



CHAPTER 103

An Act to amend the Municipal Code

[Assented to, the 4th of April, 1930]

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

1. Article 28 of the Municipal Code, as replaced by the M. C., art. 11 George V, chapter 48, section 20, is again replaced ^{28, replaced.} by the following:

"28. The Lieutenant-Governor may, by proclamation, Annexations upon the application of the county council or of any interested party, annex to a local neighboring municipality, of the same county, any territory or piece of territory which is not organized, or any territory organized as a township or any piece of such territory which does not conform to the conditions required to be constituted a municipality."

2. Article 35 of the said Code, as amended by the acts M. C., art. 8 George V, chapter 81, section 1, and 16 George V, chapter ^{35, am.} 34, section 2, is again amended by adding thereto, at the end thereof, the following paragraph:

"This article shall also apply to a municipality whose Application boundaries have been determined by a special statute."

3. Article 48 of the said Code is amended by replacing M. C., art. the first paragraph thereof, by the following paragraphs: ^{48, am.}

"48. The Lieutenant-Governor may, on a resolution Change of name of municipality on passed by any local corporation, for reasons deemed advantageous, change the name of such municipality. resolution.

After adoption of such a resolution, public notice must Notice. be given that, within thirty days of the said notice, the Application corporation will transmit its application to the Lieutenant- to be transmitted.

Governor, and that those who have reasons to invoke against such application must, before the expiration of the said thirty days, communicate same to the Minister of Municipal Affairs.”

M. C., art. 96a, added. **4.** The said Code is amended by adding thereto, after article 96 thereof, the following article:

Substitute. **“96a.** The council may appoint, from its members, a substitute for each of the three delegates.

Duties. Such substitute shall act whenever his principal is unable to perform his duties.”

M. C., art. 148, re-placed. **5.** Article 148 of the said Code is replaced by the following:

Office of sec.-treasurer. **“148.** The secretary-treasurer remains in office during the pleasure of the council, even if his appointment were for a fixed term; however, he can only be dismissed on the affirmative vote of four councillors for local corporations, and by the affirmative vote of the absolute majority of the members of the council for county corporations.”

M. C., art. 244, am. **6.** Article 244 of the said Code, as replaced by the act 14 George V, chapter 84, section 1, and amended by the act 18 George V, chapter 94, section 13, is again amended by replacing the word: “lived”, in the first line of paragraph 3 thereof, by the words: “had their domicile”.

Id., art. 274, am. **7.** Article 274 of the said Code is amended by replacing the first paragraph thereof by the following:

Voting of electors. **“274.** Every elector may vote for as many candidates as there are offices to be filled in the municipality, but, when the seats are numbered in accordance with article 80, the elector can cast only one vote for each contested seat.”

M. C., art. 295, re-placed. **8.** Article 295 of the said Code is replaced by the following:

Deposit of ballots. **“295.** The ballots, both for mayor and for councillors, shall be deposited in a single ballot-box.”

M. C., art. 321, re-placed. **9.** Article 321 of the said Code is replaced by the following:

“321. Notwithstanding the provisions of article 238, a council which has neglected to appoint the officers of the corporation or to fill the vacancies to be filled within the

required delay may still do so after such delay, unless the Lieutenant-Governor has done it himself or has ordered the holding of an election in virtue of the prescriptions of this title."

10. Article 347 of the said Code is replaced by the following: M. C., art. 347, replaced.

"**347.** When a rural municipality is adjacent to an incorporated city, town, village or parish municipality, one of the localities fixed by the council of the rural municipality for the posting of public notices may be situated in such city, town, village or parish municipality, except in the cities of Quebec, Montreal, Three Rivers, Westmount and Sherbrooke." Posting of public notices.

11. Article 348 of the said Code is amended by replacing the first paragraph thereof by the following: M. C., art. 348, am.

"**348.** The local corporation may also, by resolution, fix one or more localities in the municipality, or in a neighboring city, town, village or parish municipality, if such city, town, village or parish municipality forms part of the same parish or of the same township as the former, in which any public notice must be read aloud in a distinct manner on the Sunday next following the day on which the same was published, at the close of divine service, if such service has been held." Fixing of locality for reading of public notices.

12. Article 373 of the said Code, as replaced by the act 12 George V, chapter 80, section 8, is amended by inserting therein, after the first paragraph thereof, the following paragraph: M. C., art. 373, am.

"Notwithstanding any provision to the contrary, it shall suffice that such by-law be approved by the majority of the electors, or of the electors who are property-owners, in number or in number and value, as the case may be, who have voted in all the municipalities concerned in the county." Approval required.

