
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

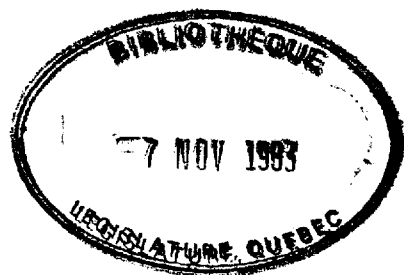
FOURTH SESSION

Bill 216

(PRIVATE)

An Act to amend the Charter of the City of Québec

First reading



Introduced by
Mr Raymond Brouillet
Member for Chauveau

Bill 216

(PRIVATE)

An Act to amend the Charter of the City of Québec

WHEREAS it is in the interest of the city of Québec that its charter, chapter 95 of the statutes of 1929 and the Acts amending it, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Charter of the City of Québec (1929, chapter 95), amended by section 10 of chapter 102 of the statutes of 1939, by section 3 of chapter 72 of the statutes of 1949, by section 1 of chapter 68 of the statutes of 1970 and by section 447 of chapter 72 of the statutes of 1979, is amended

(1) by replacing subparagraphs *b*, *c* and *n* by the following subparagraphs:

“(b) The words “city” and “corporation” mean the city of Québec;

“(c) The word “mayor” means the mayor or the pro-mayor of the city and the words “alderman” or “councillor”, the councillors of the city;

“(n) The words “list”, “electoral list” and “voter’s list” mean the electoral list prepared in accordance with this charter;”;

(2) by adding, after subparagraph *p*, the following subparagraphs:

“(q) The words “electoral district” and “ward” mean an electoral district defined under Chapter II of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1);

“(r) The words “surname and given names”, for a married woman or a widow, mean, as she may choose, her surname and given names, her given names joined to the surname of her husband, her surname and given names joined to the surname of the husband or the surname and given names of the husband, followed by the designation “Mrs.” which, for her, dispenses with any mention of a profession or occupation;

“(s) The word “relative” means a husband, wife, father, mother, grandfather, grandmother, father-in-law or step-father, mother-in-law or step-mother, brother, sister, brother-in-law, sister-in-law, son, daughter, grandson, granddaughter, son-in-law or daughter-in-law or for the members of a community, the superior or his duly authorized delegate;

“(t) The word “hotel” means any establishment having special appointments where meals and lodging are habitually to be had for payment;

“(u) The words “lodging-house” mean any establishment having special appointments where lodging is habitually to be had for payment but where meals are not provided.”

2. Section 4 of the said charter, amended by section 1 of chapter 85 of the statutes of 1966-67 and by order in council 3653-78 made on 30 November 1978 under section 2 of the Cities and Towns Act, is amended by replacing the second paragraph by the following paragraph:

“The corporation has and shall have perpetual succession, and a common seal, with power to break, change and alter the same at pleasure, and may sue and be sued, implead and be impleaded, in all courts of law and equity, and other places, in all manner of actions, causes and matters whatsoever; it may acquire for the purposes of its competence movable or immovable property, through purchase, donation, legacy or otherwise and may grant, sell, alienate, exchange, assign and convey the same when it no longer needs them; and finally it may enter into and become a party to contracts; and give and accept any bills, bonds, or other instruments or securities for the payment or securing the payment of any money borrowed or lent, or for the performance of any duty, matter or thing whatsoever, as hereinafter provided.”

3 . Section IV of the said charter is repealed.

4. Section 14 of the said charter, replaced by section 4 of chapter 81 of the statutes of 1965 (1st session) and amended by section 3 of chapter 68 of the statutes of 1970, by section 3 of chapter 54 of the statutes of 1976 and by section 2 of chapter 42 of the statutes of 1980, is replaced by the following section:

“14. The city is represented and its affairs administered:

(a) by a council consisting of the mayor and a councillor for each electoral district who shall perform their duties until their successor comes into office;

(b) by an executive committee consisting of the mayor as chairman and five councillors, including the pro-mayor *ex officio*;

(c) by a director general appointed under section 173a.

The words “administrative committee”, wherever they occur in this charter, mean “executive committee”.

5. The said charter is amended by adding, after section 15e, the following section:

“15f. Every pension payable under the pension plan existing under this charter is indexed annually at the rate of increase of the Pension Index determined by the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).”

6. Section 18 of the said charter, replaced by section 5 of chapter 42 of the statutes of 1980 and amended by order in council 1573-81 made on 10 June 1981 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), is amended by adding the following paragraph:

“If the mayor or a councillor sits or votes at a sitting of the council or of a committee of the council without having the qualifications required by this charter, he is liable to a fine of one hundred to five hundred dollars, in addition to the costs, for each sitting which he attends, and to the same penalty for each vote given by him at such sitting.”

7. Section 20 of the said charter, replaced by section 8 of chapter 81 of the statutes of 1965 (1st session), is replaced by the following sections:

“20. When the office of mayor or councillor becomes vacant more than twelve months before the election prescribed in section 64b, the returning officer shall begin election proceedings to fill the office by publishing, within eight days after the vacancy has occurred, the notice provided for in Schedule J.

The election is conducted in every respect as a prescribed election at a fixed date, *mutatis mutandis*. However, if the election is held within twelve months following a general election contemplated in section 64b, the returning officer shall deposit the electoral list in force at the time of such last election within two days following the date of publication of the notice prescribed in Schedule J. Such deposit shall replace the enumeration of electors.

A person elected at the election remains in office for the remainder of the term of the council member that he replaces.

“20a. If no person is nominated for election to the office of mayor, the councillors shall proceed in accordance with section 20*b*, within fifteen days after the expiry of the period fixed for the nomination of candidates.

If no person is nominated for election to the office of councillor, that office remains vacant until the next fixed election date prescribed for that office, subject to section 20*c*.

“20b. When the office of mayor becomes vacant within the twelve months preceding the election prescribed in section 64*b*, the councillors shall elect one of their number to fill the office of mayor for the remainder of the term, within fifteen days after the vacancy has occurred. That election is by secret ballot, and the clerk shall proclaim elected the person who obtains a majority of the votes of the councillors present. If the votes are equally divided, the person presiding at the sitting shall give a casting vote, even if he has already voted and notwithstanding any contrary provision.

The acceptance by a councillor of the office of mayor renders his office of councillor vacant.

When the office of councillor becomes vacant during the period contemplated in the first paragraph, it remains vacant until the next fixed election date prescribed for that office, subject to section 20*c*.

Notwithstanding the first three paragraphs, the council may, within fifteen days after a vacancy, order that it be filled in accordance with section 20. The returning officer shall then act in accordance with that section within eight days of the decision of the council.

“20c. The clerk shall notify in writing the Minister of Municipal Affairs and shall explain to him the situation each time that

(1) the election for which the date is fixed under section 64*b* has not taken place;

(2) the election contemplated in section 20 has not taken place on the date fixed by virtue of that provision;

(3) the notice fixing the date of an election contemplated in section 20 has not been given;

(4) the election has taken place but an insufficient number of council members have been elected; or

(5) by reason of vacancies, there is not a quorum on the council.

In the case contemplated in the first paragraph, the Minister of Municipal Affairs may order an election to be held on the date that he fixes. The election shall be presided over by the person that he designates, and the second and third paragraphs of section 20 apply thereto. Notice of the election is given in accordance with the first paragraph of that section.

If the election ordered by the Minister does not take place or an insufficient number of council members are elected at that election, the Minister may avail himself again of the power mentioned in the second paragraph or appoint eligible persons to fill the vacant offices, or one or several of them, for the remainder of the term of the council members that they replace.

If the Minister avails himself again of the power mentioned in the second paragraph and the election does not take place or an insufficient number of council members are elected at the election, the Minister may appoint eligible persons to fill the vacant offices, or one or several of them, for the remainder of the term of the council members that they replace.

“20d. The provisions of this charter to the effect that a person is elected or appointed for the remainder of the term of the council member that he replaces do not have the effect of exempting that person from the legislative provisions prescribing the cases where a person ceases to be a council member of a municipality.

“20e. A vacancy caused by a judgment annulling an election is filled in accordance with sections 20 to 20d.”

8. Section 21 of the said charter, replaced by section 2 of chapter 86 of the statutes of 1969, is amended by replacing paragraphs *a* and *b* by the following paragraphs:

“(a) the Minister of Municipal Affairs or a member or civil servant, other than an employee within the meaning of the Labour Code (R.S.Q., chapter C-27), of:

- (1) the Ministère des Affaires municipales,
- (2) the Ministère de l'Environnement,
- (3) the Commission municipale du Québec,
- (4) the Bureau de révision de l'évaluation foncière du Québec,
- (5) the Société d'habitation du Québec,
- (6) the Commission de police du Québec,
- (7) the Commission de protection du territoire agricole du Québec,

- (8) the Régie du logement,
- (9) the Commission nationale de l'aménagement,
- (10) the Ministère des Transports,
- (11) the Commission des transports du Québec,
- (12) the Régie des services publics, or
- (13) the Régie de l'électricité et du gaz;

“(b) a member of the National Assembly or the Parliament of Canada;”.

9. Section 22 of the said charter is replaced by the following section:

“22. Any person duly elected to the office of mayor shall give notice in writing to the city clerk of his acceptance of the office within eight days after the clerk has notified him in writing of his election. A person so elected to the office of mayor who refuses or neglects to accept such office shall pay a fine of four hundred dollars.

If the mayor absents himself from the city during more than three consecutive calendar months, except in case of sickness or on public business, he shall in such case cease to hold office as mayor, and shall be liable to the penalty fixed for refusal to accept such office.”

10. Section 35 of the said charter, replaced by section 7 of chapter 75 of the statutes of 1972, is amended

(1) by replacing subsection 1 by the following subsection:

“35. (1) Every natural person of full age on the date fixed for the polling and of Canadian citizenship and who is not disqualified from voting by law during the preparation of the electoral list and at the time of the vote, is an elector and is entitled to be entered on the electoral list:

(a) if he has been domiciled in the city for at least one year before the date fixed for the enumeration;

(b) if he is not domiciled in the city, but is entered on the assessment roll in force as owner of an immovable in the city of a value, entered on the roll, of at least \$1 000; or

(c) if he is not domiciled in the city, but is entered on the roll of rental values in force as tenant or co-tenant in the city, of an office or place of business the annual rental value of which, entered on the roll, is at least \$600.

Furthermore, the heirs, joint owners and usufructuaries of an immovable in the city or the tenants or co-tenants of an office or place of business in the city who are mentioned in paragraphs *b* and *c* may vote at an election through a representative appointed by the majority of them; in the case of an usufructuary, the usufructuary alone is entered as an elector.

A power of attorney for such purpose must be filed at the office of the city clerk not later than the Monday of the ninth week preceding the polling.

An affidavit attesting the authenticity of the signatures must be annexed to the power of attorney.

The city clerk shall summarily enter on the electoral list the names and addresses of such heirs, joint owners, usufructuaries, tenants and co-tenants, and the names, addresses and occupations of their representatives after the foregoing formalities have been fulfilled.

Between the eleventh and the ninth week preceding that of the polling, the returning officer shall publish, at least once a week in a French newspaper of the city, a public notice informing the electors concerned of the provisions of this section.”;

(2) by replacing the second paragraph of paragraph *a* of subsection 2 by the following paragraph:

“A person who has left his principal establishment for more than a year is deemed to have changed his domicile;”;

(3) by replacing paragraphs *f* and *g* of subsection 2 by the following paragraphs:

“(f) any person who temporarily leaves his domicile to study is deemed to retain his domicile at the place he is established;

“(g) an elector, after having been entered on the electoral list in the polling subdivision of his domicile, is not deprived of his right to vote, if he establishes his domicile in another electoral district before the expiry of the period prescribed in subsection 1 of section 44 and subject to the provisions of the said section.

However, in the case of an election held under sections 20 to 20*d*, an elector, after having been entered on the electoral list of the polling subdivision of his domicile, is deprived of his right to vote, if he establishes his domicile in another electoral district before polling day;”.

11. Section 38 of the said charter is repealed.

12. Section 38*a* of the said charter, replaced by section 9 of chapter 75 of the statutes of 1972, is replaced by the following section:

“38*a*. On the certificate of the valuation commissioner of the Communauté urbaine de Québec, the returning officer, on the polling day, shall grant the right to vote to any elector whose name was omitted by error from the electoral list though entered on the assessment roll in force. The elector may exercise his voting right only if he makes oath, before the deputy returning-officer, that he is qualified to vote and has not yet voted.”

13. Section 39 of the said charter is replaced by the following section:

“39. Any person who in order to obtain or because he has obtained a gift, loan, office, employment or any other benefit, agrees to refrain from voting or to vote for a candidate, or incites a person to refrain from voting or to vote for a candidate, is guilty of an offence.

Every gift made or promised during an election period by a candidate or a person later becoming a candidate, or in his name or stead, is deemed to have been made in order to influence the vote of an elector.”

14. Section 40 of the said charter, replaced by section 10 of chapter 75 of the statutes of 1972 and amended by section 6 of chapter 54 of the statutes of 1976, is replaced by the following section:

“40. (1) Each year in which a general election is held, the returning officer, assisted by the enumerators he appoints for that purpose, shall prepare an electoral list between Tuesday of the eighth week preceding that of the poll and Friday of the same week at the latest. The list shall contain the names of all the electors qualified to vote under section 35.

When the office of mayor or councillor becomes vacant more than twelve months after the date on which a general election has been held, subject to sections 20 to 20*d*, the returning officer shall prepare an electoral list in accordance with the preceding paragraph.

In order to exercise his right to vote, an elector must be entered on the electoral list.

An elector may exercise his right to vote once for the election of the mayor and once for the election of the councillor of the district in which he is entitled to vote.

An elector domiciled in the city shall exercise his right to vote in the polling station of the polling subdivision where his domicile is situated.

If the elector is domiciled outside the city, such right shall be exercised in the district where he is the owner or tenant of the immovable which qualifies him.

If he is the owner or tenant of several immovables situated in more than one district, he shall vote in the district in which he holds the immovable having the highest value entered on the assessment roll in the district where he occupies the place of business having the highest value entered on the roll of rental values.

In preparing the electoral list for each district of the city, the returning officer shall subdivide each electoral district into as many polling subdivisions as necessary, each containing the names of about three hundred electors.

A consecutive number must be entered after the name of each elector entered on the electoral list of each polling subdivision.

The assessment department of the Communauté urbaine de Québec shall furnish the returning officer with all the information necessary for the making of the electoral list.

(2) Every enumerator must be domiciled in the electoral district for which he is appointed.

(3) The returning officer, when appointing an enumerator, shall advise him in writing of his appointment and of the name and address of the other enumerator with whom he is to prepare the electoral list.

(4) Every enumerator, before entering upon his duties, must make, before the district director, the oath in the form prescribed for that purpose by the returning officer; the district director shall forward a duplicate of the oath to the returning officer.

(5) The district director shall furnish each enumerator with the instructions approved by the returning officer containing the provisions relating to the enumeration and enumerators, and the necessary books and forms.

(6) Each enumerator, throughout the whole time that he is making the enumeration, shall wear, so that it can easily be seen, the badge furnished him by the district director.

Each such badge shall bear the words "Recenseur/Ville de Québec" and a distinguishing number.

Such badge shall be returned to the district director as soon as the enumeration is terminated.

(7) The returning officer must draw up a list of the enumerators of each electoral district, on which he shall enter the surname, given

names, address and profession or occupation of each enumerator and the number of his badge and that of the polling subdivision for which he is appointed.

(8) Every enumerator who refuses or neglects to fulfil any of the duties imposed upon him by this charter may be dismissed and replaced at any time by the returning officer.

An enumerator dismissed for the reasons mentioned in the first paragraph shall be entitled to no remuneration.

When an enumerator dies or, for any other reason, becomes unable to act, the returning officer must appoint another enumerator to replace him.

(9) Every enumerator dismissed or replaced under subsection 8 and his assigns, as the case may be, shall, on demand of the returning officer, deliver to him the election papers, forms, badge and written instructions obtained by such enumerator for the performance of his duties.

(10) The enumerators of each polling subdivision shall work together; they must never work separately.

In the event of disagreement between them, the matter must be submitted to the district director who shall decide it forthwith, and the enumerators shall be bound by such decision.

(11) During the enumeration, the enumerators, being duly sworn, shall, by joint house-to-house visit, in the polling subdivision assigned to them, working together, gather the surnames, given names, addresses, professions or occupations and ages of the persons qualified to vote under section 35.

Only the names of the persons domiciled in the dwelling visited may be entered, and the entry must be made in the dwelling itself.

(12) The enumerators must visit every dwelling situated in their polling subdivision, the first time between nine o'clock in the morning and six o'clock in the evening, and a second time between seven o'clock and ten o'clock in the evening, unless they are certain that they entered every qualified elector at the first visit.

At each dwelling where the enumerators receive no answer at the time of their first visit, they must leave a card, in the form prescribed by the returning officer, indicating the date of their second visit.

(13) During their visit to a domicile the enumerators, before entering the name of an elector present at such place, must see him personally unless by reason of illness of the elector or other serious impediment it is impossible so to do.

(14) If, after entering the name of a person on the list, one of the two enumerators seriously doubts his right to be entered thereon, he may make a report of the reasons for his doubts, in the form prescribed by the returning officer, which he must transmit to the revisor in a closed and sealed envelope, delivered at or addressed to the office of the district director.

(15) The enumerators shall leave for each elector entered on the list, at his domicile, a certificate in the form prescribed by the returning officer, bearing their signatures.

(16) The enumerators shall not enter the name of an elector domiciled in a hotel or a lodging-house unless the entry is applied for, at the domicile of the elector, by the elector himself or, if he is prevented from making such application by reason of absence or illness, by an elector who is a member of his family living with him; however, in the absence of the elector and failing a member of his family living with him, the application for entry may be validly made, in writing and under the oath provided in the form prescribed by the returning officer, by the owner, operator or manager of the hotel or lodging-house.

(17) When in the course of their house-to-house visit the enumerators are prevented, by the illness of an elector or other serious impediment, from seeing him personally, the person who applies for his entry on the list must do so in writing and under oath, in the form prescribed by the returning officer.

