



CHAPTER 49

An Act respecting the municipalization of electricity

[Assented to, the 18th of May, 1935]

WHEREAS it is in the public interest to give every municipal corporation the right to establish and administer systems for lighting, heating or producing energy or power by means of electricity; Preamble.

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Revised Statutes, 1925, are amended by adding thereto, after chapter 102 thereof, the following chapter: R. S., c.
102A,
added.

“CHAPTER 102A

“AN ACT RESPECTING THE MUNICIPALIZATION OF ELECTRICITY

“DIVISION I

“NAME AND APPLICATION OF ACT

“1. This act may be cited as the *Electricity Municipalization Act*. Short title.

“2. This act shall apply to every municipal corporation, whether incorporated under general law or by a special act; and all the provisions of any general law or special act inconsistent with those of this act are repealed or amended accordingly. Application.

"DIVISION II

"INTERPRETATIVE PROVISIONS

Interpretation:
"Commission".

"3. In this act, unless the context otherwise requires:

1. The word "Commission" means the Quebec Electricity Commission.

"Municipal council".

2. The words "municipal council" mean the council representing and administering any municipal corporation which has adopted a by-law under section 4 of this act.

"Public service".

3. The words "public service" mean any municipal or other corporation, firm, person or association of persons, their lessees, trustees, liquidators or receivers, who or which own, operate, administer or control a system for producing, transmitting, distributing or selling electricity for light, heat, energy or power purposes.

"Electricity system".

4. The words "electricity system" mean a system of lighting, heating or energy or power production by means of electricity.

"DIVISION III

"MUNICIPALIZATION OF ELECTRICITY

Adopting of municipal-ization by-laws.

"4. Any municipal corporation may adopt, amend or repeal by-laws for the establishing and administering of an electricity system for the needs of the public and of private persons or corporations desirous of using it in their houses, buildings or establishments.

Transmitting of copy of by-laws.

A copy of such by-law must be transmitted to the Commission which may, within the thirty days following the date of the reception of such copy of the by-law, advise upon any provision of the said by-law on which it wishes its opinion to be known, if it deem it expedient.

Advice of Commission.

If such advice of the Commission has been given within the required delay, the clerk or the secretary-treasurer must communicate it to the members of the council before the latter can take a final decision on the said by-law.

Informative merely.

The Commission's advice is merely for information and in no way binds the council.

No obligation.

The Commission shall not be bound to give such advice and, if it refuses or omits to do so within the above delay, the council may proceed to a definite decision on the by-law.

Approval of by-law.

"5. In addition to the formalities required by the law governing the municipal corporation for the adoption of such by-law, the latter, to have effect, must be approved by the affirmative vote in number and in value of the elector-proprietors.

Nevertheless, for the taking of the vote on any such by-law, the maximum of real estate value which may be recorded as the amount of the valuation of any company or of any other corporation is fixed at one-fifth of the municipal valuation, but for the portion only on which there is no exemption or commutation of taxes.

Voting by joint-stock companies, etc.

“6. The municipal council is vested with all necessary powers to establish and administer the electricity system contemplated by the by-law.

Powers of municipal council.

It may, in order to meet the interest on the sums expended for the establishment thereof and to create a sinking-fund, impose, by by-law, on all owners or occupants of houses, shops or other buildings, a special annual tax on the assessed value of such houses, buildings and establishments, including the ground.

Creation of sinking-fund.

The sinking-fund created in virtue of the preceding paragraph shall be invested and administered in the same manner as that mentioned in section 579 of the Cities and Towns' Act (Chap. 102).

Investing, etc., of same.

“7. The municipal council may, if it deem it necessary so to do in order to establish the electricity system:

Powers of municipal council for establishing electricity system.

1. Compel the owners or occupants of lands, situated within or without the municipality, to permit and allow all the necessary work to be done.

2. Appropriate lakes, non-navigable rivers, ponds, springs and water-courses having their source or flowing on private property, without, however, prejudicing the rights of the riparian owners to make use thereof, as well under the common law as under the laws respecting water-courses, subject to the indemnity to be determined by agreement between the interested parties, or, failing such agreement, by the Commission.

3. Take possession of the whole or of a portion of the watershed of any lake, non-navigable river, pond, spring and water-course situated within or without the limits of the municipality, subject to the indemnity to be fixed by agreement between the interested parties or, failing an agreement, by the Commission.

Nevertheless, the taking of possession contemplated in paragraph 3 cannot be effected unless the plans, drawn by a provincial land surveyor, showing the area or areas which are the object thereof, have been previously approved by the Commission.

Restriction.

