



CHAPTER 87

An Act concerning Northern villages and the Kativik Regional Government

[Assented to 23 June 1978]

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

DECLARATORY AND INTERPRETATIVE PROVISIONS

Applica-
bility.

1. This act shall apply to any municipality erected by letters patent hereunder and to the Regional Government established under section 239.

Defini-
tions:

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

“Regional Gov-
ernment”;

(a) “Regional Government” means the regional government established under section 239;

“meeting”;

(b) “meeting”, used alone, means an ordinary, general or special meeting of the executive committee or of the council of the Regional Government, as the case may be;

“municipal
office”;

(c) “municipal office” means the office or functions of a member of a municipal council, or of an officer or employee of a municipal corporation;

“regional
office”;

(d) “regional office” means the office or functions of a member of the council or executive committee of the Regional Government, or of the officers or employees of the Regional Government;

“executive
commit-
tee”;

(e) “executive committee” means the executive committee of the Regional Government contemplated in section 276;

“regional
councillor”;

(f) “regional councillor” means a councillor elected or appointed to represent a municipal corporation on the council of the Regional Government;

“rate-
payer”;

(g) “ratepayer” means a person liable for payment of an assessment or tax, including water rate, to the municipal corporation;

- "Agreement"; (h) "Agreement" means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46);
- "elector"; (i) "elector" means a person having the right to vote at a municipal election;
- "officer or employee of the Regional Government"; (j) "officer or employee of the Regional Government" means any officer or employee of the Regional Government, with the exception of the regional councillors;
- "officer or employee of the municipal corporation"; (k) "officer or employee of the municipal corporation" means any officer or employee of a municipal corporation, with the exception of the members of the council;
- "tenant"; (l) "tenant" means any person who is bound to pay rent in money or to give part of the fruits or revenues of the immovable which he occupies, and who is resident householder, saving the case of the lessee of a store, shop, office or place of business;
- "Minister"; (m) "Minister" means the Ministre des affaires municipales;
- "municipality"; (n) "municipality" means a territory erected for the purpose of municipal administration;
- "occupant"; (o) "occupant" means any person who occupies an immovable in his own name, otherwise than as owner, usufructuary or institute, and who enjoys the revenues derived from such immovable;
- "ordinance"; (p) "ordinance" means an enactment of the Regional Government which applies within the municipalities under its jurisdiction or to the inhabitants of these municipalities, except where the enactment itself expressly provides otherwise;
- "property-owner"; (q) "property-owner" means any person who possesses immovable property in his own name as owner, as usufructuary, or as institute in cases of substitution, or as possessor of Crown Lands with a promise of sale;
- "by-law"; (r) "by-law" means an enactment of the council of a municipal corporation or of the Regional Government acting as a municipal corporation;
- "sitting"; (s) "sitting", used alone, means an ordinary, general or special sitting of the council of a municipal corporation;
- "oath"; (t) "oath" means an oath or, in the case of a person who has no religious belief or for whom the taking of an oath would be contrary to his religious beliefs, a solemn affirmation;
- "municipal services"; (u) "municipal services" means water, sewer, fire protection, recreation, cultural activities, roads, garbage removal and disposal, lighting, heating, power, and snow removal services supplied by a municipal corporation;

“terri-
tory”.

(v) “territory” means all the territory of the province of Québec located north of the fifty-fifth parallel, excluding the Category IA and IB lands intended for the Cree community of Great Whale River and designated as such under the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93) or, meantime, under the Act respecting Cree and Inuit Native persons (1978, chapter 97).

Population
of a muni-
cipality.

3. For the purposes of this act, the population of a municipality shall be that shown in the last census recognized as valid for such purposes by order of the Government published in the *Gazette officielle du Québec*.

Population
of the
terri-
tory.

4. For the purposes of this act, the population of the territory shall be that shown in the last census recognized as valid for such purposes by order of the Government published in the *Gazette officielle du Québec*.

Signature
by mark.

5. Whosoever is, by the provisions of this act, of a by-law of a municipal corporation or an ordinance of the Regional Government bound to sign his name to any document and cannot do so, shall affix his mark to such document, in the presence of a witness who shall likewise sign it.

Validity
of resolu-
tion, etc.

6. Unnecessary allegations or expressions used in any resolution, by-law, order, contract or other document do not affect the validity thereof in any manner if the whole provision in its ordinary sense is sufficiently intelligible.

Error, etc.

7. Error or insufficiency in the designation of any municipality, any municipal corporation or the Regional Government in any act of the council of any municipal corporation or of the Regional Government, of the executive committee, of the officers of a municipal corporation or of the Regional Government, or of any other person, and error or insufficiency in the declaration of the quality of such officer or person, provided no surprise or injustice results therefrom, shall not render such act null.

Omission
of formali-
ty, etc.

8. No suit, defence or exception, founded upon the omission of any formality, even imperative, in any act of the council of a municipal corporation or of the Regional Government, of the executive committee or of an officer of a municipal corporation or the Regional Government, shall prevail, unless the omission has caused actual prejudice or it is of a formality whose omission, according to the provisions of the law, would render null the proceeding from which it was omitted.

Oath. **9.** Any oath required by this act may be taken before a mayor, the chairman of the executive committee, a secretary-treasurer, the secretary of the Regional Government, a justice of the peace, a commissioner of the Superior Court, a notary or any other person authorized by law to administer it.

Certificate. **10.** Any person before whom an oath may be taken may and shall, whenever he is called upon to do so, administer the oath and deliver a certificate thereof without fee to the party taking the same.

Deposition, etc., under oath. **11.** Whenever any deposition or information is required to be given under oath, on behalf of any municipal corporation or of the Regional Government, such deposition or information may be given by any member of the council or officer of the municipal corporation or of the Regional Government, as the case may be, authorized for such purpose by a resolution of the council.

PART I

MUNICIPALITIES OF NORTHERN QUÉBEC

PRELIMINARY TITLE

DEFINITION

"council". **12.** In this part, unless the context indicates otherwise, the word "council", used alone, means the council of a municipal corporation contemplated in section 16.

TITLE I

ORGANIZATION OF MUNICIPALITIES

CHAPTER I

ERECTION OF MUNICIPALITIES BY LETTERS PATENT

Municipality. **13.** The Government may, by letters patent, erect any part of the territory as a northern village municipality on the recommendation of the Minister.

Consultations. Before submitting a recommendation, the Minister shall hold consultations with the inhabitants of that part of the territory

contemplated and with the Regional Government if section 239 is in force at the time of these consultations, and shall hold any other consultations he deems expedient.

Letters
patent.

14. (1) The letters patent state:

(a) the name of the municipality and of the municipal corporation;

(b) the boundaries of the municipality;

(c) the place of the first general sitting of the council;

(d) that the municipality is governed by this act;

(e) where appropriate, the enumeration of the provisions of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), as they exist at the date of such letters patent, that are applicable to the municipality, subject to this act.

Notice.

(2) The Minister shall give notice of the granting of the letters patent by publishing them in the *Gazette officielle du Québec*. From the date of such publication, the municipality is erected under, and governed by, this act.

Supple-
mentary
letters
patent.

15. At any time after the erection of the municipality, the Government may, at the request of any interested party, issue supplementary letters patent

(a) changing the boundaries of the municipality, annexing a part of the territory that is contiguous and not already erected into a municipality, subtracting a part therefrom or replacing a part thereof, or correcting a mistake in the description of such boundaries,

(b) changing the place of the first general sitting of the council
or

(c) making, revising or removing the enumeration of provisions contemplated in paragraph *e* of subsection 1 of section 14.

Provisions
applicable.

The second paragraph of section 13 and subsection 2 of section 14 shall apply *mutatis mutandis* to the case contemplated in this section.

By-laws,
etc.

In any part of the territory newly comprised within the boundaries of a municipality following an annexation or a replacement of territory under subparagraph *a* of the first paragraph, the by-laws of the Regional Government that governed that part of the territory prior to the modification of the boundaries of the municipality shall continue to apply until repealed or amended by the council of the municipal corporation; the by-laws, resolutions, ordinances and other municipal enactments that governed the municipality prior to such modification shall apply to the part

of the territory newly comprised only after having been declared applicable to it.

CHAPTER II

CONSTITUTION OF THE CORPORATION

Name. **16.** The inhabitants and ratepayers of every municipality erected under section 13 form a corporation under the name of "Corporation du village nordique de (*insert the name given in the letters patent*)".

Alternate names. The corporation may also be designated by the Inuit name "NUNALIT GAVAMAPINGA CORPORASANGA (*insert the name given in the letters patent*)" or the English name "The Corporation of the Northern Village of (*insert the name given in the letters patent*)".

Change of name. **17.** The council of a municipal corporation, for reasons it considers advantageous, may pass a resolution requesting the Government to issue supplementary letters patent changing the name of the municipality and of the municipal corporation.

Notice. After adoption of such resolution, public notice must be given by the secretary-treasurer that, within thirty days of the said notice, the municipal corporation will transmit its application to the Government, and that those who have reasons to invoke against such application must, before the expiration of the said thirty days, communicate these reasons to the Minister.

Supplementary letters patent. On receiving the request and after a delay of at least thirty days, the Government may issue supplementary letters patent changing the name of the municipality and of the municipal corporation.

Coming into force. Such change of name does not affect the rights or responsibilities of the municipal corporation or of any other person, and comes into force after publication of a notice signed by the mayor and the secretary-treasurer, reciting the letters patent ordering the change of name.

Powers. **18.** (1) Every municipal corporation, under its corporate name, has perpetual succession, and may

(a) acquire all moveable and immoveable property required for municipal purposes, by purchase, donation, legacy or otherwise, erect and maintain on the said immoveable property a public hall and all other buildings which it may require for municipal purposes and dispose thereof by onerous title, by auction, by pub-

lic tenders, or in any other manner approved by the Commission municipale du Québec, when not further required;

(b) purchase for cash or otherwise acquire, for the use of the municipal corporation, lands situated outside the boundaries of the municipality; such lands shall not, however, form part of the municipality acquiring them but shall remain part of the municipality in which they are situated;

(c) enter into contracts, bind and oblige itself, and bind and oblige others to itself, and transact within the limits of its powers;

(d) sue and be sued in any cause, before any court;

(e) exercise all the powers in general vested in it, or which are necessary for the accomplishment of the duties imposed upon it;

(f) have a seal, the use of which, however, is not obligatory.

Powers.

(2) Such corporation may also

(a) 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;

(b) assist in the organization of recreational guidance centres and public places for sports and recreation;

(c) found and maintain bodies for industrial, commercial or tourist promotion or assist in their foundation and maintenance;

(d) grant subsidies to institutions, societies or corporations devoted to the pursuit of the aforesaid purposes;

(e) 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 subparagraphs b and c of this subsection and, for such purpose, make contracts with them and grant them the necessary funds.

Amount of appropriations, etc.

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

TITLE II

MUNICIPAL COUNCILS AND OFFICERS

CHAPTER I

QUALIFICATION FOR MUNICIPAL OFFICE

Eligibility. **19.** (1) Every natural person of full age and Canadian citizenship who is not legally disqualified may be nominated, elected or appointed a member of the Council of the municipal corporation if he has been domiciled or ordinarily resident in such municipality for at least thirty-six months.

Residence, etc. (2) For the thirty-six months following the date of erection of a municipality, the Minister may modify the requirements concerning the residence or domicile of a person.

Ineligible persons: **20.** The following persons shall not be nominated or elected members of the council, or be appointed to or hold a position as officer or employee of the municipal corporation:

Minister, etc.; (1) the Minister, the director of the environment protection services, the members of the Commission municipale du Québec and those of the Société d'habitation du Québec;

Privy Council; (2) the members of the Privy Council;

Judges, etc.; (3) the judges or magistrates receiving emoluments from the federal or provincial government;

Parties to a contract with municipality. (4) any person who, directly or indirectly, by himself or his partner, is a party to a contract with the municipal corporation, unless a document from the secretary-treasurer indicating the nature of the contract and the amounts of money involved is publicly posted in the office of the municipal corporation at the time of his nomination, election or appointment and remains so posted at all times during his tenure of office, with all relevant additions or deletions. Acceptance of, or application for, municipal services available to ratepayers according to a fixed tariff is not considered to be a contract with the municipal corporation.

Exception. Nevertheless, a shareholder of any incorporated company which has any contract or agreement with the municipal corporation or which receives any grant or subsidy therefrom is not disqualified from acting as a member of the council; but he is deemed to be interested if any discussion arises before the council or a committee with reference to any measure relating to such company, except where that company is the Makivik Corporation incorpo-

rated by section 2 of the Act to establish the Makivik Corporation (1978, chapter 91) or one of the local Inuit landholding corporations contemplated in the Act respecting the land regime in the James Bay and New Québec Territories (1978, chapter 93), or one of their subsidiaries, in which case he is only deemed to be interested if he is an officer or director of such corporation;

Provisions
applicable;

This subsection applies, *mutatis mutandis*, where a person, after being elected or appointed, becomes a party to a contract directly or indirectly, by himself or through his partner;

Arrears;

(5) whosoever has not paid all his municipal dues, with the exception of such amounts as remain to be paid owing to involuntary error or omission; nevertheless, the holder or occupant of a municipal office, whichever it be, shall not become disqualified to occupy it on account of not having, during his term of office, paid all his municipal dues within the delay fixed by section 225, provided he pays them within thirty days of such delay;

Crime;

(6) any person convicted of an act punishable under a law of the Parliament of Canada or of the Assemblée nationale du Québec by imprisonment for one year or more. Such disqualification shall continue for three years after the term of imprisonment fixed by the sentence and, if only a fine was imposed or the sentence is suspended, for three years from the date of such condemnation;

Indictable
offence;

(7) any person convicted of an indictable offence punishable by imprisonment for five years or more after having previously been convicted of two indictable offences so punishable; such disqualification shall continue for ten years after the term of imprisonment fixed by the sentence and, if only a fine is imposed or the sentence is suspended, for ten years from the date of the conviction;

Office of
member of
council.

(8) where the office of member of the council is in question,
(a) the officers of the Regional Government and of the municipal corporations in the territory;

(b) persons who are responsible for moneys belonging to the municipal corporation,

(c) persons who are sureties for any officer or employee of the municipal corporation, or

(d) persons who receive any pecuniary allowance or other consideration from the municipal corporation for their services, otherwise than under a legislative provision, except where a document of the secretary-treasurer indicating the origin and the amount of the payment is publicly posted in the office of the municipal corporation at the time of their nomination, election or

appointment and remains so posted, with all additions or deletions, if any, at all times during their tenure of office.

Provisions
applicable.

This subsection applies, *mutatis mutandis*, where a person, after being elected or appointed, begins to receive a pecuniary allowance or other consideration.

No plurali-
ty.

21. No person shall be nominated, elected or appointed to more than one office as councillor or to the offices of both mayor and councillor.

Eligibility,
etc.

22. No person may act as mayor or councillor nor hold any other municipal office unless he is eligible and possesses at all times the qualification required by law.

Disqualifi-
cation.

Whoever shall become incapacitated while occupying a municipal office other than that of mayor or councillor, shall be disqualified as of right and his office shall become vacant.

CHAPTER II

COUNCILS, MAYORS, COUNCILLORS AND COMMITTEES OF THE COUNCIL

DIVISION I

GENERAL PROVISIONS

Municipal
council.

23. The municipal corporation shall be represented and its affairs administered by its council. Such council is known and styled by the name of "The municipal council of (*insert the name of the municipal corporation*)".

Jurisdic-
tion.

24. The council has jurisdiction throughout the entire extent of the municipality whose municipal corporation it represents, and beyond the boundaries of the municipality in special cases when more ample authority is conferred upon it.

Orders.

Its orders, within the scope of its powers, are obligatory for persons subject to its jurisdiction.

Jurisdic-
tion for
police
purposes.

25. Whenever a municipality is bounded on any side by navigable or other waters or by the bank or beaches of such waters, the jurisdiction of the corporation for police purposes shall extend in front of the municipality to the middle of such waters and to the islands and shoals therein found, if such territory does not already form part of a municipality erected hereunder or under any other general law or special act.

Proviso. If, however, the waters fronting the municipality be wider than 3 kilometers, such jurisdiction shall not be exercised on more than 1.5 kilometers from the bank or shore.

Powers. **26.** The council must exercise itself the powers conferred upon it by this act; it cannot delegate them, except in the cases provided for in section 27.

Exception. Nevertheless, it may appoint committees composed of as many of its members as it deems advisable, with power to examine and study any question. In such case, the committees must render account by report, but no report of a committee has any effect until it has been adopted by the council at a regular sitting.

Agreement. **27.** The council may, by by-law previously approved by the Minister, enter into an agreement with the Regional Government for the delegation to the Regional Government of the exercise and administration of those municipal services specified in the agreement.

Effective period. The effective period of the by-law is two years and is renewable.

By-laws, etc. **28.** By-laws, resolutions and other municipal enactments must be passed by the council in sitting.

Office of secretary-treasurer. **29.** The office of the secretary-treasurer shall be established in the place where the sittings of the council are held, or in any other place fixed by resolution of the council.

Office of the corporation. Third persons. Such office shall be the office of the municipal corporation.

30. No vote given by a person illegally holding office as member of the council and no act in which in such capacity he has participated can be set aside, with respect to persons who have acted in good faith, solely by reason of the illegal exercise of such office.

DIVISION II

COMPOSITION OF THE COUNCIL

Composition. **31.** (1) The council is composed of a mayor and councillors. The mayor is head of the council and chief executive of the municipal administration.

Mayor, etc. (2) The mayor and councillors are elected by the electors every two years, or appointed, as provided in this act.

Council-
lors, etc.

(3) The number of councillors, between two and six, is fixed from time to time by by-law of the council. This by-law comes into force only after approval by the majority of the electors having voted on it.

"regional
council-
lor".

(4) One councillor has the title of "regional councillor". He represents the municipal corporation on the Regional Government, in accordance with section 251.

Ballot
paper.

(5) For the purposes of the elections, the ballot paper shall identify three classes of offices: that of mayor, that of regional councillor and that of ordinary councillor. The elector shall cast one vote for the election of the mayor, one vote for the election of the regional councillor and as many votes as there are offices to be filled of ordinary councillors.

Candidate
declared
elected
mayor, etc.

(6) The candidate for the office of mayor and that for the office of regional councillor who receive the greatest number of votes shall be declared elected. Candidates for office as ordinary councillors receiving the greatest number of votes shall be declared elected until all the seats to be filled are filled.

First
council.

The first council of a newly erected municipal corporation consists of the mayor and such number of councillors, between two and six, as are determined by the vote, held under the authority of the Minister in the manner determined by him, of the persons of majority inhabiting the part of the territory concerned.

Oath of
office.

32. No person can discharge the duties of mayor or councillor until he has taken the oath of office, according to the form contained in this section.

Idem.

An entry of the taking of the oath is made in the minute book of the municipal corporation.

FORM

Oath of office

I, (*first name, name and office*), of the (*name of the municipal corporation*), do swear (*or solemnly affirm*) that I shall honestly and faithfully discharge the duties of my office to the best of my judgment and capacity. So help me God. (*This last sentence is omitted in the case of a solemn affirmation*).

A.B.

Sworn to (*or affirmed*) before me . . . , at . . . , this . . . day of . . . , 19..

C.D.

Failure to
take oath.

33. Failure by the mayor or a councillor to take his oath of office within fifteen days of the publication of the public notice contemplated in section 96 or of the date on which he was appointed or elected in accordance with section 80, 81, 84, 110 or 113, shall render the office vacant by the mere lapse of time.

Council
notified.

The secretary-treasurer shall notify the council accordingly at the first sitting following such lapse.

Expiry of
term of
office.

34. The term of office of the mayor shall expire when the new mayor is sworn in; that of a councillor, at the opening of the first general or special meeting of the council held after the general election.

Acting
mayor.

35. The council may, at any time, appoint one of the councillors as acting mayor, who, in the absence of the mayor or when the office is vacant, discharges the duties of the mayoralty, with all the privileges and rights, and subject to all the obligations thereunto attached.

Duties of
mayor.

36. The mayor shall exercise the right of superintendence, investigation and control over all the departments and officers of the municipal corporation, and especially shall see that the revenue of the municipal corporation is collected and expended according to law and that the provisions of the law and all by-laws of the council are faithfully and impartially enforced. He shall lay before the council such proposals as he may deem necessary or advisable and shall communicate to the council all information and suggestions relating to the improvement of the finances, police, health, security, cleanliness, comfort and progress of the municipal corporation.

