



## CHAPTER 36

An Act to amend the Municipal Code,  
the Cities and Towns Act and other legislation

[Assented to 22 June 1979]

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

### DIVISION I

#### MUNICIPAL CODE

M.C., a. 5,  
am.

**1.** Article 5 of the Municipal Code, amended by section 1 of chapter 86 of the statutes of 1968, is again amended by inserting after paragraph 2 the following paragraph:

“**2a.** Lease premises, booths or stands in municipal immovables, parks or public places, and fix the conditions of their lease, use and operation;”.

M.C.,  
a. 5a, am.

**2.** Article 5a of the said code, enacted by section 1 of chapter 53 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

“**5a.** Every local corporation has all the powers required to acquire, construct and equip immovables in the municipality which may be leased or disposed of by onerous title, in all or in part, for the benefit of a public establishment within the meaning of the Act respecting health services and social services (1971, chapter 48) or for the benefit of the Corporation d’hébergement du Québec.”

M.C.,  
aa. 5b-5c,  
added.

**3.** The said code is amended by inserting after article 5a the following articles:

“**5b.** A corporation may:

1. assist in the undertaking and furtherance, in the municipality and elsewhere, of works of charity, education, scientific, artistic or literary culture, youth training and generally of any social welfare enterprise of the population;
2. assist in the organization of recreational centres and public places for sports and amusements;
3. found and maintain bodies for industrial, commercial or tourist promotion and promote physical and cultural activities among the residents of the municipality or assist in their foundation and maintenance;
4. grant subsidies to institutions, societies or corporations devoted to the pursuit of the aforesaid purposes;
5. entrust to non-profit institutions, societies or corporations the organization and management, for the account of the municipal corporation, of activities or bodies mentioned in paragraphs 2 and 3 and, for such purpose, make contracts with them and grant them the necessary funds.

The council of the municipal corporation may exercise by resolution the powers enumerated in this article.

The total amount which the corporation may appropriate each year for the purposes of this article shall not exceed the budgetary percentage previously approved by the *Ministre des affaires municipales* and the *Commission municipale du Québec*. Such approval is valid as long as it is not revoked or modified.

**5c.** A corporation may also, with the previous authorization of the *Ministre des affaires municipales* and of the *Commission municipale du Québec*, stand surety for any institution, society or corporation whose object is the organization of a recreational centre or a public place for sports and amusements or that is devoted to the promotion of industry, commerce or tourism, or whose object is to organize and promote physical and cultural activities among the residents of the municipality."

M.C.,  
a. 10,  
replaced.

**4.** Article 10 of the said code is replaced by the following article:

**10.** Every person who refuses or neglects, without reasonable cause, to perform any act imposed upon or required of him by any provision of this code, incurs, over and above any claim of damages, a fine of not less than twenty nor more than fifty dollars, except in cases otherwise provided for."

M.C.,  
a. 49a,  
replaced;  
aa. 49b-49j,  
added.

**5.** Article 49a of the said code, enacted by section 2 of chapter 82 of the statutes of 1975, is replaced by the following:

## "ANNEXATION OF NEW TERRITORIES COMPRISED IN A CITY OR TOWN

"**49 a.** The council of a local municipality, by the affirmative vote of the absolute majority of its members, may make by-laws to extend the limits of the municipality by annexing thereto for municipal purposes any other contiguous city or town municipality or part thereof.

Such by-law shall contain a complete description of the territory to be annexed and set forth the terms and conditions on which it shall be so annexed.

"**49 b.** The by-law shall be transmitted by the secretary-treasurer of the municipality to the council of the municipality where the territory which it is proposed to annex is located.

"**49 c.** If the council of the municipality in which the territory which it is proposed to annex is located approves the by-law within thirty days after the clerk receives it, he shall immediately so notify the council of the municipality seeking the annexation; the secretary-treasurer of that municipality shall then cause to be published once a week for two consecutive weeks, in a newspaper circulating in the municipality where the territory which it is proposed to annex is located, a notice inviting the persons concerned to make their views known on the by-law.

The consultation shall be held in accordance with the procedure provided in article 758, *mutatis mutandis*, and the persons qualified to vote for such purposes are those referred to in article 49f. However, the date provided for the meeting must not be less than twenty nor more than twenty-five days after the date of the last publication, and the place where the meeting is held must be located in the municipality where the territory which it is proposed to annex is located.

"**49 d.** Where a vote is demanded at that meeting, articles 387a to 387l apply, *mutatis mutandis*. Upon the approval of the by-law, the clerk of the municipality where the territory which it is proposed to annex is located shall immediately so notify the council of the municipality seeking the annexation.

"**49 e.** If the council of the municipality where the territory which it is proposed to annex is located disapproves the by-law or makes no decision respecting it within thirty days after the date when the clerk received it, the council of the municipality seeking the annexation may deem the by-law approved as if it had been approved under articles 49c and 49d, if it is requested to do so within the ensuing thirty days by a petition signed by two-thirds of all the persons concerned.

The council of the municipality which has deemed the by-law approved shall forthwith so notify the council of the other municipality and send a copy of the petition to it.

**“49f.** For the purposes of articles 49c to 49e and article 49g, the persons concerned are the persons entered as owners on the assessment roll in respect of the immoveables comprised in the territory which it is proposed to annex, or as tenants on the electoral list, with respect to the same immoveables.

However, for the sole purposes of the consultation contemplated in article 49c, only the persons who are concerned on the day of the passing of the by-law by the council under article 49a are to be taken into consideration.

**“49g.** The Commission municipale du Québec shall, if the Ministre des affaires municipales so requires, hold a public inquiry as to the expediency of the proposed annexation.

The Commission shall also hold such an inquiry when the by-law is deemed approved under article 49e if so requested

(a) by at least one-third of the persons concerned if the total number of such persons is fewer than sixty and by at least twenty persons concerned if the total number of such persons is from sixty to two hundred,

(b) by at least one-tenth of the persons concerned, if the total number of persons concerned exceeds two hundred but does not exceed three thousand, and

(c) by at least three hundred of the persons concerned if the total number of persons concerned exceeds three thousand.

After such an inquiry is held, the Minister, on the recommendation of the Commission, may order the consultation of the persons concerned.

That consultation shall be held in accordance with the procedure of articles 387a to 387l *mutatis mutandis*. The expenses for that consultation shall be borne by the annexing municipality.

The Ministre des affaires municipales may approve the by-law with the amendments which he deems suitable as to the conditions for annexation. The conditions for annexation provided by the by-law or those determined by the Ministre des affaires municipales shall have effect notwithstanding any inconsistent legislative provisions governing the municipal corporations concerned.

The Ministre des affaires municipales shall publish a notice in the *Gazette officielle du Québec* that such by-law has been approved, and such by-law comes into force as from the date of the publication of such notice, or on such later date as is mentioned therein.

Such notice shall contain a precise description of the territory to be annexed.

**“49h.** Where, after a by-law is passed under article 49a,

(a) the council of the contiguous municipality does not approve the said by-law within the delay prescribed,

(b) the persons concerned do not submit within the delay prescribed the petition provided for in article 49e in the case where such a petition is provided for, or

(c) the approval of the said annexation by-law by the council of the contiguous municipality is subsequently rejected by the persons concerned,

no other by-law to the same effect or having the same object may be validly passed before the expiry of two years following the passing of the annexation by-law.

**“49i.** As soon as any municipality or part of a municipality has been annexed in accordance with this chapter, it shall remain subject to the provisions of the various acts, by-laws, rules and regulations in force at the time of the annexation or thereafter in virtue of the powers conferred by law on the corporation of the annexing municipality, except insofar as such provisions are incompatible with the conditions of the by-law under which the annexation was effected.

**“49j.** Any municipal officer or member of a municipal council who neglects or refuses to perform, or to join in performing, any official act or duty required of him for carrying out the provisions of this chapter, is guilty of an offence and is liable to a fine of fifty dollars, which fine may be sued for within six months after the offence was committed.”

M.C.,  
a. 77, am.

**6.** Article 77 of the said code, replaced by section 1 of chapter 65 of the statutes of 1963 (1st session) and by section 3 of chapter 86 of the statutes of 1968, and amended by section 3 of chapter 81 of the statutes of 1974, by section 3 of chapter 82 of the statutes of 1975 and by section 9 of chapter 53 of the statutes of 1977, is again amended by replacing the sixth paragraph by the following paragraphs:

“The expenses actually incurred by the members of the council on behalf of the municipality must, in each case, be previously authorized by the council. The latter must approve payment thereof upon presentation of a statement accompanied with the related vouchers.

However, the council may also establish by by-law a tariff applicable in cases where such expenses are incurred for an activity

or a class of activities carried out in Québec and not for the object of travel outside Québec. Such tariff replaces the previous authorization mentioned in the sixth paragraph. The payment of such expenses shall be approved by the council upon presentation of a statement accompanied with the vouchers required by the by-laws.”

M.C.,  
a. 93b, am. **7.** Article 93b of the said code, enacted by section 8 of chapter 82 of the statutes of 1975, is amended by replacing the second paragraph by the following paragraph:

“However, the council cannot delegate to the executive committee the appointment and fixing of the salary of an employee assigned to a post the holder of which is not an employee within the meaning of the Labour Code nor the awarding of a contract the amount of which exceeds \$10 000.”

M.C.,  
a. 110a,  
added. **8.** The said code is amended by inserting after article 110 the following article:

“**110a.** The Québec flag must be flown on or in front of the municipal building where the meetings of the council are held, to the right if two flags are flown or in the middle in other cases.”

M.C.,  
a. 119, am. **9.** Article 119 of the said code, amended by section 2 of chapter 70 of the statutes of 1945, is again amended by replacing the second paragraph by the following paragraph:

“That notice shall be served or sent by registered mail.”

M.C.,  
a. 165, am. **10.** Article 165 of the said code, amended by section 1 of chapter 98 of the statutes of 1939 and by section 5 of chapter 86 of the statutes of 1968, is again amended by replacing the first paragraph by the following paragraph:

“**165.** The secretary-treasurer shall collect all moneys payable to the corporation and, subject to all other legal provisions shall deposit the same in any legally constituted bank, savings and credit union or trust company which may be designated by the council, and allow them to remain there until they are employed for the purposes for which they were levied, or until disposed of by the council. He may also, with the prior authorization of the council, invest such moneys for short terms in such legally constituted bank, savings and credit union or trust company as may be designated by the council, or purchase securities issued or guaranteed by the Government of Canada, the Gouvernement du Québec or the government of another Canadian province.”

