

3. This act shall come into force on the day of its ^{Coming} sanction. _{into force.}

C H A P. 83

An Act to amend the Quebec Municipal Code respecting
drainage

[Assented to, 14th of February, 1920]

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

1. The following chapter and articles are inserted in ^{Mun. Code,} the Quebec Municipal Code, after article 614 thereof: _{arts. 614a to 614zf, enacted.}

“CHAPTER NINTH

“DRAINAGE OF AGRICULTURAL LAND

“SECTION I

“INTERPRETATION

“**614a.** For the purposes of this chapter, the following ^{Interpreta-} words have the meaning hereinafter respectively assigned _{tion.} to them:

The word: “construction” means original works, as ^{“Construc-} well as works of improvement or maintenance, of any _{tion”.} ditch, water-course, underground ditch or other work of the same kind;

The word “ditch” includes every kind of drain, open ^{“Ditch”.} or covered wholly or in part, and whether or not in the channel of a natural stream, creek or water-course, and also the incidental works and material necessary for bridges, connections and other works.

“SECTION II

“GENERAL PROVISIONS

“**614b.** Subject to the provisions hereinafter set forth, ^{Outlet for} any owner or occupant of immoveable property who wishes _{ditch may be obtained.} to construct artificial drainage works, either open or by means of underground pipes, which require, on the part of the owners or occupants whose lands are in the neighborhood, other than those already obliged thereto, addi-

tional works to provide a sufficient outlet, may, by complying with the provisions of this chapter, obtain such outlet.

“SECTION III

“FORMALITIES

- Notifica-
tions to
owners of
property to
be affected. “**614c.** 1. The owner or occupant of any immoveable property who is about to commence or has commenced the construction of a ditch, for the purpose mentioned in article 614*b*, shall be bound to notify, in writing, every owner or occupant of immoveable property who will be affected by the proposed works, and to call them together to discuss the project.
- Delay. 2. The delay allowed by the notice must be seven clear days, from the mailing of the notice or from its delivery by hand to the day fixed by the notice for the meeting.
- Contents of
notice. 3. Such notice must contain the date, place and hour of the meeting, as well as the nature, extent and probable cost of the proposed work, and, according to their respective interests therein, the share to be borne by each interested party, the work he must do, and the material he must supply.
- Owners
notified may
submit
question to
Circuit
Court. “**614d.** Every owner or occupant whose property is affected and to whom the notice mentioned in article 614*c* has been sent, may, within five days of the receipt of the said notice, or, if no notice has been given him, within five days from the notification given him by the special superintendent, as hereinafter provided, inform, in writing, the person who has called the meeting of his intention to submit the question of the advisability or necessity of the work to the decision of the Circuit Court.
- Petition
must be
served. “**614e.** Such recourse is exercised by a summary petition, and must be served within the twenty days following the notice of his intention to avail himself of the exercise of such recourse.
- Summary.
proceedings. The proceedings shall be summary and may be heard by a judge in chambers.
- Judgment
to be final. “**614f.** If the conclusions of the petition are dismissed, or if the interested party does not avail himself of the provisions of article 614*d*, the question of the advisability or necessity of the work shall not be liable to further contestation.

"SECTION IV

"WORK DONE BY MUTUAL CONSENT

"**614g.** If the interested parties agree they shall have a deed of agreement prepared, with as many duplicates as necessary. One duplicate shall be filed at the office of the secretary-treasurer of the municipality, or, if the properties are situated in more than one municipality, then at the office of the secretary-treasurer of each of the municipalities within the boundaries of which the properties affected are situated; and, from and after the date of such filing, the deed of agreement shall be binding upon the parties who have signed the same. Deed of agreement.

If the deed of agreement concerns a water-course governed by a *procès-verbal* or a by-law, it is substituted, Substituted for *Procès-verbal* or by-law. for such *procès-verbal* or by-law.

"SECTION V

"PROCEEDINGS WHEN THERE IS NO AGREEMENT

"**614h.** If the persons summoned under article 614c neglect or refuse to discuss the question, or if the parties fail to agree, or if the petition mentioned in article 614e has been dismissed, the council of the municipality within whose boundaries is situated the property of the owner or occupant who has taken the initiative, must, on the petition of the latter, or, in the case mentioned in article 614zc, on petition of the majority of the interested parties, appoint, by resolution, a competent person as a special superintendent, and instruct him to visit the places mentioned in the petition, to hear all the interested parties, and to prepare in writing, within thirty days of his appointment, or within a delay fixed by the council, a *procès-verbal* accompanied by plans and specifications of the work to be performed, of the apportionment and of the share of each one in the construction and maintenance of the ditch or water-course. If no agreement council must appoint special superintendent to report on matter.

