



## CHAPTER 70

An Act to amend the Municipal Code, respecting  
water-courses

[Assented to, the 13th of March, 1941]

**HIS MAJESTY**, with the advice and consent of the  
Legislative Council and of the Legislative As-  
sembly of Quebec, enacts as follows:

**1.** Article 453 of the Municipal Code, as amended M. C., art. 453, am.  
by the acts 11 George V, chapter 107, section 1, and 12  
George V, chapter 102, section 1, is again amended:

*a.* By replacing the words: "and by the by-laws", in  
the fourth line of the first paragraph thereof, by the  
words: ", by the by-laws and by the deeds of agree-  
ment";

*b.* By adding, after the word: "by-laws", in the  
second line of the second paragraph thereof, the words:  
", deeds of agreement".

**2.** Article 499 of the said Code is amended by re- Id., art. 499, am.  
placing the word: "chapter", in the fifth line thereof,  
by the word: "title".

**3.** Article 500 of the said Code is amended by strik- Id., art. 500, am.  
ing out the words: "within the meaning of the provi-  
sions of this chapter", in the third and fourth lines of  
the first paragraph thereof.

**4.** The said Code is amended by inserting therein, Id., art. 500a, added.  
after article 500 thereof, the following article:

"**500a.** Every municipal water-course allows of a Right of way.  
right of way on foot, by vehicle and with machines over  
any land in order to have access to the water-course

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| Idemnity.                                   | and to there carry out the work required by the law, the deeds of agreement, the <i>procès-verbaux</i> or the by-laws, subject to the indemnification contemplated in article 559 for the damage occasioned.  |
| Use of right of way.                        | Any officer authorized by a Federal or Provincial Department, or any municipal inspector may, himself or through other persons under his direction, exercise such right of way.   |
| Offence and penalty.                        | Every person who prevents or attempts to prevent the exercise of such right shall incur the penalties contemplated in article 141."   |
| M. C., arts. 501, 502, 502a, 503, replaced. | <b>5.</b> Articles 501, 502, 502a and 503 of the said Code are replaced by the following:   |
| Water-courses, how regulated.               | " <b>501.</b> Municipal water-courses may be regulated, wholly or in part, by <i>procès-verbal</i> , by-law or deed of agreement.   |
| Contents of deeds of agreement.             | " <b>502.</b> Every deed of agreement shall set forth: <ol style="list-style-type: none"> <li>1. The description and situation of the water-course;</li> <li>2. The specification describing the work to be done;</li> <li>3. The mode of contributing to the work;</li> <li>4. The description and superficial extent of the lands which are to be subjected thereto.</li> </ol> |
| Plan and specification.                     | When the deed of agreement is accompanied by a plan of the water-course and a specification of the work to be done, it shall be sufficient to state that the water-course will be made according to the plan and specification annexed to the deed of agreement to form an integral part thereof.   |
| Form of deeds of agreement.                 | " <b>502a.</b> A deed of agreement may be made by deed in notarial form or under private signature, signed by the owners of at least three-fourths in area of the land subjected to the work to be done, and shall be obligatory as well for the persons who have not signed it as for those who have, and for the representatives of both.                                       |
| Homologation of deeds of agreement.         | " <b>503.</b> Every deed of agreement must, on pain of nullity, be homologated by the municipal council or the board of delegates under whose direction the water-course is.  |
| Notice.                                     | When the deed of agreement has not been signed by all the proprietors of lands subjected to the water-course, the secretary of the municipal council or of the board of delegates in whose office the deed of agreement is deposited shall be bound to summon the persons interested who have not signed it to the sitting  |

of the council or of the board of delegates at which the deed of agreement is to be considered. Such summoning shall be effected by a public notice and by registered letter mailed to the last known address of the said persons interested or served upon each of them, at least eight days before the said sitting."

**6.** The said Code is amended by inserting therein, after article 503 thereof, the following article: M. C., art. 503a, added.

"**503a.** The deed of agreement is substituted *de jure* for the *procès-verbal* or by-law, governing such water-course, if any. It remains binding until it is replaced by a *procès-verbal*, a by-law or a subsequent deed of agreement." Deeds of agreement substituted for *procès-verbaux* or by-laws.

**7.** The said Code is amended by adding thereto, after article 505 thereof, the following article: M. C., art. 505a, added.

"**505a.** Every proprietor of land which is crossed or bordered by a water-course must keep the approaches to such water-course free of injurious vegetation, accumulations of branches or other waste matter for a distance of fifteen feet from the bank of the water-course." Duty of bordering proprietors of water-courses.

**8.** Article 511 of the said Code is repealed. M. C., art. 511, repealed.

**9.** Article 515 of the said Code is amended by replacing the first paragraph thereof by the following: Id., art. 515, am.

"Any land situated within the drainage area of a municipal water-course may be subjected to the work on such water-course by a *procès-verbal*, a by-law or a deed of agreement for and by reason of the area of such land and in the proportion established by the competent authority; but should an error of not more than ten per cent in the area of such land be made, such error is not to be taken into account. Such land need not be described otherwise than by indicating its area and by the official number of the lot." How land subjected to work on water-course.

**10.** The English version of article 517 of the said Code is amended by adding, after the word "*procès-verbal*", in the third line, the words: "except in cases otherwise provided for", and by striking out the same words at the end of the said article. M. C., art. 517, am.

**11.** Article 558a of the said Code, as enacted by the act 3 George VI, chapter 98, section 4, is repealed. Id., art. 558a, repealed.

M. C., art.  
559, am.

**12.** Article 559 of the said Code, as amended by the act 3 George VI, chapter 98, section 5, is again amended by replacing the first paragraph thereof by the following paragraphs:

Declaration  
of damages.

“The municipal inspector must, as soon as possible, declare on oath what he believes to be the value of the damage occasioned by the taking of such materials.

Idem.

Every person using the right of way provided for in article 500a must also declare on oath what he believes to be the value of the damage occasioned by the exercise of such right.”

Coming into  
force.

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