



## CHAPTER 88

### An Act to amend the Municipal Code

[Assented to, the 4th of April, 1929]

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

**1.** Article 36 of the Municipal Code, as amended by the M. C., art. act 18 George V, chapter 95, section 1, is again amended by 36, am. adding thereto the following paragraphs:

“Whenever a municipality no longer has a population of three hundred souls or of one hundred souls, as the case may be, the Lieutenant-Governor, on the report of the Minister of Municipal Affairs, or upon the request of the council of the municipality or of ten resident ratepayers, may order, by proclamation published in the *Quebec Official Gazette*, that such municipality shall, from the date fixed by the proclamation, be deemed to be unorganized territory and shall be governed in accordance with the provisions of article 27.

The municipal officers or any persons having in their possession books, registers, plans, rolls, lists, documents, papers, archives, tools, material or other things being the property of the municipality mentioned in the proclamation, must, without delay, deliver them to the secretary-treasurer of the county council and, in the event of refusal, such municipal officers or persons shall be liable to a fine of one hundred dollars in addition to any other recourse.”

**2.** Article 43 of the said Code, as amended by the act 8 George V, chapter 20, section 17, is replaced by the following:

Public notice.

**“43.** As soon as possible after the publication of such proclamation, the secretary-treasurer of the corporation of the county within which the territory affected by such change is situated, and the secretary-treasurer of every interested local corporation, shall give public notice of the proclamation which was published in the *Quebec Official Gazette*, in accordance with article 42.”

M. C., art. 52a, added.

**3.** The said Code is amended by adding thereto, after article 52, the following article:

Fixing of real value of immoveables by Public Service Commission.

**“52a.** Within six months from the publication of the proclamation, provided by article 42, any county or local municipality interested may apply to the Quebec Public Service Commission to have the latter fix the real value, at the time of the dismemberment, of any immoveable which, at the time, was not mentioned in the valuation roll or the valuation whereof does not appear therein.

Service of award.

The award of the Commission fixing the real value of such immoveable shall, at the instance of those interested, be served upon the municipal corporation obliged to settle the common debts and obligations under article 53.

Valuation.

As soon as such service has been effected, the amount established by the award as the real value of such immoveable shall, for the purposes of article 52, be included in the valuation of the real estate of the municipality in which such immoveable is situated.

Decision final.

The decision of the Quebec Public Service Commission rendered under the authority of this article shall be final and without appeal.”

M. C., art. 105, am.

**4.** Article 105 of the said Code, as amended by the act 18 George V, chapter 94, section 4, is again amended by adding thereto the following paragraph:

Payment of costs of arbitration, etc.

“The costs of the arbitration shall be paid in equal shares by the local or county municipalities concerned. The fees of the arbitrator shall, if they have not been determined by the Minister of Municipal Affairs when appointing him, be fixed by the judge of the Circuit Court or by the District Magistrate, on petition, after notice to the parties interested. The costs on such petition shall form part of the costs of arbitration.”

M. C., art. 152, am.

**5.** Article 152 of the said Code, as amended by the act 18 George V, chapter 94, section 5, is again amended by replacing the third paragraph thereof by the following:

Hypothecary security.

“Hypothecary security consists in a duly registered hypothec granted, for the amount required, by the secretary-

treasurer or by any surety for him in favour of the corporation on real estate of a value entered on the valuation roll equal at least to the amount of the security, after deducting all hypothecs and privileges registered on such real estate."

**6.** Article 155c of the said Code, as enacted by the act M. C., art. 18 George V, chapter 94, section 7, is replaced by the following: 155c, replaced.

"**155c.** Every municipality, which, thirty days after receipt of a notice by letter from the Minister of Municipal Affairs informing it that the secretary-treasurer employed by it has not complied with the provisions of articles 155, 155a or 155b, continues to maintain such secretary-treasurer in office, shall, in addition to the responsibility enacted with respect to members of the council by article 156, be liable to a fine of not less than ten dollars nor more than twenty dollars in addition to the costs, and such fine may be imposed for each day that it so continues to employ such secretary-treasurer. Fine upon municipality keeping secretary-treasurer in office.

The secretary-treasurer shall not be deemed to have complied with the provisions of articles 155, 155a and 155b, until the deed of hypothecary security, the guarantee policy or the receipt for the renewal of the guarantee policy which require to be transmitted to the Minister of Municipal Affairs have been accepted by the latter." Acceptance of security by Minister.

**7.** Article 155d of the said Code, as enacted by the act M. C., art. 18 George V, chapter 94, section 7, is amended by adding thereto, after the word: "taken", in the second line thereof, the words: "on the authorization of the Minister of Municipal Affairs". 155d, am.

**8.** Article 171 of the said Code is amended by replacing the word: "ten", in the second line of the third paragraph thereof, by the word: "fifteen". Id., art. 171, am.

**9.** The said Code is amended by adding, after article 227, the following article: Id., art. 227a, added.

"**227a.** No person holding the office of councillor may be put in nomination for that of mayor, unless, before nomination, he has effected delivery to the secretary-treasurer of his resignation as councillor signed by himself before two municipal electors, and such resignation shall take effect from the time of the nomination of the councillor for mayor, if it has not been already accepted by the council." Nomination of councillor for office of mayor.

M. C., art. 238, am. **10.** Article 238 of the said Code is amended by adding thereto, after the word: "vacancy", in the fifth line thereof, the following words: "or at the first general sitting after the occurrence of the said vacancy if such general sitting takes place within the fifteen days".

