

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 24

The Cree Villages Act

First reading
Second reading
Third reading

M. GUY TARDIF
Ministre des affaires municipales

1978

L'ÉDITEUR OFFICIEL DU QUÉBEC

1 9 7 8

EXPLANATORY NOTES

The object of this bill is to implement Section 10 of the Agreement concerning James Bay and Northern Québec signed on 11 November 1975 and fully effective as of 31 October 1977.

This bill creates eight Cree village municipalities essentially formed of the Category IB lands intended for the eight Cree communities of the James Bay Region, pursuant to the Agreement. The municipal corporations having jurisdiction in these municipalities will consist of the members of the Cree community concerned in each case.

The council of each Cree village corporation is to be composed of the persons forming the Band council of the Cree community concerned or, eventually, the council of the corporation provided for by Section 9 of the Agreement.

Every Cree village municipality will be governed by the Cities and Towns Act as it reads at the coming into force of this bill, subject, however, to the amendments made to it by this act, and to the special provisions this act may contain. The greater number of the amendments made to the Cities and Towns Act are the result of three main factors: the joint and indivisible ownership of the lands forming the municipalities, the absence of all short term power of real estate taxation and the non-taxability of the land forming the municipality.

Bill 24

The Cree Villages Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

DIVISION I

INTERPRETATION

1. In this act, unless the context indicates otherwise,

(1) “Cree Regional Authority” means the public corporation constituted by the Cree Regional Authority Act (1978, chapter *insert here the chapter number of Bill 25*);

(2) “Band” means any of the bands within the meaning of the Indian Act (Revised Statutes of Canada, 1970, Chapter I-6) of Fort George, Old Factory, Rupert House, Waswanipi, Mistassini, Nemaska, Great Whale River and Eastmain, until its incorporation as the corporation provided for in Section 9 of the Agreement and, thereafter, the said corporation;

(3) “Cree community” or “community” means a collectivity composed of all the Crees enrolled or entitled to be enrolled on a community list in accordance with the Act respecting Cree and Inuit Native persons (1978, chapter *insert here the chapter number of Bill 34*);

(4) “Inuit community of Fort George” means the collectivity composed of all the Inuit enrolled or entitled to be enrolled on the Fort George Inuit community list in accordance with the Act respecting Cree and Inuit Native persons (1978, chapter *insert here the chapter number of Bill 34*);

(5) “ratepayer” means a person obliged to pay a tax to the municipal corporation;

(6) “Agreement” means the Agreement described in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46), as well as Supplementary Agreement No. 3 tabled in the Assemblée nationale, 18 April 1978, as Sessional Papers, No. 114;

(7) “Cree” or “James Bay Cree” means a beneficiary under the terms of the Act respecting Cree and Inuit Native persons (1978, chapter *insert here the chapter number of Bill 34*);

(8) “officer or employee of the municipal corporation”, “officer or employee of the municipality”, “officer of the council”, “officer of the municipality” or “municipal officer” means any officer or employee of a Cree village corporation incorporated by this act, excluding the members of the council;

(9) “Inuk” (“Inuit” in the plural) means an Inuk beneficiary under the terms of the Act respecting Cree and Inuit Native persons (1978, chapter *insert here the chapter number of Bill 34*);

(10) “tenant” means any person who is bound to pay rent in money or to give part of the fruits or revenues of the immovable which he occupies, and who is a resident householder, saving the case of a lessee of a shop, store, office or place of business;

(11) “member of the corporation” means each of the members of a community incorporated as a Cree village corporation by this act;

(12) “member of the council” means the mayor and any of the councillors of a Cree village corporation incorporated by this act;

(13) “Minister” means the Ministre des affaires municipales;

(14) “municipality”, “city” and “town” mean, according to the context, a Cree village municipality or corporation incorporated by this act;

(15) “James Bay Municipality” means the municipality created by section 34 of the James Bay Region Development Act (1971, chapter 34);

(16) “occupant” means any person who occupies an immovable in his own name other than as owner within the meaning of this act, and who enjoys the revenues derived from such immovable; more particularly, the superficiary is an occupant of the ground underlying his right of superficies;

(17) “owner” means any person who possesses immovable property in his own name as owner, as usufructuary or as institute in cases of substitution, or as possessor of Crown lands with a

promise of sale, and more particularly, a superficiary is the owner of the works, structures, buildings and plantations being the subject of his right;

(18) "resident" means any natural person who generally resides in the municipality, and any corporation, commercial partnership or association which has a place of business therein;

(19) "sitting", used alone, means an ordinary or general sitting or a special sitting of the council;

(20) "oath", in addition to its ordinary meaning, includes a solemn affirmation in the case of a person who does not have any religious belief or whose religious beliefs are contrary to the giving of an oath;

(21) "municipal services" means water, sewer, fire protection, recreation, cultural activities, roads, garbage removal and disposal, lighting, heating, power and snow removal services furnished by a Cree village corporation incorporated under this act;

(22) "tax", in addition to its ordinary meaning, includes any cost distribution, contribution or compensation imposed by a Cree village corporation pursuant to this act;

(23) "Category I lands", "Category IA lands", "Category IB lands" and "Special Category IB lands" mean the lands so designated and described by virtue of the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter *insert here the chapter number of Bill 29*) or, in the meantime, by virtue of the Act respecting Cree and Inuit Native Persons (1978, chapter *insert here the chapter number of Bill 34*).

DIVISION II

INCORPORATION OF THE CREE VILLAGE MUNICIPALITIES AND CORPORATIONS

2. The Category IB lands and Special Category IB lands, intended for the community of Great Whale River, shall form a municipality under the name of "Municipalité du village cri de Poste-de-la-Baleine". The municipality may also be designated under the Cree name of "Whapmagoostoo Aeyooch Aethach" and under the English name of "Municipality of the Cree Village of Great Whale River".

The members of the community of Great Whale River shall constitute a municipal corporation under the name of "Corporation du village cri de Poste-de-la-Baleine". The municipal corporation may also be designated under the Cree name of "Whapmagoostoo

Aetown Aeyooch Tapayatachesoo” and under the English name of “Corporation of the Cree Village of Great Whale River”.