M.C.,  
a. 170, am.

**11.** Article 170 of the said code, amended by section 22 of chapter 20 of the statutes of 1918, is again amended by replacing the first paragraph by the following paragraph:

**“170.** The secretary-treasurer’s books of account and the vouchers for his expenditures together with all the registers or documents in his possession as archives of the corporation may be inspected between the hours of nine and sixteen on office days, by any person applying to do so.”

M.C.,  
a. 205,  
replaced.

**12.** Article 205 of the said code is replaced by the following article:

**“205.** The rural inspector cannot, in a rural municipality, order the making of a new fence, or the repairing of an old one which is so dilapidated that the cost of repairing it would be equal to that of a new one, unless the party bound to do such work has received special notice in writing to that effect.”

M.C.,  
a. 227, am.

**13.** Article 227 of the said code, amended by section 1 of chapter 83 of the statutes of 1919, by section 1 of chapter 82 of the statutes of 1919/1920, by section 1 of chapter 105 of the statutes of 1921, by section 2 of chapter 82 of the statutes of 1925, by section 12 of chapter 94 of the statutes of 1928, by section 1 of chapter 119 of the statutes of 1933, by section 1 of chapter 82 and section 1 of chapter 83 of the statutes of 1934, by section 4 of chapter 103 of the statutes of 1938, by section 6 of chapter 69 of the statutes of 1941, by section 2 of chapter 71 of the statutes of 1949, by section 1 of chapter 23 of the statutes of 1952/1953 and by section 2 of chapter 65 of the statutes of 1963 (1st session) and replaced by section 8 of chapter 86 of the statutes of 1968, is amended by replacing the first four lines by the following lines:

**“227.** The following persons shall not be nominated for, elected or appointed to or hold any office as member of the council, officer or employee of the municipality:”.

M.C.,  
a. 286,  
repealed.

**14.** Article 286 of the said code is repealed.

M.C.,  
a. 309a,  
added.

**15.** The said code is amended by inserting after article 309 the following article:

**“309a.** (1) Every employer, on polling-day, must allow every elector in his employ the necessary period of leave, so that he may have, during the time the polls are open, at least four consecutive hours to vote, besides the time usually allowed for the midday meal; the employer must not make any deduction from the salary of such elector nor subject him to any penalty by reason of his absence during such hours.

(2) This article also applies to railway companies and their employees, except those employees engaged in the operation of trains to whom such time cannot be allowed without impairing the service.

(3) Every educational institution, on polling-day, must give leave to those students who are electors.

(4) Every person contravening this article is guilty of an offence and liable on summary proceedings to a fine of one hundred dollars."

M.C.,  
a. 359, am.

**16.** Article 359 of the said code, amended by section 3 of chapter 108 of the statutes of 1935 and by section 9 of chapter 71 of the statutes of 1949, is again amended by inserting after the first paragraph the following paragraphs:

"It is not necessary to read the by-law if a motion to dispense with the reading is made at the same time as the notice of motion and if a copy of the proposed by-law is handed immediately to the members of the council present and remitted to the other members not later than two juridical days before the sitting at which it is to be approved and if, at that sitting, every member of the council present states that he has read it and waives the reading of it. In this case, however, the secretary-treasurer or the person presiding at the meeting must mention the object of the by-law, its implications, its scope, its cost, and, where that applies, the mode of financing and payment and repayment.

The secretary treasurer must issue a copy of the by-law, upon payment of the fees exigible at the tariff fixed under article 171, to every ratepayer or elector requesting it within the two juridical days preceding such sitting. The secretary-treasurer must also take the necessary measures to ensure that copies of the by-law are put at the disposal of the public at the beginning of the meeting, for reference."

M.C.,  
a. 371, am.

**17.** Article 371 of the said code, amended by section 8 of chapter 74 of the statutes of 1927, by section 2 of chapter 98 of the statutes of 1939, by section 13 of chapter 77 of the statutes of 1947, by section 11 of chapter 50 of the statutes of 1954/1955 and by section 19 of chapter 82 of the statutes of 1975, is again amended:

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

**"371.** Every corporation may impose by any by-law within its powers, for each and every infraction thereof, either a fine, with or without costs, or imprisonment; and if a fine, with or without costs, it may provide for imprisonment in default of payment

of such fine within fifteen days after the rendering of the judgment, with or without costs, as the case may be; but, except where otherwise provided, such fine shall not exceed three hundred dollars, nor such imprisonment be for more than one month; and where such imprisonment is ordered in default of payment of the fine or of the fine and costs, it shall cease on payment of the fine or of the fine and costs.”;

(b) by striking out the second paragraph.

M.C.,  
a. 387a,  
am.

**18.** Article 387a of the said code, enacted by section 12 of chapter 69 of the statutes of 1941 and amended by section 31 of chapter 86 of the statutes of 1968 is again amended by striking out the second paragraph.

M.C.,  
a. 387b,  
am.

**19.** Article 387b of the said code, enacted by section 12 of chapter 69 of the statutes of 1941 and amended by section 4 of chapter 65 of the statutes of 1963 (1st session), is again amended:

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

“**387 b.** Failing special provision to the contrary, the council shall fix the date for the opening of the poll. Such date must not be later than ninety days from the date of the passing of the by-law by the council.”;

(b) by adding at the end the following paragraph:

“So long as that notice is not published, the council may withdraw the by-law and annul the proceedings related thereto by ordering, by resolution, the secretary-treasurer to inform the persons concerned of those decisions by publishing a public notice within eight days after the date of the resolution.”

M.C.,  
a. 392a,  
am.

**20.** Article 392a of the said code, enacted by section 14 of chapter 103 of the statutes of 1930, amended by section 1 of chapter 72 of the statutes of 1940, by section 13 of chapter 69 of the statutes of 1941, section 4 of chapter 70 and section 10 of chapter 71 of the statutes of 1949, replaced by section 5 of chapter 65 of the statutes of 1963 (1st session) and amended by section 20 of chapter 82 of the statutes of 1975, is again amended by replacing subparagraph a of the third paragraph by the following subparagraph:

“(a) the number, the title and the object of the by-law and the date of its adoption by the council; in addition, when the by-law concerns one sector or zone of the municipality, excluding all or some other zones or sectors, the notice must illustrate by means of a sketch the perimeter of such sector or zone, and describe it clearly, using, whenever possible, street names or road names or numbers, as the case may be. The title of the notice must clearly

identify the electors who are property owners to whom it is addressed and, where that applies, give a summary description of the sector or zone in question;”.

M.C.,  
a. 392b,  
replaced.

**21.** Article 392*b* of the said code, enacted by section 5 of chapter 65 of the statutes of 1963 (1st session), is replaced by the following article:

“**392b.** When a notice of motion has been given to amend a zoning by-law adopted under article 392*a*, no subdivision or building plan shall be approved nor shall any permit be granted for subdivision or the carrying out of works or the use of an immovable which, should the amending by-law be adopted, will be prohibited in the zone or sector concerned. But if the amending by-law is not adopted and put in force within three months from the date of the notice of motion, the prohibition enacted by this article then ceases to be applicable.”

M.C.,  
a. 392c,  
am.

**22.** Article 392*c* of the said code, enacted by section 5 of chapter 5 of the statutes of 1963 (1st session) and amended by section 2 of chapter 46 and section 7 of chapter 81 of the statutes of 1974 and by section 21 of chapter 82 of the statutes of 1975, is again amended by replacing subparagraph *b* of paragraph 1 by the following subparagraph:

“(b) unless the public waterworks and sewer services are installed in the street on which the structure is proposed or the by-law ordering their installation is in force;”.

M.C.,  
a. 392f,  
am.

**23.** Article 392*f* of the said code, enacted by section 5 of chapter 5 of the statutes of 1963 (1st session) and amended by section 2 of chapter 46 and section 7 of chapter 81 of the statutes of 1974 and by section 22 of chapter 82 of the statutes of 1975, is again amended:

(a) by replacing paragraph *e* by the following paragraph:

“(e) To compel the owner of any land to submit previously to the council of the corporation or to an officer 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 or lot, whether such plan provides for streets or not, and to obtain from the council or the officer concerned a subdivision permit;”;

(b) by replacing paragraph *g* by the following paragraph:

“(g) To require, as a condition precedent to the approval of a subdivision plan, whether it provides for streets or not, that the owner pay the municipal taxes unpaid on the immoveables comprised in the plan and convey to the local corporation, for park

or playground purposes, an area of land not exceeding ten per cent of the land comprised in the plan and situated at a place which, in the opinion of the council, is suitable for the establishment of parks or playgrounds; or to exact from the owner, instead of such area of land, the payment of a sum not exceeding ten per cent of the actual value of the land comprised in the plan, and may do so notwithstanding the application of section 21 of the Real Estate Assessment Act (1971, chapter 50). The proceeds of such payment must be paid into a special fund which may be used only for the purchase or equipping of land for park and playground purposes and the land conveyed to the municipal corporation under this paragraph can only be used for parks or playgrounds;”.

M.C.,  
a. 392*i*,  
added.

**24.** The said code is amended by inserting after article 392*h* the following article:

**“392*i*.** Any local corporation may make, amend or repeal by-laws to regulate the construction, erection, retention, alteration and maintenance of all bill-boards and signs already erected or to be erected in future and require for their retention or erection, as the case may be, a permit for which it determines the cost.

When a bill-board or sign is not in compliance with the by-laws adopted under this article, a judge of the Superior Court sitting in the district where the immoveable contemplated is located may, on an application by the corporation made even during proceedings, order the owner of the immoveable where a bill-board or sign is located to demolish, remove, alter or repair that bill-board or sign within the delay he fixes and order that, failing compliance within that delay, the corporation may carry out the work at the expense of the owner of the immoveable.

No municipal by-law respecting posters, bill-boards or signs, made under this section or under any general law or special act, has any prohibitive or restrictive effect on the use of posters, bill-boards or signs in connection with an election or a referendum held under an act of the Legislature.”

M.C.,  
a. 393*a*,  
am.

**25.** Article 393*a* of the said code, enacted by section 30 of chapter 53 of the statutes of 1977, is amended by replacing paragraph *b* of subsection 1 by the following paragraph:

“(b) define or delimit zones and regulate or prohibit therein division, subdivision, construction or certain works, taking into account the location of the landsite, the proximity of a water-course or a lake, or the danger of flood, rockfall, landslide or other disasters; any prohibition made under this paragraph may be total or contemplate certain classes only of immoveables determined by the by-law;”.