Id., art. 245, replaced. **11.** The said Code is amended by replacing article 245 thereof by the following:

Nomination of mayor, etc. **"245.** The mayor and councillors are nominated on the second Wednesday of January, and the voting by ballot, if it takes place, is held on the following Monday.

Idem. Nevertheless, the voting takes place on the day following nomination-day in municipalities which have adopted voting by word of mouth"

M. C., art. 266, am. **12.** Article 266 of the said Code, as amended by the act 17 George V, chapter 74, section 5, is again amended by replacing the first paragraph thereof by the following:

Voting. **"266.** Voting takes place from eight o'clock in the morning until six in the evening. It is done by ballot, in accordance with the provisions of chapter eighth of this title."

M. C., art. 266a, added. **13.** The said Code is amended by inserting therein, after article 266, the following article:

Voting by word of mouth. **"266a.** On the vote of the absolute majority of the members of the council, the local corporation may, by by-law passed three months before the election and approved by the majority of the electors, by a vote taken by ballot, enact that the voting at elections shall be done by word of mouth, instead of by ballot; it may also, in the same manner, re-establish voting by ballot.

Provisions applicable. When voting takes place by word of mouth, it shall be governed by the provisions of chapter fifth of this title."

M. C., art. 290, repealed. **14.** Article 290 of the said Code is repealed.

Id., art. 356a, added. **15.** The said Code is amended by inserting therein, after article 356, the following article:

Insurance. **"356a.** Every municipal corporation shall cause the buildings and moveables belonging to it to be insured against fire for at least half their value."

M. C., art. 374, am. **16.** Article 374 of the said Code, as amended by the act 17 George V, chapter 74, section 9, is again amended by replacing the first paragraph thereof by the following:

**374.** The day for which the meeting of the electors is convened must not be more than forty days after the passing of the by-law.” Date of meeting.

**17.** The said Code is amended by inserting therein, after article 375 thereof, the following article: M. C., art. 375a, added.

**375a.** When, under the provisions of this Code, a by-law must be submitted for the approval of a portion only of the electors of the municipality, the council may, by resolution, order that the meeting of electors shall be held at a place other than that in which the council meets.” Place of meeting in certain cases.

**18.** The said Code is amended by inserting therein, after article 389 thereof, the following article: M. C., art. 389a, added.

**389a.** The Lieutenant-Governor in Council, when a by-law is submitted for his approval, may approve such by-law in part only, on the recommendation of the Minister of Municipal Affairs. Approval of part of by-law.

Notwithstanding the provisions of article 369, the Lieutenant-Governor in Council may amend a by-law submitted for his approval, on the request, made by mere resolution, of the council which passed the by-law, and without it being necessary to obtain the approval of the electors who are property-owners, provided that the changes have not the effect of increasing the charges upon the rate-payers, nor of changing the object of the by-law.” Amendment of by-law. Proviso.

**19.** Article 403 of the said Code, as amended by the acts 9 George V, chapter 85, section 1, and 17 George V, chapter 74, section 10, is again amended by adding thereto, after the word: “performance”, in the last line of the first sub-paragraph of paragraph 1, the words: “provided, however, that no person, firm or corporation may be obliged to pay more than two hundred dollars in the same year”. M. C., art. 403, am.

**20.** Article 675 of the said Code is amended by replacing the second paragraph thereof by the following: Id., art. 675, am.

“Such revision takes place in the month of June and is made in accordance with article 663.” Date of revision.

**21.** Article 700 of the said Code is amended: M. C., art. 700, am.

a. By striking out the words: “provided that such dues or taxes do not exceed in the aggregate, in any one case, the sum of one hundred dollars”, in the sixth, seventh and eighth lines of the first paragraph thereof;

b. By replacing the second paragraph thereof by the following:

- Higher tax on non-residents. "Such dues or taxes may be higher for persons who have not resided in the municipality or who have resided therein for less than twelve months, than for those who have resided therein for twelve months or more.";
- Maximum. c. By adding thereto, the following paragraph:  
"Such dues or taxes shall not exceed in the aggregate, in any one case, the sum of one hundred dollars."
- M. C., art. 712, replaced. **22.** Article 712 of the said Code is replaced by the following article:  
When immoveable is omitted. **"712.** If any immoveable has been wholly or partly omitted from the valuation or collection roll, it may be entered the following year on the valuation roll or on the collection roll, or on both, as the case may be, and held liable for the taxes of that year, as well as for the taxes of all the years during which it was thus wholly or partly omitted, but for not more than three years of arrears.
- Basis of valuation. The valuation of such immoveable or part of immoveable omitted must be based on the municipal valuation for each year of said arrears.
- No contestation. The proprietor concerned cannot contest the legality of the valuation or collection rolls previous to those of the then current year except as to the amount of the valuation of his immoveable thus omitted."
- M. C., art. 746, am. **23.** Article 746 of the said Code is amended by adding thereto, after the word: "annum", in the third line of the first paragraph thereof, the following words: "provided that not more than three years' interest be paid".
- Provisions applicable. **24.** The provisions of section 3 of this act shall apply to the dismemberment of any municipality effected since the 1st of January, 1928. Nevertheless, if such provisions are applied to dismemberment effected before the coming into force of this act, the delay of six months mentioned in the said provisions shall only begin to run from the 4th of April, 1929.
- Coming into force. **25.** Sections 11, 12, 13 and 14 of this act shall come into force on the 1st day of June, 1929, and the other sections of this act shall come into force on the day of its sanction.