

chapter C-19

CITIES AND TOWNS ACT

TABLE OF CONTENTS

DIVISION I	
DECLARATORY AND INTERPRETATIVE PROVISIONS.....	1
DIVISION II <i>Repealed, 1988, c. 19, s. 235.</i>	
DIVISION III <i>Repealed, 1988, c. 19, s. 235.</i>	
DIVISION IV	
ORGANIZATION OF THE MUNICIPALITY	
§ 1. — <i>General powers of the municipality</i>	27
§ 1.1. — <i>Acquisition, administration, development and disposition of certain lands or forest resources in the domain of the State</i>	29.13
§ 1.2. — <i>Occupation of the public domain of the municipality</i>	29.19
§ 5. — <i>Council, Mayor, Councillors and Committees of the Council</i>	47
§ 5.1. — <i>Executive Committee</i>	70.1
§ 6. — <i>Officers and employees of the municipality</i>	
I. — <i>General Provisions</i>	71
II. — <i>Clerk</i>	85
III. — <i>Treasurer</i>	97
IV. — <i>Secretary-Treasurer</i>	107
IV.1. — <i>Chief auditor</i>	
a . — <i>Appointment</i>	107.1
b . — <i>Operating expenses</i>	107.5
c . — <i>Mandate</i>	107.6
d . — <i>Reporting</i>	107.13
e . — <i>Immunity</i>	107.16
V. — <i>External auditor</i>	108
V.1. — <i>Auditor ad hoc</i>	109
VII. — <i>Director general</i>	112
VIII. — <i>The person in charge of access to documents of the municipality</i>	114.2
IX. — <i>Office staff</i>	114.4
DIVISION V	
DISQUALIFICATION FOR MUNICIPAL OFFICE.....	115
DIVISION V.1	
APPOINTMENTS BY THE MINISTER OF MUNICIPAL AFFAIRS, REGIONS AND LAND OCCUPANCY.....	116.1
DIVISION VI <i>Repealed, 1987, c. 57, s. 708.</i>	
DIVISION VII <i>Repealed, 1987, c. 57, s. 708.</i>	

DIVISION VIII *Repealed, 1987, c. 57, s. 708.*

DIVISION IX

SITTINGS OF THE COUNCIL..... 318

DIVISION X

MUNICIPAL NOTICES..... 334

DIVISION X.1

PROCEEDINGS AND ORDERS IN MATTERS OF ACTIVITIES OR USES 348.1

DIVISION XI

POWERS OF THE COUNCIL

§ 1. — *General Provisions*..... 349

§ 2. — *By-Laws of the Council*.....

I. — *Passing, coming into force and promulgation of by-laws*..... 356

II. — *Penalties enacted by by-law*..... 369

V. — *Contestation and quashing of by-laws*..... 397

§ 4. — *Inspection of Houses, etc., and Seizures*..... 411

§ 14.1. — *Commercial development corporations*..... 458.1

§ 17. — *Unclaimed Objects*..... 461

§ 20. — *Indemnities, Relief and Rewards*..... 464

§ 20.1. — *Damage insurance*..... 465.1

§ 23. — *Intermunicipal agreements*.....

(A) AGREEMENT..... 468

(B) INTERMUNICIPAL MANAGEMENT BOARD..... 468.10

(C) MISCELLANEOUS PROVISIONS..... 468.53

§ 24. — *Guarantees*..... 470

§ 25.1. — <i>Twinning of municipalities</i>	471.1
§ 26. — <i>Census</i>	472
§ 27. — <i>Municipal finances</i>	473
§ 28. — <i>Taxes and Licences</i>	
I. — <i>General Provisions</i>	480
II. — <i>Imposition of Taxes</i>	485
II.1. — <i>General taxation power</i>	500.1
II.2. — <i>Dues</i>	500.6
III. — <i>Collection roll and collection of taxes</i>	501
IV. — <i>Seizure and sale of movables for non-payment of taxes</i>	505
V. — <i>Suits for Recovery of Taxes</i>	509
V.1. — <i>Execution of a judgment rendered in favour of the municipality</i>	510.1
VI. — <i>Sale of Immovables for Non-payment of Taxes</i>	511
VII. — <i>Redemption of immovables sold for taxes</i>	531
VIII. — <i>Purchase by the municipality of immovables sold for taxes</i>	536
IX. — <i>Purchase of certain immovable properties by the municipality</i>	540
§ 29. — <i>Exemption from Taxation</i>	542
§ 30. — <i>Loans</i>	543
§ 31. — <i>Working fund</i>	569
§ 31.1. — <i>Financial reserves</i>	569.1
§ 31.2. — <i>Financial reserves for the supply of water and for roads</i>	569.7
§ 32. — <i>Expropriations</i>	570
§ 33. — <i>Making and management of certain contracts</i>	572.1
DIVISION XI.1	
MUNICIPAL OMBUDSMAN.....	573.14
DIVISION XI.2	
DISSEMINATION OF CERTAIN INFORMATION.....	573.20.1
DIVISION XII	
PENAL PROCEEDINGS.....	574
DIVISION XIII	
CIVIL REMEDIES AGAINST THE MUNICIPALITY	
§ 1. — <i>Notice of Action and Miscellaneous Proceedings</i>	585
§ 2. — <i>Execution of Judgments against the Municipality</i>	591
§ 3. — <i>Exoneration of responsibility with respect to roads</i>	604.1
DIVISION XIII.1	
PROTECTION AGAINST CERTAIN FINANCIAL LOSSES RELATED TO THE PERFORMANCE OF MUNICIPAL DUTIES.....	604.6
DIVISION XIV <i>Repealed, 1989, c. 52, s. 122.</i>	
DIVISION XV <i>Repealed, 1989, c. 52, s. 122.</i>	

DIVISION XVI

FORMS 1 *(Repealed)*.

2 *(Repealed)*.

3 *(Repealed)*.

4 *(Repealed)*.

5 *(Repealed)*.

6 *(Repealed)*.

7 *(Repealed)*.

8 *(Repealed)*.

9 *(Repealed)*.

10 *(Repealed)*.

11 *(Repealed)*.

12 *(Repealed)*.

13 *(Repealed)*.

14 *(Repealed)*.

15 *(Repealed)*.

16 *(Repealed)*.

17 *(Repealed)*.

18 *(Repealed)*.

19 *(Repealed)*.

20 *(Repealed)*.

21 *(Repealed)*.

22 *(Repealed)*.

23 *(Repealed)*.

24 *(Repealed)*.

25 *(Repealed)*.

25.1 *(Repealed)*.

26 *(Repealed)*.

27 *(Repealed)*.

28 *(Repealed)*.

29 *(Repealed)*.

30 *(Repealed)*.

31 *(Repealed)*.

32 *(Repealed)*.

32.1 *(Repealed)*.

33 *(Repealed)*.

34 *(Repealed)*.

35 *(Repealed)*.

36 *(Repealed)*.

REPEAL SCHEDULE

DIVISION I

DECLARATORY AND INTERPRETATIVE PROVISIONS

1. This Act shall apply:

(a) to every city or town municipality, existing on 1 September 1979, constituted by special Act at any time before the said date, and governed by the provisions of chapter 29 of the statutes of 1876 (Town Corporations General Clauses Act), or by the provisions of the Revised Statutes, 1888 (articles 4178 to 4615), respecting town corporations, or by any part of the said provisions; provided that, if a special Act constituting such a municipality contains provisions derogating from such general Acts or laws, such provisions shall remain in force and shall apply, notwithstanding this section;

(b) to every city or town municipality, existing on 1 September 1979, constituted by special Act or by letters patent at any time before the said date, and governed by the provisions of the Cities and Towns Act, chapter 38 of the statutes of 1903, or by the Cities and Towns Act contained in articles 5256 to 5884 of the Revised Statutes, 1909, or by the Cities and Towns Act, chapter 65 of the statutes of 1922 (2nd session), or by the Cities and Towns Act contained in chapter 102 of the Revised Statutes, 1925, or by the Cities and Towns Act contained in chapter 233 of the Revised Statutes, 1941, or by the Cities and Towns Act contained in chapter 193 of the Revised Statutes, 1964, or by any part of the said provisions; provided that, if a special Act constituting such a municipality contains provisions derogating from such general Acts or laws, such provisions shall remain in force and shall apply, notwithstanding this section; and that, if a special Act governing a municipality requires the application of provisions repealed by the Cities and Towns Act, chapter 65 of the statutes of 1922 (2nd session), all such provisions shall remain in force for such municipality;

(c) to every city or town municipality constituted by charter from the Legislature after 31 August 1979 and before 8 May 1996, saving any special provisions of its charter which may be inconsistent with those of this Act;

(d) to every city or town municipality constituted by letters patent under this Act after 31 August 1979 and before 8 May 1996;

(e) to every local municipality constituted under the Act respecting municipal territorial organization (chapter O-9) or under another Act, whose constituting act provides that it shall be governed by the provisions of this Act;

(f) to every local municipality which, pursuant to a decision made by the Minister of Municipal Affairs, Regions and Land Occupancy under the Act respecting municipal territorial organization, ceases to be governed by the Municipal Code of Québec (chapter C-27.1) and begins to be governed by this Act.

R. S. 1964, c. 193, s. 1; 1968, c. 55, s. 1; 1987, c. 57, s. 683; 1988, c. 19, s. 230; 1989, c. 56, s. 6; 1996, c. 2, s. 119; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

2. *(Repealed).*

1968, c. 55, s. 2; 1969, c. 55, s. 1; 1970, c. 47, s. 1; 1973, c. 83, s. 1; 1977, c. 52, s. 1; 1982, c. 63, s. 108; 1987, c. 57, s. 684; 1988, c. 19, s. 231; 1996, c. 2, s. 120.

3. The Government, by order, upon the petition of the council of a municipality governed by this Act may repeal any provision of the charter of the petitioning municipality or any provision of another Act which applies exclusively to that municipality.

Such petition cannot be submitted to the Government unless a notice summarizing briefly the object thereof has been published at least one month beforehand in the *Gazette officielle du Québec*; within the same time a public notice must be given, in the territory of the municipality, in conformity with section 345.

The Québec Official Publisher shall insert in each annual volume of the statutes of Québec a table giving the date of the coming into force of the order made before the volume was printed and the legislative provisions the order repeals.

R. S. 1964, c. 193, s. 2; 1968, c. 23, s. 8; 1968, c. 55, s. 3; 1974, c. 45, s. 1; 1977, c. 5, s. 228; 1988, c. 19, s. 232; 1996, c. 2, s. 121; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2000, c. 19, s. 1; 2000, c. 56, s. 104.

4. *(Repealed).*

1968, c. 55, s. 3; 1974, c. 45, s. 2; 1988, c. 19, s. 233.

5. Every provision of this Act shall form part of the charter, unless it be expressly declared that such provision, specifying it by its number, shall not form part thereof.

R. S. 1964, c. 193, s. 3.

6. Unless the context indicates or declares otherwise, the following expressions, terms and words, whenever the same occur in this Act or in the charter, shall have the following meaning:

- (1) the word “charter” means any Act, letters patent or order constituting a municipality;
- (2) the word “district” means any judicial district established by law, and more particularly the district which comprises the territory of the municipality;
- (3) *(subparagraph repealed)*;
- (4) the words “member of the council” mean and include the mayor or any of the councillors of the municipality;
- (5) the word “sitting” , used alone, means either a regular sitting or a special sitting of the council;
- (6) the expression “the day following” does not mean or include holidays unless the act in question may be done upon a holiday;
- (7) the expression “ratepayer” means any person liable to pay to the municipality any assessment or tax, including water-rate;
- (8) the word “property-owner” means any person who possesses immovable property in his own name as owner, as usufructuary, or as institute in cases of substitutions, or as possessor of lands in the domain of the State with a promise of sale;
- (9) the word “occupant” means any person who occupies an immovable in his own name, otherwise than as proprietor, usufructuary or institute, and who enjoys the revenues derived from such immovable;
- (10) the word “tenant” means any person who is bound to pay rent in money or to give part of the fruits or revenues of the immovable which he occupies, and who is a resident householder, saving the case of the lessee of a store, shop, office or business establishment;
- (11) *(subparagraph repealed)*;
- (12) the expression “officer or employee of the municipality” means any officer or employee of the municipality, with the exception of members of the Council;
- (13) the expression “standardized assessment” means the product obtained by multiplying each value entered on the assessment roll of a municipality by the factor established for that roll by the Minister of Municipal Affairs, Regions and Land Occupancy under the Act respecting municipal taxation (chapter F-2.1).

The domicile of a person, within the meaning of this Act, is at the same place as under the Civil Code for the exercise of his civil rights.

R. S. 1964, c. 193, s. 4 (*part*); 1968, c. 55, s. 4, s. 5; 1979, c. 72, s. 302; 1987, c. 23, s. 76; 1987, c. 57, s. 685; 1996, c. 2, s. 122; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2008, c. 18, s. 13; 2009, c. 26, s. 109.

7. (*Repealed*).

1968, c. 55, s. 5; 1988, c. 19, s. 234.

7.1. A provision of this Act regarding a tax based on the surface area, frontage or any other dimension of an immovable property or an immovable does not apply to a building that is an assessment unit entered on the assessment roll separately from the land on which it is situated.

1979, c. 72, s. 303.

8. Whosoever is, by the provisions of this Act or of any by-law of the council, 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.

R. S. 1964, c. 193, s. 5; 1968, c. 55, s. 5; 1987, c. 57, s. 686.

9. Unnecessary allegations or expressions used in any provision respecting municipal matters shall not affect the validity thereof if the whole provision in its ordinary sense be sufficiently intelligible.

R. S. 1964, c. 193, s. 6.

10. Error or insufficiency in the designation of any municipality in any municipal document executed by a council, the officers or employees of the municipality or any other person, or in the declaration of the quality of such officer, employee or person, provided no surprise or injustice result therefrom, shall not render such act null.

R. S. 1964, c. 193, s. 7; 1968, c. 55, s. 5.

11. No suit, defence or exception, founded upon the omission of any formality, even imperative, in any act of the council or of an officer or employee of the municipality, shall prevail, unless the omission has caused actual prejudice or it be of a formality whose omission, according to the provisions of the law, would render null the proceeding from which it was omitted.

R. S. 1964, c. 193, s. 8; 1968, c. 55, s. 5.

12. Any oath required by this Act or by the charter may be taken before the mayor, the clerk, a justice of the peace, a commissioner for oaths or a notary.

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.

R. S. 1964, c. 193, s. 9.

13. Whenever any deposition or information is required to be given under oath, on behalf of any municipality, such deposition or information may be given by any member or officer or employee of the municipality.

R. S. 1964, c. 193, s. 10; 1968, c. 55, s. 5.

14. Every person who refuses or neglects, without reasonable cause, to perform any act or duty imposed upon him by any provision of this Act or of the charter, or required of him under such provisions, is liable,

over and above any damages for the damage caused, to a penalty of not less than \$20 nor more than \$50, except in cases otherwise provided for.

R. S. 1964, c. 193, s. 11; 1979, c. 36, s. 55; 1999, c. 40, s. 51.

14.1. The Attorney General may

(1) apply to quash or set aside a by-law of the council or a *procès-verbal*, roll, resolution or other order of the council or of the executive committee;

(2) exercise, against a member of the council or an officer or employee of a municipality or of a supramunicipal body who is disqualified from holding his office or employment, an application for judicial review under subparagraph 4 of the first paragraph of article 529 and articles 532 to 535 of the Code of Civil Procedure (chapter C-25.01).

For the purposes of this section, the expression “supramunicipal body” has the meaning given to it by sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3).

1980, c. 16, s. 67; 1982, c. 63, s. 109; 1988, c. 85, s. 83; 1996, c. 2, s. 123; 2000, c. 56, s. 225; 2014, c. 1, s. 780; I.N. 2016-01-01 (NCCP).

DIVISION II

Repealed, 1988, c. 19, s. 235.

1988, c. 19, s. 235.

15. *(Repealed).*

R. S. 1964, c. 193, s. 12; 1968, c. 55, s. 7; 1988, c. 19, s. 235.

16. *(Repealed).*

R. S. 1964, c. 193, s. 13; 1968, c. 55, s. 7; 1980, c. 16, s. 68; 1987, c. 57, s. 687; 1988, c. 19, s. 235.

17. *(Repealed).*

R. S. 1964, c. 193, s. 14; 1968, c. 55, s. 5, s. 8; 1987, c. 57, s. 688; 1988, c. 19, s. 235.

18. *(Repealed).*

R. S. 1964, c. 193, s. 15; 1968, c. 55, s. 9; 1974, c. 45, s. 3; 1977, c. 5, s. 14; 1987, c. 57, s. 689; 1988, c. 19, s. 235.

19. *(Repealed).*

R. S. 1964, c. 193, s. 16; 1988, c. 19, s. 235.

DIVISION III

Repealed, 1988, c. 19, s. 235.

1988, c. 19, s. 235.

20. *(Repealed).*

R. S. 1964, c. 193, s. 17; 1968, c. 55, s. 10; 1987, c. 57, s. 690; 1988, c. 19, s. 235.

21. *(Repealed).*

R. S. 1964, c. 193, s. 19; 1968, c. 55, s. 5; 1987, c. 57, s. 691; 1988, c. 19, s. 235.

22. *(Repealed).*

R. S. 1964, c. 193, s. 20; 1988, c. 19, s. 235.

23. *(Repealed).*

R. S. 1964, c. 193, s. 21; 1988, c. 19, s. 235.

24. *(Repealed).*

R. S. 1964, c. 193, s. 22; 1988, c. 19, s. 235.

25. *(Repealed).*

R. S. 1964, c. 193, s. 23; 1979, c. 72, s. 304; 1988, c. 19, s. 235.

26. *(Repealed).*

R. S. 1964, c. 193, s. 24; 1992, c. 57, s. 467; 1988, c. 19, s. 235.

DIVISION IV

ORGANIZATION OF THE MUNICIPALITY

§ 1. — *General powers of the municipality*

1988, c. 19, s. 236.

27. *(Repealed).*

R. S. 1964, c. 193, s. 25; 1988, c. 19, s. 237.

28. (1) A municipality may have a seal.

(1.0.1) Unless otherwise provided, no property of a municipality may be alienated otherwise than in return for valuable consideration. Each month the clerk of a municipality must publish a notice concerning the properties with a value greater than \$10,000 that were alienated by the municipality otherwise than by auction or public tender. The notice must describe each property and indicate for each the price of alienation and the identity of the purchaser.

(1.0.2) Unless otherwise provided, no municipality may acquire or build property mainly for leasing purposes.

(1.1) A transfer by gratuitous title or a loan for use of the rights to and licences for the processes developed by a municipality may only be made in favour of the Government, one of its Ministers or bodies, a municipality, a metropolitan community, a school board or a non-profit body.

(2) *(Subsection repealed).*

(3) Every municipality may also become surety for any institution, partnership or legal person devoted to the pursuit of purposes mentioned in the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of the Municipal Powers Act (chapter C-47.1). A municipality may also, despite the Municipal Aid Prohibition Act (chapter I-15), become surety for a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a

municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).

However, a municipality having a population of less than 50,000 shall obtain the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy to become surety for an obligation of \$50,000 or more, and a municipality having a population of 50,000 or over shall obtain such an authorization if the obligation that is the object of the surety is in the amount of \$100,000 or more.

The Minister may, where his authorization is required, require that the resolution or by-law authorizing the surety be subject to the approval of persons qualified to vote on loan by-laws according to the procedure provided for the approval of the by-laws.

(4) (Subsection repealed).

R. S. 1964, c. 193, s. 26; 1968, c. 55, s. 12; 1977, c. 5, s. 14; 1979, c. 36, s. 56; 1982, c. 63, s. 110; 1984, c. 38, s. 5; 1985, c. 27, s. 11; 1994, c. 33, s. 1; 1995, c. 34, s. 1; 1996, c. 2, s. 124; 1996, c. 27, s. 1; 1996, c. 77, s. 8; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2000, c. 56, s. 218; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2005, c. 6, s. 187; 2009, c. 26, s. 109; 2017, c. 13, s. 43; 2018, c. 8, s. 26.

28.0.0.1. (Repealed).

1995, c. 34, s. 2; 2005, c. 6, s. 194.

28.0.0.2. (Repealed).

2002, c. 37, s. 70; 2005, c. 6, s. 194.

28.0.1. (Repealed).

1995, c. 7, s. 7; 1997, c. 77, s. 9; 2005, c. 6, s. 194.

28.1. (Repealed).

1983, c. 57, s. 42; 2005, c. 6, s. 194.

28.2. (Repealed).

1983, c. 57, s. 42; 2005, c. 6, s. 194.

28.3. (Repealed).

1983, c. 57, s. 42; 1984, c. 38, s. 6; 1985, c. 27, s. 12; 1995, c. 34, s. 3.

28.4. (Repealed).

1983, c. 57, s. 42; 1995, c. 34, s. 3.

29. Every municipality may acquire, construct and equip immovables in its territory which may be leased or disposed of by gratuitous or onerous title, in all or in part, for the benefit

(1) of a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5);

(1.1) of a school board, a general and vocational college or an institution referred to in the Act respecting the Université du Québec (chapter U-1);

(2) of the Société québécoise des infrastructures, so that they may be occupied by a health and social service provider within the meaning of the fourth paragraph of section 28 of the Public Infrastructure Act (chapter I-8.3);

(3) of a childcare centre or day care centre within the meaning of the Educational Childcare Act (chapter S-4.1.1), for the purpose of setting up the childcare centre or day care centre in the immovables.

The clerk shall, within 30 days of the making of the deed of conveyance or lease, publish a notice indicating the identity of the purchaser or lessee, as the case may be, and the price of alienation or the rent.

1977, c. 52, s. 2; 1979, c. 36, s. 57; 1984, c. 38, s. 7; 1985, c. 27, s. 13; 1992, c. 21, s. 120, s. 375; 1994, c. 23, s. 23; 1995, c. 34, s. 4; 1996, c. 2, s. 125; 1996, c. 16, s. 60; 1997, c. 58, s. 20; 1998, c. 31, s. 8; 2005, c. 47, s. 136; 2011, c. 16, s. 179; 2013, c. 23, s. 102.

29.1. A municipality may accept the delegation of any power from the Government, a minister of the Government or any agency or body of the Government, where the law allows such a delegation, and exercise that power.

1980, c. 34, s. 3; 1987, c. 102, s. 38; 1996, c. 2, s. 126; 2000, c. 56, s. 225.

29.1.1. A municipality may enter into an agreement with the Government under which certain responsibilities, defined in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality.

The municipality and any minister or body of the Government may enter into any agreement necessary for the application of the agreement provided for in the first paragraph or that is incidental to such an agreement.

1996, c. 27, s. 2; 2002, c. 77, s. 28.

29.1.2. *(Repealed).*

1996, c. 27, s. 2; 2002, c. 77, s. 29.

29.1.3. A municipality may join with any municipality or metropolitan community for the purposes of an agreement with the Government under section 29.1.1.

1996, c. 27, s. 2; 2000, c. 56, s. 218.

29.1.4. An agreement entered into under section 29.1.1 shall prevail over any inconsistent provision of any general law or special Act or of any regulation thereunder.

1996, c. 27, s. 2.

29.1.5. *(Repealed).*

1996, c. 27, s. 2; 2000, c. 56, s. 105.

29.2. The Minister of Agriculture, Fisheries and Food may enter into an agreement with one or more municipalities, designated by the Government, respecting the administration within the territory of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

If one of the municipalities that is a party to the agreement is charged with administering provisions in all or part of the territory of another municipality, that competence does not extend to the institution of penal proceedings for an offence under such a provision committed in the territory of that other municipality.

The cities of Québec, Sherbrooke and Trois-Rivières may enter into an agreement with the Minister of Agriculture, Fisheries and Food respecting food inspection programs in connection with the application of the by-laws of the city.

1982, c. 64, s. 4; 1986, c. 31, s. 1; 1996, c. 2, s. 127; 1996, c. 77, s. 10; 2000, c. 56, s. 106.

29.2.1. A municipality that is a party to an agreement under the first paragraph of section 29.2 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.

1996, c. 77, s. 10; 2003, c. 5, s. 26.

29.3. Every by-law or resolution that authorizes a municipality to enter into a contract, other than a construction contract or an intermunicipal agreement, under which the municipality makes a financial commitment and from which arises, either explicitly or implicitly, an obligation for the other contracting party to build, enlarge or substantially modify a building or infrastructure used for municipal purposes must, on pain of nullity, be submitted to the approval of the qualified voters according to the procedure provided for in by-laws.

1984, c. 38, s. 8; 1994, c. 33, s. 2; 1995, c. 34, s. 5; 1996, c. 2, s. 209; 1999, c. 43, s. 13; 2003, c. 19, s. 105, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2017, c. 13, s. 44.

29.4. A municipality may own immovables for the purposes of a land reserve.

A municipality may also own immovables for housing purposes and it may

- (1) lease the immovables;
- (2) equip the immovables and install public services therein;
- (3) demolish, move or restore any construction erected on the immovables;
- (4) erect a construction on the immovables.

Notwithstanding any inconsistent provision, the municipality may also alienate an immovable referred to in this section gratuitously in favour of the Government, any of its ministers or bodies, a regional county municipality, the housing bureau or any other non-profit agency, in addition to the persons mentioned in section 29.

1985, c. 27, s. 14; 1995, c. 34, s. 6; 1996, c. 2, s. 209; 1998, c. 31, s. 9; 2002, c. 37, s. 71.

29.5. *(Repealed).*

1985, c. 27, s. 14; 1992, c. 21, s. 121, s. 375; 1996, c. 2, s. 209; 1996, c. 27, s. 3; 2003, c. 19, s. 106; 2009, c. 26, s. 17; 2018, c. 8, s. 27; 2019, c. 28, s. 119.

29.6. *(Repealed).*

1985, c. 27, s. 14; 1996, c. 2, s. 209; 2003, c. 19, s. 106; 2019, c. 28, s. 119.

29.7. *(Repealed).*

1985, c. 27, s. 14; 1992, c. 21, s. 122, s. 375; 1994, c. 33, s. 3; 1996, c. 2, s. 209; 1999, c. 43, s. 13; 2001, c. 25, s. 9; 2003, c. 19, s. 106; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2019, c. 28, s. 119.

29.8. *(Replaced).*

1985, c. 27, s. 14; 2003, c. 19, s. 106.

29.9. *(Replaced).*

1985, c. 27, s. 14; 1994, c. 33, s. 4; 1996, c. 2, s. 209; 1996, c. 27, s. 4; 2001, c. 25, s. 10; 2003, c. 19, s. 106.

29.9.1. A municipality may enter into an agreement with the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM), or with both bodies, for the purchase of movable property, the execution of work or the awarding of an insurance contract or a contract for the supply of services by the body or bodies in the name of the municipality.

Any contract entered into in accordance with an agreement described in the first paragraph is subject to the rules governing the awarding of contracts applicable to a municipality; however, it is only subject to the by-law on contract management of the party responsible for carrying out the agreement. To be designated responsible for carrying out the agreement, the Union and the Federation must have adopted a by-law on contract management in accordance with section 573.3.1.2.

1992, c. 27, s. 1; 1995, c. 34, s. 7; 1996, c. 27, s. 5; 1999, c. 90, s. 4; 2001, c. 25, s. 11; 2011, c. 11, s. 5; 2017, c. 13, s. 275; 2018, c. 8, s. 28.

29.9.2. The party responsible for carrying out an agreement entered into under section 29.9.1 may, by agreement, delegate that responsibility to the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) or to a department that is not required to call on the Centre's services.

The party responsible for carrying out an agreement to which reference is made in the first paragraph may also, by agreement, delegate that responsibility to a non-profit organization whose principal activity consists in managing the joint procurement of property or services for public institutions within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native Persons (chapter S-5), for school boards, for educational institutions or for non-profit organizations.

The rules governing the awarding of contracts by a municipality do not apply to acquisitions made or conditions of acquisition negotiated by the Centre de services partagés du Québec or a department in accordance with the regulations under the Act respecting contracting by public bodies (chapter C-65.1). The Minister of Municipal Affairs, Regions and Land Occupancy may, to the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to any of the municipalities concerned are observed, provide that such rules do not apply to contracts awarded by the delegating body referred to in the second paragraph, or to any class thereof.

1994, c. 33, s. 5; 1995, c. 34, s. 8; 1996, c. 27, s. 6; 1999, c. 43, s. 13; 2000, c. 8, s. 240; 2003, c. 19, s. 107, s. 250; 2005, c. 28, s. 196; 2005, c. 7, s. 57; 2006, c. 29, s. 52; 2009, c. 26, s. 109; 2019, c. 28, s. 120.

29.10. A municipality, in accordance with the rules applicable to it, may enter into an agreement with the council of a band, within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) or of the Cree—Naskapi (of Québec) Act (Statutes of Canada, 1984, chapter 18), provided it is an agreement which, by law, may be entered into between two municipalities.

1986, c. 31, s. 2; 1996, c. 2, s. 128; 2000, c. 56, s. 225.

29.10.1. A municipality may enter into an agreement with the council of a band within the meaning of the Indian Act (R.S.C. 1985, c. I-5) in relation to the exercise of its powers on the reserve over which the council of the band has authority and which is included within the territory of the municipality.

Such an agreement must be approved by the Government. It shall prevail over any inconsistent provision of a general law or special Act or of any regulation thereunder. In particular, it may provide that

(1) the municipality is to renounce its power to impose any tax, compensation or mode of tariffing on the immovables situated on the reserve or in respect of them;

(2) the Act respecting duties on transfers of immovables (chapter D-15.1) is not to apply to transfers of immovables situated on the reserve;

(3) *(paragraph revoked)*;

(4) all or part of the by-laws of the municipality are not to apply on the reserve.

Such an agreement may have retroactive effect to the date fixed by the order of the Government approving the agreement.

The order may approve the agreement and fix the date from which it has effect, and may, to provide for the impact of the agreement, create a municipal rule of law or derogate from any provision of an Act for which the Minister of Municipal Affairs, Regions and Land Occupancy is responsible, of a special Act governing a municipality, or of an instrument under such an Act.

1996, c. 67, s. 61; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2018, c. 5, s. 61.

29.11. *(Repealed)*.

1987, c. 12, s. 46; 1996, c. 2, s. 209; 2000, c. 10, s. 23; 2005, c. 6, s. 194.

29.12. Subject to the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and the Act respecting the Ministère du Conseil exécutif (chapter M-30), a municipality may enter into an agreement with any person or any government other than the Gouvernement du Québec, or with any department or body of such a government, the object of which is the supply by the municipality of services, expertise, material, materials or equipment relating to any matter within its jurisdiction, so that they may be employed or used profitably outside Québec.

The municipality may implement the agreement and exercise the rights and perform the obligations arising from the agreement, even outside its territory.

1994, c. 33, s. 6; 1994, c. 15, s. 35; 1996, c. 27, s. 7; 1996, c. 21, s. 70.

29.12.1. *(Repealed)*.

1996, c. 27, s. 8; 2005, c. 6, s. 194.

29.12.2. Every municipality to which a jurisdiction has been delegated may, if so authorized by the party having delegated its jurisdiction and subject to the conditions determined by that party, subdelegate all or part of the jurisdiction to a legal person established in the public interest, to a body referred to in this subdivision or to the Centre de services partagés du Québec.

1998, c. 31, s. 10; 2005, c. 7, s. 58.

§ 1.1. — *Acquisition, administration, development and disposition of certain lands or forest resources in the domain of the State*

1995, c. 20, s. 36; 1999, c. 40, s. 51; 2001, c. 6, s. 131.

29.13. Every municipality may enter into an agreement under subdivision 3 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) or Division I.1 of Chapter II of the Act respecting the lands in the domain of the State (chapter T-8.1).

1995, c. 20, s. 36; 2003, c. 8, s. 6; 2003, c. 16, s. 49; 2006, c. 3, s. 35; 2010, c. 3, s. 261.

29.14. Every municipality that enters into an agreement pursuant to section 29.13 has the necessary powers to meet the commitments and assume the responsibilities arising from the agreement.

The municipality may, in particular,

- (1) acquire any land in the domain of the State;
- (2) administer, develop, alienate or lease land acquired from the domain of the State;
- (3) lease land in the domain of the State in order to administer and develop it;
- (4) accept delegated powers for the management of land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas;
- (5) adopt a by-law for the purpose of exercising a regulatory power under the Act respecting the lands in the domain of the State (chapter T-8.1) or the Sustainable Forest Development Act (chapter A-18.1).

1995, c. 20, s. 36; 1997, c. 93, s. 46; 1999, c. 40, s. 51; 2001, c. 6, s. 132; 2010, c. 3, s. 262.

29.14.1. Every municipality that enters into an agreement under section 29.13 may, to the extent provided for by the agreement, institute penal proceedings for an offence committed in its territory under a legislative or regulatory provision the application of which is the subject of the agreement.

The fine belongs to the local municipality if it instituted the proceedings, and must be paid into a fund established under section 126 of the Municipal Powers Act (chapter C-47.1) by the regional county municipality whose territory contains that of the local municipality. If a local municipality whose territory is not contained in the territory of a regional county municipality institutes the proceedings, the fine belongs to the local municipality and must be paid into a fund established by it under that same section. The Minister of Natural Resources and Wildlife may authorize payment into any other such fund the Minister determines.

Proceedings referred to in the first paragraph may be instituted in a municipal court having jurisdiction in the territory in which the offence was committed. The costs relating to proceedings instituted before a municipal court belong to the municipality in which the court has jurisdiction, except any part of the costs remitted by the collector to another prosecuting party under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and any costs remitted to the defendant or imposed on the municipality under article 223 of that Code.

1997, c. 93, s. 47; 1998, c. 31, s. 11; 2003, c. 8, s. 6; 2003, c. 5, s. 26; 2005, c. 6, s. 188; 2010, c. 3, s. 263.

29.14.2. The municipality may institute any proceeding and exercise any power assigned to the Minister of Natural Resources and Wildlife under sections 60 to 66 of the Act respecting the lands in the domain of the State (chapter T-8.1) or under section 68 of the Sustainable Forest Development Act (chapter A-18.1) to the extent provided for by the agreement.

1997, c. 93, s. 47; 2001, c. 6, s. 133; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2010, c. 3, s. 264.

29.15. For the purposes of this subdivision, land in the domain of the State includes the buildings, improvements and movable property situated thereon that form part of the domain of the State.

1995, c. 20, s. 36; 1999, c. 40, s. 51.

29.16. No person may appropriate by occupation, prescription or accession, land acquired from the domain of the State by a municipality for as long as the municipality remains the owner of the land.

The same rule applies to buildings, improvements and movable property which, at the time the land was acquired from the domain of the State, were situated on the land and formed part of the domain of the State.

1995, c. 20, s. 36; 1999, c. 40, s. 51.

29.17. Subject to the agreement referred to in section 29.13, a municipality may use land acquired from the domain of the State for any purpose over which it has jurisdiction, or alienate it.

Unless otherwise provided for in the agreement, the price for which the land is alienated by the municipality must correspond to the market value of the land.

1995, c. 20, s. 36; 1999, c. 40, s. 51; 2010, c. 3, s. 265.

29.18. Moneys deriving from the leasing, development or alienation of land in the domain of the State, or land acquired from the domain of the State, and moneys deriving from the management of the land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas must be paid either by the local municipality into a fund established under section 126 of the Municipal Powers Act (chapter C-47.1) by the regional county municipality whose territory contains that of the local municipality, or by the local municipality whose territory is not contained in that of a regional county municipality into a fund established by it under that same section.

The Minister of Natural Resources and Wildlife may authorize the payment of such sums into any other such fund he determines.

A municipality may subtract from the sums to be paid into the fund the amount, if any, that represents the costs relating to the acquisition, administration or development of land in the domain of the State or acquired from the domain of the State or the costs relating to the management of the land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas, excepting any expenditure on forest management.

1995, c. 20, s. 36; 1998, c. 31, s. 12; 1999, c. 40, s. 51; 2001, c. 6, s. 134; 2003, c. 8, s. 6; 2005, c. 6, s. 189; 2006, c. 3, s. 35; 2010, c. 3, s. 266.

§ 1.2. — *Occupation of the public domain of the municipality*

2002, c. 77, s. 30.

29.19. A municipality may, by by-law, as regards the occupation of its public domain, determine

(1) the purposes for which the occupation is authorized unconditionally or may be so authorized subject to compliance with certain conditions;

(2) the conditions that must be met for the occupation to be authorized, in particular payment of an amount in one or more instalments;

(3) the terms and conditions according to which the occupation is authorized where the required conditions are met, in particular the adoption of a resolution or the issue of a permit;

(4) the rules relating to the duration and the premature end of the authorized occupation, in particular the rules concerning revocation of the authorization;

(5) (a) the circumstances in which all or part of the structures or installations situated in the public domain in accordance with the authorization may, notwithstanding the authorization, be permanently or temporarily removed;

(b) the rules relating to a removal under subparagraph *a*;

(6) (a) the categories of occupation for the purposes of this paragraph;

(b) the rules relating to the entry of any authorized occupation in any category it specifies in a register kept for that purpose;

(c) the rules relating to the issue of certified extracts from the register provided for in subparagraph *b*.

The municipality may, in the by-law, define categories of cases and avail itself of any power provided for in the first paragraph in a manner that varies according to the category. The municipality may also, in the by-law, provide that the council or other deliberative body it designates is empowered, in the circumstances and subject to the conditions it indicates, to exercise case by case and by resolution any power it specifies among those provided for in subparagraphs 2 to 5 of the first paragraph.

2002, c. 77, s. 30.

29.20. Where the by-law provided for in section 29.19 is in force, every structure or installation situated in the public domain of the municipality otherwise than in accordance with an authorization granted under the by-law must be removed from the public domain of the municipality.

Such by-law may contain rules concerning the removal of the structure or installation.

2002, c. 77, s. 30.

29.21. Every person who occupies the public domain of the municipality in accordance with an authorization granted under the by-law provided for in section 29.19 is liable for any harm resulting from that occupation.

The person must take up the defence of the municipality and indemnify it in any claim in damages against the municipality.

2002, c. 77, s. 30.

29.22. The amount payable under subparagraph 2 of the first paragraph of section 29.19 is secured by a legal hypothec on the immovable for whose utility the occupation of the public domain of the municipality was authorized.

The amount shall be collected in accordance with the provisions relating to the collection of the property taxes of the municipality.

2002, c. 77, s. 30.

§ 2. —

Repealed, 1988, c. 19, s. 238.

1988, c. 19, s. 238.

30. *(Repealed).*

R. S. 1964, c. 193, s. 27; 1988, c. 19, s. 238.

31. *(Repealed).*

R. S. 1964, c. 193, s. 28; 1988, c. 19, s. 238.

32. *(Repealed).*

R. S. 1964, c. 193, s. 29; 1984, c. 47, s. 213; 1988, c. 19, s. 238.

§ 3. —

Repealed, 1987, c. 57, s. 692.

1987, c. 57, s. 692.

33. *(Repealed).*

R. S. 1964, c. 193, s. 30; 1968, c. 55, s. 13; 1987, c. 57, s. 692.

34. *(Repealed).*

R. S. 1964, c. 193, s. 31; 1968, c. 55, s. 5; 1987, c. 57, s. 692.

35. *(Repealed).*

R. S. 1964, c. 193, s. 32; 1968, c. 55, s. 5; 1987, c. 57, s. 692.

§ 4. —

Repealed, 1988, c. 19, s. 239.

1988, c. 19, s. 239.

36. *(Repealed).*

R. S. 1964, c. 193, s. 33; 1987, c. 57, s. 693; 1988, c. 19, s. 239.

37. *(Repealed).*

R. S. 1964, c. 193, s. 34; 1968, c. 55, s. 14; 1988, c. 19, s. 239.

38. *(Repealed).*

R. S. 1964, c. 193, s. 35; 1968, c. 55, s. 14; 1975, c. 66, s. 1; 1987, c. 57, s. 694; 1988, c. 19, s. 239.

39. *(Replaced).*

R. S. 1964, c. 193, s. 36; 1968, c. 55, s. 14; 1975, c. 66, s. 2; 1987, c. 57, s. 694.

40. *(Repealed).*

R. S. 1964, c. 193, s. 37; 1968, c. 55, s. 14; 1969, c. 55, s. 2; 1987, c. 57, s. 695; 1988, c. 19, s. 239.

41. *(Repealed).*

R. S. 1964, c. 193, s. 38; 1968, c. 55, s. 14; 1969, c. 55, s. 3; 1974, c. 47, s. 1; 1975, c. 66, s. 3; 1980, c. 16, s. 69; 1982, c. 63, s. 111; 1987, c. 57, s. 696.

42. *(Repealed).*

R. S. 1964, c. 193, s. 43; 1968, c. 55, s. 15; 1969, c. 55, s. 4; 1977, c. 5, s. 14; 1977, c. 52, s. 3; 1979, c. 36, s. 58; 1987, c. 57, s. 697; 1988, c. 19, s. 239.

42.1. *(Repealed).*

1987, c. 57, s. 698; 1988, c. 19, s. 239.

43. *(Repealed).*

1975, c. 66, s. 4; 1977, c. 52, s. 4; 1987, c. 57, s. 699; 1988, c. 19, s. 239.

44. *(Repealed).*

R. S. 1964, c. 193, s. 44; 1968, c. 55, s. 16; 1975, c. 66, s. 5; 1982, c. 63, s. 112; 1987, c. 57, s. 700; 1988, c. 19, s. 239.

45. *(Repealed).*

R. S. 1964, c. 193, s. 45; 1968, c. 55, s. 5; 1988, c. 19, s. 239.

46. *(Repealed).*

1975, c. 66, s. 6; 1977, c. 52, s. 5; 1988, c. 19, s. 239.

46.1. *(Repealed).*

1979, c. 36, s. 59; 1988, c. 19, s. 239.

46.2. *(Repealed).*

1982, c. 63, s. 113; 1988, c. 19, s. 239.

46.3. *(Repealed).*

1982, c. 63, s. 113; 1988, c. 19, s. 239.

46.4. *(Repealed).*

1985, c. 27, s. 15; 1988, c. 19, s. 239.

§ 5. — *Council, Mayor, Councillors and Committees of the Council*

47. The municipality shall be represented and its affairs administered by its council.

R. S. 1964, c. 193, s. 46; 1996, c. 2, s. 209.

48. *(Repealed).*

R. S. 1964, c. 193, s. 47; 1968, c. 55, s. 5; 1987, c. 57, s. 701.

49. *(Repealed).*

R. S. 1964, c. 193, s. 48; 1968, c. 55, s. 17; 1969, c. 55, s. 5; 1987, c. 57, s. 701.

50. *(Repealed).*

R. S. 1964, c. 193, s. 49; 1968, c. 55, s. 17; 1969, c. 55, s. 5; 1987, c. 57, s. 701.

51. *(Repealed).*

R. S. 1964, c. 193, s. 50; 1968, c. 55, s. 17; 1987, c. 57, s. 701.

52. The mayor shall exercise the right of superintendence, investigation and control over all the departments and officers or employees of the municipality, except the chief auditor, and especially shall see that the revenue of the municipality is collected and expended according to law, and that the provisions of the law and all by-laws, rules and regulations 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 municipality.

In the exercise of his functions as the executive head of the municipal administration, the mayor shall have the right, at any time, to suspend any officer or employee of the municipality, except the chief auditor, 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.

R. S. 1964, c. 193, s. 51; 1968, c. 55, s. 5, s. 18; 2018, c. 8, s. 29.

53. The by-laws and resolutions adopted by the council and the obligations and contracts approved by it shall be presented by the clerk to the mayor within ninety-six hours after such adoption or approval.

If, within such time, the mayor advises the clerk that he does not approve them, the latter shall submit them again to the council at the next sitting as a matter of urgency and priority.

If the absolute majority of the members of the council reaffirm such by-law, resolution, obligation or contract, the mayor shall sign and approve the same, and if he refuse, such by-law, resolution, obligation or contract shall be legal and valid, as if signed and approved by him, subject, nevertheless, to any special provision of law by which a specified majority of the council is required for the approval of a by-law, resolution, obligation or contract, or where the approval of the mayor is specially required.

The acting mayor shall not exercise the powers conferred on the mayor by the second paragraph of this section.

R. S. 1964, c. 193, s. 52; 1968, c. 55, s. 19; 1999, c. 40, s. 51.

54. Where so ordered by the Minister of Municipal Affairs, Regions and Land Occupancy, the mayor is bound to read to the council all circulars or communications addressed to the mayor or to the council by the Minister. The mayor shall also, where so required by the council or by the Minister, publish them in the manner prescribed for the publication of public notices.

R. S. 1964, c. 193, s. 53; 1968, c. 55, s. 20; 1996, c. 2, s. 210; 1996, c. 77, s. 11; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

55. He shall furnish to the Lieutenant-Governor or to the Minister of Municipal Affairs, Regions and Land Occupancy, 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.

R. S. 1964, c. 193, s. 54; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

56. The council shall appoint a councillor as acting mayor for the period it determines.

The acting mayor shall have and exercise the powers of the mayor when the mayor is absent from the territory of the municipality or unable to perform the duties of his office. When the inability results from a provisional incapacity declared under section 312.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2), the acting mayor shall have and exercise all the powers conferred on the mayor, despite the fourth paragraph of section 53 and any inconsistent legislative provision contained in the charter of a municipality governed in part by this Act.

1971, c. 55, s. 1; 1996, c. 2, s. 129; 2003, c. 19, s. 108; 2013, c. 3, s. 1.

57. If the office of mayor becomes vacant, the acting mayor shall fill such office *ex officio* while the vacancy lasts.

1971, c. 55, s. 1.

57.1. Sections 52 to 57 apply to every municipality governed by this Act, even if a provision of the charter of the municipality that came into force before 19 December 1968 repeals, replaces or amends, directly or indirectly, one of those sections.

However, subject to section 3, section 52 does not apply to Ville de Laval or Ville de Hull.

1996, c. 2, s. 130.

58. *(Repealed).*

R. S. 1964, c. 193, s. 55; 1968, c. 55, s. 21; 1987, c. 57, s. 702.

59. *(Repealed).*

R. S. 1964, c. 193, s. 59; 1968, c. 55, s. 23; 1987, c. 57, s. 702.

60. *(Repealed).*

R. S. 1964, c. 193, s. 60; 1968, c. 55, s. 23; 1969, c. 55, s. 6; 1987, c. 57, s. 702.

61. *(Repealed).*

R. S. 1964, c. 193, s. 61; 1968, c. 55, s. 23; 1971, c. 55, s. 4; 1977, c. 52, s. 7; 1982, c. 63, s. 114.

62. *(Repealed).*

1971, c. 55, s. 5; 1977, c. 52, s. 8; 1982, c. 63, s. 114.

63. *(Repealed).*

R. S. 1964, c. 193, s. 62; 1968, c. 55, s. 5; 1987, c. 57, s. 703.

64. *(Repealed).*

R. S. 1964, c. 193, s. 63; 1968, c. 55, s. 24; 1982, c. 63, s. 115; 1987, c. 57, s. 703.

65. *(Repealed).*

R. S. 1964, c. 193, s. 64; 1968, c. 55, s. 24; 1969, c. 55, s. 7; 1974, c. 47, s. 2; 1974, c. 45, s. 4; 1975, c. 66, s. 7; 1977, c. 52, s. 9; 1979, c. 36, s. 60; 1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.1. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.2. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.3. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.4. *(Repealed).*

1980, c. 16, s. 70; 1983, c. 57, s. 43; 1988, c. 30, s. 33.

65.5. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.6. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.7. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.8. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.9. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.10. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.11. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.12. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.13. *(Repealed).*

1980, c. 16, s. 70; 1982, c. 62, s. 143; 1983, c. 57, s. 44; 1988, c. 30, s. 33.

65.14. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

65.15. *(Repealed).*

1980, c. 16, s. 70; 1988, c. 30, s. 33.

66. The council of a municipality having a population of at least 50,000 souls may grant by by-law to every person who has held office as a member of the council for twelve years or more, and who has ceased to hold such office after 1 January of the year in which the by-law is passed, an annual pension of \$1,500 payable in equal and consecutive instalments on the first day of each month. The repeal of such a by-law cannot be set up against persons respecting whom it applies or has already applied.

In order to benefit from such pension payments, the members of the council must pay into the general administration fund a contribution equal to 5% of their annual remuneration for each of the last five years, or for the period since taking office in the case of those who have held office for less than five years.

If a councillor or the mayor does not hold office for twelve years, the amounts so paid shall be reimbursed to him without interest.

Such pension shall be increased by \$500 for each year or part of a year during which such person has held the office of mayor, but it shall in no case exceed \$5,000.

Such pension shall be unassignable and unseizable.

The payment of such pension shall be suspended during any period when the beneficiary holds, temporarily or permanently, any charge, office or situation involving remuneration paid by the municipality.

In computing any such period of twelve years, a part of a year shall be counted as a full year.

In no case may the council of a municipality adopt a by-law, after 12 December 1974, to grant a pension pursuant to this section.

1968, c. 55, s. 24; 1988, c. 85, s. 84.

67. No vote given by a person unlawfully holding office as mayor or councillor, and no act in which he participates in such quality, may be set aside solely by reason of the illegal exercise of such office.

R. S. 1964, c. 193, s. 65; 1968, c. 55, s. 5.

68. *(Repealed).*

R. S. 1964, c. 193, s. 66; 1968, c. 55, s. 5, s. 25; 1992, c. 61, s. 116.

69. If questions of fact arise in matters before the council or any of its committees, which the interests of the municipality 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.

Every person so neglecting or refusing to appear, or refusing to produce papers or to be examined as aforesaid, shall be subject to a fine of not more than \$40.

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

R. S. 1964, c. 193, s. 67; 1986, c. 95, s. 45; 1990, c. 4, s. 172.

70. (1) The council may appoint permanent or special committees, composed of as many of its members as it may deem necessary, to supervise the administration of the several civic departments for which they are respectively appointed, and to manage such business as it may, by by-law or resolution, assign to them.

The council may replace any member of the said committees whenever it thinks proper.

The mayor shall be a member *ex officio* of all committees, and shall have a right to vote therein.

Every committee shall render account of its labours and decisions by reports signed by its chairman or by a majority of the members who compose it.

No report of a committee appointed under this section shall have any effect until it has been ratified or adopted by the council.

(2) *(Subsection repealed).*

(3) *(Subsection repealed).*

R. S. 1964, c. 193, s. 68; 1968, c. 55, s. 5, s. 26; 1979, c. 51, s. 260.

70.0.1. Where the law provides that persons who are not council members may sit on a permanent or special committee or a council committee, the municipality may provide, by by-law, for the remuneration of such persons. The amount of the remuneration shall be based on their attendance at sittings of the committee.

The municipality may also, following the same procedure as for the reimbursement of expenses to council members, establish rules for the reimbursement of expenses to committee members who are not council members.

2003, c. 19, s. 109.

§ 5.1. — *Executive Committee*

1978, c. 63, s. 119.

70.1. The council may, by by-law adopted by a two-thirds majority of the votes, create an executive committee of three members if the council is composed of from 12 to 20 councillors or five members if the council is composed of more than 20 councillors.

1978, c. 63, s. 119; 1980, c. 16, s. 71.

70.2. The mayor is, *ex officio*, chairman of the committee.

The other members of the committee are appointed, by resolution of the council, from among its members, for a one-year term; the term is renewable.

1978, c. 63, s. 119.

70.3. The chairman appoints, from among the other members of the committee, a deputy chairman to replace him when absent or unable to act.

1978, c. 63, s. 119.

70.4. *(Repealed).*

1978, c. 63, s. 119; 1980, c. 16, s. 72.

70.5. Two members of a committee of three, or three members of a committee of five, are a quorum.

1978, c. 63, s. 119.

70.6. The clerk is, *ex officio*, secretary of the committee.

1978, c. 63, s. 119.

70.7. (*Repealed*).

1978, c. 63, s. 119; 1983, c. 57, s. 45.