The resolution must also provide for the remuneration of the special superintendent. His remuneration.

"**614i.** The special superintendent, after taking the oath of office, must call, hold and preside over a public meeting of the ratepayers interested in the proposed works, at the day, place and hour that he has fixed and of which he gives public notice. Public meeting to be held.

Those entitled to be heard.

May visit domiciles.

Every interested ratepayer present at the meeting has a right to be heard.

No liability for trespass.

The special superintendent may, after the public meeting of the ratepayers interested in the proposed works, visit such ratepayers at their respective domiciles, and obtain from them all information he may require, and especially so as to determine how the work is to be performed and the share of each one in the said work. He, as well as persons under his control, may pass over private property in the discharge of his duties, without thereby incurring any liability, provided he does no unnecessary damage thereto.

Another meeting in certain case.

If, upon examining the place, the special superintendent is of opinion that any lot belonging to a person who was not notified, will be affected by the work, he may call another meeting by means of a notice given as above mentioned.

Contents of *proces-verbal*.

“**614j.** The *proces-verbal*, in addition to the details contained in the plans and specifications, must mention:

1. the works to be done and the delays within which they must be done;
2. the taxable properties of owners or occupants bound to do the works or to contribute to the cost thereof;
3. the share of the work to be done by each ratepayer, if the nature of the works allow, in case the work is to be done by the ratepayers themselves;
4. the extent and area of each lot drained, wholly or in part, by the ditch or water-course;
5. the nature and quality of the materials to be used for the underground construction of the covered part of the drain;
6. the nature, extent and probable cost of the work.

Contents of act of apportionment.

“**614k.** Every act of apportionment must indicate:

1. the work and the *proces-verbal* to which it relates;
2. the work to be done;
3. the taxable properties by the owners or occupants of which such work must be performed;
4. the proportion of the work to be done by each of them;
5. the amount of the contribution which must be made by each, in money, labour or materials;
6. the place where, the time when, and the officers to whom such contribution shall be delivered.

“**614l.** If the special superintendent is of the opinion, Work may be done by contract. on account of the nature of the work or for other reasons, that the work should be done by contract, the *proces-verbal* should contain a finding to that effect, with the reasons.

“**614m.** The *proces-verbal*, along with the plans, specifications and the act of apportionment, shall be filed Filing of proces-verbal, etc. by the special superintendent, within the delay fixed, at the office of the secretary-treasurer of the corporation that appointed him.

Notice of such filing shall be given by the secretary-treasurer to every interested party. Notice of filing. The latter may take communication of the record and make extracts therefrom or copies thereof during ordinary office hours.

“**614n.** If the work affects lands situated in more than one municipality, duplicates of the *proces-verbal*, the act of apportionment and the documents hereinabove enumerated, shall be filed at the office of each of such municipalities. Duplicates for other municipalities in certain case.

“**614o.** The corporation, after the expiration of the delay during which the *proces-verbal* and the act of apportionment should be filed, in case they have not been, or after having considered them after having been filed, may homologate the *proces-verbal* and the act of apportionment, or may give new instructions to the special superintendent to the effect that he must prepare another *proces-verbal* or amend the plans and specifications and the act of apportionment, or may appoint another special superintendent in the place of the first. Action that may be taken by corporation.

The powers and duties of the one who replaces him are the same as those of the special superintendent appointed in the first place.

“**614p.** The *proces-verbal* and the act of apportionment come into force after their homologation by the council. Homologation.

“**614q.** In the case mentioned in article 614n, the *proces-verbal* and the act of apportionment must be homologated by the council of each of the municipalities for that part which concerns such municipality. By council of each municipality interested.

Nevertheless, the work shall be performed under the authority of the council of the corporation where the initiative has been taken for the work in question, according to article 614h. Work done by initiating corporation.

Notice calling for tenders.

"614r. In every case where the work should be done by contract, according to the conclusions of the *proces-verbal*, the secretary-treasurer of the corporation which has taken the initiative shall give a public notice, setting forth briefly the work to be done, the delay imposed, and the date before which tenders for such work must be filed.

By whom given.