M.C.,  
a. 398, am. **26.** Article 398 of the said code, amended by section 1 of chapter 82 of the statutes of 1917/1918, by section 24 of chapter 59 of the statutes of 1919, by section 1 of chapter 105 of the statutes of 1930 and by section 1 of chapter 115 of the statutes of 1930/1931, is again amended by replacing the first paragraph of paragraph 1 by the following paragraph:

“1. To aid agriculture and horticulture within the municipality;”.

M.C.,  
a. 398a,  
replaced. **27.** Article 398a of the said code, enacted by section 24 of chapter 82 of the statutes of 1975, is replaced by the following article:

“**398a.** Any local corporation may, by by-law, grant to a company or person holding a permit from the Commission des transports du Québec for the operation of a bus service in the municipality or the transportation of handicapped persons in the municipality an annual subsidy of an amount not to exceed the percentage of the budget previously approved by the Ministre des affaires municipales and the Commission municipale du Québec. Such approval is valid until it is revoked.”

M.C.,  
a. 404, am. **28.** Article 404 of the said code, amended by section 1 of chapter 106 of the statutes of 1921 and by section 1 of chapter 90 of the statutes of 1929, is again amended by inserting after paragraph 1 the following paragraph:

“1a. To decree that for the owner, lessee or occupant of a vacant or partly built lot or land to leave upon such lot or land one or more motor vehicles built more than seven years previously, having no markers for the current year and in such a condition that they cannot be driven, to allow branches, brush or weeds to grow on such lot or land or to leave scrap iron, rubbish, refuse, paper, empty bottles or noxious substances thereon constitutes a nuisance; to impose fines on the owner, lessee or occupant who permits such nuisances on such lots or land, or to take or impose any measure intended to eliminate or prevent such nuisances.

The court pronouncing sentence may, in addition to the fines and costs, order the removal of the nuisances which were the subject of the infringement within the delay it fixes, by the owner, lessee or occupant, and on failure by such person to comply within such delay, the removal of the nuisances by the corporation at the expense of such person.

For the purposes of this paragraph, the expression “motor vehicle” means any vehicle within the meaning of the Highway Code (Revised Statutes, 1964, chapter 231);”.

M.C.,  
a. 404a,  
am.

**29.** Article 404a of the said code, enacted by section 5 of chapter 70 of the statutes of 1945, is amended by replacing paragraph *b* by the following paragraphs:

“(b) To provide itself for the removal of such matter, throughout the municipality or in such portion thereof as the council may designate and determine the manner of disposing thereof; provide for the payment of the cost either by a tax on the taxable real property of the municipality or of the part designated, or by a compensation, which may vary with each category of users and is payable by the owner, tenant or occupant of each house, store or other building;

“(c) To enact that the compensation must, in all cases, be paid by the owner. It is then assimilated to a real estate tax imposed on the immoveable for which it is due;

“(d) To enact that the compensation, in the case of a residence inhabited during part of the year only, is smaller and fixed proportionately to the number of months the service is used or to the average number of months it is used in a given sector as established by the council.”

M.C.,  
a. 404c,  
replaced;  
a. 404d,  
added.

**30.** Article 404c of the said code, enacted by section 31 of chapter 53 of the statutes of 1977, is replaced by the following articles:

“**404 c.** (1) The county corporation has the power to operate a waste management system or part of such a system

(a) in the whole of the territory under its jurisdiction, provided an agreement to that effect is signed with two-thirds or more of the local corporations forming part of such territory;

(b) in the territory of local corporations amounting to less than two-thirds in number of the local corporations forming part of the county municipality, by signing an agreement for that purpose with each of such local corporations;

(c) in the territory of municipal corporations not forming part of a county corporation, including a city or town, by signing an agreement for that purpose with such corporations.

(2) That power excludes the objects of the agreement from the competence of any municipal corporation in respect of whose territory the county corporation is empowered and the county corporation then succeeds to the rights, duties and obligations of such corporations.

(3) The agreement may contain all the terms and conditions relating to its carrying out.

For the purposes of exercising such competence, and if provided in the agreement, the municipalities contemplated

in paragraph *c* of subarticle 1 form part of the county corporation to the same extent and with the same rights and obligations as the local corporations, and the number of the members of the county council and of the executive committee, as the case may be, is then increased by a number determined therefor in the agreement.

The agreement may also provide for categories of votes, the value given to each vote or each category of votes as well as the quorum and the majority required in each category to decide all contested matters submitted to the council or the executive committee.

(4) The agreement must be authorized by a by-law of the council of each corporation being a party thereto and approved by the Commission municipale du Québec and the minister responsible for the carrying out of the Environment Quality Act (1972, chapter 49). It comes into force upon publication of a notice in the *Gazette officielle du Québec*.

Moreover, the county corporation is governed, as regards the objects of the agreement, by the Environment Quality Act.

(5) The expression “waste management system” used in this article has the same meaning as in paragraph 12 of section 1 of the Environment Quality Act.

(6) This article prevails over any special act applicable to a municipality. It does not apply to a local corporation that is a party with a city or town municipality to an intermunicipal agreement dealing with one or another of the jurisdictions contemplated in articles 404*a* and 404*b* for as long as such agreement lasts.

(7) Several county corporations empowered under subsection 1 may, by signing an agreement authorized by a by-law of their councils and approved by the Commission municipale du Québec and the minister responsible for the Environment Quality Act, establish a special board of delegates and give it all or part of the powers it has with respect to that competence.

The agreement may contain any terms and conditions respecting its carrying out and determine the number of representatives and of substitutes for each county corporation. The agreement may also provide for categories of votes, for the value represented by each vote or by each category of votes and for the quorum and the majority required in each category to decide on any contested matter submitted to the board of delegates.

The agreements provided for in this subsection cannot be set up against third parties.

(8) A municipal corporation governed by an agreement made under this article, whether or not it is a party thereto, may

withdraw therefrom or terminate the agreement by following the procedure provided therefor in the agreement or, if there is no such procedure, by following the procedure and obtaining the approvals provided for in subsection 4, *mutatis mutandis*.

However, the minister responsible for the Environment Quality Act may, by order and on such conditions as he indicates, terminate the agreement. The order may affect only some of the municipal corporations in the territory in respect of which the county corporation is empowered.

**404d.** Any local corporation may make, amend or repeal by-laws to provide for the periodical emptying of septic tanks, in the municipality or any part thereof; to provide for payment of the expenses by a compensation exigible from the owner, tenant or occupant of each house, store or building using a septic tank; to order that in all cases the compensation is payable by the owner. Such compensation then has the same rank as a real estate tax on the immovable for which it is due.”

M.C.,  
a. 407, am.

**31.** Article 407 of the said code, amended by section 1 of chapter 85 of the statutes of 1923/1924 and by section 90 of chapter 38 of the statutes of 1973, is again amended by adding at the end the following paragraph:

“5. To require every owner of a dwelling in the municipality to instal a smoke detector therein.”

M.C.,  
a. 408, am.

**32.** Article 408 of the said code, amended by section 2 of chapter 82 of the statutes of 1919/1920, by section 25 of chapter 48 of the statutes of 1921, by section 1 of chapter 69 of the statutes of 1926, by section 11 of chapter 74 of the statutes of 1927, by section 14 of chapter 94 of the statutes of 1928, by section 15 of chapter 103 of the statutes of 1930, by section 6 of chapter 114 and section 1 of chapter 116 of the statutes of 1930/1931, by section 5 of chapter 103 of the statutes of 1931/1932, by section 1 of chapter 85 of the statutes of 1934, by section 2 of chapter 24 and section 5 of chapter 108 of the statutes of 1935, by section 2 of chapter 100 of the statutes of 1937, by section 14 of chapter 69 of the statutes of 1941, by section 2 of chapter 48 of the statutes of 1943, by section 3 of chapter 46 of the statutes of 1944, by section 6 of chapter 55 of the statutes of 1946, by section 63 of chapter 59 of the statutes of 1949, by section 4 of chapter 42 of the statutes of 1955/1956, by section 32 of chapter 86 of the statutes of 1968, by section 136 of chapter 49 of the statutes of 1972, by section 91 of chapter 38 of the statutes of 1973, by section 25 of chapter 82 of the statutes of 1975 and by section 33 of chapter 53 of the statutes of 1977, is again amended:

(a) by adding at the end of subparagraph *a* of paragraph 3 the following paragraph:

“Such a by-law needs no approval. Notwithstanding articles 369, 769*a* and 769*b*, any by-law or provision of a by-law made under this subparagraph may be repealed or amended without approval.”;

(b) by adding at the end of paragraph 5*a* the following paragraph:

“In addition, the corporation may make by-laws to prevent fraud in respect of the quantity of gas or electricity supplied and to protect the wires, pipes, equipment and other implements used for the supplying of gas or electricity.”;

(c) by inserting after paragraph 5*b* the following paragraph:

“5*c*. To provide for the establishment and administration of a radio and television community antenna system for public needs and the needs of those individuals or corporations who wish to use it in their houses, buildings or establishments; paragraph 5*a* applies *mutatis mutandis* to this provision. However, the council shall not, in exercising the powers granted by this by-law, acquire by expropriation the systems existing in the municipality.”

M.C.,  
a. 409*c*,  
added.

**33.** The said code is amended by inserting after article 409*b* the following article:

“**409*c***. Any local corporation may make, amend or repeal by-laws:

(1) To require, notwithstanding any act inconsistent herewith, that the construction of private conduits, water intakes and sewer outlets, as well as their connection with the public conduits and their maintenance, be done at the expense of the owner, the cost of repairing the street, pavement and sidewalk, where necessary, forming part of such expense.

(2) To oblige every owner of an immovable to instal a check-valve therein in order to prevent any back-flow of sewage. Should the owner fail to instal such check-valve or safety device in accordance with the by-laws passed under this paragraph, the municipal corporation shall not be liable for damages caused to the immovable or its contents through flooding occasioned by the back-flow of sewage.”

M.C.,  
a. 410*a*,  
am.

**34.** Article 410*a* of the said code, enacted by section 2 of chapter 18 of the statutes of 1977 is amended by adding at the end the following paragraph:

“The notice of summons may contain an order to the offender to appear before the court of competent jurisdiction mentioned therein, at the time and date indicated in the notice. In such a case the authorized person must give a copy of the notice to the clerk of the court within the ensuing forty-eight hours. On the day fixed for the hearing, unless a payment in full discharge has been made, the clerk shall open a record and file therein that document which constitutes a summons duly authorized and served within the meaning of the Summary Convictions Act and liable to be returned on the date fixed.”

