



CHAPTER 69

An Act to amend the Municipal Code

[Assented to, the 17th 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. Article 29 of the Municipal Code is repealed.

M. C., art.
29, repealed.

2. Article 35 of the said Code, as amended by the acts 8 George V, chapter 81, section 1; 16 George V, chapter 34, section 2, and 20 George V, chapter 103, section 2, is again amended:

Id., art. 35,
am.

a. By inserting therein, after the second paragraph thereof, the following paragraph:

"In so far as any such territory within the boundaries of a municipality is concerned, the application for alteration must be made by the majority in number and in value of the electors who are owners of taxable immoveables in such municipality.";

Application
for alteration
of boundaries.

b. By striking out the words: "the majority of the owners of immoveables situated within the territory remaining to the old municipality may consent to the above proceedings, but, in such case," in the third, fourth, fifth and sixth lines of the third paragraph thereof.

3. Article 42 of the said Code is amended by replacing the words: "date therein mentioned", in the fifth line thereof, by the words: "first of January following".

M. C., art.
42, am.

4. Article 50 of the said Code is amended by replacing the words: "application made by them to be detached from the said municipality", in the fifth and

Id., art. 50,
am.

sixth lines thereof, by the words: "division or annexation".

M. C., art.
226, am.

5. Article 226 of the said Code is amended by striking out the word: "male", in the first line thereof.

Id., art. 227,
am.

6. Article 227 of the said Code, as amended by the acts 9 George V, chapter 83, section 1; 10 George V, chapter 82, section 1; 11 George V, chapter 105, section 1; 15 George V, chapter 84, section 2; 18 George V, chapter 94, section 12; 23 George V, chapter 119, section 1; 24 George V, chapter 82, section 1; 24 George V, chapter 83, section 1, and 2 George VI, chapter 103, section 4, is again amended:

a. By striking out paragraph 2 thereof;

b. By adding, at the end of paragraph 9 thereof, the words: "in the municipality";

c. By replacing the words: "Whoever has no residence or place of business", in the first line of the English version of paragraph 10 thereof, by the words: "Whoever does not have his residence or chief place of business".

Id., art. 231,
am.

7. Article 231 of the said Code is amended by adding thereto the following paragraph:
"9. Women."

Id., art. 243,
am.

8. Article 243 of the said Code, as amended by the acts 19 George V, chapter 89, section 1, and 24 George V, chapter 84, section 1, is again amended:

a. By striking out paragraph 2 thereof;

b. By striking out the words: "either in his own name or in the name and for the benefit of his wife," in the second, third and fourth lines of paragraph 3 thereof.

Id., art. 244,
replaced.

9. Article 244 of the said Code, as replaced by the act 14 George V, chapter 84, section 1, and amended by the acts 18 George V, chapter 94, section 13, and 20 George V, chapter 103, section 6, is again replaced by the following:

Qualification
of proprie-
tors' sons and
daughters to
vote.

"244. Proprietors' sons and daughters are also electors who, at the time they exercise such right:

1. Are British subjects and have attained the age of majority;

2. Are entered in the valuation roll as sons or daughters of proprietors;

3. Have had their domicile for the past year at least in the municipality with their father, or mother, if the latter is a widow;
 provided the immoveable qualifying the father or mother as an elector be of sufficient value to qualify the father or mother and their said children as electors, according to article 243. In cases of partial insufficiency, the eldest shall be the first to be qualified as electors.
 This article shall only confer the right to vote for the election of mayor and of councillors."

Proviso.

Restriction.

10. The said Code is amended by inserting therein, after article 245a, the following article in lieu of section 4 of the act 16 George V, chapter 68, as amended by the acts 24 George V, chapter 83, section 6, and 25-26 George V, chapter 108, section 11, which is hereby repealed:

M. C., art. 245b, added, and 16 Geo. V, c. 68, s. 4, repealed.

"245b. When a by-law is put into force under the preceding article, the term of office of the members of the council shall be extended until the second Wednesday of May or July, as the case may be, and when such a by-law is repealed, the term of office of the members of the council shall end on the second Wednesday of January preceding the date when it was to end."

Term of office extended or reduced.

11. Article 319 of the said Code is amended by replacing the second paragraph thereof by the following:

M. C., art. 319, am.

"Service must also be made upon any other person designated by the court. Upon failure by the plaintiff to cause the service to be made within eight days of the judgment, any ratepayer may cause it to be made."

Service of judgment.

12. The said Code is amended by inserting therein, after article 387 thereof, the following section and articles:

M. C., s. IIIa, arts. 387a-387l, added.

"SECTION IIIa

"APPROVAL BY THE ELECTORS BY SECRET BALLOT

"387a. When a by-law is submitted for the approval of the electors by secret ballot, the vote shall be taken following the provisions governing elections, in so far as they may be applicable and are not derogated from by the following provisions.

Manner of voting for approval of by-law.

Date for
opening of
poll.

"387b. 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.

Notice.

The secretary-treasurer 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.

Where poll is
held.

"387c. The poll shall be held in the public municipal hall or at any other place determined by the council.

Poll-clerk.

"387d. The appointment of the poll-clerk may be made by the secretary-treasurer or presiding officer at any time before the balloting.

Agents.

"387e. The presiding 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.

Appointment
in writing.

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 presiding officer.

Duration of
poll.

"387f. 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.

Voting conti-
nued in cer-
tain event.

"387g. If, at the end of the second day of the poll, the number of votes required have not been given, the presiding 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 a councillor or by three electors who are property-owners, within a delay of one hour after the closing of the poll.

Qualification
to vote.