3. The Category IB lands and Special Category IB lands, and the Category I lands, intended for the community of Fort George and the Inuit community of Fort George, respectively, shall form a municipality under the name of “Municipalité du village cri de Fort George”. The municipality may also be designated under the Cree name of “Chisasibi Aeyooch Aethach” and under the English name of “Municipality of the Cree Village of Fort George”.

The members of the community of Fort George and those of the Inuit community of Fort George shall constitute a municipal corporation under the name of “Corporation du village cri de Fort George”. The municipal corporation may also be designated under the Cree name of “Chisasibi Aetown Aeyooch Tapayatachesoo” and under the English name of “Corporation of the Cree Village of Fort George”.

4. The Category IB lands and Special Category IB lands, intended for the community of Rupert House shall form a municipality under the name of “Municipalité du village cri de Fort Rupert”. The municipality may also be designated under the Cree name of “Waskagheganish Aeyooch Aethach” and under the English name of “Municipality of the Cree Village of Rupert House”.

The members of the community of Rupert House shall constitute a municipal corporation under the name of “Corporation du village cri de Fort Rupert”. The municipal corporation may also be designated under the Cree name of “Waskagheganish Aetown Aeyooch Tapayatachesoo” and under the English name of “Corporation of the Cree Village of Rupert House”.

5. The Category IB lands intended for the community of Paint Hills shall form a municipality under the name of “Municipalité du village cri de Nouveau-Comptoir”. The municipality may also be designated under the Cree name of “Wemindji Aeyooch Aethach” and under the English name of “Municipality of the Cree Village of Paint Hills”.

The members of the community of Paint Hills shall constitute a municipal corporation under the name of “Corporation du village cri de Nouveau-Comptoir”. The municipal corporation may also be designated under the Cree name of “Wemindji Aetown Aeyooch Tapayatachesoo” and under the English name of “Corporation of the Cree Village of Paint Hills”.

6. The Category IB lands intended for the community of Nemaska shall form a municipality under the name of “Municipalité du village cri de Nemiscau”. The municipality may also be desig-

nated under the Cree name of "Nemiscau Aeyooch Aethach" and under the English name of "Municipality of the Cree Village of Nemaska".

The members of the community of Nemaska shall constitute a municipal corporation under the name of "Corporation du village cri de Nemiscau". The municipal corporation may also be designated under the Cree name of "Nemiscau Aetown Aeyooch Tapayatchesoo" and under the English name of "Corporation of the Cree Village of Nemaska".

7. The Category IB lands and Special Category IB lands intended for the community of Eastmain shall form a municipality under the name of "Municipalité du village cri d'Eastmain". The municipality may also be designated under the Cree name of "Easman Aeyooch Aethach" and under the English name of "Municipality of the Cree Village of Eastmain".

The members of the community of Eastmain shall constitute a municipal corporation under the name of "Corporation du village cri d'Eastmain". The municipal corporation may also be designated under the Cree name of "Easman Aetown Aeyooch Tapayatchesoo" and under the English name of "Corporation of the Cree Village of Eastmain".

8. The Category IB lands intended for the community of Waswanipi shall form a municipality under the name of "Municipalité du village cri de Waswanipi". The municipality may also be designated under the Cree name of "Waswanipi Aeyooch Aethach" and under the English name of "Municipality of the Cree Village of Waswanipi".

The members of the community of Waswanipi shall constitute a municipal corporation under the name of "Corporation du village cri de Waswanipi". The municipal corporation may also be designated under the Cree name of "Waswanipi Aetown Aeyooch Tapayatchesoo" and under the English name of "Corporation of the Cree Village of Waswanipi".

9. The Category IB lands intended for the community of Mistassini shall form a municipality under the name of "Municipalité du village cri de Mistassini". The municipality may also be designated under the Cree name of "Mistassini Aeyooch Aethach" and under the English name of "Municipality of the Cree Village of Mistassini".

The members of the community of Mistassini shall constitute a municipal corporation under the name of "Corporation municipale du village cri de Mistassini". The municipal corporation may also be designated under the Cree name of "Mistassini Aetown Aeyooch

Tapayatachesoo” and under the English name of “Corporation of the Cree Village of Mistassini”.

10. When the territory of a municipality is modified, the by-laws, resolutions, and other municipal acts governing the municipality before such modification shall not apply to any new territory included in the municipality, as the case may be, until after they have been declared applicable thereto by the council of the municipal corporation having jurisdiction within such municipality.

11. The Cree village municipalities are excluded from the territory of the James Bay Municipality.

12. The Government may, upon request of the council of any Cree village corporation, grant letters patent to change its name and that of the municipality over which it has jurisdiction. Such change of name made by letters patent shall have the same force and effect as if it had been effected by an act.

This request shall not be presented to the Government unless a notice has been published at least one month beforehand in the *Gazette officielle du Québec* containing a summary of the object of such request; within the same delay, a public notice to the same effect shall be given within the municipality.

The Minister shall publish these letters patent in the *Gazette officielle du Québec* with a notice indicating the date upon which they will come into force.

Upon the coming into force of these letters patent, the corporation and the municipality shall be designated under the new name mentioned in these letters patent. No change of name shall change any of the rights and obligations of the corporation, and any proceedings which may have been commenced or continued for or against the corporation under its first name may be so done for or against it under its new name.

DIVISION III

COUNCIL OF THE CORPORATION

13. The Cree village corporation shall be represented and its affairs administered by its council.

14. The municipal council shall be composed of the persons exercising the offices of members of the council of the Band having jurisdiction over the Category IA lands intended for the community, the members of which constitute the corporation.

The chief and acting chief of the Band shall be, respectively, the mayor and the acting mayor of the corporation.

In the case of the Council of the Corporation of the Cree Village of Fort George, if no Inuk from the Inuit community of Fort George is a member of the council by application of this section, one Inuk of the age of majority from this community shall be appointed to the council as an additional councillor; the appointment shall be made by the members of the age of majority of the Corporation of the Cree Village of Fort George from amongst those persons proposed by the Inuit community, which must submit at least two names.

15. If the council cannot be formed in accordance with the first paragraph of section 14, the Minister, upon the request of the interested community, may name a provisional administrator and fix his salary, which shall be paid by the corporation.

This administrator shall take the place of the council and the mayor of the corporation, and of any official or employee of the same whose appointment is provided for in this act if the said official or employee has not already been appointed. His mandate shall terminate as soon as a council has been formed in accordance with the first paragraph of section 14.

