

**BY-LAW NUMBER 2021-039**

**« BY-LAW ON GOVERNANCE AND PROCEDURE OF COUNCIL MEETING »**

**WHEREAS** article 491 of the Municipal Code of Québec allowing the municipal council to adopt a by-law to govern its meetings and the conduct of debates in order to supervise the procedure, ensure the smooth conduct and maintain order during sittings;

**WHEREAS** municipal council wishes to update its by-law respecting the governance and procedure of municipal council meetings;

**WHEREAS** a notice of motion to adopt this by-law was given by Robert Bergeron at the regular meeting of council held on August 3, 2021;

**WHEREAS** at the same meeting, a draft by-law was tabled and presented by Robert Bergeron;

**WHEREAS** a public notice of the tabling and presentation of the proposed by-law was posted at designated places in the Municipality, as well as on the website dated August 4, 2021;

**THEREFORE, IT IS** proposed by Robert Bergeron, **SECONDED** by Sylvain La France and unanimously resolved of those present;

**THAT** this by-law be adopted and that it be ordered and decreet as follows:

**CHAPTER I  
PREAMBULE AND DEFINITIONS**

**Article 1 – PREAMBULE**

The preamble is an integral part of this By-Law.

**Article 2 - DEFINITIONS**

In this Regulation, unless the context indicates otherwise, the following definitions shall mean:

« adjournment »: the postponement to another day of a council meeting that has not been completed or of a decision to be made for which additional information is required;

« caucus »: committee composed of council members, and governed at the sole discretion of the mayor;

« non-judicial day »: public holidays, as well as Saturdays and Sundays.

« business day »; from Monday to Friday.

« point of order »: intervention by a member of the council requesting the mayor to ensure compliance with the rules of governance and procedure assembly procedure prescribed by this by-law and to ensure order and proper conduct;

« mayor »: the mayor or, in his absence, the pro mayor or, in his absence also, a member of the council designated from among those present.

« question of privilege »: the intervention of a member of the council who believes that his or her honor or dignity has been violated or who believes that his or her rights, privileges and prerogatives or those of the council are infringed;

« question of application of the regulation »: a question addressed to the mayor asking him to interpret this by-law, the mayor may refer the matter to the municipal clerk, if necessary;

« suspension »: temporary interruption of a council meeting.

## **CHAPTER II MEETINGS OF COUNCIL**

### **SECTION I REGULAR MEETING OF COUNCIL**

#### **Article 3 - DATE**

Regular meetings of Council shall be held at the dates and times fixed in the schedule of meetings adopted by resolution not later than December of each year. The calendar may be changed by resolution.

#### **Article 4 - PLACE**

The council shall hold its sittings in the community center at 26 Begley Road, Kazabazua, Quebec, J0X 1X0.

It may, by resolution or public notice in an emergency, fix another place elsewhere in the territory of Kazabazua.

In addition, it may also hold any session on a digital platform in such a way as to make it open to the public, live or delayed, all according to exceptional circumstances such as a health crisis or any event or occasion conducive to this type of measure.

The members of the council occupy the seats allocated to them and part of the room is reserved for the director general and his deputy, as well as for the clerk of the Municipality.

#### **Article 5 – AVAILABILITY OF DOCUMENTS**

All documentation relevant to the decision-making shall be available to the members of Council no later than seventy-two (72) hours before the time fixed for the beginning of the sitting, unless there is exceptional circumstances.

##### **5.1 Computation of deadlines**

For the purposes of this Regulation, a time limit, whether or not it is entered in hours, must be counted in days.

It is not calculated in working days (Monday to Friday), but in calendar days (Sunday to Saturday).

It ends on the last day, at midnight. However, if it ends on a Saturday, Sunday or public holiday, its expiry date is postponed to the next working day.

#### **Article 6 - RIGHT TO SPEAK AND INTERVENTION**

When a member of council wishes to speak, he must indicate his intention to the mayor by raising his hand.

The mayor shall give the floor to the members in an equitable manner, in order to advance the work of the council and taking into account the order of the requests. Its decision in this regard is final.

The director general, his deputy or the clerk, with the permission or at the request of the person presiding at the sitting, shall give his opinion and present his recommendations on the subjects discussed, without the right to vote.

