



CHAPTER 26

An Act to authorize all municipal corporations to municipalize electricity

[Assented to, the 20th of May, 1937]

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

INTERPRETATIVE PROVISIONS

1. In this act:

a. "municipal corporation" means any municipal corporation incorporated or governed by general law or by special act;

Interpretation:

"Municipal corporation";

b. "secretary-treasurer" means, as the case may be, the clerk or the secretary-treasurer of a municipal corporation.

"Secretary-treasurer".

MUNICIPAL ELECTRICITY SERVICE

2. Every municipal corporation may, upon complying with the provisions of this act, establish and maintain under its control, for its use and that of the consumers in the municipality, an electricity generating and distributing service, or a distributing service only, for lighting, heating and power purposes within the limits of the territory over which it has jurisdiction.

Establishing, etc., of electricity service by municipal corporations.

3. The municipal corporation may, for such purposes, acquire by mutual agreement or by expropriation, within or outside the municipality:

Power to acquire waterfalls, etc., for such purpose.

a. Any waterfall, rapid, water or hydraulic power, immoveable, servitude and immoveable right necessary;

b. The undertaking and the assets of any person, corporation or firm operating a system for the production and /or distribution of electricity.

Additional powers.

4. Such municipal corporation may also:

a. enter into agreements for the purpose of procuring the electricity needed for supplying its distributing service;

b. sell to other municipal corporations the difference between the quantity of electricity produced at its generating service and the quantity which may be absorbed by local consumption.

PROCEDURE

Adopting of by-law obligatory. Contents of by-law.

5. Every municipal corporation wishing to avail itself of this act must adopt a by-law:

a. designating the lands, hydraulic powers or other means of generating electricity, constructions and other works entering into the execution of the project;

b. containing as accurate an estimate as possible of the total cost of the undertaking; and

c. providing for a method of payment of the cost of such undertaking.

Depositing, etc., of plan, etc.

6. A plan, specification and memorandum of the undertaking must be prepared and deposited in the office of the secretary-treasurer of the municipal corporation prior to the adoption of the by-law.

Taking cognizance thereof.

The ratepayers of the municipality may take cognizance thereof.

Additional information in by-law in certain case.

7. If the cost of the undertaking has to be, wholly or partly, defrayed by means of a loan, the by-law contemplated in section 5 must specify the form and the amount of the loan, the time of its maturity and the mode of its reimbursement.

Provisions applicable to loan.

Except as derogated from in this act, the provisions of law governing the loan by-laws of the municipal corporation shall apply to a loan contemplated by this section.

APPROVAL OF THE BY-LAW

8. The by-law must be approved, by secret ballot, Approval by secret ballot.
by the majority in number and in value of the votes
cast by the elector-proprietors of the municipality in
accordance with the following provisions.

No other approval shall be required.

No other
approval.

9. The council shall order, by resolution, the hold- Holding of
ing of a poll within the forty days from the adoption of poll.
the by-law, and shall fix the date and place thereof.

At least fifteen clear days prior to the polling, the Calling upon
secretary-treasurer shall give a public notice calling elector-pro-
upon the elector-proprietors to vote and stating the prietors to
days and the place where the poll will be held. vote.

10. The secretary-treasurer shall act as presiding- Presiding-
officer at the poll; if he be unable to so act, the mayor or, officer at poll
in his default, the acting-mayor shall appoint a sub-
stitute for him.

The council, by resolution, shall appoint as assistant Appointing
to the presiding-officer a competent person to act as of assistant.
poll-clerk. If such person be unable to act, the
presiding-officer shall appoint another person in his
place.

11. The voting shall last during three consecutive Duration of
juridicial days, from nine o'clock in the forenoon until voting.
seven o'clock in the evening.

12. The following question shall be submitted to the Question to
elector-proprietors who have the right to vote upon be submitted
the by-law:

Are you in favour of by-law No. *(insert here the
number and title of the by-law)* ?

13. The ballot-papers shall be printed and made in Form of
conformity with the provisions of law respecting the ballot-
holding of an election in the municipality. papers.

However, they shall bear the following inscription, Inscription
instead of the names of the candidates: thereon.

“Êtes-vous en fa-
veur du règlement No
(insérer ici le numéro
et le titre du règle-
ment) ?”

1

OUI

YES

“Are you in favour
of by-law No. (insert
here the number and
title of the by-law) ?”

2

NON

NO

Council's
representa-
tive.

14. The council may appoint a person to represent it at the poll.

Representa-
tive of pro-
ducers, etc.,
of electri-
city.

Another person, chosen by the producers, vendors and distributors of electricity doing business as such in the municipality, may represent them at the poll.

Obtaining of
certificate
prior to
voting.

