality (and not having a retail trade establishment), from carrying on any trade or business in the municipality without being previously authorized thereto by a license, and without having paid for such license an amount of not more than two hundred dollars a year;".

R. S., c. 102,
s. 486, am.

Special listing
of electors
for Provincial
elections.

11. Section 486 of the said act is amended by adding thereto the following paragraph:

"The assessors may, if the council so decide, omit from the valuation roll and enter on an attached list the names of such persons as are shown only as electors for the purpose of Provincial elections. Such list shall form part of the roll for the said purpose only."

12. Section 488 of the said act is replaced by the following: R. S., c. 102, s. 488, replaced.

"488. The taxable immoveables in the municipality shall comprise lands, constructions and work-shops erected thereon and all improvements made thereto, as well as machinery and accessories which are immoveable by destination or which would be so if they belonged to the owner of the real property. The actual value of the whole shall be entered in the valuation roll in the name of the owner of the ground; but, if the latter prove to the assessors that machinery or accessories have been installed by a tenant or other occupant, the value of such machinery and accessories shall be entered in the name of the tenant or occupant possessing them who, in this respect, shall be treated as an owner of taxable immoveables." Taxable immoveables.

13. Section 550 of the said act, as amended by the act 24 George V, chapter 33, section 3, is again amended by inserting therein, after the word: "ordered", in the sixth line of the first paragraph thereof, the words: "by stating the name of the owner according to the valuation roll". R. S., c. 102, s. 550, am.

14. Section 571 of the said act is amended by replacing the words: "extend such delay", in the sixth and seventh lines thereof, by the words: "grant further delays". Id., s. 571, am.

15. Section 586 of the said act, as amended by the act 1 George VI, chapter 51, section 1, is replaced by the following: Id., s. 586, replaced.

"586. Every by-law ordering a loan, in order to have force and effect, must be approved by the municipal electors who are owners of taxable immoveables, and by the Lieutenant-Governor in Council. Approval of loan by-laws.

The Lieutenant-Governor in Council may approve such a by-law in part only." Id., in part.

16. Section 592 of the said act, as amended by the acts 21 George V, chapter 56, section 5, and 1 George VI, chapter 51, section 2, is again amended by inserting therein, after the words: "Trade and Commerce", in the third and fourth lines of the first paragraph thereof, the words: "in order that he may submit them to the Lieutenant-Governor in Council". R. S., c. 102, s. 592, am.

R. S., c. 102,
ss. 593, 594,
595, am. **17.** Sections 3, 4 and 5 of the act 1 George VI,
chapter 51, are repealed, and consequently sections
593, 594 and 595 of the Cities and Towns' Act are
restored as they previously read.

Present
office-
holders not
disqualified. **18.** No person now holding a municipal office shall,
by reason of this act, be disqualified from holding the
said office, before the expiration of his term of office.

Coming into
force. **19.** This act shall come into force on the day of its
sanction.