M.C.,  
a. 410b,  
added.

**35.** The said code is amended by inserting after article 410a the following article:

“**410 b.** Every local corporation may make, amend or repeal a by-law to enact that no penal proceedings may be instituted under a municipal by-law relating to traffic, parking or public safety, without the secretary-treasurer’s having sent by mail to the owner or operator of the vehicle, a notice of summons describing the infraction and indicating the minimum penalty and also the place where such penalty, plus an additional \$5 for costs, may be paid within the delay prescribed in the by-law.

The payment of the amount required within the delay fixed by the notice precludes the institution of penal proceedings.

However, such payment may not be invoked as an admission of civil responsibility.

After such payment, the accused is considered to have been found guilty of the infraction. However, if the infraction involves the suspension or cancellation of a permit or a registration certificate, the accused may, if not so informed thereof in the notice, renounce the immunity from prosecution resulting from the payment and thus render his admission of guilt void.”

M.C.,  
a. 412, am.

**36.** Article 412 of the said code, amended by section 82 of chapter 7 of the statutes of 1978, is again amended by replacing paragraph 4 by the following paragraph:

“4. To have the sidewalks cleared of snow and levy the cost thereof in conformity with paragraph 2 of article 481.”

M.C.,  
a. 413, am.

**37.** Article 413 of the said code, amended by section 27 of chapter 48 of the statutes of 1921, by section 1 of chapter 91 and section 1 of chapter 92 of the statutes of 1929, by section 8 of chapter 55 of the statutes of 1946, by section 18 of chapter 17 of the statutes of 1947, by section 3 of chapter 49 of the statutes of 1948 and by section 9 of chapter 81 of the statutes of 1974, is again amended:

(a) by striking out paragraph 9;

(b) by replacing the first subparagraph of paragraph 12 by the following subparagraph:

“12. To prohibit or regulate the use of motor boats or any category of motor boats on waters, situated within the municipality, of any lake the diameter of which, in its greatest width, does not exceed five miles, on the shores of which there is a holiday camp or an establishment for sick or handicapped persons, or which is used for recreational purposes for children or youth organizations, or around which rest or country homes are located. This prohibition or regulatory measure may vary with each lake contemplated in this paragraph.”;

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

“14. To permit, on such conditions as it may determine, or to prepare and maintain grounds set apart for the parking of trailers and, in the latter case, to require the payment of rent; to prohibit the parking of trailers in the streets and public places and forbid the use of trailers and other vehicles as dwellings or commercial establishments outside the grounds specially set apart for that purpose; however, trailers used for a temporary display of commercial or industrial products for a maximum period of three months each year outside residential zones are not contemplated by this paragraph.”

M.C.,  
a. 421,  
repealed.  
M.C.,  
a. 422a,  
added.

**38.** Article 421 of the said code is repealed.

**39.** The said code is amended by inserting after article 422 the following article:

“**422a.** Any county corporation may, by a by-law of its council approved by the *Ministre des affaires municipales* and the *Commission municipale du Québec*, make agreements with another county corporation for the carrying out of works, the establishment and administration of services and generally for the exercise of any other function it considers it advantageous to exercise jointly.

The council may provide in the agreement for the establishment of a special board of delegates and give it all or part of the powers it has with respect to the function being the object of the agreement.

The agreements made under this article cannot be set up against third parties.”

M.C.,  
a. 428,  
replaced.

**40.** Article 428 of the said code is replaced by the following article:

**“428.** The county corporation may also make, amend or repeal by-laws to grant and fix the salary of the warden, councillors and delegates of the county and the members of the executive committee. To come into force, such a by-law must be approved by the *Ministre des affaires municipales*.

The council shall determine by resolution the terms of payment of such sums, one-third of which shall be paid as an indemnity for a portion of the expenses attaching to the offices of county warden, councillor or delegate or member of the executive committee.

The expenses actually incurred by the members of the council on behalf of the municipality must, in each case, be previously authorized by the council. The latter must approve payment thereof upon presentation of a statement accompanied with the related vouchers.

However, the council may also establish, by by-law, a tariff applicable in cases where such expenses are incurred for an activity or a class of activities carried out in Québec and not for the object of travel outside Québec. Such tariff replaces the previous authorization mentioned in the sixth paragraph. The payment of such expenses shall be approved by the council upon presentation of a statement accompanied with the vouchers required by by-law.”

M.C.,  
a. 433a,  
added.

**41.** The said code is amended by inserting after article 433 the following title and article:

#### “TITLE XVI A

##### “UNCLAIMED EFFECTS

**“433a.** The corporation may cause to be sold at auction, by a bailiff of the Superior Court, without any judicial proceedings and after the notices required for the sale of moveables under writ of execution, the objects, moveable effects or other moveable property in its possession which are unclaimed within two months and which have been abandoned or are the proceeds of theft or have been seized or confiscated by its police officers.

It may likewise dispose of the motor vehicles manufactured more than seven years previously, left in its hands, abandoned or found and unclaimed after a delay of sixty days; the delay is ten days in the case of a vehicle without a motor or fit only for scrap.

If such property is claimed after the sale, the corporation is liable only for the proceeds of the sale, after deducting the cost of the sale and other expenses which it may have incurred.

If they cannot be sold because they have no merchantable value or by reason of the illegality of their possession or use, they may be destroyed after publication of similar notices, *mutatis mutandis*, and if they are claimed after destruction, the corporation is not liable for the payment of any indemnity or compensation.”

M.C.,  
a. 433g,  
added.

**42.** The said code is amended by inserting after article 443f the following article:

“**443g.** A local corporation and the county corporation where it is situated may, by a by-law approved by the *Ministre des affaires municipales* and the *Commission municipale du Québec*, sign an agreement to enable the county corporation, on the conditions mentioned therein, to establish and maintain, in conformity with this title, a retirement pension fund for the benefit of the full time officers and employees of the local corporation.”

M.C.,  
a. 468,  
repealed.

**43.** Article 468 of the said code, amended by section 4 of chapter 46 of the statutes of 1944, is repealed.

M.C.,  
a. 481,  
replaced.

**44.** Article 481 of the said code, amended by section 5 of chapter 61 of the statutes of 1951/1952, is replaced by the following article:

“**481.** (1) The corporation under whose control any road whatsoever falls, may, by resolution, order that such road be, during the winter, laid out and kept in repair as a double road; one track thereof to be for vehicles going in one direction, and the other for vehicles going in the opposite direction.

(2) The corporation may also, by by-law, order that such road be maintained in winter, for traffic by motor vehicles, organize such service as the council considers appropriate in each case and determine, when it considers it expedient to do so, that snow be blown onto or deposited on private land, provided it also determines the necessary precautions in such cases to prevent damage to persons and property.

To pay the cost of such service the corporation may impose and collect a tax on the real property of the proprietors bordering on any road, group of roads or parts of roads, based either on the municipal valuation of the lands or buildings, on the total area of a lot or on the frontage of the lots.

In the apportionment of that cost, the portion that would be payable for the immoveables exempt from all real estate tax may be charged to the whole of the taxable real property in the

municipality and based on the municipal valuation of such property.

The tax for such service may be fixed in advance and collected at the same time as the general real estate tax or be equivalent to the real cost of the service, including the management and financial expenses, and be claimed as soon as that cost is determined.

(3) In the case of a county road, the county corporation may, by by-law, determine the contributory share of each local corporation concerned; such contributory share shall be imposed and levied in accordance with paragraph 2.

(4) In default of an order of the corporation, a double track of twenty-five feet in length, at distances not more than four arpents from one another, must be made and maintained on every municipal winter road."

M.C.,  
a. 625, am.

**45.** Article 625 of the said code, replaced by section 37 of chapter 53 of the statutes of 1977, is amended by replacing the first paragraph of subarticle 1 by the following paragraph:

**"625.** 1. Unless it involves an expenditure of less than \$25 000, no insurance contract or contract for the execution of works or the supply of equipment or materials or for the supply of services other than professional services shall be awarded except after a call for public tenders by advertisement in a newspaper."

M.C.,  
a. 625a,  
replaced.

**46.** Article 625a of the said code, enacted by section 37 of chapter 53 of the statutes of 1977, is replaced by the following article:

**"625a.** No insurance contract or contract for the execution of works or the supply of equipment or materials or for the supply of services other than professional services and involving an expenditure exceeding \$5 000 and less than \$25 000 shall be awarded except after having issued a call for tenders made by inviting in writing at least two contractors or, as the case may be, two suppliers to tender.

The council shall not, without the previous authorization of the *Ministre des affaires municipales*, award the contract to a person other than the person who has submitted the lowest tender.

For the purposes of this article, a contract for the supply of equipment includes also any contract for the leasing of equipment with an option to purchase."

M.C.,  
a. 625c,  
added.

**47.** The said code is amended by inserting after article 625b the following article:

**“625c.** Articles 625 and 625a do not apply to any contract for the supply of equipment or materials or for the supply of services on which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any minister or agency thereof.”

M.C.,  
a. 636a,  
added.

**48.** The said code is amended by inserting after article 636 the following article:

**“636a.** No by-law or resolution of the council authorizing or recommending the spending of moneys is considered adopted nor has effect until the secretary-treasurer has issued a certificate attesting to the fact that funds are available for the purposes for which the said expense is proposed.

This article does not apply to any by-law providing for the appropriation of the moneys required to meet the cost thereof.”

M.C.,  
a. 684a,  
replaced.

**49.** Article 684a of the said code, enacted by section 8 of chapter 65 of the statutes of 1963 (1st session) and amended by section 38 of chapter 86 of the statutes of 1968, is replaced by the following article:

**“684a.** The council may impose the special tax for the payment of municipal works of any kind, including works of maintenance, according to either the municipal valuation or the area or the frontage of the taxable real estate subject to such tax. In the case of lots that are situated at a street corner or are not rectangular, the council may fix the frontage for assessment purposes in the manner it deems appropriate.

The council may also charge the cost of such works either entirely to the corporation or to both the corporation and the ratepayers of one or more parts of the municipality or entirely to the ratepayers of one or more parts of the municipality, in the proportions determined by the by-law.”

M.C.,  
a. 699,  
replaced.

**50.** Article 699 of the said code is replaced by the following article:

**“699.** Every local corporation may impose and levy annually, on every tenant who pays rent, a tax not exceeding five per cent of the amount of the rent.”

M.C.,  
a. 758, am.