16. The place of sittings of the council shall be within Category I lands intended for the interested community, as determined from time to time by a resolution of the council.

Until the place of sittings of the council has been so determined, the council shall sit at the place where the meetings of the council of the interested Band are held.

Occasionally, the council may hold a sitting at a place outside of the lands mentioned in the first paragraph; this place shall be determined by resolution at the preceeding meeting.

DIVISION IV

AGREEMENTS

17. Notwithstanding the Intergovernmental Affairs Department Act (1974, chapter 15), the corporation may, by a by-law of its council previously approved by the Gouvernement du Québec, enter into agreements with respect to the exercise of its powers with the Government of Canada or one of its bodies, or with a Band.

18. The corporation may also, by a by-law of its council previously approved by the Minister, enter into agreements with

respect to the exercise of its powers with any public body, including a school commission or a municipality, whatever may be the act governing it, and with the James Bay Regional Zone Council established by the Act incorporating the James Bay Regional Zone Council (1978, chapter *insert here the chapter number of Bill 26*).

In the same manner, the Corporation of the Cree Village of Great Whale River may also enter into such an agreement with the Kativik Regional Government established by the Act respecting Northern villages and the Kativik Regional Government (1978, chapter *insert here the chapter number of Bill 23*).

19. The council of a corporation party to an agreement contemplated in section 17 or section 18 may provide therein for the formation of a joint committee composed of representatives of the corporation and of the other party to the agreement.

The council may delegate to this joint committee the whole or a part of the powers which it possesses with respect to the matter which is the subject of the agreement.

The agreements concluded under section 17 or 18 are not opposable to third parties.

20. The corporation may, as well, by a by-law of its council previously approved by the Minister, enter into an agreement with the Cree Regional Authority by which it delegates to the latter the establishment of a municipal service which the corporation has decided to establish, the administration of a municipal service established by the corporation or the coordination of such a service with any service or programme of another corporation or of a Band.

An agreement concluded under this section shall not be opposable to third parties.

DIVISION V

ENVIRONMENT

21. The corporation may make by-laws respecting:

- (a) the protection and the quality of the physical and social environment; and
- (b) the protection and use of natural resources.

Such by-laws shall not come into force until they have been approved by the Government.

The Government shall approve them only if, in its opinion,

- (a) they enact protection and conservation requirements more

stringent than those provided by the laws and regulations otherwise applicable;

(b) they in no way restrict a development, within the meaning of the Agreement, which is underway or which is to take place outside of the municipality, and which complies with the applicable laws and regulations.

The Ministre délégué à l'environnement is responsible for the application of this section.

DIVISION VI

APPLICATION OF THE CITIES AND TOWNS ACT

22. Subject to this act, every Cree village municipality shall be governed by the Cities and Towns Act (Revised Statutes, 1964, chapter 193) as it exists at the date of the coming into force of this act.

23. (1) However, the Government may, by proclamation, upon the request of any corporation, declare applicable to such municipality certain provisions of the Cities and Towns Act as they exist on the date of the coming into force of that proclamation. If necessary, the proclamation shall indicate which provisions of the Cities and Towns Act previously applicable are so replaced.

(2) The Government may also, in the same manner and on the same conditions, declare that certain provisions of the Cities and Towns Act, which at the time of the coming into force of the proclamation have ceased to exist or are inoperative, do not apply to a municipality.

(3) The proclamation made under the first paragraph must be tabled before the Assemblée nationale if it is in session, within fifteen days of its adoption by the Government. If the proclamation is adopted while the Assemblée nationale is not sitting, the proclamation must be tabled before it within fifteen days after the opening of the next session or resumption.

(4) The proclamation comes into force on the fifteenth day of sitting following its tabling in accordance with subsection 3, unless before the tenth day of sitting a motion to cancel it is presented in the Assemblée nationale.

(5) The amendments made by this proclamation have the same force and effect as if they had been made by an act.

(6) The Minister shall cause this proclamation to be published in the *Gazette officielle du Québec* with a notice indicating the date of its coming into force. The Éditeur officiel du Québec must insert

in each annual volume of the statutes of Québec a table indicating the date of the coming into force of any proclamation made before it is printed and the legislative provisions made applicable and those that cease to be so.

(7) Upon the coming into force of a proclamation, the provisions of the Cities and Towns act mentioned therein apply as they exist as of that date or cease to apply, as the case may be.

24. The provisions of the Cities and Towns Act applicable to a Cree village municipality as amended or replaced by this act, as the case may be, shall be deemed an integral part of this act with respect to such municipality.

§1.—*Provisions excluded*

25. The following provisions of the Cities and Towns Act shall not apply to the municipality: 1 to 4a, 12 to 17, 20 to 25, 27, 30 to 50, 55 to 60, 61a, 63, 64a, 69a, 69b, 85a, 106, 107, 122 to 345, 398a to 398o, 412, 421, 429b to 432, 441, 475, 478a, 479a, 484 to 515, 520, 521a, 523, 524, 530, 531, 533, 576 to 579, 582 to 585, 587 to 604, 610c, and 642 to 697.

§2.—*Provisions which may be conditionally applied*

26. From the date of the publication in the *Gazette officielle du Québec* of a notice by the Minister to the effect that he has received notification of the desire of the council to impose a real estate tax, the following sections of the Cities and Towns Act, as they exist at the date of the coming into force of this act, shall apply to the municipality: 518, 521, 522, 522a, and 548 to 575.

§3.—*Amended provisions*

27. Section 5 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193) is replaced for the municipality by the following:

“5. Any person required by the provisions of this act or of a by-law of the council to sign his name upon a document and who is unable to do so, shall place thereon his mark in the presence of a witness who shall sign the said document.”

28. Section 19 of the said act is replaced for the municipality by the following:

“19. The first general sitting of the council shall be held on the date fixed by the Minister; the Minister shall not fix such date until he has determined that a majority of the members of the council have taken the oath provided for in section 62; he may appoint a person to call and prepare this first sitting and generally to exercise all the functions of the clerk until the latter has been named and sworn in.”

29. Section 28 of the said act is replaced for the municipality by the following:

“28. The corporation shall have jurisdiction for municipal and police purposes and for the exercise of all the powers conferred upon it, over the whole of the municipality and also beyond it in special cases where more ample authority is conferred upon it.