"387h. No one shall be allowed to vote, unless it appears, from the valuation roll in force, that he is a municipal elector or an elector who is owner of taxable immoveables, as the case may be.

Payment of
taxes not
required.
Form of bal-
lot-paper.

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

"387i. 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

“**387j.** If the approval of the by-law must be in number and in value: Ballot-papers for voting by 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 presiding 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.

“**387k.** The vote on the question submitted shall be Voting. 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.

- Counting votes. “**387l.** At the close of the poll the presiding officer and the poll-clerk, in the presence of the agents if any have been appointed, shall proceed to count the votes and shall make a list of them, counting and separating the yeas and the nays and, if there be occasion, the ballots by number and those by value.
- List. If the vote was taken in number and in value, the list shall indicate, besides the ordinary details, 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.
- Contents of list. Such list shall be certified by the presiding officer and by the poll-clerk, and must declare, over their signatures, whether the by-law has been approved or disapproved, with the necessary particulars.
- List certified. Such list shall be laid before the council at its next sitting.
- Before council. The poll-book and the list of the votes shall be deposited in the archives of the council.
- Deposit. In the event of a tie in the vote, whether in number or in value, the mayor shall give the casting vote.”
- Casting vote. **13.** Article 392a of the said Code, as enacted by the act 20 George V, chapter 103, section 14, and amended by the act 4 George VI, chapter 72, section 1, is again amended by replacing the last paragraph thereof by the following:
- M. C., art. 392a, am. “Any by-law adopted under this article can only be amended or repealed 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 immoveables situated in each district or zone to which the proposed amendment or repeal applies.”
- Amendment or repeal of by-law. **14.** Article 408 of the said Code, as amended by the acts 10 George V, chapter 82, section 2; 11 George V, chapter 48, section 25; 16 George V, chapter 69, section 1; 17 George V, chapter 74, section 11; 18 George V, chapter 94, section 14; 20 George V, chapter 103, section 15; 21 George V, chapter 114, section 6; 21 George V, chapter 116, section 1; 22 George V, chapter 103, section 5; 24 George V, chapter 85, section 1; 25-26 George V, chapter 24, section 2; 25-26 George V, chapter 108, section 5, and 1 George VI, chapter 100, section 1, is again amended:
- M. C., art. 408, am.

a. By replacing sub-paragraph a of paragraph 3 thereof by the following:

"a. To exact, over and above any tax for the establishment or maintenance of waterworks, sewers, wells or reservoirs, a compensation for the water or for the sewer service, according to such tariff as it deems advisable, from every proprietor, lessee or occupant of any house, shop or other building, whether or not the latter avail themselves of the water or of the sewers, if, in the latter case, the council has notified them that it is prepared to bring the water or the sewers, at its own expense, into or near their houses, shops or buildings,";

b. By striking out the words: "for water", in the second line of sub-paragraph b of the said paragraph 3 thereof.

15. Article 408a of the said Code, as enacted by the act 11 George V, chapter 48, section 26, is repealed.

Compensation for water or sewer service.

Proviso.

M. C., art. 408a, repealed.

16. Article 408b of the said Code, as enacted by the act 22 George V, chapter 103, section 6, is amended by striking out the words: "for water", in the second line thereof.

Id., art. 408b, am.

17. Article 408c of the said Code, as enacted by the act 25-26 George V, chapter 108, section 6, is replaced by the following:

Id., art. 408c, replaced.

"**408c.** When a property-owner is liable for the payment of the compensation contemplated by paragraph 3 of article 408 or by article 408b, the claim of the municipal corporation shall be assimilated to a tax imposed upon the immoveable by reason of which the said compensation is due."

Compensation assimilated to tax.

18. Article 654 of the said Code, as amended by the acts 8 George V, chapter 20, section 36; 14 George V, chapter 84, section 2; 18 George V, chapter 94, section 16, and 2 George VI, chapter 103, section 10, is again amended by replacing paragraph 3 thereof by the following:

M. C., art. 654, am.

"3. a. The real value of all taxable lands or parts of taxable lands;

Values to be entered on roll.

b. The real value of all taxable buildings and improvements;

c. The total real value of every taxable immoveable."

M. C., arts.
656a, 656b,
656c, inserted.

19. Sections 1, 2 and 3 of the act 1 George VI, chapter 54, as amended by the act 2 George VI, chapter 60, section 1, become, respectively, articles 656a, 656b and 656c of the Municipal Code.

M. C., art.
735, am.

20. Article 735 of the said Code, as amended by the act 18 George V, chapter 94, section 18, is again amended by replacing the words: "said first Wednesday in March,—or of July in the case of the county of the Magdalen Islands,—", in the second, third and fourth lines thereof, by the words: "day fixed,".

Id., art. 758,
am.

21. Article 758 of the said Code, as replaced by the act 8 George V, chapter 60, section 19, and amended by the acts 11 George V, chapter 48, section 29; 16 George V, chapter 34, section 7; 18 George V, chapter 94, section 19, and 1 George VI, chapter 51, section 6, is again amended by striking out the last paragraph thereof.

Certain
powers given
retroactive
effect.

22. It is hereby declared that all municipalities governed by the Municipal Code have always had, since the coming into force of the act 16 George V, chapter 69, the powers provided for by section 14 of this act.

Retroactive
effect of cer-
tain provi-
sions.

23. Sections 16 and 17 of this act shall each have effect from the date when the text which they amend or replace was brought into force.

Coming into
force.

24. Sections 2 and 18 of this act shall each come into force on such day as shall be fixed by proclamation of the Lieutenant-Governor and the remaining sections shall come into force on the day of the sanction of this act.