#### **Article 7 - DELIBERATIONS**

Deliberations must be conducted in a respectful, calm, dignified, audible and intelligible manner. Any failure to comply may be the subject of an immediate call for order on the part of the mayor.

A member of council who exercises his right to speak may not be interrupted except by the mayor, to call him to order, or by another member who wishes to raise a question of privilege, a question of by-law or a point of order.

#### **Article 8 - ADJOURNMENT**

The adjournment of a sitting may not be proposed while a member of the council exercises his right to speak or while a proposal is submitted to the vote of the members of the council by the mayor.

Any sitting may be adjourned by the council at another time on the same day or on a subsequent day, without it being necessary to give notice of the adjournment to the members who were not present, except in the case of the following paragraph.

Two members of the council may, where there is no quorum, adjourn the sitting one hour after the lack of quorum has been established. The time of adjournment and the names of the members of the council present must be entered in the minutes of the meeting.

In such a case, special written notice of the adjournment shall be given by the secretary-treasurer or by the clerk to the members of the council who were not present at the adjournment. The service of the notice must be established, on the resumption of the adjourned sitting, in the same manner as that of the notice of the convening of an extraordinary sitting, and the failure to service of such notice renders null and void any procedure adopted at that part of the adjourned sitting.

#### **Article 9 – MAINTAINING OF ORDER**

A person attending a meeting of the council must remain silent and refrain from disturbing order or decorum. A council member must also behave in this way.

The mayor may take any measure he considers necessary to ensure the decorum and safety of the persons who attend or are members of the meetings of the council, such a measure may consist in the expulsion of a member of the public and even a member of the council, all in accordance with article 159 of the Municipal Code.

#### **Article 10 – SOUND AND VISUAL RECORDING**

The Registrar shall be authorized to record the proceedings of the Council for the purposes of drawing up the minutes.

Any other person wishing to use a sound and visual recording mechanism for meetings of the council may do so if this does not have the effect of disturbing the proceedings of the sitting, the same applies when extraordinary sittings of the council are held.

### **SECTION II EXTRAORDINARY COUNCIL MEETING**

#### **Article 11 – HOUR OF AN EXTRAORDINARY MEETING**

Unless otherwise stated in the notice of meeting, extraordinary sittings of Council shall begin at 7:00 p.m.

#### **Article 12 - CONVENING**

The mayor may call an extraordinary sitting of the council when he considers it appropriate, on an oral or written request addressed to the clerk.

An extraordinary sitting of the council may also be called at any time by two members of the council, giving special written notice of such sitting to all the members of the council other than those who convene it. A notice sent by e-mail is sufficient, a presumption being applicable as to the receipt of such mail since it is the responsibility of the member of the council to take cognizance of the communications he receives from the mayor, another member of the council or the Municipality.

In an extraordinary sitting, only the matters and affairs mentioned in the notice of meeting may be dealt with, except with the unanimous consent of the members of the council, if they are all present.

The council, before proceeding with the business of the sitting, must note and mention in the minutes of the sitting that the notice of convocation has been notified, as required by the Municipal Code, to the members of the council who are not present at the opening of the meeting.

If it appears that the notice of meeting has not been notified to all the members who are absent, the sitting must be closed at the moment, on under penalty of nullity of any procedure adopted therein.

The notice of the convening of extraordinary sittings of the council, as well as the notice of the adjournment in the case of paragraph 4 of section 8, must be given to the members of the council, at least two (2) days before such fixed day.

The notice shall be notified by the person giving the notice, namely the clerk of the Municipality or, in his absence, the secretary-treasurer.

### **Article 13 – CONTENT OF THE SESSION**

At a special sitting, the council may consider only the matters specified in the agenda included in the notice of meeting, unless all the members of the council are present and consent thereto.

### **Article 14 - PROCEDURAL DEFECT**

Failure to comply with the formalities prescribed for the convening of a extraordinary meeting of Council may not be invoked when all the members of the Council have attended.

## **SECTION III CAUCUS**

### **Article 15 – PRIVATE AND PREPARATORY INSTANCE**

The caucus is an instance formed and directed unilaterally by the mayor.