70.8. The committee prepares and submits to the council:

(a) draft by-laws;

(b) the annual budget;

(c) any request for the allocation of the proceeds of loans or for any other moneys required;

(d) any request for the transfer of funds or moneys already voted;

(e) any report that recommends the granting of franchises or privileges;

(f) any report concerning the exchange or the lease by emphyteusis of an immovable that belongs to the municipality or the lease of the municipality's movable or immovable property under a lease of more than one year;

(g) any report on any other subject submitted to it by the council that falls within the latter's jurisdiction;

(h) any plan for the classification of positions and the related salaries.

1978, c. 63, s. 119; 1996, c. 2, s. 131.

70.9. The committee must give an account of its work to the council and no report or decision has effect unless it has been adopted or ratified by the council.

1978, c. 63, s. 119.

70.10. Sections 70.1 to 70.9 apply to every municipality

(a) (*paragraph repealed*);

(b) that has no executive committee or administrative committee under its charter; and

(c) whose council is made up of at least 12 councillors.

1978, c. 63, s. 119; 1979, c. 39, s. 15; 1980, c. 16, s. 73; 1982, c. 2, s. 30; 1996, c. 2, s. 132.

§ 6. — *Officers and employees of the municipality*

I. — *General Provisions*

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

An absolute majority of the votes of the members of the council is required in order that the council may dismiss, suspend without pay or reduce the salary of an officer or employee who is not an employee within

the meaning of the Labour Code (chapter C-27) and who has held a position for at least six months or has held, within the municipality, a position the holder of which is not an employee within the meaning of that Code. However, in the case of the chief auditor, a two-thirds majority of the votes of the members is required.

The second paragraph also applies to any officer or employee who is not an employee represented by a certified association within the meaning of the Labour Code, who is designated under paragraph 7 of section 119 of the Act respecting land use planning and development (chapter A-19.1), designated under section 35 of the Municipal Powers Act (chapter C-47.1), responsible for the issuance of the authorization required under section 3 of the Groundwater Catchment Regulation (chapter Q-2, r. 6), or responsible for the issuance of a permit required under section 4 of the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22), and who, for at least six months, has held that position or a position, within the municipality, referred to in the second paragraph.

R. S. 1964, c. 193, s. 69; 1968, c. 17, s. 88; 1968, c. 53, s. 1; 1968, c. 55, s. 27; 1983, c. 57, s. 46; 2000, c. 12, s. 316; 2000, c. 54, s. 1; 2001, c. 25, s. 12; 2004, c. 20, s. 94; 2005, c. 6, s. 190.

72. A resolution dismissing, suspending without pay or reducing the salary of an officer or employee referred to in the second or third paragraph of section 71, shall be served on the officer or employee in the same manner as a summons under the Code of Civil Procedure (chapter C-25.01).

Subject to section 89 of the Police Act (chapter P-13.1), a person on whom a measure described in the first paragraph has been imposed may, within 30 days following service of the resolution, file a complaint in writing with the Administrative Labour Tribunal to make an inquiry and dispose of the complaint.

1968, c. 53, s. 1; 1968, c. 55, s. 28; 1969, c. 55, s. 8; 1977, c. 5, s. 14; 1983, c. 57, s. 47; 1985, c. 27, s. 16; 1986, c. 31, s. 3; 1988, c. 21, s. 66; 2000, c. 12, s. 317; 2000, c. 54, s. 2; 2001, c. 26, s. 86; 2015, c. 15, s. 237; I.N. 2016-01-01 (NCCP).

72.1. The provisions of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.

1995, c. 34, s. 9; 2000, c. 54, s. 2; 2001, c. 26, s. 87; 2015, c. 15, s. 125.

72.2. The Administrative Labour Tribunal may

- (1) order the municipality to reinstate the officer or employee;
- (2) order the municipality to pay to the officer or employee an indemnity up to a maximum equivalent to the salary the officer or employee would normally have received had there been no such measure;
- (3) render any other decision the Administrative Labour Tribunal believes fair and reasonable, taking into account all the circumstances of the matter, and in particular order the municipality to pay to the officer or employee compensation up to a maximum equivalent to the amount the officer or employee disbursed to exercise the recourse.

2000, c. 54, s. 2; 2001, c. 26, s. 88; 2015, c. 15, s. 237.

72.3. (*Repealed*).

2000, c. 54, s. 2; 2001, c. 26, s. 89.

73. Sections 72 to 72.2 and 73.1 apply to a municipality even where the municipality's charter enacts for the municipality a section of this Act bearing the same number or repeals, replaces or amends section 71, directly or indirectly, in whole or in part.

1968, c. 53, s. 1; 1995, c. 34, s. 10; 1996, c. 2, s. 133; 2000, c. 54, s. 2; 2000, c. 56, s. 107; 2001, c. 26, s. 90.

73.1. Sections 71 to 73 do not apply to a suspension without pay unless

(1) the suspension is for more than twenty working days, or

(2) the suspension, whatever its duration, occurs within twelve months following the expiry of a suspension without pay for more than twenty working days.

1983, c. 57, s. 48.

73.2. The council may, on the conditions it determines, delegate to any officer or employee of the municipality who is not an employee within the meaning of the Labour Code (chapter C-27) the power to hire officers and employees who are such employees and, consequently, the power to authorize an expenditure for that purpose.

The hiring has no effect unless, in accordance with a by-law adopted under the second paragraph of section 477, funds are available for that purpose.

The list of the persons hired under the first paragraph shall be submitted at a council meeting held after they are hired.

1996, c. 27, s. 9; 1997, c. 93, s. 48; 2006, c. 31, s. 13.

73.3. Any officer or employee performing duties within the scope of the powers exercised by the council of a borough recognized under section 29.1 of the Charter of the French language (chapter C-11) is, for the purposes of sections 20 and 26 of that Charter, deemed to be an officer or employee of the borough.

2003, c. 14, s. 156.

74. *(Repealed).*

R. S. 1964, c. 193, s. 70; 1968, c. 55, s. 5; 1996, c. 27, s. 10.

75. *(Repealed).*

R. S. 1964, c. 193, s. 71; 1968, c. 55, s. 5; 1996, c. 27, s. 10.

76. *(Repealed).*

R. S. 1964, c. 193, s. 72; 1995, c. 34, s. 11.

77. The council may, by by-law, determine the duties of the officers or employees of the municipality not defined by this Act or the charter.

Subject to the Act respecting liquor permits (chapter P-9.1), the council may, from time to time, by resolution, designate one of the officers or employees of the municipality to hold, for the benefit and advantage of the municipality, a permit for the sale of alcoholic beverages in any recreation centre or in any public place which it owns or leases.

R. S. 1964, c. 193, s. 73; 1968, c. 55, s. 5; 1975, c. 66, s. 8; 1979, c. 71, s. 160; 1983, c. 57, s. 49.

78. Whenever an act or proceeding must be executed by more than two officers or employees of the municipality, it may be validly executed by the majority of such officers or employees, save in cases otherwise provided for.

R. S. 1964, c. 193, s. 74; 1968, c. 55, s. 5.

79. Every officer or employee of the municipality who has ceased to discharge the duties of his office shall deliver, within the eight days next following, to the mayor, or at the office of the council, all the moneys, keys, books, papers, insignia, documents, records and other things belonging to the council.

R. S. 1964, c. 193, s. 75; 1968, c. 55, s. 5.

80. If any officer or employee of the municipality die, or if he be absent from the territory of the municipality, his representatives or heirs shall, within one month from his death or absence, deliver, to the mayor or at the office of the council, the moneys, keys, books, papers, objects, documents, records and other things belonging to the council, and which he had in charge or in use in the execution of the office so held by him.

R. S. 1964, c. 193, s. 76; 1968, s. 55, s. 5; 1996, c. 2, s. 134.

81. In the case of section 79 or 80, the council may, in addition to any other legal recourse, recover, from such officer or employee of the municipality or from his representatives, all such moneys, keys, books, papers, insignia, documents, records and other things, without prejudice to damages, with legal costs.

The council may exercise the same rights and obtain the same remedy against any other person having in his possession and refusing to deliver up any such things.

R. S. 1964, c. 193, s. 77; 1968, c. 55, s. 5; I.N. 2016-01-01 (NCCP).

82. Every officer or employee of the municipality shall give an accurate report in writing, and in the manner determined by the council, to the council or to any authorized person, upon all matters connected with his duties, and render an account of the moneys collected by him and of those which he has paid or disbursed for the council and under its control, specifying the objects for which such moneys were so paid or disbursed.

R. S. 1964, c. 193, s. 79; 1968, c. 55, s. 5.

83. The council may bring an action to account against any employee responsible for moneys belonging to the municipality, and he shall, if necessary, be condemned to render account, and to pay the sum which he is declared to owe, with interest, expenses and legal costs.

R. S. 1964, c. 193, s. 80 (*part*); 1965 (1st sess.), c. 80, a. 1; I.N. 2016-01-01 (NCCP).

84. The council may establish a tariff of fees payable to officers or employees of the municipality for their services, whether by persons who have required such services or by those on whose account they are rendered, or by the municipality, in cases in which such fees have not been fixed by law.

R. S. 1964, c. 193, s. 81; 1968, c. 55, s. 5; 1996, c. 27, s. 11.

Not in force

84.1. Every municipality must contribute to the financing of at least one of the services established by the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM), or by any body constituted for that purpose and of which the Union or the Fédération is a founder, with a view to affording municipalities access to information and advice as regards labour relations and human resources management.

The contribution of a municipality shall be fixed according to the rules determined by the supplier of the service being financed by the municipality's contribution.

The first and second paragraphs do not apply to the Eeyou Istchee James Bay Regional Government.

2000, c. 54, s. 3; 2000, c. 56, s. 108; 2013, c. 19, s. 91.

II. — *Clerk*

85. The council shall always have an officer or employee of the municipality as keeper of its office and archives.

Such officer or employee shall be styled the clerk.

R. S. 1964, c. 193, s. 82; 1968, c. 55, s. 5; 1996, c. 2, s. 135.

86. The office of the clerk 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.

R. S. 1964, c. 193, s. 83.

87. The clerk shall be the custodian of the books, registers, plans, maps, archives and other documents and papers, which are either the property of the municipality or are produced, filed or preserved in its office.

R. S. 1964, c. 193, s. 84; 1999, c. 40, s. 51.

88. The clerk cannot divest himself of the custody of any of such things, except with the permission of the council or upon an order of a court.

R. S. 1964, c. 193, s. 85.

89. *(Repealed).*

1977, c. 52, s. 10; 1983, c. 38, s. 62.

90. The clerk shall attend at all sittings of the council, and draw up minutes of all the acts and proceedings thereof.

R. S. 1964, c. 193, s. 86.

91. *(Section renumbered).*

R. S. 1964, c. 193, s. 87; 1968, c. 55, s. 29; 1975, c. 66, s. 9; 1987, c. 68, s. 26.



See section 114.2.

92. Copies and extracts, certified by the clerk, of and from any books, registers, archives, documents or papers preserved in the office of the municipality, shall be evidence of their contents.

R. S. 1964, c. 193, s. 88.

92.1. The clerk is authorized to amend the minutes or a by-law, resolution, order or other act of the council, executive committee or borough council in order to correct an error that is obvious just by reading the documents provided in support of the decision. In such a case, the clerk must attach the minutes of the correction to the original of the amended document and file a copy of the amended document and of the minutes of the correction at the next meeting of the council, executive committee or borough council.

2005, c. 28, s. 48.

93. The registers and documents in the possession of the clerk and forming part of the archives of the council may be inspected during regular working hours by any person applying to do so.

R. S. 1964, c. 193, s. 89; 1979, c. 36, s. 61; 1987, c. 68, s. 27.

94. *(Repealed).*

R. S. 1964, c. 193, s. 90; 1968, c. 55, s. 30; 1984, c. 38, s. 9.

95. *(Repealed).*

R. S. 1964, c. 193, s. 91; 1984, c. 38, s. 9.

96. The assistant clerk, if appointed by the council, may perform all the duties of the office of clerk, with the same rights, powers and privileges, and under the same obligations and penalties.

In the case of a vacancy in the office of the clerk, the assistant clerk shall perform the duties of the office until the vacancy is filled.

R. S. 1964, c. 193, s. 92.

III. — *Treasurer*

97. The council shall have an officer or employee of the municipality, called the treasurer, who shall be the collector and depositary of all the moneys of the municipality.

R. S. 1964, c. 193, s. 93; 1968, c. 55, s. 5.

98. The treasurer's office shall be in the place where the sittings of the council are held, or in any other place fixed by resolution of the council.

R. S. 1964, c. 193, s. 94.

99. Subject to all other legal provisions, the treasurer shall deposit, in any bank or any deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2) which may be designated by the council, the moneys arising from municipal taxes or dues, and all other moneys belonging to the municipality, and shall allow them to remain there until they are employed for the purposes for which they were levied, or until disposed of by the council.

He may also, with the prior authorization of the council, invest such moneys in any bank or any deposit institution authorized under the Deposit Institutions and Deposit Protection Act which may be designated by the council, or purchase securities issued or guaranteed by the Government of Canada, the Gouvernement du Québec or the government of another Canadian province or securities issued or guaranteed by a municipality or by a mandatory body of a municipality or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3).

The council may invest the moneys mentioned in the first paragraph in the purchase of securities in a mutual fund which is managed by a financial institution, and all the securities of which are held by municipalities, by bodies referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, by school boards or by two or more of such entities. The investments made by such a fund must be limited to those set out in the second paragraph.

The Minister may, by regulation, determine other securities in which the council may invest, through the agency of the mutual fund referred to in the third paragraph, the moneys mentioned in the first paragraph, or determine the forms of investment in which the council may invest the moneys through the agency of such a fund.

R. S. 1964, c. 193, s. 95; 1968, c. 55, s. 31; 1979, c. 36, s. 62; 1992, c. 27, s. 2; 1994, c. 33, s. 7; 1996, c. 77, s. 12; 1997, c. 41, s. 65; 1997, c. 93, s. 49; 2000, c. 29, s. 626; 2006, c. 50, s. 122; 2009, c. 26, s. 18; 2018, c. 23, s. 731.

100. (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.

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

(3) Such books shall be kept in the form prescribed or approved of by the Minister of Municipal Affairs, Regions and Land Occupancy, or in accordance with the system established by the Government.

R. S. 1964, c. 193, s. 96; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

100.1. Cheques and negotiable instruments other than bonds issued by the municipality shall be signed by the mayor and the treasurer. The signature of the mayor and of the treasurer may be printed, engraved or otherwise reproduced.

1979, c. 36, s. 63; 1994, c. 33, s. 8.

101. The treasurer shall not, nor shall any other officer or employee of the municipality, under a penalty of \$20 for each offence,—

(1) grant a discharge to any person indebted to the municipality, without having received payment for such debt, either in cash or in an accepted bank cheque;

(2) lend, directly or indirectly, by himself or by others, to any person, moneys belonging to the municipality.

R. S. 1964, c. 193, s. 97; 1968, c. 55, s. 5.

102. The books of accounts of the treasurer and vouchers for his expenses may be inspected during regular working hours by any person applying to do so.

R. S. 1964, c. 193, s. 98; 1979, c. 36, s. 64; 1987, c. 68, s. 28.

103. *(Repealed).*

R. S. 1964, c. 193, s. 99; 1968, c. 55, s. 32; 1975, c. 66, s. 10; 1987, c. 68, s. 29.

104. Copies and extracts, certified by the treasurer, of and from the books, archives, documents and papers in his custody, shall be evidence of their contents.

R. S. 1964, c. 193, s. 100.

105. At the end of the fiscal year, the treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the municipality's financial statements and any other document or information required by the Minister.

The treasurer shall also produce a statement fixing the effective aggregate taxation rate of the municipality, in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), and any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs.

R. S. 1964, c. 193, s. 101; 1984, c. 38, s. 10; 1996, c. 2, s. 209; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2006, c. 31, s. 14; 2009, c. 26, s. 109; 2017, c. 13, s. 45.

105.1. The treasurer shall, at a sitting of the council, table the financial report and any other document whose tabling is prescribed by the Minister.

At least five days before the sitting, the clerk shall give public notice indicating that the reports will be filed at that sitting.

1984, c. 38, s. 10; 2001, c. 25, s. 13; 2017, c. 13, s. 46; 2018, c. 8, s. 30; I.N. 2019-01-15.

105.2. Not later than 15 May, the clerk shall transmit to the Minister the financial report and any report of a chief auditor or external auditor under section 108.2 or 108.2.1 that were filed at a sitting of the municipal council.

The clerk shall also transmit the documents and information referred to in the second paragraph of section 105 to the Minister within the time prescribed by the Minister.

If the financial report or the other documents and information referred to in the second paragraph are not transmitted to the Minister within the prescribed time, the Minister may cause them to be prepared, for any period and at the municipality's expense, by an officer of his department or by a person authorized to act as external auditor for a municipality. If the financial report or the other documents and information are prepared by a person other than an officer of the department, the person's fees are paid by the municipality unless the Minister decides to make the payment, in which case he may require reimbursement from the municipality.

1984, c. 38, s. 10; 1996, c. 2, s. 209; 1999, c. 43, s. 13; 2001, c. 25, s. 14; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2008, c. 18, s. 14; 2009, c. 26, s. 109; 2017, c. 13, s. 47; 2018, c. 8, s. 31.

105.2.1. If, after the transmission referred to in section 105.2, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister, the treasurer shall make the correction as soon as possible.

The treasurer shall table any corrected report at the next regular sitting of the council, and the clerk shall give public notice of the tabling at least five days before the sitting.

The clerk shall send the corrected report to the Minister as soon as possible.

The first and third paragraphs apply, with the necessary modifications, to the documents and information referred to in the second paragraph of section 105.

2017, c. 13, s. 48.

105.2.2. At a regular sitting not later than of the council held not later than June, the mayor shall make a report to the citizens on the highlights of the financial report, the chief auditor's report and the external auditor's report.

The mayor's report shall be disseminated in the territory of the municipality in the manner determined by the council.

2017, c. 13, s. 48; 2018, c. 8, s. 32.

105.3. The council may call upon the treasurer, at any time during the year, to produce a detailed account of the revenues and expenditures of the municipality.

1984, c. 38, s. 10; 1996, c. 2, s. 209.

105.4. The treasurer shall table two comparative statements at the last regular sitting of the council held at least four weeks before the sitting at which the budget for the following fiscal year is to be adopted. During a year in which a general election is held in the municipality, the two comparative statements shall be tabled not later than at the last regular sitting held before the council ceases sitting in accordance with section 314.2 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

The first statement compares the revenues and expenditures of the current fiscal year, received or incurred on or before the last day of the month ending at least 15 days before the month in which the statement is filed, and those of the preceding fiscal year received or incurred during the corresponding period of that fiscal year.

The second statement compares the projected revenues and expenditures for the current fiscal year, as at the time the statement is prepared and based on the information at the treasurer's disposal, and those provided for in the budget for that fiscal year.

1984, c. 38, s. 10; 1996, c. 2, s. 209; 2006, c. 31, s. 15; 2017, c. 13, s. 49.

105.5. All actions, claims or demands against the treasurer and arising from his administration shall be prescribed by five years from the financial report drawn up by him.

1984, c. 38, s. 10.

106. The assistant treasurer, if one is appointed by the council, may exercise all the powers of the office of treasurer, with the rights, duties, privileges, obligations and penalties attached to such office.

In case of vacancy in the office of treasurer, the assistant treasurer shall perform the duties of such office until the vacancy is filled.

R. S. 1964, c. 193, s. 102.

IV. — *Secretary-Treasurer*

107. The council, if it deem it expedient, may appoint a single person to fill the offices of clerk and treasurer. In such case the officer or employee of the municipality filling such offices shall 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.

The council may also appoint a single person to fill the offices of assistant clerk and assistant treasurer. Such officer or employee shall be known as the "assistant secretary-treasurer" and he may exercise all the powers of the office of secretary-treasurer, with the rights, duties, privileges, obligations and penalties attached to such office.

R. S. 1964, c. 193, s. 103; 1968, c. 55, s. 5.

IV.1. — *Chief auditor*

2001, c. 25, s. 15.

a . — *Appointment*

2018, c. 8, s. 33.

107.1. The council of every municipality having 100,000 inhabitants or more shall have an officer called the chief auditor who is a member of the Ordre des comptables professionnels agréés du Québec.

2001, c. 25, s. 15; 2018, c. 8, s. 34.

107.2. The chief auditor shall, by a resolution approved by a two-thirds majority of the votes of the members of the council, be appointed for a single term of seven years.

2001, c. 25, s. 15; 2018, c. 8, s. 35.

107.2.1. The chief auditor shall perform his duties of office exclusively and on a full-time basis. However, he may participate in educational activities, in particular as an instructor, or professional activities within associations of auditors, educational or research institutions, committees within his professional order, or the Association des vérificateurs généraux municipaux du Québec.

2018, c. 8, s. 36.

107.3. In no case may the following persons act as chief auditor :

- (1) a member of the council of the municipality and, where applicable, of a borough council ;
- (2) the associate of a member mentioned in subparagraph 1;
- (3) a person who, personally or through an associate, has any direct or indirect interest in a contract with the municipality, a legal person referred to in subparagraph 2 of the first paragraph of section 107.7 or a body referred to in subparagraph 3 of that paragraph;
- (4) a person who, in the four years preceding his appointment, was a member of a council, or an employee or officer, of the municipality, unless the person was an employee under the direction of the chief auditor during all or part of those years.

The chief auditor shall disclose in every report produced any situation that could cause a conflict between the chief auditor's personal interest and duties of office.

2001, c. 25, s. 15; 2018, c. 8, s. 37.

107.4. If the chief auditor is unable to act, or if the office of chief auditor is vacant, the council shall,

- (1) not later than at the sitting following the inability to act or the vacancy, designate a person qualified to replace the chief auditor, for a period of not more than 180 days ;
- (2) not later than at the sitting following the inability or the vacancy, or not later than at the sitting following the expiry of the period fixed under paragraph 1, appoint a new chief auditor in accordance with section 107.2.

2001, c. 25, s. 15.

b . — *Operating expenses*

2018, c. 8, s. 38.

107.5. The budget of the municipality shall include an appropriation to provide for payment of a sum to the chief auditor to cover the expenses relating to the exercise of the chief auditor's duties.

Subject to the third paragraph, the appropriation must be equal to or greater than the sum of A + B + C where

- (1) A is \$500,000;
- (2) B is the product obtained by multiplying 0.13% by the portion of the appropriations provided for in the budget for operating expenses that is equal to or greater than \$345,000,000 but less than \$510,000,000; and
- (3) C is the product obtained by multiplying 0.11% by the portion of the appropriations provided for in the budget for operating expenses that is equal to or greater than \$510,000,000.

Where the budget of the municipality provides for appropriations for operating expenses related to the operation of a system of production, transmission or distribution of electric power, 50% only of those appropriations shall be taken into account in establishing the total of the appropriations referred to in the second paragraph.

2001, c. 25, s. 15; 2001, c. 68, s. 5; 2018, c. 8, s. 39.

c . — Mandate

2018, c. 8, s. 40.

107.6. The chief auditor is responsible for the application of the municipality's policies and standards relating to the management of the human, material and financial resources assigned to auditing.

2001, c. 25, s. 15.

107.6.1. Despite section 8 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the chief auditor shall perform the duties conferred by that Act on the person in charge of access to documents or the protection of personal information with regard to the documents the chief auditor prepares in performing his duties or with regard to the documents he keeps for the purposes of his mandate, provided the latter documents are not also kept by a body subject to that Act.

The chief auditor shall transmit without delay to the person in charge of access to documents or the protection of personal information within a concerned body any application he receives concerning documents that are also kept by the body.

2018, c. 8, s. 41.

107.7. The chief auditor shall audit the accounts and affairs

(1) of the municipality;

(2) of every legal person

(a) that is part of the reporting entity defined in the municipality's financial statements;

(b) of which the municipality or a mandatary of the municipality appoints more than 50% of the members of the board of directors; or

(c) of which the municipality or a mandatary of the municipality holds more than 50% of the outstanding voting shares or units;

(3) of any body referred to in the first paragraph of section 573.3.5, provided

(a) in the case of a body referred to in subparagraph 1 of the first paragraph of that section, it is the mandatary or agent of the municipality;

(b) under subparagraph 2 of the first paragraph of that section, the majority of the members of its board of directors are members of the council of, or are appointed by, the municipality;

(c) its budget is adopted or approved by the municipality;

(d) in the case of a body referred to in subparagraph 4 of the first paragraph of that section, it receives part or all of its financing from the municipality; or

(e) in the case of a body designated under subparagraph 5 of the first paragraph of that section, it has its principal place of business in the territory of the municipality.

If, under this section, section 108.2.0.1, article 966.2.1 of the Municipal Code of Québec (chapter C-27.1) or section 86 of the Act respecting the Commission municipale (chapter C-35), a mandate to audit certain aspects of the accounts and affairs of a body referred to in section 573.3.5 is entrusted to more than one auditor, the audit of those aspects must be conducted exclusively by the following designated auditor:

(1) the chief auditor of the municipality with the largest population;

(2) if no chief auditor of a municipality is concerned, the Commission municipale du Québec; or

(3) if neither a chief auditor of a municipality nor the Commission is concerned, the external auditor of the municipality with the largest population.

2001, c. 25, s. 15; 2010, c. 18, s. 20; 2018, c. 8, s. 42.

107.8. The audit of the affairs and accounts of the municipality and of any legal person or body referred to in subparagraph 2 or 3 of the first paragraph of section 107.7 includes, to the extent considered appropriate by the chief auditor, financial auditing, auditing for compliance of their operations with the Acts, regulations, policies and directives, and auditing for value-for-money.

The audit must not call into question the merits of the policies and objectives of the municipality or legal persons or bodies referred to in subparagraph 2 or 3 of the first paragraph of section 107.7.

The chief auditor in the performance of his duties is authorized

(1) to examine any document concerning the affairs and accounts relating to the objects of the audit ;

(2) to require from any employee of the municipality or any legal person or body referred to in subparagraph 2 or 3 of the first paragraph of section 107.7 all information, reports and explanations the chief auditor considers necessary.

2001, c. 25, s. 15; 2001, c. 68, s. 6; 2018, c. 8, s. 43.

107.9. Any legal person receiving an annual subsidy from the municipality of at least \$100,000 is required to have its financial statements audited.

The auditor of a legal person not referred to in paragraph 2 of section 107.7 that receives an annual subsidy from the municipality of at least \$100,000 shall transmit to the chief auditor a copy of

(1) the annual financial statements of the legal person ;

(2) the auditor's report on the statements ;

(3) any other report summarizing the auditor's findings and recommendations to the board of directors or the officers of the legal person.

That auditor shall also, on the request of the chief auditor,

(1) place at the disposal of the chief auditor any document relating to the auditor's audit and its results ;

(2) provide all information and explanations the chief auditor considers necessary concerning the auditor's audit and its results.

Where the chief auditor considers that the information, explanations and documents provided by an auditor under the second paragraph are insufficient, the chief auditor may conduct such additional audit as he considers necessary.

2001, c. 25, s. 15.

107.10. The chief auditor may conduct an audit of the accounts or documents of any person or body having received financial assistance from the municipality or from a legal person or body referred to in subparagraph 2 or 3 of the first paragraph of section 107.7 to verify the use made of such assistance.

The municipality and the person or body having received the financial assistance are required to furnish to or place at the disposal of the chief auditor any accounts and documents that the chief auditor considers relevant to the performance of the chief auditor's duties.

The chief auditor is authorized to require from any officer or employee of the municipality or from any person or body having received financial assistance any information, reports and explanations the chief auditor considers necessary to the performance of the chief auditor's duties.

2001, c. 25, s. 15; 2018, c. 8, s. 44.

107.11. The chief auditor may conduct an audit of the pension plan or pension fund of a pension committee of a municipality or a legal person referred to in paragraph 2 of section 107.7 where the committee requests the chief auditor to do so with the approval of the council.

2001, c. 25, s. 15.

107.12. The chief auditor shall, every time the council so requests, investigate and report on any matter within the competence of the chief auditor. In no case, however, may the investigation take precedence over the primary responsibilities of the chief auditor.

2001, c. 25, s. 15.

d. — Reporting

2018, c. 8, s. 45.

107.13. Not later than 31 August each year, the chief auditor shall transmit a report presenting the results of the audit for the fiscal year ended on 31 December to the mayor of the municipality, or to the legal person or body, that was audited.

A report on the audit of a legal person or body shall also be transmitted to the mayor of a municipality related to the legal person or body under subparagraph 2 or 3 of the first paragraph of section 107.7, subparagraph 4 or 5 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35), or subparagraph 2 or 3 of the first paragraph of article 966.2 of the Municipal Code of Québec (chapter C-27.1).

Where applicable, the report must also indicate any fact or irregularity concerning, in particular,

- (1) control of revenue including assessment and collection;
- (2) control of expenditure, including authorization, and compliance with appropriations;
- (3) control of assets and liabilities including related authorizations;
- (4) accounting for operations and related statements;
- (5) control and safeguard of property owned or administered;
- (6) acquisition and utilization of resources without sufficient regard to economy or efficiency;
- (7) implementation of satisfactory procedures to measure and report effectiveness in cases where it is reasonable to do so.

The chief auditor may also, at any time, transmit to the mayor of a municipality or to a legal person or body a report presenting his findings and recommendations. Such a report concerning a person or body must also be transmitted to the mayor of a municipality related to the person or body under the provisions mentioned in the second paragraph.

The mayor of a municipality shall file any report he receives under this section at the first regular sitting of the council following receipt of the report.

2001, c. 25, s. 15; 2010, c. 18, s. 21; 2018, c. 8, s. 46.

107.14. *(Repealed).*

2001, c. 25, s. 15; 2006, c. 31, s. 16; 2010, c. 18, s. 22; 2017, c. 13, s. 50; 2018, c. 8, s. 47.

107.15. *(Repealed).*

2001, c. 25, s. 15; 2018, c. 8, s. 47.

e . — Immunity

2018, c. 8, s. 48.

107.16. Notwithstanding any general law or special Act, neither the chief auditor nor the employees under the chief auditor's direction or the professionals under contract may be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information.

Neither the chief auditor nor the employees under the chief auditor's direction may be prosecuted by reason of any act they have done or failed to do in good faith in the performance of their duties.

No civil action may be instituted by reason of the publication of a report of the chief auditor prepared under this Act or of the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against the chief auditor, the employees under the chief auditor's direction or the professionals under contract acting in their official capacity.

A judge of the Court of Appeal, on an application, may summarily annul any proceeding instituted or decision rendered contrary to the provisions of the first paragraph.

2001, c. 25, s. 15; I.N. 2016-01-01 (NCCP).

107.17. The council may establish an audit committee and determine its composition and powers.

Despite the first paragraph, in the case of the urban agglomeration of Montréal, the council must establish an audit committee composed of not more than 10 members appointed on the proposal of the mayor of the central municipality. Two of the committee members must be council members representing the reconstituted municipalities. Those two members shall take part in deliberations and votes of the committee on any matter related to an urban agglomeration power.

In addition to the other powers that may be entrusted to it, the committee established in the case of the urban agglomeration of Montréal shall submit opinions to the urban agglomeration council on the requests, findings and recommendations of the chief auditor concerning the urban agglomeration. It shall also inform the chief auditor of the interests and concerns of the urban agglomeration council with respect to the audit of the accounts and affairs of the central municipality. On an invitation by the committee, the chief auditor or a person designated by the chief auditor may attend a sitting and take part in deliberations.

2001, c. 25, s. 15; 2008, c. 19, s. 11; 2009, c. 26, s. 19.

V. — *External auditor*

2001, c. 25, s. 16.

108. The council shall appoint an external auditor for not less than three nor more than five fiscal years. At the end of the term, the external auditor shall remain in office until replaced or reappointed.

In the case of a municipality with a population of at least 10,000 but less than 100,000 inhabitants, the council may appoint two external auditors. In such a case, the council shall entrust one auditor with the audit mandates under section 108.2 and the other with the audit mandate under section 108.2.0.1.

Every external auditor must be a member of the Ordre des comptables professionnels agréés du Québec.

When carrying out their value-for-money audit mandate and despite any general law or special Act, neither an external auditor nor the employees under the external auditor's direction or the professionals under contract may be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information. A judge of the Court of Appeal may, on an application, summarily annul any proceeding instituted or decision rendered contrary to this paragraph.

Neither an external auditor nor the employees under the external auditor's direction may be prosecuted for any act they have done or failed to do in good faith in the performance of the duties related to their value-for-money audit mandate.

No civil action may be instituted for the publication of a report of an external auditor prepared under this Act in connection with a value-for-money audit mandate or the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against an external auditor, the employees under the external auditor's direction or the professionals under contract when the external auditor, employees or professionals are acting in their official capacity in connection with their value-for-money audit mandate.

R. S. 1964, c. 193, s. 104; 1975, c. 66, s. 11; 1984, c. 38, s. 11; 1995, c. 34, s. 12; 1996, c. 27, s. 12; 1999, c. 43, s. 13; 2001, c. 25, s. 17; 2003, c. 19, s. 110, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2016, c. 17, s. 8; 2018, c. 8, s. 49.

108.1. If the office of the external auditor becomes vacant before the expiry of his term, the council shall fill the vacancy as soon as possible.

1984, c. 38, s. 11; 2001, c. 25, s. 18; 2003, c. 19, s. 111.

108.2. The external auditor of a municipality having less than 100,000 inhabitants, or the external auditor designated by the council where two external auditors have been appointed, shall audit, for the fiscal year for which he was appointed,

(1) the financial statements of the municipality and of any legal person referred to in subparagraph 4 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35) that is related to the municipality in the manner provided for in that subparagraph;

(2) the effective aggregate taxation rate to verify its compliance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1); and

(3) any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy by a regulation published in the *Gazette officielle du Québec*.

1984, c. 38, s. 11; 1996, c. 2, s. 209; 1999, c. 43, s. 13; 2001, c. 25, s. 19; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2006, c. 31, s. 17; 2009, c. 26, s. 109; 2017, c. 13, s. 51; 2018, c. 8, s. 50.

108.2.0.1. In addition to his mandate under section 108.2, the external auditor of a municipality having at least 10,000 but less than 100,000 inhabitants, or the designated auditor, as applicable, shall conduct, to the extent he considers appropriate, a value-for-money audit of the municipality and of any legal person or any body referred to in subparagraph 4 or 5 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35) that is related to the municipality in the manner provided for in that subparagraph.

Such an audit must be completed once every two years.

The auditor shall report to the council on his audit.

If, under this section, section 107.7, article 966.2.1 of the Municipal Code of Québec (chapter C-27.1) or section 86 of the Act respecting the Commission municipale, a mandate to audit certain aspects of the accounts and affairs of a body referred to in the first paragraph of section 573.3.5 is entrusted to more than one auditor, the audit of those aspects must be conducted exclusively by the following designated auditor:

- (1) the chief auditor of the municipality with the largest population;
- (2) if no chief auditor of a municipality is concerned, the Commission municipale du Québec; or
- (3) if neither a chief auditor of a municipality nor the Commission is concerned, the external auditor of the municipality with the largest population.

2018, c. 8, s. 51.

108.2.0.2. A municipality referred to in section 108.2.0.1 may, by by-law, entrust to the Commission municipale du Québec the audit mandate provided for in that section. An authenticated copy of the by-law must be transmitted to the Commission without delay.

A by-law made under the first paragraph applies from the fiscal year following that of its coming into force, provided it comes into force before 1 September; if it does not, the by-law applies from the second fiscal year following that of its coming into force. Section 108.2.0.1 ceases to apply to the municipality's external auditor as of that fiscal year.

Despite the third paragraph of section 86 of the Act respecting the Commission municipale (chapter C-35), the audit mandate entrusted to the Commission by a by-law adopted under this section must be carried out once every two years.

The by-law may not be repealed.

2018, c. 8, s. 51.

108.2.1. The external auditor of a municipality having 100,000 inhabitants or more shall audit, for the fiscal year for which he was appointed,

- (1) the accounts and affairs of the chief auditor;
- (2) the financial statements of the municipality and of any legal person referred to in subparagraph 2 of the first paragraph of section 107.7;
- (3) the effective aggregate taxation rate to verify its compliance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1); and

(4) any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy by a regulation published in the *Gazette officielle du Québec*.

2001, c. 25, s. 20; 2001, c. 68, s. 7; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2017, c. 13, s. 52; 2018, c. 8, s. 52.

108.2.2. An audit conducted by an external auditor must not call into question the merits of the policies and objectives of the municipality or of a person or body whose accounts and affairs are being audited.

2018, c. 8, s. 53.

108.3. Each year, not later than on the date determined by the municipal council, the external auditor shall transmit any report for the preceding fiscal year that was made under section 108.2, 108.2.0.1 or 108.2.1 to the treasurer of the municipality concerned or to the legal person or body concerned.

Any report on the audit of a legal person or a body must also be transmitted to the mayor of a municipality related to the legal person or body under subparagraph 2 or 3 of the first paragraph of section 107.7 or under subparagraph 4 or 5 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35).

Any report made under section 108.2.0.1 on the value-for-money audit of a municipality having at least 10,000 but less than 100,000 inhabitants must also be transmitted to the Commission municipale du Québec not later than 30 September following the last fiscal year to which the report pertains. The Commission shall publish the report on its website.

The treasurer of a municipality shall file any report he receives under this section at the first regular sitting of the council following receipt of the report.

1984, c. 38, s. 11; 2001, c. 25, s. 21; 2010, c. 18, s. 23; 2017, c. 13, s. 53; 2018, c. 8, s. 54.

108.4. The council may require any other audit it considers necessary, and require a report.

However, a council may not ask the external auditor for audits that fall under the mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).

1984, c. 38, s. 11; 2018, c. 8, s. 55.

108.4.1. The external auditor shall have access to the books, accounts, securities, documents and vouchers and may require the employees of the municipality to furnish any information and explanations necessary for the performance of the external auditor's mandate.

2001, c. 25, s. 22.

108.4.2. The chief auditor shall place at the disposal of the external auditor all books, statements and other documents prepared or used by the chief auditor during the audit conducted under section 107.7 and that the external auditor considers necessary to carry out his mandate.

2001, c. 25, s. 22; 2005, c. 28, s. 49.

108.5. In no case may the following persons act as external auditor of the municipality;

- (1) a member of the council of the municipality and, where applicable, of a borough council;
- (2) an officer or an employee of the municipality;
- (3) the associate of a person mentioned in paragraph 1 or 2;

(4) a person who, during the fiscal year for which the audit is carried out, has, directly or indirectly, personally or through his associate, any participation, interest or commission in or under a contract with the municipality or in respect of such a contract, or who derives any benefit from the contract, unless his connection with the contract arises from the practice of his profession.

1984, c. 38, s. 11; 1996, c. 2, s. 209; 1999, c. 40, s. 51; 2001, c. 25, s. 23.

108.6. The external auditor may be an individual or a partnership. The external auditor may entrust his employees with his work but his responsibility is then the same as if he had performed all the work personally.

1984, c. 38, s. 11; 1999, c. 40, s. 51; 2001, c. 25, s. 24.

V.1. — Auditor ad hoc

2001, c. 25, s. 25.

109. At any time of the year, if so required in writing by at least 50 ratepayers, the council shall also order a special audit of the accounts of the municipality 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 or that such an audit does not fall under the audit mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).

The auditor *ad hoc* shall be appointed by the council, but before he is appointed the choice which the council intends to make must be accepted in writing by the majority of the ratepayers who demanded the audit; failing agreement between such ratepayers and the council, the auditor *ad hoc* shall be appointed by a judge of the Court of Québec on application by one of the parties after notice of eight clear days to the other party.

The costs of such audit shall be payable by the responsible officer or employee of the municipality, if he has been guilty of embezzlement or if, having been found short in his accounts, he fails to repay the balance within the time fixed by the last paragraph; otherwise the costs shall be payable by the persons who demanded the audit, unless the audit is of no advantage to the municipality.

The demand for an audit under this section must be accompanied by a deposit of \$2,000, which shall be returned to the petitioners if the costs of the audit are not charged to them.

Any auditor *ad hoc* 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. In the case of a partnership, the taking of the oath of office by one of the partners shall be sufficient.

Within 30 days after the notification to him of a copy of the report of the audit, the defaulting officer or employee of the municipality must pay the amount of the balance which he has been found to owe, as well as the costs of the audit.

R. S. 1964, c. 193, s. 105; 1965 (1st sess.), c. 17, s. 2; 1968, c. 55, s. 5; 1988, c. 21, s. 66; 1996, c. 2, s. 209; 1999, c. 40, s. 51; 2001, c. 25, s. 26; I.N. 2016-01-01 (NCCP); 2018, c. 8, s. 56.

VI. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

110. *(Repealed).*

R. S. 1964, c. 193, s. 106; 1968, c. 53, s. 2; 1968, c. 55, s. 33; 1977, c. 52, s. 11; 1979, c. 72, s. 490; 1986, c. 31, s. 4; 1988, c. 76, s. 1; 2005, c. 6, s. 194.

111. *(Repealed).*

R. S. 1964, c. 193, s. 107; 1977, c. 52, s. 11; 2005, c. 6, s. 194.

VII. — *Director general*

1983, c. 57, s. 50.

112. The council must appoint a director general and fix his salary.

A person may hold the office of director general and a position as officer or employee of the municipality simultaneously.

The council may also appoint an assistant director general who shall replace the director general if he is absent or if he is unable or refuses to act or if the office of director general is vacant. If no assistant director general is appointed, the council may designate an officer or employee of the municipality to perform the duties of an assistant director general.

Where the council appoints more than one assistant director general or designates several officers or employees to perform the duties of assistant director general, it shall establish their respective competence so as to determine who shall replace the director general in any of the cases contemplated in the third paragraph.

R. S. 1964, c. 193, s. 108; 1968, c. 55, s. 34; 1983, c. 57, s. 50; 2006, c. 60, s. 22.

113. The director general is the chief officer of the municipality.

The director general has authority over all the other officers and employees of the municipality, except the chief auditor, who reports directly to the council. With respect to an officer or employee whose duties are prescribed by law, the authority of the director general is exercised only within the framework of his duties as the administrator of human, material and financial resources of the municipality and may in no case hinder the carrying out of duties that are prescribed by law.

The director general may suspend an officer or employee from his duties. He shall immediately make a report of the suspension to the council. The council shall decide the case of the suspended officer or employee, after inquiry.

R. S. 1964, c. 193, s. 109; 1968, c. 55, s. 5; 1983, c. 57, s. 50; 2001, c. 25, s. 27.

113.1. *(Replaced).*

1979, c. 67, s. 39; 1983, c. 57, s. 50.

114. Under the authority of the council or the executive committee, the director general is responsible for the administration of the municipality and, for that purpose, he shall plan, organize, direct and supervise the activities of the municipality.

R. S. 1964, c. 193, s. 115; 1968, c. 55, s. 36; 1983, c. 57, s. 50.

114.1. In application of sections 113 and 114, the director general shall, in particular, perform the following duties:

(1) he shall ensure communication between the council, the executive committee and other committees, on the one hand, and the other officers and employees of the municipality on the other hand; for that purpose, the director general shall have access to every document of the municipality and may require any document or information from any officer or employee except where, in the opinion of the head of the police department, it would disclose the content of a record concerning a police investigation;

(2) he shall prepare the budget and, where such is the case, the municipality's program of capital expenditures and the plans, programs and projects intended for the orderly functioning of the municipality with the collaboration of the heads of departments and the other officers and employees of the municipality;

(3) he shall examine the complaints and claims against the municipality;

(4) he shall examine the draft by-laws of the municipality;

(5) he shall submit to the council, the executive committee or another committee, as the case may be, the budgets, programs of capital expenditures, plans, programs and projects prepared by him together with his observations and recommendations concerning the complaints, claims and draft by-laws that he has examined;

(6) he shall make to the council, the executive committee or another committee, as the case may be, a report on any matter that he believes should be brought to it in view of the sound management of public funds, the progress of the municipality and the welfare of its citizens provided that the report does not, in the opinion of the head of the police department, tend to disclose the content of a record concerning a police investigation; and, he shall, where he considers it expedient, add his own conclusions to the record of any matter submitted to the council, the executive committee or another committee;

(7) he shall attend the meetings of the council, of the executive committee and of other committees and, with the permission of the chairman of the meeting, give his advice and present recommendations on the matters debated, without having the right to vote;

(8) subject to the powers of the mayor, he shall see to it that the by-laws of the municipality and the decisions of the council are implemented and, particularly, see to it that the funds are used for the purposes for which they were voted.

1983, c. 57, s. 50.

114.1.1. Sections 112 to 114.1 apply to every municipality governed by this Act, even if a provision of the charter of the municipality that came into force before 19 December 1968 repeals, replaces or amends, directly or indirectly, one or more of those sections.

However, subject to section 3, sections 112 to 114.1 do not apply to Ville de Laval and Ville de Hull.

1996, c. 2, s. 136.

VIII. — *The person in charge of access to documents of the municipality*

1987, c. 68, s. 30.

114.2. The person in charge of access to documents of the municipality shall issue to any person applying therefor copies of or extracts from any book, roll, register or other document which forms part of the archives.

However, the person in charge of access to documents may, notwithstanding section 171 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), refuse for a reason provided for in sections 21 to 27 of that Act to give access to a document

concerning a business corporation of which the municipality is a shareholder and with which it has entered into an agreement relating to the exercise of any of its powers.

R. S. 1964, c. 193, s. 87; 1968, c. 55, s. 29; 1975, c. 66, s. 9; 1987, c. 68, s. 26; 1995, c. 34, s. 13; 2009, c. 52, s. 539.

114.3. Copies and extracts from documents of the municipality certified true by the person in charge of access to documents of the municipality are proof of their contents.

1987, c. 68, s. 31.

IX. — Office staff

2005, c. 28, s. 50.

114.4. The mayor or a designated councillor, within the meaning of section 114.5, of a municipality with a population of 100,000 or more may appoint a chief of staff and any other staff members necessary for the orderly administration of the mayor's or the councillor's office.

However, a designated councillor may not exercise the power provided for the first paragraph until the mayor does so.

The mayor of a borough of Ville de Montréal also has the power provided for in the first paragraph.

2005, c. 28, s. 50; 2005, c. 50, s. 9.

114.5. For the purposes of sections 114.4, 114.11 and 114.12, “designated councillor” means the councillor designated as such by an authorized party, other than the party to which the mayor belongs, that obtained at least 20% of all the valid votes at the last general election in the municipality.

However, if, among the authorized parties other than the mayor's, there is none that obtained that minimum percentage of votes at that election, “designated councillor” means the councillor designated as such by the party among those other parties that obtained the greatest number of valid votes at that election.

The designation is valid for the duration of the current term of the councillor. It ceases to have effect, however, before the end of that term if the councillor ceases to belong to the authorized party that made the designation or if the designation is revoked or transferred. The designation of a councillor who continues to belong to the authorized party that made the designation may be revoked or transferred before the end of the term only if the councillor did not exercise the power provided for in section 114.4.

A notice of the designation is signed by the party leader and submitted to the council by a councillor in the party. The same applies for revocation of the designation if it does not result from a transfer.

2005, c. 28, s. 50.

114.6. The standards and scales according to which the chief of staff and other staff members are recruited, appointed and remunerated, as well as their other conditions of employment, are determined by the executive committee.

2005, c. 28, s. 50.

114.7. Subject to section 114.10, a person who joins the office staff of the mayor or a designated councillor does not become or ceases to be an officer or employee of the municipality.

However, a person who ceases to be an officer or employee of the municipality under the first paragraph retains the classification held at the time of appointment to the office staff of the mayor or a designated councillor throughout the period of that appointment.

2005, c. 28, s. 50.

114.8. A former officer or employee referred to in section 114.7 may, at any time, require from the municipality an assessment of the classification that former officer or employee would be assigned if the right to return to the public service were exercised under section 114.9.

The assessment must take into account the classification referred to in the second paragraph of section 114.7, as well as the experience and education acquired since the date of appointment to the office staff of the mayor or a designated councillor.

2005, c. 28, s. 50.

114.9. A former officer or employee referred to in section 114.7 may, on ceasing to be a member of the office staff of the mayor or a designated councillor, require that the municipality reassess the qualifications of the former officer or employee and rehire that person by priority in a position corresponding to those qualifications.

The application for reassessment must be made in writing and received not later than the sixtieth day following the day the person ceases to be a member of that office staff.

2005, c. 28, s. 50.

114.10. A person who is a member of the office staff of the mayor or a designated councillor is deemed to be an officer or employee of the municipality for the purposes of Division XIII.1.

2005, c. 28, s. 50.

114.11. If the mayor or a designated councillor exercised the power provided for in section 114.4 before the budget of the municipality was adopted, the budget must contain an appropriation to cover the expenditures relating to office staff and determined according to the standards, scales and other conditions set under section 114.6. The same applies to the budget of a borough of Ville de Montréal if the borough mayor exercised that power before the budget was adopted.

However, the appropriation may not exceed the amount determined by the Minister or the amount that corresponds to the percentage, determined by the Minister, of the total of the other appropriations for operating expenses provided for in the budget. If the Minister determines an amount and a percentage with regard to the same budget, the higher amount constitutes the applicable maximum.

If the budget of the municipality provides for appropriations for operating expenses related to a system of production, transmission or distribution of electric power, only 50% of the appropriations must be considered when determining the total referred to in the second paragraph.

The Minister may establish classes of municipalities and boroughs and determine a different amount or percentage for each one.

2005, c. 28, s. 50; 2005, c. 50, s. 10.

114.12. If no designated councillor exercises the power provided for in section 114.4, the mayor is entitled to the total amount of the appropriation provided for in section 114.11.

Otherwise, unless the Minister determines another way of sharing that amount with respect to any municipality the Minister designates,

(1) if a single designated councillor exercises the power, the mayor is entitled to two-thirds of the amount, and the councillor, to one-third of it;

(2) if two or more designated councillors exercise the power, the mayor is entitled to half the amount and the balance is divided between those councillors in proportion to the valid votes cast at the last general election in the municipality for the authorized party that designated each of them.

2005, c. 28, s. 50; 2005, c. 50, s. 11.

DIVISION V

DISQUALIFICATION FOR MUNICIPAL OFFICE

1987, c. 57, s. 704.

115. *(Repealed).*

R. S. 1964, c. 193, s. 122; 1968, c. 55, s. 38; 1969, c. 55, s. 9; 1974, c. 47, s. 3; 1982, c. 63, s. 116; 1987, c. 57, s. 705.

116. The following persons shall not be appointed to or hold any office as an officer or employee of the municipality:

(1) the Minister of Municipal Affairs, Regions and Land Occupancy and the members of the Commission municipale du Québec and the Société d'habitation du Québec;

(2) members of the Privy Council;

(3) the judges or magistrates receiving emoluments from the federal or provincial government or from the municipality;

(4) any person who has, directly or indirectly, personally or through an associate, any contract with the municipality;

(5) *(subparagraph repealed);*

(6) any person convicted of treason or of an act punishable under a law of the Parliament of Canada or of the Legislature of Québec, by imprisonment for one year or more.

Such disqualification shall continue for five years after the term of imprisonment fixed by the sentence, and, if only a fine was imposed or the sentence is suspended, for five years from the date of such condemnation, unless the person has obtained a pardon;

(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 25 years after the term of imprisonment fixed by the sentence and, if only a fine is imposed or sentence is suspended, for 25 years from the date of the conviction, unless the person has obtained a pardon for either of such indictable offences;

(8) any person who is disqualified from office as a member of the council of a municipality under any of sections 301 and 303 to 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

Subparagraph 4 of the first paragraph does not apply to a contract whose object is the appointment of a person to the position of officer or employee, the supply of services generally offered by the municipality or the sale or leasing, on non-preferential terms, of an immovable. Nor does that subparagraph apply to a contract to which the municipality has become a party by succeeding to the rights and obligations of another municipal body, where the contractual relationship of the officer or employee existed before the succession and did not at that time entail disqualification.