(18) Notwithstanding subsection 17, the application may nevertheless be made orally if the elector making it or for whom it is made is the master or mistress of the house, or one of his or her relatives within the meaning of subparagraphs of section 1, or a domestic residing at such place; but in the last mentioned case only one domestic may be entered on the oral application of any of such persons.

(19) Any enumerator is authorized to administer the oath prescribed by subsections 16 and 18."

15. Section 40*a* of the said charter, enacted by section 11 of chapter 74 of the statutes of 1940, is replaced by the following section:

"40*a*. The returning officer, his assistant and the poll-clerk are deprived of the right to have their name entered on the electoral list."

16. Section 40*b* of the said charter, enacted by section 2 of chapter 80 of the statutes of 1973 and amended by section 7 of chapter 54 of the statutes of 1976, is amended

(1) by replacing the words and figures "in accordance with section 75*b* of the Election Act (Revised Statutes, 1964, chapter 7 and its amend-

ments)" in the first paragraph by the words and figures "in accordance with section 77 of the Act respecting electoral lists (R.S.Q., chapter L-4.1)"; and

(2) by striking out the words "and in an English newspaper" in the fourth paragraph.

17. The said charter is amended by adding, after section 41, the following sections:

"41a. The enumerators shall draw up a separate electoral list for each polling subdivision.

They shall enter on such list the name of each person for whom they issued a certificate when they made their house-to-house visit.

"41b. Enumerators who, wilfully and without reasonable excuse, omit from the electoral list any person entitled to be entered thereon, or who enter on the list any person not entitled to be entered thereon, shall forfeit all right to the remuneration for their services.

"41c. The electoral list of a polling subdivision must be drawn up according to the order of the street numbers and not in alphabetical order.

The enumerators shall enter at the head of each list the name of the electoral district and the number and a description of the polling subdivision. They must then insert, one after the other and without blanks, overwriting or interlineations, the surname, given names, occupation and age of each elector, placing before his name the civic number of his domicile. In addition, when the elector is domiciled in a building with multiple dwellings, his apartment number must be entered on the list. The age of the electors shall, however, be omitted from the copy of the list to be posted up.

Each list shall be typed in six copies as directed by the returning officer.

"41d. The enumerator who refuses or neglects to comply with sections 41a, 41b and 41c, must be dismissed and replaced immediately by the returning officer. The enumerator appointed to replace him must make and complete the list jointly with the other enumerator, following which such list shall be certified under oath in the manner prescribed in section 42. Thereupon, the electoral list, so attested under oath, has the same legal value as if the work had been entirely done by the new enumerator jointly with the other enumerator.

The dismissed enumerator shall not be entitled to any remuneration."

18. Section 42 of the said charter, replaced by section 12 of chapter 75 of the statutes of 1972, is replaced by the following section:

“42. The returning officer shall declare under oath that the electoral list is accurate to the best of his knowledge.

The enumerators must complete the list not later than the Saturday of the week during which an enumeration has taken place, certify its accurateness by a joint oath drawn up according to the form prescribed for such purpose by the returning officer and remit it to the district director.

The lists must then be printed and deposited in the office of the returning officer and the office of the district director for the polling subdivision of that district; the age of the electors is omitted from the printed lists. Each printed list must bear the name and address of the printer.

The returning officer shall give public notice once a week in a French newspaper circulating in the city, of the printing of the lists, of their deposit for examination, and of the places and periods for filing applications for the entry and striking off of names, and for correction, and of the time, places and dates of the revisions.

Immediately after the printing of the list for each polling subdivision, the returning officer shall furnish five copies thereof to the official agent of every authorized party under the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1).

The returning officer shall also give a copy of the printed electoral list to any elector who wishes to be an independent candidate for the office of mayor or councillor and who has obtained a nomination-paper in accordance with section 65a.

During an election period, the returning officer shall send five copies of the printed list to every candidate.

Every person who receives one or more copies of the printed list from the returning officer shall give him a receipt duly dated and signed.”

19. Section 44 of the said charter, replaced by section 5 of chapter 86 of the statutes of 1969 and amended by section 47 of chapter 42 of the statutes of 1980, is replaced by the following section:

“44. (1) Notwithstanding any provision to the contrary, the office of the district director shall remain open from eight o'clock in the morning to ten o'clock in the evening from Tuesday to Saturday of the fifth week prior to the polling, to receive applications for the entry and striking off of names and for corrections of the electoral list. No such application may be validly received after the expiry of that period.

If the returning officer considers that the number of offices open under this section is not sufficient, he may open the number of additional offices that he considers necessary for such purposes. All such

offices must be kept open from eight o'clock in the morning until ten o'clock in the evening during the same period.

In the offices opened under this section, the district director shall make available to the electors a duplicate or a certified copy of the electoral list for the polling subdivisions or the electoral districts for which he is responsible.

Such offices must be situated and distributed in such a way as to accommodate the electors as equally as possible.

The returning officer shall appoint competent persons to keep such offices. Each person so appointed, before entering upon his duties, shall make oath, in the form prescribed by the returning officer to perform the duties of his office well and faithfully.

(2) (a) The electoral list of every polling subdivision of an electoral district shall be revised by a board of three members appointed by the chief judge of the Municipal Court, upon the recommendation of the returning officer. However, the returning officer, if he considers it appropriate, may entrust the revision of the electoral list of more than one electoral district to a board of revisors.

(b) Any revisor who dies, resigns or refuses to act shall be replaced in the same manner as he was appointed.

(c) The revisors must be chosen from among persons who are qualified as electors.

(d) Notice of the appointment of the revisors shall be posted up forthwith in a conspicuous place in the office of the district director.

(e) Before acting as such, every revisor shall make oath in the form prescribed by the returning officer, before the chief judge of the Municipal Court, to perform the duties of his office well and faithfully. A duplicate of his oath shall be sent or delivered to the returning officer, within the five days following his appointment.

(f) At the first meeting of the board, the revisors shall first elect from among their number a chairman and a vice-chairman. Two revisors shall constitute a quorum.

(g) Every question submitted to the board of revisors shall be decided by a majority vote; in the event of a tie-vote, the chairman shall have a casting vote.

(h) The returning officer may appoint a secretary for each board of revisors established under this section and provide such board with all necessary help.

(i) The board of revisors and any revisor duly authorized by it shall have the right to make inquiry to ascertain if a person already entered on the electoral list or who applies to be entered is entitled to be so entered. Such person may be assisted by an advocate.

For the purposes of such inquiry, the board of revisors and any revisor so authorized shall be vested with the powers of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37).

The summoning of witnesses pursuant to the powers conferred on the board and on the revisors under the preceding paragraph may be effected by registered or certified letter.

(j) The board of revisors must examine and correct the electoral list of every polling subdivision comprised in the electoral districts for which it is appointed.

It shall cause to be entered at the top of each list the name of the electoral district and a sufficient description of each polling subdivision.

(k) The revision of the electoral list shall take place from ten o'clock in the morning to twelve thirty in the afternoon, from two o'clock to five o'clock in the afternoon and from seven o'clock to ten o'clock in the evening from Monday to Saturday of the fourth week preceding the polling, at the various places determined by the returning officer.

If such hours are insufficient to enable the board to complete its revision of the lists, it shall take whatever additional time is necessary during the same week.

(3) Unless there is a provision inconsistent with this charter, the Act respecting electoral lists (R.S.Q., chapter L-4.1) applies to any matter concerning the revision of electoral lists, *mutatis mutandis*."

20. Section 64*b* of the said charter, enacted by section 31 of chapter 81 of the statutes of 1965 (1st session), is amended by striking out, in the first paragraph, the words and figures "From and after 1965,".

21. Section 65 of the said charter, replaced by section 24 of chapter 86 of the statutes of 1969 and amended by section 13 of chapter 75 of the statutes of 1972, is replaced by the following section:

"65. The city clerk is *ex officio* the returning officer and the assistant clerk is his deputy. The returning officer shall appoint an election clerk from among the staff of the city clerk. Their salary shall appear separately in the budget for the fiscal year during which an election is held.

In the absence of the city clerk or on his refusal or inability to act, his assistant shall replace him and exercise all the powers and duties assigned to him for the holding of the election. If the clerk and the assistant clerk cannot act, the chief judge of the Municipal Court shall appoint *ex officio* a person to conduct the election.

Where an election is to be held, the returning officer shall, not later than the Monday of the eleventh week preceding that of the polling, name a person to act as district director for each electoral district. However, the returning officer may entrust to a district director so appointed, the responsibility for one or more electoral districts. The person appointed, within five days of his appointment, shall inform the returning officer in writing of his acceptance of office.

The district director shall assist the returning officer who may delegate to him any duty and power assigned to him by this charter.

The returning officer may also retain, on a temporary basis, the services of any persons he considers necessary for the holding of any election; he shall fix their remuneration; he shall define the duties of the members of his personnel and direct their work; no member of the personnel may engage in partisan work; striking is prohibited for the members of the personnel of the returning officer. Before taking office, the members of the personnel of the returning officer must make oath to carry out their duties well and faithfully in the form prescribed for that purpose by the returning officer.

Ten days at least before nomination day, the returning officer shall give public notice, in the form of Schedule A-1, over his signature, setting forth:

- (1) the place, day and time fixed for the nomination of candidates;
- (2) the day on which the polls for taking the votes of the electors will be held in case a poll is necessary.

The returning officer shall post up the notice in his office and publish it in one of the city's French newspapers.

The nomination of candidates for the offices of mayor and councillors shall take place at the office of the city clerk between noon and two o'clock in the afternoon, twenty-one days before the poll is held.

The nomination of candidates is made by way of nomination-papers, in the form of Schedule A-2 or A-3.

The nomination-papers may also be filed at the office of the returning officer during ordinary working hours between the date of the notice of the election and the day of nomination of candidates, with the same effect as if produced at the time and place fixed for the nomination.

The affidavits and oaths of the nomination-paper shall be received before the returning officer, his deputy or the person conducting the election."

22. Section 66 of the said charter, replaced by section 22 of chapter 51 of the statutes of 1954-55, is amended

(1) by replacing the words "Such requisition or" in the first paragraph by the word "The";

(2) by adding the following paragraphs:

"The nomination-paper of a candidate must indicate the name of his authorized party or, where such is the case, bear the inscription "independent", if he so desires, and the name of the official agent of the candidate.

An affidavit or a solemn affirmation from the official representative of the party declaring that the person is the candidate of the party for the office contemplated must be produced at the same time as the nomination-paper of the candidate of an authorized party."

23. Section 66*d* of the said charter, enacted by section 8 of chapter 72 of the statutes of 1949, is replaced by the following section:

"**66d.** If a candidate dies between the nomination of candidates and the closing of the poll, the polling is postponed and the returning officer shall immediately fix another day for the nomination.

In such case, the nomination of candidates shall be fixed for the second Monday following the death of the candidate and the election shall be held on the third subsequent Monday.

The returning officer shall then cause a notice to be published informing the electors concerned of the new date for the nomination of candidates and the new election date.

Such new election shall, in all other respects, be held in the same manner as a prescribed election; however, the revised list which was to be used for the election that was not held as a result of the death of the candidate shall be used for such new election.

The deposit of a deceased candidate shall be remitted to his legal representatives."

24. The said charter is amended by adding, after section 66*d*, the following section:

"**66e.** A candidate may withdraw his candidacy if he delivers to the returning officer a declaration to that effect, signed by himself and by two electors qualified to vote at his election.

The name of the candidate must not appear on the ballot-paper if the declaration of withdrawal is filed with the returning officer within three days after the expiry of the period provided for the nomination of candidates.

However, if the declaration is filed more than three days after the expiry of that period and it is impossible to print new ballot-papers, the deputy returning-officer of the polling station must strike off the name of the candidate from every ballot-paper.

If, after the withdrawal of a candidacy, there remains but one candidate, the returning officer shall return him as elected in the manner provided in section 71."

25. Section 67 of the said charter is replaced by the following section:

"67. The nomination-paper must specify if the candidate is nominated for the office of mayor or the office of councillor; in the latter case, the nomination-paper must mention the district for which the candidate is nominated."

26. Section 68 of the said charter is replaced by the following section:

"68. The nomination-paper must contain the written consent of the candidate."

27. Section 69 of the said charter, replaced by section 14 of chapter 75 of the statutes of 1972, is replaced by the following section:

"69. A solemn affirmation made by the candidate or by another person attesting that the candidate has the qualification required by section 18, must be filed together with every nomination-paper."

28. Section 70 of the said charter, replaced by section 1 of chapter 22 of the statutes of 1979, is amended by replacing the words "Such requisition" by the words "The nomination-paper".

29. Section 71 of the said charter is replaced by the following section:

"71. If, at the expiration of the period fixed for the nomination of candidates for mayor or councillor, only one candidate be nominated for one or the other of those offices, such candidates shall *ipso facto* be elected, and the returning officer shall forthwith proclaim such candidates elected and give forthwith a special notice to the candidates elected. He shall also publish a notice of the election of the candidates in one of the city's French newspapers.

If, at the expiration of the period prescribed in the eighth paragraph of section 65, no person has been nominated to fill an office, or if the persons nominated are not sufficient in number to fill the offices, or if all the persons nominated for any office have withdrawn before the close of the poll, the returning officer shall immediately recommence the election proceedings to fill the offices for which a poll cannot be so held, and give for such purpose the notice prescribed in the sixth paragraph of section 65.

The election shall in all other respects be held in the same manner as the election contemplated in section 64*b*.

The returning officer shall not recommence the election proceedings under the second paragraph more than once, and if any of the eventualities contemplated therein then occurs, the Minister of Municipal Affairs may appoint eligible persons to fill the vacant offices, or one or several of them, for the term or for the remainder of the term of the council members they replace."

30. Section 72 of the said charter, replaced by section 48 of chapter 42 of the statutes of 1980, is replaced by the following section:

"72. When several persons are nominated for the same office, the returning officer shall announce that a poll will be held. The voting shall take place on the second Sunday following the first Wednesday in November, from ten o'clock in the evening to eight o'clock in the morning."

31. Section 73 of the said charter is replaced by the following section:

"73. The returning officer shall post up a notice in his office listing the names of the candidates for the office of mayor or councillor in each electoral district. The notice must indicate the name of the party of the candidate, in the case of a candidate of an authorized party or, in other cases, indicate that the candidate is an independent.

The notice must also be published at least twice weekly in a French newspaper of the city from nomination day until polling day."

32. Section 76 of the said charter, replaced by section 9 of chapter 72 of the statutes of 1949, is amended

(1) by replacing the first paragraph by the following paragraph:

"76. The polling stations shall be established by the returning officer who shall send by ordinary mail or any other means he considers appropriate, to every elector, at the address indicated on the electoral list, at least two clear days before the poll, a notice advising him where he is entitled to vote.";

(2) by replacing the third paragraph by the following paragraph:

“The returning officer may, at his own discretion, group the polling stations in public halls, schools, hospital centres, reception centres or other large premises.”;

(3) by replacing the fourth paragraph by the following paragraph:

“A school board and an establishment established under the Act respecting health services and social services (R.S.Q., chapter S-5) must allow the use of their premises free of charge for the establishment of polling stations.”

33. Section 80 of the said charter, replaced by section 8 of chapter 50 of the statutes of 1957-58, is replaced by the following sections:

“**30.** Deputy returning-officers, poll-clerks and officers in charge of information and order are polling officers. Deputy returning-officers and poll-clerks must be qualified as electors.

The returning officer shall appoint an officer in charge of information and order at every place where there is a group of polling stations and at every place where there is only one polling station.

“**30a.** The functions of the deputy returning-officer are, in particular,

- (1) to see to the arrangement of the polling station;
- (2) to ensure that the polling is properly conducted and maintain order;
- (3) to facilitate the exercise of the right to vote and ensure the secrecy of the vote;
- (4) to proceed with the counting of the votes;
- (5) to transmit the results of the vote to the returning officer and remit the ballot box to him.

“**30b.** The functions of the poll-clerk are, in particular,

- (1) to enter in the poll-book the particulars relating to the conduct of the polling;
- (2) to assist the deputy returning-officer.”

34. Section 82 of the said charter is replaced by the following section:

“82. The deputy returning-officer shall make oath, before the district director or his representative, to faithfully and impartially perform the duties of his office as set forth in the form in Schedule C-1.”

35. Section 83 of the said charter, replaced by section 37 of chapter 81 of the statutes of 1965 (1st session) and amended by section 5 of chapter 97 of the statutes of 1974, is amended by replacing the letter “C” in the first paragraph by the letter and figure “C-2”.

36. Section 85 of the said charter, replaced by section 38 of chapter 81 of the statutes of 1965 (1st session), is amended by adding the following paragraph:

“The city clerk shall also deliver to each deputy returning-officer the list of electors who voted in the advance poll, the forms and documents necessary for counting the votes as well as any objects required for the poll.”

37. Section 88 of the said charter is replaced by the following section:

“88. Every candidate is entitled to be present during the voting hours at the polling station in the electoral district for which he is a candidate. The candidate may also be represented by a person holding a power of attorney signed by him. The power of attorney shall be signed by the candidate and be presented to the deputy returning-officer. It is valid for the duration of the polling.”

38. The said charter is amended by adding, after section 88, the following section:

“88a. In no case may candidates or their representatives linger on the premises on which one or more polling stations are located or on or in neighbouring premises or places.”

39. Section 90 of the said charter, replaced by section 30 of chapter 51 of the statutes of 1954-55, is amended by striking out the words “, as hereinafter required” in the tenth line.

40. The said charter is amended by adding, after section 90, the following section:

“90a. The deputy returning-officer, the poll-clerk and the officer in charge of information and order shall be present at the polling station one hour before opening.

The candidates or their representatives may be present from the same moment. They may attend any operation conducted there.”

41. Section 91 of the said charter is amended by adding, at the end of the last paragraph, the words "It shall then be placed on the table of the polling station so as to be visible to the polling officers."

42. Section 92 of the said charter is replaced by the following section:

"92. Not more than one voter may be admitted to the poll at the same time. The elector shall indicate, to the deputy returning-officer and the poll-clerk, his surname, given name and address and, when so required, his age all of which will be entered in the poll-book by the poll-clerk. The deputy returning-officer shall admit an elector to vote if the elector has not already voted and if he is entered on the electoral list."