“8. The municipal council may adopt, amend or repeal by-laws:

By-laws for:

- Fixing price, etc., of electricity. 1. To determine the price for electricity supplied to individuals or to corporations and that for the rent of meters, and for supplying meters to measure the quantity of electricity consumed.
- Preventing fraud. 2. To prevent fraud in connection with the quantity of electricity supplied.
- Protecting wires, etc. 3. To protect the wires, pipes, lamps, apparatus and other articles serving for the distribution of electricity.
- Imposing penalties. 4. To impose, in accordance with section 398 of the Cities and Towns' Act (Chap. 102), penalties for infringement of any by-law adopted under this act.
- Collection of special tax, etc. "9. The special tax and the price imposed under sections 6 and 8 shall be collected according to the regulations and in the manner prescribed for general taxes.
- Optional use of electricity. "10. Any citizen or any corporation may use or refuse to use, in any building, house or establishment under his or its control, the electricity supplied by the municipal corporation.
- Powers of officers. "11. The officers appointed for the operating of the electricity system may enter any building, house or establishment and upon any property, to assure themselves whether the regulations adopted under this act are being faithfully carried out.
- Entering and examination of buildings to be permitted. It shall be the duty of the owners or occupants of any such building, house, establishment or property to permit such officers to enter and to make their visit or examination, under penalty of a fine of twenty dollars or more and, in default of payment, of an imprisonment not exceeding one month.
- Obligation upon owners, etc. of houses, etc. "12. Every owner or occupant of a house, construction or land within the municipality for which an electricity system is established under this Division, shall be bound to allow the necessary poles and wires to be placed, and all other work to be carried out on his house, construction or land, subject to payment of the actual damage, if any there be.

"DIVISION IV

"PERFORMANCE OF WORK IN COMMON

- Performing of work in common. "13. The municipal corporations which adopt a by-law under section 4, or any of them, may agree together to carry out together the work mentioned in the said section 4 and exercise together the rights conferred under section 7.

“14. The municipal corporations which avail themselves of the provisions of section 13 must, each, adopt a uniform by-law for such purpose. By-laws therefor.

A copy of such by-law must be transmitted, before its adoption, to the Commission. Copy of by-law.

The provisions of the second, third, fourth and fifth paragraphs of section 4 shall apply to any by-law whereof a copy is transmitted under the present section. Provisions applicable to by-laws.

“15. The apportionment of the expenses necessitated for the carrying out in common of the work and the exercising in common of the above-mentioned rights shall be effected under an agreement entered into between the municipal corporations concerned, and, failing such agreement, according as the Commission may determine. Apportionment of expenses.

“DIVISION V

“ALIENATION OR ABANDONMENT OF AN ELECTRICITY SYSTEM

“16. A municipal corporation cannot sell, cede or otherwise alienate an electricity system belonging to it, nor abandon operation of such system, save under a by-law adopted according to the formalities prescribed by sections 4 and 5. Selling, etc., of electricity system.

“DIVISION VI

“RURAL ELECTRIFICATION

“17. Whenever a municipal corporation cannot agree with a public service to obtain electricity from it, the said municipal corporation may apply to the Commission and the latter may order such public service, or any other which the Commission designates, to supply electricity to such municipal corporation, on the terms and conditions which the Commission may determine. Ordering by Commission for public service to supply electricity.

The provisions of the Quebec Electricity Commission Act (Chap. 46A), respecting the carrying out of the orders of the Commission, shall apply to any order given under this section. Provisions applicable to orders.

“18. Every municipality operating an electricity system may, with the prior approval of the municipalities interested and of the Electricity Commission, sell electricity to and in any municipality of the Province and may establish any energy transmission and distributing system outside of its limits for the aforesaid purposes, provided, however, that such municipalities be situated within a radius of thirty miles from the municipality operating the system. Selling of electricity by municipalities.

"DIVISION VII

"AID TOWARDS RURAL ELECTRIFICATION

Financial aid
by Govern-
ment.

"19. On the recommendation of the Quebec Streams Commission or of the Electricity Commission and on an order of the Lieutenant-Governor in Council, the Provincial Treasurer may pay to any municipality a sum not exceeding fifty per cent of the capital cost of the construction and of the establishing, in or for the service of any rural municipality, of lines and main transmission cables, transformers, meters and secondary electric service lines on the public highway, required for the delivery of power in any rural municipality.

Charged to
capital
account.

All sums paid to the municipal corporations for such purposes under this section shall be charged in the books of the Provincial Treasurer as expenditures on capital account.

Payment
out of con-
solidated
revenue.
fund.

"20. In order to effect the payments contemplated under the preceding section, the Lieutenant-Governor in Council may authorize the Provincial Treasurer to advance or pay the necessary sums out of the consolidated revenue fund.

Loans
therefor.

The Lieutenant-Governor in Council, if he deem it expedient for the purpose of paying such sums or of reimbursing any advances made, may likewise authorize the Provincial Treasurer to contract a loan or loans, by means of debentures or inscribed stock issued on the credit of the Province.

Debentures,
etc.

Such debentures or inscribed stock shall bear interest at such rate and shall be for such term, in such form and for such amount as the Lieutenant-Governor in Council may determine, and shall be payable, in principal and interest, at the time and places indicated by him."