



CHAPTER 96

An Act to amend the charter of the city of Quebec

[Assented to, the 15th of March, 1928]

WHEREAS the city of Quebec has, by its petition, Preamble.
represented that it is in the interest of the city and
necessary for the proper administration of its affairs that
its charter, the act 29 Victoria, chapter 57, and the acts
amending the same, be again amended; and

Whereas it is expedient to grant its prayer;

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

1. Notwithstanding any law to the contrary, in the Administrative committee.
charter of the city of Quebec, the permanent committees of
the council, including those established by the act 2
George V, chapter 55, section 25, are abolished and re-
placed by an administrative committee of four members of
the council and the mayor, appointed by the said council
every two years, after a general election, at the first meeting
of the new council, and, for the first year, at the first
meeting after the adoption of this act.

a. The mayor is *ex officio* a member of such committee Mayor ex officio chairman.
and shall be chairman thereof;

b. Such committee shall have the same powers and duties Powers and duties.
as the committees previously existing under the charter
and by-laws of the city and no decision by it shall have
force and effect until approved by the council;

c. No decision, however, of the said committee may Decisions of committee.
be rejected or amended by the council, except by a majority
of the councillors present excluding the mayor, and every
report of the committee, the adoption whereof has not been
opposed by the above number of aldermen, or upon which
the council shall not have pronounced for two consecutive

meetings, shall be deemed to have been approved and adopted by the council;

Secretary. *d.* The city clerk, or, in his absence, the assistant clerk, shall be secretary of the committee;

Reports. *e.* The committee shall communicate its decisions and suggestions to the council by means of reports signed by its chairman and secretary;

Regulations. *f.* The committee shall be entitled to make all such rules and regulations as it may deem expedient for the despatch of the business before it.

Powers of committee. **2.** Notwithstanding any law to the contrary, all the powers and duties conferred upon the chairman or a member of the finance committee, under the act of incorporation of the city, shall be, in the future, performed by aldermen members of the administrative committee, appointed for such purpose by the council, after each general election.

8 Geo. V, c. 83, s. 14, am. V. **3.** The first paragraph of section 14 of the act 8 George V, chapter 83, is replaced by the following:

Imposition of tax. **"14.** The council, before the 1st of May of each year, must impose, over and above the other revenues of the city, a tax sufficient to meet the expenses provided for by the budget for the following fiscal year, by adding one per cent to cover losses in collection."

Appoint-ments. **4.** The appointment to any employment whatsoever in the municipal service of a person who has been mayor or alderman of the city shall be null and void, unless one year shall have elapsed since such person shall have ceased to be mayor or alderman of the city.

Permanent employee of the city. **5.** The following shall be deemed a permanent employee of the city and as such entitled to a pension for life: every person whose name appears in the municipal budget, whose annual salary is fixed and is voted each year and who forms part of the internal service of one of the departments of the city hall, and who is attached by the nature of his employment to one of the internal services of the city hall. No employee except upon resolution of the administrative committee, approved by the council, may be appointed permanently and put on the pay-roll of permanent employees, save at the time of preparing the annual municipal budget.

15 Geo. V, c. 91, s. 3, replaced. Quebec **6.** Section 3 of the act 15 George V, chapter 91, is replaced by the following:

"3. The city may unite with the Government in ap-

pointing a townplanning commission for the embellishment of the whole extent of its territory. Such commission shall be composed of five members, three of whom to be appointed by the Government. This commission shall be known under the name of "Quebec Townplanning and Conservation Commission". The powers and duties of such commission, including powers to establish zones and control architecture, shall be defined by a by-law passed for the purpose by the city council. The said by-law shall require the approval of the Lieutenant-Governor in Council."

Townplanning and Conservation Commission.

7. The city is authorized to transfer to the National Battlefields Commission the part of Gilmour hill belonging to it and situated within the limits of the city, provided, however, the said Commission binds itself not to change the destination of such land, which shall continue to exist as a public road.

Transfer authorized.

8. The Lieutenant-Governor in Council may approve and give effect to any resolution of the council necessary to carry out the administrative committee system created under this act.

Resolutions to be approved by Lt.-Gov.-in C.