Disqualification from municipal office or employment under subparagraph 4 of the first paragraph does not apply to a volunteer fireman or a first responder within the meaning of section 63 of the Act respecting elections and referendums in municipalities.

Disqualification from municipal office or employment under subparagraph 6 or 7 of the first paragraph shall be incurred only if the offence is in connection with such an office or employment.

Nothing in this section shall invalidate any provision of the charter of a municipality which came into force after 18 December 1968 and which repeals, replaces or amends directly or indirectly this section, to the extent that such provision applies to the office of officer or employee of the municipality.

R. S. 1964, c. 193, s. 123; 1968, c. 55, s. 5, s. 39; 1969, c. 56, s. 1; 1972, c. 49, s. 128, s. 164; 1977, c. 5, s. 14; 1979, c. 36, s. 65; 1982, c. 63, s. 117; 1986, c. 95, s. 46; 1987, c. 57, s. 706; 1996, c. 2, s. 137; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2000, c. 19, s. 2; 2002, c. 37, s. 72; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2006, c. 31, s. 18; 2009, c. 26, s. 109.

DIVISION V.1

APPOINTMENTS BY THE MINISTER OF MUNICIPAL AFFAIRS, REGIONS AND LAND OCCUPANCY

2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

116.1. If an appointment or personal designation provided for in this Act is not made within the prescribed time or within a period of time the Minister considers reasonable, the Minister may make it. However, the appointment or designation may be made by the competent person or council, even after the expiry of that time, with the Minister's permission.

If the Minister makes an appointment or designation, the Minister may, if no remuneration has been fixed for the position concerned or if the Minister considers the remuneration fixed to be inappropriate, fix any remuneration the Minister considers appropriate.

An appointment or designation made, or remuneration fixed, by the Minister under this section is deemed to have been made or fixed by the person or council otherwise competent to make or fix it under this Act.

2002, c. 37, s. 73; 2018, c. 8, s. 57.

117. *(Repealed).*

R. S. 1964, c. 193, s. 124; 1968, c. 55, s. 40; 1987, c. 57, s. 707.

118. *(Repealed).*

R. S. 1964, c. 193, s. 125; 1968, c. 55, s. 40; 1969, c. 55, s. 10; 1987, c. 57, s. 707.

119. *(Repealed).*

R. S. 1964, c. 193, s. 126; 1968, c. 55, s. 5; 1987, c. 57, s. 707.

DIVISION VI

Repealed, 1987, c. 57, s. 708.

1987, c. 57, s. 708.

120. *(Repealed).*

R. S. 1964, c. 193, s. 128; 1968, c. 55, s. 42; 1987, c. 57, s. 708.

121. *(Repealed).*

1968, c. 55, s. 42; 1974, c. 47, s. 4; 1987, c. 57, s. 708.

122. *(Repealed).*

R. S. 1964, c. 193, s. 129; 1968, c. 55, s. 42; 1969, c. 55, s. 11; 1974, c. 47, s. 5; 1982, c. 63, s. 118.

123. *(Repealed).*

R. S. 1964, c. 193, s. 131; 1968, c. 55, s. 44; 1987, c. 57, s. 708.

124. *(Repealed).*

R. S. 1964, c. 193, s. 132; 1968, c. 55, s. 44; 1982, c. 63, s. 119; 1987, c. 57, s. 708.

125. *(Repealed).*

R. S. 1964, c. 193, s. 135; 1968, c. 55, s. 47; 1987, c. 57, s. 708.

126. *(Repealed).*

R. S. 1964, c. 193, s. 136; 1968, c. 55, s. 47; 1987, c. 57, s. 708.

127. *(Repealed).*

R. S. 1964, c. 193, s. 137; 1968, c. 55, s. 47; 1982, c. 31, s. 138; 1987, c. 57, s. 708.

128. *(Repealed).*

R. S. 1964, c. 193, s. 138; 1968, c. 55, s. 47; 1987, c. 57, s. 708.

129. *(Repealed).*

R. S. 1964, c. 193, s. 139; 1968, c. 55, s. 47; 1969, c. 55, s. 12; 1987, c. 57, s. 708.

130. *(Repealed).*

R. S. 1964, c. 193, s. 140; 1968, c. 55, s. 47; 1987, c. 57, s. 708.

131. *(Repealed).*

R. S. 1964, c. 193, s. 141; 1968, c. 55, s. 48; 1987, c. 57, s. 708.

132. *(Repealed).*

R. S. 1964, c. 193, s. 147; 1968, c. 55, s. 50; 1987, c. 57, s. 708.

133. *(Repealed).*

R. S. 1964, c. 193, s. 148; 1968, c. 55, s. 50; 1987, c. 57, s. 708.

134. *(Repealed).*

R. S. 1964, c. 193, s. 150; 1968, c. 55, s. 52; 1969, c. 55, s. 13; 1987, c. 57, s. 708.

135. *(Repealed).*

R. S. 1964, c. 193, s. 151; 1968, c. 55, s. 52; 1982, c. 63, s. 120; 1987, c. 57, s. 708.

136. *(Repealed).*

R. S. 1964, c. 193, s. 152; 1987, c. 57, s. 708.

137. *(Repealed).*

R. S. 1964, c. 193, s. 153; 1968, c. 55, s. 53; 1982, c. 63, s. 121; 1987, c. 57, s. 708.

138. *(Repealed).*

R. S. 1964, c. 193, s. 154; 1968, c. 55, s. 54; 1987, c. 57, s. 708.

139. *(Repealed).*

R. S. 1964, c. 193, s. 155; 1968, c. 55, s. 55; 1987, c. 57, s. 708.

140. *(Repealed).*

R. S. 1964, c. 193, s. 156; 1968, c. 55, s. 56; 1987, c. 57, s. 708.

141. *(Repealed).*

R. S. 1964, c. 193, s. 157; 1987, c. 57, s. 708.

142. *(Repealed).*

R. S. 1964, c. 193, s. 158; 1968, c. 55, s. 57; 1987, c. 57, s. 708.

143. *(Repealed).*

R. S. 1964, c. 193, s. 159; 1987, c. 57, s. 708.

144. *(Repealed).*

1968, c. 55, s. 58; 1987, c. 57, s. 708.

145. *(Repealed).*

R. S. 1964, c. 193, s. 160; 1987, c. 57, s. 708.

146. *(Repealed).*

1968, c. 55, s. 59; 1969, c. 55, s. 14; 1987, c. 57, s. 708.

146.1. *(Repealed).*

1979, c. 36, s. 66; 1980, c. 16, s. 75.

147. *(Repealed).*

R. S. 1964, c. 193, s. 171; 1968, c. 55, s. 61; 1987, c. 57, s. 708.

148. *(Repealed).*

R. S. 1964, c. 193, s. 172; 1987, c. 57, s. 708.

148.1. *(Repealed).*

1980, c. 16, s. 74; 1982, c. 2, s. 31; 1987, c. 57, s. 708.

148.2. *(Repealed).*

1980, c. 16, s. 74; 1982, c. 2, s. 32; 1987, c. 57, s. 708.

148.3. *(Repealed).*

1980, c. 16, s. 74; 1982, c. 2, s. 33; 1982, c. 63, s. 122; 1987, c. 57, s. 708.

148.4. *(Repealed).*

1982, c. 63, s. 123; 1987, c. 57, s. 708.

148.5. *(Repealed).*

1982, c. 63, s. 123; 1987, c. 57, s. 708.

148.6. *(Repealed).*

1982, c. 63, s. 123; 1987, c. 57, s. 708.

148.7. *(Repealed).*

1982, c. 63, s. 123; 1987, c. 57, s. 708.

DIVISION VII

Repealed, 1987, c. 57, s. 708.

1987, c. 57, s. 708.

149. *(Repealed).*

R. S. 1964, c. 193, s. 173; 1968, c. 55, s. 62; 1987, c. 57, s. 708.

150. *(Repealed).*

R. S. 1964, c. 193, s. 174; 1968, c. 55, s. 62; 1969, c. 55, s. 15; 1977, c. 5, s. 14; 1987, c. 57, s. 708.

150.1. *(Repealed).*

1979, c. 36, s. 67; 1987, c. 57, s. 708.

151. *(Repealed).*

R. S. 1964, c. 193, s. 175; 1968, c. 55, s. 63; 1987, c. 57, s. 708.

152. *(Repealed).*

R. S. 1964, c. 193, s. 176; 1987, c. 57, s. 708.

153. *(Repealed).*

R. S. 1964, c. 193, s. 177; 1987, c. 57, s. 708.

154. *(Repealed).*

R. S. 1964, c. 193, s. 178; 1987, c. 57, s. 708.

155. *(Repealed).*

1968, c. 55, s. 64; 1987, c. 57, s. 708.

156. *(Repealed).*

R. S. 1964, c. 193, s. 179; 1968, c. 55, s. 65; 1982, c. 31, s. 139; 1987, c. 57, s. 708.

157. *(Repealed).*

R. S. 1964, c. 193, s. 180; 1987, c. 57, s. 708.

158. *(Repealed).*

R. S. 1964, c. 193, s. 181; 1968, c. 55, s. 66; 1982, c. 63, s. 124; 1987, c. 57, s. 708.

159. *(Repealed).*

R. S. 1964, c. 193, s. 182; 1968, c. 55, s. 5; 1987, c. 57, s. 708.

160. *(Repealed).*

R. S. 1964, c. 193, s. 184; 1982, c. 31, s. 140; 1987, c. 57, s. 708.

161. *(Repealed).*

R. S. 1964, c. 193, s. 185; 1987, c. 57, s. 708.

162. *(Repealed).*

R. S. 1964, c. 193, s. 186; 1968, c. 55, s. 68; 1979, c. 36, s. 68; 1987, c. 57, s. 708.

163. *(Repealed).*

R. S. 1964, c. 193, s. 187; 1968, c. 55, s. 5; 1987, c. 57, s. 708.

164. *(Repealed).*

R. S. 1964, c. 193, s. 188; 1987, c. 57, s. 708.

165. *(Repealed).*

R. S. 1964, c. 193, s. 189; 1987, c. 57, s. 708.

166. *(Repealed).*

R. S. 1964, c. 193, s. 190; 1968, c. 55, s. 5, s. 69; 1987, c. 57, s. 708.

167. *(Repealed).*

R. S. 1964, c. 193, s. 191; 1968, c. 55, s. 70; 1987, c. 57, s. 708.

168. *(Repealed).*

R. S. 1964, c. 193, s. 192; 1968, c. 55, s. 71; 1987, c. 57, s. 708.

169. *(Repealed).*

R. S. 1964, c. 193, s. 193; 1968, c. 55, s. 72; 1987, c. 57, s. 708.

170. *(Repealed).*

R. S. 1964, c. 193, s. 195; 1968, c. 55, s. 74; 1982, c. 63, s. 125; 1987, c. 57, s. 708.

171. *(Repealed).*

R. S. 1964, c. 193, s. 196; 1968, c. 55, s. 75; 1979, c. 36, s. 69; 1987, c. 57, s. 708.

172. *(Repealed).*

R. S. 1964, c. 193, s. 197; 1968, c. 55, s. 75; 1987, c. 57, s. 708.

173. *(Repealed).*

R. S. 1964, c. 193, s. 199; 1968, c. 55, s. 77; 1987, c. 57, s. 708.

174. *(Repealed).*

R. S. 1964, c. 193, s. 200; 1987, c. 57, s. 708.

175. *(Repealed).*

R. S. 1964, c. 193, s. 201; 1987, c. 57, s. 708.

176. *(Repealed).*

R. S. 1964, c. 193, s. 202; 1987, c. 57, s. 708.

177. *(Repealed).*

R. S. 1964, c. 193, s. 203; 1987, c. 57, s. 708.

178. *(Repealed).*

R. S. 1964, c. 193, s. 204; 1987, c. 57, s. 708.

179. *(Repealed).*

R. S. 1964, c. 193, s. 205; 1987, c. 57, s. 708.

180. *(Repealed).*

R. S. 1964, c. 193, s. 206; 1982, c. 31, s. 141; 1987, c. 57, s. 708.

181. *(Repealed).*

R. S. 1964, c. 193, s. 207; 1987, c. 57, s. 708.

182. *(Repealed).*

R. S. 1964, c. 193, s. 208; 1987, c. 57, s. 708.

183. *(Repealed).*

R. S. 1964, c. 193, s. 209; 1968, c. 55, s. 79; 1987, c. 57, s. 708.

184. *(Repealed).*

R. S. 1964, c. 193, s. 210; 1987, c. 57, s. 708.

185. *(Repealed).*

R. S. 1964, c. 193, s. 211; 1987, c. 57, s. 708.

186. *(Repealed).*

R. S. 1964, c. 193, s. 212; 1987, c. 57, s. 708.

187. *(Repealed).*

R. S. 1964, c. 193, s. 213; 1987, c. 57, s. 708.

188. *(Repealed).*

R. S. 1964, c. 193, s. 214; 1987, c. 57, s. 708.

189. *(Repealed).*

R. S. 1964, c. 193, s. 215; 1987, c. 57, s. 708.

190. *(Repealed).*

R. S. 1964, c. 193, s. 216; 1987, c. 57, s. 708.

191. *(Repealed).*

R. S. 1964, c. 193, s. 217; 1987, c. 57, s. 708.

192. *(Repealed).*

R. S. 1964, c. 193, s. 218; 1968, c. 55, s. 80; 1987, c. 57, s. 708.

193. *(Repealed).*

R. S. 1964, c. 193, s. 219; 1987, c. 57, s. 708.

194. *(Repealed).*

R. S. 1964, c. 193, s. 220; 1987, c. 57, s. 708.

195. *(Repealed).*

R. S. 1964, c. 193, s. 221; 1987, c. 57, s. 708.

196. *(Repealed).*

R. S. 1964, c. 193, s. 222; 1968, c. 55, s. 81; 1987, c. 57, s. 708.

197. *(Repealed).*

R. S. 1964, c. 193, s. 224 (*part*); 1987, c. 57, s. 708.

198. *(Repealed).*

R. S. 1964, c. 193, s. 225; 1987, c. 57, s. 708.

199. *(Repealed).*

R. S. 1964, c. 193, s. 226; 1982, c. 31, s. 142; 1987, c. 57, s. 708.

200. *(Repealed).*

R. S. 1964, c. 193, s. 227; 1987, c. 57, s. 708.

201. *(Repealed).*

R. S. 1964, c. 193, s. 228; 1982, c. 31, s. 143; 1987, c. 57, s. 708.

201.1. *(Repealed).*

1982, c. 31, s. 143; 1987, c. 57, s. 708.

202. *(Repealed).*

R. S. 1964, c. 193, s. 229; 1987, c. 57, s. 708.

203. *(Repealed).*

R. S. 1964, c. 193, s. 230; 1987, c. 57, s. 708.

204. *(Repealed).*

R. S. 1964, c. 193, s. 231; 1968, c. 55, s. 82; 1982, c. 31, s. 144; 1987, c. 57, s. 708.

204.1. *(Repealed).*

1982, c. 31, s. 144; 1987, c. 57, s. 708.

205. *(Repealed).*

R. S. 1964, c. 193, s. 232; 1987, c. 57, s. 708.

206. *(Repealed).*

R. S. 1964, c. 193, s. 233; 1987, c. 57, s. 708.

207. *(Repealed).*

R. S. 1964, c. 193, s. 235 (*part*); 1987, c. 57, s. 708.

208. *(Repealed).*

R. S. 1964, c. 193, s. 236; 1987, c. 57, s. 708.

209. *(Repealed).*

R. S. 1964, c. 193, s. 237; 1987, c. 57, s. 708.

210. *(Repealed).*

R. S. 1964, c. 193, s. 238; 1979, c. 36, s. 70; 1987, c. 57, s. 708.

211. *(Repealed).*

R. S. 1964, c. 193, s. 239; 1987, c. 57, s. 708.

212. *(Repealed).*

R. S. 1964, c. 193, s. 240; 1982, c. 31, s. 145; 1987, c. 57, s. 708.

213. *(Repealed).*

R. S. 1964, c. 193, s. 241; 1987, c. 57, s. 708.

214. *(Repealed).*

R. S. 1964, c. 193, s. 242; 1965 (1st sess.), c. 17, s. 2; 1987, c. 57, s. 708.

215. *(Repealed).*

R. S. 1964, c. 193, s. 243; 1987, c. 57, s. 708.

216. *(Repealed).*

R. S. 1964, c. 193, s. 244; 1975, c. 83, s. 84; 1979, c. 36, s. 71; 1987, c. 57, s. 708.

217. *(Repealed).*

R. S. 1964, c. 193, s. 246; 1968, c. 55, s. 85; 1987, c. 57, s. 708.

218. *(Repealed).*

R. S. 1964, c. 193, s. 247; 1968, c. 55, s. 86; 1987, c. 57, s. 708.

219. *(Repealed).*

R. S. 1964, c. 193, s. 248; 1987, c. 57, s. 708.

220. *(Repealed).*

R. S. 1964, c. 193, s. 249; 1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.1. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.2. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.3. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.4. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.5. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.6. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.7. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.8. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.9. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.10. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.11. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

220.12. *(Repealed).*

1982, c. 31, s. 146; 1987, c. 57, s. 708.

221. *(Repealed).*

R. S. 1964, c. 193, s. 250; 1968, c. 55, s. 87; 1987, c. 57, s. 708.

222. *(Repealed).*

R. S. 1964, c. 193, s. 251 (*part*); 1965 (1st sess.), c. 17, s. 2; 1987, c. 57, s. 708.

223. *(Repealed).*

R. S. 1964, c. 193, s. 252; 1968, c. 55, s. 88; 1969, c. 55, s. 16; 1987, c. 57, s. 708.

224. *(Repealed).*

R. S. 1964, c. 193, s. 253; 1965 (1st sess.), c. 17, s. 2; 1987, c. 57, s. 708.

225. *(Repealed).*

R. S. 1964, c. 193, s. 254; 1987, c. 57, s. 708.

226. *(Repealed).*

R. S. 1964, c. 193, s. 255; 1987, c. 57, s. 708.

227. *(Repealed).*

R. S. 1964, c. 193, s. 256; 1987, c. 57, s. 708.

228. *(Repealed).*

R. S. 1964, c. 193, s. 257; 1968, c. 55, s. 89; 1987, c. 57, s. 708.

229. *(Repealed).*

R. S. 1964, c. 193, s. 258; 1987, c. 57, s. 708.

230. *(Repealed).*

R. S. 1964, c. 193, s. 259; 1987, c. 57, s. 708.

231. *(Repealed).*

R. S. 1964, c. 193, s. 260; 1987, c. 57, s. 708.

232. *(Repealed).*

R. S. 1964, c. 193, s. 261; 1987, c. 57, s. 708.

233. *(Repealed).*

R. S. 1964, c. 193, s. 262; 1987, c. 57, s. 708.

234. *(Repealed).*

R. S. 1964, c. 193, s. 263; 1987, c. 57, s. 708.

235. *(Repealed).*

R. S. 1964, c. 193, s. 264; 1968, c. 55, s. 90; 1987, c. 57, s. 708.

236. *(Repealed).*

R. S. 1964, c. 193, s. 265; 1987, c. 57, s. 708.

237. *(Repealed).*

R. S. 1964, c. 193, s. 266; 1965 (1st sess.), c. 17, s. 2; 1987, c. 57, s. 708.

238. *(Repealed).*

R. S. 1964, c. 193, s. 267; 1987, c. 57, s. 708.

239. *(Repealed).*

R. S. 1964, c. 193, s. 268; 1968, c. 55, s. 91; 1987, c. 57, s. 708.

240. *(Repealed).*

R. S. 1964, c. 193, s. 269; 1987, c. 57, s. 708.

241. *(Repealed).*

R. S. 1964, c. 193, s. 270; 1982, c. 31, s. 147.

242. *(Repealed).*

R. S. 1964, c. 193, s. 271; 1987, c. 57, s. 708.

243. *(Repealed).*

R. S. 1964, c. 193, s. 272; 1987, c. 57, s. 708.

244. *(Repealed).*

R. S. 1964, c. 193, s. 273; 1987, c. 57, s. 708.

245. *(Repealed).*

R. S. 1964, c. 193, s. 274; 1987, c. 57, s. 708.

246. *(Repealed).*

R. S. 1964, c. 193, s. 275; 1987, c. 57, s. 708.

247. *(Repealed).*

R. S. 1964, c. 193, s. 276; 1987, c. 57, s. 708.

248. *(Repealed).*

R. S. 1964, c. 193, s. 277; 1987, c. 57, s. 708.

249. *(Repealed).*

R. S. 1964, c. 193, s. 278; 1987, c. 57, s. 708.

250. *(Repealed).*

R. S. 1964, c. 193, s. 279; 1965 (1st sess.), c. 17, s. 2; 1987, c. 57, s. 708.

251. *(Repealed).*

R. S. 1964, c. 193, s. 280; 1987, c. 57, s. 708.

252. *(Repealed).*

R. S. 1964, c. 193, s. 281; 1987, c. 57, s. 708.

253. *(Repealed).*

R. S. 1964, c. 193, s. 282; 1987, c. 57, s. 708.

254. *(Repealed).*

R. S. 1964, c. 193, s. 283; 1984, c. 47, s. 213; 1987, c. 57, s. 708.

255. *(Repealed).*

R. S. 1964, c. 193, s. 284; 1987, c. 57, s. 708.

256. *(Repealed).*

R. S. 1964, c. 193, s. 285; 1984, c. 47, s. 213; 1987, c. 57, s. 708.

257. *(Repealed).*

R. S. 1964, c. 193, s. 286; 1987, c. 57, s. 708.

258. *(Repealed).*

R. S. 1964, c. 193, s. 287; 1987, c. 57, s. 708.

259. *(Repealed).*

R. S. 1964, c. 193, s. 288; 1987, c. 57, s. 708.

260. *(Repealed).*

R. S. 1964, c. 193, s. 289; 1979, c. 36, s. 72.

261. *(Repealed).*

R. S. 1964, c. 193, s. 290; 1979, c. 36, s. 72.

262. *(Repealed).*

R. S. 1964, c. 193, s. 291; 1979, c. 36, s. 72.

263. *(Repealed).*

R. S. 1964, c. 193, s. 292; 1979, c. 36, s. 72.

264. *(Repealed).*

R. S. 1964, c. 193, s. 293; 1979, c. 36, s. 72.

265. *(Repealed).*

R. S. 1964, c. 193, s. 294; 1968, c. 55, s. 5; 1987, c. 57, s. 708.

266. *(Repealed).*

R. S. 1964, c. 193, s. 295; 1987, c. 57, s. 708.

267. *(Repealed).*

R. S. 1964, c. 193, s. 296; 1968, c. 55, s. 92; 1987, c. 57, s. 708.

268. *(Repealed).*

R. S. 1964, c. 193, s. 297; 1987, c. 57, s. 708.

269. *(Repealed).*

R. S. 1964, c. 193, s. 298; 1987, c. 57, s. 708.

270. *(Repealed).*

R. S. 1964, c. 193, s. 299; 1987, c. 57, s. 708.

271. *(Repealed).*

R. S. 1964, c. 193, s. 300; 1987, c. 57, s. 708.

272. *(Repealed).*

R. S. 1964, c. 193, s. 301; 1987, c. 57, s. 708.

273. *(Repealed).*

R. S. 1964, c. 193, s. 302; 1987, c. 57, s. 708.

274. *(Repealed).*

R. S. 1964, c. 193, s. 303; 1987, c. 57, s. 708.

275. *(Repealed).*

R. S. 1964, c. 193, s. 304; 1987, c. 57, s. 708.

276. *(Repealed).*

R. S. 1964, c. 193, s. 305; 1987, c. 57, s. 708.

277. *(Repealed).*

R. S. 1964, c. 193, s. 306; 1987, c. 57, s. 708.

278. *(Repealed).*

R. S. 1964, c. 193, s. 307; 1987, c. 57, s. 708.

279. *(Repealed).*

R. S. 1964, c. 193, s. 308; 1987, c. 57, s. 708.

280. *(Repealed).*

R. S. 1964, c. 193, s. 309; 1987, c. 57, s. 708.

281. *(Repealed).*

R. S. 1964, c. 193, s. 310; 1987, c. 57, s. 708.

282. *(Repealed).*

R. S. 1964, c. 193, s. 311; 1987, c. 57, s. 708.

283. *(Repealed).*

R. S. 1964, c. 193, s. 312; 1987, c. 57, s. 708.

284. *(Repealed).*

R. S. 1964, c. 193, s. 313; 1987, c. 57, s. 708.

285. *(Repealed).*

R. S. 1964, c. 193, s. 314; 1987, c. 57, s. 708.

286. *(Repealed).*

R. S. 1964, c. 193, s. 315; 1987, c. 57, s. 708.

287. *(Repealed).*

R. S. 1964, c. 193, s. 316; 1987, c. 57, s. 708.

288. *(Repealed).*

R. S. 1964, c. 193, s. 317; 1987, c. 57, s. 708.

289. *(Repealed).*

R. S. 1964, c. 193, s. 318; 1987, c. 57, s. 708.

290. *(Repealed).*

R. S. 1964, c. 193, s. 319; 1987, c. 57, s. 708.

291. *(Repealed).*

R. S. 1964, c. 193, s. 320; 1987, c. 57, s. 708.

292. *(Repealed).*

R. S. 1964, c. 193, s. 321; 1987, c. 57, s. 708.

293. *(Repealed).*

R. S. 1964, c. 193, s. 322; 1965 (1st sess.), c. 17, s. 2; 1987, c. 57, s. 708.

294. *(Repealed).*

R. S. 1964, c. 193, s. 323; 1987, c. 57, s. 708.

295. *(Repealed).*

R. S. 1964, c. 193, s. 324; 1987, c. 57, s. 708.

296. *(Repealed).*

R. S. 1964, c. 193, s. 325; 1987, c. 57, s. 708.

297. *(Repealed).*

R. S. 1964, c. 193, s. 326; 1987, c. 57, s. 708.

298. *(Repealed).*

R. S. 1964, c. 193, s. 327; 1987, c. 57, s. 708.

299. *(Repealed).*

R. S. 1964, c. 193, s. 328; 1987, c. 57, s. 708.

300. *(Repealed).*

R. S. 1964, c. 193, s. 329; 1987, c. 57, s. 708.

301. *(Repealed).*

R. S. 1964, c. 193, s. 330; 1987, c. 57, s. 708.

302. *(Repealed).*

R. S. 1964, c. 193, s. 331; 1987, c. 57, s. 708.

303. *(Repealed).*

R. S. 1964, c. 193, s. 332; 1968, c. 55, s. 93; 1980, c. 16, s. 76; 1987, c. 57, s. 708.

304. *(Repealed).*

R. S. 1964, c. 193, s. 333; 1987, c. 57, s. 708.

305. *(Repealed).*

R. S. 1964, c. 193, s. 334; 1987, c. 57, s. 708.

306. *(Repealed).*

R. S. 1964, c. 193, s. 335; 1987, c. 57, s. 708.

DIVISION VIII

Repealed, 1987, c. 57, s. 708.

1987, c. 57, s. 708.

307. *(Repealed).*

R. S. 1964, c. 193, s. 336; 1965 (1st sess.), c. 17, s. 2; 1968, c. 55, s. 5; 1987, c. 57, s. 708.

308. *(Repealed).*

R. S. 1964, c. 193, s. 337; 1968, c. 54, s. 1; 1968, c. 55, s. 5; 1969, c. 56, s. 2; 1987, c. 57, s. 708.

309. *(Repealed).*

R. S. 1964, c. 193, s. 338; 1965 (1st sess.), c. 80, a. 1; 1968, c. 55, s. 94; 1977, c. 5, s. 14; 1987, c. 57, s. 708.

310. *(Repealed).*

R. S. 1964, c. 193, s. 339; 1968, c. 55, s. 95; 1974, c. 11, s. 2; 1987, c. 57, s. 708.

311. *(Repealed).*

R. S. 1964, c. 193, s. 340; 1974, c. 11, s. 2; 1987, c. 57, s. 708.

312. *(Repealed).*

R. S. 1964, c. 193, s. 341; 1974, c. 11, s. 2; 1987, c. 57, s. 708.

313. *(Repealed).*

R. S. 1964, c. 193, s. 342; 1987, c. 57, s. 708.

314. *(Repealed).*

R. S. 1964, c. 193, s. 343; 1982, c. 63, s. 126; 1987, c. 57, s. 708.

315. *(Repealed).*

1969, c. 56, s. 3; 1987, c. 57, s. 708.

316. *(Repealed).*

1969, c. 56, s. 3; 1987, c. 57, s. 708.

317. *(Repealed).*

R. S. 1964, c. 193, s. 344; 1987, c. 57, s. 708.

DIVISION IX

SITTINGS OF THE COUNCIL

318. The council shall sit at the place designated in the charter for the first sitting, or, if the charter does not designate it, at the place designated by the Minister of Municipal Affairs, Regions and Land Occupancy, until another place in the territory of the municipality is fixed by resolution of the council, and the council may, in like manner, change the same whenever it thinks fit.

The clerk shall give public notice of any change in the location of sittings.

R. S. 1964, c. 193, s. 345; 1996, c. 2, s. 210; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2008, c. 18, s. 15; 2009, c. 26, s. 109.

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

1979, c. 36, s. 73.

319. The council shall hold regular sittings at least once a month.

The council shall determine the schedule of its regular sittings, setting the date and time of each sitting, before the beginning of the calendar year. Any documents useful in making decisions must, barring exceptional situations, be available to the members of the council not later than 72 hours before the time set for the commencement of the sitting.

However, the council may decide that a regular sitting is to begin on a date and at a time other than those specified in the schedule.

R. S. 1964, c. 193, s. 346; 2008, c. 18, s. 16; 2017, c. 13, s. 54.

320. The clerk shall give public notice of the sitting schedule.

The clerk shall also give public notice of any regular sitting to be held on a day or at a time other than that specified in the schedule.

R. S. 1964, c. 193, s. 347; 2008, c. 18, s. 16.

321. The majority of the members of the council shall constitute a quorum for the transaction of business, except as otherwise specially provided by this Act. The mayor shall be deemed to be a member of the council for the purposes of a quorum.

R. S. 1964, c. 193, s. 348; 1999, c. 40, s. 51.

322. The sittings of the council shall be public.

A sitting of the council includes a period during which the persons attending may put oral questions to the members of the council.

The council may, by by-law, prescribe the length of the period, the time at which it is held and the procedure to be followed in putting a question.

In the case of a municipality whose council is made up of more than 20 councillors, the council may, however, order by by-law that the period of oral questions by the persons attending be replaced by the procedure described in the following paragraphs.

Every question must be filed in writing with the clerk of the municipality. The latter shall, upon receiving it, enter the question in a register which forms part of the records and which may, furthermore, be examined during the sittings of the council.

The Mayor or the chairman of the executive committee shall answer the question at a sitting of the council, either orally or by filing with the council a reply in writing which is entered in the record.

The by-law of the council mentioned in the fourth paragraph may limit the number of questions that the same person may file with the clerk.

R. S. 1964, c. 193, s. 349; 1968, c. 55, s. 96; 1980, c. 16, s. 77; 1982, c. 18, s. 145; 1996, c. 2, s. 138; 2000, c. 56, s. 225.

323. The mayor may call a special sitting of the council whenever he deems proper, by an oral or written intimation to the clerk of the municipality. The clerk shall issue a notice of convocation summarily specifying the business to be transacted at such sitting and shall cause such notice to be notified to every member of the council not later than 24 hours before the time fixed for the commencement of the sitting, in accordance with section 338.

The posting of a notice by registered mail at least two clear days before the sitting is equivalent to notification of the notice of convocation.

R. S. 1964, c. 193, s. 350; 1968, c. 55, s. 96; 1969, c. 55, s. 17; 1975, c. 83, s. 84; 1999, c. 40, s. 51; I.N. 2016-01-01 (NCCP).

324. In case the mayor refuses to call a special sitting when deemed necessary by at least the number of members of the council provided for in the second paragraph, such members may, by a requisition to the clerk of the municipality, duly signed by them, order the sitting to be called. Upon receipt of such requisition the clerk of the municipality shall issue a notice to the members in the manner mentioned in section 323, provided such requisition specifies the business for which the sitting is called.

The minimum number of members of the council that is necessary for the purposes of the first paragraph is

- (1) two, where the council has three members;
- (2) three, where the council has more than three and fewer than eight members;
- (3) 40% of the number of members of the council, where the council has more than seven members.

R. S. 1964, c. 193, s. 351; 2001, c. 68, s. 9; 2002, c. 37, s. 74.

325. At such special sittings, no business but that specified in the notice shall be considered or disposed of, save if all the members of the council are then present and consent thereto.

Any member of the council present at a special sitting may in writing waive notice of such sitting.

R. S. 1964, c. 193, s. 352; 1968, c. 55, s. 97.

326. 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.

R. S. 1964, c. 193, s. 353; 2008, c. 18, s. 20.

327. If there be no quorum, two members of the council, thirty minutes after it being established that there is no quorum, may adjourn a meeting to a later date.

Where a sitting of a borough council has a quorum of two members, the sitting shall be adjourned as soon as it is established that there is no quorum.

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

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

R. S. 1964, c. 193, s. 354; 2001, c. 68, s. 10.

327.1. Where a borough council can no longer validly sit, the city council may, as long as the situation lasts, exercise the powers of the borough council on its behalf.

The acts so done shall have the same effect, in all respects, as if the borough council itself had acted.

2002, c. 77, s. 31.

328. The mayor shall preside at the sittings of the council; in the absence of the mayor and of the acting-mayor, the council shall choose another of its members to preside.

The mayor or any person presiding at a sitting of the council shall be entitled to vote but need not do so; every other member of the council must vote, unless he is prevented therefrom by reason of his interest in the matter concerned, under the Act respecting elections and referendums in municipalities (chapter E-2.2).

Subject to the fourth paragraph and to section 20.1 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4), when there is a tie-vote, the decision is deemed to be in the negative.

If a tie-vote occurs during a sitting of a borough council composed of an even number of councillors, the mayor of the city must break the tie. The officer who acts as clerk for the borough shall send the mayor a copy of the proposal that was put to a vote. Within 15 days after receiving the copy, the mayor must inform the borough council of his decision in writing. If the mayor does not act within that period, the decision of the borough council in respect of the proposal is deemed to be in the negative.

The fourth paragraph does not apply in the case of a borough council of Ville de Montréal.

R. S. 1964, c. 193, s. 355; 1968, c. 55, s. 98; 1987, c. 57, s. 709; 2006, c. 31, s. 19.

329. The majority of the members present at the sittings of the council shall decide the questions and matters submitted thereto, except where a larger number of concurrent votes may be required by the rules of the council or by law.

R. S. 1964, c. 193, s. 356; 1968, c. 55, s. 99.

330. *(Repealed).*

R. S. 1964, c. 193, s. 357; 1987, c. 57, s. 710.

331. The council may make and enforce rules and regulations for its internal government and for the maintenance of order during its sittings.

R. S. 1964, c. 193, s. 358.

332. The mayor or any person presiding in his place shall maintain order and decorum during the sittings of the council. He may order that any person disturbing a sitting of the council be removed from the place where the sitting is held.

R. S. 1964, c. 193, s. 359; 1968, c. 55, s. 100; 1986, c. 95, s. 47.

333. The minutes of the sittings of council shall be drawn up and entered in a book to be kept for that purpose by the clerk of the municipality, and after being confirmed at the following sitting, shall be signed by the said clerk and by the mayor or the member who presides over such sitting, and they shall be open to the inspection of any person who wishes to examine them.

The clerk must read the minutes unless a copy thereof has been delivered to each member of the council not later than the day before the sitting at which they are to be approved.

R. S. 1964, c. 193, s. 360; 1968, c. 55, s. 101; 1987, c. 68, s. 32.

DIVISION X

MUNICIPAL NOTICES

334. Except when otherwise provided, every notice given under the provisions of this Act or by order of the council, for municipal purposes, shall be drawn up, and published and notified, in accordance with the formalities prescribed in the following sections.

R. S. 1964, c. 193, s. 361; I.N. 2016-01-01 (NCCP).

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

Public notices shall be published; special notices shall be notified.

Public notices must be drawn up in French and in English.

R. S. 1964, c. 193, s. 362; I.N. 2016-01-01 (NCCP).

336. Every copy of a notice which must be notified, published or posted up, shall be attested either by the person who gives such notice, by the clerk of the council or by the person in charge of access to documents of the municipality.

R. S. 1964, c. 193, s. 363; 1987, c. 68, s. 33; I.N. 2016-01-01 (NCCP).

337. The original of every notice shall be accompanied by a certificate of publication or of notification, made by the person publishing or notifying the same.

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

R. S. 1964, c. 193, s. 364; I.N. 2016-01-01 (NCCP).

338. Except in cases where this Act permits a different mode of notification, the notification of a special notice shall be made by leaving a copy of the notice with the person to whom it is addressed, in person, or with a reasonable person at his domicile or his business establishment, even when occupied by him in partnership with some other person.

The notification shall be made by the person who gives the notice, an officer or employee of the municipality, a peace officer, a bailiff or an employee of a public or private mail delivery or courier enterprise.

R. S. 1964, c. 193, s. 365; 1968, c. 55, s. 102; 1969, c. 55, s. 18; 1999, c. 40, s. 51; 2002, c. 37, s. 75; I.N. 2016-01-01 (NCCP).

339. Every property-owner or taxpayer, domiciled outside the territory of a municipality, may, by a special notice filed in the office of the council, appoint an agent to represent him for purposes connected with the notification of municipal notices.

R. S. 1964, c. 193, s. 366; 1996, c. 2, s. 140; I.N. 2016-01-01 (NCCP).

340. The special notice addressed to an absent property-owner or taxpayer who has appointed an agent residing in the territory of the municipality, must be notified to such agent, in the same manner as to a resident owner.

If no agent resident in the territory of the municipality has been appointed, the notice shall be notified by lodging, in the post-office of the locality, a copy thereof in a registered envelope addressed to the absent property-owner or taxpayer.

R. S. 1964, c. 193, s. 367; 1975, c. 83, s. 84; 1996, c. 2, s. 210; I.N. 2016-01-01 (NCCP).

341. Unless such property-owner has made known his address in writing by filing the same in the office of the council, no one need give a special notice to any absent property-owner who has not appointed an agent.

R. S. 1964, c. 193, s. 368.

342. No special notice may be notified, except on working days between seven hours and nineteen hours, except in the case of a notice calling a special sitting.

R. S. 1964, c. 193, s. 369; 1968, c. 55, s. 103; I.N. 2016-01-01 (NCCP).

343. If the doors of the domicile or business establishment where notification of a special notice should be made are closed, or if there is no reasonable person therein, notification shall be effected by fixing a copy of the notice on one of the doors of the domicile or business establishment.

R. S. 1964, c. 193, s. 370; 1999, c. 40, s. 51; I.N. 2016-01-01 (NCCP).

344. The intermediate time after special notice shall run from the day on which such notice was notified, exclusive of such day.

R. S. 1964, c. 193, s. 371; 1999, c. 40, s. 51; I.N. 2016-01-01 (NCCP).

345. A public notice given for municipal purposes is posted in the office of the municipality and published in a newspaper in the territory of the municipality..

However, a public notice given on a matter within the jurisdiction of a borough council is posted in the office of the borough and published in a newspaper in the borough.

If an Act or a charter stipulates that a notice is to be posted in the office of the municipality and published in a newspaper circulated in the territory of the municipality, the second paragraph also applies for the purpose of substituting “borough” for “municipality”.

R. S. 1964, c. 193, s. 372; 1968, c. 55, s. 104; 1996, c. 2, s. 210; 2006, c. 60, s. 23; 2008, c. 18, s. 22.

345.1. Subject to the third paragraph of section 345.3, a municipality may, by by-law, determine the terms governing publication of its public notices. These terms may differ according to the type of notice, but the by-law must prescribe their publication on the Internet.

Where such a by-law is in force, the mode of publication that it prescribes has precedence over the mode of publication prescribed by section 345 or by any other provision of a general law or special Act.

2017, c. 13, s. 55; 2018, c. 8, s. 58.

345.2. A by-law adopted under section 345.1 may not be repealed, but it may be amended.

2017, c. 13, s. 55.

345.3. The Government may, by regulation, set minimum standards relating to publication of municipal public notices. Different standards may be set for any group of municipalities.

The regulation must prescribe measures that promote dissemination of information that is complete, that citizens find coherent and that is adapted to the circumstances.

The regulation may also prescribe that the municipalities or any group of municipalities the Government identifies must adopt a by-law under section 345.1 within the prescribed time.

2017, c. 13, s. 55.

345.4. The Minister may make a regulation in the place of any municipality that fails to comply with the time prescribed under section 345.3; the regulation made by the Minister is deemed to be a by-law adopted by the council of the municipality.

2017, c. 13, s. 55.

346. Except in cases otherwise provided for, the time which is to elapse after a public notice shall begin to run from the day on which such notice is published. If the notice be published in a newspaper, such time shall run from the day of the first insertion of such notice in the newspaper. If it be published in several newspapers upon different days, such time shall run from the day of the first insertion made in the newspaper which last published such notice.

In all cases the day on which the notice was published shall not count.

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

R. S. 1964, c. 193, s. 375; 1999, c. 40, s. 51.

346.1. Every notice or document that a municipality is required to publish in a newspaper in its territory may be published in a municipal information bulletin rather than in a newspaper.

The municipal information bulletin shall

(1) be mailed or otherwise distributed free of charge to each address in the territory of the municipality, and be received not later than on the publication date indicated therein;

(2) be transmitted, on request and on payment of subscription fees, where applicable, to every person domiciled or not in the territory of the municipality;

(3) be published at the intervals established by by-law of the municipality or, in the absence of such a by-law, at least eight times a year.

The first paragraph does not apply to a notice provided for in section 514, an advertisement provided for in subsection 1 of section 573, or a notice provided for in section 72 or 73 of the Municipal Powers Act (chapter C-47.1).

1995, c. 34, s. 14; 1996, c. 77, s. 13; 2010, c. 18, s. 24.

347. Public notices shall be applicable to and binding upon property-owners and taxpayers domiciled outside the territory of the municipality, in the same manner as those who are domiciled therein.

R. S. 1964, c. 193, s. 376; 1996, c. 2, s. 141.

348. 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 notification.

R. S. 1964, c. 193, s. 377; I.N. 2016-01-01 (NCCP).

DIVISION X.1

PROCEEDINGS AND ORDERS IN MATTERS OF ACTIVITIES OR USES

1997, c. 51, s. 2.

348.1. The council may, for a period not exceeding 90 days, prohibit access to any immovable or part of an immovable accessible to the public in which an activity or use is carried on without the permit, certificate or other authorization required by the municipality where the activity or use may endanger the life or health of persons or cause serious or irreparable damage to property.

The decision of the council must contain reasons and be accompanied by a copy of any report, statement of offence or other document on which the decision is based. It shall be notified to the delinquent and to the owner or operator of the immovable. The decision shall take effect on the date on which the owner or operator is notified of the decision.

The council shall lift the prohibition of access to the premises before the expiry of the period fixed where the required permit, certificate or authorization is granted by the municipality or where, in its opinion, a change in activity or use causes the permit, certificate or authorization to be no longer required. The council shall notify all interested persons of the decision.

1997, c. 51, s. 2.

348.2. Where the delinquent or the owner or operator of the immovable is, in his opinion, aggrieved by a decision of the council made under section 348.1, he may, within 10 days of notification thereof, contest the decision before the Court of Québec.

The proceeding is brought by the filing of an application and is governed by the rules that apply to contentious proceedings set out in the Code of Civil Procedure (chapter C-25.01).

The application shall be heard and decided by preference. It shall not suspend the contested decision, unless a judge orders otherwise.

The court may confirm, vary or quash the decision of the council.

1997, c. 51, s. 2; 2002, c. 7, s. 162; I.N. 2016-01-01 (NCCP).

348.3. The council may apply to the Court of Québec, in accordance with the rules that apply to contentious proceedings set out in the Code of Civil Procedure (chapter C-25.01), for the cancellation of the permit or certificate or any other authorization granted by the municipality for an activity or use in an immovable or part of an immovable accessible to the public

(1) where the activity or use may endanger the life or health of persons or cause serious or irreparable damage to property;

(2) where the activity or use disturbs public tranquility.

The application shall be heard and decided by preference.

Such a proceeding, however, may not be brought in cases where an application may be made by the municipality to the Régie des alcools, des courses et des jeux under section 85 of the Act respecting liquor permits (chapter P-9.1).

1997, c. 51, s. 2; 2002, c. 7, s. 163; I.N. 2016-01-01 (NCCP).

348.4. In the case of a proceeding brought under subparagraph 1 of the first paragraph of section 348.3, the council may order that the holder suspend the activity or use concerned and prohibit access to the immovable or the part of an immovable in which the activity or use is carried on until the court makes a determination in respect of the application for cancellation or until it orders otherwise.

The decision of the council must give reasons and be accompanied by a copy of the report, of the statement of offence or of any other document on which the decision must be based. The decision must be filed in the court record.

The decision shall take effect on the date on which the holder is notified of the decision.

1997, c. 51, s. 2.

348.5. Where public tranquility is at issue under subparagraph 2 of the first paragraph of section 384.3, the court may, among other factors, take into account:

(1) any gathering or assembly that results or may result from the activity or use, that may cause excessive noise or otherwise disturb the peace in the neighbourhood;

(2) the failure by the holder to take appropriate measures to prevent, in the premises concerned,

(a) the unlawful possession, consumption, sale, exchange or giving, in any manner, of a drug, narcotic or any other substance that may be held to be a drug or narcotic;

(b) the unlawful possession of a firearm or any other offensive weapon;

(c) acts of violence, including theft or mischief, that may disturb the peace of occupants or customers or of residents of the neighbourhood.

1997, c. 51, s. 2.

348.6. Where the court cancels a permit, certificate or authorization, it may, on application by the council, order that no permit, certificate or other authorization be granted by the municipality, for the premises to which the decision to cancel applies, or prohibit access to such premises, for a period not exceeding 12 months or until, in the opinion of the council, a change of activity or use justifies the granting of a permit, certificate or authorization or the lifting of the prohibition before the end of the period.

1997, c. 51, s. 2.

348.7. The municipality shall post any decision, made by the council or the court under this division, on the premises to which the decision or judgment applies, along with a notice indicating the penalty to which any offender is liable.

1997, c. 51, s. 2.

348.8. Every person who continues an activity or use even though the required permit, certificate or authorization has been cancelled by the court or despite an order of suspension or a prohibition of access issued under section 348.4 is liable to a fine of \$600 to \$2,000.

Every person who is present in an immovable or part of an immovable to which a prohibition of access applies without a legitimate excuse or an authorization from the council or the court, as the case may be, is liable to a fine of \$300 to \$1,000.

In the case of a subsequent offence, the fines are doubled.

1997, c. 51, s. 2.

348.9. *(Repealed).*

1997, c. 51, s. 2; 2000, c. 56, s. 109.

DIVISION XI

POWERS OF THE COUNCIL

§ 1. — *General Provisions*

349. *(Repealed).*

R. S. 1964, c. 193, s. 378; 1996, c. 2, s. 142.

350. By-laws, resolutions and other municipal orders must be passed by the council in session.

R. S. 1964, c. 193, s. 379.

351. *(Repealed).*

R. S. 1964, c. 193, s. 380; 1968, c. 55, s. 106; 1969, c. 55, s. 19; 1974, c. 47, s. 6; 1987, c. 57, s. 711.

352. Any *procès-verbal*, roll, resolution or other order of the council may be set aside, by reason of illegality, in the same manner, within the same time and with the same effect as a by-law of the council, in accordance with sections 397 to 408. They shall be subject to the provisions of section 364.

The special recourse granted by this section shall not exclude or affect an application for judicial review under subparagraph 1 of the first paragraph of article 529 of the Code of Civil Procedure (chapter C-25.01).

This section applies subject to the Act respecting municipal taxation (chapter F-2.1).

R. S. 1964, c. 193, s. 381; 1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 80, a. 1; 1979, c. 72, s. 305; 1988, c. 21, s. 66; 1996, c. 2, s. 143; 1999, c. 40, s. 51; I.N. 2016-01-01 (NCCP).

352.1. The council of a municipality with 100,000 inhabitants or more may, by by-law, provide that, on any document that is produced repeatedly or of which a significant number of copies are made, the handwritten signature of one of its members or of an officer or employee of the municipality may be replaced by a facsimile or other equivalent engraved, lithographed, printed or affixed using an automatic device or an electronic process.

The facsimile or other equivalent, used in accordance with the by-law in force, has the same force as the handwritten signature. The facsimile or other equivalent may, however, in no case replace the handwritten signature on the original of a resolution or of a document that is the subject of a resolution, nor may it serve to authenticate a copy of or an excerpt from such an original or a copy replacing such an original.

2004, c. 20, s. 95.

353. Except where otherwise provided, documents, orders or proceedings of a council, the publication of which is required by law or by the council, shall be published in the manner and at the place prescribed for public notices.

R. S. 1964, c. 193, s. 382.

353.1. The council may make by-laws:

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

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

1979, c. 36, s. 74.

354. Every document produced and filed in the office of the council or with any of the officers or employees of the municipality, shall be returned, upon receipt thereof being duly acknowledged, to the person who produced the same, whenever he requires it; provided always that the question in relation to which the same was produced has been decided.

R. S. 1964, c. 193, s. 383; 1968, c. 55, s. 5.

355. Every notification which should be made at the office of the council, may also be made with the same effect outside of such office, to the clerk personally.

R. S. 1964, c. 193, s. 384; I.N. 2016-01-01 (NCCP).

§ 2. — *By-Laws of the Council*

I. — *Passing, coming into force and promulgation of by-laws*

356. The passing of every by-law must be preceded by a notice of motion given at a sitting by a council member.

The passing of a by-law must also, subject to the provisions of a special Act governing the filing, passing or tabling of a draft by-law, be preceded by the filing of a draft by-law by a council member at the same sitting as the one at which the notice of motion was given or at a different sitting.

As soon as possible after the draft by-law is filed, copies of it must be made available to the public.

The council must pass the by-law, with or without changes, at a different sitting than the one at which the notice of motion was given and the one at which the draft by-law was filed, and not earlier than the second day following the date on which the latter of those sittings was held.

At the beginning of the sitting at which the passing of the by-law will be considered, copies of the draft by-law must be made available to the public.

The clerk or a council member must, before the by-law is passed, mention its object and any differences between the draft by-law that was filed and the by-law being submitted for passing.

In addition, if the by-law involves an expenditure, the clerk or a council member must mention that fact as well as any mode of financing, payment or repayment of the expenditure.

Changes made to the by-law submitted for passing must not be such as to change the object of the by-law as specified in the draft by-law that was filed.

Any contravention of the first, second, fourth or eighth paragraph entails the nullity of the by-law.

R. S. 1964, c. 193, s. 385; 1968, c. 55, s. 107; 1979, c. 36, s. 75; 1979, c. 51, s. 260; 1987, c. 68, s. 34; 2005, c. 28, s. 51; I.N. 2016-01-01 (NCCP); 2017, c. 13, s. 56; 2018, c. 8, s. 59.

357. The original of a by-law, to be authentic, shall be signed by the officer presiding over the council at the time of the passing of such by-law, and by the clerk.

In no case where this Act or any general law or special Act provides that a by-law must receive an approval may the by-law be published or come into force until it has received that approval.

In such a case, a certificate signed by the mayor and the clerk, attesting the date of each of the required approvals, must accompany and forms part of the original of such by-law.

R. S. 1964, c. 193, s. 386; 1968, c. 55, s. 108; 1982, c. 63, s. 127; 1996, c. 2, s. 144; 2000, c. 56, s. 110.

358. The approval of a by-law or other proceeding of the council by the Government or the minister, body or person whose approval is required has no other effect than that of rendering such by-law or proceeding executory, according to law, from its coming into force. That may be done with the same effect in the form of an authorization.