It shall also have jurisdiction on the lands situated within the perimeter of the municipality which, before 11 November 1975, had been ceded by letters patent to a person other than a Cree or which on this date were owned by such a person.”

30. Section 29 of the said act is replaced for the municipality by the following:

“29. Whenever a municipality is bounded on any side by navigable or other waters, or by the bank or shores of such waters, the jurisdiction of the corporation for police purposes shall extend, in front of the municipality, to the middle of such waters and upon the islands and outcrops therein found, if such area does not already form part of a municipality established under this act or any other general or special act.

If, however, the waters fronting the municipality are wider than three kilometers, this jurisdiction shall not be exercised beyond 1.5 kilometers from the bank or shores.”

31. Section 54a of the said act is replaced for the municipality by the following:

“54a. The acting mayor shall have and exercise the powers of the mayor when the mayor is absent from the Category I lands intended for the community concerned, or when he refuses or is unable to perform the duties of his office.”

32. Section 61 of the said act is replaced for the municipality by the following:

“61. In the case of refusal to act by the majority of the council, the Minister, upon the request of the interested communi-

ty, may appoint a provisional administrator and fix his salary, which is paid by the corporation.

This administrator shall take the place of the council and the mayor of the corporation, and of any official or employee of the same whose appointment is provided for in this act, if the said official or employee has not already been appointed.

His mandate shall terminate when such refusal to act ceases.

Instead of appointing a single provisional administrator, the Minister may appoint to this office the members of the council who do not refuse to act. He shall accordingly determine the place, the time and the frequency of the meetings of the provisional administrators, the rules governing the manner in which they may make a joint decision, and such other rules with respect to the conduct of their activities as he deems advisable."

33. Section 62 of the said act is replaced for the municipality by the following:

"62. No person may act as mayor or councillor until he has taken the oath of office in accordance with the form provided in this section.

If the oath of office is taken during a sitting of the council before the clerk, an entry of the taking of such oath shall be made in the minute book of the council.

If the oath is taken at any other time, the certificate of oath must be tabled during the next sitting of the council in order that it may become part of the records, and mention of this tabling shall be made in the minute book of the council. The certificate of any oath of office which has taken place before the first meeting of the council must be sent to the Minister by registered or certified mail, within five days of the taking of this oath, by the person who has taken it.

A member of the council who has not taken the oath of office within thirty days following the later of the dates mentioned below shall be deemed to have refused to act within the meaning of section 61:

(a) the date upon which he was elected or appointed a member of the council of a Band having jurisdiction over the Category IA lands intended for the community concerned; and

(b) the date on which the corporation was incorporated.

"FORM

"OATH OF OFFICE

"I, the undersigned,(*surname, given names, occupation*), domiciled at(*place*), duly sworn on the Holy Gospels (*omit this phrase in making a solemn affirmation*), solemnly swear (*or affirm*) that I will act in my capacity as(*designation of office*) faithfully and in accordance with the law, without partiality, fear, favour or affection. So help me God! (*Omit the final invocation in making a solemn affirmation.*)

I, the undersigned,(*surname, given names, occupation*), domiciled at(*place*), hereby certify that the person designated above took the oath (*or made the solemn affirmation*) of office before me, on the Holy Gospels, at(*place*), this (*day, month, year*).

Signed:"

34. Section 64 of the said act is replaced for the municipality by the following:

"64. The mayor and the councillors shall be entitled to the remuneration determined from time to time by by-law of the council submitted for approval to the Government.

The council may also authorize by resolution the payment of the expenses actually incurred by a member of the council on behalf of the corporation.

The council may, as well, by a by-law submitted to the Commission municipale du Québec for approval, establish a retirement plan and a retirement fund for the mayor and the councillors."

35. Section 68 of the said act is amended for the municipality:

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

"(a) establish a town-planning commission, composed of such number of members as it shall determine, who may be chosen from among the members of the council, the officers of the council, and the members of the corporation;"

(b) by striking out subsection 3.

36. Section 69 of the said act is replaced for the municipality by the following:

“69. The council shall appoint by resolution such officers and employees as it deems necessary for the administration of the municipality and fix their salaries.”

37. Section 70 of the said act is replaced for the municipality by the following:

“70. Before entering into office, every municipal officer or employee shall take oath, according to the form contained in section 62, to well and faithfully perform the duties of his office.”

38. Section 76 of the said act is replaced for the municipality by the following:

“76. If any officer or employee of the corporation be absent from the Category I lands intended for the community concerned or should he die, his representatives or heirs shall, within one month from his death or absence, deliver, to the mayor or to the office of the council, the moneys, keys, books, papers, objects, documents, records, and other things belonging to the council, and which he had in charge or in use in the execution of the office so held by him.”

39. Section 95 of the said act is replaced for the municipality by the following:

“95. Subject to all other legal provisions, the treasurer shall deposit in any legally constituted bank, savings and credit union or trust company which may be designated by the council, the moneys arising from municipal taxes or dues, and all other moneys belonging to the municipality, and shall allow them to remain there until they are employed for the purposes for which they were levied, or until disposed of by the council.

However, the treasurer may deposit these moneys in any other place or in any other manner approved by the Minister.”

40. Section 104 of the said act is replaced for the municipality by the following:

“104. Within thirty days before the end of each fiscal year, the council shall appoint one or more auditors who shall remain in office until the entry into office of their successors.

The auditors shall make an examination of the accounts of the corporation for the fiscal year following the thirty days contem-

plated in the first paragraph. They shall make a report of their examination to the council within sixty days after the expiry of the fiscal year.

A copy of such report, certified by the treasurer, must be sent by the latter, without delay, to the Minister.

The council may order any other examination it may deem necessary and call for a report.

Such auditors may be individuals or members of a partnership and may entrust the work to their employees, but then the responsibility of the auditors shall be the same as if such work had been entirely performed by such auditors themselves. In the case of a partnership acting as auditors, the taking of the oath of office by one of the partners shall be sufficient.

However, upon request of the council, the Minister may exempt them from the provisions of the present section."

41. Section 105 of the said act is replaced for the municipality by the following:

"105. The Minister may, if he has reason to believe that it is justified, order a special audit of the accounts of the corporation for one or several of the five years preceding this decision."