9. The last paragraph of section 10 of the act 15 George V, chapter 91, is repealed.

15 Geo. V, c. 91, s. 10, am.

10. Section 6 of the act 14 George V, chapter 88, is replaced by the following:

14 Geo. V, c. 88, s. 6, replaced.

"6. Whenever a loan by-law is submitted to the approval of the electors owning taxable real estate, in virtue of the provisions of this act, the procedure to be followed in connection with the voting thereon shall be as follows:

Procedure for voting on by-law.

a. The council shall fix, in the by-law, the date on which the vote of the electors who are real estate owners and whose names are entered on the real estate assessment roll in force shall be taken, and there shall be an interval of not less than fifteen days between such date and that on which the by-law has been adopted;

b. The poll shall be established at the city hall;

c. The voting shall not last less than eight days, from 9 o'clock of the forenoon to 5 o'clock of the afternoon. The council may, however, if it deems it advisable, extend the hours for voting, provided that the polling come to an end not later than 11 o'clock in the evening;

d. The city clerk shall use for the purpose of the voting the original of the real estate assessment rolls;

e. Each elector who is a real estate owner may vote but

once, and no person whose name is not entered on the real estate assessment rolls in force, or who has not the qualifications required by law, shall be entitled to vote;

f. Joint-stock companies or corporations may only vote through a representative of the company or corporation, duly authorized to that effect by a resolution of the board of directors, a copy of which, certified by the secretary, shall be deposited with the city clerk at the time of the voting;

g. Joint-owners or usufructuaries of any immoveable whatsoever, in the city, may only vote through a representative appointed by the majority of said joint-owners or usufructuaries. A power of attorney to that effect must be given by them to the person authorized to vote in their name, and such power of attorney must be deposited with the city clerk at the time of the voting. The person so authorized to vote in the name of the joint-owners or usufructuaries must moreover deposit, with the city clerk, a declaration sworn before a justice of the peace or a commissioner of the Superior Court, attesting the authenticity of the signatures affixed to said power of attorney;

h. Every vote, which shall have been given contrary to the provisions of this section, shall be set aside when counting the votes;

i. Each elector shall present himself in turn and give his vote by "yea" or by "nay"; the word "yea" meaning that he approves of the by-law, and the word "nay", that he disapproves of the same;

j. The name of the elector and the vote given by him shall be entered in a special book, called poll-book, which the clerk shall keep for such purpose;

k. The city clerk shall, at least one week before the day fixed for the polling, publish or cause to be published over his signature, in the official newspapers of the council, a notice indicating:

1. The nature of the by-law to be submitted to the electors being real estate owners, according to a summary approved by the council;
2. The days and hours of polling as well as the polling place;

l. The city clerk shall preside at the poll in the city hall, and receive the votes. In his absence he may be replaced by the assistant city clerk. He shall also appoint a poll clerk;

m. The city clerk may, by a commission signed by him, appoint such number of persons as he may deem advisable to represent, at the polling place, the citizens who are interested in promoting the passing of the by-law and a

like number of persons to represent the citizens who are interested in opposing the passing of the by-law. Such persons shall, before being so appointed, sign before the city clerk a declaration to the effect that they are interested in promoting or opposing, as the case may be, the passing of the by-law;

n. During the time appointed for polling, no person shall be permitted to remain in the poll, other than the officers, clerks and persons or electors, being real estate owners, authorized as aforesaid to act as representatives;

o. The proceedings at the poll shall be, as far as possible, the same as at the municipal elections held under the city charter, and all the provisions of the charter respecting elections insofar as the same are applicable, and except when inconsistent with the provisions of this section, shall apply, *mutatis mutandis*;

p. Any elector, being a real estate owner, may be required by the city clerk or by any person authorized, under paragraph m, to act as representative, to take the following oath or affirmation before voting, and before being allowed to vote must answer, under oath or affirmation, in the affirmative, the questions numbered 1, 2 and 3, and, in the negative, the questions numbered 4 and 5:

“You swear or affirm (as the case may be):

1. That you are of the full age of 21 years and a British subject;
2. That you are, according to law, entitled to vote on the by-law, now being submitted for approval;
3. That you are the person named or purporting to be named on the real estate assessment roll now shown to you;
4. That you have not received anything nor has anything been promised to you, directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, cab hire, or any other services connected therewith, and that you have not, directly or indirectly, promised anything to any person, either to induce him to vote or to abstain from voting on this by-law;
5. That you have not already voted on this by-law at this poll.”

No inquiry shall be made of any voter except with respect to the facts specified in such oath or affirmation;

q. The city clerk shall, while the voting is being proceeded with, obtain from the electors owning real estate who vote all such information as may tend to establish the value of all the immoveables owned by each of them in the different wards of the city;

r. At the closing of the voting, the city clerk, aided by the poll clerk and any other person he may deem advisable to appoint for such purpose, shall proceed to count the "yeas" and "nays", and, within eight days thereafter, he shall submit to the council the result of the polling, with a statement showing the value of the taxable real estate of each of the voters, according to the real estate assessment rolls in force.

The city clerk shall also state in his report whether the majority in number and in value of the taxable real estate owners approve or disapprove of the by-law;

s. If the council desires to examine the poll-books and the valuation rolls, the same shall be produced at once;

t. In the event of the votes being equally divided, the city clerk shall give his casting vote."

Coming into
force.

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