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

R. S. 1964, c. 193, s. 387; 1977, c. 5, s. 14; 1982, c. 63, s. 128.

359. (1) The original of every by-law shall be registered at length in a special book constituting the book of the by-laws of the municipality; and such entry shall be signed by the mayor and countersigned by the clerk.

The clerk shall, further, enter in such book, at the end of every by-law registered therein, a certified true copy of the notice of publication of such by-law.

(2) The clerk shall be the custodian of the municipal by-laws.

R. S. 1964, c. 193, s. 388; 1987, c. 68, s. 35; 1996, c. 2, s. 145.

360. Several subject-matters may be provided for in one and the same by-law.

In the case of several subject-matters provided for in one and the same by-law requiring certain approvals before coming into force, it shall not be necessary that each of these subject-matters receive such approvals separately and it shall be sufficient that they be given to the by-law as a whole.

R. S. 1964, c. 193, s. 389.

360.1. *(Repealed).*

2002, c. 77, s. 32; 2005, c. 6, s. 194.

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

R. S. 1964, c. 193, s. 390.

362. Every by-law is published, after the passing thereof or its final approval in the case where it has been submitted to one or several of the approvals mentioned in the second paragraph of section 357, by a public notice, under the signature of the clerk, published in the ordinary manner, mentioning the object of the by-law, the date of the passing thereof, and the place where communication thereof may be had.

If the by-law has received one or several of the approvals mentioned in the second paragraph of section 357, the notice of publication must mention the date and the fact of each of these approvals.

R. S. 1964, c. 193, s. 391.

363. The council may, moreover, publish its by-laws in one or more newspapers.

R. S. 1964, c. 193, s. 392.

364. Every by-law is executory and remains in force until replaced, repealed or annulled by competent authority, or until the expiration of the period for which it has been made.

R. S. 1964, c. 193, s. 393; 1982, c. 63, s. 129.

365. No by-law which, before coming into force and effect was submitted to one or several of the approvals mentioned in the second paragraph of section 357, may be amended or repealed except by another by-law approved in the same manner.

However, a council having passed a by-law requiring the approval of the Government, the Minister of Municipal Affairs, Regions and Land Occupancy or the Commission municipale du Québec may, by resolution, amend the by-law before it is so approved, without its being necessary to obtain any other approval, provided that the amendments do not result in increasing the charges upon the ratepayers or in changing the object of the by-law. The Government, the Minister or the Commission may then approve the by-law so amended.

R. S. 1964, c. 193, s. 394; 1968, c. 55, s. 109; 1977, c. 5, s. 14; 1982, c. 63, s. 130; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

365.1. Where a municipality consolidates two or more by-laws, one of which required approval or authorization, the council need not obtain approval or authorization for the consolidated by-law.

2003, c. 19, s. 112.

366. A by-law may be repealed or amended only by another by-law.

R. S. 1964, c. 193, s. 395.

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

R. S. 1964, c. 193, s. 396; 1996, c. 2, s. 210.

368. A copy of any by-law, duly enacted, shall be received as evidence, provided that the same be signed and certified by the clerk or by the person in charge of access to documents of the municipality, and be sealed with the seal of the municipality, without any proof being necessary of the validity of the seal, or the signature of the said clerk or person in charge saving the right of any party attacking the by-law to proceed against the same by improbation.

R. S. 1964, c. 193, s. 397; 1987, c. 68, s. 36; 1999, c. 40, s. 51.

II. — *Penalties enacted by by-law*

369. Except where the applicable penalty is provided for by law, the council may, by by-law,

(1) prescribe that an offence under any regulatory provision coming under its jurisdiction shall be sanctioned by a fine;

(2) prescribe either a fine of a fixed amount, or the minimum and maximum fines or a minimum fine of \$1 and a maximum fine.

The fixed amount or maximum amount prescribed cannot exceed, for a first offence, \$1,000 if the offender is a natural person, or \$2,000 if the offender is a legal person. In the case of a second or subsequent conviction, the fixed amount or maximum amount prescribed cannot exceed \$2,000 if the offender is a natural person, or \$4,000 if the offender is a legal person.

R. S. 1964, c. 193, s. 398; 1975, c. 66, s. 12; 1990, c. 4, s. 174; 1992, c. 27, s. 3.

III. —

Repealed, 1987, c. 57, s. 712.

1987, c. 57, s. 712.

370. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

371. *(Repealed).*

1975, c. 66, s. 13; 1977, c. 52, s. 12; 1980, c. 16, s. 78; 1987, c. 57, s. 712.

372. *(Repealed).*

1975, c. 66, s. 13; 1979, c. 36, s. 76; 1987, c. 57, s. 712.

373. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

374. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

375. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

376. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

377. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

378. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

379. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

380. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

381. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

382. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

383. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

384. *(Repealed).*

1975, c. 66, s. 13; 1987, c. 57, s. 712.

IV. —

Repealed, 1987, c. 57, s. 712.

1987, c. 57, s. 712.

385. *(Repealed).*

R. S. 1964, c. 193, s. 399; 1968, c. 55, s. 110; 1969, c. 55, s. 20; 1982, c. 31, s. 148; 1982, c. 63, s. 131; 1987, c. 57, s. 712.

386. *(Repealed).*

R. S. 1964, c. 193, s. 400; 1968, c. 55, s. 111; 1979, c. 36, s. 77; 1987, c. 57, s. 712.

387. *(Repealed).*

R. S. 1964, c. 193, s. 401; 1968, c. 55, s. 112; 1987, c. 57, s. 712.

388. *(Repealed).*

R. S. 1964, c. 193, s. 402; 1987, c. 57, s. 712.

389. *(Repealed).*

R. S. 1964, c. 193, s. 403; 1987, c. 57, s. 712.

390. *(Repealed).*

R. S. 1964, c. 193, s. 404; 1968, c. 55, s. 113; 1987, c. 57, s. 712.

391. *(Repealed).*

R. S. 1964, c. 193, s. 405; 1968, c. 55, s. 5, s. 114; 1987, c. 57, s. 712.

392. *(Repealed).*

R. S. 1964, c. 193, s. 406; 1968, c. 55, s. 115; 1980, c. 16, s. 79; 1987, c. 57, s. 712.

393. *(Repealed).*

R. S. 1964, c. 193, s. 407; 1987, c. 57, s. 712.

394. *(Repealed).*

R. S. 1964, c. 193, s. 408; 1968, c. 55, s. 116; 1987, c. 57, s. 712.

395. *(Repealed).*

R. S. 1964, c. 193, s. 409; 1987, c. 57, s. 712.

396. *(Repealed).*

R. S. 1964, c. 193, s. 410; 1968, c. 55, s. 117; 1987, c. 57, s. 712.

V. — Contestation and quashing of by-laws

397. Any person concerned may, in accordance with the rules that apply to judicial review proceedings under the Code of Civil Procedure (chapter C-25.01), apply and obtain on the ground of illegality, the quashing of any by-law or part of by-law of the council, with legal costs against the municipality.

R. S. 1964, c. 193, s. 411; 1965 (1st sess.), c. 17, s. 2; 1968, c. 55, s. 118; 1987, c. 57, s. 713; 1988, c. 21, s. 66; 1996, c. 2, s. 146; 1996, c. 5, s. 74; 2002, c. 7, s. 164; I.N. 2016-01-01 (NCCP).

398. *(Repealed).*

R. S. 1964, c. 193, s. 412; 1968, c. 55, s. 119; 1987, c. 57, s. 714.

399. The application shall set forth, in a clear and precise manner, the reasons alleged in support of it, and shall be accompanied by a certified copy of the by-law impugned, if such copy could be obtained.

If no such copy could be obtained, the court of competent jurisdiction or a judge of that court, upon application to that effect, shall order the production thereof by the clerk of the council, and the clerk shall for such purposes be deemed to be an officer of the court.

R. S. 1964, c. 193, s. 413; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 66; 1996, c. 2, s. 147; I.N. 2016-01-01 (NCCP).

400. The application shall be served at the office of the council, four days at least before it is presented to the court.

R. S. 1964, c. 193, s. 414; I.N. 2016-01-01 (NCCP).

401. Before the service of the application, the applicant shall give security for costs in the same manner as security in judicial proceedings is given, otherwise such application shall not be received by the court.

R. S. 1964, c. 193, s. 415; I.N. 2016-01-01 (NCCP).

402. The court or judge may, if it or he deem it expedient, allow the application to be answered in writing.

R. S. 1964, c. 193, s. 416; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 66; 1996, c. 2, s. 148; I.N. 2016-01-01 (NCCP).

403. The court shall hear and decide by preference such contestation.

R. S. 1964, c. 193, s. 417; 1965 (1st sess.), c. 80, a. 1.

404. (1) The court may, by the judgment, quash such by-law, in whole or in part, order the notification of such judgment at the office of the council interested, and cause the same to be published either in the manner prescribed for the publication of orders of the council, or in one or more newspapers.

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

R. S. 1964, c. 193, s. 418; I.N. 2016-01-01 (NCCP).

405. The court may condemn either of the parties to pay the legal costs of the contestation; and such legal costs may be recovered from the parties to the suit and from their sureties.

The judgment, as far as the legal costs are concerned, shall be executory against the sureties, fifteen days after a copy thereof has been notified to them.

R. S. 1964, c. 193, s. 419; I.N. 2016-01-01 (NCCP).

406. The municipality shall alone be responsible for any damages and suits which may arise from the putting into force of any by-law or part of a by-law, the quashing of which has been so obtained.

R. S. 1964, c. 193, s. 420; 1999, c. 40, s. 51.

407. The right to apply for the quashing of a by-law shall cease after three months next after the coming into force of such by-law.

R. S. 1964, c. 193, s. 421.

408. (1) Notwithstanding article 31 of the Code of Civil Procedure (chapter C-25.01), there shall be no appeal from judgments rendered in the course of a proceeding in an action to quash a by-law under sections 397 to 407. The party may, however, take exception to such judgments and they may be revised at the same time as the final judgment if an appeal is brought from the latter.

(2) An appeal shall lie to the Court of Appeal from the final judgment rendered in any matter mentioned in sections 352 and 397.

The appeal must be brought within 30 days after the date of the judgment.

It has precedence over any other appeal at the first session of the court after the inscription.

The plaintiff shall notify the judgment granting his action to the municipality by a certified copy of it with the clerk.

R. S. 1964, c. 193, s. 422; 1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 80, a. 1; 1974, c. 11, s. 2; 1987, c. 57, s. 715; 1988, c. 21, s. 66; 1996, c. 2, s. 149; I.N. 2016-01-01 (NCCP).

VI. —

Repealed, 1982, c. 63, s. 132.

1982, c. 63, s. 132.

409. *(Repealed).*

R. S. 1964, c. 193, s. 423; 1982, c. 63, s. 132.

§ 3. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

410. *(Repealed).*

R. S. 1964, c. 193, s. 424; 1982, c. 64, s. 5; 1996, c. 2, s. 150; 2000, c. 26, s. 59; 2005, c. 6, s. 194.

§ 4. — *Inspection of Houses, etc., and Seizures*

1992, c. 61, s. 117.

411. The council may make by-laws:

(1) to authorize the officers or employees of the municipality to visit and examine, at any reasonable time, all movable and immovable property, as also the interior or exterior of any house, building or edifice whatsoever, to ascertain if the by-laws of the council are executed in respect thereof, to verify any information or determine any fact necessary to the exercise by the municipality of the power to issue a permit or a notice

of compliance of an application and to grant an authorization or any other form of permission, conferred on the municipality by an Act or regulation, and to compel the owners or occupants of such property, buildings and edifices to admit such officers or employees;

(2) *(paragraph repealed)*;

(3) to authorize, at the time of an inspection, the seizure of any article offered for sale or sold or delivered, in contravention of the by-laws passed in virtue of this Act or of the charter.

The officers or employees who carry out an inspection shall, on request, produce identification and a certificate issued by the municipality attesting their authority.

R. S. 1964, c. 193, s. 425; 1968, c. 55, s. 5; 1979, c. 51, s. 260; 1992, c. 61, s. 118; 2000, c. 19, s. 3; 2001, c. 35, s. 27.

§ 5. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

412. *(Repealed).*

R. S. 1964, c. 193, s. 426; 1968, c. 17, s. 89; 1968, c. 55, s. 5, s. 120; 1969, c. 55, s. 21; 1971, c. 48, s. 161; 1974, c. 45, s. 5; 1974, c. 46, s. 1; 1975, c. 66, s. 14; 1977, c. 18, s. 1; 1978, c. 7, s. 90; 1979, c. 36, s. 78; 1979, c. 51, s. 260; 1979, c. 85, s. 80; 1982, c. 63, s. 133; 1983, c. 57, s. 51; 1985, c. 27, s. 17; 1984, c. 47, s. 213; 1986, c. 31, s. 5; 1986, c. 91, s. 655; 1990, c. 4, s. 175; 1992, c. 27, s. 4; 1992, c. 21, s. 375; 1992, c. 65, s. 43; 1992, c. 61, s. 119; 1994, c. 14, s. 34; 1994, c. 17, s. 17; 1996, c. 2, s. 151; 1996, c. 16, s. 61; 1997, c. 58, s. 21; 1998, c. 31, s. 13; 1999, c. 40, s. 51; 1999, c. 36, s. 158; 2000, c. 56, s. 111; 2002, c. 37, s. 76; 2005, c. 6, s. 194.

§ 5.1. —

Repealed, 2005, c. 6, s. 194.

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.1. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.2. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.3. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.4. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.5. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.6. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.7. *(Repealed).*

1979, c. 48, s. 120; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

412.8. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.9. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.10. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.11. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.12. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.13. *(Repealed).*

1979, c. 48, s. 120; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

412.14. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.15. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.16. *(Repealed).*

1979, c. 48, s. 120; 1992, c. 57, s. 468; 1994, c. 30, s. 87; 2005, c. 6, s. 194.

412.17. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.18. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.19. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.20. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.21. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.22. *(Repealed).*

1979, c. 48, s. 120; 1986, c. 95, s. 48; 2005, c. 6, s. 194.

412.23. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.24. *(Repealed).*

1979, c. 48, s. 120; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

412.25. *(Repealed).*

1979, c. 48, s. 120; 2005, c. 6, s. 194.

412.26. *(Repealed).*

1979, c. 48, s. 120; 1996, c. 2, s. 152; 2003, c. 19, s. 113.

§ 6. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

413. *(Repealed).*

R. S. 1964, c. 193, s. 427; 1965 (1st sess.), c. 17, s. 2; 1968, c. 55, s. 5, s. 121; 1971, c. 48, s. 161; 1972, c. 42, s. 64; 1979, c. 36, s. 79; 1979, c. 83, s. 4; 1979, c. 48, s. 121; 1982, c. 64, s. 6; 1985, c. 3, s. 3; 1985, c. 27, s. 18; 1987, c. 42, s. 1; 1988, c. 21, s. 66; 1992, c. 27, s. 5; 1992, c. 57, s. 469; 1994, c. 30, s. 88; 1996, c. 2, s. 153; 1997, c. 93, s. 50; 1998, c. 31, s. 14; 1999, c. 40, s. 51; 2001, c. 60, s. 145; 2003, c. 19, s. 114; 2005, c. 6, s. 194.

413.0.1. *(Repealed).*

2003, c. 19, s. 115; 2005, c. 6, s. 194.

413.0.2. *(Repealed).*

2003, c. 19, s. 115; 2005, c. 6, s. 194.

413.1. *(Repealed).*

1997, c. 93, s. 51; 2005, c. 6, s. 194.

§ 7. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

414. *(Repealed).*

R. S. 1964, c. 193, s. 428; 1986, c. 95, s. 49; 1996, c. 2, s. 154; 1996, c. 27, s. 13; 1997, c. 53, s. 1; 2000, c. 56, s. 112; 2005, c. 6, s. 194.

414.1. *(Repealed).*

1983, c. 57, s. 52; 2005, c. 6, s. 194.

§ 8. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

415. *(Repealed).*

R. S. 1964, c. 193, s. 429; 1968, c. 55, s. 5, s. 122; 1972, c. 55, s. 80; 1974, c. 45, s. 6; 1975, c. 66, s. 15; 1977, c. 5, s. 14; 1977, c. 52, s. 13; 1978, c. 7, s. 91; 1979, c. 36, s. 80; 1979, c. 51, s. 260; 1981, c. 7, s. 536; 1982, c. 63, s. 134; 1983, c. 57, s. 53; 1985, c. 27, s. 19; 1986, c. 95, s. 50; 1986, c. 91, s. 655; 1988, c. 8, s. 81; 1988, c. 84, s. 700; 1992, c. 61, s. 120; 1996, c. 2, s. 155; 1996, c. 27, s. 14; 1996, c. 77, s. 14; 1997, c. 83, s. 43; 1999, c. 40, s. 51; 2000, c. 22, s. 68; 2002, c. 77, s. 33; 2004, c. 31, s. 71; 2005, c. 6, s. 194.

416. *(Repealed).*

1972, c. 55, s. 81; 1975, c. 45, s. 25; 1977, c. 5, s. 14; 1983, c. 46, s. 96; 1990, c. 83, s. 251.

417. *(Repealed).*

1977, c. 52, s. 14; 1979, c. 36, s. 81; 1996, c. 2, s. 156.

418. *(Repealed).*

1977, c. 52, s. 14; 1996, c. 2, s. 156.

419. *(Repealed).*

1977, c. 52, s. 14; 1996, c. 2, s. 156.

420. *(Repealed).*

1977, c. 52, s. 14; 1996, c. 2, s. 156.

421. *(Repealed).*

1977, c. 52, s. 14; 1979, c. 51, s. 257; 1996, c. 2, s. 156.

422. *(Repealed).*

R. S. 1964, c. 193, s. 430; 1996, c. 2, s. 210; 2000, c. 42, s. 126; 2002, c. 37, s. 77; 2005, c. 6, s. 194.

§ 9. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

423. *(Repealed).*

R. S. 1964, c. 193, s. 433 (*part*); 1972, c. 49, s. 128; 1996, c. 2, s. 157; 2005, c. 6, s. 194.

424. *(Repealed).*

R. S. 1964, c. 193, s. 434; 1984, c. 47, s. 213; 1996, c. 2, s. 158; 2005, c. 6, s. 194.

425. *(Repealed).*

R. S. 1964, c. 193, s. 435; 1984, c. 47, s. 213; 1996, c. 2, s. 159; 2005, c. 6, s. 194.

426. *(Repealed).*

R. S. 1964, c. 193, s. 436; 1996, c. 2, s. 160; 2005, c. 6, s. 194.

427. *(Repealed).*

R. S. 1964, c. 193, s. 437; 2002, c. 53, s. 20; 2005, c. 6, s. 194.

428. *(Repealed).*

R. S. 1964, c. 193, s. 438; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

429. *(Repealed).*

R. S. 1964, c. 193, s. 439; 2005, c. 6, s. 194.

430. *(Repealed).*

R. S. 1964, c. 193, s. 440; 2005, c. 6, s. 194.

431. *(Repealed).*

R. S. 1964, c. 193, s. 441; 1984, c. 47, s. 213; 2005, c. 6, s. 194.

432. *(Repealed).*

R. S. 1964, c. 193, s. 442; 1987, c. 42, s. 2; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

433. *(Repealed).*

R. S. 1964, c. 193, s. 443; 2005, c. 6, s. 194.

434. *(Repealed).*

R. S. 1964, c. 193, s. 444; 2005, c. 6, s. 194.

435. *(Repealed).*

R. S. 1964, c. 193, s. 445; 1996, c. 2, s. 161; 2005, c. 6, s. 194.

436. *(Repealed).*

R. S. 1964, c. 193, s. 446; 2005, c. 6, s. 194.

437. *(Repealed).*

R. S. 1964, c. 193, s. 447; 2005, c. 6, s. 194.

438. *(Repealed).*

R. S. 1964, c. 193, s. 448; 1968, c. 55, s. 5; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

439. *(Repealed).*

R. S. 1964, c. 193, s. 449; 2005, c. 6, s. 194.

440. *(Repealed).*

R. S. 1964, c. 193, s. 450; 1996, c. 27, s. 15; 2005, c. 6, s. 194.

440.1. *(Repealed).*

1996, c. 27, s. 15; 2005, c. 6, s. 194.

440.2. *(Repealed).*

1996, c. 27, s. 15; 2005, c. 6, s. 194.

441. *(Repealed).*

R. S. 1964, c. 193, s. 451; 1968, c. 55, s. 5; 1986, c. 95, s. 51; 1996, c. 2, s. 162; 2005, c. 6, s. 194.

442. *(Repealed).*

R. S. 1964, c. 193, s. 452; 2005, c. 6, s. 194.

443. *(Repealed).*

R. S. 1964, c. 193, s. 453; 1996, c. 2, s. 163; 2005, c. 6, s. 194.

444. *(Repealed).*

R. S. 1964, c. 193, s. 454; 1968, c. 55, s. 123; 1969, c. 55, s. 22; 1974, c. 47, s. 7; 1987, c. 57, s. 716; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

§ 10. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

445. *(Repealed).*

R. S. 1964, c. 193, s. 455; 1996, c. 2, s. 164; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

446. *(Repealed).*

R. S. 1964, c. 193, s. 456; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

447. *(Repealed).*

R. S. 1964, c. 193, s. 457; 1977, c. 5, s. 14; 1988, c. 23, s. 84; 1991, c. 74, s. 168; 2005, c. 6, s. 194.

448. *(Repealed).*

R. S. 1964, c. 193, s. 458; 2005, c. 6, s. 194.

449. *(Repealed).*

R. S. 1964, c. 193, s. 459; 1987, c. 42, s. 3; 1992, c. 61, s. 121; 2005, c. 6, s. 194.

450. *(Repealed).*

R. S. 1964, c. 193, s. 460; 2005, c. 6, s. 194.

451. *(Repealed).*

R. S. 1964, c. 193, s. 461; 2005, c. 6, s. 194.

452. *(Repealed).*

R. S. 1964, c. 193, s. 462; 1968, c. 55, s. 5; 1986, c. 95, s. 52; 1990, c. 4, s. 176; 2005, c. 6, s. 194.

453. *(Repealed).*

R. S. 1964, c. 193, s. 463; 1996, c. 2, s. 165; 2005, c. 6, s. 194.

§ 11. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

454. *(Repealed).*

R. S. 1964, c. 193, s. 464; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

454.1. *(Repealed).*

1997, c. 93, s. 52; 2000, c. 56, s. 113; 2005, c. 6, s. 194.

454.2. *(Repealed).*

1997, c. 93, s. 52; 2005, c. 6, s. 194.

§ 12. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

455. *(Repealed).*

1968, c. 55, s. 124; 1996, c. 2, s. 210; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

§ 13. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

456. *(Repealed).*

R. S. 1964, c. 193, s. 465; 1992, c. 61, s. 122; 1996, c. 2, s. 210; 2005, c. 6, s. 194.

§ 14. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

457. *(Repealed).*

R. S. 1964, c. 193, s. 466; 1968, c. 55, s. 5; 1982, c. 64, s. 7; 1992, c. 61, s. 123; 1996, c. 2, s. 166; 2005, c. 6, s. 194.

458. *(Repealed).*

R. S. 1964, c. 193, s. 467; 1996, c. 2, s. 210; 2005, c. 6, s. 194.

§ 14.1. — *Commercial development corporations*

1982, c. 65, s. 2; 1997, c. 53, s. 2.

458.1. The council may, by by-law, define the limits of a commercial zone within which a single commercial district may be formed, comprising at least 50 places of business and more than 50% of the places of business in that zone, and provide for the establishment of an initiatives and development association having jurisdiction in that district.

For the purposes of this subdivision, a business establishment and the ratepayer who operates or occupies it are a taxable business establishment and its occupant, respectively, within the meaning of the Act respecting municipal taxation (chapter F-2.1).

1982, c. 65, s. 2; 1993, c. 3, s. 94; 1999, c. 40, s. 51.

458.2. Such an association may promote the economic development of the district, establish joint services for its members and their customers, operate a business in the district, erect and manage a parking garage or parking lot and carry out work on public property or private property with the consent of the owner.

1982, c. 65, s. 2.

458.3. Ratepayers having a place of business in the district may apply to the council of the municipality to form an association.

The application must be signed by a minimum number of such ratepayers. There must be

- (1) 10 signatures, if there are fewer than 100 such ratepayers;
- (2) 20 signatures, if there are 100 or more but fewer than 250 such ratepayers;
- (3) 30 signatures, if there are 250 or more but fewer than 500 such ratepayers; and
- (4) 40 signatures, if there are 500 or more such ratepayers.

The application must conform to the by-law passed under section 458.19 and contain the following information:

- (a) the names of the applicants;
- (b) the addresses of their places of business;
- (c) the limits of the commercial district, using street names wherever possible;
- (d) the proposed name of the association;
- (e) the proposed address of its head office.

The application must be accompanied with a list of the names and addresses of the ratepayers having a place of business in the district, and with a sketch of the commercial district.

1982, c. 65, s. 2; 2006, c. 60, s. 24.

458.4. Within 45 days of receipt of the application, the council shall order the clerk to send a notice by registered mail to every ratepayer having a place of business in the district, or cause it to be notified to him, informing him that a register will be open to receive the signatures of the ratepayers who oppose the formation of the association.

1982, c. 65, s. 2; I.N. 2016-01-01 (NCCP).

458.5. The notice must state

- (a) the object of the application;
- (b) the right of the ratepayers having a place of business in the district to require, by signing the register, that a poll be held on the application;
- (c) the number of persons required for the holding of a poll, and the fact that if that number is not attained, the application will be deemed to be approved by those persons;
- (d) the fact that if the application is approved, the council may, by resolution, authorize the establishment of the association, that every ratepayer having a place of business in the district will be a member of the association, and that the association may levy an assessment from its members;
- (e) the place, dates and hours for signing the register.

1982, c. 65, s. 2.

458.6. The clerk shall attach to the notice a copy of the application and of the documents accompanying it, the names and addresses of the ratepayers to whom the notice has been sent or on whom it has been notified or served, and the text of this subdivision and of every pertinent by-law.

1982, c. 65, s. 2; I.N. 2016-01-01 (NCCP).

458.7. Subject to this subdivision, Chapters IV and VI of Title II of the Act respecting elections and referendums in municipalities (chapter E-2.2), adapted as required, apply to the registration and the poll.

1982, c. 65, s. 2; 1987, c. 57, s. 717.

458.8. The place where the register is to be open must be situated in the district or at a distance of not over two kilometres from the perimeter of the district.

1982, c. 65, s. 2.

458.9. In no case may the register be open before the expiry of fifteen days from the sending of the notice.

1982, c. 65, s. 2.

458.10. A ratepayer who has not received the notice from the clerk may sign the register if he proves that he has a place of business in the district. The procedure of registering signatures is not invalidated merely because a ratepayer having a place of business in the district did not receive the notice.

1982, c. 65, s. 2.

458.11. Not more than one signature may be registered for each place of business.

1982, c. 65, s. 2.

458.12. If a poll is to be held, the clerk shall, at least 15 days before the appointed day, send a notice by registered mail to every ratepayer having a place of business in the district, or cause it to be notified to him, informing him that a poll will be held within 90 days from the filing of the application.

1982, c. 65, s. 2; I.N. 2016-01-01 (NCCP).

458.13. If more than 50% of the ratepayers who have voted have indicated that they are in favour, the council may, by resolution, authorize the establishment of the association; otherwise, the application is denied and no new application may be filed before a period of 24 months has expired.

1982, c. 65, s. 2; 2006, c. 31, s. 20; 2006, c. 60, s. 25.

458.14. The resolution authorizing the establishment of the association shall indicate the name of the association and the limits of the commercial district in which it is to have jurisdiction.

The name of an association must be in conformity with section 9.1 of the Companies Act (chapter C-38).

1982, c. 65, s. 2; 1993, c. 48, s. 198; 1999, c. 40, s. 51.

458.15. The head office of the association must be situated in the territory of the municipality.

1982, c. 65, s. 2; 1996, c. 2, s. 210.

458.16. The clerk shall transmit to the enterprise registrar three certified true copies of the resolution authorizing the establishment of the association. Subject to the second paragraph, the enterprise registrar shall, on receiving the three copies of the resolution,

(1) deposit one copy in the register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1),

(2) transmit to the clerk and to the association or its authorized representative a copy of the resolution,

(3) *(paragraph repealed)*.

The enterprise registrar shall refuse to deposit in the register a resolution containing a name not in conformity with any of paragraphs 1 to 6 of section 9.1 of the Companies Act (chapter C-38).

1982, c. 65, s. 2; 1982, c. 65, s. 3; 1993, c. 48, s. 199; 1999, c. 40, s. 51; 2002, c. 45, s. 261; 2010, c. 7, s. 282.

458.17. From the date of deposit, the association is a legal person.

1982, c. 65, s. 2; 1993, c. 48, s. 200; 1999, c. 40, s. 51.

458.17.1. Subject to section 458.17.2, sections 458.3 to 458.13, adapted as follows and as otherwise necessary, apply to a petition for dissolution:

(1) the register is to be open to receive signatures from persons who are in favour of dissolution of the association;

(2) the petition is deemed to be disapproved if the number of persons required for the holding of a poll is not attained.

1997, c. 93, s. 53.

458.17.2. If the petition for dissolution is approved, the clerk must send it to the board of directors of the association together with a certificate to the effect that the petition has been approved in accordance with the law.

The board of directors must, in accordance with the Companies Act (chapter C-38), file with the enterprise registrar an application for dissolution of the association.

1997, c. 93, s. 53; 2002, c. 45, s. 261.

458.18. To the extent that it is applicable, Part III of the Companies Act (chapter C-38) governs the association, particularly the provisions relating to dissolution, subject to this section and the by-law approved by the enterprise registrar.

However, section 103, except subsection 3, and sections 113, 114 and 123 of Part I of the said Act apply, with the necessary modifications, subject to this section and the by-law approved by the enterprise registrar.

The remedy provided for in section 123.27.1 of Part IA of the said Act, adapted as required, may be exercised in respect of the name of an association, subject to this subdivision and the by-law approved by the enterprise registrar.

1982, c. 65, s. 2; 1982, c. 65, s. 3; 1993, c. 48, s. 201; 2002, c. 45, s. 261.

458.19. The council may, by by-law, adopt provisions respecting the formalities of application to form an association, its composition, the responsibilities of the general meeting of members and of the board of directors, respectively, and any matter related to its organization, operation and dissolution.

Any by-law passed under the first paragraph must be submitted to the enterprise registrar.

1982, c. 65, s. 2; 1982, c. 65, s. 3; 1997, c. 93, s. 54; 2002, c. 45, s. 261.

458.20. The council shall regulate any other matter relating to the association, in particular, the terms and conditions respecting the establishment, collection and repayment of assessments and the transitional rules applicable where the territory of the association is modified. It shall do so by by-law.

It shall also approve the internal management by-laws of the association.

1982, c. 65, s. 2; 1993, c. 3, s. 96.

458.21. Within 15 days following the date of the organization meeting, the association shall transmit a notice of the address of its head office and a list of its directors to the enterprise registrar who shall deposit them in the register.

1982, c. 65, s. 2; 1982, c. 65, s. 3; 1993, c. 48, s. 202; 2002, c. 45, s. 261.

458.22. All the ratepayers having a place of business in the district are members of the association and, subject to section 458.23, have the right to vote at its meetings; they are entitled to one vote for each place of business.

1982, c. 65, s. 2.

458.23. Where all or part of an assessment becomes exigible, only the members who have paid their assessment may be elected to the board of directors and exercise their right to vote.

1982, c. 65, s. 2.

458.24. The board of directors is composed of nine persons. Six persons are elected by the general meeting from among the members of the association; one person is designated by the municipal council from among its members or from among the officers or employees of the municipality; and two persons are designated by the elected members of the board of directors.

1982, c. 65, s. 2; 1997, c. 93, s. 55; 2006, c. 60, s. 26.

458.25. At a general meeting specially convened for that purpose or at the annual general meeting, as the board of directors decides, the association shall adopt its budget which may include any project involving capital expenditures.

1982, c. 65, s. 2; 1993, c. 3, s. 97; 2006, c. 60, s. 27.

458.25.1. Every loan of the association whose object is the financing of a project involving capital expenditures must be authorized by the council.

1993, c. 3, s. 97.

458.26. The municipality may stand surety for the association as regards the repayment of a loan of the association.

The second and third paragraphs of subsection 3 of section 28 apply in respect of such a surety.

1982, c. 65, s. 2; 1996, c. 27, s. 16.

458.27. On receiving the budget, the council may approve it after ascertaining that all the formalities for its adoption have been complied with and may order by by-law an assessment for which it shall determine the mode of computation and the number of payments.

1982, c. 65, s. 2; 1993, c. 3, s. 98.

458.28. The rules governing the computation of the assessments of the members, the payments and the dates they become due are established by by-law. The rules may provide a minimum or maximum limit to the amount or share of the assessments that the members may be required to pay.

1982, c. 65, s. 2; 1993, c. 3, s. 99.

458.29. The assessments are ordered on the ratepayers having a place of business on the first day of the fiscal period for which the budget is deposited.

1982, c. 65, s. 2.

458.30. A ratepayer who begins to occupy a place of business in the district of an association during a fiscal period becomes a member of the association and, in the case of an existing place of business, succeeds to the rights and obligations of the preceding ratepayer, who then ceases to be a member.

1982, c. 65, s. 2.

458.31. *(Repealed).*

1982, c. 65, s. 2; 1993, c. 3, s. 101.

458.32. An assessment ordered under this subdivision is deemed a special business tax for the purposes of its collection and the clerk and the treasurer have all the powers vested in them in that respect by this Act and the Act respecting municipal taxation (chapter F-2.1). The assessments collected, minus collection costs, and the list of the members who have paid them are remitted to the association.

1982, c. 65, s. 2; 1993, c. 3, s. 102.

458.33. On the application of the board of directors of an association, the council may, by resolution, change the limits of the district of the association.

1982, c. 65, s. 2.

458.34. Every application under section 458.33 must, before being filed with the council, be approved by the members of the association at a general meeting specially convened for that purpose.

1982, c. 65, s. 2; 1993, c. 3, s. 103.

458.35. Every application under section 458.33 for the enlargement of the district of the association must, after it is received, be submitted for consultation to the ratepayers operating a place of business in the territory affected by the proposed addition.

Sections 458.4 to 458.13, adapted as required, apply for the purposes of such consultation.

1982, c. 65, s. 2; 1993, c. 3, s. 103.

458.36. *(Replaced).*

1982, c. 65, s. 2; 1993, c. 3, s. 103.

458.37. No application to change the limits of a district is receivable if the change results in reducing the number of members of the association to fewer than fifty.

1982, c. 65, s. 2.

458.38. The council resolution granting the application of an association extends or limits the jurisdiction of the association to the district thus changed.

1982, c. 65, s. 2.

458.39. An association may, according to the modalities and on the conditions established in its by-laws, for the voluntary membership of persons having a place of business outside the district or occupying an immovable, other than a place of business, situated in or outside the district.

1982, c. 65, s. 2; 1993, c. 3, s. 104.

458.40. The resolution changing the limits of the district of the association must be transmitted to the enterprise registrar in three certified true copies. On receiving the copies of the resolution, the enterprise registrar shall observe the procedures prescribed in section 458.16, with the necessary modifications.

1982, c. 65, s. 2; 1982, c. 65, s. 3; 2002, c. 45, s. 261.

458.41. The change takes effect from the date of deposit of the resolution.

1982, c. 65, s. 2; 1993, c. 48, s. 203.

458.42. The council may, by by-law, on the conditions it determines, make grants to the associations that, in each case, may be in an amount equivalent to that part of the revenues of the association estimated in its budget and derived from members' assessments or an amount not greater than the maximum amount established by the by-law.

1982, c. 65, s. 2.

458.43. If a special general meeting is called at the request of the members to deal with a particular subject, no second meeting may be held to deal with the same subject within the same fiscal period, except with the consent of the board of directors.

1982, c. 65, s. 2.

458.44. The provisions of this subdivision concerning a ratepayer operating or occupying a place of business apply to every mandatary of the State who is such a ratepayer.

1982, c. 65, s. 2; 1993, c. 3, s. 105; 1999, c. 40, s. 51.

§ 15. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

459. *(Repealed).*

R. S. 1964, c. 193, s. 468; 1982, c. 64, s. 8; 1996, c. 2, s. 210; 2005, c. 6, s. 194.

§ 16. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

460. *(Repealed).*

R. S. 1964, c. 193, s. 469; 1972, c. 55, s. 80; 1982, c. 63, s. 135; 1982, c. 64, s. 9; 1992, c. 61, s. 124; 1996, c. 2, s. 167; 2005, c. 6, s. 194.

§ 17. — *Unclaimed Objects*

461. The municipality may cause to be sold at auction, by a bailiff, without judicial formalities and after giving the notices required by the Civil Code, any lost or forgotten movables it holds which have not been claimed within 60 days, any movables it holds which are referred to in article 943 of the Civil Code, and any movables without an owner which it collects in its territory.

Vehicles without a motor or in a ruinous state which are left in public places and not claimed within 10 days are presumed to be abandoned and without an owner.

R. S. 1964, c. 193, s. 470; 1968, c. 55, s. 125; 1974, c. 13, s. 36; 1979, c. 36, s. 82; 1985, c. 27, s. 20; 1992, c. 61, s. 125; 1992, c. 57, s. 470; 1999, c. 40, s. 51.

§ 18. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

462. *(Repealed).*

R. S. 1964, c. 193, s. 471; 1968, c. 55, s. 5; 1996, c. 2, s. 168; 2005, c. 6, s. 194.

§ 19. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

463. *(Repealed).*

R. S. 1964, c. 193, s. 472; 1974, c. 45, s. 7; 1979, c. 36, s. 83; 1981, c. 7, s. 536; 1986, c. 91, s. 655; 1990, c. 4, s. 177; 1992, c. 61, s. 126; 1996, c. 2, s. 210; 1996, c. 27, s. 17; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

463.0.1. *(Repealed).*

2004, c. 20, s. 96; 2005, c. 6, s. 194.

§ 19.1. —

Repealed, 2005, c. 6, s. 194.

1998, c. 31, s. 15; 2005, c. 6, s. 194.

463.1. *(Repealed).*

1998, c. 31, s. 15; 2005, c. 6, s. 194.

§ 19.2. —

Repealed, 2005, c. 6, s. 194.

2002, c. 77, s. 34; 2005, c. 6, s. 194.

463.2. *(Repealed).*

2002, c. 77, s. 34; 2004, c. 20, s. 97; 2005, c. 6, s. 194.

§ 20. — *Indemnities, Relief and Rewards*

464. The council may make by-laws:

- (1) *(subparagraph repealed);*
- (2) *(subparagraph repealed);*
- (3) *(subparagraph repealed);*
- (4) *(subparagraph repealed);*
- (5) *(subparagraph repealed);*
- (6) *(subparagraph repealed);*
- (7) *(subparagraph repealed);*

(8) to establish and maintain, on the conditions prescribed by the by-law, a pension plan for the benefit of the officers and employees of the municipality or to participate in such a plan; to make, for that purpose, if need be, any agreement with an insurer authorized under the Insurers Act (chapter A-32.1) or a trust company authorized under the Trust Companies and Savings Companies Act (chapter S-29.02) or with a legal person or government issuing life annuities; to grant subsidies for the establishment and maintenance of the plan; to fix the maximum age of the officers and employees and the contributions which they and the municipality must pay into the plan's pension fund; to cause to be assumed by the municipality the contributions required to enable the officers and employees to be credited, for the purposes of the pension plan, with their previous years of service, and borrow the sums required for that purpose by the by-law creating or amending the plan.

A by-law passed under this subparagraph may establish classes of officers or employees and prescribe that the pension plan is restricted to a certain class or that separate plans are established for each class.

The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) whose territory comprises that of the municipality, made by way of a resolution approved by the majority of the employees of the said body, include those employees within the scope of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees' contributive shares from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body must specify the terms and conditions of the integration.

A by-law establishing a pension plan requires only the approval of the majority of the officers and employees referred to in the by-law even if the by-law prescribes a loan. Such approval may, in respect of the officers and employees represented by a certified association, be given by the association. However, no approval is required in the case of an amendment to the by-law for the purpose of enhancing benefits, which enhancement is paid out of a stabilization fund established under the Supplemental Pension Plans Act (chapter R-15.1), or refunding contributions paid into such a fund.

The Supplemental Pension Plans Act applies to a pension plan referred to in this subparagraph, except where the plan is referred to in section 2 of that Act. Every by-law to establish or amend a pension plan may have effect retroactively to the first effective date of the pension plan or any amendment to it under the Supplemental Pension Plans Act;

(9) *(subparagraph repealed)*;

(10) to take out insurance policies on the lives of all the officers and employees of the municipality or of any special class of officers or employees which the by-law determines, under the system known as “group insurance”, and pay the whole or part of the premium required, out of the general funds of the municipality; to pay, in whole or in part, on behalf of the officers and employees of the municipality, out of the general funds of the municipality, the premium required for any group insurance plan respecting medical, surgical and hospital costs for them and their dependents; to pay, in whole or in part, out of the general funds of the municipality, for and on behalf of the officers and employees of the municipality, the premium required for any sickness or disability group salary insurance plan.

The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers whose territory comprises that of the municipality, include the employees of the body within the scope of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees’ contributive shares of the cost of the premium from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body must specify the terms and conditions of the integration.

The council may, by by-law, take out liability insurance for the benefit of its officers and employees.

The members of the council, as long as they remain in office, may participate in the group insurance and liability insurance taken out by the council under this subparagraph, on the same conditions as those applicable to the officers and employees mentioned in the subparagraph. However, the council may exercise the powers provided for in the first and third paragraphs in respect of the members of the council exclusively provided there are officers or employees of the municipality who also benefit from the same type of insurance contract.

The council may, by by-law, authorize any person having been a member of the council of the municipality during any period that the by-law determines, and receiving a retirement pension under a plan in which the members of the council of the municipality were members, to participate in the group insurance taken out by the municipality. The member shall pay the entire amount of the premium.

Every by-law adopted under this subparagraph may have effect retroactively to the effective date of the insurance policy or the amendment to it, as the case may be;

(10.1) to enable it to participate, for the benefit of its officers and employees or the members of the council, in the type of insurance contract referred to in the first or third paragraph of subparagraph 10 of the first paragraph, for which the policyholder is the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM); such participation may only cover the members of the council provided there are officers or employees of the municipality who also benefit from the same type of insurance contract; the by-law establishes the rules governing the proportion of the premium paid by the municipality.

The council may exercise the powers provided for in the second, fifth and sixth paragraphs of subparagraph 10 of the first paragraph in respect of a by-law passed under this subparagraph, with the necessary modifications.

The rules governing the awarding of contracts by a municipality apply to a contract referred to in the first paragraph taken out with an insurer by the Union or the Federation. However, the contract is only subject to the by-law on contract management described in section 573.3.1.2 that must be adopted by the Union or the Federation for that purpose.

A municipality may also, in accordance with the first and second paragraphs, participate in a contract already taken out with an insurer by the Union or the Federation if such participation was provided for in the call for tenders made by the Union or the Federation and all tenderers are treated equally;

(11) to provide for the redemption of the number of sick days accumulated by the employees and officers of the municipality.

However, the council may exercise its powers under subparagraphs 8, 10, 10.1 and 11 of the first paragraph by resolution.

R. S. 1964, c. 193, s. 473; 1968, c. 55, s. 126; 1971, c. 48, s. 161; 1974, c. 45, s. 8; 1977, c. 5, s. 14; 1980, c. 16, s. 80; 1982, c. 2, s. 34; 1984, c. 38, s. 12; 1986, c. 31, s. 6; 1987, c. 42, s. 4; 1989, c. 38, s. 268; 1992, c. 27, s. 6; 1992, c. 21, s. 123; 1994, c. 23, s. 23; 1996, c. 2, s. 169; 1996, c. 27, s. 18; 1999, c. 40, s. 51; 2001, c. 68, s. 11; 2003, c. 19, s. 116; 2005, c. 6, s. 194; 2009, c. 26, s. 20; 2011, c. 11, s. 6; 2013, c. 30, s. 2; 2017, c. 13, s. 275; 2018, c. 23, s. 732.

465. The fringe benefits accumulated by an officer or employee who is subsequently employed by another municipality which offers such benefits are transferable at the request of such officer or employee.

The fringe benefits contemplated in the preceding paragraph include the benefits accumulated in a pension plan or fund administered by the employer, by the employer and the employees or by a third person on behalf of the municipal officers and employees; they do not include the benefits provided under a pension plan to which the Supplemental Pension Plans Act applies (chapter R-15.1).

1974, c. 45, s. 9; 1975, c. 66, s. 16; 1977, c. 5, s. 14; 1986, c. 31, s. 7; 1989, c. 38, s. 269.

§ 20.1. — *Damage insurance*

1992, c. 27, s. 7.

465.1. Municipalities may file with the Minister of Municipal Affairs, Regions and Land Occupancy a joint application for the constitution of a legal person the object of which is to transact damage insurance business exclusively for the municipalities that are members thereof and their mandatory bodies within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) or for any person the municipalities may subsidize under the first paragraph of section 92 of the Municipal Powers Act (chapter C-47.1) or for any partnership or legal person devoted to the pursuit of the purposes mentioned in the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of that Act that the municipalities may subsidize.

For the purposes of this subdivision, the word “municipality” means any municipality, by whatever law governed, or any supramunicipal body within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers.

1992, c. 27, s. 7; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2000, c. 56, s. 114; 2003, c. 19, s. 117, s. 250; 2005, c. 28, s. 196; 2005, c. 6, s. 191; 2009, c. 26, s. 109.

465.2. The council of each of the applicant municipalities must adopt a by-law whereby it approves the agreement referred to in section 465.3 and authorizes the filing of the application.

1992, c. 27, s. 7.

465.3. The application must be accompanied with an agreement applicable to the members indicating

- (1) the name of the legal person;
- (2) the name of the applicant municipalities;
- (3) the place in Québec where the head office of the legal person will be situated;

- (4) the proposed classes of damage insurance;
- (5) the name, address and occupation of each member of the first board of directors of the legal person;
- (6) the mode of determination and payment of the annual contribution and of any other contribution required of the municipalities, and the classes of municipalities established for that purpose, where that is the case;
- (7) any other measure necessary for the administration and operation of the legal person, in particular measures concerning the participation, withdrawal or expulsion of a member, that is not inconsistent with the legislative provisions applicable pursuant to section 465.10.

The name of the legal person must be in conformity with section 16 of the Business Corporations Act (chapter S-31.1).

1992, c. 27, s. 7; 1993, c. 48, s. 204; 1999, c. 40, s. 51; 2009, c. 52, s. 540.

465.4. The application must, in addition, be accompanied with the following documents:

- (1) a development plan supported by a budgeted statement of the balance sheet, operating account and surplus account over a period of not less than three years, showing the calculation assumptions used;
- (2) the résumé of each of the proposed directors.

1992, c. 27, s. 7.

465.5. The Minister or the Autorité des marchés financiers may require any other information or document the Minister or the Authority considers necessary for the evaluation of the application or documents accompanying it.

1992, c. 27, s. 7; 2002, c. 45, s. 257; 2004, c. 37, s. 90.

465.6. After receiving the advice of the Autorité des marchés financiers stating that the proposed constitution is financially viable, the Minister may request the latter to issue letters patent to constitute the legal person.

The Minister shall refuse to authorize the constitution of a legal person if the agreement contains a name that is not in conformity with any of paragraphs 1 to 6 of section 16 of the Business Corporations Act (chapter S-31.1).

The Authority shall send the letters patent to the enterprise registrar who shall deposit them in the register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1).

1992, c. 27, s. 7; 1993, c. 48, s. 205; 1999, c. 40, s. 51; 2002, c. 45, s. 258; 2004, c. 37, s. 90; 2009, c. 52, s. 541; 2010, c. 7, s. 282.

465.7. Upon the issuance of the letters patent, the legal person is constituted.

1992, c. 27, s. 7; 1999, c. 40, s. 51.

465.8. The Autorité des marchés financiers shall, at the Minister's request, issue supplementary letters patent to amend the letters patent or supplementary letters patent of a legal person.

The second paragraph of section 465.6 applies in respect of supplementary letters patent.

The supplementary letters patent may be issued only if the amendment embodied therein has been the subject of an application ratified by two-thirds of the members of the legal person.

1992, c. 27, s. 7; 1999, c. 40, s. 51; 2002, c. 45, s. 261; 2008, c. 7, s. 51.

465.9. Where letters patent contain a misnomer, a misdescription or a clerical error, the Autorité des marchés financiers may, if there is no adverse claim, direct that the letters patent be corrected or cancelled and that correct ones be issued.

The Autorité des marchés financiers shall send the corrected letters patent to the enterprise registrar who shall deposit them in the register. They have effect from the date of deposit of the original letters patent, subject to the rights acquired by third persons.

1992, c. 27, s. 7; 1993, c. 48, s. 206; 2002, c. 45, s. 261; 2008, c. 7, s. 52.

465.9.1. The remedy provided for in section 25 of the Business Corporations Act (chapter S-31.1), adapted as required, may be exercised in respect of the name of a legal person.

1993, c. 48, s. 207; 1999, c. 40, s. 51; 2009, c. 52, s. 542.

465.9.2. A legal person is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), even if its board of directors is not composed in the majority of members of the council of a municipality.

2003, c. 19, s. 118.

465.10. For the application of the Insurers Act (chapter A-32.1) to a legal person, the latter is considered to be a mutual company. However, unlike such a company,

- (a) the legal person is prohibited from pursuing any other object than that provided for in section 465.1;
- (b) despite Division II of Chapter VIII of Title III of that Act, the legal person does not have capital stock;
- (c) despite Chapter XII of Title III of that Act, the legal person's letters patent are to be amended only under this subdivision; and
- (d) despite Chapters XIII and XIV of Title III of that Act, the legal person may not be continued under any other Act or amalgamate with another mutual company.

Despite section 23 of the Insurers Act, the Authority may grant its authorization to a legal person that does not have at least \$5,000,000 in capital. In addition, the legal person is not required, in its investments, to comply with sections 84 and 85 of that Act.

Despite section 352 of that Act, in the case of the winding-up of the legal person, persons who were mutual members in any of the three years preceding the commencement of the winding-up shall share the legal person's remaining property in proportion to the sums they paid over the course of those years.

1992, c. 27, s. 7; 1999, c. 40, s. 51; 2002, c. 70, s. 179; 2009, c. 52, s. 543; 2018, c. 23, s. 733.

465.10.1. Sections 477.4 to 477.6 and 573 to 573.4 apply to a legal person, with the necessary modifications, and a legal person is deemed to be a local municipality for the purposes of a regulation made under section 573.3.0.1 or 573.3.1.1.

The following modifications are among those applicable for the purposes of the first paragraph: if the legal person does not have a website, the statement and hyperlink required under the second paragraph of section 477.6 must be posted on another website the legal person determines; the legal person shall give public notice of the address of that website at least once a year; the notice must be published in a newspaper in the territory of each municipality that is a member of the legal person.

2003, c. 19, s. 119; 2010, c. 1, s. 8; 2010, c. 18, s. 25.

465.11. A legal person may invest its moneys in accordance with the rules governing the investment of the property of others provided in the Civil Code of Lower Canada. It may also invest its moneys in accordance with the second paragraph of section 99 of this Act.

1992, c. 27, s. 7; 1999, c. 40, s. 51; 2002, c. 70, s. 180.

465.12. A director of a legal person need not be a member of the council of a municipality that is a party to the agreement.

1992, c. 27, s. 7; 1999, c. 40, s. 51.

465.13. If the Autorité des marchés financiers is of the opinion that the contributions which the municipalities are required to pay are no longer sufficient, in view of the obligations of the legal person, to maintain sufficient capital, in accordance with the Insurers Act (chapter A-32.1), the Authority may order the legal person, after giving it the opportunity to present observations, to increase the contributions by the amount and for the period that the Authority determines, so as to cover the operating costs of the legal person.