"614s. The above notice is given by the secretary-treasurer of the corporation which has taken the initiative in the work, and all proceedings respecting the contract are carried out by the latter.

Award of contracts.

"614t. Every contract for work shall be awarded by resolution.

In name of corporation.

"614u. The contract shall be made in the name of the corporation and accepted by the council or by a person authorized thereto.

Security to be given by contractor.

"614v. The contractor must give security, to the satisfaction of the council, for the complete performance of the work, and for payment of all damages, costs and interest.

Action to compel execution.

"614w. The corporation with which the contract is made may take action before any court to compel the execution thereof.

May also be taken by other corporations.

"614x. The other corporations interested in the work to which the contract refers, may likewise take such action, but not until fifteen days after having given to the corporation which is a party to the contract a special notice calling upon it to institute proceedings.

Inspection by special Supt.

"614y. Such work is carried out according to the plans and specifications of the special superintendent, and is subject to his inspection both before and after completion.

Final report.

He shall file his final inspection report with the secretary-treasurer of the corporation by which he was appointed, and the latter shall apportion the share payable by each and proceed to collect the amounts due, according to the ordinary method of collecting assessments and apportionments.

Amounts due to be collected as taxes.

"614z. The amount due by any owner or owners, occupant or occupants of property situated in a neighboring municipality, is paid by the latter, on receipt of a

copy of the act of apportionment, and is collected by it from those liable therefor according to the ordinary method of collection.

“SECTION VI

“MAINTENANCE

“**614za.** In case one of the owners or occupants fails to maintain that part of the ditch or water-course entrusted to him, each of the other interested parties may, by notice, call upon him to do such maintenance work, and, if such work is not done within thirty days, the special superintendent appointed therefor by the council, after examination and investigation, shall have such work done at the expense of the person liable therefor, and shall file at the office of the secretary-treasurer of the municipality in which the property is situated, for collection, a statement of the cost of such maintenance work.

Maintenance of ditch.
May be done at expense of person liable.

“SECTION VII

“APPLICATION OF THIS CHAPTER

“**614zb.** The provisions of this chapter shall apply only to a ditch the cost of construction of which is not more than fifteen hundred dollars.

Application of chapter.

“**614zc.** In case the proposed work must cross eight or more lots, the council of the municipality, by resolution passed on the petition of the majority of all the interested owners or occupants, shall name a special superintendent, and the latter shall proceed according to articles 614h and following.

Special Superintendent must be appointed in case ditch crosses eight lots.

“**614zd.** The only owners or occupants who may be so called together and obliged to contribute to the building, digging or maintenance of such a ditch are those whose lands are situated within one hundred and fifty rods of the proposed ditch.

Owners who may be called on to contribute.

“**614ze.** Every tenant, usufructuary or occupant of a lot to whom notice has been given under the provisions of this chapter must immediately inform the owner thereof. On failure so to do, he shall be liable for any damage caused thereby.

Owners must be informed by tenant, etc.

“SECTION VIII

“PENALTIES

“**614zf.** Every person who in any way whatsoever

Penalties.

interferes to injure or prevent the execution of the work by the special superintendent, is liable, on summary conviction, to a fine of twenty-five dollars, and costs, and, on failure to pay such fine and costs, to imprisonment for not more than eight days, in addition to any other recourse at law which may be exercised against him."

Coming
into force.

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

C H A P. 84

An Act respecting loans by municipalities for the carrying out of drainage works

[Assented to, 14th of February, 1920]

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

Short title.

1. This act may be cited as "The Drainage Act".

Loans may be made by municipalities to assist drainage works.

2. The council of any town, village or rural municipality may borrow, from time to time, by by-law, various sums of money not less than two thousand nor more than fifty thousand dollars, to assist in the carrying out of works for the drainage of land situated within the limits of its jurisdiction, in accordance with the following provisions.

Limit of amount.

No such council may, nevertheless, at any time incur, by means of such loans, a debt of more than fifty thousand dollars.

Money may be advanced to farmers for drainage purposes.

3. The money so borrowed shall be devoted to advances which the municipality is authorized, by this act, to make, by by-law passed according to the formalities hereinafter enacted, to farmers, for the purpose of inducing them to drain their land, by assisting them in payment of the cost of such work.

Limit of amount.

4. Not less than fifty nor more than one thousand dollars may be advanced to any one farmer.

Applications for advances.

5. Applications for advances shall be considered by the council in turn, in the order in which they are received at the office of the secretary-treasurer of the municipality.