Suspension of
employees.

In the exercise of his functions, the mayor shall have the right, at any time, to suspend any officer or employee of the municipal corporation, but he shall report to the council at the first sitting following such suspension, and state in writing the reasons therefor; the suspended officer or employee shall receive no salary for the time during which he is suspended, unless the council decides otherwise respecting such suspension, and the suspension shall only be valid until such sitting.

Signing
by-laws,
etc.

37. The mayor signs, seals and executes, in the name of the municipal corporation, all by-laws, resolutions, obligations, contracts, agreements or deeds made and passed or ordered by the municipal corporation which are presented to him for his signature after adoption by the council. If the mayor refuses to approve and sign the same, the secretary-treasurer submits them again for the consideration of the council at the next sitting. If a majority of the members of the council again approve such by-

laws, resolutions, obligations, contracts, agreements or deeds, they are legal and valid as though they had been approved and signed by the mayor, notwithstanding his refusal.

Communi-
cations,
from
Minister.

38. The mayor or, at his request, the secretary-treasurer shall read to the council all circulars or communications addressed to the mayor or to the council by the Minister, and, if he is so required by the council or by the Minister, shall publish them in the municipality in the manner required for public notices.

Informa-
tion.

39. He shall furnish to the Government or to the Minister, on demand, all information concerning the execution of the municipal law, and all other information which he may be able to give with the concurrence of the council.

Remunera-
tion of
mayor.

40. (1) The municipal corporation shall pay to the mayor, as remuneration for all his services in every capacity to the municipal corporation, a minimum annual sum computed according to the population of the municipality at the rate of an amount per inhabitant, not less than \$0.40, determined from time to time by the Minister. Nevertheless, the mayor shall in no case so receive an annual sum of less than the amount, not less than \$400, determined by the Minister.

Remunera-
tion of
council-
lors.

(2) The municipal corporation shall pay for the same purposes to each councillor a minimum annual sum computed according to the population of the municipality at the rate of an amount per inhabitant, not less than \$0.20, determined from time to time by the Minister. Nevertheless, a councillor shall in no case so receive an annual sum of less than the amount, not less than \$200, determined by the Minister.

Terms of
payment.

(3) The council shall determine by resolution the terms of payment of such sums.

Payment of
expenses.

(4) The council may also authorize the payment of the expenses actually incurred by a member of the council on behalf of the municipal corporation, provided that they have been authorized by resolution of the council.

Other
remunera-
tion.

(5) No other remuneration, allowance or benefit shall be paid to a mayor or councillor unless it has been authorized by a by-law passed by the vote of two-thirds of the members of the council and submitted for approval to the electors. Approval by the Government, the Minister or the Commission municipale du Québec shall not be required.

Mayor,
justice of
the peace.

41. The mayor, without being bound to take the oaths prescribed for justices of the peace, shall be *ex officio* a justice of the peace, within the municipality, so long as he continues in office.

Exception. It shall not be competent to him to hear and decide cases in which the municipal corporation, the other members of the council or the officers or employees of the municipal corporation are interested parties.

Councillors, justices of the peace. The councillors, without being bound to take the oaths prescribed for justices of the peace, shall be *ex officio* justices of the peace for the receiving of oaths only, within the municipality, so long as they continue in office.

Inquiries. **42.** If questions of fact arise in matters before the council or its committees, which the interests of the municipal corporation require to be investigated by the examination of witnesses on oath or otherwise, or if it also becomes necessary, in the like interest, to institute inquiries into the truth of representations which may be made to the council respecting matters within its jurisdiction, any committee appointed by the council to investigate the same, or to make such inquiry, or the committee before which any such question arises, may issue a summons signed by its chairman requiring any person to appear before such committee, for the purpose of giving evidence touching such question or inquiry, and also, if deemed expedient, to produce any papers or documents in his possession or under his control, bearing upon such question or inquiry, and described in such summons.

Recalcitrant witness. If any person so summoned neglects or refuses to appear at the time and place appointed by such summons, or if, appearing, he refuses to be examined on oath touching the said inquiry, or to obey any order to produce papers or documents mentioned in such summons, so far as he is able to do so, a return of the issue and service of the summons and of such default or refusal may be made to the mayor, who may thereupon compel him to answer all lawful questions by such means as are used for such purposes in the ordinary courts of civil jurisdiction in Québec.

Oath. The chairman of any committee of the council may administer the oath to the witness.

CHAPTER III

MUNICIPAL OFFICERS

DIVISION I

GENERAL PROVISIONS

43. (1) Every municipal corporation must have an officer entrusted with the care of its office and archives and such officer is designated by the name of "secretary-treasurer".

Appoint-
ment.

(2) In any newly formed municipality, the secretary-treasurer must be appointed by the municipal corporation within thirty days after the entry into office of the majority of the members of the new council.

Vacancy.

(3) If the office of secretary-treasurer becomes vacant, such vacancy must be filled by the council within a delay of thirty days.

Other
Officers.

44. In addition to the secretary-treasurer, whom it is bound to appoint, the municipal corporation may, to secure the execution of its by-laws and of the requirements of law, appoint all other officers, dismiss and replace them, and determine their salary.

Appoint-
ment, etc.

Every appointment or dismissal of a municipal officer made by the municipal corporation, and the determination of his salary, is decided by a resolution which shall be communicated without delay by the secretary-treasurer to the person therein referred to. The resolution dismissing the secretary-treasurer or reducing his salary shall be served upon him by handing a copy thereof to him in person.

Oath of
office.

45. Before entering upon his duties, every municipal officer is bound to take the oath of office according to the form contained in section 32. On his failure to do so within fifteen days of his appointment, he shall be deemed to have refused to discharge the duties of the office to which he has been appointed.

Certifi-
cate.

46. The certificate attesting that an oath of office has been taken by any municipal officer shall be filed without delay in the office of the municipal corporation by the person who has taken such oath.

Delivery of
moneys,
etc.

47. Every municipal officer who has ceased to discharge the duties of his office shall, and, in the case of absence or death, his representatives or heirs shall, deliver forthwith, at the office of the municipal corporation, all the moneys, keys, books, papers, insignia, documents, records and other things belonging to the council or that such officer had in charge or in use in the execution of the office so held by him.

Validity of
proceed-
ings.

48. No act, duty, writing or proceedings executed in his official capacity by a municipal officer who holds office illegally can be set aside solely on the ground of his so holding such office illegally.

Responsibility.

49. The municipal corporation is responsible for the acts of its officers in the performance of the duties for which they are employed as well as for damages resulting from their refusal to discharge or their negligence in discharging their duties, saving its recourse against such officers, the whole without prejudice to a recourse in damages against the officers by those who have suffered damage.

Reports by officers.

50. Every municipal officer must give an accurate report in writing to the municipal corporation or to any authorized person in such manner as the council may determine, upon all matters connected with his duties, and render an account of the moneys collected by him and of those which he has disbursed for the municipal corporation and under its control, indicating the objects for which such moneys were so collected or disbursed.

Detailed account by secretary-treasurer.

During the month of January in each year, or more often if required by the council, the secretary-treasurer must render a detailed account of his receipts and expenditures from all sources for the year ended on the thirty-first of December preceding.

Action to account.

51. The council may bring an action to account against any employee responsible for moneys belonging to the municipal corporation.

Tariff of fees.

52. The municipal corporation may by by-law establish a tariff of fees payable to municipal officers for their services, whether by the persons who have applied for them or by those on whose account they are rendered, or by the municipal corporation, in cases in which such fees have not been fixed by law.

Tariffs posted.

Every tariff made under this section shall be posted up in a conspicuous place in the office of the municipal corporation.

DIVISION II

THE SECRETARY-TREASURER

Archives, etc.

53. The secretary-treasurer is the custodian of all the books, registers, plans, maps, archives and other documents and papers which are either the property of the municipal corporation or are deposited, filed and preserved in the office of the municipal corporation. He cannot divest himself of the custody of such archives, except with the permission of the council, or under the authority of a court.

Security.

54. The council may require of any person employed by it as secretary-treasurer such security as it may deem necessary.

Security. Such security shall be a guarantee of the faithful performance of the duties of such person; of his accounting for and paying over all public and other moneys entrusted to him or under his control to the persons authorized or entitled to receive the same; of his faithful performance of the obligations imposed upon him; and of the payment of the damage occasioned to any person through his negligence, misconduct or malversation.

Minutes of sittings. **55.** The secretary-treasurer must attend every sitting of the council and draw up minutes of all the acts and proceedings thereof in a register kept for that purpose and called "The minute-book of the council".

Idem. All minutes of a sitting of the council must be signed by the person presiding over the council and countersigned by the secretary-treasurer and be approved by the council at the same or at the following sitting, but the lack of such approval does not prevent the minute from making proof.

Amendment, etc., to by-law, etc. Whenever a by-law or a resolution is amended or repealed, mention must be made thereof in the margin of the minute-book opposite such by-law or resolution together with the date of its amendment or repeal.

Collection of moneys. **56.** The secretary-treasurer shall collect all moneys payable to the municipal corporation and, subject to all other legal provisions, shall deposit in any legally constituted bank, savings and credit union or trust company which may be designated by the council, the moneys arising on municipal taxes or dues and all other moneys belonging to the municipal corporation and shall allow them to remain there until they are employed for the purposes for which they were levied or received or until disposed of by the council.

Joint signature of cheques, etc. All cheques issued and promissory notes executed by the municipal corporation must be signed jointly by the mayor and the secretary-treasurer or, in case of the absence or inability to act of the mayor or of a vacancy in the office of mayor, by any member of the council previously authorized to do so and by the secretary-treasurer.

Payment of sums due. **57.** The secretary-treasurer pays out of the funds of the municipal corporation all sums of money due by it whenever by resolution he is authorized to do so by the council.

Books of account. **58.** (1) The secretary-treasurer is bound to keep books of account in which he enters, by order of date, the receipts and expenditures, mentioning the persons who have paid moneys into his hands or to whom he has made a payment.

Vouchers. (2) He must obtain and keep vouchers for all payments he has made for the municipal corporation, produce them for audit and inspection and file them amongst the archives of the municipal corporation.

Book-keeping. (3) Such books shall be kept in the form prescribed or approved by the Minister or in accordance with the system established by the Government.

Copies of documents. **59.** The secretary-treasurer shall issue to any person applying therefor, upon payment of the fees determined by the council, which must be paid into the municipal treasury, copies of, or extracts from, any book, roll, register or other document in his custody or which forms part of the archives.

Proof. **60.** Copies and extracts, certified by the secretary-treasurer, of and from the books, registers, archives, documents and papers kept in the office of the municipal corporation or in the secretary-treasurer's custody, shall be evidence of their contents.

Access to archives. **61.** The registers and documents in the custody of the secretary-treasurer and forming part of the archives of the council, including books of account and vouchers for his expenditures, shall be open for inspection and examination, during office hours, to all electors of the municipality or their attorneys.

Return to Minister. **62.** Within sixty days from the end of any fiscal year of the municipal corporation, the secretary-treasurer shall transmit to the Minister, in duplicate, a return showing, for the preceding calendar year,

- (1) the name of the municipal corporation;
- (2) the value of the property of the municipal corporation;
- (3) the number of persons resident in the municipality;
- (4) the number of ratepayers;
- (5) the amount of taxes and all other sums collected within the year;
- (6) the amount of arrears of taxes;
- (7) the amount of subsidies and grants received within the year and their source;
- (8) the amount raised by loans within the year and the amount of interest due upon such loans;
- (9) all debts of the municipal corporation;
- (10) the expenditures for salaries and all other expenses of the municipal corporation;

(11) the amount deposited at interest or invested by the municipal corporation; and

(12) any other statement which the Minister may require.

Copy. Copy of such return shall be transmitted to the Regional Government.

Review. The latter shall review such return to ensure that the requirements of this section are complied with before the said return is sent to the Minister.

TITLE III

MUNICIPAL ELECTIONS

CHAPTER I

ELECTORS

Right to vote. **63.** Every person, commercial partnership or association entered on the electoral list in force and used at the poll and, in the case of a natural person, not affected during the preparation of the electoral list and at the time of voting by any disqualification contemplated by law, shall be entitled to vote at an election.

Natural persons. **64.** (1) Every natural person of full age and Canadian citizenship shall be entitled to be entered on the electoral list if he has been domiciled or ordinarily resident in the municipality for at least twelve months before the date of the election.

Corporations, etc. (2) Corporations, commercial partnerships and associations shall also be entered on the electoral list if they have had their head office or principal place of business in the municipality for at least twelve months before the date of the election.

Voting through representative. They shall vote through a representative authorized for that purpose by a resolution of the board of directors, a copy whereof shall be filed at the office of the municipal corporation within thirty days from the date of publication of the election notice.

Modification. **65.** The Minister may, for the twelve months following the erection of a new municipality, modify the delay mentioned in subsections 1 and 2 of section 64.

CHAPTER II

ELECTIONS

DIVISION I

DATE OF ELECTIONS

Date. **66.** The general election for mayor or councillors shall be held every two years on the first Wednesday of September.

Idem. In the case of a newly formed municipality, the first general election shall be held on the tenth Wednesday following the erection of such municipality.

DIVISION II

ELECTION OFFICERS AND ELECTORAL LIST

Presiding-officer, etc. **67.** The secretary-treasurer of the municipal corporation shall be the presiding-officer for any election held under this act. The presiding-officer may appoint returning officers and poll clerks according to section 85. Such persons are referred to collectively as "election officers".

Idem. The presiding-officer for the first election in a newly organized municipality is a person determined, before the erection of such municipality, by the majority vote of the inhabitants of full age of that part of the territory, held in the manner approved by the Minister.

Powers. The presiding-officer, from the publication of the election notice until the day following the closing of the election, shall be a conservator of the peace in the municipality and be invested with all the powers of a justice of the peace.

Period of preparation of list. **68.** The presiding-officer shall prepare the list of electors in the municipality between the first of July and the following first of August, and shall, on the first of August, deposit the electoral list in the office of the municipal corporation for public reference.

Idem. In the case of a first election in a newly organized municipality, the presiding-officer shall prepare the list of electors during the four weeks following the publication of the election notice, and deposit the same, at the expiration of such period, at the place determined by the letters patent for the first sitting of the council.

Revision. **69.** During the period extending from the first to the fifteenth of August, the electoral list shall be revised by a board of revision composed of the presiding-officer and two persons entitled to be entered on the electoral list and appointed by him.

Idem. In the case of the first election in a newly organized municipality, the revision of the electoral list shall take place during the fifth and sixth weeks following the publication of the election notice.

Filing application for correction. **70.** Any person, commercial partnership or association who believes that his name or that of any other person has been omitted from the list or wrongfully entered thereon may file in the office of the municipal corporation, between the first and the fifteenth of August, application in writing to have the name entered or struck off, as the case may be.

Idem. In the case of the first election in a newly organized municipality, such application may be made during the fifth and sixth weeks following the publication of the election notice, and shall be deposited at the place determined by the letters patent for the first sitting of the council. During such period, the presiding-officer, or a person designated by him, shall be present at such place, between 1:00 and 5:00 o'clock in the afternoon, to receive such applications.

Hearing. **71.** The board of revision shall consider the written application, hear the parties concerned and, if it considers it necessary, take their evidence on oath.

Decision. The board of revision, by its final decision on each application, may confirm or revise the list.

Clerical errors. **72.** At any time before the coming into force of the list, the board of revision may correct clerical errors in the names of the electors or in the other particulars appearing on the list.

Correction. **73.** Every insertion in, erasure from, or correction of the list shall be authenticated by the initials of the presiding-officer.

Coming into force. **74.** The electoral list shall come into force as soon as it has been prepared and revised in accordance with this act and shall be kept among the archives of the municipal corporation. It shall remain in force until another list is prepared.

Informality. **75.** No informality in the preparation, completion, revision or putting into force of the list shall invalidate the same unless an actual injustice results therefrom.

DIVISION III

NOTICE OF ELECTION

Public
notice.

76. On the first of July of the year in which the election is held, the presiding-officer shall, by public notice, publish:

(a) the place, day and hour fixed for the nomination of candidates; and

(b) the day of the opening of the polls for taking the votes of the electors in case a poll is held.

Idem.

In the case of the first election in a newly organized municipality, the election notice shall be published within seven days of the erection of the municipality.

Election
period.

The election period shall begin on the day of publication of the notice of the election and end, for each candidate for any office, on the day on which the presiding-officer declares the candidate for such office elected.

DIVISION IV

NOMINATION OF CANDIDATES

Date of
nomina-
tion.

77. The nomination of candidates for election shall be held on the last Wednesday of August between the hours of one and five o'clock in the afternoon.

Idem.

In the case of the first election in a newly organized municipality, the nomination of candidates shall take place on the ninth Wednesday following the erection of the municipality.

Nomina-
tion of
candidate.

78. Three electors qualified to vote whose names are entered on the electoral list in force in the municipality may nominate a candidate for the office of mayor or councillor.

Candi-
date's
consent.

79. With each nomination paper there shall be filed a declaration by the candidate that he is a Canadian citizen and duly qualified, accompanied with the consent in writing of the person therein nominated.

Acclama-
tion.

80. If at the expiration of the delay fixed for the nomination of candidates for mayor or councillor only the number required for any one of the said offices is nominated, such candidates shall *ipso facto* be elected and the presiding-officer shall forthwith proclaim such candidates elected.

Announce-
ment of
poll.

When several persons are nominated for each of the offices of mayor or regional councillor, or more than the number required are nominated for the other offices of councillor, the presiding-officer shall announce that a poll will be held.

With-
drawal of
candidate.

81. Any candidate nominated may withdraw at any time before the closing of the poll by filing with the presiding-officer a declaration to that effect; and any votes cast for the candidate who has so withdrawn shall be null and void; and if after the withdrawal there remains but one candidate for each of the offices of mayor or regional councillor, or only the number required for the other offices of councillor, the presiding-officer shall return as duly elected the candidate so remaining.

Death of
candidate.

82. (1) If a candidate dies between the nomination of candidates and the closing of the poll, the returning-officer shall immediately fix another day for the nomination and proceed with a new election.

New
election.

(2) Such new election shall, in all other respects, be held in the same manner as an election contemplated in section 66, but the revised list which was to be used for the election that was not held as a result of the death of the candidate shall be used for such new election.

Insuffi-
cient
nomina-
tions.

83. (1) If at the expiration of the delay prescribed for the nomination of candidates no person has been nominated to fill an office or if the persons nominated are not sufficient in number to fill the offices or if all the persons nominated for any office have withdrawn before the close of the poll, the presiding-officer shall immediately recommence the election proceedings to fill the offices for which a poll cannot be so held and give for such purpose the notice prescribed by section 76.

Idem.

(2) The same shall apply if the nomination of candidates could not be held because the electoral list was not put in force in time, but in such case the presiding-officer must see that the election proceedings already commenced are continued if they were validly made.

Restric-
tion.

(3) The presiding-officer shall not recommence these election proceedings more than once.

Notice to
Minister.

84. If the application of section 83 does not permit the filling of all the offices on the council, notice thereof shall immediately be sent to the Regional Government and to the Minister. The Minister may then, after consultation with the Regional Government, appoint a person to fill each such vacant office until the next general election.

DIVISION V

PROCEEDINGS BETWEEN NOMINATION AND POLL

Polling
stations.

85. (1) When a poll is necessary, the presiding-officer shall establish one or more polling stations, having regard to the number of electors enrolled on the electoral list or to the size of the municipality.

Returning-
officer.

If need be, he shall appoint a returning-officer for each polling station in addition to that in which he intends to carry out the functions attributed to him under sections 86 to 95. Each returning-officer carries out in the polling station for which he is appointed the functions of the presiding-officer under such sections.

Polling
clerk.

(2) The presiding-officer may also, if he deems it appropriate, appoint for each polling station a polling clerk who shall assist the presiding-officer or the returning-officer, as the case may be, in discharging his duties.

Public
notice:

(3) The presiding-officer shall give without delay a public notice indicating:

Place of
polling
stations;

1. the place where any polling station is established;

Appor-
tionment
of electors;

2. if there is more than one polling station, the apportionment of the electors that shall vote in each of them, based on a territorial division or an alphabetical or other division of the electors;

Appoint-
ments.

3. the appointment of any polling clerk or returning-officer, if need be.

Docu-
ments,
etc., for
ballot.