The municipalities are thereupon bound to pay the required contributions.

The order is deemed to be an order made under the Insurers Act.

1992, c. 27, s. 7; 1997, c. 43, s. 165; 1999, c. 40, s. 51; 2002, c. 70, s. 181; 2002, c. 45, s. 259; 2004, c. 37, s. 90; 2018, c. 23, s. 811.

465.14. Any municipality may, by a by-law which requires only the approval of the Minister, order a loan for the payment of a contribution.

1992, c. 27, s. 7.

465.15. No member may withdraw from the legal person before the expiry of five years after the date on which it became a member.

After the five-year period, the withdrawal of a member is subject to the authorization of the Autorité des marchés financiers.

The Autorité des marchés financiers shall grant its authorization

- (1) if the Authority considers that the legal person remains financially viable despite the withdrawal;
- (2) if the legal person agrees to comply with the conditions the Authority considers necessary for the legal person to remain financially viable despite the withdrawal.

If the legal person cannot, in the opinion of the Autorité des marchés financiers, remain financially viable despite the withdrawal or if the legal person refuses to comply with the conditions considered necessary by the Autorité des marchés financiers, the latter shall order the winding-up of the legal person and appoint a liquidator.

The Autorité des marchés financiers shall, before ordering the winding-up of the legal person, give it an opportunity to present observations in writing within 30 days after the sending of a notice in which the Authority informs the legal person of its intention to order its winding-up.

The order has the same effect as an order rendered by a judge of the Superior Court under section 25 of the Winding-up Act (chapter L-4).

Where the Autorité des marchés financiers orders the winding-up of the legal person, it shall transmit a notice to that effect to the enterprise registrar who shall deposit it in the enterprise register.

This section also applies in cases of expulsion of a member of the legal person.

1992, c. 27, s. 7; 1993, c. 48, s. 208; 1999, c. 40, s. 51; 2003, c. 19, s. 120; 2002, c. 45, s. 260; 2004, c. 37, s. 90; 2010, c. 40, s. 92; 2018, c. 23, s. 734.

465.16. The voluntary winding-up of a legal person must be authorized by the Minister.

1992, c. 27, s. 7; 1999, c. 40, s. 51.

465.17. Despite section 89 of the Insurers Act (chapter A-32.1), a legal person is not required to be a member of a compensation body recognized by the Authority.

1992, c. 27, s. 7; 1999, c. 40, s. 51; 2018, c. 23, s. 735.

465.18. *(Repealed).*

1992, c. 27, s. 7; 2003, c. 19, s. 121.

§ 21. —

Repealed, 2005, c. 6, s. 194.

2005, c. 6, s. 194.

466. *(Repealed).*

R.S. 1964, c. 193, s. 474; 1966-67, c. 48, s. 22; 1968, c. 55, s. 127; 1969, c. 55, s. 23; 1972, c. 54, s. 32; 1973, c. 22, s. 22; 1974, c. 47, s. 8; 1975, c. 66, s. 17; 1977, c. 5, s. 14; 1979, c. 72, s. 306; 1979, c. 77, s. 21; 1987, c. 57, s. 718; 1992, c. 54, s. 57; 1996, c. 2, s. 170; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

§ 21.1. —

Repealed, 2005, c. 6, s. 194.

1996, c. 27, s. 19; 1997, c. 53, s. 3; 2005, c. 6, s. 194.

466.1. *(Repealed).*

1996, c. 27, s. 19; 1999, c. 43, s. 13; 2000, c. 56, s. 223; 2003, c. 19, s. 250; 2004, c. 20, s. 98; 2005, c. 6, s. 194.

466.1.1. *(Repealed).*

1998, c. 31, s. 16; 1999, c. 40, s. 51; 2001, c. 6, s. 135; 2000, c. 56, s. 223; 2005, c. 6, s. 194.

466.1.2. *(Repealed).*

1998, c. 31, s. 16; 2005, c. 6, s. 194.

466.1.3. *(Repealed).*

1998, c. 31, s. 16; 2005, c. 6, s. 194.

466.2. *(Repealed).*

1997, c. 53, s. 4; 1997, c. 91, s. 48, s. 49; 1998, c. 31, s. 17; 2000, c. 56, s. 223; 2003, c. 29, s. 144; 2005, c. 6, s. 194.

466.3. *(Repealed).*

1997, c. 53, s. 4; 1997, c. 93, s. 56; 1997, c. 91, s. 50; 1998, c. 31, s. 18; 2002, c. 77, s. 35; 2005, c. 6, s. 194.

§ 22. —

Repealed, 2008, c. 18, s. 138.

1983, c. 45, s. 35; 2008, c. 18, s. 138.

467. *(Repealed).*

1968, c. 55, s. 128; 1972, c. 55, s. 173; 1977, c. 5, s. 14; 1979, c. 36, s. 84; 1983, c. 45, s. 35; 1984, c. 38, s. 13; 2008, c. 18, s. 138.

467.1. *(Repealed).*

1981, c. 26, s. 38; 1983, c. 45, s. 35; 1985, c. 35, s. 1; 2008, c. 18, s. 138.

467.2. *(Repealed).*

1981, c. 26, s. 38; 1983, c. 45, s. 35; 1985, c. 35, s. 2; 1986, c. 66, s. 8; 2008, c. 18, s. 138.

467.3. *(Repealed).*

1981, c. 26, s. 38; 1983, c. 45, s. 35; 1985, c. 35, s. 2; 2008, c. 18, s. 138.

467.3.1. *(Repealed).*

1986, c. 66, s. 9; 1988, c. 25, s. 1; 1997, c. 43, s. 166; 2008, c. 18, s. 138.

467.4. *(Repealed).*

1981, c. 26, s. 38; 1983, c. 45, s. 35; 1985, c. 35, s. 3; 1986, c. 66, s. 10; 2008, c. 18, s. 138.

467.5. *(Repealed).*

1981, c. 26, s. 38; 1983, c. 45, s. 35; 1988, c. 25, s. 3; 2008, c. 18, s. 138.

467.6. *(Repealed).*

1981, c. 26, s. 38; 1983, c. 45, s. 35; 1988, c. 25, s. 4; 2008, c. 18, s. 138.

467.7. *(Repealed).*

1981, c. 26, s. 38; 1983, c. 45, s. 35; 1984, c. 38, s. 14; 2008, c. 18, s. 138.

467.7.1. *(Repealed).*

1985, c. 35, s. 4; 1996, c. 2, s. 171; 2008, c. 18, s. 138.

467.7.2. *(Repealed).*

1985, c. 35, s. 4; 1988, c. 25, s. 5; 1996, c. 2, s. 172; 2008, c. 18, s. 138.

467.7.3. *(Repealed).*

1985, c. 35, s. 4; 1988, c. 25, s. 6; 2008, c. 18, s. 138.

467.7.4. *(Repealed).*

1988, c. 25, s. 7; 2008, c. 18, s. 138.

467.8. *(Repealed).*

1983, c. 45, s. 35; 2008, c. 18, s. 138.

467.9. *(Repealed).*

1983, c. 45, s. 35; 1985, c. 35, s. 5; 1988, c. 25, s. 8.

467.10. *(Repealed).*

1983, c. 45, s. 35; 1988, c. 25, s. 9.

467.10.1. *(Repealed).*

1985, c. 35, s. 6; 2008, c. 18, s. 138.

467.10.2. *(Repealed).*

1985, c. 35, s. 6; 1986, c. 66, s. 11; 1999, c. 40, s. 51; 2008, c. 18, s. 138.

467.10.3. *(Repealed).*

1985, c. 35, s. 6; 1988, c. 25, s. 10; 2008, c. 18, s. 138.

467.10.4. *(Repealed).*

1986, c. 66, s. 12; 1988, c. 25, s. 11; 2008, c. 18, s. 138.

467.10.5. *(Repealed).*

1988, c. 25, s. 12; 1997, c. 53, s. 5; 2008, c. 18, s. 138.

467.10.6. *(Repealed).*

1988, c. 25, s. 12; 2008, c. 18, s. 138.

467.10.7. *(Repealed).*

1988, c. 25, s. 12; 2008, c. 18, s. 138.

§ 22.1. —

Repealed, 2008, c. 18, s. 138.

1983, c. 45, s. 35; 2008, c. 18, s. 138.

467.11. *(Repealed).*

1983, c. 45, s. 35; 1984, c. 23, s. 1; 1984, c. 38, s. 15; 1988, c. 25, s. 13; 2004, c. 31, s. 62; 2008, c. 18, s. 138.

467.12. *(Repealed).*

1983, c. 45, s. 35; 1988, c. 25, s. 14; 2008, c. 18, s. 138.

467.12.1. *(Repealed).*

1988, c. 25, s. 14; 2008, c. 18, s. 138.

467.13. *(Repealed).*

1983, c. 45, s. 35; 1988, c. 25, s. 15; 2008, c. 18, s. 138.

467.14. *(Repealed).*

1983, c. 45, s. 35; 1984, c. 23, s. 2; 1984, c. 38, s. 16; 1988, c. 25, s. 16; 2008, c. 18, s. 138.

§ 22.2. —

Repealed, 2005, c. 6, s. 194.

1992, c. 54, s. 58; 2005, c. 6, s. 194.

467.15. *(Repealed).*

1992, c. 54, s. 58; 2005, c. 6, s. 194.

467.16. *(Repealed).*

1992, c. 54, s. 58; 2005, c. 6, s. 194.

467.17. *(Repealed).*

1992, c. 54, s. 58; 2005, c. 6, s. 194.

467.18. *(Repealed).*

1992, c. 54, s. 58; 2005, c. 6, s. 194.

467.19. *(Repealed).*

1992, c. 54, s. 58; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

467.20. *(Repealed).*

1992, c. 54, s. 58; 1996, c. 2, s. 173; 2000, c. 56, s. 115; 2005, c. 6, s. 194.

§ 23. — *Intermunicipal agreements*

1979, c. 83, s. 5.

(a) Agreement

1979, c. 83, s. 5.

468. Every municipality may make an agreement with any other municipality, regardless of the law governing it, relating to all or part of any field within its jurisdiction.

Where several municipalities, by means of an agreement, share the services of an officer whom each municipality must have or appoint according to law, each party to the agreement is deemed to comply with that obligation.

R. S. 1964, c. 193, s. 475; 1968, c. 55, s. 129; 1969, c. 55, s. 24; 1979, c. 83, s. 5; 1982, c. 63, s. 136; 1983, c. 57, s. 54; 1984, c. 38, s. 17; 1992, c. 65, s. 25; 1996, c. 2, s. 174; 1996, c. 27, s. 20; 1998, c. 31, s. 19; 2000, c. 56, s. 116.

468.0.1. *(Repealed).*

1985, c. 27, s. 21; 1986, c. 31, s. 8.

468.1. The agreement mentioned in section 468.10 must be approved by the Minister of Municipal Affairs, Regions and Land Occupancy.

When submitted for approval, the agreement must be accompanied with the resolutions by which it was authorized.

The first two paragraphs also apply to any agreement amending the agreement mentioned in section 468.10.

1979, c. 83, s. 5; 1994, c. 33, s. 9; 1996, c. 27, s. 21; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

468.2. *(Repealed).*

1979, c. 83, s. 5; 1996, c. 27, s. 22.

468.3. The agreement must include

- (1) a detailed description of its object;
- (2) the mode of operation, determined in accordance with section 468.7;
- (3) the mode of apportionment of the financial contributions among the municipalities that are parties to the agreement;
- (4) an indication of the term of the agreement and, where such is the case, the terms and conditions of its renewal;
- (5) where the agreement is contemplated in the second paragraph of section 468.5, a palliative measure for the case where actual consumption exceeds maximum capacity of consumption;
- (6) the apportionment of the assets and liabilities relating to the implementation of the agreement, when the agreement is terminated.

1979, c. 83, s. 5; 1999, c. 40, s. 51.

468.4. The financial contribution of each municipality must include:

- (1) the capital expenditures of an intermunicipal nature incurred before or after the agreement;
- (2) the operating cost related to the object of the agreement.

1979, c. 83, s. 5; 1996, c. 2, s. 209.

468.5. The payment of capital expenditures is made in accordance with the mode of apportionment contained in the agreement.

However, where the object of the agreement is the supply of drinking water or the management of waste water, it must fix a maximum capacity of consumption for each municipality, taking into account the potential use of the goods and services contemplated. The payment of capital expenditures is then made in proportion to the maximum capacity of consumption of each municipality.

1979, c. 83, s. 5; 1996, c. 2, s. 209.

468.6. The operating cost must be apportioned according to the actual consumption of each municipality, which must not exceed, as the case may be, the maximum capacity of consumption determined in accordance with the second paragraph of section 468.5.

Where the criterion of apportionment mentioned in the first paragraph is not applicable to the object of the agreement, the agreement must provide an alternate method for that purpose.

1979, c. 83, s. 5; 1996, c. 2, s. 209.

468.7. The agreement must provide one of the following modes of operation:

- (1) the supply of services by one of the municipalities that are parties to the agreement;
- (2) the delegation of a jurisdiction, except that of making by-laws or imposing taxes, from one municipality to another;
- (3) intermunicipal management.

1979, c. 83, s. 5; 1996, c. 2, s. 209; 1998, c. 31, s. 20.

468.8. In the case of the supply of services or delegation of jurisdiction, the agreement may provide for the creation of an intermunicipal committee for the purposes of its implementation. In all cases, however, the expenditure of money may be authorized exclusively by the council of each municipality.

1979, c. 83, s. 5; 1987, c. 102, s. 39; 1996, c. 2, s. 209.

468.9. The municipality to which another municipality that is a party to the agreement has delegated its jurisdiction has all the powers necessary for the carrying out of the agreement, including the power to carry out work on the territory of the other municipality and to acquire and possess property in that territory.

1979, c. 83, s. 5; 1994, c. 33, s. 10; 1996, c. 2, s. 209; 2001, c. 25, s. 28.

(b) Intermunicipal management board

1979, c. 83, s. 5.

468.10. Where the agreement provides for the establishment of an intermunicipal management board, in addition to the particulars mentioned in section 468.3, the agreement must contain:

- (1) the intended name of the management board;
- (2) the place of its head office, which must be situated in the territory of one of the municipalities that are parties to the agreement;
- (3) the number of votes, which may be in number and in value, granted to each member of the board of directors.

1979, c. 83, s. 5; 1996, c. 2, s. 209.

468.11. Where an agreement mentioned in section 468.10 is submitted to the Minister of Municipal Affairs, Regions and Land Occupancy, he may approve the agreement and order the establishment of the intermunicipal management board.

The order must indicate the object of the agreement and set forth such other provisions of the agreement as the Minister considers necessary. It must also indicate the date and place of the first meeting of the board of directors of the management board.

The Minister may amend the order he has issued if the agreement submitted to his approval is amended.

The order, or any amendment to it, comes into force when a notice of its issuance is published in the *Gazette officielle du Québec*.

1979, c. 83, s. 5; 1990, c. 85, s. 116; 1994, c. 33, s. 11; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

468.12. The management board is a legal person.

It is composed of the members of the board of directors.

1979, c. 83, s. 5; 1999, c. 40, s. 51.

468.13. The function of the management board is to carry out the object of the agreement.

1979, c. 83, s. 5.

468.14. All the revenues of the management board must be used for the performance of its obligations and the carrying out of the object of the agreement.

1979, c. 83, s. 5.

468.14.1. If the management board decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the board has jurisdiction, it may decide to reimburse the fund by means of an aliquot share payable by the municipalities concerned.

In such a case, the management board shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the board to acquire, repair, restore or build, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

2008, c. 18, s. 23.

468.14.2. The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the board, at its request, of the interest rate in effect at the time of the request.

2008, c. 18, s. 23.

468.14.3. The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

2008, c. 18, s. 23.

468.14.4. The Minister of Municipal Affairs, Regions and Land Occupancy may also require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the moneys to be used and the projected expenditure; and

(3) the right of the ratepayers concerned to send the Minister of Municipal Affairs, Regions and Land Occupancy, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

2008, c. 18, s. 23; 2009, c. 26, s. 109.

468.14.5. The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of section 468.14.4.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.

2008, c. 18, s. 23.

468.15. The management board shall have jurisdiction in the territory of the municipalities that are parties to the agreement.

1979, c. 83, s. 5; 1996, c. 2, s. 209.

468.16. The affairs of the management board are administered by a board of directors composed of delegates from the municipalities in whose territory the management board has jurisdiction.

The number of delegates from each municipality must be fixed in the agreement and set forth in the order of the Minister establishing the management board.

The municipality must select each delegate from among the members of its council.

1979, c. 83, s. 5; 1996, c. 2, s. 209.

468.17. At the first meeting, held within sixty days of the coming into force of the order establishing the management board, the board of directors must appoint a chairman from among its members.

The term of office of the chairman is one year and it may be renewed.

The chairman presides the meetings of the board of directors and directs the discussions. He maintains order and decorum.

Meetings of the board of directors are public.

1979, c. 83, s. 5.

468.18. At the first meeting, the board of directors must also appoint the secretary and the treasurer of the management board.

It may appoint a secretary-treasurer to discharge both offices.

1979, c. 83, s. 5.

468.19. A majority of the members of the board of directors is a quorum thereof.

1979, c. 83, s. 5.

468.20. Decisions of the board of directors are taken by a majority of the votes.

1979, c. 83, s. 5.

468.21. Each member is entitled to the number of votes fixed in the agreement and is bound to vote, unless he is prevented therefrom by reason of his interest in the matter concerned, pursuant to the Act respecting elections and referendums in municipalities (chapter E-2.2). The chairman is not bound to vote.

In case of a tie-vote, the decision is deemed to be negative.

1979, c. 83, s. 5; 1987, c. 57, s. 719.

468.22. *(Repealed).*

1979, c. 83, s. 5; 1987, c. 57, s. 720.

468.23. A member of the board of directors ceases to form part of it if he ceases to be a member of the municipal council for which he was appointed.

However, a member of the board shall not cease to hold office at the expiry of his term as a member of the municipal council if he is reelected at the election held after the expiry of his term and if, after his reelection, he has made the required oath within the prescribed time.

1979, c. 83, s. 5; 1987, c. 57, s. 721; 1989, c. 56, s. 7.

468.24. The resignation of a member of the board of directors is effective from the remittance of a writing to that effect to the secretary, who shall remit it to the board of directors at the next meeting.

1979, c. 83, s. 5.

468.25. Any vacancy on the board of directors must be filled within thirty days.

1979, c. 83, s. 5.

468.26. The provisions of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) with respect to the remuneration fixed by municipal by-law, the expense allowance and the reimbursement of expenses apply, adapted as required, to the management board.

1979, c. 83, s. 5; 1982, c. 63, s. 137; 1996, c. 27, s. 23; 2017, c. 13, s. 57.

468.27. The board of directors shall also appoint, whenever it deems it advisable, any officer or employee it considers necessary for the operation of the management board.

1979, c. 83, s. 5; 1984, c. 38, s. 18.

468.28. The board of directors has its meetings at such times as it may determine by resolution.

It shall also meet at the written request of the chairman, or of one-third of its members, addressed to the secretary. The request shall mention the subject proposed for consideration.

The notice of meeting addressed by the secretary to the members of the board of directors must be drawn up and notified in the manner prescribed by a resolution of the board of directors. The request shall mention the subject proposed for consideration.

1979, c. 83, s. 5; I.N. 2016-01-01 (NCCP).

468.29. The board of directors may make by-laws for its internal management.

1979, c. 83, s. 5.

468.30. The minutes of the meetings drawn up by the secretary and approved by the board of directors, and the copies and extracts certified true by the secretary or by the person in charge of access to documents of the management board, are evidence of their content.

1979, c. 83, s. 5; 1987, c. 68, s. 37; 1999, c. 40, s. 51.

468.31. The registers and documents in the possession of the secretary and forming part of the records of the management board and the account books of the treasurer may be examined by any person during regular working hours.

The person in charge of documents of the management board shall issue to any person applying therefor, copies or extracts of the documents referred to in the first paragraph.

1979, c. 83, s. 5; 1987, c. 68, s. 38.

468.32. In the pursuit of its objects, the management board may

- (1) have a seal; and
- (2) acquire movable or immovable property by expropriation.

When the object of the agreement is the supply of drinking water, the management of waste water or the development or operation of an airport facility, the management board may acquire immovables within a radius of 50 kilometres outside the territory in which it has jurisdiction, by agreement or expropriation.

1979, c. 83, s. 5; 1982, c. 63, s. 138; 1984, c. 38, s. 19; 1994, c. 33, s. 12; 1995, c. 34, s. 15; 2003, c. 19, s. 122; 2005, c. 6, s. 192.

468.32.1. Unless otherwise provided, no property of the management board may be alienated otherwise than in return for valuable consideration. Each month the secretary must publish a notice concerning the properties with a value greater than \$10,000 that were alienated by the management board otherwise than by auction or public tender. The notice must describe each property and indicate for each the price of alienation and the identity of the purchaser.

2005, c. 6, s. 192.

468.32.2. Unless otherwise provided, no management board may acquire or build property mainly for leasing purposes.

2005, c. 6, s. 192.

468.33. The fiscal period of the management board begins on 1 January and terminates on 31 December.

The expenses of the management board are charged to the municipalities in the territory of which it has jurisdiction. The expenses are apportioned in the manner prescribed in sections 468.4 to 468.6.

However, the management board must reduce the contribution collected from the municipalities by any amount received as a subsidy, gift or legacy.

1979, c. 83, s. 5; 1996, c. 2, s. 209.

468.34. Every year, the management board must prepare a budget for the next fiscal period and submit it for adoption, before 1 October, to each municipality whose territory is under its jurisdiction.

It must at the same time indicate to each municipality an estimate of its financial contribution for the next fiscal period.

The budget must be adopted by not less than two-thirds of the municipalities. If the budget is thus adopted before 1 January, it comes into force on that date. If it has not been adopted by that date, it comes into force 15 days after its adoption by not less than two-thirds of the municipalities.

Where the budget has not come into force on 1 January, one of the municipalities may apply for conciliation on that point and section 468.53 applies, with the necessary modifications. The recourse provided by section 469 cannot be exercised in that case.

1979, c. 83, s. 5; 1980, c. 11, s. 38; 1996, c. 2, s. 209; 1996, c. 27, s. 24.

468.35. If the budget comes into force after 1 January, this section applies, until that coming into force, as if, at the beginning of each three-month period of the fiscal period, one quarter of the budget of the preceding fiscal period was adopted.

1979, c. 83, s. 5.

468.36. The management board may, during a fiscal period, draw up any such supplementary budget as it deems necessary. It must submit it for adoption within 15 days to each municipality whose territory is subject to its jurisdiction.

1979, c. 83, s. 5; 1996, c. 2, s. 209.

468.36.1. *(Repealed).*

1985, c. 27, s. 22; 1996, c. 2, s. 209; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2012, c. 21, s. 5; 2016, c. 17, s. 9.

468.37. The management board may, by by-law approved by the Minister of Municipal Affairs, Regions and Land Occupancy and the municipalities in the territory under its jurisdiction, contract loans by notes, bonds or other securities for purposes within its competence.

1979, c. 83, s. 5; 1984, c. 38, s. 20; 1992, c. 27, s. 8; 1996, c. 2, s. 209; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

468.38. Once the by-law is passed, the secretary of the board of management shall give a public notice to the taxpayers of the municipalities in the territory under the jurisdiction of the board. The notice shall be published in a newspaper distributed in the territory of the municipalities.

The notice shall state:

- (1) the number, title, object and date of passage of the by-law;
- (2) the amount of the projected loan and the projected use of the borrowed monies;

(3) that the taxpayers concerned by the notice have the right to oppose the approval of the by-law by the Minister of Municipal Affairs, Regions and Land Occupancy by sending their written objections to the Minister within 30 days following publication of the notice.

Within 15 days of the passing of the by-law, the secretary of the management board shall send a copy of it to each municipality whose territory is subject to the jurisdiction of the management board.

No later than the second regular sitting after receiving the copy, the council of each municipality must approve or reject the by-law. If the council fails to do so, the by-law shall be deemed approved. The clerk shall send a copy of the resolution under which the council approved or rejected the by-law to the secretary of the management board.

1979, c. 83, s. 5; 1984, c. 38, s. 21; 1996, c. 2, s. 209; 1996, c. 77, s. 15; 1999, c. 43, s. 13; 2003, c. 19, s. 123, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

468.39. If all the municipalities have approved the by-law, the secretary of the management board shall send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy, together with every other document he may require.

Before approving the by-law, the Minister may order each municipality whose territory is under the jurisdiction of the management board to submit the by-law to the qualified voters for approval. A referendum poll must then be held in accordance with the Act respecting elections and referendums in municipalities (chapter E-2.2).

The secretary must provide the Minister with any information requested by him with respect to the by-law.

1979, c. 83, s. 5; 1984, c. 38, s. 22; 1987, c. 57, s. 722; 1989, c. 69, s. 1; 1992, c. 27, s. 9; 1996, c. 2, s. 209; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

468.40. The municipalities whose territory is subject to the jurisdiction of the board are jointly and severally liable towards the holders of bonds, notes or other debt securities issued by the board for the repayment thereof, in capital and interest.

1979, c. 83, s. 5; 1992, c. 27, s. 10; 1996, c. 2, s. 209.

468.41. The bonds, notes or other debt securities issued by the management board must be signed by the chairman and the treasurer of the management board.

1979, c. 83, s. 5; 1992, c. 27, s. 11; 1994, c. 33, s. 13.

468.42. A bond, note or other debt security is deemed validly signed if it bears the signatures of the chairman and of the treasurer in office on the date appearing on the security or at the time it was signed.

1979, c. 83, s. 5; 1992, c. 27, s. 12; 1994, c. 33, s. 14; 1999, c. 40, s. 51.

468.43. Cheques issued by the management board must be signed by the chairman and the treasurer.

1979, c. 83, s. 5.

468.44. A signature may be printed, engraved or otherwise reproduced on a bond, note, debt security or cheque.

1979, c. 83, s. 5; 1992, c. 27, s. 13.

468.45. Any deficit in a fiscal period must be entered under expenditures in the budget of the following fiscal period.

Any surplus may, subject to the rules established in an agreement entered into under section 13.1 of the Act respecting municipal industrial immovables (chapter I-0.1)

(1) be entered under revenue in the budget of the following fiscal period,

(2) be paid to the municipalities in whose territory the management board has jurisdiction, in the proportion determined under section 468.5,

(3) be used for any purpose within the jurisdiction of the management board as determined by the board of directors by a majority of two-thirds of the votes cast.

1979, c. 83, s. 5; 1980, c. 11, s. 39; 1996, c. 2, s. 209; 1996, c. 27, s. 25; 1999, c. 59, s. 2.

468.45.1. The management board may, by by-law, for the benefit of all of the municipalities in whose territory it has jurisdiction, or of some of those municipalities, establish a financial reserve for any purpose within its jurisdiction for the financing of expenditures.

The by-law must set out

- (1) the purpose for which the reserve is established;
- (2) the projected amount of the reserve;
- (3) the mode of financing of the reserve;
- (4) in the case of a reserve of specified duration, the duration of existence of the reserve;
- (5) the allocation of the amount, if any, by which income exceeds expenditures at the end of the existence of the reserve.

The by-law must also indicate that the reserve is established for the benefit of all of the municipalities in whose territory the management board has jurisdiction, or of some of those municipalities, and in the latter case, specify the municipalities concerned.

The duration of existence of a reserve must be determined, unless such determination is inconsistent with the purpose for which the reserve is established.

2000, c. 19, s. 4; 2001, c. 68, s. 12.

468.45.2. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

The sums allocated to the reserve may derive only from surpluses in a fiscal year that are used for that purpose pursuant to subparagraph 3 of the second paragraph of section 468.45, from a contribution payable by the municipalities for whose benefit the reserve is established or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1), derived from a mode of tariffing established by the management board under section 468.47.1.

Where the reserve is established for the benefit of some of the municipalities in whose territory the management board has jurisdiction, the reserve may not be made up of sums from the surpluses or excess amounts referred to in the second paragraph unless they derive exclusively from the municipalities for whose benefit the reserve is established or from their territory.

2000, c. 19, s. 4; 2001, c. 68, s. 13.

468.45.3. Sections 468.37 to 468.39 apply, adapted as required, to a by-law provided for in section 468.45.1.

The first paragraph does not apply where the reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation.

2000, c. 19, s. 4; 2001, c. 68, s. 14.

468.45.4. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The treasurer must file, not later than at the last meeting of the board of directors before that time, a statement of the income and expenditures of the reserve.

The board of directors shall allocate the amount, if any, by which the reserve's income exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid to the municipalities for whose benefit the reserve was established, in the proportion determined under section 468.5.

2000, c. 19, s. 4; 2001, c. 68, s. 15.

468.45.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

As regards a reserve referred to in the second paragraph of section 468.45.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph.

2000, c. 19, s. 4; 2001, c. 68, s. 16.

468.45.6. The sums allocated to a financial reserve established under section 468.45.1 must be invested in accordance with section 99.

2000, c. 19, s. 4.

468.45.7. The management board may, with a view to having at its disposal the moneys it needs for the purposes within its jurisdiction, constitute a fund known as the "working fund" or increase the amount of the fund. To that effect, it shall pass a by-law

(1) to appropriate for that purpose all or part of the accumulated surplus of its general fund;

(2) to order a loan; or

(3) to carry out both of the above operations.

The by-law ordering a loan to constitute the working fund or increase the amount of the fund must specify the term of the loan, which is not to exceed 10 years, and must stipulate that the repayment of the loan is to be charged to all the municipalities in whose territory the board has jurisdiction, according to the operating cost apportionment method set out in the agreement.

The amount of the fund may not exceed 20% of the appropriations provided for in the board's budget for the current fiscal year. However, if the amount of the fund exceeds the prescribed percentage because the budget of a subsequent fiscal year provides for fewer appropriations than the budget used to determine the amount of the fund, the amount may remain unchanged.

Section 99 applies, with the necessary modifications, to the investment of the available moneys of the fund.

The interest on the working fund and the compensatory sum provided for in section 468.45.12 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.

If the working fund is abolished, the moneys available in it must be used to repay a loan contracted to constitute the fund or increase the amount of the fund before they may be paid into the general fund.

2008, c. 18, s. 24.

468.45.8. A member of the board of directors who, knowingly, by a vote or otherwise, authorizes

(1) the constitution of a working fund or its capital endowment for an amount exceeding the percentage prescribed in the third paragraph of section 468.45.7;

(2) the investment of the moneys in the fund otherwise than in the manner prescribed in the fourth paragraph of section 468.45.7; or

(3) the use of the available moneys, if the working fund is abolished, otherwise than in the manner prescribed in the sixth paragraph of section 468.45.7

may be declared disqualified to hold municipal office for two years and may be held personally liable towards the management board for any loss or damage suffered by it.

The liability mentioned in the first paragraph is joint and several and it applies to every officer or employee of the management board who knowingly is a party to the unlawful act.

Proceedings for the declaration of disqualification are taken in accordance with subparagraph 4 of the first paragraph of article 529 and articles 532 to 535 of the Code of Civil Procedure (chapter C-25.01); an ordinary action is taken to obtain compensation for loss or damage. Any ratepayer may exercise such recourses.

Disqualification may also be declared by means of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).

2008, c. 18, s. 24; 2014, c. 1, s. 780.

468.45.9. The management board may borrow from the working fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the management board or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan

2008, c. 18, s. 24.

468.45.10. Every year, the management board shall provide out of its general fund a sum sufficient to repay a loan from the working fund.

2008, c. 18, s. 24.

468.45.11. If the loan is used to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the management board has jurisdiction, the board may decide that the loan is to be repaid by means of an aliquot share payable by the municipalities concerned.

In such a case, the management board shall authorize the loan from the working fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

2008, c. 18, s. 24.

468.45.12. The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the board, at its request, of the interest rate in effect at the time of the request.

2008, c. 18, s. 24.

468.45.13. The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

2008, c. 18, s. 24.

468.45.14. The Minister of Municipal Affairs, Regions and Land Occupancy may require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the projected loan and the use to be made of the sums borrowed from the fund; and
- (3) the right of the ratepayers concerned to send the Minister of Municipal Affairs, Regions and Land Occupancy, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

2008, c. 18, s. 24; 2009, c. 26, s. 109.

468.45.15. The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of section 468.45.14.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.

2008, c. 18, s. 24.

468.46. The payment of the contribution of each municipality may be made in one or several instalments in such a manner and at such time as may be fixed by by-law of the management board approved by all the municipalities whose territory is subject to its jurisdiction. If there is no by-law, the demand for payment is made at the beginning of every three-month period and the amount due is exigible within 30 days of the mailing of the demand by registered mail. At the expiry of that time it bears interest at the rate determined under section 50 of the Act respecting municipal debts and loans (chapter D-7).

1979, c. 83, s. 5; 1988, c. 84, s. 705; 1996, c. 2, s. 209; I.N. 2016-01-01 (NCCP).

468.47. Every municipality must pay its contribution

- (1) out of its general funds not otherwise allocated;
- (2) where the object of the agreement concerns only part of the territory of the municipality, by imposing a special tax in accordance with section 487; or
- (3) by contracting a loan.

1979, c. 83, s. 5; 1996, c. 2, s. 175; 1998, c. 31, s. 21.

468.47.1. Subject to the regulation of the Government made under paragraph 8.2 of section 262 of the Act respecting municipal taxation (chapter F-2.1), the management board may, by by-law, provide that all or part of its property, services or activities shall be financed by means of a tariff involving a fixed amount, exigible on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription for the use of a property or service or in respect of a benefit derived from an activity.

Sections 244.3 to 244.6 and the first paragraph of section 244.8 of the Act respecting municipal taxation apply, adapted as required, to the tariff referred to in the first paragraph.

2000, c. 19, s. 5.

468.48. When the agreement is terminated, the management board can no longer undertake any work. It must, however, continue to administer its day to day business until it is dissolved by the Minister of Municipal Affairs, Regions and Land Occupancy.

1979, c. 83, s. 5; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

468.49. If, within three months after the agreement is terminated, the municipalities that were parties thereto do not renew it or adopt a new agreement to provide for the maintaining of the management board, the latter must, within three months after the expiry of that time, apply for its dissolution to the Minister of Municipal Affairs, Regions and Land Occupancy. Notice of the application must be published in the *Gazette officielle du Québec* not less than 30 days before being presented to the Minister.

The dissolution is declared by an order of the Minister, and he apportions the assets and liabilities of the management board.

However, if an interested person shows that, for exceptional reasons, the interest of the taxpayers would be better served if the management board were continued, the Minister may order it continued and the agreement prolonged for a period not exceeding that of the original agreement.

Notice of the dissolution or continuance of the management board is published by the Minister in the *Gazette officielle du Québec*.

1979, c. 83, s. 5; 1996, c. 2, s. 209; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

468.50. The management board is a municipality within the meaning of the articles of the Civil Code respecting investments presumed sound.

1979, c. 83, s. 5; 1996, c. 2, s. 209; 1999, c. 40, s. 51.

468.51. Sections 29.3, 29.9.1, 29.9.2, 71 to 72.2, 73.1, 73.2, 99, 105, the first paragraph of section 105.1, sections 105.2, 105.2.1 and 108 to 108.6, paragraphs 8 and 10 of section 464, sections 473, 477 to 477.2, 477.4 to 477.6, 544.1, 554, 555 and 564, subsection 2 of section 567, sections 572.1, 573 to 573.3.4 and sections 604.6 to 604.13 of this Act, sections 22, 23, 38 to 47 and 100 of the Act respecting the Commission municipale (chapter C-35), section 22 of the Municipal Powers Act (chapter C-47.1) and sections 1, 2, 4 to 8,

12 to 44 and 50 of the Act respecting municipal debts and loans (chapter D-7), with the necessary modifications, apply to the management board.

For the purposes of section 105.2, the reports must be sent not later than 15 April. They must also be sent to each municipality in whose territory the board has jurisdiction.

For the purposes of the second paragraph of section 477.6, if the board does not have a website, the statement and the hyperlink must be posted on another website the board determines; the board shall give public notice of the address of that website at least once a year; the notice must be published in a newspaper in the territory of each municipality in whose territory the board has jurisdiction.

1979, c. 83, s. 5; 1982, c. 63, s. 139; 1983, c. 57, s. 55; 1984, c. 38, s. 23; 1985, c. 27, s. 23; 1986, c. 31, s. 9; 1988, c. 84, s. 705; 1992, c. 27, s. 14; 1996, c. 27, s. 26; 1996, c. 77, s. 16; 1997, c. 53, s. 6; 1999, c. 43, s. 13; 1999, c. 59, s. 3; 2000, c. 54, s. 4; 2001, c. 25, s. 29; 2002, c. 37, s. 78; 2001, c. 26, s. 91; 2001, c. 68, s. 17; 2003, c. 19, s. 124, s. 250; 2005, c. 28, s. 196; 2005, c. 6, s. 193; 2006, c. 31, s. 21; 2008, c. 18, s. 25; 2009, c. 26, s. 109; 2010, c. 1, s. 9; 2010, c. 18, s. 26; 2012, c. 11, s. 17; 2017, c. 13, s. 58; 2019, c. 28, s. 121.

468.51.1. Notwithstanding section 468.51, in the case of a management board contemplated in section 467.10.6 or 467.13, section 473 applies, adapted as required, but

(1) once the program of capital expenditures is adopted it must be approved by each municipality in the territory of which the management board has jurisdiction;

(2) a certified true copy of the program and of each resolution approving it pursuant to paragraph 1 must be transmitted by the clerk or the secretary-treasurer to the Minister of Transport not later than 31 October preceding the beginning of the first fiscal year contemplated in the program.

1985, c. 27, s. 24; 1988, c. 76, s. 2; 1996, c. 27, s. 27.

468.52. A management board and a municipality may enter into an agreement under which one provides services to the other or the management board is delegated jurisdiction by the municipality. Sections 468 to 468.9, 468.53 and 469, adapted as required, apply to the agreement.

The agreement is valid only for the unexpired period of the agreement under which the management board was established.

1979, c. 83, s. 5; 1980, c. 11, s. 40; 1996, c. 2, s. 209; 1997, c. 93, s. 57.

468.52.1. Management boards may enter into an agreement under which one management board provides services to the other or delegates part of its jurisdiction to the other, provided that the management board delegating jurisdiction is authorized to do so. That authorization must be set out in the agreement under which the management board was established, or be granted by all the municipalities that are parties to the agreement.

An agreement under the first paragraph is valid only for the shortest of the unexpired periods of the agreements under which the management boards were established.

Sections 468 to 468.9, 468.53 and 469, adapted as required, apply to any agreement entered into under the first paragraph.

1997, c. 93, s. 58.

(c) Miscellaneous provisions

1979, c. 83, s. 5.

468.53. Where municipalities are in disagreement as to the implementation of the agreement signed by them, one of them may apply to the Minister of Municipal Affairs, Regions and Land Occupancy to have him designate a conciliator to assist them in achieving an agreement.

Notice of that application must be given to the other party and the intermunicipal management board, if any.

Upon receiving the application, the Minister appoints a conciliator.

The conciliator must make a report of his conciliation to the Minister within the time prescribed by him.

1979, c. 83, s. 5; 1996, c. 2, s. 209; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

469. Where the conciliator fails to bring the municipalities to an agreement, the Commission municipale du Québec, at the request of one of them, notice of which is given to the other party and to the intermunicipal management board, if any, may make the arbitration award it considers equitable after hearing the municipalities concerned and the management board and examining the report of the conciliator remitted to it by the Minister. The provisions of the Code of Civil Procedure (chapter C-25.01) respecting the homologation of arbitration awards apply, adapted as required, to the arbitration award of the Commission.

R. S. 1964, c. 193, s. 476; 1979, c. 83, s. 5; 1986, c. 73, s. 3; 1996, c. 2, s. 209; 1997, c. 43, s. 167; I.N. 2016-01-01 (NCCP).

469.1. The parties to an agreement contemplated in this subsection may provide therein that any other municipality may join the agreement.

An agreement which provides that it may be joined must determine, or provide a mechanism for determining, all or part of the conditions of joining. Such conditions are effective notwithstanding any inconsistent provision of any general or special Act.

A municipality, by resolution of its council, may join an agreement which provides therefor, on the conditions determined by or pursuant to the agreement.

A municipality which joins an agreement must transmit, for approval, a copy of the resolution and, where such is the case, a statement of the conditions not determined in the agreement, to any minister or any body that must approve the agreement.

Not less than 30 days before sending the documents provided for in the fourth paragraph, the municipality must send the same documents to each party to the agreement.

The municipality becomes a party to the agreement once the resolution and, where such is the case, the conditions of joining not determined in the agreement have received every required approval. The agreement is then deemed amended accordingly and the Minister of Municipal Affairs, Regions and Land Occupancy may, if necessary, amend the order establishing the management board which he issued in accordance with section 468.11.

1982, c. 63, s. 140; 1994, c. 33, s. 15; 1996, c. 2, s. 176; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

§ 24. — *Guarantees*

470. The council may, by by-law, determine the guarantees to be given by any person at whose request it orders the execution of municipal work related to the erection of a new structure on the land concerned in the request.

1975, c. 66, s. 18.

§ 25. —

Repealed, 2005, c. 6, s. 194.

1992, c. 65, s. 26; 2005, c. 6, s. 194.

471. *(Repealed).*

R. S. 1964, c. 193, s. 477; 1992, c. 65, s. 26; 2005, c. 6, s. 194.

471.0.1. *(Repealed).*

1992, c. 65, s. 26; 2005, c. 6, s. 194.

471.0.2. *(Repealed).*

1992, c. 65, s. 26; 2005, c. 6, s. 194.

471.0.2.1. *(Repealed).*

1997, c. 93, s. 59; 2005, c. 6, s. 194.

§ 25.0.1. —

Repealed, 2005, c. 6, s. 194.

1992, c. 65, s. 26; 2005, c. 6, s. 194.

471.0.3. *(Repealed).*

1992, c. 65, s. 26; 2005, c. 6, s. 194.

471.0.4. *(Repealed).*

1992, c. 65, s. 26; 2005, c. 6, s. 194.

§ 25.0.2. —

Repealed, 2005, c. 6, s. 194.

1998, c. 31, s. 22; 2005, c. 6, s. 194.

471.0.5. *(Repealed).*

1998, c. 31, s. 22; 2000, c. 56, s. 222; 2005, c. 6, s. 194.

471.0.6. *(Repealed).*

1998, c. 31, s. 22; 2005, c. 6, s. 194.

§ 25.0.3. —

Repealed, 2005, c. 6, s. 194.

1998, c. 31, s. 22; 2005, c. 6, s. 194.

471.0.7. *(Repealed).*

1998, c. 31, s. 22; 2005, c. 6, s. 194.

§ 25.1. — *Twinning of municipalities*

1979, c. 36, s. 85.

471.1. The council may by by-law authorize the making of agreements, on such conditions as it determines, for the twinning of the municipality with another municipality whose territory is situated in Québec or elsewhere.

1979, c. 36, s. 85; 1996, c. 2, s. 177.

§ 26. — *Census*

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

R. S. 1964, c. 193, s. 478; 1996, c. 2, s. 178.

§ 27. — *Municipal finances*

473. (1) The council shall, not later than 31 December each year, by resolution, adopt the program of the capital expenditures of the municipality for the next three fiscal years.

(2) This program shall be divided into annual phases. It shall describe, in respect of the period coincident therewith, the object, the amount and the mode of financing of the capital expenditures that each body plans to incur for which the financing period exceeds 12 months.

(3) *(Subsection repealed).*

(4) To the extent that they are consistent with this section, the provisions governing a municipality which has an executive committee or a director general, or both, and applicable to the procedure prior to the adoption of the budget of such municipality also apply, with the necessary modifications, to the procedure prior to the adoption of its program of capital expenditures.

(5) This section replaces every provision of a special Act by which any multi-annual program of capital expenditures and amendments thereto are subject to the approvals required for a loan by-law of a municipality.

Ville de Québec must adopt the program of its capital expenditures not later than 20 December.

(6) The council of a municipality to which, according to law, the budget of a transit authority is submitted, must also adopt the program of capital expenditures of such authority.

Where such is the case, the provisions of this section apply, with the necessary modifications, and the provisions applicable to the procedure prior to the adoption of the budget of such transit authority also apply,

in the same manner, to the procedure prior to the adoption of the program of its capital expenditures, to the extent that they are consistent with this section.

1977, c. 52, s. 15; 1979, c. 22, s. 63; 1983, c. 57, s. 168; 1993, c. 67, s. 109; 1995, c. 34, s. 16; 1996, c. 2, s. 179; 2000, c. 56, s. 117.

474. (1) Between 15 November and 31 December, the council shall prepare and adopt the budget of the municipality for the next fiscal year and provide therein for revenues at least equal to the expenditures provided for therein. However, during a year in which a general election is held in the municipality, the period is extended until 31 January of the following year.

(2) The Minister of Municipal Affairs, Regions and Land Occupancy may prescribe the content of a document that is to be certified by the treasurer or, as the case may be, the director of finance, which must be attached permanently to the budget of the municipality on its tabling.

The document contemplated in the preceding paragraph must be drawn up in the form prescribed by the Minister and transmitted to the Minister within 60 days of the municipality adopting the budget.

(3) The Minister, of his own motion, may extend the time allowed by this section to such date as he may fix, for all municipalities or any category of municipalities.

If it is unable to adopt the budget within the prescribed time, the council shall fix the date of the sitting at which the budget is to be adopted so that the obligation set out in the first paragraph of section 474.2 is respected.

If, on 1 January, the budget is not adopted, 1/12 of each appropriation provided for in the budget of the preceding fiscal year is deemed to be adopted. The same rule applies at the beginning of each subsequent month if, at that time, the budget has not yet been adopted.

(4) Subsection 1 applies to every municipality governed by this Act, even if a provision of its charter that came into force before 15 December 1977 repeals, replaces or amends, directly or indirectly, that subsection. However, subject to section 3, only the requirement under subsection 1 of providing for a budget containing revenues at least equal to expenditures applies to Ville de Laval.

R. S. 1964, c. 193, s. 479; 1968, c. 55, s. 130; 1975, c. 66, s. 19; 1977, c. 52, s. 15; 1979, c. 72, s. 307; 1984, c. 38, s. 24; 1985, c. 27, s. 25; 1995, c. 34, s. 17; 1996, c. 2, s. 180; 1999, c. 43, s. 13; 2000, c. 56, s. 118; 2003, c. 19, s. 125, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 21, s. 109; 2016, c. 17, s. 10.

474.0.1. *(Repealed).*

2001, c. 25, s. 30; 2001, c. 68, s. 18; 2008, c. 19, s. 12; 2012, c. 21, s. 6; 2016, c. 17, s. 11.

474.0.2. *(Repealed).*

2001, c. 25, s. 30; 2016, c. 17, s. 11.

474.0.2.1. *(Repealed).*

2008, c. 19, s. 13; 2012, c. 21, s. 7; 2016, c. 17, s. 11.

474.0.3. *(Repealed).*

2001, c. 25, s. 30; 2008, c. 19, s. 14; 2012, c. 21, s. 8; 2016, c. 17, s. 11.

474.0.4. *(Repealed).*

2001, c. 25, s. 30; 2005, c. 28, s. 52; 2012, c. 21, s. 9; 2016, c. 17, s. 11.

474.0.4.1. *(Repealed).*

2012, c. 21, s. 10; 2016, c. 17, s. 11.

474.0.5. *(Repealed).*

2001, c. 25, s. 30; 2016, c. 17, s. 11.

474.1. *(Repealed).*

1980, c. 16, s. 81; 1996, c. 2, s. 210; 1997, c. 93, s. 60; 1998, c. 31, s. 23; 2001, c. 25, s. 31; 2017, c. 13, s. 59.

474.2. At least eight days before the sitting at which the budget or the three-year program of capital expenditures is to be adopted, the clerk must give public notice thereof. The draft budget and the draft three-year program of capital expenditures must be available to members of the council as soon as the public notice is given.

At that sitting, the deliberations of the council and the question period must deal exclusively with the budget or the three-year program.

1980, c. 16, s. 81; 2017, c. 13, s. 60.

474.3. The budget or the three-year program adopted, or an explanatory document thereof, must be distributed free of charge to every civic address in the territory of the municipality. In addition to or in lieu of this distribution, the council may order that the budget or the three-year program, or the explanatory document, be published in a newspaper circulated in the territory of the municipality.

For the purposes of the first paragraph, the explanatory document of the budget is that provided for in paragraph 8 of section 263 of the Act respecting municipal taxation (chapter F-2.1).

1980, c. 16, s. 81; 1996, c. 2, s. 210.

474.3.1. The executive committee of a municipality with a population of 100,000 or more may revise the budget of the municipality to take into account sums donated for a specific purpose or provided by a subsidy from the Government, a minister or a government body that has already been paid or the payment of which is assured.

2003, c. 19, s. 126; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2016, c. 17, s. 12.

474.4. The council may prepare and adopt a supplementary budget to make up any anticipated deficit.

1980, c. 16, s. 81; 1984, c. 38, s. 25.

474.5. The supplementary budget is prepared, adopted and transmitted in accordance with sections 474, 474.2 and 474.3, adapted as required.

1984, c. 38, s. 25; 1985, c. 27, s. 26.

474.6. The council shall adopt with the supplementary budget a by-law imposing a special tax on all taxable immovables in the territory of the municipality, on the basis of their value, to raise the revenues provided for in the supplementary budget.

A special tax account in respect only of the special tax and identifying it as a consequence of the supplementary budget must be sent at least 30 days before the end of the fiscal year. If it is impossible to comply within the prescribed time, the council is not authorized to adopt a supplementary budget.

1984, c. 38, s. 25; 1996, c. 2, s. 181.

474.7. If, in the case of an anticipated deficit, the council does not adopt a supplementary budget, it shall enter the deficit on the budget for the next fiscal year unless it provides that the deficit will be consolidated during the next fiscal year by a loan by-law.

1984, c. 38, s. 25.

474.8. *(Repealed).*

1984, c. 38, s. 25; 1996, c. 2, s. 182; 1997, c. 93, s. 61; 2000, c. 56, s. 119; 2001, c. 25, s. 32.

475. *(Repealed).*

1970, c. 46, s. 1; 1977, c. 5, s. 14; 1982, c. 63, s. 141.

476. (1) All sums of money not especially appropriated shall form part of the general funds of the municipality.

(2) Any grant made to a municipality and not specially appropriated by the by-law ordering the works or the expenditure may be paid in whole or in part into the general funds of the municipality.

(3) Saving the case provided in section 7 of the Act respecting municipal debts and loans (chapter D-7), whenever the municipality has collected a sum exceeding the sum required for the purposes for which such sum was raised, the surplus shall belong to the municipality and shall fall into the general funds thereof.

(4) All sums of money, forming part of the general funds of the municipality, may be employed for any purpose within the jurisdiction of the council.

R. S. 1964, c. 193, s. 480; 1988, c. 84, s. 705.

476.1. If the council decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, it may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the municipality to acquire, repair, restore or build, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

2008, c. 18, s. 26.

476.2. The tax imposed or compensation required must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the municipality, at its request, of the interest rate in effect at the time of the request.

2008, c. 18, s. 26.

476.3. If the by-law imposes a special tax that is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may, on the conditions set out in the by-law, exempt the immovable from the tax by paying in one instalment the portion of the principal that, upon maturity of the loan, would have been provided by the tax imposed on that immovable. If the by-law requires compensation, it may provide that the owner or occupant from whom compensation is required may obtain an exemption in the same manner, with the necessary modifications.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking into account any taxes paid under the by-law before the payment. In the case of compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

The amount of the moneys to be provided by the tax or compensation is reduced by the amount of any sum paid under this section.

The payment exempts the immovable from the special tax or the owner or occupant from the compensation for the remainder of the term of repayment specified in the by-law.

2008, c. 18, s. 26.