Matters discussed in a caucus shall be discussed strictly in a private capacity and any person who communicates, even in part, the contents of those matters outside that proceeding is in breach of this regulation and of the applicable rules of ethics, such derogation being construed as a lack of loyalty to the other members of the council.

Any derogation from this section or breach of the applicable rules of ethics may result in the exclusion of a member of the council from the caucus by the mayor.

Municipal officials invited by the mayor to caucus are also governed by the same rules and may be excluded in the same way as a member of council.

## **CHAPTER III FUNCTIONING RULES FOR COUNCIL MEETINGS**

### **SECTION I QUORUM, OPENING AND CLOSING OF THE MEETING**

#### **Article 16 - QUORUM**

The quorum of the council shall be a majority of its members. As soon as the quorum is established at the scheduled time, the sitting may be called to order.

#### **Article 17 – OPENING OF THE MEETING**

The mayor opens and presides over the meeting.

At the time fixed for the beginning of the sitting, if the mayor ascertains that there is a quorum, he shall declare the meeting open, not without first having asked each of the members of the council to identify himself and declare himself present for the purposes of recording the sittings.

If, on the expiry of 60 minutes after the time fixed for the beginning of the sitting, there is no quorum, two members of the council shall so ascertain, record the time and names of the members present and the sitting shall be postponed to a later date.

Special notice of the postponement shall be given by the clerk to the members of the council then absent. The sitting shall be fixed in such a way as to enable the clerk to serve the necessary notices.

If the sitting is not so postponed, the clerk shall, after the expiry of the 30 minutes following the time fixed for the beginning of the sitting, draw up a record of the statement of facts and leave.

#### **Article 18 – LOSS OF QUORUM**

Where the mayor ascertains, after the opening of the sitting, that there is no quorum, he must suspend for a maximum period of 60 minutes.

At the expiry of that period, two members of the council who have ascertained that there is no quorum shall record the time and names of the members present and the sitting shall be adjourned to a later date.

Special notice of the adjournment shall be given by the clerk to the members of the council who are absent at the time of the adjournment. The sitting shall be fixed in such a way as to enable the clerk to serve the necessary notices.

#### **Article 19 – CLOSING OF THE MEETING**

When the council has disposed of all the items on the agenda, the mayor declares the meeting closed.

#### **Article 20 - EXTENSION OF THE MEETING**

Council meetings end at 11 p.m. If all the items on the agenda have not been exhausted by that time, the sitting must resume at 7.00 p.m. on the following juridical day, unless the council decides to adjourn or suspend for a shorter period by a vote in favor of two-thirds of the members present. The meeting must resume where it was suspended.

Notwithstanding the preceding paragraph, the council may, not more than twice per sitting, by a favorable vote of a two-thirds majority of the members present, extend the sitting for an additional period of 30 minutes.

### **SECTION II AGENDA**

#### **Article 21 - PREPARATION AND CONTENT OF THE AGENDA**

Together with the mayor and the executive director, the clerk prepares the agenda for council meetings.

Although there is no legal obligation to have an agenda and to adopt one for a regular sitting, unlike in the case of a extraordinary sitting, the municipal council considers it useful to provide one for the purposes of informing and structuring regular sittings and, consequently, it determines the rules in this by-law.

#### **Article 22 - TRANSMISSION AND PUBLIC NOTICE**

Not later than the legal day preceding a regular sitting of the council, the clerk shall transmit to the members of the council and make available to the public the agenda of the sitting in accordance with the applicable posting rules.

The clerk shall also transmit, on that occasion, to the members of the council, the reports, the draft by-law and any other relevant documentation to promote informed decision-making.

#### **Article 23 - CONTENT AND ORDER OF TREATMENT OF SUBJECTS**

The subjects submitted to the Council are considered in the following order:

- 1. GENERAL ADMINISTRATION**
  - 1.1 Opening of the meeting
  - 1.2 Mayor's report
  - 1.3 Question period
  - 1.4 Agenda
  - 1.5 Minutes of the regular and/or extraordinary sitting of (month/day/year)
  - 1.6 Adoption of bank withdrawals
  - 1.7 Adoption of the Cheque Register
  - 1.8 Adoption of the list of accounts payable
  - 1.9 Report of the director general expenditures
  - 1.10 Report of the director of fire service expenditures
- 2. PUBLIC SECURITY**
  - 2.1
- 3. TRANSPORT**
  - 3.1
- 4. ENVIRONMENTAL HYGIENE & SANITATION**
  - 4.1
- 5. HEALTH AND WELFARE**
  - 5.1
- 6. LAND USE PLANNING AND DEVELOPMENT**
  - 6.1
- 7. RECREATION AND CULTURAL**
  - 7.1
- 8. MISCELLANEOUS**
  - 8.1
- 9. QUESTION PERIOD**

## **10. CLOSING OF THE MEETING**

### **Article 24 – READING AND ADOPTION**

As soon as he has declared the opening of the sitting, the quorum having been established, the mayor may ask whether the members of the council have taken cognizance of the agenda transmitted and, if so, request an exemption from its reading.

Before its adoption, the agenda may be added, withdrawn or amended, if necessary, at the request of the mayor or a member of the municipal council.

### **Article 25 – MISCELLANEOUS AND MODIFICATION**

The agenda of a regular meeting of the council may be amended at any time after its adoption, but only on the following conditions:

- d) There must be an item scheduled as "Miscellaneous" at the end of the agenda;
- e) This item must have been mentioned as remaining open when the agenda was adopted.;
- f) The amendment to the agenda must be made only for the addition of an omitted item which has a certain urgency to be dealt with, which cannot be postponed to a later sitting and which is such as to require a extraordinary sitting to be held, before the next ordinary sitting of the Council.

## **SECTION III MINUTES**

### **Article 26 - TRANSMISSION DEADLINE**

A copy of the minutes of the preceding sitting and of any other extraordinary sitting held since then must be given to each member of the council not later than the day before the sitting at which it must be approved.

The mayor is then exempted from reading it before his approval at the sitting.

### **Article 27 – APPROVAL AND ADOPTION**

The approval and adoption of the minutes of a regular meeting, and of a extraordinary meeting, if any, shall be made at the first regular meeting following the sitting of the preceding month, with or without correction.

By approving the minutes, provided that he or she has been present at the said meeting, a member of the council is to confirm having read it, to attest to its content and to declare himself satisfied with it and in accordance with the deliberations held.

### **Article 28 – PUBLIC DISPLAY**

Unless there are exceptional circumstances, the minutes must be posted publicly after their approval by the council, the month following the sitting.

After the date of the sitting at which it was approved, the minutes are signed by the mayor and the clerk and must be placed in the book of proceedings of the Municipality as an official document.

## **SECTION IV WRITTEN COMMUNICATIONS TO THE COUNCIL**

### **Article 29 - RECEIPT AND SUBMISSION OF CORRESPONDENCE**

Every person wishing to transmit to the council a letter, petition, report or any other document must send it to the clerk, indicating his name, the name of the body he represents, if any, and the address where any communication or reply may be sent.

The clerk shall deposit the documents at the sitting following their receipt and shall inform the council of the nature and origin of the document. The clerk may, however, with the authorization of the mayor, refuse the filing of a document the content of which is either vexatious or of no interest.

Notwithstanding the foregoing, the mayor may agree, during a question period or during a sitting, to the tabling of a letter, motion, petition, report or any other document.

If it is considered useful or necessary, after being filed with the council, the communications are referred to the general management for appropriate follow-up.

## **Article 30 - SPECIFIC RULES FOR PETITIONS**

### **30.1 Paper petition**

A petition is presented at a municipal council meeting through a council member. It must set out the facts in a clear, succinct, precise and moderate manner. The intervention requested must fall within municipal jurisdiction.

The paper petition must consist of the original handwritten or typed and be printed on sheets of letter or large paper, often referred to as legal format. The petition must contain the handwritten signatures of all petitioners and, where applicable, their designation as a group. The text of the petition must be included on each page of signatures. In addition to the signature, the petition must include the name in blunt or square letters, the address, the postal code and the telephone number of each of the signatories, or else it will be rejected.

### **30.2 Electronic petition**

To be valid, a petition in electronic format must absolutely be initiated from a link identified on the Municipality's website, if it is adapted in this sense. This rule assures petitioners that the text they sign is the one that will be presented to the city council.