43. Section 94 of the said charter, replaced by section 27 of chapter 86 of the statutes of 1969, is replaced by the following section:

"94. No elector may be entered on the electoral list of a polling subdivision in the city more than once or vote more than once for the election of the mayor or a councillor. Nor shall the elector be entered on the electoral list of any other polling subdivision in the city or vote elsewhere than at the polling-station in his polling subdivision. The elector may nevertheless be entered on one more electoral list in the city if he is a representative appointed under section 35."

44. Section 96 of the said charter is replaced by the following section:

"96. Before the deputy returning-officer remits a ballot-paper, he, the poll-clerk or the representative of a candidate may require a person to declare under oath, in the form prescribed by the returning officer, that he is an elector. The poll-clerk shall indicate the name of the person requiring the declaration and the reasons for the requirement, in the poll-book."

45. Section 97 of the said charter is replaced by the following section:

"97. The deputy returning-officer shall not give a ballot-paper to a person who refuses to make oath, and this must be indicated in the poll-book."

46. Section 99 of the said charter, amended by section 158 of chapter 31 of the statutes of 1982, is amended by replacing, in the French text, the words "l'urne" in the eighth line of the first paragraph by the words "la boîte de scrutin".

47. Section 103 of the said charter is amended by replacing the first paragraph by the following paragraph:

“103. An elector under whose name a person has already voted may nevertheless be admitted to vote after making the oath in the form prescribed by the returning officer, and this must be indicated in the poll-book.”

48. Section 105 of the said charter is replaced by the following section:

“105. Voting is secret. No elector may, at the place where the polling-station is located, let it be known, in any manner, in favour of whom he proposes to vote or has voted. Any elector who lets it be known for whom he has voted is deprived of his right to vote and to have his ballot-paper deposited in the ballot-box. The ballot-paper is placed with those to be set aside and mention thereof is entered in the poll-book.”

49. Section 106 of the said charter is replaced by the following section:

“106. No person may, at the place where the polling station is located, attempt to learn the name of the candidate in favour of whom an elector proposes to vote or has voted.

No person may be compelled to state for whom he voted.”

50. The said charter is amended by adding, after section 106*a*, the following sections:

“106*b*. On the premises of a polling-station, no person may use anything to signify his political affiliation or express his support of a party or a candidate.

“106*c*. The district director and the deputy returning-officer have, in the exercise of their functions, all the powers of a justice of the peace.

“106*d*. If it is not possible for the polling to begin at the fixed time, or if it is interrupted by irresistible force or cannot be concluded for a lack of ballot-papers, it shall be continued until it has lasted ten hours.”

51. Section 107 of the said charter is replaced by the following section:

“107. (1) Before opening the ballot-box, the poll-clerk shall enter in the poll-book

(*a*) the number of electors having voted; and

(b) the number of ballot-papers spoiled or cancelled and the number of unused ballot-papers.

(2) After the close of the poll, the deputy returning-officer, assisted by the poll-clerk, shall proceed with the counting of the votes. The candidates and their representatives may attend.

(3) The deputy returning-officer, the poll-clerk and the representatives shall use the compiling sheet provided by the returning officer for the counting of the votes.

(4) The deputy returning-officer shall open the ballot-box, count the votes by taking, one by one, the ballot-papers placed in the ballot-box and allow each person present to examine them.

(5) The deputy returning-officer shall declare valid every ballot-paper which an elector has marked in one of the circles in the manner provided in section 99.

However, the deputy returning-officer shall reject every ballot-paper which

- (a) has not been furnished by him;
- (b) has not been marked;
- (c) has been marked in favour of more than one candidate;
- (d) has been marked in favour of a person who is not a candidate;
- (e) has been marked elsewhere than in one of the circles;
- (f) bears fanciful or injurious entries; or
- (g) bears a mark allowing the elector to be identified."

52. Section 107*a* of the said charter, enacted by section 32 of chapter 51 of the statutes of 1954-55, is amended by replacing the first paragraph by the following paragraph:

"107*a*. The deputy returning-officer shall consider every objection raised by a candidate or the representative of a candidate regarding the validity of a ballot-paper and decide it immediately. The deputy returning-officer's decision is final, subject to reversal only on recount before a judge, or if the election is contested. The objection and the decision of the deputy returning-officer shall be entered in the poll-book."

53. Section 109 of the said charter, replaced by section 33 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

“109. The deputy returning-officer shall prepare a statement specifying the number of

- (1) accepted ballot-papers,
- (2) votes in favour of each candidate for mayor or councillor,
- (3) rejected ballot-papers,
- (4) spoiled or cancelled ballot-papers, and
- (5) the number of unused ballot-papers he returns.

The deputy returning-officer shall make two copies of the statement and put the original in the ballot-box. He shall keep one of the copies of the statement and hand in the other at the same time as the ballot-box to the returning officer or the person duly authorized to receive the ballot-box.”

54. Section 110 of the said charter is replaced by the following section:

“110. After counting the ballot-papers in favour of each candidate for the office of mayor or councillor and drawing up a statement of the poll as in section 109, the deputy returning-officer shall place, in separate envelopes, the ballot-papers assigned to each candidate, the rejected ballot-papers, the spoiled or cancelled ballot-papers, and the unused ballot-papers. He shall then seal the envelopes.

The deputy returning-officer, the poll-clerk and those representatives wishing to do so shall affix their initials to the seals.

The envelopes, the poll-book and the electoral list, after a certified statement of the total number of electors who voted has been written at the bottom of the list, are put in the ballot-box together with any other objects used for the polling.”

55. Section 111 of the said charter is repealed.

56. Section 112 of the said charter is replaced by the following section:

“112. The deputy returning-officer shall remit a copy of the statement drawn up in accordance with section 109 to the representative of each candidate who so wishes.”

57. Section 113 of the said charter, replaced by section 34 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

“113. After counting the votes, the deputy returning-officer shall deliver the ballot-box to the office of the returning officer or to any other place determined by the returning officer.

Notwithstanding the first paragraph, the returning officer may authorize the ballot-boxes to be collected or received by any person he has duly authorized for such purpose.

The authorized person shall, before collecting or receiving any ballot-box, make oath in the form of Schedule H-1.”

58. Section 114 of the said charter is replaced by the following section:

“114. The ballot-boxes shall be kept under the constant supervision of the returning officer until they are opened the next morning as provided in section 115.”

59. Section 115 of the said charter is replaced by the following section:

“115. On the day after polling day, or, if such day is a non-juridical day, on the following juridical day, at eleven o'clock in the morning, the returning officer shall proceed with the addition of the votes. Any candidate, representative of a candidate or elector may attend.

The returning officer shall proceed with the addition of the votes by using the statements of the poll contained in the poll-books placed in the ballot-boxes and compiling the votes expressed in favour of each candidate for the office of mayor or councillor in each electoral district.

The returning officer shall declare elected the candidate for the office of mayor and the candidate for the office of councillor in each electoral district who, when the addition is completed, has received the greatest number of votes.

He may then communicate to any person requesting it the results of the addition.”

60. Section 116 of the said charter, replaced by section 28 of chapter 86 of the statutes of 1969, is replaced by the following section:

“116. In the case of a tie-vote, the returning officer shall apply for a recount of the votes in accordance with section 131.”

61. Section 118 of the said charter is replaced by the following section:

“118. If, in the case of section 117, the lists, statements, certificates or copies thereof cannot be obtained, the returning officer shall ascer-

tain, by such evidence as he is able to obtain, the total number of votes cast for each candidate for mayor or councillor at the several polling-stations for which the boxes are missing.”

62. The said charter is amended by adding, after section 118, the following sections:

“118a. The returning officer shall keep in his custody the documents contained in the ballot-boxes delivered to him under section 113 for one year from the transmission of the documents or, if the election is contested, for one year from the decision on the contestation.

“118b. The returning officer shall enter, in a register kept for such purpose, the names of the candidates declared elected to the office of mayor and that of councillor for each electoral district and the official results of the poll.

“118c. The returning officer shall publish, as soon as possible, in at least one French newspaper circulated in the city, a notice indicating the surnames and given names of the candidates elected to the office of mayor or that of councillor for each electoral district. The returning officer shall, as soon as possible after the election, publish a detailed return of the election, containing, in particular, the results for each electoral district, and also indicating the results of each polling-subdivision for both the office of mayor and that of councillor. Copy of the return shall be sent to each candidate.”

63. Section 119 of the said charter is replaced by the following section:

“119. The returning officer and each deputy returning-officer, from the time he makes the oath of office until the day after the closing of the election, shall be a conservator of the peace in the municipality, invested with all the powers of a justice of the peace.

The returning officer or any deputy returning-officer may require the assistance of justices of the peace, constables or other persons present to aid him in maintaining peace and good order at the election.

The returning officer or any deputy returning-officer may arrest or cause by verbal order to be arrested, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the election. He may also, by an order over his signature, cause to be imprisoned until an hour not later than the close of the poll every person who

(1) does not maintain order and disturbs the peace;

(2) is armed with a bludgeon, club or any other offensive weapon or firearm;

(3) carries or wears a flag, standard, banner, ribbon or label or any other distinctive mark or sign whatever identifying the candidate he supports or distinguishing the carrier or wearer as the supporter of a particular candidate, or of the opinions entertained, or supposed to be entertained, by such candidate;

(4) threatens to disturb the peace or good order or deliberately prevents or attempts to prevent an elector from exercising his right to vote or who in any way interferes with the voting."

64. Section 120 of the said charter is replaced by the following section:

"120. Every person contemplated in an order given under section 119 and who refuses to obey such verbal order or warrant is guilty of an offence triable summarily and liable to a fine of not more than five hundred dollars, and, on failure to pay the fine, to imprisonment for not more than three months."

65. Section 122 of the said charter is replaced by the following section:

"122. Every person who during the nomination of candidates or on polling day

(1) does not maintain order or disturbs the peace,

(2) is armed with a bludgeon, club or any other offensive weapon or firearm,

(3) carries or wears any flag, standard, banner, ribbon, label or other distinctive mark or sign whatever identifying the candidate he supports or distinguishing the carrier or wearer as the supporter of a particular candidate, or of the opinion entertained, or supposed to be entertained, by such candidate,

(4) threatens to disturb the peace or good order or deliberately prevents or attempts to prevent an elector from exercising his right to vote or who in any way interferes with the nomination of candidates or the voting,

is guilty of an offence triable summarily and liable to a fine of one hundred dollars, or, on failure to pay the fine, to imprisonment for three months or both, at the discretion of the court."

66. Section 124 of the said charter, replaced by section 35 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

"124. The mayor and councillors elected at the general election shall take office and enjoy the rights and privileges pertaining to their

respective offices on the first day of December following the election. If that day is a non-judicial day, they shall take office on the following judicial day.

Every person elected at an election held under sections 20 and following shall take office on the second Monday following the day on which he is declared elected."

67. Section 125 of the said charter, replaced by section 40 of chapter 81 of the statutes of 1965 (1st session) is repealed.

68. Sections 130*d*, 130*g*, 130*i* and 130*j* of the said charter are amended by replacing the words "chief returning-officer" by the words "returning officer".

69. The heading of Section XIII of the said charter is replaced by the following heading:

"RECOUNT BY A JUDGE".

70. Section 131 of the said charter, replaced by section 37 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

"**131.** There must be a re-addition of votes if it be made to appear, on the affidavit of a credible witness, that the returning officer has improperly added up the votes, and there must be a recount if it be made to appear, on the affidavit of a credible witness, that any deputy returning-officer has illegally counted or rejected any ballot-paper or has made an incorrect statement of the number of votes cast for any candidate."

71. Section 132 of the said charter is replaced by the following section:

"**132.** The demand for a re-addition of votes or a recount is made by way of a motion, supported by an affidavit, to a judge of the Provincial Court of the judicial district of Québec and filed with the office of that court within the four days following the addition of the votes under section 115. The re-addition or recount must begin within four days of the presentation of the motion and be carried out as rapidly as possible.

The motion may in no case be received unless the applicant deposits, within the said time, at the office of the Provincial Court of the judicial district of Québec the sum of five hundred dollars as security for the costs the re-addition or recount may entail for the candidate elected."

72. Section 133 of the said charter, amended by section 37 of chapter 60 of the statutes of 1950-51, is replaced by the following section:

“133. The judge, in granting the motion, shall give to the candidates a written notice of not less than one clear day of the day, time and place the re-addition or recount is to be held. The judge may direct that service of the notice upon the candidates may be upon their attorneys or may be made by mail or by posting or in such other manner as he thinks fit.”

73. Section 134 of the said charter is replaced by the following section:

“134. The judge shall summon the election-clerk and the returning officer to attend on the day and at the time indicated and shall order the latter to bring with him the ballot-boxes of the election for which a re-addition or recount of the votes is requested. The returning officer and his election-clerk shall be bound to obey such order.”

74. Section 135 of the said charter, amended by section 38 of chapter 60 of the statutes of 1950-51, is replaced by the following section:

“135. On the appointed day, the judge, in the presence of the returning officer and his election-clerk, shall proceed with the re-addition in accordance with section 115 or with the recount of the ballot-papers returned to the returning officer by the several deputy returning-officers. Each candidate is entitled to attend with not more than three agents appointed by him to attend.

In conducting a recount of the ballot-papers, the judge shall examine the ballot-papers and all other documents contained in the ballot-box. Sections 107 and 107c apply to a decision on the validity of a ballot-paper and the judge may for that purpose take the means he considers advisable.

If a ballot-box or the required documents are missing, the judge shall take the appropriate means to ascertain the result of the vote. For that purpose, he is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37).

While the recount is in progress, the judge has the custody of the ballot-boxes and their content, and of all the other documents that have been remitted to him.

Immediately upon the completion of the re-addition or recount, the judge shall compile the votes cast in favour of each candidate, verify or rectify any statement of the poll and statement of votes and certify the result of the vote. The judge shall return the ballot-boxes to the returning officer, together with all the other documents used for the re-addition or recount.

The returning officer shall thereupon declare elected the candidate who received the greatest number of votes according to the certificate of the judge."

75. Section 135*a* of the said charter, enacted by section 29 of chapter 86 of the statutes of 1969, is replaced by the following section:

"135*a*. In case of equality of votes, the returning officer shall give a special notice of one clear day to each of the candidates concerned; the returning officer, at the time mentioned in the notice, shall proceed by a public drawing of lots and proclaim elected the person whom the drawing has favoured.

If all the ballot-papers are rejected by the judge, the returning officer shall immediately fix another day for the nomination and hold a new election.

The new election shall be conducted, in other respects, in the same manner as an election contemplated in section 64*b*; but the revised electoral list used at the election following which all ballot-papers were rejected shall be used for such new election."

76. Section 136 of the said charter, replaced by section 38 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

"136. Where the election results remain unchanged, the costs of the candidate who received the greatest number of votes are assumed by the petitioner. The costs are recoverable in the same manner as costs awarded in ordinary cases before the Provincial Court.

The sum deposited as security for costs shall be paid to the candidate declared elected, on account of or up to the amount of his costs.

If the amount deposited is insufficient, the party in whose favour costs are allowed shall have his action for the balance."

77. Section 136*a* of the said charter, enacted by section 39 of chapter 51 of the statutes 1954-55, is amended by striking out the second paragraph.

78. The said charter is amended by replacing the heading of Section XIV by the following heading:

"PENAL PROVISIONS".

79. Section 138 of the said charter, replaced by section 40 of chapter 51 of the statutes 1954-55 and amended by section 45 of chapter 42 of the statutes of 1980, is replaced by the following sections:

"138. Every person who

- (1) offers himself as a candidate, knowing he is not qualified,
 - (2) signs the nomination-paper for a candidate while he is not an elector,
 - (3) falsely declares himself to be a candidate of an authorized party,
 - (4) knowingly spreads false news of the withdrawal of a candidate, or who
 - (5) is a returning officer and accepts a nomination-paper which is incomplete or not accompanied with all the required documents,
- is guilty of an offence.

“138a. Every person who

- (1) votes more than once at the same election,
- (2) permits a person to vote without being entered on the electoral list,
- (3) votes without being entitled to vote,
- (4) knowingly prints or uses a false ballot-paper or alters or counterfeits a ballot-paper,
- (5) modifies or imitates the initials of the deputy returning-officer,
- (6) acts as the representative of a candidate when his power of attorney is false,
- (7) is a deputy returning-officer and gives a ballot-paper to a person refusing to make the oath required,
- (8) is a deputy returning-officer and knowingly admits to vote a person who has already voted, or who
- (9) is an election officer and arrives late at the polling-station in order to delay the opening of the poll,

is guilty of an offence.

“138b. Every person who

- (1) falsifies the statement of votes or the statement of the poll,
- (2) knowingly destroys a ballot-paper before the end of the period for the contestation of the election, or who
- (3) is a returning officer and makes a fraudulent declaration or issues a fraudulent declaration,

is guilty of an offence.

“138c. Every person who

(1) performs duties reserved to the election officers without being qualified as an elector, without being officially appointed or without making the oath required, or who

(2) is the returning officer, one of his officers or an election officer and fraudulently neglects or refuses to act, or acts against this charter,

is guilty of an offence.

“138d. Every employer who contravenes section 18a is guilty of an offence.

“138e. Every person who is guilty of an offence contemplated in sections 138 to 138d is liable, in addition to costs,

(1) for a first offence, to a fine of not less than 100 dollars nor more than 1 000 dollars in the case of a natural person and, in default of payment, to imprisonment for not more than three months and, in the case of a legal person, to a fine of not less than 300 dollars nor more than 3 000 dollars;

(2) for a subsequent offence within five years, to a fine of not less than 200 dollars nor more than 2 000 dollars in the case of a natural person and, in default of payment, to imprisonment for not more than six months or, in the case of a legal person, to a fine of not less than 600 dollars nor more than 6 000 dollars.

“138f. Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to vote, prevents or attempts to prevent an operation related to the vote, or alters or attempts to alter the results of the election, is guilty of an offence.