476.4. The by-law is subject to the approval of the qualified voters of the sector.

However, a by-law adopted by the council of a municipality of 100,000 or more inhabitants is not subject to such approval when it authorizes the use of moneys for an expenditure and a loan by-law for that type of expenditure would have been exempted from such approval.

2008, c. 18, s. 26.

477. The council may adopt by-laws relating to the administration of municipal finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of funds before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed.

R. S. 1964, c. 193, s. 481; 2006, c. 31, s. 22.

477.1. A by-law or a resolution of the council authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 477, funds are available for the purposes for which the expenditure is proposed.

Where a special Act or a charter empowers the executive committee of a municipality to authorize an expenditure, the first paragraph applies to any resolution of the committee to that effect.

1979, c. 36, s. 86; 1984, c. 38, s. 26; 1996, c. 2, s. 209; 1999, c. 59, s. 4; 2002, c. 37, s. 79; 2006, c. 31, s. 23.

477.2. The council may, by by-law, delegate to any officer or employee of the municipality the power to authorize the spending of money and make contracts therefor in the name of the municipality.

Every by-law under the first paragraph shall indicate

- (1) the area of competence to which the delegation applies;
- (2) the amount of the spending the officer or employee may authorize;
- (3) the other conditions to which the delegation is subject.

The rules governing the awarding of contracts by the municipality apply, adapted as required, to a contract awarded under this section. Where, however, the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy is required for awarding a contract to a person other than the person who made the lowest tender, only the council may apply for the authorization of the Minister.

An authorization of expenditures granted under a delegation has no effect unless, in accordance with a by-law adopted under the second paragraph of section 477, funds are available for that purpose.

The officer or employee who grants an authorization of expenditures shall indicate it in a report that he shall submit to the council at the next regular sitting held after the expiry of a 25-day period following the authorization.

Where the executive committee is empowered to authorize an expenditure under a special Act or a charter, the first five paragraphs, adapted as follows, apply to the executive committee:

(1) *(subparagraph repealed)*;

(2) the application for authorization referred to in the third paragraph is made by the executive committee;

(3) the report mentioned in the fifth paragraph must be transmitted to the executive committee within 25 days following the authorization.

1984, c. 38, s. 26; 1996, c. 2, s. 209; 1997, c. 93, s. 62; 1999, c. 43, s. 13; 2002, c. 37, s. 80; 2003, c. 19, s. 250; 2005, c. 28, s. 53, s. 196; 2006, c. 31, s. 24; 2009, c. 26, s. 109.

477.3. Where the executive committee is authorized to enter into contracts on behalf of the municipality under a provision of a special Act or a charter, or following a delegation permitted under such a provision, the executive committee shall table before the council each month a list of all contracts involving an expenditure exceeding \$25,000 it entered into in the preceding month.

The executive committee shall also table a list of all contracts involving an expenditure exceeding \$2,000 entered into by the executive committee since the beginning of the fiscal year with the same contracting party if those contracts involve a total expenditure exceeding the applicable amount under the first paragraph. The executive committee shall, after such tabling and until the end of the fiscal year, table each month a list of all contracts involving an expenditure exceeding \$2,000 it entered into with the same contracting party in the preceding month.

The executive committee shall also table a list of the contracts referred to in the first and second paragraphs but entered into by an officer or employee to whom the executive committee delegated its power to enter into contracts.

The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.

2002, c. 37, s. 81.

477.4. If a contract involves an expenditure of \$100,000 or more, the municipality must establish an estimate of the price before any tenders are opened or the contract is entered into.

If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.

2010, c. 1, s. 10; 2018, c. 8, s. 60.

477.5. Every municipality must publish and keep up to date, on the internet, a list of the contracts it enters into that involve an expenditure of \$25,000 or more. However, employment contracts need not be included in the list.

The list must be updated at least once a month. It must contain, in respect of each contract, the following information:

- (1) if the contract involves an expenditure of \$100,000 or more, the price of the contract as estimated by the municipality in accordance with section 477.4;
- (2) the price of the contract, the name of the person with whom it was entered into and, if the contract contains a renewal option, the total expenditure that would be incurred if all the options were exercised; and
- (3) the object of the contract.

If the contract is subject to a rule governing the awarding of contracts set out in section 573 or 573.1 or in the regulation made under section 573.3.0.1 or 573.3.1.1, the list must also contain

- (1) the name of each tenderer;
- (2) the amount of each tender; and
- (3) the identification of any tender, lower than the accepted tender, that was considered non-compliant.

If the contract is entered into by mutual agreement, the list must mention, if applicable, the legislative provision or the provision of the regulation made under section 573.3.0.1 under which the contract could be awarded without a call for tenders.

If the contract involves an expenditure of at least \$25,000 but less than \$100,000, is not referred to in the fourth paragraph, and is made under a provision of the by-law on contract management adopted under the fourth paragraph of section 573.3.1.2, the list must mention how the contract was awarded.

In all cases, the list must also state, as soon as possible after the execution of the contract, the total expenditure actually incurred.

The information required under the second, third, fourth, fifth and sixth paragraphs with respect to a contract must remain on the Internet for at least three years after the date on which the information required under the sixth paragraph is posted.

2010, c. 1, s. 10; 2010, c. 18, s. 27; 2010, c. 42, s. 3; 2017, c. 13, s. 61.

477.6. The list described in section 477.5 must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (chapter C-65.1).

The municipality must also publish on its website,

- (1) on a permanent basis, a statement concerning the publication requirement under the first paragraph and a hyperlink to the list described in section 477.5; and
- (2) not later than 31 January each year, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.

If the municipality does not have a website, the statement, hyperlink and list whose publication is required under the second paragraph must be published on the website of the regional county municipality whose

territory includes that of the municipality or, if the regional county municipality does not have a website, on another website of which the municipality shall give public notice of the address at least once a year.

2010, c. 1, s. 10; 2010, c. 18, s. 28; 2017, c. 13, s. 62.

477.7. *(Repealed).*

2010, c. 1, s. 10; 2010, c. 18, s. 29.

478. All fees, licences, fines, revenues, and taxes, accruing or belonging to the municipality, shall be paid to and received by the treasurer alone, or by the officers or employees designated by him for that purpose; and no other officer or employee shall, under any pretext, receive them, unless specially authorized by the council so to do.

R. S. 1964, c. 193, s. 482; 1968, c. 55, s. 5.

478.1. Where a cheque or other order of payment is received by the municipality and payment thereof is refused by the drawee, an administrative charge, the amount of which shall be fixed by by-law of the council, may be claimed from the drawer of the cheque or order.

1985, c. 27, s. 27; 1996, c. 27, s. 28.

479. The fiscal year of the municipality shall begin on 1 January and end on 31 December of each year, and the taxes and yearly assessments shall be payable, subject to Division IV of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1) which deals with the payment and refund of taxes, at the dates determined by the council.

The first paragraph applies to every municipality governed by this Act, even if a provision of its charter that came into force before 15 December 1977 repeals, replaces or amends, directly or indirectly, that paragraph. However, subject to section 3, the first paragraph does not apply to Ville de Laval.

R. S. 1964, c. 193, s. 483; 1989, c. 68, s. 9; 1996, c. 2, s. 183.

§ 28. — *Taxes and Licences*

I. — *General Provisions*

480. The council may, by resolution, whenever it sees fit, instruct the treasurer or any other officer or employee of the municipality to add to the amount of any taxes to be levied on taxable property in the territory of the municipality, a sum of not more than 10%, to cover losses, costs and bad debts.

R. S. 1964, c. 193, s. 516; 1968, c. 55, s. 5; 1996, c. 2, s. 210.

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

Subject to section 542, neither the municipal council nor the officers or employees of the municipality may remit any taxes or the interest thereon.

The council, as often as it considers it expedient, may, by resolution, prescribe a rate of interest different from the rate provided in the first paragraph. The rate also applies to all debts unpaid before the passing of the resolution. The resolution of the council shall remain in force until it is repealed.

The tax account shall indicate clearly the rate of interest in force at the time of its sending.

The council may also, by resolution, grant a discount to every ratepayer who pays his taxes before they are due.

R. S. 1964, c. 193, s. 517; 1968, c. 53, s. 3; 1968, c. 55, s. 5; 1975, c. 66, s. 20; 1985, c. 27, s. 28; 1996, c. 2, s. 184; 1996, c. 27, s. 29; 2000, c. 56, s. 225.

481.1. *(Repealed).*

1982, c. 63, s. 142; 1985, c. 27, s. 29.

482. *(Repealed).*

R. S. 1964, c. 193, s. 518; 1968, c. 55, s. 136; 1979, c. 36, s. 87; 1992, c. 57, s. 471; 1994, c. 30, s. 89; 1999, c. 40, s. 51; 2005, c. 6, s. 194.

482.1. The claims of the municipality for taxes other than property taxes, of any nature whatsoever, are considered to be a prior claim on the immovables or movables by reason of which they are payable, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code; they are secured by a legal hypothec on the immovables or on the movables, as the case may be. In addition to being a prior claim within the meaning of that paragraph, a property tax is secured by a legal hypothec on the immovable subject to the tax.

For the purposes of the first paragraph, any personal tax imposed by reason of an activity carried on in a place is deemed to be a tax payable by reason of the movable property of the debtor located in the place at any time throughout the period during which the tax remains payable.

1994, c. 30, s. 90; 1999, c. 40, s. 51.

482.2. Registration by the municipality of a legal movable or immovable hypothec does not prevent it from exercising its prior claim.

1994, c. 30, s. 90.

482.3. A creditor who takes procedures in execution or who, as holder of a movable or immovable hypothec, has registered a prior notice of his intention to exercise his hypothecary rights, may apply to the municipality to declare the amount of its prior claim. The application shall be registered and proof of notification shall be filed in the registry office.

Within 30 days following the notification, the municipality shall declare the amount of its claim and enter it in the appropriate register; such a declaration does not have the effect of limiting the priority of the municipality's claim to the amount entered.

An application for registration, in the land register, of the application for declaration and of the declaration shall be made in the form of a notice. In addition to the provisions of this section and the requirements of the regulation made under Book IX of the Civil Code, the notice shall indicate the legislative provision under which it is given, the name of the debtor and the name of the municipality; the notice need not be attested and a single copy only need be presented.

1994, c. 30, s. 90.

483. *(Repealed).*

1974, c. 45, s. 10; 1979, c. 51, s. 260.

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

An application to the court for the recovery of a property tax filed before the tax is prescribed and served, not later than 60 days after the expiry of the prescription period, on any of the persons from whom the payment may be claimed under section 498, shall interrupt prescription with respect to all such persons.

R. S. 1964, c. 193, s. 519; 1996, c. 27, s. 30; 1999, c. 40, s. 51.

II. — *Imposition of Taxes*

485. Subject to the Act respecting municipal taxation (chapter F-2.1), the council may impose and levy annually on all taxable immovables in the territory of the municipality a tax based on their value as shown on the assessment roll.

R. S. 1964, c. 193, s. 521; 1975, c. 66, s. 21; 1979, c. 72, s. 308; 1996, c. 2, s. 210.

486. (*Repealed*).

1977, c. 52, s. 16; 1979, c. 72, s. 490; 1980, c. 34, s. 4; 1986, c. 31, s. 10; 1991, c. 29, s. 4; 1993, c. 43, s. 15; 1993, c. 78, s. 16; 1996, c. 2, s. 185; 1999, c. 40, s. 51; 2000, c. 54, s. 5; 2000, c. 56, s. 120; 2004, c. 20, s. 99.

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

The council may also charge the cost of such works

(1) to the municipality;

(2) to the ratepayers of part of the territory of the municipality;

(3) to the ratepayers benefiting from the works when they are carried out in any part of the territory of the municipality designated as its “centre” under a special planning program.

The council may combine the alternatives provided for in the second paragraph in the proportions it determines.

In the case contemplated in subparagraph 3 of the second paragraph, the council must identify the immovables of those who benefit from the works or provide one or more criteria allowing to identify them.

This section applies for the purposes of the payment of professional fees related to the works contemplated, whether or not they were carried out.

R. S. 1964, c. 193, s. 522; 1979, c. 36, s. 88; 1982, c. 63, s. 143; 1985, c. 27, s. 30; 1996, c. 2, s. 186; 1999, c. 40, s. 51.

487.1. Where, for the same fiscal year, a municipality imposes a special tax based on taxable value on all the immovables situated in its territory and, pursuant to section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes specific rates for the general property tax on certain categories or subcategories of immovables, it may fix specific rates for the special tax on the same categories or subcategories. It may also, in respect of the special tax, fix specific rates for the property tax on the category of non-residential immovables based on the property assessment for the same categories or subcategories of immovables for which it has chosen to apply the measure in respect of the general property tax.

In that case, the proportions between the different special tax rates must correspond to the proportions between the different general property tax rates. If the municipality avails itself of the power provided for in

section 244.49.1 of the Act respecting municipal taxation, the proportions between the theoretical specific rates in that section are taken into account.

The following provisions apply, with the necessary modifications, in respect of the special tax imposed at different rates:

(1) the provisions of subdivisions 4, 5, 6 and 7 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation;

(2) the provisions of the regulation made under paragraph 2 of section 263 of the Act respecting municipal taxation (chapter F-2.1) that pertain to the general property tax imposed at different rates;

(3) any other provision of an Act or statutory instrument that pertains to the legal effects of imposing the general property tax at different rates, in particular for the purpose of defining the property taxation specific to the non-residential sector.

2003, c. 19, s. 127; 2006, c. 31, s. 25; 2017, c. 13, s. 63.

487.2. Any municipality resulting from an amalgamation which, under its charter, must finance expenditures from revenues derived exclusively from the whole territory, designated as a “sector”, of a municipality that ceased to exist on amalgamation may obtain those revenues by imposing a special tax based on taxable value on all the taxable immovables situated in the sector, annually or for several years upon the borrowing of money.

Where, for the same fiscal year and in the same sector, the municipality imposes such a special tax and, pursuant to section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes specific rates for the general property tax on certain categories of immovables, it may avail itself of the power provided for in section 487.1. That section applies in such a case, with the necessary modifications, particularly the modification whereby only the specific rates of the general property tax applicable in the sector are taken into account.

Imposing the special tax does not deprive the municipality of the power conferred on it by its charter to use revenues from the sector that are not reserved for other purposes to finance the same expenditures. However, the revenues so used must not be derived from another tax, except the tax provided for in section 487.3.

The municipality may not impose the special tax in a sector without doing likewise in all the other sectors where the obligation provided for in its charter to finance expenditures by revenues derived exclusively from the whole territory of the sector continues to apply. As long as the obligation continues to apply in a sector, the municipality may not, after imposing the special tax in the sector for a fiscal year, cease to impose the tax for the following fiscal year.

2003, c. 19, s. 127.

487.3. Where, for the same fiscal year, a municipality imposes the business tax provided for in section 232 of the Act respecting municipal taxation (chapter F-2.1) and a special tax at different rates under section 487.1 or 487.2, it must also impose a special tax on the occupants of business establishments situated in its territory or in the sector within the meaning of section 487.2, as the case may be, based on the rental value of the business establishments, for the purpose of financing the same expenditures as the special tax for the same fiscal year.

The rate of the special tax imposed under the first paragraph must be fixed in such a way that the proportion of the revenues derived from the special tax to those derived from the special tax imposed under section 487.1 or 487.2 is the same as the proportion of the revenues derived from the business tax to those derived from the general property tax.

For the purposes of the second paragraph, the revenues considered are those which, according to the budget established for the fiscal year, must be derived from the territory of the municipality or the sector, as the case may be, for each of the four taxes concerned. The amounts to stand in lieu of taxes that must be paid by the Government in accordance with the second paragraph of section 210, section 254 or the first paragraph of section 255 of the Act respecting municipal taxation, or by the Crown in right of Canada or one of its mandataries are deemed to be tax-generated revenues.

The following provisions apply, with the necessary modifications, as regards the special tax imposed under the first paragraph:

- (1) the provisions of Division III of Chapter XVIII of the Act respecting municipal taxation;
- (2) the provisions of the regulation made under paragraph 2 of section 263 of the Act respecting municipal taxation that pertain to the business tax;
- (3) any other provision of an Act or statutory instrument that pertains to the legal effects of imposing the business tax.

2003, c. 19, s. 127; 2006, c. 31, s. 26.

487.4. The fact that a special tax has the same characteristics as the general property tax or the business tax, particularly with respect to the debtor, the tax base and the basis for the tax, does not justify the integration of the data relating to the special tax with the data relating to the general property tax or the business tax in any document produced by or under the responsibility of the municipality.

2003, c. 19, s. 127.

488. Any municipality on the territory of which a public transit authority has jurisdiction pursuant to the Act respecting public transit authorities (chapter S-30.01) may, for the purpose of payment of the sums owed by it to such transit authority, impose a general or special tax based on the taxable property valuation.

1977, c. 64, s. 117; 1999, c. 40, s. 51; 2005, c. 50, s. 12.

488.1. Where the loan ordered by by-law is insufficient to cover the cost of carrying out the object of the by-law, the municipality shall allocate for that purpose the missing amount out of the general fund.

Where the tax imposed to reimburse the loan is to be borne by part only of the owners of taxable immovables in the territory of the municipality, the council may, by by-law, impose a special tax on those immovables to pay into the general fund a sum equal to the sum withdrawn under the first paragraph. The tax may be imposed in respect of a period not exceeding the term of repayment of the loan.

Where the tax imposed to reimburse the loan is to be borne by both the municipality and by part only of the owners of taxable immovables in the territory of the municipality, the second paragraph applies except that the council shall

- (1) take into account the cause of the insufficiency of funds in apportioning the tax imposed to reimburse the loan;
- (2) comply with the proportion fixed for the apportionment of the tax, subject to paragraph 1.

1984, c. 38, s. 27; 1996, c. 2, s. 187.

488.2. If, in the case contemplated in section 488.1, no excess expenditure has yet been incurred, the municipality may also pass a loan by-law to raise the missing amount.

1984, c. 38, s. 27; 1996, c. 2, s. 209.

489. Any municipality may impose, in accordance with section 487, a special tax for the purposes of paying:

(1) sums the payment of which is imposed on it by an order made under section 45.3.3 or 61 of the Environment Quality Act (chapter Q-2); or

(2) sums claimed under section 113 of the said Act;

(3) *(paragraph repealed)*.

R. S. 1964, c. 193, s. 525; 1971, c. 50, s. 120; 1979, c. 72, s. 309; 1982, c. 63, s. 144; 2011, c. 16, s. 231; 2017, c. 4, s. 243.

490. *(Repealed)*.

R. S. 1964, c. 193, s. 526; 1979, c. 72, s. 310.

491. *(Repealed)*.

R. S. 1964, c. 193, s. 527; 1968, c. 53, s. 4; 1969, c. 55, s. 25; 1971, c. 50, s. 120; 1971, c. 55, s. 6; 1979, c. 72, s. 311.

492. Although the by-law of the council ordering the imposition and levying of certain duties or taxes, in the form of a licence, enacts that failure to pay the said fines or taxes shall constitute an offence, the council may, at its option, instead of instituting penal proceedings, sue for the recovery of the said duties or taxes, whether a licence be issued or not and whether the name of the person liable for the duties or taxes be entered or not in the valuation roll or in the collection roll.

R. S. 1964, c. 193, s. 528; 1979, c. 72, s. 312; 1990, c. 4, s. 178.

493. *(Repealed)*.

R. S. 1964, c. 193, s. 529; 1979, c. 72, s. 313.

494. The council may impose and levy an annual tax, to be fixed by by-law, on every stallion kept for breeding, on every horse aged three years and over, on every bull kept for breeding, on every other head of horned cattle over two years of age, on every dog and on every vehicle kept in the territory of the municipality.

R. S. 1964, c. 193, s. 530; 1996, c. 2, s. 210.

495. *(Repealed)*.

R. S. 1964, c. 193, s. 531; 1979, c. 36, s. 89.

496. In addition to the taxes mentioned in the foregoing sections of this subdivision 28, the council may also impose such taxes as are otherwise authorized by this Act.

Every tax imposed by virtue of the foregoing provisions shall be payable annually and, subject to Division IV of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1) which deals with the payment and refund of taxes, at the time fixed by the by-laws.

R. S. 1964, c. 193, s. 532; 1989, c. 68, s. 10.

497. Any person, not being the owner, who pays municipal taxes imposed in consideration of the land which he occupies, shall be subrogated without other formality, in the prior claims and legal hypothecs of the municipality on the immovable property of the owner, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs.

Saving the provisions of the preceding paragraph, any person, not being the debtor, who pays a municipal, property or personal, general or special tax, or the water-rates for a third party, with the consent in writing of the latter, is of right subrogated in the prior claims and legal hypothecs of the municipality on the movable and immovable property of the debtor and may recover from him the amount of taxes so paid. Such subrogation shall be of no effect unless the receipt given by the treasurer of the municipality who is bound to issue such receipt states that the payment was made by a third party for the debtor.

The fact that the taxes were paid by a third party and that the latter is subrogated in the prior claims and legal hypothecs of the municipality must be noted in the books of the municipality and mentioned in every statement furnished by an officer or employee of the municipality respecting the taxes owed by any person or affecting an immovable. The omission of such mention shall render the municipality liable for the prejudice caused thereby to a third person, saving its recourse against the officer or employee in default.

R. S. 1964, c. 193, s. 534; 1968, c. 55, s. 5; 1992, c. 57, s. 472; 1994, c. 30, s. 91; 1996, c. 2, s. 209; 1999, c. 40, s. 51; 2018, c. 5, s. 62.

498. Municipal taxes, imposed on any immovable, may be collected from the tenant, occupant or other possessor of such immovable as well as from the owner thereof, or from any subsequent acquirer of such immovable, even where such tenant, occupant, possessor or acquirer is not entered on the valuation roll.

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

R. S. 1964, c. 193, s. 535; 1992, c. 57, s. 473; 1999, c. 40, s. 51.

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

Nevertheless a sale under judicial authority shall not free an immovable from the taxes and special assessments imposed on such immovable which are not yet due.

R. S. 1964, c. 193, s. 536; I.N. 2016-01-01 (NCCP).

500. *(Repealed).*

R. S. 1964, c. 193, s. 537; 1979, c. 72, s. 314; 1988, c. 84, s. 551; 2018, c. 5, s. 63.

II.1. — *General taxation power*

2017, c. 13, s. 64.

500.1. Every municipality may, by by-law, impose a municipal tax in its territory, provided it is a direct tax and the by-law meets the criteria set out in the fourth paragraph.

The municipality is not authorized to impose the following taxes:

- (1) a tax in respect of the supply of a property or a service;
- (2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;
- (3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;
- (4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect of any assets used to enhance productivity, including computer hardware and software;

- (5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;
- (6) a tax on wealth, including an inheritance tax;
- (7) a tax on an individual because the latter is present or resides in the territory of the municipality;
- (8) a tax in respect of alcoholic beverages within the meaning of section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- (9) a tax in respect of tobacco or raw tobacco within the meaning of section 2 of the Tobacco Tax Act (chapter I-2);
- (10) a tax in respect of fuel within the meaning of section 1 of the Fuel Tax Act (chapter T-1);
- (10.1) a tax in respect of cannabis within the meaning of section 2 of the Cannabis Act (S.C. 2018, c. 16);
- (11) a tax in respect of a natural resource;
- (12) a tax in respect of energy, in particular electric power; or
- (13) a tax collected from a person who uses a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), in respect of equipment placed under, on or above a public highway to provide a public service.

For the purposes of subparagraph 1 of the second paragraph, “property”, “supply” and “service” have the meanings assigned to them by the Act respecting the Québec sales tax (chapter T-0.1).

The by-law referred to in the first paragraph must state

- (1) the subject of the tax to be imposed;
- (2) the tax rate or the amount of tax payable; and
- (3) how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the municipality.

The by-law referred to in the first paragraph may prescribe

- (1) exemptions from the tax;
- (2) penalties for failing to comply with the by-law;
- (3) collection fees and fees for insufficient funds;
- (4) interest and specific interest rates on outstanding taxes, penalties or fees;
- (5) assessment, audit, inspection and inquiry powers;
- (6) refunds and remittances;
- (7) the keeping of registers;
- (8) the establishment and use of dispute resolution mechanisms;
- (9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property;

(10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables; and

(11) criteria according to which the rate and the amount of the tax payable may vary.

2017, c. 13, s. 64; 2018, c. 19, s. 19.

500.2. The municipality is not authorized to impose a tax under section 500.1 in respect of

(1) the State, the Crown in right of Canada or one of their mandataries;

(2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d'art dramatique du Québec;

(3) a private educational institution operated by a non-profit body in respect of an activity that is exercised in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

(4) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2);

(5) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is exercised in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act;

(6) a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(7) any other person determined by a regulation of the Government.

A tax imposed under section 500.1 does not give entitlement to payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).

2017, c. 13, s. 64.

500.3. Section 500.1 does not limit any other taxation power granted to the municipality by law.

2017, c. 13, s. 64.

500.4. The use of an enforcement measure established by a by-law adopted under section 500.1 does not prevent the municipality from using any other remedy provided by law to recover the amounts owing under that by-law.

2017, c. 13, s. 64.

500.5. The municipality may enter into an agreement with another person, including the State, for the collection and recovery of a tax imposed under section 500.1 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the municipality's behalf.

2017, c. 13, s. 64.

II.2. — *Dues*

2017, c. 13, s. 64.

500.6. Every municipality may charge dues to help fund a regulatory regime applicable to a matter under its jurisdiction. Dues may also be charged with the main goal of furthering achievement of the objectives of the regime by influencing citizens' behaviour.

Revenues from the dues must be paid into a fund established exclusively to receive them and help fund the regime

The first paragraph applies subject to sections 145.21 to 145.30 of the Act respecting land use planning and development (chapter A-19.1), to the extent that the dues charged are collected from an applicant referred to in subparagraph 2 of the first paragraph of section 145.21 of that Act and that the dues are used to finance an expense referred to in that subparagraph.

2017, c. 13, s. 64.

500.7. The decision to charge dues is made by a by-law that must

- (1) identify the regulatory regime and its objectives;
- (2) specify to whom the dues are to be charged;
- (3) determine the amount of the dues or a way of determining the amount, including any criteria according to which the amount may vary;
- (4) establish the reserve fund and expressly identify the purposes for which the sums paid into it may be used; and
- (5) state how the dues are to be collected.

The by-law may prescribe collection fees and fees for insufficient funds.

The municipality shall send an authenticated copy of the by-law to the Minister of Municipal Affairs, Regions and Land Occupancy within 15 days after its adoption.

2017, c. 13, s. 64.

500.8. The dues may be charged only to a person benefiting from the regulatory regime identified in the by-law or carrying on activities that require regulation.

2017, c. 13, s. 64.

500.9. The amount of the dues may not be determined on the basis of an element referred to in subparagraphs 2 to 6 or 8 to 12 of the second paragraph of section 500.1, with the necessary modifications, or on the basis of residency in the municipality's territory.

Any criterion according to which the amount of the dues may vary must be justified in relation to the objectives of the regulatory regime.

2017, c. 13, s. 64.

500.10. The municipality may enter into an agreement with another person, including the State, providing for the collection and recovery of dues and the administration and enforcement of the by-law under which dues are charged.

2017, c. 13, s. 64.

500.11. The municipality is not authorized to charge dues under section 500.6 to a person mentioned in any of subparagraphs 1 to 7 of the first paragraph of section 500.2.

The Government may prohibit the collection of dues under section 500.6 or impose restrictions with respect to such collection if it considers that those dues conflict with or duplicate dues that are or may be charged by another public body within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1).

The Government's decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date mentioned in the decision.

Dues charged under section 500.6 do not give entitlement to payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation.

2017, c. 13, s. 64.

III. — *Collection roll and collection of taxes*

501. The treasurer shall make a general collection roll, each year, at the time fixed by the council, including all taxes, both general and special, then imposed, mentioning them separately.

He shall also make a special collection roll whenever any special tax has been imposed, after the making of the general collection roll, or whenever he is ordered so to do 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 treasurer shall prepare.

Notwithstanding the foregoing, in the case of section 474.6, the special collection roll made following the imposition of a special tax as a consequence of the adoption of a supplementary budget shall be separate from the general collection roll even after the date fixed by the council for the preparation of the general roll.

R. S. 1964, c. 193, s. 538; 1984, c. 38, s. 28.

502. *(Repealed).*

R. S. 1964, c. 193, s. 539; 1988, c. 84, s. 552.

503. The collection roll shall not be completed before 1 January nor until the budget of the municipality has been adopted.

The treasurer, after having completed the collection roll, shall give public notice by which he announces that the general collection roll or the special roll, as the case may be, is deposited at his office and that the tax accounts shall be sent within the allotted time.

The first and second paragraphs apply to every municipality governed by this Act, even if a provision of its charter that came into force before 15 December 1977 repeals, replaces or amends, directly or indirectly, one or both of those paragraphs. However, subject to section 3, the first and second paragraphs do not apply to Ville de Laval.

R. S. 1964, c. 193, s. 540; 1968, c. 55, s. 138; 1975, c. 66, s. 22; 1985, c. 27, s. 31; 1996, c. 2, s. 188; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2003, c. 19, s. 128.

504. Within sixty days following the day on which notice of the deposit of the roll was given, the treasurer shall transmit by mail, to every person entered on such roll, a demand for payment of the taxes. Such taxes shall be payable, subject to Division IV of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1) which deals with the payment and refund of taxes, within thirty days following the mailing of such demand for payment.

This section applies subject to section 81 of the Act respecting municipal taxation.

R. S. 1964, c. 193, s. 541; 1968, c. 55, s. 138; 1975, c. 66, s. 23; 1989, c. 68, s. 11; 1991, c. 32, s. 163.

IV. — *Seizure and sale of movables for non-payment of taxes*

505. If the taxes are not paid at the expiry of the time prescribed therefor by section 504 or, as the case may be, any other period of time applicable under Division IV of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1) which deals with the payment and refund of taxes, the treasurer may levy them, together with legal costs, by seizure and sale of such movables liable to seizure and belonging to such persons, as may be found in the territory of the municipality.

R. S. 1964, c. 193, s. 542; 1968, c. 55, s. 139; 1989, c. 68, s. 12; 1996, c. 2, s. 210; I.N. 2016-01-01 (NCCP).

506. Such seizure and sale shall be made under a notice of execution prepared by the mayor and filed with the court office by the clerk of the Court of Québec or the clerk of the Superior Court, according to the amount claimed, addressed to a bailiff and executed by that officer, under his oath of office, according to the same rules and under the same responsibilities and penalties as a notice of execution against movable property issued by the Court of Québec.

The mayor, in preparing such notice of execution, shall not incur any personal responsibility, but shall act under the responsibility of the municipality.

The clerk of the Court of Québec or the clerk of the Superior Court shall file the notice of execution upon the filing of a certificate of the mayor establishing that the debt is exigible in the amount indicated therein.

R. S. 1964, c. 193, s. 543; 1965 (1st sess.), c. 17, s. 2; 1986, c. 95, s. 53; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

507. If the debtor be absent, or if there be no person to open the doors of the house, cupboards, chests or other closed places, or in the event of a refusal to open the same, the seizing officer may, by an order of the clerk of the Court of Québec, of the clerk of the Superior Court or of any justice of the peace, be empowered to cause the same to be opened by the usual lawful means, in presence of two witnesses, with all necessary force.

R. S. 1964, c. 193, s. 544 (*part*); 1965 (1st sess.), c. 80, a. 1; 1986, c. 95, s. 54; 1988, c. 21, s. 66.

508. The sale may only be stopped by an opposition before the Court of Québec or the Superior Court, according to the amount claimed, where an opposition to the seizure of movables is permitted by the Code of Civil Procedure (chapter C-25.01). Such opposition must be accompanied by an order to suspend signed by the judge or clerk. It shall be returnable in eight days and is proceeded upon and decided according to the rules of the Code of Civil Procedure.

In addition to the grounds mentioned in article 735 of the Code of Civil Procedure, opposition to annul a seizure may be taken to the competent court for any cause likely to affect the claim of the municipality.

R. S. 1964, c. 193, s. 545; 1965 (1st sess.), c. 17, s. 2; 1986, c. 95, s. 55; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

V. — *Suits for Recovery of Taxes*

509. The payment of municipal taxes may be claimed also by an action brought in the name of the municipality, before the Court of Québec or the Municipal Court, if there be one.

The special clerk of the Court of Québec has the same power as the special clerk of the Superior Court under article 181 of the Code of Civil Procedure (chapter C-25.01), upon the accomplishing of the same formalities, to render judgment against the defendant who fails to answer the summons, to attend the case management conference without valid cause or to defend the application within the time limit set in the case protocol, provided that a detailed statement of the account for the municipal taxes claimed by the action be filed, and that the declaration, under oath or affidavit, establishing that the amount is due to the knowledge of the deponent, be given and subscribed to by the clerk or secretary-treasurer, or by the treasurer of the municipality. Such oath is taken before the mayor of the municipality, or before a justice of the peace, a commissioner for oaths or a notary.

The sale of an immovable under judicial authority, in execution of a judgment in such an action, is subject to its being redeemed, in the same manner and same time as sales by the clerk of the municipality.

The defendant may obtain a stay of such action if the rolls, by-laws, minutes or other municipal acts upon which it is based are sought to be quashed or annulled, unless section 252.1 of the Act respecting municipal taxation (chapter F-2.1) provides that the tax must be paid despite the proceedings to quash or annul. This stay is ordered by the court before whom the proceedings to quash or annul are pending, at its discretion.

R. S. 1964, c. 193, s. 546; 1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 80, a. 1; 1979, c. 72, s. 315; 1988, c. 21, s. 66; 1989, c. 68, s. 13; 1989, c. 52, s. 120; 1996, c. 2, s. 189; 1999, c. 40, s. 51; I.N. 2016-01-01 (NCCP).

510. An appeal shall lie to the Court of Appeal from the final decision in actions brought in virtue of section 509, if the sum claimed exceeds \$7,000, not including interest.

R. S. 1964, c. 193, s. 547; 1974, c. 11, s. 2; 1989, c. 52, s. 121; 2010, c. 18, s. 30.

V.1. — Execution of a judgment rendered in favour of the municipality

2016, c. 17, s. 13.

510.1. The execution of a judgment rendered following an action brought under section 509 or any other judgment rendered in the municipality's favour is to proceed in accordance with the rules of Book VIII of the Code of Civil Procedure (chapter C-25.01), subject to the following rules:

(1) the municipality may make an agreement with the debtor to spread the payment of the amount owed in instalments over the period the municipality determines;

(2) the municipality is responsible for the collection of the amount owed and acts as seizing creditor; the municipality prepares the notice of execution and files it with the court office; the notice is valid only for the execution of a judgment rendered in the municipality's favour and does not prevent the filing of a notice for the execution of another judgment;

(3) the municipality proceeds with the seizure of a sum of money or of income in the hands of a third person in the same manner as a bailiff, but entrusts the administration of subsequent steps, including the receipt and distribution of the sum or income, to the clerk of the court seized; the municipality serves the notice of execution on the defendant and the garnishee, but is not required to inform the defendant's creditors or deal with their claims, or to join in a seizure in the hands of a third person already undertaken by a bailiff in another case if the seizure to be made by the municipality is for other sums or income than the sums or income specified in the notice of execution filed by the bailiff;

(4) the municipality is required to hire the services of a bailiff for the seizure of movable or immovable property, to give the bailiff instructions and to amend the notice of execution accordingly; in such a case, if a notice for the execution of a judgment was filed by a bailiff in another case prior to the municipality's request, the bailiff hired by the municipality joins in the seizure already under way.

The municipality is not required to pay an advance to cover execution-related costs.

2016, c. 17, s. 13.

VI. — *Sale of Immovables for Non-payment of Taxes*

511. After the expiration of the six months next after the notice of deposit of the collection roll, the treasurer shall draw up a statement showing the immovables on which the taxes assessed have not been paid, in whole or in part.

R. S. 1964, c. 193, s. 548.

512. The council, after examining the statement filed by the treasurer, may order the clerk to sell such immovables at public auction, at the office of the council or at any other place mentioned in the order, in the manner hereinafter prescribed.

R. S. 1964, c. 193, s. 549.

513. Within 30 days of the order of the council, the clerk shall give public notice of the day, hour and place where the sale by auction will be held. The notice shall contain a description, according to the provisions of the Civil Code, of the immovables the sale whereof is so ordered, stating the name of the owner according to the assessment roll. However, the description of an immovable contemplated in section 7.1 is made by the description of the land on which it is situated and a summary description of the immovable contemplated accompanied, if possible, with the name and address of its owner and any other indication that may help to identify it.

The notice may contain an abridged enumeration of the consecutive cadastral numbers of immovables belonging to the same owner.

R. S. 1964, c. 193, s. 550; 1969, c. 55, s. 26; 1977, c. 5, s. 14; 1979, c. 72, s. 316; 1996, c. 27, s. 31; 1997, c. 93, s. 63; 1999, c. 40, s. 51.

514. Such notice shall also be published twice in a newspaper circulated in the territory of the municipality. The sale cannot be held before the expiration of 15 days from the second publication.

At the time of the first publication of the notice, the clerk must immediately transmit a copy thereof by registered mail to the registrar, and it shall be the duty of the registrar to notify interested parties in the manner indicated by the Civil Code.

Failure to notify the registrar shall not render the proceedings null, but the officer or employee so in default shall be responsible for any damage resulting therefrom.

When the sale of an immovable mentioned in the list and notice above mentioned is not proceeded with, the clerk in charge of such sale must inform the registrar thereof by registered mail.

R. S. 1964, c. 193, s. 551; 1968, c. 55, s. 5; 1975, c. 83, s. 84; 1982, c. 63, s. 145; 1995, c. 34, s. 18; 1996, c. 2, s. 190; 1999, c. 40, s. 51; 2000, c. 42, s. 127; I.N. 2016-01-01 (NCCP).

515. The clerk must also, by registered mail, within the time provided in section 513, notify of the date and place of such sale, each person whose property is to be sold and whose name appears on the valuation roll then in force with respect to such immovable.

If such person has no known domicile in Québec, the formality of the notice shall not be necessary.

1975, c. 66, s. 24; 1975, c. 83, s. 84; 1999, c. 40, s. 51; I.N. 2016-01-01 (NCCP).

516. If the sale is stopped by any proceeding which has been decided upon only after the day fixed for the sale, the notice of sale which is to be published in the newspapers shall be sufficient if it is drawn up in conformity with article 748 of the Code of Civil Procedure (chapter C-25.01).

R. S. 1964, c. 193, s. 552; 1965 (1st sess.), c. 80, a. 1; I.N. 2016-01-01 (NCCP).

517. At the time appointed for the sale, the clerk or some other person acting for him, shall sell to the highest bidder the immovables described in the notice upon which taxes are still due, after making known the amount to be raised on each of such immovables, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt. The immovables shall be put up and sold separately, in the order in which they are given in the notice.

R. S. 1964, c. 193, s. 553.

518. The sale cannot be suspended except by an opposition taken in the Court of Québec of the district or in the Superior Court of the district, according to their respective jurisdiction, determined by the value of the immovable as entered on the valuation roll in force.

The provisions of articles 735 and following of the Code of Civil Procedure (chapter C-25.01) shall apply to such opposition, with the necessary modifications.

In addition to the grounds mentioned in article 735 of the Code of Civil Procedure, opposition to annul a seizure may be taken to the competent court for any cause likely to affect the claim of the municipality.

R. S. 1964, c. 193, s. 554; 1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 80, a. 1; 1986, c. 95, s. 56; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

519. The purchaser shall pay the amount of his purchase money immediately.

In default of immediate payment, the person making the sale shall, either at once put up the immovable again for sale, or adjourn the sale to the following or any other day within eight days, by giving all persons present notice of such adjournment in an audible and intelligible voice.

R. S. 1964, c. 193, s. 555.

520. On payment by the purchaser of the amount of his purchase money, the clerk shall set forth, in a certificate made in duplicate and signed by himself, the particulars of the sale, and deliver a duplicate of such certificate to the purchaser.

R. S. 1964, c. 193, s. 556.

521. The purchaser shall thereupon be seized of the immovable adjudged, and may enter into possession thereof, subject to the same being redeemed within the year following, but shall not remove timber nor the buildings therefrom during the said year.

R. S. 1964, c. 193, s. 557.

522. Within the ten days following the adjudication, the clerk shall transmit to the registrar a list of the immovables so sold for municipal taxes, with the name of the purchaser of each of such immovables.

The clerk shall also, within the same time, inform by special notice, the property-owners or occupants of each immovable sold, of the sale thereof and of the particulars relating thereto mentioned in the list transmitted to the registrar.

R. S. 1964, c. 193, s. 558; 1975, c. 66, s. 25; 1999, c. 40, s. 51.

523. The proceeds of the sale of each immovable shall be deposited in the office of the clerk of the Superior Court for the district, for distribution according to law.

The clerk of the Superior Court shall obtain from the registrar a copy of any page of the land register concerning the adjudged immovable that may be useful to him for the purposes of apportioning the proceeds of the sale. Where the clerk of the Superior Court considers it necessary and if the amount to be apportioned exceeds \$1,000, he may obtain from the registrar the certified statement described in article 3019 of the Civil Code. The clerk of the Superior Court shall pay out of the proceeds of the sale the cost of the copy of the page of the land register and, as the case may be, the cost of the certified statement.

The proceeds of the sale shall be apportioned among the creditors according to the rules provided for in the case of a seizure of immovables in execution, without the formality of a scheme of collocation if the amount to be apportioned does not exceed \$1,000.

The clerk of the Superior Court, after distribution of the monies, shall deposit in the registry office a certified copy of the judgment of distribution, for the purpose of cancelling totally or partially the registration of the claims or hypothecs which have been paid in whole or in part.

R. S. 1964, c. 193, s. 559; 1983, c. 57, s. 56; 1992, c. 57, s. 474; 1999, c. 40, s. 51; 2000, c. 42, s. 128; I.N. 2016-01-01 (NCCP).

524. If, within one year from the day of the adjudication, the immovable adjudged has not been bought back or redeemed, according to the following provisions, the purchaser shall become the absolute owner thereof.

R. S. 1964, c. 193, s. 560.

525. Such purchaser, upon exhibiting the certificate of his purchase and upon proving the payment of all municipal and school taxes which in the meantime have become due thereon, shall be entitled, at the expiration of one year, to a deed of sale from the council.

He is also entitled to such deed of sale at any time before the expiration of such time, with the consent of the owner of the said immovable or that of his legal representatives and of the prior or hypothecary creditors, which persons must intervene in the said deed to attest their consent.

R. S. 1964, c. 193, s. 561; 1992, c. 57, s. 475; 1999, c. 40, s. 51.

526. The deed of sale shall be executed in the name of the municipality, by the mayor or by the clerk, by deed before a notary.

R. S. 1964, c. 193, s. 562.

527. All the rights acquired by the purchaser shall pass to his heirs or successors.

R. S. 1964, c. 193, s. 563; 1999, c. 40, s. 51.

528. The sale made under the above provisions shall convey the ownership of the immovable adjudged.

R. S. 1964, c. 193, s. 564.

529. It shall vest in the purchaser all the rights of the original owner, and purge the immovable from all hypothecs to which it may be subject, except, subject to the reserve contained in the last paragraph of this section, the claim for special taxes imposed on the immovable and not yet due, claims to constituted ground rents, to seigniorial rights, to rents substituted therefor, to school taxes or assessments and also the sums due to trustees for the assessments imposed upon the said immovable to defray the expenses of building or repairs to churches, vestries, parsonages and burial grounds; but the arrears of the rents, taxes and assessments above mentioned, due before the sale, shall be extinguished by the sale, unless there has been lodged in the office of the council, at least eight days before the sale, a certified account of such arrears, taxes or assessments.

The registration of the deed of sale shall effect the cancellation of the registration of the hypothecs registered against the immovable which are discharged by the sale.

The adjudication of an immovable to a municipality having an interest by reason of a prior claim or legal hypothec upon the said immovable purges the latter from all constituted ground rents, rents under emphyteusis and rents replacing seigniorial rights, counting from the date of the adjudication and as long as the immovable remains the property of the said municipality. Such rents shall again be an encumbrance upon the immovable, but for the future only, counting from the date when the immovable ceases to be the property of the municipality.

R. S. 1964, c. 193, s. 565; 1992, c. 57, s. 476; 1996, c. 2, s. 209; 1999, c. 40, s. 51.

530. Suits for the cancellation of the sale of an immovable made under the above provisions and the right to invoke the illegality thereof shall be prescribed by twelve months counting from the date of the adjudication.

R. S. 1964, c. 193, s. 566.

VII. — *Redemption of immovables sold for taxes*

531. An immovable sold for taxes may be redeemed by the owner or his legal representatives, at any time within the year following the day of adjudication, by paying to the purchaser the price of sale, including the cost of the certificate of adjudication, with interest at the rate of ten per cent per annum, a fraction of a year being counted as a whole year.

When the immovable sold is vacant land, the amount payable to the purchaser shall also include the total of the municipal and school taxes, general and special, imposed upon the immovable from the date of adjudication to the date of redemption, if they have been paid by the purchaser; if they have not been paid, the redemption shall free the purchaser therefrom and shall bind the owner to pay them.

R. S. 1964, c. 193, s. 567.

532. The owner shall be then entitled to obtain from the purchaser, but at his own cost, a deed before a notary establishing the reimbursement of the monies and the redemption of the immovable.

The registration of an authentic copy of such deed restores to him the right of ownership of the immovable possessed by him at the time of sale, subject to the prior claims and hypothecary claims which encumbered it at that date, less what was paid on them by the distribution of the proceeds of the sale.

R. S. 1964, c. 193, s. 568; 1992, c. 57, s. 477.

533. Any person, whether authorized or not, may, unless a deed of sale has been effected under the second paragraph of section 525, redeem such immovable in the same manner, but only in the name and for the benefit of the person who was the owner thereof at the time of the adjudication.

R. S. 1964, c. 193, s. 569.

534. The person so redeeming, shall be entitled to be reimbursed, by the owner, the amount he has paid, with interest at 8%.

R. S. 1964, c. 193, s. 570; 1992, c. 57, s. 478.

535. The person redeeming shall take back the property subject to the notarial leases entered into in good faith by the purchaser; but such person is not obliged to maintain such leases for more than one year counting from the date of the adjudication, even though they may have been granted for a longer period.

R. S. 1964, c. 193, s. 571.

VIII. — *Purchase by the municipality of immovables sold for taxes*

536. Whenever immovables situated in the territory of a municipality are sold for municipal or school taxes, the municipality may bid upon and acquire such immovables through the mayor or other person, upon the authorization of the council, without having to immediately pay the amount of the adjudication. The municipality may also bid upon and acquire such immovables, at any sale under judicial authority or other sale having the same effect.

The bid of the municipality shall not however, in any case, exceed the amount of the taxes, in capital, interest and costs, with an amount sufficient to satisfy any prior or hypothecary claim of a rank prior or equal to that of municipal taxes.

R. S. 1964, c. 193, s. 572; 1992, c. 57, s. 479; 1996, c. 2, s. 191; I.N. 2016-01-01 (NCCP).

537. The municipality shall cause to be entered in its name the immovables so purchased, in the valuation and collection rolls and special apportionment rolls, and shall tax them like any other taxable immovable, and such immovables shall remain liable for municipal and school taxes as any other immovables and shall be assessed the same. However, the school taxes thus imposed shall not be exigible from the municipality.

If the right to redeem be exercised, the redemption price shall include, over and above the amount paid by the municipality for the immovable, and the interest at 10% thereon, the amount of general or special municipal and school taxes assessed on such immovables from the date of the adjudication to the date of the redemption, or the instalments due on such taxes if they are payable by instalments, as well as the sums of money due to the municipality for taxes unpaid by the distribution of the proceeds of the sale.

After the redemption, the instalments of special taxes not yet due shall continue to affect the immovable redeemed, and the owner shall be liable thereof.

R. S. 1964, c. 193, s. 573; 1996, c. 2, s. 192.

538. If the right to redeem be not exercised within one year from the adjudication, the clerk, the bailiff or the trustee, as the case may be, shall draw up and sign a deed of sale in favour of the municipality, and have it registered.

R. S. 1964, c. 193, s. 574; I.N. 2016-01-01 (NCCP).

539. *(Repealed).*

R. S. 1964, c. 193, s. 575; 1968, c. 55, s. 140; 1977, c. 5, s. 14; 1984, c. 38, s. 29; 1995, c. 34, s. 19.

IX. — *Purchase of certain immovable properties by the municipality*

540. A municipality may bid upon and acquire any immovable property hypothecated in its favour under any law authorizing it to make a loan to help those who have suffered disaster, at any sale under judicial authority or at any sale having the same effect.

The municipality's bid must not however exceed the amount of its claim in capital, interest and costs, together with a sufficient sum to satisfy any prior or hypothecary claim having prior or equal rank to that of such claim.

R. S. 1964, c. 193, s. 576 (*part*); 1992, c. 57, s. 480; 1996, c. 2, s. 193; I.N. 2016-01-01 (NCCP).

541. (1) The immovable property so acquired by the municipality must be sold by auction on such conditions as the council determines by resolution which must be mentioned in the notice of sale published in the manner determined by resolution of the council. No such conditions may, however, stipulate time exceeding 20 years for the payment of the price of sale.

Such sale by auction may be made by the clerk of the municipality.

(2) Such immovable property may also be sold, by private sale, by the municipality, by resolution, but no such sale shall be complete and have effect until after the approval of the contract by the Minister of Municipal Affairs, Regions and Land Occupancy.

The clerk must give a public notice to the effect that within 15 days application will be made to the Minister of Municipal Affairs, Regions and Land Occupancy for the approval of the contract. Such notice must contain a description of the immovable property sold and a notification that any person desirous of opposing the sale may apply to the Minister of Municipal Affairs, Regions and Land Occupancy within 15 days of the notice. After examination of the contract and upon reception of a certified copy of the notice together with the clerk's certificate or any other proof of its publication, the Minister of Municipal Affairs, Regions and Land Occupancy, after the expiry of the fifteenth day after the publication of the notice, shall grant or refuse to grant his approval of the contract.

R. S. 1964, c. 193, s. 578; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

§ 29. — *Exemption from Taxation*

542. The council may, by resolution, exempt the poor of the territory of the municipality from the payment of taxes.

R. S. 1964, c. 193, s. 579; 1996, c. 2, s. 194.

542.1. *(Repealed).*

1982, c. 63, s. 146; 1985, c. 27, s. 32; 1986, c. 31, s. 11; 1996, c. 77, s. 17; 2005, c. 6, s. 194.

542.2. *(Repealed).*

1983, c. 57, s. 57; 1985, c. 27, s. 32; 1996, c. 2, s. 195; 1996, c. 77, s. 17; 2005, c. 6, s. 194.

542.3. *(Replaced).*

1983, c. 57, s. 57; 1985, c. 27, s. 32; 1996, c. 2, s. 196; 1996, c. 77, s. 17.

542.4. *(Repealed).*

1983, c. 57, s. 57; 1985, c. 27, s. 32; 1986, c. 31, s. 12; 1996, c. 77, s. 18; 2005, c. 6, s. 194.

542.5. *(Repealed).*

1984, c. 27, s. 50; 1985, c. 27, s. 32; 1996, c. 2, s. 197; 2005, c. 6, s. 194.

542.5.1. *(Repealed).*

1999, c. 59, s. 5; 2005, c. 6, s. 194.

542.5.2. *(Repealed).*

1999, c. 59, s. 5; 2005, c. 6, s. 194.

542.6. *(Repealed).*

1984, c. 27, s. 50; 1985, c. 27, s. 32; 1996, c. 2, s. 198; 1996, c. 77, s. 19; 1999, c. 59, s. 6; 2005, c. 6, s. 194.

542.7. *(Repealed).*

1985, c. 27, s. 32; 1996, c. 77, s. 20; 1999, c. 59, s. 7; 2005, c. 6, s. 194.