(4) The presiding-officer shall obtain or cause to be prepared all documents and accessories necessary for a secret ballot to be held, including ballot papers and ballot boxes, and shall furnish a sufficient quantity thereof to each returning-officer, if need be.

Ballot
paper.

The ballot paper shall be a paper on which the names of the candidates, together with their syllabic transcription, are alphabetically arranged and printed.

DIVISION VI

VOTING

Hours for
polling.

86. On voting day, the poll shall be opened from nine o'clock in the forenoon until six o'clock in the afternoon. The council may, by by-law, fix a later hour than six o'clock in the afternoon, but not later than eight o'clock in the same day, for the closing of the poll.

Persons
admitted.

87. In addition to the presiding-officer, the only persons who shall be permitted, during the time that the polling station is open, to remain in the room where the votes are given, shall be the election officers, the candidates and not more than two agents or representatives duly appointed by each of the candidates.

Secret
ballot.

88. An elector shall vote by secret ballot. Before giving a ballot-paper to any person qualified to vote at the poll, the presiding-officer shall write, on the back of the ballot-paper, the initials of his surname and given names and on the back of the counterfoil of such ballot-paper, the same number as he has written opposite the voter's name in the poll-book in such a way that when the ballot-paper is folded, those initials and that number remain visible.

Instructing
voters.

The presiding-officer shall instruct the voter on how to mark and fold his ballot-paper but without inquiring about his voting intentions, except in the cases provided in section 90.

Mode of
voting.

89. The voter, on receiving his ballot-paper, shall forthwith enter one of the compartments of the poll. He shall there mark his ballot-paper, making a cross with a black lead pencil within the blank space opposite the name of the candidate in favour of whom he wishes to vote; he shall then fold the ballot-paper so that the initials and the number written by the presiding-officer can be seen without opening it. He shall then return his ballot-paper to the presiding-officer.

Depositing
ballot-
paper in
ballot-box.

The latter shall, without unfolding the ballot-paper, first ascertain by examining his initials and the number marked on the counterfoil that it is the same ballot-paper as he furnished to the voter; then, in full view of all those present, including the voter, he shall detach the counterfoil, destroy it and place the ballot-paper in the ballot-box, which must be on a table in full view of all the persons present.

Spoiled
ballot-
paper.

A voter who has inadvertently marked, spotted or torn his ballot-paper so that it cannot conveniently be used may, on returning it to the presiding-officer, obtain another in its place.

Cancellation.

The presiding-officer shall cancel the first ballot-paper by writing thereon the word "null" with the initials of his surname and given names.

Assistance
to voter.

90. The presiding-officer, upon the application of any voter who is unable to read or is incapacitated by any physical cause from voting in the manner prescribed, shall assist such elector by marking his ballot-paper in the manner directed by such elector in the sole presence of the candidates or their agents or representatives.

No delay. **91.** Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot-paper has been put into the ballot-box.

Entries in poll-book. **92.** The presiding-officer shall enter in the poll book opposite the name of each elector voting the word "voted" as soon as his ballot-paper has been deposited in the ballot box.

Witness. **93.** No elector summoned as a witness before any judge or court in Québec shall be compelled to be or appear before such judge or court on the day during which voting takes place.

Employer. **94.** Every employer on polling day must allow each elector in his employ at least four hours to vote besides the time usually allowed for the midday meal and shall make no deduction from the salary of such elector.

DIVISION VII

CLOSE OF THE POLL AND PROCEEDINGS THEREAFTER

Closing of poll and counting of votes. **95.** At the closing time of the poll voting shall be closed. The presiding-officer shall close the poll and proceed to the counting of the votes. In counting the votes, the presiding-officer shall reject

- (a) every ballot-paper that has not been supplied by him;
- (b) every ballot-paper upon which more than one vote appears;
- (c) every ballot-paper upon which there is any writing or mark by which the voter could be identified;
- (d) every unmarked ballot-paper and every ballot-paper that is null because the intention of the voter is not clearly shown;
- (e) every ballot-paper which does not bear his initials.

List of number of votes. The presiding-officer shall then draw up the list of the number of votes given for each candidate.

Proclamation. **96.** (1) As soon as the final result of the poll is known, the presiding-officer shall at once proclaim elected for the office of mayor or regional councillor the candidate who is found to have obtained the greatest number of votes and give public notice thereof.

Idem. (2) The presiding-officer shall also proclaim elected for the other offices of councillor the candidates having obtained the greatest number of votes, in sufficient number to fill the said offices, and he shall give public notice thereof.

Drawing
of lots.

(3) In the case of equality of votes, the presiding-officer shall proceed by a public drawing of lots and proclaim elected the person whom the drawing has favoured.

Copy of
public
notice.

(4) Copy of the public notice shall be inserted in the books of the municipal corporation.

Custody of
documents.

97. The secretary-treasurer of the municipal corporation shall retain in his custody among the archives of the municipality the papers sent to him by a returning-officer with the return,

1. for at least one year, if the election is not contested during that time; and,

2. if the election is contested, then for one year after the termination of such contestation.

DIVISION VIII

SECRECY OF VOTING

Secrecy of
voting.

98. Every candidate, election officer, agent or representative of a candidate, in attendance at a polling station, shall maintain and aid in maintaining the secrecy of the voting at such polling station; and no such candidate, officer, agent or representative shall, before the poll is closed, communicate to any person any information as to whether any person on the list of electors has or has not applied for a ballot-paper or voted at that polling station.

Interfering
with
elector.

99. No candidate, election officer, agent, representative or other person shall interfere with or attempt to interfere with an elector when marking his ballot-paper, or otherwise attempt to obtain at the polling station information as to the candidate for whom any elector at such polling station is about to vote or has voted.

Disclosing
informa-
tion.

100. No candidate, election officer, agent, representative or other person shall communicate at any time to any person any information obtained at a polling station as to the candidate for whom any elector is about to vote or has voted.

Secrecy
during
counting
of votes.

101. Every candidate, election officer, agent or representative of a candidate in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no such candidate, officer, agent or representative shall attempt to obtain at such counting any information or communicate

any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot-paper.

Legal
proceed-
ing.

102. No person who has voted at an election shall, in any legal proceeding questioning the election, be required to state for whom he voted.

DIVISION IX

MISCELLANEOUS

Nomina-
tion
papers.

103. No election shall be declared invalid by reason of any want of qualification in the persons signing a nomination paper received by the presiding-officer under the provisions of this chapter.

Informali-
ties.

104. No election shall be declared invalid by reason of non-compliance with the provisions of this chapter as to the taking of the poll or counting of the votes, if it appears to the court having cognizance of the question that the election was conducted in accordance with the principles laid down in this chapter, and that such non-compliance or mistake has not affected the result of the election.

Delays.

No election shall be declared invalid by reason of non-compliance with the provisions of this chapter regarding delays, unless it appears to the court that such non-compliance may have affected the result of the election.

CHAPTER III

CONTESTED ELECTIONS

Contesta-
tions.

105. Every elector may contest the election of the mayor or of a councillor.

Grounds.

The contestation may be based on the ground of violence, corruption, fraud or incapacity or on the ground of non-compliance with the necessary formalities.

Notice.

106. The contestation is brought by the filing of a notice of contestation with the Regional Government, within thirty days of the publication of the notice proclaiming the contested election.

Filing.

Filing is done at the office of the Regional Government the officers of which must, if so required by the elector, assist the

elector in the drawing up of the notice. The notice may also be transmitted by mail and the date of filing is then the date of the post-mark.

Hearing. **107.** After receipt of a notice, the Regional Government shall meet the elector and the person whose election is being contested.

Suggestion by Regional Government, etc. According to the conclusions it has reached pursuant to its inquiry, the Regional Government shall suggest either to the elector that he withdraw his notice of contestation or to the elected person that he renounce his office. This suggestion is made in writing not later than sixty days from the filing of the notice. Copy of the document proposing the suggestion shall be transmitted to the elector having filed the notice of contestation and to the person whose election is being contested.

Ordinary action. **108.** If, ninety days after the filing of the notice, the intervention of the Regional Government has, in the opinion of the elector, been unsuccessful, the latter may directly bring an ordinary action in contestation of election before the Provincial Court.

Service. The action must be served on the Regional Government and on the person whose election is being contested, not later than one hundred and twenty-days after the filing of the notice of contestation, on pain of nullity.

CHAPTER IV

VACANCIES IN MUNICIPAL COUNCILS

Resignation. **109.** (1) The mayor or any councillor may resign his seat in the council by transmitting his resignation signed by himself to the secretary-treasurer; the term of office of the mayor or councillor shall expire upon the delivery of the writing to the secretary-treasurer, who shall transmit it to the council at the next sitting.

Death. (2) The death of the mayor or a councillor shall terminate his term of office.

Failure to attend sittings. (3) The term of office of the mayor or councillor shall also terminate if he has failed to attend at least three consecutive regular sittings of the council. The regional councillor shall, however, not be deemed to have failed to attend a sitting when absent to discharge his duties in the Regional Government.

Election annulled, etc. (4) Whenever the Provincial Court annuls the election of the mayor or a councillor or a member of the council loses the eligibility or qualification required by law during his tenure of office, such office shall *ipso facto* become vacant.

Filling
vacancies
before
general
elections.

110. Where the office of mayor or of ordinary councillor becomes vacant more than six months before the general election fixed by section 66, the other members of the council shall, within fifteen days following the vacancy, elect a person who has the qualifications required by section 19 and is not incompetent under section 20 to fill that office for the remainder of the term. If the vacant office is that of the mayor, the elected person may be chosen from among the other members of the council. The election shall be by secret ballot and the secretary-treasurer shall proclaim elected the person who obtains a majority of the votes of the members of the council present. In case of a tie-vote, the elected person is designated by a drawing of lots.

Excep-
tions.

111. However, if

(a) the election of mayor and councillors has not taken place within the time prescribed by this act or, the election having taken place, an insufficient number of members of the council has been elected;

(b) by reason of vacancies, there remains less than a quorum of the members of the council in office;

(c) the office of regional councillor becomes vacant; or

(d) the council has not availed itself of the provisions of section 110,

Notice,
etc.

notice thereof must be sent forthwith by the secretary-treasurer to the Regional Government. Proceedings for a new election to fill the vacancies must then be commenced immediately. Such election must be conducted in the same manner as a general election, *mutatis mutandis*. These election proceedings are not to take place more than once.

Recom-
menda-
tions.

112. Whenever the election contemplated by section 111 has not taken place or whenever it has not permitted the filling of all the vacancies, the Regional Government shall make to the council the recommendations it considers appropriate. If these recommendations are not accepted, the Regional Government shall transmit them to the Minister.

Appoint-
ment by
Minister.

113. On receiving the recommendations of the Regional Government, the Minister may appoint a person to fill each vacant office until the next general election.

Term.

114. Every member of a council elected or appointed to replace another holds office only for the remainder of the term for which his predecessor had been elected or appointed.

TITLE IV

SITTINGS OF THE COUNCIL

Place. **115.** The council sits at the place determined by the letters patent for the first sitting of the council until by resolution it has fixed upon some other place within the limits of the municipality. The sittings of the council shall be public.

Date, etc. In the case of a newly formed municipality, the first sitting of the council shall be held on the second Wednesday following the election, at the hour of eight o'clock in the evening.

Presiding officer. The sittings of the council are presided over by the mayor or acting mayor or in their absence by one of its members chosen from among the councillors present.

Internal operations, etc. **116.** The council may establish and enforce rules and regulations governing its internal operations and for the maintenance of order during its sittings.

Quorum. **117.** The majority of the members of the council shall constitute a quorum for the transaction of business. If there is no quorum, two members of the council, half an hour after its being established that there is no quorum, may adjourn a sitting to a later date.

Notice. Notice of such adjournment must be given by the secretary-treasurer to all members of the council who were not present at such adjournment.

Dates, etc. **118.** The council shall meet at least once a month, in general or ordinary sitting, to dispatch the business of the municipal corporation, and shall hold its sittings on the day and at the hours which it determines by by-law. The mayor or half the members of the council may also call a special sitting of the council.

Adjournment. If, at any sitting, the business cannot be fully disposed of, the council may adjourn as often as may be deemed necessary for the consideration and disposal of the unfinished business, without its being necessary to give notice of such adjournment to the members present or absent; but no new business shall be brought or considered upon any adjournment of a special sitting, unless all the members of the council are present and consent.

Notice of special sittings. **119.** Notice of convocation to all special sittings of the council must be given to each of its members at least twenty-four hours before the time fixed for the commencement of the sitting.

Agenda. **120.** At a special sitting of the council, only the subjects or matters mentioned in the notice may be taken into consideration, except with the unanimous consent of the members of the council if they are all present.

Disputed question. **121.** Every disputed question is decided by a majority of the votes of the members present except in cases where any by-law or provision of the law requires a greater number of concordant votes. When a vote results in a tie, the decision shall be deemed to be in the negative.

Interested member. **122.** No member of the council may vote upon a question in which he has a personal interest distinct from the general interest of the other ratepayers. The council, in case of objection, decides, at the time of the vote, whether such member has or has not a personal interest and such member is not entitled to vote upon the question as to whether he is interested.

Third party. Should an interested member of the council give his vote without objection, such vote does not nullify the proceedings of the council with respect to third parties in good faith.

Question referred. **123.** If the majority of the members of the council have a personal interest in any question submitted to their decision, such question must be referred to the Regional Government, which, in respect of the consideration and decision of such question, possesses all the rights and privileges, and is subject to all the obligations of the council.

Obligation to vote. **124.** Every member present at a sitting of the council is bound to vote, unless he is prevented therefrom by reason of personal interest.

Oral vote. Every vote must be given orally and, upon demand, the votes are entered in the minute-book of the council.

TITLE V

MUNICIPAL NOTICES

Special and public notices. **125.** Every notice is either special or public. Every special notice may be given verbally or in writing; public notices must be in writing.

Formalities. **126.** Every special notice given in writing must be either delivered by the person who gives it or posted in the office of the municipal corporation. Every public notice is given by posting a copy of such notice in the office of the municipal corporation.

Attestation
and
content.

127. Every notice in writing must be attested by the person who gives it and must contain:

(1) the name of the municipal corporation, when such notice is given by an officer or by a member of the council;

(2) the name, official capacity and signature of the person who gives it;

(3) a sufficient description of those to whom it is addressed;

(4) the place where and the time when it is given;

(5) the object for which it is given;

(6) the place, day and hour at which those summoned to answer such notice must do so.

Certif-
icate.

128. The original of every notice in writing must be accompanied by a certificate of delivery or posting.

Filing.

The original of such notice and the certificate which accompanies it must be filed by the person who has given it in the office of the municipal corporation to form part of the archives thereof.

Content.

129. The certificate must set forth:

(1) the name, residence, official capacity and signature of the person who has given it;

(2) a summary statement of the manner in which the notice was delivered or posted;

(3) the place, day and hour of delivery or posting.

Transcrip-
tion.

Such certificate is written either on the original notice or on a paper annexed thereto.

Affirma-
tion by
person.

130. In the case of a special notice given verbally, the affirmation of the person who gave such notice takes the place of the certificate of delivery or posting; such affirmation is only required in case of contestation and must mention the object of the notice.

Acquies-
cence.

131. Whosoever has acquiesced in the requirements of a notice, or who has, in any manner, become sufficiently acquainted with its tenor or object, cannot thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service.

Posting-
up.

132. Any enactment or proceeding of the council must be posted in the same manner as public notices.

TITLE VI

RESOLUTIONS

Resolu-
tions.

133. Every municipal corporation shall decide and exercise by resolution all acts of administration concerning it which are not incompatible with the provisions of this act. All powers not required to be decided and exercised by by-law shall be exercised and decided by resolution.

TITLE VII

REFERENDA

Referen-
dum.

134. Of its own motion, the council may submit, to the persons entered on the electoral list in force, any question that may be the subject of a decision of the council.

Question,
etc.

The question shall be defined by resolution and the vote held in the manner provided in sections 153 to 156, the provisions of which shall apply *mutatis mutandis*.

TITLE VIII

BY-LAWS OF THE COUNCIL

CHAPTER I

FORMALITIES RESPECTING BY-LAWS

DIVISION I

PASSING, PUBLICATION AND COMING INTO FORCE OF BY-LAWS

Notice of
motion,
etc.

135. Every by-law must, on pain of nullity, be preceded by a notice of motion given at a sitting of the council, and it must be read and passed only at a subsequent sitting held on a later date.

Signature.

136. The original of every by-law, to be authentic, must be signed either by the mayor of the municipal corporation or the person presiding at the sitting of the council at the time such by-law was passed and by the secretary-treasurer.

Certif-
icate of
approval.

If it was necessary to submit the by-law for one or more approvals before it could come into force, a certificate under the signature of the mayor and of the secretary-treasurer certifying the date and the fact of each of these approvals must accompany and forms part of the original of such by-law.

Register
of by-laws.

137. Every by-law must be entered at length in a special book entitled "Register of by-laws of the municipal corporation of . . ."; such entries must be signed by the mayor and countersigned by the secretary-treasurer.

Date of
posting-up.

The secretary-treasurer must further indicate at the end of every by-law the date of the posting-up of the notice of publication of such by-law.

Coming
into force.

138. Except where otherwise provided by law, every by-law of the municipal corporation shall come into effect and have force of law, if not otherwise provided for therein, on the day of the publication thereof.

Publica-
tion.

139. Every by-law is published within thirty days of the passing thereof or of its final approval, if it has been submitted for approval, by public notice mentioning the object of the by-law, the date of the passing thereof and the place where communication thereof may be had. Such notice is given under the hand of the secretary-treasurer and posted in the ordinary manner.

Mention
in notice.

If the by-law has received one or more approvals, the notice of publication must mention the date and the fact of each of these approvals.

Re-publica-
tion.

140. Every by-law which comes into force only at some stated period must be published again by posting at least fifteen days before such period.

Remains in
force.

141. Every by-law remains in force and is executory until it has been amended, repealed, annulled or disallowed by competent authority or until the expiration of the delay for which it was made.

Repeal,
etc.

142. No by-law can be repealed or amended except by another by-law. No by-law which, before coming into force and effect, was submitted to one or more approvals can be amended or repealed except by another by-law approved in the same manner.

Public law.

143. Every by-law passed by the council shall, when published, be deemed public law within the municipality and outside of the same in so far as within the jurisdiction of the council, and it shall not be necessary to allege it specially.

Certified
copies.

144. A copy of any by-law, duly enacted, shall be received as evidence, provided that the same is signed and certified by the secretary-treasurer, and sealed with the corporate seal of the municipal corporation, without any proof being necessary of the validity of the corporate seal of the municipal corporation, or the signature of the said secretary-treasurer, saving the right of any party attacking the by-law to proceed against the same by improbation.

DIVISION II

PENALTIES ENACTED BY BY-LAW AND RECOVERY OF FINES

Fine for
infrac-
tion.

145. (1) The council may impose by by-law, for every infraction of a by-law, a fine amounting to not more than \$300, unless the Minister fixes from time to time a higher amount.

Discretion.

(2) Whenever, instead of a fixed penalty, a by-law provides either a maximum and minimum penalty, or a maximum penalty only, the court may, at its discretion, impose, in the first instance, such penalty as it may see fit within the limits of such maximum and such minimum and, in the second instance, such penalty as it may see fit up to the extent of such maximum.

Order.

(3) The court convicting an accused for the breach of a by-law may, in addition to any fine it may impose, issue an order to enjoin that person to refrain from committing any further such offence or cease to carry on any activity specified in the order, the carrying on of which will or is likely to result in the committing of any further such offence.

Suspension
of permit,
etc.

(4) The court convicting an accused for the breach of a by-law may, in addition to any fine it may impose, if such accused is the holder of a permit, licence or certificate granted under a by-law of the municipal corporation, suspend such permit, licence or certificate for the period that it deems appropriate, or revoke the same, or prohibit the renewal thereof during the period that it deems appropriate.

Exception.

This paragraph shall not apply to a construction permit nor to a subdivision permit.

Penalties.

146. No penalty can be imposed for the violation of any by-law unless it is fully described and set forth therein.

Infraction
continues.

If the infraction of a by-law continues, such continuation shall constitute a separate offence day by day, save in the case of good faith.