15. Prior to voting, each elector-proprietor shall obtain a certificate from the secretary-treasurer of the municipal corporation, signed by such secretary-treasurer or by any other person authorized by the municipal council concerned, and dated the day of its issue, setting forth the amount for which such elector is entered on the valuation roll of the municipality.

Contents.

Proviso.

However, in the case of section 26, the amount stated in the certificate must be that for which the elector is entitled to vote.

Entries by
presiding-
officer.

16. The presiding-officer shall enter, in figures, on the back of the ballot intended for the voter, the amount of the valuation shown in the certificate, affix his initials below the entry and hand the ballot to the voter.

Procedure
by voter.

The voter shall vote by placing a cross on the ballot-paper, in the rectangle where the words “*Oui*” and “*Yes*” appear, or in the rectangle where the words “*Non*” and “*No*” appear, according as he approves or disapproves the by-law.

Idem.

He shall fold his ballot in such a way that the presid-
ing-officer may verify his initials and the amount of

the valuation and shall hand it to such presiding-officer.

The latter shall deposit it in the box after verifying the entries on the back. Depositing in box.

17. At the counting of the votes, the number of ballots represents the vote in number, and the amount entered on such ballot-papers by the presiding-officer represents the vote in value. Counting of votes.

18. The poll-clerk must enter in the poll-book the amount shown in the certificate, in addition to the usual details. Entries by poll-clerk.

19. The presiding-officer, poll-clerk and representatives must take oath to faithfully perform their duties and keep the secrecy of the vote. The poll-clerk shall administer the oath to the presiding-officer and the latter shall administer the other oaths. Oath by election officers, etc.

Any person acting as presiding-officer or poll-clerk or as representative, who communicates information tending to violate the secrecy of the voting to any person whomsoever commits an infringement and shall be liable to a fine of five hundred dollars and costs, and, upon failure to pay such fine, to an imprisonment of six months, and, upon failure to pay the costs, to an additional imprisonment of one month. Offence and penalty.

20. After the closing of the voting, the presiding-officer and the poll-clerk, in the presence of the representatives, if any, shall count the votes and make a statement, in duplicate, setting forth: Statement after counting of votes.

- a. the total number of votes inscribed; Contents.
- b. those in favour of the by-law;
- c. those opposed to the by-law;
- d. the number of votes rejected;
- e. the total in value of the votes inscribed;
- f. the total in value of the votes in favour of the by-law;
- g. the total in value of the votes opposed to the by-law;
- h. the total in value of the votes rejected.

One duplicate statement shall be deposited in the ballot-box with all the documents which have been used or were intended for the poll; each bundle of Depositing of duplicate statement.

documents of the same nature shall be placed in a separate envelope and sealed.

Disposal of other duplicate. The other duplicate shall be filed in the records of the municipal corporation and be communicated to the council at its next sitting.

Additional voting compartments, etc. **21.** If the presiding-officer deems it useful for the expediting of the voting, he may have more than one compartment prepared in order to allow several electors to vote at the same time, and he may also use more than one ballot-box.

Holding of several polling-stations. **22.** In municipalities of over fifty thousand souls, the council may order that several polling-stations be had, at such places as it may designate; the secretary-treasurer must mention such places in the notice contemplated in section 9.

Officers therefor. The council shall appoint a presiding-officer and a poll-clerk for each such polling-station. If either be unable to act, the mayor or, in his default, the acting-mayor shall appoint a substitute.

Representatives. Representatives may be appointed for each polling-station in accordance with section 14.

Provisions applicable to polling. **23.** Saving the above derogations, the provisions of law governing the municipal corporation with respect to elections shall apply, in so far as possible, to the polling held under this act.

RIGHT TO VOTE

Persons entitled to vote. **24.** Subject to the provisions of sections 25 and 26 every elector-proprietor entitled to vote on a loan by-law under the laws governing the municipal corporation shall be admitted to vote upon the referendum contemplated in section 8.

Corporations, etc., precluded from voting. **25.** No corporation or firm may, however, vote;
a. which is a holding company, that is to say a company holding the securities of any commercial, financial or industrial undertaking, but not itself carrying on such undertaking; or
b. which produces, distributes or sells electricity; or
c. whereof fifty per cent of its shares are held by any corporation or firm which produces, distributes or sells electricity.

26. The vote in value of any other corporation or firm shall be based upon the municipal valuation of its ^{Basis for} ~~taxed property only~~, but if the taxes on such property be reduced, through commutation or otherwise, such valuation shall be reduced in the same proportion for the purposes of the vote. ^{vote in value.}

RATES

27. The rates fixed by any municipal corporation ^{Selling rates} for the electricity which it sells must be sufficient to cover the interest and the amortization of the debt contracted for the establishing of the service, the costs of operation and maintenance of the latter, the deterioration of the installation and the losses in collection.