In order to collect signatures, the initiator of the petition must ask a municipal councillor to present his petition. The adviser must then send the clerk a notice indicating the text of the petition and the time within which it may be signed. This period varies from one (1) week to three (3) months.

The mayor shall then judge the admissibility and conformity of the petition within seven (7) days of receipt of the notice by the clerk. If the petition is deemed admissible and compliant, a link will appear on the Municipality's website to receive the signatures, in accordance with the instructions that will appear there.

### **30.3 Criteria for the admissibility of a petition**

The mayor, in conjunction with the clerk, must automatically refuse the presentation of petitions that do not meet certain criteria of substance or form. In other cases, it may allow petitions deemed non-compliant to be presented as long as the unanimous consent of the municipal council is obtained.

The mayor must ipso facto refuse the presentation of a petition that is inadmissible on the following grounds:

- a) Petition exceeds 250 words;
- b) The petition uses disrespectful or prohibited language, in the sense that it contains violent, offensive or hurtful language, attacks the conduct of a counsellor or does not respect the rule of sub judice;
- c) The petition is not printed on sheets of custom-sized paper.
- d) The electronic petition was not initiated and signed from the link on the Municipality's website..

Certain non-compliant petitions may be filed and presented with the consent of the council, on the following grounds:

- a) The petition does not seek relief from a grievance that falls within municipal jurisdiction;
- b) The paper petition is not a handwritten or typed original;
- c) The paper petition does not contain all the signatures of the petitioners;
- d) The request to intervene does not appear on all the signature sheets of the petition in paper form.

### **30.4 Presentation of a petition**

A member of the council who submits a petition does so at the routine business stage provided for that purpose. If the paper petition appears to be non-compliant, the councillor must first obtain the unanimous consent of the council to authorize the filing and presentation.

He then reads the extract from the petition, in which he indicates the petitioners, if any, the number of signatories, the facts it invokes and the remedy it seeks. This extract is certified as true of the petition.

A council member can always refuse to act as an intermediary with a group of petitioners. As for whoever agrees to do so, he does not have to agree with the purpose of the

petition.

Immediately after the presentation of the petition, a resolution must be adopted by the municipal council in which it takes note of the filing of the petition.

### **30.5 Answer from council**

Any petition presented and authorized for submission must receive a written response from the municipal council, the decision being rendered by the mayor by means of the adoption of a resolution, all within a maximum of 45 days of the filing of the petition, ideally at the next regular meeting of the council following such filing.

## **SECTION V**

### **MATTER SUBJECT TO A PUBLIC CONSULTATION MEETING**

#### **Article 31 - PRESENTATION AND INTERVENTION**

At a public consultation meeting provided for by law or decided by the council or where the law allows an interested person to be heard by the council in relation to a matter on the agenda, the mayor or any person designated by the mayor, explains the purpose of the consultation and subsequently allows interested persons to express themselves and, if applicable, to the members of the council, to provide additional explanations.

The rules relating to the deliberations and conduct of business at a meeting of the council apply to the conduct of a public consultation, with the necessary modifications.

## **SECTION VI**

### **PUBLIC QUESTION PERIOD**

#### **Article 32 - FORMS AND TIME PROVIDED**

Regular meetings of council include a period during which the persons present may put oral questions to the mayor or any other member of the council.

For persons who do not see themselves present, written questions may be sent to the clerk of the municipality before 12:00 p.m. on the day of the regular sitting concerned, either by e-mail to [direction@kazabazua.ca](mailto:direction@kazabazua.ca) or by regular mail or deposited directly at the reception of city hall, provided that the deadline is respected.

Since the regular meetings of the council are recorded and broadcast live by clicking on the link posted on the municipality's website, the said recording must remain available online for the whole year, each member of the public can know the answer to his question in real or useful time.

With respect to extraordinary meetings of council, the only possible questions must relate only to the items on the agenda of the sitting, the usual questions to be tabled at regular sittings, the questions accepted must follow the rule of being in writing and before 12:00 p.m., the day of the extraordinary or oral sitting if the conditions permit a public meeting to be held at City Hall.

The question period is scheduled for the beginning of the sitting, under item 1.3, and the end of the sitting at item 9.

Before the question period begins, the mayor asks council members if they have any answers to questions asked at a previous meeting.