**51.** Article 758 of the said code, replaced by section 19 of chapter 60 of the statutes of 1917/1918, amended by section 29

of chapter 48 of the statutes of 1921, by section 7 of chapter 34 of the statutes of 1926, by section 19 of chapter 94 of the statutes of 1928, by section 6 of chapter 51 of the statutes of 1937, by section 21 of chapter 69 of the statutes of 1941 and by section 9 of chapter 69 of the statutes of 1942, replaced by section 10 of chapter 65 of the statutes of 1963 (1st session), and amended by section 35 of chapter 82 of the statutes of 1975, is again amended by replacing paragraph *a* of subarticle 4 by the following paragraph:

“(a) the number, the title and the object of the by-law and the date of its adoption by the council; in addition, when the by-law imposes a special tax on the immoveables of one sector or zone excluding all or some other zones or sectors, the notice must illustrate by means of a sketch the perimeter of such sector or zone, using, whenever possible, street names or road names or numbers, as the case may be. The title of the notice must clearly identify the electors who are owners of taxable immoveables to whom it is addressed and, where that applies, give a summary description of the sector or zone in question;”.

M.C.,  
a. 769,  
replaced.

**52.** Article 769 of the said code, replaced by section 12 of chapter 80 of the statutes of 1922 and amended by section 20 of section 94 of the statutes of 1928, by section 7 of chapter 114 of the statutes of 1931 and by section 7 of chapter 51 of the statutes of 1937, is replaced by the following article:

“**769.** After a loan by-law has been approved by the persons qualified to vote, the secretary-treasurer shall transmit to the *Ministre des affaires municipales* the following instruments and documents:

1. A copy of the notice of motion;
2. A certified true copy of the by-law;
3. A copy of the resolution of the council adopting the by-law;
4. A copy of the public notice to call persons qualified to vote to the meeting provided for in article 758;
5. A certificate of the publication of such notice;
6. A certificate establishing the proportion of the repayment of the loan charged to the whole municipality, where the repayment is charged both to the whole municipality and to a part of the municipality;
7. A copy of the resolution of the council fixing the polling days, if need be;
8. A copy of the list made by the presiding officer in conformity with article 387l;

9. A certificate from the secretary-treasurer specifying the total number of the persons qualified to vote;

10. A copy of the certificate of the director of environmental protection services approving the plans of the work whenever such approval is required;

11. If the municipality is contemplated in the Act to preserve agricultural land (1978, chapter 10) and the by-law entails the use of a lot for purposes other than agriculture within the meaning of that act,

(a) a certificate of the secretary-treasurer indicating whether the land referred to in the by-law is situated in a designated agricultural region, a reserved area or an agricultural zone; and

(b) if that land is situated in such a region, area or zone, the authorization of the Commission de protection du territoire agricole du Québec or a certificate of the clerk stating that no such authorization is required, accompanied with proof that a copy of the certificate has been sent to the Commission;

12. A statement certified by the secretary-treasurer showing:

(a) the total value of the taxable immoveable property in the municipality;

(b) the amount of the debts of the municipality;

(c) the amount of general taxes collected during the last fiscal period;

(d) the loans and the issues of bonds and the amount still due on each of them;

(e) the sum required annually for the payment of interest and for sinking-funds."

M.C.  
a. 774a,  
replaced.

**53.** Article 774a of the said code, enacted by section 15 of chapter 74 of the statutes of 1927 and amended by section 22 of chapter 94 of the statutes of 1928, is replaced by the following article:

**"774 a.** When the repayment of a loan must be borne by the owners of immoveable property of part only of the municipality, the tax to be levied each year, during the period of the loan, shall be imposed only on the property owners concerned; but it shall be sufficient to pay the interest each year and make up the capital repayable at the maturity of the bonds. In such case, the property owners liable, who are municipal electors, are alone entitled to vote for the approval or disapproval of the by-law, and the by-law is deemed to be approved if it has been so done by the majority in number and in value of the said property owners who are electors and liable, and article 771 does not apply.

The above provisions apply even when a proportion not exceeding twenty-five per cent of the loan to be repaid is charged to the whole municipality.”

M.C.,  
a. 830a,  
added.

**54.** The said code is amended by inserting after article 830 the following article:

“**830a.** The Lieutenant-Governor in Council may, on the petition of a corporation contemplated by this title, exempt it by letters patent from the application of one or more provisions of this title. The amendments made by such letters patent have the same effect as if they had been made by an act.

The petition cannot be submitted to the Lieutenant-Governor in Council unless a notice briefly summarizing its object has been published at least one month in advance in the *Gazette officielle du Québec*; within the same delay, a public notice must be given in conformity with articles 346 to 349.

The Ministre des affaires municipales shall have such letters patent published in the *Gazette officielle du Québec* with a notice giving the date of their coming into force. The Editeur officiel du Québec shall insert in each annual volume of the Statutes of Québec a table giving the date of the coming into force of the letters patent granted before such volume is printed and the legislative provisions they repeal.”

## DIVISION II

### CITIES AND TOWNS ACT

R.S.,  
c. 193,  
s. 11,  
replaced.

**55.** Section 11 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193) is replaced by the following section:

Offence and  
penalty.

“**11.** Every person who refuses or neglects, without reasonable cause, to perform any act or duty imposed upon him by any provision of this act or of the charter, or required of him under such provisions, is liable, over and above any claim of damages, to a penalty of not less than twenty dollars nor more than fifty dollars, except in cases otherwise provided for.”

R.S.,  
c. 193,  
s. 26, am.

**56.** Section 26 of the said act, amended by section 12 of chapter 55 of the statutes of 1968, is again amended:

(a) by inserting after paragraph 2 of subsection 1 the following paragraph:

“(2a) Lease premises, booths or stands in municipal immovables, parks or public places, and fix the conditions for their lease, use and operation;”;

(b) by replacing paragraph c of subsection 2 by the following paragraph:

“(c) found and maintain bodies for industrial, commercial or tourist promotion and promote physical and cultural activities among the residents of the municipality or assist in their foundation and maintenance;”;

(c) by adding after subsection 2 the following subsection:

Power to stand surety.

“(3) The corporation may also, with the previous authorization of the Ministre des affaires municipales and of the Commission municipale du Québec, stand surety for any institution, society or corporation whose object is the organizing of a recreation centre or a public place for sports and amusements or which is devoted to the promotion of industry, commerce or tourism, or whose object is to organize and promote physical and cultural activities among the residents of the municipality.”

R.S., c. 193, s. 26a, am.

**57.** Section 26a of the said act, enacted by section 2 of chapter 52 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

Immoveables acquired for special purposes.

“**26a.** Every corporation has all the powers required to acquire, construct and equip immoveables in the municipality which may be leased or disposed of by onerous title, in all or in part, for the benefit of a public establishment within the meaning of the Act respecting health services and social services (1971, chapter 48) or for the benefit of the Corporation d’hébergement du Québec.”

R.S., c. 193, s. 43, am.

**58.** Section 43 of the said act, amended by section 15 of chapter 55 of the statutes of 1968, by section 4 of chapter 55 of the statutes of 1969 and by section 3 of chapter 52 of the statutes of 1977, is again amended by inserting after the second paragraph the following paragraphs:

Consultation.

“After such an inquiry is held, the Minister, on the recommendation of the Commission, may order the consultation of the persons concerned.

Procedure.

That consultation shall be held in accordance with the procedure of sections 399 to 410, *mutatis mutandis*. The expenses for that consultation shall be borne by the annexing municipality.”

R.S., c. 193, s. 45b, added.

**59.** The said act is amended by inserting after section 45a the following section:

Annexation of un-organized territory.

“**45b.** The Ministre des affaires municipales may, upon the application of the county council or any interested party, annex to

a municipality governed by this act any unorganized territory or portion thereof being part of the county.

**Objections**

Upon such application the Minister must inform the county corporation concerned, where such is the case, and ask it to submit its objections, if any, to him within a delay of three months; he may conduct any inquiry necessary to ascertain the facts.

**Annexation ordered.**

At the end of that delay, the Minister, if he deems it expedient, shall order the annexation applied for, by means of a proclamation published in the *Gazette officielle du Québec*, which comes into force on the date mentioned therein."

**R.S.,  
c. 193,  
s. 64, am.**

**60.** Section 64 of the said act, replaced by section 24 of chapter 55 of the statutes of 1968, and amended by section 7 of chapter 55 of the statutes of 1969, by section 4 of chapter 45 and section 2 of chapter 47 of the statutes of 1974, by section 7 of chapter 66 of the statutes of 1975 and by section 9 of chapter 52 of the statutes of 1977, is again amended by replacing the sixth paragraph by the following paragraphs:

**Expenses authorized by the council.**

"The expenses actually incurred by the members of the council for the municipality must, in each case, be previously authorized by the council. The latter must approve payment thereof upon presentation of a statement accompanied with the related vouchers.

**Tariff.**

However, the council may also establish by by-law, a tariff to apply whenever such expenses were incurred for an activity or a class of activities carried out in Québec and not for the object of travel outside Québec. Such tariff replaces the previous authorization mentioned in the sixth paragraph. The payment of such expenses shall be approved by the council upon presentation of a statement accompanied with the vouchers required by the by-law."

**R.S.,  
c. 193,  
s. 89,  
replaced.**

**61.** Section 89 of the said act is replaced by the following section:

**Inspection of registers.**

"**89.** The registers and documents in the possession of the clerk and forming part of the archives of the council may be inspected during office hours by any person applying to do so."

**R.S.,  
c. 193,  
s. 95, am.**

**62.** Section 95 of the said act, replaced by section 31 of chapter 55 of the statutes of 1968, is amended by adding at the end the following paragraph:

**Investments.**

"He may also, with the prior authorization of the Council, invest such moneys for short terms in any legally constituted bank, savings and credit union or trust company which may be

designated by the council, or purchase securities issued or guaranteed by the Government of Canada, the Gouvernement du Québec or the government of another Canadian province.”

R.S.,  
c. 193,  
s. 96a,  
added.

**63.** The said act is amended by inserting after section 96, the following section:

Signature.

“**96a.** Cheques and negotiable instruments other than bonds issued by the municipality shall be signed by the mayor and the treasurer. Where the population of a municipality exceeds 5 000 inhabitants, the signature of the mayor and the treasurer may be printed, engraved or otherwise reproduced.”

R.S.,  
c. 193,  
s. 98,  
replaced.

**64.** Section 98 of the said act is replaced by the following section:

Inspection  
of books.