“138g. Every person who

(1) being a candidate or later becoming a candidate, in order to influence the vote of an elector, obtains or attempts to obtain, by himself or through another person, his vote or incites him to refrain from voting by promising or granting him any gift, loan, office, employment or other benefit; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or any other benefit, agrees to refrain from voting or to vote for a candidate, or incites a person to refrain from voting or to vote for a candidate,

is guilty of an offence.

Every gift made or promised during an election period by a candidate or a person later becoming a candidate, or in his name or stead, is deemed to have been made in order to influence the vote of an elector.

The first paragraph does not apply

(1) to an official agent who provides, as election expenses, food such as sandwiches, cake and cookies and beverages such as tea, coffee, milk or soft drinks at an assembly of electors meeting to promote the election of a candidate at an election,

(2) to a person other than an official agent who, at his own expense, provides food such as sandwiches, cake and cookies and beverages such as tea, coffee, milk or soft drinks at an assembly of electors meeting to promote the election of a candidate at an election, or

(3) to a person accepting any of the food or beverages mentioned in subparagraph 1 or 2 of this paragraph.

“138h. Every person who votes or attempts to vote by falsely assuming the name and qualifications of an elector or by borrowing the name of a fictitious or deceased person, is guilty of an offence.

“138i. Every person who is guilty of an offence contemplated in sections 138f to 138h is liable to a fine of not less than 100 dollars nor more than 1 000 dollars and to imprisonment for not less than one month and not more than twelve months; in default of payment of the fine, the person is liable to additional imprisonment for not more than three months.

“138j. Every person who knowingly performs or omits to perform an act in view of aiding a person to commit an offence or who advises, encourages or incites a person to commit an offence is himself guilty of the offence and liable to the same penalty as that provided for the person who has committed the offence, whether or not the latter has been prosecuted or found guilty.”

80. Section 139 of the said charter is replaced by the following sections:

“139. Every offence mentioned in paragraph 4 of section 138, in paragraph 1 of section 138a, in paragraphs 1 and 2 of section 138b, in paragraph 2 of section 138c and in sections 138f to 138h is a corrupt electoral practice.

“139a. Every person who is found guilty of an offence that is a corrupt electoral practice loses, for a period of five years from the date of the judgment, the right to engage in partisan work, vote or be a candidate in an election and, for the same period, shall not hold any office to which appointment is made by a resolution of the municipal council.

Furthermore, where the person found guilty of an offence contemplated in section 138*f* or 138*g* is a member of the municipal council, his election is void.

“139*b*. Proceedings under this title are instituted pursuant to sections 138 and 139 before the Municipal Court by the returning officer or any person generally or specially authorized by him for such purpose.”

81. Section 140 of the said charter, replaced by section 41 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

“140. Any person qualified to vote at the election of the mayor or a councillor may contest the election of a person as mayor or councillor, at whose election he was entitled to vote, and pray for the annulment of the election and for a judgment declaring the plaintiff or any other person duly elected, upon all or any of the following grounds:

- (1) that the essential formalities were not observed at the election,
- (2) that the person declared elected did not receive the majority of legal votes at such election,
- (3) that he was not qualified to be elected as mayor or councillor, as the case may be, or
- (4) that he was guilty of corrupt practices prohibited by this charter, either personally, or by an agent, with or without his authority, knowledge or sanction.

The hearing and decision of such contestation, in term or in vacation, shall be had exclusively before the Provincial Court, in the district of Québec.”

82. Section 141 of the said charter, amended by section 41 of chapter 60 of the statutes of 1950-51, is replaced by the following section:

“141. The election of a mayor or of a councillor may be contested only by following the procedure prescribed in sections 140 to 142.

No recourse resulting from articles 838 to 843 of the Code of Civil Procedure may be exercised against the person occupying the office of mayor or of councillor during the period for contestation proceedings provided in section 142 nor while a suit for contestation of the election which raises the absence of qualification of such mayor or such councillor is pending, nor after a judgment has been rendered on the merits of such contestation.”

83. Section 142 of the said charter, replaced by section 42 of chapter 51 of the statutes of 1954-55, is replaced by the following section:

“142. (1) The contestation shall be instituted by an ordinary suit, which shall be served upon the person whose election is being contested within thirty days after the proclamation of the election of such person, under penalty of forfeiture.

(2) The writ of summons shall not be issued until there has been deposited in the hands of the clerk of the court, at the same time as the application for the writ, a sum of five hundred dollars for the costs.

(3) During the suit, the court may, of its own accord or upon a motion to that effect, order that the deposit be increased, at its discretion.

(4) The action shall be returned within six days of service, and the proceedings thereafter shall be subject to the rules and time limits of summary actions.

(5) The plaintiff, in his action, shall state the date, the place and circumstances of any act, matter or thing which may justify the conclusions. He may also indicate therein who are entitled to the office in question, stating the facts of a nature to establish such right, and ask that they be declared elected, but, in such case, the person whose election is contested, may allege and prove that certain votes given to the other candidate were not legal.

(6) If the defendant fails to plead within the time limits prescribed in the Code of Civil Procedure, all the allegations of the declaration shall be considered as denied by the defendant.

(7) Notwithstanding the provisions of the Code of Civil Procedure respecting inscription for proof and hearing, the date and place for the same shall be fixed by the judge, on motion of either party; notice whereof must be given to the adverse party at least one clear day before that of its presentation.

(8) If, upon the issues, it be necessary to count, or to examine, or to deal otherwise with the ballot-papers used at the election, or to examine or deal otherwise with the poll-books or other documents connected therewith, or to summon the persons who have conducted the election or acted therein in any manner whatever, the court or judge shall, for such purposes or any of them, have all the jurisdiction, power and authority vested in the court or any judge thereof in similar matters by the Election Act (R.S.Q., chapter E-3.1).

(9) When any election is contested under this charter, and the seat is not claimed for any candidate, in the action, no recriminatory allegation or evidence shall be allowed on behalf of the defendant.

(10) Notwithstanding article 29 of the Code of Civil Procedure, interlocutory judgments rendered during a suit in contestation of election under this charter, shall not be subject to appeal; any party may, howe-

ver, take exception to such judgments, which may then be revised at the same time as the final judgment, if the latter is taken to appeal.

(11) The court may, by its judgment, confirm or annul the election or declare that another person has been duly elected. If such judgment is based solely on corrupt acts, it cannot be rendered unless it be proved that such corrupt acts have had the effect of changing the result of the election.

(12) When the contestation is based exclusively on the ground that the defendant has been convicted of an indictable offence, it may be instituted by motion and the foregoing provisions shall not apply.

(13) When the judgment of the Provincial Court annuls the election of the majority of the members of a council without declaring other persons duly elected in sufficient number to enable the council to sit validly, the municipality shall be subject to the control of the Commission municipale du Québec until the judgment of the Court of Appeal is rendered, if it reverses the judgment in first instance, or until the coming into office of the persons who replace them if the judgment is maintained, if there has been no appeal or if the appeal has not been continued; the provisions of Division VIII of the Act respecting the Commission municipale (R.S.Q., chapter C-35) applicable to municipalities shall then apply *mutatis mutandis* to the city."

84. Section 143 of the said charter, amended by section 43 of chapter 60 of the statutes of 1950-51, is replaced by the following sections:

"143. The judge shall decide whether

(1) the election is void;

(2) the candidate for the office of mayor or councillor whose election is contested was duly elected or declared elected; or

(3) another person was elected, indicating who that other person is.

"143a. If the hearing establishes

(1) that a corrupt electoral practice was used by a candidate or, with his knowledge and consent, by another person, the candidate must be considered guilty of a corrupt electoral practice, and if he has been elected, his election is void, or

(2) that a corrupt electoral practice was used by the representative or official agent of a candidate, the election of that candidate is void.

The election of a candidate must not be declared void pursuant to subparagraph 2 of the first paragraph if it is established that the deed is of minor gravity and could not have affected the result of the

election, and if the candidate, in good faith, took reasonable precautions to carry on an honest campaign for election.

“143b. If the hearing establishes that a candidate, personally or through another person, committed an offence contemplated in section 138f or 138g, the court must subtract, from the number of votes which appear to have been given in favour of that candidate, one vote for each person who voted at the election and in respect of whom, according to the evidence, that candidate is guilty of that offence.

“143c. The election of a candidate shall not be declared void by reason of an offence, that does not constitute a corrupt electoral practice, if the judge comes to the conclusion that the offence could not have changed or significantly affected the result of the election.

“143d. Every person found guilty of a corrupt electoral practice under this section is disqualified under section 139a.”

85. Section 144 of the said charter, replaced by section 44 of chapter 60 of the statutes of 1950-51, is replaced by the following sections:

“144. An appeal from the final judgment shall lie to the Court of Appeal.

When the judgment is based on the ground that the defendant has been convicted of an indictable offence, it shall be executory immediately and notwithstanding appeal. Nevertheless, the office shall be deemed vacant only from the day on which the judgment has become final, unless it becomes vacant earlier for any other cause contemplated by the charter; but the defendant shall not be entitled, in the meantime, to the indemnities, allowances, salaries or remunerations related to such office.

“144a. Such appeal must be taken within fifteen days from the date of the judgment, and shall be heard, with priority over other appeals, at the first sitting of the court after the inscription in appeal.

“144b. The judgment of the Court of Appeal shall be final.

“144c. The plaintiff shall cause the judgment upon the action to be served upon the city, by leaving an authentic copy thereof with the clerk.

“144d. If, by such judgment, the election of the defendant be set aside and some other candidate declared duly elected, the latter shall be recognized by the council; but if such judgment merely annuls the election without granting the office to another person, the defendant's seat shall be deemed to be vacant from the service of the judgment upon the clerk.

“144e. The Attorney General has and always has had a sufficient interest to exercise against any person holding the office of mayor or councillor any recourse arising out of articles 838 to 843 of the Code of Civil Procedure; when he exercises such a recourse, section 141 does not apply.

“144f. When the Attorney General exercises any recourse contemplated in section 144e and based on paragraph f of section 21, the person against whom the recourse is exercised must cease holding the office of mayor or councillor and cease acting as such from the date of the authorization contemplated in article 834 of the Code of Civil Procedure until the date of the final judgment; he shall not be entitled, during such period, to any indemnity, allowance, remuneration or salary related to such an office.

Every person who holds the office of mayor or councillor or acts as such contrary to this section shall be guilty of an offence and liable, on summary proceeding, in addition to costs, for each day or part of a day during which such offence continues, to a fine of not less than \$ 500 nor more than \$ 1 000 and to imprisonment for not less than fifteen days nor more than six months.”

86. Section 145 of the said charter is repealed.

87. The said charter is amended by adding, after section 146, the following section and sections:

“SECTION XV-A

“ELECTION OFFICERS

“146a. The district director and his assistant or assistants and polling officers are election officers.

Before taking office, the district director shall make, before the returning officer, the oath prescribed by the latter and the other election officers shall make that oath before the district director then under oath.

Election officers must comply with the directives of the returning officer.

“146b. No elector convicted of a corrupt electoral practice may become an election officer for five years following the day he was released from a house of detention or, where there is no imprisonment, the date of his conviction.

“146c. From the time he is sworn in, no election officer may engage in partisan work.

“146d. In carrying out their duties of office, all election officers except the officer in charge of information and order may administer the oaths provided for in this charter, and they must do so gratuitously.

“146e. The returning officer may dismiss any election officer.

“146f. If an election officer ceases to perform his duties of office, he shall be replaced, if practicable, in the same manner as he was appointed.

“146g. An election officer who no longer holds office must return all the official documents in his possession to the returning officer in the case of the district director or any of his assistants, or to the district director in the case of another officer.”

88. Section 159a of the said charter, enacted by section 49 of chapter 81 of the statutes of 1965 (1st session), amended by section 3 of chapter 80 of the statutes of 1973 and by section 8 of chapter 42 of the statutes of 1980, is amended by replacing paragraph c by the following paragraph:

“(c) make by-laws and resolutions respecting the acquisitions of immovables, the carrying out of works or transactions involving capital expenditures, order the payment thereof out of the unappropriated general funds or, by by-law, authorize loans or levy taxes to pay for the same;”.

89. Section 174 of the said charter is amended by replacing the first two paragraphs by the following paragraphs:

“174. Every by-law, resolution, obligation and contract approved by the council shall be presented by the clerk to the mayor, for approval and signature, or, for signature, to the person designated under subsection 16 of section 185, as soon as possible after the approval.

If the person designated under subsection 16 of section 185, to whom a document was sent for signature, refuses or fails to sign it within ninety-six hours after the document was sent to him by the clerk, the latter shall, without delay, send the document to the mayor for approval and signature.

If, within ninety-six hours after a document is sent to him for approval, the mayor refuses to approve and sign it, he shall return it with his objections in writing to the clerk, who shall submit it for reconsideration at the next sitting of the council, as a matter of urgency and privilege.”

90. Section 185 of the said charter, replaced by section 56 of chapter 81 of the statutes of 1965 (1st session) and amended by section 12 of chapter 85 of the statutes of 1966-67, by section 11 of chapter 68

of the statutes of 1970, by section 6 of chapter 97 of the statutes of 1974, by section 10 of chapter 54 of the statutes of 1976, by section 2 of chapter 22 of the statutes of 1979 and by section 11 of chapter 42 of the statutes of 1980, is amended

(1) by replacing paragraph *f* of subsection 7 by the following paragraph:

“(f) every report concerning the exchange or the assignment by emphyteutic lease of an immovable belonging to the city and in addition the rental of its movable and immovable property, when the term of the lease exceeds two years;”;

(2) by replacing subsections 9 and 10 by the following subsections:

“(9) After taking into account the estimate of the city’s revenue and studying the estimates of expenses submitted by the heads of departments, and their reports and suggestions as presented by the managing director, the executive committee shall prepare and submit to the council the budget for the following fiscal year; it shall also prepare and submit to the council the draft by-laws and resolutions imposing taxes, permits and licences to meet the expenses, with due regard for the other revenue of the city.

“(10) If, before the thirty-first of December of each year, the council does not adopt the budget and pass the by-laws and resolutions relating thereto submitted by the executive committee, they shall automatically come into force on that date.”;

(3) by replacing subsections 13 and 14 by the following subsections:

“(13) The executive committee may award, without the authorization of the council, any contract the amount whereof does not exceed \$50 000; if the expenditure exceeds \$50 000, it requires the authorization of the council; however, section 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19) applies to any expenditure over \$5 000 and not exceeding \$50 000.

“(14) The executive committee is authorized to call for tenders in conjunction with other public bodies.”;

(4) by adding to subsection 16 the following paragraph:

“The executive committee may authorize, generally or specially, the head of a department or any officer it designates, to sign the contracts or documents of such nature as it may determine.”;

(5) by replacing subsection 17 by the following subsection:

“(17) The executive committee may, without the consent of the council, cause to be carried out, by day labour, works the cost of which

does not exceed \$50 000; nevertheless, the council may authorize the executive committee to cause to be carried out, by day labour, specified works of any kind the cost of which exceeds \$50 000.”;

(6) by replacing subsection 23 by the following subsection:

“(23) The issue of any permit that is not in compliance with a draft amendment to a zoning, subdivision or building by-law, shall be suspended from the passing by the executive committee of a resolution requiring the competent department to prepare the amendment, except where it has been expressly decided otherwise by the executive committee, for the period between the date of the resolution of the executive committee ordering the preparation of the amendment and the date of the final decision of the council on the new by-law, the period being in no case longer than one hundred and sixty days.”;

(7) by adding, at the end, the following subsection:

“(28) The executive committee, on a report of the managing director or the head of the department concerned, accompanied with a report of the treasurer as to its value, may give, sell, alienate, assign or transfer, in the manner it determines, any movable or immovable property the value of which does not exceed \$10 000.”

91. The said charter is amended by adding, after section 185*c*, the following sections:

“**185*d*.** In the year of a general election, the preparation of the budget and related draft by-laws and resolutions, by the executive committee and their presentation to the council in conformity with section 185 may be made after the first of December but not later than 1 March following the date of the election. In such a case the approval of the budget and related by-laws and resolutions must be made before the thirty-first of March.

“**185*e*.** Where delays are incurred under section 185*d*, the executive committee may authorize the treasurer to approve the payment of the current administration expenditures until 31 March of the year following that of the general election as if, on 1 January, one-third of the budget of the fiscal year in which the election is held had been adopted.

“**185*f*.** Notwithstanding subsection 10 of section 185, in the case of section 185*d*, the budget and related by-laws and resolutions which have not been adopted within thirty days after the date on which they have been submitted to the council by the executive committee, become automatically in force on the last day of that thirty-day period.”

92. Section 188 of the said charter is replaced by the following section:

“188. The council may, by a resolution, cause the Chief Judge of the Municipal Court to take cognizance of all matters mentioned in such resolution, whether it relates to any alleged malfeasance, violation of deposit, or other improper conduct, of any of its members, officers, employees or contractors, in so far as such acts shall have been committed by the offender in his capacity of member, officer, employee or contractor, or whether it relates to the good government, or the administration of any portion of the public affairs of the city. The Chief Judge of the Municipal Court shall thereupon make an investigation, and he has, for this purpose, the powers and immunity of commissioners appointed under the Act respecting Public Inquiry Commissions (R.S.Q., chapter C-37), and he shall report to the council the result of such investigation with all possible diligence.”

93. Section 190 of the said charter is repealed.

94. The said charter is amended by adding, after the title of Section XXI, the following section:

“191. Notwithstanding any contrary provision of a general law or special Act, the city is authorized to award, for aesthetic reasons, to tenderers who have not submitted the lowest tender, contracts for the acquisition of lighting equipment, traffic control devices or signs and their supports, of benches, dustbins or other item of street furniture to be erected or placed in the historic district of Québec, or in any neighbouring zone determined by the council where development involves the preservation of the architectural, historic or cultural characteristic of the zone, provided the option of the chosen tenderer has been approved by the Minister of Cultural Affairs or his authorized representative.”

95. The said charter is amended by adding, after the heading of Section XXV, the following section:

“243. Notwithstanding any special provision of a general law or special Act, the immovables held or occupied by the Société du Grand Théâtre de Québec are taxable.”