42. Section 109 of the said act is amended, for the municipality, by replacing paragraph 4 by the following:

"(4) To prepare, with the chief officers of the departments, for each tri-monthly meeting of the council, a complete report of the work done during the three previous months with the suggestions he may deem useful to suggest for the work to be done in the ensuing three months."

43. Section 346 of the said act is replaced for the municipality by the following:

"346. The council shall meet at least once every three months, in general or ordinary session, to despatch the business of the corporation, and shall hold its sittings on the days and at the hours which it determines by by-law."

44. Section 351 of the said act is replaced for the municipality by the following:

"351. In case the mayor refuses to call a special sitting when deemed necessary by at least three members of the council, or by the other members of the council if it is composed of three members

or less, such members may, by a requisition to the clerk of the municipality, duly signed by them, order the sitting to be called. Upon receipt of such requisition the clerk of the municipality shall issue a notice to the members in the manner mentioned in section 350, provided such requisition specifies the business for which the sitting is called."

45. Section 354 of the said act is replaced for the municipality by the following:

"354. If there is no quorum, two members of the council, or the member present if the council is composed of three members or less, half an hour after its being established that there is no quorum, may adjourn a meeting to a later date.

Special notice of such adjournment must be given by the clerk to all members of the council who were not present at such adjournment.

The hour of the adjournment, the names of the members of the council who were present, and the day and hour to which such meeting was adjourned, shall be entered in the minute book of the council."

46. Section 362 of the said act is replaced for the municipality by the following:

"362. Every notice shall be either special or public, and shall be in writing.

Public notices shall be published; special notices shall be served."

47. Section 366 of the said act is replaced for the municipality by the following:

"366. Every person having a right to receive a notice and who is not within the Category I lands intended for the community concerned may, by a special notice filed in the office of the council, appoint an agent residing within this territory to represent him for purposes connected with the service of municipal notices."

48. Section 367 of the said act is replaced for the municipality by the following:

"367. The special notice addressed to an absent person who has appointed an agent residing within the territory pursuant to section 366, must be served on such agent in the same manner as if the person to whom it is addressed resided within this territory."

49. Section 368 of the said act is replaced for the municipality by the following:

“368. Unless such person has made known his address in writing by filing the same in the office of the council, no one need give a special notice to a person absent within the meaning of sections 366 and 367 who has not appointed an agent.”

50. Section 372 of the said act is replaced for the municipality by the following:

“372. The publication of a public notice for municipal purposes shall be made by posting it in the office of the council.”

51. Section 375 of the said act is replaced for the municipality by the following:

“375. Except in cases otherwise provided for, the delay which is to elapse after a public notice shall begin to run from the day on which such notice is published.

In all cases, the day on which the notice was published shall not be counted.

Saving provision to the contrary, public notices shall be published at least seven clear days before the day fixed for the proceeding concerned.”

52. Section 376 of the said act is replaced for the municipality by the following:

“376. Public notices shall be applicable to and binding upon persons affected who are domiciled outside the territory envisaged in section 366 in the same manner as those who are domiciled therein.”

53. Section 380 of the said act is replaced for the municipality by the following:

“380. The council, of its own motion, may submit to the members of the corporation and to the residents of the municipality any question that may be the subject of a decision of the council.

The question shall be defined by resolution of the council.

The vote shall be taken in the manner provided in section 399, the provisions of which shall apply *mutatis mutandis*.

The council may also exercise such power at the request of twenty persons contemplated in the first paragraph and then

require, if it wishes, that the applicants pay such sum as it deems fair to meet the costs of taking the vote.”

54. Section 381 of the said act is replaced for the municipality by the following section:

“381. Any procès-verbal, roll, resolution or other order of the council may be set aside by the Superior Court of the district in which the municipality is wholly or partly situated, by reason of illegality, in the same manner, within the same delay and with the same effect as a by-law of the council, in accordance with sections 411, 413 to 420 inclusively and 422. They shall be subject to the provisions of section 393.

The special recourse granted by this section shall not exclude or affect the action to annul in cases where the same may be brought under the provisions of article 33 of the Code of Civil Procedure.”

55. Sections 399 to 410 of the said act are replaced for the municipality by the following sections:

“399. When a by-law is submitted for the approval of the members of the corporation or of the residents of the municipality, the vote shall be taken by ballot in the following manner:

(a) the council shall fix the date or dates and the place of the poll, as well as the hours during which it will take place; the council may decide that the poll shall last only one day, or two days, consecutive or not, which shall be within a period of seven consecutive days; the date of the poll, or the first of the dates of the poll, as the case may be, shall not be later than 90 days from the date of the passing of the by-law by the council; the poll shall not open before seven o'clock in the morning and the poll shall last not less than ten hours nor more than twelve consecutive hours; the place of the poll must be fixed at a place of easy access situated within the Category I lands intended for the community concerned;

(b) at least fifteen days before the day, or the first day, as the case may be, fixed for the poll, the clerk shall give public notice calling upon the persons whose consent is required and who are qualified to vote; this notice shall indicate the date, or the dates, as the case may be, the place and the hours where the poll will be held, as determined under paragraph a;

(c) at least seven days before the day, or the first day, as the case may be, fixed for the poll, the clerk shall give public notice to the corporations, commercial partnerships and associa-

tions whose approval is required, informing them of the provisions of paragraph *d*;

(*d*) any corporation, commercial partnership or association whose approval is necessary shall only have one vote; it shall vote through a representative appointed by resolution of its board of directors; this representative must, at the time of voting, comply with the requirements of paragraph *g*, and must, as well, be an employee, a director or a member of the corporation, commercial partnership or association in whose name he votes; the resolution referred to in this paragraph must be filed at the office of the clerk at least three days before the date fixed for the poll; this resolution shall be valid so long as it has not been replaced by another resolution for the same purposes;

(*e*) the poll shall be presided over by the clerk of the corporation or by any other person named for that purpose by the council;

(*f*) the vote shall be taken by secret ballot;

(*g*) the natural persons whose approval is required, as well as the representatives of corporations, commercial partnerships or associations must, in order to be able to vote, be of age, be Canadian citizens and have no legal incapacity;

(*h*) the following shall be printed on the ballot papers used for the poll, in the French language, or, if the council deems it advisable, in any other language:

Êtes-vous en faveur du règlement numéro?	1 OUI (YES)
(Are you in favour of by-law number?)	2 NON (NO)

(*i*) the vote on the question submitted shall be given:

(1) if in the affirmative, by marking on the ballot paper, with a black lead pencil, a cross in the space marked "oui (yes)";

(2) if in the negative, by marking on the ballot paper, with a black lead pencil, a cross in the space marked "non (no)";

(*j*) at the close of the poll, the clerk or the person presiding thereat, as the case may be, shall proceed to count the ballots and make a list of them, counting and separating the yeas and the nays; except where otherwise provided by act or regulation, if a counting of the ballots shows a majority of affirmative votes, the by-law shall be deemed to be approved by those persons qualified to vote; in the event of a tie in the vote, the mayor shall give the casting vote; such list shall be certified by the clerk or by the person presiding thereat, as the case may be, and must

declare whether the by-law has been approved or disapproved, with the necessary particulars; such list shall be laid before the council at the next sitting; the poll-book and the list of the votes shall be deposited in the archives of the corporation;

(k) the expenses incurred by the holding of the poll shall be borne by the corporation.

“400. When a by-law is submitted for the approval of the members of the corporation only, the vote shall be taken according to the manner which the council may determine by by-law.”

56. Section 411 of the said act is replaced for the municipality by the following:

“411. Any member of the corporation or any resident, who, in the case of a natural person, is of the age of majority, may, by petition presented in his name, apply and obtain on the ground of illegality, the quashing of any by-law or any part of a by-law of the council.

Such petition shall be presented within three months and cannot be brought thereafter, following the coming into force of such by-law, to the Superior Court of the judicial district in which the municipality is wholly or partly situated.”

57. Section 422 of the said act is replaced for the municipality by the following:

“422. (1) Notwithstanding article 29 of the Code of Civil Procedure, there shall be no appeal from interlocutory judgments rendered in an action to quash a by-law under sections 411 and 413 to 420 inclusively. The party may, however, take exception to such judgments and they may be revised at the same time as the final judgment if an appeal is brought from the latter.

(2) An appeal shall lie to the Court of Appeal from the final judgment rendered by the Superior Court in any matter mentioned in sections 381 to 411.”

58. Section 426 of the said act is amended, for the municipality:

(a) by replacing paragraph 1 by the following:

“(1) To regulate the materials to be used in building and the manner of assembling the same; to prohibit any work not of the prescribed strength; to prescribe salubrious conditions and the depths of cellars and basements and the use to be made thereof; to classify, for purposes of regulation, dwellings, commercial establishments, industrial establishments and all other immove-

ables, including public buildings; to regulate the places where each category of the aforesaid structures may be situated; to divide the municipality into zones of such number, shape and area as the council deems suitable for the purpose of such regulation and, with respect to each of such zones, to prescribe the architecture, dimensions, symmetry, alignment, and destination of the structures which may be erected therein, the use of any immovable located therein, the area and dimensions of lots, the proportion of lots which may be occupied by structures, the space which must be left clear between structures and the lines of lots, the space which, on such lots, must be reserved and arranged for the parking, loading or unloading of vehicles, and the manner of arranging such space.

Any such by-law must be approved by the majority of the members of the corporation who are of the age of majority and who voted, providing that at least one half of the members of the corporation who are of the age of majority did vote;"

(b) by striking out paragraph 1c;

(c) by replacing paragraph 8 by the following:

"(8) To compel the owners or occupants of lands, whether vacant or not, in the municipality, or their representatives or agents, to fence in such lands, and to regulate the mode of construction and the kind and quality of the materials, trees or shrubs to be used for fences;"

(d) by replacing paragraph 36 by the following:

"(36) To compel the owners or occupants of vacant property within the municipality to keep the same clear of any brush or other material or substance liable to communicate fire to adjoining property;"

59. Section 427 of the said act is amended for the municipality:

(a) by replacing paragraph 15 by the following paragraph:

"(15) To provide that, in case the owner or occupant of such lot cannot be found and no one represents him, or should such owner or occupant, or other person in charge thereof, refuse or neglect to fence in, drain, cleanse, fill up or level the same, when so directed by the proper officer of the council, or be unable, by want of means, to fence in, cleanse, drain, fill up or level such lot, the council may have the same done and may provide that the amount expended thereon shall be a claim recoverable from the owner or occupant in the same manner as a special tax thereon;"

(b) by replacing paragraph 29 by the following paragraph:

“(29) To levy, if the works are to be executed at the joint expense of the parties interested, on the owners or occupants of the lands situated within the municipality and drained by the ditch or water-course, the sums required for such works, according to the length of the ditch or water-course upon the same; and to determine the mode of levying the taxes so imposed;”.

60. Section 429 of the said act is amended for the municipality:

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

“(1) To order the opening of new streets, the closing, widening, extension or changing of existing streets; the streets shall have a width of at least 12 metres, but, in exceptional cases, the council may obtain from the Minister permission to open and maintain a road of lesser width, but not less than 9 metres; the by-law ordering the closing of one or of several streets must provide for the indemnity, if there be occasion therefor, and shall be subject to the approval of the Commission municipale du Québec before coming into force;

To prescribe the manner of making and maintaining the streets of the municipality wholly or partly at the expense of the corporation or of the occupants of adjoining lots, as the council may deem expedient, according to such plans and on such conditions as it may deem advisable. The costs of construction or of maintenance at the expense of the occupants of adjacent lots shall be apportioned equally among them by the council and shall be imposed and recovered as a special tax.