§ 30. — *Loans*

543. The municipality may borrow money for all objects within its jurisdiction.

R. S. 1964, c. 193, s. 580; 1996, c. 2, s. 199.

544. Every by-law ordering a loan must

- (1) specify its object;
- (2) contain a detailed description of the expenditure to be incurred under the by-law;
- (3) indicate the amount and term of the loan.

However, a by-law ordering a loan for the purpose of capital expenditures may mention the object of the by-law only in general terms and indicate only the amount and maximum term of the loan if

(1) the by-law is adopted by the council of a municipality with a population of 100,000 or more and is exempted under a legislative provision from approval by the qualified voters; or

(2) the by-law prescribes, for the repayment of the loan, the annual appropriation of a portion of the general revenues of the municipality or the imposition of a tax based on the municipal valuation on all taxable immovables in the territory of the municipality, and the total amount of the loans ordered by the municipality during the fiscal year, under a by-law referred to in this subparagraph, does not exceed the higher of \$100,000 and the amount equivalent to 0.25% of the standardized property value of the municipality as determined under Division I of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), according to the most recent summary of the assessment roll produced before the fiscal year.

For the purposes of subparagraph 2 of the second paragraph, the total amount of the loans ordered by the municipality is deemed to exceed the maximum amount provided for in that subparagraph on the adoption of a loan by-law that would cause the total amount to exceed that maximum amount if it came into force.

R. S. 1964, c. 193, s. 582; 1994, c. 33, s. 16; 2002, c. 37, s. 82; 2006, c. 31, s. 27; 2008, c. 18, s. 27.

544.1. Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for the repayment to the general fund of the municipality of all or part of the sums expended, before the coming into force of the loan by-law, in connection with the object of the by-law.

Where approval of the loan by-law by persons qualified to vote is not required, the percentage set in the first paragraph is replaced by 10%.

1995, c. 34, s. 20; 2003, c. 19, s. 129.

545. *(Replaced).*

R. S. 1964, c. 193, s. 583; 1994, c. 33, s. 16.

546. *(Replaced).*

R. S. 1964, c. 193, s. 584; 1966-67, c. 54, s. 4; 1984, c. 38, s. 30; 1988, c. 84, s. 705; 1994, c. 33, s. 16.

547. The by-law ordering a loan must also provide, in accordance with the following rules, for the expense incurred for interest and for the establishment of a sinking fund.

The sinking fund may be established, either by means of a special tax imposed by the by-law and levied annually until the expiry of the term of the loan upon the taxable immovable property in the territory of the municipality or upon the immovable property of owners or occupants liable for the payment of the loan, or by

annually setting aside for that purpose a portion of the general revenues of the municipality. In both instances, the sum paid each year into the sinking fund must be sufficient to yield, with compound interest thereon at the rate of 3.5% per annum, the capital to be paid at maturity.

The sum necessary to provide for expense incurred for interest may likewise be taken from the general revenues, or levied annually by a special tax imposed by the by-law on the taxable immovable property in the territory of the municipality or on that of the owners or occupants liable for the payment of the loan.

Where a special tax is imposed to be levied annually, it may be levied from the coming into force of the by-law. Until the bonds, notes or other securities are issued, the tax may be levied at a rate sufficient to pay incidental charges in respect of the loan and its object, including interest on temporary loans.

R. S. 1964, c. 193, s. 585; 1979, c. 72, s. 317; 1984, c. 38, s. 31; 1991, c. 32, s. 164; 1992, c. 27, s. 15; 1994, c. 30, s. 92; 1996, c. 2, s. 200; 1999, c. 90, s. 5; 2004, c. 20, s. 100; 2017, c. 13, s. 65.

547.1. Any by-law that, pursuant to section 547, imposes a special tax for the establishment of a sinking fund, and that is not based on the value of the immovable, may provide that the ratepayer on whose immovable the tax is imposed may exempt his immovable from the tax by paying in one instalment that portion of the capital which, upon maturity of the loan, would have been provided by the tax imposed on that immovable. Likewise, if the by-law prescribes the payment of a compensation referred to in section 244.2 of the Act respecting municipal taxation (chapter F-2.1) for the establishment of a sinking fund, it may provide that the owner or occupant from whom the compensation is required may obtain an exemption from the compensation in the same manner, with the necessary modifications.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking account, where applicable, of taxes paid under the by-law before the payment. In the case of a compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

The payment must be made before the date indicated in the by-law.

The amount of the loan is reduced by a sum equal to any sum paid under this section.

1985, c. 27, s. 33; 1997, c. 93, s. 64; 2003, c. 19, s. 130.

547.2. Any loan made by way of successive issues of negotiable instruments in accordance with section 2 of the Act respecting municipal debts and loans (chapter D-7) for shorter terms than the term fixed in the by-law is, for each issue, subject to section 547.1, adapted as required.

1985, c. 27, s. 33; 1988, c. 84, s. 705.

547.3. Any payment made under section 547.1 or 547.2 exempts the immovable from the special tax or the owner or occupant from the compensation, as the case may be, for the remainder of the term of the loan fixed in the by-law.

1985, c. 27, s. 33; 2003, c. 19, s. 131.

548. If the loan be reimbursable in yearly or half-yearly payments or by annuities, the monies destined for the sinking fund shall be used each year for the repayment of a part of the principal of the loan. When the loan is repayable otherwise than by yearly or half-yearly payments or by annuities, such sums of money shall be deposited or invested in accordance with the provisions of sections 34 and following of the Act respecting municipal debts and loans (chapter D-7).

Whenever it is obligatory to entrust the administration of a sinking fund to the Minister of Finance, but that mandate has not been given as prescribed, the Minister of Revenue, as well as any trustee, bondholder, ratepayer or any other interested party, may, by an action in law, compel the municipality to make such

deposit, and in case a judgment to that effect is obtained against the municipality, the provisions of this Act, respecting the execution of judgments against municipalities and contained in sections 591 to 604, shall apply.

R. S. 1964, c. 193, s. 586; 1988, c. 84, s. 705; 1996, c. 2, s. 209; 2010, c. 31, s. 84; 2016, c. 7, s. 183.

549. Loans may be contracted by a municipality by means of an issue of bonds, notes or other securities.

Every bond must bear the seal of the municipality and be signed by the mayor and the treasurer. However, if the treasurer and his assistant are absent or if they are unable or refuse to act, or if the offices of treasurer and assistant treasurer are vacant, another officer or employee of the municipality designated by the council may sign the bonds in their place. The signature of the mayor may be printed, lithographed or engraved on the bonds. The signature of the treasurer may also, with the authorization of the council, be printed, lithographed or engraved on the bonds.

Every bond heretofore or hereafter issued shall be deemed to have been validly signed if it bears the signature of each person who is required to sign it under this section on the date the bond bears or on the date it was signed.

Such bonds may be made payable to a named holder, to his order or to bearer. They shall be payable at the dates fixed by the by-law, and shall bear interest payable semi-annually at the dates also fixed by the by-law.

If a bond is registered in the name of a person under the Act respecting municipal debts and loans (chapter D-7), it may be transferred only if the registration is corrected to mention the name of the transferee or to indicate that the bond is payable to bearer.

A transfer in accordance with the Act respecting the transfer of securities and the establishment of security entitlements (chapter T-11.002) or with the fifth paragraph of this section, as applicable, conveys all rights in the bond to the transferee and entitles the transferee to bring an action based on the bond in the transferee's own name.

R. S. 1964, c. 193, s. 587; 1968, c. 55, s. 142; 1983, c. 57, s. 58; 1984, c. 38, s. 32; 1988, c. 84, s. 705; 1992, c. 27, s. 16; 1994, c. 33, s. 17; 2008, c. 20, s. 141.

550. The bonds shall mention:

- (1) the name of the municipality issuing;
- (2) the by-law under which issued;
- (3) the amount for which issued;
- (4) the rate of yearly interest;
- (5) the time and place of payment of both interest and capital;
- (6) the date of issue.

R. S. 1964, c. 193, s. 588.

551. Coupons may be annexed to each bond, each of which shall constitute the title for one instalment of interest. Such coupons shall be payable to the person entitled to payment of the interest when the interest specified therein falls due, whether the bearer, the person in whose name the bond is registered or the endorsee, and shall bear an indicating number as well as the number of the bond to which they are attached.

They shall be signed by the persons contemplated in the second paragraph of section 549; but a facsimile of the signatures of those persons, printed, lithographed or engraved on the coupons, shall be sufficient.

On payment of the interest, the coupons shall be handed to the treasurer, and the possession of any coupon by such officer or employee shall be proof that the interest specified therein has been paid.

Any municipality not governed by the provisions of this section may enact, by by-law of its council, that these provisions shall apply to the said municipality.

R. S. 1964, c. 193, s. 589; 1968, c. 55, s. 5; 1983, c. 57, s. 59; 1996, c. 2, s. 201; 2008, c. 20, s. 142.

552. The principal and interest of every bond shall be secured by the general funds of the municipality.

R. S. 1964, c. 193, s. 590.

553. The council may stipulate, in the by-law, that the loan will be repayable in annual or semi-annual payments covering a portion of the principal, the interest being represented by coupons, or in annuities covering both interest and a portion of the principal and represented by titles or bonds maturing annually or semi-annually.

In both cases, the by-law shall contain a table of the payments or annuities, showing the amount payable at each date of maturity, the number of bonds redeemable annually or semi-annually and the amount of each of them.

R. S. 1964, c. 193, s. 591; 1968, c. 55, s. 143; 1984, c. 38, s. 33.

554. The municipality shall sell the bonds it is authorized to issue, by adjudication, on written tenders, after a notice, published in the *Gazette officielle du Québec* at least 15 days before the date fixed for the taking into consideration of the tenders, at a public sitting of the council of the municipality or of one of its committees. The Minister of Finance may, however, prescribe any other means of publication and fix, in that case, other time limits.

Such notice shall state the amount, term and mode of repayment of the loan, the rate of interest, and the place, day and hour fixed for the opening of tenders.

The council shall not, without the previous authorization of the Minister of Finance, award the contract to any person other than the one who has made the most advantageous tender within the time fixed.

The Minister of Finance may, however, authorize the municipality to sell its bonds by mutual agreement without the formalities prescribed by this section, on the conditions that he may deem expedient to impose.

R. S. 1964, c. 193, s. 592; 1977, c. 52, s. 17; 1984, c. 38, s. 34; 1996, c. 2, s. 209; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2005, c. 50, s. 13.

555. The council may, by resolution, commission the Minister of Finance to receive and open the tenders provided for in section 554 on behalf and in the name of such municipality.

Where such is the case, the tenders must be sent to or deposited at the place determined by the Minister as notified by him to the clerk of the municipality together with the day and time fixed for the opening of the tenders.

For the purposes of this section, the Minister may act through the representative designated by him.

The resolution contemplated in the first paragraph binds the Minister from the time he receives certified copy of it until he receives certified copy of a resolution to the contrary.

1977, c. 52, s. 18; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2005, c. 50, s. 14.

555.1. The council may, by by-law, on the conditions it determines, delegate to the treasurer the power to award the contract, in the name of the municipality, to the person entitled thereto in accordance with section 554.

1995, c. 34, s. 21.

555.2. A municipality which contracts a loan by means of an issue of notes may choose the lender by following the procedure for a call for tenders, adapted as required, prescribed in section 554.

1995, c. 34, s. 21.

556. Every by-law ordering a loan shall be submitted to the qualified voters and to the Minister of Municipal Affairs, Regions and Land Occupancy for approval.

However, a loan by-law the sole purpose of which is the preparation of plans and specifications or the financing of an amount the municipality must pay in respect of an unfunded actuarial liability or an amount established pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (chapter R-15.1), determined by an actuarial valuation of a pension plan to which the municipality contributes, requires only the approval of the Minister.

Likewise, a loan by-law requires only the approval of the Minister if

(1) the object of the by-law is to carry out road construction, drinking water supply or waste water disposal work, work to eliminate a risk for the health or safety of persons, work required to comply with an obligation under an Act or regulation, or any incidental expenditure; and

(2) the repayment of the loan is assured by the general revenues of the municipality or is entirely borne by the owners of immovables in the entire territory of the municipality.

A loan by-law also requires only the approval of the Minister if a subsidy has been granted for at least 50% of the expenditure to be incurred and payment of the subsidy is assured by the Government or one of its ministers or bodies. In such a case, the Minister may, however, require that the loan by-law be submitted for approval to the qualified voters.

This section has effect notwithstanding any inconsistent provision of any charter or special Act, unless such charter or Act dispenses with the formality of approval by the qualified voters.

R. S. 1964, c. 193, s. 593; 1968, c. 55, s. 144; 1969, c. 55, s. 27; 1975, c. 66, s. 26; 1987, c. 57, s. 723; 1992, c. 27, s. 17; 1999, c. 43, s. 13; 2003, c. 3, s. 4; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2017, c. 13, s. 66.

557. Where a referendum poll is required pursuant to the Act respecting elections and referendums in municipalities (chapter E-2.2), approval of the by-law requires not only that the number of affirmative votes be greater than the number of negative votes, but also that the total number of votes cast be equal to or greater than 10% of the number of qualified voters in the territory of the municipality, up to a maximum of 30,000.

(1) *(subparagraph repealed)*;

(2) *(subparagraph repealed)*;

(3) *(subparagraph repealed)*.

If the result of the computation provided for in the first paragraph is a number that includes a fraction, the fraction shall be counted as a unit.

R. S. 1964, c. 193, s. 595; 1968, c. 55, s. 146; 1984, c. 38, s. 35; 1987, c. 57, s. 723; 1996, c. 2, s. 210; 2017, c. 13, s. 67.

558. *(Repealed).*

R. S. 1964, c. 193, s. 596; 1968, c. 55, s. 146; 1979, c. 72, s. 318; 1984, c. 38, s. 36.

559. *(Repealed).*

R. S. 1964, c. 193, s. 597; 1968, c. 55, s. 146; 1979, c. 72, s. 319; 1984, c. 38, s. 36.

560. *(Repealed).*

R. S. 1964, c. 193, s. 598; 1984, c. 38, s. 36.

561. Where the repayment of a loan is to be borne by the owners of immovables of a part only of the territory of the municipality or by those who benefit from the works as determined under section 487, the tax to be levied each year during the term of the loan shall be assessed only on the immovables of the owners concerned.

The tax must be sufficient to pay the interest each year and make up the capital repayable at the maturity of the bonds, notes or other securities.

R. S. 1964, c. 193, s. 599; 1968, c. 55, s. 147; 1975, c. 66, s. 27; 1979, c. 36, s. 90; 1984, c. 38, s. 37; 1985, c. 27, s. 34; 1986, c. 31, s. 13; 1987, c. 57, s. 724; 1992, c. 27, s. 18; 1996, c. 2, s. 202.

561.1. The by-law ordering a loan contemplated in section 561 must be submitted for approval to the Minister of Municipal Affairs, Regions and Land Occupancy and to the qualified voters of the concerned part of the territory of the municipality or, as the case may be, that which comprises the aggregate of the immovables of those who benefit therefrom.

For the purposes of the Act respecting elections and referendums in municipalities (chapter E-2.2), such part of the territory of the municipality is the sector concerned.

This section has effect notwithstanding any inconsistent provision of any charter or special Act, unless such charter or Act dispenses with the formality of approval by the qualified voters.

1987, c. 57, s. 724; 1996, c. 2, s. 203; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

561.2. Where a referendum poll is required pursuant to the Act respecting elections and referendums in municipalities (chapter E-2.2), approval of the by-law contemplated in section 561.1 requires not only that the number of affirmative votes be greater than the number of negative votes, but also that the total number of votes cast be equal to or greater than a majority of the qualified voters contemplated in that section who are domiciled in the territory of the municipality.

1987, c. 57, s. 724; 1996, c. 2, s. 210.

561.3. Where repayment of 75% or more of the loan is to be borne by the owners of immovables of only a part of the territory of the municipality or by those who benefit from the works as determined under section 487, sections 561.1 and 561.2 apply as if the repayment of the entire amount of the loan were to be borne by them.

For the purposes of the first paragraph, that part of the territory of the municipality shall consist of a combination of several separate parts contemplated in the by-law only in the case where the owners of immovables of none of those parts are required to bear 75% or more of the repayment of the loan; the aggregate of the immovables of those who benefit from the works shall constitute such a separate part.

1987, c. 57, s. 724; 1996, c. 2, s. 204.

562. The clerk shall transmit a certified copy of the loan by-law to the Minister of Municipal Affairs, Regions and Land Occupancy, together with every other document he may require.

The clerk must provide the Minister with any information requested by him with respect to the by-law.

R. S. 1964, c. 193, s. 600; 1968, c. 55, s. 147; 1972, c. 49, s. 137; 1975, c. 66, s. 28; 1977, c. 5, s. 14; 1979, c. 36, s. 91; 1979, c. 72, s. 320; 1979, c. 49, s. 33; 1982, c. 25, s. 46; 1984, c. 38, s. 38; 1987, c. 57, s. 725; 1988, c. 49, s. 42; 1989, c. 69, s. 2; 1992, c. 27, s. 19; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

563. *(Repealed).*

R. S. 1964, c. 193, s. 601; 1992, c. 27, s. 20.

563.1. In addition to obtaining any approval required under section 556, the council shall, before contracting a loan, have the conditions of the loan approved by the Minister of Finance.

However, approval of the conditions of a loan is not required in respect of a loan contracted by means of an issue of bonds or an issue of notes following the application of the procedure for a call for tenders prescribed in section 554, or a loan contracted by means of an issue of notes for an amount less than \$100,000.

1984, c. 38, s. 39; 1992, c. 27, s. 21; 1995, c. 34, s. 22; 1999, c. 43, s. 13; 2002, c. 37, s. 83; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2005, c. 50, s. 15.

563.2. *(Repealed).*

1989, c. 69, s. 3; 1992, c. 27, s. 22.

564. Notwithstanding any inconsistent provision, the council may amend a loan by-law by a resolution requiring no approval if the amendment does not change the object of the loan and

- (1) does not increase the burden on the ratepayers or
- (2) increases the burden on the ratepayers by reason only of an increase in the rate of interest or the shortening of the term of repayment.

For the purposes of the first paragraph, the burden on the ratepayers is considered not to be increased where the additional cost arising from a change in the borrowing method is connected with the administrative expenses of the new borrowing method and nothing else.

The clerk shall send a copy of the resolution passed under this section to the Minister of Municipal Affairs, Regions and Land Occupancy.

R. S. 1964, c. 193, s. 602; 1966-67, c. 54, s. 5; 1968, c. 55, s. 148; 1970, c. 46, s. 2; 1975, c. 66, s. 29; 1977, c. 5, s. 14; 1984, c. 38, s. 40; 1986, c. 31, s. 14; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

565. The council may, by by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, amend or replace any special tax imposed by a loan by-law under which notes, bonds or other securities have been issued.

At least 30 days before it is submitted to the Minister, the amending by-law must be published in accordance with the procedure prescribed for the publication of public notices, with a notice stating that any person wishing to object to the approval of the by-law must so inform the Minister in writing within the 30 days.

If the special tax is imposed under a loan resolution, the council may proceed by resolution rather than by by-law. This section applies, with the necessary modifications, to the approval of the resolution.

1975, c. 66, s. 29; 1977, c. 5, s. 14; 1984, c. 38, s. 40; 1992, c. 27, s. 23; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

566. Sections 564 and 565 apply to every loan by-law or resolution, except in the case of a temporary loan, whatever the Act under which it was passed.

1975, c. 66, s. 29; 1984, c. 38, s. 40.

567. (1) The provisions of this subdivision 30 shall apply to by-laws enacting an issue of bonds to pay off a debt by delivery of bonds to the creditors, or to grant assistance where the same is permitted.

(2) The council may, by resolution, order temporary loans for the payment of current administration expenses or expenses for which payment of a subsidy by the Government or one of its ministers or agencies is assured and may contract them on the conditions and for the period it determines.

The council may also contract temporary loans to pay all or part of the expenses made under a loan by-law.

(3) A municipality may, by a by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, order a loan for an amount not exceeding the amount of a subsidy of which payment is assured by the Government or one of its ministers or bodies and for a term corresponding to the payment period of the subsidy.

The by-law's sole object may be a loan for an amount corresponding to the subsidy and, despite section 544.1, the sums borrowed may be used, in whole or in part, to repay the general fund of the municipality.

For the purposes of the first and second paragraphs, the amount of the loan is deemed not to exceed that of the subsidy if the amount by which the former exceeds the latter is not greater than 10% of the subsidy and corresponds to the amount needed to pay the interest on the temporary loan contracted and the financing expenses related to the securities issued.

R. S. 1964, c. 193, s. 603; 1968, c. 55, s. 149; 1969, c. 55, s. 28; 1977, c. 5, s. 14; 1979, c. 72, s. 321; 1982, c. 63, s. 147; 1984, c. 38, s. 41; 1992, c. 27, s. 24; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2004, c. 20, s. 101; 2005, c. 28, s. 54, s. 196; 2009, c. 26, s. 109; 2017, c. 13, s. 68.

568. The member of a council who, knowingly, by his vote or otherwise, authorizes the municipality to make or makes on its behalf a loan exceeding the approved amount or a loan which has not received one or another of the approvals contemplated in this subdivision 30, when such approval is required by law or by the charter, may be declared disqualified to hold any municipal office for two years and may be held personally liable towards the municipality for any loss or damage suffered by it.

The liability provided in the first paragraph is joint and several and it applies to every officer or employee of the municipality who knowingly is a party to the unlawful act.

Proceedings for the declaration of disqualification shall be taken in accordance with subparagraph 4 of the first paragraph of article 529 and articles 532 to 535 of the Code of Civil Procedure (chapter C-25.01); those for indemnity for loss or damage, by ordinary action. Any ratepayer may exercise such recourses.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).

1975, c. 66, s. 30; 1968, c. 55, s. 5; 1977, c. 52, s. 19; 1987, c. 57, s. 726; 1999, c. 40, s. 51; 2014, c. 1, s. 780.

§ 31. — *Working fund*

569. (1) The council may, with a view to placing at its disposal the moneys it needs for any purpose within its competence, constitute a fund known as the “working fund”, or increase the amount of it; to that effect, it shall pass a by-law

(a) to appropriate for that purpose the accumulated surplus of its general fund or part of it;

- (a.1) to order a loan,
- (b) to appropriate for that purpose the revenues from a special tax provided for in the budget; or
- (c) to accomplish two or all of the above operations.

In the case of subparagraph *b* of the first paragraph, the amount of the fund or its increase is equal to the revenues derived from the special tax as and when they are collected. In the case of subparagraph *c* of the first paragraph, if the operation provided for in subparagraph *b* of the first paragraph is accomplished, the rule applies to that part of the fund or of its increase that is attributable to the revenues derived from the special tax.

The by-law ordering a loan to constitute or increase the amount of the working fund must, for the repayment of the loan, prescribe the annual appropriation of a portion of the general revenues of the municipality or the imposition of a tax based on the municipal valuation on all the taxable immovables in the territory of the municipality, and indicate the term of the loan, which must not exceed 10 years.

(1.1) In no case may the amount of the fund exceed 20% of the appropriations provided for in the budget of the current fiscal year of the municipality. Where, however, the amount of the fund exceeds the prescribed percentage because the budget of a subsequent fiscal year provides for less appropriations than the budget used to fix the amount of the fund, the amount may remain unchanged.

(2) The council may borrow from the working fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the municipality or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.

(2.1) *(Subsection replaced).*

(3) The available moneys of such fund must be invested in accordance with section 99.

(4) The interest on the working fund and the compensatory sum provided for in section 569.0.3 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.

(4.1) If the working fund is abolished, the moneys available in it must be used to repay any loan contracted to constitute or increase the amount of the fund before they may be paid into the general fund.

(5) The member of a council who, knowingly, by his vote or otherwise, authorizes:

(a) the constitution of a working fund or its capital endowment for an amount exceeding the percentage prescribed in subsection 1.1;

(b) the investment of the moneys constituting such fund otherwise than in the manner prescribed in subsection 3 of this section and in section 12 of chapter 45 of the statutes of 1974;

(c) the use of the available moneys, if the working fund is abolished, otherwise than in the manner prescribed in subsection 4.1,

may be declared disqualified to hold any municipal office for two years and may be held personally liable towards the municipality for any loss or damage suffered by it.

The liability provided in the first paragraph is joint and several and it applies to every officer or employee of the municipality who knowingly is a party to the unlawful act.

Proceedings for the declaration of disqualification shall be taken in accordance with subparagraph 4 of the first paragraph of article 529 and articles 532 to 535 of the Code of Civil Procedure (chapter C-25.01); those for indemnity for loss or damage, by ordinary action. Any ratepayer may exercise such recourses.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).

R. S. 1964, c. 193, s. 604; 1968, c. 55, s. 5, s. 150; 1969, c. 55, s. 29; 1974, c. 45, s. 11; 1975, c. 66, s. 31; 1977, c. 5, s. 14; 1977, c. 52, s. 20; 1984, c. 38, s. 42; 1987, c. 57, s. 727; 1992, c. 27, s. 25; 1999, c. 40, s. 51; 2004, c. 20, s. 102; 2005, c. 50, s. 16; 2006, c. 31, s. 28; 2008, c. 18, s. 28; 2014, c. 1, s. 780.

569.0.1. Every year, the council shall provide out of its general revenue a sum sufficient to repay a loan from the working fund.

2008, c. 18, s. 29.

569.0.2. If the loan is used to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, the council may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the loan from the working fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

2008, c. 18, s. 29.

569.0.3. The tax imposed or compensation required must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the municipality, at its request, of the interest rate in effect at the time of the request.

2008, c. 18, s. 29.

569.0.4. If the by-law imposes a special tax that is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may, on the conditions set out in the by-law, exempt the immovable from the tax by paying in one instalment the portion of the principal that, upon maturity of the loan, would have been provided by the tax imposed on that immovable. If the by-law requires compensation, it may provide that the owner or occupant from whom compensation is required may obtain an exemption in the same manner, with the necessary modifications.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking into account any taxes paid under the by-law before the payment. In the case of compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

The amount of the moneys to be provided by the tax or compensation is reduced by the amount of any sum paid under this section.

The payment exempts the immovable from the special tax or the owner or occupant from the compensation for the remainder of the term of repayment specified in the by-law.

2008, c. 18, s. 29.

569.0.5. The by-law is subject to the approval of the qualified voters of the sector.

However, a by-law adopted by the council of a municipality of 100,000 or more inhabitants is not subject to such approval when it authorizes a loan from the working fund for an expenditure and a loan by-law for that type of expenditure would have been exempted from such approval.

2008, c. 18, s. 29.

§ 31.1. — *Financial reserves*

1997, c. 93, s. 65.

569.1. The council may, by by-law, establish for the benefit of the entire territory of the municipality or of a specific sector a financial reserve for a specific purpose for the financing of expenditures.

The duration of existence of a reserve must be determined, unless the fixing of such a limit would be incompatible with the purpose for which the reserve is established.

1997, c. 93, s. 65; 2001, c. 68, s. 19.

569.2. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

A reserve established for the benefit of the entire territory of the municipality may be made up of sums from the portion of the general fund of the municipality allocated for that purpose by the council, of the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1) from a mode of tariffing established by the municipality under section 244.1 of that Act, or of sums from a special tax provided for in the budget for that purpose and imposed on the taxable immovables in the entire territory of the municipality.

A reserve established for the benefit of a specific sector may be made up only of sums from a special tax provided for in the budget for that purpose and imposed on the taxable immovables situated in that sector or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation from a mode of tariffing established by the municipality in respect of that sector under section 244.1 of that Act.

1997, c. 93, s. 65; 2001, c. 68, s. 20.

569.3. The by-law establishing a financial reserve must be submitted for approval to the qualified voters of the entire territory of the municipality or of the sector for whose benefit the reserve is established. The by-law must set out

- (1) the purpose for which the reserve is established;
- (2) the projected amount of the reserve;
- (3) the mode of financing of the reserve;
- (4) in the case of a reserve of specified duration, the duration of the existence of the reserve;
- (5) the allocation of the amount, if any, by which income exceeds expenditures at the end of the existence of the reserve.

The by-law shall also state that the reserve is established for the benefit of the entire territory of the municipality or for the benefit of a specific sector, and shall, in the latter case, describe the limits of the sector.

The approval required under the first paragraph is not required where a reserve is established to meet a requirement of the Government, a minister or a government body as a result of the application of an Act or regulation or to finance election-related expenditures.

1997, c. 93, s. 65; 2001, c. 68, s. 21; 2010, c. 18, s. 31.

569.4. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The treasurer must file not later than at the last sitting of the council before that time a statement of the income and expenditures of the reserve.

The council shall allocate the amount, if any, by which the reserve's income exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid into the general fund.

1997, c. 93, s. 65.

569.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding the higher of

(1) an amount corresponding to 30% of the other appropriations provided for in the budget of the fiscal year in which the by-law is adopted; and

(2) an amount corresponding to 15% of the total undepreciated cost of fixed assets.

Where a working fund is constituted under section 569, the maximum amount provided for in the first paragraph is reduced by the amount of the working fund.

As regards a reserve referred to in the third paragraph of section 569.3, the amount of such a reserve shall not enter into the calculation of the maximum amount provided for in the first paragraph.

1997, c. 93, s. 65; 2001, c. 68, s. 22.

569.6. The sums allocated to a financial reserve established under this subdivision must be invested in accordance with section 99.

1997, c. 93, s. 65.

§ 31.2. — *Financial reserves for the supply of water and for roads*

2005, c. 28, s. 55; 2005, c. 50, s. 17.

569.7. A municipality may, for the benefit of its whole territory, create a financial reserve to finance expenditures related to the supply of water or to roads.

The supply of water includes all matters related to waterworks, sewers, and, in general, water supply and water purification.

The duration of the reserve is unlimited.

2005, c. 28, s. 55; 2005, c. 50, s. 18.

569.8. The reserve is made up of

(1) any revenues from the tax under section 569.11 which are of right allocated to the reserve;

(2) the sums the municipality annually allocates to the reserve out of its general fund or its revenues from

(a) any tax, other than the tax under section 569.11, or any tariff, if the tax or tariff is imposed either for the supply of water or for roads;

(b) any subsidy or other liberality not reserved for a purpose other than the purposes for which the reserve is created;

(3) the interest earned on the capital allocated to the reserve under subparagraph 1 or 2.

2005, c. 28, s. 55; 2005, c. 50, s. 19.

569.9. The resolution creating the reserve must set out the amount and the mode of financing the municipality proposes for the reserve.

It must specify that the reserve is created for the benefit of the whole territory of the municipality, for the purpose of financing the expenditures referred to in section 569.7.

2005, c. 28, s. 55.

569.10. The sums allocated to the reserve must be invested in accordance with section 99.

2005, c. 28, s. 55.

569.11. In addition to any property or rental tax and any tariff it may impose either for the supply of water or for roads, a municipality that has a reserve under section 569.7 may, by by-law, impose a special annual tax on all the taxable immovables in its territory on the basis of their taxable value.

The tax rate may vary according to the classes of immovables determined by the by-law.

2005, c. 28, s. 55; 2005, c. 50, s. 20.

§ 32. — *Expropriations*

570. The council may, by complying with the provisions of sections 571 and 572 and the expropriation procedure established by law,

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

(b) expropriate the whole or part of any paved or stoned road in the territory of the municipality and belonging to persons, partnerships or legal persons established for a private interest;

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

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, immovables for the same purposes.

R. S. 1964, c. 193, s. 605; 1996, c. 2, s. 210; 1999, c. 40, s. 51.

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

(1) property belonging to the State, or held in trust for its use;

(2) property occupied by the Federal Government or the Gouvernement du Québec;

(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;

(5) property required to operate an enterprise referred to in section 17.1 or 111 of the Municipal Powers Act (chapter C-47.1).

R. S. 1964, c. 193, s. 606; 1977, c. 5, s. 14; 1999, c. 40, s. 51; 2006, c. 31, s. 29.

572. A special notice of the petition to obtain the authorization contemplated in section 571 must be notified to each owner concerned and such notice shall state that after 30 days the petition will be submitted to the Government and that any opposition must be forwarded in writing to the Minister of Municipal Affairs, Regions and Land Occupancy within such time.

R. S. 1964, c. 193, s. 607; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; I.N. 2016-01-01 (NCCP).

§ 33. — *Making and management of certain contracts*

R. S. 1964, c. 193, s. 610; 2019, c. 28, s. 122.

572.1. A municipality may, by mutual agreement and gratuitously, unite with

(1) a public body subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a person or body considered a public body under that Act, a non-profit body, an educational institution, a telecommunications company, an enterprise that transports, distributes or sells gas, water or electricity, or the owner of a mobile home park, in order to perform work; or

(2) another municipality, a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), a school board, an educational institution, a non-profit body or the owner of a mobile home park, in order to obtain insurance, supplies or services.

The union provided for in the first paragraph may concern all or part of the acts to be performed in connection with an eventual insurance contract, contract for the performance of work, supply contract or services contract.

The municipality shall make sure that any contract with a third party resulting from the union complies with sections 477.4 and 573 to 573.3.4.

The parties to the union shall determine the terms governing it. The terms shall specify which of the by-laws on contract management is to apply, which council is responsible for the performance assessment process, which delegatee is to establish the selection committee, and any other term that would allow the adapted application of sections 573 to 573.3.4. Those sections have precedence over any incompatible term determined under this paragraph. Furthermore, the total amount of expenditures of all the parties to the union is to be considered for the application of those sections and section 477.4.

The provisions of subdivision 23 of Division XI concerning intermunicipal agreements do not apply to a union between several municipalities under this section.

This section applies despite the Municipal Aid Prohibition Act (chapter I-15).

This section does not prevent a municipality from giving a mandate to or receiving a mandate from a body or person referred to in this section, in compliance with sections 573 to 573.3.4 and in keeping with the jurisdictions and powers of each.

2019, c. 28, s. 123.

573. (1) The following contracts, if they involve an expenditure equal to or above the threshold ordered by the Minister, may only be awarded after a public call for tenders by way of an advertisement in a newspaper:

- (1) insurance contracts;
- (2) contracts for the performance of work;
- (3) supply contracts;
- (4) contracts for the supply of services other than professional services

(a) covered by a regulation adopted under section 573.3.0.1 or 573.3.0.2, where the contract is made in accordance with that regulation; and

(b) necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions.

For the purposes of this section, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.

A public call for tenders for a construction, supply or services contract involving an expenditure equal to or above the threshold ordered by the Minister must

(1) be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (chapter C-65.1) and in a newspaper in the territory of the municipality or, if there is no such newspaper, in a publication specialized in the field and sold mainly in Québec; and

(2) provide that any document to which it refers and any additional related document may only be obtained by means of that system.

For the purposes of the third paragraph,

(1) “**construction contract**” : means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) *(Subparagraph repealed)*;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services.

(2) The time for the receipt of tenders must be in accordance with the time ordered by the Minister.

If the tender documents are amended in such a way as to affect the prices, the amendment must be sent, at least seven days before the expiry of the time limit for the receipt of tenders, to the persons who requested a copy of the call for tenders, a document it refers to or a related document. If the seven-day period cannot be complied with, the time limit for the receipt of tenders shall be extended by the number of days needed to ensure compliance with that minimum period.

(2.0.1) A public call for tenders may provide that the municipality reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the first paragraph, a municipality may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

(1) it relates to the carrying out of a contract awarded by the municipality or by the body responsible for carrying out an agreement to which the municipality is a party and which was entered into under section 29.9.1, 29.10 or 572.1;

(2) it was carried out by the person designated for that purpose by the council of the municipality or by the body;

(3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;

(4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the municipality or body; and

(5) after comments submitted under subparagraph 4 have been examined, it is a final assessment, having been approved by the council of the municipality or by the body not later than the 60th day after receipt of those comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments. A certified copy of the approved assessment must be sent to the contractor or supplier.

The Minister shall draw up a guide setting out the elements that may be considered in carrying out a performance assessment.

The guide is made available to the public in the manner determined by the Minister.

(2.1) A public call for tenders for a contract referred to in the third paragraph of subsection 1 may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of contracts for the supply of services other than services listed in subparagraph 2.3 of the first paragraph of section 573.3 and involving an expenditure equal to or above the ceiling ordered by the Minister;

(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2.3 of the first paragraph of section 573.3 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure below or above the ceiling ordered by the Minister.

(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.

(3.1) Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and until the opening of tenders, no member of a council or officer or employee of the municipality may disclose information that may be used to determine the number of persons or the identity of the persons who have submitted a tender or requested a copy of the call for tenders, of a document to which it refers or of an additional related document. The prohibition with respect to disclosing information also applies to the operator of the electronic tendering system described in the third paragraph of subsection 1 and the operator's employees, except with respect to information that may be used to determine the identity of a person who requested a copy of any of those documents, provided that person expressly authorized the operator to disclose such information.

(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) Subject to sections 573.1.0.1 and 573.1.0.1.1, the council shall not, without the previous authorization of the Minister of Municipal Affairs, Regions and Land Occupancy, award the contract to any person except the one who made the lowest tender within the prescribed time.

(8) If, however, to comply with the conditions for the making of a government grant, it is necessary that the contract be awarded to any person except the one who made the lowest tender within the prescribed time, the council may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the persons fulfilling those conditions, if that tender was made within the prescribed time.

(9) *(Subsection repealed).*

R. S. 1964, c. 193, s. 610; 1977, c. 52, s. 21; 1979, c. 36, s. 92; 1983, c. 57, s. 60; 1987, c. 57, s. 728; 1992, c. 27, s. 26; 1995, c. 34, s. 23; 1996, c. 27, s. 35; 1997, c. 53, s. 7; 1997, c. 93, s. 66; 1997, c. 53, s. 7; 1998, c. 31, s. 24; 1999, c. 40, s. 51; 1999, c. 43, s. 13; 2001, c. 25, s. 33; 2001, c. 68, s. 23; 2002, c. 37, s. 84; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 22, s. 109; 2010, c. 18, s. 32; 2010, c. 1, s. 11; 2010, c. 18, s. 32; 2012, c. 30, s. 2; 2016, c. 17, s. 14; 2018, c. 8, s. 61; 2019, c. 28, s. 124.

573.1. A contract referred to in any of the subparagraphs of the first paragraph of subsection 1 of section 573 may be awarded only after a call for tenders by written invitation to at least two contractors or, as applicable, two suppliers if it involves an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573.

The time for the receipt of tenders must not be less than eight days.

Subsections 3 to 8 of section 573 apply to the awarding of a contract referred to in the first paragraph.

1977, c. 52, s. 22; 1979, c. 36, s. 93; 1992, c. 27, s. 27; 1996, c. 27, s. 36; 1996, c. 27, s. 36; 1997, c. 53, s. 8; 1999, c. 43, s. 13; 2001, c. 25, s. 34; 2002, c. 37, s. 85; 2018, c. 8, s. 62.

573.1.0.0.1. Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

Any municipality that agrees to receive tenders electronically must mention that fact in its calls for tenders or in the documents to which they refer.

However, a municipality may not require that tenders be submitted only electronically.

2018, c. 8, s. 63.

573.1.0.1. The council may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the council chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

The council shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.

In such a case, the council shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of subsection 8 of section 573, the bid having received the highest score shall be considered to be the lowest tender.

1997, c. 53, s. 9; 2002, c. 37, s. 86; 2017, c. 13, s. 69.

573.1.0.1.1. The council may use a system of bid weighting and evaluating whose establishment and operation are consistent with the following rules:

(1) the system must have a minimum of four evaluation criteria in addition to price;

(2) the system must provide for the maximum number of points that may be assigned to a tender for each of the criteria other than price; that number may not be greater than 30 out of a total of 100 points that may be assigned to a tender for all the criteria;

(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;

(3) the council shall establish a selection committee consisting of at least three members, other than council members, which must

(a) evaluate each tender without knowing the price;

(b) assign a number of points to the tender for each criterion;

(c) establish an interim score for each tender by adding the points obtained for all the criteria;

(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite subsections 4 and 6 of section 573;

(e) establish the final score for each tender that has obtained an interim score of at least 70, by dividing the product obtained by multiplying the interim score increased by the factor determined under subparagraph 2.2 by 10,000, by the proposed price.

The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price;

(2.1) despite subparagraph 2, if the council accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.

The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.

For the purposes of subsection 8 of section 573, the tender of the person determined under the third paragraph shall be considered to be the lowest tender.

2002, c. 37, s. 87; 2006, c. 60, s. 28; 2016, c. 17, s. 15; 2017, c. 13, s. 70; 2018, c. 8, s. 64.

573.1.0.1.2. Where a contract for professional services is to be awarded, the council must use the system of bid weighting and evaluating provided for in section 573.1.0.1 or 573.1.0.1.1.

2017, c. 13, s. 71.

573.1.0.2. The council may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the council establishes a qualification process solely for the purposes of awarding a contract referred to in the third paragraph of subsection 1 of section 573, the process may discriminate as permitted in the case of a public call for tenders in relation to such a contract under subsection 2.1 of section 573.

The municipality shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the clerk to publish a notice to that effect in accordance with the rules set out in the third paragraph of subsection 1 of section 573.

1997, c. 53, s. 9; 2018, c. 8, s. 264.

573.1.0.3. A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 573.1.0.2.

The first paragraph does not apply where, under the process provided for in section 573.1.0.2, only one insurer, supplier or contractor has become qualified.

1997, c. 53, s. 9.

573.1.0.4. Unless otherwise permitted under section 573 or under the regulations made under any of sections 573.3.0.1, 573.3.0.2 and 573.3.1.1, no public call for tenders or document to which it refers may

discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.

1997, c. 53, s. 9; 2001, c. 25, s. 35; 2010, c. 1, s. 12; 2018, c. 8, s. 65.

573.1.0.5. If the council uses a system of bid weighting and evaluating described in section 573.1.0.1, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

A call for tenders for such contracts must also contain

- (1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;
- (2) the procedure and the time period, which may not exceed six months, for holding discussions; and
- (3) provisions allowing the municipality to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.

The selection committee shall evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary's report referred to in section 573.1.0.12.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the council to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

2011, c. 33, s. 11; 2017, c. 13, s. 72.

573.1.0.6. In addition to any publication required under subparagraph 1 of the third paragraph of subsection 1 of section 573, every call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of section 573.1.0.5.

2011, c. 33, s. 11.

573.1.0.7. In the case of a call for tenders described in section 573.1.0.5 or 573.1.0.6, the prohibition set out in subsection 3.1 of section 573 applies until the reports referred to in section 573.1.0.12 are tabled.

2011, c. 33, s. 11.

573.1.0.8. Subsections 4 to 6 of section 573 do not apply to a tender submitted following a call for tenders described in section 573.1.0.5 or 573.1.0.6.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the report referred to in section 573.1.0.12.

2011, c. 33, s. 11.

573.1.0.9. If the council establishes a qualification process described in section 573.1.0.2 to award a single contract under section 573.1.0.5, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

2011, c. 33, s. 11.

573.1.0.10. Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 573.1.0.5 and 573.1.0.6 and the basic elements of the tender.

2011, c. 33, s. 11.

573.1.0.11. The discussions and negotiations described in sections 573.1.0.5 and 573.1.0.10 are, in the case of the municipality, under the responsibility of a person identified in the call for tenders who may neither be a council member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in that person's report referred to in section 573.1.0.12.

2011, c. 33, s. 11.

573.1.0.12. The contract may not be entered into before the secretary of the selection committee and the person referred to in section 573.1.0.11 table their reports before the council.

The report of the person referred to in section 573.1.0.11 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process.

2011, c. 33, s. 11.

573.1.0.13. The council must, by by-law, delegate to any public servant or employee the power to establish a selection committee under this subdivision or a regulation made under section 573.3.0.1. The council may set the conditions and procedures for exercising the delegation.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no member of a council, public servant or municipal employee may disclose information allowing a person to be identified as a member of a selection committee.

The first two paragraphs do not apply to a selection committee established to determine the winner of a competition, but the council may delegate to any public servant or employee the power to establish the committee.

2016, c. 17, s. 16.

573.1.0.14. If, in any of the situations mentioned in the second paragraph, a municipality requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the municipality must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.

The situations concerned are those

(1) where, in a call for tenders under section 573 or under a regulation made under section 573.3.0.1 or 573.3.0.2, or in any document referred to in such a call for tenders, a municipality requires technical specifications with regard to goods, services or work;

(2) where, under section 573.1.0.1 or 573.1.0.1.1, a municipality evaluates tenders submitted after a call for tenders under section 573 or under a regulation made under section 573.3.0.1 or 573.3.0.2 on the basis of the technical specifications of the goods, services or work; and

(3) where, under sections 573.1.0.2 and 573.1.0.3, a municipality establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.

2018, c. 8, s. 66.

573.1.1. A municipality may enter into a leasing contract in respect of movable property that must be acquired by tender in accordance with section 573 or 573.1, provided it discloses, in the call for tenders, that it will have the option to enter into a leasing contract in respect of the property.

A municipality which opts to enter into a leasing contract must give notice thereof in writing to the successful tenderer. Upon receipt of the notice, the latter must enter into a contract in respect of the movable property, in accordance with the conditions subject to which his tender was accepted, with the lessor which the municipality designates in the notice.

1992, c. 27, s. 28.

573.1.2. An insurance contract awarded by tender for a period of less than five years may, upon termination, be renewed without calling for tenders for one or several terms which, added to the initial term, must in no case exceed five years. Premiums may, after the initial term, be modified for the duration of a new term.

1992, c. 27, s. 28; 1996, c. 27, s. 37.

573.1.3. A municipality may, in a contract awarded in accordance with section 573 or 573.1 involving the transport of bulk material, stipulate that small bulk trucking enterprises subscribing to the brokerage service of an association holding a brokerage permit issued under the Transport Act (chapter T-12) shall participate in the performance of the contract in the proportion and on the conditions determined by the municipality, in particular as regards the applicable tariff.

1999, c. 38, s. 1.

573.2. Despite sections 573, 573.1 and 573.3.0.2, in case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the municipality, the mayor may order any expenditure deemed necessary and award any contract necessary to remedy the situation. In such a case, the mayor must make a report of such action and the reasons therefor to the council at its next sitting. However, if the municipality has an executive committee, and if such committee sits before the next sitting of the council, the mayor shall make a substantiated report to such committee. The mayor's report shall then be tabled in council at the next sitting.

1977, c. 52, s. 22; 2006, c. 60, s. 29.

573.3. Sections 573 and 573.1 and any regulation made under section 573.3.0.1 or 573.3.0.2 do not apply to a contract

(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;

(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities;

(2.1) that is entered into with a non-profit body and that is an insurance contract or a contract for the supply of services other than services listed in subparagraph 2.3 and other than services involving the collection, transport, transfer, recycling or recovery of residual materials;

(2.2) whose object is the supply of services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM), and that is designated by the Minister under subparagraph 5 of the first paragraph of section 573.3.5;

(2.3) that is a contract entered into with a non-profit body and involving an expenditure below the expenditure ceiling allowing the territory from which the tenders originate to be limited in the case of contracts for the supply of services under subsection 2.1 of section 573, and whose object is any of the following:

- (a) courier or mail services, including email;
- (b) fax services;
- (c) real estate services;
- (d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (e) maintenance or repair services for office equipment;
- (f) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;
- (g) architectural or engineering services, except those related to transportation infrastructure construction;
- (h) architectural landscaping services;
- (i) land use and planning services;
- (j) test, analysis or inspection services for quality control;
- (k) exterior and interior building cleaning services; and
- (l) machinery or equipment repair services;

(2.4) that is a supply contract entered into with a non-profit body and involving an expenditure below the expenditure ceiling allowing the territory from which the tenders originate to be limited in the case of supply contracts under subsection 2.1 of section 573;

(3) whose object is the supply of bulk trucking services and that is entered into through the holder of a brokerage permit issued under the Transport Act (chapter T-12);

(4) whose object is the supply of movable property or services related to cultural or artistic fields or the supply of subscriptions;

(5) whose object is the supply of media space for the purposes of a publicity campaign or for promotional purposes;

- (6) whose object, which stems from the use of a software package or software product, is to
 - (a) ensure compatibility with existing systems, software packages or software products;
 - (b) ensure the protection of exclusive rights such as copyrights, patents or exclusive licences;
 - (c) carry out research and development;

(d) produce a prototype or original concept.

(7) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and that is entered into with the owner of the mains or installations or with a public utility, for a price corresponding to the price usually charged by an undertaking generally performing such work;

(8) whose object is the supply of services by a supplier in a monopoly position in the field of communications, electricity or gas;

(9) whose object is the maintenance of specialized equipment that must be carried out by the manufacturer or its representative; or

(10) whose object is the performance of work on a railway right-of-way used as such, entered into with the owner or operator of the railway, for a price corresponding to the price usually charged by an undertaking generally performing such work.

If a professional services contract for the drawing up of plans and specifications was the subject of a call for tenders, section 573.1 and any regulation made under section 573.3.0.1 do not apply to a contract entered into with the designer of those plans and specifications for

(1) their adaptation or modification for the carrying out of the work for the purposes for which they were prepared; or

(2) the supervision of the work related to such modification or adaptation or, within the scope of a fixed-price contract, related to an extension of the duration of the work.

Section 573.1 does not apply to a contract

(1) covered by the regulation in force made under section 573.3.0.1 or 573.3.0.2; or

(2) that is an insurance contract, supply contract or contract for the supply of services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).

1977, c. 52, s. 22; 1979, c. 36, s. 94; 1985, c. 27, s. 35; 1996, c. 2, s. 209; 1999, c. 82, s. 19; 2001, c. 25, s. 36; 2001, c. 68, s. 24; 2002, c. 37, s. 88; 2003, c. 19, s. 132; 2005, c. 28, s. 56; 2006, c. 60, s. 30; 2009, c. 26, s. 23; 2010, c. 18, s. 33; 2010, c. 42, s. 4; 2017, c. 13, s. 73; 2018, c. 8, s. 67.

573.3.0.0.1. To enter into a contract that, but for section 573.3, would have been subject to section 573 with a supplier that is the only one in a position to provide the goods or services under subparagraph 2 of the first paragraph of section 573.3, a municipality must, at least 15 days before entering into the contract, publish on the electronic tendering system approved by the Government a notice of intention allowing any person to express interest in entering into it. The notice of intention must, among other things, specify or include

(1) the name of the person with whom the municipality intends to enter into the contract in accordance with section 573.3;

(2) a detailed description of the municipality's procurement requirements and the contract obligations;

(3) the projected contract date;

(4) the reasons invoked allowing the municipality to enter into the contract in accordance with section 573.3; and

(5) the address at which and deadline by which a person may express interest electronically and demonstrate that he, she or it is capable of carrying out the contract on the basis of the procurement requirements and obligations stated in the notice, that deadline being five days before the projected contract date.

2017, c. 27, s. 163; 2018, c. 8, s. 68.

573.3.0.0.2. Where a person has expressed interest in entering into the contract in accordance with paragraph 5 of section 573.3.0.0.1, the municipality shall electronically send the person its decision as to the contract, at least seven days before the projected contract date. If that seven-day period cannot be complied with, the contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The municipality must also inform the person of the person's right to file a complaint under section 38 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) within three days after receiving the decision.

If no person has expressed interest by the deadline under paragraph 5 of section 573.3.0.0.1, the contract may be entered into before the projected contract date specified in the notice of intention.

2017, c. 27, s. 163.

573.3.0.1. The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria, and provide for the cases where a municipality must, to award a contract, obtain the authorization or approval of the Government or one of its ministers or bodies or comply with any rules they have established governing the awarding of contracts.

Where the regulation determines that a contract is to be awarded after the use of a register of suppliers, it must designate the body responsible for the establishment of the register and for its management and financing and must set out, in particular, the rules that apply to the registration of suppliers and to their selection as suppliers who may tender.

The regulation may establish, in respect of the contracts it specifies, a rate schedule fixing the maximum hourly rate that may be paid by a municipality.

2001, c. 25, s. 37; 2001, c. 68, s. 25; 2002, c. 37, s. 89; 2018, c. 8, s. 69.