EXPROPRIATION

28. The Expropriation Act 1 George VI, chapter 93, shall apply, except section 15 thereof, to every ex- ^{Provisions} ~~propriation made under this act.~~ ^{applicable to} ^{expropria-} ^{tions.}

However, the security contemplated in section 17 ^{Limiting of} of the said Expropriation Act shall be limited to the ^{security.} amount offered by the municipal corporation for the property which it wishes to expropriate.

CEDING OF A MUNICIPAL ELECTRICITY SERVICE

29. Except to the Government of the Province, no ^{Ceding of} ~~municipal electricity service established under this~~ ^{municipal} ^{electricity} ^{service.} act may be sold, ceded or leased, save under a by-law approved according to the rules established in sections 8 to 26 inclusively.

COUNTY MUNICIPAL SERVICE

30. The provisions of this act shall apply to any ^{Application} ~~municipal county corporation, subject to the pro-~~ ^{to municipal} ^{county cor-} ^{poration.} visions of sections 31 to 39 inclusively.

31. The council may enact the establishment of ^{Service for} ~~the electricity service for part only of the territory~~ ^{part of terri-} ^{tory.} over which it has jurisdiction.

32. The by-law must provide for a loan sufficient ^{Provisions} ~~to defray the cost of the undertaking and be submitted~~ ^{in by-law.} for the approval of the elector-proprietors of each

municipality included in the territory for which the service is contemplated.

Polling. **33.** The polling shall be held in each municipality in the same manner as in the case of the approval of a local by-law adopted under section 5.

Drawing up of statement in triplicate. **34.** The presiding-officer shall draw up the statement of the polling in triplicate. He shall put one copy in the box, deposit another in the records of the local corporation and transmit the third to the secretary-treasurer of the county corporation.

Restricted undertaking. **35.** The service may be established only for the municipalities in which the by-law has been approved; the undertaking shall be reduced accordingly and the by-law shall serve only for the carrying out of the undertaking thus restricted.

Recovery of interest, etc. **36.** The interest and amortization of the loan contracted by the county corporation shall be recovered from the local corporations for which the service is established, in proportion to the total value of their taxable real estate.

Paying of share by local corporations. **37.** Each local corporation contemplated by section 36 shall be bound to pay to the county council the share assessed upon it, according to the conditions and at the dates which the latter shall have fixed.

Apportioning of such share. Such local corporation shall apportion such share upon the taxable real estate of the municipality and collect the same as local taxes, without being obliged to adopt another by-law for such purpose.

Apportioning by secretary-treasurer. **38.** For the purposes of section 37, the secretary-treasurer of the county council shall apportion every year, before the 15th of May, or at any other time which the council may fix, the sums payable by the local corporations for the current year.

Extending of service by agreement. **39.** The county council may, at any time after the establishing of an electricity service in a part of the county, extend such service to any municipality other than those mentioned in section 35, by making an agreement to that effect with the council of such municipality; however, such agreement shall not have effect unless it be approved, in conformity with

sections 8 to 26 inclusively, by the elector-proprietors of the local municipality.

The county corporation may carry out such agree-
ment under its general powers.

Carrying out
of agree-
ment.

GENERAL PROVISIONS

40. A municipal corporation may make by-laws to fix the rates for the electricity derived from the municipal service and may rent meters to the consumers, upon such conditions as it may determine.

By-laws as
to fixing of
rates, etc.

41. No municipal corporation may impose upon any person the obligation of using the electricity derived from its service.

Restriction.

42. The owners or occupants of any immovable in the municipality shall be bound to allow to be carried out all work necessitated through the establishing and maintaining of the service, subject to compensation if they suffer damages thereby.

Obligation
upon
owners, etc.,
of immove-
ables.

They are in addition obliged to permit access to their property to any official or employee of the municipal corporation who, in the carrying out of his duties, wishes to inspect the installations, works or apparatus of the electricity service or assure himself as to the observance of any by-law relating thereto.

Idem.

43. The loans contracted by any municipal corporation for the purposes contemplated in section 2 shall not affect the borrowing powers possessed by it under the laws governing it.

Borrowing
power not
affected.

44. The following are repealed:

- a. the act 25-26 George V, chapter 49; and
- b. the provisions of any other general law relating to the establishing by a municipal corporation of systems for the producing, selling or distributing of electricity.

Provisions
repealed.

45. This act shall not affect the rights and the powers conferred by a charter or special act, in connection with the municipalization of electricity, upon any municipal corporation, and the latter may avail itself of the additional rights and powers which may accrue to it from the application of this act.

Rights safe-
guarded.

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

Coming into
force.