The council may, without indemnity, alienate in accordance with paragraph 2 of subsection 1 of section 26, or reallocate to any purpose within its competence, the bed of a road closed pursuant to this paragraph, notwithstanding any restriction regarding the use or destination of such land imposed by a contractual or other stipulation;”;

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

“(3) To oblige the occupants of lands situated on any road, street, square or public way, established in the municipality, to make and maintain in front of the land which they occupy, or on the opposite side of the street or road, sidewalks of wood, stone, or other material, either throughout the whole municipality or only through a part thereof; and to determine the manner of making and maintaining such sidewalks, and even make and maintain them at the expense of the corporation or at the expense of the occupants of the abutting land or of the occupants of the land on the other side of the street, or of the occupants of land in part of the municipality; the cost of construction or of main-

tenance at the expense of the occupants of lands are apportioned equally among them by the council and shall be imposed and recovered as a special tax;”;

(c) by replacing paragraph 8 by the following paragraph:

“(8) To order the making of a master plan of the territory or of any portion of the territory of the municipality, specifying the purposes for which each portion of the territory included in the plan may be used;

To enact that such master plan shall become obligatory, to amend or repeal the same; such by-law shall require the same approval as that mentioned in paragraph 1 of section 426;

To regulate the laying of the public or private streets and the lanes or public places upon lands which the owners are subdividing into building lots; to prohibit such subdivisions and laying out of streets as well as lanes or public places which do not coincide with the master plan of the municipality and to compel the owners of private streets and lanes to indicate, in the manner stipulated by the council, that the same are private;

To prescribe, according to the topography of the ground and the use for which they are intended, the manner of laying out public or private streets and lanes, the distance to be left between them and their width if it is to exceed 12 metres;

To compel the owner of any land to submit previously to the council of the municipality or to an officer or employee designated for such purpose by the council, any plan dividing or redividing such land or amending or cancelling the book of reference of a subdivision, whether such plan provides for streets or not, and to obtain from the council or the officer or employee concerned a subdivision permit;

To establish a tariff of fees payable for the issuance of such subdivision permit;

To enact in concert with the councils of other interested municipal corporations and bands, the preparation of a joint master plan of the territory or a portion of the territory of each of such corporations or bands;

To render such plan obligatory within the municipality, as regards the portion which concerns it, to modify or to amend the same in concert with the councils of the other interested municipal corporations or bands, wholly or in part; such by-law shall require the same approval as that mentioned in paragraph 1 of section 426;

To compel the owner of any land to submit previously any plan dividing or redividing such land or amending or cancelling

the book of reference of a subdivision, whether such plan provides for streets or not, to a joint committee created for such purpose by the municipal corporations or bands interested in the joint master plan, and to obtain from the said committee a subdivision permit;

To establish a tariff of fees payable for the issue of such subdivision permit;”;

(d) by replacing paragraph 36 by the following paragraph:

“(36) To regulate the planting, cultivation and preservation of trees in the streets, squares and parks of the municipality; to compel every proprietor or occupant to ornament his land with grass, shrubs or trees; to prohibit the planting of poplars or willows within a distance fixed by the council from any sidewalk, roadway or underground pipe; to regulate and prohibit without obtaining a licence issued in accordance with a tariff fixed by the council throughout the whole municipality or within only one portion thereof, upon private as well as upon public property, the felling of trees situated outside of a nursery or woodlot within the meaning of the Real Estate Evaluation Act (1971, chapter 50);”.

61. Section 429a of the said act is replaced for the municipality by the following section:

“429a. Notwithstanding any contrary or inconsistent provision of this act, every by-law, resolution or ordinance made or passed by the corporation respecting the means of transport or transport systems by vehicle under the jurisdiction of the Commission des transports du Québec, the making of vehicles, the operation of heavy vehicles and the use of vehicles elsewhere than on public roads must be approved by the Ministre des Transports before coming into force.

The Ministre des Transports may approve the whole or part of any by-law, resolution or ordinance referred to in this section.”

62. Section 433 of the said act is replaced for the municipality by the following:

“433. The council may make by-laws to provide for the establishment or acquisition, maintenance, management and regulation of waterworks, public wells, cisterns or reservoirs to supply water to the municipality, and to instal hydrants, fountains, public drinking places and apparatus for filtering and purifying water.”

63. Section 434 of the said act is replaced for the municipality by the following:

“434. The corporation may construct or acquire, and maintain, within the limits of the municipality, and with the approval of the Government, for a distance of 50 kilometres beyond its boundaries, waterworks, together with all appurtenances and accessories, the construction or acquisition whereof is determined under section 433; it may improve the waterworks and change the site thereof, and construct and maintain all buildings, engines, reservoirs, basins, and other works necessary to convey water.”

64. Section 435 of the said act is replaced for the municipality by the following:

“435. For the said purposes, the corporation may acquire and hold any building, servitude or usufruct, within the limits of the municipality, and acquire and hold any immoveable, servitude or usufruct within a radius of 50 kilometres of its boundaries; acquire a right of way wherever it may be necessary; pay any damage occasioned by such works, either to buildings or lands; enter into contracts with any person for the construction of the said waterworks and operate the waterworks when completed.

For the construction of the waterworks and its maintenance afterwards, the contractor for the works or the officers or employees of the corporation authorized by resolution of the council shall have the right to enter during the day-time upon the lands in the neighborhood of the waterworks and take and remove trees, stones, soil, sand and gravel, if they need them for the work of construction or maintenance, and to cut and remove trees and roots which might damage the waterworks, saving reasonable compensation agreed upon between the parties or fixed according to the provisions of section 436.”

65. Section 436 of the said act is replaced for the municipality by the following:

“436. When the parties cannot come to an amicable arrangement with respect to the acquisition of any immoveable property for waterworks or for any of the purposes mentioned in the preceding sections, either within or without the municipality, or for the right of way through such property, or any servitude thereon, the same may be acquired by expropriation to the extent permitted by sections 605 and following.”

66. Section 442 of the said act is amended, for the municipality, by replacing paragraph 4 by the following paragraph:

“(4) To establish the rate for water, in addition to the apportionment of the special tax referred to in section 439; to supply

“517. Taxes shall bear interest, at the rate of 5 per cent per annum, from maturity, without it being for such purpose necessary that a special demand for payment be made.

Neither the municipal council nor its employees may remit any taxes or the interest thereon.

However, at any time before the tax accounts begin to be sent, the council, as often as it considers it expedient, may, by resolution, enact a rate of interest different from the rate provided in the first paragraph. The decision of the council shall be effective only with respect to taxes shown in an account clearly stating the rate thus enacted. The resolution of the council shall remain in force until it is revoked.

The council may also, by resolution, grant a discount not exceeding 5 per cent, to every ratepayer who pays his taxes before they are due.