573.3.0.2. The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this section, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.

2001, c. 25, s. 37; 2001, c. 68, s. 26; 2002, c. 37, s. 90; 2012, c. 11, s. 33; 2018, c. 8, s. 70.

573.3.0.3. A municipality may not divide into several contracts having similar subject-matter an insurance contract, a contract for the performance of work, a supply contract or a contract for the supply of services other than professional services necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions, unless the division is warranted on grounds of sound administration.

2001, c. 25, s. 37; 2018, c. 8, s. 71.

573.3.0.4. A municipality may not amend a contract awarded following a call for tenders unless the amendment is accessory and does not change the nature of the contract.

2010, c. 18, s. 34.

573.3.1. The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize a municipality to award a contract without calling for tenders or otherwise than in accordance with a regulation made under section 573.3.0.1 or 573.3.1.1, authorize the municipality to award a contract after calling for tenders by written invitation rather than by publication in a newspaper or rather than as required in the regulation, or authorize the municipality to award a contract to the winner of a design competition it holds. The Minister may, on his own initiative, exercise that power in respect of all municipalities or any category of municipalities for a contract or any class thereof.

The first paragraph does not apply where calls for tenders are required to be public under an intergovernmental trade liberalisation agreement applicable to the municipality.

1996, c. 27, s. 38; 1997, c. 53, s. 10; 1998, c. 31, s. 25; 1999, c. 43, s. 13; 2001, c. 25, s. 38; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2010, c. 1, s. 13; 2010, c. 18, s. 35.

573.3.1.1. In compliance with any applicable intergovernmental agreement on the opening of public procurement, the Government may make regulations to

- (1) determine any authorization, condition or rule relating to the awarding of contracts, in addition to those set out or provided for in this Act, to which a contract is subject;
- (2) determine the documents relating to compliance with certain Acts and regulations that a person interested in entering into a contract with a municipality or a subcontract related to such a contract must hold, and the cases, conditions and manner in or on which they are to be obtained, held and filed; and
- (3) determine the regulatory provisions made under this section the violation of which constitutes an offence.

The regulation may prescribe categories of contracts or municipalities, combine categories and determine different authorizations, conditions or rules relating to the awarding of contracts, according to the categories or combinations.

The regulation may apply to any contract entered into by a municipality, including a contract that is not described in any of the subparagraphs of the first paragraph of subsection 1 of section 573 or in section 573.3.0.2.

The Minister of Revenue is responsible for the administration and carrying out of the regulatory provisions made under subparagraphs 2 and 3 of the first paragraph if so provided in the regulation. To that end, the Tax Administration Act (chapter A-6.002) applies with the necessary modifications.

An employee of the Commission de la construction du Québec, the Commission des normes, de l'équité, de la santé et de la sécurité du travail or the Régie du bâtiment du Québec authorized by the Minister of Revenue may exercise the functions and powers of the Minister relating to the administration and carrying out of the regulatory provisions referred to in the fourth paragraph.

2010, c. 1, s. 14; 2011, c. 18, s. 41; 2015, c. 15, s. 237.

573.3.1.1.1. Every person who contravenes a regulatory provision the violation of which constitutes an offence under subparagraph 3 of the first paragraph of section 573.3.1.1 is liable to a fine of \$5,000 to \$30,000 in the case of a natural person and \$15,000 to \$100,000 in all other cases.

In the case of a subsequent offence, the minimum and maximum fines are doubled.

2011, c. 18, s. 42; 2015, c. 8, s. 101.

573.3.1.2. Every municipality must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of subsection 1 of section 573 or in section 573.3.0.2.

The by-law must include

- (1) measures to ensure compliance with any applicable anti-bid-rigging legislation;
- (2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;
- (3) measures to prevent intimidation, influence peddling and corruption;
- (4) measures to prevent conflict of interest situations;
- (5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;
- (6) measures to govern the making of decisions authorizing the amendment of a contract; and
- (7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573. The rules may vary according to determined categories of contracts. Where such rules are in force, section 573.1 does not apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract on behalf of the municipality, must be permanently published on the website on which the municipality posts the statement and hyperlink required under the second paragraph of section 477.6.

Not later than 30 days after the day on which a by-law is adopted under this section, the clerk must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The municipality shall table a report on the application of the by-law at least once a year at a sitting of the council.

As regards non-compliance with a measure included in the by-law, section 573.3.4 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law.

2010, c. 1, s. 14; 2010, c. 18, s. 36; 2010, c. 42, s. 5; 2016, c. 17, s. 17; 2017, c. 13, s. 74; 2018, c. 8, s. 72.

573.3.1.3. A municipality must provide equitable resolution of complaints filed with it in the course of the awarding of a contract through a public call for tenders or otherwise. It must, for that purpose, establish a procedure for receiving and examining the complaints filed.

The municipality shall make the procedure available at all times by publishing it on its website. If the municipality does not have a website, it shall publish the procedure on the website of the regional county municipality whose territory contains the municipality's territory or, if the regional county municipality does not have a website, on another website whose address it shall give public notice of at least once a year.

To be admissible, a complaint must be sent electronically to the person in charge identified in the procedure. A complaint under section 573.3.1.4 must be filed on the form determined by the Autorité des marchés publics under section 45 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1).

For the purpose of applying this section and sections 573.3.1.4 to 573.3.1.7 to Ville de Montréal, the functions provided for in those sections may not be assumed by the inspector general appointed under section 57.1.1 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4).

2017, c. 27, s. 164.

573.3.1.4. In the case of an ongoing public call for tenders, only a person or group of persons interested in participating in the awarding process or the representative of such a person or group may file a complaint about the process on the grounds that the tender documents contain conditions that do not ensure the honest and fair treatment of tenderers, do not allow tenderers to compete although they are qualified to meet the stated procurement requirements, or are otherwise not compliant with the municipality's normative framework.

The complaint must be filed with the municipality not later than the complaint filing deadline indicated on the electronic tendering system approved by the Government. That deadline is determined, subject to the third paragraph, by adding to the date on which the call for tenders is advertised a period corresponding to half the time for receiving tenders but which may not be less than 10 days.

The municipality must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Such a complaint may pertain only to the content of the tender documents available on the electronic tendering system not later than two days before that deadline.

The complainant shall, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

On receiving a first complaint, the municipality must make an entry to that effect on the electronic tendering system without delay, after having ascertained the complainant's interest.

Any amendment made to the tender documents before the complaint filing deadline indicated on the electronic tendering system that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period was extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

2017, c. 27, s. 164.

573.3.1.5. Any amendment made to the tender documents must contain the information relating to the deadline for filing a complaint under section 573.3.1.4 or under section 40 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1). Any amendment made to the tender documents must also indicate whether it results from a recommendation of the Autorité des marchés publics.

2017, c. 27, s. 164.

573.3.1.6. In the case of a complaint under section 573.3.1.4, the municipality must send the complainant its decision electronically after the complaint filing deadline but not later than three days before the tender closing date it has determined. If necessary, the municipality must defer the tender closing date.

If the municipality has received two or more complaints about the same call for tenders, it must send both or all of its decisions at the same time.

The municipality must, when sending its decision on a complaint filed with it, make an entry to that effect on the electronic tendering system without delay.

The municipality must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

The municipality must also, if applicable, inform the complainant of the complainant's right to file a complaint under section 37 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) within three days after receiving the decision.

If, two days before the tender closing date, the municipality has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day. For the purposes of this section, Saturday is considered a holiday, as are 2 January and 26 December.

2017, c. 27, s. 164.

573.3.1.7. Sections 573.3.1.3 to 573.3.1.6 apply to certification or qualification processes, with the necessary modifications.

2017, c. 27, s. 164.

573.3.2. A municipality may obtain any movable property or service from or through the Centre de services partagés du Québec established by the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1).

A municipality may enter into a contract by mutual agreement with a cloud supplier or service provider who is a party to a framework agreement entered into with the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it, provided that

- (1) the contract concerns goods or services referred to in the framework agreement;
- (2) the term of the contract, including any renewal, does not exceed three years; and

(3) the supplier or service provider retained is the one whose tender is the most advantageous based on the price of the contract or any other criteria related to the object of the contract, such as technological compatibility, accessibility of goods or services, performance and technical assistance.

To the extent that the terms of any agreement on the opening of public procurement applicable to the municipality are observed, sections 573, 573.1 and 573.3.0.2 and the regulation under section 573.3.1.1 do not apply to contracts entered into by the municipality with or through the Centre de services partagés du Québec in accordance with the regulations under the Act respecting contracting by public bodies (chapter C-65.1).

1999, c. 59, s. 8; 2000, c. 8, s. 243; 2005, c. 7, s. 59; 2006, c. 60, s. 31; 2006, c. 29, s. 52; 2010, c. 1, s. 15; 2016, c. 30, s. 3.

573.3.3. Where, following a call for tenders, the municipality receives only one conforming tender, the municipality may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price and the price indicated in the estimate established by the municipality.

2002, c. 37, s. 91.

573.3.3.1. For the purposes of the preceding sections of this subdivision and the sections of a regulation under section 573.3.0.1 or 573.3.1.1, a contract by which a municipality implicitly delegates the exercise of a municipal power is considered a contract for the supply of services.

2005, c. 50, s. 21; 2010, c. 1, s. 16.

573.3.3.1.1. The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under subsection 1 of section 573;

(2) the minimum time for the receipt of tenders after a public call for tenders under that subsection; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under subsection 2.1 of section 573.

The threshold, ceiling and time ordered under this section may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.

2018, c. 8, s. 73.

573.3.3.2. Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any municipal contract for the performance of work, and any insurance contract, supply contract or contract for the supply of services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts and every municipality is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those contracts, the responsibility conferred on the Conseil du trésor by sections 25.0.2 and 25.0.3 of that Act and the responsibilities conferred on the Chair of the Conseil du trésor by sections 25.0.3 and 25.0.5 of that Act.

2011, c. 17, s. 41; 2011, c. 35, s. 42; 2017, c. 27, s. 165; 2018, c. 8, s. 74.

573.3.3.3. Sections 21.3.1, 21.17 to 21.17.2, 21.18, 21.25, 21.34, 21.35, 21.38, 21.39, 21.41, 21.41.1, 25.0.2 to 25.0.5, 27.6 to 27.9, 27.11, 27.13, 27.14 and 27.14.1 of the Act respecting contracting by public bodies (chapter C-65.1) apply, with the necessary modifications, in respect of any municipal contract that involves an expenditure equal to or greater than the amount determined by the Government under section

21.17 of that Act or is designated by the Government under section 21.17.1 of that Act and that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services.

For the purposes of those sections, any contract referred to in the first paragraph is deemed to be a public contract, any subcontract that involves an expenditure equal to or greater than the amount determined by the Government under section 21.17 of that Act or is designated by the Government under section 21.17.1 of that Act and is directly or indirectly related to such a contract is deemed to be a public subcontract, every municipality is deemed to be a public body, and the Minister of Municipal Affairs, Regions and Land Occupancy exercises, in respect of those public contracts and subcontracts, the responsibilities conferred on the Conseil du trésor or its Chair.

For the purposes of the application of Chapter V.2 of that Act to municipalities, a natural person is considered to be an enterprise even if the person does not operate a sole proprietorship.

2012, c. 25, s. 40; 2017, c. 27, s. 166; 2018, c. 8, s. 75.

573.3.3.4. Every person who communicates or attempts to communicate, directly or indirectly, with a member of a selection committee in order to influence the member concerning a call for tenders before a contract is awarded is guilty of an offence and liable to a fine of \$5,000 to \$30,000 in the case of a natural person and \$15,000 to \$100,000 in all other cases.

For a second or subsequent offence, the minimum and maximum fines are doubled.

This section does not apply in the case of a person presenting a proposal to a selection committee formed to determine the winner of a competition.

2016, c. 17, s. 18; 2017, c. 27, s. 167.

573.3.3.5. A member of a selection committee who discloses or makes known, without being duly authorized to do so, any confidential information that is sent to the member or that came to the member's knowledge in the exercise of the member's functions within the committee is guilty of an offence and is liable to a fine of \$5,000 to \$30,000.

In the case of a subsequent offence, the minimum and maximum fines are doubled.

2017, c. 27, s. 168.

573.3.3.6. Penal proceedings under section 573.3.1.1.1, 573.3.3.4 or 573.3.3.5 must be instituted within three years after the time the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed since the date of the offence.

2017, c. 27, s. 168.

573.3.4. A member of the council who knowingly fails to comply with the prohibition set out in subsection 3.1 of section 573 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in the preceding sections of this subdivision, in a regulation made under section 573.3.0.1, 573.3.0.2 or 573.3.1.1 or in the policy adopted under section 573.3.1.2 may be held personally liable toward the municipality for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or from holding a position as an officer or employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every officer or employee of the municipality and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with subparagraph 4 of the first paragraph of article 529 and articles 532 to 535 of the Code of Civil Procedure (chapter C-25.01); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.

2002, c. 37, s. 91; 2010, c. 1, s. 17; 2014, c. 1, s. 780; 2018, c. 8, s. 76.

573.3.5. Sections 573 to 573.3.4 apply, with the necessary modifications, to any body that meets one of the following conditions:

- (1) it is a body declared by law to be a mandatary or agent of a municipality;
- (2) the majority of the members of its board of directors must, under an Act or regulation that so requires, be members of a council of a municipality or be appointed by a municipality;
- (3) its budget is adopted or approved by a municipality;
- (4) it is a non-profit body that meets the following conditions on 1 January of a year:
 - (a) its revenues for at least one of the last two years were equal to or greater than \$1,000,000; and
 - (b) it received, during the year in which its revenues were equal to or greater than \$1,000,000, financial assistance from a municipality in an amount equal to or greater than half of its revenues for that year;
- (5) it is designated by the Minister as a body subject to those provisions.

In addition, the body that meets one of the conditions set out in the first paragraph is deemed to be a local municipality for the purposes of a regulation made under section 573.3.0.1, 573.3.0.2 or 573.3.1.1.

Where, under any of sections 573 to 573.3.4, a municipality is authorized to make by-laws, a body that is not generally authorized to prescribe that a penalty may be imposed for non-compliance with a regulatory provision under its jurisdiction shall adopt, by resolution or by any means it usually employs to make decisions, the measures or provisions covered by the municipality's authorization.

This section does not apply

(1) to a body that an Act makes subject to sections 573 to 573.3.4 of this Act, articles 934 to 938.4 of the Municipal Code of Québec (chapter C-27.1), sections 106 to 118.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), sections 99 to 111.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or sections 92.1 to 108.2 of the Act respecting public transit authorities (chapter S-30.01);

(2) to a mixed enterprise company; or

(3) to a body that is similar to a mixed enterprise company and is constituted under a private Act, including the legal persons constituted under chapters 56, 61 and 69 of the statutes of 1994, chapter 84 of the statutes of 1995 and chapter 47 of the statutes of 2004.

2017, c. 13, s. 75; 2018, c. 8, s. 77; 2019, c. 28, s. 125.

573.4. Sections 573 to 573.3.4 prevail over any inconsistent provision of any special Act in force on 19 December 2000, except that:

(a) section 573 has no effect against any provision of a special Act authorizing the council to exempt the executive committee from the formalities pertaining to public tenders, to the extent provided by the said provision;

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

1979, c. 36, s. 94; 1992, c. 27, s. 29; 1996, c. 2, s. 205; 1996, c. 27, s. 39; 1999, c. 59, s. 9; 2000, c. 56, s. 121; 2002, c. 37, s. 92.

573.5. *(Repealed).*

1983, c. 57, s. 61; 1994, c. 17, s. 18; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2005, c. 6, s. 194.

573.6. *(Repealed).*

1983, c. 57, s. 61; 2005, c. 6, s. 194.

573.7. *(Repealed).*

1983, c. 57, s. 61; 1994, c. 17, s. 19; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2005, c. 6, s. 194.

573.8. *(Repealed).*

1983, c. 57, s. 61; 1984, c. 38, s. 43; 1994, c. 17, s. 20; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2005, c. 6, s. 194.

573.9. *(Repealed).*

1983, c. 57, s. 61; 2005, c. 6, s. 194.

573.10. *(Repealed).*

1983, c. 57, s. 61; 1990, c. 85, s. 122; 2000, c. 56, s. 218; 2005, c. 6, s. 194.

573.11. *(Repealed).*

1986, c. 31, s. 15; 2005, c. 6, s. 194.

573.12. *(Repealed).*

1994, c. 33, s. 18; 2005, c. 6, s. 194.

573.13. *(Repealed).*

1994, c. 33, s. 18; 2005, c. 6, s. 194.

DIVISION XI.1

MUNICIPAL OMBUDSMAN

2006, c. 60, s. 32.

573.14. For the purposes of this division, “Municipal Ombudsman” means the person appointed or body created under the first paragraph of section 573.15.

2006, c. 60, s. 32.

573.15. The council may, by a resolution adopted by a two-thirds majority vote of its members, appoint a person to act as Municipal Ombudsman or create a body to act in that capacity and appoint its members.

In addition to what is provided in this division, the resolution must determine the term, rights, powers and obligations of the person or of the body and its members.

A two-thirds majority vote of the council members is required for the council to dismiss the person, abolish the body or dismiss a member of the body.

2006, c. 60, s. 32.

573.16. In no case may the following persons act as Municipal Ombudsman or be a member of a body created to act in that capacity

- (1) a member of the council or of a borough council of the municipality;
- (2) an associate of a member mentioned in subparagraph 1; or
- (3) a person who, personally or through an associate, has a direct or indirect interest in a contract with the municipality.

Any report produced by the Municipal Ombudsman must disclose any situation that could cause a conflict between the responsibilities inherent in the office of Municipal Ombudsman and the Municipal Ombudsman's personal interest or, in the case of a body, the personal interest of any of its members.

2006, c. 60, s. 32.

573.17. In the exercise of the functions of office, the Municipal Ombudsman is entitled to obtain from any person any information the Municipal Ombudsman considers necessary.

2006, c. 60, s. 32.

573.18. Each year, the Municipal Ombudsman must transmit a report on the exercise of the functions of Municipal Ombudsman to the council.

No civil action may be instituted by reason of the report.

2006, c. 60, s. 32.

573.19. Despite any general law or special Act, neither the Municipal Ombudsman, its members in the case of a body, the members of the personnel, or any professionals under contract may be compelled to give testimony relating to information obtained in the performance of their duties or to produce a document containing such information.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to such a document.

2006, c. 60, s. 32.

573.20. Neither the Municipal Ombudsman, its members in the case of a body, or the members of the personnel may be prosecuted by reason of an act they have done or failed to do in good faith in the performance of their duties.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor an injunction granted against the Municipal Ombudsman, its members in the case of a body, the members of the personnel or any professionals under contract, if acting in their official capacity.

A judge of the Court of Appeal, on an application, may summarily annul any proceeding instituted or decision rendered contrary to the first or second paragraph.

2006, c. 60, s. 32; I.N. 2016-01-01 (NCCP).

DIVISION XI.2

DISSEMINATION OF CERTAIN INFORMATION

2017, c. 13, s. 76.

573.20.1. The Government may, by regulation, determine the information that every municipality is required to disseminate in an open document format on a storage medium so that it can be reused.

The regulation must set out the terms governing the dissemination of such information, which terms may vary according to the different classes of municipalities.

2017, c. 13, s. 76.

DIVISION XII

PENAL PROCEEDINGS

1990, c. 4, s. 179.

574. *(Repealed).*

R. S. 1964, c. 193, s. 611; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 66; 1990, c. 4, s. 180.

575. *(Repealed).*

R. S. 1964, c. 193, s. 612; 1990, c. 4, s. 180.

576. Penal proceedings for an offence under a provision of this Act, the charter, a by-law, a resolution or an order of the council may be instituted by the municipality.

R. S. 1964, c. 193, s. 613; 1990, c. 4, s. 181; 1992, c. 27, s. 30; 1992, c. 61, s. 127.

577. Where a municipality institutes penal proceedings before any court other than a municipal court, the fines imposed for an offence under a provision of this Act, the charter, a by-law, a resolution or an order of the council belong to the municipality.

R. S. 1964, c. 193, s. 614; 1990, c. 4, s. 182; 1992, c. 61, s. 128.

577.1. When penal proceedings are instituted against the municipality, service therein shall be made upon the clerk or the secretary-treasurer, at his office or domicile.

1990, c. 4, s. 183.

578. *(Repealed).*

R. S. 1964, c. 193, s. 615; 1990, c. 4, s. 184.

579. *(Repealed).*

R. S. 1964, c. 193, s. 616; 1990, c. 4, s. 184.

580. *(Repealed).*

R. S. 1964, c. 193, s. 617; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 66; 1990, c. 4, s. 184.

581. *(Repealed).*

R. S. 1964, c. 193, s. 618; 1990, c. 4, s. 184.

582. *(Repealed).*

R. S. 1964, c. 193, s. 619; 1990, c. 4, s. 184.

583. *(Repealed).*

R. S. 1964, c. 193, s. 620; 1990, c. 4, s. 184.

584. *(Repealed).*

R. S. 1964, c. 193, s. 621; 1990, c. 4, s. 184.

DIVISION XIII

CIVIL REMEDIES AGAINST THE MUNICIPALITY

1990, c. 4, s. 185.

§ 1. — *Notice of Action and Miscellaneous Proceedings*

585. (1) If any person claim or pretend to have suffered bodily injury by any accident, for which he intends to claim damages from the municipality, he shall, within 15 days from the date of such accident, give or cause to be given notice in writing to the clerk of the municipality of such intention, containing the particulars of his claim, and stating the place of his residence, failing which the municipality shall be relieved from any liability for any damages caused by such accident, any provision of law to the contrary notwithstanding.

(2) In case of any claim for damages to property, movable or immovable, a similar notice shall also be given to the clerk of the municipality, within 15 days, failing which the municipality shall not be liable for any damages, any provision of law to the contrary notwithstanding.

(3) No such action shall be instituted before the expiration of 15 days from the date of the notification of such notice.

(4) The failure to give such notice shall not, however, deprive any victim of such accident of his right of action, if he prove that he was prevented from giving such notice for any reason deemed sufficient by the court or judge.

The absence of notice or its irregularity because late, insufficient or otherwise defective, must be set up by preliminary exception and not by a defence on merits. Failure to invoke such an exception within the time and according to the rules established by the Code of Civil Procedure (chapter C-25.01), constitutes a waiver of such irregularity.

No defence on merits may be inscribed until judgment is rendered on the said preliminary exception and such judgment must dispose thereof and not reserve it for the merits.

(5) No action in damages shall lie unless such action be instituted within six months after the day on which the accident happened or the right of action accrued.

(6) The municipality shall have a recourse in warranty against any person whose fault or negligence occasioned the accident and the damage arising therefrom.

(7) Notwithstanding any general law or special Act, no municipality may be held liable for damage resulting from an accident, of which any person is the victim, on the sidewalks, streets, roads, walkways or bikeways, by reason of the snow or ice, unless the claimant establishes that the said accident was caused by the negligence or fault of the said municipality, the court having to take into account the weather conditions.

(8) No right of action shall lie against the municipality for damages caused by the back-flow from a sewer to articles, merchandise or effects kept for any purpose in a cellar or basement, if the claimant has already received compensation from the municipality for similar damages caused at the same place and has not subsequently installed there, 30 cm at least from the floor and at a distance of at least 30 cm from the exterior walls, a support on which such articles, merchandise or effects must be kept.

R. S. 1964, c. 193, s. 622; 1965 (1st sess.), c. 80, a. 1; 1984, c. 47, s. 213; 1996, c. 2, s. 209; 1999, c. 40, s. 51; 2010, c. 18, s. 37; I.N. 2016-01-01 (NCCP).

586. Every action, suit or claim against the municipality or any of its officers or employees, for damages occasioned by faults, or illegalities, shall be prescribed by six months from the day on which the cause of action accrued, any provision of law to the contrary notwithstanding.

R. S. 1964, c. 193, s. 623; 1999, c. 40, s. 51.

587. Every person who, by any excavation in or obstruction upon any street of the municipality, not authorized by law or the by-laws of the municipality, renders such street unsafe for travel, or who, by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, renders such street insufficient or unsafe for travel, shall be liable for any damage, not caused by the negligence of the injured party, to whomsoever resulting by reason of such obstruction or negligence; and no action shall be maintained against the municipality for such damage, unless such person be joined as defendant, if the municipality calls upon the plaintiff so to do, at the same time informing him of the name, residence and quality of such person.

R. S. 1964, c. 193, s. 624; 1999, c. 40, s. 51.

588. In case of judgment against the defendants under section 587, execution shall first be issued only against the defendant other than the municipality, and the municipality shall not be required to take steps to pay such judgment, including costs of execution against the other defendant, until the notice of execution is returned unsatisfied, or unless there be an opposition to or contestation of the seizure for reasons other than matters of form.

If the municipality pays such judgment it shall become subrogated in the rights of the plaintiff therein, and may enforce payment of the same from the other defendant, and shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

R. S. 1964, c. 193, s. 625; I.N. 2016-01-01 (NCCP).

589. When any suit or action is commenced against the municipality, service therein shall be made upon the clerk or the secretary-treasurer, at his office or domicile.

R. S. 1964, c. 193, s. 626.

590. Any provision of law to the contrary notwithstanding, no judgment rendered against the municipality for a pecuniary condemnation only shall be executory before the expiration of thirty days after the date thereof.

R. S. 1964, c. 193, s. 627.

§ 2. — *Execution of Judgments against the Municipality*

591. Whenever a copy of a judgment condemning the municipality to pay a sum of money has been notified to the office of the council, the 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 by-laws made under section 477.

R. S. 1964, c. 193, s. 628; I.N. 2016-01-01 (NCCP).

592. If there be no funds, or if those at the disposal of the treasurer be not sufficient, the council shall, immediately after the notification of the judgment, order the treasurer, by resolution, to levy, on the taxable property within the territory of the municipality, a sum sufficient to pay the amount due with the interest and costs.

The council may also proceed by way of a loan by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy.

R. S. 1964, c. 193, s. 629; 1968, c. 55, s. 151; 1977, c. 5, s. 14; 1984, c. 38, s. 44; 1996, c. 2, s. 206; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; I.N. 2016-01-01 (NCCP).

593. The court which rendered the judgment may, on application to that effect presented either in term or in vacation, grant to the council any time which it deems necessary to levy the moneys required.

R. S. 1964, c. 193, s. 630; 1999, c. 40, s. 51; I.N. 2016-01-01 (NCCP).

594. If the judgment have not been satisfied within two months after the notification thereof at the office of the council, or at the expiration of the time granted by the court or agreed upon by the parties, the person in whose favour such judgment was rendered may, on producing the return of such notification, give a bailiff instructions to proceed with the execution against the municipality. The bailiff files the notice of execution with the court office, in the record concerned.

R. S. 1964, c. 193, s. 631; 1999, c. 40, s. 51; I.N. 2016-01-01 (NCCP).

595. Such notice of execution shall be signed by the clerk, sealed with the seal of the court, and addressed to the clerk of the district in which the territory of such municipality is situated, enjoining him, among other things:

(1) to levy from the municipality, with all possible despatch, the amount of the debt with interest and costs of the judgment as well as of the execution;

(2) in default of immediate payment by the municipality,—

(a) to apportion the sums to be levied on all the taxable property in the territory of the municipality, in proportion to its value, as it appears by the valuation roll, with the same powers and under the same obligations and penalties as the council and the clerk, to whom he shall be lawfully substituted for the levying of such money;

(b) to prepare without time a special collection roll;

(c) to publish such special roll in the territory of the municipality, in the manner required by section 503;

(d) to exact and levy the amounts entered on the special collection roll, in the manner and within the time prescribed by sections 503 and 504;

(e) in default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs, on their movable property, in the manner prescribed by sections 505 to 508, both inclusive;

(f) to sell the immovable property liable for such amounts in default of their payment, in the same manner and with the same effect as if he were acting under a notice of execution against immovable property issued by the Superior Court of the district;

(3) to make a return to the court of the amount levied, and of his proceedings, so soon as the amount of the debt, interest and costs has been collected, or from time to time, as the court may order.

R. S. 1964, c. 193, s. 632; 1996, c. 2, s. 207; 1999, c. 40, s. 51; I.N. 2016-01-01 (NCCP).

596. The clerk shall execute without delay, either personally or by his officers, all the requirements of such writ or of any other order subsequently issued by the court.

R. S. 1964, c. 193, s. 633; I.N. 2016-01-01 (NCCP).

597. The clerk shall have free access to the registers, valuation rolls, collection rolls and other documents deposited in the office of the council, and he may demand the services of the officers or employees of the municipality, under the same penalties as if such services were required by the council itself.

R. S. 1964, c. 193, s. 634; 1968, c. 55, s. 5; I.N. 2016-01-01 (NCCP).

598. The clerk shall take possession of the valuation roll and other documents which are necessary to him for the execution of the judgment and orders of the court.

On the refusal or neglect of the municipal council or of the officers or employees of the municipality to deliver up such documents, he may take possession thereof.

R. S. 1964, c. 193, s. 635; 1968, c. 55, s. 5; I.N. 2016-01-01 (NCCP).

599. If it be impossible for the seizing officer to obtain the valuation roll which should serve as a basis for the collection of the moneys, or if there be no such valuation roll, the clerk shall, without delay, proceed to make a valuation of the taxable property; and he may base the special collection roll for the money to be levied, on such valuation as if it were the valuation roll in force.

The costs incurred in making such valuation, as taxed by the court issuing the judgment, shall form part of the costs of execution and shall be recoverable from the municipality.

R. S. 1964, c. 193, s. 636; I.N. 2016-01-01 (NCCP).

600. The fees, costs and disbursements of the clerk shall be taxed in the discretion of the judge of the court issuing the judgment.

R. S. 1964, c. 193, s. 637; I.N. 2016-01-01 (NCCP).

601. The clerk shall transmit to the office of the council a copy of his special collection roll, and any other roll or document whereof he has taken possession, after having levied the whole amount set forth in the writ of execution, together with interest and costs.

R. S. 1964, c. 193, s. 638; I.N. 2016-01-01 (NCCP).

602. The arrears due, in virtue of the clerk's special collection roll, shall belong to the municipality and may be recovered by such municipality in the same manner as any other municipal tax.

If any surplus remain in the hands of the clerk, it shall belong to such municipality.

R. S. 1964, c. 193, s. 639; I.N. 2016-01-01 (NCCP).

603. The clerk may obtain from the court any order calculated to facilitate and ensure the complete execution of the notice filed with the court office.

R. S. 1964, c. 193, s. 640; I.N. 2016-01-01 (NCCP).

604. If the municipality, against which any judgment has been rendered, holds property in its own name, such property may be seized and taken in execution in the ordinary manner prescribed in the Code of Civil Procedure (chapter C-25.01).

If any such property be hypothecated for the debt which is the object of the judgment, it shall be sold before the notice of execution mentioned in section 594 is filed.

R. S. 1964, c. 193, s. 641; I.N. 2016-01-01 (NCCP).

§ 3. — Exoneration of responsibility with respect to roads

1992, c. 54, s. 59.

604.1. The municipality is not liable for damage caused by the presence of an object on the roadway or on a walkway or bikeway.

Nor is it liable for damage caused by the state of the roadway or bikeway to the tires or suspension system of a vehicle.

1992, c. 54, s. 59; 2010, c. 18, s. 38.

604.2. The municipality is not liable for damage resulting from the absence of a fence between the right of way of a street, road, walkway or bikeway and contiguous land.

1992, c. 54, s. 59; 1994, c. 33, s. 19; 2010, c. 18, s. 39.

604.3. The municipality is not liable for damage caused through the fault of a builder or contractor to whom building, rebuilding or maintenance work has been entrusted, for the entire duration of such work.

1992, c. 54, s. 59; 1994, c. 33, s. 20; 1998, c. 35, s. 22.

604.4. Sections 604.1 to 604.3 shall not have the effect of reducing the scope of the exemption provided for in paragraph 7 of section 585.

1992, c. 54, s. 59.

604.5. *(Repealed).*

1992, c. 54, s. 59; 1996, c. 2, s. 208; 2000, c. 56, s. 122.

DIVISION XIII.1

PROTECTION AGAINST CERTAIN FINANCIAL LOSSES RELATED TO THE PERFORMANCE OF MUNICIPAL DUTIES

1996, c. 27, s. 40.

604.6. A municipality shall

(1) assume the defence of a person whose election as member of the council of a municipality is contested or who is the defendant or respondent in judicial proceedings brought before a court by reason of the person's alleged disqualification for office as a member of the council or as an officer or employee of the municipality or a mandatory body of the municipality;

(2) assume the defence or the representation, as the case may be, of a person who is the defendant, respondent or accused, or the person impleaded in judicial proceedings brought before a court by reason of the person's alleged act or omission in the performance of his duties as a member of the council or as an officer or employee of the municipality or a mandatory body of the municipality;

(3) assume the defence of a member of the council against whom an application has been brought under section 312.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

Where the person assumes, himself or through an attorney of his choice, the defence or representation, the municipality shall pay any reasonable costs incurred therefor. However, the municipality may, with the consent of the person, reimburse such costs to him instead of paying them.

The municipality is exempt from the obligations set out in the first two paragraphs, in a particular case, if the person renounces in writing, in respect of that case, the application of those provisions.

For the purposes of this division,

(1) "mandatory body" means any body declared by law to be the mandatory or agent of the municipality and any body whose council is composed of a majority of members of the council of the municipality, whose budget is adopted by the municipality or more than half of the financing of which is assumed by the municipality;

(2) "court" means, in addition to its ordinary meaning, a coroner, a fire investigation commissioner, an inquiry commission or a person or body exercising quasi-judicial functions.

1996, c. 27, s. 40; 2013, c. 3, s. 2; I.N. 2016-01-01 (NCCP).

604.7. The person for whom the municipality is required to incur expenses under section 604.6 shall, at the request of the municipality, reimburse all the expenses or the portion of such expenses indicated in the request in any of the following cases:

(1) the person's alleged act or omission having given rise to the proceedings is a gross or intentional fault or a fault separable from the performance of his duties;

(2) the proceedings are brought before the court by the municipality or by a third person at the request of the municipality;

(3) the person, defendant or accused in the penal or criminal proceedings, has been convicted and had no reasonable grounds to believe that he acted within the law.

In addition, where the municipality incurs the expenses referred to in the first paragraph in reimbursing the expenses relating to the person's defence or representation assumed by the person himself or by an attorney of his choice, the municipality's obligation shall cease, in respect of all expenses not reimbursed or the portion of such expenses which the municipality may indicate, from the day on which it is established, by the person's own admission or by a judgment that has become *res judicata*, that the request for reimbursement provided for in the first paragraph or the cessation of reimbursement provided for in this paragraph is justified.

The first and second paragraphs apply where the municipality is justified in requiring the reimbursement provided for in the first paragraph or, as the case may be, in ceasing to make reimbursements under the second paragraph. They do not apply in the case provided for in subparagraph 3 of the first paragraph of section 604.6.

1996, c. 27, s. 40; 1996, c. 27, s. 40; 2013, c. 3, s. 3.

604.8. For the purpose of determining whether the justification provided for in the third paragraph of section 604.7 exists, the following objectives shall be considered and weighed one against the other:

(1) the person referred to in section 604.6 must be reasonably protected against any financial loss which may result from the performance of his duties;

(2) the monies of the municipality must not be used to protect such a person against financial losses resulting from misconduct which cannot possibly be compared with the errors that may reasonably be expected to be committed by a person performing similar duties.

For the purposes of the first paragraph, the good or bad faith of the person may be taken into account as well as his diligence or negligence in learning the rules and practices relevant to the performance of his duties, the existence or absence of any previous fault related to the performance of his duties, the simplicity or complexity of the circumstances in which he committed a fault, the good or poor quality of the advice given to him and any other relevant factor.

1996, c. 27, s. 40.

604.9. Where the municipality's right to obtain the reimbursement requested under the first paragraph of section 604.7 is contested, section 604.6, adapted as required, applies in respect of any judicial recourse exercised by the municipality in order to obtain such reimbursement.

The court before which the recourse is exercised shall rule also on the applicability of section 604.7 in respect of all or part of the expenses to be incurred by the municipality for the purposes of the first paragraph of this section, as if the grounds for the recourse were the same as those for the original proceedings referred to in section 604.6.

The court before which the original proceedings referred to in section 604.6 are brought, in the case of a court of justice and civil proceedings, may, at the request of the municipality, rule on the applicability of section 604.7 in respect of such proceedings. Where the municipality is not already a party to or impleaded in the proceedings, it may intervene in order to make and support the request.

1996, c. 27, s. 40.

604.10. Every municipality shall pay damages owing to a third person which result from the fault of a member of its council in the performance of his duties within the municipality or a mandatory body of the municipality, except in the case of a gross or intentional fault or a fault separable from the performance of such duties, or where the member, without the authorization of the municipality, admits his fault or assumes his defence or representation, during the proceedings in which his fault is proved, himself or through an attorney of his choice.

The first paragraph may not be used to establish the fault of a municipality or a mandatory body.

1996, c. 27, s. 40.

604.11. Any municipality may, by by-law, provide for the payment of an indemnity, on application, to any person who has suffered material loss in the performance of his duties as a council member, officer or employee of the municipality or a mandatory body of the municipality.

The by-law must specify the circumstances giving rise to the payment of the indemnity, the amount of the indemnity or the manner of computing that amount, and the time limit for filing an application.

The payment of every indemnity must be decided by the council.

1996, c. 27, s. 40.

604.12. Any benefit provided by a municipality to or in respect of a person under a provision of this division in the period throughout which the person is a member of the council of the municipality, or the provision of which is the subject of an application, deliberation or vote during that period is a condition of

employment related to the office of council member for the purposes of sections 304, 305, 361 and 362 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

For the purposes of any provision relating to the disqualification for office as an officer or employee of a municipality, a benefit referred to in the first paragraph is deemed to be provided for by the contract binding the municipality and the officer or employee to or in respect of whom the benefit is provided.

1996, c. 27, s. 40.

604.13. Where a provision of a by-law, resolution, contract or collective agreement provides for a benefit that is not as advantageous to the person to or in respect of whom it is provided as the benefit provided for in a provision of this division, the latter provision shall prevail.

1996, c. 27, s. 40.

604.14. *(Repealed).*

1996, c. 27, s. 40; 2000, c. 56, s. 122.

DIVISION XIV

Repealed, 1989, c. 52, s. 122.

1989, c. 52, s. 122.

605. *(Repealed).*

R. S. 1964, c. 193, s. 642; 1968, c. 55, s. 152; 1989, c. 52, s. 122.

606. *(Repealed).*

R. S. 1964, c. 193, s. 643; 1968, c. 55, s. 152; 1988, c. 74, s. 1; 1989, c. 52, s. 122.

606.1. *(Repealed).*

1988, c. 74, s. 2; 1989, c. 52, s. 122.

607. *(Repealed).*

R. S. 1964, c. 193, s. 644; 1968, c. 55, s. 153; 1988, c. 74, s. 3; 1989, c. 52, s. 122.

607.1. *(Repealed).*

1988, c. 74, s. 3; 1989, c. 52, s. 122.

608. *(Repealed).*

R. S. 1964, c. 193, s. 645; 1988, c. 74, s. 3; 1989, c. 52, s. 122.

608.1. *(Repealed).*

1988, c. 74, s. 3; 1989, c. 52, s. 122.

609. *(Repealed).*

R. S. 1964, c. 193, s. 646; 1968, c. 55, s. 154; 1988, c. 74, s. 3; 1989, c. 52, s. 122.

609.1. *(Repealed).*

1980, c. 11, s. 42; 1988, c. 74, s. 3; 1989, c. 52, s. 122.

609.2. *(Repealed).*

1988, c. 74, s. 3; 1989, c. 52, s. 122.

610. *(Repealed).*

R. S. 1964, c. 193, s. 647; 1968, c. 55, s. 155; 1977, c. 16, s. 1; 1988, c. 74, s. 3; 1989, c. 52, s. 122.

611. *(Repealed).*

R. S. 1964, c. 193, s. 648; 1968, c. 55, s. 155; 1988, c. 74, s. 3; 1989, c. 52, s. 122.

612. *(Repealed).*

R. S. 1964, c. 193, s. 650; 1979, c. 36, s. 95; 1989, c. 52, s. 122.

613. *(Repealed).*

R. S. 1964, c. 193, s. 651; 1968, c. 55, s. 157; 1979, c. 36, s. 96.

614. *(Repealed).*

R. S. 1964, c. 193, s. 652; 1989, c. 52, s. 122.

615. *(Repealed).*

R. S. 1964, c. 193, s. 653; 1968, c. 55, s. 158; 1988, c. 74, s. 4; 1989, c. 52, s. 122.

615.1. *(Repealed).*

1988, c. 74, s. 5; 1989, c. 52, s. 122.

616. *(Repealed).*

R. S. 1964, c. 193, s. 654; 1989, c. 52, s. 122.

617. *(Repealed).*

R. S. 1964, c. 193, s. 655; 1990, c. 4, s. 186; 1989, c. 52, s. 122.

618. *(Repealed).*

R. S. 1964, c. 193, s. 656; 1968, c. 55, s. 159; 1989, c. 52, s. 122.

619. *(Repealed).*

R. S. 1964, c. 193, s. 657; 1990, c. 4, s. 187; 1989, c. 52, s. 122.

620. *(Repealed).*

R. S. 1964, c. 193, s. 658 (*part*); 1965 (1st sess.), c. 80, a. 1; 1990, c. 4, s. 188; 1989, c. 52, s. 122.

620.1. *(Repealed).*

1990, c. 4, s. 189; 1989, c. 52, s. 122.

621. *(Repealed).*

R. S. 1964, c. 193, s. 659; 1965 (1st sess.), c. 17, s. 2; 1971, c. 50, s. 120; 1988, c. 21, s. 66; 1989, c. 52, s. 122.

622. *(Repealed).*

R. S. 1964, c. 193, s. 660; 1974, c. 13, s. 36; 1989, c. 52, s. 122.

623. *(Repealed).*

R. S. 1964, c. 193, s. 661; 1989, c. 52, s. 122.

624. *(Repealed).*

R. S. 1964, c. 193, s. 662; 1989, c. 52, s. 122.

625. *(Repealed).*

R. S. 1964, c. 193, s. 663; 1989, c. 52, s. 122.

626. *(Repealed).*

R. S. 1964, c. 193, s. 664; 1990, c. 4, s. 190; 1989, c. 52, s. 122.

627. *(Repealed).*

R. S. 1964, c. 193, s. 665; 1989, c. 52, s. 122.

628. *(Repealed).*

R. S. 1964, c. 193, s. 667; 1968, c. 17, s. 91; 1990, c. 4, s. 191.

629. *(Repealed).*

R. S. 1964, c. 193, s. 668; 1969, c. 65, s. 34; 1975, c. 83, s. 84; 1977, c. 5, s. 14; 1980, c. 38, s. 18; 1981, c. 7, s. 536; 1986, c. 91, s. 655; 1990, c. 19, s. 11; 1990, c. 4, s. 192; 1989, c. 52, s. 122.

630. *(Repealed).*

R. S. 1964, c. 193, s. 669; 1990, c. 4, s. 193; 1989, c. 52, s. 122.

631. *(Repealed).*

R. S. 1964, c. 193, s. 670; 1974, c. 13, s. 36; 1989, c. 52, s. 122.

632. *(Repealed).*

R. S. 1964, c. 193, s. 671; 1989, c. 52, s. 122.

633. *(Repealed).*

R. S. 1964, c. 193, s. 672; 1990, c. 4, s. 194; 1989, c. 52, s. 122.

634. *(Repealed).*

R. S. 1964, c. 193, s. 673; 1990, c. 4, s. 195; 1989, c. 52, s. 122.

635. *(Repealed).*

R. S. 1964, c. 193, s. 674; 1989, c. 52, s. 122.

636. *(Repealed).*

R. S. 1964, c. 193, s. 675; 1990, c. 4, s. 196.

637. *(Repealed).*

R. S. 1964, c. 193, s. 676; 1990, c. 4, s. 197; 1989, c. 52, s. 122.

638. *(Repealed).*

R. S. 1964, c. 193, s. 677; 1990, c. 4, s. 198; 1989, c. 52, s. 122.

639. *(Repealed).*

R. S. 1964, c. 193, s. 678; 1989, c. 52, s. 122.

640. *(Repealed).*

R. S. 1964, c. 193, s. 679; 1989, c. 52, s. 122.

641. *(Repealed).*

R. S. 1964, c. 193, s. 680; 1989, c. 52, s. 122.

642. *(Repealed).*

R. S. 1964, c. 193, s. 681; 1990, c. 4, s. 199; 1989, c. 52, s. 122.

643. *(Repealed).*

R. S. 1964, c. 193, s. 682; 1990, c. 4, s. 200; 1989, c. 52, s. 122.

644. *(Repealed).*

R. S. 1964, c. 193, s. 683; 1990, c. 4, s. 201; 1989, c. 52, s. 122.

645. *(Repealed).*

R. S. 1964, c. 193, s. 684; 1990, c. 4, s. 202; 1989, c. 52, s. 122.

646. *(Repealed).*

R. S. 1964, c. 193, s. 685; 1990, c. 4, s. 203.

647. *(Repealed).*

R. S. 1964, c. 193, s. 686; 1990, c. 4, s. 203.

648. *(Repealed).*

R. S. 1964, c. 193, s. 687; 1990, c. 4, s. 204; 1989, c. 52, s. 122.

649. *(Repealed).*

R. S. 1964, c. 193, s. 688; 1990, c. 4, s. 205; 1989, c. 52, s. 122.

650. *(Repealed).*

R. S. 1964, c. 193, s. 689; 1969, c. 21, s. 35; 1990, c. 4, s. 206.

651. *(Repealed).*

R. S. 1964, c. 193, s. 690; 1990, c. 4, s. 207; 1989, c. 52, s. 122.

652. *(Repealed).*

R. S. 1964, c. 193, s. 691; 1990, c. 4, s. 208; 1989, c. 52, s. 122.

653. *(Repealed).*

R. S. 1964, c. 193, s. 692; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 74; 1989, c. 52, s. 122.

DIVISION XV

Repealed, 1989, c. 52, s. 122.

1989, c. 52, s. 122.

654. *(Repealed).*

R. S. 1964, c. 193, s. 693; 1979, c. 36, s. 97; 1982, c. 32, s. 75; 1989, c. 52, s. 122.

655. *(Replaced).*

R. S. 1964, c. 193, s. 694; 1982, c. 32, s. 75.

656. *(Replaced).*

R. S. 1964, c. 193, s. 695; 1982, c. 32, s. 75.

657. *(Replaced).*

R. S. 1964, c. 193, s. 696; 1968, c. 55, s. 5; 1982, c. 32, s. 75.

658. *(Replaced).*

R. S. 1964, c. 193, s. 697; 1982, c. 2, s. 35; 1982, c. 32, s. 75.

659. *(Replaced).*

1982, c. 2, s. 36; 1982, c. 32, s. 75.

660. *(Replaced).*

1982, c. 2, s. 36; 1982, c. 32, s. 75.

661. *(Replaced).*

1982, c. 2, s. 36; 1982, c. 32, s. 75.

DIVISION XVI



This Division ceased to have effect on 17 April 1987.

662. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

FORMS 1

(Repealed).

R. S. 1964, c. 193, form 1; 1968, c. 55, s. 160; 1996, c. 27, s. 41.

2

(Repealed).

R. S. 1964, c. 193, form 2; 1968, c. 55, s. 160; 1987, c. 57, s. 729.

3

(Repealed).

R. S. 1964, c. 193, form 3; 1968, c. 55, s. 160; 1969, c. 55, s. 30; 1987, c. 57, s. 729.

4

(Repealed).

R. S. 1964, c. 193, form 4; 1968, c. 55, s. 160; 1987, c. 57, s. 729.

5

(Repealed).

R. S. 1964, c. 193, form 5; 1987, c. 57, s. 729.

6

(Repealed).

R. S. 1964, c. 193, form 6; 1987, c. 57, s. 729.

7

(Repealed).

R. S. 1964, c. 193, form 7; 1968, c. 55, s. 5; 1982, c. 2, s. 37; 1987, c. 57, s. 729.

8

(Repealed).

R. S. 1964, c. 193, form 8; 1987, c. 57, s. 729.

9

(Repealed).

R. S. 1964, c. 193, form 9; 1968, c. 55, s. 5; 1987, c. 57, s. 729.

10

(Repealed).

R. S. 1964, c. 193, form 10; 1987, c. 57, s. 729.

11

(Repealed).

R. S. 1964, c. 193, form 11; 1968, c. 55, s. 5; 1987, c. 57, s. 729.

12

(Repealed).

R. S. 1964, c. 193, form 12; 1968, c. 55, s. 5, s. 161; 1979, c. 36, s. 98; 1982, c. 31, s. 149; 1987, c. 57, s. 729.

13

(Repealed).

R. S. 1964, c. 193, form 13; 1987, c. 57, s. 729.

14

(Repealed).

R. S. 1964, c. 193, form 14; 1987, c. 57, s. 729.

15

(Repealed).

R. S. 1964, c. 193, form 15; 1968, c. 55, s. 5; 1980, c. 11, s. 43.

16

(Repealed).

R. S. 1964, c. 193, form 16; 1968, c. 55, s. 162; 1987, c. 57, s. 729.

17

(Repealed).

R. S. 1964, c. 193, form 17; 1987, c. 57, s. 729.

18

(Repealed).

R. S. 1964, c. 193, form 18; 1987, c. 57, s. 729.

19

(Repealed).

R. S. 1964, c. 193, form 19; 1968, c. 55, s. 5; 1982, c. 2, s. 38; 1982, c. 31, s. 150; 1987, c. 57, s. 729.

20

(Repealed).

R. S. 1964, c. 193, form 20; 1987, c. 57, s. 729.

21

(Repealed).

R. S. 1964, c. 193, form 22; 1982, c. 31, s. 151; 1987, c. 57, s. 729.

22

(Repealed).

1968, c. 55, s. 164; 1987, c. 57, s. 729.

23

(Repealed).

1968, c. 55, s. 164; 1987, c. 57, s. 729.

24

(Repealed).

R. S. 1964, c. 193, form 23; 1987, c. 57, s. 729.

25

(Repealed).

R. S. 1964, c. 193, form 24; 1982, c. 31, s. 152; 1987, c. 57, s. 729.

25.1

(Repealed).

1968, c. 55, s. 165; 1982, c. 31, s. 152; 1987, c. 57, s. 729.

26

(Repealed).

1982, c. 31, s. 152; 1987, c. 57, s. 729.

27

(Repealed).

R. S. 1964, c. 193, form 25; 1987, c. 57, s. 729.

28

(Repealed).

R. S. 1964, c. 193, form 26; 1987, c. 57, s. 729.

29

(Repealed).

R. S. 1964, c. 193, form 27; 1987, c. 57, s. 729.

30

(Repealed).

R. S. 1964, c. 193, form 28; 1968, c. 55, s. 5; 1987, c. 57, s. 729.

31

(Repealed).

R. S. 1964, c. 193, form 29; 1987, c. 57, s. 729.

32

(Repealed).

R. S. 1964, c. 193, form 30; 1968, c. 55, s. 5; 1987, c. 57, s. 729.

32.1

(Repealed).

1982, c. 31, s. 153; 1987, c. 57, s. 729.

33

(Repealed).

R. S. 1964, c. 193, form 31; 1987, c. 57, s. 729.

34

(Repealed).

R. S. 1964, c. 193, form 32; 1987, c. 57, s. 729.

35

(Repealed).

R. S. 1964, c. 193, form 33; 1987, c. 57, s. 729.

36

(Repealed).

R. S. 1964, c. 193, form 34; 1979, c. 72, s. 322; 1992, c. 27, s. 31.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 193 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed, except sections 4*a*, 576 (*part*), 577 and 658 (*part*), effective from the coming into force of chapter C-19 of the Revised Statutes.