- 147.** Fines imposed by the by-laws of the council shall be recoverable on summary proceeding in accordance with the Summary Convictions Act (Revised Statutes, 1964, chapter 235).
- 148.** All fines incurred by the same person may be included in the same suit.
- 149.** Every prosecution for the recovery of such fines shall be begun within six months from the date when they are incurred, and cannot be brought thereafter.
- Such prosecution may be brought by the municipal corporation or by any person of age, in his own name, regardless of whether he has suffered any special damage.
- 150.** Fines recovered in virtue of the by-laws of the council or of the provisions of this act shall belong, unless it is otherwise provided, one-half to the prosecutor and the other half to the municipal corporation.
- If the prosecution has been brought by the municipal corporation, the fine shall belong wholly to it. If the fine is due by the municipal corporation, it shall belong wholly to the prosecutor.
- 151.** Any elector wishing a by-law to cease to be contravened repeatedly or continuously may file a notice of contravention with the Regional Government.
- Such notice shall be filed at the office of the Regional Government, whose functionaries must help the elector to draw up the notice, if the elector requires it. Furthermore, the notice may be sent by mail and the date of the post-mark is then considered as that of the filing.
- After receiving a notice, the Regional Government shall meet the elector, the representatives of the municipal corporation and, if necessary, the person accused of the contravention.
- Depending on the conclusions reached further to its inquiry, the Regional Government shall suggest either that the elector withdraw his notice of continuous contravention, or that the municipal corporation take certain measures, or that the person contemplated cease the exercise of an activity or change his behaviour.
- Such suggestion shall be made in writing, not later than sixty days after the filing of the notice. A copy of the document proposing the suggestion shall be sent to the elector, to the municipal corporation, as well as, if necessary, to the person accused of the contravention.

Motion. If, ninety days after the filing of the notice, the intervention by the Regional Government is, according to the elector's opinion, unsuccessful, the latter may serve a motion directly to a judge of the Provincial Court to obtain:

(a) the order contemplated in subsection 3 of section 145; or

(b) an order enjoining the municipal corporation to take the necessary measures for the contravention to cease.

Service. The motion must be served to the municipal corporation, to the Regional Government and, as the case may be, to the person accused of the contravention, not later than one hundred and twenty days after filing the notice of continuous contravention, under pain of nullity.

DIVISION III

APPROVAL AND DISALLOWANCE OF BY-LAWS

Enactment sufficient. **152.** Unless otherwise provided in this act, the enactment of the by-laws by the council shall be sufficient.

Vote by polling. **153.** When a by-law is submitted for the approval of the electors, the vote shall be taken by polling pursuant to the provisions governing elections in the municipality so far as they may be applicable and compatible with the provisions of this division.

Date of poll. **154.** The council or the mayor shall fix the date for the opening of the poll. Such date shall not be later than ninety days from the date of the passing of the by-law by the council.

Notice. The secretary-treasurer or the mayor shall at least fifteen days before the day fixed give public notice calling upon the electors. Only the electors entered on the electoral list in force shall be entitled to vote.

Form of ballot-papers. **155.** The following shall be printed on the ballot papers in lieu of the names of the candidates:

"Are you of the opinion that by-law no. (insert the no. of the by-law) respecting (insert the title or object of the by-law) should be adopted?"

1	YES
2	NO

Voting. The vote on the question submitted shall be given,

1. if in the affirmative, by marking a cross on the ballot paper in the space where the word "yes" appears;

2. if in the negative, by marking a cross on the ballot paper in the space where the word "no" appears.

Counting
votes.

156. At the close of the poll, the secretary-treasurer shall proceed to count the votes and shall make a list of them counting and separating the yeas and the nays. Except where provided otherwise in the law or a by-law, if the counting of the vote indicates a majority of affirmative votes, the by-law is deemed approved by the electors. In the event of a tie in the vote, the mayor shall give the casting vote.

List
certified.

Such list shall be certified by the secretary-treasurer and must declare whether the by-law has been approved or disapproved with the necessary particulars. Such list shall be laid before the council at its next sitting.

Deposit.

The poll book and the list of the votes shall be deposited in the archives of the municipal corporation.

Approval.

157. Whenever it is required that a by-law must, before having force or effect, receive the approval of the Government, the Minister or the Commission municipale du Québec, the secretary-treasurer, after such by-law has been approved by the electors, if such approval is required, must forward it to the authority whose approval is required, with certified copies of all documents tending to inform of the fulfilment of the provisions of the law and of the advisability of the passing of such by-law.

Formali-
ties.

158. Neither the Government nor the Minister nor the Commission municipale du Québec may approve a by-law unless satisfied that the formalities required for the passing of such by-law have been fulfilled.

Docu-
ments,
etc.,
necessary.

For such purpose, they may exact from the council which has passed the by-law submitted to their approval, all the documents and information they deem necessary for assuring themselves of the usefulness of the by-law or of the provisions of such by-law submitted to their approval.

By-law,
etc.,
executory.

159. The approval by the Government, the Minister or the Commission municipale du Québec of a by-law or other proceeding adopted by the council, in the cases where such approval is prescribed by a provision of this act, has no other effect than that of rendering such by-law or proceeding executory according to the law, and this may be done with the same effect in the form of an authorization. Such approval may be of a part only or qualified.

Copy to
Minister,
etc.

160. A copy of every by-law passed by the council must be transmitted without delay to the Minister and to the Regional Government.

Disallow-
ance.

The Government may, within the three months following the receipt of such copy by the Minister, disallow the by-law in whole or in part unless he or the Minister has previously approved it.

Publica-
tion.

Notice of such disallowance shall be published in the *Gazette officielle du Québec* and, from the day of such publication, the by-law shall be null and void.

DIVISION IV

CONTESTATION AND QUASHING OF BY-LAWS, RESOLUTIONS AND OTHER MUNICIPAL ENACTMENTS

Quashing.

161. Any elector may apply for the quashing of any by-law or part of a by-law of the council.

Notice.

Such application must be based on a ground of illegality. It shall start with filing a notice of application for quashing with the Regional Government, within three months next after the coming into force of the by-law.

Content.

The notice of application for quashing shall set forth in a clear and precise manner the reasons alleged in support of the application and shall be accompanied by a copy of the by-law impugned.

Filing.

Such notice shall be filed at the office of the Regional Government, whose functionaries must help the elector draw up the notice, if the elector requires it. Furthermore, the notice may be sent by mail and the date of the post-mark is then considered as that of the filing.

Meeting.

162. After receiving a notice, the Regional Government shall meet the elector and the representatives of the municipal corporation.

Suggestion
from
Regional
Govern-
ment.

Depending on the conclusions reached further to its inquiry, the Regional Government suggests either that the elector withdraw his notice of application for quashing, or that the municipal corporation correct, amend, repeal or replace the by-law.

Idem.

Such suggestion shall be made in writing, not later than sixty days after the filing of the notice. A copy of the document proposing the suggestion shall be sent to the elector who filed the notice of application for quashing, as well as to the municipal corporation.

Motion.

163. If, ninety days after the filing of the notice, the intervention by the Regional Government is, according to the elector's opinion, unsuccessful, the latter may serve a motion for quashing to the Superior Court.

Service. The motion must be served to the municipal corporation and to the Regional Government not later than one hundred and twenty days after filing the notice of application for quashing, under pain of nullity.

Decision. The Court shall proceed in a summary manner to hear the motion. It may, by the judgment, quash such by-law in whole or in part, order the service of such judgment to the municipal corporation and its publication by public notice in the municipality.

Effect. Every by-law or part of a by-law so quashed shall cease to be in force from the date of the judgment.

Responsibility. **164.** The municipal corporation shall be solely responsible for the damages and actions arising out of the enforcement of a by-law or part of a by-law whose quashing was obtained.

Applicability. **165.** This division shall also apply, *mutatis mutandis*, to the rolls, resolutions and other enactments of the municipal corporation and to the acts of its officers or employees.

CHAPTER II

BY-LAWS WITHIN THE JURISDICTION OF THE COUNCIL

DIVISION I

GENERAL POWERS

By-laws of council. **166.** The council may make by-laws to secure the peace, order, good government, health, general welfare and improvement of the municipality, provided such by-laws are not contrary to the laws of Canada and of Québec nor inconsistent with any special provision of this act.

Joint competence. Such by-laws shall not be contrary to the ordinances of the Regional Government in matters of joint competence.

Permit, etc. **167.** Where the application of a by-law contemplated in one of sections 173, 174, 176, 179, 188 to 198, 201 or 202 involves, to have effect, that certain persons should hold a permit or a certificate, the council may provide for the issuing of such permit or certificate, against payment of certain fees of which it establishes the tariff.

Agreements. **168.** Any municipal corporation may, by by-law of its council previously approved by the Minister, make with any public body, including a municipal corporation, however constituted, a commu-

nity, an association and a school board, agreements respecting the exercise of its jurisdiction; it may then carry out such agreements and exercise the rights and privileges and fulfil the obligations arising therefrom, even outside its territory.

Agree-
ments with
Govt. of
Canada,
etc.

It may also, by by-law of its council previously approved by the Government, make similar agreements with the Government of Canada, any body thereof, or any public body mentioned in the foregoing paragraph and situated outside of Québec.

Joint
committee.

The council may provide in the agreement contemplated in the first or second paragraph for the establishment of a joint committee and may delegate to such committee all or part of its powers in respect of the subject matter of such agreement.

Third
parties.

Any agreement made in virtue of the present section shall be without prejudice to third parties.

Interpre-
tation.

For the purposes of the first paragraph, the words "community" and "association" include any group of persons formed for the pursuit of a common object in the Province, but not having civil personality nor being a partnership within the meaning of the Civil Code.

Powers.

169. The council may, by complying with the provisions of sections 170 and 171 and the expropriation procedure established by law,

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

(b) appropriate the whole or part of any road in the municipality and belonging to persons, firms or private corporations;

(c) appropriate any immoveable property, any part thereof or any servitude it may need for any municipal purpose.

Mutual
agreement.

The foregoing provisions of this section shall not be regarded as restricting the right which the council may otherwise have to acquire, by mutual agreement, immoveables for the same purposes.

Expro-
priation.

170. The council may not, without the authorization of the Government, expropriate the following properties:

(1) property belonging to Her Majesty, or held in trust for her use;

(2) property occupied by the federal or provincial government;

(3) property held or occupied by railway companies, fabriques, or religious, charitable or educational institutions or corporations;

(4) cemeteries, bishops' palaces, parsonages, and their dependencies.

Special
notice.

171. A special notice of the petition to obtain the authorization contemplated in section 170 must be served on each owner concerned and such notice shall state that after thirty days the petition will be submitted to the Government and that any opposition must be forwarded in writing to the Minister within such delay.

Census.

172. The council may make by-laws to take a census of the inhabitants of the municipality, for the purpose of ascertaining their number, and of obtaining statistics regarding their social and economic condition.

Birth, etc.,
certificate.

The council may also make by-laws to exact that, in all cases of birth or death, a certificate be deposited in the office of the municipal corporation.

DIVISION II

PUBLIC SECURITY

By-laws:

173. The council may make by-laws:

Inspection
of prop-
erty;

(1) to authorize an officer designated by it to visit and examine all moveable and immovable property, as also the interior or exterior of any house, building or edifice, to ascertain if the by-laws of the council are executed or for the purpose of adopting any measure deemed necessary for public security, and to require the occupants of such property, buildings and edifices to admit such officers of the municipal corporation;

Classifi-
cation of
dwellings,
etc.;

(2) to classify, for purposes of regulation, dwellings, commercial and industrial establishments and all other immovables, including public buildings;

Submission
of plans;

(3) to compel the prior submission of plans for the construction or alteration of buildings and projects for changes of the destination or use of an immovable or for the moving of a building, to the council, for security and sanitary purposes;

Certificate
prior to
occupation;

(4) to provide that no immovable newly erected or altered, or the destination or use of which has been changed shall be occupied before a certificate is issued by the municipal authority establishing that this immovable is in conformity with the by-laws of the municipal corporation;

Building
permit;

(5) to decree that no building permit shall be granted,

(a) unless the ground on which each proposed structure, including its dependencies, is to be built forms a separate lot on the official cadastral plan or on the subdivision plan made and deposited in accordance with article 2175 of the Civil Code;

(b) unless the lot on which a structure is to be erected is adjacent to a public street;

Abandoned,
etc.,
buildings,
etc.;

(6) to define what shall constitute abandoned, dilapidated or decayed buildings or structures and regulate the restoration or demolition of the same; the reconstruction or restoration of any building or structure shall be carried out in accordance with the by-laws in force at the time of such reconstruction or restoration;

Over-
crowding,
of prem-
ises;

(7) to adopt measures to prevent the overcrowding of premises used as lodgings;

Protection
of life, etc.;

(8) to protect the life and property of the inhabitants and prevent accidents such as may be caused by natural catastrophe, fire, mechanical defect or failure, or contamination from noxious substances;

Fire
depart-
ment;

(9) to organize, maintain and regulate a fire department and fire brigade; to appoint all officers and persons necessary for the extinction and suppression of fires and for the protection of persons and property from fire;

Demoli-
tion;

(10) to authorize the demolition of buildings, houses and fences, when deemed necessary to arrest the progress of fire, and to empower the mayor, the chief of the fire brigade or other officers to exercise this power; if there is no by-law, the mayor may, during a fire, exercise this power by giving special authority;

Blasting,
etc.;

(11) to regulate or prohibit blasting, and shooting with guns, pistols or other fire-arms, or arms discharged by means of compressed air or any other system;

Animals;

(12) to regulate the keeping of animals or to prohibit the keeping of certain species specified in the by-law;

Pounds.

(13) to establish pounds under the supervision and control of the council.

Motion to
court.

When the construction of a building is not or has not been made in conformity with the by-laws adopted under this section or under paragraph 2 of section 176, or when it is or has been done without obtaining a permit or certificate required under those by-laws, a judge of the Superior Court having jurisdiction in the territory may, upon motion, order appropriate modifications or that the building be demolished within such delays as he fixes, and order that on failure to do so within such delay the municipal corporation may effect such modifications or demolition at the expense of the owner of the building.

DIVISION III

PUBLIC HEALTH AND HYGIENE

- By-laws: **174.** The council may make by-laws:
- Food; (1) to provide for the inspection of food and other products and their containers, and for the seizure, confiscation and summary destruction of any such products or containers as are unsound, spoiled, or unwholesome; to prohibit the bringing into the municipality of such products and the keeping or selling of such products;
- Idem; (2) to regulate the construction and maintenance of places where food-stuffs are prepared, stored or sold;
- Fuels; (3) to regulate the construction and maintenance of places where fuels and noxious substances are stored or sold;
- Idem; (4) to regulate or prohibit the storage or sale of fuels or noxious substances;
- Public property, etc.; (5) to ensure the sanitary condition of public and private property and regulate or prohibit unwholesome undertakings and establishments;
- Ice-houses, etc.; (6) to inspect and regulate ice-houses and cold-storage establishments;
- Hides, etc.; (7) to regulate the location, construction, management and cleansing of storing places for hides and, generally, all places or establishments in which animal matter is dealt with;
- Cemeteries, etc.; (8) to regulate the establishment of cemeteries and burial sites and the burial and disinterment of the dead;
- Pollution of waters; (9) to prevent the pollution of the waters within or adjacent to the municipality and to provide for the cleansing and purification of municipal waters, and to compel the owner or occupant of any building or ground to remove from the premises owned or occupied by him all such offensive substances as the council may direct, and, upon his default, to authorize the removal or destruction thereof at the expense of such owner or occupant;
- Sewerage; (10) to regulate the sewerage of the municipality and to maintain and operate a sewage collection and disposal system;
- Waste; (11) to prevent the throwing out or depositing of waste and provide for the collection, removal and disposal of the same;
- Dumps; (12) to construct, equip and operate plants for the elimination or recycling of waste and to regulate or prohibit the use of places as dumps;
- Smoke, etc.; (13) to regulate or prohibit the escapement of smoke, gas and effluents from engines, factories or establishments;

Nuisance. (14) to define what shall constitute a nuisance and to regulate or prohibit the same, including noise.

Auction. **175.** The municipal corporation may cause to be sold at auction, by bailiff of the Superior Court, without any judicial proceedings and after the notices required for the sale of moveables under writ of execution, all moveable effects in its possession which are unclaimed within six months and which have been abandoned or are the proceeds of theft or have been seized or confiscated.

Liability. If such property is claimed after the sale, the municipal corporation shall be 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, and if they are claimed after destruction, the municipal corporation shall not be liable for the payment of any indemnity or compensation.

DIVISION IV

TOWN PLANNING AND LAND DEVELOPMENT

By-laws: **176.** The council may make by-laws:

Master plan, etc.; (1) to order the making of a master plan of the territory or of any part of the territory of the municipal corporation specifying the purposes for which each portion of the territory included in the plan may be used, and to enact that such master plan shall become obligatory; to oblige the owner of any land to submit beforehand to the council any plan for the division or re-division of such land or of any modification or cancellation in the book of reference of a subdivision, and to obtain from the council a subdivision permit;

Zones, etc.; (2) subject to the master plan of the municipality, to divide the municipality into zones of such number, shape and area as the council deems suitable for the purpose of such by-law and, with respect to each of such zones, to prescribe the architecture, dimensions, symmetry, alignment, destination, materials and the manner of assembling the same, of the structures which may be erected therein, the use of any immovable located therein, the area and dimensions of lots, the proportion of lots which may be occupied by structures, the space which must be left clear between structures and the lines of lots, the space which, on such lots, must be reserved and arranged for the parking of vehicles, and the manner of arranging such space. Every such by-law must, before coming into force, be approved by the affirmative vote of the majority

of the electors whose names appear on the electoral list in force, and who have voted on such by-law;

Trades,
etc.

(3) to regulate the carrying on of trades, businesses and industries of all kinds within the municipality.

DIVISION V

PUBLIC SERVICES

§ 1.—*Water supply*

Reser-
voirs, etc.

177. The council may make by-laws to provide for the establishment or acquiring, maintenance, management and regulation of reservoirs and water delivery systems to supply water to the municipality, and to instal apparatus for filtering and purifying water.

Tax.

178. The council may, by by-law, in order to meet the interest on, and constitute a fund to reimburse the capital of, the sums expended in the construction and maintenance of reservoirs and water delivery systems, impose on all owners or occupants of immoveables in the municipality, an annual tax at a rate to be fixed by it, based on the area of each immoveable.

By-laws:

179. The council may make by-laws:

Use of
water,
etc.;

(1) to prohibit any occupant of a house or building supplied with water from furnishing such water to others, or from using it otherwise than for his own use, or from wasting it;

Water-
closets,
etc.;

(2) to prescribe the size, quality, strength, and location of water-closets, baths, and other similar apparatus;

Pollution;

(3) to prevent the pollution of the water in the reservoirs and the practising of frauds upon the municipal corporation with regard to the supply of water;

Compensation for
water,
etc.;

(4) to establish the compensation for water and provide for payment thereof; to supply meters for buildings or establishments, for measuring the quantity of water used therein and fix the amount to be paid for the rent of meters;

Other
matters.

(5) to provide for any other matter or thing of any nature or kind whatsoever, having reference to water delivery systems, which it may be necessary to regulate, determine or prohibit for its proper working.

Special
agreement.

180. The municipal corporation may make a special agreement with consumers for the supply of water in special cases,

where it is considered that there is more than the ordinary consumption of water.

Levying
tax, etc.

181. The tax levied under section 178, the compensation for water services, as well as all other taxes due for water or for meters, shall be levied according to the rules and in the manner prescribed by the council.

Public
notice.

182. As soon as the municipal corporation is ready to furnish water to any part of the municipality not already supplied, public notice thereof shall be given, and, after such notice, all persons liable to the payment of compensation for water services in such part of the municipality, whether they consent or not to receive the water, shall pay the compensation fixed by the tariff.

Cutting -
off water.

183. If any person causes or allows any apparatus to be out of repair, or to be so used that the water supplied from the water delivery system is wasted, or unduly consumed, or if he refuses or neglects to pay the compensation lawfully imposed for the water supplied to him, for thirty days after the same is due and payable, the municipal corporation may discontinue the supply so long as the person is in default, which shall not, however, exempt such person from the payment of such compensation, as if the water had been supplied to him without interruption.

Inspection.

184. The officers appointed for the management of water delivery systems may enter into any house or building, or upon any property whether situated within or without the municipality, for the purpose of satisfying themselves that the water is not wasted and that the by-laws relative to water are faithfully carried out.

Duty of
owners,
etc.

The owners or occupants of any such house, building or property shall allow the officers to make such visit or examination. The supply of water may be discontinued to any person refusing to admit the officers, so long as such refusal continues.