The mayor gives the floor to persons who wish to ask a question or answers those written in the order in which the participants are registered.

#### **Article 33 - DURATION**

Any question period shall last a maximum of thirty (30) minutes per sitting.

However, the duration of the question period may be extended with the consent of two-thirds of the members of the council present.

The mayor may also terminate the period when all registered citizens have participated.

#### **Article 34 - RULES OF CONDUCT**

Any person, whether present or not, who wishes to ask a question must:

- a) Identify yourself correctly, indicating your name and place of residence;
- b) Address the mayor;



- c) Specify to whom the question is addressed;
- d) Ask only one question and sub-question on the same topic;
- e) Address in polite terms, do not use slanderous, abusive or defamatory language
- f) Don't have an aggressive or threatening tone;

In order to allow more people to use this question period, each member of the public has a maximum period of five (5) minutes to ask their question, sub-question and receive answers to each question.

When all persons wishing to address the municipal council have done so, persons who wish to ask a new question and sub-question in accordance with the rules established above may again apply to the mayor, as long as the period established at thirty (30) minutes has not expired.

#### **Article 35 – ANSWER TO QUESTIONS**

For each of the questions asked, the mayor may either answer them immediately, answer them at a subsequent meeting or even answer them in writing, if he considers that he does not have all the information to adequately answer the citizen question.

Each member of the Council may, with the permission of the Mayor, complete the answer given.

The mayor may also refer the matter to one of his municipal officers attending the meeting, if necessary. He may also, at the expiry of the time prescribed for the question period, allow a person who has begun to ask a question to finish it and the person to whom it is addressed to reply to it.

Each council member may also refuse to answer a question, in his or her sole discretion.

Where the member of the council to whom the question is addressed chooses to answer it in writing, the person asking the question must provide the clerk, during the sitting at which the question is asked, with the address at which he wishes the answer to be sent to him.

#### **Article 36 - PUBLIC AND JURISDICTIONAL NATURE**

Only matters of a public nature under the law and whose jurisdiction is of municipal jurisdiction are permitted.

#### **Article 37 – POWERS OF THE MAYOR**

When a person intervenes without asking a question, the mayor can interrupt the person and ask him to ask his question.

The question must be clear, succinctly stated and must not exceed one minute, unless the mayor agrees.

The mayor may also refuse a question or interrupt and withdraw the right to speak from any person who contravenes this by-law or who formulates a question that is frivolous, vexatious or likely to bring the use of question period into disrepute.

Finally, it may also unilaterally terminate the question period where a failure to comply with any of the rules of good citizenship laid down in these Rules persists.

Exceptionally, the mayor may also call upon the forces of law and order to exclude a person who is not performing as a result of an order to that effect or for any other reason deemed necessary.

### **SECTION VII PROPOSAL, AMENDMENT AND RESOLUTION**

#### **Article 38 - PROPOSAL**

The municipal council must have a proposal in the manner provided for in the law and this section. Proposals are called by the mayor according to their inclusion in the adopted agenda.

Any proposal must be submitted by one council member and supported by another member before being considered. It must relate to an item on the agenda.

No discussion is permitted on an unsupported proposal.

If there is unanimity, the proposal is then adopted, without any further formality.

### **Article 39 - RIGHT TO SPEAK**

A member of council who wishes to speak on an item on the agenda must raise his hand and ask the mayor for permission to intervene before the proposal is adopted. The latter shall grant the right to speak in the order of those who have so requested.

It is forbidden for anyone except the mayor to interrupt a member of the council when he has the floor, except to raise a point of order.

The mayor decides whether the point of order is justified and disposes of it. A member of the council may appeal to the council against the mayor's decision. That member must briefly state the reasons for his or her appeal, which shall be decided without debate by a majority of the members of the Council present at the time.

A member of the Council may, at any time, refer a question of privilege to the Mayor. He briefly sets out the reasons for his intervention;

The mayor decides whether the question of privilege is justified and disposes of it. The same appeal process in paragraph 3 of this section applies.

### **Article 40 – AMENDMENT, REPLY AND VOTE**

When a proposal is under consideration, no other proposal may be submitted except to amend it.