96. The said charter is amended by adding, after section 243, the following section:

“244. The executive committee is authorized to fix the tariff for any service rendered by the city or for determining the value of leases granted by it.”

97. The said charter is amended by adding, after section 244, the following section:

“245. Notwithstanding the Amusement Tax Act (R.S.Q., chapter D-14), the city is authorized to impose an amusement tax on any activity

carried on during and on the site of the provincial fair, or on certain of such activities, on the basis of the number of meters of front occupied or on any other basis ordered by the council."

98. The said charter is amended by adding, after section 249, the following section:

"250. Whenever a cheque or another order for payment is remitted to the city and is refused by a financial institution on which the instrument is drawn, administration costs may be charged by the city to the debtor, at a rate fixed by the executive committee."

99. Section 265 of the said charter, amended by section 452 of chapter 72 of the statutes of 1979, is amended by replacing the second paragraph by the following paragraphs:

"The privilege need not be registered; in respect of immovables, it concerns only those on which or with regard to which assessments, taxes, rates or any other municipal dues have been imposed; in respect of movables and moveable property, the privilege applies only to the movables and property possessed by the debtor or located within the city limits, except where the debtor has transferred them out of the city limits.

Where payable by the proprietor, any special tax, compensation, charge, cost, expense or other expenditure incurred by the city for the supply of metered water, by contract or otherwise, or for the supply of special and additional services of garbage removal, is privileged on the immovables in respect of which the services are supplied, as real estate taxes, and are recoverable in the same manner."

100. Section 272*a* of the said charter, enacted by section 3 of chapter 87 of the statutes of 1968, is amended by adding the following paragraph:

"Notwithstanding any contrary provision of a general law or special Act, the school taxes owing to the Commission des écoles catholiques de Québec shall be collected and recovered by the city; the maturity and collection dates and the terms and conditions for the recovery and collection of the taxes are fixed by the council, after agreement with the Commission; failing an agreement, the dates and conditions are fixed by the Commission municipale du Québec."

101. Section 273 of the said charter, replaced by section 15 of chapter 42 of the statutes of 1980, is replaced by the following section:

"273. Taxes and any accounts or sums due to the city bear interest from the day they become due without its being necessary to make a special request therefor. The council shall fix by resolution, according

to such terms and conditions as it may determine, the rate of interest applicable.

The rate applies also to all debts outstanding before the resolution is adopted.

The rate of interest payable on the accounts or sums due to the city, as fixed by resolution of the council, comes into force fifteen days after the publication, in a French newspaper published in the city, of a notice to that effect.

Subject to the Act respecting municipal taxation (R.S.Q., chapter F-2.1), and to any provision of the charter, by-laws, orders, contracts and agreements that may fix another date for the exigibility of sums due to the city, all sums due are exigible thirty days after the sending of the account.

The council may grant to any ratepayer who pays his taxes before they are due a discount at the rate, for the period and on the conditions fixed by resolution of the council."

102. Section 286 of the said charter, replaced by section 21 of chapter 68 of the statutes of 1970 and amended by section 11 of chapter 22 of the statutes of 1979, is amended

(1) by replacing the word "twentieth" in the second line by the word "thirty-first";

(2) by replacing paragraph *d* by the following paragraph:

"(*d*) a reserve equal to at least one-half of one per cent of the assessment for the year, against loss in the collection of assessments;"

103. Section 287 of the said charter, replaced by section 12 of chapter 65 of the statutes of 1953-54 and amended by section 9 of chapter 97 of the statutes of 1974 and by section 12 of chapter 22 of the statutes of 1979, is amended by replacing the first, second and third paragraphs by the following paragraphs:

"287. The council, before the thirty-first of December 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.

The council or a committee may in any case authorize expenditure or the payment of a debt for an amount greater than that provided in the budget, or that cannot be paid out of a surplus of receipts over expenses that have been the object of an availability certificate issued by the treasurer and deposited before the council, and it is forbidden, under the penalties enacted by this charter, for the treasurer, the auditor,

the mayor or any member of the council to authorize, permit or make such payment.

In a case where, during the fiscal year, an appropriation is exceeded or an unforeseen debt must be paid, such payment may also be effected provided it is authorized by a by-law of the council, which at the same time levies a special tax to meet it. Such tax must be added to the nearest assessment roll, and collected at the same time."

104. Section 288 of the said charter, replaced by section 13 of chapter 22 of the statutes of 1979, is replaced by the following section:

"288. If the sums which should be voted and the taxes which should be imposed in conformity with sections 286 and 287, respectively, have not been voted or imposed as the case may be before the thirty-first of December, they may be voted or imposed after that date, and the necessary by-laws may also be passed after that day."

105. Section 289 of the said charter, enacted by section 16 of chapter 42 of the statutes of 1980, is amended by adding the following paragraph:

"The council may also apply, for the purposes it determines, after the end of a fiscal year but before the summary of receipts and expenses for that year has been prepared by the treasurer in conformity with section 287, any surplus of receipts over expenses of the terminated fiscal year that has been the object of an availability certificate issued by the treasurer and deposited before the council; any sum so applied is deemed to have been spent during such fiscal year."

106. The said charter is amended by adding, after section 309, the following sections:

"309a. The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for the construction, renovation or restoration of any building or structure to promote the regeneration or rehabilitation of the urban fabric or the renovation, improvement or restoration of districts, and favour the carrying out of development works designed to improve the quality of life in a district and the district's general layout.

In no case may the amount of the subsidy be greater than seventy-five per cent of the actual cost of the works.

"309b. The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy to promote the construction, restoration, demolition or relocation of any residential, industrial or commercial building.

“309c. (1) The council may, by resolution, order that the owner of land that is part of any real estate development complex which, in the opinion of the council, is of special interest for the future development of the municipality or on which the city does not, in the near future, wish to extend its street, waterworks, sewer or lighting system networks, may defer the payment of the real estate taxes outstanding or imposed in respect of the land for a period not exceeding ten years after the date of the resolution granting such right. The real estate taxes the owner of such land may defer do not include, however, any tax outstanding or imposed on buildings located on the land.

(2) The owner wishing to avail himself of such a right shall send a written application therefor to the city treasurer. The applicant may avail himself of the right provided the treasurer has issued a certificate attesting that the resolution of the council is applicable to him. If the applicant avails himself of the right granted to him, the prescription, as regards the taxes outstanding or imposed on such land, is interrupted from the date of the certificate issued by the treasurer to the date on which the right to defer the payment of taxes is extinguished under subsection 4 or the lapse of the maximum period of deferment fixed the council under subsection 1.

(3) All taxes the payment of which is deferred continue to bear interest until payment in full.

(4) The right to defer the payment of the taxes outstanding or imposed is extinguished where the land is alienated in whole or in part. All taxes then outstanding or imposed in respect of the whole land become due and payable from the date of alienation. If part only of the land is alienated, the purchaser of such a part is not entitled to apply for a deferred payment of taxes.”

107. Section 314a of the said charter, enacted by section 20 of chapter 85 of the statutes of 1966-67, is amended by adding the following paragraph:

“The city is also authorized to sign agreements with the Institut Canadien de Québec to entrust it with the administration and operation of one or more libraries, discotheques, artotheques or other similar establishments, provided that the property owned by the Institut is conveyed, free of charge, to the city, should the Institut be compelled or wish to terminate the management and operation of such establishments.”

108. Section 325 of the said charter, replaced by section 22 of chapter 42 of the statutes of 1980, is replaced by the following section:

“325. A facsimile of the signature of the mayor may be engraved, lithographed or printed on notes, debentures or bonds and the facsimile has the same effect as if the signature itself was affixed thereto.

A facsimile of the signature of the treasurer may be engraved, lithographed or printed on the coupons attached to the notes, debentures or bonds issued by the city and, with the authorization of the council, on the notes, debentures or bonds, and the facsimile has the same effect as if the signature itself was affixed thereto."

109. Section 333 of the said charter, replaced by section 22 of chapter 42 of the statutes of 1980, is amended by adding the following paragraph:

"(e) to make loans to any individual or body to whom the city is authorized to do make loans."

110. Section 336 of the said charter is amended

(1) by adding, after paragraph 12*c*, the following paragraph:

"12*d*. To regulate the display of signs, advertisement, bill-boards or posters on any motor vehicle or certain categories of motor vehicles;"

(2) by adding, after paragraph 31, the following paragraph:

"31*a*. To regulate or prohibit the movement of all or certain animals and all on certain animal-drawn vehicles in the streets, lanes, public places and parks of the city, and prescribe that all or certain animals and all or certain animal-drawn vehicles be registered in the manner approved by the executive committee;"

(3) by replacing paragraphs 42, 42*a* and 42*b* by the following paragraphs:

"42. To make by-laws to

(1) prohibit any project for the construction, alteration, extension or addition of buildings except with a building permit;

(2) prohibit any plan to change the use or destination of an immovable and any operation referred to in subparagraph 10 or 11 of paragraph 42*a* except with an authorization certificate;

(3) prohibit the occupancy of any immovable newly erected or altered the destination or use of which has been changed without a certificate of occupancy;

(4) prohibit any cadastral operation except with a subdivision permit;

(5) prescribe the plans and documents that must be furnished by the applicant with his application for a permit or certificate;

(6) establish a tariff of fees for the issue of permits and certificates or any category thereof according to the kind of structure or use intended;

(7) designate a municipal officer responsible for issuing permits and certificates;

(8) fix fines higher than the fines determined under section 394 where the offender who has failed to obtain any permit prescribed under this paragraph is a person, a partnership, a corporation or a cooperative having as its main occupation the carrying out of works requiring a building permit, and

(9) prohibit or suspend the erection or demolition of any structure or the carrying out of works or the use of buildings that are not in conformity with the by-laws and order, if necessary the demolition of any structure erected in contravention of the by-laws;

“42a. To adopt a zoning by-law for all or part of its territory. The by-law may include provisions applicable to one or more of the following matters:

(1) for regulatory purposes, classifying structures and uses, and under a plan forming an integral part of the by-law, dividing the territory of the municipality into zones;

(2) determining, for each zone, the authorized and the prohibited structures and uses, including public buildings and uses;

(3) determining the space to be kept free between structures or between structures and different uses on contiguous lots situated in contiguous zones, and the use and development of such free space;

(4) determining, for each zone, the dimensions and size of structures, the floor area and ground surface of structures; the total floor area of a building in relation to the total area of the lot; the length, width and area of the space to be kept free between structures on a given parcel of land, the use and development of the free space, and the occupation density of land; the space that must be kept free between structures and the street lines and property lines; the distance at which buildings must be set back; the architecture, symmetry and exterior appearance of structures; the mode of grouping a complex of structures on a parcel of land, and the wall cladding material of structures;

(5) determining for each zone, the proportion of the land that may be occupied by any structure or for any use;

(6) determining the level of elevation or depression of a parcel of land in relation to that of thoroughfares;

(7) determining and regulating the place where vehicles may have access to a parcel of land;

(8) prescribing, for each zone or use, or combined uses, the space which, for every parcel of land, must be reserved and laid out for the parking, loading and unloading of vehicles or for the parking of vehicles used by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), who use wheel chairs, and the lay out of such space; and determining the standards for parking inside or outside buildings;

(9) regulating or restricting, for each zone, the dividing or subdividing of dwellings;

(10) regulating or restricting, for each zone, land excavation, the moving of soil, the planting and felling of trees and any excavation or landfill work; and compelling every proprietor to make a lawn or plant shrubs or trees on his property;

(11) regulating or restricting, for each zone, the moving, use, repair or demolition of any structure; requiring, for moving any structure, the deposit of security for an amount provisionally estimated to be sufficient to compensate any expenditure or damage which may be incurred by the municipality by reason of the moving; in the case of a demolition, the permit may be refused until the plans for reutilization of the land have been furnished together with a guarantee of execution of the plans not exceeding the value of the immovables entered on the roll;

(12) regulating or restricting, for each zone, the location, height and upkeep of fences, low walls, hedges, shrubs and trees;

(13) regulating or prohibiting, for each zone, all construction or certain works, taking into account the topography of the land, the proximity of a watercourse or lake or the flood, falling earth or landslide hazards or any other hazard, any prohibition under this subparagraph being general or affecting only certain categories of immovables as determined by the council;

(14) regulating or prohibiting the presence and installation of mobile homes and trailers;

(15) regulating the derogatory structures and uses protected by vested rights

(a) by requiring that any derogatory use protected by vested rights cease wherever the use has been abandoned, terminated or interrupted for any period determined by the council and which must be reasonable taking into account the nature of the use, which may, however, in no case, be shorter than six months,

(b) by specifying that no derogatory use or structure protected by vested rights may be replaced by another derogatory use or structure, and

(c) by prohibiting the extension or alteration of any derogatory use or structure protected by vested rights, or determining the conditions on which any derogatory use or structure protected by vested rights may be extended or altered.

The exercise of rights granted under this paragraph does not entitle the holder of vested rights to any indemnity;

(16) regulating, for each zone, the special conditions applicable to the erection of structures or the initiating of uses on any lot which derogate from the subdivision by-law and which are protected by vested rights;

(17) authorizing, for each zone, groups of structures and uses within a determined classification and provide for specific applicable provisions;

(18) within certain zones where residential and non-residential uses are permitted, regulating, restricting or prohibiting the change from a residential use to a non-residential use otherwise permitted in the zone;

(19) determining, for each zone, the uses authorized in any part of a structure; and

(20) regulating or prohibiting any removal of soil, landscaping, re-landscaping, excavating, levelling or filling of any land in the places specified in the by-law;

“42b. To make a building by-law for the whole or part of its territory. The building by-law may include provisions on one or more of the following matters:

(1) determining the materials to be used in building and the manner of assembling them;

(2) prescribing strenght, salubrity and safety or isolation standards for every structure;

(3) order that the reconstruction or restoration of any building destroyed or having become unsafe or having lost at least half of its value as entered on the assessment roll by reason of fire or for any other cause, to be made in conformity with the by-laws in force at the time of the reconstruction or restoration;

(4) the council may exact in the building by-law that the whole or part of a building code already in existence constitutes the whole or part of the by-law. It may provide that any amendment made to

the code or the pertinent part of it after the coming into force of the by-law is also part of the latter, without requiring the council to pass a by-law to order the application of each amendment made. The amendment comes into force in the municipality on the date determined by resolution of the council. The code or its applicable part is annexed to the by-law and forms part thereof;

“42c. To adopt a subdivision by-law for the whole or part of its territory. The subdivision by-law may include provisions on one or more of the following matters:

(1) determining, for each zone referred to in the zoning by-law, the area and dimensions of the lots or parcels of land, based on the categories of structures and uses, and determining whether a thoroughfare is public or private;

(2) prescribing the manner in which public or private streets and lanes must be laid out, the distance to be kept between them and their width, in relation to the topography of the land and the use for which they are intended;

(3) prescribing, when cadastral operations are effected, the minimum area and the minimum dimensions of lots, taking into account the nature of the soil, the proximity of public works, the presence or, as the case may be, the absence of sanitary facilities or water and sewer system;

(4) regulating or prohibiting, for each zone, any cadastral operation, taking into account the topography of the land, the proximity of a water-course or lake or flood, falling earth and landslide hazards or any other hazard, any prohibition under this subparagraph being general or affecting only certain categories of immovables determined in the by-law;

(5) prohibiting any cadastral operation or a category thereof in respect of streets, lanes, paths for pedestrians or public places and their location, which do not meet the standards governing area requirements prescribed in the subdivision by-law and the location of the thoroughfares shown in the planning program of the city and compel the owners of the planned streets, lanes and paths for pedestrians to indicate, in the manner prescribed by the council, that they are private thoroughfares;

(6) requiring, as a precondition to the approval of a plan concerning a cadastral operation, either that the owner undertakes to convey or that he conveys to the city the land occupied by those thoroughfares, or a category thereof, shown on the plan that are destined to be public thoroughfares;

(7) requiring, as a precondition to the approval of a plan concerning a cadastral operation, that the servitudes, whether existing or required for the passage of power lines or communication installations, be

indicated in an annexed plan showing the lots that are the subject of the operation;

(8) requiring, as a precondition to the approval of a plan concerning a cadastral operation, in all or part of its territory, that a plan for the parcelling out of land involving an area larger than the land contemplated in the plan and owned by the person applying for the approval, be submitted;

(9) requiring, as a precondition to the approval of a plan concerning a cadastral operation, that the proprietor pays the unpaid municipal taxes that are exigible in respect of the immovables comprised in the plan;

“42*d*. To prescribe, in the historic district of Québec or any adjacent zone determined by by-law of the council, the maximum floor or land area that may be used for any use or several uses defined by by-law and prohibit the use for such purposes of any floor or land area greater than the maximum area prescribed by by-law;

“42*e*. (1) To exempt, by resolution, any person proposing to erect a building for which parking units must be provided and maintained, from the obligation to provide and maintain parking units, to such extent as the council may determine in each case.

(2) The resolution must provide that the exemption is granted upon compensatory payment of a sum established in accordance with a computing formula prescribed under subparagraph 4.

(3) The sums collected in application of subparagraph 2 are accounted for in view of using them to establish or erect public parking garages or parking lots or to improve pedestrians traffic or public transportation.

(4) To determine, by resolution, the formulas for computing the compensation; the formulas may differ according to the categories of units or the types of uses to the adopted in the proposed buildings.

(5) In the case of a compensation not effected in cash, the clerk shall deposit in the registry office of the registration division of Québec a certified copy of the resolution granting exemption for the immovable referred to in such resolution; the registration shall be made by deposit and the registrar is bound to accept it and make mention of it in the index of immovables.

