

chapter T-14

MUNICIPAL WORKS ACT



The Minister of Municipal Affairs is responsible for the administration of this Act. Order in Council 1646-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6518.

TABLE OF CONTENTS

REPEAL SCHEDULE

1. Notwithstanding any general law or special Act, but subject to article 937 of the Municipal Code (chapter C-27.1) and section 573.2 of the Cities and Towns Act (chapter C-19), a municipality, with the exception of Ville de Montréal and Ville de Québec, shall, to order construction or improvement works, pass a by-law to that effect and provide therein for the appropriation of the moneys required to pay the cost of these works.

This section does not apply to repair or maintenance work.

R. S. 1964, c. 177, s. 1; 1980, c. 16, s. 85; 1996, c. 2, s. 970.

2. Notwithstanding section 1 or any other provision of a general law or special Act, a municipality may proceed by resolution to order works covered by that section, if the resolution provides for the appropriation of the sums necessary to pay the cost of the works from:

(1) a part of its general fund not otherwise appropriated;

(2) a subsidy from the Government, a minister or a government body that has already been paid or the payment of which is assured;

(2.1) a part of its working fund not otherwise appropriated;

(2.2) a part of the sums obtained by means of a loan ordered by a by-law referred to in the second paragraph of section 544 of the Cities and Towns Act (chapter C-19) or article 1063 of the Municipal Code of Québec (chapter C-27.1) not otherwise appropriated;

(3) a letter of credit by a financial institution issued in the name of the municipality and guaranteeing the payment of a sum on the conditions specified in the letter of credit; or

(4) a combination of two or more of the sources of financing described in paragraphs 1 to 3.

R. S. 1964, c. 177, s. 2; 1980, c. 16, s. 86; 1986, c. 39, s. 1; 1996, c. 2, s. 972; 2003, c. 19, s. 222; 2007, c. 10, s. 30.

3. If the sources of financing provided for in section 2 do not make the funds required for such purpose available to the municipality, the by-law must provide for the imposing of a special tax upon the immovables of the territory of the municipality or the portion of the territory affected by the works or upon the immovables of the property-owners liable for the cost of such works, as the case may be, or for a loan, and in such case the by-law must comply with all the conditions and formalities required by law regarding municipal loans.

Only a local municipality may impose the tax referred to in the first paragraph.

R. S. 1964, c. 177, s. 3; 1986, c. 39, s. 2; 1996, c. 2, s. 971.

4. Nevertheless, when the municipality is bound by law to obey an order of the board of health requiring certain work to be done within a specified delay, it may carry out such order and borrow the necessary moneys without observing the prescriptions of this Act; and as a rule this Act shall not apply in special cases otherwise provided for by law.

R. S. 1964, c. 177, s. 4; 1996, c. 2, s. 972.

5. Any contract entered into contrary to the foregoing provisions shall be absolutely null and shall not bind the municipality, and any ratepayer may obtain an injunction against the municipality and the contractor to prevent the execution of the work.

R. S. 1964, c. 177, s. 5; 1996, c. 2, s. 972; 1999, c. 40, s. 323; I.N. 2016-01-01 (NCCP).

6. A member of a municipal council who, contrary to this Act, knowingly, by his vote or otherwise, orders construction or improvement works or, to that effect, authorizes the municipality to contract or contracts

himself on its behalf, may be declared disqualified from holding municipal office for five years from judgment in last instance.

Proceedings in declaration of disqualification are 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). Such recourse 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 (chapter E-2.2).

A member of the council or an officer of a municipality who, contrary to this Act, by his vote or otherwise, orders construction or improvement works or, to that effect, authorizes the municipality to contract or contracts himself on behalf of the latter, is liable to a fine not exceeding \$5,000, payable to the municipality.

R. S. 1964, c. 177, s. 6; 1977, c. 51, s. 1; 1980, c. 16, s. 87; 1987, c. 57, s. 813; 1990, c. 4, s. 877; 1996, c. 2, s. 972; 2014, c. 1, s. 780.

7. In case of urgency, however, the Government may allow a municipal council to derogate from the provisions of this Act.

R. S. 1964, c. 177, s. 7.

8. *(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.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 177 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter T-14 of the Revised Statutes.