



CHAPTER 108

An Act to amend the Municipal Code

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

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

1. Article 87 of the Municipal Code is amended by re-M. C., art. placing the words: "a pro-mayor", in the first line thereof, 87, am. by the words: "one of the councillors as pro-mayor".

2. Article 250 of the said Code, as amended by the act ^{Id., art. 250,} 8 George V, chapter 20, section 28, is again amended by ^{am.} replacing the second paragraph thereof by the following paragraphs:

"The council, however, may appoint, by a resolution ^{Appointing of presiding-officer in certain event.} adopted at least thirty days before nomination day, a competent person to act as presiding-officer at the election instead of the secretary-treasurer of the municipality, if the latter has made known his intention of not acting as such.

Whenever the secretary-treasurer or the person appointed ^{Appointment by mayor in certain case.} under the preceding paragraph refuses to act or is incapable of acting as presiding-officer before the appointment of an election clerk under article 251, the mayor must under his signature appoint a competent person to preside at such election."

3. Article 359 of the said Code is amended by adding ^{M. C., art. 359, am.} thereto the following paragraph:

"In the case, however, of by-laws adopted by a county ^{Notice by registered letter.} council, such notice of motion may be replaced by a notice given by registered letter to the mayor of each local coun-

cil in the county, by the secretary-treasurer of the county council, at least ten days before the date of the sitting at which the by-law or by-laws mentioned in the said notice will be considered. Such notice must be posted up in the office of the county council with the same delay.

Application. The provisions of the preceding paragraph shall apply, *mutatis mutandis*, to by-laws passed by a board of delegates."

M. C., art. 381, am. **4.** Article 381 of the said Code is amended by inserting therein, after the word: "by-law", in the third line thereof, the words: "or of the approving of a loan by-law".

Id., art. 408, am. **5.** 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, and 22 George V, chapter 103, section 5, is again amended by replacing the words: "who are property-owners, of the whole municipality," in the sixth and seventh lines of paragraph 5 thereof, by the words: "property-owners, of the whole municipality, who have voted,".

Id., art. 408c, added. **6.** The said Code is amended by adding thereto, after article 408b thereof, as enacted by the act 22 George V, chapter 103, section 6, the following:

Privileged claim of municipal corporation. **"408c.** When a property-owner is liable for the payment of the compensation for water under paragraph 3 of article 408 or under article 408b, the claim of the municipal corporation is privileged upon the immoveable by reason of which the said compensation is due, with the same rank and for the same period as a municipal real estate tax specially imposed."

M. C., art. 642, am. **7.** Article 642 of the said Code, as replaced by the act 11 George V, chapter 109, section 1, and amended by the acts 17 George V, chapter 74, section 13, and 20 George V, chapter 108, section 1, is again amended:

a. By replacing the words: "if he is found to be short in his accounts and at fault", in the second and third lines of the fifth paragraph thereof, by the words: "if he is guilty of embezzlement or if, found to be short in his accounts, he fails to make reimbursement within the delay fixed by article 645";

b. By adding thereto, after the fifth paragraph thereof, the following paragraph:

"The request in writing made to the council by at least ten ratepayers, in accordance with this article, must be accompanied by a deposit of five hundred dollars. Such deposit must be returned to the applicants if the costs of the audit are not charged to the persons who requested same."

8. Article 702 of the said Code is replaced by the following: M. C., art. 702, replaced.

"702. No municipal corporation may oblige any commercial traveller to procure a license to solicit orders or sell merchandise, commercial effects or other articles by sample, catalogue or price-list, or for delivering his merchandise, notwithstanding any provision to the contrary in any law; provided that such orders or sales be taken or effected with merchants, traders or manufacturers only, in the ordinary course of their business."

9. The said Code is amended by adding thereto, after article 731 thereof, the following article: M. C., art. 731a, added.

"731a. The sale can be suspended only by an opposition instituted in the District Magistrate's Court or in the Circuit Court of the district, or in the Superior Court of the district. Suspension of sale by opposition.

The provisions of articles 727 and following of the Code of Civil Procedure shall apply to such opposition, *mutatis mutandis*. Provisions applicable.

10. Article 737 of the said Code is replaced by the following articles: M. C., art. 737, replaced.

"737. When immoveables situated in a municipality are put up for sale for municipal or school taxes, the municipality may bid for and purchase such immoveables through the mayor or another person, on the authorization of the council, without being held to pay forthwith the amount of the purchase money. The municipality may also bid for and purchase such immoveables at any sheriff's sale or at any sale having the effect of a sheriff's sale. Purchasing, etc., by municipality of immoveables sold for taxes.

In the latter case, the bid of the municipality must not exceed the amount of the taxes, in principal, interest and costs, plus a sufficient sum to satisfy every privileged claim of a prior or equal rank to that of municipal taxes. Amount of municipality's bid.

"737a. The municipality shall enter the immoveables so purchased, in its own name, on the valuation, collection and special assessment rolls, and shall assess them as any Entering of immoveables purchased on rolls.

other immoveable liable for taxes; and such immoveables shall remain liable for the municipal and school taxes as any other immoveable, and shall be taxed in the same way. However, the school taxes so imposed shall not be exigible from the municipality.

If right of redemption exercised.

If the right of redemption is exercised, the redemption price must include, in addition to the sum paid by the municipality for such immoveable and ten per cent interest on such sum, the amount of the general and special municipal and school taxes imposed on such immoveable from the day of the adjudication to the day of the redemption, or the instalments due on such taxes if they are payable by instalments."

16 Geo. V,
c. 68, s. 4,
am.

11. Section 4 of the act 16 George V, chapter 68, as amended by the act 24 George V, chapter 83, section 6, is again amended by replacing the word: "councillors", in the second line of the English version thereof, by the words "members of the council".

Retroactive provision.

12. Section 5 of this act shall be deemed to have been in force as from the 1st of July, 1934, with respect to by-law No. 2 of the council of Ste. Sophie de Lévrard.

Coming into force.

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