The registration constitutes, up to the amount of compensation fixed in the by-law, a charge against the immovable, assimilated to the real estate tax and privileged at the same rank;

“42*f*. To prescribe, by-law, special standards for the erection of buildings or the lay out of the land where the land or building is intended

to be occupied or used, in whole or in part, by a category of persons determined by by-law; to prescribe that the building or land erected or laid out in accordance with such standards may be occupied or used only by the persons of the categories determined by by-law;

“42g. To grant, by resolution, to the owner or occupant of an immovable or any part thereof, notwithstanding any provision of a zoning, subdivision or building by-law and on the conditions imposed by the council in each case, a personal and untransferable authorization to occupy or continue to occupy the immovable or any part thereof, to use or continue to use it even if the use is not authorized under the by-laws in force or the immovable or any part thereof does not meet the requirements of the by-laws in force, taking into account the use made thereof;”;

(4) by replacing paragraph 43b by the following paragraph:

“43b. To regulate or prohibit, in all or part of the city, the permanent or temporary erection or installation, the alteration, upkeep and maintenance of awnings, baldaquinos, canopies, valances, marquees and shelters and their supports or any construction or structure wholly or partly made of canvas or any other flexible or semi-rigid material.

To compel, by by-law, every owner who erects, installs or alters such a construction or structure in contravention of the by-laws, to render it conform or remove it and, failing which, authorize the city to remove the construction or structure at the expenses of the owner and dispose of it.

To compel, by by-law, the owner of any construction or structure erected or installed in accordance with the by-laws in force at the time of their erection or installation, but having become derogatory following the adoption of by-laws concerning such constructions or structures to render them conform or remove them, without indemnity, within the time limit fixed by the council. In no case may the time limit be shorter than two years nor longer than five years after the date of the coming into force of the by-law declaring the construction or structure derogatory. In no case, however, may the by-law order the removal of the construction or structure before 1 January 1986.

To prescribe that any construction or structure which has not been rendered conformable or removed within the time limit fixed may be removed by the city, without indemnity, after a written notice of two months has been sent to the owner.

To enact that the removal expenses incurred by the city constitute a charge against the property of the same rank as real estate taxes and recoverable in the same manner.

For the purposes of this paragraph, the word “owner” includes the proprietor who is the possessor or occupant of any immovable where the construction or structure is located;”;

(5) by replacing paragraph 43c by the following paragraph:

“43c. When renovating or restoring buildings erected before 1967, it is permitted to divide the building into dwellings or rooms designed for habitation provided that, although less than 2.40 metres high and having a window area, for each room, of less than ten per cent of the floor space of the room, and not in conformity with the construction standards of the Québec Building Code or the building by-laws, provided such dwellings or rooms, in the opinion of the Commission d’urbanisme et de conservation de Québec, are so divided as to safeguard the health and safety of their occupants.

Furthermore, in the historic district of Québec and in zones designated for that purpose by the council, when renovating, restoring or converting buildings, it is permitted to equip buildings or parts of buildings and to use them for purposes other than residential purposes, although the buildings do not conform to the building standards of the Québec Building Code or the building by-laws, provided that, in the opinion of the Commission d’urbanisme et de conservation de Québec, the buildings or parts of buildings are so equipped as to ensure the health and safety of their occupants;”;

(6) by adding, after paragraph 44, the following paragraph:

“44a. To require the owner, tenant or occupant of land used as parking area in parts of the city contemplated in assistance programs for district restoration, improvement or renovation, to pave the parking area or landscape it; to order that where the owner, tenant or occupant of the land refuses or fails to carry out the work, the city be allowed to do so and recover the cost thereof which constitutes a charge against the property of the same rank as real estate taxes and recoverable in the same manner;”;

(7) by replacing the first paragraph of paragraph 45 by the following paragraph:

“45. To require the owner, tenant, possessor or occupant, under any title, of any building or a category of buildings, to provide such building with heat or smoke detectors, alarm systems, automatic sprinklers, extinguishers, fire-hoses or any other fire warning, fire extinguishing and fire fighting apparatus or device and any fire safety equipment or device; to grant a subsidy, in the sectors of the city it determines or for certain categories of buildings, to defray the installation costs of such devices or equipment in accordance with the conditions established by by-law; the subsidy may be uniform or different for the various sectors of the city or for the various categories of buildings;”;

(8) by adding, after paragraph 45, the following paragraph:

“45a. To require the owner, tenant, possessor or occupant, under any title, of any immovable or any category of immovables, to provide the immovable with any construction item, device, mechanism, apparatus or equipment to safeguard or preserve the safety of the property or the health and safety of persons, or to prevent crime.

To require the owner, tenant, possessor or occupant, under any title, of any immovable provided with the said construction items, devices, mechanisms, apparatus or equipment, to keep them in good working order at all times;”;

(9) by adding, after paragraph 49b, the following paragraph:

“49c. To require, by by-law, whenever the city ascertains the presence of rats, mice or noxious insects in a building, that the owner or occupant have, upon the order and as directed by the competent department, someone proceed with the fumigation of the premises or with any other operation to exterminate the vermin and disinfect the premises within the time prescribed, and report thereon to the department; to authorize, by by-law, the head of the department to satisfy himself that the operations comply with the directives; and to prescribe that, where the operations do not comply with the directives or if the owner refuses or fails to comply, the city shall itself have someone proceed with the operations at the expense of the owner of the building. All costs thus incurred by the city constitute against the building contemplated a charge of the same rank as real estate taxes and recoverable in the same manner;”;

(10) by adding, after paragraph 66, the following paragraph:

“67. To prescribe conditions for issuing licences and permits, and to limit the number thereof;”;

(11) by adding, after paragraph 74, the following paragraph:

“74a. To authorize or regulate the posting and sale of bills, placards or advertisement.

To require that the names and addresses of the persons who printed or made the bills, placards or advertisements, for whom they were posted, maintained, sold or made and who are in charge of the posting be mentioned on the bills, placards or advertisements.

To provide, where a by-law has not been complied with, for the removal of the bills, placards or advertisements and for the restoration of the premises to their original condition, at the expense of the person in charge of the posting;”;

(12) by repealing the first paragraph of paragraph 96a;

(13) by replacing the second paragraph of paragraph 98 by the following paragraph:

“Sections 3 and 82 to 89 of the Police Act (R.S.Q., chapter P-13) apply to temporary police officers appointed by the mayor under the first paragraph;”;

(14) by replacing paragraph 118 by the following paragraph:

“118. To regulate or prohibit alarm systems, certain categories of alarm systems or those installed in certain categories of buildings or establishments; to require a permit on such conditions as are fixed by the council; to impose a fine or require the repayment of the costs it has incurred in cases of any defect, malfunctioning or unnecessary release of such systems; to determine the cases in which alarm systems are released unnecessarily;”;

(15) by adding, at the end of paragraph 185, the following paragraph:

“The city is also authorized to enter into agreements with any person or body to authorize such person or body to apply a by-law or part of a by-law made under this paragraph. For that purpose, the persons or bodies with whom the city enters into agreement, and their employees, where such is the case, are deemed to be municipal officers;”;

(16) by replacing paragraph 204 by the following paragraph:

“204. The council, by by-law, may authorize the executive committee to require, as a precondition to the approval of a plan concerning a cadastral operation, except, however, cancellations or corrections, whether or not provision is made for street layouts, that the owner cede to the city, for the purpose of establishing parks or playgrounds, an area of land not exceeding ten per cent of the land comprised in the plan, with or without gradation taking account of the area of the land contemplated, and situated at a place which, in the opinion of the executive committee, is suitable for the establishment of parks or playgrounds.

The executive committee may be authorized by the by-law to exact from the owner, instead of the cession of that area, the payment of a sum not exceeding ten per cent of the value mentioned in the assessment roll of the land comprised in the plan with or without gradation, taking account of the area of the land contemplated, notwithstanding section 214 or 217 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), multiplied by the factor fixed for the roll by the Minister under the said Act, or to require that the owner make his contribution partly in land and partly in money. The proceeds of such payment must

be placed in a special fund which shall be used only for the purchase of land intended for establishing and developing parks and playgrounds. The city may, however, if the land is no longer required for establishing parks or playgrounds, use it for other purposes or dispose of it for valuable consideration, and the proceeds thereof must be kept in the special fund.

The executive committee is authorized to approve, in the place and stead of the cession of land or the payment mentioned above, the cession of land, elsewhere in the city, of an equivalent area or value;”;

(17) by replacing paragraph 208 by the following paragraph:

“208. To license, regulate or prohibit, in specific zones, pin-ball machines, billiards, pool, pigeon-hole tables, bowling alleys, bagatelle boards, shooting galleries, electronic games and electronic games arcades, used or operated for commercial purposes or in a manner accessory to commercial use; to fix the minimum age at which a person may be admitted to use the games, notwithstanding the Charter of human rights and freedoms (R.S.Q., chapter C-12);”;

(18) by adding, after paragraph 208, the following paragraphs:

“209. To regulate the activities of painters or portrait artists doing business in the streets of the city, in particular, to impose rules of conduct and discipline in their respect, to require them to obtain licences or permits, as the case may be, to limit the number of licences and permits and fix the cost thereof, to prescribe as a condition for obtaining a permit that they be members of an association recognized by the city, to determine the places where they may carry on their activities, to prescribe the areas they may occupy and the works that may be offered for sale and the maximum number of copies thereof; to allow the city to enter into agreements with any person or body to authorize the person or body to apply all or part of any municipal by-law concerning painters or portrait artists;

“210. To regulate traffic signs that must be erected and kept in good working order by every person who carries out work on or along public roads to ensure the proper use of public roads and the safety of roadusers.”

111. The said charter is amended by adding, after section 337, the following section:

“**337a.** To prescribe, by by-law, the regulatory provisions which are applicable or not applicable to persons who are restricted in the performance of normal activities and who significantly and persistently suffer from mental deficiency or who regularly use an orthosis or a prosthesis or any other means to palliate their handicap.”

112. Section 358 of the said charter, enacted by section 24 of chapter 42 of the statutes of 1980, is replaced by the following section:

“358. The city is authorized to build, maintain and administer, itself or with the collaboration of any person or body, with the right to regulate the use thereof, one or more public stables. It may further prohibit the keeping of horses in such places in the city as it may determine and require the owners or keepers of horses to stable their animals in any public stable built for that purpose.”

113. The said charter is amended by adding, after section 361, the following sections:

“361a. The city may regulate the keeping, deposit, storage, collection, elimination and disposal of waste and garbage, and prescribe the sorting thereof for collection purposes.

The city may provide a different waste and garbage collection service for certain parts of the city, and maintain uniform tariffing.

“361b. The city may assign any inspector it considers necessary to the control of the regulation on waste and garbage and, by by-law, define their duties and powers. In the performance of their duties, the inspectors are authorized to inspect any immovable.”

114. Section 383a of the said charter, enacted by section 10 of chapter 72 of the statutes of 1941, is repealed.

115. The said charter is amended by adding, after section 386, the following sections:

“386a. The city is authorized to preserve and develop the movable and immovable property forming or having formed part of the municipal heritage or that of its citizens. For that purpose, the city is authorized to acquire, receive, alienate, exchange, repair, maintain, lease, administer and manage any movable or immovable property and exercise any other power necessary for that purpose.

The city is, moreover, authorized to create a fund to preserve the municipal heritage, to pay a determined amount into the fund out of the annual budget, to borrow money and pay the proceeds of the loan into the fund or to transfer to the fund any gift made to the city and intended to be used for the preservation of the municipal heritage or that of its citizens.

Every sum of money paid into the fund must be used exclusively for the preservation of the municipal heritage or that of its citizens, and any revenue from the leasing, alienation or management of city property under this section may be paid into the fund.

"386b. Every person who owns a building forming or having formed part of the municipal heritage or that of its citizens may, with the authorization of the council, defer the payment of his real estate taxes in the manner prescribed in section 309c."

116. Section 389 of the said charter is replaced by the following section:

"389. All copies of any by-law, resolution, order of the council or of the committee, and all copies of the compilation of those documents, certified by the city clerk, are deemed authentic until proof to the contrary."

117. The said charter is amended by adding, after section 410, the following section:

"410a. Whoever abuses, threatens, assaults, strikes or resists any special officer or incites any person to assault, strike or resist any special officer in the performance of the duties imposed upon him by this charter, any other Act or by any by-law of the city shall incur, on conviction, for each offence, a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding two months, or both the fine and the imprisonment."

118. Section 443 of the said charter, replaced by section 16 of chapter 78 of the statutes of 1947, is amended by replacing the first paragraph by the following paragraph:

"443. When the map or plan is completed, the head of the competent department shall submit the same to the council; if the plan or map is approved by the absolute majority of the members of the council, the city shall thereupon apply, by summary petition, to the Superior Court or any of the judges thereof, for the confirmation and ratification of the plan or map, after having given public notice of the day and time at which the petition will be presented, in a newspaper published in the French language in the city at least twenty days before the date of the presentation of the petition."

119. Section 453 of the said charter, amended by section 7 of chapter 96 of the statutes of 1960-61, is replaced by the following section:

"453. (1) No building, improvement or enlargement permit, except for repairs, may be granted for an immovable from the date of the resolution of the executive committee requiring the competent department to prepare the documents necessary for the imposition of a reserve, for the period between the date of the resolution of the executive committee requiring the preparation of the documents and the date of registration of the notice of imposition of the reserve; in no case may the period exceed one hundred and sixty days.

No building, improvement or enlargement permit, except for repairs, may be granted for an immovable from the date of the resolution of the executive committee requiring the competent department to prepare the documents necessary for expropriation, for the period between the date of the resolution of the executive committee requiring the preparation of the documents and the date on which the notice of expropriation is served; in no case may the period exceed one year.

(2) The city is authorized to acquire by agreement or by expropriation any immovable, part of an immovable or any servitude or immovable real right it may require for municipal purposes.

The city may also order the expropriation of immovables located in any district where urban redevelopment is required by the sanitary conditions or the state of maintenance of the immovables.”

120. Section 453*a* of the said charter, enacted by section 10 of chapter 80 of the statutes of 1973 and amended by section 32 of chapter 42 of the statutes of 1980, is amended by replacing the second paragraph by the following paragraph:

“The city is authorized to establish a real estate or housing reserve, transfer to it the immovables acquired under the first paragraph and those that are no longer needed for the purposes for which they had originally been acquired and to hold, lease and administer them. It may also equip the immovables and install therein the necessary public services.”

121. Section 453*b* of the said charter, enacted by section 33 of chapter 42 of the statutes of 1980, is amended by striking out the fifth paragraph.

122. Section 453*c* of the said charter, enacted by section 33 of chapter 42 of the statutes of 1980, is replaced by the following section:

“**453c.** The city is authorized to promote the construction of residential, industrial or commercial buildings and to acquire, renovate, restore, construct, sell, lease or administer residential, industrial or commercial immovables, and grant subsidies for the construction, restoration, demolition and relocation of such immovables.

The city may also apply for the incorporation of a non-profit corporation to exercise the power conferred on it under the first paragraph or it may, for the same purposes, enter into agreements with any person or body. The corporation, persons or body may ensure the carrying out of any agreement entered into by the city for the purposes mentioned in this section.”

123. Section 453*d* of the said charter, enacted by section 33 of chapter 42 of the statutes of 1980, is replaced by the following section:

“453d. The city is authorized to promote or carry out the construction, restoration, enhancement, and the residential, commercial and touristic development of the historic district of Québec. The city may also, anywhere in the city, see to the preservation and restoration of any immovable having an architectural, historical or cultural interest. For that purpose, it may exercise the powers conferred on it for the historic district of Québec.

The city is also authorized to apply for the incorporation of a non-profit corporation to exercise the powers conferred on it under the first paragraph. The corporation may ensure the carrying out of any agreement entered into by the city for the purposes mentioned in this section.”

124. Section 453f of the said charter, enacted by section 33 of chapter 42 of the statutes of 1980, is amended by adding, at the end, the following paragraphs:

“The city may grant loans to the corporations formed under sections 453b, 453c and 453d to allow them to carry out their functions. It may also, for the same purposes, grant subsidies to those bodies, remit the loans granted before (*insert here the date of the coming into force of Bill 216*) or secure the obligations contracted by those bodies. For those purposes, the city may appropriate a determined sum out of its annual budget, appropriate any subsidy received, or borrow by way of an issue of bonds or otherwise.

The corporations formed under sections 453b, 453c and 453d are agents of the city and the latter may, by resolution of the council, entrust them with specific mandates. No corporation to which a mandate is entrusted by the city may exceed its mandate or engage in activities not contemplated in its mandate except with the specific authorization of the council. Every act or deed performed without such an authorization is null and void.”

125. Section 453g of the said charter, enacted by section 4 of chapter 89 of the statutes of 1982, is amended

(1) by replacing subsection 4 by the following subsection:

“(4) On receiving the application, the executive committee shall order the clerk to send by registered or certified mail a notice to every ratepayer having a place of business in the district and entered on the roll of rental values, or cause it to be served on him, informing him that a register will be open, at the date and place indicated, to receive the signatures of the ratepayers who oppose the formation of the association.”;

(2) by replacing the word “personnes” by the word “contribuables” in the first lines of the French text of subsections 11 and 12.

(3) by adding, after subsection 12, the following subsection:

“(12a) For the purposes of keeping the register and holding the poll, every person having a place of business in the district is deemed to be a ratepayer although his name is not on the roll of rental values. When the register is open or when the poll is held, the person must, however, establish to the satisfaction of the clerk that he has a place of business, and that he should be entered as a ratepayer on the roll of rental values.”

126. Section 457 of the said charter is replaced by the following section:

“**457.** The acquisition of immovables, the carrying out of works or any operation entailing capital expenditure may be decided and ordered by resolution of the executive committee if the expenditure does not exceed \$ 50 000, or of the council if the expenditure exceeds that amount, provided that the city has the sums necessary for that purpose at its disposal.”

127. The said charter is amended by adding, after section 458, the following section:

“**459.** The council may, by resolution, prescribe places on immovables where lighting equipment, traffic control devices, signs and their supports, benches, dustbins, fire hydrants and other elements of street furniture will be installed together with their mode of installation, subject to the payment of an indemnity, where such is the case, to the owners, tenants or occupants of the immovables.

Where no agreement is reached, the indemnity is fixed by three arbitrators, one of whom is appointed by the city, another by the interested owner, tenant or occupant and the third by the first two or, failing an agreement, by a judge of the Superior Court. The indemnity may also be fixed by a single arbitrator chosen by all the interested parties.

Where the indemnity is fixed by arbitration, Chapter II of Title V of Book II of the Code of Civil Procedure applies.”