Quantity
not guar-
anteed.

185. The municipal corporation shall not be bound to warrant the quantity of water to be supplied; and no person may refuse, on account of the insufficiency of the water-supply, to pay the compensation for the use of the water.

Supplying
outside
municipality.

186. The council may also make special agreements for the supply of water beyond the municipality, provided that the persons with whom such agreements are made comply with the by-laws respecting the management of the water delivery system.

Council's
rights
transfer-
able.

187. The council may, by by-law, transfer its rights and powers respecting the water-supply to any person willing to under-

take the same, provided that such person does not exact, for the use of the water, rates higher than those approved or determined by by-law of the council.

§ 2.—*Lighting*

By-laws. **188.** The council may make by-laws providing for the lighting of the municipality by means of electric or other light furnished by any person, and the municipal corporation may become a party to any contract to that effect.

Lighting system. **189.** The council shall have all the necessary powers for the establishment and management of a system of lighting by electricity or otherwise, for the requirements of the public and of private individuals or companies desiring to light their houses, buildings or establishments.

Extension of contract, etc. **190.** At the expiration of the term mentioned in any contract entered into between the council and any public utility company, respecting the supplying of electricity for light, heat and power by such company to the municipal corporation which itself distributes the same to its ratepayers, the Régie de l'électricité et du gaz, on petition to that effect, may order that the contract be extended or renewed on such other or similar terms, prices and conditions as it may determine.

Tax. **191.** The council may by by-law, in order to meet the interest on, and constitute a fund to reimburse the capital of, the sums expended in the establishment of lighting systems, impose on all owners or occupants of immoveable property in the municipality an annual tax at the rate to be fixed by it, based on the area of each property.

By-laws: **192.** The council may make by-laws:

Compensation, etc.; (1) if the lighting system belongs to the municipal corporation, (a) to determine, in addition to the tax mentioned in section 191, the compensation to be paid for light and for the rent of meters, and for supplying meters to measure the quantity of light consumed;

(b) to prevent fraud in connection with the quantity of light supplied;

(c) to protect the wires, pipes, lamps, apparatus and other articles serving for the distribution of light;

Penalties. (2) if the lighting system belongs to the municipal corporation or to others, to impose penalties against persons extinguishing the lamps without authority.

Levying tax, etc. **193.** The tax and the compensation imposed under sections 191 and 192 shall be levied according to the rules and in the manner prescribed by the council.

Use of light optional. **194.** Any citizen may accept or refuse to use the light supplied by the municipal corporation in any building, house or establishment controlled by him.

Inspection. **195.** The officers appointed to manage the lighting system of the municipal corporation may enter any building, house or establishment, and upon any property, for the purpose of ascertaining whether the by-laws respecting lighting are faithfully observed.

Duty of owners, etc. The owners or occupants of all such buildings, houses, establishments or properties shall allow such officers to enter and make such inspection or examination.

Placing posts, etc. **196.** The owners or occupants of houses, buildings or lands in the municipality shall, whether the lighting system belongs to the municipal corporation or to others, permit the pipes, wires, lamps and posts necessary for the lighting for public purposes to be placed on their houses, buildings or lands, subject to the payment of actual damage, if any be occasioned thereby.

Hydro-Québec. **197.** Nothing in this subdivision shall be construed as subjecting Hydro-Québec or its successors to any additional jurisdiction or control than that found in the Hydro-Québec Act (Revised Statutes, 1964, chapter 86) or other provincial acts of general application.

§ 3.—*Heating and power*

Heating systems, etc. **198.** The council shall have all the powers necessary for the establishment and administration of any system of heating and power development by means of electricity or otherwise for the use of the public, or of private persons or corporations desiring to make use thereof in their houses, buildings or establishments. Sections 188 to 197 shall apply, *mutatis mutandis*, to this section.

§ 4.—*Municipal roads*

- By-laws: **199.** The council may make by-laws:
- streets; (1) subject to the master plan of the municipality, to order the opening, closing, widening, extension, changing, improvement, maintaining or regulation of streets and roads and to regulate the locating, constructing and maintaining of sidewalks and bridges; however, the by-law ordering the closing of streets must provide for an indemnity, if there is occasion therefor, and shall be subject to the approval of the Commission municipale du Québec before coming into force;
- naming
of streets; (2) to give names to, or change the names of, streets, lanes or public places and regulate the numbering of houses and buildings;
- preventing
accidents
in winter. (3) to prescribe the measures necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses and other buildings; every person obliged by by-law to care for any sidewalk or roof, shall be responsible towards the municipal corporation for damages resulting from his neglect to fulfill his obligations in this respect, and may be called in warranty in any case instituted against the municipal corporation for damages.
- Responsi-
bility. **200.** The municipal corporation shall be responsible in damages for the bad state of streets, roads, sidewalks, bridges, public places and municipal watercourses.

§ 5.—*Traffic and transportation*

- By-laws: **201.** The council may make by-laws:
- Public trans-
portation; (1) to establish and regulate public transportation services and facilities;
- Motor
vehicles; (2) to regulate the use and speed of motor vehicles, both on land and water;
- Noxious,
etc., sub-
stances; (3) to regulate or prohibit the transportation of noxious and other dangerous substances;
- Noisy
vehicles; (4) to regulate or prohibit the use of noisy vehicles;
- Diversion
of traffic; (5) to authorize the diversion of traffic in the streets of the municipality for the performance of work thereon and for any other reason of necessity or emergency;
- All-terrain
vehicles,
etc.; (6) to prescribe, maintain and regulate passageways for, and the use of all-terrain vehicles, vehicles not following roads,

and hovercraft; to regulate the use of such vehicles in accordance with any provincial regulations governing such vehicles;

Parking; (7) to establish, maintain and regulate parking places or buildings for vehicles;

Trailers, etc.; (8) to establish, maintain and regulate grounds for the parking of trailers and mobile homes and to prohibit the parking and use of trailers, mobile homes or other vehicles as dwellings or commercial establishments outside such grounds;

Airports, etc.; (9) to establish, maintain and regulate airports or airstrips for airplanes or other aircraft; and

Harbours, etc. (10) to establish, maintain and regulate harbours, wharves, dry-docks and other landing places for ships, boats and other craft.

DIVISION VI

RECREATION AND CULTURE

By-laws: **202.** The council may make by-laws:

Recreational centres, etc.; (1) to establish, equip, maintain and improve recreational centres, playgrounds and parks;

Public baths, etc.; (2) to establish and maintain public baths, privies and lavatories, to regulate marinas in the waters comprised within its jurisdiction, and to regulate public or private swimming pools or areas;

Community radio aerials, etc.; (3) to establish and administer a system of community radio and television aerials for the needs of those wishing to make use thereof, and to regulate the installation, maintenance, number and height of television and radio aerials; the council, however, shall not acquire by expropriation the existing systems in the municipality; and

Public libraries, etc. (4) to establish and maintain free public libraries, library associations, handicrafts institutes, reading-rooms and public museums, exhibitions and fairs for historical, literary, artistic or scientific purposes.

TITLE IX

PUBLIC WORKS OF THE CORPORATION

- 203.** All public works of the municipal corporation are performed at the expense of the municipal corporation which orders them by contract awarded and passed according to the rules set forth in this title.
- 204.** (1) Unless it involves an expenditure of less than \$10,000, no contract for the execution of municipal works or the supply of equipment or materials shall be awarded except after a call for public tenders specifying the work to be performed.
- (2) The delay for the receipt of tenders shall not be less than fifteen days.
- (3) Tenders shall not be called for, nor shall the contracts resulting therefrom be awarded except on one or the other of the following bases:
- (a) for a fixed price;
 - (b) at unit prices.
- (4) All tenders must be opened publicly in the presence of at least two witnesses, on the day and at the hour and place mentioned in the call for tenders.
- (5) All those who have tendered may be present at the opening of the tenders.
- (6) The names of the tenderers and their respective prices must be mentioned aloud at the opening of the tenders.
- (7) The council shall not be obliged to accept either the lowest or any other tender.
- (8) The municipal corporation shall not, without the previous authorization of the Minister, award the contract to any person except the one who made the lowest tender within the prescribed delay.
- (9) The contract shall be awarded by resolution.
- 205.** No contract is valid or binding upon the municipal corporation unless the by-law authorizing the work has provided for the appropriation of the moneys required for paying the costs of the same.
- 206.** The contract is made in the name of the municipal corporation and accepted by the mayor or by a member of the council specially authorized for that purpose.

Security.

207. The person to whom such work is awarded must give security to the satisfaction of the council for the due performance thereof and for the payment of all damages, interest and costs.

TITLE X

MUNICIPAL FINANCES

CHAPTER I

GENERAL PROVISIONS

Fiscal
year.

208. The fiscal year of the municipal corporation shall begin on the first of January and end on the thirty-first of December of each year and the taxes and yearly assessments shall be payable at the dates determined by the council.

Budget.

209. Between the first and the thirty-first of October of each year, the council shall prepare and adopt its budget for the next fiscal year and maintain a balance between the revenues and expenditures provided for therein.

Trans-
mission to
Minister.

Such budget shall be transmitted to the Minister and to the Regional Government in the month of November of the year in which it is prepared.

Additional
delay.

Upon sufficient proof that the council has in fact been unable to prepare, adopt or transmit such budget within the prescribed delay, the Minister may grant any additional delay that he may determine for such purpose.

Receiving
revenues.

210. All fees, licences, fines, revenues, taxes, subsidies and grants accruing or belonging to or received by the municipal corporation shall be paid to and received by the secretary-treasurer alone or by the officer designated by him for that purpose; and no other officer shall, under any pretext, receive them unless specially authorized by the council to do so.

General
fund.

211. (1) All sums of money not especially appropriated shall form part of the general fund of the municipal corporation.

Unused
grants.

(2) Any grant or subsidy made to a municipal corporation and not specially appropriated by the by-law ordering the works or the expenditures may be paid in whole or in part to the general fund of the municipal corporation.

Surplus. (3) Saving the case provided in section 7 of the Municipal and School Debt and Loan Act (Revised Statutes, 1964, chapter 171), whenever the municipal corporation has collected a sum exceeding the sum required for the purposes for which such sum was raised, the surplus shall belong to the municipal corporation and fall into the general fund thereof.

Use of general fund. (4) All sums of money forming part of the general fund of the municipal corporation may be employed for any purpose within the jurisdiction of the council.

Finance by-laws. **212.** The council may make such by-laws as it may deem expedient for the management and administration of its finances, and determine the formalities to which payments out of the funds of the municipal corporation shall be subject.

Deposit and investment. **213.** Every municipal corporation may deposit at interest in a Canadian chartered bank or savings and credit union, or invest in the public funds of Canada or of Québec, or loan on first hypothec, any moneys belonging to it.

CHAPTER II

TAXES AND LICENCES

Annual tax: **214.** The council may impose and levy annually:

Stock in trade, etc.: (1) on the stock in trade or articles of commerce of all descriptions kept by merchants and dealers and exposed for sale in shops, or kept in vaults, warehouses or store-warehouses; on all yards or depots for rough, sawn or manufactured wood or lumber; and on all yards or depots for coal or other articles of commerce kept for sale, a tax not exceeding the percentage of one per cent of the estimated value of such stock in trade or other articles of commerce, unless the Minister fixes from time to time a higher percentage;

Tenants: (2) on all tenants paying rent in the municipality, an annual tax of not more than a proportionate amount of rent, of eight per cent, unless the Minister fixes from time to time a greater amount.

Occupants. Every person occupying property or part of any property of which he is neither the owner nor the lessee shall be liable for the payment of such tax. Such tax shall then be based on the rental value of such property or part of such property, as determined by the roll of rental values or, where no such roll exists, as estimated by the council.

Trades,
etc.

215. In addition to the taxes provided for in section 214, the council may establish, impose and levy certain annual dues or taxes on all trades, manufactures, financial or commercial establishments, occupations, arts, professions, callings or means of earning a profit or a livelihood, carried on or followed by one or more persons, firms or corporations in the municipality, provided that such duties or taxes do not exceed in any case an annual amount of \$300, unless the Minister fixes from time to time a greater amount. Such dues or taxes may be different for persons who have not resided in the municipality for twelve months from those for persons who reside therein for at least that period, provided that such dues and taxes imposed on non-residents and on those who have resided in the municipality for less than twelve months, do not exceed the others by more than fifty per cent, unless the Minister fixes from time to time a higher percentage.

More than
one estab-
lishment,
etc.

The tax imposed in virtue of the first paragraph shall be payable for every business establishment, and for every kind of business or occupation, when carried on by the same person, firm or company in two or more distinct and separate buildings or places of business.

Licence.

216. Every tax imposed under section 215 may, in the discretion of the council, be imposed and levied in the form of a licence; and, thereupon, such tax shall be payable annually at such time and under such conditions and restrictions as the council may determine.

Suit for
duties, etc.

Although the by-law of the council ordering the imposition and levying of certain duties and taxes in the form of a licence may impose a fine, for failure to pay such duties or taxes, the council may, at its option, instead of imposing the fine, sue for the recovery of the said duties or taxes, whether a licence is issued or not, and whether the name of the person liable for the duties or taxes is entered or not on the collection roll.

Non-resi-
dent mer-
chants,
etc.

217. Notwithstanding the provisions of article 215, the council may impose and levy an annual licence or permit not exceeding an amount of \$300, unless the Minister fixes from time to time a greater amount, on merchants doing business in the municipality who do not reside therein or who are residents therein for less than three months and whose names are not entered on the collection roll, but who are temporarily occupying the premises, without, however, being obliged to impose a tax or permit on those resident therein for more than three months.

Other
taxes.

218. Subject to section 237, in order to pay its aliquot share of the expenses or of part of the expenses of the Regional

Government required by the Regional Government under section 386, the municipal corporation may impose and levy a tax based on the municipal valuation of the taxable immovables in the municipality, or on their area, or on their frontage. It may also impose an equal tax on each of the rate-payers and levy it.

Annual
payment.

219. Every tax imposed by virtue of the foregoing provisions shall be payable annually at the time fixed by the by-laws.

Collection.

The council may pass such by-laws as may be necessary to enforce the collection of any tax imposed in virtue of this act.

Additional
levy.

220. The Council may, by resolution, whenever it sees fit, instruct the secretary-treasurer to add to the amount of taxes, the sum of not more than a percentage of ten per cent, unless the Minister fixes from time to time a higher percentage, to cover losses, costs and bad debts.

Interest
on taxes.

221. Taxes shall bear interest at an annual rate of five per cent from maturity, without necessity of a special demand for payment.

Lower
rate.

The council, by by-law, may at any time determine a rate lower than five per cent. It may in addition determine a higher rate up to the rate fixed from time to time by the Minister, where such is the case.

No remis-
sion.

Neither the council nor its officers may remit any taxes or interest thereon. The council may, however, by resolution, exempt the poor of the municipality from the payment of taxes.

Discount.

The council may also, by resolution, grant a discount not exceeding a percentage of five per cent, unless the Minister fixes from time to time a higher percentage, to every ratepayer who pays his taxes before they are due.

Prescrip-
tion.

222. Arrears of municipal taxes shall be prescribed by three years.

Collection
roll.

223. The secretary-treasurer shall make a general collection roll each year, at the time fixed by the council, including all taxes then imposed, mentioning them separately.

Special
roll.

He shall also make a special collection roll whenever any tax has been imposed after the making of the general collection roll, or whenever he is ordered to do so by the council. Such special roll shall exist as a separate roll only until the date fixed by the council for the preparation of the new general roll and it must then be included in the new general roll which the secretary-treasurer shall prepare.

Budget
must
precede
roll.

224. The collection roll shall not be completed until the budget of the municipal corporation has been adopted and transmitted to the Minister and to the Regional Government.

Demand
for pay-
ment of
taxes.

225. Within sixty days following the day on which the roll was completed, the secretary-treasurer shall transmit to every person entered on such roll, a demand for payment of the taxes. Such taxes shall be payable within thirty days following such demand for payment.

Suit for
taxes.

226. The payment of municipal taxes may be claimed by an action brought in the name of the municipal corporation before the Provincial Court having jurisdiction in the territory of the municipal corporation.

CHAPTER III

LOANS

Authoriza-
tion to
contract
loans.

227. The Commission municipale du Québec may authorize the municipal corporation, upon application made to it by a mere resolution of the council, to contract one or more loans upon the conditions and for the period which the Commission determines.

Provisions
inapplica-
ble.

The conditions so determined by the Commission shall govern such loans notwithstanding any contrary or incompatible provisions of a general or special act limiting the amount of loans and determining the period for their reimbursement.

Applica-
bility.

The provisions of this section shall apply to every loan contracted by a municipal corporation.

CHAPTER IV

AUDIT OF MUNICIPAL FINANCES

Auditors.

228. (1) The council, at its first sitting in the month of December, shall appoint for the fiscal year ending on the thirty-first of December the following year, one or more auditors for the auditing of the accounts of the municipal corporation.

Responsi-
bility.

(2) Such auditors may be individuals, members of a partnership or appointees of the Regional Government and may entrust the work to their employees, but then the responsibility of the auditors shall be the same as if such work had been entirely performed by themselves.

Report. (3) They shall make a report of their examination to the council within sixty days after the expiration of the fiscal year.

Copy to Minister, etc. (4) A copy of such report, certified by the secretary-treasurer, must be sent by the latter, without delay, to the Minister and to the Regional Government.

Further examination. (5) The council may order any other examination it may deem necessary and call for a report.

Surplus, etc. **229.** Any surplus or deficit for a fiscal year, as appears from the auditors' report, shall be entered in the revenues or expenses of the budget for the ensuing fiscal year.

Special audit of accounts. **230.** (1) At any time of the year, if so required in writing by at least five electors of the municipal corporation, the council shall also order a special audit of the accounts of the municipal corporation for one or more of the last five years, provided that no such audit has already been made for the same years under this section.

Costs. (2) The costs of such audit shall be payable by the responsible officer of the municipal corporation, if he has been guilty of embezzlement or if, having been found short in his accounts, he fails to repay the balance within the delay fixed by paragraph 5; otherwise, the costs shall be payable by the persons who demanded the audit, unless the audit is of advantage to the municipal corporation.

Deposit. (3) The demand for an audit under this section must be accompanied by a deposit of the amount, not less than \$100, determined from time to time by the Minister, which shall be returned to the petitioners if the costs of the audit are not charged to them.

Responsibility. (4) Any auditor appointed for such purposes may be an individual or a partnership, and may entrust the work to his or its employees, but then the responsibility of such auditor shall be the same as if such work had been entirely performed by the auditor himself.

Repayment. (5) Within thirty days after the service upon him of a copy of the report of the audit, the defaulting officer of the municipal corporation must pay the amount of the balance which he has been found to owe, as well as the costs of the audit.

Prescription. **231.** All actions or claims against the secretary-treasurer resulting from his administration are prescribed by five years from the day on which the shortage of his account is reported by the auditor to the council.

Recourse. **232.** The provisions of this chapter shall nowise affect the recourse of the municipal corporation under the security given by the secretary-treasurer.

TITLE XI

PROCEEDINGS AGAINST MUNICIPAL CORPORATIONS

Service. **233.** When any suit or action is commenced against the municipal corporation, service therein shall be made upon the secretary-treasurer of the municipal corporation at his office or domicile.

Delay in execution. **234.** Any provisions of law to the contrary notwithstanding, no judgment rendered against the municipal corporation for a pecuniary condemnation only shall be executory before the expiration of thirty days after the date thereof.

Payment on service. **235.** Whenever a copy of a judgment condemning the municipal corporation to pay a sum of money has been served at the office of the municipal corporation, the secretary-treasurer shall forthwith, upon being authorized by the council or by the mayor, pay the amount thereof out of the funds at his disposal according to the provisions of section 212.

Delay. **236.** The Court which rendered the judgment may, on petition, grant to the municipal corporation any delay which it deems necessary to levy the moneys required.

TITLE XII

GENERAL PROVISIONS

Coming into force. **237.** The provisions of this act, except sections 178 and 191, and those of the Cities and Towns Act respecting the imposition, collection and recovery of real estate taxes, including procedures related thereto and the provisions of the Real Estate Assessment Act (1971, chapter 50) shall come into force in a municipality from the date of publication in the *Gazette officielle du Québec* of a notice of the Minister to the effect that the council is ready to proceed to the imposition of any of such real estate taxes. Such provisions shall apply with their subsequent amendments, if any.