“**98.** The books of accounts of the treasurer and vouchers for his expenses may be inspected during office hours by any person applying to do so.”

R.S.,  
c. 193,  
s. 123, am.

**65.** Section 123 of the said act, amended by section 39 of chapter 55 of the statutes of 1968 and by section 1 of chapter 56 of the statutes of 1969, is again amended by replacing the first four lines by the following lines:

Disqual-  
ification.

“**123.** The following persons shall not be nominated for, elected or appointed to or hold any office as member of the council, officer or employee of the municipality:”

R.S.,  
c. 193,  
s. 160b,  
added.

**66.** The said act is amended by inserting after section 160a the following section:

Right  
to vote  
outside an  
election.

“**160b.** Where persons other than property owners may vote under this act or any other general law or special act otherwise than at an election, the clerk must bring up to date and deposit the last electoral list in force, or the part of that list necessary for the polling, within five days after the passing of the resolution or the presentation of the notice of motion of the by-law on which the exercise of this right to vote is founded.

Annexa-  
tion.

In the case of an annexation, the clerk of the city or town where the territory which it is proposed to annex is located shall bring up to date that list or part thereof, as the case may be, and deposit it within five days after receiving the by-law ordering the annexation; he must immediately send a copy of the list to the clerk of the annexing municipality.

Regroup-  
ment.

In the case of a regroupment, the clerk of each municipality contemplated in the amalgamation project shall bring up to

date and deposit that list within five days after the publication of the notice provided for in section 6 or, if necessary, within five days after the order of the Ministre des affaires municipales provided for in section 12 of the Act to promote the regroupment of municipalities (1971, chapter 53).

Revision  
of electoral  
list.

The electoral list or part thereof, as the case may be, shall be revised within eight days after it has been deposited.

Provisions  
applicable.

Sections 139 and 147 to 160 apply, *mutatis mutandis*, to the revision of the electoral list or part thereof."

R.S.,  
c. 193,  
s. 174a,  
added.

**67.** The said act is amended by inserting after section 174 the following section:

Contract  
during  
election  
period.

"**174 a.** The returning-officer may, between nomination day and polling day, sign any contract necessary for the discharge of his office. If the expenditure so entailed exceeds \$5 000, section 610a applies, *mutatis mutandis*."

R.S.,  
c. 193,  
s. 186,  
replaced.

**68.** Section 186 of the said act, amended by section 68 of chapter 55 of the statutes of 1968, is replaced by the following section:

Nomina-  
tion-paper  
and decla-  
ration.

"**186.** With each nomination-paper, there shall be filed a declaration from the candidate or some other person stating under oath or solemn affirmation that the candidate is a Canadian citizen and that he is duly qualified."

R.S.,  
c. 193,  
s. 196, am.

**69.** Section 196 of the said act, amended by section 75 of chapter 55 of the statutes of 1968, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

"(2) deliver to each deputy returning-officer on polling-day or the day before, a ballot-box and a poll-book, an extract from the electoral list for the polling-station where he is to act, a sufficient number of ballot-papers, the required forms of oath, envelopes, gummed tape and the black lead pencils to mark ballot-papers; such pencils shall be similar for all polling-stations."

R.S.,  
c. 193,  
s. 238,  
replaced.

**70.** Section 238 of the said act is replaced by the following section:

Leave to  
vote.

"**238** (1) Every employer, on polling-day, must allow every elector in his employ the necessary period of leave, so that he may have, during the time the polls are open, at least four consecutive hours to vote, besides the time usually allowed for the midday meal; the employer must not make any deduction from

the salary of such elector nor subject him to any penalty by reason of his absence during such hours.

Railway  
companies.

(2) This section also applies to railway companies and their employees, except those employees engaged in the operation of trains to whom such time cannot be allowed without impairing the service.

Students.

(3) Every educational institution, on polling-day, must give leave to those students who are electors.

Offence  
and  
penalty.

(4) Every person contravening this section is guilty of an offence and liable on summary proceedings to a fine of one hundred dollars."

R.S.,  
c. 193,  
s. 244, am.

**71.** Section 244 of the said act is amended by replacing subsection 2 by the following subsection:

Certificate.

"(2) The deputy returning-officer shall then, when so requested, deliver to each of the candidates, or to their agents, or, in the absence of the candidates and agents, to the electors present representing the candidates, a certificate, in form 28, of the number of votes given for each candidate, and of the number of rejected ballot-papers. He shall also, forthwith after the close of the poll, have a like certificate served on each candidate in the manner provided for in section 365 or by registered mail, at the address stated in the ballot-paper."

R.S.,  
c. 198,  
ss. 289-293,  
repealed.

**72.** Sections 289 to 293 of the said act are repealed.

R.S.,  
c. 193,  
s. 345a,  
added.

Québec  
flag.

**73.** The said act is amended by inserting after section 345 the following section:

"**345a.** The Québec flag must be flown on or in front of the municipal building where the meetings of the council are held, to the right if two flags are flown or in the middle in other cases."

R.S.,  
c. 193,  
s. 382a,  
added.

**74.** The said act is amended by inserting after section 382 the following section:

"**382a.** The council may make by-laws:

By-laws.

(1) to establish a mail subscription service to the notices, minutes, by-laws and any other kind of documents of the council, and fix the rates of subscription;

(2) to provide for the publishing of information documents on the municipal administration and related events."

R.S.,  
c. 193,  
s. 385, am.

**75.** Section 385 of the said act, amended by section 107 of chapter 55 of the statutes of 1968, is again amended by replacing the second paragraph by the following paragraphs:

Reading  
dispensed  
with.

“It is not necessary to read the by-law if a motion to dispense with the reading is made at the same time as the notice of motion and if a copy of the proposed by-law is handed immediately to the members of the council present and remitted to the other members not later than two juridical days before the sitting at which it is to be approved and if, at that sitting, every member of the council present states that he has read it and waives the reading of it. In this case, however, the clerk or the person presiding at the meeting must mention the object of the by-law, its implications, its scope, its cost and, where that applies, the mode of financing and payment and repayment.

Copy  
available.

The clerk must issue a copy of the by-law upon payment of the fees payable under the tariff fixed under section 87 to every person requesting it within the two juridical days preceding such sitting.

Copies  
available  
for the  
public.

The clerk must also take the necessary measures to ensure that copies of the by-law are put at the disposal of the public at the beginning of the meeting, for reference.

Effect of a  
notice of  
motion.

When a notice of motion has been given to amend a zoning by-law adopted under paragraph 1 of section 426, no subdivision or building plan shall be approved nor shall any permit be granted for a subdivision or the carrying out of works or the use of an immoveable which, should the amending by-law be adopted, will be prohibited in the zone or sector concerned. But if the amending by-law is not adopted and put in force within three months from the date of the notice of motion, the prohibition enacted by this paragraph ceases then to be applicable.”

R.S.,  
c. 193,  
s. 398c,  
am.

**76.** Section 398c of the said act, enacted by section 13 of chapter 66 of the statutes of 1975, is amended by replacing paragraph *a* by the following paragraph:

“(a) the number, title and object of the by-law and the date of its passing by the council. In the case of a loan by-law, the notice shall also mention the amount of the intended loan and the use of the moneys; in addition, when the by-law concerns one sector or zone of the municipality, excluding all or some other zones or sectors, either by imposing a tax on the immoveables of such sector or zone, or by amending the zoning by-law in force in such sector or zone, the notice must illustrate, by means of a sketch, the perimeter of such sector or zone, and describe it clearly, using street names whenever possible. The title of the notice must clearly identify the group of persons to whom it is addressed and, where that applies, give a summary description of the sector or zone contemplated;”.

R.S.,  
c. 193,  
s. 400, am.

**77.** Section 400 of the said act, amended by section 111 of chapter 55 of the statutes of 1968, is again amended by replacing the first paragraph by the following paragraph:

Date of  
poll.

**“400.** The council shall fix the date for the opening of the poll. Such date must not be later than ninety days from the date of the passing of the by-law by the council.”

R.S.,  
c. 193,  
s. 426, am.

**78.** Section 426 of the said act, amended by section 89 of chapter 17 and section 120 of chapter 55 of the statutes of 1968, by section 21 of chapter 55 of the statutes of 1969, by section 5 of chapter 45 and section 1 of chapter 46 of the statutes of 1974, by section 14 of chapter 66 of the statutes of 1975, by section 1 of chapter 18 of the statutes of 1977 and by section 90 of chapter 7 of the statutes of 1978, is again amended:

(a) by replacing subparagraph *b* of paragraph 3 by the following subparagraph:

“(b) unless the public waterworks and sewer services are installed in the street on which the structure is proposed or the by-law ordering their installation is in force;”;

(b) by adding at the end of paragraph 17 the following paragraph:

Notice of  
summons.

“The notice of summons may contain an order to the offender to appear before the court of competent jurisdiction mentioned therein, at the time and date indicated in the notice. In such a case the authorized person must send a copy of the notice to the clerk of the court within forty-eight hours afterwards. On the day fixed for the hearing, unless a payment in full discharge has been made, the clerk shall open a record and deposit therein the document which is a summons duly authorized and served within the meaning of the Summary Convictions Act and liable to be returned on the date fixed;”;

(c) by inserting after paragraph 17 the following paragraph:

No penal  
proceeding  
without  
notice.

“(17a) To enact that no penal proceedings may be instituted under a municipal by-law relating to traffic, parking or public safety, without the clerk’s having sent by mail to the owner or operator of the vehicle, a notice of summons describing the infraction and indicating the minimum penalty and also the place where such penalty, plus an additional \$5 for costs, may be paid within the delay prescribed in the by-law.

Payment.

The payment of the amount required within the delay fixed by the notice precludes the institution of penal proceedings.

Civil  
responsi-  
bility.

However, such payment may not be invoked as an admission of civil responsibility.

Presump-  
tion.

After such payment, the accused is considered to have been found guilty of the infraction. However, if the infraction involves the suspension or cancellation of a permit or a registration certificate, the accused may, if not so informed thereof in the notice, renounce the immunity from prosecution resulting from the payment and thus render his admission of guilt void;”;

(d) by inserting after paragraph 21 the following paragraph:

Smoke  
detector.

“(21a). To require every owner of a dwelling in the municipality to instal a smoke detector therein;”;

(e) by replacing the first subparagraph of paragraph 45 by the following subparagraph:

Motor  
boats.