128. The said charter is amended by adding, after section 489b, the following section:

“**489c.** The city may take out a liability insurance for the benefit of its officers and employees. It may also take out group insurance covering their salaries in cases of accidents occurring in the performance of their duties.

While the members of the council remain in office, they are authorized to participate in the liability insurance and group insurances

covering their salaries on the same conditions as those applicable to the officers and employees.

No person may be declared disqualified from holding municipal office for the sole reason that, as a member of the council, he is covered by an insurance taken out by the city under this section."

129. The said charter is amended by adding, after section 514, the following section:

"515. The city may, by by-law, prescribe modalities for connecting automatic sprinkler systems of fire protection to the water conduit network.

The owner of any immovable thus connected to the water conduit network of the city is responsible for any damage resulting from the existence or use of connecting installations up to the main conduit. In no case may the city be held responsible for a fire protection system that is not in operation or that is inadequate owing to variations in water pressure or any interruption of service. This paragraph applies also to the automatic sprinkler systems of fire protection connected to the water conduit network of the city before (*insert here the date of the coming into force of Bill 216*)."

130. Section 539 of the said charter, replaced by section 29 of chapter 85 of the statutes of 1966-67, and amended by section 16 of chapter 97 of the statutes of 1974 and by section 1 of chapter 86 of the statutes of 1975, is amended by striking out the last paragraph.

131. The said charter is amended by adding, after section 539*a*, the following section:

"539*b*. (1) The city may, in accordance with the procedure prescribed in section 453*b*, apply for the constitution of a non-profit corporation to exercise the powers conferred by the charter on the Commission de l'Exposition provinciale de Québec.

(2) The corporation is authorized to lease all or part of the immovables under its administration but the authorization of the executive committee is required for any lease exceeding twelve months.

(3) The corporation shall submit its budget estimates for the ensuing year to the executive committee on the date fixed by the executive committee or the treasurer. The council shall take cognizance of the budget of the corporation and approve the estimated surplus or deficit not later than the day the budget of the city is approved. The anticipated surplus or deficit is entered in the budget of the city under the revenues item or expenditures item. If the corporation wishes to incur expenditures that are not provided for in the budget submitted to the council

and that will result in an increased estimated deficit or in a reduced anticipated surplus, it must obtain the prior authorization of the council.

Before 1 April each year, the corporation shall send its audited and approved financial statements to the executive committee.

The financial statements of the corporation are deposited before the council at the same time as the financial statements of the city, the surplus or deficit being entered in the financial statements of the city under the revenues item or expenditures item.

(4) Any surplus realized by the corporation belongs to the city and the latter shall pay to the corporation any amount necessary to make up the deficit, if any.

(5) The city may grant loans and subsidies to the corporation and secure the obligations contracted by it and, for that purpose, it may appropriate a determined sum out of its annual budget, appropriate any subsidy received, or borrow money by means of an issue of bonds or otherwise. The city is also authorized to enter into any agreement with the corporation to entrust it with the administration of any immovable owned by it.

(6) The corporation constituted under this section is a corporation within the meaning of the Civil Code, separate from the city, having all the rights and powers required to attain its objectives and is an agent of the city. The internal auditor of the city, appointed under the first paragraph of section 176, is the auditor of the corporation. The corporation may, by by-law, make rules of internal management and form an executive committee. However, the by-laws must, before coming into force, be approved by the executive committee of the city."

132. Section 545 of the said charter, enacted by section 17 of chapter 97 of the statutes of 1974 and amended by section 85 of chapter 7 of the statutes of 1978 and by section 40 of chapter 42 of the statutes of 1980, is amended by replacing the first two paragraphs by the following paragraphs:

"545. The city may build, acquire or otherwise establish, operate and manage garages for the parking or storing of motor vehicles, off-street parking lots and parking lots under streets, lanes, parks and public squares, and allow public use of them or offer them for rent, exclusively to certain persons.

It may regulate or prohibit the traffic and the parking of vehicles at such places as it may determine in the streets, lanes and public squares or on any public or private grounds it owns, may use or possesses, including those situated outside its territorial limits used for its water-works department as well as in its garages or parking lots open to the

public. The by-law may fix the rates payable and the manner of collecting the amounts so fixed for the parking of vehicles in certain of those places. The city may also restrict parking to certain categories of vehicles.”

133. The said charter is amended by adding, after section 545*b*, the following sections:

“**545c.** The city may make by-laws to prohibit the drivers of vehicles from parking or leaving their vehicles on private residential property without the authorization of the owner or occupant of the land, or on a lot owned by the city or any of its bodies, mandataries or agents wherever public parking is not authorized; the city may provide for the towing and impounding of the vehicles at the expense of their owners; require the prior lodging of an information on the offence by the owner or occupant of the lot or his representative.

“**545d.** The city is authorized to order, by by-law, that at the time of a snow removal operation, the head of the police department or any other officer determined in the by-law be authorized to prohibit parking on certain streets or parts of streets. For that purpose, the city shall, before the beginning of the operations and within the time limit prescribed by by-law, erect signs to that effect on the street.

Where parking is prohibited, every constable may have the vehicles parked in contravention of the prohibition towed or moved to any place he determines even to other streets or to another place on the same street.

The city may fix, by by-law, the tariff for the cost incurred for moving or towing the parked vehicles. Where a vehicle is moved to another street or to another place on the same street, the fine prescribed for the offence is increased by the prescribed amount of the cost of removal or towing.

The tariff imposed for moving or towing the vehicle is added to the penalty prescribed for the offence in the by-law and is entered on the infraction ticket.

“**545e.** The owner entered on the registration certificate of a motor vehicle is liable for every parking violation committed with his vehicle unless he proves that, at the time of the offence, the vehicle was, without his consent, in the possession of a third person other than an authorized driver.”

134. Section 546*a* of the said charter, replaced by section 48 of chapter 68 of the statutes of 1970 and amended by section 18 of chapter 97 of the statutes of 1974, is amended by replacing subsection 6 by the following subsections:

“(6) Where the peace officer has reasonable ground to believe that the offender will elude justice, he may require from the offender security for an amount equal to the amount of the prescribed fine.

If the offender refuses or is unable to furnish the security, the peace officer may have the vehicle impounded until a judge or the court, on a motion of the offender or of the peace officer, authorizes it to be returned with or without security. The motion is heard and decided by preference.

However, as soon as the amount of the minimum fine provided for the infraction alleged and that of the costs incurred, including the costs for towing and impounding the vehicle, are paid, the offender is authorized to resume possession of his vehicle.

The security must be sent to the clerk of the court at the same time as the copy of the notice of summons.

“(7) Any peace officer or any employee designated by the head of the competent department may have immobilized, towed and impounded any vehicle for which more than three parking infractions have been reported and remain unpaid. The provisions of subsection 6 respecting the conditions for resuming possession of a vehicle apply, *mutatis mutandis*, to the vehicles contemplated in this subsection.

“(8) The notice of summons consists in a document prepared in triplicate, signed by the officer who ascertained an offence and who intercepted the vehicle. It must include:

(a) the surname, given name, date of birth and address of the offender,

(b) the nature, date, time and place of the infraction,

(c) the make, model and identification number of the vehicle,

(d) the amount of the minimum fine and, if necessary, the number of demerit points entailed by a condemnation,

(e) if need be, the amount of the security furnished by the offender, and

(f) an order summoning the offender to appear before the Municipal Court at the time and on the date indicated on the notice by the officer.”

135. Section 546*b* of the said charter, replaced by section 49 of chapter 68 of the statutes of 1970 and amended by section 19 of chapter 97 of the statutes of 1974, is amended

(1) by replacing the words “Motor Vehicle Bureau” in the last paragraph by the words “Régie de l’assurance automobile du Québec”; and

(2) by adding the following paragraph:

“In any prosecution relating to a proceeding brought before the Municipal Court or any of its judges, for an offence against a city by-law respecting traffic or the use of a motor vehicle or its accessories, or for any offence against the Highway Safety Code (R.S.Q., chapter C-24.1) or the Transport Act (R.S.Q., chapter T-12) or any regulation made under the said Acts, the filing of a document containing any information transmitted electronically by the Régie de l’assurance automobile du Québec and stating that the prosecuted person is the owner of a vehicle, the number of the registration plate of which is given in the information, the notice of summons or the summons, is proof of the fact in the absence of proof to the contrary.

To be admissible as proof, any employee of the city need only attest that the document emanates from the Régie de l’assurance automobile du Québec.”

136. Section 546*d* of the said charter, replaced by section 20 of chapter 97 of the statutes of 1974, is replaced by the following section:

“**546*d*.** The council, by by-law, may establish the office of special officer for the purposes of section 546*a* in cases of violation of a by-law relating to parking.

In the performance of their duties and only for the purposes of the first paragraph, such special officers shall enjoy all the powers and immunities of constables or peace officers of the city.

They shall, before entering into office, swear before a judge of the Municipal Court to fulfil the duties of their office well and faithfully.

The special officers may also stop or direct pedestrian and vehicular traffic and draw up statement of traffic accidents. The council may also entrust them, by by-law, with the enforcement of any by-law other than by-laws regarding traffic.”

137. The said charter is amended by adding, after section 546*d*, the following section:

“**546*e*.** The executive committee may appoint crossing guards to look after, in the vicinity of schools, parks or playgrounds, the safety of children who must cross the street to reach those places or return home.

The crossing guards appointed shall, in the performance of their duties, be empowered to stop and direct pedestrian and vehicular traffic.”

138. Section 547 of the said charter, replaced by section 15 of chapter 47 of the statutes of 1944 and amended by section 40 of chapter 85 of the statutes of 1966-67 and by section 21 of chapter 54 of the statutes of 1976, is amended by adding, after the first paragraph, the following paragraph:

“Notwithstanding the Act respecting municipal bribery and corruption (R.S.Q., chapter F-6), members of the council, other than the mayor, who are members of the commission, may receive a remuneration equal to that received by the other members of the commission.”

139. Section 548 of the said charter, replaced by section 75 of chapter 81 of the statutes of 1965 (1st session) and amended by section 21 of chapter 97 of the statutes of 1974, is amended by replacing the first paragraph by the following paragraph:

“**548.** The commission shall have jurisdiction over the territory situated within the limits of the city and, in the said territory, no new street may be opened, nor may any cadastral operation be carried out, until a plan showing the location of the new street, its width and direction or the dimensions of the lots formed or modified by the cadastral operation, with the boundaries and limits, has been submitted to the commission for approval. No permit for the building, repair, transformation or demolition of immovables situated in the city may be issued without the prior approval of the commission.”

140. The said charter is amended by adding, after section 548, the following section:

“**548a.** The Commission d’urbanisme et de conservation de Québec has authority over the appearance of posters, bill-boards, signs and their supporting structures, and the appearance of constructions and structures referred to in paragraph 43*b* of section 336 as well as the impact of their installation on the architectural appearance of the buildings. For that purpose, no permit for the erection, installation or alteration of posters, bill-boards, signs and their supporting structures or the constructions and structures referred to in paragraph 43*b* of section 336 may be issued without prior approval of the commission, which may refuse to give its approval notwithstanding any by-law concerning the erection, installation, keeping, alteration or maintenance of posters, bill-boards, signs and their supporting structures or constructions and structures referred to in paragraph 43*b* of section 336.”

141. Section 548*e* of the said charter, enacted by section 12 of chapter 80 of the statutes of 1973 and amended by section 22 of chapter 54 of the statutes of 1976, is amended by replacing the third paragraph by the following paragraph:

"However, several buildings intended for housing, with use in common of certain recreational areas, parking areas or community equipment forming a single project for the residents, may be erected on the same lot. After work has begun, any subdivision or alienation of any part of the lot is void unless the city has consented thereto by resolution of the executive committee, except, however, subdivisions made in view of the registration of a declaration of co-ownership on the whole project or alienations effected following the registration of the declaration of co-ownership."

142. The said charter is amended by adding, after section 556, the following section:

"556a. The provisions of this charter and the zoning, parcelling out or building by-laws apply to the Crown, its corporations, mandatories or agents, which are bound by those provisions. However, the Government may, by an order published in the *Gazette officielle du Québec*, exempt the Crown, its corporations, mandatories or agents from the applications of one or more of the said provisions for the purposes mentioned in the order."

143. Section 557a of the said charter, enacted by section 13 of chapter 80 of the statutes of 1973, is amended by adding the following paragraph:

"The executive committee may also authorize the destruction of files closed for more than five years, whenever they relate to the prosecution of criminal offences by summary conviction."

144. Section 567 of the said charter, replaced by section 20 of chapter 47 of the statutes of 1944, is replaced by the following section:

"567. The Government, on the application of the council and for the period it determines, may appoint a deputy municipal judge, who must be an advocate registered with the Barreau du Québec, with at least ten years' standing. The acceptance of the office and the performance of the duties thereof shall not prevent the appointed deputy municipal judge from practising his profession before a court, other than the Municipal Court, any law or regulation to the contrary notwithstanding.

The salary of the deputy municipal judge is fixed by resolution of the council and paid by the city."

145. Section 579 of the said charter is repealed.

146. Section 583 of the said charter is replaced by the following section:

“583. The executive committee shall appoint, from time to time, a sufficient number of persons competent to fulfil the duties of bailiffs of the Municipal Court, and may dismiss those persons at any time, and appoint others in their stead.

Notwithstanding the Bailiffs Act (R.S.Q., chapter H-4) or regulations thereunder, the city may pay the bailiffs of the Municipal Court a fixed annual salary instead of the fees they would be entitled to receive under the said Act or regulations.”

147. Section 590 of the said charter is repealed.

148. Section 599 of the said charter is repealed.

149. Section 608 of the said charter is replaced by the following sections:

“608. Whenever any person is accused of an offence against the provisions of an Act or of a by-law of the city, and the person so accused is not arrested on sight, he may be summoned by a writ of summons to appear before the Municipal Court to answer the complaint formulated against him. The complaint must be set forth clearly and succinctly in the said writ. The writ of summons is served on the defendant by any bailiff, constable or peace officer, or by mail according to law.

Proceedings may be taken against the offender, either by writ of summons, in accordance with the first paragraph, or by a warrant of arrest issued by a judge on an affidavit laid before him or, in the case of an offence against this charter or municipal by-laws other than those mentioned in sections 546*a* and 546*b*, by a notice of summons issued by a peace officer. A copy of the notice of summons must be sent to the defendant and constitutes legal service thereof. A copy of the notice may be served either on the offender, wherever he may be, or on any reasonable person living at his residence or in charge of his place of business, or by depositing the notice in any place intended for his mail.

Another copy must be sent to the clerk of the Municipal Court within the next forty-eight hours. Upon receipt of the copy, the clerk shall open a file and deposit the document which then constitutes a summons duly authorized and served within the meaning of the Summary Convictions Act (R.S.Q., chapter P-15), and returnable on the date fixed in the notice.

The notice of summons consists in a document prepared in triplicate, signed by the peace officer who reported the offence. It must include:

- (a) the surname, given name and address of the offender,
- (b) the nature, date, time and place of the offence,

(c) an order summoning the offender to appear before the Municipal Court at the time and on the date indicated on the notice by the officer, and

(d) an attestation from the peace officer certifying that he has delivered a copy of the notice to the offender.

“608a. (1) Any person to whom a notice of summons or a summons has been given or sent, or on whom either document has been served in connection with an offence against this Act or the by-laws of the city other than those contemplated in sections 546a and 546b, may free himself of any penalty relating to such offence by paying as fine and costs, at the place and within the period determined by the executive committee, the amount fixed by the council and shown on the document delivered or sent to him, or served on him.

(2) However, the payment covers only a first offence within the period of twelve months.

(3) Following payment, the offender shall be considered as having been found guilty of the offence.

(4) In the case of a second offence, the payment of a notice of summons or summons bearing the name of the same offender and the same address constitutes *prima facie* evidence of the previous condemnation of the offender without its being necessary to prove his identity.

(5) In no case may the offender being prosecuted by way of summons allege that he has not received a notice of summons.

(6) With the respect to the issue of a writ of summons, the filing of a complaint is not required and the writ may be issued on information supplied in the manner determined by the executive committee.

(7) If an offender who has received a notice of summons or a summons does not avail himself of the provisions governing full payment, proceedings are continued and he shall appear in court on the date mentioned.

“608b. (1) For the purposes of issuing a notice of summons, the head of any department of the city, with the authorization of the executive committee, may himself exercise or have any employee of his department having the responsibility of a by-law in regard to which a notice of summons may be issued, exercise all the powers and duties conferred on peace officers by section 608.

(2) This section does not prevent the peace officer, the head of a department or the employee he designates from filing a complaint or causing the issuance of a summons against an offender, in the usual manner, if he deems it expedient.

“608c. The city may provide by by-law that the costs incurred in prosecuting an offender be added to the fine imposed by the Municipal Court.”

150. Section 608*a* of this charter, replaced by section 44 of chapter 42 of the statutes of 1980, is renumbered 608*d*.

151. Section 629 of the said charter, replaced by section 12 of chapter 72 of the statutes of 1941, is replaced by the following section:

“629. When the owner of an immovable property situated within the city, and liable by privilege to the city for taxes or assessments, is unknown or uncertain, or cannot be found, the city may apply, by simple petition, to the Municipal Court for the sale of the immovable by the sheriff; for that purpose, articles 798 to 804 of the Code of Civil Procedure apply, *mutatis mutandis*, to the said court, which has all the powers conferred on the Superior Court by the said articles.”

152. Section 632*a* of the said charter, enacted by section 23 of chapter 111 of the statutes of 1935, is replaced by the following section:

“632a. The fine to be imposed by the Municipal Court for failure to hold a permit or licence required under a by-law is fixed as follows:

(1) for a first offence, a fine equal to not less than the cost of the permit or licence; in no case, however, may the fine exceed five hundred dollars;

(2) for a second offence against the same provision of a by-law, committed within twelve months from the first offence, a fine equal to not less than twice the minimum fine provided for a first offence; in no case, however, may the fine be less than one hundred nor more than five hundred dollars;

(3) for every subsequent offence against the same provision of a by-law, committed within the same period, a fine equal to not less than twice the minimum fine provided for a second offence; in no case, however, may the fine be less than two hundred dollars nor more than five hundred dollars.