Real
Estate
Assess-
ment Act.

From the date mentioned in the foregoing paragraph, the northern village corporation concerned shall be a corporation within the meaning of the Real Estate Assessment Act.

PART II

REGIONAL GOVERNMENT IN NORTHERN QUÉBEC

PRELIMINARY TITLE

DEFINITION

“Council”.

238. In this part, unless the context indicates otherwise, the word “council”, used alone, means the council of the Regional Government established under section 239.

TITLE I

CONSTITUTION AND JURISDICTION OF THE REGIONAL GOVERNMENT

Name.

239. The inhabitants of the territory and the municipal corporations having jurisdiction therein, whether erected under this act or any general law or special act, shall be a public corporation under the name of “Administration régionale Kativik”.

Alternate
names.

The regional government may also be designated by the Inuit name “KATIVIK NUNALILIMAT GOVAMANGA” or the English name “Kativik Regional Government”.

Corpora-
tion, etc.

240. The Regional Government shall be a corporation within the meaning of the Civil Code; it shall have the general powers of such a corporation and such special powers as are assigned to it by this act.

Corporate
seat.

241. The corporate seat of the Regional Government shall be within the territory, at such place as it shall determine by ordinance, a notice of which shall be published in the *Gazette officielle du Québec*; it may also in the same manner transfer such corporate seat to any other place within the territory.

242. The powers of the Regional Government shall be exercised by its council, except as regards those matters which are declared to be within the jurisdiction of the executive committee.

243. The Regional Government shall have jurisdiction over the whole of the territory and its orders shall be obligatory for all persons subject to its jurisdiction.

244. The Regional Government shall act as a municipal corporation contemplated by Part I of this act in respect of any part of the territory not erected into a municipality or not forming part of a municipality.

The inhabitants and ratepayers of those parts of the territory under the jurisdiction of the Regional Government are subject to all the obligations imposed by that situation, as if they inhabited a municipality within the meaning of Part I of this act.

The by-laws passed by the Regional Government, when it acts as a municipal corporation, shall come into force only upon approval by the Minister. The Minister shall communicate any decision to that effect to the Regional Government as soon as reasonably possible.

TITLE II

ADMINISTRATION OF THE REGIONAL GOVERNMENT

245. The following persons shall not be nominated for, elected or appointed to the council, nor hold a position as officer or employee of the Regional Government:

(1) Any person who is a party, directly or indirectly, by himself or his partners, to any contract with the Regional Government, unless a document emanating from the secretary indicating the nature of the contract and the amounts of money involved is publicly posted in the offices of the Regional Government and of all the municipal corporations in the territory at the time of his nomination, election or appointment and remains so posted, with all relevant additions or deletions, at all times during his tenure of office. Acceptance of or application for municipal services available to ratepayers according to a fixed tariff shall not be deemed to be a contract with the Regional Government.

Exception.

Nevertheless, a shareholder in any incorporated company which has any contract or agreement with the Regional Government or which receives any grant or subsidy therefrom shall not be disqualified; but he shall be deemed to be interested if any discussion should arise before the council or the executive committee with reference to any measure relating to such company, save when such company is the Makivik Corporation incorporated by section 2 of the Act to establish the Makivik Corporation (1978, chapter 91) or one of the local Inuit landholding corporations contemplated in the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93), or one of their subsidiaries, in which case he shall only be deemed to be interested if he is an officer or director of such company.

Provisions applicable.

The provisions of this paragraph apply *mutatis mutandis* when a person becomes, directly or indirectly, by himself or his partners, a party to a contract once he has been elected or appointed.

For office of regional councillor.

(2) Whenever the office of regional councillor is in question, any persons

(a) who are responsible for moneys belonging to the Regional Government; or

(b) who are sureties for any officer or employee of the Regional Government;

(c) who are disqualified by virtue of section 20; or

(d) who receive any pecuniary allowance or other consideration from the Regional Government for their services, otherwise than under a legislative provision, save when a document emanating from the secretary indicating the origin and the amount of payments is publicly posted in the office of the Regional Government and of all municipal corporations in the territory at the time of their nomination, election or appointment and remains so posted, with all additions and deletions, if any, at all times during their tenure of office.

Provisions applicable.

The provisions of this paragraph apply *mutatis mutandis* when a person receives or begins to receive any pecuniary allowance or other consideration once he has been elected or appointed.

Eligibility.

246. Subject to the second paragraph of section 251, no person may act as a regional councillor nor hold any office in the Regional Government unless he is eligible and possesses at all times the qualifications required by law.

CHAPTER I

COUNCIL OF THE REGIONAL GOVERNMENT

DIVISION I

GENERAL PROVISIONS

Powers. **247.** Subject to those matters which are declared to be within the jurisdiction of its executive committee, the powers of the Regional Government shall be exercised by the council, which is responsible for the administration of its affairs. The council shall be known and styled by the name of "The council of the Kativik Regional Government".

Exercise of powers. **248.** The council must directly exercise the powers conferred upon it by this act; it cannot delegate them.

Exception. Nevertheless, the council may appoint committees composed of as many of its members as it deems advisable, with power to examine and study any question. In such case, the committees must render account by report but no report of a committee has any effect until it has been adopted by the council at a regular meeting.

Ordinances, etc. **249.** Ordinances, by-laws, resolutions and other enactments of the Regional Government must be passed by the council in sitting.

Third persons. **250.** No vote given by a person illegally holding office in the Regional Government and no act in which in such capacity he has participated can be set aside, with respect to persons who have acted in good faith, solely by reason of the illegal exercise of such office.

DIVISION II

COMPOSITION

Regional councillor. **251.** Each municipal corporation constituted under section 16 shall be represented on the council of the Regional Government by a regional councillor elected or appointed in accordance with Part I of this act.

Delegate appointed by Minister. Until constituted as a municipal corporation under section 16, the inhabitants of each part of the territory contemplated in section 12 of the Agreement shall be represented to the council

of the Regional Government by a delegate appointed by the Minister, after consultation with the interested persons. For the purposes of this Part, such delegate shall be deemed to be the regional councillor. He may be replaced at any time in the same manner. His term of office shall be one year, but may be renewed in the same manner, for one additional year each time. In all cases, his term shall expire when the inhabitants of the part of the territory which he represents are constituted as a municipal corporation under section 16 and the regional councillor thereof takes the oath of office.

Other
municipal
corporation.

Any other municipal corporation in the territory shall be represented on the council of the Regional Government by a regional councillor appointed by and among the members of the council of such municipal corporation; such appointment shall be made by mere resolution.

Appointment.

The appointment contemplated in the third paragraph shall take place at the first sitting of the council of the municipal corporation after the general elections; in the case of the first council of the Regional Government, such appointment shall take place before the date contemplated in the second paragraph of section 262.

Term of
office.

252. The term of office of a regional councillor shall extend until the election or appointment of the councillor who replaces him. However, the earlier termination of his term as councillor of the municipal corporation shall carry that of his term as regional councillor.

Replacement.

253. In all cases where the term of office of the regional councillor appointed under the third paragraph of section 251 terminates prematurely, the council of the municipal corporation shall, within thirty days, appoint among its members, by mere resolution, a person to replace him. Such person shall hold office only during the unexpired portion of the term for which his predecessor was appointed.

Appointment
by
Minister.

Upon failure by the municipal corporation to appoint such person within the delay prescribed in the first paragraph, the Minister shall make such appointment with the same effect as if it had been made by the council of the municipal corporation.

Resignation.

254. Any regional councillor may resign his seat in the council by transmitting his resignation signed by himself to the secretary of the Regional Government; the term of office of the regional councillor shall expire upon the delivery of such resignation in writing to the secretary who shall transmit it to the council at the next meeting.

Resigna-
tion.

In the case of the regional councillor of a municipal corporation erected under section 16, resignation as regional councillor shall carry resignation as councillor of the municipal corporation.

Right
to vote.

255. The regional councillors who are appointed members of the executive committee shall retain their seats on the council and shall be entitled to vote on any motion, matter or report submitted to the council.

Address.

256. Within the first fifteen days of his term of office, the regional councillor shall inform the secretary in writing of the address at which all official communications of the Regional Government are to be sent to him. He may in the same manner change such address.

Speaker,
etc., of
council.

257. A speaker and deputy-speaker of the council shall be appointed from among the regional councillors by resolution of the council. They shall hold office for the duration of their term as regional councillors.

Resigna-
tion.

258. If the speaker or deputy-speaker of the council resigns, the resignation shall take effect upon the date on which the secretary of the Regional Government receives a written notice to that effect, signed by the person resigning.

Vacancy.

Any vacancy must be filled within thirty days of the date when it occurs.

Remunera-
tion.

259. The Minister shall fix the remuneration of members of the council, which is paid by the Regional Government.

Payment of
expenses.

260. (1) The council may authorize the payment of the expenses actually incurred by one of its members on behalf of the Regional Government, provided that such expenses have been approved by such council.

Absence
from
council
meetings.

(2) Such amount as is fixed by ordinance of the Regional Government shall be deducted from the salary of any member of the council for each day on which the council sits, if such member of the council does not attend such meeting, unless his absence is due to its being impossible in fact for such member to attend such meeting.

Idem.

(3) At the request of one of its members who has absented himself from a meeting, it shall be the duty of the council to decide finally whether it was in fact impossible for such member to attend such meeting. Such request must be made at the next meeting which such member of the council attends, whether such sitting is regular or special and whether or not such item appears on the agenda paper for such sitting.

Additional
remunera-
tion.

261. The speaker and the deputy-speaker of the council shall be entitled to the additional remuneration fixed by the Minister and paid by the Regional Government.

DIVISION III

MEETINGS OF THE COUNCIL

Place. **262.** The council sits at the office of the Regional Government unless it has fixed by resolution upon some other place within the limits of the territory. The meetings of the council shall be public.

Date. The first general meeting of the council shall be held on the fourth Wednesday following the date of the coming into force of section 239.

Time. Such meeting shall be held at nine o'clock at the usual meeting place at Koartac. Such place shall constitute the office of the Regional Government until the council decides by resolution upon another place located in the territory.

Speaker presides. **263.** The speaker of the council shall preside over the meetings of the council. He shall maintain order and decorum during such meetings; he may cause to be expelled from a meeting of the council any person who disturbs order there.

Deputy-speaker. The deputy-speaker of the council shall exercise all the powers of the speaker of the council, if such speaker is absent or refuses or is unable to act.

Quorum. **264.** The majority of the regional councillors shall constitute a quorum for the transaction of business. If there is no quorum, two councillors, half an hour after it being established that there is no quorum, may adjourn a meeting to a later date.

Notice. The secretary shall give notice of the adjournment to every regional councillor absent when the adjournment is decided.

Alternate methods of participating. **265.** If the circumstances so justify and the majority of the regional councillors physically present at the meeting consent thereto, a regional councillor may participate, deliberate and vote at a meeting of the council by telephone or other means of communication.

Conditions. A regional councillor may avail himself of such right only if each of the following conditions is met:

(a) the regional councillors physically present at the meeting constitute a quorum;

(b) the secretary of the Regional Government is physically present at the meeting;

(c) the person presiding over the meeting is physically present;

(d) two or more regional councillors desiring to avail themselves of such right are not together at the same place where they may communicate privately;

(e) the telephone or other means of communication used permits all persons participating or present at the meeting to hear each other.

Minutes. The minutes of the meeting shall indicate that consent was given enabling a regional councillor to avail himself of the right described in the first paragraph; they shall also identify the regional councillor who avails himself of such right and be ratified by the council at the next meeting.

Presumption. A regional councillor who participates, deliberates and votes at a meeting by telephone or other means of communication in accordance with this section shall be deemed to be present at that meeting.

Dates, etc. **266.** Regular meetings of the council shall be held at least once every three months. The date of each of such meetings shall be fixed by the council and the notice of convocation shall mention that it is for a regular meeting.

Heads of departments, etc. At the regular meetings of the council, the heads of departments and the executive committee, when they are so required, shall report to the council on the matters within their respective competence.

Agenda. **267.** The agenda paper for each regular meeting of the council must be prepared by the secretary under the direction of the executive committee or of its chairman.

Special meetings. **268.** The special meetings of the council shall be called by the secretary upon the request of the chairman of the executive committee or of the executive committee itself, or upon the written application of not less than four members of the council; the notice of convocation shall be in lieu of the agenda.

Agenda. At a special meeting of the council, and at any adjournment of such meeting, only the business specified in the notice of convocation shall be considered.

Delay. **269.** Notice of convocation for each meeting and the agenda for every regular meeting must be given by the secret-

ary to each member of the council, at least fifteen days before the meeting.

Adjourn-
ment.

270. Whenever, at a special or regular meeting, the business submitted could not be entirely disposed of on the first day, the council must adjourn to a subsequent date.

Decisions.

271. The decisions of the council shall be taken by majority vote.

Vote.

Each member of the council shall have one vote and one additional vote if he represents more than 500 inhabitants according to the last official census.

Idem.

The speaker must vote as a member of the council, but he shall not have a casting vote. In the case of a tie in the vote, the question shall be resolved in the negative.

Voting
obligatory.

272. Every member present at a meeting of the council is bound to vote, unless he is prevented therefrom by reason of personal interest.

Vote given
orally.

273. Every vote must be given orally and, upon demand, the votes are entered in the minute book of the council.

Interested
member.

No member of the council shall vote on any matter in which he has a direct pecuniary interest either through himself or through a partner; the acceptance of or requisition for services made available to the public according to an established tariff shall not be deemed a direct pecuniary interest.

Dispute.

In case of dispute, the council shall decide whether the member has a personal interest in the matter, and such member shall not vote on the matter of his interest.

Third
parties.

Should an interested member of the council give his vote without objection, such vote does not nullify the proceedings of the council with respect to third parties in good faith.

Question
referred
to
Minister.

274. If the majority of the members of the council have a personal interest in any question submitted to their decision, such question must be referred to the Minister who, in respect of the consideration and decision of such question, possesses all the rights and privileges, and is subject to all the obligations of the Regional Government.

Minutes,
etc.

275. The minutes of the proceedings of the council shall be kept and entered in a book kept for such purpose by the secretary; they shall be signed by the member who presided over the meeting and by the secretary; they shall be open to the inspection of all interested persons who wish to examine them.

CHAPTER II

EXECUTIVE COMMITTEE OF THE REGIONAL GOVERNMENT

DIVISION I

COMPOSITION

Composi-
tion.

276. The executive committee shall consist of five members appointed by resolution of the council from among the regional councillors, including a chairman and a vice-chairman designated as such by the council.

Incompat-
ibility.

277. The offices of speaker and deputy-speaker of the council shall be incompatible with those of chairman and vice-chairman of the executive committee.

Term of
office.

278. The members of the executive committee shall hold office for the duration of their term as regional councillors, but if they cease to be members of the council before the expiry of such term, their tenure of office as members of the executive committee shall end on the date when they cease to be members of the council.

Resigna-
tion.

In the case of the resignation of a member of the executive committee, the resignation shall take effect upon the date of receipt by the secretary of a written notice to such effect, signed by the person resigning.

Vacancy.

279. Any vacancy on the executive committee shall be filled by resolution of the council within thirty days of the date on which it occurs.

No
plurality.

280. The chairman must devote all his time to the service of the Regional Government and shall not have any other remunerative employment or occupation or hold any other public office, except as member of the local council of the municipal corporation which he represents.

Remunera-
tion, etc.

281. The chairman and the vice-chairman of the executive committee and the other members of such committee shall be entitled to the remuneration and pension fixed by the Minister and paid by the Regional Government.

Payment of
expenses.

The executive committee may authorize the payment of the expenses actually incurred by one of its members on behalf of the Regional Government provided they have been authorized by such committee.

Provisions
applicable.

The provisions of section 260 shall apply, *mutatis mutandis*, to the members of the executive committee.

DIVISION II

FUNCTIONS

Functions.

282. The executive committee shall be responsible for the management of the affairs of the Regional Government. It shall see that the law, the ordinances, the by-laws, the resolutions and the decisions of the council and contracts are complied with and carried out.

Powers.

For such purposes, it may of its own motion take all such steps as it deems expedient and give appropriate instructions to the officers of the Regional Government; the executive committee may require directly of any officer of the Regional Government any information that it needs.

Internal
manage-
ment.

283. The executive committee, with the approval of the council, may make a resolution respecting its government and its internal management, subject to the provisions of this act.

Approval
of the
council.

284. The executive committee shall prepare and submit to the council for its approval:

(a) every demand for the appropriation of the proceeds of loans, subsidies and grants or for any other credit required;

(b) every demand for a transfer of funds or credits already voted;

(c) every report recommending the granting of franchises and privileges; and

(d) every plan of classification of functions and of the salaries attached thereto.

Report to
council.

285. The executive committee may in its own right, and must at the request of four members of the council, make a report to the council on any matter within the competence of the executive committee or any other question submitted by the council.

Informa-
tion.

The executive committee shall furnish the council with any information which is requested of it in writing by a member of the council.

Draft
contract.

286. The executive committee must submit to the council every draft contract involving an expenditure of more than \$5,000 or an expenditure not provided for in the budget.

Awarding
contract.

The executive committee may, if so authorized by ordinance of the council, grant to the lowest bidder contracts involving an expenditure of not more than \$10,000; subject to the provisions of section 358, it may also, after calling for tenders and without the council's authorization, award any contract the price whereof does not exceed the amount placed at its disposal for the purpose.

Appropriations.

287. Except where otherwise provided, the appropriations voted by the council, either by the budget or out of the proceeds of loans, subsidies or grants or otherwise, shall remain at the disposal of the executive committee, which shall see that they are used for the purposes for which they were voted, without further approval by the council.

Payment of
sums due.

288. The executive committee shall authorize the payment of all sums due by the Regional Government, observing the formalities, restrictions and conditions prescribed by this act.

Chairman
of executive
committee.

289. Under the authority of the council, if need be, the chairman of the executive committee shall direct the affairs and activities of the Regional Government and its officers and employees over whom he shall have a right of supervision and control. He shall see that the ordinances, by-laws and resolutions of the Regional Government and the decisions taken by it are faithfully and impartially observed and carried out.

Member
ex officio.

He shall be a member *ex officio* of every committee constituted by the Regional Government.

Vice-
chairman.

290. The vice-chairman of the executive committee shall exercise all the powers of the chairman if the latter is absent or unable to act.

DIVISION III

MEETINGS OF THE EXECUTIVE COMMITTEE

Presiding
officer.

291. The meetings of the executive committee shall be presided over by the chairman of such committee; in the case of absence or inability to act of the chairman or of vacancy in that office, they shall be presided over by the vice-chairman; in the case of absence or inability to act of both, or of vacancy in both these offices, the members present shall appoint one of their members to replace the vice-chairman temporarily.

Place of
meetings.

292. The meetings of the executive committee shall be held at the place and time and on the day fixed by the resolution passed under section 283.

Quorum.

293. Three members shall constitute a quorum of the executive committee.

Alternate
methods of
participat-
ing.

294. If the circumstances so justify and the majority of the members of the executive committee physically present at the meeting consent thereto, a member of the executive committee may participate, deliberate and vote at a meeting by telephone or other means of communication permitting all persons participating in the meeting to hear each other.

Presump-
tion.

A member of the executive committee who avails himself of such right shall be deemed to be present at the meeting.

Vote.

295. Each member of the executive committee shall have one vote.

Signing
of reports,
etc.

296. Every report and resolution of the executive committee shall be signed by the person who presided over the meeting at which they were adopted, and by the secretary.

CHAPTER III

ADMINISTRATIVE DEPARTMENTS AND OFFICERS

DIVISION I

GENERAL PROVISIONS

Depart-
ments.

297. The council may establish by ordinance the various departments of the Regional Government, establish the scope of their activities and define their duties. The heads of such departments shall be appointed by the executive committee, subject to ratification by the council.

Secretary,
etc.

298. (1) The council shall appoint a secretary, a manager and a treasurer. Any vacancy in the offices of secretary, manager and treasurer must be filled by the council within a delay of thirty days.

Secretary-
treasurer.

(2) The council, by ordinance, may define such of their duties as are not defined by this act. The council, if it deems it expedient, may appoint a single person to fill the offices of sec-

retary and treasurer. In such case the officer filling such offices shall then be known as the secretary-treasurer, and he shall have the same rights, powers and privileges, and shall be liable to the same obligations and penalties as those determined and prescribed for such offices.

Salaries,
etc.