13. Article 390 of the said Code is amended by adding thereto the following paragraph: M. C., art. 390, am.

"Without limiting the powers conferred by paragraph 1 of this article, every local corporation may exercise the powers mentioned in article 420." Powers.

14. The said Code is amended by adding thereto, after article 392 thereof, the following article: M. C., art. 392a, added.

Power to make by-laws to regulate chimneys, etc.

“392a. Every local corporation, the territory whereof adjoins a city whose population is twenty thousand souls or more, may make, amend or repeal by-laws: to regulate the height of all buildings, chimneys, stacks and other structures; to prevent the construction or maintenance of the buildings, walls, stacks, chimneys and other structures as are not of the required stability, and provide for their destruction; to prescribe the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, materials and construction of party walls, partitions and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus; to regulate the location within the municipality of trades, businesses, industries and buildings designed for specific uses; to divide the municipality into districts or zones of such number, shape and area as it may deem best suited for the purpose of such regulation, and, with respect to such districts or zones, regulate and prescribe the architecture, dimensions and symmetry of buildings therein, the area of lots which may be occupied by buildings, the distances to be left between buildings and the distance from the street line at which any buildings may be built, and to regulate the character of the trades, businesses and industries; to compel the proprietors to submit the plans of buildings to the building inspector or any other officer and to obtain from the latter a certificate approving of the plans and authorizing the work; to prohibit the construction of buildings and structures not conforming to the by-laws, and to direct the suspension at any time of the erection of any building as does not conform to such by-laws, and to cause the demolition, if necessary, of any such building erected after the coming into force of the by-laws authorized by this article.

Amendment or repeal by by-law.

The by-laws adopted under this article can only be amended or repealed by another by-law which shall be submitted to the vote, by secret ballot, of the electors who are owners of immovables situated in the district, zone or street to which the proposed amendment or repeal applies.”

M. C., art. 408, am.

15. 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, and 18 George V, chapter 94, section 14, is again amended by adding after

the word: "years", in the eighth line of paragraph 2 thereof, the following words: "Any by-laws adopted under the present paragraph 2 must, before coming into force, be approved by the affirmative vote of the majority in number and in value of the electors who are property-owners and who have voted on such by-law, and by the Lieutenant-Governor in Council."

16. Article 663 of the said Code is amended by adding M. C., art. after the number: "661", in the third line thereof, the ^{663,am.} words: "or at a special sitting held after the expiration of the said thirty days but before such general sitting,".

17. The said Code is amended by adding thereto, after Id., art. article 675 thereof, as amended by the act 19 George V, ^{675a, added.} chapter 88, section 20, the following article:

"**675a.** When the assessors or the council have failed Making of to act within the time prescribed, the Lieutenant-Governor ^{roll.} may authorize the making, homologation or revision of the roll, on the conditions which he fixes."

18. Article 762 of the said Code, as amended by the M. C., art. act 8 George V, chapter 60, section 21, is again amended ^{762, am.} by replacing the third paragraph thereof by the following:

"Facsimile signatures of the officers authorized to sign Facsimile the bonds, obligations or debentures may be printed, ^{signatures.} lithographed or engraved upon the coupons."

19. Article 766 of the said Code is amended by replacing M. C., art. the words: "at least one per cent over and above such ^{766, am.} interest, as a sinking-fund", in the fifth, sixth and seventh lines of the first paragraph thereof, by the words: "the sinking-fund or annual payment,".

20. Article 768 of the said Code is amended by replacing Id., art. 768, the word: "thirty", in the third line thereof, by the word: ^{am.} "forty".

21. Article 769a of the said Code, as enacted by the Id., art. act 12 George V, chapter 80, section 12, is replaced by the ^{769a, re-} following: ^{placed.}

"**769a.** Notwithstanding the provisions of article 369, Power of Lt.- the Lieutenant-Governor in Council may amend or alter a ^{Gov. in C.} loan by-law submitted for his approval, upon the applica- ^{to alter loan} tion, formulated by a mere resolution, of the council which ^{by-law.} passed the by-law, without it being necessary to obtain the

approval of the electors who are property-owners, provided that such amendments do not vary the object of the loan, and do not increase the amount of the loan, and do not increase the rate of interest by more than one per cent of the capital of the loan, and that they neither extend nor shorten the term of repayment.”

Provisions
applicable.

22. The provisions of article 28 of the Municipal Code as replaced by section 1 of this act shall apply to every annexation to a municipality of any territory detached from a township and made before the 4th of April, 1930.

Idem.

23. The provisions of section 2 of this act shall apply to every request for change of territory already submitted to the Lieutenant-Governor in Council on the 4th of April, 1930.

Coming into
force

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