An amendment proposal must not have the effect of altering the subject of the main proposal. The amendment shall be inadmissible if it is unrelated to the proposal to which it relates or if it has the effect of changing the nature of the proposal under consideration.

The council has before it one proposal at a time.

An amendment shall be put to the vote before the proposal is submitted.

A proposal may be postponed to a subsequent meeting of the Council because of its importance, complexity, relevance, or because additional information is necessary, until it has been put to the vote.

A proposal may be withdrawn at the request of the person who submitted it with the consent of the person who supported it.

When all the members of the council who so desire have exercised their right to speak, the mayor shall grant a right of reply to the person who submitted the proposal.

The mayor must ensure that all members of council who wish to speak have spoken before the reply because it concludes the deliberations and discussions.

As soon as the reply has been completed, the proposal shall be put to the vote without further discussion.

The mayor or any person presiding over a meeting of the council is entitled to vote but is not required to do so; where the votes are equally divided, the decision shall be deemed to have been rendered in the negative.

When the mayor declares the deliberations and discussions closed on a proposal, no member of the council may speak or make any proposal or intervention before the announcement of the result of the vote to the clerk, at the mayor's finding.

### **Article 41 – RECORDING OF THE VOTE**

The Registrar shall record in the minutes the names of those who voted in favour of a proposal and those who voted against it.

The mayor or any person presiding over a meeting of the council is entitled to vote, but is not required to do so.

Where the votes are equally divided, the decision shall be deemed to have been rendered in the negative.

Every member present at a meeting of the council is bound to vote on pain of a fine of \$10.00, unless he is exempted or prevented by reason of his interest in the matter concerned, in accordance with the Act respecting elections and referendums in municipalities (chapter E-2.2).

One abstention was recorded as a vote in favour of the proposal..

Every vote must be taken orally, and, on requisition, the votes shall be recorded in the book of deliberations of the council.

#### **41.1 Right of veto**

The mayor may veto the decisions of the council by refusing to approve them and, consequently, to sign the documents relating to those decisions.

This right of veto is suspensive, i.e. it can be overturned if the majority of the members of the council adopts the decision again.

### **Article 42 - REGULATORY ADOPTION PROCEDURE**

#### **42.1 Notice of motion**

The adoption of any by-law must be preceded by a notice of motion given at a sitting by a member of the council.

A notice of motion has two (2) distinct effects:

- a) A primary effect, that is to say, its traditional effect, which is that of informing the members of the Council that a regulation is being presented and of placing the Council in a position to legislate by fulfilling the precondition imposed by the legislator;
- b) A side effect, that of freezing, in terms of zoning, uses, subdivision and classification, the provisions of the by-law applying in advance of the notice of motion given, all to applications for building, demolition or subdivision permits that are submitted after the notice of motion.

The notice does not have its side effect when it does not make it possible to know which specific rights are affected.

Nor can it have the freezing effect if it indicates that the proposed amending regulation concerns a sector other than that from which the permit application originates.

A notice of motion that does not comply with either or both of the conditions of paragraphs (a) and (b) of paragraph 2 above is insufficient and amounts to the absence of notice thus resulting in the nullity of the future by-law.

#### **42.2 Proposed Regulations - Tabling and Submission**

Subject to any provision of a particular Act governing the tabling, adoption or presentation of a draft by-law, the adoption of a by-law must also be preceded by the tabling, by a member of the council, of a draft by-law at the same sitting at which the notice of motion was given or at a separate sitting.

Where the tabling and presentation of the draft by-law is made at the same sitting at which the notice of motion is given, the tabling must be made by the same member of the council who gave the notice.

As soon as practicable after such filing, copies of the proposed Regulations must be made available to the public.

The council shall adopt, with or without change, the by-law at a sitting separate from the sitting at which the notice of motion was given and the sitting at which the draft by-law was tabled and held not earlier than the second day following that of the last of those sittings.

At the beginning of the sitting at which the adoption of the by-law will be taken into consideration, copies of the draft shall be made available to the public.

Before the adoption of the by-law, the clerk, the secretary-treasurer or a member of the council shall mention the object of the by-law and, where applicable, the changes that have occurred between the draft deposited and the by-law submitted for adoption, such changes must not, however, be such changes likely to change the object of the by-law.