76. Sections 525 to 529 of the said act are replaced for the municipality by the following section:

“525. The council may impose and levy annually:

(1) on the stock in trade or articles of commerce of all descriptions kept by merchants and dealers and exposed for sale in shops, or kept in vaults, warehouses or store-houses; on all yards or depots for rough, sawn or manufactured wood or lumber; and on all yards or depots for coal or other articles of commerce kept for sale, a tax of not more than 1 per cent of the estimated average value of such stock in trade or other articles of commerce;

(2) a tax upon all occupants, possessors or tenants of immovables within the municipality, the said tax being imposed on a uniform basis and not exceeding eight cents in the dollar on the amount of rent or the rental value of the immovable or of the part of the immovable thus occupied, possessed or leased, as established on the roll of rental values, or, in the absence of such roll, as estimated by the council.”

77. Section 534 of the said act is replaced for the municipality by the following section:

“534. Any person, not being the debtor, who pays a municipal or school, general or special tax, or the water tax payable by a third person with the consent of the latter, shall be subrogated without other formality in the rights of the corporation against the debtor and may recover from him the amount of taxes so paid. Such subrogation shall be of no effect unless the receipt given by the treasurer of the corporation who is bound to issue such receipt states that the payment was made by a third party for the debtor.

The fact that the taxes were paid by a third party and that the latter is subrogated in the rights of the corporation must be noted in the books of the corporation and mentioned in every statement furnished by an officer of the council respecting the tax owed by any person. The omission of such mention shall render the corporation liable for the prejudice caused thereby to a third person, saving its recourse against the officer in default."

78. Section 535 of the said act is replaced for the municipality by the following section:

"535. In the case of any tax imposed on any firm or partnership, in respect of the business of such firm or partnership, such tax may be claimed and recovered in full from any member thereof."

79. Section 580 of the said act is replaced for the municipality by the following section:

"580. The corporation may, by by-law previously approved by the Commission municipale du Québec, borrow sums of money for all objects within its jurisdiction, on the terms and subject to the conditions established by the Commission.

In the same manner, the corporation may borrow sums of money in order to grant to its members loans for residential purposes, provided that such loans shall be used for the establishment or the improvement of a residence within the municipality."

80. Section 605 of the said act is replaced for the municipality by the following section:

"605. The council may, by complying with the provisions of sections 606 and 607 and the expropriation procedure established by law,

(a) expropriate any immovable property, any part thereof or any servitude required for the execution of works ordered by it within its jurisdiction;

(b) expropriate any immovable property, any part thereof or any servitude it may need for any municipal purpose, including the parking of motor vehicles.

This section shall not restrict the right which the council may otherwise have to acquire, by mutual agreement, immovables for the same purposes.

Nevertheless, the corporation cannot expropriate any lot of land, or any part thereof, situated within the municipality."

“636. If it is impossible for the seizing officer to obtain the list of persons bound to pay a part of the amount of the moneys to be levied, or if there is no such list, the sheriff shall, without delay, proceed to make the inquiries and censuses necessary to prepare such list; and he may base the special collection roll for the money to be levied on such list.

The costs incurred in making such inquiries and censuses, as taxed by the court from which the writ issued, shall form part of the costs of execution and shall be recoverable from the corporation.”

99. Sections 84 to 98 of this act shall cease to have effect as of the date of the publication of the notice contemplated by section 26 of this act; the provisions of the Cities and Towns Act replaced or struck out by these sections shall then apply as they exist on the date of the coming into force of this act.

The termination of effect mentioned in the first paragraph shall not however prejudice the levying or recovery of any tax or assessment assimilated thereto imposed before the date of the publication of the notice contemplated by section 26 pursuant to the provisions of the Cities and Towns Act as replaced by sections 84 to 98 of this act.

DIVISION VII

APPLICATION OF THE REAL ESTATE ASSESSMENT ACT

100. The Real Estate Assessment Act (1971, chapter 50) shall apply to the municipality as of the date of the publication of the notice contemplated by section 26.

The corporation shall be a municipal corporation within the meaning of that act as of the said date.

The assessor for the corporation shall prepare the first annual roll of the corporation for the first financial year commencing after the said date, provided that such date is before 15 September; if not, the assessor shall prepare this roll for the following fiscal year.

DIVISION VIII

EXEMPTION FROM TAXATION FOR LANDS

101. Notwithstanding any inconsistent provision of a general or special act, all the lands comprised by the municipality shall be exempt from any real estate tax and their evaluation, their area or their frontage shall not in any case serve as the basis for the calculation of a tax.

Any provision of a general or special act enabling the imposition of a tax upon an immovable or real estate on the basis of its taxable value, of its area or of its frontage shall be deemed, when it applies to a Cree village corporation, to enable it to impose the tax on the sole basis of the taxable value of the immovable to the exclusion of the land.

The real value, and the taxable value, as the case may be, which must appear upon the evaluation roll of the Cree village corporation pursuant to the Real Estate Assessment Act, shall be the real value, and the taxable value, as the case may be, of the immovable, excluding the land.

DIVISION IX

TRANSITIONAL AND FINAL PROVISIONS

102. (1) Notwithstanding the Intergovernmental Affairs Department Act, any Cree village corporation created by this act may, by a by-law of its council previously approved by the Gouvernement du Québec, enter into an agreement respecting the provision of police services with the Government of Canada or one of its bodies, or with a Band.

Throughout the duration of such an agreement entered into with a Band, any special constable appointed pursuant to section 64 of the Police Act (1968, chapter 17), having competence within the reserve or the Category IA lands under the jurisdiction of this Band shall have, in addition to any power or duty conferred by the said section, the duty to maintain peace, order and public safety within the municipality as well as in any other territory in which the corporation has jurisdiction, to prevent crime and infringements of the by-laws of the corporation and to seek out the offenders.

(2) The corporation may also, by a by-law of its council previously approved by the Minister, enter into such an agreement with any municipal corporation, whatever may be the act governing it.

The second paragraph of subsection 1 shall apply *mutatis mutandis* to this subsection.

(3) The police services furnished to the corporation under an agreement contemplated in subsection 1 or 2 shall be deemed to be a municipal service established by the corporation for the purposes of section 20.

(4) This section shall cease to apply with respect to a Cree village corporation as of the day when the police force of the community, the members of which compose this corporation, is created pursuant to subsection 19.2 of the Agreement.

(5) The Ministre de la justice shall be responsible for the application of this section.

103. The Minister shall be responsible for the application of this act, with the exception of sections 21 and 102.

104. This act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by such proclamation, which will come into force on any later date to be fixed by proclamation of the Government.