“(45) To prohibit or regulate the use of motor boats or any category of motor boats on waters, situated within the municipality, of any lake the diameter of which, in its greatest width, does not exceed five miles, on the shores of which there is a holiday camp or an establishment for sick or handicapped persons, or which is used for recreational purposes for children or youth organizations, or around which rest or country homes are located. Such prohibition by-law may vary with each lake contemplated in this paragraph.”

R.S.,  
c. 198,  
s. 427, am.

**79.** Section 427 of the said act, amended by section 121 of chapter 55 of the statutes of 1968, is again amended:

(a) by adding at the end of subparagraph c of paragraph 11 the following paragraphs:

Payment  
of com-  
pensation.

“To enact that the compensation must, in all cases, be paid by the owner;

Residence  
inhabited  
during  
part of the  
year.

To enact that the compensation, in the case of a residence inhabited during part of the year only, is smaller and fixed proportionately to the number of months the service is used or to the average number of months it is used in a given ward designated by the council;”;

(b) by inserting after paragraph 12 the following paragraph:

Emptying  
of septic  
tanks.

“(12a) To provide for the periodical emptying of septic tanks in the municipality or any part thereof; to provide for payment of the expenses by a compensation exigible from the owner, tenant or occupant of each house, store or building using a septic tank; to order that in all cases the compensation is payable by the owner;”.

R.S.,  
c. 193,  
s. 429, am.

**80.** Section 429 of the said act, amended by section 122 of chapter 55 of the statutes of 1968, by section 80 of chapter 55 of the statutes of 1972, by section 15 of chapter 66 of the statutes

of 1975, by section 13 of chapter 52 of the statutes of 1977 and by section 91 of chapter 7 of the statutes of 1978, is again amended:

(a) by striking out subparagraph *b* of paragraph 4;

(b) by replacing the fourth and fifth paragraphs of paragraph 8 by the following paragraphs:

Layout of streets and lanes.

“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 and the distance between them;

Division or redivision plan.

To compel the owner of any land to submit previously to the council of the municipal corporation or to an officer 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 or lot, whether such plan provides for streets or not, and to obtain from the council or the officer concerned a subdivision permit;”;

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

Approval of a subdivision plan.

“To require, as a condition precedent to the approval of a subdivision plan, whether it provides for streets or not, that the owner pay the outstanding municipal taxes for the immoveables included in the plan and convey to the municipal corporation, for park or playground purposes, an area of land not exceeding ten per cent of the land comprised in the plan and situated at a place which, in the opinion of the council, is suitable for the establishment of parks or playgrounds; or to exact from the owner, instead of such area of land, the payment of a sum not exceeding ten per cent of the real value of the land comprised in the plan, notwithstanding the application of section 21 of the Real Estate Assessment Act (1971, chapter 50). The proceeds of such payment must be paid into a special fund which shall be used only for the purchase or equipping of lands intended for parks and playgrounds, and the lands conveyed to the municipal corporation under this paragraph can only be used for parks or playgrounds. The municipality, however, may dispose, by onerous title, in accordance with paragraph 2 of subsection 1 of section 26, of the lands which it has acquired under this paragraph if they are no longer required for the establishment of parks or playgrounds, and the proceeds shall be paid into the said special fund;”;

(d) by replacing paragraph 20a by the following paragraph:

Maintenance of streets, sidewalks and public places.

“(20a) To provide for winter maintenance of the streets, sidewalks and public places and establish such service as the council deems proper in each case, and decide, when it considers it appropriate, that snow shall be blown or piled on private grounds,

provided that it also decides what precautions are necessary in such cases for preventing damage to persons and property.

Tax.

To meet the cost of such service, the council may impose and levy a tax on the real estate of the owners bordering on any street, group of streets or part of a street, according to the municipal valuation of lots or buildings, the total area or the frontage of the land.

Immove-  
ables  
exempt  
from tax.

In the apportionment of such cost, the portion that would be charged against the immoveables that are exempt from all real estate taxes may be charged against all the taxable real estate of the municipality in proportion to its municipal valuation.

Claim of  
tax.

The tax for such service may be fixed in advance and claimed at the same time as the general real estate tax or be the real cost of the service, including management and financing costs, and be claimed as soon as that cost is established;"

(e) by replacing paragraph 31 by the following paragraph:

Parking  
and use of  
trailers.

"(31) To permit, on such conditions as it may determine, or to prepare and maintain grounds set apart for the parking of trailers and, in the latter case, to require the payment of rent; to prohibit the parking of trailers in the streets and public places and forbid the use of trailers or other vehicles as dwellings or commercial establishments outside the grounds specially set apart for such purpose; however, trailers used for a temporary display of commercial or industrial products for a maximum period of three months each year outside residential zones are not contemplated by this paragraph;"

(f) by inserting after paragraph 35 the following paragraph:

Bill-  
boards and  
signs.

"(35a) To regulate the construction, erection, retention, alteration and maintenance of all bill-boards and signs already erected or to be erected in future and require for their retention or erection, as the case may be, a permit for which it determines the cost.

Non-com-  
pliance.

When a bill-board or sign is not made in compliance with the by-laws adopted under this paragraph, a judge of the Superior Court sitting in the district where the immoveable contemplated is located may, on an application by the municipality made even during proceedings, order the owner of the immoveable where a bill-board or sign is located to demolish, remove, alter or repair that bill-board or sign within the delay he fixes and order that, failing compliance within that delay, the corporation may carry out the work at the expense of the owner of the immoveable.

Election or referendum.

No municipal by-law respecting posters, bill-boards or signs, made under this paragraph or under any general law or special act has any prohibitive or restrictive effect on the use of posters, bill-boards or signs in connection with an election or a referendum held under an act of the Legislature.”

R.S., c. 193, s. 429b, am.

**81.** Section 429b of the said act, enacted by section 14 of chapter 52 of the statutes of 1977, is amended by replacing paragraph b by the following paragraph:

“(b) define and delimit zones and for each zone regulate or prohibit division, subdivision, construction or certain works, taking into account the location of the landsite, the proximity of a watercourse or a lake, the danger of flood, rock-fall, landslide or other disasters; any prohibition made under this paragraph may be total or contemplate certain classes only of immoveables determined by the by-law;”.

R.S., c. 193, s. 470, am.

**82.** Section 470 of the said act, amended by section 125 of chapter 55 of the statutes of 1968, is again amended by inserting after the first paragraph the following paragraph:

Motor vehicles.

“It may likewise dispose of the motor vehicles manufactured more than seven years previously, left in its hands, abandoned or found and unclaimed after a delay of sixty days; the delay is ten days in the case of a vehicle without a motor or fit only for scrap.”

R.S., c. 193, s. 472, am.

**83.** Section 472 of the said act, amended by section 7 of chapter 45 of the statutes of 1974, is again amended by replacing paragraph 2 by the following paragraph:

Nuisances.

“(2) To decree that for the owner, lessee or occupant of a vacant or partly built lot or land to leave upon such lot or land one or more motor vehicles built more than seven years previously, having no markers for the current year and in such a condition that they cannot be driven, to allow branches, brush or weeds to grow on such lot or land or to leave scrap iron, rubbish, refuse, paper, empty bottles or noxious substances thereon constitutes a nuisance.

Fines.

To impose fines on the owner, lessee and occupant who permit such nuisances on such lots or land, or to take or impose any measure intended to eliminate or prevent such nuisances.

Removal of nuisances.

The court pronouncing sentence may, in addition to the fines and costs, order the removal of the nuisances which were the subject of the infringement within the delay it fixes, by the

owner, lessee or occupant, and on failure by such person or persons to comply within such delay, the removal of the nuisances by the corporation at the expense of such person or persons.

“Motor vehicle”.

For the purposes of this paragraph the expression “motor vehicle” means any vehicle within the meaning of the Highway Code (Revised Statutes, 1964, chapter 231);”.

R.S.,  
c. 195,  
s. 474a,  
replaced.

**84.** Section 474a of the said act, enacted by section 128 of chapter 55 of the statutes of 1968, is replaced by the following section:

Grants for  
autobus  
service  
and  
transportation of  
handi-  
capped  
persons.

“**474a.** The council, by by-law, may grant to any company or person holding a permit from the Commission des transports du Québec for the operation of an autobus service in the municipality or transportation of handicapped persons in the municipality an annual subsidy in an amount which shall not exceed the budgetary percentage previously approved by the Ministre des affaires municipales and the Commission municipale du Québec. Such approval is valid until revoked.”

R.S.,  
c. 198,  
s. 477a,  
added.

**85.** The said act is amended by inserting after section 477 the following:

“§ 23a. *Twinning of municipalities*

Twinning  
of munic-  
ipalities.

“**477a.** The council may by by-law authorize the making of agreements, on such conditions as it determines, for the twinning of the municipality with another municipality situated in Québec or elsewhere.”

R.S.,  
c. 198,  
s. 481a,  
added.

**86.** The said act is amended by inserting, after section 481, the following section:

Treasurer's  
certificate.

“**481a.** No by-law or resolution of the council authorizing or recommending the spending of moneys is considered adopted nor has effect until the treasurer has issued a certificate attesting to the fact that funds are available for the purposes for which the said expense is proposed.

Exception.

This section does not apply to any by-law to provide for the appropriation necessary to pay the cost thereof.”

R.S.,  
c. 193,  
s. 518, am.

**87.** Section 518 of the said act, amended by section 136 of chapter 55 of the statutes of 1968, is again amended by replacing the second paragraph by the following paragraph:

Assimila-  
tion to real  
estate tax.

“When they are charged to the owner, the compensations and the rate mentioned in subparagraph c of paragraph 11, in

paragraph 12a, in subparagraph b of paragraph 23 of section 427 and in paragraph 4 of section 442 are assimilated to a real estate tax imposed on the immoveable with respect to which they are due.”

R.S.,  
c. 193,  
s. 522,  
replaced.

**88.** Section 522 of the said act is replaced by the following section:

Special tax.

**“522.** Notwithstanding any legislative provision inconsistent herewith contained in this act or in the charter of a city or town governed in part by this act, the council may impose the special tax for the payment of municipal works of any kind, including works of maintenance, according to either the municipal valuation or the area or the frontage of the taxable real estate subject to such tax. In the case of lots that are situated at a street corner or are not rectangular, the council may fix the frontage for assessment purposes, in the manner it sees fit.

Cost of works.

The council may also charge the cost of such works either entirely to the corporation, to both the corporation and the ratepayers of one or more parts of the municipality or entirely to the ratepayers of one or more parts of the municipality, in the proportions determined by the by-law or resolution.”

R.S.,  
c. 193,  
s. 531,  
repealed.