In addition, if the by-law entails an expenditure, the secretary-treasurer or a member of the council shall also mention it and any method of financing, payment or reimbursement thereof.

Any contravention of any of the first, second, third, fourth or eighth paragraphs shall result in the nullity of the by-law.

#### **42.3 Adoption, entry into force and other formalities**

At the sitting at which adoption is to be made, the reading of the by-law is not necessary if a copy of the draft has been given to the members of the council not later than two legal days before the sitting at which it is to be adopted and if, at that sitting, all the members of the council present declare that they have read it and renounce to read it.

A regulation comes into force on the day of its publication, with some exceptions.

The original of any by-law, to be authentic, must be signed by the mayor or by the person presiding over the council when the by-law is adopted, and by the clerk or secretary-treasurer.

Where a provision of this Code or of another general or special Act provides that a by-law must receive approval, the by-law may not be published or come into force until it has received such approval. In such a case, a certificate signed by the mayor and by the clerk or secretary-treasurer attesting to the date of each of the required approvals must accompany the original of the by-law and form part of it.

## **CHAPTER IV OFFENSES AND SANCTIONS**

### **SECTION I OFFENSES**

#### **Article 43 - REFUSAL TO COMPLY**

No person may refuse to comply with an order made by the mayor, in particular under the last paragraph of section 37, in order to maintain order and ensure the safety of persons.

#### **Article 44 - LACK OF CONFIDENTIALITY AND LOYALTY**

Any person who contravenes the 2nd paragraph of section 15 of this Regulation, in addition to the fine hereinafter determined, may be excluded from such proceedings by the mayor.

#### **Article 45 - OTHER DEROGATIONS**

No one shall contravene or allow any other provision of these Rules to be contravened.

### **SECTION II SANCTIONS**

#### **Article 46 - CRITERIA PROPORTIONALITY**

The penalty is proportional to the seriousness of the offence and the degree of responsibility of the offender.

#### **Article 47- FINES**

a) Every person who contravenes or permits a contravention of section 43 of these Regulations is guilty of an offence and is liable to

- I. for a 1st offence, a fine of not more than \$500 and not more than \$1,000;
- II. for a subsequent offence, to a fine of not more than \$1,000 and not more than \$1,500;
- III. for any other subsequent offence, to a fine of not more than \$1,750 and not more than \$2,500;

all without regard to any other proceedings of a criminal or civil nature that may be initiated by and before the competent authorities and courts.

b) Every person who contravenes or allows to be contravened paragraph 2 of section 15 or paragraphs (e) and (f) of section 34 of this Regulation is guilty of an offence and is liable to

- I. for a 1st offence, a fine of not more than \$250 and not more than \$500;
- II. for a subsequent offence, a fine of not more than \$750 and a maximum fine of \$1,000;
- III. for any other subsequent offence, to a fine of not more than \$1,500 and not more than \$2,000;

all without regard to any other proceedings of a criminal or civil nature that may be initiated by and before the competent authorities and courts.

c) Every person who contravenes any other provision of these Regulations is guilty of an offence and is liable to:

- I. for a 1st offence, to a fine of not more than \$100 and not more than \$200;
- II. for a subsequent offence, to a fine of not more than \$250 and not more than \$500;
- III. for any other subsequent offence, to a fine of not more than \$750 and not more than \$1,000;

In all cases, the costs are added to the fine.

## **CHAPTER V INTERPRETATIVE AND FINAL PROVISIONS**

### **SECTION I INTERPRETATIVE PROVISION**

#### **Article 48 - INTERPRETATION**

Nothing in this by-law shall be interpreted so as to restrict the powers granted by law to the members of the municipal council.

### **SECTION II FINAL PROVISIONS**

#### **Article 49 - ABROGATIONS**

This by-law replaces and repeals any previous municipal by-law adopted in such matters.

#### **Article 50 – ENTRY INTO FORCE**

These Regulations come into force in accordance with the Act on the date of its publication.



\_\_\_\_\_  
Robert Bergeron  
Mayor

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Pierre Vaillancourt, DMA  
Directeur general and secretary-treasurer

Notice of motion and project by-law:	August 3, 2021
Adoption :	2021-09-07
Publication and Entry into force:	2021-09-09
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