The imposition of a fine on the offender does not exempt him from the obligation to obtain a permit or licence, as the case may be.”

153. Section 634 of the said charter, replaced by section 23 of chapter 97 of the statutes of 1974, is amended by replacing the second paragraph by the following paragraph:

“However, in the case of a parking or traffic violation, when, by error, a person has received a ticket, has been sued, has been convicted or has paid an amount, or proceedings have been taken subsequent

to the payment of the amount due, on an affidavit to that effect signed personally by the head of the police department or the head of the competent department, or by an officer or assistant authorized by one of them, respectively, in writing to that effect, and filed in the Municipal Court, the proceedings, judgments and debts shall be cancelled from the date of such filing and, as the case may be, such court or one of its judges shall certify the cancellation and the head of the competent department shall write off the account and remit any amount paid. The affidavit issued by a department head or his representative is valid only in the case of a ticket or of the proceeding arising from a violation ascertained by a member of such department."

154. The said charter is amended by adding, after section 642, the following sections:

"642a. Whenever an infringement of a provision of this charter or of a city by-law is committed by a corporation, an association, a society or a club, even if its name is not registered, its president, manager or agent, as well as any other person who, at the time of the infringement, had the charge, management or supervision of the immovable, premises or vehicle respecting which such infringement took place, shall be personally liable to the penalty enacted as regards natural persons and may be prosecuted accordingly.

"642b. Notwithstanding the Code of Civil Procedure, the service of any document of procedure issued by the Municipal Court, a judge or the clerk of the court shall be made by delivering a copy of the document, by bailiff, to its recipient, wherever he may be found, or to a reasonable person living at his residence or in charge of his place of business.

Such service may also be made by sending a copy of the document of procedure by registered or certified mail together with a reception or delivery notice.

The service is deemed to have been made on the date on which the reception or delivery notice has been signed.

Whenever service cannot be made in any such manner, the judge, upon report of the bailiff charged with the delivery or of the clerk of the court, may prescribe any other means of service he deems expedient.

"642c. Each time an offender fails to appear, the judge or the clerk acting under the authority of the chief judge may condemn him for the offence described on the infraction ticket or the summons and it shall not be necessary to prove the violation or the officer's signature or his appointment.

“642d. In any action in a civil or penal matter, the allegation that the defendant is the owner, tenant or occupant of an immovable or is a corporation, association, society or club or the president, manager or agent of such an organization, is proof of that capacity in the absence of proof to the contrary.

“642e. In addition to his powers under section 633, the Chief Judge of the Municipal Court may, on the substantiated motion of the head of the police department, of the head of the competent department or the clerk of the Municipal Court, authorized by the executive committee,

(1) cancel the uncollected portion of the fine and costs incurred for its recovery and annul the warrant for imprisonment issued therefor when it proves impossible or useless to proceed;

(2) annul any warrant for imprisonment or writ of seizure in execution issued by the clerk or a municipal judge, in connection with a violation of a municipal by-law or an Act of Québec, when it has been impossible to execute the warrant within five years after the date on which it was issued.

“642f. In any action to claim payment of sums of money owing to the city, the judge or, if the defendant fails to appear, the clerk, under the authority of the Chief Judge, may render judgment on an affidavit attesting that the defendant owes the amount claimed to the city.

“642g. Notwithstanding any contrary provision of a general law or special Act, where the Municipal Court acquires jurisdiction over the territory of another municipal corporation, the Municipal Court has, in respect of civil or penal proceedings, the same jurisdiction and the same powers as those conferred on the city by this charter. The procedures applicable are those provided for the city under this charter in respect of civil and penal proceedings. The provisions of this charter concerning the issue of a notice of summons, an infraction ticket, a writ of summons or a summary notice for an offence against a municipal by-law apply, *mutatis mutandis*, in each of the municipal corporations in which the Municipal Court has jurisdiction.”

155. Section 645 of the said charter is repealed.

156. The said charter is amended by replacing the word “manager” wherever it appears in sections 159*b*, 173*a* and 173*b* and in paragraphs 15, 21, 22 and 25 of section 185, by the words “managing director”.

157. The said charter is amended

(1) by replacing the words “in at least two newspapers, one published in the French language and the other in the English language” in paragraph 112 of section 336 by the words “in a newspaper published in the French language”;

(2) by replacing the words “in the French and English languages” in the second paragraph of paragraph 178 of section 336 by the words “in a newspaper published in the French language”;

(3) by striking out the words “in an English language newspaper and” in the second paragraph of section 388a.

158. The said charter is amended

(1) by replacing the words “the city engineer” in paragraph 5 of section 336 and in sections 452 and 490 by the words “the head of the competent department”;

(2) by replacing the words “to the city engineer” and the words “of the city engineer” in paragraph 130 of section 336 by the words “to the head of the competent department” and the words “of the head of the competent department”, respectively;

(3) by replacing the words “the city engineer” in sections 352, 353, 354, 415, 432, 445, 454 and 548c by the words “the head of the competent department”;

(4) by replacing the words “to the city engineer” in section 442 by the words “the head of the competent department”;

(5) by replacing the words “the city engineers” in section 448 by the words “the head of the competent department”;

(6) by replacing the word “engineer” in section 415 by the words “department head”.

159. Schedules A, A-1, A-2, A-3, B, C, D, G, H-1 and J of the said charter are replaced by Schedules A, A-1, A-2, A-3, B, C-1, C-2, D, G, H-1, H-2 and J scheduled to this Act.

160. Section 7 of chapter 51 of the statutes of 1948 is repealed.

161. The Act to incorporate the Institut Canadien de Québec (11 Victoria, chapter XVII), amended by chapter 172 of the statutes of 1957-58, is amended by adding, after section IX, the following section:

“X. Should the Institut be compelled to cease or wish to cease those of its activities that are connected with the management and administration of libraries, phonotheques, artotheques or other similar estab-

ishments in the city of Québec, all property in the possession of the Institut shall be transferred gratuitously to the city of Québec."

162. The contract made on 19 November 1976 between the city of Québec and Jean-Marc Papillon, before Paul Larue, notary, under number 5144 of his minutes and registered in the registry office of the registration division of Québec on 13 December 1976 under number 859 118, is hereby ratified and constitutes an indisputable title.

163. The contract made on 23 December 1976 between the city of Québec and Roland Lamonde, before the same notary, under number 5170 of his minutes and registered in the same registry office on 21 April 1977 under number 869 674, is hereby ratified and constitutes an indisputable title.

164. The contract made on 3 August 1976 between the city of Québec and Henrine Clavet, before the same notary, under number 5090 of his minutes and registered in the same registry office on 29 October 1976 under number 855 136, is hereby ratified and constitutes an indisputable title.

165. The contract made on 29 September 1972 between the city of Québec and Simone Mailly, before the same notary, under number 4423 of his minutes and registered in the same registry office on 30 November 1972 under number 735 038, is hereby ratified and constitutes an indisputable title.

166. The contract made on 6 May 1977 between the city of Québec and Armand Jacques, before the same notary, under number 5208 of his minutes and registered in the same registry office on 21 October 1977 under number 891 981, is hereby ratified and constitutes an indisputable title.

167. The contract made on 15 September 1976 between the city of Québec and Germaine DeBlois, before the same notary, under number 5103 of his minutes and registered in the same registry office on 12 November 1976 under number 856 460, is hereby ratified and constitutes an indisputable title.

168. The contract made on 19 August 1977 between the city of Québec and Carméline Fortin, before the same notary, under number 5260 of his minutes and registered in the same registry office on 21 October 1977 under number 891 982, is hereby ratified and constitutes an indisputable title.

169. The contract made on 24 October 1974 between the city of Québec and Gemma Cloutier-Savard, before the same notary, under number 4770 of his minutes and registered in the same registry office

on 26 November 1974 under number 794 912, is hereby ratified and constitutes an indisputable title.

170. The contract made on 23 February 1976 between the city of Québec and Paul Andrews, before the same notary, under number 5018 of his minutes and registered in the same registry office on 27 April 1976 under number 835 463, is hereby ratified and constitutes an indisputable title.

171. The contract made on 21 December 1976 between the city of Québec and Napoléon Giroux, before the same notary, under number 5166 of his minutes and registered in the same registry office on 19 April 1977 under number 869 353, is hereby ratified and constitutes an indisputable title.

172. The contract made on 2 March 1976 between the city of Québec and Yvon Gingras, before the same notary, under number 5024 of his minutes and registered in the same registry office on 8 June 1976 under number 839 980, is hereby ratified and constitutes an indisputable title.

173. This Act comes into force on the day of its sanction.

SCHEDULE A

(Section 19)

Oath of office of the mayor and councillors

I,, elected mayor
(*or* councillor of the district of) of the city of Québec, swear
(*or* solemnly affirm) that I will fulfil the duties of such office faithfully
and to the best of my judgment and ability.

So help me God.

SCHEDULE A-1

(Section 65)

*Notice respecting the nomination of candidates
and the date of the poll*

I give notice to the electors of the city of Québec that the nomination of candidates for the office of mayor and councillors in each of the electoral districts of the city of Québec
(*indicate the number*)
will be held at the city hall of Québec, 2 des Jardins Street, on
....., from twelve o'clock noon to two o'clock in the afternoon.
If a poll becomes necessary, it will be held on,
from ten o'clock in the morning to eight o'clock in the evening in each
of the polling subdivisions.

Québec, this day of 19....

.....
Returning Officer

SCHEDULE A-2

(Section 65)

MUNICIPAL ELECTION OF
(date)

*Nomination paper for the
office of mayor*

We, the undersigned, duly qualified municipal electors of the city
of Québec, hereby nominate Mr
(Surname and given names)

.....
(occupation)

as candidate of ☐
(name of authorized party)

☐ Independent

for the office of mayor of the city of Québec.

Québec,19....

	Name	Address on the electoral list	Electoral qualification under section 35 of the Charter	Number of the polling subdivision of the elector	Consecutive number of the elector
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

NOTE: *The number of the polling subdivision and the consecutive number entered after the name of the elector on the electoral list must be given for at least six of the signatories.*

I, the undersigned,
 (name, occupation, domicile)
 swear (or solemnly affirm) that:

- (1) I am the candidate nominated in this nomination-paper,
- (2) I know at least six signatories of this nomination-paper, and
- (3) these six persons have signed this nomination-paper in my presence.

Signed.

.....
Candidate

Sworn (or solemnly affirmed) before me at Québec, this
 19.....

.....
Returning Officer

Consent of the candidate

I, the undersigned,

(*name*)

being the candidate nominated in this nomination-paper, consent to the said nomination.

Signed, at Québec, this19....

.....

Candidate

Candidate's solemn affirmation

I, the undersigned,
(name, occupation and address)

swear (or solemnly affirm) that:

- (1) I am the candidate nominated in this nomination-paper, and
- (2) I have the qualifications required by section 18 of the Charter of the city.

Signed.

.....
Candidate

Sworn (or solemnly affirmed) before me at Québec, this
..... 19.....

.....
Returning Officer

I, the undersigned,
 (name, occupation and domicile)
swear (*or* solemnly affirm) for and on behalf of.....,
 (name of the candidate)
candidate nominated in this nomination-paper, that he has the qualifica-
tions required by section 18 of the Charter of the city.

.....
(Person making the affirmation)

.....
Returning Officer

Signed at Québec, this 19....

City Treasurer

*Acceptance of nomination-paper
by the returning officer*

I, the undersigned, returning officer, declare that I consider this nomination-paper to be valid.

Signed at Québec, this19....

.....

Returning Officer

*Rejection of nomination-paper by
the returning officer*

I, the undersigned, returning officer, declare that I reject this nomination-paper, for the following reasons:

.....
.....
.....
.....

Signed at Québec, this19....

.....
Returning Officer

REVERSE OF SCHEDULE A-2

CITY OF QUÉBEC

OFFICE OF THE RETURNING OFFICER

MUNICIPAL ELECTION OF
(date)

*Nomination-paper
of a candidate
for the office of mayor*

Mr.
(name of the candidate)

Candidate of ☐
(name of authorized party)

☐ Independent

Electoral district of

I, the undersigned,
 (name, occupation and domicile)
, swear (or solemnly affirm) that:

(1) I am the official representative of.....
(name of the party)
 authorized political party, and that

(2)
 (name of the candidate)
is the official candidate of the party for the office of mayor of the
city of Québec for the municipal election of
(date)

Signed at Québec, this19...

.....
Official representative of the party

Sworn (or solemnly affirmed) before me at Québec, this
 19....

.....
Person authorized to receive the oath

in his capacity as:

NOTE: *This attestation of the official representative of an authorized political party must be filed at the same time as the nomination-paper of the official candidate of an authorized party for the office concerned.*

SCHEDULE A-3

(Section 65)

MUNICIPAL ELECTION OF
(date)

*Nomination-paper for the office
of councillor*

We, the undersigned, duly qualified municipal electors of the city
of Québec, hereby nominate

Mr.
(surname and given names)

.....
(occupation)

as candidate of ☐
(name of authorized party)

☐ Independent

for the office of councillor for the electoral district of
of the city of Québec.

Québec,19....

	Name	Address on the electoral list	Electoral qualification under section 35 of the Charter	Number of the polling subdivision of the elector	Consecutive number of the elector
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					

NOTE: The number of the polling subdivision and the consecutive number entered after the name of the elector on the electoral list must be given for at least six of the signatories.

I, the undersigned,
 (name, occupation and domicile)
swear (or solemnly affirm) that:

- (1) I am the candidate nominated in this nomination-paper,
- (2) I know at least six of the signatories of this nomination-paper, and
- (3) these six persons have signed this nomination-paper in my presence.

Signed.

.....
(Candidate)

Sworn (*or* solemnly affirmed) before me at Québec, this
 19.....

.....
Returning Officer

Consent of the candidate

I, the undersigned,
(name)

being the candidate nominated in this nomination-paper, consent to the said nomination.

Signed at Québec, this19....

.....
Candidate

Candidate's solemn affirmation

I, the undersigned,
(name, occupation and address)

swear (or solemnly affirm) that:

- (1) I am the candidate nominated in this nomination-paper, and
- (2) I have the qualifications required by section 18 of the Charter of the city.

Signed.

.....
Candidate

Sworn (or solemnly affirmed) before me at Québec, this
..... 19.....

.....
Returning Officer

*Solemn affirmation on behalf
of the candidate*

(This form shall be used whenever a person other than the candidate makes the affirmation.)

I, the undersigned,
 (name, occupation and domicile)
 swear (*or* solemnly affirm) for and on behalf of,
 (name of the candidate)
 candidate nominated in this nomination-paper, that he has the quali-
 fications required by section 18 of the Charter of the city.

Signed.

.....
(Person making the affirmation)

Sworn (*or* solemnly affirmed) before me at Québec, this

..... 19.....

.....
Returning Officer

Certificate of the city treasurer

I, the undersigned, treasurer of the city of Québec, certify, that
.....
(name of the candidate)
is not indebted to the city of Québec for any assessments, taxes or dues
or any other considerations whatsoever.

Signed at Québec, this19....

.....
City Treasurer

*Acceptance of nomination-paper by
the returning officer*

I, the undersigned, returning officer, declare that I consider this nomination-paper to be valid.

Signed at Québec, this19....

.....
Returning Officer

*Rejection of nomination-paper
by the returning officer*

I, the undersigned, returning officer, declare that I reject this nomination-paper, for the following reasons:

.....
.....
.....
.....

Signed at Québec, this19....

.....
Returning Officer

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REVERSE OF SCHEDULE A-3

CITY OF QUÉBEC

OFFICE OF THE RETURNING OFFICER

MUNICIPAL ELECTION OF
(date)

*Nomination-paper of a candidate
for the office of councillor*

Mr.
(name of the candidate)

Candidate of ☐
(name of authorized party)

☐ Independent

Electoral district of

I, the undersigned,
(name, occupation and domicile)

....., swear (or solemnly affirm) that:

(1) I am the official representative of _____,
(name of the party)
 authorized political party, and that

(2)
 (name of the candidate)
is the official candidate of the party for the office of councillor for
the electoral district of of the city of
Québec for the municipal election of
(date)

Signed at Québec, this19....

.....
Official representative of the party

Sworn (or solemnly affirmed) before me at Québec, this

..... 19.....

• • • • •

Person authorized to receive the oath in his
capacity as:

NOTE: *This attestation of the official representative of an authorized political party must be filed at the same time as the nomination-paper of the official candidate of an official party.*

Poll book

[illegible]

.....
District director

SCHEDULE D

(Section 86a.)

Ballot-paper

OBVERSE

Claude ÉMOND
political affiliation

Michèle FORTIN
political affiliation

Georges LEFAIBRE
independent

REVERSE

001

001

Returning
officer's
initials

City of Québec

Electoral district of.....
Councillor } or Mayor

16 November 1981

Lucien Lamothe, Printer
117, rue Notre-Dame est
Montréal

SCHEDULE G

(Section 90)

*Oath of the agent
(or representative) of a candidate*

I, the undersigned,
(name, occupation and domicile)
swear (or solemnly affirm) that:

- (1) I am the agent of (or the elector representing)
.....
(name of the candidate)
for polling station No.
for the electoral district of, and that
- (2) I will keep secret the name of the candidate for whom any person
has voted in my presence.

Signed.

.....
Agent (or representing elector)

Sworn (or solemnly affirmed) before me at Québec, this

..... 19....

.....
Deputy returning-officer

.....
Returning Officer

SCHEDULE H-2

(Section 130e)

*Oath of an elector wishing to
vote in the advance poll*

ELECTORAL DISTRICT OF

POLLING STATION NO

I, the undersigned,
(name and occupation)
domiciled at
swear (or solemnly affirm) that:

☐ I will be absent from the city on polling day.

(or)

☐ I will be unable to vote on polling day.

I, therefore, wish to vote in the advance poll.

Signed.

.....
Elector

Sworn (or solemnly affirmed) before me at Québec, this
..... 19....

.....
Deputy returning-officer

*Notice of the date of an election
to fill a vacancy*

.....

.....

.....

.....

Québec, this day of 19.....
(date)

Returning Officer