(3) However, the executive committee shall fix their salaries and their other conditions of employment.

Appoint-
ments, etc.

(4) The executive committee may, to secure the execution of the ordinances, by-laws, resolutions and decisions of the Regional Government and of the requirements of the law, appoint all other officers, and dismiss and replace them, including an assistant secretary, an assistant treasurer and an assistant manager to replace the person whose assistants they are, whenever such persons are absent or unable to act.

Oath of
office.

299. Before entering upon his duties, every officer is bound to take an oath of office according to the form contained in section 32, *mutatis mutandis*. On his failure to do so, he shall be considered to have refused to discharge the duties of the office to which he has been appointed.

Validity of
proceed-
ings.

300. No act, duty, writing or proceedings executed in his official capacity by an officer of the Regional Government who holds office illegally can be set aside solely on the ground of his so holding such office illegally.

Responsi-
bility.

301. The Regional Government is responsible for the acts of its officers in the performance of the duties for which they are employed as well as for damages resulting from their refusal to discharge or their negligence in discharging their duties, saving its recourse against such officers, the whole without prejudice to a recourse in damages against the officers by those who have suffered damage.

Salaries
and
pension
plans.

302. The executive committee shall fix the salaries and other conditions of employment of the officers of the Regional Government. It may establish and maintain or assist in the establishment or maintenance of relief or retirement funds or pension plans for its officers and employees, or for their relatives and dependent persons, and pay premiums for them, the whole subject to the Supplemental Pension Plans Act (1965, 1st session, chapter 25).

DIVISION II

THE MANAGER

Duties,
etc.

303. Subject to the provisions of this act, the manager shall have the following functions and duties:

(a) under the authority of the executive committee, to manage the affairs of the Regional Government;

(b) as mandatory of the executive committee, to exercise authority over the heads of departments and officers of the Regional Government, with the exception of the secretary;

(c) to ensure coordination between the executive committee and the heads of departments;

(d) to transmit to the executive committee any correspondence sent to him by the departments of the Regional Government;

(e) to attend the meetings of the executive committee;

(f) to have access to all files of the Regional Government;

(g) to compel any officer or employee of the Regional Government to furnish him with all information and documents which he requires;

(h) under the authority of the executive committee, to ensure the carrying out of the plans and programmes of the Regional Government;

(i) to obtain, examine and present to the executive committee projects prepared by heads of departments on matters requiring the approval of the executive committee or of the council;

(j) to coordinate the budgetary estimates of the various departments and present them to the executive committee;

(k) to satisfy himself that the money of the Regional Government is used in accordance with the appropriations comprised in the budget, ordinances and resolutions;

(l) to submit forthwith to the executive committee the list of accounts payable; and

(m) to give an annual report in writing to the council upon all matters connected with its duties.

Communi-
cations.

All communications between the executive committee and the officers of the Regional Government shall be made through the manager.

DIVISION III

THE SECRETARY

Functions. **304.** The secretary is the custodian of all the books, records, registers, plans, maps, archives and other documents and papers which are either the property of the Regional Government or are deposited, filed and preserved in the office of the Regional Government.

Minutes of meetings. **305.** The secretary must attend every meeting of the executive committee and of the council and draw up minutes of all the acts and proceedings thereof in registers kept for those purposes and called "Minute Book of the Executive Committee" and "Minute Book of the Council", respectively.

Ordinance, etc., amended, etc. Whenever an ordinance, a by-law or a resolution is amended or repealed, mention must be made thereof in the margin of the minute book opposite such ordinance, by-law or resolution together with the date of its amendment or repeal.

Proof. **306.** The minutes of the meetings of the executive committee, approved and signed by the chairman of such committee and by the secretary, and the minutes of the meetings of the council, approved and signed by the speaker of the council and by the secretary, shall be taken as evidence of their contents; the same shall apply to documents or copies emanating from the Regional Government and forming part of its records, when certified by the secretary. The secretary shall sign all the contracts of the Regional Government.

Copies of documents. **307.** The secretary shall issue to any person applying therefor, upon payment of the fees determined by the council, copies of or extracts from any book, roll, register or other document which forms part of the archives.

DIVISION IV

THE TREASURER

Function. **308.** The treasurer shall direct the treasury department.

Security. **309.** The Regional Government may require of any person employed by it as treasurer such security as it may deem necessary.

Idem. Such security shall be a guarantee of the faithful performance of the duties of the treasurer, of his accounting for and

paying over all public and other moneys entrusted to him or under his control to the persons authorized or entitled to receive the same; of his faithful performance of the obligations imposed upon him; and of the payment of the damage occasioned to any person through his negligence, misconduct or malversation.

Collection
of moneys,
etc.

310. The treasurer shall collect all moneys payable to the Regional Government and, subject to all other legal provisions, shall deposit in any legally constituted bank, savings and credit union or trust company which may be designated by the council, all moneys belonging to the Regional Government, and shall allow them to remain there until they are employed for the purposes for which they were levied or received or until disposed of by the council.

Joint
signature.

311. All cheques issued and promissory notes executed by the Regional Government must be signed jointly by the chairman of the executive committee and the treasurer of the Regional Government.

Payment
of moneys.

312. The treasurer pays out of the funds of the Regional Government all sums of money due by it whenever by resolution he is authorized to do so by the council or the executive committee.

Account
books.

313. (1) The treasurer is bound to keep books of account in which he enters by order of date, the receipts and expenditures, mentioning the persons who have paid moneys into his hands or to whom he has made a payment.

Vouchers.

(2) He must obtain and keep vouchers for all payments he has made for the Regional Government, produce them for audit and inspection and file them among the archives of the Regional Government.

Form of
books.

(3) Such books shall be kept in the form prescribed or approved by the Minister or in accordance with the system established by the Government.

Return
transmitted to
Minister.

314. Within thirty days from the end of any fiscal year of the Regional Government or upon the request of the Minister, the treasurer shall transmit to the Minister a return showing:

- (1) the name of the Regional Government;
- (2) a summary and description of the total area of land within the territory;
- (3) the value of the property of the Regional Government;
- (4) the number of persons resident in the territory;

- (5) the amount of subsidies and grants received within the year and their source;
- (6) the amount raised by loans within the year and the amount of interest due upon such loans;
- (7) all debts of the Regional Government;
- (8) the expenditures for salaries and other expenses of the Regional Government;
- (9) the amount deposited at interest or invested by the Regional Government; and
- (10) any other statement which the Minister may require.

TITLE III

NOTICES

Special and
public
notices..

315. Every notice is either special or public. Every special notice may be given verbally or in writing; public notices must be in writing.

Formal-
ities.

316. Every special notice given in writing must be either delivered by the person who gives it or posted in the office of the Regional Government and in the office of each municipal corporation in the territory. Every public notice is given by posting a copy of such notice in the office of the Regional Government and in the office of each municipal corporation in the territory.

Attestation and
content.

317. Every notice in writing must be attested by the person who gives it and must contain:

- (1) the name of the Regional Government, when such notice is given by a regional councillor or an officer of the Regional Government;
- (2) the name, official capacity and signature of the person who gives it;
- (3) a sufficient description of those to whom it is addressed;
- (4) the place where and the time when it is made;
- (5) the object for which it is given; and
- (6) the place, day and hour at which those summoned to answer such notice must do so.

Certifi-
cate.

318. The original of every notice in writing must be accompanied by a certificate of delivery or of posting.

Filing.

The original of such notice and the certificate which accompanies it must be filed by the person who has given it in the office of the Regional Government to form part of the archives thereof.

Content.

319. The certificate must set forth:

(1) the name, residence, official capacity and signature of the person who has given it;

(2) a summary statement of the manner in which the notice was delivered or posted;

(3) the place, day and hour of delivery or posting.

Tran-
scription.

Such certificate is written either on the original notice or on a paper annexed thereto.

Affir-
mation.

320. In the case of a special notice given verbally, the affirmation of the person who gave such notice takes the place of the certificate of delivery or posting; such affirmation is only required in case of contestation and must contain the object of the notice.

Posting-
up.

Any ordinance, by-law, resolution or decision of the Regional Government must be posted in the same manner as public notices.

TITLE IV

RESOLUTIONS

Resolu-
tion.

321. The Regional Government shall decide and exercise by resolution all acts of administration concerning it which are not incompatible with the provisions of this act. All powers not required to be decided and exercised by ordinance or by-law shall be exercised and decided by resolution.

TITLE V

ORDINANCES OF THE REGIONAL GOVERNMENT

CHAPTER I

FORMALITIES RESPECTING ORDINANCES

DIVISION I

PASSING, PUBLICATION AND COMING INTO FORCE OF ORDINANCES

Copy.

322. A copy of every ordinance which the executive committee proposes to the council shall be sent with the notice of convocation of the meeting at which it is to be considered.

Authenticity.

323. The original of an ordinance, to be authentic, shall be signed by the speaker of the council and by the secretary.

Certificate.

If it was necessary to submit an ordinance for the approval of the Government, the Minister or the Commission municipale du Québec before it could come into force, a certificate under the signature of the speaker of the council and of the secretary, certifying the date and the fact of each of these approvals must accompany and form part of the original of such ordinance.

“Register of the Ordinances of the Kativik Regional Government”.

Date of posting-up.

324. The original of every ordinance shall be entered at length in a special book entitled “Register of the Ordinances of the Kativik Regional Government”.

The secretary must further indicate at the end of every ordinance the date of the posting-up of the notice of publication of such ordinance.

Effect.

325. Except where otherwise provided by law or by the ordinance, every ordinance of the Regional Government shall come into effect and have force of law on the day of the publication thereof.

Promulgation, etc.

326. Every ordinance is promulgated and published within thirty days of the passing thereof or of its final approval, if it has been submitted for approval, by public notice mentioning the object of the ordinance, the date of the passing thereof and the place where communication thereof may be had. Such notice is given under the hand of the secretary and posted in the ordinary manner.

Date, etc., of approvals. If the ordinance has received one or more approvals, the notice of publication must mention the date and the fact of each of these approvals.

Additional delay. When an ordinance has not been published within the delays provided by this section, the Minister may authorize its publication within such additional delays as he may determine.

Re-publication. **327.** Every ordinance which comes into force only at some stated period must be published again by posting at least fifteen days before its coming into force.

Ordinance executory, etc. **328.** Every ordinance remains in force and is executory until it has been amended, repealed, annulled or disallowed by competent authority or until the expiration of the period for which it was made.

Repeal, etc., of ordinance, etc. **329.** No ordinance can be repealed or amended except by another ordinance. No ordinance which, before coming into force and effect, was submitted to one or more approvals can be amended or repealed except by another ordinance approved in the same manner.

DIVISION II

PENALTIES ENACTED BY ORDINANCES AND RECOVERY OF FINES

Time. **330.** (1) For every infraction of one of its ordinances and by means of that ordinance or of another, the Regional Government may impose a fine that shall not exceed \$500 except where the Minister, from time to time, fixes a larger amount.

Discretion. (2) Whenever, instead of a fixed penalty, an ordinance provides either a maximum and minimum penalty, or a maximum penalty only, the court may, at its discretion, impose, in the first instance, such penalty as it may see fit within the limits of such maximum and such minimum and, in the second instance, such penalty as it may see fit up to the extent of such maximum.

Order. (3) The court convicting an accused for the breach of an ordinance may, in addition to any other punishment it may impose, order that person to refrain from committing any further such offence or to cease carrying on any activity specified in the ordinance and likely to result in the committing of a further offence.

Suspension of permit, etc. (4) The court convicting an accused for the breach of an ordinance may, in addition to any punishment it may impose, if the accused is the holder of a permit, a licence or a certificate

granted under an ordinance of the Regional Government, suspend such permit, licence or certificate for the period that it deems appropriate, or revoke the same, or prohibit the renewal thereof during the period that it deems appropriate.

Excep- The foregoing paragraph does not apply to a construction
tions. permit nor to a subdivision permit.

Penalty. **331.** No penalty can be imposed for the violation of any ordinance unless it is fully described and set forth therein.

Infraction If the infraction of an ordinance continues, such continuation
continues. shall constitute a separate offence, day by day, save in the case of good faith.

Summary **332.** Fines imposed by the ordinances of the Regional
proceed- Government shall be recoverable on summary proceeding in ac-
ing. cordance with the Summary Convictions Act.

One **333.** All fines incurred by the same person may be in-
suit. cluded in the same suit.

Prescrip- **334.** Every prosecution for the recovery of such fines shall
tion. be begun within six months from the date when they were in-
curred, and cannot be brought thereafter.

Prosecu- Such prosecution may be brought by the Regional Govern-
tor. ment or by any person of age, in his own name, regardless of whether he has suffered any special damage.

Ownership **335.** Fines recovered in virtue of the ordinances of the
of fines. Regional Government or of the provisions of this act shall belong, unless otherwise provided, one-half to the prosecutor and the other half to the Regional Government.

Idem. If the prosecution has been brought by the Regional Gov-
ernment, the fine shall belong wholly to it. If the fine is due by the Regional Government, it shall belong wholly to the prosecutor.

Motion. **336.** Any voter in a municipal corporation in the territory, or any such corporation, who wishes repeated violation of an ordinance to cease, may address a motion directly to a judge of the Provincial Court to obtain

(a) the ordinance contemplated in paragraph 3 of section 330;
or

(b) an ordinance instructing the Regional Government to take the proceedings necessary for cessation of the violation.

Service. The motion must be served on the Regional Government and, where applicable, on the person accused of the violation.

DIVISION III

APPROVAL AND DISALLOWANCE OF ORDINANCES

Passing sufficient. **337.** Unless otherwise provided, passing of the ordinances by the council shall be sufficient.

Approval required. **338.** Whenever it is required that an ordinance must, before having force or effect, receive the approval of the Government, the Minister or the Commission municipale du Québec, the secretary must forward it to the authority whose approval is required, with certified copies of all documents tending to inform of the fulfillment of the provisions of the law and of the advisability of the passing of such ordinance.

Formalities. **339.** Neither the Government nor the Minister nor the Commission municipale du Québec is obliged to approve an ordinance unless satisfied of the fulfillment of the formalities required for the passing of such ordinance.

Documents, etc., necessary. For such purpose, they may exact from the Regional Government all the documents and information they deem necessary for assuring themselves of the usefulness of the ordinance or the provisions of such ordinance submitted to their approval.

Ordinance, etc., executory. **340.** The approval by the Government, the Minister or the Commission municipale du Québec of an ordinance or other proceedings adopted by the Regional Government, in the cases where such approval is prescribed by a provision of this act, has no other effect than that of rendering such ordinance or proceeding executory according to the law, and this may be done with the same effect in the form of an authorization.

Approval of part, etc. Such approval may be of a part only or qualified.

Copy to Minister, etc. **341.** A copy of every ordinance passed by the Regional Government must be transmitted without delay to the Minister and to each municipal corporation in the territory.

Disallowance. The Government may, within the three months following the receipt of such copy by the Minister, disallow the ordinance in whole or in part, unless it or the Minister has previously approved it.

Publication. Notice of such disallowance shall be published in the *Gazette officielle du Québec* and, from the day of such publication, the ordinance shall be null and void.

DIVISION IV

CONTESTATION AND QUASHING OF ORDINANCES, BY-LAWS,
RESOLUTIONS AND OTHER ENACTMENTS

Quashing. **342.** Any voter in a municipal corporation in the territory, or any such corporation, has the right to request the quashing of any by-law, part of any by-law, ordinance or part of any ordinance of the Regional Government.

Ground. The motion must be on the ground of illegality. It must be addressed to the Superior Court.

Motion. **343.** The motion shall set forth, in a clear and precise manner, the reasons alleged in support of the application, and shall be accompanied by a certified copy of the ordinance impugned, if such copy could be obtained.

Copy. If such copy could not be obtained, the court or the judge of the Superior Court, upon application, shall order the production thereof by the secretary of the Regional Government.

Service. **344.** The motion shall be served upon the secretary of the Regional Government one month at least before it is presented to the court.

Security. **345.** Before service of the motion, the applicant shall give security for costs in the usual manner; otherwise, such motion shall not be received by the court.

No appeal. **346.** There shall be no immediate appeal from interlocutory judgments rendered in an action to quash an ordinance; they may be revised at the same time as the final judgment if an appeal is brought from the latter.

Decision. **347.** (1) The court may quash such ordinance in whole or in part and order the service of such judgment upon the secretary of the Regional Government and order the same to be published by public notice.

Effect. (2) Every ordinance or part of an ordinance so quashed shall cease to be in force from the date of the judgment.

Responsibility. **348.** The Regional Government shall alone be responsible for the damages and suits which may arise from the putting into force of any ordinance or part of an ordinance the quashing of which has been so obtained.

Prescription.

349. The right to apply for the quashing of an ordinance shall be prescribed by three months from the coming into force of such ordinance.

Provisions applicable.

350. This division shall also apply, *mutatis mutandis*, to the rolls, by-laws, resolutions and other enactments of the Regional Government and to the acts of its officers and employees.

CHAPTER II

COMPETENCE OF THE REGIONAL GOVERNMENT

DIVISION I

GENERAL PROVISIONS

Competence.

351. The Regional Government shall have in its territory such competence as is provided in this act in the following matters:

- (a) local administration;
- (b) transport and communications;
- (c) police; and
- (d) manpower training and utilization.

Permit, etc.

352. Where the application of an ordinance contemplated in section 363 or 367 involves, for it to be effective, the holding of a permit or a certificate by certain persons, the Regional Government has the right to provide for the issuance of such permit or certificate on payment of certain fees, whose tariff it fixes.

Agreement, etc.

353. The Regional Government may, by ordinance of its council previously approved by the Minister, make with any public body, including a municipal corporation, however constituted, a community, an association and a school board, agreements respecting the exercise of its competence; it may then carry out such agreements and exercise the rights and privileges and fulfill the obligations arising therefrom, even outside its territory.

Agreement with
Govt. of
Canada,
etc.

It may also, by ordinance of its council previously approved by the Government, make similar agreements with the Government of Canada, any body thereof or any public body mentioned in the first paragraph and situated outside of Québec.

Joint
committee.

The council may provide in the agreement contemplated in the first or second paragraph for the establishment of a joint committee and may delegate to such committee all or part of its powers in respect of the subject matter of such agreement.

Third
party.

Any agreement made in virtue of the present section shall be without prejudice to third parties.

Interpre-
tation.

For the purposes of the first paragraph, the words "community" and "association" shall include any group of persons associated for the pursuit of a common purpose in Québec, but not possessed of civil personality within the meaning of the Civil Code.

Census.

354. The Regional Government may make ordinances to take a census of the inhabitants of the territory, for the purpose of ascertaining their number, and of obtaining statistics regarding their social and economic condition.

Expropria-
tion.

355. The Regional Government may acquire by expropriation any immovable, part of an immovable or any real right, within the limits of its territory, which it may require for the establishment of regional or intermunicipal utilities or facilities.

Prior
authoriza-
tion.

However, in the case of an immovable, part of an immovable or any real right set apart for a public use or not susceptible of expropriation according to some general law or special act, the prior authorization of the Government shall be required.

Mutual
agreement.

The foregoing provisions of this section shall not be regarded as restricting the rights which the Regional Government may otherwise have to acquire, by mutual agreement, immovables for the same purposes.

Interpreta-
tion.

For the purposes of the first paragraph, the Regional Government shall be deemed to be a municipality within the meaning of the Expropriation Act (1973, chapter 38).

Alienation
of
property,
etc.

356. The Regional Government shall not in any way alienate moveable property the value of which, according to the manager's report, exceeds the amount of \$500, or otherwise alienate immovable property, except by auction, by public tenders or in any other manner approved by the Commission municipale du Québec.

Idem.

Subject to the first paragraph, the executive committee may sell any moveable or immovable property the value of

which, according to the manager's report, does not exceed the amount of \$10,000.

Amounts. The Minister may, from time to time, increase the amounts prescribed in this section.

Public
works.

357. All public works of the Regional Government are performed at its expense; they may be executed by its own employees or ordered by contract awarded and passed according to the rules set forth in sections 358 to 360.

Public
tenders.

358. (1) Unless it involves an expenditure of less than \$10,000, no contract for the execution of works or the supply of equipment or materials shall be awarded except after a call for public tenders specifying the work to be performed.

Delay to
tender.

(2) The delay for the receipt of tenders shall not be less than fifteen days.

Bases of
tendering.

(3) Tenders shall not be called for nor shall the contracts resulting therefrom be awarded except on one or the other of the following bases:

(a) for a fixed price;

(b) at unit prices.