**89.** Section 531 of the said act is repealed.

R.S.,  
c. 193,  
s. 599, am.

**90.** Section 599 of the said act, replaced by section 147 of chapter 55 of the statutes of 1968 and amended by section 27 of chapter 66 of the statutes of 1975, is again amended by replacing the first two paragraphs by the following paragraphs:

Repayment of a loan borne by certain owners.

**“599.** Where the repayment of a loan is to be borne by the owners of immoveables of a part only of the municipality, the tax to be levied each year during the term of the loan must be assessed only on the interested owners; but it is sufficient to pay the interest each year and to make up the capital repayable at the maturity of the bonds. In such case, only the interested property-owners who are persons qualified to vote contemplated in the first paragraph of section 593 have the right to vote for the approval or disapproval of the by-law, and the by-law is deemed to be approved when it has been approved by the majority in number and value of such interested persons who have voted, provided that the majority of all the interested persons qualified to vote contemplated in the first paragraph of section 593 residing in any part of the municipality have voted.

Applicability.

The above provisions apply even when the whole municipality is charged with a proportion not exceeding twenty-five per cent of the loan to be repaid.”

R.S.,  
c. 198,  
s. 600,  
replaced.

**91.** Section 600 of the said act, replaced by section 147 of chapter 55 of the statutes of 1968 and amended by section 137 of chapter 49 of the statutes of 1972 and by section 28 of chapter 66 of the statutes of 1975, is replaced by the following section:

Instru-  
ments and  
documents  
transmit-  
ted to  
Minister.

**“600.** After a loan by-law has been approved by the persons qualified to vote, the clerk shall transmit to the *Ministre des affaires municipales* the following instruments and documents:

- (1) A copy of the notice of motion;
- (2) A certified true copy of the by-law;
- (3) A copy of the resolution of the council adopting the by-law;
- (4) A copy of the notice provided for in section 398c to call the interested parties;
- (5) A certificate of the publication of such notice;
- (6) A certificate establishing the proportion of the repayment of the loan charged to the whole municipality, where the repayment is charged both to the whole municipality and to a part of the municipality;
- (7) A copy of the certificate contemplated in section 398k and, if need be, a copy of the certificate of the officer presiding at the poll stating the result of the vote;
- (8) A copy of the resolution of the council fixing the polling days, if necessary;
- (9) A copy of the list laid before the council under section 410;
- (10) A certificate from the clerk specifying the total number of the persons qualified to vote;
- (11) A copy of the certificate of the Director of environmental protection services approving the plans of the work whenever such approval is required;
- (12) If the municipality is contemplated in the Act to preserve agricultural land (1978, chapter 10) and the by-law entails the use of a lot for purposes other than agriculture within the meaning of that act,
  - (a) a certificate of the clerk indicating whether the land referred to in the by-law is situated in a designated agricultural region, a reserved area or an agricultural zone; and
  - (b) if that land is situated in such a region, area or zone, the authorization of the *Commission de protection du territoire agricole du Québec* or a certificate of the clerk stating that no such

authorization is required, accompanied with proof that a copy of the certificate has been sent to the Commission;

(13) A statement certified by the treasurer, drawn up according to form 34, showing:

(a) the total value of the taxable immoveable property in the municipality;

(b) the amount of the debts of the municipality;

(c) the amount of general taxes collected during the last fiscal period;

(d) the loans and the issues of bonds and the amount still due on each of them;

(e) the sum required annually for the payment of interest and sinking funds, specifying the amounts levied by special taxes and those taken from the general revenue.”

R.S.,  
c. 193,  
s. 610, am.

**92.** Section 610 of the said act, amended by section 21 of chapter 52 of the statutes of 1977, is again amended by replacing the first paragraph of subsection 1 by the following paragraph:

Call for  
public  
tenders  
in a  
newspaper.

“**610.** (1) Unless it involves an expenditure of less than \$25 000, no insurance contract or contract for the execution of works or the supply of equipment or materials or for the supply of services other than professional services shall be awarded except after a call for public tenders by advertisement in a newspaper.”

R.S.,  
c. 193,  
s. 610a,  
replaced.

**93.** Section 610a of the said act, enacted by section 22 of chapter 52 of the statutes of 1977, is replaced by the following section:

Call for  
tenders by  
invitation  
in writing.

“**610a.** No insurance contract or contract for the execution of municipal works or the supply of equipment or materials or for the supply of services other than professional services and involving an expenditure exceeding \$5 000 and less than \$25 000 may be awarded except after a call for tenders has been issued and is made by inviting in writing at least two contractors or, as the case may be, two suppliers to tender.

Author-  
ization of  
the Min-  
ister.

The council shall not, without the previous authorization of the *Ministre des affaires municipales*, award the contract to a person other than the person who has submitted the lowest tender.

Interpre-  
tation.

For the purposes of this section, a contract for the supply of equipment includes also any contract for the leasing of equipment with an option to purchase.”

R.S.,  
c. 193,  
s. 610c,  
replaced;  
s. 610d,  
added.

**94.** Section 610c of the said act, enacted by section 22 of chapter 52 of the statutes of 1977, is replaced by the following sections:

Provisions  
not to  
apply.

“**610c.** Sections 610 and 610a do not apply to any contract for the supply of equipment or materials or for the supply of services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof.

Provisions  
applicable  
to all mu-  
nicipalities.

“**610d.** Sections 610, 610a, 610b and 610c apply to every city or town municipality governed by whatever law, even to those not contemplated by section 1, except the City of Montreal, and prevail over any inconsistent provision of any special act, except that:

(a) section 610 has no effect against any provision of a special act authorizing the council to exempt the executive committee from the formalities pertaining to public tenders, to the extent provided by the said provision, for the awarding of contracts involving an amount exceeding \$25 000;

(b) the awarding of contracts remains within the competence of the executive committee where that is the rule under the act governing the municipality.”

R.S.,  
c. 193,  
s. 650,  
replaced.

**95.** Section 650 of the said act is replaced by the following section:

Clerk of  
the Munic-  
ipal Court.

“**650.** The council shall appoint the clerk of the Municipal Court in accordance with section 69. It may also appoint his assistant in the same manner.

Custodian  
of the seal.

The clerk is the custodian of the seal of the court.”

R.S.,  
c. 193,  
s. 651,  
repealed.

**96.** Section 651 of the said act, amended by section 157 of chapter 55 of the statutes of 1968, is repealed.

R.S.,  
c. 193,  
s. 693,  
replaced.

**97.** Section 693 of the said act is replaced by the following section:

Jurisdic-  
tion of an-  
other mu-  
nicipality.

“**693.** The council of any municipality may, by the affirmative vote of its members, pass a by-law to submit its territory to the jurisdiction of a Municipal Court of another municipality provided the latter is situated in whole or in part in the same judicial district as the municipality passing the by-law.”

R.S.,  
c. 193,  
Form 12,  
replaced.

**98.** Form 12 of the said act, amended by section 161 of chapter 55 of the statutes of 1968, is replaced by the following form:



## DIVISION III

## OTHER LEGISLATION

R.S., 1925,  
c. 105,  
repealed.

**99.** The Municipality Annexation Act (Revised Statutes, 1925, chapter 105) is repealed.

R.S.,  
c. 24, s. 2,  
replaced.

**100.** Section 2 of the Municipal Courts Act (Revised Statutes, 1964, chapter 24) is replaced by the following section:

Jurisdiction of another municipality.

**“2.** The council of any municipality may, by the affirmative vote of the majority of its members, adopt a by-law to submit its territory to the jurisdiction of the Municipal Court of any other municipality, provided the latter is situated wholly or in part in the same judicial district as the municipality adopting such by-law.”

R.S.,  
c. 76, s. 5,  
am.

**101.** Section 5 of the Amusement Tax Act (Revised Statutes, 1964, chapter 76), amended by section 2 of chapter 32 of the statutes of 1965 (1st session), is again amended by replacing paragraph *b* by the following paragraph:

**“(b)** In a church or in a workmen’s or parish hall for the use of which, for such purpose, no rent or other remuneration is paid; however, the payment by the organizers to the owner of the place of amusement of the exact cost of the lighting, heating and cleaning of the place of amusement, occasioned by the performance, shall not be considered as a remuneration;”.

R.S.,  
c. 179,  
ss. 4-11,  
repealed.

**102.** Sections 4 to 11 of the Public Streets Act (Revised Statutes, 1964, chapter 179) are repealed.

1971, c. 53,  
ss. 25-26,  
repealed.

**103.** Sections 25 and 26 of the Act to promote the regroupment of municipalities (1971, chapter 53) are repealed.

1974, c. 48,  
s. 41c,  
added.

**104.** The Act respecting retirement plans for mayors and councillors of cities and towns (1974, chapter 48) is amended by inserting after section 41*b* the following section:

Supra-municipal body.

**“41c.** The Lieutenant-Governor in Council may also consider as a supramunicipal body, for the purposes of the application of this division, any commission or council created by law in which the majority of the members sit as heads of councils or as councillors in municipalities or county corporations.

Coming into force of a decree.

Any decree made under the preceding paragraph comes into force upon its publication in the *Gazette officielle du Québec*.”

1976, c. 30,  
s. 27,  
replaced.

**105.** Section 27 of the Act to authorize municipalities to collect duties on transfers of immoveables (1976, chapter 30) is replaced by the following section:

Delegation  
of the  
collection  
of the  
transfer  
duties.

**“27.** The council of a municipality governed by any act may by the by-law referred to in section 2, or by an amendment to such by-law, delegate the collection of the transfer duties to the county corporation which includes such municipality or the limits of which are contiguous to those of the municipality, if the latter is a city or town.

Collection  
and  
recovery  
by county  
corporation.

As for other matters, the formalities concerning collection and recovery before the courts provided in this act apply, *mutatis mutandis*, to collection and recovery effected by the county corporation, which shall act in all regards for and in the name of the municipality having delegated its power. All amounts so collected must be remitted at the end of each month to each municipality, respectively, for and in the name of which the county has acted.”

DIVISION IV

FINAL PROVISIONS

Effect of  
a. 404c of  
M.C.

**106.** Article 404c of the Municipal Code, replaced by section 30, is effective from 15 December 1977, but does not invalidate any act done between that date and 22 June 1979 in conformity with article 404c of the Municipal Code enacted by section 31 of chapter 53 of the statutes of 1977.

Retroactive  
effect.

**107.** Section 32 is effective from 27 June 1975.

Coming  
into force.

**108.** This act comes into force on the day of its sanction.