Opening
tenders.

(4) All tenders must be opened publicly in the presence of at least two witnesses, on the day and at the hour and place mentioned in the call for tenders.

Tenderers.

(5) All those who have tendered may be present at the opening of the tenders.

Names,
etc., read
aloud.

(6) The names of the tenderers and their respective prices must be mentioned aloud at the opening of the tenders.

Acceptance.

(7) The Regional Government shall not be obliged to accept either the lowest or any other tender.

Awarding
contract.

(8) The Regional Government shall not, without the previous authorization of the Minister, award the contract to any person except the one who made the lowest tender within the prescribed delay.

Resolution.

(9) The contract shall be awarded by resolution and made in the name of the Regional Government.

Validity.

359. Subject to the provisions of section 286, no contract is valid or binding upon the Regional Government unless the ordinance authorizing the work has provided for the appropriation of the moneys required for paying the costs of the same.

Security. **360.** The person to whom such work is awarded must give security to the satisfaction of the council for the due performance thereof and for the payment of all damages, interest and costs.

Powers. **361.** In addition to the other powers which it has under this act, the Regional Government may

(a) make ordinances for its internal management and the conduct of its affairs;

(b) establish courses and training programmes for its officers and employees;

(c) undertake public information and education programmes; and

(d) carry out such studies as it deems necessary for the exercise of its competence whether such studies deal with the territory or with any other territory.

DIVISION II

LOCAL ADMINISTRATION

Duties: **362.** The Regional Government must take the necessary measures to discharge the duties and responsibilities that this act confers on it and, in particular

Examination of annual returns; (1) examine the municipal annual returns prepared under section 62;

Recommendations; (2) make recommendations, under section 112, to the councils of municipal corporations for the filling of vacancies;

Decisions; (3) decide upon matters in the place and stead of councils of municipal corporations, where such matters must be referred to it under section 123;

Suggestions. (4) make suggestions, under section 107 when it receives a notice of contestation of an election, section 151 when it receives a notice of a repeated violation or 162 when it receives notice of a request for the quashing of a by-law or a part of a by-law.

Minimum standards: **363.** The Regional Government may, by ordinance, prepare minimum standards

Construction of houses, etc.; (1) for the construction of houses and buildings in its territory; such standards may vary in different parts of the territory according to the geography and nature of the regions;

Sanitary conditions; (2) to ensure the sanitary condition of public and private property;

Prevent pollution; (3) to prevent the pollution of the waters within or adjacent to the municipalities and to provide for the cleansing and purification of municipal waters; and

Sewerage. (4) to regulate the sewerage of the municipalities.

Municipal corporations. The municipal corporations in the territory shall retain their competence in these matters until the Regional Government exercises its competence respecting such matters and to the extent that the Regional Government has refrained from doing so.

By-laws in conformity. Any by-law of any municipal corporation in the territory shall be in conformity with the ordinances of the Regional Government respecting these matters.

Inferior standards. No by-law of a municipal corporation in the territory respecting such matters shall validly impose standards which are inferior to those mentioned in the ordinance of the Regional Government.

By-laws submitted for approval. **364.** From the coming into force of an ordinance of the Regional Government made under section 363, every by-law of a municipal corporation in the territory making, amending or repealing a by-law of such municipal corporation and dealing with matters contemplated in such ordinance must be submitted to the Regional Government for approval.

By-law in conformity. The Regional Government shall assure itself that the by-law so submitted conforms to section 363.

Agreement regarding municipal services. **365.** The Regional Government may, by ordinance, enter into an agreement with any municipal corporation in the territory, with the prior approbation of the Minister, for the delegation to the Regional Government by such municipal corporation of the exercise and administration of those municipal services that the council of the municipal corporation determines.

Effect. The period of time covered by such ordinance shall be two years and is renewable.

Interpretation. **366.** The Regional Government shall be a municipality for the purposes of the Québec Housing Corporation Act (1966/1967, chapter 55), which applies *mutatis mutandis*.

Applica-
bility.

Notwithstanding the provisions of paragraph *p* of section 2, any ordinance passed by the Regional Government under this section shall apply within the whole territory and its application shall not be limited to the municipalities under its jurisdiction.

DIVISION III

TRANSPORT AND COMMUNICATIONS

Ordi-
nances:

367. The Regional Government may make ordinances to establish and administer

community
radio
aerials,
etc.;

(1) regional and intermunicipal community radio and television aerials for the needs of those wishing to make use thereof and regulate the installation, maintenance, number and height of television and radio aerials; and

public
transporta-
tion.

(2) regional and intermunicipal public transportation services and facilities.

Ordi-
nances:

highway,
etc.,
signals;

368. The Regional Government may make ordinances

(1) to prescribe a uniform type of highway and passageway signals to be used by all municipal corporations; and

construc-
tion, etc.,
standards.

(2) to determine minimum standards for road and street construction and maintenance.

Municipal
corporations.

The municipal corporations shall retain their competence in these matters until the Regional Government exercises its competence respecting such matters and to the extent that the Regional Government has refrained from doing so.

By-law in
conformity.

Any by-law of any municipal corporation in the territory shall be in conformity with the ordinances of the Regional Government respecting these matters.

Inferior
standards.

No by-law of any municipal corporation in the territory respecting such matters shall validly impose standards which are inferior to those mentioned in the ordinance of the Regional Government.

DIVISION IV

POLICE

Regional
police
force.

369. The Regional Government is authorized to establish by ordinance and maintain a regional police force.

Interpreta-
tion.

370. If the Regional Government establishes and maintains such regional police force, it shall be a "municipality" within the meaning of the Police Act (1968, chapter 17), which shall then apply, *mutatis mutandis*, under reserve of this division.

Duties.

371. In addition to the duties conferred upon them by the Police Act, it shall be the duty of the regional police force, of each member thereof and of each special constable appointed under section 65 of the said act to prevent infringements of the ordinances and by-laws of the Regional Government and of the by-laws of the municipal corporations in the territory and the laws of Québec and to seek out the offenders.

Exception.

372. Subparagraphs *d* and *e* of the first paragraph of section 3 of the Police Act shall not apply to the Inuit members of the regional police force eligible who are Inuit beneficiaries under the Act respecting Cree and Inuit Native persons (1978, chapter 97).

Director,
etc., of
regional
police
force.

373. The director or chief of the regional police force shall be appointed by the Procureur général on the recommendation of the Regional Government, and shall take the oaths prescribed in section 4 of the Police Act before any judge contemplated in section 64 thereof.

Other
members.

374. The Regional Government shall appoint the other members of the regional police force; such appointments must be approved by the Procureur général.

Oaths.

After such approval, each member contemplated in the first paragraph shall take the oaths prescribed in section 4 of the Police Act before the chairman of the executive committee.

Special
constables.

Any special constable appointed under section 65 of the Police Act shall also take the same oaths before the chairman of the executive committee.

Dismissal.

375. Notwithstanding section 63 of the Police Act, any member of the regional police force may be dismissed by any judge contemplated in section 64 of the said act when an application to that effect is made to him by the Procureur général.

Interpreta-
tion.

376. For the purposes of this division, a reference in the Police Act to

(a) the mayor of a municipality is a reference to the chairman of the executive committee;

(b) a by-law of a municipality is a reference to an ordinance of the Regional Government;

(c) the clerk or secretary-treasurer of a municipality is a reference to the secretary of the Regional Government.

Applicability.

Notwithstanding the provisions of paragraph *p* of section 2, any ordinance passed by the Regional Government under this division shall apply within the whole territory and its application shall not be limited to the municipalities under the jurisdiction of the Regional Government.

Minister responsible.

377. The Ministre de la justice shall be responsible for the application of this division.

DIVISION V

MANPOWER TRAINING AND UTILIZATION

Vocational training.

378. The functions, powers and duties of the Regional Government include those of receiving proposals from the municipal corporations for vocational training programmes and advising the responsible authorities of Québec

(a) in all matters pertaining to the effective utilization and development of manpower resources in the territory;

(b) on all measures deemed appropriate to facilitate vocational training, placing in employment, reclassification, retraining, rehabilitation, change of employment and mobility of manpower;

(c) on all matters dealing with qualitative and quantitative manpower requirements and the preparation and coordination of training programmes; and

(d) on all measures to insure the establishment of employment bureaus in the territory.

Minister responsible.

379. The Ministre du travail et de la main-d'oeuvre shall be responsible for the application of this division.

TITLE VI

FINANCIAL PROVISIONS

CHAPTER I

GENERAL PROVISIONS

Fiscal
year.

380. The fiscal year of the Regional Government shall begin on the first of January and end on the thirty-first of December of each year and the taxes and yearly assessments shall be payable at the dates determined by the council.

Budget.

381. The Regional Government shall prepare and adopt its budget each year and maintain a balance between the revenues and expenditures provided for therein.

Budget
drawn up
by execu-
tive com-
mittee.

382. The executive committee shall draw up the budget of the Regional Government for the ensuing fiscal year; it shall deposit such budget with the secretary who, not later than the first of October, shall send to each member of the council a copy of such budget, and all the recommendations of the executive committee.

Adoption.

383. Such budget shall be submitted to the council not later than the fifteenth of October at a special meeting called for such purpose. Such meeting shall be adjourned as often as necessary and shall not be closed unless the budget is adopted.

Transmis-
sion to
Minister.

Such budget shall be transmitted to the Minister in the month of November of the year in which it was prepared.

Additional
delay.

Upon sufficient proof that the council has in fact been unable to adopt or transmit such budget within the prescribed delay, the Minister may grant any additional delay that he may determine for such purpose.

Supple-
mentary
budget.

384. During a fiscal year, the Regional Government may adopt any supplementary budget which it deems necessary.

Sharing
of expen-
ses.

385. The expenses of the Regional Government or part thereof may be supported by the municipal corporations in the territory and shared between them in proportion to

- (a) their population,
- (b) the number of their ratepayers,
- (c) the area of their territory,

(d) the value of the taxable immoveable properties located in their territory, or

(e) all or any combination of the foregoing factors.

Aliquot
share of
expenses.

386. Upon adopting its budget or a supplementary budget, the Regional Government may, by ordinance, for the purpose of paying its expenses or part of its expenses, determine in accordance with section 385 and require an aliquot share of such expenses or of part of such expenses to be paid by each municipal corporation in its territory.

Payment.

In order to pay such aliquot share imposed upon it hereunder, any municipal corporation shall have the powers mentioned in section 218.

Date of
payment.

The aliquot share shall be paid within three months following the date of the receipt by the municipal corporation of the demand for payment of such share.

Revision.

A municipal corporation in the territory may, by motion filed within three months after the date mentioned in the third paragraph, apply to the Commission municipale du Québec to obtain the revision of the budget or supplementary budget of the Regional Government. The Commission shall render its decision and notify the Regional Government as well as the municipal corporations in the territory within three months of the filing of such motion. In rendering its decision, after having heard those desiring to be heard, the Commission may either maintain the budget or supplementary budget, or effect, in the place and stead of the Regional Government, a reduction of the expenses and an adjustment of the aliquot share accordingly, if it is convinced that the budget or supplementary budget entails a serious prejudice for the ratepayers of a municipal corporation in the territory. The Commission shall then fix a new delay for the payment of the aliquot share. If need be, it shall also fix a delay for the reimbursement of the amounts to be reimbursed by the Regional Government.

Depart-
ment head
respon-
sible.

387. The head of each department shall be responsible for the management of the budget of his department, according to the provisions of this act, under the supervision of the executive committee.

Transfer of
appropria-
tions.

388. The executive committee may transfer from one department to another the appropriations attributed to any of them in the budget, upon the recommendation of the heads of such departments and the approval of the council.

Certificate
by
treasurer.

389. No ordinance or resolution of the council or report or resolution of the executive committee authorizing or recommending the expenditure of moneys shall have effect without a certificate by the treasurer attesting that there are available funds.

Funds
available.

390. The funds appropriated by a budget during a fiscal year for specified works shall remain available during the ensuing fiscal year for the carrying out of such work, whether it has commenced or not.

General
fund.

391. (1) All sums of money not specially appropriated shall form part of the general fund of the Regional Government.

Grant,
etc. not
appropriat-
ed.

(2) Any grant or subsidy made to the Regional Government and not specially appropriated by the ordinance ordering the works or the expenditures may be paid in whole or in part to the general fund of the Regional Government.

Surplus.

(3) Whenever the Regional Government has collected a sum exceeding the sum required for the purposes for which such sum was raised, the surplus shall belong to the Regional Government and fall into the general fund thereof.

Use of
general
fund.

(4) All sums of money forming part of the general fund of the Regional Government may be employed for any purpose within the jurisdiction of the Regional Government.

Payment
guaran-
teed.

392. The payment of the expenses of the Regional Government, including payment of interest on and amortization of its loans, shall be guaranteed by its general fund.

Collection
of reve-
nues, etc.

393. All fees, licences, fines, revenues, taxes, subsidies and grants accruing or belonging to or received by the Regional Government shall be paid to and received by the treasurer alone or by the officer designated by him for that purpose, and no other officer shall, under any pretext, receive them unless specially authorized by the council to do so.

Ordi-
nances
respecting
finances.

394. The Regional Government may make such ordinances as it may deem expedient for the management and administration of its finances, and determine to what formalities payments out of the funds of the Regional Government shall be subject.

Deposit
and
invest-
ment.

395. The Regional Government may deposit at interest in a Canadian chartered bank or a credit and savings union, invest in the public funds of Canada or Québec, or loan on first hypothec, any moneys belonging to it.

Treasurer
responsi-
ble.

396. The treasurer shall be personally responsible for all moneys which he pays and which, to his knowledge, exceed the amount appropriated for such purpose.

Compensation.

397. The Regional Government shall not be subject to any tax for municipal purposes, but shall pay a compensation for the municipal services and local improvement works from which it benefits directly. Failing agreement on the amount of such compensation, such compensation shall be determined by the Commission municipale du Québec.

CHAPTER II

LOANS

Authori-
zation for
loans.

398. The Commission municipale du Québec may authorize the Regional Government, upon application made to it by a mere resolution of the council, to contract one or more loans upon the conditions and for the period which the Commission determines.

Inapplica-
ble provi-
sions.

The conditions so determined by the Commission shall govern such loans notwithstanding any contrary or incompatible provisions of a general law or special act limiting the amount of loans and determining the period for their reimbursement.

Applica-
bility.

The provisions of this section shall apply to every loan contracted by the Regional Government.

CHAPTER III

AUDIT OF THE FINANCES OF THE REGIONAL GOVERNMENT

Auditors.

399. (1) The council, at its last general meeting in any year, shall appoint for the fiscal year ending on the thirty-first of December of the following year, one or more auditors for the auditing of the accounts of the Regional Government.

Responsi-
bility.

(2) Such auditors may be individuals or members of a partnership and may entrust the work to their employees, but then the responsibility of the auditors shall be the same as if such work had been entirely performed by the auditors themselves.

Duties.

(3) They shall make a report of their examination to the council within sixty days after the expiration of the fiscal year.

Report.

(4) A copy of such report, certified by the treasurer, must be sent forthwith by the treasurer to the Minister.

Further
examina-
tion. (5) The council may order any other examination it may deem necessary and call for a report.

Surplus,
etc. **400.** Any surplus or deficit for a fiscal year, as appears from the auditors' report, shall be entered in the revenues or expenses of the budget for the ensuing fiscal year.

Special
audit of
accounts. **401.** (1) At any time of the year, if so required in writing by at least five electors of a municipal corporation in the territory, the council shall also order a special audit of the accounts of the Regional Government for one or more of the last five years, provided that no such audit has already been made for the same years under this section.

Costs of
audit. (2) The costs of such audit shall be payable by the responsible officer of the Regional Government, if he has been guilty of embezzlement or if, having been found short in his accounts, he fails to repay the balance within the delay fixed by subsection 5; otherwise, the costs shall be payable by the persons who demanded the audit, unless the audit is of advantage to the Regional Government.

Deposit
required. (3) The demand for an audit under this section must be accompanied by a deposit of \$100, unless a greater amount is determined from time to time by the Minister, which shall be returned to the petitioners if the costs of the audit are not charged to them.

Responsi-
bility of
auditor. (4) Any auditor appointed for such purposes may be an individual or a partnership, and may entrust the work to his or its employees, but then the responsibility of such auditor shall be the same as if such work had been entirely performed by the auditor himself.

Repay-
ment. (5) Within thirty days after the service upon him of a copy of the report of the audit, the defaulting officer of the Regional Government must pay the amount of the balance which he has been found to owe, as well as the costs of the audit.

Prescrip-
tion. **402.** All actions or claims against the treasurer resulting from his administration are prescribed by five years from the date on which the shortage of his account is reported by the auditor to the council.

Recourse. **403.** The provisions of this chapter shall nowise affect the recourse of the Regional Government under the security given by the treasurer.

TITLE VII

PROCEEDINGS AGAINST THE REGIONAL GOVERNMENT

Service. **404.** When any suit or action is commenced against the Regional Government, service therein shall be made upon the secretary or any other designated officer of the Regional Government at his office or domicile.

Execution.
delayed. **405.** Any provisions of law to the contrary notwithstanding, no judgment rendered against the Regional Government for a pecuniary condemnation only shall be executory before the expiration of thirty days of the date thereof.

Payment
on service. **406.** Whenever a copy of a judgment condemning the Regional Government to pay a sum of money has been served at the office of the Regional Government, the treasurer shall forthwith, upon being authorized by the executive committee, pay the amount thereof out of the funds at his disposal.

Delay. **407.** The court which rendered the judgment may, on motion, grant to the Regional Government any delay which it deems necessary to levy the moneys required.

TITLE VIII

GENERAL PROVISIONS

Interpre-
tation, etc. **408.** The Regional Government shall be a municipality or a municipal corporation within the meaning of the Municipal Affairs Department Act (Revised Statutes, 1964, chapter 169), the Municipal Commission Act (Revised Statutes, 1964, chapter 170), the Municipal Bribery and Corruption Act (Revised Statutes, 1964, chapter 173), the Municipal Aid Prohibition Act (Revised Statutes, 1964, chapter 176), the Public Health Protection Act, (1972, chapter 42), the Environment Quality Act (1972, chapter 49), the Municipal School Debt and Loan Act (Revised Statutes, 1964, chapter 171) and the Labour Code (Revised Statutes, 1964, chapter 141), and the said acts shall apply, *mutatis mutandis*, to the Regional Government.

PART III

FINAL PROVISIONS

Erection of
municipal-
ities. **409.** This act shall not prevent the erection of municipalities in the territory under any other general law or special act.

Coming
into force. **410.** Except where provided otherwise in this act, any order of the Government adopted under this act shall be published in the *Gazette officielle du Québec* and shall come into force on the date of such publication or at any future date mentioned therein.

Idem. The foregoing paragraph shall also apply to any order or decree of the Minister made under subsection 2 of section 19, subsections 1 and 2 of section 40, section 65, subsection 1 of section 145, paragraphs 1 and 2 of section 214, the first paragraph of section 215, section 217, section 220, the second and fourth paragraphs of section 221, subsection 3 of section 230, the second paragraph of section 251, section 259, section 261, the first paragraph of section 281, subsection 1 of section 330, the third paragraph of section 356 and subsection 3 of section 401.

Grants. **411.** The grants made to facilitate the application of this act will be paid, where necessary, for the fiscal years 1978/1979 and 1979/1980, out of the consolidated revenue fund.

Idem. For the subsequent fiscal years, they shall be taken out of the moneys granted annually for that purpose by the Assemblée nationale.

Appoint-
ment of
manager,
etc. **412.** The Minister shall appoint one or more persons to discharge the duties of manager, secretary and treasurer of the Regional Government until the manager, secretary and treasurer appointed by the Regional Government have effectively taken their oath of office.

Secretary. The person appointed by the Minister under the first paragraph to discharge the duties of secretary shall also preside over the first meeting of the council of the Regional Government until the speaker of the council is appointed.

Assistants. The Minister may also appoint as many assistants as he deems appropriate to assist such persons.

Provisions
applica-
ble. **413.** The laws of Québec apply to the Regional Government so far as they are applicable thereto and do not derogate from this act.

Minister
responsi-
ble.

414. The Minister shall be responsible for the application of this act, except Divisions IV and V of Chapter II of Title V of Part II (sections 369 to 379).

Coming
into force
(2 August
1978, G.O.,
p. 3889).

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